

As Passed by the Senate

136th General Assembly

Regular Session

2025-2026

Sub. H. B. No. 96

Representative Stewart

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5907.11, 5907.17, 5923.30, 6101.53, 6101.54, 6101.55, 6111.01, 598
and 6111.04 be amended; sections 122.66 (5101.311), 122.67 599
(5101.312), 122.68 (5101.313), 122.681 (5101.314), 122.69 600
(5101.315), 122.70 (5101.316), 122.701 (5101.317), 3517.152 601
(3517.14), 3517.153 (3517.15), 3517.154 (3517.16), 3517.155 602
(3517.17), 3517.157 (3517.18), 3517.992 (3517.99), 3517.993 603
(3517.171), 3701.65 (5180.72), 3738.01 (5180.27), 3738.02 604
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(5180.274), 3738.06 (5180.275), 3738.07 (5180.276), 3738.08 606
(5180.277), 3738.09 (5180.278), 5101.13 (5180.40), 5101.131 607
(5180.401), 5101.132 (5180.402), 5101.133 (5180.403), 5101.134 608
(5180.404), 5101.135 (5180.405), 5101.136 (5180.406), 5101.137 609
(5180.407), 5101.14 (5180.41), 5101.141 (5180.42), 5101.142 610
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5101.854 (5180.512), 5101.855 (5180.513), 5101.856 (5180.514), 623
5101.88 (5180.53), 5101.881 (5180.531), 5101.884 (5180.532), 624
5101.885 (5180.533), 5101.886 (5180.534), 5101.887 (5180.535), 625

5101.889 (5180.57), 5101.8811 (5180.536), 5101.8812 (5180.56), 626
5104.50 (5180.04), and 5180.40 (5180.73) be amended for the 627
purpose of adopting new section numbers as indicated in 628
parentheses; and new sections 107.034, 3312.02, 3313.902, 629
3313.905, 3314.38, 3321.191, 3333.0415, 3345.86, 3517.991, and 630
3780.22 and sections 5.62, 9.05, 9.561, 9.64, 103.416, 111.29, 631
118.29, 121.16, 122.636, 122.97, 122.98, 122.981, 123.14, 632
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5180.706, 5180.707, 5180.99, 5303.34, 5501.57, 5703.83, 5705.17, 652
5705.316, 5709.89, 5726.62, 5743.511, 5743.521, 5743.621, 653
5743.631, 5747.073, 5747.124, 5747.87, 6303.01, 6303.02, 654
6303.03, 6303.04, and 6303.05 of the Revised Code be enacted to 655
read as follows: 656

Sec. 5.62. (A) The month of June is designated as 657
"Responsible Fatherhood Month" to recognize the importance of 658
fathers in their children's lives, how fathers contribute to 659
their children's safety and stability, and the direct link 660
between positive father involvement and child well-being. 661

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

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

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

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

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

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

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

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

(B) Except as otherwise provided in division (C) of this section, the governing body of a political subdivision may use public funds to publish and distribute newsletters, or to use any other means, to communicate information about the plans, policies, and operations of the political subdivision to members of the public within the political subdivision and to other persons who may be affected by the political subdivision.

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

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

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

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

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

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

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

(2) Compensate any employee of the political subdivision for time spent on any activity to influence the outcome of an election for any of the purposes described in division (C) (1) (e) of this section. Division (C) (2) of this section does not

prohibit the use of public funds to compensate an employee of a 713
political subdivision for attending a public meeting to present 714
information about the political subdivision's finances, 715
activities, and governmental actions in a manner that is not 716
designed to influence the outcome of an election or the passage 717
of a levy or bond issue, even though the election, levy, or bond 718
issue is discussed or debated at the meeting. 719

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

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

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

(F) Nothing in this section prohibits or restricts any 738
political subdivision from sponsoring, participating in, or 739

doing any of the following:	740
(1) Charitable or public service advertising that is not commercial in nature;	741 742
(2) Advertising of exhibitions, performances, programs, products, or services that are provided by employees of a political subdivision or are provided at or through premises owned or operated by a political subdivision;	743 744 745 746
(3) Licensing an interest in a name or mark that is owned or controlled by the political subdivision.	747 748
(G) Whoever violates division (D) of this section shall be punished as provided in section 3599.40 of the Revised Code.	749 750
<u>Sec. 9.05. (A) As used in the Revised Code:</u>	751
<u>(1) "Boy" means a juvenile human male.</u>	752
<u>(2) "Female" means a person belonging, at conception, to the sex that produces the large reproductive cell.</u>	753 754
<u>(3) "Gender identity" means an individual's internal and subjective sense of self, disconnected from biological reality and sex and existing on an infinite continuum, that does not provide a meaningful basis for identification and cannot be recognized as a replacement for sex.</u>	755 756 757 758 759
<u>(4) "Girl" means a juvenile human female.</u>	760
<u>(5) "Male" means an individual belonging, at conception, to the sex that produces the small reproductive cell.</u>	761 762
<u>(6) "Man" means an adult human male.</u>	763
<u>(7) "Sex" means the biological indication of male and female, including sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external</u>	764 765 766

genitalia present at birth, without regard to an individual's 767
psychological, chosen, or subjective experience of gender. 768

(8) "Woman" means an adult human female. 769

(B) It is the policy of the state of Ohio to recognize two 770
sexes, male and female. These sexes are not changeable and are 771
grounded in fundamental and incontrovertible reality. 772

Sec. 9.07. (A) As used in this section: 773

(1) "Deadly weapon" has the same meaning as in section 774
2923.11 of the Revised Code. 775

(2) "Governing authority of a local public entity" means 776
whichever of the following is applicable: 777

(a) For a county, the board of county commissioners of the 778
county; 779

(b) For a municipal corporation, the legislative authority 780
of the municipal corporation; 781

(c) For a combination of counties, a combination of 782
municipal corporations, or a combination of one or more counties 783
and one or more municipal corporations, all boards of county 784
commissioners and legislative authorities of all of the counties 785
and municipal corporations that combined to form a local public 786
entity for purposes of this section. 787

(3) "Local public entity" means a county, a municipal 788
corporation, a combination of counties, a combination of 789
municipal corporations, or a combination of one or more counties 790
and one or more municipal corporations. 791

(4) "Non-contracting political subdivision" means any 792
political subdivision to which all of the following apply: 793

(a) A correctional facility for the housing of out-of- 794
state prisoners in this state is or will be located in the 795
political subdivision. 796

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(20) A requirement that the private contractor provide 1124

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(H) As used in this section: 1462

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

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

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

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

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

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

subdivision. 1482

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

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

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

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

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

~~solicitation~~selection. 1511

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

qualifications. 1661

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

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

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

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

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

in writing, of the termination of negotiations. 1690

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) A supply chain compromise. 1804

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The executive director of the division of homeland security within the department of public safety, in a manner prescribed by the executive director, as soon as possible but not later than seven days after the political subdivision discovers the incident; 1861
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(2) The auditor of state, in a manner prescribed by the auditor of state, as soon as possible but not later than thirty days after the political subdivision discovers the incident. 1866
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(E) Any records, documents, or reports related to the cybersecurity program and framework in division (C) of this section, and the reports of a cybersecurity incident or ransomware incident under division (D) of this section, are not public records under section 149.43 of the Revised Code. 1869
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(F) A record identifying cybersecurity-related software, hardware, goods, and services, that are being considered for procurement, have been procured, or are being used by a political subdivision, including the vendor name, product name, project name, or project description, is a security record under section 149.433 of the Revised Code. 1874
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Sec. 9.681. (A) As used in this section, "tobacco product" and "alternative nicotine product" have the same meanings as in section 2927.02 of the Revised Code. 1880
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(B) The regulation of tobacco products and alternative nicotine products is a matter of general statewide concern that requires statewide regulation. The state has adopted a comprehensive plan with respect to all aspects of the giveaway, sale, purchase, distribution, manufacture, use, possession, licensing, taxation, inspection, and marketing of tobacco products and alternative nicotine products. No political 1883
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subdivision may enact, adopt, renew, maintain, enforce, or 1890
continue in existence any charter provision, ordinance, 1891
resolution, rule, or other measure that conflicts with or 1892
preempts any policy of the state regarding the regulation of 1893
tobacco products or alternative nicotine products, including, 1894
without limitation, by: 1895

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

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

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

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

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

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

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

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

and insurance programs authorized under section 9.822 of the Revised Code. 1949
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(B) The office of risk management is hereby established 1951
within the department of administrative services. The director 1952
of administrative services, or a deputy director appointed by 1953
the director, shall control and supervise the office. 1954

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

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

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

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

(4) Consolidate and combine state insurance coverages; 1968

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

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

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

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

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

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

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

confidential.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(26) The extent to which the requirement for the 2267
occupational license stimulates or restricts competition, 2268
affects consumer choice, and affects the cost of services; 2269

(27) An assessment of whether or not changes are needed in 2270
the enabling laws of the board in order for it to comply with 2271
the criteria suggested by the considerations listed in division 2272
(C) of this section; 2273

(28) Whether the number of board members is appropriate 2274
based on the board's workload and the number of occupational 2275
licenses issued by the board. 2276

For division (C) of this section, a government regulatory 2277
requirement protects or serves the public interest if it 2278
provides protection from present, significant, and substantiated 2279
harms to the health, safety, or welfare of the public. 2280

(D) The legislative service commission shall provide staff 2281
services to a standing committee performing its duties under 2282
this section and section 101.65 of the Revised Code. 2283

Sec. 101.65. (A) After the completion of the review of a 2284
board under section 101.63 of the Revised Code, the standing 2285
committee that conducted the review shall prepare and publish a 2286
report of its findings and recommendations. A standing committee 2287
may include in a single report its findings and recommendations 2288
regarding more than one board. The committee shall furnish a 2289
copy of the report to the president of the senate, the speaker 2290
of the house of representatives, the governor, and each affected 2291
board. Any published report shall be made available to the 2292
public on the standing committee's internet web site, and in the 2293
offices of the house of representatives and senate clerks during 2294
reasonable hours. As part of a report, the standing committee 2295

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

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

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

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

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

(2) Any court; 2334

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

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

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

(6) The public utilities commission of Ohio; 2343

(7) The consumers' counsel governing board; 2344

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

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

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

enabling statutes; and	2375
(27) (25) The following agencies, deemed to have a purpose related to federal law:	2376
	2377
(a) The early childhood <u>children and youth</u> advisory council, under section 5104.50 <u>5180.04</u> of the Revised Code;	2378
	2379
(b) The emergency response commission under section 3750.02 of the Revised Code;	2380
	2381
(c) The public defender commission under section 120.01 of the Revised Code;	2382
	2383
(d) The homeland security advisory council under division (E) of section 5502.011 of the Revised Code;	2384
	2385
(e) The unemployment compensation review commission under section 4141.06 of the Revised Code.	2386
	2387
(B) "Abolish" means to repeal the statutes creating and empowering an agency, remove its personnel, and transfer its records to the department of administrative services pursuant to division (E) of section 149.331 of the Revised Code.	2388
	2389
	2390
	2391
(C) "Terminate" means to amend or repeal the statutes creating and empowering an agency, remove its personnel, and reassign its functions and records to another agency or officer designated by the general assembly.	2392
	2393
	2394
	2395
(D) "Transfer" means to amend the statutes creating and empowering an agency so that its functions, records, and personnel are conveyed to another agency or officer.	2396
	2397
	2398
(E) "Renew" means to continue an agency, and may include amendment of the statutes creating and empowering the agency, or recommendations for changes in agency operation or personnel.	2399
	2400
	2401

Sec. 101.83. (A) It is the intent of the general assembly 2402
that an agency shall expire by operation of sunset review law, 2403
sections 101.82 to 101.87 of the Revised Code, four years more 2404
or less after the effective date of the act that established the 2405
agency. Unless renewed in accordance with division (E) of this 2406
section: 2407

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

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

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

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

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

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

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

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

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

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

"The agency known as the _____ was exempted from sunset 2460

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

following deadlines, as applicable: 2767

(a) Except as otherwise provided in divisions (A) (4) (b), 2768
(c), and (d) of this section, the person shall file the 2769
statement not later than the fifteenth day of May of each year. 2770

(b) A person who is a candidate for elective office shall 2771
file the statement no later than the thirtieth day before the 2772
primary, special, or general election at which the candidacy is 2773
to be voted on, whichever election occurs soonest, except that a 2774
person who is a write-in candidate shall file the statement no 2775
later than the twentieth day before the earliest election at 2776
which the person's candidacy is to be voted on. 2777

(c) A person who is appointed to fill a vacancy for an 2778
unexpired term in an elective office shall file the statement 2779
within fifteen days after the person qualifies for office. 2780

(d) A person who is appointed or employed after the 2781
fifteenth day of May, other than a person described in division 2782
(A) (4) (c) of this section, shall file an annual statement within 2783
ninety days after appointment or employment. 2784

(5) No person shall be required to file with the 2785
appropriate ethics commission more than one statement or pay 2786
more than one filing fee for any one calendar year. 2787

(6) The appropriate ethics commission, for good cause, may 2788
extend for a reasonable time the deadline for filing a statement 2789
under this section. 2790

(7) A statement filed under this section is subject to 2791
public inspection at locations designated by the appropriate 2792
ethics commission except as otherwise provided in this section. 2793

(B) The Ohio ethics commission, the joint legislative 2794

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The rule number; 2934

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The department of medicaid; 3068

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

meal period and one rehabilitative or educational program. 3272

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

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

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

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

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

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

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

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

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

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

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

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

(C) The proposed rule or revised proposed rule conflicts

with another proposed or existing rule. 3330

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Four individuals appointed by the governor; 3607

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) "Peace officer" means: 3700

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

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

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

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

(4) An undercover drug agent; 3723

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

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

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

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

(9) A police officer who is employed by a hospital that 3738
employs and maintains its own proprietary police department or 3739
security department, and who is appointed and commissioned by 3740
the secretary of state pursuant to sections 4973.17 to 4973.22 3741
of the Revised Code; 3742

(10) Veterans' homes police officers designated under 3743
section 5907.02 of the Revised Code; 3744

(11) A police officer who is employed by a qualified 3745
nonprofit corporation police department pursuant to section 3746
1702.80 of the Revised Code; 3747

(12) A state university law enforcement officer appointed 3748
under section 3345.04 of the Revised Code or a person serving as 3749
a state university law enforcement officer on a permanent basis 3750
on June 19, 1978, who has been awarded a certificate by the 3751
executive director of the Ohio peace officer training commission 3752
attesting to the person's satisfactory completion of an approved 3753
state, county, municipal, or department of natural resources 3754
peace officer basic training program; 3755

(13) A special police officer employed by the department 3756
of mental health and addiction services pursuant to section 3757
5119.08 of the Revised Code or the department of developmental 3758
disabilities pursuant to section 5123.13 of the Revised Code; 3759

(14) A member of a campus police department appointed 3760
under section 1713.50 of the Revised Code; 3761

(15) A member of a police force employed by a regional 3762
transit authority under division (Y) of section 306.35 of the 3763
Revised Code; 3764

(16) Investigators appointed by the auditor of state 3765
pursuant to section 117.091 of the Revised Code and engaged in 3766

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) One of the following: 3893

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

appropriation and with the approval of the commission. 4060

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) A state university law enforcement officer; 4135

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

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

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

under section 4582.04 or 4582.28 of the Revised Code; 4144

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The Ohio peace officer training commission shall 4441

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Laws regarding questioning and detention by peace 4560

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

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

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

(D) As used in this section: 4569

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

If the director of the legislative service commission or 4675

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(2)~~(3) "Processor" means an entity conducting the settlement of an electronic payment or transfer of funds, which shall be denominated in United States dollars. 4851
4852
4853

(4) "State ~~expenses~~Revenue" includes fees, charges, tolls, costs, taxes, ~~expenses~~, assessments, fines, penalties, payments, judgments, restitution ordered by a court, or any other ~~expense~~ amount a person owes to a state office under the authority of a state elected official or to a state entity. 4854
4855
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~~(3)~~(5) "State elected official" means the governor, lieutenant governor, attorney general, secretary of state, treasurer of state, and auditor of state. 4859
4860
4861

~~(4)~~(6) "State entity" includes any state department, agency, board, ~~or~~ commission, or office under the authority of a state elected official that deposits funds into the state treasury or into an account in the custody of the treasurer of state. 4862
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(B) Notwithstanding any other section of the Revised Code and subject to division (D) of this section, the board of deposit ~~may shall~~ adopt a resolution authorizing the ~~acceptance~~ of payments by financial transaction device to pay for state ~~expenses~~ collection, receipt, and acceptance by the state of revenue, gifts, donations, or bequests made by a financial transaction device. ~~The resolution shall include all of the following:—~~ 4867
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~~(1) A designation of those state elected officials and state entities authorized to accept payments by financial transaction device;—~~ 4875
4876
4877

~~(2) A list of state expenses that may be paid by the use of a financial transaction device;—~~ 4878
4879

~~(3) Specific identification of financial transaction devices that a state elected official or state entity may authorize as acceptable means of payment for state expenses. Division (B) (3) of this section does not require that the same financial transaction devices be accepted for the payment of different types of state expenses.~~

~~(4) The amount, if any, authorized as a surcharge or convenience fee under division (E) of this section for persons using a financial transaction device. Division (B) (4) of this section does not require that the same surcharges or convenience fees be applied to the payment of different types of state expenses.~~

~~(5) A specific requirement, as provided in division (C) of this section, for the payment of a penalty if a payment made by means of a financial transaction device is returned or dishonored for any reason.~~

The board of deposit's resolution also shall ~~designate the treasurer of state as the~~ direct the administrative agent of the board of deposit to solicit proposals, within guidelines established by the board of deposit in the resolution and in compliance with the procedures provided in division (C) of this section, ~~from financial institutions, issuers of financial transaction devices, and processors of financial transaction devices; to make recommendations about those proposals to the state elected officials; and to assist state offices~~ entities and state elected officials in implementing ~~the state's any~~ financial transaction device collection, acceptance and, processing, receipt, and settlement program authorized pursuant to this section. The board of deposit's resolution applies to financial transaction device services related to any and all

bank accounts comprising the state treasury as well as those in 4910
the custody of the treasurer of state but not part of the state 4911
treasury. 4912

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

Upon receiving the proposals, the administrative agent 4940

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

implement and administer this section. 5061

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

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

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

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

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

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

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

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

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

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

savings program trust fund to designated beneficiaries; 5088

(9) Establish the procedures by which funds held in 5089
program accounts shall be allocated to pay for administrative 5090
costs; 5091

(10) Take any other action necessary to implement and 5092
administer the program; 5093

(11) Adopt rules in accordance with Chapter 119. of the 5094
Revised Code necessary to implement and administer the program; 5095

(12) Notify the secretary when a program account has been 5096
opened for a designated beneficiary and submit other reports 5097
concerning the program as required by the secretary or under 5098
section 529A of the Internal Revenue Code. 5099

(B) The treasurer of state may enter into agreements with 5100
other states or agencies of, subdivisions of, or residents of 5101
those states related to the program or a similar ABLE account 5102
program established by another state in accordance with section 5103
529A of the Internal Revenue Code. 5104

(C) Any record of the treasurer of state indicating the 5105
identity of account beneficiaries and the balances and activity 5106
in ABLE accounts is not a public record under section 149.43 of 5107
the Revised Code. 5108

(D) The treasurer of state shall pay account fees 5109
associated with an ABLE account on behalf of an Ohio account 5110
owner or beneficiary. 5111

Sec. 113.53. (A) A designated beneficiary, or a trustee or 5112
guardian of a designated beneficiary who lacks capacity to enter 5113
into an agreement, may apply, on forms prescribed by the 5114
treasurer of state, to open a program account. A beneficiary may 5115

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Any contributions to an ABLE account; 5199

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

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

individual who is either of the following: 5203

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(E) The auditor of state, in accordance with division (A) 5301
(3) of section 9.65 of the Revised Code and this section, may 5302
audit an annuity program for volunteer fire fighters established 5303
by a political subdivision under section 9.65 of the Revised 5304
Code. As used in this section, "volunteer fire fighters" and 5305
"political subdivision" have the same meanings as in division 5306
(C) of section 9.65 of the Revised Code. 5307

(F) The auditor of state may establish by rule an agreed- 5308
upon procedure by which political subdivisions may be audited. 5309
The rules shall set forth the standards, procedures, guidelines, 5310
and reporting requirements for an agreed-upon procedure audit. 5311

Sec. 117.38. (A) Each public office, other than a state 5312
agency, shall file a financial report for each fiscal year. The 5313
auditor of state may prescribe forms by rule or may issue 5314
guidelines, or both, for such reports. If the auditor of state 5315
has not prescribed a rule regarding the form for the report, the 5316
public office shall submit its report on the form utilized by 5317
the public office. 5318

(B) The report shall be certified by the proper officer or 5319
board and filed with the auditor of state within sixty days 5320

after the close of the fiscal year, except that public offices 5321
reporting pursuant to generally accepted accounting principles 5322
shall file their reports within one hundred fifty days after the 5323
close of the fiscal year. The auditor of state may extend the 5324
deadline for filing a financial report and establish terms and 5325
conditions for any such extension. At the time the report is 5326
filed with the auditor of state, the chief fiscal officer, 5327
except as otherwise provided in section 319.11 of the Revised 5328
Code, shall publish notice in a newspaper published in the 5329
political subdivision or taxing district, and if there is no 5330
such newspaper, then in a newspaper of general circulation in 5331
the political subdivision or taxing district. The notice shall 5332
state that the financial report has been completed by the public 5333
office and is available for public inspection at the office of 5334
the chief fiscal officer. 5335

(C) The report shall contain the following: 5336

(1) Amount of collections and receipts, and accounts due 5337
from each source; 5338

(2) Amount of expenditures for each purpose; 5339

(3) Income of each public service industry owned or 5340
operated by a municipal corporation, and the cost of such 5341
ownership or operation; 5342

(4) Amount of public debt of each taxing district, the 5343
purpose for which each item of such debt was created, and the 5344
provision made for the payment thereof; 5345

(5) Budgetary comparison information as required by the 5346
applicable reporting framework or as prescribed by the auditor 5347
of state. 5348

(D) Any public office, other than a state agency, that 5349

does not file its financial report at the time required by this 5350
section shall pay to the auditor of state twenty-five dollars 5351
for each day the report remains unfiled after the filing date; 5352
provided, that the penalty payments shall not exceed the sum of 5353
seven hundred fifty dollars. The auditor of state may waive all 5354
or any part of the penalty assessed under this section upon the 5355
filing of the past due financial report. All sums collected from 5356
such penalties shall be placed in the public audit expense 5357
fund--local government. If the auditor of state fails to receive 5358
payment for penalties not paid within one year from the required 5359
filing date, the auditor may recover the penalties through the 5360
process in division (D) of section 117.13 of the Revised Code. 5361

(E) Every county agency, board, or commission shall 5362
provide to the county auditor, not later than the first day of 5363
March each year unless a later date is authorized by the county 5364
auditor, all information determined by the county auditor to be 5365
necessary for the preparation of the report required by this 5366
section. 5367

(F) The auditor of state shall publish the substance of 5368
the report submitted under this section in an electronic format 5369
that is available to the public. 5370

Sec. 117.44. To enhance local officials' background and 5371
working knowledge of government accounting, budgeting and 5372
financing, financial report preparation, and the rules adopted 5373
by the auditor of state, the auditor of state shall hold 5374
training programs for persons elected for the first time as 5375
township fiscal officers, city auditors, and village clerks, 5376
between the first day of December and the first day of April 5377
immediately following a general election for any of these 5378
offices. Similar training may also be provided to any township 5379

fiscal officer, city auditor, or village clerk who is appointed 5380
to fill a vacancy or who is elected in a special election. 5381

The auditor of state also shall develop and provide an 5382
annual training program of continuing education for village 5383
clerks. 5384

The auditor of state shall determine the manner, content, 5385
and length of the training programs after consultation with 5386
appropriate statewide organizations of local governmental 5387
officials. The auditor of state shall charge the political 5388
subdivisions that the trainees represent a registration fee that 5389
will meet actual and necessary expenses of the training, 5390
including instructor fees, site acquisition costs, and the cost 5391
of course materials. The necessary personal expenses incurred by 5392
the officials as a result of attending the training program 5393
shall be borne by the political subdivisions they represent. 5394

The auditor of state shall allow any other interested 5395
person to attend any of the training programs that the auditor 5396
of state holds pursuant to this section; provided, that before 5397
attending any such training program, the interested person shall 5398
pay to the auditor of state the full registration fee that the 5399
auditor of state has set for the training program. 5400

The auditor of state may provide any other appropriate 5401
training or educational programs that may be developed and 5402
offered by the auditor of state or in collaboration with one or 5403
more other state agencies, political subdivisions, or other 5404
public or private entities. 5405

There is hereby established in the state treasury the 5406
auditor of state training program fund, to be used by the 5407
auditor of state for the actual and necessary expenses of any 5408

training programs held pursuant to this section, ~~section~~ 5409
~~117.441~~, or section 321.46 of the Revised Code. All registration 5410
fees collected under this section shall be paid into the fund. 5411

Sec. 118.29. (A) The financial supervisor, or the 5412
legislative authority of a municipal corporation, board of 5413
county commissioners, or board of township trustees of a 5414
municipal corporation, county, or township in fiscal emergency, 5415
may make a referral to the attorney general for the creation of 5416
a receivership over the municipal corporation, county, or 5417
township in fiscal emergency if both the following conditions 5418
are met: 5419

(1) The municipal corporation, county, or township 5420
satisfies either of the following: 5421

(a) It has been in a state of fiscal emergency for a 5422
continuous period of ten years. 5423

(b) It has been in a state of fiscal emergency at least 5424
twice in a period of ten years, and the combined period of 5425
fiscal emergency is at least five years. 5426

(2) The municipal corporation, county, or township has 5427
demonstrated one or more of the following, as determined by the 5428
financial supervisor: 5429

(a) Failure to comply with the applicable budgetary and 5430
spending processes in Chapter 5705. of the Revised Code; 5431

(b) Failure to ensure that appropriations comply with the 5432
financial plan in accordance with section 118.13 of the Revised 5433
Code; 5434

(c) Assuming debt without the approval of the financial 5435
planning and supervision commission in violation of section 5436

118.15 of the Revised Code; 5437

(d) Undertaking administrative or legislative action that 5438
is not in accordance with the terms of the financial plan or, 5439
when applicable, without permission of the commission. 5440

(B) Upon receipt of a referral, the attorney general shall 5441
promptly file a petition for a receivership with the court of 5442
claims. The judge that has served the longest on the court as of 5443
the date the petition is filed promptly shall appoint a 5444
receiver. The appointed receiver shall satisfy the requirements 5445
of section 2735.02 of the Revised Code and shall comply with 5446
section 2735.03 of the Revised Code. With the approval of the 5447
court, the receiver may request reasonable fees for work 5448
performed including, but not limited to, costs associated with 5449
retaining legal counsel, accountants, or other similar advisors 5450
that the receiver considers necessary in the performance of the 5451
receiver's duties. The fees shall be paid from funds 5452
appropriated to the office of budget and management during the 5453
period of fiscal emergency. 5454

(C) A receiver appointed under this section has all of the 5455
following powers and duties in addition to the powers stated in 5456
section 2735.04 of the Revised Code: 5457

(1) Consult with the legislative authority of the 5458
municipal corporation, board of county commissioners, or board 5459
of township trustees to make recommendations or, if necessary, 5460
to assume responsibility for implementing cost reductions and 5461
revenue increases to achieve a balanced budget and carry out the 5462
financial plan, and to make reductions in force or spending to 5463
resolve the fiscal emergency conditions; 5464

(2) Ensure the municipal corporation, county, or township 5465

in fiscal emergency complies with all aspects of the financial 5466
plan approved by the commission in accordance with section 5467
118.06 of the Revised Code, or as amended in accordance with 5468
this chapter. If no financial plan has been approved by the 5469
commission in accordance with section 118.06 of the Revised 5470
Code, the receiver, after consulting with the legislative 5471
authority of the municipal corporation, board of county 5472
commissioners, or board of township trustees, shall make 5473
recommendations, or assume, if necessary, the responsibility for 5474
crafting and submitting the financial plan to the financial 5475
planning and supervision commission. 5476

(3) Ensure the municipal corporation, county, or township 5477
in fiscal emergency complies with any other relevant aspects of 5478
this chapter; 5479

(4) Provide monthly, written reports about the progress 5480
toward resolving the conditions of fiscal emergency to the 5481
financial planning and supervision commission, to the 5482
legislative authority of the municipal corporation, board of 5483
county commissioners, or board of township trustees, and to the 5484
mayor or city manager in the case of a municipal corporation; 5485

(5) Appear at least quarterly to present information about 5486
progress toward resolving the conditions of fiscal emergency at 5487
an open meeting and, if allowable under section 121.22 of the 5488
Revised Code, in executive session, of the legislative authority 5489
of municipal corporation, board of county commissioners, or 5490
board of township trustees; 5491

(6) Appear at least quarterly to present information about 5492
progress toward resolving the conditions of fiscal emergency at 5493
an open meeting and, if allowable under section 121.22 of the 5494
Revised Code, in executive session, of the financial planning 5495

and supervision commission of the municipal corporation, county, 5496
or township in fiscal emergency; 5497

(7) At the receiver's initiative or upon invitation, 5498
attend executive sessions of the legislative authority of the 5499
municipal corporation, board of county commissioners, or board 5500
of township trustees; 5501

(8) Exercise any other powers granted to the receiver by 5502
the court necessary to perform the duties stated in this 5503
section. 5504

(D) (1) If, in the judgment of the receiver, the criteria 5505
required to file for bankruptcy under the "Federal Bankruptcy 5506
Act," 11 U.S.C. 101, et seq., are satisfied and no reasonable 5507
alternative exists to eliminate the fiscal emergency condition 5508
within three years, the receiver may present findings and submit 5509
a written recommendation on filing for bankruptcy to the 5510
financial planning and supervision commission and the 5511
legislative authority of the municipal corporation, board of 5512
county commissioners, or board of township trustees. Beginning 5513
sixty days after submitting the recommendation, the receiver may 5514
initiate bankruptcy proceedings unless both of the following 5515
occur: 5516

(a) The legislative authority or board adopts an ordinance 5517
or resolution, effective within sixty days of receipt of the 5518
recommendation, opposing the recommendation. The ordinance or 5519
resolution shall specify the legislative authority's or board's 5520
plan to satisfy and discharge the debts and liabilities included 5521
in the receiver's recommendation for bankruptcy within seven 5522
years of the adoption of the ordinance or resolution and 5523
promptly alleviate the fiscal emergency conditions using 5524
expenditure reductions or available and future tax revenue, 5525

including necessary tax rate increases, of the municipal 5526
corporation, county, or township. 5527

(b) After reviewing the ordinance or resolution under 5528
division (D) (1) (a) of this section, the financial planning and 5529
supervision commission determines the plan is sufficient to 5530
satisfy and discharge the debts and liabilities included in the 5531
receiver's recommendation for bankruptcy within seven years of 5532
the adoption of the resolution and promptly alleviate the fiscal 5533
emergency conditions. 5534

If the financial planning and supervision commission 5535
determines that the plan is not sufficient, the receiver may 5536
initiate bankruptcy proceedings notwithstanding the ordinance or 5537
resolution opposing the recommendation. 5538

(2) If the financial planning and supervision commission 5539
determines under division (D) (1) of this section that the plan 5540
is sufficient and the plan requires voted taxes authorized under 5541
another Revised Code section, the legislative authority of the 5542
municipal corporation, board of county commissioners, or board 5543
of trustees shall direct the board of elections to submit the 5544
tax question to the electors at the next general election or at 5545
a special election conducted on the day of the next primary 5546
election in the municipal corporation, township, or county 5547
occurring not less than ninety days after the resolution is 5548
certified to the board, as applicable under the provision 5549
authorizing the tax question. If the taxes are not approved by 5550
the electors, the receiver may initiate bankruptcy proceedings, 5551
notwithstanding the resolution or ordinance opposing bankruptcy. 5552
If the taxes are approved by the electors, the legislative 5553
authority of the municipal corporation, board of county 5554
commissioners, or board of trustees shall implement the plan to 5555

satisfy and discharge the debts and liabilities included in the 5556
receiver's recommendation for bankruptcy within seven years of 5557
the adoption of the ordinance or resolution and promptly 5558
alleviate the fiscal emergency conditions. 5559

(E) The court shall terminate the receivership when the 5560
municipal corporation, county, or township has corrected and 5561
eliminated all of the fiscal emergency conditions determined 5562
pursuant to section 118.04 of the Revised Code, and no new 5563
fiscal emergency conditions have occurred. 5564

(F) Conditions in division (A) of this section may be 5565
applied retroactively in a remedial nature. 5566

Sec. 119.04. (A) (1) Any rule adopted by any agency shall 5567
be effective on the tenth day after the day on which the rule in 5568
final form and in compliance with division (A) (2) of this 5569
section is filed as follows: 5570

(a) The rule shall be filed in electronic form with both 5571
the secretary of state and the director of the legislative 5572
service commission; 5573

(b) The rule shall be filed in electronic form with the 5574
joint committee on agency rule review. Division (A) (1) (b) of 5575
this section does not apply to any rule to which division (C) of 5576
section 119.03 of the Revised Code does not apply. 5577

If an agency in adopting a rule designates an effective 5578
date that is later than the effective date provided for by this 5579
division, the rule if filed as required by this division shall 5580
become effective on the later date designated by the agency. 5581

An agency that adopts or amends a rule that is subject to 5582
section 106.03 of the Revised Code shall assign a review date to 5583
the rule that is not later than five years after its effective 5584

date. If a review date assigned to a rule exceeds the five-year maximum, the review date for the rule is five years after its effective date. A rule with a review date is subject to review under section 106.03 of the Revised Code.

(2) The agency shall file the rule in compliance with the following standards and procedures:

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

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

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

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

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

(3) As used in this section, "rule" includes an amendment or rescission of a rule.

(B) The secretary of state and the director shall preserve

the rules filed under division (A) (1) (a) of this section in an 5613
accessible manner. Each such rule shall be a public record open 5614
to public inspection and may be transmitted to any law 5615
publishing company that wishes to reproduce it. 5616

Sec. 120.06. (A) (1) The state public defender, when 5617
designated by the court or requested by a county public defender 5618
or joint county public defender, may provide legal 5619
representation in all courts throughout the state to indigent 5620
adults and juveniles who are charged with the commission of an 5621
offense or act for which the penalty or any possible 5622
adjudication includes the potential loss of liberty. 5623

(2) The state public defender may provide legal 5624
representation to any indigent person who, while incarcerated in 5625
any state correctional institution, is charged with a felony 5626
offense, for which the penalty or any possible adjudication that 5627
may be imposed by a court upon conviction includes the potential 5628
loss of liberty. 5629

(3) The state public defender may provide legal 5630
representation to any person incarcerated in any correctional 5631
institution of the state, in any matter in which the person 5632
asserts the person is unlawfully imprisoned or detained. 5633

(4) The state public defender, in any case in which the 5634
state public defender has provided legal representation or is 5635
requested to do so by a county public defender or joint county 5636
public defender, may provide legal representation on appeal. 5637

~~(5) The~~ (5) (a) Except as provided in division (A) (5) (b) of 5638
this section, the state public defender, when designated by the 5639
court or requested by a county public defender, joint county 5640
public defender, or the director of rehabilitation and 5641

correction, shall provide legal representation in parole and 5642
probation revocation matters or matters relating to the 5643
revocation of community control or post-release control under a 5644
community control sanction or post-release control sanction, 5645
unless the state public defender finds that the alleged parole 5646
or probation violator or alleged violator of a community control 5647
sanction or post-release control sanction has the financial 5648
capacity to retain the alleged violator's own counsel. 5649

(b) If the state public defender determines that the state 5650
public defender does not have the capacity to provide the legal 5651
representation described in division (A) (5) (a) of this section, 5652
the state public defender may contract with private legal 5653
counsel to provide the legal representation described in that 5654
division. 5655

(6) If the state public defender contracts with a county 5656
public defender commission, a joint county public defender 5657
commission, or a board of county commissioners for the provision 5658
of services, under authority of division (C) (7) of section 5659
120.04 of the Revised Code, the state public defender shall 5660
provide legal representation in accordance with the contract. 5661

(B) The state public defender shall not be required to 5662
prosecute any appeal, postconviction remedy, or other proceeding 5663
pursuant to division (A) (3), (4), or (5) of this section, unless 5664
the state public defender first is satisfied that there is 5665
arguable merit to the proceeding. 5666

(C) A court may appoint counsel or allow an indigent 5667
person to select the indigent's own personal counsel to assist 5668
the state public defender as co-counsel when the interests of 5669
justice so require. When co-counsel is appointed to assist the 5670
state public defender, the co-counsel shall receive any 5671

compensation that the court may approve, not to exceed the 5672
amounts provided for in section 2941.51 of the Revised Code. 5673

(D) (1) When the state public defender is designated by the 5674
court or requested by a county public defender or joint county 5675
public defender to provide legal representation for an indigent 5676
person in any case, other than pursuant to a contract entered 5677
into under authority of division (C) (7) of section 120.04 of the 5678
Revised Code, the state public defender shall send to the county 5679
in which the case is filed a bill detailing the actual cost of 5680
the representation that separately itemizes legal fees and 5681
expenses. The county, upon receipt of an itemized bill from the 5682
state public defender pursuant to this division, shall pay the 5683
state public defender one hundred per cent of the amount 5684
identified as legal fees and expenses in the itemized bill. 5685

(2) Upon payment of the itemized bill under division (D) 5686
(1) of this section, the county may submit the cost of the legal 5687
fees and expenses to the state public defender for reimbursement 5688
pursuant to section 120.33 of the Revised Code. 5689

(3) When the state public defender provides investigation 5690
or mitigation services to private appointed counsel or to a 5691
county or joint county public defender as approved by the 5692
appointing court, other than pursuant to a contract entered into 5693
under authority of division (C) (7) of section 120.04 of the 5694
Revised Code, the state public defender shall send to the county 5695
in which the case is filed a bill itemizing the actual cost of 5696
the services provided. The county, upon receipt of an itemized 5697
bill from the state public defender pursuant to this division, 5698
shall pay one hundred per cent of the amount as set forth in the 5699
itemized bill. Upon payment of the itemized bill received 5700
pursuant to this division, the county may submit the cost of the 5701

investigation and mitigation services to the state public 5702
defender for reimbursement pursuant to section 120.33 of the 5703
Revised Code. 5704

(4) There is hereby created in the state treasury the 5705
county representation fund for the deposit of moneys received 5706
from counties under this division. All moneys credited to the 5707
fund shall be used by the state public defender to provide legal 5708
representation for indigent persons when designated by the court 5709
or requested by a county or joint county public defender or to 5710
provide investigation or mitigation services, including 5711
investigation or mitigation services to private appointed 5712
counsel or a county or joint county public defender, as approved 5713
by the court. 5714

(5) If the state public defender determines that the state 5715
public defender does not have the capacity to provide the legal 5716
representation described in division (A) (5) (a) of this section 5717
and the state public defender contracts with private legal 5718
counsel to provide the legal representation, the state public 5719
defender shall directly pay private legal counsel's fees and 5720
expenses from the indigent defense support fund pursuant to 5721
section 120.08 of the Revised Code. 5722

(E) (1) Notwithstanding any contrary provision of sections 5723
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised 5724
Code that pertains to representation by the attorney general, an 5725
assistant attorney general, or special counsel of an officer or 5726
employee, as defined in section 109.36 of the Revised Code, or 5727
of an entity of state government, the state public defender may 5728
elect to contract with, and to have the state pay pursuant to 5729
division (E) (2) of this section for the services of, private 5730
legal counsel to represent the Ohio public defender commission, 5731

the state public defender, assistant state public defenders, 5732
other employees of the commission or the state public defender, 5733
and attorneys described in division (C) of section 120.41 of the 5734
Revised Code in a malpractice or other civil action or 5735
proceeding that arises from alleged actions or omissions related 5736
to responsibilities derived pursuant to this chapter, or in a 5737
civil action that is based upon alleged violations of the 5738
constitution or statutes of the United States, including section 5739
1983 of Title 42 of the United States Code, 93 Stat. 1284 5740
(1979), 42 U.S.C.A. 1983, as amended, and that arises from 5741
alleged actions or omissions related to responsibilities derived 5742
pursuant to this chapter, if the state public defender 5743
determines, in good faith, that the defendant in the civil 5744
action or proceeding did not act manifestly outside the scope of 5745
the defendant's employment or official responsibilities, with 5746
malicious purpose, in bad faith, or in a wanton or reckless 5747
manner. If the state public defender elects not to contract 5748
pursuant to this division for private legal counsel in a civil 5749
action or proceeding, then, in accordance with sections 109.02, 5750
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 5751
attorney general shall represent or provide for the 5752
representation of the Ohio public defender commission, the state 5753
public defender, assistant state public defenders, other 5754
employees of the commission or the state public defender, or 5755
attorneys described in division (C) of section 120.41 of the 5756
Revised Code in the civil action or proceeding. 5757

(2) (a) Subject to division (E) (2) (b) of this section, 5758
payment from the state treasury for the services of private 5759
legal counsel with whom the state public defender has contracted 5760
pursuant to division (E) (1) of this section shall be 5761
accomplished only through the following procedure: 5762

(i) The private legal counsel shall file with the attorney 5763
general a copy of the contract; a request for an award of legal 5764
fees, court costs, and expenses earned or incurred in connection 5765
with the defense of the Ohio public defender commission, the 5766
state public defender, an assistant state public defender, an 5767
employee, or an attorney in a specified civil action or 5768
proceeding; a written itemization of those fees, costs, and 5769
expenses, including the signature of the state public defender 5770
and the state public defender's attestation that the fees, 5771
costs, and expenses were earned or incurred pursuant to division 5772
(E) (1) of this section to the best of the state public 5773
defender's knowledge and information; a written statement 5774
whether the fees, costs, and expenses are for all legal services 5775
to be rendered in connection with that defense, are only for 5776
legal services rendered to the date of the request and 5777
additional legal services likely will have to be provided in 5778
connection with that defense, or are for the final legal 5779
services rendered in connection with that defense; a written 5780
statement indicating whether the private legal counsel 5781
previously submitted a request for an award under division (E) 5782
(2) of this section in connection with that defense and, if so, 5783
the date and the amount of each award granted; and, if the fees, 5784
costs, and expenses are for all legal services to be rendered in 5785
connection with that defense or are for the final legal services 5786
rendered in connection with that defense, a certified copy of 5787
any judgment entry in the civil action or proceeding or a signed 5788
copy of any settlement agreement entered into between the 5789
parties to the civil action or proceeding. 5790

(ii) Upon receipt of a request for an award of legal fees, 5791
court costs, and expenses and the requisite supportive 5792
documentation described in division (E) (2) (a) (i) of this 5793

section, the attorney general shall review the request and 5794
documentation; determine whether any of the limitations 5795
specified in division (E) (2) (b) of this section apply to the 5796
request; and, if an award of legal fees, court costs, or 5797
expenses is permissible after applying the limitations, prepare 5798
a document awarding legal fees, court costs, or expenses to the 5799
private legal counsel. The document shall name the private legal 5800
counsel as the recipient of the award; specify the total amount 5801
of the award as determined by the attorney general; itemize the 5802
portions of the award that represent legal fees, court costs, 5803
and expenses; specify any limitation applied pursuant to 5804
division (E) (2) (b) of this section to reduce the amount of the 5805
award sought by the private legal counsel; state that the award 5806
is payable from the state treasury pursuant to division (E) (2) 5807
(a) (iii) of this section; and be approved by the inclusion of 5808
the signatures of the attorney general, the state public 5809
defender, and the private legal counsel. 5810

(iii) The attorney general shall forward a copy of the 5811
document prepared pursuant to division (E) (2) (a) (ii) of this 5812
section to the director of budget and management. The award of 5813
legal fees, court costs, or expenses shall be paid out of the 5814
state public defender's appropriations, to the extent there is a 5815
sufficient available balance in those appropriations. If the 5816
state public defender does not have a sufficient available 5817
balance in the state public defender's appropriations to pay the 5818
entire award of legal fees, court costs, or expenses, the 5819
director shall make application for a transfer of appropriations 5820
out of the emergency purposes account or any other appropriation 5821
for emergencies or contingencies in an amount equal to the 5822
portion of the award that exceeds the sufficient available 5823
balance in the state public defender's appropriations. A 5824

transfer of appropriations out of the emergency purposes account 5825
or any other appropriation for emergencies or contingencies 5826
shall be authorized if there are sufficient moneys greater than 5827
the sum total of then pending emergency purposes account 5828
requests, or requests for releases from the other appropriation. 5829
If a transfer of appropriations out of the emergency purposes 5830
account or other appropriation for emergencies or contingencies 5831
is made to pay an amount equal to the portion of the award that 5832
exceeds the sufficient available balance in the state public 5833
defender's appropriations, the director shall cause the payment 5834
to be made to the private legal counsel. If sufficient moneys do 5835
not exist in the emergency purposes account or other 5836
appropriation for emergencies or contingencies to pay an amount 5837
equal to the portion of the award that exceeds the sufficient 5838
available balance in the state public defender's appropriations, 5839
the private legal counsel shall request the general assembly to 5840
make an appropriation sufficient to pay an amount equal to the 5841
portion of the award that exceeds the sufficient available 5842
balance in the state public defender's appropriations, and no 5843
payment in that amount shall be made until the appropriation has 5844
been made. The private legal counsel shall make the request 5845
during the current biennium and during each succeeding biennium 5846
until a sufficient appropriation is made. 5847

(b) An award of legal fees, court costs, and expenses 5848
pursuant to division (E) of this section is subject to the 5849
following limitations: 5850

(i) The maximum award or maximum aggregate of a series of 5851
awards of legal fees, court costs, and expenses to the private 5852
legal counsel in connection with the defense of the Ohio public 5853
defender commission, the state public defender, an assistant 5854
state public defender, an employee, or an attorney in a 5855

specified civil action or proceeding shall not exceed fifty 5856
thousand dollars. 5857

(ii) The private legal counsel shall not be awarded legal 5858
fees, court costs, or expenses to the extent the fees, costs, or 5859
expenses are covered by a policy of malpractice or other 5860
insurance. 5861

(iii) The private legal counsel shall be awarded legal 5862
fees and expenses only to the extent that the fees and expenses 5863
are reasonable in light of the legal services rendered by the 5864
private legal counsel in connection with the defense of the Ohio 5865
public defender commission, the state public defender, an 5866
assistant state public defender, an employee, or an attorney in 5867
a specified civil action or proceeding. 5868

(c) If, pursuant to division (E) (2) (a) of this section, 5869
the attorney general denies a request for an award of legal 5870
fees, court costs, or expenses to private legal counsel because 5871
of the application of a limitation specified in division (E) (2) 5872
(b) of this section, the attorney general shall notify the 5873
private legal counsel in writing of the denial and of the 5874
limitation applied. 5875

(d) If, pursuant to division (E) (2) (c) of this section, a 5876
private legal counsel receives a denial of an award notification 5877
or if a private legal counsel refuses to approve a document 5878
under division (E) (2) (a) (ii) of this section because of the 5879
proposed application of a limitation specified in division (E) 5880
(2) (b) of this section, the private legal counsel may commence a 5881
civil action against the attorney general in the court of claims 5882
to prove the private legal counsel's entitlement to the award 5883
sought, to prove that division (E) (2) (b) of this section does 5884
not prohibit or otherwise limit the award sought, and to recover 5885

a judgment for the amount of the award sought. A civil action 5886
under division (E) (2) (d) of this section shall be commenced no 5887
later than two years after receipt of a denial of award 5888
notification or, if the private legal counsel refused to approve 5889
a document under division (E) (2) (a) (ii) of this section because 5890
of the proposed application of a limitation specified in 5891
division (E) (2) (b) of this section, no later than two years 5892
after the refusal. Any judgment of the court of claims in favor 5893
of the private legal counsel shall be paid from the state 5894
treasury in accordance with division (E) (2) (a) of this section. 5895

(F) If a court appoints the office of the state public 5896
defender to represent a petitioner in a postconviction relief 5897
proceeding under section 2953.21 of the Revised Code, the 5898
petitioner has received a sentence of death, and the proceeding 5899
relates to that sentence, all of the attorneys who represent the 5900
petitioner in the proceeding pursuant to the appointment, 5901
whether an assistant state public defender, the state public 5902
defender, or another attorney, shall be certified under Rule 20 5903
of the Rules of Superintendence for the Courts of Ohio to 5904
represent indigent defendants charged with or convicted of an 5905
offense for which the death penalty can be or has been imposed. 5906

(G) (1) The state public defender may conduct a legal 5907
assistance referral service for children committed to the 5908
department of youth services relative to conditions of 5909
confinement claims. If the legal assistance referral service 5910
receives a request for assistance from a child confined in a 5911
facility operated, or contracted for, by the department of youth 5912
services and the state public defender determines that the child 5913
has a conditions of confinement claim that has merit, the state 5914
public defender may refer the child to a private attorney. If no 5915
private attorney who the child has been referred to by the state 5916

public defender accepts the case within a reasonable time, the 5917
state public defender may prepare, as appropriate, pro se 5918
pleadings in the form of a complaint regarding the conditions of 5919
confinement at the facility where the child is confined with a 5920
motion for appointment of counsel and other applicable pleadings 5921
necessary for sufficient pro se representation. 5922

(2) Division (G) (1) of this section does not authorize the 5923
state public defender to represent a child committed to the 5924
department of youth services in general civil matters arising 5925
solely out of state law. 5926

(3) The state public defender shall not undertake the 5927
representation of a child in court based on a conditions of 5928
confinement claim arising under this division. 5929

(H) A child's right to representation or services under 5930
this section is not affected by the child, or another person on 5931
behalf of the child, previously having paid for similar 5932
representation or services or having waived legal 5933
representation. 5934

(I) The state public defender shall have reasonable access 5935
to any child committed to the department of youth services, 5936
department of youth services institution, and department of 5937
youth services record as needed to implement this section. 5938

(J) As used in this section: 5939

(1) "Community control sanction" has the same meaning as 5940
in section 2929.01 of the Revised Code. 5941

(2) "Conditions of confinement" means any issue involving 5942
a constitutional right or other civil right related to a child's 5943
incarceration, including, but not limited to, actions cognizable 5944
under 42 U.S.C. 1983. 5945

(3) "Post-release control sanction" has the same meaning 5946
as in section 2967.01 of the Revised Code. 5947

Sec. 120.08. There is hereby created in the state treasury 5948
the indigent defense support fund, consisting of money paid into 5949
the fund pursuant to sections 4507.45, 4509.101, 4510.22, and 5950
4511.19 of the Revised Code and pursuant to sections 2937.22, 5951
2949.091, and 2949.094 of the Revised Code out of the additional 5952
court costs imposed under those sections. The state public 5953
defender shall use at least eighty-three per cent of the money 5954
in the fund for the purposes of reimbursing county governments 5955
for expenses incurred pursuant to sections 120.18, 120.28, and 5956
120.33 of the Revised Code ~~and,~~ operating its system pursuant 5957
to division (C) (7) of section 120.04 of the Revised Code and 5958
division (B) of section 120.33 of the Revised Code, and directly 5959
paying private legal counsel's fees and expenses incurred 5960
pursuant to division (D) (5) of section 120.06 of the Revised 5961
Code. Disbursements from the fund to county governments shall be 5962
made at least once per year and shall be allocated 5963
proportionately so that each county receives an equal percentage 5964
of its cost for operating its county public defender system, its 5965
joint county public defender system, its county appointed 5966
counsel system, or its system operated under division (C) (7) of 5967
section 120.04 of the Revised Code and division (B) of section 5968
120.33 of the Revised Code. The state public defender may use 5969
not more than seventeen per cent of the money in the fund for 5970
the purposes of appointing assistant state public defenders, 5971
providing other personnel, equipment, and facilities necessary 5972
for the operation of the state public defender office, and 5973
providing training, developing and implementing electronic 5974
forms, or establishing and maintaining an information technology 5975
system used for the uniform operation of this chapter. 5976

Sec. 121.02. The following administrative departments and	5977
their respective directors are hereby created:	5978
(A) The office of budget and management, which shall be	5979
administered by the director of budget and management;	5980
(B) The department of commerce, which shall be	5981
administered by the director of commerce;	5982
(C) The department of administrative services, which shall	5983
be administered by the director of administrative services;	5984
(D) The department of transportation, which shall be	5985
administered by the director of transportation;	5986
(E) The department of agriculture, which shall be	5987
administered by the director of agriculture;	5988
(F) The department of natural resources, which shall be	5989
administered by the director of natural resources;	5990
(G) The department of health, which shall be administered	5991
by the director of health;	5992
(H) The department of job and family services, which shall	5993
be administered by the director of job and family services;	5994
(I) The department of children and youth, which shall be	5995
administered by the director of children and youth;	5996
(J) The department of public safety, which shall be	5997
administered by the director of public safety;	5998
(K) The department of mental behavioral health and	5999
addiction services , which shall be administered by the director	6000
of mental behavioral health and addiction services ;	6001
(L) The department of developmental disabilities, which	6002
shall be administered by the director of developmental	6003

disabilities; 6004

(M) The department of insurance, which shall be 6005
administered by the superintendent of insurance as director 6006
thereof; 6007

(N) The department of development, which shall be 6008
administered by the director of development; 6009

(O) The department of youth services, which shall be 6010
administered by the director of youth services; 6011

(P) The department of rehabilitation and correction, which 6012
shall be administered by the director of rehabilitation and 6013
correction; 6014

(Q) The environmental protection agency, which shall be 6015
administered by the director of environmental protection; 6016

(R) The department of aging, which shall be administered 6017
by the director of aging; 6018

(S) The department of veterans services, which shall be 6019
administered by the director of veterans services; 6020

(T) The department of medicaid, which shall be 6021
administered by the medicaid director; 6022

(U) The department of education and workforce, which shall 6023
be administered by the director of education and workforce. 6024

The director of each department shall exercise the powers 6025
and perform the duties vested by law in such department. 6026

Sec. 121.03. The following administrative department heads 6027
shall be appointed by the governor, with the advice and consent 6028
of the senate, and shall hold their offices during the term of 6029
the appointing governor, and are subject to removal at the 6030

pleasure of the governor.	6031
(A) The director of budget and management;	6032
(B) The director of commerce;	6033
(C) The director of transportation;	6034
(D) The director of agriculture;	6035
(E) The director of job and family services;	6036
(F) The director of children and youth;	6037
(G) The director of public safety;	6038
(H) The superintendent of insurance;	6039
(I) The director of development;	6040
(J) The tax commissioner;	6041
(K) The director of administrative services;	6042
(L) The director of natural resources;	6043
(M) The director of mental behavioral health and addiction services;	6044 6045
(N) The director of developmental disabilities;	6046
(O) The director of health;	6047
(P) The director of youth services;	6048
(Q) The director of rehabilitation and correction;	6049
(R) The director of environmental protection;	6050
(S) The director of aging;	6051
(T) The administrator of workers' compensation who meets the qualifications required under division (A) of section	6052 6053

4121.121 of the Revised Code; 6054

(U) The director of veterans services who meets the 6055
qualifications required under section 5902.01 of the Revised 6056
Code; 6057

(V) The chancellor of higher education; 6058

(W) The medicaid director; 6059

(X) The director of education and workforce. 6060

Sec. 121.085. The financial literacy education fund is 6061
hereby created in the state treasury. The fund shall consist of 6062
funds transferred to it from the consumer finance fund pursuant 6063
to section 1321.21 of the Revised Code. The fund shall be used 6064
to support various ~~adult~~ financial literacy education programs 6065
developed or implemented by the director of commerce. The fund 6066
shall be administered by the director of commerce who shall 6067
adopt rules for the distribution of fund moneys. ~~The director of~~ 6068
~~commerce shall adopt a rule to require that at least one-half of~~ 6069
~~the financial literacy education programs developed or~~ 6070
~~implemented pursuant to this section, and offered to the public,~~ 6071
~~be presented by or available at public community colleges or~~ 6072
~~state institutions throughout the state.~~ The director of 6073
commerce shall deliver to the president of the senate, the 6074
speaker of the house of representatives, the minority leader of 6075
the senate, the minority leader of the house of representatives, 6076
and the governor an annual report that includes an outline of 6077
each adult financial literacy education program developed or 6078
implemented, the number of individuals who were educated by each 6079
program, and an accounting for all funds distributed. 6080

Sec. 121.16. Not later than ten days after receiving 6081
notice from the federal government about a reduction or other 6082

modification to federal funding a state agency receives, the 6083
state agency that received the notice shall submit a copy to the 6084
president of the senate, or the president's designee, and to the 6085
speaker of the house of representatives, or the speaker's 6086
designee. 6087

Not later than ten days after receiving notice from the 6088
federal government that a state program is or may be out of 6089
compliance with federal requirements, the state agency that 6090
received the notice shall submit a copy to the president of the 6091
senate, or the president's designee, and to the speaker of the 6092
house of representatives, or the speaker's designee. 6093

Sec. 121.22. (A) This section shall be liberally construed 6094
to require public officials to take official action and to 6095
conduct all deliberations upon official business only in open 6096
meetings unless the subject matter is specifically excepted by 6097
law. 6098

(B) As used in this section: 6099

(1) "Public body" means any of the following: 6100

(a) Any board, commission, committee, council, or similar 6101
decision-making body of a state agency, institution, or 6102
authority, and any legislative authority or board, commission, 6103
committee, council, agency, authority, or similar decision- 6104
making body of any county, township, municipal corporation, 6105
school district, or other political subdivision or local public 6106
institution; 6107

(b) Any committee or subcommittee of a body described in 6108
division (B) (1) (a) of this section; 6109

(c) A court of jurisdiction of a sanitary district 6110
organized wholly for the purpose of providing a water supply for 6111

domestic, municipal, and public use when meeting for the purpose 6112
of the appointment, removal, or reappointment of a member of the 6113
board of directors of such a district pursuant to section 6114
6115.10 of the Revised Code, if applicable, or for any other 6115
matter related to such a district other than litigation 6116
involving the district. As used in division (B)(1)(c) of this 6117
section, "court of jurisdiction" has the same meaning as "court" 6118
in section 6115.01 of the Revised Code. 6119

(2) "Meeting" means any prearranged discussion of the 6120
public business of the public body by a majority of its members. 6121

(3) "Regulated individual" means either of the following: 6122

(a) A student in a state or local public educational 6123
institution; 6124

(b) A person who is, voluntarily or involuntarily, an 6125
inmate, patient, or resident of a state or local institution 6126
because of criminal behavior, mental illness, an intellectual 6127
disability, disease, disability, age, or other condition 6128
requiring custodial care. 6129

(4) "Public office" has the same meaning as in section 6130
149.011 of the Revised Code. 6131

(C) All meetings of any public body are declared to be 6132
public meetings open to the public at all times. A member of a 6133
public body shall be present in person at a meeting open to the 6134
public to be considered present or to vote at the meeting and 6135
for purposes of determining whether a quorum is present at the 6136
meeting. 6137

The minutes of a regular or special meeting of any public 6138
body shall be promptly prepared, filed, and maintained and shall 6139
be open to public inspection. The minutes need only reflect the 6140

general subject matter of discussions in executive sessions 6141
authorized under division (G) or (J) of this section. 6142

(D) This section does not apply to any of the following: 6143

(1) A grand jury; 6144

(2) An audit conference conducted by the auditor of state 6145
or independent certified public accountants with officials of 6146
the public office that is the subject of the audit; 6147

(3) The adult parole authority when its hearings are 6148
conducted at a correctional institution for the sole purpose of 6149
interviewing inmates to determine parole or pardon and the 6150
department of rehabilitation and correction when its hearings 6151
are conducted at a correctional institution for the sole purpose 6152
of making determinations under section 2967.271 of the Revised 6153
Code regarding the release or maintained incarceration of an 6154
offender to whom that section applies; 6155

(4) The organized crime investigations commission 6156
established under section 177.01 of the Revised Code; 6157

(5) Meetings of a child fatality review board established 6158
under section 307.621 of the Revised Code, meetings related to a 6159
review conducted pursuant to guidelines established by the 6160
director of health under section 3701.70 of the Revised Code, 6161
and meetings conducted pursuant to sections 5153.171 to 5153.173 6162
of the Revised Code; 6163

(6) The state medical board when determining whether to 6164
suspend a license or certificate without a prior hearing 6165
pursuant to division (G) of either section 4730.25 or 4731.22 of 6166
the Revised Code; 6167

(7) The board of nursing when determining whether to 6168

suspend a license or certificate without a prior hearing 6169
pursuant to division (B) of section 4723.281 of the Revised 6170
Code; 6171

(8) The state board of pharmacy when determining whether 6172
to do either of the following: 6173

(a) Suspend a license, certification, or registration 6174
without a prior hearing, including during meetings conducted by 6175
telephone conference, pursuant to Chapters 3719., 3796., 4729., 6176
and 4752. of the Revised Code and rules adopted thereunder; or 6177

(b) Restrict a person from obtaining further information 6178
from the drug database established in section 4729.75 of the 6179
Revised Code without a prior hearing pursuant to division (C) of 6180
section 4729.86 of the Revised Code. 6181

(9) The state chiropractic board when determining whether 6182
to suspend a license without a hearing pursuant to section 6183
4734.37 of the Revised Code; 6184

(10) The executive committee of the emergency response 6185
commission when determining whether to issue an enforcement 6186
order or request that a civil action, civil penalty action, or 6187
criminal action be brought to enforce Chapter 3750. of the 6188
Revised Code; 6189

(11) The board of directors of the nonprofit corporation 6190
formed under section 187.01 of the Revised Code or any committee 6191
thereof, and the board of directors of any subsidiary of that 6192
corporation or a committee thereof; 6193

(12) An audit conference conducted by the audit staff of 6194
the department of job and family services with officials of the 6195
public office that is the subject of that audit under section 6196
5101.37 of the Revised Code; 6197

(13) The occupational therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (E) of section 4755.11 of the Revised Code;	6198 6199 6200 6201
(14) The physical therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (F) of section 4755.47 of the Revised Code;	6202 6203 6204 6205
(15) The athletic trainers section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (E) of section 4755.64 of the Revised Code;	6206 6207 6208 6209
(16) Meetings of the pregnancy-associated mortality review board established under section 3738.01 <u>5180.27</u> of the Revised Code;	6210 6211 6212
(17) Meetings of a fetal-infant mortality review board established under section 3707.71 of the Revised Code;	6213 6214
(18) Meetings of a drug overdose fatality review committee described in section 307.631 of the Revised Code;	6215 6216
(19) Meetings of a suicide fatality review committee described in section 307.641 of the Revised Code;	6217 6218
(20) Meetings of the officers, members, or directors of an existing qualified nonprofit corporation that creates a special improvement district under Chapter 1710. of the Revised Code, at which the public business of the corporation pertaining to a purpose for which the district is created is not discussed;	6219 6220 6221 6222 6223
(21) Meetings of a domestic violence fatality review board established under section 307.651 of the Revised Code;	6224 6225

(22) Any nonprofit agency that has received an endorsement 6226
under section ~~122.69~~5101.315 of the Revised Code. 6227

(E) The controlling board, the tax credit authority, or 6228
the minority development financing advisory board, when meeting 6229
to consider granting assistance pursuant to Chapter 122. or 166. 6230
of the Revised Code, in order to protect the interest of the 6231
applicant or the possible investment of public funds, by 6232
unanimous vote of all board or authority members present, may 6233
close the meeting during consideration of the following 6234
information confidentially received by the authority or board 6235
from the applicant: 6236

(1) Marketing plans; 6237

(2) Specific business strategy; 6238

(3) Production techniques and trade secrets; 6239

(4) Financial projections; 6240

(5) Personal financial statements of the applicant or 6241
members of the applicant's immediate family, including, but not 6242
limited to, tax records or other similar information not open to 6243
public inspection. 6244

The vote by the authority or board to accept or reject the 6245
application, as well as all proceedings of the authority or 6246
board not subject to this division, shall be open to the public 6247
and governed by this section. 6248

(F) Every public body, by rule, shall establish a 6249
reasonable method_—whereby any person may determine the time and 6250
place of all regularly scheduled meetings and the time, place, 6251
and purpose of all special meetings. A public body shall not 6252
hold a special meeting unless it gives at least twenty-four 6253

hours' advance notice to the news media that have requested 6254
notification, except in the event of an emergency requiring 6255
immediate official action. In the event of an emergency, the 6256
member or members calling the meeting shall notify the news 6257
media that have requested notification immediately of the time, 6258
place, and purpose of the meeting. 6259

The rule shall provide that any person, upon request and 6260
payment of a reasonable fee, may obtain reasonable advance 6261
notification of all meetings at which any specific type of 6262
public business is to be discussed. Provisions for advance 6263
notification may include, but are not limited to, mailing the 6264
agenda of meetings to all subscribers on a mailing list or 6265
mailing notices in self-addressed, stamped envelopes provided by 6266
the person. 6267

(G) Except as provided in divisions (G) (8) and (J) of this 6268
section, the members of a public body may hold an executive 6269
session only after a majority of a quorum of the public body 6270
determines, by a roll call vote, to hold an executive session 6271
and only at a regular or special meeting for the sole purpose of 6272
the consideration of any of the following matters: 6273

(1) To consider the appointment, employment, dismissal, 6274
discipline, promotion, demotion, or compensation of a public 6275
employee or official, or the investigation of charges or 6276
complaints against a public employee, official, licensee, or 6277
regulated individual, unless the public employee, official, 6278
licensee, or regulated individual requests a public hearing. 6279
Except as otherwise provided by law, no public body shall hold 6280
an executive session for the discipline of an elected official 6281
for conduct related to the performance of the elected official's 6282
official duties or for the elected official's removal from 6283

office. If a public body holds an executive session pursuant to 6284
division (G) (1) of this section, the motion and vote to hold 6285
that executive session shall state which one or more of the 6286
approved purposes listed in division (G) (1) of this section are 6287
the purposes for which the executive session is to be held, but 6288
need not include the name of any person to be considered at the 6289
meeting. 6290

(2) To consider the purchase of property for public 6291
purposes, the sale of property at competitive bidding, or the 6292
sale or other disposition of unneeded, obsolete, or unfit-for- 6293
use property in accordance with section 505.10 of the Revised 6294
Code, if premature disclosure of information would give an 6295
unfair competitive or bargaining advantage to a person whose 6296
personal, private interest is adverse to the general public 6297
interest. No member of a public body shall use division (G) (2) 6298
of this section as a subterfuge for providing covert information 6299
to prospective buyers or sellers. A purchase or sale of public 6300
property is void if the seller or buyer of the public property 6301
has received covert information from a member of a public body 6302
that has not been disclosed to the general public in sufficient 6303
time for other prospective buyers and sellers to prepare and 6304
submit offers. 6305

If the minutes of the public body show that all meetings 6306
and deliberations of the public body have been conducted in 6307
compliance with this section, any instrument executed by the 6308
public body purporting to convey, lease, or otherwise dispose of 6309
any right, title, or interest in any public property shall be 6310
conclusively presumed to have been executed in compliance with 6311
this section insofar as title or other interest of any bona fide 6312
purchasers, lessees, or transferees of the property is 6313
concerned. 6314

(3) Conferences with an attorney for the public body 6315
concerning disputes involving the public body that are the 6316
subject of pending or imminent court action; 6317

(4) Preparing for, conducting, or reviewing negotiations 6318
or bargaining sessions with public employees concerning their 6319
compensation or other terms and conditions of their employment; 6320

(5) Matters required to be kept confidential by federal 6321
law or regulations or state statutes; 6322

(6) Details relative to the security arrangements and 6323
emergency response protocols for a public body or a public 6324
office, if disclosure of the matters discussed could reasonably 6325
be expected to jeopardize the security of the public body or 6326
public office; 6327

(7) In the case of a county hospital operated pursuant to 6328
Chapter 339. of the Revised Code, a joint township hospital 6329
operated pursuant to Chapter 513. of the Revised Code, or a 6330
municipal hospital operated pursuant to Chapter 749. of the 6331
Revised Code, to consider trade secrets, as defined in section 6332
1333.61 of the Revised Code; 6333

(8) To consider confidential information related to the 6334
marketing plans, specific business strategy, production 6335
techniques, trade secrets, or personal financial statements of 6336
an applicant for economic development assistance, or to 6337
negotiations with other political subdivisions respecting 6338
requests for economic development assistance, provided that both 6339
of the following conditions apply: 6340

(a) The information is directly related to a request for 6341
economic development assistance that is to be provided or 6342
administered under any provision of Chapter 715., 725., 1724., 6343

or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 6344
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 6345
5709.81 of the Revised Code, or that involves public 6346
infrastructure improvements or the extension of utility services 6347
that are directly related to an economic development project. 6348

(b) A unanimous quorum of the public body determines, by a 6349
roll call vote, that the executive session is necessary to 6350
protect the interests of the applicant or the possible 6351
investment or expenditure of public funds to be made in 6352
connection with the economic development project. 6353

If a public body holds an executive session to consider 6354
any of the matters listed in divisions (G) (2) to (8) of this 6355
section, the motion and vote to hold that executive session 6356
shall state which one or more of the approved matters listed in 6357
those divisions are to be considered at the executive session. 6358

A public body specified in division (B) (1) (c) of this 6359
section shall not hold an executive session when meeting for the 6360
purposes specified in that division. 6361

(H) A resolution, rule, or formal action of any kind is 6362
invalid unless adopted in an open meeting of the public body. A 6363
resolution, rule, or formal action adopted in an open meeting 6364
that results from deliberations in a meeting not open to the 6365
public is invalid unless the deliberations were for a purpose 6366
specifically authorized in division (G) or (J) of this section 6367
and conducted at an executive session held in compliance with 6368
this section. A resolution, rule, or formal action adopted in an 6369
open meeting is invalid if the public body that adopted the 6370
resolution, rule, or formal action violated division (F) of this 6371
section. 6372

(I) (1) Any person may bring an action to enforce this 6373
section. An action under division (I) (1) of this section shall 6374
be brought within two years after the date of the alleged 6375
violation or threatened violation. Upon proof of a violation or 6376
threatened violation of this section in an action brought by any 6377
person, the court of common pleas shall issue an injunction to 6378
compel the members of the public body to comply with its 6379
provisions. 6380

(2) (a) If the court of common pleas issues an injunction 6381
pursuant to division (I) (1) of this section, the court shall 6382
order the public body that it enjoins to pay a civil forfeiture 6383
of five hundred dollars to the party that sought the injunction 6384
and shall award to that party all court costs and, subject to 6385
reduction as described in division (I) (2) of this section, 6386
reasonable attorney's fees. The court, in its discretion, may 6387
reduce an award of attorney's fees to the party that sought the 6388
injunction or not award attorney's fees to that party if the 6389
court determines both of the following: 6390

(i) That, based on the ordinary application of statutory 6391
law and case law as it existed at the time of violation or 6392
threatened violation that was the basis of the injunction, a 6393
well-informed public body reasonably would believe that the 6394
public body was not violating or threatening to violate this 6395
section; 6396

(ii) That a well-informed public body reasonably would 6397
believe that the conduct or threatened conduct that was the 6398
basis of the injunction would serve the public policy that 6399
underlies the authority that is asserted as permitting that 6400
conduct or threatened conduct. 6401

(b) If the court of common pleas does not issue an 6402

injunction pursuant to division (I)(1) of this section and the 6403
court determines at that time that the bringing of the action 6404
was frivolous conduct, as defined in division (A) of section 6405
2323.51 of the Revised Code, the court shall award to the public 6406
body all court costs and reasonable attorney's fees, as 6407
determined by the court. 6408

(3) Irreparable harm and prejudice to the party that 6409
sought the injunction shall be conclusively and irrebuttably 6410
presumed upon proof of a violation or threatened violation of 6411
this section. 6412

(4) A member of a public body who knowingly violates an 6413
injunction issued pursuant to division (I)(1) of this section 6414
may be removed from office by an action brought in the court of 6415
common pleas for that purpose by the prosecuting attorney or the 6416
attorney general. 6417

(J)(1) Pursuant to division (C) of section 5901.09 of the 6418
Revised Code, a veterans service commission shall hold an 6419
executive session for one or more of the following purposes 6420
unless an applicant requests a public hearing: 6421

(a) Interviewing an applicant for financial assistance 6422
under sections 5901.01 to 5901.15 of the Revised Code; 6423

(b) Discussing applications, statements, and other 6424
documents described in division (B) of section 5901.09 of the 6425
Revised Code; 6426

(c) Reviewing matters relating to an applicant's request 6427
for financial assistance under sections 5901.01 to 5901.15 of 6428
the Revised Code. 6429

(2) A veterans service commission shall not exclude an 6430
applicant for, recipient of, or former recipient of financial 6431

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

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

Sec. 121.35. (A) Subject to division (B) of this section, the following state agencies shall collaborate to revise and make more uniform the eligibility standards and eligibility determination procedures of programs the state agencies administer:

- (1) The department of aging;
- (2) The department of development;
- (3) The department of developmental disabilities;
- (4) The department of education and workforce;
- (5) The department of health;
- (6) The department of job and family services;
- (7) The department of medicaid;
- (8) The department of ~~mental behavioral health and~~

~~addiction services;~~ 6459

(9) The opportunities for Ohioans with disabilities 6460
agency; 6461

(10) The department of children and youth. 6462

(B) In revising eligibility standards and eligibility 6463
determination procedures, a state agency shall not make any 6464
program's eligibility standards or eligibility determination 6465
procedures inconsistent with state or federal law. To the extent 6466
authorized by state and federal law, the revisions may provide 6467
for the state agencies to share administrative operations. 6468

Sec. 121.36. (A) As used in this section, "home care 6469
dependent adult" means an individual who resides in a private 6470
home or other noninstitutional and unlicensed living 6471
arrangement, without the presence of a parent or guardian, but 6472
has health and safety needs that require the provision of 6473
regularly scheduled home care services to remain in the home or 6474
other living arrangement because one of the following is the 6475
case: 6476

(1) The individual is at least twenty-one years of age but 6477
less than sixty years of age and has a physical disability or 6478
mental impairment. 6479

(2) The individual is sixty years of age or older, 6480
regardless of whether the individual has a physical disability 6481
or mental impairment. 6482

(B) Except as provided in division (D) of this section, 6483
the departments of developmental disabilities, aging, job and 6484
family services, and health shall each implement this section 6485
with respect to all contracts entered into by the department for 6486
the provision of home care services to home care dependent 6487

adults that are paid for in whole or in part with federal, 6488
state, or local funds. Except as provided in division (D) of 6489
this section, each department shall also require all public and 6490
private entities that receive money from or through the 6491
department to comply with this section when entering into 6492
contracts for the provision of home care services to home care 6493
dependent adults that are paid for in whole or in part with 6494
federal, state, or local funds. Such entities may include county 6495
boards of developmental disabilities, area agencies on aging, 6496
county departments of job and family services, and boards of 6497
health of city and general health districts. 6498

(C) ~~Beginning one year after September 26, 2003, each~~ Each 6499
contract subject to this section shall include terms requiring 6500
that the provider of home care services to home care dependent 6501
adults have a system in place that effectively monitors the 6502
delivery of the services by its employees. To be considered an 6503
effective monitoring system for purposes of the contract, the 6504
system established by a provider must include at least the 6505
following components: 6506

(1) When providing home care services to home care 6507
dependent adults who have a mental impairment or life- 6508
threatening health condition, a mechanism to verify whether the 6509
provider's employees are present at the location where the 6510
services are to be provided and at the time the services are to 6511
be provided; 6512

(2) When providing home care services to all other home 6513
care dependent adults, a system to verify at the end of each 6514
working day whether the provider's employees have provided the 6515
services at the proper location and time; 6516

(3) A protocol to be followed in scheduling a substitute 6517

employee when the monitoring system identifies that an employee 6518
has failed to provide home care services at the proper location 6519
and time, including standards for determining the length of time 6520
that may elapse without jeopardizing the health and safety of 6521
the home care dependent adult; 6522

(4) Procedures for maintaining records of the information 6523
obtained through the monitoring system; 6524

(5) Procedures for compiling annual reports of the 6525
information obtained through the monitoring system, including 6526
statistics on the rate at which home care services were provided 6527
at the proper location and time; 6528

(6) Procedures for conducting random checks of the 6529
accuracy of the monitoring system. For purposes of conducting 6530
these checks, a random check is considered to be a check of not 6531
more than five per cent of the home care visits the provider's 6532
employees make to different home care dependent adults within a 6533
particular work shift. 6534

(D) In implementing this section, the departments shall 6535
exempt ~~providers~~ the following from the section's requirements: 6536

(1) Providers of home care services who are self-employed 6537
providers with no other employees or are otherwise considered by 6538
the departments not to be agency providers. ~~The departments~~ 6539
~~shall conduct a study on how the exempted providers may be made~~ 6540
~~subject to the requirement of effectively monitoring whether~~ 6541
~~home care services are being provided and have been provided at~~ 6542
~~the proper location and time. Not later than two years after~~ 6543
~~September 26, 2003, the departments shall prepare a report of~~ 6544
~~their findings and recommendations. The report shall be~~ 6545
~~submitted to the president of the senate and the speaker of the~~ 6546

~~house of representatives;~~ 6547

(2) Providers who utilize an electronic visit verification 6548
system as described in section 12006 of the "21st Century Cures 6549
Act of 2016," 42 U.S.C. 1903(1). 6550

(E) The departments of developmental disabilities, aging, 6551
job and family services, and health shall each adopt rules as 6552
necessary to implement this section. The rules shall be adopted 6553
in accordance with Chapter 119. of the Revised Code. 6554

Sec. 121.37. (A) (1) There is hereby created the Ohio 6555
family and children first cabinet council. The council shall be 6556
composed of the director of education and workforce, the 6557
executive director of the opportunities for Ohioans with 6558
disabilities agency, the medicaid director, and the directors of 6559
youth services, job and family services, mental behavioral 6560
~~health and addiction services~~, health, developmental 6561
disabilities, aging, rehabilitation and correction, children and 6562
youth, and budget and management. The chairperson of the council 6563
shall be the governor or the governor's designee and shall 6564
establish procedures for the council's internal control and 6565
management. 6566

The purpose of the cabinet council is to help families 6567
seeking government services. This section shall not be 6568
interpreted or applied to usurp the role of parents, but solely 6569
to streamline and coordinate existing government services for 6570
families seeking assistance for their children. 6571

(2) In seeking to fulfill its purpose, the council may do 6572
any of the following: 6573

(a) Advise and make recommendations to the governor and 6574
general assembly regarding the provision of services to 6575

children;	6576
(b) Advise and assess local governments on the	6577
coordination of service delivery to children;	6578
(c) Hold meetings at such times and places as may be	6579
prescribed by the council's procedures and maintain records of	6580
the meetings, except that records identifying individual	6581
children are confidential and shall be disclosed only as	6582
provided by law;	6583
(d) Develop programs and projects, including pilot	6584
projects, to encourage coordinated efforts at the state and	6585
local level to improve the state's social service delivery	6586
system;	6587
(e) Enter into contracts with and administer grants to	6588
county family and children first councils, as well as other	6589
county or multicounty organizations to plan and coordinate	6590
service delivery between state agencies and local service	6591
providers for families and children;	6592
(f) Enter into contracts with and apply for grants from	6593
federal agencies or private organizations;	6594
(g) Enter into interagency agreements to encourage	6595
coordinated efforts at the state and local level to improve the	6596
state's social service delivery system. The agreements may	6597
include provisions regarding the receipt, transfer, and	6598
expenditure of funds;	6599
(h) Identify public and private funding sources for	6600
services provided to alleged or adjudicated unruly children and	6601
children who are at risk of being alleged or adjudicated unruly	6602
children, including regulations governing access to and use of	6603
the services;	6604

(i) Collect information provided by local communities 6605
regarding successful programs for prevention, intervention, and 6606
treatment of unruly behavior, including evaluations of the 6607
programs; 6608

(j) Identify and disseminate publications regarding 6609
alleged or adjudicated unruly children and children who are at 6610
risk of being alleged or adjudicated unruly children and 6611
regarding programs serving those types of children; 6612

(k) Maintain an inventory of strategic planning 6613
facilitators for use by government or nonprofit entities that 6614
serve alleged or adjudicated unruly children or children who are 6615
at risk of being alleged or adjudicated unruly children. 6616

(3) The cabinet council shall provide for the following: 6617

(a) Reviews of service and treatment plans for children 6618
for which such reviews are requested; 6619

(b) Assistance as the council determines to be necessary 6620
to meet the needs of children referred by county family and 6621
children first councils; 6622

(c) Monitoring and supervision of a statewide, 6623
comprehensive, coordinated, multi-disciplinary, interagency 6624
system for infants and toddlers with developmental disabilities 6625
or delays and their families, as established pursuant to federal 6626
grants received and administered by the department of children 6627
and youth for early intervention services under the "Individuals 6628
with Disabilities Education Act of 2004," 118 Stat. 2744, 20 6629
U.S.C.A. 1400, as amended; 6630

(d) Establishing and maintaining the Ohio automated 6631
service coordination system pursuant to section 121.376 of the 6632
Revised Code. 6633

(4) The cabinet council shall develop and implement the following: 6634
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(a) An interagency process to select the indicators that will be used to measure progress toward increasing child well-being in the state and to update the indicators on an annual basis. 6636
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(b) An interagency system to offer guidance and monitor progress toward increasing child well-being in the state and in each county; 6640
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(c) An annual plan that identifies state-level agency efforts taken to ensure progress towards increasing child well-being in the state; 6643
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(d) A state appeals process to resolve disputes among the members of a county council, established under division (B) of this section, concerning whether reasonable responsibilities are being shared. The appeals process may be accessed only by a majority vote of the council members who are required to serve on the council. Upon appeal, the cabinet council may order that state funds for services to children and families be redirected to a county's board of county commissioners. 6646
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(5) On an annual basis, the cabinet council shall submit to the governor and the general assembly a report on the status of efforts to increase child well-being in the state. This report shall be made available to any other person on request. 6654
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(6) The cabinet council state office may adopt rules governing the responsibilities of county family and children first councils established in division (B)(3) _of this section. 6658
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(B)(1) Each board of county commissioners shall establish a county family and children first council. The board may invite 6661
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any local public or private agency or group that funds, 6663
advocates, or provides services to children and families to have 6664
a representative become a permanent or temporary member of its 6665
county council. Each county council must include the following 6666
individuals: 6667

(a) At least three individuals ~~who are not employed by an~~ 6668
~~agency represented on the council and whose families are~~ 6669
receiving or have received services from an agency represented 6670
on the council or another county's council. If such an 6671
individual is employed by an agency represented on the council, 6672
the individual shall complete a conflict of interest disclosure 6673
form and abstain from any vote that involves the agency that 6674
employs the individual. Where possible, the number of members 6675
representing families ~~shall~~ may be equal to twenty per cent of 6676
the council's membership. 6677

(b) The director of the board of alcohol, drug addiction, 6678
and mental health services that serves the county, or, in the 6679
case of a county that has a board of alcohol and drug addiction 6680
services and a community mental health board, the directors of 6681
both boards. If a board of alcohol, drug addiction, and mental 6682
health services covers more than one county, the director may 6683
designate a person to participate on the county's council. 6684

(c) The health commissioner, or the commissioner's 6685
designee, of the board of health of each city and general health 6686
district in the county. If the county has two or more health 6687
districts, the health commissioner membership may be limited to 6688
the commissioners of the two districts with the largest 6689
populations. 6690

(d) The director of the county department of job and 6691
family services; 6692

- (e) The executive director of the public children services agency; 6693
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- (f) The superintendent of the county board of developmental disabilities or, if the superintendent serves as superintendent of more than one county board of developmental disabilities, the superintendent's designee; 6695
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- (g) The superintendent of the city, exempted village, or local school district with the largest number of pupils residing in the county, or a district-level administrative designee with decision-making authority, as determined by the department of education and workforce, which shall notify each board of county commissioners of its determination at least biennially; 6699
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- (h) A school superintendent representing all other school districts with territory in the county, or a district-level administrative designee with decision-making authority, as designated at a biennial meeting of the superintendents of those districts; 6705
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- (i) A representative of the municipal corporation with the largest population in the county; 6710
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- (j) The president of the board of county commissioners or an individual designated by the board; 6712
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- (k) A representative of the department of youth services or an individual designated by the department; 6714
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- (l) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code; 6716
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- (m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with 6718
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Disabilities Education Act of 2004"; 6721

(n) A representative of a local nonprofit entity that 6722
funds, advocates, or provides services to children and families. 6723

Notwithstanding any other provision of law, the public 6724
members of a county council are not prohibited from serving on 6725
the council and making decisions regarding the duties of the 6726
council, including those involving the funding of joint projects 6727
and those outlined in the county's service coordination 6728
mechanism implemented pursuant to division (C) of this section. 6729

The county's juvenile court judge senior in service or 6730
another judge of the juvenile court designated by the 6731
administrative judge or, where there is no administrative judge, 6732
by the judge senior in service shall serve as the judicial 6733
advisor to the county family and children first council. The 6734
judge may advise the county council on the court's utilization 6735
of resources, services, or programs provided by the entities 6736
represented by the members of the county council and how those 6737
resources, services, or programs assist the court in its 6738
administration of justice. Service of a judge as a judicial 6739
advisor pursuant to this section is a judicial function. 6740

(2) The purpose of the county council is to streamline and 6741
coordinate existing government services for families seeking 6742
services for their children. In seeking to fulfill its purpose, 6743
a county council shall provide for the following: 6744

(a) Referrals to the cabinet council of those children for 6745
whom the county council cannot provide adequate services; 6746

(b) Development and implementation of a process that 6747
annually evaluates and prioritizes services, fills service gaps 6748
where possible, and invents new approaches to achieve better 6749

results for families and children; 6750

(c) Participation in the development of a countywide, 6751
comprehensive, coordinated, multi-disciplinary, interagency 6752
system for infants and toddlers with developmental disabilities 6753
or delays and their families, as established pursuant to federal 6754
grants received and administered by the department of children 6755
and youth for early intervention services under the "Individuals 6756
with Disabilities Education Act of 2004"; 6757

(d) Maintenance of an accountability system to monitor the 6758
county council's progress in achieving results for families and 6759
children; 6760

(e) Establishment of a mechanism to ensure ongoing input 6761
from a broad representation of families who are receiving 6762
services within the county system. 6763

(3) A county council shall develop and implement the 6764
following: 6765

(a) An interagency process to establish local indicators 6766
and monitor the county's progress toward increasing child well- 6767
being in the county; 6768

(b) An interagency process to identify local priorities to 6769
increase child well-being. 6770

(c) An annual plan that identifies the county's 6771
interagency efforts to increase child well-being in the county. 6772

On an annual basis, the county council shall submit a 6773
report on the status of efforts by the county to increase child 6774
well-being in the county to the county's board of county 6775
commissioners and the cabinet council. This report shall be made 6776
available to any other person on request. 6777

(4) (a) Except as provided in division (B) (4) (b) of this section, a county council shall comply with the policies, procedures, and activities prescribed by the rules or interagency agreements of a state department participating on the cabinet council whenever the county council performs a function subject to those rules or agreements.

(b) On application of a county council, the cabinet council may grant an exemption from any rules or interagency agreements of a state department participating on the council if an exemption is necessary for the council to implement an alternative program or approach for service delivery to families and children. The application shall describe the proposed program or approach and specify the rules or interagency agreements from which an exemption is necessary. The cabinet council shall approve or disapprove the application in accordance with standards and procedures it shall adopt. If an application is approved, the exemption is effective only while the program or approach is being implemented, including a reasonable period during which the program or approach is being evaluated for effectiveness.

(5) (a) Each county council shall designate an administrative agent for the council from among the following public entities: the board of alcohol, drug addiction, and mental health services, including a board of alcohol and drug addiction or a community mental health board if the county is served by separate boards; the board of county commissioners; any board of health of the county's city and general health districts; the county department of job and family services; the county agency responsible for the administration of children services pursuant to section 5153.15 of the Revised Code; the county board of developmental disabilities; any of the county's

boards of education or governing boards of educational service 6809
centers; or the county's juvenile court. Any of the foregoing 6810
public entities, other than the board of county commissioners, 6811
may decline to serve as the council's administrative agent. 6812

A county council's administrative agent shall serve as the 6813
council's appointing authority for any employees of the council. 6814
The council shall file an annual budget with its administrative 6815
agent, with copies filed with the county auditor and with the 6816
board of county commissioners, unless the board is serving as 6817
the council's administrative agent. The council's administrative 6818
agent shall ensure that all expenditures are handled in 6819
accordance with policies, procedures, and activities prescribed 6820
by state departments in rules, grant agreements, or interagency 6821
agreements that are applicable to the council's functions. 6822

The administrative agent of a county council ~~shall~~ may 6823
send notice of a member's absence if a member listed in division 6824
(B) (1) of this section has been absent from either three 6825
consecutive meetings of the county council or a county council 6826
subcommittee, or from one-quarter of such meetings in a calendar 6827
year, whichever is less. The notice shall be sent to the board 6828
of county commissioners that establishes the county council and, 6829
for the members listed in divisions (B) (1) (b), (c), (e), and (l) 6830
of this section, to the governing board overseeing the 6831
respective entity; for the member listed in division (B) (1) (f) 6832
of this section, to the county board of developmental 6833
disabilities that employs the superintendent; for a member 6834
listed in division (B) (1) (g) or (h) of this section, to the 6835
school board that employs the superintendent; for the member 6836
listed in division (B) (1) (i) of this section, to the mayor of 6837
the municipal corporation; for the member listed in division (B) 6838
(1) (k) of this section, to the director of youth services; and 6839

for the member listed in division (B)(1)(n) of this section, to 6840
that member's board of trustees. 6841

The administrative agent for a county council may do any 6842
of the following on behalf of the council: 6843

(i) Enter into agreements or administer contracts with 6844
public or private entities to fulfill specific council business. 6845
Such agreements and contracts are exempt from the competitive 6846
bidding requirements of section 307.86 of the Revised Code if 6847
they have been approved by the county council and they are for 6848
the purchase of services for families and children. The approval 6849
of the county council is not required to exempt agreements or 6850
contracts entered into under section 5139.34, 5139.41, or 6851
5139.43 of the Revised Code from the competitive bidding 6852
requirements of section 307.86 of the Revised Code. 6853

(ii) As determined by the council, provide financial 6854
stipends, reimbursements, or both, to family representatives for 6855
expenses related to council activity; 6856

(iii) Receive by gift, grant, devise, or bequest any 6857
moneys, lands, or other property for the purposes for which the 6858
council is established. The agent shall hold, apply, and dispose 6859
of the moneys, lands, or other property according to the terms 6860
of the gift, grant, devise, or bequest. Any interest or earnings 6861
shall be treated in the same manner and are subject to the same 6862
terms as the gift, grant, devise, or bequest from which it 6863
accrues. 6864

(b)(i) If the county council designates the board of 6865
county commissioners as its administrative agent, the board may, 6866
by resolution, delegate any of its powers and duties as 6867
administrative agent to an executive committee the board 6868

establishes from the membership of the county council. The board 6869
shall name to the executive committee at least the individuals 6870
described in divisions (B) (1) (b) to (h) of this section and may 6871
appoint the president of the board or another individual as the 6872
chair of the executive committee. The executive committee must 6873
include at least one family county council representative who 6874
does not have a family member employed by an agency represented 6875
on the council. 6876

(ii) The executive committee may, with the approval of the 6877
board, hire an executive director to assist the county council 6878
in administering its powers and duties. The executive director 6879
shall serve in the unclassified civil service at the pleasure of 6880
the executive committee. The executive director may, with the 6881
approval of the executive committee, hire other employees as 6882
necessary to properly conduct the county council's business. 6883

(iii) The board may require the executive committee to 6884
submit an annual budget to the board for approval and may amend 6885
or repeal the resolution that delegated to the executive 6886
committee its authority as the county council's administrative 6887
agent. 6888

(6) Two or more county councils may enter into an 6889
agreement to administer their county councils jointly by 6890
creating a regional family and children first council. A 6891
regional council possesses the same duties and authority 6892
possessed by a county council, except that the duties and 6893
authority apply regionally rather than to individual counties. 6894
Prior to entering into an agreement to create a regional 6895
council, the members of each county council to be part of the 6896
regional council shall meet to determine whether all or part of 6897
the members of each county council will serve as members of the 6898

regional council. 6899

(7) A board of county commissioners may approve a 6900
resolution by a majority vote of the board's members that 6901
requires the county council to submit a statement to the board 6902
each time the council proposes to enter into an agreement, adopt 6903
a plan, or make a decision, other than a decision pursuant to 6904
section 121.38 of the Revised Code, that requires the 6905
expenditure of funds for two or more families. The statement 6906
shall describe the proposed agreement, plan, or decision. 6907

Not later than fifteen days after the board receives the 6908
statement, it shall, by resolution approved by a majority of its 6909
members, approve or disapprove the agreement, plan, or decision. 6910
Failure of the board to pass a resolution during that time 6911
period shall be considered approval of the agreement, plan, or 6912
decision. 6913

An agreement, plan, or decision for which a statement is 6914
required to be submitted to the board shall be implemented only 6915
if it is approved by the board. 6916

(C) Each county shall develop a county service 6917
coordination mechanism. The county service coordination 6918
mechanism shall serve as the guiding document for coordination 6919
of services in the county. For children who also receive 6920
services under the early intervention program, the main provider 6921
of service coordination shall be an early intervention service 6922
coordinator to ensure compliance with section ~~5123.02~~ 5180.30 of 6923
the Revised Code. All family service coordination plans shall be 6924
developed in accordance with the county service coordination 6925
mechanism. The mechanism shall be developed and approved with 6926
the participation of the county entities representing child 6927
welfare; developmental disabilities; alcohol, drug addiction, 6928

and mental health services; health; juvenile judges; education; 6929
the county family and children first council; and the county 6930
early intervention collaborative established pursuant to the 6931
federal early intervention program operated under the 6932
"Individuals with Disabilities Education Act of 2004." The 6933
county shall establish an implementation schedule for the 6934
mechanism. The cabinet council may monitor the implementation 6935
and administration of each county's service coordination 6936
mechanism. 6937

Each mechanism shall include all of the following: 6938

(1) A procedure for an agency, including a juvenile court, 6939
or a family voluntarily seeking service coordination, to refer 6940
the child and family to the county council for service 6941
coordination in accordance with the mechanism; 6942

(2) A procedure ensuring that a family and all appropriate 6943
staff from involved agencies, including a representative from 6944
the appropriate school district, are notified of and invited to 6945
participate in all family service coordination plan meetings; 6946

(3) A procedure that permits a family to initiate a 6947
meeting to develop or review the family's service coordination 6948
plan and allows the family to invite a family advocate, mentor, 6949
or support person of the family's choice to participate in any 6950
such meeting; 6951

(4) A procedure for ensuring that a family service 6952
coordination plan meeting is conducted for each child who 6953
receives service coordination under the mechanism and for whom 6954
an emergency out-of-home placement has been made or for whom a 6955
nonemergency out-of-home placement is being considered. The 6956
meeting shall be conducted within ten days of an emergency out- 6957

of-home placement. The meeting shall be conducted before a 6958
nonemergency out-of-home placement. The family service 6959
coordination plan shall outline how the county council members 6960
will jointly pay for services, where applicable, and provide 6961
services in the least restrictive environment. 6962

(5) A procedure for monitoring the progress and tracking 6963
the outcomes of each service coordination plan requested in the 6964
county including monitoring and tracking children in out-of-home 6965
placements to assure continued progress, appropriateness of 6966
placement, and continuity of care after discharge from placement 6967
with appropriate arrangements for housing, treatment, and 6968
education; 6969

(6) A procedure for protecting the confidentiality of all 6970
personal family information disclosed during service 6971
coordination meetings or contained in the comprehensive family 6972
service coordination plan; 6973

(7) A procedure for assessing the needs and strengths of 6974
any child or family that has been referred to the council for 6975
service coordination, including a child whose parent or 6976
custodian is voluntarily seeking services, and for ensuring that 6977
parents and custodians are afforded the opportunity to 6978
participate; 6979

(8) A procedure for development of a family service 6980
coordination plan described in division (D) of this section; 6981

(9) A local dispute resolution process to serve as the 6982
process that must be used first to resolve disputes among the 6983
agencies represented on the county council concerning the 6984
provision of services to children, including children who are 6985
abused, neglected, dependent, unruly, alleged unruly, or 6986

delinquent children and under the jurisdiction of the juvenile 6987
court and children whose parents or custodians are voluntarily 6988
seeking services. The local dispute resolution process shall 6989
comply with sections 121.38, 121.381, and 121.382 of the Revised 6990
Code. The local dispute resolution process shall be used to 6991
resolve disputes between a child's parents or custodians and the 6992
county council regarding service coordination. The county 6993
council shall inform the parents or custodians of their right to 6994
use the dispute resolution process. Parents or custodians shall 6995
use existing local agency grievance procedures to address 6996
disputes not involving service coordination. The dispute 6997
resolution process is in addition to and does not replace other 6998
rights or procedures that parents or custodians may have under 6999
other sections of the Revised Code. 7000

The cabinet council shall adopt rules in accordance with 7001
Chapter 119. of the Revised Code establishing an administrative 7002
review process to address problems that arise concerning the 7003
operation of a local dispute resolution process. 7004

Nothing in division (C) (4) of this section shall be 7005
interpreted as overriding or affecting decisions of a juvenile 7006
court or public children services agency regarding an out-of- 7007
home placement, long-term placement, or emergency out-of-home 7008
placement. 7009

(D) Each county shall develop a family service 7010
coordination plan that does all of the following: 7011

(1) Designates service responsibilities among the various 7012
state and local agencies that provide services to children and 7013
their families, including children who are abused, neglected, 7014
dependent, unruly, or delinquent children and under the 7015
jurisdiction of the juvenile court and children whose parents or 7016

custodians are voluntarily seeking services; 7017

(2) Designates an individual, approved by the family, to 7018
track the progress of the family service coordination plan, 7019
schedule reviews as necessary, and facilitate the family service 7020
coordination plan meeting process; 7021

(3) Ensures that assistance and services to be provided 7022
are responsive to the strengths and needs of the family, as well 7023
as the family's culture, race, and ethnic group, by allowing the 7024
family to offer information and suggestions and participate in 7025
decisions. Identified assistance and services shall be provided 7026
in the least restrictive environment possible. 7027

(4) Includes a process for dealing with a child who is 7028
alleged to be an unruly child. The process shall include methods 7029
to divert the child from the juvenile court system; 7030

(5) Includes timelines for completion of goals specified 7031
in the plan with regular reviews scheduled to monitor progress 7032
toward those goals; 7033

(6) Includes a plan for dealing with short-term crisis 7034
situations and safety concerns. 7035

(E) (1) The process provided for under division (D) (4) of 7036
this section may include, but is not limited to, the following: 7037

(a) Designation of the person or agency to conduct the 7038
assessment of the child and the child's family as described in 7039
division (C) (7) of this section and designation of the 7040
instrument or instruments to be used to conduct the assessment; 7041

(b) An emphasis on the personal responsibilities of the 7042
child and the parental responsibilities of the parents, 7043
guardian, or custodian of the child; 7044

- (c) Involvement of local law enforcement agencies and officials. 7045
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- (2) The method to divert a child from the juvenile court system that must be included in the service coordination process may include, but is not limited to, the following: 7047
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- (a) The preparation of a complaint under section 2151.27 of the Revised Code alleging that the child is an unruly child and notifying the child and the parents, guardian, or custodian that the complaint has been prepared to encourage the child and the parents, guardian, or custodian to comply with other methods to divert the child from the juvenile court system; 7050
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- (b) Conducting a meeting with the child, the parents, guardian, or custodian, and other interested parties to determine the appropriate methods to divert the child from the juvenile court system; 7056
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- (c) A method to provide to the child and the child's family a short-term respite from a short-term crisis situation involving a confrontation between the child and the parents, guardian, or custodian; 7060
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- (d) A program to provide a mentor to the child or the parents, guardian, or custodian; 7064
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- (e) A program to provide parenting education to the parents, guardian, or custodian; 7066
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- (f) An alternative school program for children who are truant from school, repeatedly disruptive in school, or suspended or expelled from school; 7068
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- (g) Other appropriate measures, including, but not limited to, any alternative methods to divert a child from the juvenile 7071
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court system that are identified by the Ohio family and children 7073
first cabinet council. 7074

(F) Each county may review and revise the service 7075
coordination process described in division (D) of this section 7076
based on the availability of funds under Title IV-A of the 7077
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, 7078
as amended, or to the extent resources are available from any 7079
other federal, state, or local funds. 7080

(G) As used in this section, "early intervention service 7081
coordinator" means a person who holds an early intervention 7082
service coordinator credential or an early intervention service 7083
coordination supervisor credential issued by the department of 7084
~~developmental disabilities—children and youth~~ and who assists 7085
and enables an infant or toddler with a developmental delay or 7086
disability and the child's family to receive the services and 7087
rights, including procedural safeguards, required under part C 7088
of the "Individuals with Disabilities Education Act of 2004," 20 7089
U.S.C. 1400, as amended. 7090

Sec. 121.93. (A) Except as provided in division (E) of 7091
this section, an agency shall review its operations to identify 7092
principles of law or policy that have not been stated in a rule 7093
and that the agency is relying upon in conducting adjudications 7094
or other determinations of rights and liabilities or in issuing 7095
writings and other materials, such as instructions, directives, 7096
policy statements, guidelines, handbooks, manuals, advisories, 7097
notices, circulars, advertisements, forms, letters, and 7098
opinions. An agency is not required to identify principles of 7099
law or policy relied upon in issuing internal management rules 7100
as defined in section 111.15 of the Revised Code. The agency 7101
shall complete at least one of the reviews during a governor's 7102

term. 71103

Within six months after the expiration of a governor's 71104
term, the agency electronically shall transmit a report to the 71105
joint committee on agency rule review containing the following: 71106

(1) A statement that the agency has completed one or more 71107
of the reviews, specifying the exact number of reviews completed 71108
during the governor's expired term; 71109

(2) The principles of law or policies identified under 71110
this division; 71111

(3) The agency's considerations regarding the identified 71112
principles of law or policies under division (B) of this 71113
section; 71114

(4) Any principles of law or policies for which the agency 71115
determines rulemaking is indicated or for which the agency has 71116
commenced the rule-making process under division (C) of this 71117
section. 71118

The joint committee on agency rule review shall make the 71119
reports available on its web site. 71120

(B) The agency shall determine whether a principle of law 71121
or policy thus identified has a general and uniform operation 71122
and establishes a legal regulation or standard that would not 71123
exist in its absence. If the principle of law or policy has 71124
these characteristics, the agency shall determine whether the 71125
principle of law or policy should be supplanted by its 71126
restatement in a rule to achieve one or more of the following as 71127
they are relevant to the principle of law or policy: 71128

(1) Assert the general and uniform operation of the 71129
principle of law or policy; 71130

- (2) Make the principle of law or policy more readily available to the public; 7131
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- (3) Make the principle of law or policy more readily available to persons who specifically are affected by the principle of law or policy; 7133
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- (4) Enable the principle of law or policy to be better known in advance of its application; 7136
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- (5) Enable greater public participation in improvement and further development of the principle of law or policy; 7138
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- (6) Enable greater participation by persons specifically affected by the principle of law or policy in the improvement and further development of the principle of law or policy; 7140
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- (7) Make the principle of law or policy more easily understandable; or 7143
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- (8) Make the principle of law or policy more readily available to those legally charged with monitoring or reviewing the agency's operations. 7145
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- If a principle of law or policy aids in the interpretation of an existing rule or statute, the agency shall consider whether the aiding effect clarifies or otherwise resolves an uncertainty in the existing rule or statute. If the principle of law or policy can be so characterized, the agency shall consider whether the principle of law or policy should be supplanted by its restatement in an interpretive rule. The agency may not presume that a principle of law or policy that aids in the interpretation of an existing rule or statute is simply a reiteration of the existing rule or statute. 7148
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- (C) If the agency determines, in light of the foregoing 7158

standards, that rulemaking is indicated, the agency shall 7159
commence the rule-making process as soon as it is reasonably 7160
feasible to do so, but not later than the date that is ~~six~~three 7161
months after the determination was made. The principle of law or 7162
policy as it is restated in a rule does not need to be wholly 7163
congruent with the supplanted principle of law or policy. The 7164
agency lawfully may improve or develop further the supplanted 7165
principle of law or policy as it is restated in a rule. 7166

The agency may continue to rely upon the principle of law 7167
or policy, but only while it is complying with the preceding 7168
paragraph. The agency may not rely upon the principle of law or 7169
policy in advising with regard to or in determining the rights 7170
or liabilities of a person if ~~the~~any of the following apply: 7171

(1) The agency fails to commence the rule-making process 7172
by the deadline specified in the preceding paragraph, ~~or if,~~ 7173
~~after~~. 7174

(2) After commencing the rule-making process, the agency 7175
neglects or abandons the rule-making process before it is 7176
completed. 7177

(3) The agency fails to file a rule for which rulemaking 7178
is indicated under this section in final form within one year of 7179
the agency making a determination under this section. 7180

(4) After filing a proposed rule and rule summary and 7181
fiscal analysis with the joint committee, the agency notifies 7182
the joint committee of the agency's intention to file a revised 7183
proposed rule as described in division (B) of section 106.02 of 7184
the Revised Code. 7185

(D) A principle of law or policy that is relied upon 7186
directly or by clear implication from a statute applying to the 7187

agency does not need to be supplanted by rule. 7188

(E) This section does not apply to an agency, commission, 7189
or committee created in the legislative branch of government or 7190
to serve the general assembly including, but not limited to, all 7191
of the following: 7192

(1) The joint legislative ethics committee; 7193

(2) The joint medicaid oversight committee; 7194

(3) The correctional institution inspection committee; 7195

(4) The legislative service commission; 7196

(5) The legislative information services; 7197

(6) The capitol square review and advisory board. 7198

Sec. 121.931. (A) A person may petition an agency in 7199
writing to restate a principle of law or policy in a rule if (1) 7200
the person was a party to an adjudication or other determination 7201
before an agency that has resulted in an order or other 7202
disposition or was a party to a civil action in which judgment 7203
has been entered, and (2) the adjudication or other 7204
determination, or the civil action, involved a principle of law 7205
or policy relied upon by the agency that, under section 121.93 7206
of the Revised Code, should have been supplanted by its 7207
restatement in a rule but has not been so supplanted. The 7208
petition shall briefly explain why the principle of law or 7209
policy should, under section 121.93 of the Revised Code, be 7210
supplanted by its restatement in a rule. The person shall send 7211
the petition to the agency not later than the ninetieth day 7212
after the order or other disposition was issued or the judgment 7213
was entered. The person also shall send a copy of the petition 7214
to the joint committee on agency rule review. 7215

(B) The agency, not later than the thirtieth day after receiving a timely petition, shall consider the petition in light of section 121.93 of the Revised Code, and shall notify the petitioner in writing, by certified mail, return receipt requested, whether it grants or intends to deny the petition.

(1) If the agency grants the petition, it shall commence the rule-making process as soon as it is reasonably feasible to do so, but not later than the date that is ~~six~~three months after the petition was granted. The principle of law or policy as it is restated in a rule does not need to be wholly congruent with the supplanted principle of law or policy. The agency lawfully may improve or develop further the supplanted principle of law or policy.

The agency may continue to rely upon the principle of law or policy, but only while it is complying with the preceding paragraph. The agency may not rely upon the principle of law or policy in advising with regard to or in determining the rights or liabilities of a person if ~~the~~any of the following apply:

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

(b) After commencing the rule-making process, the agency neglects or abandons the rule-making process before it is completed.

(c) The agency fails to file a rule for which rulemaking is required under this section in final form within one year of the agency granting a petition under this division.

(d) After filing a proposed rule and rule summary and fiscal analysis with the joint committee, the agency notifies

the joint committee of the agency's intention to file a revised 7245
proposed rule as described in division (B) of section 106.02 of 7246
the Revised Code. 7247

(2) If the agency intends to deny the petition, it shall 7248
send the petitioner a notice affording the petitioner an 7249
opportunity for a hearing on the petition and briefly explaining 7250
why the agency intends to deny the petition. If the petitioner 7251
does not in writing request a hearing within fifteen days after 7252
receiving the notice, the agency shall deny the petition and 7253
notify the petitioner in writing. If the petitioner responds in 7254
writing within the fifteen-day period requesting a hearing, the 7255
agency, by certified mail, return receipt requested, promptly 7256
shall notify the petitioner of the time and place for the 7257
hearing, which shall be not earlier than the thirtieth day after 7258
the notice was sent to the petitioner. 7259

(C) At the hearing, the agency shall explain why, 7260
notwithstanding section 121.93 of the Revised Code, it intends 7261
to deny the petition, and the petitioner shall explain why under 7262
that section the petitioner believes the agency's intention to 7263
be erroneous. The hearing shall be informal. The petitioner may 7264
be assisted by counsel at the hearing. 7265

(D) Not later than the thirtieth day after the hearing 7266
concludes, the agency shall grant or deny the petition. 7267

(1) If the agency grants the petition, it shall commence 7268
the rule-making process as soon as it is reasonably feasible to 7269
do so, but not later than the date that is ~~six~~three months 7270
after the determination was made. The principle of law or policy 7271
as it is restated in a rule does not need to be wholly congruent 7272
with the supplanted principle of law or policy. The agency 7273
lawfully may improve or develop further the supplanted principle 7274

of law or policy as it is restated in a rule. 7275

The agency may continue to rely upon the principle of law 7276
or policy, but only while it is complying with the preceding 7277
paragraph. The agency may not rely upon the principle of law or 7278
policy in advising with regard to or in determining the rights 7279
or liabilities of a person if ~~the~~ any of the following apply: 7280

(a) The agency fails to commence the rule-making process 7281
by the deadline specified in the preceding paragraph, ~~or if,~~ 7282
~~after~~ . 7283

(b) After commencing the rule-making process, the agency 7284
neglects or abandons the rule-making process before it is 7285
completed. 7286

(c) The agency fails to file a rule for which rulemaking 7287
is required under this section in final form within one year of 7288
the agency granting a petition under this division. 7289

(d) After filing a proposed rule and rule summary and 7290
fiscal analysis with the joint committee, the agency notifies 7291
the joint committee of the agency's intention to file a revised 7292
proposed rule as described in division (B) of section 106.02 of 7293
the Revised Code. 7294

(2) If the petitioner failed to appear at the hearing, or 7295
if the petitioner failed to persuade the agency that its 7296
intention to deny the petition is erroneous, the agency shall 7297
deny the petition. 7298

The agency shall send notice in writing to the petitioner 7299
of the outcome. If the outcome is denial of the petition, the 7300
notice shall explain briefly why the agency is denying the 7301
petition. The petitioner is not entitled to appeal the outcome. 7302

Sec. 121.95. (A) As used in sections 121.95, 121.951,
121.952, 121.953, and 121.954 of the Revised Code, ~~"state-:~~

(1) "State agency" means an administrative department
created under section 121.02 of the Revised Code, an
administrative department head appointed under section 121.03 of
the Revised Code, and a state agency organized under an
administrative department or administrative department head.
"State agency" also includes the department of education and
workforce, the state lottery commission, the Ohio casino control
commission, the state racing commission, and the public
utilities commission of Ohio. Rules adopted by an otherwise
independent official or entity organized under a state agency
shall be attributed to the agency under which the official or
entity is organized for the purposes of sections 121.95,
121.951, 121.952, 121.953, and 121.954 of the Revised Code.

(2) "Regulatory restriction" means any part of a rule that
requires or prohibits an action.

(B) Not later than December 31, 2019, a state agency shall
review its existing rules to identify rules having one or more
regulatory restrictions ~~that require or prohibit an action and~~
prepare a base inventory of the regulatory restrictions in its
existing rules. ~~Rules that include the words "shall," "must,"~~
~~"require," "shall not," "may not," and "prohibit" shall be~~
~~considered to contain regulatory restrictions.~~

(C) In the base inventory, the state agency shall indicate
all of the following concerning each regulatory restriction:

(1) A description of the regulatory restriction;

(2) The rule number of the rule in which the regulatory
restriction appears;

- (3) The statute under which the regulatory restriction was adopted; 7332
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- (4) Whether state or federal law expressly and specifically requires the agency to adopt the regulatory restriction or the agency adopted the regulatory restriction under the agency's general authority; 7334
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- (5) Whether removing the regulatory restriction would require a change to state or federal law, provided that removing a regulatory restriction adopted under a law granting the agency general authority shall be presumed not to require a change to state or federal law; 7338
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- (6) Any other information the joint committee on agency rule review considers necessary. 7343
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- (D) The state agency shall compute and state the total number of regulatory restrictions indicated in the base inventory, shall post the base inventory on its web site, and shall electronically transmit a copy of the inventory to the joint committee. The joint committee shall review the base inventory, then transmit it electronically to the speaker of the house of representatives and the president of the senate. 7345
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- (E) The following types of rules or regulatory restrictions are not required to be included in a state agency's inventory of regulatory restrictions: 7352
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- (1) An internal management rule; 7355
- (2) An emergency rule; 7356
- (3) A rule that state or federal law requires the state agency to adopt verbatim; 7357
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- (4) A regulatory restriction contained in materials or 7359

documents incorporated by reference into a rule pursuant to	7360
sections 121.71 to 121.75 of the Revised Code;	7361
(5) A rule adopted pursuant to section 1347.15 of the	7362
Revised Code;	7363
(6) A rule concerning instant lottery games;	7364
(7) A rule adopted by the Ohio casino control commission	7365
or the state lottery commission concerning sports gaming;	7366
(8) Any other rule that is not subject to review under	7367
Chapter 106. of the Revised Code;	7368
(9) Any rule that is adopted as a requirement for the	7369
state agency to obtain or maintain accreditation or	7370
certification from a multistate organization consisting of at	7371
least forty-five participating states.	7372
(F) Beginning on October 17, 2019, and ending on June 30,	7373
2025, a state agency may not adopt a new regulatory restriction	7374
unless it simultaneously removes two or more other existing	7375
regulatory restrictions. The state agency may not satisfy this	7376
section by merging two or more existing regulatory restrictions	7377
into a single surviving regulatory restriction.	7378
Sec. 121.951. (A) (1) Using the criteria listed in division	7379
(A) of section 106.03 of the Revised Code, a state agency shall	7380
amend or rescind rules identified in its base inventory of	7381
regulatory restrictions prepared under section 121.95 of the	7382
Revised Code as necessary to reduce the total number of	7383
regulatory restrictions by thirty per cent, according to the	7384
following schedule:	7385
(a) A ten per cent reduction not later than June 30, 2023;	7386
(b) A twenty per cent reduction not later than June 30,	7387

2024; and 7388

(c) The thirty per cent reduction not later than June 30,
2025. 7389
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When a state agency has achieved a reduction of any 7391
percentage in regulatory restrictions, whether or not as 7392
specified in this section, the state agency may not adopt or 7393
maintain regulatory restrictions that would negate the 7394
reduction. 7395

(2) Beginning July 1, 2025, a state agency that has not 7396
achieved the specified thirty per cent reduction may not adopt a 7397
new regulatory restriction unless it simultaneously removes two 7398
or more other existing regulatory restrictions, until the 7399
specified thirty per cent reduction has been achieved. The state 7400
agency may not fulfill this requirement by merging two or more 7401
existing regulatory restrictions into a single surviving 7402
regulatory restriction. Removing or replacing "shall," "must," 7403
"require," "shall not," "may not," "prohibit," or similar words 7404
in a portion of a rule does not remove a regulatory restriction 7405
from a rule unless the removal eliminates a requirement or 7406
prohibition from the rule. 7407

(3) A state agency that has achieved the specified thirty 7408
per cent reduction may not adopt a new regulatory restriction 7409
unless it simultaneously removes one or more other existing 7410
regulatory restrictions. The state agency may not fulfill this 7411
requirement by merging two or more existing regulatory 7412
restrictions into a single surviving regulatory restriction. 7413

(4) A state agency is encouraged to continue to reduce 7414
regulatory restrictions after it has achieved the specified 7415
thirty per cent reduction. 7416

(B) (1) Not later than September 15, 2022, a state agency shall prepare an historical report of its progress in reducing regulatory restrictions over the period of time beginning when the agency prepared its base inventory under section 121.95 of the Revised Code and ending on June 30, 2022. Annually thereafter, a state agency shall prepare an historical report of its progress in reducing regulatory restrictions over the preceding fiscal year. The state agency shall explain in the report how it applied the criteria described in division (A) of section 106.03 of the Revised Code to its determinations as to which regulatory restrictions to amend or rescind. The state agency shall include a revised inventory of regulatory restrictions with the report.

(2) In the revised inventory, in addition to the information required by section 121.95 of the Revised Code, the state agency shall compute the percentage net reduction in regulatory restrictions by subtracting the current number of regulatory restrictions from the number of regulatory restrictions identified in the base inventory and then dividing the resulting number by the number of regulatory restrictions in the base inventory.

(3) The state agency shall transmit the report electronically to the joint committee on agency rule review. The joint committee shall review the report and shall transmit it electronically to the speaker of the house of representatives and the president of the senate. The state agency shall continue preparing and transmitting annual reports until it has reported that it has achieved the required reduction in regulatory restrictions.

Sec. 121.953. (A) ~~Effective~~ Except as provided in division

(C) of this section, effective July 1, 2025, the number of 7447
regulatory restrictions in this state shall not exceed a number 7448
of regulatory restrictions determined by the joint committee on 7449
agency rule review in accordance with this section. The joint 7450
committee shall determine that number by calculating, for each 7451
agency, the number of regulatory restrictions identified by the 7452
agency in the base inventory prepared under section 121.95 of 7453
the Revised Code, minus the number of regulatory restrictions 7454
that represents the percentage reduction the state agency is 7455
required to achieve, and then totaling the resulting numbers for 7456
all state agencies. The joint committee shall consider any 7457
lessened required reductions under section 121.952 of the 7458
Revised Code. 7459

(B) A state agency shall contact the joint committee 7460
before submitting a proposed rule containing a regulatory 7461
restriction, and the joint committee shall determine whether 7462
adopting the regulatory restriction would cause the state to 7463
exceed the number of regulatory restrictions permitted under 7464
this section. A—Except as provided in division (C) of this 7465
section, a state agency may not adopt a rule if by adopting the 7466
rule the state agency would cause the number of regulatory 7467
restrictions to exceed the state limit as determined by the 7468
joint committee. 7469

(C) Beginning on the effective date of this amendment, a 7470
state agency may appear before the joint committee to show cause 7471
why the agency should be permitted to adopt a rule that would 7472
cause the number of regulatory restrictions to exceed the state 7473
limit as determined by the joint committee. If the joint 7474
committee determines that the state agency has shown cause, the 7475
joint committee may, by a vote of a majority of its members, 7476
permit the state agency to adopt the rule notwithstanding the 7477

state limit on regulatory restrictions determined by the joint 7478
committee. The joint committee shall prepare a report 7479
summarizing all the rules it has authorized a state agency to 7480
adopt notwithstanding the state limit on regulatory 7481
restrictions. The joint committee shall transmit the report 7482
electronically to the speaker of the house of representatives 7483
and the president of the senate not later than the thirty-first 7484
day of December of each year. 7485

Sec. 122.09. (A) As used in this section: 7486

(1) "Development costs" means all expenditures paid or 7487
incurred by the property owner in completing a certified 7488
transformational mixed use development project including 7489
acquisition costs and all costs incurred before the project is 7490
certified by the director of development. 7491

(2) "Eligible expenditures" means certain expenditures 7492
paid or incurred by the property owner in completing a certified 7493
transformational mixed use development project after the project 7494
is certified by the director of development, including 7495
architectural or engineering fees, due diligence costs, hard and 7496
soft construction costs, paid or incurred in connection with the 7497
project and ~~expenses incurred and architectural and engineering~~ 7498
fees and due diligence costs incurred before the date the 7499
project is certified by the ~~tax credit authority~~ director of 7500
development under division (C) of this section. ~~In the case of a~~ 7501
~~certified transformational mixed use development project that is~~ 7502
~~part of a larger contiguous project that is planned to be~~ 7503
~~completed in phases, "development costs" include only~~ 7504
~~expenditures associated with the portion of the project that is~~ 7505
~~certified by the tax credit authority and do not include~~ 7506
~~expenditures incurred for other phases of the project.~~ 7507

~~(2)~~(3) "~~Owner~~""Property owner" means a person or persons 7508
holding a fee simple or leasehold interest in real property, 7509
including interests in real property acquired through a capital 7510
lease arrangement, and a person or persons in contract to 7511
acquire real property with the only remaining contractual 7512
contingency being receipt of an award under this section. 7513
"Owner" does not include the state or a state agency, or any 7514
political subdivision as defined in section 9.23 of the Revised 7515
Code. For the purpose of this division, "fee simple interest," 7516
"leasehold interest," and "capital lease" shall be construed in 7517
accordance with generally accepted accounting principles. 7518

~~(3)~~(4) "Transformational mixed use development" means a 7519
project that consists of eligible expenditures for new 7520
construction or the redevelopment, rehabilitation, expansion, or 7521
other improvement of vacant buildings or structures, or a 7522
combination of the foregoing, and that, inclusively: 7523

(a) Will have a transformational economic impact on the 7524
~~development project site and the surrounding area;~~ 7525

(b) ~~Integrates some combination of retail, office,~~ 7526
~~residential, recreation, structured parking, and other similar~~ 7527
~~uses into one mixed use development; and at least two of the~~ 7528
following uses into one mixed use development: 7529

(i) Office; 7530

(ii) Residential; 7531

(iii) Retail, which may include restaurant space; 7532

(iv) Hotel and hospitality; 7533

(v) Recreation. 7534

(c) Satisfies one of the following criteria: 7535

(i) If the ~~development-project~~ site is located within ten 7536
miles of a major city, the project includes at least one new or 7537
previously vacant building that is fifteen or more stories in 7538
height or has a floor area of at least three hundred fifty 7539
thousand square feet, or after completion will be the site of 7540
employment accounting for at least ~~four~~-five million dollars in 7541
annual payroll, or includes two or more buildings that are 7542
connected to each other, are located on the same parcel or on 7543
contiguous parcels, and that collectively have a floor area of 7544
at least three hundred fifty thousand square feet; 7545

(ii) If the ~~development-project~~ site is not located within 7546
ten miles of a major city, the project includes at least one new 7547
or previously vacant building that is two or more stories in 7548
height or has a floor area of at least seventy-five thousand 7549
square feet or two or more new buildings that are located on the 7550
same parcel or on contiguous parcels and that collectively have 7551
a floor area of at least seventy-five thousand square feet. 7552

A "transformational mixed use development" does not 7553
include a project located wholly or partially in a municipal 7554
corporation that has within its incorporated area, or has within 7555
two thousand feet of its incorporated area, both a research 7556
facility maintained by the national aeronautics and space 7557
administration and an airport with at least two runways 7558
measuring nine thousand feet or more, and that has a population 7559
of more than fifteen thousand and less than twenty thousand. 7560

~~"Transformational mixed use development" may include a 7561~~
~~portion of a larger contiguous project that is planned to be 7562~~
~~completed in phases as long as the phases collectively meet the 7563~~
~~criteria described in division (A) (3) of this section. 7564~~

~~(4)~~(5) "Increase in tax collections" means the difference, 7565

if positive, of the amount of state and local taxes estimated to 7566
be derived from economic activity occurring within the 7567
development project site and the surrounding area, but excluding 7568
any other phases of the development project for developments 7569
completed in phases, during a the completion period of time 7570
minus the amount of such taxes that are estimated to be derived 7571
from such economic activity in that site and surrounding area 7572
during the same period if the transformational mixed use 7573
development project were not certified by the director of 7574
development and completed. 7575

~~(5)~~ (6) "Completion period" means the time period beginning 7576
on the day after a transformational mixed use development 7577
project is certified by the tax credit authority director of 7578
development and ending on the fifth anniversary of the day the 7579
project is completed. 7580

~~(6) "Insurance company" means a person subject to the tax~~ 7581
~~imposed under section 5725.18 or 5729.03 of the Revised Code.~~ 7582

(7) "Contribute capital" means to invest, loan, or donate 7583
cash in exchange for an equity interest in an asset, or a debt 7584
instrument, ~~or no consideration.~~ 7585

(8) "Major city" means a municipal corporation that has a 7586
population greater than one hundred thousand. 7587

~~(9) "Tax credit authority" means the tax credit authority~~ 7588
~~created under section 122.17 of the Revised Code.~~ 7589

~~(10) "Adjusted development costs" means the development~~ 7590
~~costs attributed to a complete transformational mixed use~~ 7591
~~development project minus the sum of the capital contributions~~ 7592
~~of any insurance companies that are preliminarily approved for a~~ 7593
~~tax credit in connection with the same project.~~ 7594

~~(11) A "property owner's share" of the increase in tax collections equals the product obtained by multiplying the total increase in tax collections since the date the transformational mixed use development project was certified by a fraction, the numerator of which is the adjusted development costs and the denominator of which is the actual development costs attributed to the project.~~ 7595
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~~(12) An "insurance company's share" of the increase in tax collections equals the product obtained by multiplying the total increase in tax collections since the date the transformational mixed use development project was certified by a fraction, the numerator of which is the insurance company's capital contribution to the project and the denominator of which is the actual development costs attributed to the project~~ 7602
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"Project site" means the land, and improvements thereon, upon which a transformational mixed use development will be constructed, which consists of a single parcel or multiple parcels that are contiguous with one another, including parcels separated only by a publicly dedicated road.

(B) The property owner of one or more parcels of land in this state within which a transformational mixed use development project is planned ~~or an insurance company that contributes capital to be used in the planning or construction of such a development~~ may apply to the ~~tax credit authority~~ director of development for certification of the development project and preliminary approval of a tax credit in an amount up to ten per cent of the estimated eligible expenditures. Each application shall be filed in the form and manner prescribed by the director ~~of development~~ and shall, at minimum, include a development plan comprised of all of the following information: 7614
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(1) The location of the ~~development~~project site and an 7625
indication of whether it is located within ten miles of a major 7626
city; 7627

(2) A detailed description of the proposed 7628
transformational mixed use developmentproject including site 7629
plans, elevations, construction drawings, architectural 7630
renderings, or other means sufficient to convey the appearance, 7631
size, purposes, capacity, and scope of the project ~~and, if~~ 7632
~~applicable, previously completed and future phases of the~~ 7633
~~project;~~ 7634

(3) A viable ~~financial plan~~project budget supported by 7635
construction hard cost estimates, organized by line item, that 7636
estimates the ~~development costs~~ development costs and eligible 7637
expenditures that have been or will be incurred in the 7638
completion of the project ~~and that designates a source of~~ 7639
~~financing or a strategy for obtaining financing;~~ 7640

(4) A viable financial plan showing both (a) at least 7641
fifty-one per cent of the needed funding secured, as evidenced 7642
by commitment letters, letters of intent, or terms sheets and 7643
third party equity verification, and (b) a strategy for 7644
obtaining any needed but not yet secured funding; 7645

(5) An estimated schedule for the progression and 7646
completion of the project ~~including, if applicable, previously~~ 7647
~~completed and future phases of the project;~~ 7648

~~(5)~~(6) An assessment of the projected newly created 7649
economic impact of and from the project ~~on~~ based upon the 7650
projected increase in tax collections during the completion 7651
period at the ~~development project site and the surrounding area,~~ 7652
excluding economic activity existing at the time of or before 7653

certification of the development project and preliminary 7654
approval of a tax credit, prepared by an economic impact 7655
consultant with experience performing economic impact studies in 7656
Ohio and reviewed by an independent third party reviewer 7657
retained by the director of development to ensure accuracy, 7658
uniformity, consistency, and fairness; 7659

~~(6)~~(7) Evidence that the increase in tax collections 7660
during the completion period will exceed ten per cent of the 7661
estimated ~~development costs~~ eligible expenditures reported under 7662
division (B) (3) of this section; 7663

~~(7)~~ ~~If the~~ (8) The portion of any tax credit issued that 7664
the applicant is ~~would like issued to the property owner or to~~ 7665
~~an insurance company that is not the property owner, the amount~~ 7666
~~of the insurance company's~~, financial institution, or other 7667
person based upon capital ~~contribution~~ contributions that have 7668
been made or will be made to the development and the date on 7669
which it was or will be made ~~project;~~ 7670

~~(8)~~(9) Evidence that ~~the project will not be completed~~ 7671
~~unless the applicant receives the credit, but for the~~ 7672
applicant's receipt of the credit, the project will not be 7673
completed. If any portion of the project the applicant seeks 7674
certification and preliminary approval for has commenced 7675
construction, excluding brownfield remediation and demolition, 7676
or the project has closed on construction financing, this 7677
division's standard is not met and the project is not eligible 7678
for certification and preliminary approval. 7679

(C) (1) In determining whether to certify a project that is 7680
the subject of an application submitted under division (B) of 7681
this section, the ~~tax credit authority~~ director of development 7682
shall consider the potential impact of the transformational 7683

mixed use development on the ~~development project site and the~~ 7684
~~surrounding area~~ in terms of architecture, accessibility to 7685
pedestrians, retail entertainment and dining sales, job 7686
creation, ~~property values, connectivity,~~ and revenue from sales, 7687
income, lodging, and property taxes. The ~~tax credit authority~~ 7688
director shall not certify a project unless it satisfies the 7689
following conditions: 7690

(a) The project qualifies as a transformational mixed use 7691
development project and satisfies all other criteria prescribed 7692
by this section or by rule of the ~~director of development~~; 7693

(b) The estimated increase in tax collections from the 7694
project site during the completion period exceeds ten per cent 7695
of the estimated ~~development costs~~ eligible expenditures for the 7696
project reported under division (B) (3) of this section; 7697

(c) The applicant will not be able to (i) close on 7698
construction financing, (ii) commence construction, excluding 7699
any brownfield remediation or demolition that may have already 7700
been performed, and (iii) complete the project will not be 7701
~~completed~~ unless the applicant receives the credit; 7702

(d) If the ~~development project~~ site is located within ten 7703
miles of a major city, the estimated ~~development costs~~ eligible 7704
expenditures to complete the project ~~plus, if applicable, the~~ 7705
~~estimated expenditures that have been or will be incurred to~~ 7706
~~complete all other contiguous phases of the project,~~ exceed 7707
fifty million dollars. 7708

In making ~~its~~ a determination of whether or not to approve 7709
an application, the ~~tax credit authority~~ director may conduct an 7710
interview of the applicant. 7711

(2) If the ~~tax credit authority~~ director of development 7712

approves an application, the ~~authority director~~ shall issue a 7713
statement certifying the associated transformational mixed use 7714
development project and preliminarily approving a tax credit. 7715
The statement shall stipulate that ~~receipt issuance~~ of a tax 7716
credit certificate is contingent upon completion of the 7717
transformational mixed use development project as described in 7718
the development plan for the project. The statement shall 7719
specify the estimated amount of the tax credit preliminarily 7720
approved and the amount of credit preliminarily approved for 7721
each person identified in the application pursuant to division 7722
(B) (8) of this section, but state that the amount of the credit 7723
is dependent upon determination of the actual ~~development~~ 7724
~~costs~~ eligible expenditures attributed to the project ~~and, unless~~ 7725
~~the tax credit authority grants a request by the property owner~~ 7726
~~under division (F) of this section, of the increase in tax~~ 7727
~~collections during the completion period.~~ 7728

The amount of the credit shall not exceed the amount 7729
applied for in the application approved by the director. 7730

(3) ~~Except as otherwise provided in this division, if the~~ 7731
~~applicant is an insurance company that is not the property~~ 7732
~~owner, the estimated amount of the tax credit shall equal ten~~ 7733
~~per cent of the insurance company's capital contribution to the~~ 7734
~~project as reported in the development plan pursuant to division~~ 7735
~~(B) (7) of this section. Except as otherwise provided in this~~ 7736
~~division, if the applicant is the property owner, the~~ The total 7737
estimated amount of the tax credit shall equal up to ten per 7738
cent of the estimated ~~development costs~~ eligible expenditures 7739
for the project as reported in the project development plan 7740
pursuant to division ~~(B) (3)~~ (B) of this section ~~minus any~~ 7741
~~estimated credit amounts that have been preliminarily approved~~ 7742
~~for insurance companies contributing capital to the project. The~~ 7743

estimated credit amounts may be reduced by the ~~tax credit~~ 7744
~~authority~~ director of development as a condition of certifying 7745
the project if such a reduction is necessary to comply with the 7746
limitations on the amount of credits that may be preliminarily 7747
approved as prescribed by division (C) (5) of this section. The 7748
estimated credit amounts shall not be adjusted after the 7749
statement described in division (C) (2) of this section has been 7750
issued, except as provided by division (G) of this section. 7751

(4) If the ~~tax credit authority~~ director of development 7752
denies an application, the ~~authority~~ director shall notify the 7753
applicant of the reason or reasons for such determination. The 7754
~~authority's~~ director's determination is final, but an applicant 7755
may revise and resubmit a previously denied application in a 7756
future year. 7757

(5) (a) ~~The tax credit authority shall not certify any~~ 7758
~~transformational mixed use development projects after June 30,~~ 7759
~~2025.~~ 7760

~~(b)~~ ~~The tax credit authority~~ director of development may 7761
not preliminarily approve more than one hundred fifty million 7762
dollars of new estimated tax credits in each of fiscal years 7763
~~2022, 2023, 2024, and 2025~~ 2026 and 2027. The director shall not 7764
preliminarily approve any dollar amount of new estimated tax 7765
credits under this section in any fiscal year after fiscal year 7766
2027 unless specifically authorized by an act of the general 7767
assembly. 7768

Tax credits preliminarily approved under this section in 7769
preceding fiscal years and for which preliminary approval was 7770
rescinded in the fiscal year immediately preceding the current 7771
fiscal year shall be available for preliminary approval under 7772
this section in the current fiscal year. Credit amounts 7773

available due to such rescission do not apply towards the one 7774
hundred fifty million dollar limit prescribed in this division. 7775

~~(e) Not~~ (b) Except as provided in division (C) (6) of this 7776
section, not more than eighty one hundred million dollars of 7777
estimated new tax credits in each such, plus an amount equal to 7778
two-thirds of any credits for which preliminary approval was 7779
rescinded in the preceding fiscal year, may be preliminarily 7780
approved in connection with projects that are located within ten 7781
miles of a major city in the current fiscal year. 7782

~~(d) (c)~~ Not more than forty twenty million dollars of 7783
estimated tax credits may be preliminarily approved in 7784
connection with the same transformational mixed use development 7785
project. 7786

(6) If, for the current fiscal year, the dollar amount of 7787
tax credits applied for under division (B) of this section in 7788
connection with projects that are not located within ten miles 7789
of a major city exceeds eighty fifty million dollars for a 7790
fiscal year, plus an amount equal to one-third of any credits 7791
for which preliminary approval was rescinded in the preceding 7792
fiscal year, the tax credit authority director of development 7793
shall rank those applications and certify and preliminarily 7794
approve tax credits for the associated projects in order, 7795
starting with the project that presents the best combination of 7796
economic value and transformational impact pursuant to division 7797
(C) (7) of this section. If the dollar amount of tax credits 7798
applied for under division (B) of this section in connection 7799
with such projects is less than that amount, the difference 7800
shall be available for projects within ten miles of a major 7801
city. 7802

If, for the current fiscal year, the dollar amount of tax 7803

credits applied for in connection with projects ~~not~~ located 7804
within ten miles of a major city exceeds ~~twenty million dollars~~ 7805
~~for a fiscal year~~ one hundred million dollars, plus an amount 7806
equal to two-thirds of any credits for which preliminary 7807
approval was rescinded in the previous fiscal year and the 7808
amount of funds initially reserved for projects more than ten 7809
miles from a major city but unawarded to such projects, the tax- 7810
credit authority director shall rank those applications and 7811
certify the associated projects in order, ~~starting with the~~ 7812
~~project that presents the best combination of economic value and~~ 7813
~~transformational impact~~ pursuant to division (C) (7) of this 7814
section. In either case, the authority shall consider the 7815
following factors in ranking the applications:- 7816

(a) ~~The projected increase in tax collections during the~~ 7817
~~completion period as a percentage of the total amount of~~ 7818
~~estimated tax credits that would be preliminarily approved in~~ 7819
~~connection with the project;-~~ 7820

(b) ~~The economic impact of the project on the development~~ 7821
~~site and the surrounding area and the impact of the project in~~ 7822
~~terms of architecture, accessibility to pedestrians, retail~~ 7823
~~entertainment and dining sales, job creation, property values,~~ 7824
~~and connectivity;-~~ 7825

(c) ~~The expeditiousness of the schedule for completing the~~ 7826
~~project, realizing the increase in tax collections, and~~ 7827
~~attaining the economic and other impacts on the development site~~ 7828
~~and the surrounding area.~~ 7829

(7) When ranking is required under division (C) (6) of this 7830
section, the director of development shall compare applicant 7831
projects that are within ten miles of a major city to other 7832
applicant projects that are within ten miles of a major city, 7833

and the director shall compare applicant projects that are more 7834
than ten miles outside of a major city with other applicant 7835
projects that are more than ten miles outside of a major city. 7836
The director shall apply a point value to applications according 7837
to the following criteria: 7838

(a) Up to ten points based on comparative measurement of 7839
physical scope of the projects as measured by gross square 7840
footage of vertical improvements including new construction and 7841
renovated space. The largest project in terms of physical scope 7842
shall receive ten points and the remaining projects shall 7843
receive points based on a percentage basis in proportion to each 7844
project's relative size as compared to the largest project in 7845
that location category, by gross square footage; 7846

(b) Up to five points based on a comparative measurement 7847
of the density of the new project as measured by a building to 7848
land ratio using the gross square footage of new construction 7849
and renovated space and the gross land square footage of the 7850
project parcels excluding submerged land. The highest ratio in 7851
terms of building to land ratio shall receive five points and 7852
the remaining projects shall receive points based on a 7853
percentage basis in proportion to each project's relative ratio 7854
as compared to the highest project ratio; 7855

(c) Up to ten points based on an evaluation of the 7856
distribution of project end uses, with preference given to 7857
projects with greater variety and distribution of uses; 7858

(d) Up to fourteen points based on the project's receipt 7859
of necessary government approvals and local support, available 7860
as follows: 7861

(i) Two points for zoning approval or evidence, in the 7862

form of a letter from the governmental body with jurisdiction 7863
over the zoning of the project site, that the project site 7864
already has the necessary zoning for the project; 7865

(ii) Two points for planning commission approval or 7866
evidence that planning commission approval is not required; 7867

(iii) Two points available for existing utility 7868
connections or commitments to establish utility connections 7869
including water, sewer, sanitary storm, and electric documented 7870
by utility service letters; 7871

(iv) Two points for an approved and executed development 7872
agreement with each municipal corporation or township in which 7873
the development project is proposed; 7874

(v) Two points for approved construction drawings and 7875
issuance of construction permits for the entirety of the scope 7876
of work set forth in the application; 7877

(vi) Up to two points available for letters in support of 7878
the project and the application. One point is available for a 7879
letter in support of the project and the application from the 7880
mayor, city manager, or other chief executive of each municipal 7881
corporation or township, and one point is available for a letter 7882
in support of the project and the application from the chief 7883
executive of each county, where the development project is to be 7884
located; 7885

(vii) Two points available for documented financial 7886
support for the project from each municipal corporation or 7887
township in which the project is located, which may include tax 7888
increment financing or creation of a community reinvestment area 7889
under section 3735.66 of the Revised Code. 7890

(e) Up to ten points based on the committed funding 7891

sources as a percentage of total development costs. A project 7892
that has funding commitments for all projected development costs 7893
shall receive ten points, and projects with funding commitments 7894
for less than all projected development costs shall receive a 7895
number of points based on the relative amount of committed 7896
funding compared to total development costs of the given 7897
project. 7898

The funding commitments may take into account the 7899
monetized value of the certificate applied for under this 7900
section so long as the applicant provides a letter of intent or 7901
commitment to purchase that certificate if issued. Letters of 7902
intent or loan commitments are required to earn points for any 7903
financing that is a funding source in this category and any such 7904
letter of intent or loan commitment may be subject to the 7905
receipt of an award under this section. 7906

(f) Up to five points based on purchase or lease 7907
commitments from end users for the space created by the project. 7908
Projects that have received commitments for all space shall 7909
receive five points, and projects with less than all end users 7910
committed shall be allocated points based on the relative square 7911
footage of committed space compared to total project square 7912
footage. 7913

(g) Up to ten points for projects in areas of higher 7914
relative walkability as measured by the United States 7915
environmental protection agency's walkability index for the 7916
project's census tract with projects in areas designated as the 7917
highest level of walkability receiving ten points and projects 7918
in areas with lower levels of walkability receiving proportional 7919
points; 7920

(h) Up to five points based on a comparative measurement 7921

of total retail, entertainment, and dining sales to be generated 7922
by the project. Projects generating the largest return on 7923
investment shall receive five points, and the remaining projects 7924
shall be allocated points based on relative return on investment 7925
in comparison to the highest scoring project in this category. 7926

(i) Up to five points based on a comparative measurement 7927
of the total new payroll to be generated by the project. 7928
Projects generating the largest return on investment shall 7929
receive five points, and remaining projects shall be allocated 7930
points based on relative return on investment in comparison to 7931
the highest scoring project in this category. 7932

(j) Up to twenty points based on a comparative measurement 7933
of the total sales, income, lodging, and property taxes to be 7934
generated by the project. Projects generating the largest return 7935
on investment shall receive twenty points, and remaining 7936
projects shall be allocated points based on relative return on 7937
investment in comparison to the highest scoring project in this 7938
category. 7939

(k) Up to six points for community impacts, available as 7940
follows: 7941

(i) Two points for evidence that the project supports the 7942
vision and goals stated in the local master plan or other 7943
economic development strategy adopted by the local jurisdiction. 7944

(ii) Two points for the projects that provide community 7945
gathering, event, park, or other similar space open to the 7946
public. Projects that incorporate public space that accounts for 7947
ten per cent or more public space relative to the total square 7948
footage of all project end uses will receive two points. 7949
Projects that incorporate public space that accounts for less 7950

than ten per cent but greater than zero per cent public space 7951
relative to the total square footage of all project end uses 7952
will receive one point. 7953

(iii) Two points for projects that include remediation of 7954
a brownfield or the rehabilitation of a building or structure 7955
that is one hundred per cent vacant for the twelve months 7956
immediately preceding the date of application. As used in this 7957
division "brownfield" has the same meaning as in section 7958
122.6511 of the Revised Code. 7959

(8) When calculating the economic impact of a project 7960
previously completed and future phases of a phased development 7961
are not permitted to be included in the economic impact analysis 7962
or scoring. 7963

(D) Within twelve months of the date a project is 7964
certified, the property owner shall provide the ~~tax credit~~ 7965
~~authority director of development~~ with an updated schedule for 7966
the progression and completion of the project and documentation 7967
sufficient to demonstrate that construction of the project has 7968
begun. If the property owner does not provide the schedule and 7969
documentation or if construction of the project has not begun 7970
within the time prescribed by this division, the ~~tax credit~~ 7971
~~authority director~~ shall rescind certification of the project 7972
and send notice of the rescission to the property owner ~~and each~~ 7973
~~insurance company that is preliminarily approved for a tax~~ 7974
~~credit in connection with the project.~~ A property owner that 7975
receives notice of rescission may submit a new application 7976
concerning the same project under division (B) of this section. 7977

(E) An applicant that ~~is the property owner and is~~ 7978
preliminarily approved for a tax credit under this section may 7979
sell or transfer the rights to all or a portion of that credit 7980

to one or more persons ~~for the purpose of raising capital for~~ 7981
~~the certified project. The applicant shall notify the tax credit~~ 7982
~~authority upon selling or transferring the rights to the credit.~~ 7983
~~The notice shall identify the person or persons to which the~~ 7984
~~credit was sold or transferred and the credit amount sold or~~ 7985
~~transferred to each such person. Only an applicant that owns the~~ 7986
~~property may sell or transfer a credit under this division. A~~ 7987
~~credit may be divided among multiple purchasers through more~~ 7988
~~than one transaction but once a particular credit amount is~~ 7989
~~acquired by a person other than the applicant it may not be sold~~ 7990
~~or transferred again~~ and any person to whom the right to claim 7991
all or a portion of a credit was transferred may transfer that 7992
right, in whole or in part, to another person. 7993

~~(F) After a transformational mixed use development project~~ 7994
~~is certified and before it is completed, the property owner may~~ 7995
~~request that the value of the tax credit certificates awarded in~~ 7996
~~connection with the project be computed using the alternative~~ 7997
~~method described in division (I) of this section. The tax credit~~ 7998
~~authority shall grant the request if the authority determines,~~ 7999
~~and a third party engaged by the authority at the expense of the~~ 8000
~~property owner affirms, that it is reasonably certain that the~~ 8001
~~increase in tax collections will exceed ten per cent of the~~ 8002
~~estimated development costs within one year after the project is~~ 8003
~~completed. Otherwise, the authority shall deny the request and~~ 8004
~~the amount of each credit awarded in connection with the project~~ 8005
~~shall be computed under division (H) of this section. The~~ 8006
~~authority's determination under this division shall be delivered~~ 8007
~~in writing and is final and not appealable.~~ 8008

~~(G) (1) (F) (1)~~ The property owner shall notify the tax 8009
credit authority director of development upon completion of a 8010
certified transformational mixed use development project. The 8011

notification shall include a report prepared by a third-party 8012
certified public accountant that contains a detailed accounting 8013
of the actual development costs and eligible expenditures 8014
attributed to the project. 8015

(2) Upon receiving such a notice, ~~unless the tax credit-~~ 8016
~~authority has previously granted a request by the property owner~~ 8017
~~under division (F) of this section, the authority shall-~~ 8018
~~determine the increase in tax collections since the date the-~~ 8019
~~project was certified by consulting with the tax commissioner-~~ 8020
~~and with the tax administrator of any municipal corporation that~~ 8021
~~levies an income tax within the project site and the surrounding~~ 8022
~~area. The tax commissioner and the tax administrators that are-~~ 8023
~~consulted pursuant to this division shall provide the tax credit~~ 8024
~~authority with any information that is necessary to determine-~~ 8025
~~the increase in tax collections.~~ 8026

~~(3) After determining the increase in tax collections-~~ 8027
~~under division (C) (2) of this section, if required, and-~~ 8028
~~computing the value of the tax credit under division (H) or (I)-~~ 8029
~~of this section, as applicable, the tax credit authority-~~ 8030
director of development shall issue a tax credit certificate to 8031
each applicant, or other person identified in the application 8032
pursuant to division (B) (8) of this section, that is 8033
preliminarily approved for a credit associated with the project- 8034
or to the person or persons to which such an applicant sold or 8035
transferred the rights to the credit under division (E) of this 8036
section. If the amount of the tax credit awarded to the property 8037
owner is less than the credit amount estimated under division 8038
~~(C) of this section and the property owner sold or transferred-~~ 8039
~~the rights to the credit, the tax credit authority shall reduce-~~ 8040
~~the amount of each tax credit certificate issued to each-~~ 8041
~~purchaser or recipient on a pro rata basis unless the property-~~ 8042

~~owner requests an alternative allocation of the credit. 8043~~

~~(H) (1) Unless the tax credit authority granted a request 8044~~
~~by the property owner under division (F) of this section, the 8045~~
~~aggregate value of the tax credit certificates issued under 8046~~
~~division (C) of this section to the property owner and to any 8047~~
~~persons to whom the property owner sold or transferred the 8048~~
~~rights to the credit shall equal the lesser of the following: 8049~~

~~(a) Ten per cent of the adjusted development costs; 8050~~

~~(b) Five per cent of the adjusted development costs plus 8051~~
~~any amount by which the property owner's share of the increase 8052~~
~~in tax collections since the date the project was certified 8053~~
~~exceeds five per cent of the adjusted development costs; 8054~~

~~(c) The estimated credit amount specified in the tax 8055~~
~~credit authority's statement certifying the project and 8056~~
~~preliminarily approving the tax credit under division (C) of 8057~~
~~this section. 8058~~

~~(2) The value of a tax credit certificate issued under 8059~~
~~division (C) of this section to an insurance company that 8060~~
~~contributed capital to the project shall equal the lesser of the 8061~~
~~following: 8062~~

~~(a) Ten per cent of the insurance company's actual capital 8063~~
~~contribution; 8064~~

~~(b) Five per cent of such capital contribution plus any 8065~~
~~amount by which the insurance company's share of the increase in 8066~~
~~tax collections since the date the project was certified exceeds 8067~~
~~five per cent of the insurance company's capital contribution; 8068~~

~~(c) The estimated credit amount specified in the tax 8069~~
~~credit authority's statement certifying the project and 8070~~

~~preliminarily approving the tax credit under division (C) of
this section.~~ 8071
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~~(I) If the tax credit authority granted a request by the
property owner under division (F) of this section, the (G) The
value of the tax credit certificates issued in connection with
the transformational mixed use development project shall be
computed as follows:-~~ 8073
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~~(1) For the property owner or any person to which the
property owner sold or transferred the rights to the credit, the
lesser of the amount preliminarily approved for the tax credit
or ten per cent of the actual development costs eligible
expenditures attributed to the project. If the amount of the
credit is less than the credit amount estimated under division
(C) of this section and the property owner sold or transferred
the rights to the credit to more than one person, the authority
shall reduce the amount of each tax credit certificate on a pro
rata basis unless the property owner requests an alternative
allocation of the credit.~~ 8078
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~~(2) For an insurance company that contributed capital to
the project, ten per cent of the insurance company's actual
capital contribution.~~ 8089
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~~(J) If the value of a tax credit certificate was computed
under division (H) of this section for a project, the property
owner, on or before the thirtieth day following the first,
second, third, fourth, and fifth anniversaries of the date the
certified transformational mixed use development project is
completed, may request in writing that the tax credit authority
update the increase in tax collections during the completion
period. Upon receiving such a request, the tax credit authority
shall update the increase in tax collections in the same manner~~ 8092
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~~described by division (G) of this section. If the tax credit authority determines that the value of the tax credit certificates computed under division (H) of this section would be greater if computed based on the updated increase in tax collections, the authority shall issue an additional tax credit certificate to each person that previously received a certificate for the project under those divisions. The value of each additional tax credit certificate shall equal the amount by which the tax credit certificate computed under division (H) of this section upon completion of the project would have been greater had the value of such certificate been computed based on the updated increase in tax collections, less the value of any additional tax credit certificates previously issued under this division to the same person respecting the same project.~~

~~(K)~~ (H) The aggregate value of all tax credit certificates issued under this section for the same transformational mixed use development project shall not exceed (1) ten per cent of the actual ~~development costs~~ eligible expenditures of that project or (2) the ~~sum of all estimated credit amounts~~ amount preliminarily approved by the ~~tax credit authority~~ director of development in connection with the project.

~~(L)~~ (I) Issuance of a tax credit certificate under this section does not represent a verification or certification by the ~~tax credit authority~~ director of development of the actual ~~development costs~~ eligible expenditures of the project ~~or the capital contributions to the project by an insurance company.~~ Such amounts are subject to inspection and examination by ~~the superintendent of insurance~~ other state agencies.

~~(M)~~ (J) Upon the issuance of a tax credit certificate under ~~division (G) or (J) of this section, the tax credit authority~~

director of development shall certify to the superintendent of 8131
insurance and the tax commissioner (1) the name of each person 8132
that was issued a tax credit certificate, (2) ~~whether the person~~ 8133
~~is the property owner, an insurance company that contributed~~ 8134
~~capital to the development, or a person that acquired the rights~~ 8135
~~to the tax credit certificate from the property owner,~~ (3) the 8136
credit amount shown on each tax credit certificate, and ~~(4)~~(3) 8137
any other information required by the rules adopted under this 8138
section. A person that holds the rights to a tax credit 8139
certificate issued under this section ~~and that is an insurance~~ 8140
~~company~~ may claim a tax credit under section 5725.35 ~~or,~~ 8141
5726.62, 5729.18, or 5747.87 of the Revised Code, subject to any 8142
limitations in those sections. 8143

~~(N)~~(K) The ~~tax credit authority~~ director of development 8144
shall publish information about each transformational mixed use 8145
development on the web site of the department of development not 8146
later than the first day of August following certification of 8147
the project. The ~~tax credit authority~~ director shall update the 8148
published information annually until the project is complete and 8149
the credit or credits are fully claimed. The published 8150
information shall include all of the following: 8151

(1) The location of the transformational mixed use 8152
development and the name by which it is known; 8153

(2) The estimated schedule for progression and completion 8154
of the project included in the development plan pursuant to 8155
division (B) (4) of this section; 8156

(3) The assessment of the projected economic impact of the 8157
project included in the development plan pursuant to division 8158
(B) (5) of this section; 8159

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

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

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

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

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

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

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

(4) The form of the tax credit certificate;

(5) Reporting requirements and monitoring procedures;	8189
(6) Procedures for computing the increase in tax	8190
collections within the project site and the surrounding area;	8191
(7) Forms and procedures by which property owners may	8192
request the alternative method of computing the value of tax	8193
credit certificates under division (I) of this section that are	8194
awarded in connection with a project and criteria for evaluating	8195
and making a determination on such requests;	8196
(8) Any other rules necessary to implement and administer	8197
this section.	8198
Sec. 122.14. (A) <u>As used in this section, "professional</u>	8199
<u>sports facility" has the same meaning as in section 5516.01 of</u>	8200
<u>the Revised Code.</u>	8201
(B) There is hereby created in the state treasury the	8202
roadwork development fund. The fund shall consist of the	8203
investment earnings of the security deposit fund created by	8204
section 4509.27 of the Revised Code and revenue transferred to	8205
it by the director of budget and management from the highway	8206
operating fund created in section 5735.051 of the Revised Code.	8207
The fund shall be used by the <u>department of development services</u>	8208
agency in accordance with Section 5a of Article XII, Ohio	8209
Constitution, to make road improvements associated with	8210
retaining or attracting business for this state, including both	8211
of the following:	8212
(1) Construction, reconstruction, maintenance, or repair	8213
of public roads that provide access to a public airport or are	8214
located within a public airport;	8215
(2) Construction, reconstruction, maintenance, or repair	8216
of public roads <u>and the associated improvements</u> that provide or	8217

improve access to tourism attractions or professional sports 8218
facilities. 8219

~~(B)~~(C) Tourism attractions or professional sports 8220
facilities may use funds received from the department of 8221
development, in accordance with this section, to make 8222
improvements associated with the retail and residential 8223
components of the total development of which they are a part. 8224

(D) All investment earnings of the fund shall be credited 8225
to the fund. 8226

Sec. 122.175. (A) As used in this section: 8227

(1) "Capital investment project" means a plan of 8228
investment at a project site for the acquisition, construction, 8229
renovation, expansion, replacement, or repair of a computer data 8230
center or of computer data center equipment, but does not 8231
include any of the following: 8232

(a) Project costs paid before a date determined by the tax 8233
credit authority for each capital investment project; 8234

(b) Payments made to a related member as defined in 8235
section 5733.042 of the Revised Code or to a consolidated 8236
elected taxpayer or a combined taxpayer as defined in section 8237
5751.01 of the Revised Code. 8238

(2) "Computer data center" means a facility used or to be 8239
used primarily to house computer data center equipment used or 8240
to be used in conducting one or more computer data center 8241
businesses, as determined by the tax credit authority. 8242

(3) "Computer data center business" means, as may be 8243
further determined by the tax credit authority, a business that 8244
provides electronic information services as defined in division 8245

(Y) (1) (c) of section 5739.01 of the Revised Code, or that leases 8246
a facility to one or more such businesses. "Computer data center 8247
business" does not include providing electronic publishing as 8248
defined in that section. 8249

(4) "Computer data center equipment" means tangible 8250
personal property used or to be used for any of the following: 8251

(a) To conduct a computer data center business, including 8252
equipment cooling systems to manage the performance of computer 8253
data center equipment; 8254

(b) To generate, transform, transmit, distribute, or 8255
manage electricity necessary to operate the tangible personal 8256
property used or to be used in conducting a computer data center 8257
business; 8258

(c) As building and construction materials sold to 8259
construction contractors for incorporation into a computer data 8260
center. 8261

(5) "Eligible computer data center" means a computer data 8262
center that satisfies all of the following requirements: 8263

(a) One or more taxpayers operating a computer data center 8264
business at the project site will, in the aggregate, make 8265
payments for a capital investment project of at least one 8266
hundred million dollars at the project site during one of the 8267
following cumulative periods: 8268

(i) For projects beginning in 2013, six consecutive 8269
calendar years; 8270

(ii) For projects beginning in 2014, four consecutive 8271
calendar years; 8272

(iii) For projects beginning in or after 2015, three 8273

consecutive calendar years. 8274

(b) One or more taxpayers operating a computer data center 8275
business at the project site will, in the aggregate, pay annual 8276
compensation that is subject to the withholding obligation 8277
imposed under section 5747.06 of the Revised Code of at least 8278
one million five hundred thousand dollars to employees employed 8279
at the project site for each year of the agreement beginning on 8280
or after the first day of the twenty-fifth month after the 8281
agreement was entered into under this section. 8282

(6) "Person" has the same meaning as in section 5701.01 of 8283
the Revised Code. 8284

(7) "Project site," "related member," and "tax credit 8285
authority" have the same meanings as in sections 122.17 and 8286
122.171 of the Revised Code. 8287

(8) "Taxpayer" means any person subject to the taxes 8288
imposed under Chapters 5739. and 5741. of the Revised Code. 8289

(B) The tax credit authority may completely or partially 8290
exempt from the taxes levied under Chapters 5739. and 5741. of 8291
the Revised Code the sale, storage, use, or other consumption of 8292
computer data center equipment used or to be used at an eligible 8293
computer data center. Any such exemption shall extend to charges 8294
for the delivery, installation, or repair of the computer data 8295
center equipment subject to the exemption under this section. 8296

(C) A taxpayer that proposes a capital improvement project 8297
for an eligible computer data center in this state may apply to 8298
the tax credit authority to enter into an agreement under this 8299
section authorizing a complete or partial exemption from the 8300
taxes imposed under Chapters 5739. and 5741. of the Revised Code 8301
on computer data center equipment purchased by the applicant or 8302

any other taxpayer that operates a computer data center business 8303
at the project site and used or to be used at the eligible 8304
computer data center. The director of development ~~services~~ shall 8305
prescribe the form of the application. After receipt of an 8306
application, the authority shall forward copies of the 8307
application to ~~the director of budget and management~~ and the tax 8308
commissioner, ~~each of whom~~ who shall review the application to 8309
determine the economic impact that the proposed eligible 8310
computer data center would have on the state and any affected 8311
political subdivisions and submit to the authority a summary of 8312
their determinations. The authority shall also forward a copy of 8313
the application to the director of development ~~services~~ who 8314
shall review the application to determine the economic impact 8315
that the proposed eligible computer data center would have on 8316
the state and the affected political subdivisions and shall 8317
submit a summary of their determinations and recommendations to 8318
the authority. 8319

(D) Upon review and consideration of such determinations 8320
and recommendations, the tax credit authority , before October 8321
1, 2025, may enter into an agreement with the applicant and any 8322
other taxpayer that operates a computer data center business at 8323
the project site for a complete or partial exemption from the 8324
taxes imposed under Chapters 5739. and 5741. of the Revised Code 8325
on computer data center equipment used or to be used at an 8326
eligible computer data center if the authority determines all of 8327
the following: 8328

(1) The capital investment project for the eligible 8329
computer data center will increase payroll and the amount of 8330
income taxes to be withheld from employee compensation pursuant 8331
to section 5747.06 of the Revised Code. 8332

(2) The applicant is economically sound and has the ability to complete or effect the completion of the proposed capital investment project.

(3) The applicant intends to and has the ability to maintain operations at the project site for the term of the agreement.

(4) Receiving the exemption is a major factor in the applicant's decision to begin, continue with, or complete the capital investment project.

(E) An agreement entered into under this section shall include all of the following:

(1) A detailed description of the capital investment project that is the subject of the agreement, including the amount of the investment, the period over which the investment has been or is being made, the annual compensation to be paid by each taxpayer subject to the agreement to its employees at the project site, and the anticipated amount of income taxes to be withheld from employee compensation pursuant to section 5747.06 of the Revised Code.

(2) The percentage of the exemption from the taxes imposed under Chapters 5739. and 5741. of the Revised Code for the computer data center equipment used or to be used at the eligible computer data center, the length of time the computer data center equipment will be exempted, and the first date on which the exemption applies.

(3) A requirement that the computer data center remain an eligible computer data center during the term of the agreement and that the applicant maintain operations at the eligible computer data center during that term. An applicant does not

violate the requirement described in division (E) (3) of this 8362
section if the applicant ceases operations at the eligible 8363
computer data center during the term of the agreement but 8364
resumes those operations within eighteen months after the date 8365
of cessation. The agreement shall provide that, in such a case, 8366
the applicant and any other taxpayer that operates a computer 8367
data center business at the project site shall not claim the tax 8368
exemption authorized in the agreement for any purchase of 8369
computer data center equipment made during the period in which 8370
the applicant did not maintain operations at the eligible 8371
computer data center. 8372

(4) A requirement that, for each year of the term of the 8373
agreement beginning on or after the first day of the twenty- 8374
fifth month after the date the agreement was entered into, one 8375
or more taxpayers operating a computer data center business at 8376
the project site will, in the aggregate, pay annual compensation 8377
that is subject to the withholding obligation imposed under 8378
section 5747.06 of the Revised Code of at least one million five 8379
hundred thousand dollars to employees at the eligible computer 8380
data center. 8381

(5) A requirement that each taxpayer subject to the 8382
agreement annually report to the director of development 8383
~~services~~ employment, tax withholding, capital investment, and 8384
other information required by the director to perform the 8385
director's duties under this section. 8386

(6) A requirement that the director of development 8387
~~services~~ annually review the annual reports of each taxpayer 8388
subject to the agreement to verify the information reported 8389
under division (E) (5) of this section and compliance with the 8390
agreement. Upon verification, the director shall issue a 8391

certificate to each such taxpayer stating that the information 8392
has been verified and that the taxpayer remains eligible for the 8393
exemption specified in the agreement. 8394

(7) A provision providing that the taxpayers subject to 8395
the agreement may not relocate a substantial number of 8396
employment positions from elsewhere in this state to the project 8397
site unless the director of development ~~services~~ determines that 8398
the appropriate taxpayer notified the legislative authority of 8399
the county, township, or municipal corporation from which the 8400
employment positions would be relocated. For purposes of this 8401
paragraph, the movement of an employment position from one 8402
political subdivision to another political subdivision shall be 8403
considered a relocation of an employment position unless the 8404
movement is confined to the project site. The transfer of an 8405
employment position from one political subdivision to another 8406
political subdivision shall not be considered a relocation of an 8407
employment position if the employment position in the first 8408
political subdivision is replaced by another employment 8409
position. 8410

(8) A waiver by each taxpayer subject to the agreement of 8411
any limitations periods relating to assessments or adjustments 8412
resulting from the taxpayer's failure to comply with the 8413
agreement. 8414

(F) The term of an agreement under this section shall be 8415
determined by the tax credit authority, and the amount of the 8416
exemption shall not exceed one hundred per cent of such taxes 8417
that would otherwise be owed in respect to the exempted computer 8418
data center equipment. 8419

(G) If any taxpayer subject to an agreement under this 8420
section fails to meet or comply with any condition or 8421

requirement set forth in the agreement, the tax credit authority 8422
may amend the agreement to reduce the percentage of the 8423
exemption or term during which the exemption applies to the 8424
computer data center equipment used or to be used by the 8425
noncompliant taxpayer at an eligible computer data center. The 8426
reduction of the percentage or term may take effect in the 8427
current calendar year. 8428

(H) Financial statements and other information submitted 8429
to the department of development ~~services~~ or the tax credit 8430
authority by an applicant for or recipient of an exemption under 8431
this section, and any information taken for any purpose from 8432
such statements or information, are not public records subject 8433
to section 149.43 of the Revised Code. However, the chairperson 8434
of the authority may make use of the statements and other 8435
information for purposes of issuing public reports or in 8436
connection with court proceedings concerning tax exemption 8437
agreements under this section. Upon the request of the tax 8438
commissioner, the chairperson of the authority shall provide to 8439
the tax commissioner any statement or other information 8440
submitted by an applicant for or recipient of an exemption under 8441
this section. The tax commissioner shall preserve the 8442
confidentiality of the statement or other information. 8443

(I) The tax commissioner shall issue a direct payment 8444
permit under section 5739.031 of the Revised Code to each 8445
taxpayer subject to an agreement under this section. Such direct 8446
payment permit shall authorize the taxpayer to pay any sales and 8447
use taxes due on purchases of computer data center equipment 8448
used or to be used in an eligible computer data center and to 8449
pay any sales and use taxes due on purchases of tangible 8450
personal property or taxable services other than computer data 8451
center equipment used or to be used in an eligible computer data 8452

center directly to the tax commissioner. Each such taxpayer 8453
shall pay pursuant to such direct payment permit all sales tax 8454
levied on such purchases under sections 5739.02, 5739.021, 8455
5739.023, and 5739.026 of the Revised Code and all use tax 8456
levied on such purchases under sections 5741.02, 5741.021, 8457
5741.022, and 5741.023 of the Revised Code, consistent with the 8458
terms of the agreement entered into under this section. 8459

During the term of an agreement under this section each 8460
taxpayer subject to the agreement shall submit to the tax 8461
commissioner a return that shows the amount of computer data 8462
center equipment purchased for use at the eligible computer data 8463
center, the amount of tangible personal property and taxable 8464
services other than computer data center equipment purchased for 8465
use at the eligible computer data center, the amount of tax 8466
under Chapter 5739. or 5741. of the Revised Code that would be 8467
due in the absence of the agreement under this section, the 8468
exemption percentage for computer data center equipment 8469
specified in the agreement, and the amount of tax due under 8470
Chapter 5739. or 5741. of the Revised Code as a result of the 8471
agreement under this section. Each such taxpayer shall pay the 8472
tax shown on the return to be due in the manner and at the times 8473
as may be further prescribed by the tax commissioner. Each such 8474
taxpayer shall include a copy of the director of ~~development-~~ 8475
~~services'~~ development's certificate of verification issued under 8476
division (E) (6) of this section. Failure to submit a copy of the 8477
certificate with the return does not invalidate the claim for 8478
exemption if the taxpayer submits a copy of the certificate to 8479
the tax commissioner within the time prescribed by section 8480
5703.0510 of the Revised Code. 8481

(J) If the director of development ~~services-~~ determines 8482
that one or more taxpayers received an exemption from taxes due 8483

on the purchase of computer data center equipment purchased for 8484
use at a computer data center that no longer complies with the 8485
requirement under division (E) (3) of this section, the director 8486
shall notify the tax credit authority and, if applicable, the 8487
taxpayer that applied to enter the agreement for the exemption 8488
under division (C) of this section of the noncompliance. After 8489
receiving such a notice, and after giving each taxpayer subject 8490
to the agreement an opportunity to explain the noncompliance, 8491
the authority may terminate the agreement and require each such 8492
taxpayer to pay to the state all or a portion of the taxes that 8493
would have been owed in regards to the exempt equipment in 8494
previous years, all as determined under rules adopted pursuant 8495
to division (K) of this section. In determining the portion of 8496
the taxes that would have been owed on the previously exempted 8497
equipment to be paid to this state by a taxpayer, the authority 8498
shall consider the effect of market conditions on the eligible 8499
computer data center, whether the taxpayer continues to maintain 8500
other operations in this state, and, with respect to agreements 8501
involving multiple taxpayers, the taxpayer's level of 8502
responsibility for the noncompliance. After making the 8503
determination, the authority shall certify to the tax 8504
commissioner the amount to be paid by each taxpayer subject to 8505
the agreement. The tax commissioner shall make an assessment for 8506
that amount against each such taxpayer under Chapter 5739. or 8507
5741. of the Revised Code. The time limitations on assessments 8508
under those chapters do not apply to an assessment under this 8509
division, but the tax commissioner shall make the assessment 8510
within one year after the date the authority certifies to the 8511
tax commissioner the amount to be paid by the taxpayer. 8512

(K) The director of development ~~services~~, after 8513
consultation with the tax commissioner and in accordance with 8514

Chapter 119. of the Revised Code, shall adopt rules necessary to 8515
implement this section. The rules may provide for recipients of 8516
tax exemptions under this section to be charged fees to cover 8517
administrative costs incurred in the administration of this 8518
section. The fees collected shall be credited to the tax 8519
incentives operating fund created in section 122.174 of the 8520
Revised Code. At the time the director gives public notice under 8521
division (A) of section 119.03 of the Revised Code of the 8522
adoption of the rules, the director shall submit copies of the 8523
proposed rules to the chairpersons of the standing committees on 8524
economic development in the senate and the house of 8525
representatives. 8526

(L) On or before the first day of August of each year, the 8527
director of development ~~services~~ shall submit a report to the 8528
governor, the president of the senate, and the speaker of the 8529
house of representatives on the tax exemption authorized under 8530
this section. The report shall include information on the number 8531
of agreements that were entered into under this section during 8532
the preceding calendar year, a description of the eligible 8533
computer data center that is the subject of each such agreement, 8534
and an update on the status of eligible computer data centers 8535
under agreements entered into before the preceding calendar 8536
year. 8537

(M) A taxpayer may be made a party to an existing 8538
agreement entered into under this section by the tax credit 8539
authority and another taxpayer or group of taxpayers. In such a 8540
case, the taxpayer shall be entitled to all benefits and bound 8541
by all obligations contained in the agreement and all 8542
requirements described in this section. When an agreement 8543
includes multiple taxpayers, each taxpayer shall be entitled to 8544
a direct payment permit as authorized in division (I) of this 8545

section. 8546

Sec. 122.1710. (A) As used in this section: 8547

(1) "Low-income individual" has the same meaning as "low-income person" in section ~~122.66~~ 5101.311 of the Revised Code. 8548
8549

(2) "Microcredential" has the same meaning as in section 122.178 of the Revised Code. 8550
8551

(3) "OhioMeansJobs web site" has the same meaning as in section 6301.01 of the Revised Code. 8552
8553

(4) "Partially unemployed" and "totally unemployed" have the same meanings as in section 4141.01 of the Revised Code. 8554
8555

(5) "Training provider" means all of the following: 8556

(a) A state institution of higher education as defined in section 3345.011 of the Revised Code; 8557
8558

(b) An Ohio technical center as defined in section 3333.94 of the Revised Code; 8559
8560

(c) A private business or institution that offers training to allow an individual to earn one or more microcredentials. 8561
8562

(B) There is hereby created the individual microcredential assistance program to reimburse training providers for training costs for individuals to earn a microcredential. The department of development, in consultation with the governor's office of workforce transformation, shall administer the program. 8563
8564
8565
8566
8567

(C) A training provider seeking to participate in the program shall submit an application to the director of development. The training provider shall include in the application all of the following information: 8568
8569
8570
8571

(1) The number of microcredentials the training provider 8572

will seek a reimbursement for and the names of the microcredentials;	8573 8574
(2) The cost of the training for each microcredential;	8575
(3) The total amount of the reimbursement the training provider will seek;	8576 8577
(4) The training provider's plan to provide opportunities for individuals who are low income, partially unemployed, or totally unemployed to participate in a training program and receive a microcredential;	8578 8579 8580 8581
(5) Any other information the director requires.	8582
(D) (1) The director shall consider the following factors in determining whether to approve an application submitted under division (C) of this section:	8583 8584 8585
(a) The duration of the training program;	8586
(b) The cost of the training;	8587
(c) Whether approving an application will promote regional diversity in apportioning reimbursements uniformly across the state;	8588 8589 8590
(d) The training provider's commitment to providing opportunities for individuals who are low income, partially unemployed, or totally unemployed to participate in a training program and receive a microcredential.	8591 8592 8593 8594
(2) In determining regional diversity under division (D) (1) (c) of this section, the director shall use the regions established under division (G) of section 122.178 of the Revised Code.	8595 8596 8597 8598
(3) The director shall not approve an application	8599

submitted under this section if either of the following apply: 8600

(a) The microcredentials identified in the application are 8601
not included in the list the chancellor of higher education 8602
establishes under section 122.178 of the Revised Code. 8603

(b) The training provider has violated Chapter 4111. of 8604
the Revised Code within the four fiscal years immediately 8605
preceding the date of application. 8606

(4) The director shall notify a training provider in 8607
writing of the director's decision to approve or deny the 8608
training provider's application to participate in the program. 8609

(E) A participating training provider shall not charge an 8610
individual participating in a training program to earn a 8611
microcredential for which the training provider is seeking a 8612
reimbursement for either of the following: 8613

(1) Any costs associated with the individual's 8614
participation in the training program; 8615

(2) Any costs to the training provider resulting from an 8616
individual not completing the training program. 8617

(F) (1) Each participating training provider seeking 8618
reimbursement for training costs for one or more 8619
microcredentials earned by one or more individuals in a training 8620
program shall submit an application to the director after the 8621
individual or individuals have earned a microcredential. The 8622
training provider shall include in the reimbursement application 8623
all of the following information: 8624

(a) The actual cost for the training provider to provide 8625
each individual with the training; 8626

(b) Evidence that each individual earned a 8627

microcredential; 8628

(c) Any demographic information of each individual that 8629
the individual provides to the training provider, including race 8630
and gender. 8631

(2) The amount of the reimbursement shall be not more than 8632
three thousand dollars for each microcredential an individual 8633
receives. A participating training provider may not receive a 8634
reimbursement for any additional individual who earns a 8635
microcredential beyond the number of microcredentials included 8636
in the application under division (C) of this section. A 8637
participating training provider may receive a total 8638
reimbursement of five hundred thousand dollars in a fiscal year. 8639

(3) A training provider may request that an individual 8640
participating in the training provider's program provide 8641
demographic information to the training provider, including race 8642
and gender. An individual is not required to provide that 8643
information. 8644

(G) The director shall do both of the following regarding 8645
the operation of the program: 8646

(1) Create an application to participate in the program 8647
and an application for reimbursement; 8648

(2) Create and distribute a survey to each individual who 8649
successfully earned a microcredential because of a reimbursement 8650
to a training provider under this section inquiring as to the 8651
individual's occupation and wages at the time of completing the 8652
survey. 8653

(H) The director shall include on the internet web site 8654
maintained by the department, and the governor's office of 8655
workforce transformation shall include on the office's internet 8656

web site and the OhioMeansJobs web site, all of the content 8657
created under division (G) of this section. 8658

(I) The director may adopt rules in accordance with 8659
Chapter 119. of the Revised Code as the director considers 8660
necessary to implement this section, including establishing 8661
priority guidelines for approving applications under division 8662
(D) of this section. 8663

(J) Any personal information of an individual the director 8664
receives in connection with the individual microcredential 8665
assistance program created under this section is not a public 8666
record for purposes of section 149.43 of the Revised Code. 8667
However, the director may use the information as necessary to 8668
complete the reports required under section 122.1711 of the 8669
Revised Code. 8670

Sec. 122.41. The director of development ~~services is~~ 8671
invested with the powers and duties provided in Chapter 122. of 8672
the Revised Code, in order to promote the welfare of the people 8673
of the state, to stabilize the economy, to provide employment, 8674
to assist in the development within the state of industrial, 8675
commercial, distribution, and research activities required for 8676
the people of the state, and for their gainful employment, or 8677
otherwise to create or preserve jobs and employment 8678
opportunities, or improve the economic welfare of the people of 8679
the state, ~~and also to assist in the financing of air, water, or~~ 8680
~~thermal pollution control facilities and solid waste disposal~~ 8681
~~facilities by mortgage insurance as provided in section 122.451-~~ 8682
~~of the Revised Code.~~ It is hereby determined that the 8683
accomplishment of such purposes is essential so that the people 8684
of the state may maintain their present high standards in 8685
comparison with the people of other states and so that 8686

opportunities for employment and for favorable markets for the 8687
products of the state's natural resources, agriculture, and 8688
manufacturing shall be improved and that it is necessary for the 8689
state to establish the programs authorized pursuant to Chapter 8690
122. of the Revised Code and invest the director of development 8691
~~services~~ with the powers and duties provided in Chapter 122. of 8692
the Revised Code. The powers granted to the director by Chapter 8693
165. of the Revised Code are independent of and in addition and 8694
alternate to, and are not limited or restricted by, Chapter 122. 8695
of the Revised Code. 8696

Sec. 122.42. (A) The director of development shall do all 8697
of the following: 8698

(1) Receive applications for assistance under sections 8699
122.39 and 122.41 to 122.62 of the Revised Code; 8700

(2) Make a final determination whether to approve the 8701
application for assistance; 8702

(3) Transmit determinations to approve assistance to the 8703
controlling board together with any information the controlling 8704
board requires for the board's review and decision as to whether 8705
to approve the assistance; 8706

(4) Issue revenue bonds of the state through the treasurer 8707
of state, as necessary, payable solely from revenues and other 8708
sources as provided in sections 122.39 and 122.41 to 122.62 of 8709
the Revised Code. 8710

(B) The director may do all of the following: 8711

(1) Fix the rate of interest and charges to be made upon 8712
or with respect to moneys loaned by the director and the terms 8713
upon which mortgages and lease rentals may be guaranteed and the 8714
rates of charges to be made for the loans and guarantees and to 8715

make provisions for the operation of the funds established by 8716
the director in accordance with this section and ~~sections~~ 8717
section 122.54, 122.55, 122.56, and 122.57 of the Revised Code; 8718

(2) Loan moneys from the fund established in accordance 8719
with section 122.54 of the Revised Code pursuant to and in 8720
compliance with sections 122.39 and 122.41 to 122.62 of the 8721
Revised Code; 8722

(3) Acquire in the name of the director any property of 8723
any kind or character in accordance with sections 122.39 and 8724
122.41 to 122.62 of the Revised Code, by purchase, purchase at 8725
foreclosure, or exchange on such terms and in such manner as the 8726
director considers proper; 8727

(4) Make and enter into all contracts and agreements 8728
necessary or incidental to the performance of the director's 8729
duties and the exercise of the director's powers under sections 8730
122.39 and 122.41 to 122.62 of the Revised Code; 8731

(5) Maintain, protect, repair, improve, and insure any 8732
property which the director has acquired and dispose of the same 8733
by sale, exchange, or lease for the consideration and on the 8734
terms and in the manner as the director considers proper, but is 8735
not authorized to operate any such property as a business except 8736
as the lessor of the property; 8737

(6) (a) When the cost of any contract for the maintenance, 8738
protection, repair, or improvement of any property held by the 8739
director other than compensation for personal services involves 8740
an expenditure of more than one thousand dollars, the director 8741
shall make a written contract with the lowest responsive and 8742
responsible bidder in accordance with section 9.312 of the 8743
Revised Code after advertisement for not less than two 8744

consecutive weeks in a newspaper of general circulation in the 8745
county where such contract, or some substantial part of it, is 8746
to be performed, and in such other publications as the director 8747
determines, which notice shall state the general character of 8748
the work and the general character of the materials to be 8749
furnished, the place where plans and specifications may be 8750
examined, and the time and place of receiving bids. 8751

(b) Each bid for a contract for the construction, 8752
demolition, alteration, repair, or reconstruction of an 8753
improvement shall contain the full name of every person 8754
interested in it and meet the requirements of section 153.54 of 8755
the Revised Code. 8756

(c) Each bid for a contract, except as provided in 8757
division (B) (6) (b) of this section, shall contain the full name 8758
of every person interested in it and shall be accompanied by 8759
bond or certified check on a solvent bank, in such amount as the 8760
director considers sufficient, that if the bid is accepted a 8761
contract will be entered into and the performance of the 8762
proposal secured. 8763

(d) The director may reject any and all bids. 8764

(e) A bond with good and sufficient surety, approved by 8765
the director, shall be required of every contractor awarded a 8766
contract except as provided in division (B) (6) (b) of this 8767
section, in an amount equal to at least fifty per cent of the 8768
contract price, conditioned upon faithful performance of the 8769
contract. 8770

(7) Employ financial consultants, appraisers, consulting 8771
engineers, superintendents, managers, construction and 8772
accounting experts, attorneys, and other employees and agents as 8773

are necessary in the director's judgment and fix their 8774
compensation; 8775

(8) Assist qualified persons in the coordination and 8776
formation of a small business development company, having a 8777
statewide area of operation, conditional upon the company's 8778
agreeing to seek to obtain certification from the federal small 8779
business administration as a certified statewide development 8780
company and participation in the guaranteed loan program 8781
administered by the small business administration pursuant to 8782
the Act of July 2, 1980, 94 Stat. 837, 15 U.S.C.A. 697. During 8783
the initial period of formation of the statewide small business 8784
development company, the director shall provide technical and 8785
financial expertise, legal and managerial assistance, and other 8786
services as are necessary and proper to enable the company to 8787
obtain and maintain federal certification and participation in 8788
the federal guaranteed loan program. The director may charge a 8789
fee, in such amount and on such terms and conditions as the 8790
director determines necessary and proper, for assistance and 8791
services provided pursuant to division (B)(8) of this section. 8792

Persons chosen by the director to receive assistance in 8793
the formation of a statewide small business development company 8794
pursuant to division (B)(8) of this section shall make a special 8795
effort to use their participation in the federal guaranteed loan 8796
program to assist small businesses which are minority business 8797
enterprises as defined in division (E) of section 122.71 of the 8798
Revised Code. The director, with the assistance of the minority 8799
business development division of the department of development, 8800
shall provide technical and financial expertise, legal and 8801
managerial assistance, and other services in such a manner to 8802
enable the development company to provide assistance to small 8803
businesses which are minority business enterprises, and shall 8804

make available to the development company information pertaining 8805
to assistance available to minority business enterprises under 8806
programs established pursuant to sections 122.71 to 122.83, 8807
122.87 to 122.89, 122.92 to 122.94, 122.921, and 125.081 of the 8808
Revised Code. 8809

(9) Receive and accept grants, gifts, and contributions of 8810
money, property, labor, and other things of value to be held, 8811
used, and applied only for the purpose for which such grants, 8812
gifts, and contributions are made, from individuals, private and 8813
public corporations, from the United States or any agency of the 8814
United States, from the state or any agency of the state, and 8815
from any political subdivision of the state, and may agree to 8816
repay any contribution of money or to return any property 8817
contributed or the value of the property at such times, in such 8818
amounts, and on such terms and conditions, excluding the payment 8819
of interest, as the director determines at the time such 8820
contribution is made, and may evidence such obligations by 8821
notes, bonds, or other written instruments; 8822

(10) Establish with the treasurer of state the ~~funds~~ fund 8823
provided in ~~sections~~ section 122.54, ~~122.55, 122.56, and 122.57~~ 8824
of the Revised Code, in addition to such funds as the director 8825
determines are necessary or proper; 8826

(11) Do all acts and things necessary or proper to carry 8827
out the powers expressly granted and the duties imposed in 8828
sections 122.39 and 122.41 to 122.62 and Chapter 163. of the 8829
Revised Code. 8830

(C) All expenses and obligations incurred by the director 8831
in carrying out the director's powers and in exercising the 8832
director's duties under sections 122.39 and 122.41 to 122.62 of 8833
the Revised Code, shall be payable solely from the proceeds of 8834

revenue bonds issued pursuant to those sections, from revenues 8835
or other receipts or income of the director, from grants, gifts, 8836
and contributions, or funds established in accordance with those 8837
sections. Those sections do not authorize the director to incur 8838
indebtedness or to impose liability on the state or any 8839
political subdivision of the state. 8840

(D) Financial statements and financial data submitted to 8841
the director by any corporation, partnership, or person in 8842
connection with a loan application, or any information taken 8843
from such statements or data for any purpose, shall not be open 8844
to public inspection. 8845

Sec. 122.47. At the request of the director of 8846
development, the treasurer of state shall issue revenue bonds of 8847
the state for the purpose of acquiring moneys for the purposes 8848
of this chapter, which moneys shall be credited by the treasurer 8849
of state as the director of development shall determine to and 8850
among the funds established in accordance with or pursuant to 8851
sections 122.35, 122.42, and 122.54, ~~122.55, 122.56, 122.561,~~ 8852
~~and 122.57~~ of the Revised Code. ~~The principal of and interest on~~ 8853
~~such~~ Such revenue bonds ~~shall be payable solely from the sinking~~ 8854
~~funds established in accordance with section 122.57 of the~~ 8855
~~Revised Code at the times and in the order and manner provided~~ 8856
~~in the bond issuing proceedings or in any trust agreements~~ 8857
~~securing such bonds, and shall be secured by the revenue bond~~ 8858
guaranty fund established in accordance with section 122.571 of 8859
the Revised Code and shall also be secured by moneys in the 8860
other funds established by the director to the extent and on the 8861
terms ~~he~~ the director specifies and by covenants of the director 8862
~~that he will~~ to so manage the loans and leases and fix interest 8863
rates, charges, and rentals so as to assure receipt of net 8864
income and revenue sufficient to provide for the payment of the 8865

principal of and the interest on the revenue bonds. 8866

Sec. 122.49. The proceeds of each issue of revenue bonds 8867
issued pursuant to sections 122.39 and 122.41 to 122.62 of the 8868
Revised Code shall be used for the making of loans authorized in 8869
sections 122.43 and 122.45 of the Revised Code, for the purchase 8870
and improvement of property authorized in section 122.46 of the 8871
Revised Code, ~~for insuring mortgage payments authorized in~~ 8872
~~section 122.451 of the Revised Code,~~ and for the crediting into 8873
and among the funds established in accordance with sections 8874
122.35, and 122.54, ~~122.55, 122.56, 122.561, and 122.57~~ of the 8875
Revised Code, but subject to such conditions, limitations, and 8876
covenants with the purchasers and holders of the bonds as shall 8877
be provided for in the bond authorization proceedings and in the 8878
trust agreement securing the same. 8879

Provision shall be made by the director of development 8880
~~services~~ for the payment of the expenses of the director in 8881
operating the assistance programs authorized under this chapter 8882
in such manner and to such extent as shall be determined by the 8883
director. 8884

Sec. 122.53. In the discretion of the treasurer of state, 8885
any bonds issued under sections 122.39 and 122.41 to 122.62 of 8886
the Revised Code, may be secured by a trust agreement between 8887
the treasurer of state and a corporate trustee, which trustee 8888
may be any trust company or bank having the powers of a trust 8889
company within or without the state. 8890

Any such trust agreement may pledge or assign payments of 8891
principal of and interest on loans, charges, fees, and other 8892
revenue to be received by the director of development ~~services,~~ 8893
all rentals received under leases made by the director, and all 8894
proceeds of the sale or other disposition of property held by 8895

the director, ~~and may provide for the holding in trust by the~~ 8896
~~trustee to the extent provided for in the proceedings~~ 8897
~~authorizing such bonds, of all such moneys and moneys otherwise~~ 8898
~~payable into the mortgage guarantee fund created by section~~ 8899
~~122.56 of the Revised Code, and all moneys otherwise payable~~ 8900
~~into the mortgage insurance fund created by section 122.561 of~~ 8901
~~the Revised Code, and of moneys payable into the sinking fund or~~ 8902
~~funds referred to in section 122.57 of the Revised Code, but~~ 8903
shall not convey or mortgage any of the real or personal 8904
property held by the director or any part thereof. Any such 8905
trust agreement, or any proceedings providing for the issuance 8906
of such bonds, may contain such provisions for protecting and 8907
enforcing the rights and remedies of the bondholders as are 8908
reasonable and proper and not in violation of law, including 8909
covenants setting forth the duties of the director in relation 8910
to the acquisition of property, and the construction, 8911
improvement, maintenance, repair, operation, and insurance of 8912
facilities, the making of loans and leases and the terms and 8913
provisions thereof, and the custody, safeguarding, investment, 8914
and application of all moneys, and provisions for the employment 8915
of consulting engineers or other consultants in connection with 8916
the making of loans and leases and the construction or operation 8917
of any facility. Any bank or trust company incorporated under 8918
the laws of this state which may act as trustee or as depository 8919
of the proceeds of bonds or of revenue may furnish such 8920
indemnifying bonds or may pledge such securities as are required 8921
by the treasurer of state. Any such trust agreement may set 8922
forth the rights and remedies of the bondholders and of the 8923
trustee, and may restrict the individual right of action by 8924
bondholders as is customary in trust agreements or trust 8925
indentures securing bonds or debentures of corporations. Such 8926
trust agreement may contain such other provisions as the 8927

treasurer of state deems reasonable and proper for the security 8928
of the bondholders. All expenses incurred by the treasurer of 8929
state in carrying out the provisions of any such trust agreement 8930
shall be treated as a part of the cost of the operation of the 8931
assistance programs authorized pursuant to Chapter 122. of the 8932
Revised Code. Any such trust agreement may provide the method 8933
whereby general administrative overhead expense of the director 8934
with respect to those assistance programs shall be allocated 8935
among the funds established pursuant to Chapter 122. of the 8936
Revised Code with respect to the operating expenses of the 8937
director payable out of the income of the assistance programs. 8938

~~Sec. 122.571. In addition to the separate sinking funds~~ 8939
~~created under section 122.57 of the Revised Code, there~~ There is 8940
hereby created the revenue bond guaranty fund to consist of all 8941
money allocated by the director of development to guarantee 8942
payment of interest on, principal of and redemption premium on, 8943
the revenue bonds issued by the director under Chapter 122. of 8944
the Revised Code, all grants, gifts, and contributions made to 8945
the director for such purpose, and all money and property 8946
provided by law for such purpose. 8947

Sec. 122.59. In the event of a default with respect to any 8948
loan or lease, the director of development shall take such 8949
action as ~~he~~ the director deems proper in the circumstances to 8950
enforce and protect the rights of the director, and such action 8951
as may be required by the provisions of any proceedings 8952
authorizing the revenue bonds or of any trust agreement securing 8953
such bonds, which may include any appropriate action at law or 8954
in equity, enforcement or waiver of any provision of any 8955
mortgage or security agreement or lease, or reinstatement of any 8956
forfeited or cancelled right, title, or privilege. 8957
~~Notwithstanding any such action, the director shall transfer~~ 8958

~~from the mortgage guarantee fund created by section 122.56 of the Revised Code to the sinking fund or funds referred to in section 122.57 of the Revised Code amounts not greater than the amounts which would have been paid upon such loan or under such lease but for such default, at the time or times when such amounts would have been paid but for such defaults, to the extent provided in the proceedings authorizing and the trust agreements securing such bonds, to be held and applied as other moneys in the sinking fund, and shall make such other transfers and take such other action as shall be required of the director by any such bond issuance proceedings or trust agreement.~~

Sec. 122.631. (A) As used in sections 122.631 to 122.633 of the Revised Code:

(1) "Qualified nonprofit developer" means a nonprofit corporation, as defined in section 1702.01 of the Revised Code, that is all of the following:

(a) Incorporated in this state;

(b) Engaged in community development activities primarily within an identified geographic area of operation in this state;

(c) Has as its primary purpose the improvement of the physical, economic, or social environment by addressing critical problems in that geographic area of operation including housing.

(2) "Electing subdivision," "county land reutilization corporation," and "land reutilization program" have the same meanings as in section 5722.01 of the Revised Code.

~~(2)~~ (3) "Manufactured home" has the same meaning as in section 3781.06 of the Revised Code, and "mobile home" has the same meaning as in section 4501.01 of the Revised Code.

~~(3)~~(4) "Qualifying residential property" means ~~single-~~ 8987
~~family residential property, including a~~ a single unit of 8988
single-family residential property that has at least eight 8989
hundred square feet of habitable space and is either a stand- 8990
alone unit or in a multi-unit property containing not more than 8991
ten single-family residential units. "Qualifying residential 8992
property" excludes mobile homes but includes both of the 8993
following: 8994

(a) A manufactured home; 8995

(b) A single unit in a multi-unit property ~~containing not~~ 8996
~~more than ten units but excluding manufactured homes, that has~~ 8997
~~at least one thousand square feet of habitable space per~~ 8998
~~unit~~ that has other nonresidential units or uses. Such 8999
nonresidential units or uses are not qualifying residential 9000
property. 9001

~~(4)~~(5) "Qualifying median income" means ~~eighty one hundred~~ 9002
twenty per cent of median income for the county where qualifying 9003
residential property is located, as determined by the director 9004
of development pursuant to section 174.04 of the Revised Code. 9005

(6) "Qualifying financial literacy counseling" means a 9006
homeownership course with a curriculum that includes basic home 9007
maintenance training and financial literacy. 9008

(7) "Qualifying counseling provider" means an individual, 9009
business, nonprofit organization, or political subdivision, 9010
including an agency or instrumentality thereof, that is 9011
licensed, certified, or authorized to provide homeownership 9012
counseling and financial literacy as one of its primary 9013
functions, including housing counselors certified by the United 9014
States department of housing and urban development or the Ohio 9015

housing financing agency.

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(B) There is created in the department of development the
welcome home Ohio (WHO) program to administer the grants
authorized by this section and section ~~163.632~~122.632 of the
Revised Code and the tax credits authorized by section 122.633
of the Revised Code. The department shall create and maintain a
list of qualifying residential property to which the deed
restriction described in division (D) (4) of this section, or
division (B) (4) of section 122.632, ~~or division (C) (4) of~~
~~section 122.633~~ of the Revised Code applies or a restrictive
covenant described in division (C) (5) of section 122.633 of the
Revised Code is recorded. That list is not a public record for
purposes of section 149.43 of the Revised Code.

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(C) An electing subdivision ~~or,~~ a county land
reutilization corporation, or a qualified nonprofit developer
may apply to the director of development for a grant from the
welcome home Ohio fund, which is created in the state treasury,
to pay or defer the cost of purchasing qualifying residential
property for incorporation into the electing subdivision's or
county land reutilization corporation's land reutilization
program or the qualified nonprofit developer's housing program.
Up to two thousand dollars of each grant may be used to fund the
qualifying financial literacy counseling required under division
(D) (6) of this section. To the extent that funding is available
in that fund, the director may award grants to electing
subdivisions ~~and,~~ county land reutilization corporations, and
qualified nonprofit developers that make such an application and
agree to comply with division (D) of this section, with a
maximum grant of one hundred thousand dollars per qualifying
residential property.

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(D) The director of development shall require all 9046
applicants for a grant authorized by division (C) of this 9047
section to agree, as part of the application, to all of the 9048
following: 9049

(1) That grant funds shall only be used to pay the cost of 9050
purchasing qualifying residential property; 9051

(2) That qualifying residential property on which grant 9052
funds are spent shall be held until sold to an individual or 9053
individuals who, inclusively: 9054

(a) Have annual income that is not more than the 9055
qualifying median income; 9056

(b) Demonstrate the financial means to purchase the 9057
qualifying residential property; 9058

(c) Agree to maintain ownership of the qualifying 9059
residential property, occupy it as a primary residence, and not 9060
to rent any portion of the property to another individual for 9061
use as a dwelling, for at least ~~five~~three years following the 9062
date of purchase; 9063

(d) Agree not to sell the qualifying residential property, 9064
within ~~twenty~~fifteen years after the date of the sale, to any 9065
purchaser ~~except~~other than the electing subdivision, county 9066
land reutilization corporation, or qualified nonprofit developer 9067
or an individual or individuals who have annual income that is 9068
not more than the qualifying median income; 9069

(e) Agree to pay a penalty to the director of development 9070
for violation of the agreement required by division (D) (2) (c) of 9071
this section that, ~~subject to divisions (F) (2) and (3) of this~~ 9072
~~section,~~ equals ~~ninety thousand dollars~~the amount of the grant 9073
attributable to the property, less ~~eighteen thousand dollars~~ 9074

one-third of that amount multiplied by the number of full years 9075
the individual or individuals owned the property; 9076

(f) Agree that the director of development is a third- 9077
party beneficiary of the purchase agreement; 9078

(g) Agree to participate in the applicant's qualifying 9079
financial literacy program; 9080

(h) Agree to annually certify to the director of 9081
~~development or the director's designee,~~ during the period 9082
described by division (D) (2) (c) of this section, that the 9083
individual or individuals own and occupy the qualifying 9084
residential property, and that no part of the property is being 9085
rented to another individual for use as a dwelling. 9086

(3) That qualifying residential property on which grant 9087
funds are spent shall be sold for not more than ~~one~~ two hundred 9088
~~eighty~~ twenty thousand dollars per property. 9089

(4) That qualifying residential property on which grant 9090
funds are spent shall not be sold without a deed restriction 9091
prohibiting the sale of the property to a person that is not the 9092
electing subdivision, county land reutilization corporation, or 9093
qualified nonprofit developer or an individual or individuals 9094
who have annual income that is not more than the qualifying 9095
median income for ~~twenty~~ fifteen years after the date of the 9096
property's first transfer from the applicant following the use 9097
of grant funds. The deed restriction is a covenant running with 9098
the land and is fully binding on subsequent purchasers of the 9099
property until it expires on the fifteenth anniversary of the 9100
property's first transfer from the applicant following the use 9101
of grant funds. The electing subdivision, county land 9102
reutilization corporation, or qualified nonprofit developer may 9103

include in the deed restriction a right of first refusal to 9104
repurchase the property for the purpose of ensuring that the 9105
property is ultimately sold to an individual or individuals who 9106
have annual income that is not more than the qualifying median 9107
income. 9108

(5) That the applicant shall repay all grant funds not 9109
expended to purchase qualifying residential property or to fund 9110
the qualifying financial literacy counseling required by 9111
division (D) (6) of this section and all grant funds expended to 9112
purchase qualifying residential property that is not sold to an 9113
individual or individuals who meet the requirements described in 9114
division (D) (2) of this section or that is sold without the deed 9115
restriction described in division (D) (4) of this section. 9116

(6) That the applicant shall provide qualifying financial 9117
literacy counseling, over a minimum of ~~one year~~ six months, 9118
delivered by a qualifying counseling provider, to each purchaser 9119
of qualifying residential property on which grant funds are 9120
spent. An applicant may provide information regarding its 9121
qualifying financial literacy program to the director of 9122
development for review as part of the application or prior to 9123
application. ~~Financial~~ Qualifying financial literacy counseling 9124
provided by the applicant to the same purchaser, in accordance 9125
with division (B) (6) of section 122.632 of the Revised Code or 9126
division ~~(C) (5)~~ (C) (6) of section 122.633 of the Revised Code, 9127
satisfies the requirements of division (D) (6) of this section. 9128

(7) That the applicant shall report to the department of 9129
development the date when the qualifying residential property 9130
that is the subject of the application is sold by the applicant. 9131

(E) The director of development has authority and standing 9132
to sue for the enforcement of a deed restriction described in 9133

division (D) (4) of this section. 9134

~~(F) (1) (F)~~ An electing subdivision ~~or, a county land~~ 9135
~~reutilization corporation, or a qualified nonprofit developer~~ 9136
may apply for, and the director of development may award both a 9137
grant under this section for the purchase of qualifying 9138
residential property, and either a grant under section 122.632 9139
of the Revised Code, or a tax credit under section 122.633 of 9140
the Revised Code, to rehabilitate or construct the same 9141
qualifying residential property. 9142

~~(2) If an electing subdivision or county land~~ 9143
~~reutilization is awarded a grant under this section and a grant~~ 9144
~~under section 122.632 of the Revised Code for the same~~ 9145
~~qualifying residential property, and the individual or~~ 9146
~~individuals who purchase the property violate both of the~~ 9147
~~agreements required by division (D) (2) (c) of this section and~~ 9148
~~division (B) (2) (c) of section 122.632 of the Revised Code, only~~ 9149
~~the penalty described by division (B) (2) (c) of section 122.632~~ 9150
~~of the Revised Code applies.~~ 9151

~~(3) If an electing subdivision or county land~~ 9152
~~reutilization is awarded a grant under this section and a tax~~ 9153
~~credit under section 122.633 of the Revised Code for the same~~ 9154
~~qualifying residential property, and the individual or~~ 9155
~~individuals who purchase the property violate both of the~~ 9156
~~agreements required by division (D) (2) (c) of this section and~~ 9157
~~division (C) (2) (a) of section 122.633 of the Revised Code, only~~ 9158
~~the greater of the penalties described in divisions (D) (2) (c) of~~ 9159
~~this section and division (C) (2) (c) of section 122.633 of the~~ 9160
~~Revised Code applies.~~ 9161

(G) (1) The director may adopt rules in accordance with 9162
Chapter 119. Of the Revised Code as necessary to administer the 9163

grant program. Such rules may include the following: 9164

(a) Application forms, deadlines, and procedures; 9165

(b) Criteria for evaluating and prioritizing applications; 9166

(c) Guidelines for promoting an even geographic 9167
distribution of grants throughout the state; 9168

(d) Guidelines to determine the value of qualifying 9169
residential property located in a building with other uses and 9170
the total value of that building. 9171

(2) Any grants repaid under this section shall be credited 9172
to the welcome home Ohio fund. 9173

(3) An electing subdivision, a county land reutilization 9174
corporation, or a qualified nonprofit developer shall use all 9175
profits derived from the sale of qualifying residential property 9176
on which grant funds are spent, including profits derived from 9177
the resale of such property to a subsequent purchaser, for the 9178
electing subdivision's or county land reutilization 9179
corporation's land reutilization program or the qualified 9180
nonprofit developer's housing program. 9181

Sec. 122.632. (A) An electing subdivision~~or~~, a county 9182
land reutilization corporation, or a qualified nonprofit 9183
developer may apply to the director of development for a grant 9184
from the welcome home Ohio fund created in section 122.631 of 9185
the Revised Code to pay or defer the cost to rehabilitate or 9186
construct qualifying residential property held by the electing 9187
subdivision's or county land reutilization corporation's land 9188
reutilization program or the qualified nonprofit developer's 9189
housing program. To the extent that funding is available, in 9190
that fund the director may award grants to electing subdivisions 9191
and, county land reutilization corporations, and qualified 9192

nonprofit developers that make such an application and agree to 9193
comply with division (B) of this section, with a maximum grant 9194
of ~~thirty~~ one hundred thousand dollars per qualifying 9195
residential property. 9196

(B) The director of development shall require all 9197
applicants for a grant authorized by division (A) of this 9198
section to agree, as part of the application, to all of the 9199
following: 9200

(1) That grant funds shall ~~only~~ be used to pay the cost of 9201
rehabilitation or construction of qualifying residential 9202
property and all work will be completed according to all 9203
applicable construction and design standards; ~~—~~. Up to two 9204
thousand dollars of each grant may be used to fund the 9205
qualifying financial literacy counseling required under division 9206
(B) (6) of this section. If grant funds are spent to construct or 9207
rehabilitate a qualifying residential property described in 9208
division (A) (4) (b) of section 122.631 of the Revised Code, then 9209
no portion of the funds shall be spent to construct or 9210
rehabilitate portions of the building that are for 9211
nonresidential uses, except for common areas used by the 9212
occupants of the residential units and improvements that serve 9213
both the residential units and the other portions of the 9214
building. 9215

(2) That qualifying residential property on which grant 9216
funds are spent shall be held until sold to an individual or 9217
individuals who, inclusively: 9218

(a) Have annual income that is not more than the 9219
qualifying median income; 9220

(b) Demonstrate the financial means to purchase the 9221

qualifying residential property; 9222

(c) Agree to maintain ownership of the qualifying 9223
residential property, occupy it as a primary residence, and not 9224
to rent any portion of the property to another individual for 9225
use as a dwelling, for at least ~~five~~three years following the 9226
date of purchase; 9227

(d) Agree not to sell the qualifying residential property, 9228
within ~~twenty~~fifteen years after the date of the sale, to any 9229
purchaser ~~except~~other than the electing subdivision, county 9230
land reutilization corporation, or qualified nonprofit developer 9231
or an individual or individuals who have annual income that is 9232
not more than the qualifying median income; 9233

(e) Agree to pay a penalty to the director of development 9234
for violation of the agreement required by division (B) (2) (c) of 9235
this section that, ~~subject to division (F) (2) of section 122.631~~ 9236
~~of the Revised Code,~~ equals ninety thousand dollarsthe amount of 9237
the grant attributable to the property, less eighteen thousand- 9238
~~dollars~~one-third of that amount multiplied by the number of 9239
full years the individual or individuals owned the property. 9240

(f) Agree that the director of development is a third- 9241
party beneficiary of the purchase agreement; 9242

(g) Agree to participate in the applicant's qualifying 9243
financial literacy program; 9244

(h) Agree to annually certify to the director of 9245
development ~~or the director's designee,~~ during the period 9246
described by division (B) (2) (c) of this section, that the 9247
individual or individuals own and occupy the qualifying 9248
residential property, and that no part of the property is being 9249
rented to another individual for use as a dwelling. 9250

(3) That qualifying residential property on which grant 9251
funds are spent shall be sold for not more than ~~one~~ two hundred 9252
~~eighty~~ twenty thousand dollars per property. 9253

(4) That qualifying residential property on which grant 9254
funds are spent shall not be sold without a deed restriction 9255
prohibiting the sale of the property to a person that is not the 9256
electing subdivision, county land reutilization corporation, or 9257
qualified nonprofit developer or an individual or individuals 9258
who have annual income that is not more than the median income 9259
for ~~twenty~~ fifteen years after the date of the property's first 9260
transfer from the applicant following the use of grant funds~~;~~. 9261
The deed restriction is a covenant running with the land and is 9262
fully binding on subsequent purchasers of the property until it 9263
expires on the fifteenth anniversary of the property's first 9264
transfer from the applicant following the use of grant funds. 9265
The electing subdivision, county land reutilization corporation, 9266
or qualified nonprofit developer may include in the deed 9267
restriction a right of first refusal to repurchase the property 9268
for the purpose of ensuring that the property is ultimately sold 9269
to an individual or individuals who have annual income that is 9270
not more than the qualifying median income. 9271

(5) That the applicant shall repay all grant funds 9272
expended on any expenses other than the construction or 9273
rehabilitation of qualifying residential property or financial 9274
literacy counseling required under division (B) (6) of this 9275
section, or on qualifying residential property that is not sold 9276
to an individual or individuals who meet the requirements 9277
described in division (B) (2) of this section or that is sold 9278
without the deed restriction described in division (B) (4) of 9279
this section; 9280

(6) That the applicant shall provide financial qualifying 9281
literacy counseling, over a minimum of ~~one year~~six months, 9282
delivered by the qualifying counseling provider, to each 9283
purchaser of qualifying residential property on which grant 9284
funds are spent. An applicant may provide information regarding 9285
its qualifying financial literacy program to the director of 9286
development for review as part of the application or prior to 9287
application; 9288

(7) That the applicant shall report to the department of 9289
development the date when the qualifying residential property 9290
that is the subject of the application is sold by the applicant. 9291

(8) That, if grant funds are received, the qualifying 9292
residential property that is the subject of the application 9293
shall not be the subject of an application for a tax credit 9294
under section 122.633 of the Revised Code. 9295

(C) The director of development is granted authority and 9296
standing to sue for the enforcement of a deed restriction 9297
described in division (B) (4) of this section. 9298

(D) (1) The director may adopt rules in accordance with 9299
Chapter 119. of the Revised Code as necessary to administer the 9300
grant program. Such rules may include the following: 9301

(a) Application forms, deadlines, and procedures; 9302

(b) Criteria for evaluating and prioritizing applications; 9303

(c) Guidelines for promoting an even geographic 9304
distribution of grants throughout the state; 9305

(d) Guidelines to determine the value of qualifying 9306
residential property located in a building with other uses and 9307
the total value of that building. 9308

(2) Any grants repaid under this section shall be credited 9309
to the welcome home Ohio fund. 9310

(3) An electing subdivision, a county land reutilization 9311
corporation, or a qualified nonprofit developer shall use all 9312
profits derived from the sale of qualifying residential property 9313
on which grant funds are spent, including profits derived from 9314
the resale of such property to a subsequent purchaser, for the 9315
electing subdivision's or county land reutilization 9316
corporation's land reutilization program or the qualified 9317
nonprofit developer's housing program. 9318

Sec. 122.633. (A) As used in this section, "eligible 9319
developer" means any of the following: 9320

(1) A nonprofit corporation, as defined in section 1702.01 9321
of the Revised Code, based in this state with a primary activity 9322
of the development and preservation of affordable housing; 9323

(2) A limited partnership or domestic limited partnership, 9324
as defined in section 1782.01 of the Revised Code, in which a 9325
general partner is a nonprofit corporation based in this state, 9326
a primary activity of which is the development and preservation 9327
of affordable housing; 9328

(3) A limited liability company, as defined in section 9329
1706.01 of the Revised Code, in which the manager is a nonprofit 9330
corporation based in this state, a primary activity of which is 9331
the development and preservation of affordable housing; 9332

(4) A community improvement corporation, as defined in 9333
section 1724.01 of the Revised Code, or a community urban 9334
redevelopment corporation, as defined in section 1728.01 of the 9335
Revised Code. 9336

(B) An electing subdivision or eligible developer that 9337

rehabilitates or constructs a unit of qualifying residential 9338
property and sells the property to an individual or individuals 9339
for the individual's or individuals' occupancy may apply to the 9340
director of development for a nonrefundable credit against the 9341
tax levied under section 5726.02 or 5747.02 of the Revised Code, 9342
provided the rehabilitation or construction and the sale comply 9343
with division (C) of this section. The credit application shall 9344
be made on forms prescribed by the director. The credit shall 9345
equal ninety thousand dollars or ~~one-third~~ ninety per cent of 9346
the cost to rehabilitate or construct the property, whichever is 9347
less. 9348

(C) An ~~application~~ applicant for a credit authorized by 9349
division ~~(C)~~ (B) of this section shall certify all of the 9350
following: 9351

(1) That the rehabilitation or construction of qualifying 9352
residential property that is the subject of the application was 9353
completed according to all applicable construction and design 9354
standards; 9355

(2) That each qualifying residential property that is the 9356
subject of the application was sold to an individual or 9357
individuals who have annual income that is not more than the 9358
qualifying median income, and demonstrated the financial means 9359
to purchase the qualifying residential property, ~~and agreed to~~ 9360
~~all of the following in the purchase agreement: ;~~ 9361

~~(a) To maintain~~ (3) That the applicant will pay a penalty 9362
to the director of development if the individual or individuals 9363
who purchased the qualifying residential property that is the 9364
subject of the application, or subsequent purchasers of that 9365
property, do any of the following: 9366

(a) Fail to maintain ownership of the qualifying residential property, or occupy it as a primary residence, and not to rent for at least three years following the date of purchase; 9367
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(b) Rent any portion of the property to another individual for use as a dwelling, for at least five within three years following the date of purchase; 9371
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~~(b) Not to sell~~ (c) Sell the qualifying residential property to a purchaser other than the applicant or an individual or individuals who have annual income that is no more than the qualifying median income for at least within twenty years after the date of purchase;. 9374
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~~(e) To pay a~~ The penalty to the director of development for violation of the agreement required by division (C) (2) (a) of this section that, subject to division (F) (3) of section 122.631 of the Revised Code, equals shall equal the total amount of the tax credit authorized by this section and attributable to the qualifying residential property purchased by the individual, reduced by twenty per cent one-twentieth of that amount for each full year the individual or individuals owned the property; the purchasers met the requirements of this section following the date the applicant initially sold the property. 9379
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The director of development may waive a penalty otherwise required by division (C) (3) of this section if the purchaser or purchasers failed to maintain ownership or occupancy as a primary residence due to hardship. Such hardship may be caused by divorce, disability, illness, loss of income, or other occurrence, and must be supported by documentation suitable to the director. 9389
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~~(d) That the director of development is a third party~~ 9396
~~beneficiary of the purchase agreement;~~ 9397

~~(e) To participate in the applicant's financial literacy~~ 9398
~~program;~~ 9399

~~(f) Agree to annually~~ (3) That the applicant will certify 9400
to the director of development ~~or the director's designee, upon~~ 9401
the request of the director anytime during the period described 9402
by ~~division (C) (2) (a)~~ divisions (C) (3) (a) and (b) of this 9403
section, that the individual or individuals who purchased the 9404
qualifying residential property that is the subject of the 9405
application still own and occupy the qualifying residential 9406
property, and that no part of the property is being rented to 9407
another individual for use as a dwelling. 9408

~~(3)~~ (4) That the qualifying residential property that is 9409
the subject of the application was sold for not more than ~~one~~ 9410
two hundred eighty-two thousand dollars; 9411

~~(4)~~ (5) That the applicant has in its possession an 9412
executed restrictive covenant for the qualifying residential 9413
property that is the subject of the application ~~was transferred~~ 9414
~~with a deed restriction prohibiting,~~ conditional and to be 9415
recorded upon the award of a tax credit authorized by division 9416
(B) of this section, that does both of the following: 9417

(a) Prohibits the sale of the property to a person other 9418
than the applicant or an individual or individuals who have 9419
annual income that is not more than the qualifying median income 9420
for at least twenty years after the date of transfer; 9421

(b) Names the director of development as a third party 9422
beneficiary of the covenant. 9423

~~(5)~~ (6) That the applicant provides a minimum of ~~one year~~ 9424

six months of qualifying financial literacy counseling, 9425
delivered by a qualifying counseling provider, to and each 9426
purchaser of qualifying residential property that is the subject 9427
of the application has completed the counseling. An applicant 9428
may provide information regarding its qualifying financial 9429
literacy program to the director of development for review as 9430
part of the application or prior to application~~+~~. 9431

~~(6)(7)~~ That the applicant ~~shall report to the department~~ 9432
~~of development the date when provided a no-interest loan,~~ 9433
secured by a mortgage, to the purchaser of the qualifying 9434
residential property that is the subject of the application ~~is~~ 9435
~~sold by the applicant and the applicant will hold the note and~~ 9436
mortgage until maturity. 9437

~~(7)(8)~~ That the qualifying residential property that is 9438
the subject of the application was not rehabilitated or 9439
constructed using grant funds received under section 122.632 of 9440
the Revised Code. 9441

~~(D) The director of development is granted authority and~~ 9442
~~standing to sue for the enforcement of a deed restriction~~ 9443
~~described in division (C) (4) of this section.~~ 9444

~~(E)(1)~~ (D) (1) Subject to division ~~(E)(2)~~ (D) (2) of this 9445
section, if the director determines that the applicant qualifies 9446
for a credit under this section, the director shall issue a tax 9447
credit certificate to the applicant identified with a unique 9448
number and listing the amount of the credit that is eligible to 9449
be transferred or claimed pursuant to division ~~(E)(3)~~ (D) (3) or 9450
~~(F)~~ (G) of this section. 9451

(2) The total amount of tax credits issued by the director 9452
under this section after the effective date of this amendment 9453

shall not exceed ~~twenty-five~~ twenty million dollars ~~in any~~ 9454
~~fiscal year~~, and no tax credits shall be issued after June 30, 9455
~~2025~~ 2027. 9456

(3) A person granted a certificate pursuant to division 9457
~~(E) (1)~~ (D) (1) of this section may claim the credit against the 9458
tax levied under section 5726.02 of the Revised Code or against 9459
the person's aggregate tax liability under section 5747.02 of 9460
the Revised Code for the taxable year in which the certificate 9461
is issued. The taxpayer shall claim the credit in the order 9462
prescribed by section 5726.98 or 5747.98 of the Revised Code, as 9463
applicable. Any unused amount may be carried forward for the 9464
following five taxable years. If the person is a pass-through 9465
entity, any taxpayer that is a direct or indirect investor in 9466
the pass-through entity on the last day of the entity's taxable 9467
year may claim the taxpayer's proportionate or distributive 9468
share of the credit against the taxpayer's aggregate amount of 9469
tax levied under section 5747.02 of the Revised Code. 9470

A taxpayer claiming a credit under this section shall 9471
submit a copy of the certificate with the taxpayer's return or 9472
report. 9473

~~(F)~~ (E) An applicant awarded a tax credit under this 9474
section may reacquire the qualifying residential property on 9475
which the credit was based without paying the penalty described 9476
in division (C) (3) of this section if all of the following 9477
conditions are met: 9478

(1) The individual or individuals who purchased the 9479
qualifying residential property do or intend to do any of the 9480
following: 9481

(a) Default on the note and mortgage held by the 9482

<u>applicant;</u>	9483
<u>(b) Cease to own or occupy the property as a primary residence within three years following the date of purchase;</u>	9484
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<u>(c) Rent any portion of the property to another individual for use as a dwelling within three years following the date of purchase;</u>	9486
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<u>(d) Sell the qualifying residential property to a person other than an individual or individuals with an annual income that is not more than the qualifying median income.</u>	9489
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	9491
<u>(2) The applicant retakes ownership of the qualified residential property through a purchase, deed in lieu of foreclosure, foreclosure, or other means that directly transfer the property to the applicant.</u>	9492
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<u>(3) The applicant does not use funds from the claim or sale of a tax credit under this section or awarded pursuant to section 122.632 of the Revised Code to prepare the property for resale.</u>	9496
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<u>(4) The applicant sells the qualified residential property to an individual or individuals who meet the requirements of division (C) (2) of this section within twelve months of the date the applicant retakes ownership of the property.</u>	9500
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<u>(5) The applicant continues to perform all acts the applicant certified pursuant to division (C) of this section as if the applicant had not retaken ownership of the qualified residential property until the date that is twenty years from the applicant's initial sale of that property.</u>	9504
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<u>(F) An eligible developer may apply for a tax credit authorized by this section for qualified residential property</u>	9509
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that was sold under any terms, whether contained in a purchase 9511
agreement, mortgage documents, or deed, that do not conflict 9512
with the requirements of this section. 9513

(G) A person granted a certificate pursuant to division 9514
~~(E) (1)~~ (D) (1) of this section may transfer the right to claim 9515
all or part of the credit reflected on the certificate to 9516
another person. 9517

To effectuate the transfer, the transferor shall notify 9518
the tax commissioner, in writing, that the transferor is 9519
transferring the right to claim all or part of the remaining 9520
credit stated on the certificate. The transferor shall identify 9521
in that notification the certificate's number, the name and the 9522
tax identification number of the transferee, the amount of the 9523
remaining credit transferred to the transferee, and, if 9524
applicable, the amount of remaining credit retained by the 9525
transferor. 9526

The transferee may claim the amount of the credit received 9527
under this division against the tax levied under section 5726.02 9528
of the Revised Code or against the person's aggregate tax 9529
liability under section 5747.02 of the Revised Code for the 9530
taxable year in the same manner and for the same taxable years 9531
as it may be claimed by a person under division ~~(E) (3)~~ (D) (3) of 9532
this section. 9533

Any person to which a credit has been transferred under 9534
this division may transfer the right to claim all or part of the 9535
transferred credit amount to any other person, in the same 9536
manner prescribed by this division for the initial transfer, 9537
including that any such transfer be reported by the transferor 9538
to the tax commissioner as described in this division. 9539

Transferring a credit under this division does not extend 9540
the taxable years for which the credit may be claimed or number 9541
of years for which the unclaimed credit amount may be carried 9542
forward. 9543

~~(G)~~ (H) The director may adopt rules in accordance with 9544
Chapter 119. of the Revised Code as necessary to administer the 9545
tax credits authorized by this section. Such rules may include 9546
the following: 9547

- (1) Application forms, deadlines, and procedures; 9548
- (2) Criteria for evaluating and prioritizing applications; 9549
- (3) Guidelines for promoting an even geographic 9550
distribution of credits throughout the state. 9551

Sec. 122.636. (A) As used in this section: 9552

(1) "Major economic development project" means a project 9553
in this state that is reasonably expected to create, retain, and 9554
attract jobs or otherwise improve the economic well-being of the 9555
area surrounding the project site and that meets either of the 9556
following: 9557

(a) The project is reasonably expected to create at least 9558
seven hundred new permanent jobs. 9559

(b) At least seven hundred million dollars in private 9560
investments are committed to establish, expand, renovate, or 9561
occupy a facility as part of a single project at a designated 9562
project site, including investment in new buildings, additions 9563
or improvements to existing buildings, machinery, equipment, 9564
furniture, fixtures, and inventory. 9565

(2) "Major workforce housing project" means a project that 9566
reserves at least one hundred units, designed for residential 9567

<u>occupancy by at least one hundred individuals or families living</u>	9568
<u>independently from each other.</u>	9569
<u>(3) "Pro-housing development policy" may include any of</u>	9570
<u>the following:</u>	9571
<u>(a) Having a process in place to increase the rate at</u>	9572
<u>which permits for housing developments are reviewed;</u>	9573
<u>(b) Having a pre-approval process in place for an</u>	9574
<u>expedited review of permits for a diverse range of housing</u>	9575
<u>developers;</u>	9576
<u>(c) Subsidizing or decreasing costs related to water or</u>	9577
<u>sewer connections and extensions for major workforce housing</u>	9578
<u>projects;</u>	9579
<u>(d) Acquiring and readying sites that are ready to be</u>	9580
<u>financed and built upon by developers;</u>	9581
<u>(e) Reducing or eliminating impact, inspection, and plan</u>	9582
<u>review fees for housing developers;</u>	9583
<u>(f) Adopting a zoning plan that includes promoting higher</u>	9584
<u>density, small lot size, and minimum setback requirements;</u>	9585
<u>(g) Developing a comprehensive plan that promotes diverse</u>	9586
<u>residential development options;</u>	9587
<u>(h) Having no or minimal parking requirements for</u>	9588
<u>developments that include residential units;</u>	9589
<u>(i) Conducting a traffic study, improving water or sewer</u>	9590
<u>infrastructure, improving roads, or permitting both rigid and</u>	9591
<u>flexible pavement types;</u>	9592
<u>(j) Developing partnerships to expand the provision of</u>	9593
<u>sewer and water services to new areas;</u>	9594

(k) Promoting the use of non-traditional building structures such as modular or manufactured homes. 9595
9596

(4) "Residential economic development district" means all parcels of land within a twenty-mile radius of a major economic development project. 9597
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9599

(B) A county, township, or municipal corporation that is fully or partially located within a residential economic development district may apply for a grant under this section in the form and manner prescribed by the department of development. The county, township, or municipal corporation may submit the application independently or in collaboration with a housing developer, port authority, council of government, regional planning commission, or one or more other counties, townships, or municipal corporations. The application shall, at minimum, include documentation or other evidence that proves, to the satisfaction of the department, that the applicant has done or has imminent plans to do both of the following within the district: 9600
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(1) Adopt and implement pro-housing development policies; 9613

(2) Approve a major workforce housing project. 9614

(C) (1) The department shall review applications and award grants under this section on a rolling basis, to the extent that funds are available. 9615
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(2) The department shall evaluate applications and determine the amount of each grant awarded in accordance with scoring metrics that include all of the following: 9618
9619
9620

(a) Density, with more points awarded to projects that have more units per acre, starting at two units per acre; 9621
9622

(b) Lot size, with more points awarded to projects that 9623
have smaller lot sizes, starting with an average of seven 9624
thousand five hundred square feet; 9625

(c) Side yard setbacks, with more points awarded to 9626
projects that have smaller setback requirements, starting with 9627
six feet; 9628

(d) Open space requirements, with more points awarded to 9629
projects that have lesser open space requirements, starting with 9630
twenty-five per cent of gross acreage; 9631

(e) Inspection, plan, impact, or water and sewer tap fee 9632
reductions, with more points awarded for lower or no fees; 9633

(f) Use of water pipe type, with more points awarded for 9634
allowing polyvinyl chloride as opposed to ductile iron; 9635

(g) Use of rigid and flexible pavement types, with more 9636
points awarded for allowing both; 9637

(h) Traffic studies and thoroughfare plans, with more 9638
points awarded for applicants that seek to use funds for those 9639
purposes and have demonstrated success in completing such 9640
studies or plans for a major workforce housing project; 9641

(i) Sanitary sewer or water extensions, with more points 9642
awarded for applicants that seek to use funds for those purposes 9643
as related to the major workforce housing project. 9644

(3) The department shall give preference to applicants 9645
that adopt more pro-housing development policies in terms of 9646
both quantity and impact. 9647

(D) If a county, township, or municipal corporation is 9648
approved for a grant under this section based on imminent plans 9649
to adopt and implement pro-housing development policies and 9650

approve a major workforce housing project, the department shall 9651
confirm that the county, township, or municipal corporation 9652
follows through with those plans, as described in the grant 9653
application, before disbursing grant funds. A grant recipient 9654
shall use the funds only for the following purposes: 9655

(1) Providing capital for housing development through 9656
grants or loans; 9657

(2) Acquiring and readying sites for development; 9658

(3) Providing financial assistance for housing-related 9659
infrastructure projects including road improvements and water or 9660
sewer connections; 9661

(4) Addressing additional service or public safety needs 9662
due to increases in population; 9663

(5) Any other purpose deemed appropriate by the director 9664
of development. 9665

(E) The director of development shall adopt rules in 9666
accordance with Chapter 119. of the Revised Code to implement 9667
and administer this section. The rules shall address application 9668
procedures, scoring metrics, grant distribution, and state model 9669
zoning plans that include density, lot size, and setback 9670
preferences. The director shall finalize and publish the initial 9671
application procedures and scoring metrics to the department's 9672
web site no later than December 31, 2025. 9673

(F) The general assembly, in enacting this section, hereby 9674
declares its intent to encourage major workforce housing 9675
projects in areas of the state that otherwise would not attract 9676
such developments and to increase home ownership among Ohioans. 9677

Sec. 122.6510. (A) As used in this section, "federal act" 9678

means the "Small Business Liability Relief and Brownfields
Revitalization Act," 115 Stat. 2356 (2002), 42 U.S.C. 9601 and
9604.

(B) There is hereby created in the state treasury the
Brownfields Revolving Loan Fund. The Fund shall consist of all
moneys received by the state from repayments of loans made under
the terms of the federal act, and any other money transferred to
the Fund. The Fund may be used to make grants and loans by the
Director of Development ~~Services~~. ~~All investment earnings of the
Fund shall be credited to the Fund.~~

(C) The Director shall administer moneys received into the
Fund and comply with all requirements imposed by the federal act
in administering the funds.

(D) The Director may establish a schedule of fees and
charges payable by loan recipients to the Director for the
administration of this section.

Sec. 122.6511. (A) As used in this section and section
122.6512 of the Revised Code:

(1) "Brownfield" means an abandoned, idled, or under-used
industrial, commercial, or institutional property where
expansion or redevelopment is complicated by known or potential
releases of hazardous substances or petroleum.

(2) "Lead entity" means a county, township, municipal
corporation, port authority, conservancy district, park district
or other similar park authority, county land reutilization
corporation, or organization for profit.

(3) "Remediation" means any action to contain, remove, or
dispose of hazardous substances or petroleum at a brownfield.
"Remediation" includes the acquisition of a brownfield,

demolition performed at a brownfield, and the installation or 9708
upgrade of the minimum amount of infrastructure that is 9709
necessary to make a brownfield operational for economic 9710
development activity. "Remediation" also includes demolition and 9711
infrastructure development costs associated with a planned 9712
economic development project when a lead entity is an 9713
organization for profit, the organization for profit did not 9714
cause the environmental contamination at the brownfield, and the 9715
planned economic development project at the brownfield exists at 9716
the time of submission of the application for a grant under this 9717
section. 9718

(4) "County land reutilization corporation" has the same 9719
meaning as in section 1724.01 of the Revised Code. 9720

(5) "Demolition and infrastructure development costs" 9721
means demolition costs and costs associated with constructing, 9722
upgrading, or extending infrastructure necessary to make a 9723
brownfield operational for a planned economic development 9724
project, including any other investment in the brownfield. 9725

(6) "Planned economic development project" means a 9726
project, which may include a priority investment area eligible 9727
project, to be developed at a brownfield where an organization 9728
for profit demonstrates all of the following: 9729

(a) Site control; 9730

(b) A plan for the development of the brownfield; 9731

(c) Documented support for the planned economic 9732
development project of the municipal corporation or township in 9733
which the brownfield is located. 9734

(7) "Site control" means holding fee simple title or a 9735
leasehold interest in a brownfield or being in contract to 9736

acquire a brownfield. 9737

~~(5)~~(8) "Priority investment area eligible project" means 9738
some or all of the following activities necessary or conducive 9739
for generating, transporting, storing, or transmitting 9740
electricity at the site of a brownfield or former coal mine 9741
located in a priority investment area designated under section 9742
122.161 of the Revised Code: 9743

(a) Environmental or cultural resource site assessments; 9744

(b) The monitoring, remediation, cleanup, or containment 9745
of land to remove any condition or substance regulated by state 9746
or federal environmental laws or regulations, including 9747
hazardous substances, hazardous wastes, solid wastes, or 9748
petroleum; 9749

(c) The demolition and removal of existing structures, 9750
grading, or other site work necessary to make a site or certain 9751
real property that includes a brownfield or former coal mine 9752
usable for economic development; 9753

(d) The development of a remediation and reuse plan; 9754

(e) The development or operation of a site for energy 9755
generation or battery storage. 9756

(B) (1) There is hereby created the brownfield remediation 9757
program to award grants for priority investment area eligible 9758
projects and the remediation of brownfield sites throughout 9759
Ohio. The program shall be administered by the director of 9760
development pursuant to this section and rules adopted pursuant 9761
to division (B) (2) of this section. 9762

(2) The director shall adopt rules, under Chapter 119. of 9763
the Revised Code, for the administration of the program. The 9764

rules shall include provisions for determining project and 9765
project sponsor eligibility, program administration, and any 9766
other provisions the director finds necessary. 9767

(3) The director shall not award a grant exceeding ten 9768
million dollars to a priority investment area eligible project. 9769
Grants for such projects may not be used for the construction or 9770
operation of electric generating infrastructure. 9771

(C) (1) There is hereby created in the state treasury the 9772
brownfield remediation fund. The fund shall consist of moneys 9773
appropriated to it by the general assembly, ~~and investment~~ 9774
~~earnings on moneys in the fund shall be credited to the fund.~~ 9775

The director shall reserve funds from each appropriation 9776
to the fund to each county in the state. The amount reserved 9777
shall be one million dollars per county, or, if an appropriation 9778
is less than eighty-eight million dollars, a proportionate 9779
amount to each county. Amounts reserved pursuant to this section 9780
are reserved for one calendar year from the date of the 9781
appropriation. After one calendar year, the funds shall be 9782
available pursuant to division (D) of this section. 9783

~~(2) A (2) (a) Except as provided in division (C) (2) (b) of~~ 9784
~~this section, a lead entity may submit an initial a grant~~ 9785
application for the use of funds reserved under division (C) (1) 9786
of this section for a planned economic development project to 9787
the director. ~~The lead entity may later submit an amended~~ 9788
~~application to the director, and the director may accept and~~ 9789
~~approve that application for use of funds up to the amount~~ 9790
~~reserved for that county.~~ 9791

(b) For fiscal year 2026, a lead entity may submit a grant 9792
application for the use of funds reserved under division (C) (1) 9793

of this section for any remediation project. 9794

(D) Funds from an appropriation not reserved under 9795
division (C) (1) of this section shall be available for grants to 9796
projects located anywhere in the state, and grants from those 9797
funds shall be awarded ~~to qualifying projects on a first-come,~~ 9798
~~first-served basis~~ on a case by case basis. In making the award 9799
determination, the director shall evaluate the economic merit of 9800
the project to the county, surrounding counties, and state. The 9801
director also shall ensure that projects awarded are in 9802
different regions of the state. 9803

(E) ~~The~~ Except as provided in division (C) (2) (b) of this 9804
section, the amendments to this section by H.B. 315 of the 135th 9805
~~general assembly~~ this act apply to new planned economic 9806
development projects that are applied for and awarded funding by 9807
the director of development on and after July 1, 2025 ~~the~~ 9808
effective date of this amendment. Projects that are applied for 9809
or were applied for under this section prior to July 1, 2025, 9810
shall be governed by this section as it existed prior to July 1, 9811
2025. 9812

Sec. 122.6512. (A) (1) There is hereby created the building 9813
demolition and site revitalization program to award grants for 9814
the demolition of commercial and residential buildings and 9815
revitalization of surrounding properties on sites that are not 9816
brownfields. The program shall be administered by the director 9817
of development pursuant to this section and rules adopted 9818
pursuant to division (A) (2) of this section. 9819

(2) The director shall adopt rules, under Chapter 119. of 9820
the Revised Code, for the administration of the program. The 9821
rules shall include provisions for determining project and 9822
project sponsor eligibility, program administration, and any 9823

other provisions the director finds necessary. 9824

(3) The director shall ensure that the program is 9825
operational and accepting proposals for grants not later than 9826
ninety days after September 30, 2021. 9827

(4) To streamline funding through the program, each county 9828
shall have one lead entity designated in accordance with the 9829
following: 9830

(a) If the county has a population of less than one 9831
hundred thousand according to the most recent federal decennial 9832
census, the director shall select the lead entity from a list of 9833
recommendations made by the board of county commissioners of the 9834
county. The board shall submit a lead entity letter of intent 9835
and any other documentation required by the director in order 9836
for the director to select a lead entity for that county. 9837

(b) If the county has a population of one hundred thousand 9838
or more according to the most recent federal decennial census 9839
and the county does not have a county land reutilization 9840
corporation, the director shall select the lead entity from a 9841
list of recommendations made by the board of county 9842
commissioners of the county. The board shall submit a lead 9843
entity letter of intent and any other documentation required by 9844
the director in order for the director to select a lead entity 9845
for that county. 9846

(c) If the county has a population of one hundred thousand 9847
or more according to the most recent federal decennial census 9848
and the county has a county land reutilization corporation, the 9849
county land reutilization corporation is the lead entity for 9850
that county. 9851

(5) The lead entity of each county shall submit all grant 9852

applications for that county. The lead entity shall submit with 9853
a grant application any agreements executed between the lead 9854
entity with other recipients that will receive grant money 9855
through the lead entity, if applicable. Such recipients may 9856
include local governments, nonprofit organizations, community 9857
development corporations, regional planning commissions, county 9858
land reutilization corporations, and community action agencies. 9859

(B) (1) There is hereby created in the state treasury the 9860
building demolition and site revitalization fund. The fund shall 9861
consist of moneys appropriated to it by the general assembly, 9862
~~and investment earnings on moneys in the fund shall be credited~~ 9863
~~to the fund.~~ 9864

(2) The director shall reserve funds from each 9865
appropriation to the fund to each county in the state. The 9866
amount reserved shall be five hundred thousand dollars per 9867
county, or, if an appropriation is less than forty-four million 9868
dollars, a proportionate amount to each county. Amounts reserved 9869
pursuant to this section are reserved for one calendar year from 9870
the date of the appropriation. After one calendar year, the 9871
funds shall be available pursuant to division (B) (3) of this 9872
section. 9873

(3) Funds from an appropriation not reserved under 9874
division (B) (2) of this section shall be available for grants to 9875
projects located anywhere in the state, and grants from those 9876
funds shall be awarded to qualifying projects on a first-come, 9877
first-served basis. Grants awarded pursuant to this division 9878
shall be limited to seventy-five per cent of a project's total 9879
cost. 9880

Sec. 122.84. (A) As used in this section: 9881

(1) "Ohio qualified opportunity fund" means a qualified opportunity fund that holds one hundred per cent of its invested assets in qualified opportunity zone property situated in an Ohio opportunity zone.

In the case of qualified opportunity zone property that is qualified opportunity zone stock or qualified opportunity zone partnership interest, the stock or interest is situated in an Ohio opportunity zone only if, during all of the qualified opportunity fund's holding period for such stock or interest, all of the use of the corporation's or partnership's tangible property was in an Ohio opportunity zone. In the case of qualified opportunity zone property that is qualified opportunity zone business property, the property is situated in an Ohio opportunity zone only if, during all of the fund's holding period for such property, all of the use of the property was in an Ohio opportunity zone.

All terms used in division (A) of this section have the same meaning as in 26 U.S.C. 1400Z-2, except that "all" shall be substituted for "substantially all" wherever "substantially all" appears in the definition of those terms or in the definition of terms used in those terms.

(2) "Ohio opportunity zone" means a qualified opportunity zone designated in this state under 26 U.S.C. 1400Z-1 before, on, or after, October 17, 2019, the effective date of the enactment of this section by H.B. 166 of the 133rd general assembly.

(3) "Business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined under section 1.14 of the Revised Code.

(4) "Investment period" means the six-month period from 9911
the first day of January to the thirtieth day of June, or from 9912
the first day of July to the thirty-first day of December. 9913

(5) "Investment" means money from any source other than 9914
grant funds that is invested to improve property located in an 9915
Ohio opportunity zone with the expectation of receiving a 9916
profit. 9917

(B) A person that invests in one or more Ohio qualified 9918
opportunity funds may apply to the director of development for a 9919
nonrefundable credit against the tax levied under section 9920
5725.18, 5726.02, 5729.03, or 5747.02 of the Revised Code. The 9921
application shall be made on forms prescribed by the director. 9922
The director shall accept and review applications submitted 9923
under this section during two annual periods, the first of which 9924
begins on the tenth day of January and ends ~~after the first day~~ 9925
~~of February~~ on the seventeenth day of January, and the second of 9926
which begins on the tenth day of July and ends ~~after the first~~ 9927
~~day of August~~ on the seventeenth day of July. If any of those 9928
dates fall on a day that is not a business day, then the 9929
application period begins on or ends after the next business 9930
day, as applicable. The credit shall equal ten per cent of the 9931
amount of the person's investment in the fund that the fund 9932
invested during the immediately preceding investment period in 9933
projects located in Ohio opportunity zones. 9934

The person shall include the following information with 9935
the person's application: 9936

(1) The amount of the person's investment in Ohio 9937
qualified opportunity funds, arranged according to the amount 9938
invested in each such fund if the person invested in more than 9939
one such fund; 9940

(2) A statement from an employee or officer of each Ohio 9941
qualified opportunity fund identified by the person under 9942
division (B) (1) of this section certifying the amount of the 9943
person's investment in the fund and the amount of that 9944
investment the fund invested in projects located in Ohio 9945
opportunity zones during the immediately preceding investment 9946
period. The statement shall describe each project funded by the 9947
investment and state each project's location and the portion of 9948
the person's investment invested in each such project. Unless 9949
the fund demonstrates otherwise to the director's satisfaction, 9950
the amount of a person's investment that the fund invested in a 9951
project located in an Ohio opportunity zone equals the same 9952
proportion of the amount of the fund's investment in the project 9953
as the person's investment in the fund bears to the total 9954
investment by all investors in that fund on the date the fund 9955
makes the investment in the project. 9956

The director shall review and process applications in the 9957
order in which applications are received. 9958

(C) (1) Subject to division (C) (2) of this section, if the 9959
director determines that the applicant qualifies for a credit 9960
under this section, the director shall issue, within sixty days 9961
after the last day on which an application may be submitted for 9962
that application period, a tax credit certificate to the person 9963
identified with a unique number and listing the amount of credit 9964
the director determines is eligible to be claimed or 9965
transferred.— 9966

(2) The total amount of tax credits issued by the director 9967
shall not exceed: 9968

~~(a) Seventy-five million dollars for the fiscal biennium 9969
beginning July 1, 2021, and ending June 30, 2023; 9970~~

~~(b) Fifty fifty million dollars for each of fiscal year~~ 9971
~~2024;~~ 9972

~~(c) Twenty-five million dollars for each fiscal year~~ 9973
~~thereafter~~ years 2026 and 2027. The director shall not issue any 9974
dollar amount of new tax credits under this section in any 9975
fiscal year after fiscal year 2027 unless specifically 9976
authorized by an act of the general assembly. 9977

If the tax credits issued in the first year of the fiscal 9978
biennium are less than the maximum allowed, the excess shall be 9979
carried forward to the second year of the fiscal biennium. 9980

The director shall not issue certificates to a single 9981
applicant in any fiscal biennium in an amount that exceeds two 9982
million dollars. 9983

The director shall not issue certificates that exceed five 9984
million dollars on the basis of the same project located in an 9985
Ohio opportunity zone. 9986

The director may not issue a certificate under this 9987
section on the basis of any investment for which a small 9988
business investment certificate has been issued under section 9989
122.86 of the Revised Code. 9990

(3) The credit may be claimed by a person under section 9991
5725.38, 5726.61, 5729.21, or 5747.86 of the Revised Code, as 9992
applicable. A person that is not subject to taxation under 9993
section 5725.18, 5726.02, 5729.03, or 5747.02 of the Revised 9994
Code shall not claim the credit but if the person is the 9995
applicant to which the certificate was initially issued, the 9996
person may transfer the right to claim the credit under division 9997
(D) of this section. 9998

(D) A taxpayer claiming a credit under this section shall 9999

submit a copy of the certificate with the taxpayer's return or report. 10000
10001

(E) A person that holds a wholly or partially unclaimed certificate issued under this section may transfer the right to claim all or part of the remaining credit to any other person. To effectuate the transfer, the transferor must notify the tax commissioner, in writing, that the transferor is transferring the right to claim all or part of the remaining credit stated on the certificate. The transferor shall identify in that notification the certificate's number, the name and the tax identification number of the transferee, the amount of remaining credit transferred to the transferee, and, if applicable, the amount of remaining credit retained by the transferor. The transferee may claim the amount of credit received under this division pursuant to and in the manner required under divisions (C) (3) and (D) of this section. Transferring a credit under this division does not extend the taxable year or calendar year for which the credit may be claimed or number of years for which the unclaimed credit amount may be carried forward under section 5725.38, 5726.61, 5729.21, or 5747.86 of the Revised Code, as applicable. 10002
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Any person to which a credit has been transferred under this division may transfer the right to claim all or part of the transferred credit amount to any other person, in the same manner prescribed by this division for the initial transfer, including that any such transfer be reported by the transferor to the tax commissioner as described in this division. 10021
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(F) On or before the first day of August each year, the director of development shall submit a report to the governor, the president and minority leader of the senate, and the speaker 10027
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and minority leader of the house of representatives on the tax 10030
credit program authorized under this section. The report shall 10031
include the following information: 10032

(1) The number of projects funded by investments for which 10033
a tax credit application was submitted under this section during 10034
the preceding year, the Ohio opportunity zone in which each such 10035
project is located, the number of projects funded by investments 10036
for which certificates were allocated during the preceding year, 10037
a description of each such project, and the composition of an 10038
Ohio qualified opportunity fund's investments in each project 10039
funded by investments for which a tax credit application was 10040
submitted under this section; 10041

(2) The number of persons that invested in an Ohio 10042
qualified opportunity fund and applied for a tax credit based on 10043
the fund's investment in a project during the preceding year, 10044
the name of the fund in which each such investment was made, the 10045
number of persons allocated a credit for such investments under 10046
this section, and the dollar amount of those credits; 10047

(3) A map that shows the location of each Ohio opportunity 10048
zone and that indicates which zones include existing or pending 10049
projects that are, or will be, funded by tax credit-eligible 10050
investments. 10051

Sec. 122.85. (A) As used in this section and in sections 10052
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 10053

(1) "Tax credit-eligible production" means a motion 10054
picture or Broadway theatrical production certified by the 10055
director of development under division (B) of this section as 10056
qualifying ~~the production a~~ company for a tax credit under 10057
section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised 10058

Code.	10059
(2) "Certificate owner" means a <u>production-qualifying</u> company to which a tax credit certificate is issued.	10060 10061
(3) " Production-Qualifying company" means an individual, corporation, partnership, limited liability company, or other form of business association that is registered with the secretary of state and that is producing a motion picture or <u>producing or presenting</u> Broadway theatrical production.	10062 10063 10064 10065 10066
(4) "Eligible expenditures" means expenditures made after June 30, 2009, for goods or services purchased and consumed in this state by a <u>production-qualifying</u> company directly for the <u>production or presentation</u> of a tax credit-eligible production, for postproduction activities, or for advertising and promotion of the production.	10067 10068 10069 10070 10071 10072
"Eligible expenditures" do not include qualified expenditures for which a production company receives a tax credit under section 122.852 of the Revised Code.	10073 10074 10075
"Eligible expenditures" include expenditures for cast and crew wages, accommodations, costs of set construction and operations, editing and related services, photography, sound synchronization, lighting, wardrobe, makeup and accessories, film processing, transfer, sound mixing, special and visual effects, music, location fees, and the purchase or rental of facilities and equipment.	10076 10077 10078 10079 10080 10081 10082
(5) "Motion picture" means entertainment content created in whole or in part within this state for distribution or exhibition to the general public, including, but not limited to, feature-length films; documentaries; long-form, specials, miniseries, series, and interstitial television programming;	10083 10084 10085 10086 10087

interactive web sites; sound recordings; videos; music videos; 10088
interactive television; interactive games; video games; 10089
commercials; any format of digital media; and any trailer, 10090
pilot, video teaser, or demo created primarily to stimulate the 10091
sale, marketing, promotion, or exploitation of future investment 10092
in either a product or a motion picture by any means and media 10093
in any digital media format, film, or videotape, provided the 10094
motion picture qualifies as a motion picture. "Motion picture" 10095
does not include any television program created primarily as 10096
news, weather, or financial market reports, a production 10097
featuring current events or sporting events, an awards show or 10098
other gala event, a production whose sole purpose is 10099
fundraising, a long-form production that primarily markets a 10100
product or service or in-house corporate advertising or other 10101
similar productions, a production for purposes of political 10102
advocacy, or any production for which records are required to be 10103
maintained under 18 U.S.C. 2257 with respect to sexually 10104
explicit content. 10105

(6) "Broadway theatrical production" means a prebroadway 10106
production, long run production, or tour launch that is 10107
directed, managed, and performed by a professional cast and crew 10108
and that is directly associated with New York city's Broadway 10109
theater district. 10110

(7) "Prebroadway production" means a live stage production 10111
that is scheduled for presentation in New York city's Broadway 10112
theater district after the original or adaptive version is 10113
performed in a qualified production facility. 10114

(8) "Long run production" means a live stage production 10115
that is scheduled to be performed at a qualified production 10116
facility for more than five weeks, with an average of at least 10117

six performances per week. 10118

(9) "Tour launch" means a live stage production for which 10119
the activities comprising the technical period are conducted at 10120
a qualified production facility before a tour of the original or 10121
adaptive version of the production begins. 10122

(10) "Qualified production facility" means a facility 10123
located in this state that is used in the development or 10124
presentation to the public of theater productions. 10125

(11) "Investment intent letter" means a letter that 10126
satisfies all of the following: 10127

(a) Is executed on official letterhead of the production 10128
company, investor, or investment entity; 10129

(b) Clearly states the amount of investment being 10130
committed; 10131

(c) Specifies the date on which the investment is to be 10132
made available; 10133

(d) Identifies the motion picture or Broadway theatrical 10134
production to which the funds are allocated. 10135

(B) For the purpose of encouraging and developing strong 10136
film and theater industries in this state, the director of 10137
development may certify a motion picture or Broadway theatrical 10138
production produced by a ~~production-qualifying~~ company as a tax 10139
credit-eligible production. In the case of a television series, 10140
the director may certify the production of each episode of the 10141
series as a separate tax credit-eligible production. A 10142
~~production-qualifying~~ company shall apply for certification of a 10143
motion picture or Broadway theatrical production as a tax 10144
credit-eligible production on a form and in the manner 10145

prescribed by the director. Each application shall include the	10146
following information:	10147
(1) The name and telephone number of the production	10148
<u>qualifying company</u> ;	10149
(2) The name and telephone number of the company's contact	10150
person;	10151
(3) A list of the first preproduction date through the	10152
last production and postproduction dates in Ohio and, in the	10153
case of a Broadway theatrical production, a list of each	10154
scheduled performance in a qualified production facility;	10155
(4) The Ohio production office or qualified production	10156
facility address and telephone number;	10157
(5) The total production budget;	10158
(6) The total budgeted eligible expenditures and the	10159
percentage that amount is of the total production budget of the	10160
motion picture or Broadway theatrical production;	10161
(7) In the case of a motion picture, the total percentage	10162
of the production being shot in Ohio;	10163
(8) The level of employment of cast and crew who reside in	10164
Ohio;	10165
(9) A synopsis of the script;	10166
(10) In the case of a motion picture, the shooting script;	10167
(11) A creative elements list that includes the names of	10168
the principal cast and crew and the producer and director;	10169
(12) Documentation of financial ability to undertake and	10170
complete the motion picture or Broadway theatrical production,	10171
including documentation that shows that the company has secured	10172

funding equal to at least fifty per cent of the total production budget, which may be in the form of an investment intent letter; 10173
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(13) Estimated value of the tax credit based upon total budgeted eligible expenditures; 10175
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(14) Estimated amount of state and local taxes to be generated in this state from the production; 10177
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(15) Estimated economic impact of the production in this state; 10179
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(16) Any other information considered necessary by the director. 10181
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Within ninety days after certification of a motion picture or Broadway theatrical production as a tax credit-eligible production, and any time thereafter upon the request of the director, the ~~production-qualifying~~ company shall present to the director sufficient evidence of reviewable progress. If the ~~production~~-company fails to present sufficient evidence, the director may rescind the certification. If the production of a motion picture or Broadway theatrical production does not begin within ninety days after the date it is certified as a tax credit-eligible production, the director shall rescind the certification unless the director finds that the ~~production~~-company shows good cause for the delay, meaning that the production was delayed due to unforeseeable circumstances beyond the ~~production~~-company's control or due to action or inaction by a government agency. Upon rescission, the director shall notify the applicant that the certification has been rescinded. Nothing in this section prohibits an applicant whose tax credit-eligible production certification has been rescinded from submitting a subsequent application for certification. 10183
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(C) (1) A ~~production-qualifying~~ company whose motion picture or Broadway theatrical production has been certified as a tax credit-eligible production may apply to the director of development on or after July 1, 2009, for a refundable credit against the tax imposed by section 5726.02, 5733.06, 5747.02, or 5751.02 of the Revised Code. The director in consultation with the tax commissioner shall prescribe the form and manner of the application and the information or documentation required to be submitted with the application.

The credit is determined as follows:

(a) If the total budgeted eligible expenditures stated in the application submitted under division (B) of this section or the actual eligible expenditures as finally determined under division (D) of this section, whichever is least, is less than or equal to three hundred thousand dollars, no credit is allowed;

(b) If the total budgeted eligible expenditures stated in the application submitted under division (B) of this section or the actual eligible expenditures as finally determined under division (D) of this section, whichever is least, is greater than three hundred thousand dollars, the credit equals thirty per cent of the least of such budgeted or actual eligible expenditure amounts.

(2) Except as provided in division (C) (4) of this section, if the director of development approves a ~~production-qualifying~~ company's application for a credit, the director shall issue a tax credit certificate to the company. The director in consultation with the tax commissioner shall prescribe the form and manner of issuing certificates. The director shall assign a unique identifying number to each tax credit certificate and

shall record the certificate in a register devised and 10232
maintained by the director for that purpose. The certificate 10233
shall state the amount of the eligible expenditures on which the 10234
credit is based and the amount of the credit. Upon the issuance 10235
of a certificate, the director shall certify to the tax 10236
commissioner the name of the ~~production~~-qualifying company to 10237
which the certificate was issued, the amount of eligible 10238
expenditures shown on the certificate, the amount of the credit, 10239
and any other information required by the rules adopted to 10240
administer this section. 10241

(3) The amount of eligible expenditures for which a tax 10242
credit may be claimed is subject to inspection and examination 10243
by the tax commissioner or employees of the commissioner under 10244
section 5703.19 of the Revised Code and any other applicable 10245
law. Once the eligible expenditures are finally determined under 10246
section 5703.19 of the Revised Code and division (D) of this 10247
section, the credit amount is not subject to adjustment unless 10248
the director determines an error was committed in the 10249
computation of the credit amount. 10250

(4) No tax credit certificate may be issued before the 10251
completion of the tax credit-eligible production. The amount of 10252
tax credit allowed per fiscal year, through fiscal year 2027, 10253
shall not exceed the sum of ~~(a) fifty million dollars, (b) the~~ 10254
~~difference between the maximum credit amount for that fiscal~~ 10255
~~year under section 122.852 of the Revised Code and the amount~~ 10256
~~the director of development elects to allow under this section~~ 10257
~~pursuant to division (D)(1) of section 122.852 of the Revised~~ 10258
~~Code, and (c) the difference between the maximum amount of~~ 10259
credits that could have been awarded in the previous fiscal year 10260
under this section and the amount actually awarded. Out of that 10261
sum, five million dollars shall be reserved for Broadway 10262

theatrical productions, and the balance may be allowed for any 10263
tax credit-eligible production. For any fiscal year in which 10264
less than five million dollars of tax credits are allowed for 10265
broadway theatrical productions, the amount of the five million 10266
dollars not allowed and added to the maximum annual amount for 10267
the following fiscal year shall be reserved for Broadway 10268
theatrical productions in the following fiscal year. No amount 10269
of tax credit shall be allowed under this section after fiscal 10270
year 2027 unless specifically authorized by an act of the 10271
general assembly. 10272

(5) The director shall review and approve applications for 10273
tax credits ~~in two rounds each fiscal year. The first round of~~ 10274
~~credits shall be awarded not later than the last day of July of~~ 10275
~~the fiscal year, and the second round of credits shall be~~ 10276
~~awarded not later than the last day of the ensuing January. The~~ 10277
~~amount of credits awarded in the first round of applications~~ 10278
~~each fiscal year shall not exceed one-half of the maximum~~ 10279
~~allowance for the fiscal year calculated under division (C) (4)~~ 10280
~~of this section, two million five hundred thousand dollars of~~ 10281
~~which shall be reserved for Broadway theatrical productions. For~~ 10282
~~each round, the director shall rank applications on the basis of~~ 10283
~~the extent of positive economic impact each tax credit-eligible~~ 10284
~~production is likely to have in this state and the effect on~~ 10285
~~developing a permanent workforce in motion picture or theatrical~~ 10286
~~production industries in the state. For the purpose of such~~ 10287
~~ranking, the~~ on a rolling basis. The director shall give 10288
priority to tax-credit eligible productions that are television 10289
series or miniseries due to the long-term commitment typically 10290
associated with such productions. ~~The economic impact ranking~~ 10291
~~shall be based on the production company's total expenditures in~~ 10292
~~this state directly associated with the tax credit-eligible~~ 10293

~~production. The effect on developing a permanent workforce in the motion picture or theatrical production industries shall be evaluated first by the number of new jobs created and second by amount of payroll added with respect to employees in this state.~~ 10294
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~~The director shall approve productions in the order of their ranking, from those with the greatest positive economic impact and workforce development effect to those with the least positive economic impact and workforce development effect.~~ 10298
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(D) A ~~production~~ qualifying company whose motion picture or Broadway theatrical production has been certified as a tax credit-eligible production shall engage, at the company's expense, an independent certified public accountant to examine the company's production, postproduction, and advertising and promotion expenditures to identify the expenditures that qualify as eligible expenditures. The certified public accountant shall issue a report to the company and to the director of development certifying the company's eligible expenditures and any other information required by the director. Upon receiving and examining the report, the director may disallow any expenditure the director determines is not an eligible expenditure. If the director disallows an expenditure, the director shall issue a written notice to the ~~production~~ company stating that the expenditure is disallowed and the reason for the disallowance. Upon examination of the report and disallowance of any expenditures, the director shall determine finally the lesser of the total budgeted eligible expenditures stated in the application submitted under division (B) of this section or the actual eligible expenditures for the purpose of computing the amount of the credit. 10302
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(E) No credit shall be allowed under section 5726.55, 10323

5733.59, 5747.66, or 5751.54 of the Revised Code unless the 10324
director has reviewed the report and made the determination 10325
prescribed by division (D) of this section. 10326

(F) This state reserves the right to refuse the use of 10327
this state's name in the credits of any tax credit-eligible 10328
motion picture production or program of any Broadway theatrical 10329
production. 10330

(G) (1) The director of development in consultation with 10331
the tax commissioner shall adopt rules for the administration of 10332
this section, including rules setting forth and governing the 10333
criteria for determining whether a motion picture or Broadway 10334
theatrical production is a tax credit-eligible production; 10335
activities that constitute the production or postproduction of a 10336
motion picture or Broadway theatrical production; reporting 10337
sufficient evidence of reviewable progress; expenditures that 10338
qualify as eligible expenditures; a schedule and deadlines for 10339
applications to be submitted and reviewed; a competitive process 10340
for approving credits based on likely economic impact in this 10341
state and development of a permanent workforce in motion picture 10342
or theatrical production industries in this state; consideration 10343
of geographic distribution of credits; and implementation of the 10344
program described in division (H) of this section. The rules 10345
shall be adopted under Chapter 119. of the Revised Code. 10346

(2) To cover the administrative costs of the program, the 10347
director shall require each applicant to pay an application fee 10348
equal to the lesser of ten thousand dollars or one per cent of 10349
the estimated value of the tax credit as stated in the 10350
application. The fees collected shall be credited to the tax 10351
incentives operating fund created in section 122.174 of the 10352
Revised Code. All grants, gifts, fees, and contributions made to 10353

the director for marketing and promotion of the motion picture industry within this state shall also be credited to the fund. 10354
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(H) The director of development shall establish a program for the training of Ohio residents who are or wish to be employed in the film or multimedia industry. Under the program, the director shall: 10356
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(1) Certify individuals as film and multimedia trainees. In order to receive such a certification, an individual must be an Ohio resident, have participated in relevant on-the-job training or have completed a relevant training course approved by the director, and have met any other requirements established by the director. 10360
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(2) Accept applications from ~~production-qualifying~~ companies that intend to hire and provide on-the-job training to one or more certified film and multimedia trainees who will be employed in the company's tax credit-eligible production; 10366
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(3) Upon completion of a tax-credit eligible production, and upon the receipt of any salary information and other documentation required by the director, authorize a reimbursement payment to each ~~production-qualifying~~ company whose application was approved under division (H) (2) of this section. The payment shall equal fifty per cent of the salaries paid to film and multimedia trainees employed in the production. 10370
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Sec. 122.86. (A) As used in this section and section 5747.81 of the Revised Code: 10377
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(1) "Small business enterprise" means a corporation, pass-through entity, or other person satisfying all of the following: 10379
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(a) At the time of a qualifying investment, the enterprise meets all of the following requirements: 10381
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(i) Has no outstanding tax or other liabilities owed to the state;	10383 10384
(ii) Is in good standing with the secretary of state, if the enterprise is required to be registered with the secretary;	10385 10386
(iii) Is current with any court-ordered payments;	10387
(iv) Is not engaged in any illegal activity.	10388
(b) At the time of a qualifying investment, the enterprise's assets according to generally accepted accounting principles do not exceed fifty million dollars, or its annual sales do not exceed ten million dollars. When making this determination, the assets and annual sales of all of the enterprise's related or affiliated entities shall be included in the calculation.	10389 10390 10391 10392 10393 10394 10395
(c) At the time of a qualifying investment and for the two-year period immediately preceding the qualifying investment, the enterprise employs at least fifty full-time equivalent employees in this state for whom the enterprise is required to withhold income tax under section 5747.06 of the Revised Code, or more than one-half the enterprise's total number of full-time equivalent employees employed anywhere in the United States are employed in this state and are subject to that withholding requirement.	10396 10397 10398 10399 10400 10401 10402 10403 10404
(d) The enterprise, within six months after an eligible investor's qualifying investment is made, incurs cost for one or more of the following:	10405 10406 10407
(i) Tangible personal property, other than motor vehicles operated on public roads and highways, used in business and physically located in this state from the time of its acquisition by the enterprise until the end of the investor's	10408 10409 10410 10411

holding period, including the installation of such tangible 10412
personal property; 10413

(ii) Motor vehicles operated on public roads and highways 10414
if, from the time of acquisition by the enterprise until the end 10415
of the investor's holding period, the motor vehicles are 10416
purchased in this state, registered in this state under Chapter 10417
4503. of the Revised Code, are used primarily for business 10418
purposes, and are necessary for the operation of the 10419
enterprise's business; 10420

(iii) Real property located in this state that is used in 10421
the business from the time of its acquisition by the enterprise 10422
until the end of the holding period; 10423

(iv) Leasehold improvements and construction costs for 10424
property located in this state that is used in the business from 10425
the time its improvement or construction was completed until the 10426
end of the holding period; 10427

(v) Compensation for new employees of the enterprise hired 10428
after the date the qualifying investment is made for whom the 10429
enterprise is required to withhold income tax under section 10430
5747.06 of the Revised Code. 10431

(2) "Qualifying investment" means an investment of money 10432
made ~~on or after July 1, 2019,~~ to acquire capital stock or other 10433
equity interest in a small business enterprise. "Qualifying 10434
investment" does not include either of the following: 10435

(a) Any investment of money an eligible investor derives, 10436
directly or indirectly, from a grant or loan from the federal 10437
government or the state or a political subdivision, including 10438
the third frontier program under Chapter 184. of the Revised 10439
Code; 10440

(b) Any investment of money which is the basis of a tax credit granted under any other section of the Revised Code. 10441
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(3) "Eligible investor" means an individual, estate, or trust subject to the tax imposed by section 5747.02 of the Revised Code, or a pass-through entity in which such an individual, estate, or trust holds a direct or indirect ownership or other equity interest. To qualify as an eligible investor, the individual, estate, trust, or pass-through entity shall not owe any outstanding tax or other liability to the state at the time of a qualifying investment. 10443
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(4) "Holding period" means the two-year period beginning on the day a qualifying investment is made. 10451
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(5) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code. 10453
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(B) An eligible investor that makes a qualifying investment in a small business enterprise on or after July 1, 2019, but on or before November 3, 2025, may apply to the director of development ~~services~~ to obtain an allocation for a small business investment certificate from the director. Alternatively, a small business enterprise may apply on behalf of eligible investors to obtain the allocation for those investors. The application must be submitted to the director within sixty days after the date of the qualifying investment, but within the same biennium as the qualifying investment. The director, in consultation with the tax commissioner, shall prescribe the form or manner in which an applicant shall apply for the certificate, devise the form of the certificate, and prescribe any records or other information an applicant shall furnish with the application to evidence the qualifying investment. The applicant shall pay an application fee equal to 10455
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the greater of one-tenth of one per cent of the amount of the 10471
intended investment or one hundred dollars. 10472

The director ~~of development services~~ may reserve small 10473
business investment allocations to qualifying applicants in the 10474
order in which the director receives applications. An 10475
application is completed when the director has validated that an 10476
eligible investor has made a qualified investment and receives 10477
all required documentation needed to demonstrate the small 10478
business enterprise satisfies the requirements of division (A) 10479
(1) of this section. To qualify for an allocation, an eligible 10480
investor must satisfy both of the following, subject to the 10481
limitation on the amount of qualifying investments for which 10482
allocations may be issued under division (C) of this section: 10483

(1) The eligible investor makes a qualifying investment on 10484
or after July 1, 2019, but on or before November 3, 2025. 10485

(2) The eligible investor pledges not to sell or otherwise 10486
dispose of the qualifying investment before the conclusion of 10487
the applicable holding period. 10488

(C) (1) The amount of any eligible investor's qualifying 10489
investments for which small business investment allocations may 10490
be issued for a fiscal biennium shall not exceed ten million 10491
dollars. 10492

(2) The director ~~of development services~~ shall not issue a 10493
small business investment allocation to an eligible investor 10494
representing an amount of qualifying investment in excess of the 10495
amount of the investment indicated on the investor's 10496
application. 10497

(3) For any fiscal biennium beginning before July 1, 2019, 10498
the director ~~of development services~~ shall not issue small 10499

business investment allocations in a total amount that would 10500
cause the tax credits claimed in that biennium to exceed one 10501
hundred million dollars. For any fiscal biennium beginning on or 10502
after July 1, 2019, the director shall not issue small business 10503
investment allocations in a total amount that would cause the 10504
tax credits claimed in that biennium to exceed fifty million 10505
dollars. 10506

(4) The director ~~of development services~~ may issue a small 10507
business investment allocation only if both of the following 10508
apply at the time of issuance: 10509

(a) The small business enterprise meets all the 10510
requirements listed in divisions (A) (1) (a) (i) to (iv) of this 10511
section; 10512

(b) The eligible investor does not owe any outstanding tax 10513
or other liability to the state. 10514

(5) The director shall not issue a small business 10515
investment allocation on the basis of any investment for which 10516
an Ohio opportunity zone investment certificate has been issued 10517
under section 122.84 of the Revised Code. 10518

(D) Before the end of the applicable holding period of a 10519
qualifying investment, each enterprise in which a qualifying 10520
investment was made for which a small business investment 10521
allocation has been issued, upon the request of the director ~~of~~ 10522
~~development services~~, shall provide to the director records or 10523
other evidence satisfactory to the director that the enterprise 10524
is a small business enterprise for the purposes of this section. 10525
Each enterprise shall also provide annually to the director 10526
records or evidence regarding the number of jobs created or 10527
retained in the state. The director shall compile and maintain a 10528

register of small business enterprises qualifying under this 10529
section and shall certify the register to the tax commissioner. 10530
The director shall also compile and maintain a record of the 10531
number of jobs created or retained as a result of qualifying 10532
investments made pursuant to this section. 10533

(E) After the conclusion of the applicable holding period 10534
for a qualifying investment, a person to whom a small business 10535
investment allocation has been issued under this section shall 10536
receive a small business investment certification, which 10537
entitles the person to claim a credit as provided under section 10538
5747.81 of the Revised Code. However, no certificate may be 10539
issued if the director finds that any requirement under this 10540
section is not met. 10541

(F) ~~The director of development services,~~ in consultation 10542
with the tax commissioner, may adopt rules for the 10543
administration of this section, including rules governing the 10544
following: 10545

(1) Documents, records, or other information eligible 10546
investors shall provide to the director; 10547

(2) Any information a small business enterprise shall 10548
provide for the purposes of this section and section 5747.81 of 10549
the Revised Code; 10550

(3) Determination of the number of full-time equivalent 10551
employees of a small business enterprise; 10552

(4) Verification of a small business enterprise's 10553
investment; 10554

(5) Circumstances under which small business enterprises 10555
or eligible investors may be subverting the purposes of this 10556
section and section 5747.81 of the Revised Code. 10557

(G) Application fees paid under division (B) of this section shall be credited to the tax incentives operating fund created in section 122.174 of the Revised Code.

Sec. 122.97. The director of development may allocate the state ceiling on the aggregate amount of private activity bonds issued in this state as provided in 26 U.S.C. 146.

Sec. 122.98. (A) The general assembly finds that access to affordable housing in rural areas is an important part of fostering a robust and lasting population. Accordingly, it is declared to be the public policy of the state to increase the availability of single-family homes in the rural areas through the residential development revolving loan program, administered by the department of development.

(B) An eligible borrower for a residential development loan is a county, or a township or municipal corporation that is fully or partially located in a county, that meets both of the following:

(1) Has a population of not more than seventy-five thousand;

(2) The number of privately-owned housing units authorized by building permit in the preceding calendar year, according to the most recent data provided by the United States census bureau, is less than the average number of private housing units authorized by building permit for counties in this state over the same period.

(C) An eligible borrower shall use the proceeds of a residential development loan exclusively to develop, repair, or upgrade water, sewer, transportation, electric, or gas infrastructure needed for the construction of single-family,

residential dwellings that are part of a residential development project. An eligible borrower shall not use any portion of the proceeds for routine infrastructure maintenance or for developments, repairs, or upgrades that exceed the projected requirements of the residential development project. 10587
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(D) The department shall not approve an application for a residential development loan unless the eligible borrower demonstrates, to the satisfaction of the department, that the residential development project served by the infrastructure developments, repairs, or upgrades meets all of the following: 10592
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(1) Is fully located in a county that meets the criteria prescribed by divisions (B) (1) and (2) of this section; 10597
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(2) Has a net density of at least four single-family, residential dwellings per acre; 10599
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(3) Is zoned exclusively for single-family, residential use; 10601
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(4) Does not currently, and will not upon its completion, include a qualified low-income building that receives a tax credit under 26 U.S.C. 42. 10603
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(E) An eligible borrower shall, at minimum, include all of the following in the loan application: 10606
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(1) A description of the infrastructure developments, repairs, or upgrades to be funded by the loan and an estimate of the total cost to complete those developments, repairs, or upgrades; 10608
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(2) The loan amount requested by the eligible borrower, which shall not exceed either of the following amounts: 10612
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(a) Fifty per cent of the total cost of the infrastructure 10614

<u>developments, repairs, or upgrades;</u>	10615
<u>(b) Thirty thousand dollars per single-family, residential dwelling included in the residential development project served by the developments, repairs or upgrades.</u>	10616
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<u>(3) Documentation sufficient to prove, to the satisfaction of the department, all of the following:</u>	10619
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<u>(a) That the applicant is an eligible borrower under division (B) of this section;</u>	10621
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<u>(b) That the infrastructure developments, repairs, or upgrades meet the requirements under division (C) of this section;</u>	10623
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<u>(c) That the residential development project served by those developments, repairs, or upgrades meets the requirements under division (D) of this section.</u>	10626
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<u>(4) The proposed or recorded plot of the subdivision that is the basis of the development project.</u>	10629
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<u>(5) Certification that the eligible borrower agrees to comply with all provisions of this section.</u>	10631
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<u>(F) The department shall accept applications and make low-interest loans under this section on a rolling basis whenever funding is available. The department shall begin accepting applications for the first round of loans not later than January 1, 2026.</u>	10633
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<u>(G) The department shall not establish or levy any fees on loan applicants or recipients.</u>	10638
	10639
<u>(H) An eligible borrower that receives a loan under this section shall do all of the following:</u>	10640
	10641

- (1) Exempt the residential development project served by the infrastructure developments, repairs, or upgrades, from both of the following: 10642
10643
10644
- (a) Any building or road standards of the eligible borrower that are more stringent than those prescribed by state law; 10645
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10647
- (b) Ordinances, resolutions, rules, or restrictions of the eligible borrower concerning any of the following: 10648
10649
- (i) Minimum square footage for residential dwellings; 10650
- (ii) Off-street parking; 10651
- (iii) The existence, size, or placement of a garage. 10652
- (2) Complete any required traffic reviews or studies for the residential development project within forty-five days after receiving the loan; 10653
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10655
- (3) Provide a quarterly report to the director on the status of the work funded by the loan; 10656
10657
- (4) Repay the principal and interest of the loan in accordance with terms specified by the department. 10658
10659
- (I) The director shall develop and utilize scoring metrics in prioritizing applications, determining whether to approve low-interest loans, and determining the amount of such loans. The metrics must meet all of the following requirements: 10660
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10662
10663
- (1) Give higher priority to projects in locations with greater housing need and lack of private housing investment; 10664
10665
- (2) Consider the potential economic impact of the project and the regional distributive balance of the loans; 10666
10667
- (3) Not consider whether the project is located in an 10668

economically distressed area, including by weighting preference 10669
based on the poverty rate in the jurisdiction or census tract in 10670
which the project is located. 10671

(J) The interest rate for loans made under the program 10672
shall be the effective federal funds rate in effect at the time 10673
of the loan agreement. The department shall credit all 10674
principal, interest, and fees paid under this section by an 10675
eligible borrower to the residential development revolving loan 10676
fund created under section 122.981 of the Revised Code. 10677

Sec. 122.981. There is hereby created in the state 10678
treasury the residential development revolving loan fund. The 10679
fund shall consist of appropriations by the general assembly, 10680
money received as repayment for loans under section 122.98 of 10681
the Revised Code, fees collected in accordance with that 10682
section, and any other money transferred to the fund. All 10683
investment earnings of the fund shall be credited to the fund. 10684
The department of development shall use money in the fund 10685
exclusively to make low-interest loans under section 122.98 of 10686
the Revised Code and to offset the expenditures incurred by the 10687
department in administering that section. The aggregate amount 10688
of money used to offset the department's expenditures in any 10689
fiscal year shall not exceed five hundred thousand dollars. 10690

Sec. 123.10. (A) As used in this section and section 10691
123.11 of the Revised Code, "public exigency" means an injury or 10692
obstruction that occurs in any public works of the state and 10693
that materially impairs its immediate use or places in jeopardy 10694
property adjacent to it; an immediate danger of such an injury 10695
or obstruction; or an injury or obstruction, or an immediate 10696
danger of an injury or obstruction, that occurs in any public 10697
works of the state and that materially impairs its immediate use 10698

or places in jeopardy property adjacent to it. 10699

(B) When a declaration of public exigency is issued 10700
pursuant to division (C) of this section, the Ohio facilities 10701
construction commission, or the requesting director of the state 10702
agency, state institution of higher education as defined in 10703
division (A) (1) of section 3345.12 of the Revised Code, or other 10704
state instrumentality, as determined by the executive director 10705
of the commission, shall enter into contracts with proper 10706
persons for the performance of labor, the furnishing of 10707
materials, or the construction of any structures and buildings 10708
necessary to the maintenance, control, and management of the 10709
public works of the state or any part of those public works. Any 10710
contracts awarded for the work performed pursuant to the 10711
declaration of a public exigency may be awarded without 10712
competitive bidding or selection as set forth in Chapter 153. of 10713
the Revised Code. 10714

(C) The executive director of the Ohio facilities 10715
construction commission may issue a declaration of a public 10716
exigency on the executive director's own initiative or upon the 10717
request of the director of any state agency, a state institution 10718
of higher education as defined in division (A) (1) of section 10719
3345.12 of the Revised Code, or any other state instrumentality. 10720
The executive director's declaration shall identify the specific 10721
injury, obstruction, or danger that is the subject of the 10722
declaration and shall set forth a dollar limitation for the 10723
repair, removal, or prevention of that exigency under the 10724
declaration. 10725

Before any project to repair, remove, or prevent a public 10726
exigency under the executive director's declaration may begin, 10727
the executive director shall send notice of the project, in 10728

writing, to the director of budget and management and to the 10729
members of the controlling board. That notice shall detail the 10730
project to be undertaken to address the public exigency and 10731
shall include a copy of the executive director's declaration 10732
that establishes the monetary limitations on that project. 10733

Sec. 123.14. (A) Every two years, the department of 10734
administrative services shall conduct a comprehensive study and 10735
issue a report on all real property owned or leased by the state 10736
or a state agency. The director of administrative services shall 10737
deliver the report to the speaker of the house of 10738
representatives, the president of the senate, and the governor 10739
not later than the thirty-first day of January of every odd- 10740
numbered year. The study shall include all of the following: 10741

(1) A complete list of all the real property owned by the 10742
state or a state agency. The list shall be organized by who owns 10743
the real property, which shall include information regarding the 10744
nature of the real property, such as whether the real property 10745
includes structures, whether any structure is office space, the 10746
value of the real property, the cost of maintaining the real 10747
property, and what percentage of the real property is used or 10748
unused by the state or state agency. 10749

(2) A complete list of all the real property that the 10750
state or a state agency rents or leases, but does not own, and 10751
the cost of renting or leasing; 10752

(3) Which state agencies use the real property, whether 10753
owned or leased, and the square footage that is used, versus not 10754
used, organized by state agency; 10755

(4) How much of the real property identified in division 10756
(A) (3) of this section would be used if all employees of that 10757

agency worked in person, rather than remote. 10758

(B) As used in this section, "state agency" means every 10759
organized body, office, or agency established by the laws of the 10760
state for the exercise of any function of state government, 10761
including the nonprofit corporation formed under section 187.01 10762
of the Revised Code, but not including the courts or any 10763
judicial agency, any state-assisted institution of higher 10764
education, or any local agency. 10765

Sec. 123.28. As used in this section and in section 123.281 of the Revised Code: 10766
10767

(A) "Culture" means any of the following: 10768

(1) Visual, musical, dramatic, graphic, design, and other 10769
arts, including, but not limited to, architecture, dance, 10770
literature, motion pictures, music, painting, photography, 10771
sculpture, and theater, and the provision of training or 10772
education in these arts; 10773

(2) The presentation or making available, in museums or 10774
other indoor or outdoor facilities, of principles of science and 10775
their development, use, or application in business, industry, or 10776
commerce or of the history, heritage, development, presentation, 10777
and uses of the arts described in division (A)(1) of this 10778
section and of transportation; 10779

(3) The preservation, presentation, or making available of 10780
features of archaeological, architectural, environmental, or 10781
historical interest or significance in a state historical 10782
facility or a local historical facility. 10783

(B) "Cultural organization" means either of the following: 10784

(1) A governmental agency or Ohio nonprofit corporation, 10785

including the Ohio history connection, that provides programs or 10786
activities in areas directly concerned with culture; 10787

(2) A regional arts and cultural district as defined in 10788
section 3381.01 of the Revised Code. 10789

(C) "Cultural project" means all or any portion of an Ohio 10790
cultural facility for which the general assembly has made an 10791
appropriation or has specifically authorized the spending of 10792
money or the making of rental payments relating to the financing 10793
of construction. 10794

(D) "Cooperative use agreement" means a contract between 10795
the Ohio facilities construction commission and a cultural 10796
organization providing the terms and conditions of the 10797
cooperative use of an Ohio cultural facility. 10798

(E) "Costs of operation" means amounts required to manage 10799
an Ohio cultural facility that are incurred following the 10800
completion of construction of its cultural project, provided 10801
that both of the following apply: 10802

(1) Those amounts either: 10803

(a) Have been committed to a fund dedicated to that 10804
purpose; 10805

(b) Equal the principal of any endowment fund, the income 10806
from which is dedicated to that purpose. 10807

(2) The commission and the cultural organization have 10808
executed an agreement with respect to either of those funds. 10809

(F) "Governmental agency" means a state agency, a state 10810
institution of higher education as defined in section 3345.12 of 10811
the Revised Code, a municipal corporation, county, township, or 10812
school district, a port authority created under Chapter 4582. of 10813

the Revised Code, any other political subdivision or special 10814
district in this state established by or pursuant to law, or any 10815
combination of these entities; except where otherwise indicated, 10816
the United States or any department, division, or agency of the 10817
United States, or any agency, commission, or authority 10818
established pursuant to an interstate compact or agreement. 10819

(G) "Local contributions" means the value of an asset 10820
provided by or on behalf of a cultural organization from sources 10821
other than the state, the value and nature of which shall be 10822
approved by the Ohio facilities construction commission, in its 10823
sole discretion. "Local contributions" may include the value of 10824
the site where a cultural project is to be constructed. All 10825
"local contributions," except a contribution attributable to 10826
such a site, shall be for the costs of construction of a 10827
cultural project or the creation or expansion of an endowment 10828
for the costs of operation of a cultural facility. 10829

(H) "Local historical facility" means a site or facility, 10830
other than a state historical facility, of archaeological, 10831
architectural, environmental, or historical interest or 10832
significance, or a facility, including a storage facility, 10833
appurtenant to the operations of such a site or facility, that 10834
is owned by a cultural organization and is used for or in 10835
connection with cultural activities, including the presentation 10836
or making available of culture to the public. 10837

(I) "Manage," "operate," or "management" means the 10838
provision of, or the exercise of control over the provision of, 10839
activities: 10840

(1) Relating to culture for an Ohio cultural facility, 10841
including as applicable, but not limited to, providing for 10842
displays, exhibitions, specimens, and models; booking of 10843

artists, performances, or presentations; scheduling; and hiring 10844
or contracting for directors, curators, technical and scientific 10845
staff, ushers, stage managers, and others directly related to 10846
the cultural activities in the facility; but not including 10847
general building services; 10848

(2) Relating to sports and athletic events for an Ohio 10849
sports facility, including as applicable, but not limited to, 10850
providing for booking of athletes, teams, and events; 10851
scheduling; and hiring or contracting for staff, ushers, 10852
managers, and others directly related to the sports and athletic 10853
events in the facility; but not including general building 10854
services. 10855

(J) "Ohio cultural facility" means any of the following: 10856

(1) The theaters located in the state office tower at 77 10857
South High street in Columbus; 10858

(2) Any cultural facility in this state that is managed 10859
directly by, or is subject to a cooperative use or management 10860
agreement with, the Ohio facilities construction commission. 10861

(3) A state historical facility or a local historical 10862
facility. 10863

(K) "Construction" includes acquisition, including 10864
acquisition by lease-purchase, demolition, reconstruction, 10865
alteration, renovation, remodeling, enlargement, improvement, 10866
site improvements, and related equipping and furnishing. 10867

(L) "State historical facility" means a site or facility 10868
that has all of the following characteristics: 10869

(1) It is created, supervised, operated, protected, 10870
maintained, and promoted by the Ohio history connection pursuant 10871

to the Ohio history connection's performance of public functions 10872
under sections 149.30 and 149.302 of the Revised Code. 10873

(2) Its title must reside wholly or in part with the 10874
state, the Ohio history connection, or both the state and the 10875
Ohio history connection. 10876

(3) It is managed directly by or is subject to a 10877
cooperative use or management agreement with the Ohio facilities 10878
construction commission and is used for or in connection with 10879
cultural activities, including the presentation or making 10880
available of culture to the public. 10881

(M) "Ohio sports facility" means all or a portion of a 10882
stadium, arena, tennis facility, motorsports complex, or other 10883
capital facility in this state. A primary purpose of the 10884
facility shall be to provide a site or venue for the 10885
presentation to the public of motorsports events, professional 10886
tennis tournaments, or events of one or more major or minor 10887
league professional athletic or sports teams that are associated 10888
with the state or with a city or region of the state. The 10889
facility shall be, in the case of a motorsports complex, owned 10890
by the state or governmental agency, or in all other instances, 10891
owned by or located on real property owned by the state or a 10892
governmental agency, and includes all parking facilities, 10893
walkways, and other auxiliary facilities, equipment, 10894
furnishings, and real and personal property and interests and 10895
rights therein, that may be appropriate for or used for or in 10896
connection with the facility or its operation, for capital costs 10897
of which state funds are spent pursuant to this section and 10898
section 123.281 of the Revised Code. A facility constructed as 10899
an Ohio sports facility may be both an Ohio cultural facility 10900
and an Ohio sports facility. 10901

(N) "Motorsports" means sporting events in which motor vehicles are driven on a clearly demarcated tracked surface. 10902
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(O) "Professional sports franchise" means a member of the following professional sports leagues: the national football league, women's national football conference, women's football alliance, women's football league association, national hockey league, professional women's hockey league, major league baseball, women's professional baseball league, major league soccer, national women's soccer league, national basketball association, or the women's national basketball association, or a successor of such an entity. 10904
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(P) "Major sports facility" means a stadium, arena, complex, or other facility that a governmental agency owns, will own, or has or will have a sufficient ownership interest in, the primary purpose of which is to provide a site or venue for the presentation of home games of a professional sports franchise for a period of at least thirty years after completion of the construction of the stadium, arena, complex, or other facility. 10913
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(Q) "Transformational major sports facility mixed-use project" means the following, as applicable: 10920
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(1) A mixed-use project that meets all of the following criteria: 10922
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(a) Includes the construction of a major sports facility; 10924

(b) Integrates some combination of retail, office, hotel, residential, recreation, structured parking, or other similar uses into one or more mixed-use developments; 10925
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(c) Is expected to generate incremental state tax revenues pursuant to state taxes levied under Chapters 5739., 5741., 5747., and 5751. of the Revised Code; 10928
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(d) Has an initial total estimated construction cost, 10931
excluding any site acquisition cost, that is greater than one 10932
billion dollars. 10933

(2) In addition to the criteria under division (Q) (1) of 10934
this section, a transformational major sports facility mixed-use 10935
project may include any of the following: 10936

(a) Other projects supporting or relating to the major 10937
sports facility or the professional sports franchise 10938
constructing or using the major sports facility; 10939

(b) Any mixed-use project adjacent or otherwise relating 10940
to practice facilities for the professional sports franchise; 10941

(c) Conference centers, concert, or other entertainment 10942
venues and facilities; 10943

(d) Retail, food, restaurant, and beverage facilities, 10944
whether fixed or mobile; 10945

(e) Parks and other public open spaces or facilities; 10946

(f) Related on-site infrastructure necessary or desirable 10947
for all such elements for the transformational major sports 10948
facility mixed-use project. 10949

(R) "Transformational major sports facility mixed-use 10950
project district" means the geographic area encompassing, and 10951
including all of the area within the territorial boundaries of, 10952
the land upon which the transformational major sports facility 10953
mixed-use project is located, as determined by the office of 10954
budget and management, in consultation with the department of 10955
taxation, the Ohio facilities construction commission, and any 10956
applicable county or municipal offices in accordance with 10957
division (H) (5) (e) of section 123.281 of the Revised Code. 10958

(S) "Base professional sports franchise state tax revenues" means an amount or calculation either established by the general assembly or equal to all state tax revenues generated pursuant to state taxes levied under Chapters 5739., 5741., 5747., and 5751. of the Revised Code that are attributable to the professional sports franchise and its operations at the professional sports franchise's existing facility, and collected by the department of taxation in the calendar year occurring immediately before the calendar year in which the professional sports franchise plays its initial regular season home game in the major sports facility, which shall be increased by three and one-half per cent per year each calendar year for up to sixteen years thereafter. 10959
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(T) "Total major sports facility mixed-use project district state tax revenues" means the total aggregate state tax revenue generated in the territory of a transformational major sports facility mixed-use project district pursuant to state taxes levied under Chapters 5739., 5741., 5747., and 5751. of the Revised Code beginning in the calendar year in which a performance grant is eligible for disbursement under an appropriation and for sixteen years thereafter, including those state tax revenues attributable to the construction of, and the purchasing of or leasing of materials and items used in the construction of, a transformational major sports facility mixed-use project district received in the calendar year in which the performance grant is eligible for disbursement under an appropriation. 10972
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(U) "Incremental major sports facility mixed-use project district state tax revenues" means the amount of state tax revenues received by the state determined by subtracting base professional sports franchise state tax revenues, as calculated 10986
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for a given calendar year including any required three and one- 10990
half per cent annual increase, from total major sports facility 10991
mixed-use project district state tax revenues for such year. 10992

(V) "Total incremental major sports facility mixed-use 10993
project district state tax revenues" means the aggregate amount 10994
of incremental major sports facility mixed-use district state 10995
tax revenues beginning in the calendar year in which a 10996
performance grant is eligible for disbursement under an 10997
appropriation and for sixteen years thereafter. 10998

(W) "Affiliate" means a person that directly, or 10999
indirectly through one or more intermediaries, controls, is 11000
controlled by, is under common control with, or acts in concert 11001
with, or is a participant in a joint venture, partnership, 11002
consortium, or similar business arrangement with, a professional 11003
sports franchise or owner. 11004

(X) "Owner" means a person that has a controlling 11005
ownership interest in a professional sports franchise. 11006

(Y) "Person" means one or more individuals, receivers, 11007
assignees, trustees in bankruptcy, estates, firms, limited 11008
liability companies, partnerships, associations, joint-stock 11009
companies, joint ventures, clubs, societies, corporations, and 11010
combinations of individuals in any form. 11011

Sec. 123.281. (A) The Ohio facilities construction 11012
commission shall provide for the construction of a cultural 11013
project in conformity with Chapter 153. of the Revised Code, 11014
except for construction services provided on behalf of the state 11015
by a governmental agency or a cultural organization in 11016
accordance with divisions (B) and (C) of this section. 11017

(B) In order for a governmental agency or a cultural 11018

organization to provide construction services on behalf of the 11019
state for a cultural project, other than a state historical 11020
facility, for which the general assembly has made an 11021
appropriation or specifically authorized the spending of money 11022
or the making of rental payments relating to the financing of 11023
the construction, the governmental agency or cultural 11024
organization shall submit to the Ohio facilities construction 11025
commission a cooperative use agreement that includes, but is not 11026
limited to, provisions that: 11027

(1) Specify how the proposed project will support culture; 11028

(2) Specify that the governmental agency or cultural 11029
organization has local contributions amounting to not less than 11030
fifty per cent of the total state funding for the cultural 11031
project; 11032

(3) Specify that the funds shall be used only for 11033
construction; 11034

(4) Identify the facility to be constructed, renovated, 11035
remodeled, or improved; 11036

(5) Specify that the project scope meets the intent and 11037
purpose of the project appropriation and that the project can be 11038
completed and ready to support culture without exceeding 11039
appropriated funds; 11040

(6) Specify that the governmental agency or cultural 11041
organization shall hold the Ohio facilities construction 11042
commission harmless from all liability for the operation and 11043
maintenance costs of the facility; 11044

(7) Specify that the agreement or any actions taken under 11045
it are not subject to Chapter 123. or 153. of the Revised Code, 11046
except for sections 123.20, 123.201, 123.21, 123.28, 123.281, 11047

and 153.011 of the Revised Code, and are subject to Chapter 11048
4115. of the Revised Code; and 11049

(8) Provide that amendments to the agreement shall require 11050
the approval of the Ohio facilities construction commission. 11051

(C) In order for a cultural organization to provide 11052
construction services on behalf of the state for a state 11053
historical facility for which the general assembly has made an 11054
appropriation or specifically authorized the spending of money 11055
or the making of rental payments relating to the financing of 11056
the construction, the cultural organization shall submit to the 11057
Ohio facilities construction commission a cooperative use 11058
agreement that includes, but is not limited to, provisions that: 11059

(1) Specify how the proposed project will support culture; 11060

(2) Specify that the funds shall be used only for 11061
construction; 11062

(3) Specify that not more than three per cent of the funds 11063
may be used by the cultural organization to administer the 11064
project; 11065

(4) Identify the facility to be constructed, renovated, 11066
remodeled, or improved; 11067

(5) Specify that the project scope meets the intent and 11068
purpose of the project appropriation and that the project can be 11069
completed and ready to support culture without exceeding 11070
appropriated funds; 11071

(6) Specify that the cultural organization shall hold the 11072
Ohio facilities construction commission harmless from all 11073
liability for the operation and maintenance costs of the 11074
facility; 11075

(7) Specify that the agreement or any actions taken under it are not subject to Chapter 123., 153., or 4115. of the Revised Code, except for sections 123.20, 123.201, 123.21, 123.28, and 123.281 of the Revised Code; and

(8) Provide that amendments to the agreement shall require the approval of the Ohio facilities construction commission.

(D) For an Ohio sports facility that is financed in part by obligations issued under Chapter 154. of the Revised Code, construction services shall be provided on behalf of the state by or at the direction of the governmental agency or nonprofit corporation that will own or be responsible for the management of the facility. Any construction services to be provided by a governmental agency or nonprofit corporation shall be specified in a cooperative use agreement between the Ohio facilities construction commission and the governmental agency or nonprofit corporation. The agreement and any actions taken under it are not subject to Chapter 123. or 153. of the Revised Code, except for sections 123.20, 123.201, 123.21, 123.28, 123.281, and 153.011 of the Revised Code, and are subject to Chapter 4115. of the Revised Code.

(E) ~~State~~ Except as provided in division (H) of this section, state funds shall not be used to pay or reimburse more than fifteen per cent of the initial estimated construction cost of an Ohio sports facility, excluding any site acquisition cost, and no state funds, including any state bond proceeds, shall be spent on any Ohio sports facility under this chapter unless, with respect to that facility, all of the following apply:

(1) The Ohio facilities construction commission has received a financial and development plan satisfactory to it, and provision has been made, by agreement or otherwise,

satisfactory to the commission, for a contribution amounting to 11106
not less than eighty-five per cent of the total estimated 11107
construction cost of the facility, excluding any site 11108
acquisition cost, from sources other than the state. 11109

(2) The general assembly has specifically authorized the 11110
spending of money on, or made an appropriation for, the 11111
construction of the facility, or for rental payments relating to 11112
state financing of all or a portion of the costs of constructing 11113
the facility. Authorization to spend money, or an appropriation, 11114
for planning or determining the feasibility of or need for the 11115
facility does not constitute authorization to spend money on, or 11116
an appropriation for, costs of constructing the facility. 11117

(3) If state bond proceeds are being used for the Ohio 11118
sports facility, the state or a governmental agency owns or has 11119
sufficient property interests in the facility or in the site of 11120
the facility or in the portion or portions of the facility 11121
financed from proceeds of state bonds, which may include, but is 11122
not limited to, the right to use or to require the use of the 11123
facility for the presentation of sport and athletic events to 11124
the public at the facility. 11125

(F) In addition to the requirements of division (E) of 11126
this section, no state funds, including any state bond proceeds, 11127
shall be spent on any Ohio sports facility that is a motorsports 11128
complex, unless, with respect to that facility, both of the 11129
following apply: 11130

(1) Motorsports events shall be presented at the facility 11131
pursuant to a lease entered into with the owner of the facility. 11132
The term of the lease shall be for a period of not less than the 11133
greater of the useful life of the portion of the facility 11134
financed from proceeds of state bonds as determined using the 11135

guidelines for maximum maturities as provided under divisions 11136
(B) and (C) of section 133.20 of the Revised Code, or the period 11137
of time remaining to the date of payment or provision for 11138
payment of outstanding state bonds allocable to costs of the 11139
facility, all as determined by the director of budget and 11140
management and certified by the executive director of the Ohio 11141
facilities construction commission and to the treasurer of 11142
state. 11143

(2) Any motorsports organization that commits to using the 11144
facility for an established period of time shall give the 11145
political subdivision in which the facility is located not less 11146
than six months' advance notice if the organization intends to 11147
cease utilizing the facility prior to the expiration of that 11148
established period. Such a motorsports organization shall be 11149
liable to the state for any state funds used on the construction 11150
costs of the facility. 11151

(G) In addition to the requirements of division (E) of 11152
this section, no state bond proceeds shall be spent on any Ohio 11153
sports facility that is a tennis facility, unless the owner or 11154
manager of the facility provides contractual commitments from a 11155
national or international professional tennis organization in a 11156
form acceptable to the Ohio facilities construction commission 11157
that assures that one or more sanctioned professional tennis 11158
events will be presented at the facility during each year that 11159
the bonds remain outstanding. 11160

(H) State funds may be used as a performance grant to pay 11161
or reimburse up to twenty-five per cent of the initial estimated 11162
construction cost for a major sports facility if all of the 11163
following criteria are met: 11164

(1) The major sports facility upon completion will be a 11165

part of a transformational major sports facility mixed-use 11166
project. 11167

(2) The office of budget and management in consultation 11168
with the Ohio facilities construction commission has received a 11169
financial and development plan that satisfies the requirements 11170
of this section, and includes a contribution amounting to not 11171
less than seventy-five per cent of the total initial estimated 11172
construction cost of the major sports facility, excluding any 11173
site acquisition cost, from sources other than the state's 11174
performance grant, including a contribution from the 11175
professional sports franchise that plans to use the facility, or 11176
the owner or an authorized affiliate, of at least fifty per cent 11177
of the total estimated construction cost of the major sports 11178
facility. 11179

(3) The general assembly has specifically authorized, or 11180
made an appropriation for, the performance grant to aid in the 11181
construction of the major sports facility, provided that the 11182
grant's authorization or appropriation does not include planning 11183
or determining the feasibility of or need for the major sports 11184
facility as a cost of constructing the major sports facility. 11185
The performance grant is not subject to the review or 11186
authorization of the controlling board, and upon the office of 11187
budget and management's receipt of the escrow amount and of a 11188
certification of funds or other requisite proof the supplemental 11189
reserve amount has been established in accordance with division 11190
(H) (4) of this section, is eligible for disbursement in full or 11191
in part, for the payment or reimbursement of construction costs 11192
for the major sports facility, without regard to the other 11193
sources of contribution for the costs of construction of the 11194
major sports facility as described in division (H) (2) of this 11195
section and not on a pro rata basis. The state shall not incur 11196

debt to fund or assist a major sports facility receiving a 11197
performance grant under this section. 11198

(4) (a) The professional sports franchise planning to use 11199
the facility, or the owner or an authorized affiliate, has 11200
executed and filed with the office of budget and management an 11201
escrow amount equal to eight and one-third per cent of the total 11202
amount of the performance grant appropriated for the project, 11203
which shall be deposited in an interest-bearing account 11204
maintained within the state treasury, nonrefundable 11205
disbursements from which shall be as described in division (H) 11206
(5) of this section. Whatever remains of the amount in escrow 11207
after the sixteen-year period, including any interest earnings 11208
thereon, shall be returned to the professional sports franchise, 11209
owner, or affiliate upon certification by the office of budget 11210
and management, in consultation with the department of taxation, 11211
that the total incremental major sports facility mixed-use 11212
project district state tax revenues have achieved all required 11213
target amounts as described in division (H) (5) of this section. 11214

(b) The professional sports franchise planning to use the 11215
facility, or the owner or an authorized affiliate, shall 11216
establish a supplemental reserve, which may take the form of a 11217
line of credit or other commercially reasonable type of 11218
certifiable and available liquidity, in an amount equal to the 11219
initial escrow account deposit required by division (H) (4) (a) of 11220
this section. The supplemental reserve shall be available to be 11221
drawn upon in accordance with division (H) (5) (c) of this 11222
section. The supplemental reserve shall not be required to be 11223
replenished if drawn upon in accordance with division (H) (5) of 11224
this section. 11225

(5) The professional sports franchise planning to use the 11226

facility, or the owner or an authorized affiliate, has entered 11227
into an agreement with the office of budget and management that 11228
complies with this section and specifies all of the following: 11229

(a) The incremental major sports facility mixed-use 11230
project district state tax revenues meet target amounts, as 11231
determined by the office of budget and management, in 11232
consultation with the Ohio facilities construction commission 11233
and the department of taxation, the total amount of which 11234
collected over a sixteen-year period equals or exceeds the 11235
amount of the performance grant appropriated to the project. The 11236
target amounts shall be as follows: 11237

(i) For the first four full calendar years beginning in 11238
the year in which the performance grant is eligible for 11239
disbursement under an appropriation, eleven and two-thirds per 11240
cent of the total appropriated amount; 11241

(ii) For the second four-year period, twenty-six and two- 11242
thirds per cent of the total appropriated amount; 11243

(iii) For the third four-year period, thirty and fifteen- 11244
eighteenths per cent of the total appropriated amount; 11245

(iv) For the fourth four-year period, thirty and fifteen- 11246
eighteenths per cent of the total appropriated amount. 11247

(b) Incremental major sports facility mixed-use project 11248
district state tax revenues in excess of the target amount shall 11249
be credited towards target amounts in future periods. 11250

(c) If the incremental major sports facility mixed-use 11251
project district state tax revenues do not achieve target 11252
amounts at the end of each four-year period as determined by the 11253
office of budget and management, in consultation with the 11254
department of taxation, the deficit shall be offset by any 11255

excess tax revenue credit from previous years under division (H) 11256
(5) (b) of this section. If a deficit remains, the office of 11257
budget and management shall take a nonrefundable amount of money 11258
equal to the remaining deficit amount from the escrow account 11259
described under division (H) (4) of this section and deposit it 11260
into the general revenue fund. If a deficit still remains, the 11261
office of budget and management shall take a nonrefundable 11262
amount of money equal to the remaining deficit amount for that 11263
period from the supplemental reserve established pursuant to 11264
division (H) (4) (b) of this section, to the extent available, and 11265
deposit the money into the general revenue fund. Beginning in 11266
the ninth calendar year after the performance grant is eligible 11267
for disbursement, and once annually thereafter until completion 11268
of the sixteenth year, the professional sports franchise, or the 11269
owner or an authorized affiliate, may request a determination by 11270
the office of budget and management, in consultation with the 11271
department of taxation, that the total incremental major sports 11272
facility mixed-use project district state tax revenues equals or 11273
exceeds the amount of the performance grant appropriated to the 11274
project. Once the total incremental major sports facility mixed- 11275
use project district state tax revenues equals or exceeds the 11276
amount of the performance grant appropriated to the project, 11277
whether at the conclusion of a designated four-year period under 11278
division (H) (5) (a) of this section or upon an annual request 11279
under this division, the professional sports franchise, or the 11280
owner or authorized affiliate, shall receive the remainder of 11281
the amount in escrow, principal and interest, as provided for 11282
under division (H) (4) (a) of this section. 11283

(d) If, prior to the expiration of the fourth four-year 11284
period described in division (H) (5) (a) of this section, the 11285
owner's share of the ownership interest in the professional 11286

sports franchise becomes less than a controlling ownership 11287
interest, all rights, privileges, responsibilities, and 11288
obligations of the owner provided under this section and the 11289
agreement with the office of budget and management shall be 11290
assigned to, and assumed by, any new owner with a controlling 11291
ownership interest. 11292

(e) Establishes the metes and bounds of, including all 11293
areas within, the proposed transformational major sports 11294
facility mixed-use project district, which shall meet all of the 11295
following requirements: 11296

(i) All territory in the district is contiguous. 11297

(ii) The office of budget and management receives a 11298
petition, accompanied by a description of the proposed 11299
transformational major sports facility mixed-use project 11300
district, signed by every record owner of a parcel of real 11301
property located in the district and the owner of every business 11302
that operates in the district. 11303

(iii) A transformational major sports facility mixed-use 11304
project will be located on territory of the proposed 11305
transformational major sports facility mixed-use project 11306
district. 11307

(iv) Not more than one major sports facility mixed-use 11308
project may be located within a transformational major sports 11309
facility mixed-use project district. 11310

(v) For purposes of determining total incremental major 11311
sports facility mixed-use project district state tax revenues, 11312
the district's territorial boundary may not be enlarged after it 11313
is established with the office of budget and management, which 11314
may consult with the department of taxation, the Ohio facilities 11315

construction commission, and any applicable county or municipal 11316
offices to ensure each requirement in this division is met. 11317

(f) Every record owner of a parcel of real property 11318
located in the proposed transformational major sports facility 11319
mixed-use project district shall be required to comply with, and 11320
will cause every person that enters into a lease, license, use, 11321
or operating agreement for all or a portion of the building or 11322
facilities located in, a transformational major sports facility 11323
mixed-use project district to be subject to, reporting 11324
requirements as may be required by the department of taxation, 11325
in consultation with the office of budget and management and the 11326
Ohio facilities construction commission as described in division 11327
(J) of this section. Such requirement may be evidenced by an 11328
instrument that has been duly recorded in the land records of 11329
the county. 11330

(6) (a) The professional sports franchise planning to use 11331
the major sports facility shall not cease playing most of its 11332
home games at the major sports facility and begin playing most 11333
of its home games at a different facility located anywhere 11334
outside of the transformational major sports facility mixed-use 11335
project district until the earlier of one of the following 11336
dates: 11337

(i) The total incremental major sports facility mixed-use 11338
project district state tax revenues equals or exceeds the amount 11339
of the performance grant appropriated to the transformational 11340
major sports facility mixed-use project, inclusive of any 11341
amounts drawn from the escrow account or supplemental reserve 11342
under division (H) (4) of this section; 11343

(ii) Thirty years after the professional sports franchise 11344
plays its initial regular season home game at the major sports 11345

facility. 11346

(b) This division is in addition to, independent of, and 11347
operates concurrently with section 9.67 of the Revised Code. 11348

(I) Every person who owns real property located in, enters 11349
into a lease, license, use, or operating agreement for all or a 11350
portion of the building and facilities located in, or purchases 11351
or leases materials and items used in construction in the 11352
territory of a transformational major sports facility mixed-use 11353
project district is subject to reporting requirements as may be 11354
required by the department of taxation, in consultation with the 11355
office of budget and management and the Ohio facilities 11356
construction commission. Compliance with these requirements may 11357
be evidenced by an instrument that is duly recorded with the 11358
county recorder. 11359

(J) Every person doing business in a transformational 11360
major sports facility mixed-use project district shall file tax 11361
returns and make tax payments pursuant to Chapters 5739., 5741., 11362
5747., and 5751. of the Revised Code using an electronic medium 11363
in a format prescribed by the department of taxation. Persons 11364
that pay salaries and wages to employees in the territory of a 11365
transformational major sports facility mixed-use project 11366
district shall register for a separate withholding account and 11367
shall remit the wages and salaries withheld from employees for 11368
activities performed in the territory of a transformational 11369
major sports facility mixed-use project district separately from 11370
all income taxes withheld by such employer. In addition, every 11371
person doing business in the territory of a transformational 11372
major sports facility mixed-use project district shall provide 11373
all of the following information to the department of taxation: 11374

(1) For persons that collect transformational major sports 11375

facility mixed-use project district tax revenues pursuant to 11376
Chapter 5739. of the Revised Code, tax collections generated 11377
from construction or transactions in the territory of a 11378
transformational major sports facility mixed-use project 11379
district on the returns filed pursuant to Chapter 5739. of the 11380
Revised Code as prescribed by the department of taxation; 11381

(2) For persons that generate transformational major 11382
sports facility mixed-use project district tax revenues under 11383
Chapters 5741., 5747., and 5751. of the Revised Code, estimated 11384
payments for corporate income taxes generated from the 11385
transformational major sports facility mixed-use project 11386
district and information regarding gross revenues generated from 11387
activities in the transformational major sports facility mixed- 11388
use project district and gross revenues from all activities in 11389
this state; 11390

(3) For persons that make payments to an independent 11391
contractor attributable to construction or transactions in the 11392
territory of a transformational major sports facility mixed-use 11393
project district, information regarding such payments by the 11394
thirty-first day of January of each year in a format prescribed 11395
by the department of taxation. 11396

(4) The department of taxation may disclose taxpayer 11397
information regarding transactions, real or personal property, 11398
income, or business of any person to the governmental agency 11399
that owns, or holds a sufficient ownership interest in, a major 11400
sports facility as may be necessary for the administration of 11401
the provisions authorized by this section. 11402

(K) The department of taxation shall develop forms 11403
necessary to implement and administer this section. 11404

Sec. 123.282. The Ohio cultural and sports facility performance grant fund is created in the state treasury. The fund shall consist of all money remitted by the director of commerce under division (I) of section 169.08 of the Revised Code and amounts appropriated by the general assembly. The money in the fund shall be used as performance grants for Ohio cultural facility, Ohio sports facility, and major sports facility projects in accordance with section 123.281 of the Revised Code. All investment earnings of the fund shall be credited to the fund.

Sec. 123.30. (A) Except as provided in division (B) of this section, no state agency or any entity that manages the grounds or buildings under the control of a state agency shall display on the grounds or building any flag except for the official state flag, as described in section 5.01 of the Revised Code, the United States flag, or the POW/MIA flag as described in section 9.50 of the Revised Code.

(B) Division (A) of this section does not apply to the Ohio statehouse or the grounds of the Ohio statehouse.

Sec. 124.02. The director of administrative services and the state personnel board of review shall exercise all functions, powers, and duties that ~~formerly~~, on or before January 1, 1959, were by law actually devolved upon, vested in, and imposed upon the state civil service commission and the offices of commissioners and members and upon their employees, agents, and representatives.

~~Whenever in any law or rule of this state or any political subdivision, "state civil service commission," "commission," "commissioner" or "member," meaning the state civil service commission or the offices of commissioners or members of said~~

~~commission, is used, such terms shall be construed as referring to the department of administrative services, the director of administrative services, the state personnel board of review, or the members of the state personnel board of review, as this chapter may require.~~ 11435
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Sec. 124.07. (A) The director of administrative services shall appoint examiners, inspectors, clerks, and other assistants as necessary to carry out sections 124.01 to 124.64 of the Revised Code. ~~The director may designate persons in or out of the service of the state to serve as examiners or assistants under the director's direction. An examiner or assistant shall receive the compensation for each day actually and necessarily spent in the discharge of duties as an examiner or assistant that the director determines; provided that, if the examiner or assistant is in the service of the state or any political subdivision of the state, it shall be a part of the examiner's or assistant's official duties to render those services in connection with an examination without extra compensation.~~ 11440
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(B) Each state agency shall pay the cost of the services and facilities furnished to it by the department of administrative services that are necessary to provide and maintain payroll services as prescribed in section 125.21 of the Revised Code and state merit standards as prescribed in sections 124.01 to 124.64 of the Revised Code for the agency. ~~If a state-supported college or university or a municipal corporation chooses to use the services and facilities furnished by the department that are necessary to provide and maintain the services and standards so prescribed, the state-supported college or university or municipal corporation shall pay the cost of the services and facilities that the department~~ 11454
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~~furnishes to it. The charges against a state agency, a state- 11466
supported college or university, or a municipal corporation 11467
shall be computed on a reasonable cost basis in accordance with 11468
procedures prescribed by the director of budget and management. 11469
Any moneys the department receives from a state agency, a state- 11470
supported college or university, or a municipal corporation 11471
under this division that are in excess of the amount necessary 11472
to pay the cost of furnishing the department's services and 11473
facilities during any fiscal year shall be either refunded to or 11474
credited for the ensuing fiscal year to the state agency, the 11475
state-supported college or university, or the municipal 11476
corporation. 11477~~

~~(C) The director of administrative services may enter into 11478
an agreement with any county, municipal corporation, or other 11479
political subdivision to furnish services and facilities of the 11480
department in the administration of a merit program or other 11481
functions related to human resources that include, but are not 11482
limited to, providing competitive examinations for positions in 11483
the classified service. The agreement shall provide that the 11484
department shall be reimbursed for the reasonable costs of those 11485
services and facilities as determined by the director. 11486~~

~~(D) All moneys received by the department as reimbursement 11487
for a merit program or other human resources services performed 11488
and facilities furnished under this section, such as competitive 11489
examinations administered, shall be paid into the state treasury 11490
to the credit of the human resources services fund, which is 11491
hereby created. 11492~~

~~(E) In counties of the state in which are located cities 11493
having municipal civil service commissions, the director of 11494
administrative services may designate the municipal civil 11495~~

~~service commission of the largest city within the county as the 11496
director's agent for the purpose of carrying out the provisions 11497
of sections 124.01 to 124.64 of the Revised Code, within the 11498
county, that the director designates. Each municipal civil 11499
service commission designated as an agent of the director shall 11500
render to the director, at the end of each month, an itemized 11501
statement of the cost incurred by the commission for work done 11502
as the agent of the director, and the director, after approving 11503
that statement, shall pay the total amount of it to the 11504
treasurer of the municipal corporation in the same manner as 11505
other expenses of the department of administrative services. 11506~~

~~(F) The director of administrative services and the 11507
examiners, inspectors, clerks, and assistants referred to in 11508
this section shall receive, in addition to their salaries, 11509
reimbursement for necessary traveling and other expenses 11510
incurred in the actual discharge of their official duties. The 11511
director may also incur the necessary expenses for stationery, 11512
printing, and other supplies incident to the business of the 11513
department. 11514~~

Sec. 124.135. (A) State employees are entitled to paid 11515
leave when summoned for jury duty by a court of competent 11516
jurisdiction. 11517

(B) State employees are entitled to paid leave when 11518
subpoenaed to appear before any court, commission, board, or 11519
other legally constituted body authorized by law to compel the 11520
attendance of witnesses. This division does not apply if the 11521
state employee is a party to the action or proceeding involved 11522
or is subpoenaed as a result of secondary employment outside the 11523
service of the state. 11524

(C) A state employee shall not be required, as a condition 11525

of receiving paid leave under divisions (A) or (B) of this 11526
section, to remit to the employee's appointing authority or 11527
another officer, commission, board, or body any portion of the 11528
compensation or reimbursement paid to the employee for serving 11529
on a jury or for appearing in court pursuant to a subpoena. 11530

(D) Each full-time permanent state employee paid in 11531
accordance with section 124.152 of the Revised Code and those 11532
employees described in divisions (B) (2) and (4) of section 11533
124.14 of the Revised Code also may be entitled, in their 11534
appointing authority's discretion, to paid leave when appointed 11535
to serve on advisory boards or commissions or when soliciting 11536
for charities for which payroll deductions are made. 11537

Sec. 124.1310. (A) As used in this section: 11538

(1) "Emergency medical service," "EMT-basic," "EMT-I," 11539
"first responder," and "paramedic" have the same meanings as in 11540
section 4765.01 of the Revised Code. 11541

(2) "Volunteer firefighter" has the same meaning as in 11542
section 146.01 of the Revised Code. 11543

(B) A state employee who is an EMT-basic, EMT-I, first 11544
responder, paramedic, or volunteer firefighter shall receive 11545
~~forty one~~ hundred twenty hours of leave with pay each calendar 11546
year to use during those hours when the employee is absent from 11547
work in order to ~~provide~~ do either of the following: 11548

(1) Provide emergency medical service or fire-fighting 11549
service; 11550

(2) Attend a training or continuing education program that 11551
relates to providing emergency medical service or fire-fighting 11552
service. 11553

(C) An appointing authority shall compensate an employee 11554
who uses leave granted under this section at the employee's 11555
regular rate of pay for those regular work hours during which 11556
the employee is absent from work. 11557

Sec. 124.1312. (A) As used in this section: 11558

(1) "Foster caregiver" has the same meaning as in section 11559
5103.02 of the Revised Code. 11560

(2) "Kinship caregiver" has the same meaning as in section 11561
~~5101.85~~ 5180.50 of the Revised Code. 11562

(B) Each permanent full-time and permanent part-time 11563
employee paid in accordance with section 124.152 of the Revised 11564
Code and each employee listed in division (B) (2), (3), or (4) of 11565
section 124.14 of the Revised Code who works thirty or more 11566
hours per week, and who is a foster caregiver or kinship 11567
caregiver is eligible, on placement of a child in the employee's 11568
home, to a maximum of five days of caregiver leave with full pay 11569
in a calendar year. Caregiver leave eligibility begins on the 11570
day on which the child is placed with the prospective foster 11571
caregiver or kinship caregiver. 11572

(C) The average number of regular hours worked, which 11573
shall include all hours of holiday pay and other types of paid 11574
leave, during the three-month period immediately preceding the 11575
day caregiver leave begins shall be used to determine 11576
eligibility for leave under this section for part-time 11577
employees. If an employee has not worked for a three-month 11578
period, the number of hours for which the employee has been 11579
scheduled to work per week during the employee's period of 11580
employment shall be used to determine eligibility for leave 11581
under this section. 11582

(D) Use of caregiver leave does not affect an employee's 11583
eligibility for other forms of paid leave granted under this 11584
chapter and does not prohibit an employee from taking leave 11585
under the "Family and Medical Leave Act of 1993," 29 U.S.C. 11586
2601, except that caregiver leave shall be included in any leave 11587
time provided under that act. 11588

(E) The director of administrative services may adopt 11589
rules in accordance with Chapter 119. of the Revised Code 11590
governing caregiver leave established under this section. 11591

Sec. 124.152. (A) (1) Except as provided in division (A) (2) 11592
of this section, each exempt employee shall be paid a salary or 11593
wage in accordance with schedule E-1 or schedule E-2 of division 11594
(B) of this section. 11595

(2) Each exempt employee who holds a position in the 11596
unclassified civil service pursuant to division (A) (26) or (30) 11597
of section 124.11 of the Revised Code may be paid a salary or 11598
wage in accordance with schedule E-1 or schedule E-2 of division 11599
(B) of this section, as applicable. 11600

(B) (1) Each exempt employee who must be paid in accordance 11601
with schedule E-1 or schedule E-2 of this section shall be paid 11602
a salary or wage in accordance with the following schedule of 11603
rates as of the pay period that includes July 1, ~~2021~~2024: 11604

Schedule E-1 11605
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1 2 3 4 5 6 7 8 9 10

A Pay Ranges and Step Values

B

C Step 1 Step 2 Step 3 Step 4 Step 5 Step 6 Step 7 Step 8

D Range

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	1	2	3	4	5	6	7	8	9	10
A	1	Hourly	12.14	12.69	13.21	13.80				
			<u>13.52</u>	<u>14.13</u>	<u>14.72</u>	<u>15.37</u>				
B		Annually	25251	26395	27476	28704				
			<u>28122</u>	<u>29390</u>	<u>30618</u>	<u>31970</u>				
C	2	Hourly	14.73	15.36	16.01	16.72				
			<u>16.41</u>	<u>17.10</u>	<u>17.83</u>	<u>18.63</u>				
D		Annually	30638	31948	33300	34777				
			<u>34133</u>	<u>35568</u>	<u>37086</u>	<u>38750</u>				
E	3	Hourly	15.44	16.13	16.84	17.56				
			<u>17.20</u>	<u>17.97</u>	<u>18.76</u>	<u>19.56</u>				
F		Annually	32115	33550	35027	36524				
			<u>35776</u>	<u>37378</u>	<u>39021</u>	<u>40685</u>				
G	4	Hourly	16.20	16.93	17.75	18.51				
			<u>18.05</u>	<u>18.86</u>	<u>19.77</u>	<u>20.62</u>				
H		Annually	33696	35214	36920	38500				
			<u>37544</u>	<u>39229</u>	<u>41122</u>	<u>42890</u>				

I	5	Hourly	17.00	17.78	18.51	19.33		
			<u>18.94</u>	<u>19.80</u>	<u>20.62</u>	<u>21.54</u>		
J		Annually	35360	36982	38500	40206		
			<u>39395</u>	<u>41184</u>	<u>42890</u>	<u>44803</u>		
K	6	Hourly	17.91	18.66	19.47	20.27		
			<u>19.95</u>	<u>20.79</u>	<u>21.68</u>	<u>22.59</u>		
L		Annually	37252	38812	40497	42161		
			<u>41496</u>	<u>43243</u>	<u>45094</u>	<u>46987</u>		
M	7	Hourly	19.01	19.72	20.54	21.25	22.07	
			<u>21.18</u>	<u>21.97</u>	<u>22.88</u>	<u>23.68</u>	<u>24.58</u>	
N		Annually	39540	41017	42723	44200	45905	
			<u>44054</u>	<u>45698</u>	<u>47590</u>	<u>49254</u>	<u>51126</u>	
O	8	Hourly	20.11	21.00	21.90	22.89	23.97	
			<u>22.40</u>	<u>23.39</u>	<u>24.40</u>	<u>25.50</u>	<u>26.70</u>	
P		Annually	41828	43680	45552	47611	49857	
			<u>46592</u>	<u>48651</u>	<u>50752</u>	<u>53040</u>	<u>55536</u>	
Q	9	Hourly	21.45	22.56	23.67	24.85	26.11	
			<u>23.89</u>	<u>25.14</u>	<u>26.37</u>	<u>27.69</u>	<u>29.09</u>	
R		Annually	44616	46924	49233	51688	54308	
			<u>49691</u>	<u>52291</u>	<u>54850</u>	<u>57595</u>	<u>60507</u>	

AC	15	Hourly	37.02	39.10	41.30	43.57	45.99	48.51	50.50	52.88
			<u>41.23</u>	<u>43.55</u>	<u>46.01</u>	<u>48.54</u>	<u>51.23</u>	<u>54.04</u>	<u>56.26</u>	<u>58.91</u>
AD		Annually	77001	81328	85904	90625	95659	100900	105040	109990
			<u>85758</u>	<u>90584</u>	<u>95701</u>	<u>100963</u>	<u>106558</u>	<u>112403</u>	<u>117021</u>	<u>122533</u>
AE	16	Hourly	40.81	43.08	45.45	48.00	50.63	53.53	55.73	58.34
			<u>45.45</u>	<u>47.99</u>	<u>50.62</u>	<u>53.47</u>	<u>56.40</u>	<u>59.63</u>	<u>62.08</u>	<u>64.98</u>
AF		Annually	84884	89606	94536	99840	105310	111342	115918	121347
			<u>94536</u>	<u>99819</u>	<u>105290</u>	<u>111218</u>	<u>117312</u>	<u>124030</u>	<u>129126</u>	<u>135158</u>
AG	17	Hourly	44.96	47.44	50.10	52.86	55.83	58.94	<u>69.27</u>	
			<u>50.09</u>	<u>52.85</u>	<u>55.81</u>	<u>58.88</u>	<u>62.19</u>	<u>65.66</u>		
AH		Annually	93516	98675	104208	109948	116126	122595	<u>144082</u>	
			<u>104187</u>	<u>109928</u>	<u>116085</u>	<u>122470</u>	<u>129355</u>	<u>136573</u>		
AI	18	Hourly	49.55	52.29	55.24	58.28	61.50	64.94		
			<u>55.20</u>	<u>58.25</u>	<u>61.54</u>	<u>64.92</u>	<u>68.51</u>	<u>72.35</u>		
AJ		Annually	103064	108763	114899	121222	127920	135075		
			<u>114816</u>	<u>121160</u>	<u>128003</u>	<u>135034</u>	<u>142501</u>	<u>150488</u>		
AK	<u>19</u>	<u>Hourly</u>	<u>60.72</u>	<u>64.37</u>	<u>67.69</u>	<u>71.41</u>	<u>75.37</u>	<u>79.58</u>		
AL		<u>Annually</u>	<u>126298</u>	<u>133890</u>	<u>140795</u>	<u>148533</u>	<u>156770</u>	<u>165526</u>		

Schedule E-2

11608

11609

A	Range		Minimum	Maximum
B	41	Hourly	16.23	48.99 <u>54.57</u>
C		Annually	33758	101899 <u>113506</u>
D	42	Hourly	17.89	54.09 <u>60.25</u>
E		Annually	37211	112507 <u>125320</u>
F	43	Hourly	19.70	59.56 <u>66.35</u>
G		Annually	40976	123884 <u>138008</u>
H	44	Hourly	21.73	65.08 <u>72.49</u>
I		Annually	45198	135366 <u>150779</u>
J	45	Hourly	24.01	71.05 <u>79.15</u>
K		Annually	49941	147784 <u>164632</u>
L	46	Hourly	26.43	77.65 <u>86.50</u>
M		Annually	54974	161512 <u>179920</u>
N	47	Hourly	29.14	84.75 <u>94.41</u>
O		Annually	60611	176280 <u>196373</u>
P	48	Hourly	32.14	92.45 <u>102.98</u>
Q		Annually	66851	192296 <u>214198</u>
R	49	Hourly	35.44	99.83 <u>111.20</u>

		<u>17.97</u>	<u>18.78</u>	<u>19.60</u>	<u>20.44</u>	
F	Annually	33072	34548	36088	37627	
		<u>37378</u>	<u>39062</u>	<u>40768</u>	<u>42515</u>	
G	4 Hourly	16.69	17.44	18.28	19.07	
		<u>18.86</u>	<u>19.71</u>	<u>20.66</u>	<u>21.55</u>	
H	Annually	34715	36275	38022	39665	
		<u>39229</u>	<u>40997</u>	<u>42973</u>	<u>44824</u>	
I	5 Hourly	17.51	18.31	19.07	19.91	
		<u>19.79</u>	<u>20.69</u>	<u>21.55</u>	<u>22.51</u>	
J	Annually	36420	38084	39665	41412	
		<u>41163</u>	<u>43035</u>	<u>44824</u>	<u>46821</u>	
K	6 Hourly	18.45	19.22	20.05	20.88	
		<u>20.85</u>	<u>21.73</u>	<u>22.66</u>	<u>23.61</u>	
L	Annually	38376	39977	41704	43430	
		<u>43368</u>	<u>45198</u>	<u>47133</u>	<u>49109</u>	
M	7 Hourly	19.58	20.31	21.16	21.89	22.73
		<u>22.13</u>	<u>22.96</u>	<u>23.91</u>	<u>24.75</u>	<u>25.69</u>
N	Annually	40726	42244	44012	45531	47278
		<u>46030</u>	<u>47757</u>	<u>49733</u>	<u>51480</u>	<u>53435</u>
O	8 Hourly	20.71	21.63	22.56	23.58	24.69

		<u>23.41</u>	<u>24.44</u>	<u>25.50</u>	<u>26.65</u>	<u>27.90</u>			
P	Annually	43076	44990	46924	49046	51355			
		<u>48693</u>	<u>50835</u>	<u>53040</u>	<u>55432</u>	<u>58032</u>			
Q	9 Hourly	22.09	23.24	24.38	25.60	26.89			
		<u>24.97</u>	<u>26.27</u>	<u>27.56</u>	<u>28.94</u>	<u>30.40</u>			
R	Annually	45947	48339	50710	53248	55931			
		<u>51938</u>	<u>54642</u>	<u>57325</u>	<u>60195</u>	<u>63232</u>			
S	10 Hourly	23.82	25.14	26.49	28.02	29.50			
		<u>26.92</u>	<u>28.40</u>	<u>29.93</u>	<u>31.66</u>	<u>33.35</u>			
T	Annually	49545	52291	55099	58281	61360			
		<u>55994</u>	<u>59072</u>	<u>62254</u>	<u>65853</u>	<u>69368</u>			
U	11 Hourly	25.96	27.46	29.05	30.69	32.43			
		<u>29.34</u>	<u>31.03</u>	<u>32.83</u>	<u>34.68</u>	<u>36.65</u>			
V	Annually	53996	57116	60424	63835	67454			
		<u>61027</u>	<u>64542</u>	<u>68286</u>	<u>72134</u>	<u>76232</u>			
W	12 Hourly	28.63	30.24	31.86	33.62	35.49	37.43	38.95	40.79
		<u>32.35</u>	<u>34.18</u>	<u>36.01</u>	<u>38.00</u>	<u>40.11</u>	<u>42.30</u>	<u>44.03</u>	<u>46.09</u>
X	Annually	59550	62889	66268	69929	73819	77854	81016	84843
		<u>67288</u>	<u>71094</u>	<u>74901</u>	<u>79040</u>	<u>83429</u>	<u>87984</u>	<u>91582</u>	<u>95867</u>
Y	13 Hourly	31.56	33.29	35.11	37.00	39.09	41.19	42.88	44.90

		<u>35.68</u>	<u>37.62</u>	<u>39.68</u>	<u>41.82</u>	<u>44.17</u>	<u>46.55</u>	<u>48.47</u>	<u>50.75</u>
Z	Annually	65644	69243	73028	76960	81307	85675	89190	93392
		<u>74214</u>	<u>78250</u>	<u>82534</u>	<u>86986</u>	<u>91874</u>	<u>96824</u>	<u>100818</u>	<u>105560</u>
AA	14 Hourly	34.70	36.68	38.65	40.75	43.05	45.45	47.33	49.54
		<u>39.22</u>	<u>41.46</u>	<u>43.68</u>	<u>46.05</u>	<u>48.66</u>	<u>51.36</u>	<u>53.49</u>	<u>55.99</u>
AB	Annually	72176	76294	80392	84760	89544	94536	98446	103043
		<u>81578</u>	<u>86237</u>	<u>90854</u>	<u>95784</u>	<u>101213</u>	<u>106829</u>	<u>111259</u>	<u>116459</u>
AC	15 Hourly	38.13	40.27	42.54	44.88	47.37	49.97	52.02	54.47
		<u>43.09</u>	<u>45.51</u>	<u>48.08</u>	<u>50.72</u>	<u>53.54</u>	<u>56.47</u>	<u>58.79</u>	<u>61.56</u>
AD	Annually	79310	83761	88483	93350	98529	103937	108201	113297
		<u>89627</u>	<u>94661</u>	<u>100006</u>	<u>105498</u>	<u>111363</u>	<u>117458</u>	<u>122283</u>	<u>128045</u>
AE	16 Hourly	42.03	44.37	46.81	49.44	52.15	55.14	57.40	60.09
		<u>47.50</u>	<u>50.15</u>	<u>52.90</u>	<u>55.88</u>	<u>58.94</u>	<u>62.31</u>	<u>64.87</u>	<u>67.90</u>
AF	Annually	87422	92289	97364	102835	108472	114691	119392	124987
		<u>98800</u>	<u>104312</u>	<u>110032</u>	<u>116230</u>	<u>122595</u>	<u>129605</u>	<u>134930</u>	<u>141232</u>
AG	17 Hourly	46.31	48.86	51.60	54.45	57.50	60.71	<u>72.39</u>	
		<u>52.34</u>	<u>55.23</u>	<u>58.32</u>	<u>61.53</u>	<u>64.99</u>	<u>68.61</u>		
AH	Annually	96324	101628	107328	113256	119600	126276	<u>150571</u>	
		<u>108867</u>	<u>114878</u>	<u>121306</u>	<u>127982</u>	<u>135179</u>	<u>142709</u>		
AI	18 Hourly	51.04	53.86	56.90	60.03	63.35	66.89		

		<u>57.68</u>	<u>60.87</u>	<u>64.31</u>	<u>67.84</u>	<u>71.59</u>	<u>75.61</u>
AJ	Annually	106163	112028	118352	124862	131768	139131
		<u>119974</u>	<u>126610</u>	<u>133765</u>	<u>141107</u>	<u>148907</u>	<u>157269</u>
AK	<u>19 Hourly</u>	<u>63.45</u>	<u>67.27</u>	<u>70.74</u>	<u>74.62</u>	<u>78.76</u>	<u>83.16</u>
AL	<u>Annually</u>	<u>131976</u>	<u>139922</u>	<u>147139</u>	<u>155210</u>	<u>163821</u>	<u>172973</u>

Schedule E-2

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11618

	1	2	3	4
A	Range		Minimum	Maximum
B	41	Hourly	16.23	50.46 <u>57.03</u>
C		Annually	33758	104956 <u>118622</u>
D	42	Hourly	17.89	55.71 <u>62.96</u>
E		Annually	37211	115876 <u>130957</u>
F	43	Hourly	19.70	61.35 <u>69.34</u>
G		Annually	40976	127608 <u>144227</u>
H	44	Hourly	21.73	67.03 <u>75.75</u>
I		Annually	45198	139422 <u>157560</u>
J	45	Hourly	24.01	73.18 <u>82.71</u>
K		Annually	49941	152214 <u>172037</u>

			<u>30264</u>	<u>31637</u>	<u>32947</u>	<u>34403</u>
F	2	Hourly	15.63	16.29	16.98	17.74
			<u>17.66</u>	<u>18.41</u>	<u>19.19</u>	<u>20.05</u>
G		Annually	32510	33883	35318	36899
			<u>36733</u>	<u>38293</u>	<u>39915</u>	<u>41704</u>
H	3	Hourly	16.38	17.11	17.87	18.63
			<u>18.51</u>	<u>19.34</u>	<u>20.19</u>	<u>21.05</u>
I		Annually	34070	35588	37169	38750
			<u>38501</u>	<u>40227</u>	<u>41995</u>	<u>43784</u>
J	4	Hourly	17.19	17.96	18.83	19.64
			<u>19.43</u>	<u>20.30</u>	<u>21.28</u>	<u>22.20</u>
K		Annually	35755	37356	39166	40851
			<u>40414</u>	<u>42224</u>	<u>44262</u>	<u>46176</u>
L	5	Hourly	18.04	18.86	19.64	20.51
			<u>20.38</u>	<u>21.31</u>	<u>22.20</u>	<u>23.19</u>
M		Annually	37523	39228	40851	42660
			<u>42390</u>	<u>44325</u>	<u>46176</u>	<u>48235</u>
N	6	Hourly	19.00	19.80	20.65	21.51
			<u>21.48</u>	<u>22.38</u>	<u>23.34</u>	<u>24.32</u>
O		Annually	39520	41184	42952	44740

			<u>44678</u>	<u>46550</u>	<u>48547</u>	<u>50586</u>	
P	7	Hourly	20.17	20.92	21.79	22.55	23.41
			<u>22.79</u>	<u>23.65</u>	<u>24.63</u>	<u>25.49</u>	<u>26.46</u>
Q		Annually	41953	43513	45323	46904	48692
			<u>47403</u>	<u>49192</u>	<u>51230</u>	<u>53019</u>	<u>55037</u>
R	8	Hourly	21.33	22.28	23.24	24.29	25.43
			<u>24.11</u>	<u>25.17</u>	<u>26.27</u>	<u>27.45</u>	<u>28.74</u>
S		Annually	44366	46342	48339	50523	52894
			<u>50149</u>	<u>52354</u>	<u>54642</u>	<u>57096</u>	<u>59779</u>
T	9	Hourly	22.75	23.94	25.11	26.37	27.70
			<u>25.72</u>	<u>27.06</u>	<u>28.39</u>	<u>29.81</u>	<u>31.31</u>
U		Annually	47320	49795	52228	54849	57616
			<u>53498</u>	<u>56285</u>	<u>59051</u>	<u>62005</u>	<u>65125</u>
V	10	Hourly	24.53	25.89	27.28	28.86	30.39
			<u>27.73</u>	<u>29.25</u>	<u>30.83</u>	<u>32.61</u>	<u>34.35</u>
W		Annually	51022	53851	56742	60028	63211
			<u>57678</u>	<u>60840</u>	<u>64126</u>	<u>67829</u>	<u>71448</u>
X	11	Hourly	26.74	28.28	29.92	31.61	33.40
			<u>30.22</u>	<u>31.96</u>	<u>33.81</u>	<u>35.72</u>	<u>37.75</u>
Y		Annually	55619	58822	62233	65748	69472

			<u>62858</u>	<u>66477</u>	<u>70325</u>	<u>74298</u>	<u>78520</u>			
Z	12	Hourly	29.49	31.15	32.82	34.63	36.55	38.55	40.12	42.01
			<u>33.32</u>	<u>35.21</u>	<u>37.09</u>	<u>39.14</u>	<u>41.31</u>	<u>43.57</u>	<u>45.35</u>	<u>47.47</u>
AA		Annually	61339	64792	68265	72030	76024	80184	83449	87380
			<u>69306</u>	<u>73237</u>	<u>77147</u>	<u>81411</u>	<u>85925</u>	<u>90626</u>	<u>94328</u>	<u>98738</u>
AB	13	Hourly	32.51	34.29	36.16	38.11	40.26	42.43	44.17	46.25
			<u>36.75</u>	<u>38.75</u>	<u>40.87</u>	<u>43.07</u>	<u>45.50</u>	<u>47.95</u>	<u>49.92</u>	<u>52.27</u>
AC		Annually	67620	71323	75212	79268	83740	88254	91873	96200
			<u>76440</u>	<u>80600</u>	<u>85010</u>	<u>89586</u>	<u>94640</u>	<u>99736</u>	<u>103834</u>	<u>108722</u>
AD	14	Hourly	35.74	37.78	39.81	41.97	44.34	46.81	48.75	51.03
			<u>40.40</u>	<u>42.70</u>	<u>44.99</u>	<u>47.43</u>	<u>50.12</u>	<u>52.90</u>	<u>55.09</u>	<u>57.67</u>
AE		Annually	74339	78582	82804	87297	92227	97364	101400	106142
			<u>84032</u>	<u>88816</u>	<u>93579</u>	<u>98654</u>	<u>104250</u>	<u>110032</u>	<u>114587</u>	<u>119954</u>
AF	15	Hourly	39.27	41.48	43.82	46.23	48.79	51.47	53.58	56.10
			<u>44.38</u>	<u>46.88</u>	<u>49.52</u>	<u>52.24</u>	<u>55.15</u>	<u>58.16</u>	<u>60.55</u>	<u>63.41</u>
AG		Annually	81681	86278	91145	96158	101483	107057	111446	116688
			<u>92310</u>	<u>97510</u>	<u>103002</u>	<u>108659</u>	<u>114712</u>	<u>120973</u>	<u>125944</u>	<u>131893</u>
AH	16	Hourly	43.29	45.70	48.21	50.92	53.71	56.79	59.12	61.89
			<u>48.93</u>	<u>51.65</u>	<u>54.49</u>	<u>57.56</u>	<u>60.71</u>	<u>64.18</u>	<u>66.82</u>	<u>69.94</u>
AI		Annually	90043	95056	100276	105913	111716	118123	122969	128731

			<u>101774</u>	<u>107432</u>	<u>113339</u>	<u>119725</u>	<u>126277</u>	<u>133494</u>	<u>138986</u>	<u>145475</u>
AJ	17	Hourly	47.70	50.33	53.15	56.08	59.23	62.53	65.97	
			<u>53.91</u>	<u>56.89</u>	<u>60.07</u>	<u>63.38</u>	<u>66.94</u>	<u>70.67</u>	<u>74.56</u>	
AK		Annually	99216	104686	110552	116646	123198	130062	137217	
			<u>112133</u>	<u>118331</u>	<u>124946</u>	<u>131830</u>	<u>139235</u>	<u>146994</u>	<u>155085</u>	
AL	18	Hourly	52.57	55.48	58.61	61.83	65.25	68.90		
			<u>59.41</u>	<u>62.70</u>	<u>66.24</u>	<u>69.88</u>	<u>73.74</u>	<u>77.88</u>		
AM		Annually	109345	115398	121908	128606	135720	143312		
			<u>123573</u>	<u>130416</u>	<u>137779</u>	<u>145350</u>	<u>153379</u>	<u>161990</u>		
AN	19	Hourly	57.83	61.03	64.47	68.01	71.78	75.79		
			<u>65.35</u>	<u>69.29</u>	<u>72.86</u>	<u>76.86</u>	<u>81.12</u>	<u>85.65</u>		
AO		Annually	120286	126942	134097	141460	149302	157643		
			<u>135928</u>	<u>144123</u>	<u>151549</u>	<u>159869</u>	<u>168730</u>	<u>178152</u>		

Schedule E-2

11625

11626

		1		2		3		4
A	Range					Minimum		Maximum
B	41		Hourly			16.23		51.97 <u>58.74</u>
C			Annually			33758		108097 <u>122179</u>
D	42		Hourly			17.89		57.38 <u>64.85</u>

E		Annually	37211	119350 <u>134888</u>
F	43	Hourly	19.70	63.19 <u>71.42</u>
G		Annually	40976	131435 <u>148554</u>
H	44	Hourly	21.73	69.04 <u>78.02</u>
I		Annually	45198	143603 <u>162282</u>
J	45	Hourly	24.01	75.38 <u>85.19</u>
K		Annually	49941	156790 <u>177195</u>
L	46	Hourly	26.43	82.38 <u>93.10</u>
M		Annually	54974	171350 <u>193648</u>
N	47	Hourly	29.14	89.91 <u>101.62</u>
O		Annually	60611	187012 <u>211370</u>
P	48	Hourly	32.14	98.08 <u>110.84</u>
Q		Annually	66851	204006 <u>230547</u>
R	49	Hourly	35.44	105.90 <u>119.69</u>
S		Annually	73715	220272 <u>248955</u>

(C) As used in this section:

11627

(1) "Exempt employee" means a permanent full-time or permanent part-time employee paid directly by warrant of the director of budget and management whose position is included in the job classification plan established under division (A) of

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11629

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11631

section 124.14 of the Revised Code but who is not considered a public employee for the purposes of Chapter 4117. of the Revised Code. "Exempt employee" also includes a permanent full-time or permanent part-time employee of the secretary of state, auditor of state, treasurer of state, or attorney general who has not been placed in an appropriate bargaining unit by the state employment relations board.

(2) "Base rate of pay" means the rate of pay established under schedule E-1 of this section, plus the supplement provided under division (E) of section 124.181 of the Revised Code, plus any supplements enacted into law that are added to schedule E-1 of this section.

~~(D) Notwithstanding any division of this section to the contrary, or division (E) or (C) of section 124.15 of the Revised Code with respect to requirements for step placement and advancement, no exempt employee other than a captain or equivalent officer in the state highway patrol shall be placed in step value 7 in range 17 of schedule E-1 of division (B)(3) of this section.~~

Sec. 124.184. (A) As used in this section:

(1) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government. "State agency" does not include any of the following:

(a) The public employees retirement system, Ohio police and fire pension fund, state teachers retirement system, school employees retirement system, and state highway patrol retirement system;

(b) A state institution of higher education as defined in

section 3345.011 of the Revised Code; 11661

(c) The nonprofit corporation formed under section 187.01 11662
of the Revised Code. 11663

(2) Notwithstanding the definition of "employee" in 11664
section 124.01 of the Revised Code, "state employee" means an 11665
individual holding a position subject to appointment, removal, 11666
promotion, or reduction by a state agency. 11667

(B) (1) Not later than October 15, 2025, each state agency 11668
shall develop a plan for the agency's state employees to report 11669
to the agency's worksite or another location designated by the 11670
agency during the time the employees are performing their duties 11671
for the agency. 11672

(2) Beginning January 1, 2026, a state agency shall 11673
require the agency's state employees to report to the agency's 11674
worksite or another location in accordance with the plan 11675
developed by the agency under division (B) (1) of this section. 11676
Except as provided in divisions (C) and (D) of this section, no 11677
state employee shall work from the employee's place of 11678
residence. 11679

(C) Nothing in this section precludes a state agency from 11680
permitting a state employee employed by the agency to work from 11681
the employee's place of residence as a reasonable accommodation 11682
under Title I of the "Americans with Disabilities Act of 1990," 11683
42 U.S.C. 12111, et seq. or Chapter 4112. of the Revised Code. 11684

(D) A state agency may adopt a policy allowing an 11685
appointing authority or the appointing authority's designee to 11686
approve a state employee to work from the employee's place of 11687
residence or other off-site location under any of the following 11688
circumstances: 11689

(1) During an occasional or emergent situation as required 11690
to complete a necessary or time-sensitive business function of 11691
the agency; 11692

(2) Rare occasions where a health order or weather 11693
emergency requires an individual to remain at the individual's 11694
place of residence or to shelter in place; 11695

(3) Occasions where the agency's worksite is or may be 11696
closed on a temporary or ongoing basis, including remodeling an 11697
existing building, natural disaster, utility outage, security 11698
threat, or other occurrence that has or will result in such a 11699
closure; 11700

(4) Except as provided in division (D) (5) of this section, 11701
the appointing authority or the appointing authority's designee 11702
determines that an employee, due to the employee's job 11703
classification or position, primarily performs the employee's 11704
duties for the agency in the field or another location 11705
designated by the agency that is not the employee's place of 11706
residence; 11707

(5) Where the appointing authority or the appointing 11708
authority's designee determines that an employee is in a 11709
computer-related occupation as provided in sections 13(a) (1) and 11710
(17) of the "Fair Labor Standards Act of 1938," 29 U.S.C. 213, 11711
as defined in 29 C.F.R. 541.400; 11712

(6) Where the appointing authority or the appointing 11713
authority's designee grants an employee an accommodation for a 11714
temporary medical condition not covered under division (C) of 11715
this section; 11716

(7) Where the appointing authority or the appointing 11717
authority's designee determines that an employee's place of 11718

residence is forty or more miles from the agency's worksite; 11719

(8) Where the appointing authority or the appointing authority's designee determines that the agency does not have adequate space or equipment for an employee at the agency's worksite. 11720
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(E) Nothing in this section shall interfere with an administrative policy regarding employee work location adopted by the supreme court, which is a separate branch of government established and vested with judicial power under Ohio Constitution, Article IV. 11724
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Sec. 125.01. As used in this chapter: 11729

(A) "Order" means a copy of a contract or a statement of the nature of a contemplated expenditure, a description of the property or supplies to be purchased or service to be performed, other than a service performed by officers and regular employees of the state, and per diem of the national guard, and the total sum of the expenditure to be made therefor, if the sum is fixed and ascertained, otherwise the estimated sum thereof, and an authorization to pay for the contemplated expenditure, signed by the person instructed and authorized to pay upon receipt of a proper invoice. 11730
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(B) "Invoice" means an itemized listing showing delivery of the supplies or performance of the service described in the order including all of the following: 11740
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11742

(1) The date of the purchase or rendering of the service; 11743

(2) An itemization of the things done, material supplied, or labor furnished; 11744
11745

(3) The sum due pursuant to the contract or obligation. 11746

(C) "Products" means materials, supplies, merchandise, 11747
goods, wares, and foodstuffs. 11748

(D) "Produced" means the manufacturing, processing, 11749
mining, developing, and making of a thing into a new article 11750
with a distinct character in use through the application of 11751
input, within the state or a state bordering Ohio, of Buy Ohio 11752
products, labor, skill, or other services. "Produced" does not 11753
include the mere assembling or putting together of products or 11754
materials from outside of Ohio or a state bordering Ohio. 11755

(E) "Buy Ohio products" means products that are mined, 11756
excavated, produced, manufactured, raised, or grown in the state 11757
or a state bordering Ohio where the input of Buy Ohio products, 11758
labor, skill, or other services constitutes no less than twenty- 11759
five per cent of the manufactured cost. With respect to mined 11760
products, such products shall be mined or excavated in this 11761
state or a state bordering Ohio. "Buy Ohio products" includes 11762
any product that includes semiconductors produced by a company 11763
with a significant Ohio economic presence. 11764

(F) "Purchase" means to buy, rent, lease, lease purchase, 11765
or otherwise acquire supplies or services. "Purchase" also 11766
includes all functions that pertain to the obtaining of supplies 11767
or services, including description of requirements, selection 11768
and solicitation of sources, preparation and award of contracts, 11769
all phases of contract administration, and receipt and 11770
acceptance of the supplies and services and payment for them. 11771

(G) "Services" means the furnishing of labor, time, or 11772
effort by a person, not involving the delivery of a specific end 11773
product other than a report which, if provided, is merely 11774
incidental to the required performance. "Services" does not 11775
include services furnished pursuant to employment agreements or 11776

collective bargaining agreements. 11777

(H) "Supplies" means all property, including, but not 11778
limited to, equipment, materials, and other tangible assets, but 11779
excluding real property or an interest in real property. 11780

(I) "Competitive selection" means any of the following 11781
procedures for making purchases: 11782

(1) Competitive sealed bidding under section 125.07 of the 11783
Revised Code; 11784

(2) Competitive sealed proposals under section 125.071 of 11785
the Revised Code; 11786

(3) Reverse auctions under section 125.072 of the Revised 11787
Code; 11788

(4) Electronic procurement under section 125.073 of the 11789
Revised Code. 11790

(J) "Direct purchasing authority" means the authority of a 11791
state agency to make a purchase without competitive selection 11792
pursuant to sections 125.05 and 127.16 of the Revised Code. 11793

Sec. 125.041. (A) Nothing in sections 125.02, 125.04 to 11794
125.08, 125.12 to 125.16, 125.18, 125.31 to ~~125.76~~125.71, or 11795
125.831 of the Revised Code shall be construed as limiting the 11796
attorney general, auditor of state, secretary of state, or 11797
treasurer of state in any of the following: 11798

(1) Purchases for less than the dollar amounts for the 11799
purchase of supplies or services determined under section 125.05 11800
of the Revised Code; 11801

(2) Purchases that equal or exceed the dollar amounts for 11802
the purchase of supplies or services determined under section 11803

125.05 of the Revised Code with the approval of the controlling board, if that approval is required by section 127.16 of the Revised Code;

(3) The final determination of the nature or quantity of any purchase of supplies or services under division (B) of section 125.02 or under division (G) of section 125.035 of the Revised Code;

(4) The final determination and disposal of excess and surplus supplies;

(5) The inventory of state property;

(6) The purchase of printing;

(7) Activities related to information technology development and use;

(8) The fleet management program.

(B) Nothing in this section shall be construed as preventing the attorney general, auditor of state, secretary of state, or treasurer of state from complying with or participating in any aspect of Chapter 125. of the Revised Code through the department of administrative services.

Sec. 125.071. (A) In accordance with rules the director of administrative services shall adopt, the director may make purchases by competitive sealed proposal whenever the director determines that the use of competitive sealed bidding is not possible or not advantageous to the state.

(B) Proposals shall be solicited through a request for proposals. The request for proposals shall state the relative importance of price and other evaluation factors. Notice of the request for proposals shall be given in accordance with rules

the director shall adopt. 11832

(C) Proposals shall be opened so as to avoid disclosure of 11833
contents to competing offerors. 11834

~~In order to ensure fair and impartial evaluation, 11835
proposals and related documents submitted in response to a 11836
request for proposals are not available for public inspection 11837
and copying under section 149.43 of the Revised Code until after 11838
the award of the contract. 11839~~

(D) As provided in the request for proposals, and under 11840
rules the director shall adopt, discussions may be conducted 11841
with responsible offerors who submit proposals determined to be 11842
reasonably susceptible of being selected for award for the 11843
purpose of ensuring full understanding of, and responsiveness 11844
to, solicitation requirements. Offerors shall be accorded fair 11845
and equal treatment with respect to any opportunity for 11846
discussion regarding any clarification, correction, or revision 11847
of proposals. No disclosure of any information derived from 11848
proposals submitted by competing offerors shall occur when 11849
discussions are conducted. 11850

(E) Award may be made to the offerors whose proposals are 11851
determined to be the most advantageous to this state, taking 11852
into consideration factors such as price and the evaluation 11853
criteria set forth in the request for proposals. The contract 11854
file shall contain the basis on which the award is made. 11855

Sec. 125.11. (A) Subject to division (B) of this section, 11856
contracts awarded pursuant to a reverse auction under section 11857
125.072 of the Revised Code or pursuant to competitive sealed 11858
bidding, including contracts awarded under section 125.081 of 11859
the Revised Code, shall be awarded to the lowest responsive and 11860

responsible bidder in accordance with section 9.312 of the Revised Code, and contracts awarded pursuant to a competitive sealed proposal shall be awarded to the offeror determined to be the most advantageous to this state.

(B) Prior to awarding a contract under division (A) of this section, the department of administrative services or the state agency responsible for evaluating a contract for the purchase of products or services shall evaluate the bids and offers received according to the criteria and procedures established pursuant to division (B) of section 125.09 of the Revised Code for determining if a product is mined, excavated, produced, manufactured, raised, or grown in the United States, in this state, or in a state bordering Ohio, whether the bid or offer was received from a Buy Ohio supplier, and whether the bid or offer was received from a certified veteran-friendly business enterprise. These requirements shall be applied where sufficient competition can be generated to ensure that compliance with these requirements will be in the best interest of the state unless otherwise prohibited.

(C) In order to ensure fair and impartial evaluation, materials relating to a solicitation through competitive selection shall not be considered public records under section 149.43 of the Revised Code until after the award of the contract based on the competitive selection. If all bids or proposals received in response to a solicitation through competitive selection are rejected, and notice is provided of an intent to reissue the solicitation through competitive selection, the materials relating to the original solicitation and the materials relating to the reissued solicitation shall not be considered public records under section 149.43 of the Revised Code until after the award of the contract based on the reissued

solicitation through competitive selection. 11892

(D) Division (B) of this section applies to contracts for 11893
which competitive selection is waived by the controlling board. 11894

~~(D)~~(E) Division (B) of this section does not apply to the 11895
purchase by the division of liquor control of spirituous liquor. 11896

Sec. 125.111. ~~(A)~~ Every contract for or on behalf of the 11897
state or any of its political subdivisions for any purchase 11898
shall contain provisions similar to those required by section 11899
153.59 of the Revised Code in the case of construction contracts 11900
by which the contractor agrees to both of the following: 11901

~~(1)~~(A) That, in the hiring of employees for the 11902
performance of work under the contract or any subcontract, no 11903
contractor or subcontractor, by reason of race, color, religion, 11904
sex, age, disability or military status as defined in section 11905
4112.01 of the Revised Code, national origin, or ancestry, shall 11906
discriminate against any citizen of this state in the employment 11907
of a person qualified and available to perform the work to which 11908
the contract relates; 11909

~~(2)~~(B) That no contractor, subcontractor, or person acting 11910
on behalf of any contractor or subcontractor, in any manner, 11911
shall discriminate against, intimidate, or retaliate against any 11912
employee hired for the performance of work under the contract on 11913
account of race, color, religion, sex, age, disability or 11914
military status as defined in section 4112.01 of the Revised 11915
Code, national origin, or ancestry. 11916

~~(B) All contractors from whom the state or any of its~~ 11917
~~political subdivisions make purchases shall have a written~~ 11918
~~affirmative action program for the employment and effective~~ 11919
~~utilization of economically disadvantaged persons, as referred~~ 11920

~~to in division (E) (1) of section 122.71 of the Revised Code. 11921~~
~~Annually, each such contractor shall file a description of the 11922~~
~~affirmative action program and a progress report on its 11923~~
~~implementation with the department of development. 11924~~

Sec. 125.183. (A) As used in this section: 11925

(1) "Covered application" means ~~all of the following:~~ 11926

~~(a) The TikTok application and service or any successor 11927~~
~~application or service developed or provided by ByteDance 11928~~
~~limited or an entity owned by ByteDance limited; 11929~~

~~(b) The WeChat application and service or any successor 11930~~
~~application or service developed or provided by Tencent holdings 11931~~
~~limited or an entity owned by Tencent holdings limited; 11932~~

~~(c) Any application or service owned by an entity located 11933~~
~~in China, including QQ International (QQi), Qzone, Weibo, Xiao 11934~~
~~HongShu, Zhihu, Meituan, Toutiao, Alipay, Xiami Music, Tiantian 11935~~
~~Music, DingTalkfDing Ding, Douban, RenRen, Youku/Tudou, Little 11936~~
~~Red Book, and Zhihuany application owned or controlled, directly 11937~~
~~or indirectly, by an entity identified as a foreign adversary as 11938~~
~~defined in 15 C.F.R. 791.2. 11939~~

(2) "State agency" means every organized body, office, or 11940
agency established by the laws of this state for the exercise of 11941
any function of state government, other than any state-supported 11942
institution of higher education, the courts, or any judicial 11943
agency. "State agency" includes the general assembly, any 11944
legislative agency, and the capitol square review and advisory 11945
board. 11946

(B) Subject to division (C) of this section, the state 11947
chief information officer shall do all of the following: 11948

- (1) Require state agencies immediately to remove any covered application from all equipment they own or lease; 11949
11950
- (2) Prohibit all of the following on equipment owned or leased by a state agency: 11951
11952
- (a) The downloading, installation, or use of a covered application; 11953
11954
- (b) The downloading, installation, or use of a covered application using an internet connection provided by a state agency; 11955
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11957
- (c) The downloading, installation, or use of a covered application by any officer, employee, or contractor of a state agency. 11958
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- (3) Require state agencies to take measures to prevent the downloading, installation, or use of a covered application as described in division (B) (2) of this section. 11961
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- (C) Division (B) of this section shall include exceptions to allow a qualified person to download, install, or use a covered application for law enforcement or security purposes, so long as the person takes appropriate measures to mitigate the security risks involved in doing so. 11964
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- Sec. 125.31.** (A) The department of administrative services shall have supervision of all public printing except as follows: 11969
11970
- (1) Printing for the general assembly shall be the sole responsibility of the clerk of the senate and the clerk of the house of representatives unless the clerk of the senate or the clerk of the house of representatives chooses either of the options specified in section 101.523 or 101.524 of the Revised Code. 11971
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(2) Printing for the Ohio arts council shall be under the supervision of the council. 11977
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(3) Printing for the capitol square review and advisory board shall be under the supervision of the board. 11979
11980

(4) Printing for state-supported institutions of higher education shall be under the supervision of the department of purchasing of each such institution or the department or officer within each institution that performs the functions of a department of purchasing. 11981
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(B) The department of administrative services shall determine, except as otherwise specifically provided by law, the number of copies to be printed of each publication or document, the source of reproduction, the manner of binding, quality of paper, the general kind, size, and spacing of type to be used in all reports, publications, bulletins, documents, or pamphlets printed at public expense. 11986
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The department shall not use its authority to curtail the release of public information by any elected state official. 11993
11994

~~(C) For the purposes of sections 125.31 to 125.76 of the Revised Code, all functions, powers, and duties assigned to the department of administrative services are considered to be assigned to the division of state printing within the department of administrative services~~ Division (B) of this section does not apply to printing contracts requiring special security paper, of a unique nature, if compliance will result in acquiring a disproportionately inferior product or a price that exceeds by more than five per cent the lowest price submitted on a non-Ohio bid. 11995
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Sec. 125.42. (A) No agency, officer, board, or commission, 12005

except the clerk of the senate and the clerk of the house of
representatives, shall print or cause to be printed at the
public expense, any report, bulletin, document, or pamphlet,
unless such report, bulletin, document, or pamphlet is first
submitted to, and the printing thereof approved by, the
department of administrative services. If the department
approves the printing, it shall determine the form of such
printing and the number of copies.

If such approval is given, the department shall cause the
same to be printed and bound ~~as provided by sections 125.49,~~
~~125.51, and 125.56 of the Revised Code, except as otherwise~~
~~provided by section 125.45 of the Revised Code;~~ and when
printed, such publications or forms shall be delivered to the
ordering officer, board, commission, or department, or sold at a
price not to exceed the total cost.

(B) The department of administrative services annually
shall set a maximum cost per page and a maximum total cost for
the printing by any board, commission, council, or other public
body of the state of any annual report or any other report that
it is required by law to produce. No board, commission, council,
or other public body of the state shall expend or incur the
expenditure of any amount in excess of these maximum amounts
without the prior approval of the department. This division does
not apply to the general assembly or any court.

Sec. 125.58. ~~The department of administrative services~~
~~shall promptly notify each successful offeror of the acceptance~~
~~of the offeror's bid or proposal for state printing. If such~~
~~offeror fails to execute the contract because of death or other~~
~~cause, or if the offeror fails to execute the work required by~~
~~the contract in a proper manner and with reasonable promptness,~~

~~or the contract is abandoned, or its execution is temporarily~~ 12036
~~suspended, the department may enter into a contract with another~~ 12037
~~person for the prompt execution of the work for the lowest price~~ 12038
~~which may be obtained. Before any work is relet in consequence~~ 12039
~~of the misconduct or default of the contractor, the department~~ 12040
~~shall give the contractor written notice thereof. The department~~ 12041
of administrative services may set a daily penalty charge for 12042
late orders, provided the penalty schedule and amount are stated 12043
in the invitation to bid or request for proposals for ~~the~~ 12044
printing. 12045

Sec. 126.024. Beginning with the state budget that is 12046
introduced following the effective date of this section, and 12047
subsequent state budgets thereafter, the director of budget and 12048
management, in consultation with the medicaid director, shall 12049
request and propose multiple medicaid health care services 12050
general revenue fund appropriation items. At a minimum, the 12051
directors shall propose a separate general revenue fund 12052
appropriation item for the different health care services 12053
included in the medicaid program, including all of the 12054
following: 12055

- (A) Services provided under the care management system; 12056
- (B) Nursing facility services; 12057
- (C) Hospital services; 12058
- (D) Behavioral health services; 12059
- (E) Services provided under medicaid waiver components 12060
administered by the department of aging; 12061
- (F) Prescription drug services; 12062
- (G) Physician services; 12063

<u>(H) Services provided under the Ohio home care waiver program;</u>	12064 12065
<u>(I) Services provided under medicaid waiver components administered by the department of developmental disabilities;</u>	12066 12067
<u>(J) Services provided under the medicaid waiver component known as the Ohio resilience through integrated systems and excellence (OhioRISE) waiver;</u>	12068 12069 12070
<u>(K) Any other medicaid health care services that the directors determine should have a separate general revenue fund appropriation item.</u>	12071 12072 12073
<u>Sec. 126.10.</u> (A) For the purposes of this section:	12074
<u>(1) "Agency" has the same meaning as in section 111.15 of the Revised Code.</u>	12075 12076
<u>(2) "State program" means any program, initiative, or service administered or overseen by an agency.</u>	12077 12078
<u>(B) Notwithstanding any provision of law to the contrary or any rules adopted under it, if the federal government reduces, discontinues, pauses, or otherwise suspends any federal program that provides federal funds for any corresponding state program, such program may be reduced, discontinued, paused, or suspended. This shall include any contract, agreement, memorandum of understanding, or any other covenant entered into by the state that is dependent on federal funding.</u>	12079 12080 12081 12082 12083 12084 12085 12086
Sec. 126.14. The release of any money appropriated for the purchase of real estate shall be approved by the controlling board. The release of money appropriated for all other capital projects is also subject to the approval of the controlling board, except that the director of budget and management may	12087 12088 12089 12090 12091

~~approve the release of money appropriated for specific projects~~ 12092
~~in accordance with the requirements of this section and except~~ 12093
~~that the director of budget and management may approve the~~ 12094
release of unencumbered capital balances, for a project to 12095
repair, remove, or prevent a public exigency declared to exist 12096
by the executive director of the Ohio facilities construction 12097
commission under section 123.10 of the Revised Code in the 12098
amount designated in that declaration. 12099

~~Within sixty days after the effective date of any act~~ 12100
~~appropriating money for capital projects, the director shall~~ 12101
~~determine which appropriations are for general projects and~~ 12102
~~which are for specific projects. Specific projects may include~~ 12103
~~specific higher education projects that are to be funded from~~ 12104
~~general purpose appropriations from the higher education~~ 12105
~~improvement fund or the higher education improvement taxable~~ 12106
~~fund created in section 154.21 of the Revised Code. Upon~~ 12107
~~determining which projects are general and which are specific,~~ 12108
~~the director shall submit to the controlling board a list that~~ 12109
~~includes a brief description of and the estimated expenditures~~ 12110
~~for each specific project. The release of money for any specific~~ 12111
~~higher education projects that are to be funded from general~~ 12112
~~purpose appropriations from the higher education improvement~~ 12113
~~fund or the higher education improvement taxable fund but that~~ 12114
~~are not included on the list, and the release of money for any~~ 12115
~~specific higher education projects included on the list that~~ 12116
~~will exceed the estimated expenditures by more than ten per~~ 12117
~~cent, are subject to the approval of the controlling board.~~ 12118

~~The director may create new appropriation items and make~~ 12119
~~transfers of appropriations to them for specific higher~~ 12120
~~education projects included on the list that are to be funded~~ 12121
~~from general purpose appropriations for basic renovations that~~ 12122

~~are made from the higher education improvement fund or the~~ 12123
~~higher education improvement taxable fund.~~ 12124

Sec. 126.17. (A) As used in this section: 12125

"Direct cost" means a cost that can be identified 12126
specifically with a particular final cost objective or that can 12127
be directly assigned to such activities relatively easily with a 12128
high degree of accuracy. 12129

"Indirect cost" means a cost that is not readily 12130
identified with a particular project, function or activity, but 12131
is necessary for the general operation of the organization, and 12132
a cost not directly identified with a single, final cost 12133
objective, but identified with two or more final cost objectives 12134
or an intermediate cost objective. 12135

"State grant" means funding provided by a state agency to 12136
a state grant recipient for which the agency does not require 12137
repayment. 12138

"State grant recipient" means an entity that receives a 12139
state grant, whether for profit or nonprofit, a corporation, 12140
association, partnership, limited liability company, sole 12141
proprietorship, or other business entity. "State grant 12142
recipient" does not include an individual who receives state 12143
assistance that is not related to the individual's business. 12144

(B) The director of budget and management shall establish 12145
and administer a centralized reporting system to receive 12146
financial status reports submitted by state grant recipients. 12147
The system shall be operational not later than one year after 12148
the effective date of this section. The director shall adopt 12149
rules, under Chapter 119. of the Revised Code, to set forth the 12150
information to be included in the financial status reports, the 12151

frequency at which reports shall be submitted, and guidelines 12152
for determining direct and indirect costs. The information 12153
required shall be intended to assist the state in oversight of 12154
public funds, and in evaluation of the effectiveness of grant 12155
programs. It shall include all of the following: 12156

(1) An accounting of the expenditure of grant funds by a 12157
state grant recipient, which shall separately identify any 12158
amount expended by vendor and items purchased to directly 12159
benefit the public, and the amount of indirect costs; 12160

(2) A project progress report; 12161

(3) Confirmation that the state grant recipient is in 12162
compliance with any applicable laws or regulations. 12163

The centralized reporting system shall enable a state 12164
agency to report, to the director, information regarding a state 12165
grant. 12166

(C) A state agency shall inform a state grant recipient of 12167
the requirements of this section, and shall provide the name and 12168
contact information of each recipient, the amount of the grant, 12169
and other project-identifying information to the director of 12170
budget and management. 12171

(D) A state grant recipient shall comply with the 12172
reporting requirements established under this section, with 12173
respect to each state grant that is awarded on or after the date 12174
that is one year after the effective date of this section. 12175

Sec. 126.24. The OAKS support organization fund is hereby 12176
created in the state treasury for the purpose of paying the 12177
operating, development, and upgrade expenses of the state's 12178
enterprise resource planning system. The fund shall consist of 12179
transfers received pursuant to division (A) (2) of section 126.12 12180

of the Revised Code and agency payroll charge revenues that are 12181
designated to support the operating, development, and upgrade 12182
costs of the Ohio administrative knowledge system. ~~All~~ 12183
~~investment earnings of the fund shall be credited to the fund.~~ 12184

Sec. 126.42. (A) Notwithstanding any provision of law to 12185
the contrary, the office of budget and management shall perform 12186
routine support for the following boards and commissions: 12187

(1) Architects board; 12188

(2) State chiropractic board; 12189

(3) State cosmetology and barber board; 12190

(4) Accountancy board; 12191

(5) State dental board; 12192

(6) Ohio occupational therapy, physical therapy, and 12193
athletic trainers board; 12194

(7) State board of registration for professional engineers 12195
and surveyors; 12196

(8) Board of embalmers and funeral directors; 12197

(9) State board of psychology; 12198

(10) Counselor, social worker, and marriage and family 12199
therapist board; 12200

(11) State veterinary medical licensing board; 12201

(12) Commission on Hispanic-Latino affairs; 12202

(13) Commission on African-Americans; 12203

(14) Chemical dependency professionals board; 12204

(15) State vision professionals board; 12205

(16) State speech and hearing professionals board;	12206
<u>(17) New African immigrants commission.</u>	12207
(B) (1) For purposes of this section, the office of budget and management shall perform the following routine support services for the boards and commissions named in division (A) of this section unless the controlling board exempts a board or commission from this requirement on the recommendation of the office of budget and management:	12208 12209 12210 12211 12212 12213
(a) Preparing and processing payroll and other personnel documents;	12214 12215
(b) Preparing and processing vouchers, purchase orders, encumbrances, and other accounting documents;	12216 12217
(c) Maintaining ledgers of accounts and balances;	12218
(d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions;	12219 12220
(e) Routine human resources and personnel services;	12221
(f) Other routine support services that the director of budget and management considers appropriate to achieve efficiency.	12222 12223 12224
(2) In addition to the routine support services listed in division (B) (1) of this section, the office of budget and management may perform other services which a board or commission named in division (A) of this section delegates to the office and the office accepts.	12225 12226 12227 12228 12229
(3) The office of budget and management may perform routine support services for any professional or occupational licensing board or commission not named in division (A) of this	12230 12231 12232

section at the request of the board or commission. 12233

(C) The office of budget and management shall determine 12234
the fees to be charged to the boards and commissions, which 12235
shall be in proportion to the services performed for each board 12236
or commission. 12237

Sec. 126.60. (A) As used in this section: 12238

(1) "Agricultural water project" means a project that will 12239
improve water quality by reducing or aiding in the reduction of 12240
levels of phosphorus, nitrogen, or sediment, that result from 12241
agricultural practices, in the waters of the state. 12242
"Agricultural water project" includes a project involving 12243
research, technology, design, construction, best management 12244
practices, conservation, testing, or education. 12245

(2) "Community water project" means a project involving a 12246
public water system operated by a political subdivision that 12247
will improve water quality by reducing or aiding in the 12248
reduction of levels of phosphorus, nitrogen, or sediment in the 12249
waters of the state. "Community water project" includes a 12250
project involving research, technology, design, construction, 12251
best management practices, conservation, testing, or 12252
maintenance. 12253

(3) "Nature water project" means a project involving a 12254
natural water system that will improve water quality by reducing 12255
or aiding in the reduction of levels of phosphorus, nitrogen, or 12256
sediment in the waters of the state. "Nature water project" 12257
includes a project involving research, technology, design, 12258
construction, best management practices, conservation, or 12259
maintenance. "Nature water project" also includes the creation, 12260
maintenance, or restoration of wetlands, flood plains, flood 12261

control systems, and buffers throughout the state, including the western basin of Lake Erie. 12262
12263

(B) (1) There is hereby created in the state treasury the H2Ohio fund consisting of money credited to it and any donations, gifts, bequests, and other money received for deposit in the fund. ~~All investment earnings of the fund shall be credited to the fund.~~ All money credited or deposited in the fund shall be used for any of the following purposes: 12264
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~~(1)~~ (a) Agriculture water projects; 12270

~~(2)~~ (b) Community water projects; 12271

~~(3)~~ (c) Nature water projects; 12272

~~(4)~~ (d) Awarding or allocating grants or money, issuing loans, or making purchases for the development and implementation of projects and programs, including remediation projects, that are designed to address water quality priorities; 12273
12274
12275
12276

~~(5)~~ (e) Funding cooperative research, data gathering and monitoring, and demonstration projects related to water quality priorities; 12277
12278
12279

~~(6)~~ (f) Encouraging cooperation with and among leaders from state legislatures, state agencies, political subdivisions, business and industry, labor, agriculture, environmental organizations, institutions of higher education, and water conservation districts; 12280
12281
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~~(7)~~ (g) Other purposes, policies, programs, and priorities identified by the Ohio Lake Erie commission in coordination with state agencies or boards responsible for water protection and water management, provided that the purposes, policies, programs, and priorities align with a statewide strategic vision 12285
12286
12287
12288
12289

and comprehensive periodic water protection and restoration 12290
strategy. 12291

(2) With respect to money credited or deposited in the 12292
fund, the department of natural resources shall not use more 12293
than two million five hundred thousand dollars in any fiscal 12294
year to purchase land or conservation easements or to issue 12295
grants for such purposes. 12296

(C) Not later than August 31, 2020, and annually 12297
thereafter, the Ohio Lake Erie commission, in coordination with 12298
state agencies or boards responsible for water protection and 12299
water management, shall do both of the following: 12300

(1) Prepare a report of the activities that were 12301
undertaken with respect to the fund during the immediately 12302
preceding fiscal year, including the revenues and expenses of 12303
the fund for the preceding fiscal year; 12304

(2) Submit the report to the general assembly and to the 12305
governor. 12306

(D) Within forty-five days after the report is submitted 12307
under division (C) of this section, the directors of the state 12308
agencies that contributed to the report and the executive 12309
director of the Lake Erie commission shall appear before both 12310
the house of representatives and senate committees that oversee 12311
state finance to testify on the report. 12312

Sec. 126.62. (A) The all Ohio future fund is hereby 12313
created in the state treasury. The fund shall consist of money 12314
credited to it and any donations, gifts, bequests, or other 12315
money received for deposit in the fund. ~~All investment earnings~~ 12316
~~of the fund shall be credited to the fund.~~ Money in the fund 12317
shall be used to promote economic development throughout the 12318

state, including infrastructure projects and other 12319
infrastructure improvements. 12320

(B) The director shall adopt rules in accordance with 12321
Chapter 119. of the Revised Code that establish requirements and 12322
procedures to provide financial assistance from the all Ohio 12323
future fund. The director shall consult with JobsOhio in 12324
adopting the rules. 12325

(C) No money shall be expended from the all Ohio future 12326
fund, pursuant to appropriation, until it has been released by 12327
the controlling board. 12328

Sec. 126.67. The targeted addiction assistance fund is 12329
created in the state treasury. The fund shall consist of money 12330
awarded to the state by court order that is intended to address 12331
the effects of the opioid crisis. 12332

Beginning January 15, 2027, any money received under the 12333
settlement agreement in State of Ohio v. McKesson Corp., Case 12334
No. CVH20180055 (C.P. Madison Co., settlement agreement of 12335
October 7, 2021) shall be certified by the attorney general and 12336
remitted to the office of budget and management for deposit in 12337
the fund. The director of budget and management shall notify the 12338
speaker of the house of representatives, the president of the 12339
senate, and the chairpersons of the finance committees of the 12340
house of representatives and senate when money is deposited into 12341
the fund. 12342

Sec. 127.12. There is hereby created a controlling board 12343
consisting of all of the following: 12344

(A) The director of budget and management or an employee 12345
of the office of budget and management designated by the 12346
director; 12347

(B) The chairperson or vice-chairperson of the finance-
appropriations committee of the house of representatives, as
designated by the speaker;

(C) The chairperson or vice-chairperson of the finance
committee of the senate, as designated by the president;

(D) Two members of the house of representatives appointed
by the speaker, one from the majority party and one from the
minority party;

(E) Two members of the senate appointed by the president,
one from the majority party and one from the minority party.

Notwithstanding section 101.26 of the Revised Code, the
legislative members, when engaged in their duties as members of
the controlling board, shall be paid at the per diem rate of one
hundred fifty dollars, and their necessary traveling expenses,
which shall be paid from the funds appropriated for the payment
of expenses of legislative committees.

(F) In the event of the absence, illness, disability,
death, or resignation of a legislative member, the following
persons may serve in the member's absence: for the chairperson
or vice-chairperson of the finance-appropriations committee of
the house of representatives, the speaker or a member of the
house of representatives designated by the speaker; for the
chairperson or vice-chairperson of the senate finance committee,
the president or a member of the senate designated by the
president; for a member of the board appointed by the speaker of
the house of representatives, or the president of the senate,
the speaker or the president, as the case may be, or a member of
the house of representatives or of the senate of the same party
as such controlling board member, designated by such speaker or

president. 12377

As used in any statute, "controlling board," unless the 12378
context otherwise requires, means the controlling board created 12379
by this section. 12380

Sec. 127.13. The director of budget and management or ~~his~~ 12381
the director's designee shall be president of the controlling 12382
board. The president shall prepare the proposed agenda for the 12383
meetings of the board and shall provide, at least ~~seven~~ten days 12384
prior to the meeting, copies of the proposed agenda and 12385
supporting documentation to the members of the board and to ~~the~~ 12386
~~legislative budget office of the~~ legislative service commission. 12387

The director shall designate an employee of the office of 12388
budget and management to serve as secretary of the controlling 12389
board. The secretary shall assist the president of the board and 12390
shall make and keep a record of each request received by the 12391
board and of its action thereon. The secretary shall certify a 12392
copy of the record of each action to each member of the board 12393
and to the director. 12394

The controlling board may adopt procedural rules for the 12395
conduct of the business of the board, may approve, disapprove, 12396
modify as to specific dollar amounts, or defer requests, and may 12397
require that a request from the senate, the house of 12398
representatives, the supreme court, or an elected member of the 12399
executive department as defined in Section 1 of Article III, 12400
Ohio Constitution, not currently before the controlling board be 12401
added to the agenda for a specified future meeting of the board, 12402
provided that such request has been previously submitted to the 12403
president for inclusion in the agenda for a board meeting. The 12404
controlling board also may adopt rules authorizing the president 12405
to act on its behalf in exigent circumstances affecting the 12406

public health, safety, or welfare. 12407

The affirmative vote of no fewer than four members of the 12408
controlling board shall be required for any action of the board. 12409
The board shall meet at least once a month. 12410

Sec. 127.16. (A) Upon the request of either a state agency 12411
or the director of budget and management and after the 12412
controlling board determines that an emergency or a sufficient 12413
economic reason exists, the controlling board may approve the 12414
making of a purchase without competitive selection as provided 12415
in division (B) of this section. 12416

(B) Except as otherwise provided in this section, no state 12417
agency, using money that has been appropriated to it directly, 12418
shall: 12419

(1) Make any purchase from a particular supplier, that 12420
would amount to fifty thousand dollars or more when combined 12421
with both the amount of all disbursements to the supplier during 12422
the fiscal year for purchases made by the agency and the amount 12423
of all outstanding encumbrances for purchases made by the agency 12424
from the supplier, unless the purchase is made by competitive 12425
selection or with the approval of the controlling board; 12426

(2) Lease real estate from a particular supplier, if the 12427
lease would amount to seventy-five thousand dollars or more when 12428
combined with both the amount of all disbursements to the 12429
supplier during the fiscal year for real estate leases made by 12430
the agency and the amount of all outstanding encumbrances for 12431
real estate leases made by the agency from the supplier, unless 12432
the lease is made by competitive selection or with the approval 12433
of the controlling board. 12434

(C) Any person who authorizes a purchase in violation of 12435

division (B) of this section shall be liable to the state for 12436
any state funds spent on the purchase, and the attorney general 12437
shall collect the amount from the person. 12438

(D) Nothing in division (B) of this section shall be 12439
construed as: 12440

(1) A limitation upon the authority of the director of 12441
transportation as granted in sections 5501.17, 5517.02, and 12442
5525.14 of the Revised Code; 12443

(2) Applying to medicaid provider agreements under the 12444
medicaid program; 12445

(3) Applying to the purchase of examinations from a sole 12446
supplier by a state licensing board under Title XLVII of the 12447
Revised Code; 12448

(4) Applying to entertainment contracts for the Ohio state 12449
fair entered into by the Ohio expositions commission, provided 12450
that the controlling board has given its approval to the 12451
commission to enter into such contracts and has approved a total 12452
budget amount for such contracts as agreed upon by commission 12453
action, and that the commission causes to be kept itemized 12454
records of the amounts of money spent under each contract and 12455
annually files those records with the clerk of the house of 12456
representatives and the clerk of the senate following the close 12457
of the fair; 12458

(5) Limiting the authority of the chief of the division of 12459
mineral resources management to contract for reclamation work 12460
with an operator mining adjacent land as provided in section 12461
1513.27 of the Revised Code; 12462

(6) Applying to investment transactions and procedures of 12463
any state agency, except that the agency shall file with the 12464

board the name of any person with whom the agency contracts to 12465
make, broker, service, or otherwise manage its investments, as 12466
well as the commission, rate, or schedule of charges of such 12467
person with respect to any investment transactions to be 12468
undertaken on behalf of the agency. The filing shall be in a 12469
form and at such times as the board considers appropriate. 12470

~~(7) Applying to purchases made with money for the per cent 12471
for arts program established by section 3379.10 of the Revised 12472
Code;— 12473~~

~~(8) Applying to purchases made by the opportunities for 12474
Ohioans with disabilities agency of services, or supplies, that 12475
are provided to persons with disabilities, or to purchases made 12476
by the agency in connection with the eligibility determinations 12477
it makes for applicants of programs administered by the social 12478
security administration; 12479~~

~~(9)~~ (8) Applying to payments by the department of medicaid 12480
under section 5164.85 of the Revised Code for group health plan 12481
premiums, deductibles, coinsurance, and other cost-sharing 12482
expenses; 12483

~~(10)~~ (9) Applying to any agency of the legislative branch 12484
of the state government; 12485

~~(11)~~ (10) Applying to agreements or contracts entered into 12486
under section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 12487
of the Revised Code; 12488

~~(12)~~ (11) Applying to purchases of services by the adult 12489
parole authority under section 2967.14 of the Revised Code or by 12490
the department of youth services under section 5139.08 of the 12491
Revised Code; 12492

~~(13)~~ (12) Applying to dues or fees paid for membership in 12493

an organization or association;	12494
(14) <u>(13)</u> Applying to purchases of utility services	12495
pursuant to section 9.30 of the Revised Code;	12496
(15) <u>(14)</u> Applying to purchases made in accordance with	12497
rules adopted by the department of administrative services of	12498
motor vehicle, aviation, or watercraft fuel, or emergency	12499
repairs of such vehicles;	12500
(16) <u>(15)</u> Applying to purchases of tickets for passenger	12501
air transportation;	12502
(17) <u>(16)</u> Applying to purchases necessary to provide public	12503
notifications required by law or to provide notifications of job	12504
openings;	12505
(18) <u>(17)</u> Applying to the judicial branch of state	12506
government;	12507
(19) <u>(18)</u> Applying to purchases of liquor for resale by the	12508
division of liquor control;	12509
(20) <u>(19)</u> Applying to purchases of motor courier and	12510
freight services made in accordance with department of	12511
administrative services rules;	12512
(21) <u>(20)</u> Applying to purchases from the United States	12513
postal service and purchases of stamps and postal meter	12514
replenishment from vendors at rates established by the United	12515
States postal service;	12516
(22) <u>(21)</u> Applying to purchases of books, periodicals,	12517
pamphlets, newspapers, maintenance subscriptions, and other	12518
published materials;	12519
(23) <u>(22)</u> Applying to purchases from other state agencies,	12520

including state-assisted institutions of higher education or the	12521
Ohio history connection;	12522
(24) <u>(23)</u> Applying to purchases from a qualified nonprofit	12523
agency pursuant to sections 125.60 to 125.6012 or 4115.31 to	12524
4115.35 of the Revised Code;	12525
(25) <u>(24)</u> Applying to payments by the department of job and	12526
family services to the United States department of health and	12527
human services for printing and mailing notices pertaining to	12528
the tax refund offset program of the internal revenue service of	12529
the United States department of the treasury;	12530
(26) <u>(25)</u> Applying to contracts entered into by the	12531
department of developmental disabilities under section 5123.18	12532
of the Revised Code;	12533
(27) <u>(26)</u> Applying to payments made by the department of	12534
mental health and addiction services under a physician	12535
recruitment program authorized by section 5119.185 of the	12536
Revised Code;	12537
(28) <u>(27)</u> Applying to contracts entered into with persons	12538
by the director of commerce for unclaimed funds collection and	12539
remittance efforts as provided in division (G) of section 169.03	12540
of the Revised Code. The director shall keep an itemized	12541
accounting of unclaimed funds collected by those persons and	12542
amounts paid to them for their services.	12543
(29) <u>(28)</u> Applying to purchases made by a state institution	12544
of higher education in accordance with the terms of a contract	12545
between the vendor and an inter-university purchasing group	12546
comprised of purchasing officers of state institutions of higher	12547
education;	12548
(30) <u>(29)</u> Applying to the department of medicaid's	12549

purchases of health assistance services under the children's health insurance program;	12550 12551
(31) (30) Applying to payments by the attorney general from the reparations fund to hospitals and other emergency medical facilities for performing medical examinations to collect physical evidence pursuant to section 2907.28 of the Revised Code;	12552 12553 12554 12555 12556
(32) (31) Applying to contracts with a contracting authority or administrative receiver under division (B) of section 5126.056 of the Revised Code;	12557 12558 12559
(33) (32) Applying to purchases of goods and services by the department of veterans services in accordance with the terms of contracts entered into by the United States department of veterans affairs;	12560 12561 12562 12563
(34) (33) Applying to payments by the superintendent of the bureau of criminal identification and investigation to the federal bureau of investigation for criminal records checks pursuant to section 109.572 of the Revised Code;	12564 12565 12566 12567
(35) (34) Applying to contracts entered into by the department of medicaid under section 5164.47 of the Revised Code;	12568 12569 12570
(36) (35) Applying to contracts entered into under section 5160.12 of the Revised Code;	12571 12572
(37) (36) Applying to payments to the Ohio history connection from other state agencies.	12573 12574
(E) When determining whether a state agency has reached the cumulative purchase thresholds established in divisions (B) (1) and (2) of this section, the following purchases by such	12575 12576 12577

agency shall not be considered:	12578
(1) Purchases made through competitive selection or with controlling board approval;	12579 12580
(2) Purchases listed in division (D) of this section;	12581
(3) For the purposes of the threshold of division (B) (1) of this section only, leases of real estate.	12582 12583
(F) A state agency, when exercising direct purchasing authority under this section, shall utilize a selection process that complies with all applicable laws, rules, or regulations of the department of administrative services.	12584 12585 12586 12587
(G) As used in this section, "competitive selection," "direct purchasing authority," "purchase," "supplies," and "services" have the same meanings as in section 125.01 of the Revised Code.	12588 12589 12590 12591
Sec. 128.021. (A) Not later than January 1, 2014, and in accordance with Chapter 119. of the Revised Code, the steering committee shall adopt rules that establish technical and operational standards for public safety answering points eligible to receive disbursements under section 128.55 of the Revised Code. The rules shall incorporate industry standards and best practices for 9-1-1 services. Public safety answering points shall comply with the standards not later than two years after the effective date of the rules adopting the standards. A public safety answering point may be deemed compliant with rules for minimum staffing standards, if it can demonstrate compliance with all other rules for operational standards.	12592 12593 12594 12595 12596 12597 12598 12599 12600 12601 12602 12603
(B) Not later than one year after September 29, 2015, and in accordance with Chapter 119. of the Revised Code, the steering committee shall conduct an assessment of the	12604 12605 12606

operational standards for public safety answering points 12607
developed under division (A) of this section and revise the 12608
standards as necessary to ensure that the operational standards 12609
contain the following: 12610

(1) Policies to ensure that public safety answering point 12611
personnel prioritize life-saving questions in responding to each 12612
call to a 9-1-1 system established under this chapter; 12613

(2) A requirement that all public safety answering point 12614
personnel complete proper training or provide proof of prior 12615
training to give instructions regarding emergency situations. 12616

(C) Upon the effective date of the amendments to this 12617
section by ~~this act~~ H.B. 33 of the 135th general assembly, 12618
October 3, 2023, all public safety answering points that answer 12619
9-1-1 calls for service ~~from wireless services~~ shall be subject 12620
to the public safety answering point operations rules. Public 12621
safety answering points not originally required to be compliant 12622
shall comply with the standards not later than two years after 12623
the effective date of the amendments to this section by ~~this act~~ 12624
H.B. 33 of the 135th general assembly, October 3, 2023. 12625

Sec. 128.41. (A) As used in this section, "communications 12626
service" means any wireless service, multiline telephone system, 12627
and voice over internet protocol system to which both of the 12628
following apply: 12629

(1) The service or system is registered to the 12630
subscriber's address within this state or the subscriber's 12631
primary place of using the service or system is in this state. 12632

(2) The service or system is capable of initiating a 12633
direct connection to 9-1-1. 12634

(B) After the expiration of the charge described in 12635

division (A) (1) of section 128.40 of the Revised Code and except 12636
as provided in sections 128.413 and 128.42 of the Revised Code, 12637
there is imposed a next generation 9-1-1 access fee of ~~forty~~ 12638
sixty cents per month on each communications service, which 12639
shall be imposed as follows: 12640

(1) In the case of wireless telephone service, a 12641
subscriber shall pay a separate next generation 9-1-1 access fee 12642
for each wireless telephone number assigned to the subscriber. 12643

(2) In the case of a voice over internet protocol system, 12644
a subscriber shall pay a separate fee for each voice channel 12645
provided to the subscriber through the system. The number of 12646
voice channels shall be equal to the number of outbound calls 12647
the subscriber can maintain at the same time using the system, 12648
but excludes a direct inward dialing number that merely routes 12649
an inbound call. The maximum number of separate fees imposed on 12650
a subscriber's system shall not exceed one hundred voice 12651
channels per network. 12652

(3) In the case of a multiline telephone system, the 12653
subscriber shall pay a separate fee for each line. The maximum 12654
number of separate fees imposed on a single subscriber with a 12655
multiline telephone system shall not exceed one hundred per 12656
building with a unique street address or physically identifiable 12657
location. 12658

(C) If more than one communications service shares the 12659
same telephone number, then the next generation 9-1-1 access fee 12660
imposed shall not exceed ~~forty~~ sixty cents per month. 12661

Sec. 128.46. (A) (1) An entity required to collect a 12662
wireless 9-1-1 charge under section 128.40 of the Revised Code 12663
or the next generation 9-1-1 access fee under section 128.414 or 12664

128.421 of the Revised Code shall, on or before the twenty-third 12665
day of each month, except as provided in divisions (A) (2) and 12666
(3) of this section, do both of the following: 12667

(a) Make and file a return for the preceding month, in the 12668
form prescribed by the tax commissioner, showing the amount of 12669
the charges or fees due for that month; 12670

(b) Remit the full amount due, as shown on the return, 12671
with the exception of charges or fees equivalent to the amount 12672
authorized as a collection fee under division (B) of this 12673
section. 12674

(2) The commissioner may grant one or more thirty-day 12675
extensions for making and filing returns and remitting amounts 12676
due. 12677

(3) If a seller is required to collect prepaid wireless 9- 12678
1-1 charges under section 128.40 of the Revised Code or next 12679
generation 9-1-1 access fees under section 128.421 of the 12680
Revised Code in amounts that do not merit monthly returns, the 12681
commissioner may authorize the seller to make and file returns 12682
less frequently. The commissioner shall ascertain whether this 12683
authorization is warranted upon the basis of administrative 12684
costs to the state. 12685

(B) A wireless service provider, reseller, and seller may 12686
each retain as a collection fee three per cent of the total 12687
wireless 9-1-1 charges required to be collected under sections 12688
128.40, 128.41, and 128.42 of the Revised Code, and shall 12689
account to the tax commissioner for the amount retained. 12690

(C) The return required under division (A) (1) (a) of this 12691
section shall be filed electronically using the Ohio business 12692
gateway, as defined in section 718.01 of the Revised Code, or 12693

any other electronic means prescribed by the tax commissioner. 12694
Remittance of the amount due shall be made electronically in a 12695
manner approved by the commissioner. An entity required to file 12696
the return may apply to the commissioner on a form prescribed by 12697
the commissioner to be excused from either electronic 12698
requirement of this division. For good cause shown, the 12699
commissioner may excuse the entity from either or both of the 12700
requirements and may permit the entity to file returns or make 12701
remittances by nonelectronic means. 12702

(D) (1) Each subscriber or consumer on which a wireless 9- 12703
1-1 charge is imposed under section 128.40 of the Revised Code 12704
or on which a next generation 9-1-1 access fee is imposed under 12705
section 128.41 or 128.42 of the Revised Code is liable to the 12706
state for the amount of the charge. 12707

(2) An entity required to collect the wireless 9-1-1 12708
charge under section 128.40 of the Revised Code or the next 12709
generation 9-1-1 access fee under section 128.414 or 128.421 of 12710
the Revised Code is liable to the state for any amount that was 12711
required to be collected but that was not remitted, regardless 12712
of whether the amount was collected. 12713

(3) No provider of a prepaid wireless calling service 12714
shall be liable to the state for any wireless 9-1-1 charge 12715
imposed under section 128.40 of the Revised Code or any next 12716
generation 9-1-1 access fee imposed under section 128.42 of the 12717
Revised Code that was not collected or remitted. 12718

(E) (1) If the tax commissioner has reason to believe that 12719
an entity required to collect a wireless 9-1-1 charge under 12720
section 128.40 of the Revised Code or the next generation 9-1-1 12721
access fee under section 128.414 or 128.421 of the Revised Code 12722
has failed to bill, collect, or remit the charge or fee as 12723

required by this section and sections 128.40 to 128.422 of the Revised Code or has retained more than the amount authorized under division (B) of this section, and after written notice to the entity, the tax commissioner may audit the entity for the sole purpose of making such a determination. The audit may include, but is not limited to, a sample of the entity's billings, collections, remittances, or retentions for a representative period, and the tax commissioner shall make a good faith effort to reach agreement with the entity in selecting that sample.

(2) Upon written notice to the entity, the tax commissioner, after completion of the audit, may make an assessment against the entity if, pursuant to the audit, the tax commissioner determines that the entity has failed to bill, collect, or remit the charge or fee as required by sections 128.40 to 128.422 of the Revised Code or has retained more than the amount authorized under division (B) of this section. The assessment shall be in the amount of any remittance that was due and unpaid on the date notice of the audit was sent by the tax commissioner to the entity or, as applicable, in the amount of the excess amount under division (B) of this section retained by the entity as of that date.

(3) The portion of any assessment consisting of charges or fees due and not paid within sixty days after the date that the assessment was made under division (E) (2) of this section shall bear interest from that date until paid at the rate per annum prescribed by section 5703.47 of the Revised Code. That interest may be collected by making an assessment under division (E) (2) of this section.

(4) Unless the entity assessed files with the tax

commissioner within sixty days after service of the notice of 12754
assessment, ~~either personally or by certified mail,~~ a written 12755
petition for reassessment, signed by the entity assessed or that 12756
entity's authorized agent having knowledge of the facts, the 12757
assessment shall become final and the amount of the assessment 12758
shall be due and payable from the entity assessed to the 12759
treasurer of state, for deposit to the next generation 9-1-1 12760
fund, which is created under section 128.54 of the Revised Code. 12761
The petition shall indicate the objections of the entity 12762
assessed, but additional objections may be raised in writing if 12763
received by the commissioner prior to the date shown on the 12764
final determination. If the petition has been properly filed, 12765
the commissioner shall proceed under section 5703.60 of the 12766
Revised Code. 12767

(5) After an assessment becomes final, if any portion of 12768
the assessment remains unpaid, including accrued interest, a 12769
certified copy of the final assessment may be filed in the 12770
office of the clerk of the court of common pleas in the county 12771
in which the business of the assessed entity is conducted. If 12772
the entity assessed maintains no place of business in this 12773
state, the certified copy of the final assessment may be filed 12774
in the office of the clerk of the court of common pleas of 12775
Franklin county. Immediately upon the filing, the clerk shall 12776
enter a judgment for the state against the assessed entity in 12777
the amount shown on the final assessment. The judgment may be 12778
filed by the clerk in a loose-leaf book entitled "special 12779
judgments for 9-1-1 charges and fees" and shall have the same 12780
effect as other judgments. The judgment shall be executed upon 12781
the request of the tax commissioner. 12782

(6) If the commissioner determines that the commissioner 12783
erroneously has refunded a 9-1-1 charge or fee to any person, 12784

the commissioner may make an assessment against that person for 12785
recovery of the erroneously refunded charge. 12786

(7) An assessment under division (E) of this section does 12787
not discharge a subscriber's or consumer's liability to 12788
reimburse the entity for a 9-1-1 charge or fee. If, after the 12789
date of service of the audit notice under division (E)(1) of 12790
this section, a subscriber or consumer pays a 9-1-1 charge or 12791
fee for the period covered by the assessment, the payment shall 12792
be credited against the assessment. 12793

Sec. 128.54. (A) (1) For the purpose of receiving, 12794
distributing, and accounting for amounts received from the 12795
wireless 9-1-1 charges imposed under section 128.40 of the 12796
Revised Code and the next generation 9-1-1 access fees imposed 12797
under sections 128.41 and 128.42 of the Revised Code, the 12798
following funds are created in the state treasury: 12799

- (a) The 9-1-1 government assistance fund; 12800
- (b) The 9-1-1 administrative fund; 12801
- (c) The 9-1-1 program fund; 12802
- (d) The next generation 9-1-1 fund. 12803

(2) Amounts remitted under section 128.46 of the Revised 12804
Code shall be paid to the treasurer of state for deposit as 12805
follows: 12806

(a) ~~Seventy-two~~ Eighty-one and one-third per cent to the 12807
9-1-1 government assistance fund. All interest earned on the 9- 12808
1-1 government assistance fund shall be credited to the fund. 12809

(b) ~~One~~ Two-thirds of one per cent to the 9-1-1 12810
administrative fund; 12811

(c) ~~Two~~ One and one-third per cent to the 9-1-1 program 12812
fund; 12813

(d) ~~Twenty-five~~ Sixteen and two-thirds per cent to the 12814
next generation 9-1-1 fund. 12815

(3) The tax commissioner shall use the 9-1-1 12816
administrative fund to defray the costs incurred in carrying out 12817
this chapter. 12818

(4) The steering committee shall use the 9-1-1 program 12819
fund to defray the costs incurred by the steering committee in 12820
carrying out this chapter. 12821

(5) Annually, the tax commissioner, after paying 12822
administrative costs under division (A) (3) of this section, 12823
shall transfer any excess remaining in the 9-1-1 administrative 12824
fund to the next generation 9-1-1 fund, created under this 12825
section. 12826

(B) At the direction of the steering committee, the tax 12827
commissioner shall transfer the funds remaining in the 9-1-1 12828
government assistance fund to the credit of the next generation 12829
9-1-1 fund. All interest earned on the next generation 9-1-1 12830
fund shall be credited to the fund. 12831

(C) From the funds created in division (A) (1) of this 12832
section, the director of budget and management shall, as funds 12833
are available, transfer to the tax refund fund, created under 12834
section 5703.052 of the Revised Code, amounts equal to the 12835
refunds certified by the tax commissioner under division (D) of 12836
section 128.47 of the Revised Code, in the same percentage as 12837
the certified refund amounts were deposited in those funds as 12838
specified in division (A) (2) of this section. 12839

(D) The department of administrative services may move 12840

funds between the next generation 9-1-1 fund and the 9-1-1 12841
government assistance fund to ensure funding remains sustainable 12842
for both funds. 12843

Sec. 131.01. As used in Chapters 113., 117., 123., 124., 12844
125., 126., 127., and 131. of the Revised Code, and any statute 12845
that uses the terms in connection with state accounting or 12846
budgeting: 12847

(A) "Account" means any record, element, or summary in 12848
which financial transactions are identified and recorded as 12849
debit or credit transactions in order to summarize items of a 12850
similar nature or classification. 12851

(B) "Accounting procedure" means the arrangement of all 12852
processes which discover, record, and summarize financial 12853
information to produce financial statements and reports and to 12854
provide internal control. 12855

(C) "Accounting system" means the total structure of 12856
records and procedures which discover, record, classify, and 12857
report information on the financial position and operations of a 12858
governmental unit or any of its funds and organizational 12859
components. 12860

(D) "Allocation" means a portion of an appropriation which 12861
is designated for expenditure by specific organizational units 12862
or for special purposes, activities, or objects that do not 12863
relate to a period of time. 12864

(E) "Allotment" means all or part of an appropriation 12865
which may be encumbered or expended within a specific period of 12866
time. 12867

(F) "Appropriation" means an authorization granted by the 12868
general assembly to make expenditures and to incur obligations 12869

for specific purposes. 12870

(G) "Assets" means resources owned, controlled, or 12871
otherwise used or held by the state which have monetary value. 12872

(H) "Budget" means the plan of financial operation 12873
embodying an estimate of proposed expenditures and obligations 12874
for a given period and the proposed means of financing them. 12875

(I) "Check" means a negotiable financial instrument, 12876
payable upon demand, directing a financial institution to 12877
transfer money from the payer's account to the payee. 12878

(J) "Direct deposit" is a form of electronic funds 12879
transfer in which money is electronically deposited into the 12880
account of a person or entity at a financial institution. 12881

~~(J)~~ (K) "Disbursement" means a payment made for any 12882
purpose. 12883

~~(K)~~ (L) "Electronic benefit transfer" means the electronic 12884
delivery of benefits through automated teller machines, point of 12885
sale terminals, or other electronic media pursuant to section 12886
5101.33 of the Revised Code. 12887

~~(L)~~ (M) "Electronic funds transfer" means the electronic 12888
movement of funds via automated clearing house or wire transfer. 12889

~~(M)~~ (N) "Encumbrancing document" means a document reserving 12890
all or part of an appropriation. 12891

~~(N)~~ (O) "Expenditure" means a reduction of the balance of 12892
an appropriation after legal requirements have been met. 12893

~~(O)~~ (P) "Fund" means an independent fiscal and accounting 12894
entity with a self-balancing set of accounts recording cash or 12895
other resources, together with all related liabilities, 12896

obligations, reserves, and fund balances which are segregated 12897
for the purpose of carrying on specific activities or attaining 12898
certain objectives in accordance with special rules, 12899
restrictions, or limitations. 12900

~~(P)~~(Q) "Lapse" means the automatic termination of an 12901
appropriation at the end of the fiscal period for which it was 12902
appropriated. 12903

~~(Q)~~(R) "Reappropriation" means an appropriation of a 12904
previous appropriation that is continued in force in a 12905
succeeding appropriation period. "Reappropriation" shall be 12906
equated with and incorporated in the term "appropriation." 12907

~~(R)~~(S) "Stored value card" means a payment card that may 12908
have money loaded and stored on the card and accessed through 12909
automated teller machines, point of sale terminals, or other 12910
electronic media. "Stored value card" does not include any 12911
payment card linked to, and that can access money in, an 12912
external account maintained by a financial institution. 12913

~~(S)~~(T) "Voucher" means the document used to transmit a 12914
claim for payment and evidentiary matter related to the claim. 12915

~~(T)~~(U) "Warrant" means an order drawn upon the treasurer 12916
of state by the director of budget and management, or an 12917
authorized person at a state entity that has a custodial account 12918
in the custody of the treasurer of state, directing the 12919
treasurer of state to pay a specified amount to one or more 12920
specified payees. A variety of payment instruments may be used, 12921
including but not limited to paper warrants or checks, stored 12922
value cards, direct deposit to the payee's bank account, or the 12923
drawdown of funds by electronic benefit transfer, and the 12924
resulting electronic transfer to or by the ultimate payees. 12925

The terms defined in this section shall be used, on all 12926
accounting forms, reports, formal rules, and budget requests 12927
produced by a state agency, only as defined in this section. 12928

Sec. 131.02. (A) Except as otherwise provided in section 12929
4123.37, section 5703.061, and division (K) of section 4123.511 12930
of the Revised Code, whenever any amount is payable to the 12931
state, the officer, employee, or agent responsible for 12932
administering the law under which the amount is payable shall 12933
immediately proceed to collect the amount or cause the amount to 12934
be collected and shall pay the amount into the state treasury or 12935
into the appropriate custodial fund in the manner set forth 12936
pursuant to section 113.08 of the Revised Code. 12937

Except as otherwise provided in this division, if the 12938
amount is not paid within forty-five days after payment is due, 12939
the officer, employee, or agent shall certify the amount due to 12940
the attorney general, in accordance with section 131.026 of the 12941
Revised Code and in the form and manner prescribed by the 12942
attorney general. In the case of an amount payable by a student 12943
enrolled in a state institution of higher education, the amount 12944
shall be certified, in accordance with section 131.026 of the 12945
Revised Code, within the later of forty-five days after the 12946
amount is due or the tenth day after the beginning of the next 12947
academic semester, quarter, or other session following the 12948
session for which the payment is payable. The attorney general 12949
may assess the collection cost to the amount certified in such 12950
manner and amount as prescribed by the attorney general. If an 12951
amount payable to a political subdivision is past due, the 12952
political subdivision may, with the approval of the attorney 12953
general, certify the amount to the attorney general pursuant to 12954
this section in accordance with section 131.026 of the Revised 12955
Code. 12956

For the purposes of this section, the attorney general and 12957
the officer, employee, or agent responsible for administering 12958
the law under which the amount is payable shall agree on the 12959
time a payment is due, and that agreed upon time shall be one of 12960
the following times: 12961

(1) If a law, including an administrative rule, of this 12962
state prescribes the time a payment is required to be made or 12963
reported, when the payment is required by that law to be paid or 12964
reported. 12965

(2) If the payment is for services rendered, when the 12966
rendering of the services is completed. 12967

(3) If the payment is reimbursement for a loss, when the 12968
loss is incurred. 12969

(4) In the case of a fine or penalty for which a law or 12970
administrative rule does not prescribe a time for payment, when 12971
the fine or penalty is first assessed. 12972

(5) If the payment arises from a legal finding, judgment, 12973
or adjudication order, when the finding, judgment, or order is 12974
rendered or issued. 12975

(6) If the payment arises from an overpayment of money by 12976
the state to another person, when the overpayment is discovered. 12977

(7) The date on which the amount for which an individual 12978
is personally liable under section 5735.35, section 5739.33, or 12979
division (G) of section 5747.07 of the Revised Code is 12980
determined. 12981

(8) Upon proof of claim being filed in a bankruptcy case. 12982

(9) Any other appropriate time determined by the attorney 12983
general and the officer, employee, or agent responsible for 12984

administering the law under which the amount is payable on the 12985
basis of statutory requirements or ordinary business processes 12986
of the agency, institution, or political subdivision to which 12987
the payment is owed. 12988

(B) (1) The Upon certification of an amount due in 12989
accordance with division (A) of this section and section 131.026 12990
of the Revised Code, the attorney general shall give immediate 12991
notice by mail or otherwise in the manner described in section 12992
131.026 of the Revised Code to the party indebted of the nature 12993
and amount of the indebtedness. 12994

(2) If the amount payable to this state arises from a tax 12995
levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the 12996
Revised Code, the notice also shall specify all of the 12997
following: 12998

(a) The assessment or case number; 12999

(b) The tax pursuant to which the assessment is made; 13000

(c) The reason for the liability, including, if 13001
applicable, that a penalty or interest is due; 13002

(d) An explanation of how and when interest will be added 13003
to the amount assessed; 13004

(e) That the attorney general and tax commissioner, acting 13005
together, have the authority, but are not required, to 13006
compromise the claim and accept payment over a reasonable time, 13007
if such actions are in the best interest of the state. 13008

(C) The attorney general shall collect the claim or secure 13009
a judgment and issue an execution for its collection. 13010

(D) Each claim shall bear interest, from the day on which 13011
the claim became due, at the rate per annum required by section 13012

5703.47 of the Revised Code.	13013
(E) The attorney general and the chief officer of the	13014
agency reporting a claim, acting together, may do any of the	13015
following if such action is in the best interests of the state:	13016
(1) Compromise the claim;	13017
(2) Extend for a reasonable period the time for payment of	13018
the claim by agreeing to accept monthly or other periodic	13019
payments. The agreement may require security for payment of the	13020
claim.	13021
(3) Add fees to recover the cost of processing checks or	13022
other draft instruments returned for insufficient funds and the	13023
cost of providing electronic payment options.	13024
(F) (1) Except as provided in division (F) (2) of this	13025
section, if the attorney general finds, after investigation,	13026
that any claim due and owing to the state is uncollectible, the	13027
attorney general, with the consent of the chief officer of the	13028
agency reporting the claim, may do the following:	13029
(a) Sell, convey, or otherwise transfer the claim to one	13030
or more private entities for collection;	13031
(b) Cancel the claim or cause it to be canceled.	13032
(2) The attorney general shall cancel or cause to be	13033
canceled an unsatisfied claim on the date that is forty years	13034
after the date the claim is certified, unless the attorney	13035
general has adopted a rule under division (F) (5) of this section	13036
shortening this time frame with respect to a subset of claims.	13037
(3) No initial action shall be commenced to collect any	13038
tax payable to the state that is administered by the tax	13039
commissioner, whether or not such tax is subject to division (B)	13040

of this section, or any penalty, interest, or additional charge 13041
on such tax, after the expiration of the period ending on the 13042
later of the dates specified in divisions (F) (3) (a) and (b) of 13043
this section, provided that such period shall be extended by the 13044
period of any stay to such collection or by any other period to 13045
which the parties mutually agree. If the initial action in aid 13046
of execution is commenced before the later of the dates 13047
specified in divisions (F) (3) (a) and (b) of this section, any 13048
and all subsequent actions may be pursued in aid of execution of 13049
judgment for as long as the debt exists. 13050

(a) Seven years after the assessment of the tax, penalty, 13051
interest, or additional charge is issued. 13052

(b) Four years after the assessment of the tax, penalty, 13053
interest, or additional charge becomes final. For the purposes 13054
of division (F) (3) (b) of this section, the assessment becomes 13055
final at the latest of the following: upon expiration of the 13056
period to petition for reassessment, or if applicable, to appeal 13057
a final determination of the commissioner or decision of the 13058
board of tax appeals or a court, or, if applicable, upon 13059
decision of the United States supreme court. 13060

For the purposes of division (F) (3) of this section, an 13061
initial action to collect a tax debt is commenced at the time 13062
when a certified copy of the tax commissioner's entry making an 13063
assessment final has been filed in the office of the clerk of 13064
court of common pleas in the county in which the taxpayer 13065
resides or has its principal place of business in this state, or 13066
in the office of the clerk of court of common pleas of Franklin 13067
county, as provided in section 5739.13, 5741.14, 5747.13, or 13068
5751.09 of the Revised Code or in any other applicable law 13069
requiring such a filing. If an assessment has not been issued 13070

and there is no time limitation on the issuance of an assessment 13071
under applicable law, an action to collect a tax debt commences 13072
when the action is filed in the courts of this state to collect 13073
the liability. 13074

(4) If information contained in a claim that is sold, 13075
conveyed, or transferred to a private entity pursuant to this 13076
section is confidential pursuant to federal law or a section of 13077
the Revised Code that implements a federal law governing 13078
confidentiality, such information remains subject to that law 13079
during and following the sale, conveyance, or transfer. 13080

(5) The attorney general may adopt rules to aid in the 13081
implementation of this section. 13082

Sec. 131.026. (A) For purposes of this section: 13083

(1) "Last known address" means the mailing address or the 13084
electronic mail address appearing in the official records of the 13085
officer, employee, or agent responsible for administering the 13086
law under which an amount is payable or of the attorney general. 13087

(2) "Traceable delivery service" means a delivery service 13088
provided by the United States postal service or a domestic 13089
commercial delivery service allowing the sender to track a sent 13090
item's progress and providing notice of a completed delivery to 13091
the sender. 13092

(B) Before an officer, employee, or agent responsible for 13093
administering the law under which an amount is due certifies the 13094
amount due to the attorney general under section 131.02 of the 13095
Revised Code, the officer, employee, or agent shall serve a 13096
notice to the debtor or the debtor's statutory agent in the 13097
manner described in this section. The officer, employee, or 13098
agent shall serve a notice not sooner than forty-five days, nor 13099

<u>later than sixty days, after payment is due.</u>	13100
<u>(C) The notice shall include all of the following</u>	13101
<u>information:</u>	13102
<u>(1) The name of the debtor or statutory agent;</u>	13103
<u>(2) The nature and amount of the indebtedness;</u>	13104
<u>(3) The information required under division (B) (2) of</u>	13105
<u>section 131.02 of the Revised Code if the debt arises from a tax</u>	13106
<u>levied.</u>	13107
<u>(D) (1) An officer, employee, or agent responsible for</u>	13108
<u>administering the law under which an amount is payable or the</u>	13109
<u>attorney general may serve a notice required by this section or</u>	13110
<u>section 131.02 of the Revised Code through any of the following</u>	13111
<u>methods:</u>	13112
<u>(a) Electronic mail at the debtor's or debtor's statutory</u>	13113
<u>agent's last known address;</u>	13114
<u>(b) Facsimile transmission at the debtor's or debtor's</u>	13115
<u>statutory agent's facsimile number appearing in the official</u>	13116
<u>records of the officer, employee, or agent responsible for</u>	13117
<u>administering the law under which an amount is payable or of the</u>	13118
<u>attorney general;</u>	13119
<u>(c) Traceable delivery service at the debtor's or debtor's</u>	13120
<u>statutory agent's last known address;</u>	13121
<u>(d) Personal service at the debtor's or debtor's statutory</u>	13122
<u>agent's last known address.</u>	13123
<u>(2) Service of a notice required under this section or</u>	13124
<u>section 131.02 of the Revised Code is complete on the following</u>	13125
<u>dates:</u>	13126

(a) For electronic mail, the date the receipt of the document is relayed electronically by a direct reply from the debtor or debtor's statutory agent to the officer, employee, or agent responsible for administering the law under which an amount is payable or to the attorney general or through electronic tracking software demonstrating that the recipient accessed the document. 13127
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(b) For facsimile transmission, the date indicated on the facsimile transmission confirmation page. 13134
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(c) For traceable delivery service, the date of delivery indicated on the notice of completed delivery provided by the United States postal service or domestic commercial delivery service. 13136
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(d) For personal service, the date indicated on a document confirming physical delivery signed by the debtor, the debtor's statutory agent, an adult located at the debtor's or debtor's statutory agent's last known address, or the delivery person. 13140
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(E) (1) Upon receipt of the notice, the debtor or statutory agent may satisfy the debt within thirty days of receiving the notice. If the debt is satisfied within those thirty days, the officer, employee, or agent shall not certify an amount due to the attorney general. 13144
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(2) If the debtor or statutory agent does not satisfy the debt within thirty days after receiving the notice, the officer, employee, or agent shall certify the amount due to the attorney general. The attorney general shall collect the amount due in accordance with section 131.02 of the Revised Code. If the attorney general files a lien to collect the amount due, the attorney general shall not file the lien unless both of the 13149
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<u>following are included with the lien when filing:</u>	13156
<u>(1) A copy of the notice required under division (B) of this section;</u>	13157
<u>(2) Proof of service of the notice as described under division (D) of this section.</u>	13159
<u>(F) (1) Nothing in this section prevents or limits the attorney general or the appropriate authority from taking any action set forth under divisions (E) or (F) of section 131.02 of the Revised Code.</u>	13161
<u>(2) No amount that is payable under section 131.02 of the Revised Code is deemed uncollectible, discharged, relieved, or otherwise satisfied or non-payable because of any failure to comply with a specific time requirement provided for under this section.</u>	13165
Sec. 131.35. (A) With respect to federal revenue received into any fund of the state, except for those funds listed in division (D) of section 127.14 of the Revised Code:	13170
<u>(1) No state agency may make expenditures of any federal revenue, whether the revenue is advanced prior to expenditure or as reimbursement, unless such expenditures are made pursuant to specific appropriations of the general assembly, are authorized by the controlling board pursuant to division (A) (5) of this section, or are authorized by an executive order issued in accordance with section 107.17 of the Revised Code, and until an allotment has been approved by the director of budget and management. All federal revenue received by a state agency shall be reported to the director within fifteen days of the receipt of the revenue or the notification of award, whichever occurs first. The director shall prescribe the forms and procedures to</u>	13173

be used when reporting the receipt of federal revenue. 13185

(2) If the federal revenue received is greater than the 13186
amount of the revenue appropriated by the general assembly for a 13187
specific purpose, the total appropriation of federal and state 13188
funds for such purpose shall remain at the amount designated by 13189
the general assembly, except that the expenditure of federal 13190
revenue received in excess of such specific appropriation may be 13191
authorized by the controlling board, subject to division (D) of 13192
this section. 13193

(3) To the extent that the expenditure of excess federal 13194
revenue is authorized, the controlling board may transfer a like 13195
amount of general revenue fund appropriation authority from the 13196
affected agency to the emergency purposes appropriation of the 13197
controlling board, if such action is permitted under federal 13198
regulations. 13199

(4) Additional funds may be created by the controlling 13200
board to receive revenues not anticipated in an appropriations 13201
act for the biennium in which such new revenues are received. 13202
Subject to division (D) of this section, expenditures from such 13203
additional funds may be authorized by the controlling board, but 13204
such authorization shall not extend beyond the end of the 13205
biennium in which such funds are created. 13206

(5) Controlling board authorization for a state agency to 13207
make an expenditure of federal revenue constitutes authority for 13208
the agency to participate in the federal program providing the 13209
revenue, and the agency is not required to obtain an executive 13210
order under section 107.17 of the Revised Code to participate in 13211
the federal program. 13212

(B) With respect to nonfederal revenue received into any 13213

fund of the state, except for any other fund listed in division 13214
(D) of section 127.14 of the Revised Code: 13215

(1) No state agency may make expenditures of any of the 13216
revenue unless the expenditures are made pursuant to specific 13217
appropriations of the general assembly. 13218

(2) If the revenue received into any fund is greater than 13219
the amount appropriated, the appropriation for that fund shall 13220
remain at the amount designated by the general assembly or, 13221
subject to division ~~(D)~~(E) of this section, as increased and 13222
approved by the controlling board. 13223

(3) Additional funds may be created by the controlling 13224
board to receive revenues not anticipated in an appropriations 13225
act for the biennium in which such new revenues are received. 13226
Subject to division (D) of this section, expenditures from such 13227
additional funds may be authorized by the controlling board, but 13228
such authorization shall not extend beyond the end of the 13229
biennium in which such funds are created. 13230

(C) The controlling board shall not authorize more than 13231
ten per cent of additional spending from the occupational 13232
licensing and regulatory fund, created in section 4743.05 of the 13233
Revised Code, in excess of any appropriation made by the general 13234
assembly to a licensing agency except an appropriation for costs 13235
related to the examination or reexamination of applicants for a 13236
license. As used in this division, "licensing agency" and 13237
"license" have the same meanings as in section 4745.01 of the 13238
Revised Code. 13239

(D) If federal revenue is received in the waterways safety 13240
fund or wildlife fund, the controlling board, at the request of 13241
the director of natural resources, may approve the expenditure 13242

of the federal revenue for purposes for which the federal 13243
revenue was granted. 13244

(E) The amount of any expenditure authorized under 13245
division (A) (2) or (4) or (B) (2) or (3) of this section for a 13246
specific or related purpose or item in any fiscal year shall not 13247
exceed an amount greater than ~~one-half of one per cent of the~~ 13248
~~general revenue fund appropriations~~ one hundred million dollars 13249
for that fiscal year. 13250

Sec. 131.43. There is hereby created in the state treasury 13251
the budget stabilization fund. ~~All investment earnings of the~~ 13252
~~fund shall be credited to the fund.~~ It is the intent of the 13253
general assembly to maintain an amount of money in the budget 13254
stabilization fund that amounts to approximately ten per cent of 13255
the general revenue fund revenues for the preceding fiscal year. 13256
The governor shall include in the state budget the governor 13257
submits to the general assembly under section 107.03 of the 13258
Revised Code proposals for transfers between the general revenue 13259
fund and the budget stabilization fund for the ensuing fiscal 13260
biennium. The balance in the fund may be combined with the 13261
balance in the general revenue fund for purposes of cash 13262
management. 13263

Sec. 131.51. (A) On or before the seventh day of each 13264
month, the director of budget and management shall credit to the 13265
local government fund one and ~~seven-tenths~~ seventy-five one- 13266
hundredths per cent of the total tax revenue credited to the 13267
general revenue fund during the preceding month. In determining 13268
the total tax revenue credited to the general revenue fund 13269
during the preceding month, the director shall include amounts 13270
transferred from the fund during the preceding month under this 13271
~~division and division (B) of this section.~~ Money shall be 13272

distributed from the local government fund as required under 13273
sections 5747.50 and 5747.503 of the Revised Code during the 13274
same month in which it is credited to the fund. 13275

(B) On or before the seventh day of each month, the 13276
director of budget and management shall credit to the public 13277
library fund ~~one and seven-tenths per cent of the total tax-~~ 13278
~~revenue credited to the general revenue fund during the~~ 13279
~~preceding month. In determining the total tax revenue credited-~~ 13280
~~to the general revenue fund during the preceding month, the~~ 13281
~~director shall include amounts transferred from the fund during~~ 13282
~~the preceding month under this division and division (A) of this~~ 13283
~~section, from the general revenue fund, one-twelfth of the~~ 13284
amount appropriated by the general assembly for the public 13285
library fund for the fiscal year. Money shall be distributed 13286
from the public library fund as required under section 5747.47 13287
of the Revised Code during the same month in which it is 13288
credited to the fund. 13289

(C) The director of budget and management shall develop a 13290
schedule identifying the specific tax revenue sources to be used 13291
to make the monthly transfers required under ~~divisions~~division 13292
(A) ~~and (B)~~ of this section. The director may, from time to 13293
time, revise the schedule as the director considers necessary. 13294

Sec. 133.18. (A) The taxing authority of a subdivision may 13295
by legislation submit to the electors of the subdivision the 13296
question of issuing any general obligation bonds, for one 13297
purpose, that the subdivision has power or authority to issue. 13298

(B) When the taxing authority of a subdivision desires or 13299
is required by law to submit the question of a bond issue to the 13300
electors, and subject to division (J) of this section, it shall 13301
pass legislation that does all of the following: 13302

(1) Declares the necessity and purpose of the bond issue;	13303
(2) States the date of the authorized election at which the question shall be submitted to the electors;	13304 13305
(3) States the amount, approximate date, estimated net average rate of interest, and maximum number of years over which the principal of the bonds may be paid;	13306 13307 13308
(4) Declares the necessity of levying a tax outside the tax limitation to pay the debt charges on the bonds and any anticipatory securities.	13309 13310 13311
The estimated net average interest rate shall be determined by the taxing authority based on, among other factors, then existing market conditions, and may reflect adjustments for any anticipated direct payments expected to be received by the taxing authority from the government of the United States relating to the bonds and the effect of any federal tax credits anticipated to be available to owners of all or a portion of the bonds. The estimated net average rate of interest, and any statutory or charter limit on interest rates that may then be in effect and that is subsequently amended, shall not be a limitation on the actual interest rate or rates on the securities when issued.	13312 13313 13314 13315 13316 13317 13318 13319 13320 13321 13322 13323
(C) The taxing authority shall certify a copy of the legislation passed under division (B) of this section to the county auditor. The county auditor shall promptly calculate and advise and, not later than ninety days before the election, confirm that advice by certification to the taxing authority the estimated average annual property tax levy, expressed in dollars for each one hundred thousand dollars of the county auditor's appraised market value and in mills for each one dollar of	13324 13325 13326 13327 13328 13329 13330 13331

taxable value, that the county auditor estimates to be required 13332
throughout the stated maturity of the bonds to pay the debt 13333
charges on the bonds. In calculating the estimated average 13334
annual property tax levy for this purpose, the county auditor 13335
shall assume that the bonds are issued in one series bearing 13336
interest and maturing in substantially equal principal amounts 13337
in each year over the maximum number of years over which the 13338
principal of the bonds may be paid as stated in that 13339
legislation, and that the amount of the tax valuation of the 13340
subdivision most recently certified by the county auditor under 13341
division (A) of section 319.28 of the Revised Code remains the 13342
same throughout the maturity of the bonds. If the subdivision is 13343
located in more than one county, the county auditor shall obtain 13344
the assistance of the county auditors of the other counties, and 13345
those county auditors shall provide assistance, in establishing 13346
the tax valuation of the subdivision for purposes of certifying 13347
the estimated average annual property tax levy. 13348

(D) After receiving the county auditor's advice under 13349
division (C) of this section, the taxing authority by 13350
legislation may determine to proceed with submitting the 13351
question of the issue of securities, and shall, not later than 13352
the ninetieth day before the day of the election, file the 13353
following with the board of elections: 13354

(1) Copies of the legislation provided for in divisions 13355
(B) and (D) of this section; 13356

(2) The amount of the estimated average annual property 13357
tax levy, expressed in dollars for each one hundred thousand 13358
dollars of ~~the county auditor's appraised market value~~ and in 13359
mills for each one dollar of taxable value, as estimated and 13360
certified to the taxing authority by the county auditor. 13361

(E) (1) The board of elections shall prepare the ballots 13362
and make other necessary arrangements for the submission of the 13363
question to the electors of the subdivision. If the subdivision 13364
is located in more than one county, the board shall inform the 13365
boards of elections of the other counties of the filings with 13366
it, and those other boards shall if appropriate make the other 13367
necessary arrangements for the election in their counties. The 13368
election shall be conducted, canvassed, and certified in the 13369
manner provided in Title XXXV of the Revised Code. 13370

(2) The election shall be held at the regular places for 13371
voting in the subdivision. If the electors of only a part of a 13372
precinct are qualified to vote at the election the board of 13373
elections may assign the electors in that part to an adjoining 13374
precinct, including an adjoining precinct in another county if 13375
the board of elections of the other county consents to and 13376
approves the assignment. Each elector so assigned shall be 13377
notified of that fact prior to the election by notice mailed by 13378
the board of elections, in such manner as it determines, prior 13379
to the election. 13380

(3) The board of elections shall publish a notice of the 13381
election once in a newspaper of general circulation in the 13382
subdivision, no later than ten days prior to the election. The 13383
notice shall state all of the following: 13384

(a) The principal amount of the proposed bond issue; 13385

(b) The stated purpose for which the bonds are to be 13386
issued; 13387

(c) The maximum number of years over which the principal 13388
of the bonds may be paid; 13389

(d) The estimated additional average annual property tax 13390

levy, expressed in dollars for each one hundred thousand dollars 13391
of ~~the county auditor's appraised market~~ value and in mills for 13392
each one dollar of taxable value, to be levied outside the tax 13393
limitation, as estimated and certified to the taxing authority 13394
by the county auditor; 13395

(e) The first calendar year in which the tax is expected 13396
to be due. 13397

(F) The form of the ballot to be used at the election 13398
shall be substantially either of the following, as applicable: 13399

(1) "Shall bonds be issued by the _____ (name of 13400
subdivision) for the purpose of _____ (purpose of the bond 13401
issue) in the principal amount of \$_____ (principal amount 13402
of the bond issue), to be repaid annually over a maximum period 13403
of _____ (the maximum number of years over which the 13404
principal of the bonds may be paid) years, and an annual levy of 13405
property taxes be made outside the _____ (as applicable, 13406
"ten-mill" or "___charter tax") limitation, estimated by the 13407
county auditor to average over the repayment period of the bond 13408
issue _____ mills for each \$1 of taxable value, which 13409
amounts to \$_____ for each \$100,000 of ~~the county auditor's~~ 13410
~~appraised market~~ value, commencing in _____ (first year the 13411
tax will be levied), first due in calendar year _____ 13412
(first calendar year in which the tax shall be due), to pay the 13413
annual debt charges on the bonds, and to pay debt charges on any 13414
notes issued in anticipation of those bonds? 13415

13416

	For the bond issue
	Against the bond issue

"

(2) In the case of an election held pursuant to 13417
legislation adopted under section 3375.43 or 3375.431 of the 13418
Revised Code: 13419

"Shall bonds be issued for _____ (name of library) 13420
for the purpose of _____ (purpose of the bond issue), in 13421
the principal amount of \$_____ (amount of the bond issue) 13422
by _____ (the name of the subdivision that is to issue the 13423
bonds and levy the tax) as the issuer of the bonds, to be repaid 13424
annually over a maximum period of _____ (the maximum number 13425
of years over which the principal of the bonds may be paid) 13426
years, and an annual levy of property taxes be made outside the 13427
ten-mill limitation, estimated by the county auditor to average 13428
over the repayment period of the bond issue _____ mills for 13429
each \$1 of taxable value, which amounts to \$_____ for each 13430
\$100,000 of ~~the county auditor's appraised market value,~~ 13431
commencing in _____ (first year the tax will be levied), 13432
first due in calendar year _____ (first calendar year in 13433
which the tax shall be due), to pay the annual debt charges on 13434
the bonds, and to pay debt charges on any notes issued in 13435
anticipation of those bonds? 13436
13437

	For the bond issue
	Against the bond issue

"

(G) The board of elections shall promptly certify the 13438
results of the election to the tax commissioner, the county 13439
auditor of each county in which any part of the subdivision is 13440
located, and the fiscal officer of the subdivision. The 13441
election, including the proceedings for and result of the 13442
election, is incontestable other than in a contest filed under 13443

section 3515.09 of the Revised Code in which the plaintiff 13444
prevails. 13445

(H) If a majority of the electors voting upon the question 13446
vote for it, the taxing authority of the subdivision may proceed 13447
under sections 133.21 to 133.33 of the Revised Code with the 13448
issuance of the securities and with the levy and collection of a 13449
property tax outside the tax limitation during the period the 13450
securities are outstanding sufficient in amount to pay the debt 13451
charges on the securities, including debt charges on any 13452
anticipatory securities required to be paid from that tax. If 13453
legislation passed under section 133.22 or 133.23 of the Revised 13454
Code authorizing those securities is filed with the county 13455
auditor on or before the last day of November, the amount of the 13456
voted property tax levy required to pay debt charges or 13457
estimated debt charges on the securities payable in the 13458
following year shall if requested by the taxing authority be 13459
included in the taxes levied for collection in the following 13460
year under section 319.30 of the Revised Code. 13461

(I) (1) If, before any securities authorized at an election 13462
under this section are issued, the net indebtedness of the 13463
subdivision exceeds that applicable to that subdivision or those 13464
securities, then and so long as that is the case none of the 13465
securities may be issued. 13466

(2) No securities authorized at an election under this 13467
section may be initially issued after the first day of the sixth 13468
January following the election, but this period of limitation 13469
shall not run for any time during which any part of the 13470
permanent improvement for which the securities have been 13471
authorized, or the issuing or validity of any part of the 13472
securities issued or to be issued, or the related proceedings, 13473

is involved or questioned before a court or a commission or 13474
other tribunal, administrative agency, or board. 13475

(3) Securities representing a portion of the amount 13476
authorized at an election that are issued within the applicable 13477
limitation on net indebtedness are valid and in no manner 13478
affected by the fact that the balance of the securities 13479
authorized cannot be issued by reason of the net indebtedness 13480
limitation or lapse of time. 13481

(4) Nothing in this division (I) shall be interpreted or 13482
applied to prevent the issuance of securities in an amount to 13483
fund or refund anticipatory securities lawfully issued. 13484

(5) The limitations of divisions (I) (1) and (2) of this 13485
section do not apply to any securities authorized at an election 13486
under this section if at least ten per cent of the principal 13487
amount of the securities, including anticipatory securities, 13488
authorized has theretofore been issued, or if the securities are 13489
to be issued for the purpose of participating in any federally 13490
or state-assisted program. 13491

(6) The certificate of the fiscal officer of the 13492
subdivision is conclusive proof of the facts referred to in this 13493
division. 13494

(J) If the subdivision is a school district, the board of 13495
education of that district shall adopt the legislation described 13496
in division (B) of this section by a vote of at least two-thirds 13497
of all its members. 13498

(K) As used in this section, "the county auditor's 13499
appraised market value" has the same meaning as in section 13500
5705.01 of the Revised Code. 13501

Sec. 135.03. (A) As used in this section, "banking office" 13502

has the same meaning as in section 1101.01 of the Revised Code. 13503

(B) Any national bank, any bank doing business under 13504
authority granted by the superintendent of financial 13505
institutions, or any bank doing business under authority granted 13506
by the regulatory authority of another state of the United 13507
States, and which has a banking office located in this state, is 13508
eligible to become a public depository, subject to sections 13509
135.01 to 135.21 of the Revised Code. No bank shall receive or 13510
have on deposit at any one time public moneys, including public 13511
moneys as defined in section 135.31 of the Revised Code, in an 13512
aggregate amount in excess of thirty per cent of its total 13513
assets, as shown in its latest report to the comptroller of the 13514
currency, the superintendent of financial institutions, the 13515
federal deposit insurance corporation, or the board of governors 13516
of the federal reserve system. 13517

(C) Any federal savings association or any savings and 13518
loan association or savings bank doing business under authority 13519
granted by the regulatory authority of another state of the 13520
United States, and which has a banking office located in this 13521
state, and authorized to accept deposits is eligible to become a 13522
public depository, subject to sections 135.01 to 135.21 of the 13523
Revised Code. No savings association, savings and loan 13524
association, or savings bank shall receive or have on deposit at 13525
any one time public moneys, including public moneys as defined 13526
in section 135.31 of the Revised Code, in an aggregate amount in 13527
excess of thirty per cent of its total assets, as shown in its 13528
latest report to the former office of thrift supervision, the 13529
comptroller of the currency, the superintendent of financial 13530
institutions, the federal deposit insurance corporation, or the 13531
board of governors of the federal reserve system. 13532

Sec. 135.143. (A) The treasurer of state may invest or 13533
execute transactions for any part or all of the interim funds of 13534
the state in the following classifications of obligations: 13535

(1) United States treasury bills, notes, bonds, or any 13536
other obligations or securities issued by the United States 13537
treasury or any other obligation guaranteed as to principal and 13538
interest by the United States; 13539

(2) Bonds, notes, debentures, or any other obligations or 13540
securities issued by any federal government agency or 13541
instrumentality; 13542

(3) (a) Bonds, notes, and other obligations of the state of 13543
Ohio, including, but not limited to, any obligations issued by 13544
the treasurer of state, the Ohio public facilities commission, 13545
the Ohio housing finance agency, the Ohio water development 13546
authority, the Ohio turnpike infrastructure commission, the Ohio 13547
higher educational facility commission, and state institutions 13548
of higher education as defined in section 3345.011 of the 13549
Revised Code; 13550

(b) Bonds, notes, and other obligations of any state or 13551
political subdivision thereof rated in the three highest 13552
categories by at least one nationally recognized statistical 13553
rating organization and purchased through a registered 13554
securities broker or dealer, provided the treasurer of state is 13555
not the sole purchaser of the bonds, notes, or other obligations 13556
at original issuance. 13557

(4) (a) Written repurchase agreements with any eligible 13558
Ohio financial institution that is a member of the federal 13559
reserve system or federal home loan bank, any registered United 13560
States government securities dealer, or any counterparty rated 13561

in one of the three highest categories by at least one 13562
nationally recognized statistical rating organization or 13563
otherwise determined by the treasurer of state to have adequate 13564
capital and liquidity, under the terms of which agreement the 13565
treasurer of state purchases and the eligible financial 13566
institution, dealer, or counterparty agrees unconditionally to 13567
repurchase any of the securities that are listed in division (A) 13568
(1), (2), (3), (6), or (11) of this section. The market value of 13569
securities subject to these transactions must exceed the 13570
principal value of the repurchase agreement by an amount 13571
specified by the treasurer of state, and the securities must be 13572
delivered into the custody of the treasurer of state or the 13573
qualified trustee or agent designated by the treasurer of state. 13574
The agreement shall contain the requirement that for each 13575
transaction pursuant to the agreement, the participating 13576
institution, dealer, or counterparty shall provide all of the 13577
following information: 13578

(i) The par value of the securities; 13579

(ii) The type, rate, and maturity date of the securities; 13580

(iii) A numerical identifier generally accepted in the 13581
securities industry that designates the securities. 13582

(b) The treasurer of state also may sell any securities, 13583
listed in division (A) (1), (2), (6), or (11) of this section, 13584
regardless of maturity or time of redemption of the securities, 13585
under the same terms and conditions for repurchase, provided 13586
that the securities have been fully paid for and are owned by 13587
the treasurer of state at the time of the sale. 13588

(c) For purposes of division (A) (4) of this section, the 13589
treasurer of state shall only buy or sell securities listed in 13590

division (A) (11) of this section issued by entities that are 13591
organized under the laws of this state, any other state, or the 13592
United States. 13593

(5) Securities lending agreements with any eligible 13594
financial institution that is a member of the federal reserve 13595
system or federal home loan bank or any recognized United States 13596
government securities dealer, under the terms of which 13597
agreements the treasurer of state lends securities and the 13598
eligible financial institution or dealer agrees to 13599
simultaneously exchange similar securities or cash, equal value 13600
for equal value. 13601

Securities and cash received as collateral for a 13602
securities lending agreement are not interim funds of the state. 13603
The investment of cash collateral received pursuant to a 13604
securities lending agreement may be invested only in such 13605
instruments specified by the treasurer of state in accordance 13606
with a written investment policy. 13607

(6) Various forms of commercial paper issued by any entity 13608
that is organized under the laws of the United States or a 13609
state, which notes are rated in the two highest categories by 13610
two nationally recognized statistical rating organizations, 13611
provided that the total amount invested under this section in 13612
any commercial paper at any time shall not exceed forty per cent 13613
of the state's total average portfolio, as determined and 13614
calculated by the treasurer of state; 13615

(7) Bankers acceptances, maturing in two hundred seventy 13616
days or less, provided that the total amount invested in bankers 13617
acceptances at any time shall not exceed ten per cent of the 13618
state's total average portfolio, as determined and calculated by 13619
the treasurer of state; 13620

(8) Certificates of deposit, savings accounts, or deposit 13621
accounts in eligible institutions applying for interim moneys as 13622
provided in section 135.08 of the Revised Code, including linked 13623
deposits as authorized under section 135.61 of the Revised Code, 13624
. For interim funds invested in accordance with division (A) (8) 13625
of this section, the pledging requirements described in section 13626
135.18, 135.181, or 135.182 of the Revised Code may be reduced 13627
by up to ten per cent in accordance with rules adopted by the 13628
treasurer of state. 13629

(9) Negotiable certificates of deposit denominated in 13630
United States dollars issued by a nationally or state-chartered 13631
bank, a savings association or a federal savings association, a 13632
state or federal credit union, or a federally licensed or state- 13633
licensed branch of a foreign bank, which are rated in the two 13634
highest categories by two nationally recognized statistical 13635
rating organizations, provided that the total amount invested 13636
under this section in negotiable certificates of deposit at any 13637
time shall not exceed twenty-five per cent of the state's total 13638
average portfolio, as determined and calculated by the treasurer 13639
of state. Interim funds invested in accordance with division (A) 13640
(9) of this section are not limited to institutions applying for 13641
interim moneys under section 135.08 of the Revised Code, nor are 13642
they subject to any pledging requirements described in sections 13643
135.18, 135.181, or 135.182 of the Revised Code. 13644

(10) The state treasurer's investment pool authorized 13645
under section 135.45 of the Revised Code; 13646

(11) Debt interests, other than commercial paper described 13647
in division (A) (6) of this section, rated in the ~~three~~-four 13648
highest categories by two nationally recognized statistical 13649
rating organizations and issued by entities that are organized 13650

under the laws of the United States or a state, or issued by 13651
foreign nations diplomatically recognized by the United States 13652
government, or any instrument based on, derived from, or related 13653
to such interests, provided that: 13654

(a) The investments in debt interests other than 13655
commercial paper, when added to the investment in written 13656
repurchase agreements for securities listed in division (A) (3) 13657
or (11) of this section, shall not exceed in the aggregate 13658
twenty-five per cent of the state's portfolio. 13659

(b) The investments in debt interests rated in the fourth 13660
highest category shall not exceed in the aggregate ten per cent 13661
of the state's portfolio. 13662

(c) The investments in debt interests issued by foreign 13663
nations shall not exceed in the aggregate two per cent of the 13664
state's portfolio. 13665

The treasurer of state shall invest under division (A) (11) 13666
of this section in a debt interest issued by a foreign nation 13667
only if the debt interest is backed by the full faith and credit 13668
of that foreign nation, and provided that all interest and 13669
principal shall be denominated and payable in United States 13670
funds. 13671

~~(e)~~ (d) When added to the investment in commercial paper 13672
and negotiable certificates of deposit, the investments in the 13673
debt interests of a single issuer shall not exceed in the 13674
aggregate five per cent of the state's portfolio. 13675

~~(d)~~ (e) For purposes of division (A) (11) of this section, a 13676
debt interest is rated in the ~~three~~-four highest categories by 13677
two nationally recognized statistical rating organizations if 13678
either the debt interest itself or the issuer of the debt 13679

interest is rated, or is implicitly rated, in the ~~three~~four highest categories by two nationally recognized statistical rating organizations. 13680
13681
13682

~~(e)~~(f) For purposes of division (A) (11) of this section, 13683
the "state's portfolio" means the state's total average 13684
portfolio, as determined and calculated by the treasurer of 13685
state. 13686

(12) No-load money market mutual funds rated in the 13687
highest category by one nationally recognized statistical rating 13688
organization or consisting exclusively of obligations described 13689
in division (A) (1), (2), or (6) of this section and repurchase 13690
agreements secured by such obligations; 13691

(13) Obligations issued by, or on behalf of, an Ohio 13692
political subdivision under Chapter 133. of the Revised Code or 13693
Section 12 of Article XVIII, Ohio Constitution, and identified 13694
in an agreement described in division (G) of this section; 13695

(14) Obligations issued by the state of Ohio, any 13696
political subdivision thereof, or by or on behalf of any 13697
nonprofit corporation or association doing business in this 13698
state rated in the four highest categories by at least one 13699
nationally recognized statistical rating organization and 13700
identified in an agreement described in division (K) of this 13701
section. 13702

~~(B)~~(B) (1) On or before the tenth day of each month, the 13703
treasurer of state shall notify the state board of deposit that 13704
the following reports pertaining to the immediately preceding 13705
month have been posted to the web site maintained by the 13706
treasurer of state: 13707

~~(1)~~(a) The daily ledger report of state funds prepared in 13708

accordance with section 113.13 of the Revised Code; 13709

~~(2)~~(b) The monthly portfolio report detailing the current 13710
inventory of all investments and deposits held within the 13711
classification of interim moneys; 13712

~~(3)~~(c) The monthly activity report within the 13713
classification of interim moneys summarized by type of 13714
investment or deposit. 13715

(2) In the event the state board of deposit does not 13716
concur in such classification or in the investments or deposits 13717
made under this section, subject to division (B) (3) of this 13718
section, the board may order the treasurer of state to sell or 13719
liquidate any of the investments or deposits, and any such order 13720
shall specifically describe the investments or deposits and fix 13721
the date upon which they are to be sold or liquidated. 13722
Investments or deposits so ordered to be sold or liquidated 13723
shall be sold or liquidated for cash by the treasurer of state 13724
on the date fixed in such order at the then current market 13725
price. Neither the treasurer of state nor the members of the 13726
state board of deposit shall be held accountable for any loss 13727
occasioned by sales or liquidations of investments or deposits 13728
at prices lower than their cost. Any loss or expense incurred in 13729
making these sales or liquidations is payable as other expenses 13730
of the treasurer's office. 13731

(3) Unless expressly authorized by the laws of this state, 13732
the state board of deposit shall not order the treasurer of 13733
state to sell or liquidate investments or deposits with the 13734
primary purpose of influencing any environmental, social, 13735
personal, or ideological policy. 13736

(C) If any securities or obligations invested in by the 13737

treasurer of state pursuant to this section are registrable 13738
either as to principal or interest, or both, such securities or 13739
obligations shall be registered in the name of the treasurer of 13740
state. 13741

(D) The treasurer of state is responsible for the 13742
safekeeping of all securities or obligations under this section. 13743
Any such securities or obligations may be deposited for 13744
safekeeping as provided in section 113.05 of the Revised Code. 13745

(E) Interest earned on any investments or deposits 13746
authorized by this section shall be collected by the treasurer 13747
of state and credited by the treasurer of state to the proper 13748
fund of the state. 13749

(F) Whenever investments or deposits acquired under this 13750
section mature and become due and payable, the treasurer of 13751
state shall present them for payment according to their tenor, 13752
and shall collect the moneys payable thereon. The moneys so 13753
collected shall be treated as public moneys subject to sections 13754
135.01 to 135.21 of the Revised Code. 13755

(G) The treasurer of state and any entity issuing 13756
obligations referred to in division (A) (13) of this section, 13757
which obligations mature within one year from the original date 13758
of issuance, may enter into an agreement providing for: 13759

(1) The purchase of those obligations by the treasurer of 13760
state on terms and subject to conditions set forth in the 13761
agreement; 13762

(2) The payment to the treasurer of state of a reasonable 13763
fee as consideration for the agreement of the treasurer of state 13764
to purchase those obligations; provided, however, that the 13765
treasurer of state shall not be authorized to enter into any 13766

such agreement with a board of education of a school district 13767
that has an outstanding obligation with respect to a loan 13768
received under authority of section 3313.483 of the Revised 13769
Code. 13770

(H) For purposes of division (G) of this section, a fee 13771
shall not be considered reasonable unless it is set to recover 13772
only the direct costs, a reasonable estimate of the indirect 13773
costs associated with the purchasing of obligations under 13774
division (G) of this section and any reselling of the 13775
obligations or any interest in the obligations, including 13776
interests in a fund comprised of the obligations, and the 13777
administration thereof. No money from the general revenue fund 13778
shall be used to subsidize the purchase or resale of these 13779
obligations. 13780

(I) All money collected by the treasurer of state from the 13781
fee imposed by division (G) of this section shall be deposited 13782
to the credit of the state political subdivision obligations 13783
fund, which is hereby created in the state treasury. Money 13784
credited to the fund shall be used solely to pay the treasurer 13785
of state's direct and indirect costs associated with purchasing 13786
and reselling obligations under division (G) of this section. 13787

(J) As used in this section, "political subdivision" means 13788
a county, township, municipal corporation, school district, or 13789
other body corporate and politic responsible for governmental 13790
activities in a geographic area smaller than that of the state. 13791

(K) (1) The treasurer of state and any entity issuing 13792
obligations referred to in division (A) (14) of this section, 13793
which obligations require a conditional liquidity requirement, 13794
may enter into an agreement providing for the following: 13795

(a) The purchase of the obligations by the treasurer of state on terms and subject to conditions set forth in the agreement; 13796
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(b) Payment to the treasurer of state of a fee as consideration for the agreement of the treasurer of state to purchase the obligations. 13799
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(2) The treasurer of state shall not enter into agreements under division (K) (1) of this section for obligations that, in the aggregate, exceed ten per cent of the state's total average portfolio, as determined and calculated by the treasurer of state. 13802
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(3) For purposes of division (A) (14) of this section, an obligation is rated in the four highest categories by at least one nationally recognized statistical rating organization if either the debt interest itself or the obligor of the debt interest is rated in the four highest categories by at least one nationally recognized statistical rating organization. 13807
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(4) All money collected by the treasurer of state from the fee imposed by division (K) of this section shall be deposited to the credit of the state securities tender program fund, which is hereby created in the state treasury. The amount of income from the state securities tender program credited to the state securities tender program fund shall not exceed one per cent of the average par value of obligations subject to agreements under division (K) (1) of this section. All other such income shall be credited to the general revenue fund. The treasurer of state may use the state securities tender program fund solely for operations of the office of the treasurer of state. 13813
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(L) (1) The treasurer of state and a state university or 13824

college issuing obligations under section 3345.12 of the Revised Code may enter into an agreement providing for the following:

(a) The purchase of those obligations by the treasurer of state pursuant to division (A) (3) (a) of this section on terms and subject to conditions set forth in the agreement;

(b) The department of higher education to withhold, in the event the state university or college does not pay bond service charges on the obligations when due, appropriated funds allocated to the state university or college in an amount sufficient to pay bond service charges on the obligations, less any amounts deposited for that purpose under the bond proceedings. Upon the request of the treasurer of state, the department of higher education shall promptly pay to the treasurer of state the amounts withheld.

(2) For purposes of division (L) (1) of this section, "obligations," "state university or college," "bond service charges," and "bond proceedings" have the same meanings as in section 3345.12 of the Revised Code.

(M) Unless expressly authorized by the laws of this state, the treasurer of state shall not do either of the following:

(1) Make an investment decision with the primary purpose of influencing any environmental, social, personal, or ideological policy;

(2) Permit any person or entity to which the treasurer of state delegates the management of the investment of state money to make investment decisions with state money with the primary purpose of influencing any environmental, social, personal, or ideological policy.

Sec. 135.1411. Unless expressly authorized by the laws of

this state, the treasurer or the governing board of a municipal corporation shall not do either of the following: 13854
13855

(A) Make an investment decision with the primary purpose of influencing any environmental, social, personal, or ideological policy; 13856
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(B) Permit any person or entity to which the treasurer or governing board delegates the management of the investment of public money to make investment decisions with public money with the primary purpose of influencing any environmental, social, personal, or ideological policy. 13859
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Sec. 135.18. (A) Each institution designated as a public depository and awarded public deposits under sections 135.01 to 135.21 of the Revised Code, except as provided in section ~~135.144~~ or 135.145 of the Revised Code, shall provide security for the repayment of all public deposits by selecting one of the following methods: 13864
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(1) Securing all uninsured public deposits of each public depositor separately as set forth in divisions (B) to (J) of this section; 13870
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(2) Securing all uninsured public deposits of every public depositor pursuant to section 135.181 or 135.182 of the Revised Code, as applicable, by establishing and pledging to the treasurer of state a single pool of collateral for the benefit of every public depositor at the public depository. 13873
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(B) If a public depository elects to provide security pursuant to division (A) (1) of this section, the public depository shall pledge to the public depositor, as security for the repayment of all public moneys deposited in the public depository during the period of designation pursuant to an award 13878
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made under sections 135.01 to 135.21 of the Revised Code, 13883
eligible securities of aggregate market value at all times equal 13884
to at least one hundred five per cent of the total amount of the 13885
public depositor's uninsured public deposits. 13886

(C) In order for a public depository to receive public 13887
moneys under this section, the public depository and the public 13888
depositor shall first execute an agreement that sets forth the 13889
entire arrangement among the parties and that meets the 13890
requirements described in 12 U.S.C. 1823(e). In addition, the 13891
agreement shall authorize the public depositor to obtain control 13892
of the collateral pursuant to division (D) of section 1308.24 of 13893
the Revised Code. 13894

(D) The following securities or other obligations shall be 13895
eligible for the purposes of this section: 13896

(1) Bonds, notes, or other obligations of the United 13897
States; or bonds, notes, or other obligations guaranteed as to 13898
principal and interest by the United States or those for which 13899
the faith of the United States is pledged for the payment of 13900
principal and interest thereon, by language appearing in the 13901
instrument specifically providing such guarantee or pledge and 13902
not merely by interpretation or otherwise; 13903

(2) Bonds, notes, debentures, letters of credit, or other 13904
obligations or securities issued by any federal government 13905
agency or instrumentality, or the export-import bank of 13906
Washington; bonds, notes, or other obligations guaranteed as to 13907
principal and interest by the United States or those for which 13908
the faith of the United States is pledged for the payment of 13909
principal and interest thereon, by interpretation or otherwise 13910
and not by language appearing in the instrument specifically 13911
providing such guarantee or pledge; 13912

(3) Obligations of or fully insured or fully guaranteed by the United States or any federal government agency or instrumentality;	13913 13914 13915
(4) Obligations partially insured or partially guaranteed by any federal agency or instrumentality;	13916 13917
(5) Obligations of or fully guaranteed by the federal national mortgage association, federal home loan mortgage corporation, federal farm credit bank, or student loan marketing association;	13918 13919 13920 13921
(6) Bonds and other obligations of this state;	13922
(7) Bonds and other obligations of any county, township, school district, municipal corporation, or other legally constituted taxing subdivision of this state, which is not at the time of such deposit, in default in the payment of principal or interest on any of its bonds or other obligations, for which the full faith and credit of the issuing subdivision is pledged;	13923 13924 13925 13926 13927 13928
(8) Bonds of other states of the United States which have not during the ten years immediately preceding the time of such deposit defaulted in payments of either interest or principal on any of their bonds;	13929 13930 13931 13932
(9) Shares of no-load money market mutual funds consisting exclusively of obligations described in division (D) (1) or (2) of this section and repurchase agreements secured by such obligations;	13933 13934 13935 13936
(10) A surety bond issued by a corporate surety licensed by the state and authorized to issue surety bonds in this state pursuant to Chapter 3929. of the Revised Code, and qualified to provide surety bonds to the federal government pursuant to 96 Stat. 1047 (1982), 31 U.S.C.A. 9304;	13937 13938 13939 13940 13941

(11) Bonds or other obligations of any county, municipal corporation, or other legally constituted taxing subdivision of another state of the United States, or of any instrumentality of such county, municipal corporation, or other taxing subdivision, for which the full faith and credit of the issuer is pledged and, at the time of purchase of the bonds or other obligations, rated in one of the two highest categories by at least one nationally recognized statistical rating organization.

(E) An institution designated as a public depository shall designate a qualified trustee and place the eligible securities required by division (D) of this section with the trustee for safekeeping. The trustee shall hold the eligible securities in an account indicating the public depositor's security interest in the securities. The trustee shall report to the public depositor information relating to the securities pledged to secure the public deposits in the manner and frequency required by the public depositor.

(F) The qualified trustee shall enter into a custodial agreement with the public depositor and public depository in which the trustee agrees to comply with entitlement orders originated by the public depositor without further consent by the public depository or, in the case of collateral held by the public depository in an account at a federal reserve bank, the public depositor shall have the public depositor's security interest marked on the books of the federal reserve bank where the account for the collateral is maintained. If the public depository fails to pay over any part of the public deposits made by the public depositor therein as provided by law, the public depositor shall give written notice of this failure to the qualified trustee holding the securities pledged against its public deposits and, at the same time, shall send a copy of this

notice to the public depository. Upon receipt of this notice, 13973
the trustee shall transfer to the public depositor for sale, the 13974
securities that are necessary to produce an amount equal to the 13975
public deposits made by the public depositor and not paid over, 13976
less the portion of the deposits covered by any federal deposit 13977
insurance, plus any accrued interest due on the deposits. The 13978
public depositor shall sell any of the bonds or other securities 13979
so transferred. When a sale of bonds or other securities has 13980
been so made and upon payment to the public depositor of the 13981
purchase money, the public depositor shall transfer such bonds 13982
or securities whereupon the absolute ownership of such bonds or 13983
securities shall pass to the purchasers. Any surplus after 13984
deducting the amount due the public depositor and expenses of 13985
sale shall be paid to the public depository. 13986

(G) When the public depository has placed eligible 13987
securities described in division (D) (1) of this section with a 13988
trustee for safekeeping, the public depository may at any time 13989
substitute or exchange eligible securities described in division 13990
(D) (1) of this section having a current market value equal to or 13991
greater than the current market value of the securities then on 13992
deposit and for which they are to be substituted or exchanged, 13993
without specific authorization from any public depositor's 13994
governing board, boards, or treasurer of any such substitution 13995
or exchange. 13996

(H) When the public depository has placed eligible 13997
securities described in divisions (D) (2) to (9) of this section 13998
with a trustee for safekeeping, the public depository may at any 13999
time substitute or exchange eligible securities having a current 14000
market value equal to or greater than the current market value 14001
of the securities then on deposit and for which they are to be 14002
substituted or exchanged without specific authorization of any 14003

public depositor's governing board, boards, or treasurer of any 14004
such substitution or exchange only if one of the following 14005
applies: 14006

(1) The public depositor has authorized the public 14007
depository to make such substitution or exchange on a continuing 14008
basis during a specified period without prior approval of each 14009
substitution or exchange. The authorization may be effected by 14010
the public depositor sending to the trustee a written notice 14011
stating that substitution may be effected on a continuing basis 14012
during a specified period which shall not extend beyond the end 14013
of the period of designation during which the notice is given. 14014
The trustee may rely upon this notice and upon the period of 14015
authorization stated therein and upon the period of designation 14016
stated therein. 14017

(2) The public depository notifies the public depositor 14018
and the trustee of an intended substitution or exchange, and the 14019
public depositor does not object to the trustee as to the 14020
eligibility or market value of the securities being substituted 14021
within three business days after the date appearing on the 14022
notice of proposed substitution. The notice to the public 14023
depositor and to the trustee shall be given in writing and 14024
delivered electronically. The trustee may assume in any case 14025
that the notice has been delivered to the public depositor. In 14026
order for objections of the public depositor to be effective, 14027
receipt of the objections must be acknowledged in writing by the 14028
trustee. 14029

(3) The public depositor gives written authorization for a 14030
substitution or exchange of specific securities. 14031

(I) The public depository shall notify any public 14032
depositor of any substitution or exchange under division (H) (1) 14033

or (2) of this section. 14034

(J) Any federal reserve bank or branch thereof located in 14035
this state or federal home loan bank, without compliance with 14036
Chapter 1111. of the Revised Code and without becoming subject 14037
to any other law of this state relative to the exercise by 14038
corporations of trust powers generally, is qualified to act as 14039
trustee for the safekeeping of securities, under this section. 14040
Any institution mentioned in section 135.03 or 135.32 of the 14041
Revised Code that holds a certificate of qualification issued by 14042
the superintendent of financial institutions or any institution 14043
complying with sections 1111.04, 1111.05, and 1111.06 of the 14044
Revised Code, is qualified to act as trustee for the safekeeping 14045
of securities under this section, other than those belonging to 14046
itself or to an affiliate as defined in section 1101.01 of the 14047
Revised Code. 14048

Notwithstanding the fact that a public depository is 14049
required to pledge eligible securities in certain amounts to 14050
secure deposits of public moneys, a trustee has no duty or 14051
obligation to determine the eligibility, market value, or face 14052
value of any securities deposited with the trustee by a public 14053
depository. This applies in all situations including, without 14054
limitation, a substitution or exchange of securities. 14055

Any charges or compensation of a designated trustee for 14056
acting as such under this section shall be paid by the public 14057
depository and in no event shall be chargeable to the state or 14058
the subdivision or to any officer of the state or subdivision. 14059
The charges or compensation shall not be a lien or charge upon 14060
the securities deposited for safekeeping prior or superior to 14061
the rights to and interests in the securities of the public 14062
depositor. The treasurer and the treasurer's bonders or surety 14063

shall be relieved from any liability to the public depositor or 14064
to the public depository for the loss or destruction of any 14065
securities deposited with a qualified trustee pursuant to this 14066
section. 14067

Sec. 135.35. (A) The investing authority shall deposit or 14068
invest any part or all of the county's inactive moneys and shall 14069
invest all of the money in the county public library fund when 14070
required by section 135.352 of the Revised Code. The following 14071
classifications of securities and obligations are eligible for 14072
such deposit or investment: 14073

(1) United States treasury bills, notes, bonds, or any 14074
other obligation or security issued by the United States 14075
treasury, any other obligation guaranteed as to principal or 14076
interest by the United States, or any book entry, zero-coupon 14077
United States treasury security that is a direct obligation of 14078
the United States. 14079

Nothing in the classification of eligible securities and 14080
obligations set forth in divisions (A) (2) to (10) of this 14081
section shall be construed to authorize any investment in 14082
stripped principal or interest obligations of such eligible 14083
securities and obligations. 14084

(2) Bonds, notes, debentures, or any other obligations or 14085
securities issued by any federal government agency or 14086
instrumentality, including, but not limited to, the federal 14087
national mortgage association, federal home loan bank, federal 14088
farm credit bank, federal home loan mortgage corporation, and 14089
government national mortgage association. All federal agency 14090
securities shall be direct issuances of federal government 14091
agencies or instrumentalities. 14092

(3) Time certificates of deposit or savings or deposit	14093
accounts, including, but not limited to, passbook accounts, in	14094
any eligible institution mentioned in section 135.32 of the	14095
Revised Code;	14096
(4) Bonds and other obligations of this state or the	14097
political subdivisions of this state, provided the bonds or	14098
other obligations of political subdivisions mature within ten	14099
years from the date of settlement;	14100
(5) No-load money market mutual funds rated in the highest	14101
category at the time of purchase by at least one nationally	14102
recognized statistical rating organization or consisting	14103
exclusively of obligations described in division (A) (1), (2), or	14104
(6) of section 135.143 of the Revised Code and repurchase	14105
agreements secured by such obligations, provided that	14106
investments in securities described in this division are made	14107
only through eligible institutions mentioned in section 135.32	14108
of the Revised Code;	14109
(6) The Ohio subdivision's fund as provided in section	14110
135.45 of the Revised Code;	14111
(7) Securities lending agreements with any eligible	14112
institution mentioned in section 135.32 of the Revised Code that	14113
is a member of the federal reserve system or federal home loan	14114
bank or with any recognized United States government securities	14115
dealer meeting the description in division (J) (1) of this	14116
section, under the terms of which agreements the investing	14117
authority lends securities and the eligible institution or	14118
dealer agrees to simultaneously exchange similar securities or	14119
cash, equal value for equal value.	14120
Securities and cash received as collateral for a	14121

securities lending agreement are not inactive moneys of the 14122
county or moneys of a county public library fund. The investment 14123
of cash collateral received pursuant to a securities lending 14124
agreement may be invested only in instruments specified by the 14125
investing authority in the written investment policy described 14126
in division (K) of this section. 14127

(8) Up to forty per cent of the county's total average 14128
portfolio in either of the following investments: 14129

(a) Commercial paper notes issued by an entity that is 14130
defined in ~~division (D) of section 1705.01 or division (E) (K)~~ 14131
of section 1706.01 of the Revised Code and that has assets 14132
exceeding five hundred million dollars, to which notes all of 14133
the following apply: 14134

(i) The notes are rated at the time of purchase in the 14135
highest classification established by at least two nationally 14136
recognized statistical rating organizations. 14137

(ii) The aggregate value of the notes does not exceed ten 14138
per cent of the aggregate value of the outstanding commercial 14139
paper of the issuing corporation. 14140

(iii) The notes mature not later than two hundred seventy 14141
days after purchase. 14142

(iv) The investment in commercial paper notes of a single 14143
issuer shall not exceed in the aggregate five per cent of 14144
interim moneys available for investment at the time of purchase. 14145

(b) Bankers acceptances of banks that are insured by the 14146
federal deposit insurance corporation and that mature not later 14147
than one hundred eighty days after purchase. 14148

No investment shall be made pursuant to division (A) (8) of 14149

this section unless the investing authority has completed 14150
additional training for making the investments authorized by 14151
division (A) (8) of this section. The type and amount of 14152
additional training shall be approved by the treasurer of state 14153
and may be conducted by or provided under the supervision of the 14154
treasurer of state. 14155

(9) Up to fifteen per cent of the county's total average 14156
portfolio in notes issued by corporations that are incorporated 14157
under the laws of the United States and that are operating 14158
within the United States, or by depository institutions that are 14159
doing business under authority granted by the United States or 14160
any state and that are operating within the United States, 14161
provided both of the following apply: 14162

(a) The notes are rated in the three highest categories by 14163
at least two nationally recognized statistical rating 14164
organizations at the time of purchase. 14165

(b) The notes mature not later than three years after 14166
purchase. 14167

(10) Debt interests rated at the time of purchase in the 14168
three highest categories by two nationally recognized 14169
statistical rating organizations and issued by foreign nations 14170
diplomatically recognized by the United States government. All 14171
interest and principal shall be denominated and payable in 14172
United States funds. The investments made under division (A) (10) 14173
of this section shall not exceed in the aggregate two per cent 14174
of a county's total average portfolio. 14175

The investing authority shall invest under division (A) 14176
(10) of this section in a debt interest issued by a foreign 14177
nation only if the debt interest is backed by the full faith and 14178

credit of that foreign nation, there is no prior history of 14179
default, and the debt interest matures not later than five years 14180
after purchase. For purposes of division (A) (10) of this 14181
section, a debt interest is rated in the three highest 14182
categories by two nationally recognized statistical rating 14183
organizations if either the debt interest itself or the issuer 14184
of the debt interest is rated, or is implicitly rated, at the 14185
time of purchase in the three highest categories by two 14186
nationally recognized statistical rating organizations. 14187

(11) A current unpaid or delinquent tax line of credit 14188
authorized under division (G) of section 135.341 of the Revised 14189
Code, provided that all of the conditions for entering into such 14190
a line of credit under that division are satisfied, or bonds and 14191
other obligations of a county land reutilization corporation 14192
organized under Chapter 1724. of the Revised Code, if the county 14193
land reutilization corporation is located wholly or partly 14194
within the same county as the investing authority. 14195

(B) Nothing in the classifications of eligible obligations 14196
and securities set forth in divisions (A) (1) to (10) of this 14197
section shall be construed to authorize investment in a 14198
derivative, and no investing authority shall invest any county 14199
inactive moneys or any moneys in a county public library fund in 14200
a derivative. For purposes of this division, "derivative" means 14201
a financial instrument or contract or obligation whose value or 14202
return is based upon or linked to another asset or index, or 14203
both, separate from the financial instrument, contract, or 14204
obligation itself. Any security, obligation, trust account, or 14205
other instrument that is created from an issue of the United 14206
States treasury or is created from an obligation of a federal 14207
agency or instrumentality or is created from both is considered 14208
a derivative instrument. An eligible investment described in 14209

this section with a variable interest rate payment, based upon a 14210
single interest payment or single index comprised of other 14211
eligible investments provided for in division (A)(1) or (2) of 14212
this section, is not a derivative, provided that such variable 14213
rate investment has a maximum maturity of two years. A treasury 14214
inflation-protected security shall not be considered a 14215
derivative, provided the security matures not later than five 14216
years after purchase. 14217

(C) Except as provided in division (A)(4) or (D) of this 14218
section, any investment made pursuant to this section must 14219
mature within five years from the date of settlement, unless the 14220
investment is matched to a specific obligation or debt of the 14221
county or to a specific obligation or debt of a political 14222
subdivision of this state, and the investment is specifically 14223
approved by the investment advisory committee. 14224

(D) The investing authority may also enter into a written 14225
repurchase agreement with any eligible institution mentioned in 14226
section 135.32 of the Revised Code or any eligible securities 14227
dealer pursuant to division (J) of this section, under the terms 14228
of which agreement the investing authority purchases and the 14229
eligible institution or dealer agrees unconditionally to 14230
repurchase any of the securities listed in divisions (D)(1) to 14231
(5), except letters of credit described in division (D)(2), of 14232
section 135.18 of the Revised Code. The market value of 14233
securities subject to an overnight written repurchase agreement 14234
must exceed the principal value of the overnight written 14235
repurchase agreement by at least two per cent. A written 14236
repurchase agreement must exceed the principal value of the 14237
overnight written repurchase agreement, by at least two per 14238
cent. A written repurchase agreement shall not exceed thirty 14239
days, and the market value of securities subject to a written 14240

repurchase agreement must exceed the principal value of the 14241
written repurchase agreement by at least two per cent and be 14242
marked to market daily. All securities purchased pursuant to 14243
this division shall be delivered into the custody of the 14244
investing authority or the qualified custodian of the investing 14245
authority or an agent designated by the investing authority. A 14246
written repurchase agreement with an eligible securities dealer 14247
shall be transacted on a delivery versus payment basis. The 14248
agreement shall contain the requirement that for each 14249
transaction pursuant to the agreement the participating 14250
institution shall provide all of the following information: 14251

(1) The par value of the securities; 14252

(2) The type, rate, and maturity date of the securities; 14253

(3) A numerical identifier generally accepted in the 14254
securities industry that designates the securities. 14255

No investing authority shall enter into a written 14256
repurchase agreement under the terms of which the investing 14257
authority agrees to sell securities owned by the county to a 14258
purchaser and agrees with that purchaser to unconditionally 14259
repurchase those securities. 14260

(E) No investing authority shall make an investment under 14261
this section, unless the investing authority, at the time of 14262
making the investment, reasonably expects that the investment 14263
can be held until its maturity. The investing authority's 14264
written investment policy shall specify the conditions under 14265
which an investment may be redeemed or sold prior to maturity. 14266

(F) No investing authority shall pay a county's inactive 14267
moneys or moneys of a county public library fund into a fund 14268
established by another subdivision, treasurer, governing board, 14269

or investing authority, if that fund was established by the 14270
subdivision, treasurer, governing board, or investing authority 14271
for the purpose of investing or depositing the public moneys of 14272
other subdivisions. This division does not apply to the payment 14273
of public moneys into either of the following: 14274

(1) The Ohio subdivision's fund pursuant to division (A) 14275
(6) of this section; 14276

(2) A fund created solely for the purpose of acquiring, 14277
constructing, owning, leasing, or operating municipal utilities 14278
pursuant to the authority provided under section 715.02 of the 14279
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 14280

For purposes of division (F) of this section, 14281
"subdivision" includes a county. 14282

(G) The use of leverage, in which the county uses its 14283
current investment assets as collateral for the purpose of 14284
purchasing other assets, is prohibited. The issuance of taxable 14285
notes for the purpose of arbitrage is prohibited. Contracting to 14286
sell securities not owned by the county, for the purpose of 14287
purchasing such securities on the speculation that bond prices 14288
will decline, is prohibited. 14289

(H) Any securities, certificates of deposit, deposit 14290
accounts, or any other documents evidencing deposits or 14291
investments made under authority of this section shall be issued 14292
in the name of the county with the county treasurer or investing 14293
authority as the designated payee. If any such deposits or 14294
investments are registrable either as to principal or interest, 14295
or both, they shall be registered in the name of the treasurer. 14296

(I) The investing authority shall be responsible for the 14297
safekeeping of all documents evidencing a deposit or investment 14298

acquired under this section, including, but not limited to, 14299
safekeeping receipts evidencing securities deposited with a 14300
qualified trustee, as provided in section 135.37 of the Revised 14301
Code, and documents confirming the purchase of securities under 14302
any repurchase agreement under this section shall be deposited 14303
with a qualified trustee, provided, however, that the qualified 14304
trustee shall be required to report to the investing authority, 14305
auditor of state, or an authorized outside auditor at any time 14306
upon request as to the identity, market value, and location of 14307
the document evidencing each security, and that if the 14308
participating institution is a designated depository of the 14309
county for the current period of designation, the securities 14310
that are the subject of the repurchase agreement may be 14311
delivered to the treasurer or held in trust by the participating 14312
institution on behalf of the investing authority. 14313

Upon the expiration of the term of office of an investing 14314
authority or in the event of a vacancy in the office for any 14315
reason, the officer or the officer's legal representative shall 14316
transfer and deliver to the officer's successor all documents 14317
mentioned in this division for which the officer has been 14318
responsible for safekeeping. For all such documents transferred 14319
and delivered, the officer shall be credited with, and the 14320
officer's successor shall be charged with, the amount of moneys 14321
evidenced by such documents. 14322

(J) (1) All investments, except for investments in 14323
securities described in divisions (A) (5), (6), and (11) of this 14324
section, shall be made only through a member of the financial 14325
industry regulatory authority (FINRA), through a bank, savings 14326
bank, or savings and loan association regulated by the 14327
superintendent of financial institutions, or through an 14328
institution regulated by the comptroller of the currency, 14329

federal deposit insurance corporation, or board of governors of 14330
the federal reserve system. 14331

(2) Payment for investments shall be made only upon the 14332
delivery of securities representing such investments to the 14333
treasurer, investing authority, or qualified trustee. If the 14334
securities transferred are not represented by a certificate, 14335
payment shall be made only upon receipt of confirmation of 14336
transfer from the custodian by the treasurer, governing board, 14337
or qualified trustee. 14338

(K) (1) Except as otherwise provided in division (K) (2) of 14339
this section, no investing authority shall make an investment or 14340
deposit under this section, unless there is on file with the 14341
auditor of state a written investment policy approved by the 14342
investing authority. The policy shall require that all entities 14343
conducting investment business with the investing authority 14344
shall sign the investment policy of that investing authority. 14345
All brokers, dealers, and financial institutions, described in 14346
division (J) (1) of this section, initiating transactions with 14347
the investing authority by giving advice or making investment 14348
recommendations shall sign the investing authority's investment 14349
policy thereby acknowledging their agreement to abide by the 14350
policy's contents. All brokers, dealers, and financial 14351
institutions, described in division (J) (1) of this section, 14352
executing transactions initiated by the investing authority, 14353
having read the policy's contents, shall sign the investment 14354
policy thereby acknowledging their comprehension and receipt. 14355

(2) If a written investment policy described in division 14356
(K) (1) of this section is not filed on behalf of the county with 14357
the auditor of state, the investing authority of that county 14358
shall invest the county's inactive moneys and moneys of the 14359

county public library fund only in time certificates of deposits 14360
or savings or deposit accounts pursuant to division (A) (3) of 14361
this section, no-load money market mutual funds pursuant to 14362
division (A) (5) of this section, or the Ohio subdivision's fund 14363
pursuant to division (A) (6) of this section. 14364

(L) (1) The investing authority shall establish and 14365
maintain an inventory of all obligations and securities acquired 14366
by the investing authority pursuant to this section. The 14367
inventory shall include a description of each obligation or 14368
security, including type, cost, par value, maturity date, 14369
settlement date, and any coupon rate. 14370

(2) The investing authority shall also keep a complete 14371
record of all purchases and sales of the obligations and 14372
securities made pursuant to this section. 14373

(3) The investing authority shall maintain a monthly 14374
portfolio report and issue a copy of the monthly portfolio 14375
report describing such investments to the county investment 14376
advisory committee, detailing the current inventory of all 14377
obligations and securities, all transactions during the month 14378
that affected the inventory, any income received from the 14379
obligations and securities, and any investment expenses paid, 14380
and stating the names of any persons effecting transactions on 14381
behalf of the investing authority. 14382

(4) The monthly portfolio report shall be a public record 14383
and available for inspection under section 149.43 of the Revised 14384
Code. 14385

(5) The inventory and the monthly portfolio report shall 14386
be filed with the board of county commissioners. The monthly 14387
portfolio report also shall be filed with the treasurer of 14388

state. 14389

(M) An investing authority may enter into a written 14390
investment or deposit agreement that includes a provision under 14391
which the parties agree to submit to nonbinding arbitration to 14392
settle any controversy that may arise out of the agreement, 14393
including any controversy pertaining to losses of public moneys 14394
resulting from investment or deposit. The arbitration provision 14395
shall be set forth entirely in the agreement, and the agreement 14396
shall include a conspicuous notice to the parties that any party 14397
to the arbitration may apply to the court of common pleas of the 14398
county in which the arbitration was held for an order to vacate, 14399
modify, or correct the award. Any such party may also apply to 14400
the court for an order to change venue to a court of common 14401
pleas located more than one hundred miles from the county in 14402
which the investing authority is located. 14403

For purposes of this division, "investment or deposit 14404
agreement" means any agreement between an investing authority 14405
and a person, under which agreement the person agrees to invest, 14406
deposit, or otherwise manage, on behalf of the investing 14407
authority, a county's inactive moneys or moneys in a county 14408
public library fund, or agrees to provide investment advice to 14409
the investing authority. 14410

(N) (1) An investment held in the county portfolio on 14411
September 27, 1996, that was a legal investment under the law as 14412
it existed before September 27, 1996, may be held until 14413
maturity. 14414

(2) An investment held in the county portfolio on 14415
September 10, 2012, that was a legal investment under the law as 14416
it existed before September 10, 2012, may be held until 14417
maturity. 14418

<u>(O) Unless expressly authorized by the laws of this state,</u>	14419
<u>an investing authority shall not do either of the following:</u>	14420
<u>(1) Make an investment decision with the primary purpose</u>	14421
<u>of influencing any environmental, social, personal, or</u>	14422
<u>ideological policy;</u>	14423
<u>(2) Permit any person or entity to which the investing</u>	14424
<u>authority delegates the management of the investment of public</u>	14425
<u>money to make investment decisions with public money with the</u>	14426
<u>primary purpose of influencing any environmental, social,</u>	14427
<u>personal, or ideological policy.</u>	14428
Sec. 135.70. As used in sections 135.70 to 135.71 of the	14429
Revised Code:	14430
(A) "Closing costs" means a disbursement listed on a	14431
closing disclosure for the purchase of a home by an eligible	14432
participant.	14433
(B) "Closing disclosure" means the statement of receipts	14434
and disbursements for a transaction related to real estate,	14435
including a statement prescribed under the Real Estate	14436
Settlement Procedures Act of 1974, 12 U.S.C. 2601 et seq., as	14437
amended, and the regulations thereunder.	14438
(C) "Discount interest rate" means an interest rate below	14439
the prevailing interest rate that the treasurer of state	14440
determines eligible savings institutions are willing to pay to	14441
hold linked deposits.	14442
(D) "Eligible credit union" has the same meaning as in	14443
section 135.62 of the Revised Code.	14444
(E) "Eligible expenses" has the same meaning as in section	14445
5747.85 of the Revised Code.	14446

(F) "Eligible home costs" means the down payment, eligible expenses, and closing costs for the purchase of a home by an eligible participant, ~~or~~ the transfer of funds from one homeownership savings account to another homeownership savings account belonging to the eligible participant at a different eligible savings institution, or the withdrawal of funds from a homeownership savings account that are redeposited into the same or another homeownership savings account belonging to the eligible participant within ninety days of the initial withdrawal.

(G) "Eligible participant" means an individual who has met all of the requirements necessary to participate in the specific linked deposit program for which they have applied.

(H) "Eligible program costs" means costs corresponding to the purpose of the eligible linked deposit program.

(I) "Eligible savings institution" means a financial institution that:

(1) Offers accounts to residents of this state to save for the purposes related to the applicable linked deposit program;

(2) Agrees to participate in the applicable linked deposit program;

(3) Is a public depository of state funds, or an eligible credit union designated under division (A) of section 135.12 of the Revised Code.

(J) "Home" means "primary residence" as defined by section 5747.85 of the Revised Code.

(K) "Homeownership savings account" means a linked deposit savings account opened exclusively for the purpose of paying

eligible home costs and in compliance with the requirements of 14475
section 135.71 of the Revised Code. 14476

(L) "Linked deposit" means a certificate of deposit, share 14477
certificate, other financial institution instrument, or portion 14478
of an existing deposit of interim funds made in accordance with 14479
section 135.09 of the Revised Code that is placed, purchased, or 14480
designated by the treasurer of state with an eligible savings 14481
institution; provided the institution agrees to pay the premium 14482
savings rate to approved eligible participants, in accordance 14483
with the deposit agreement required by section 135.703 of the 14484
Revised Code. 14485

(M) "Linked deposit program" means a program authorized 14486
under section 135.61 and sections 135.70 to 135.71 of the 14487
Revised Code and established by the treasurer of state pursuant 14488
to those sections. 14489

(N) "Linked deposit savings account" means an interest- 14490
bearing account that is opened by an eligible participant at an 14491
eligible savings institution exclusively for the purpose of the 14492
applicable linked deposit program. 14493

(O) "Other financial institution instrument" means a 14494
product that otherwise would pay the prevailing interest rate 14495
approved by the treasurer of state, for the purpose of providing 14496
eligible participants with the benefits of the applicable linked 14497
deposit program, and in accordance with the deposit agreement 14498
under section 135.703 of the Revised Code. 14499

(P) "Premium savings rate" means a rate, established under 14500
section 135.704 of the Revised Code, that reflects the 14501
percentage rate increase above the present savings rate, as 14502
determined by the eligible savings institution, applicable to 14503

each eligible participant. 14504

(Q) "Prevailing interest rate" means a current market 14505
interest rate selected by the treasurer of state that eligible 14506
savings institutions are willing to pay to hold deposits of the 14507
treasurer of state. 14508

(R) "Program period" means five years from the date the 14509
eligible participant opens a linked deposit savings account with 14510
the eligible savings institution. 14511

(S) "Treasurer of state's assessment rate" has the same 14512
meaning as in section 135.62 of the Revised Code. 14513

Sec. 135.71. (A) The general assembly finds that making 14514
homeownership more attainable is an important part of fostering 14515
a robust and lasting population across the state. However, 14516
individuals often struggle to accumulate the financial resources 14517
needed to purchase a home. Accordingly, it is declared to be the 14518
public policy of the state through the homeownership savings 14519
linked deposit program to make available premium rate savings 14520
accounts for the down payment and closing costs associated with 14521
the purchase of a home. 14522

(B) An eligible participant for the homeownership savings 14523
linked deposit program is an individual who is a resident of 14524
this state, or a member of the uniformed services, on active 14525
duty assignment, who is a resident of this state via a residency 14526
or domicile election in accordance with 50 U.S.C. 4001, and has 14527
applied for a homeownership savings account at an eligible 14528
savings institution. A member of the uniformed services, who is 14529
an eligible participant, may apply for a homeownership savings 14530
account at an eligible savings institution on or after the date 14531
affixed to the permanent change of station orders. As used in 14532

this division, "active duty" and "uniformed services" have the 14533
meanings defined in 10 U.S.C. 101. 14534

(C) An eligible participant shall certify on the 14535
application that the funds in the homeownership savings account 14536
shall be used exclusively for eligible home costs. 14537

(D) A homeownership savings account shall be owned by not 14538
more than one eligible participant and an eligible participant 14539
shall hold not more than one homeownership savings account per 14540
program period at any eligible savings institution. 14541

(E) The treasurer of state shall report to the tax 14542
commissioner any information in the treasurer of state's 14543
possession deemed necessary by the tax commissioner to properly 14544
administer section 5747.85 of the Revised Code. 14545

(F) Not later than January 31, 2027, the treasurer of 14546
state and the tax commissioner shall issue a report regarding 14547
the efficacy of the homeownership savings linked deposit 14548
program. The report shall include all of the following: 14549

(1) The number of homeownership savings accounts created; 14550

(2) The number of participating eligible savings 14551
institutions; 14552

(3) The total amount contributed into the accounts; 14553

(4) The average ~~yield~~ premium savings rate paid on the 14554
accounts; 14555

(5) Any other information the treasurer of state or tax 14556
commissioner deems relevant. 14557

The report shall be delivered to the governor, the speaker 14558
of the house of representatives, and the president of the 14559

senate. 14560

Sec. 141.04. (A) The annual salaries of the chief justice 14561
of the supreme court and of the justices and judges named in 14562
this section payable from the state treasury are as follows: 14563

(1) For the chief justice of the supreme court, the 14564
following amounts effective in the following years: 14565

(a) Beginning January 1, 2018, one hundred seventy-four 14566
thousand seven hundred dollars; 14567

(b) Beginning January 1, 2019, one hundred eighty-three 14568
thousand four hundred fifty dollars; 14569

(c) Beginning January 1, 2020, and in each calendar year 14570
thereafter through calendar year ~~2028~~2025 beginning on the 14571
first day of January, the annual compensation amount shall be 14572
increased by one and three-quarters per cent; 14573

(d) Beginning January 1, 2026, and in each calendar year 14574
thereafter through calendar year 2029 beginning on the first day 14575
of January, the annual compensation amount shall be increased by 14576
five per cent. 14577

(2) For the justices of the supreme court, the following 14578
amounts effective in the following years: 14579

(a) Beginning January 1, 2018, one hundred sixty-four 14580
thousand dollars; 14581

(b) Beginning January 1, 2019, one hundred seventy-two 14582
thousand two hundred dollars; 14583

(c) Beginning January 1, 2020, and in each calendar year 14584
thereafter through calendar year ~~2028~~2025 beginning on the 14585
first day of January, the annual compensation amount shall be 14586

increased by one and three-quarters per cent; 14587

(d) Beginning January 1, 2026, and in each calendar year 14588
thereafter through calendar year 2029 beginning on the first day 14589
of January, the annual compensation amount shall be increased by 14590
five per cent. 14591

(3) For the judges of the courts of appeals, the following 14592
amounts effective in the following years: 14593

(a) Beginning January 1, 2018, one hundred fifty-two 14594
thousand eight hundred fifty dollars; 14595

(b) Beginning January 1, 2019, one hundred sixty thousand 14596
five hundred dollars; 14597

(c) Beginning January 1, 2020, and in each calendar year 14598
thereafter through calendar year ~~2028~~2025 beginning on the 14599
first day of January, the annual compensation amount shall be 14600
increased by one and three-quarters per cent; 14601

(d) Beginning January 1, 2026, and in each calendar year 14602
thereafter through calendar year 2029 beginning on the first day 14603
of January, the annual compensation amount shall be increased by 14604
five per cent. 14605

(4) For the judges of the courts of common pleas, the 14606
following amounts effective in the following years, reduced by 14607
an amount equal to the annual compensation paid to that judge 14608
from the county treasury pursuant to section 141.05 of the 14609
Revised Code: 14610

(a) Beginning January 1, 2018, one hundred forty thousand 14611
five hundred fifty dollars; 14612

(b) Beginning January 1, 2019, one hundred forty-seven 14613
thousand six hundred dollars; 14614

(c) Beginning January 1, 2020, and in each calendar year thereafter through calendar year ~~2028~~2025 beginning on the first day of January, the annual compensation amount shall be increased by one and three-quarters per cent;

(d) Beginning January 1, 2026, and in each calendar year thereafter through calendar year 2029 beginning on the first day of January, the annual compensation amount shall be increased by five per cent.

(5) For the full-time judges of a municipal court or the part-time judges of a municipal court of a territory having a population of more than fifty thousand, the following amounts effective in the following years, reduced by an amount equal to the annual compensation paid to that judge pursuant to division (B) (1) (a) of section 1901.11 of the Revised Code from municipal corporations and counties:

(a) Beginning January 1, 2018, one hundred thirty-two thousand one hundred fifty dollars;

(b) Beginning January 1, 2019, one hundred thirty-eight thousand eight hundred dollars;

(c) Beginning January 1, 2020, and in each calendar year thereafter through calendar year ~~2028~~2025 beginning on the first day of January, the annual compensation amount shall be increased by one and three-quarters per cent;

(d) Beginning January 1, 2026, and in each calendar year thereafter through calendar year 2029 beginning on the first day of January, the annual compensation amount shall be increased by five per cent.

(6) For judges of a municipal court designated as part-time judges by section 1901.08 of the Revised Code, other than

part-time judges to whom division (A) (5) of this section 14644
applies, and for judges of a county court, the following amounts 14645
effective in the following years, reduced by an amount equal to 14646
the annual compensation paid to that judge pursuant to division 14647
(A) of section 1901.11 of the Revised Code from municipal 14648
corporations and counties or pursuant to division (A) of section 14649
1907.16 of the Revised Code from counties: 14650

(a) Beginning January 1, 2018, seventy-six thousand fifty 14651
dollars; 14652

(b) Beginning January 1, 2019, seventy-nine thousand nine 14653
hundred dollars; 14654

(c) Beginning January 1, 2020, and in each calendar year 14655
thereafter through calendar year ~~2028~~2025 beginning on the 14656
first day of January, the annual compensation amount shall be 14657
increased by one and three-quarters per cent; 14658

(d) Beginning January 1, 2026, and in each calendar year 14659
thereafter through calendar year 2029 beginning on the first day 14660
of January, the annual compensation amount shall be increased by 14661
five per cent. 14662

(B) Except as provided in sections 1901.122 and 1901.123 14663
of the Revised Code, except as otherwise provided in this 14664
division, and except for the compensation to which the judges 14665
described in division (A) (5) of this section are entitled 14666
pursuant to divisions (B) (1) (a) and (2) of section 1901.11 of 14667
the Revised Code, the annual salary of the chief justice of the 14668
supreme court and of each justice or judge listed in division 14669
(A) of this section shall be paid in equal monthly installments 14670
from the state treasury. If the chief justice of the supreme 14671
court or any justice or judge listed in division (A) (2), (3), or 14672

(4) of this section delivers a written request to be paid 14673
biweekly to the administrative director of the supreme court 14674
prior to the first day of January of any year, the annual salary 14675
of the chief justice or the justice or judge that is listed in 14676
division (A) (2), (3), or (4) of this section shall be paid, 14677
during the year immediately following the year in which the 14678
request is delivered to the administrative director of the 14679
supreme court, biweekly from the state treasury. 14680

(C) Upon the death of the chief justice or a justice of 14681
the supreme court during that person's term of office, an amount 14682
shall be paid in accordance with section 2113.04 of the Revised 14683
Code, or to that person's estate. The amount shall equal the 14684
amount of the salary that the chief justice or justice would 14685
have received during the remainder of the unexpired term or an 14686
amount equal to the salary of office for two years, whichever is 14687
less. 14688

(D) Neither the chief justice of the supreme court nor any 14689
justice or judge of the supreme court, the court of appeals, the 14690
court of common pleas, or the probate court shall hold any other 14691
office of trust or profit under the authority of this state or 14692
the United States. 14693

(E) In addition to the salaries payable pursuant to this 14694
section, the chief justice of the supreme court and the justices 14695
of the supreme court shall be entitled to a vehicle allowance of 14696
five hundred dollars per month, payable from the state treasury. 14697
The allowance shall be increased on the first day of January of 14698
each odd-numbered year by an amount equal to the percentage 14699
increase, if any, in the consumer price index for the 14700
immediately preceding twenty-four month period for which 14701
information is available. 14702

(F) As used in this section:	14703
(1) " Consumer price index " has the same meaning as in	14704
section 101.27 of the Revised Code means the consumer price index	14705
<u>prepared by the United States bureau of labor statistics (U.S.</u>	14706
<u>city average for urban wage earners and clerical workers: all</u>	14707
<u>items, 1982-1984=100), or, if that index is no longer published,</u>	14708
<u>a generally available comparable index.</u>	14709
(2) "Salary" does not include any portion of the cost,	14710
premium, or charge for health, medical, hospital, dental, or	14711
surgical benefits, or any combination of those benefits,	14712
covering the chief justice of the supreme court or a justice or	14713
judge named in this section and paid on the chief justice's or	14714
the justice's or judge's behalf by a governmental entity.	14715
Sec. 145.012. (A) "Public employee," as defined in	14716
division (A) of section 145.01 of the Revised Code, does not	14717
include any person:	14718
(1) Who is employed by a private, temporary-help service	14719
and performs services under the direction of a public employer	14720
or is employed on a contractual basis as an independent	14721
contractor under a personal service contract with a public	14722
employer;	14723
(2) Who is an emergency employee serving on a temporary	14724
basis in case of fire, snow, earthquake, flood, or other similar	14725
emergency;	14726
(3) Who is employed in a program established pursuant to	14727
the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29	14728
U.S.C.A. 1501;	14729
(4) Who is an appointed member of either the motor vehicle	14730
salvage dealers board or the motor vehicle dealer's board whose	14731

rate and method of payment are determined pursuant to division 14732
(J) of section 124.15 of the Revised Code; 14733

(5) Who is ~~employed~~ appointed to serve as an a precinct 14734
election worker official under section 3501.22 of the Revised 14735
Code and paid less than six hundred dollars per calendar year 14736
received compensation for that service, except for a under 14737
section 3501.28 of the Revised Code during a calendar year in 14738
which more than one primary election and one general election 14739
are held, the person is paid six hundred dollars plus an amount 14740
not to exceed four hundred dollars for that service; 14741

(6) Who is employed as a firefighter in a position 14742
requiring satisfactory completion of a firefighter training 14743
course approved under former section 3303.07 or section 4765.55 14744
of the Revised Code or conducted under section 3737.33 of the 14745
Revised Code except for the following: 14746

(a) Any firefighter who has elected under section 145.013 14747
of the Revised Code to remain a contributing member of the 14748
public employees retirement system; 14749

(b) Any firefighter who was eligible to transfer from the 14750
public employees retirement system to the Ohio police and fire 14751
pension fund under section 742.51 or 742.515 of the Revised Code 14752
and did not elect to transfer; 14753

(c) Any firefighter who has elected under section 742.516 14754
of the Revised Code to transfer from the Ohio police and fire 14755
pension fund to the public employees retirement system. 14756

(7) Who is a member of the board of health of a city or 14757
general health district, which pursuant to sections 3709.051 and 14758
3709.07 of the Revised Code includes a combined health district, 14759
and whose compensation for attendance at meetings of the board 14760

is set forth in division (B) of section 3709.02 or division (B) 14761
of section 3709.05 of the Revised Code, as appropriate; 14762

(8) Who participates in an alternative retirement plan 14763
established under Chapter 3305. of the Revised Code; 14764

(9) Who is a member of the board of directors of a 14765
sanitary district established under Chapter 6115. of the Revised 14766
Code; 14767

(10) Who is an employee, officer, or governor-appointed 14768
member of the board of directors of the nonprofit corporation 14769
formed under section 187.01 of the Revised Code; 14770

(11) Who is employed by the nonprofit entity established 14771
to provide advocacy services and a client assistance program for 14772
people with disabilities under Section 319.20 of Am. Sub. H.B. 14773
153 of the 129th general assembly and whose employment begins on 14774
or after October 1, 2012. 14775

(B) No inmate of a correctional institution operated by 14776
the department of rehabilitation and correction, no patient in a 14777
hospital for persons with mental illnesses operated by the 14778
department of mental health and addiction services, no resident 14779
in an institution for persons with intellectual disabilities 14780
operated by the department of developmental disabilities, no 14781
resident admitted as a patient of a veterans' home operated 14782
under Chapter 5907. of the Revised Code, and no resident of a 14783
county home shall be considered as a public employee for the 14784
purpose of establishing membership or calculating service credit 14785
or benefits under this chapter. Nothing in this division shall 14786
be construed to affect any service credit attained by any person 14787
who was a public employee before becoming an inmate, patient, or 14788
resident at any institution listed in this division, or the 14789

payment of any benefit for which such a person or such a 14790
person's beneficiaries otherwise would be eligible. 14791

Sec. 145.054. (A) No person shall knowingly fail to file a 14792
complete and accurate campaign finance statement or independent 14793
expenditure statement in accordance with section 145.053 of the 14794
Revised Code. 14795

(B) No person, during the course of a person seeking 14796
nomination for, or during any campaign for, election to the 14797
public employees retirement board, shall knowingly and with 14798
intent to affect the nomination or the outcome of the campaign 14799
do any of the following by means of campaign materials, an 14800
advertisement on radio or television or in a newspaper or 14801
periodical, a public speech, press release, or otherwise: 14802

(1) With regard to a candidate, identify the candidate in 14803
a manner that implies that the candidate is a member of the 14804
board or use the term "re-elect" when the candidate is not 14805
currently a member of the board; 14806

(2) Make a false statement concerning the formal schooling 14807
or training completed or attempted by a candidate; a degree, 14808
diploma, certificate, scholarship, grant, award, prize, or honor 14809
received, earned, or held by a candidate; or the period of time 14810
during which a candidate attended any school, college, community 14811
technical school, or institution; 14812

(3) Make a false statement concerning the professional, 14813
occupational, or vocational licenses held by a candidate, or 14814
concerning any position the candidate held for which the 14815
candidate received a salary or wages; 14816

(4) Make a false statement that a candidate or board 14817
member has been indicted or convicted of a theft offense, 14818

extortion, or other crime involving financial corruption or	14819
moral turpitude;	14820
(5) Make a statement that a candidate has been indicted	14821
for any crime or has been the subject of a finding by the Ohio	14822
elections commission, <u>the secretary of state, or the Ohio</u>	14823
<u>election integrity commission</u> without disclosing the outcome of	14824
any legal proceedings resulting from the indictment or finding;	14825
(6) Make a false statement that a candidate or board	14826
member has a record of treatment or confinement for mental	14827
disorder;	14828
(7) Make a false statement that a candidate or board	14829
member has been subjected to military discipline for criminal	14830
misconduct or dishonorably discharged from the armed services;	14831
(8) Falsely identify the source of a statement, issue	14832
statements under the name of another person without	14833
authorization, or falsely state the endorsement of or opposition	14834
to a candidate by a person or publication;	14835
(9) Make a false statement concerning the voting record of	14836
a candidate or board member;	14837
(10) Post, publish, circulate, distribute, or otherwise	14838
disseminate a false statement concerning a candidate, either	14839
knowing the same to be false or with reckless disregard of	14840
whether it was false or not, if the statement is designed to	14841
promote the election, nomination, or defeat of the candidate.	14842
Sec. 145.055. The secretary of state, or any person acting	14843
on personal knowledge and subject to the penalties of perjury,	14844
may file a <u>A</u> complaint with the Ohio elections commission	14845
alleging a violation of section 145.054 of the Revised Code <u>may</u>	14846
<u>be filed in accordance with section 3517.16 of the Revised Code.</u>	14847

~~The complaint shall be made on a form prescribed and provided by
the commission.~~ 14848
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~~On receipt of a complaint under this section, the
commission shall hold a hearing open to the public to determine
whether the violation alleged in the complaint has occurred. The
commission may administer oaths and issue subpoenas to any
person in the state compelling the attendance of witnesses and
the production of relevant papers, books, accounts, and reports.
On the refusal of any person to obey a subpoena or to be sworn
or to answer as a witness, the commission may apply to the court
of common pleas of Franklin county under section 2705.03 of the
Revised Code. The court shall hold contempt proceedings in
accordance with Chapter 2705. of the Revised Code.~~ 14850
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~~The commission shall provide the person accused of the
violation at least seven days prior notice of the time, date,
and place of the hearing. The accused may be represented by an
attorney and shall have an opportunity to present evidence, call
witnesses, and cross-examine witnesses.~~ 14861
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~~At the hearing, the commission shall determine whether the
violation alleged in the complaint has occurred. If the
commission determines that a violation of division (A) of
section 145.054 of the Revised Code has occurred, the commission
shall either impose a fine under section 145.99 of the Revised
Code or enter a finding that good cause has been shown not to
impose the fine. If the commission determines that a violation
of division (B) of section 145.054 of the Revised Code has
occurred, the commission shall impose the fine described in
section 145.99 of the Revised Code, refer the matter to the
appropriate prosecutor, or enter a finding that good cause has
been shown not to impose a fine or refer the matter to a~~ 14866
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~~prosecutor.~~ 14878

Sec. 145.09. The public employees retirement board shall 14879
elect from its membership a chairperson. The board shall appoint 14880
an executive director who shall serve as secretary to the board, 14881
an actuary, and other employees as necessary for the transaction 14882
of the business of the public employees retirement system. The 14883
compensation of all persons so appointed shall be fixed by the 14884
board. Such persons appointed by the board are not employees of 14885
the state and are not subject to Chapter 124. of the Revised 14886
Code. 14887

~~If the board provides health care coverage to employees of 14888
the retirement system, it may permit employees of the Ohio 14889
public employees deferred compensation board to participate.~~ 14890

Effective ninety days after September 15, 2004, the board 14891
may not employ a state retirement system investment officer, as 14892
defined in section 1707.01 of the Revised Code, who does not 14893
hold a valid state retirement system investment officer license 14894
issued by the division of securities in the department of 14895
commerce. 14896

Every expense voucher of an employee, officer, or board 14897
member of the public employees retirement system shall itemize 14898
all purchases and expenditures. 14899

The board shall perform other functions as required for 14900
the proper execution of this chapter, and may adopt rules in 14901
accordance with section 111.15 of the Revised Code for the 14902
proper administration and management of this chapter. 14903

The board may take all appropriate action to avoid payment 14904
by the system or its members of federal or state income taxes on 14905
contributions to the system or amounts earned on such 14906

contributions. 14907

Notice of proposed rules shall be given to interested 14908
parties and rules adopted by the board shall be published and 14909
otherwise made available. When it files a rule with the joint 14910
committee on agency rule review pursuant to section 111.15 of 14911
the Revised Code, the board shall submit to the Ohio retirement 14912
study council a copy of the full text of the rule, and if 14913
applicable, a copy of the rule summary and fiscal analysis 14914
required by division (B) of section 106.024 of the Revised Code. 14915

The board may sue and be sued, plead and be impleaded, 14916
contract and be contracted with. All of its business shall be 14917
transacted, all of its funds invested, all warrants for money 14918
drawn and payments made, and all of its cash and securities and 14919
other property shall be held in the name of the board, or in the 14920
name of its nominee, provided that nominees are authorized by 14921
retirement board resolution for the purpose of facilitating the 14922
ownership and transfer of investments. 14923

If the Ohio retirement study council establishes a uniform 14924
format for any report the board is required to submit to the 14925
council, the board shall submit the report in that format. 14926

Sec. 145.091. The public employees retirement system shall 14927
administer the PERS defined benefit plan~~and~~, the PERS defined 14928
contribution plans, and the Ohio public employees deferred 14929
compensation program established under Chapter 148. of the 14930
Revised Code. 14931

Sec. 145.99. (A) Whoever violates division (A) of section 14932
145.054 of the Revised Code shall be fined not more than one 14933
hundred dollars for each day of the violation. 14934

(B) Whoever violates division (B) of section 145.054 of 14935

the Revised Code shall be imprisoned for not more than six 14936
months or fined not more than five thousand dollars, or both. 14937

~~(C) Fines imposed by the Ohio elections commission under 14938
this section shall be paid into the Ohio elections commission 14939
fund created under section 3513.10 of the Revised Code. 14940~~

Sec. 148.01. (A) As used in this chapter: 14941

(1) "Eligible employee" means any public employee, as 14942
defined in division (A) of section 145.01 of the Revised Code; 14943
any person eligible to become a member of the public employees 14944
retirement system under section 145.20 of the Revised Code; any 14945
employee, as defined in division (C) of section 742.01, division 14946
(B) of section 3309.01, or division (A) of section 5505.01 of 14947
the Revised Code; any electing employee, as defined in section 14948
3305.01 of the Revised Code; and any member of the state 14949
teachers retirement system. 14950

(2) "Participant account" means any of the following 14951
accounts: 14952

(a) An account that is maintained by the ~~Ohio~~ public 14953
employees ~~deferred compensation retirement~~ board and that 14954
evidences moneys that have been deferred by, or on behalf of, a 14955
continuing member or participating employee and transmitted to 14956
the board by the retirement system of the continuing member or 14957
participating employee; 14958

(b) An account that is maintained by the governing board, 14959
administrator, depository, or trustee of a deferred compensation 14960
program of a municipal corporation and that evidences moneys 14961
that have been deferred by an officer or employee of that 14962
municipal corporation and transmitted to the governing board, 14963
administrator, depository, or trustee by the retirement system 14964

of the officer or employee or in another manner; 14965

(c) An account that is maintained by a governing board, as 14966
defined in section 148.06 of the Revised Code, and that 14967
evidences moneys that have been deferred by an officer or 14968
employee of a government unit, as defined in that section, and 14969
transmitted to the governing board by the retirement system of 14970
the officer or employee or in another manner. 14971

(3) "Participating employee" means any eligible employee 14972
who is having compensation deferred pursuant to either of the 14973
following: 14974

(a) An agreement that is entered into before the 14975
compensation is earned and that is with the eligible employee's 14976
employer and the ~~Ohio public employees deferred compensation~~ 14977
retirement board; 14978

(b) Automatic enrollment in the Ohio public employees 14979
deferred compensation program under section 148.042 of the 14980
Revised Code. 14981

(4) "Continuing member" means any former participating 14982
employee who is not currently having compensation deferred, or 14983
the former participating employee's beneficiary, to whom payment 14984
has not been made of all deferred compensation distributions. 14985

(B) Notwithstanding section 145.01 of the Revised Code, 14986
the definitions of that section are applicable to this chapter 14987
only to any extent necessary to fully understand the provisions 14988
of this chapter. Reference may also be had to Chapters 742., 14989
3305., 3307., 3309., and 5505. of the Revised Code for that 14990
purpose. 14991

Sec. 148.02. The Ohio public employees deferred 14992
compensation ~~board shall be comprised of a member of the house~~ 14993

~~of representatives and a member of the senate, who shall not be~~ 14994
~~of the same political party, each to be appointed to serve at~~ 14995
~~the pleasure of the member's respective leadership, and the~~ 14996
~~members of the public employees retirement board as constituted~~ 14997
~~by section 145.04 of the Revised Code, who are~~ program is hereby 14998
~~created as a separate legal entity for the purpose of~~ 14999
~~administering a deferred compensation system for all eligible~~ 15000
employees. The public employees retirement board created in 15001
section 145.04 of the Revised Code shall administer the program. 15002
The board may utilize its employees and property in the 15003
administration of the ~~system on behalf of the Ohio public~~ 15004
~~employees deferred compensation board,~~ program in consideration 15005
of a reasonable service charge to be applied in a 15006
nondiscriminatory manner to all amounts of compensation deferred 15007
under ~~this system~~the program. 15008

The ~~Ohio public employees deferred compensation board~~ may 15009
exercise the same powers granted by section 145.09 of the 15010
Revised Code necessary to perform its functions under this 15011
chapter. The attorney general shall be the legal adviser of the 15012
board. The Ohio public employees deferred compensation receiving 15013
account, which is hereby created, shall be in the custody of the 15014
treasurer of state, but shall not be part of the state treasury. 15015
The Ohio public employees deferred compensation receiving 15016
account is a legal entity that is separate from the various 15017
funds created under Chapter 145. of the Revised Code. 15018

Sec. 148.021. Whenever the Ohio public employees deferred 15019
compensation board or the executive director of that board or a 15020
variation thereof is used, referred to, or designated in any 15021
statute, rule, contract, grant, or other document, the use, 15022
reference, or designation shall be deemed to refer to the public 15023
employees retirement board or the executive director of the 15024

public employees retirement system, as the case may be. 15025

Sec. 148.04. (A) The ~~Ohio~~ public employees ~~deferred~~ 15026
~~compensation~~ retirement board shall initiate, plan, expedite, 15027
and, subject to an appropriate assurance of the approval of the 15028
internal revenue service, promulgate and offer to all eligible 15029
employees, and thereafter administer on behalf of all 15030
participating employees and continuing members, and alter as 15031
required, a program for deferral of compensation, including a 15032
reasonable number of options to the employee for the investment 15033
of deferred funds, always in such form as will assure the 15034
desired tax treatment of such funds. The members of the board 15035
are the trustees of any deferred funds and shall discharge their 15036
duties with respect to the funds solely in the interest of and 15037
for the exclusive benefit of participating employees, continuing 15038
members, and their beneficiaries. With respect to such deferred 15039
funds, section 148.09 of the Revised Code shall apply to claims 15040
against participating employees or continuing members and their 15041
employers. 15042

(B) Every employer of an eligible employee shall enroll 15043
the employee in a deferred compensation program offered by the 15044
board on the employee's application to participate, on the 15045
employee's election under section 148.041 of the Revised Code, 15046
or by automatic enrollment under section 148.042 of the Revised 15047
Code. 15048

(C) The board shall take all actions necessary to ensure 15049
that the program qualifies as an eligible deferred compensation 15050
plan under section 457(b) of the Internal Revenue Code of 1986, 15051
26 U.S.C. 457. The board shall, subject to any applicable 15052
provisions of the Ohio public employees deferred compensation 15053
program plan, undertake to obtain as favorable conditions of tax 15054

treatment as possible, both in the initial programs and any 15055
permitted alterations of them or additions to them, as to such 15056
matters as terms of distribution, designation of beneficiaries, 15057
withdrawal upon disability, financial hardship, or termination 15058
of public employment, and other optional provisions. 15059

The board may establish a designated Roth account feature 15060
or any other feature in which an employee may make tax-deferred 15061
or nontax-deferred contributions to an eligible government plan 15062
in accordance with 26 U.S.C. 457, as amended. 15063

(D) In no event shall the total of the amount of deferred 15064
compensation to be set aside under a deferred compensation 15065
program and the employee's nondeferred income for any year 15066
exceed the total annual salary or compensation under the 15067
existing salary schedule or classification plan applicable to 15068
the employee in that year. 15069

Such a deferred compensation program shall be in addition 15070
to any retirement or any other benefit program provided by law 15071
for employees of this state. The board shall adopt rules 15072
pursuant to Chapter 119. of the Revised Code to provide any 15073
necessary standards or conditions for the administration of its 15074
programs, including any limits on the portion of a participating 15075
employee's compensation that may be deferred in order to avoid 15076
adverse treatment of the program by the internal revenue service 15077
or the occurrence of deferral, withholding, or other deductions 15078
in excess of the compensation available for any pay period. 15079

Both of the following apply to a deferred compensation 15080
program established under this section: 15081

(1) Any income deferred under the program shall continue 15082
to be included as regular compensation for the purpose of 15083

computing the contributions to and benefits from the retirement system of an employee; 15084
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(2) Any sums deferred shall not be included in the computation of any federal and state income taxes withheld on behalf of an employee. Sums contributed to a Roth account feature or other feature to which nontax-deferred contributions are made shall be included in the computation of any federal and state income taxes withheld on behalf of an employee. 15086
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(E) This section does not limit the authority of any municipal corporation, county, township, park district, conservancy district, sanitary district, health district, public library, county law library, public institution of higher education, or school district to provide separate authorized plans or programs for deferring compensation of their officers and employees in addition to the program for the deferral of compensation offered by the board. Any municipal corporation, township, public institution of higher education, or school district that offers such plans or programs shall include a reasonable number of options to its officers or employees for the investment of the deferred funds, including annuities, variable annuities, regulated investment trusts, or other forms of investment approved by the municipal corporation, township, public institution of higher education, or school district, that will assure the desired tax treatment of the funds. 15092
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Sec. 148.041. (A) Unless the employee will be automatically enrolled in the Ohio public employees deferred compensation program under section 148.042 of the Revised Code, whenever an eligible employee becomes employed in a position paid by warrant of the director of budget and management, the employee's employer shall do both of the following at the time 15108
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the employee completes the employee's initial employment 15114
paperwork: 15115

(1) Provide to the employee materials provided by the Ohio 15116
public employees ~~deferred compensation retirement~~ board under 15117
division (D) of this section regarding the benefits of long-term 15118
savings through deferred compensation; 15119

(2) Except as otherwise provided in division (E) of this 15120
section, secure, in writing or by electronic means, the 15121
employee's election to participate or not participate in a 15122
deferred compensation program offered by the board. 15123

(B) An election regarding participation under this section 15124
shall be made in the manner prescribed by the board. 15125

(C) The employer shall forward each election completed 15126
under this section to the program not later than forty-five days 15127
after the date the employee's employment begins. 15128

(D) The board shall provide informational materials and 15129
participation forms to employers required to comply with this 15130
section. 15131

(E) If an eligible employee transfers employment from one 15132
position paid by warrant of the director of budget and 15133
management to another position paid by warrant of the director 15134
of budget and management and, at the time of transfer, is a 15135
participating employee, the employee's new employer shall not be 15136
required to secure the employee's election to participate or not 15137
participate under division (A) (2) of this section. 15138

Sec. 148.042. (A) As used in this section, "employing 15139
authority" means both of the following: 15140

(1) The supreme court, house of representatives, senate, 15141

legislative service commission, secretary of state, auditor of 15142
state, treasurer of state, or attorney general with respect to 15143
employees of those entities; 15144

(2) The director of administrative services, with respect 15145
to eligible employees employed in a position paid by warrant of 15146
the director of budget and management who are not employed by a 15147
person or entity listed in division (A)(1) of this section. 15148

(B)(1) An employing authority may elect to automatically 15149
enroll employees described in division (C)(1) of this section in 15150
the Ohio public employees deferred compensation program. An 15151
employing authority that elects automatic enrollment shall 15152
notify the ~~Ohio public employees deferred compensation~~ 15153
retirement board of that election. Automatic enrollment shall 15154
commence as soon as administratively practical for the board and 15155
the employing authority. 15156

(2) An employing authority that elects automatic 15157
enrollment may cease automatic enrollment by notifying the 15158
board. The employing authority shall specify in the notice the 15159
date on which automatic enrollment will cease, and that date 15160
must be at least ninety days after the date the employing 15161
authority sends the notice. An employee who commences employment 15162
after automatic enrollment ceases may elect to participate in 15163
the program in accordance with section 148.04 or 148.041 of the 15164
Revised Code. Cessation of automatic enrollment does not affect 15165
the enrollment of employees enrolled during an automatic 15166
enrollment period. 15167

An employing authority that ceases automatic enrollment 15168
may subsequently elect automatic enrollment by complying with 15169
division (B)(1) of this section. 15170

(C) (1) An eligible employee employed by an employing authority that has elected automatic enrollment shall be automatically enrolled in the program if one of the following applies to the employee:

(a) The employee initially commences employment with the employing authority on or after the date automatic enrollment begins under division (B) of this section.

(b) The employee separates from employment with an employing authority, becomes a continuing member, and, on or after the date automatic enrollment begins, commences employment with that employing authority or a different employing authority.

(c) The employee is employed in a position paid by warrant of the director of budget and management and the employee transfers employment from an employing authority that has not elected to automatically enroll employees under this section to another position paid by warrant of the director of budget and management under an employing authority that has elected to automatically enroll employees, if the transfer occurs on or after the date automatic enrollment begins.

(2) An employee who, at the time of transferring from one employing authority to another as described in division (C) (1) (c) of this section, is a participating employee shall not be automatically enrolled in the program by the employing authority to which the employee transfers.

(D) The board shall establish the automatic deferral amounts and specify the investment options into which those deferred amounts will be invested for participating employees who are enrolled under this section. Deferral amounts shall not

exceed the lesser of either ten per cent of an eligible 15200
employee's compensation or the maximum contribution that the 15201
employee is eligible to contribute under federal law. 15202

(E) An employing authority that elects to automatically 15203
enroll employees under this section shall provide those 15204
employees with notice of the employee's rights and obligations 15205
in the manner prescribed by the board. 15206

(F) An employing authority shall not elect to 15207
automatically enroll an eligible employee under this section, or 15208
elect to cease automatic enrollment, if that election conflicts 15209
with any collective bargaining agreement entered into between 15210
the employing authority and an exclusive representative as 15211
defined in section 4117.01 of the Revised Code. 15212

Sec. 148.05. (A) (1) As used in this division, "personal 15213
history record" means information maintained by the ~~Ohio~~ public 15214
employees ~~deferred compensation~~ retirement board on an 15215
individual who is a participating employee or continuing member 15216
that includes the address, telephone number, social security 15217
number, record of contributions, records of benefits, 15218
correspondence with the Ohio public employees deferred 15219
compensation program, or other information the board determines 15220
to be confidential. 15221

(2) The records of the board shall be open to public 15222
inspection, except that the following shall be excluded, except 15223
with the written authorization of the individual concerned: 15224

(a) Information pertaining to an individual's participant 15225
account; 15226

(b) The individual's personal history record. 15227

(B) (1) All medical reports, records, and recommendations 15228

of a participating employee or a continuing member that are in 15229
the possession of the board are privileged. 15230

(2) All tax information of a participating employee, 15231
continuing member, or former participant or member that is in 15232
the possession of the board shall be confidential to the extent 15233
the information is confidential under Title LVII or any other 15234
provision of the Revised Code. 15235

(C) Notwithstanding the exceptions to public inspection in 15236
division (A)(2) of this section, the board may furnish the 15237
following information: 15238

(1) If a participating employee, continuing member, or 15239
former participant or member is subject to an order issued under 15240
section 2907.15 of the Revised Code or is convicted of or pleads 15241
guilty to a violation of section 2921.41 of the Revised Code, on 15242
written request of a prosecutor as defined in section 2935.01 of 15243
the Revised Code, the board shall furnish to the prosecutor the 15244
information requested from the individual's personal history 15245
record or participant account. 15246

(2) Pursuant to a court or administrative order issued 15247
pursuant to Chapter 3119., 3121., 3123., or 3125. of the Revised 15248
Code, the board shall furnish to a court or child support 15249
enforcement agency the information required under that section. 15250

(3) Pursuant to an administrative subpoena issued by a 15251
state agency, the board shall furnish the information required 15252
by the subpoena. 15253

(4) The board shall comply with orders issued under 15254
section 3105.87 of the Revised Code. 15255

(D) A statement that contains information obtained from 15256
the program's records that is signed by the executive director 15257

or the director's designee and to which the board's official 15258
seal is affixed, or copies of the program's records to which the 15259
signature and seal are attached, shall be received as true 15260
copies of the board's records in any court or before any officer 15261
of this state. 15262

Sec. 148.10. (A) Notwithstanding any other provision of 15263
this chapter, any payment, other than a survivorship benefit, 15264
that is to be made to a person by a deferred compensation 15265
program pursuant to those sections or a deferred compensation 15266
program offered by a government unit, as defined in section 15267
148.06 of the Revised Code, or by a municipal corporation is 15268
subject to any withholding order issued pursuant to section 15269
2907.15 or division (C) (2) (b) of section 2921.41 of the Revised 15270
Code. ~~The Ohio public employees deferred compensation retirement~~ 15271
board, the governing board, as defined in section 148.06 of the 15272
Revised Code, that is associated with a government unit, and the 15273
governing board, administrator, depository, or trustee of a 15274
deferred compensation program of a municipal corporation shall 15275
comply with that withholding order in making payment. 15276

(B) Notwithstanding any other provision of this chapter, 15277
if a deferred compensation program receives a notice pursuant to 15278
section 2907.15 or division (D) of section 2921.41 of the 15279
Revised Code that a person who has a participant account has 15280
been charged with a violation of section 2907.02, 2907.03, 15281
2907.04, 2907.05, or 2921.41 of the Revised Code, no payment 15282
from that account shall be made prior to whichever of the 15283
following is applicable: 15284

(1) If the person is convicted of or pleads guilty to the 15285
violation and a motion for a withholding order for purposes of 15286
restitution has not been filed under section 2907.15 or division 15287

(C) (2) (b) (i) of section 2921.41 of the Revised Code, thirty days 15288
after the day on which the person is sentenced for the 15289
violation; 15290

(2) If the person is convicted of or pleads guilty to the 15291
violation and a motion for a withholding order for purposes of 15292
restitution has been filed under section 2907.15 or division (C) 15293
(2) (b) (i) of section 2921.41 of the Revised Code, the day on 15294
which the court decides the motion; 15295

(3) If the charge is dismissed or the person is found not 15296
guilty or not guilty by reason of insanity of the violation, the 15297
day on which the dismissal of the charge or the verdict is 15298
entered in the journal of the court. 15299

Sec. 149.011. As used in this chapter, except as otherwise 15300
provided: 15301

(A) "Public office" includes any state agency, public 15302
institution, political subdivision, or other organized body, 15303
office, agency, institution, or entity established by the laws 15304
of this state for the exercise of any function of government. 15305
"Public office" does not include the nonprofit corporation 15306
formed under section 187.01 of the Revised Code. 15307

(B) "State agency" includes every department, bureau, 15308
board, commission, office, or other organized body established 15309
by the constitution and laws of this state for the exercise of 15310
any function of state government, including any state-supported 15311
institution of higher education, the general assembly, any 15312
legislative agency, any court or judicial agency, or any 15313
political subdivision or agency of a political subdivision. 15314
"State agency" does not include the nonprofit corporation formed 15315
under section 187.01 of the Revised Code. 15316

(C) "Public money" includes all money received or 15317
collected by or due a public official, whether in accordance 15318
with or under authority of any law, ordinance, resolution, or 15319
order, under color of office, or otherwise. It also includes any 15320
money collected by any individual on behalf of a public office 15321
or as a purported representative or agent of the public office. 15322

(D) "Public official" includes all officers, employees, or 15323
duly authorized representatives or agents of a public office. 15324

(E) "Color of office" includes any act purported or 15325
alleged to be done under any law, ordinance, resolution, order, 15326
or other pretension to official right, power, or authority. 15327

(F) "Archive" includes any public record that is 15328
transferred to the state archives or other designated archival 15329
institutions because of the historical information contained on 15330
it. 15331

(G) "Records" includes any document, device, or item, 15332
regardless of physical form or characteristic, including an 15333
electronic record as defined in section 1306.01 of the Revised 15334
Code, created or received by or coming under the jurisdiction of 15335
any public office of the state or its political subdivisions, 15336
which serves to document the organization, functions, policies, 15337
decisions, procedures, operations, or other activities of the 15338
office. "Records" does not include personal notes or any 15339
document, device, or item, regardless of physical form or 15340
whether an assistive device or application was used, of a public 15341
official, or of the official's attorney, employee, or agent, 15342
that is used, maintained, and accessed solely by the individual 15343
who creates it or causes its creation. 15344

Sec. 149.10. All boards, commissions, agencies, 15345

institutions, and departments in the executive branch of state 15346
government shall submit to the auditor of state a copy of each 15347
formal internally or independently produced audit report, as 15348
well as any management study or report ~~which~~ that recommends 15349
changes ~~which~~ that would affect the auditing system. Pursuant to 15350
section 117.43 of the Revised Code, no such report shall be 15351
produced without the approval of the auditor of state. 15352

Sec. 149.30. The Ohio history connection, chartered by 15353
this state as a corporation not for profit to promote a 15354
knowledge of history and archaeology, especially of Ohio, and 15355
operated continuously in the public interest since 1885, may 15356
perform public functions as prescribed by law. 15357

The general assembly may appropriate money to the Ohio 15358
history connection each biennium to carry out the public 15359
functions of the Ohio history connection as enumerated in this 15360
section. An appropriation by the general assembly to the Ohio 15361
history connection constitutes an offer to contract with the 15362
Ohio history connection to carry out those public functions for 15363
which appropriations are made. An acceptance by the Ohio history 15364
connection of the appropriated funds constitutes an acceptance 15365
by the Ohio history connection of the offer and is considered an 15366
agreement by the Ohio history connection to perform those 15367
functions in accordance with the terms of the appropriation and 15368
the law and to expend the funds only for the purposes for which 15369
appropriated. The governor may request on behalf of the Ohio 15370
history connection, and the controlling board may release, 15371
additional funds to the Ohio history connection for survey, 15372
salvage, repair, or rehabilitation of an emergency nature for 15373
which funds have not been appropriated, and acceptance by the 15374
Ohio history connection of those funds constitutes an agreement 15375
on the part of the Ohio history connection to expend those funds 15376

only for the purpose for which released by the controlling board. 15377
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The Ohio history connection shall faithfully expend and apply all moneys received from the state to the uses and purposes directed by law and for necessary administrative expenses. If the general assembly appropriates money to the Ohio history connection for grants or subsidies to other entities for their site-related programs, the Ohio history connection, except for good cause, shall distribute the money within ninety days of accepting a grant or subsidy application for the money. 15379
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The Ohio history connection shall perform the public function of sending notice by ordinary or certified mail to the owner of any property at the time it is listed on the national register of historic places. The Ohio history connection shall accurately record all expenditures of such funds in conformity with generally accepted accounting principles. 15387
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The auditor of state shall audit all funds and fiscal records of the Ohio history connection. 15393
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The public functions to be performed by the Ohio history connection shall include all of the following: 15395
15396

(A) Creating, supervising, operating, protecting, maintaining, and promoting for public use a system of state memorials, titles to which may reside wholly or in part with this state or wholly or in part with the Ohio history connection as provided in and in conformity to appropriate acts and resolves of the general assembly, and leasing for renewable periods of two years or less, with the advice and consent of the attorney general and the director of administrative services, lands and buildings owned by the state which are in the care, 15397
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custody, and control of the Ohio history connection, all of 15406
which shall be maintained and kept for public use at reasonable 15407
hours; 15408

(B) Making alterations and improvements, marking, and 15409
constructing, reconstructing, protecting, or restoring 15410
structures, earthworks, and monuments in its care, and equipping 15411
such facilities with appropriate educational maintenance 15412
facilities; 15413

(C) Serving as the archives administration for the state 15414
and its political subdivisions as provided in sections 149.31 to 15415
149.42 of the Revised Code; 15416

(D) Administering a state historical museum, to be the 15417
headquarters of the society and its principal museum and 15418
library, which shall be maintained and kept for public use at 15419
reasonable hours; 15420

(E) Establishing a marking system to identify all 15421
designated historic and archaeological sites within the state 15422
and marking or causing to be marked historic sites and 15423
communities considered by the society to be historically or 15424
archaeologically significant; 15425

(F) Publishing books, pamphlets, periodicals, and other 15426
publications about history, archaeology, and natural science and 15427
offering one copy of each regular periodical issue to all public 15428
libraries in this state at a reasonable price, which shall not 15429
exceed one hundred ten per cent more than the total cost of 15430
publication; 15431

(G) Engaging in research in history, archaeology, and 15432
natural science and providing historical information upon 15433
request to all state agencies; 15434

(H) Collecting, preserving, and making available by all 15435
appropriate means and under approved safeguards all manuscript, 15436
print, or near-print library collections and all historical 15437
objects, specimens, and artifacts which pertain to the history 15438
of Ohio and its people, including the following original 15439
documents: Ohio Constitution of 1802; Ohio Constitution of 1851; 15440
proposed Ohio Constitution of 1875; design and the letters of 15441
patent and assignment of patent for the state flag; S.J.R. 13 15442
(1873); S.J.R. 53 (1875); S.J.R. 72 (1875); S.J.R. 50 (1883); 15443
H.J.R. 73 (1883); S.J.R. 28 (1885); H.J.R. 67 (1885); S.J.R. 17 15444
(1902); S.J.R. 28 (1902); H.J.R. 39 (1902); S.J.R. 23 (1903); 15445
H.J.R. 19 (1904); S.J.R. 16 (1905); H.J.R. 41 (1913); H.J.R. 34 15446
(1917); petition form (2) (1918); S.J.R. 6 (1921); H.J.R. 5 15447
(1923); H.J.R. 40 (1923); H.J.R. 8 (1929); H.J.R. 20 (1929); 15448
S.J.R. 4 (1933); petition form (2) (1933); S.J.R. 57 (1936); 15449
petition form (1936); H.J.R. 14 (1942); H.J.R. 15 (1944); H.J.R. 15450
8 (1944); S.J.R. 6 (1947); petition form (1947); H.J.R. 24 15451
(1947); and H.J.R. 48 (1947); 15452

(I) Encouraging and promoting the organization and 15453
development of county and local historical societies; 15454

(J) Providing to Ohio schools such materials as the Ohio 15455
history connection may prepare to facilitate the instruction of 15456
Ohio history at a reasonable price, which shall not exceed one 15457
hundred ten per cent more than the total cost of preparation and 15458
delivery; 15459

(K) Providing advisory and technical assistance to local 15460
societies for the preservation and restoration of historic and 15461
archaeological sites; 15462

(L) Devising uniform criteria for the designation of 15463
historic and archaeological sites throughout the state and 15464

advising local historical societies of the criteria and their 15465
application; 15466

(M) Taking inventory, in cooperation with the Ohio arts 15467
council, the Ohio archaeological council, and the archaeological 15468
society of Ohio, of significant designated and undesignated 15469
state and local sites and keeping an active registry of all 15470
designated sites within the state; 15471

(N) Contracting with the owners or persons having an 15472
interest in designated historic or archaeological sites or 15473
property adjacent or contiguous to those sites, or acquiring, by 15474
purchase, gift, or devise, easements in those sites or in 15475
property adjacent or contiguous to those sites, in order to 15476
control or restrict the use of those historic or archaeological 15477
sites or adjacent or contiguous property for the purpose of 15478
restoring or preserving the historical or archaeological 15479
significance or educational value of those sites; 15480

(O) Constructing a monument honoring Governor James A. 15481
Rhodes, which shall stand on the northeast quadrant of the 15482
grounds surrounding the capitol building. The monument shall be 15483
constructed with private funds donated to the Ohio history 15484
connection and designated for this purpose. No public funds 15485
shall be expended to construct this monument. The department of 15486
administrative services shall cooperate with the Ohio history 15487
connection in carrying out this function and shall maintain the 15488
monument in a manner compatible with the grounds of the capitol 15489
building. 15490

(P) Commissioning a portrait of each departing governor, 15491
which shall be displayed in the capitol building. The Ohio 15492
history connection may accept private contributions designated 15493
for this purpose and, at the discretion of its board of 15494

trustees, also may apply for the same purpose funds appropriated 15495
by the general assembly to the Ohio history connection pursuant 15496
to this section. 15497

(Q) Being the custodian of the field notes, maps, records, 15498
documents, papers, and implements relating to or used in the 15499
survey of the public lands within the state, which were 15500
delivered to the executive of this state by the surveyor of the 15501
United States at Detroit, by order of the government of the 15502
United States, the records of field notes and other records of 15503
papers that have been added thereto, the records of deeds and 15504
other records or papers relating to the public lands originally 15505
deposited with the governor or secretary of state, and the 15506
records, maps, plats, papers, documents, and implements relating 15507
to the public lands in the Virginia military district in this 15508
state, from the United States land office at Chillicothe. These 15509
records and files shall be subject to inspection, and the Ohio 15510
history connection, on demand and tender of the proper fees, 15511
shall furnish certified copies of any of them. 15512

(R) Furnishing to the board of education of each school 15513
district copies of deeds, leases, field notes, records, and 15514
other papers and documents that are in the Ohio history 15515
connection's possession, relating to the lands appropriated by 15516
congress for the support of schools and ministerial purposes 15517
that have been allocated for the benefit of that district, and 15518
such copies, when certified by the Ohio history connection, 15519
shall be received as competent evidence and shall have the same 15520
force and effect as the originals. The Ohio history connection 15521
shall charge fees sufficient to defray the cost of preparing 15522
copies. 15523

(S) Submitting an annual report of its activities, 15524

programs, and operations to the governor within two months after 15525
the close of each fiscal year of the state. 15526

The Ohio history connection, with the help of local 15527
historical societies, may compile and maintain a registry of war 15528
relics, as defined in section 155.28 of the Revised Code, that 15529
are located on public property or on the property of a cemetery 15530
association. 15531

The Ohio history connection shall not sell, mortgage, 15532
transfer, or dispose of historical or archaeological sites to 15533
which it has title and in which the state has monetary interest 15534
except by action of the general assembly. 15535

Money or fines paid to the Ohio history connection under 15536
section 155.99 of the Revised Code shall be expended by the Ohio 15537
history connection only for the preservation of war relics. 15538

In consideration of the public functions performed by the 15539
Ohio history connection for the state, employees of the Ohio 15540
history connection shall be considered public employees within 15541
the meaning of section 145.01 of the Revised Code. 15542

Sec. 149.311. (A) As used in this section: 15543

(1) "Historic building" means a building, including its 15544
structural components, that is located in this state and that is 15545
either individually listed on the national register of historic 15546
places under 16 U.S.C. 470a, located in a registered historic 15547
district, and certified by the state historic preservation 15548
officer as being of historic significance to the district, or is 15549
individually listed as an historic landmark designated by a 15550
local government certified under 16 U.S.C. 470a(c). 15551

(2) "Qualified rehabilitation expenditures" means 15552
expenditures paid or incurred during the rehabilitation period, 15553

and before and after that period as determined under 26 U.S.C. 15554
47, by an owner or qualified lessee of an historic building to 15555
rehabilitate the building. "Qualified rehabilitation 15556
expenditures" includes architectural or engineering fees paid or 15557
incurred in connection with the rehabilitation, and expenses 15558
incurred in the preparation of nomination forms for listing on 15559
the national register of historic places. "Qualified 15560
rehabilitation expenditures" does not include any of the 15561
following: 15562

(a) The cost of acquiring, expanding, or enlarging an 15563
historic building; 15564

(b) Expenditures attributable to work done to facilities 15565
related to the building, such as parking lots, sidewalks, and 15566
landscaping; 15567

(c) New building construction costs. 15568

(3) "Owner" of an historic building means a person holding 15569
the fee simple interest in the building. "Owner" does not 15570
include the state or a state agency, or any political 15571
subdivision as defined in section 9.23 of the Revised Code. 15572

(4) "Qualified lessee" means a person subject to a lease 15573
agreement for an historic building and eligible for the federal 15574
rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee" 15575
does not include the state or a state agency or political 15576
subdivision as defined in section 9.23 of the Revised Code. 15577

(5) "Certificate owner" means the owner or qualified 15578
lessee of an historic building to which a rehabilitation tax 15579
credit certificate was issued under this section. 15580

(6) "Registered historic district" means an historic 15581
district listed in the national register of historic places 15582

under 16 U.S.C. 470a, an historic district designated by a local 15583
government certified under 16 U.S.C. 470a(c), or a local 15584
historic district certified under 36 C.F.R. 67.8 and 67.9. 15585

(7) "Rehabilitation" means the process of repairing or 15586
altering an historic building or buildings, making possible an 15587
efficient use while preserving those portions and features of 15588
the building and its site and environment that are significant 15589
to its historic, architectural, and cultural values. 15590

(8) "Rehabilitation period" means one of the following: 15591

(a) If the rehabilitation initially was not planned to be 15592
completed in stages, a period chosen by the owner or qualified 15593
lessee not to exceed twenty-four months during which 15594
rehabilitation occurs; 15595

(b) If the rehabilitation initially was planned to be 15596
completed in stages, a period chosen by the owner or qualified 15597
lessee not to exceed sixty months during which rehabilitation 15598
occurs. Each stage shall be reviewed as a phase of a 15599
rehabilitation as determined under 26 C.F.R. 1.48-12 or a 15600
successor to that section. 15601

(9) "State historic preservation officer" or "officer" 15602
means the state historic preservation officer appointed by the 15603
governor under 16 U.S.C. 470a. 15604

(10) "Catalytic project" means the rehabilitation of an 15605
historic building, the rehabilitation of which will foster 15606
economic development within two thousand five hundred feet of 15607
the historic building. 15608

(B) The owner or qualified lessee of an historic building 15609
may apply to the director of development for a rehabilitation 15610
tax credit certificate for qualified rehabilitation expenditures 15611

paid or incurred by such owner or qualified lessee after April 15612
4, 2007, for rehabilitation of an historic building. If the 15613
owner of an historic building enters a pass-through agreement 15614
with a qualified lessee for the purposes of the federal 15615
rehabilitation tax credit under 26 U.S.C. 47, the qualified 15616
rehabilitation expenditures paid or incurred by the owner after 15617
April 4, 2007, may be attributed to the qualified lessee. 15618

The form and manner of filing such applications shall be 15619
prescribed by rule of the director. Each application shall state 15620
the amount of qualified rehabilitation expenditures the 15621
applicant estimates will be paid or incurred and shall indicate 15622
whether the historic building was used as a theater before, and 15623
is intended to be used as a theater after, the rehabilitation. 15624
The director may require applicants to furnish documentation of 15625
such estimates. 15626

The director, after consultation with the tax commissioner 15627
and in accordance with Chapter 119. of the Revised Code, shall 15628
adopt rules that establish all of the following: 15629

(1) Forms and procedures by which applicants may apply for 15630
rehabilitation tax credit certificates; 15631

(2) Criteria for reviewing, evaluating, and approving 15632
applications for certificates within the limitations under 15633
division (D) of this section, criteria for assuring that the 15634
certificates issued encompass a mixture of high and low 15635
qualified rehabilitation expenditures, and criteria for issuing 15636
certificates under division (C) (3) (b) of this section; 15637

(3) Eligibility requirements for obtaining a certificate 15638
under this section; 15639

(4) The form of rehabilitation tax credit certificates; 15640

(5) Reporting requirements and monitoring procedures;	15641
(6) Procedures and criteria for conducting cost-benefit analyses of historic buildings that are the subjects of applications filed under this section. The purpose of a cost-benefit analysis shall be to determine whether rehabilitation of the historic building will result in a net revenue gain in state and local taxes once the building is used.	15642 15643 15644 15645 15646 15647
(7) Any other rules necessary to implement and administer this section.	15648 15649
(C) The director shall review the applications with the assistance of the state historic preservation officer and determine whether all of the following criteria are met:	15650 15651 15652
(1) That the building that is the subject of the application is an historic building and the applicant is the owner or qualified lessee of the building;	15653 15654 15655
(2) That the rehabilitation will satisfy standards prescribed by the United States secretary of the interior under 16 U.S.C. 470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to that section;	15656 15657 15658 15659
(3) That receiving a rehabilitation tax credit certificate under this section is a major factor in:	15660 15661
(a) The applicant's decision to rehabilitate the historic building; or	15662 15663
(b) To increase the level of investment in such rehabilitation.	15664 15665
(4) The historic building that is the subject of the application is not, and will not upon completion of the rehabilitation project be, part of a qualified low-income	15666 15667 15668

housing project allocated a tax credit pursuant to section 42 of 15669
the Internal Revenue Code. 15670

An applicant shall demonstrate to the satisfaction of the 15671
state historic preservation officer and director that the 15672
rehabilitation will satisfy the standards described in division 15673
(C) (2) of this section before the applicant begins the physical 15674
rehabilitation of the historic building. 15675

(D) (1) If the director determines that an application 15676
meets the criteria in division (C) of this section, the director 15677
shall conduct a cost-benefit analysis for the historic building 15678
that is the subject of the application to determine whether 15679
rehabilitation of the historic building will result in a net 15680
revenue gain in state and local taxes once the building is used. 15681
The director shall consider the results of the cost-benefit 15682
analysis in determining whether to approve the application. The 15683
director shall also consider the potential economic impact and 15684
the regional distributive balance of the credits throughout the 15685
state. The director shall not consider whether the historic 15686
building is located in or will benefit an economically 15687
distressed area, including by weighting preference based on the 15688
poverty rate in the jurisdiction or census tract in which the 15689
building is located, nor shall the director consider or give 15690
weighted preference based on vacancy or underutilization of the 15691
building. The director may approve an application only after 15692
completion of the cost-benefit analysis. 15693

(2) A rehabilitation tax credit certificate shall not be 15694
issued for an amount greater than the estimated amount furnished 15695
by the applicant on the application for such certificate and 15696
approved by the director. The director shall not approve more 15697
than a total of ~~one hundred twenty~~ sixty million dollars of 15698

rehabilitation tax credits for each of fiscal years ~~2023 and~~ 15699
~~2024, and sixty million dollars of rehabilitation tax credits~~ 15700
~~for each fiscal year thereafter~~ 2026 and 2027, but the director 15701
may reallocate unused tax credits from a prior fiscal year for 15702
new applicants and such reallocated credits shall not apply 15703
toward the dollar limit of this division. The director shall not 15704
approve any amount of rehabilitation tax credits after fiscal 15705
year 2027 unless specifically approved by an act of the general 15706
assembly. 15707

(3) For rehabilitations with a rehabilitation period not 15708
exceeding twenty-four months as provided in division (A) (8) (a) 15709
of this section, a rehabilitation tax credit certificate shall 15710
not be issued before the rehabilitation of the historic building 15711
is completed. 15712

(4) For rehabilitations with a rehabilitation period not 15713
exceeding sixty months as provided in division (A) (8) (b) of this 15714
section, a rehabilitation tax credit certificate shall not be 15715
issued before a stage of rehabilitation is completed. After all 15716
stages of rehabilitation are completed, if the director cannot 15717
determine that the criteria in division (C) of this section are 15718
satisfied for all stages of rehabilitations, the director shall 15719
certify this finding to the tax commissioner, and any 15720
rehabilitation tax credits received by the applicant shall be 15721
repaid by the applicant and may be collected by assessment as 15722
unpaid tax by the commissioner. 15723

(5) The director shall require the applicant to provide a 15724
third-party cost certification by a certified public accountant 15725
of the actual costs attributed to the rehabilitation of the 15726
historic building when qualified rehabilitation expenditures 15727
exceed two hundred thousand dollars. 15728

If an applicant whose application is approved for receipt 15729
of a rehabilitation tax credit certificate fails to provide to 15730
the director sufficient evidence of reviewable progress, 15731
including a viable financial plan, copies of final construction 15732
drawings, and evidence that the applicant has obtained all 15733
historic approvals within twelve months after the date the 15734
applicant received notification of approval, and if the 15735
applicant fails to provide evidence to the director that the 15736
applicant has secured and closed on financing for the 15737
rehabilitation within eighteen months after receiving 15738
notification of approval, the director may rescind the approval 15739
of the application. The director shall notify the applicant if 15740
the approval has been rescinded. Credits that would have been 15741
available to an applicant whose approval was rescinded shall be 15742
available for other qualified applicants. Nothing in this 15743
division prohibits an applicant whose approval has been 15744
rescinded from submitting a new application for a rehabilitation 15745
tax credit certificate. 15746

(6) The director may approve the application of, and issue 15747
a rehabilitation tax credit certificate to, the owner of a 15748
catalytic project, provided the application otherwise meets the 15749
criteria described in divisions (C) and (D) of this section. The 15750
director may not approve more than one application for a 15751
rehabilitation tax credit certificate under division (D)(6) of 15752
this section during each state fiscal biennium. The director 15753
shall not approve an application for a rehabilitation tax credit 15754
certificate under division (D)(6) of this section during the 15755
state fiscal biennium beginning July 1, 2017, or during any 15756
state fiscal biennium thereafter. The director shall consider 15757
the following criteria in determining whether to approve an 15758
application for a certificate under division (D)(6) of this 15759

section: 15760

(a) Whether the historic building is a catalytic project; 15761

(b) The effect issuance of the certificate would have on 15762
the availability of credits for other applicants that qualify 15763
for a credit certificate within the credit dollar limit 15764
described in division (D) (2) of this section; 15765

(c) The number of jobs, if any, the catalytic project will 15766
create. 15767

(7) (a) The owner or qualified lessee of a historic 15768
building may apply for a rehabilitation tax credit certificate 15769
under both divisions (B) and (D) (6) of this section. In such a 15770
case, the director shall consider each application at the time 15771
the application is submitted. 15772

(b) The director shall not issue more than one certificate 15773
under this section with respect to the same qualified 15774
rehabilitation expenditures. 15775

(8) The director shall give consideration for tax credits 15776
awarded under this section to rehabilitations of historic 15777
buildings used as a theater before, and intended to be used as a 15778
theater after, the rehabilitation. In determining whether to 15779
approve an application for such a rehabilitation, the director 15780
shall consider the extent to which the rehabilitation will 15781
increase attendance at the theater and increase the theater's 15782
gross revenue. 15783

(9) The director shall rescind the approval of any 15784
application if the building that is the subject of the 15785
application is part of a qualified low-income housing project 15786
allocated a tax credit pursuant to section 42 of the Internal 15787
Revenue Code at any time before the building's rehabilitation is 15788

complete. 15789

(E) Issuance of a certificate represents a finding by the 15790
director of the matters described in divisions (C) (1), (2), and 15791
(3) of this section only; issuance of a certificate does not 15792
represent a verification or certification by the director of the 15793
amount of qualified rehabilitation expenditures for which a tax 15794
credit may be claimed under section 5725.151, 5725.34, 5726.52, 15795
5729.17, 5733.47, or 5747.76 of the Revised Code. The amount of 15796
qualified rehabilitation expenditures for which a tax credit may 15797
be claimed is subject to inspection and examination by the tax 15798
commissioner or employees of the commissioner under section 15799
5703.19 of the Revised Code and any other applicable law. Upon 15800
the issuance of a certificate, the director shall certify to the 15801
tax commissioner, in the form and manner requested by the tax 15802
commissioner, the name of the applicant, the amount of qualified 15803
rehabilitation expenditures shown on the certificate, and any 15804
other information required by the rules adopted under this 15805
section. 15806

(F) (1) On or before the first day of August each year, the 15807
director and tax commissioner jointly shall submit to the 15808
president of the senate and the speaker of the house of 15809
representatives a report on the tax credit program established 15810
under this section and sections 5725.151, 5725.34, 5726.52, 15811
5729.17, 5733.47, and 5747.76 of the Revised Code. The report 15812
shall present an overview of the program and shall include 15813
information on the number of rehabilitation tax credit 15814
certificates issued under this section during the preceding 15815
fiscal year, an update on the status of each historic building 15816
for which an application was approved under this section, the 15817
dollar amount of the tax credits granted under sections 15818
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the 15819

Revised Code, and any other information the director and 15820
commissioner consider relevant to the topics addressed in the 15821
report. 15822

(2) On or before December 1, 2015, the director and tax 15823
commissioner jointly shall submit to the president of the senate 15824
and the speaker of the house of representatives a comprehensive 15825
report that includes the information required by division (F) (1) 15826
of this section and a detailed analysis of the effectiveness of 15827
issuing tax credits for rehabilitating historic buildings. The 15828
report shall be prepared with the assistance of an economic 15829
research organization jointly chosen by the director and 15830
commissioner. 15831

(G) There is hereby created in the state treasury the 15832
historic rehabilitation tax credit operating fund. The director 15833
is authorized to charge reasonable application and other fees in 15834
connection with the administration of tax credits authorized by 15835
this section and sections 5725.151, 5725.34, 5726.52, 5729.17, 15836
5733.47, and 5747.76 of the Revised Code. Any such fees 15837
collected shall be credited to the fund and used to pay 15838
reasonable costs incurred by the department of development in 15839
administering this section and sections 5725.151, 5725.34, 15840
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. 15841

The Ohio historic preservation office is authorized to 15842
charge reasonable fees in connection with its review and 15843
approval of applications under this section. Any such fees 15844
collected shall be credited to the fund and used to pay 15845
administrative costs incurred by the Ohio historic preservation 15846
office pursuant to this section. 15847

(H) Notwithstanding sections 5725.151, 5725.34, 5726.52, 15848
5729.17, 5733.47, and 5747.76 of the Revised Code, the 15849

certificate owner of a tax credit certificate issued under 15850
division (D) (6) of this section may claim a tax credit equal to 15851
twenty-five per cent of the dollar amount indicated on the 15852
certificate for a total credit of not more than twenty-five 15853
million dollars. The credit claimed by such a certificate owner 15854
for any calendar year, tax year, or taxable year under section 15855
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the 15856
Revised Code shall not exceed five million dollars. If the 15857
certificate owner is eligible for more than five million dollars 15858
in total credits, the certificate owner may carry forward the 15859
balance of the credit in excess of the amount claimed for that 15860
year for not more than five ensuing calendar years, tax years, 15861
or taxable years. If the credit claimed in any calendar year, 15862
tax year, or taxable year exceeds the tax otherwise due, the 15863
excess shall be refunded to the taxpayer. 15864

(I) Notwithstanding sections 5725.151, 5725.34, 5726.52, 15865
5729.17, 5733.47, and 5747.76 of the Revised Code, the following 15866
apply to a tax credit approved under this section after 15867
September 13, 2022, and before July 1, 2024: 15868

(1) The certificate holder may claim a tax credit equal to 15869
thirty-five per cent of the dollar amount indicated on the tax 15870
credit certificate if any county, township, or municipal 15871
corporation within which the project is located has a population 15872
of less than three hundred thousand according to the 2020 15873
decennial census. The tax credit equals twenty-five per cent of 15874
the dollar amount indicated on the certificate if the project is 15875
not located within such a county, township, or municipal 15876
corporation. 15877

(2) The total tax credit claimed under section 5725.151, 15878
5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised 15879

Code for any one project shall not exceed ten million dollars 15880
for any calendar year, tax year, or taxable year. 15881

(3) If the credit claimed in any calendar year, tax year, 15882
or taxable year exceeds the tax otherwise due, the excess shall 15883
be refunded to the taxpayer, subject to division (I)(2) of this 15884
section. 15885

(J) Notwithstanding sections 5725.151, 5725.34, 5726.52, 15886
5729.17, 5733.47, and 5747.76 of the Revised Code, the 15887
certificate owner of a tax credit certificate may claim a tax 15888
credit equal to thirty-five per cent of the dollar amount of 15889
qualified rehabilitation expenditures indicated on the 15890
certificate if the project for which the certificate was issued 15891
is located in a municipal corporation with a population of less 15892
than three hundred thousand or in the unincorporated area of a 15893
township. 15894

(K) The director of development, in consultation with the 15895
director of budget and management, shall develop and adopt a 15896
system of tracking any information necessary to anticipate the 15897
impact of credits issued under this section on tax revenues for 15898
current and future fiscal years. Such information may include 15899
the number of applications approved, the estimated 15900
rehabilitation expenditures and rehabilitation period associated 15901
with such applications, the number and amount of tax credit 15902
certificates issued, and any other information the director of 15903
budget and management requires for the purposes of this 15904
division. 15905

~~(K)~~ (L) For purposes of this section and Chapter 122:19-1 15906
of the Ohio Administrative Code, a tax credit certificate issued 15907
under this section is effective on the date that all historic 15908
buildings rehabilitated by the project are "placed in service," 15909

as that term is used in section 47 of the Internal Revenue Code. 15910

Sec. 149.38. (A) Except as otherwise provided in section 15911
307.847 of the Revised Code, there is hereby created in each 15912
county a county records commission, composed of a member of the 15913
board of county commissioners as chairperson, the prosecuting 15914
attorney, the auditor, the recorder, and the clerk of the court 15915
of common pleas. The commission shall appoint a secretary, who 15916
may or may not be a member of the commission and who shall serve 15917
at the pleasure of the commission. The commission may employ an 15918
archivist or records manager to serve under its direction. The 15919
commission shall meet upon the call of the chairperson. 15920

(B) (1) The functions of the county records commission 15921
shall be to provide rules for retention and disposal of records 15922
of the county, and to review applications for one-time disposal 15923
of obsolete records and schedules of records retention and 15924
disposition submitted by county offices. The commission may 15925
dispose of records pursuant to the procedure outlined in this 15926
section. The commission, at any time, may review any schedule it 15927
has previously approved and, for good cause shown, may revise 15928
that schedule, subject to division (D) of this section. 15929

(2) (a) As used in division (B) (2) of this section, "paper 15930
case records" means written reports of child abuse or neglect, 15931
written records of investigations, or other written records 15932
required to be prepared under section 2151.421, ~~5101.13,~~ 15933
5153.166, ~~or~~ 5153.17, or 5180.40 of the Revised Code. 15934

(b) A county public children services agency may submit to 15935
the county records commission applications for one-time 15936
disposal, or schedules of records retention and disposition, of 15937
paper case records that have been entered into permanently 15938
maintained and retrievable fields in the state automated child 15939

welfare information system established under section ~~5101.13~~ 15940
5180.40 of the Revised Code or entered into other permanently 15941
maintained and retrievable electronic files. The county records 15942
commission may dispose of the paper case records pursuant to the 15943
procedure outlined in this section. 15944

(C) (1) When the county records commission has approved any 15945
county application for one-time disposal of obsolete records or 15946
any schedule of records retention and disposition, the 15947
commission shall send that application or schedule to the Ohio 15948
history connection for its review. The Ohio history connection 15949
shall review the application or schedule within a period of not 15950
more than sixty days after its receipt of it. During the sixty- 15951
day review period, the Ohio history connection may select for 15952
its custody from the application for one-time disposal of 15953
obsolete records any records it considers to be of continuing 15954
historical value, and shall denote upon any schedule of records 15955
retention and disposition any records for which the Ohio history 15956
connection will require a certificate of records disposal prior 15957
to their disposal. 15958

(2) Upon completion of its review, the Ohio history 15959
connection shall forward the application for one-time disposal 15960
of obsolete records or the schedule of records retention and 15961
disposition to the auditor of state for the auditor's approval 15962
or disapproval. The auditor of state shall approve or disapprove 15963
the application or schedule within a period of not more than 15964
sixty days after receipt of it. 15965

(3) Before public records are to be disposed of pursuant 15966
to an approved schedule of records retention and disposition, 15967
the county records commission shall inform the Ohio history 15968
connection of the disposal through the submission of a 15969

certificate of records disposal for only the records required by 15970
the schedule to be disposed of and shall give the Ohio history 15971
connection the opportunity for a period of fifteen business days 15972
to select for its custody those records, from the certificate 15973
submitted, that it considers to be of continuing historical 15974
value. Upon the expiration of the fifteen-business-day period, 15975
the county records commission also shall notify the public 15976
libraries, county historical society, state universities, and 15977
other public or quasi-public institutions, agencies, or 15978
corporations in the county that have provided the commission 15979
with their name and address for these notification purposes, 15980
that the commission has informed the Ohio history connection of 15981
the records disposal and that the notified entities, upon 15982
written agreement with the Ohio history connection pursuant to 15983
section 149.31 of the Revised Code, may select records of 15984
continuing historical value, including records that may be 15985
distributed to any of the notified entities under section 149.31 15986
of the Revised Code. Any notified entity that notifies the 15987
county records commission of its intent to review and select 15988
records of continuing historical value from certificates of 15989
records disposal is responsible for the cost of any notice given 15990
and for the transportation of those records. 15991

(D) The rules of the county records commission shall 15992
include a rule that requires any receipts, checks, vouchers, or 15993
other similar records pertaining to expenditures from the 15994
delinquent tax and assessment collection fund created in section 15995
321.261 of the Revised Code, from the real estate assessment 15996
fund created in section 325.31 of the Revised Code, or from 15997
amounts allocated for the furtherance of justice to the county 15998
sheriff under section 325.071 of the Revised Code or to the 15999
prosecuting attorney under section 325.12 of the Revised Code to 16000

be retained for at least four years. 16001

(E) No person shall knowingly violate the rule adopted 16002
under division (D) of this section. Whoever violates that rule 16003
is guilty of a misdemeanor of the first degree. 16004

Sec. 149.43. (A) As used in this section: 16005

(1) "Public record" means records kept by any public 16006
office, including, but not limited to, state, county, city, 16007
village, township, and school district units, and records 16008
pertaining to the delivery of educational services by an 16009
alternative school in this state kept by the nonprofit or for- 16010
profit entity operating the alternative school pursuant to 16011
section 3313.533 of the Revised Code. "Public record" does not 16012
mean any of the following: 16013

(a) Medical records; 16014

(b) Records pertaining to probation and parole 16015
proceedings, to proceedings related to the imposition of 16016
community control sanctions and post-release control sanctions, 16017
or to proceedings related to determinations under section 16018
2967.271 of the Revised Code regarding the release or maintained 16019
incarceration of an offender to whom that section applies; 16020

(c) Records pertaining to actions under section 2151.85 16021
and division (C) of section 2919.121 of the Revised Code and to 16022
appeals of actions arising under those sections; 16023

(d) Records pertaining to adoption proceedings, including 16024
the contents of an adoption file maintained by the department of 16025
health under sections 3705.12 to 3705.124 of the Revised Code; 16026

(e) Information in a record contained in the putative 16027
father registry established by section 3107.062 of the Revised 16028

Code, regardless of whether the information is held by the 16029
department of ~~job and family services~~ children and youth or, 16030
pursuant to section 3111.69 of the Revised Code, the office of 16031
child support in the department of job and family services or a 16032
child support enforcement agency; 16033

(f) Records specified in division (A) of section 3107.52 16034
of the Revised Code; 16035

(g) Trial preparation records, prior to the conclusion of 16036
all direct appeals or, if no appeal is filed, prior to the 16037
expiration of the time during which an appeal may be filed, or, 16038
if no trial has occurred, until the civil or criminal action or 16039
proceeding has ended without the possibility of direct appeal or 16040
each agency, office, or official responsible for the matter has 16041
made a decision not to proceed with the matter; 16042

(h) Confidential law enforcement investigatory records; 16043

(i) Records containing information that is confidential 16044
under section 2710.03 or 4112.05 of the Revised Code; 16045

(j) DNA records stored in the DNA database pursuant to 16046
section 109.573 of the Revised Code; 16047

(k) Inmate records released by the department of 16048
rehabilitation and correction to the department of youth 16049
services or a court of record pursuant to division (E) of 16050
section 5120.21 of the Revised Code; 16051

(l) Records maintained by the department of youth services 16052
pertaining to children in its custody released by the department 16053
of youth services to the department of rehabilitation and 16054
correction pursuant to section 5139.05 of the Revised Code; 16055

(m) Intellectual property records; 16056

(n) Donor profile records;	16057
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	16058 16059
(p) Designated public service worker residential and familial information;	16060 16061
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	16062 16063 16064 16065 16066
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	16067 16068
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;	16069 16070 16071 16072 16073 16074 16075 16076 16077 16078 16079 16080
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	16081 16082 16083 16084 16085

(u) Test materials, examinations, or evaluation tools used	16086
in an examination for licensure as a nursing home administrator	16087
that the board of executives of long-term services and supports	16088
administers under section 4751.15 of the Revised Code or	16089
contracts under that section with a private or government entity	16090
to administer;	16091
(v) Records the release of which is prohibited by state or	16092
federal law;	16093
(w) Proprietary information of or relating to any person	16094
that is submitted to or compiled by the Ohio venture capital	16095
authority created under section 150.01 of the Revised Code;	16096
(x) Financial statements and data any person submits for	16097
any purpose to the Ohio housing finance agency or the	16098
controlling board in connection with applying for, receiving, or	16099
accounting for financial assistance from the agency, and	16100
information that identifies any individual who benefits directly	16101
or indirectly from financial assistance from the agency;	16102
(y) Records listed in section 5101.29 of the Revised Code;	16103
(z) Discharges recorded with a county recorder under	16104
section 317.24 of the Revised Code, as specified in division (B)	16105
(2) of that section;	16106
(aa) Usage information including names and addresses of	16107
specific residential and commercial customers of a municipally	16108
owned or operated public utility;	16109
(bb) Records described in division (C) of section 187.04	16110
of the Revised Code that are not designated to be made available	16111
to the public as provided in that division;	16112
(cc) Information and records that are made confidential,	16113

privileged, and not subject to disclosure under divisions (B) 16114
and (C) of section 2949.221 of the Revised Code; 16115

(dd) Personal information, as defined in section 149.45 of 16116
the Revised Code; 16117

(ee) The confidential name, address, and other personally 16118
identifiable information of a program participant in the address 16119
confidentiality program established under sections 111.41 to 16120
111.47 of the Revised Code, including the contents of any 16121
application for absent voter's ballots, absent voter's ballot 16122
identification envelope statement of voter, or provisional 16123
ballot affirmation completed by a program participant who has a 16124
confidential voter registration record; records or portions of 16125
records pertaining to that program that identify the number of 16126
program participants that reside within a precinct, ward, 16127
township, municipal corporation, county, or any other geographic 16128
area smaller than the state; and any real property 16129
confidentiality notice filed under section 111.431 of the 16130
Revised Code and the information described in division (C) of 16131
that section. As used in this division, "confidential address" 16132
and "program participant" have the meaning defined in section 16133
111.41 of the Revised Code. 16134

(ff) Orders for active military service of an individual 16135
serving or with previous service in the armed forces of the 16136
United States, including a reserve component, or the Ohio 16137
organized militia, except that, such order becomes a public 16138
record on the day that is fifteen years after the published date 16139
or effective date of the call to order; 16140

(gg) The name, address, contact information, or other 16141
personal information of an individual who is less than eighteen 16142
years of age that is included in any record related to a traffic 16143

accident involving a school vehicle in which the individual was 16144
an occupant at the time of the accident; 16145

(hh) Protected health information, as defined in 45 C.F.R. 16146
160.103, that is in a claim for payment for a health care 16147
product, service, or procedure, as well as any other health 16148
claims data in another document that reveals the identity of an 16149
individual who is the subject of the data or could be used to 16150
reveal that individual's identity; 16151

(ii) Any depiction by photograph, film, videotape, or 16152
printed or digital image under either of the following 16153
circumstances: 16154

(i) The depiction is that of a victim of an offense the 16155
release of which would be, to a reasonable person of ordinary 16156
sensibilities, an offensive and objectionable intrusion into the 16157
victim's expectation of bodily privacy and integrity. 16158

(ii) The depiction captures or depicts the victim of a 16159
sexually oriented offense, as defined in section 2950.01 of the 16160
Revised Code, at the actual occurrence of that offense. 16161

(jj) Restricted portions of a body-worn camera or 16162
dashboard camera recording; 16163

(kk) In the case of a fetal-infant mortality review board 16164
acting under sections 3707.70 to 3707.77 of the Revised Code, 16165
records, documents, reports, or other information presented to 16166
the board or a person abstracting such materials on the board's 16167
behalf, statements made by review board members during board 16168
meetings, all work products of the board, and data submitted by 16169
the board to the department of health or a national infant death 16170
review database, other than the report prepared pursuant to 16171
section 3707.77 of the Revised Code. 16172

(ll) Records, documents, reports, or other information 16173
presented to the pregnancy-associated mortality review board 16174
established under section ~~3738.01~~5180.27 of the Revised Code, 16175
statements made by board members during board meetings, all work 16176
products of the board, and data submitted by the board to the 16177
department of health, other than the biennial reports prepared 16178
under section ~~3738.08~~5180.277 of the Revised Code; 16179

(mm) Except as otherwise provided in division (A) (1) (oo) 16180
of this section, telephone numbers for a victim, as defined in 16181
section 2930.01 of the Revised Code or a witness to a crime that 16182
are listed on any law enforcement record or report. 16183

(nn) A preneed funeral contract, as defined in section 16184
4717.01 of the Revised Code, and contract terms and personally 16185
identifying information of a preneed funeral contract, that is 16186
contained in a report submitted by or for a funeral home to the 16187
board of embalmers and funeral directors under division (C) of 16188
section 4717.13, division (J) of section 4717.31, or section 16189
4717.41 of the Revised Code. 16190

(oo) Telephone numbers for a party to a motor vehicle 16191
accident subject to the requirements of section 5502.11 of the 16192
Revised Code that are listed on any law enforcement record or 16193
report, except that the telephone numbers described in this 16194
division are not excluded from the definition of "public record" 16195
under this division on and after the thirtieth day after the 16196
occurrence of the motor vehicle accident. 16197

(pp) Records pertaining to individuals who complete 16198
training under section 5502.703 of the Revised Code to be 16199
permitted by a school district board of education or governing 16200
body of a community school established under Chapter 3314. of 16201
the Revised Code, a STEM school established under Chapter 3326. 16202

of the Revised Code, or a chartered nonpublic school to convey 16203
deadly weapons or dangerous ordnance into a school safety zone; 16204

(qq) Records, documents, reports, or other information 16205
presented to a domestic violence fatality review board 16206
established under section 307.651 of the Revised Code, 16207
statements made by board members during board meetings, all work 16208
products of the board, and data submitted by the board to the 16209
department of health, other than a report prepared pursuant to 16210
section 307.656 of the Revised Code; 16211

(rr) Records, documents, and information the release of 16212
which is prohibited under sections 2930.04 and 2930.07 of the 16213
Revised Code; 16214

(ss) Records of an existing qualified nonprofit 16215
corporation that creates a special improvement district under 16216
Chapter 1710. of the Revised Code that do not pertain to a 16217
purpose for which the district is created; 16218

(tt) Educational support services data, as defined in 16219
section 3319.325 of the Revised Code; 16220

(uu) Records of the past, current, and future work 16221
schedule of a designated public service worker. As used in 16222
division (A) (1) (uu) of this section, "work schedule" does not 16223
include the docket of cases of a court, judge, or magistrate; 16224

(vv) A request form or confirmation letter submitted to a 16225
public office under section 149.45 of the Revised Code; 16226

(ww) An affidavit or confirmation letter submitted under 16227
section 319.28 of the Revised Code; 16228

(xx) License or certificate application or renewal 16229
responses and supporting documentation submitted to the state 16230

medical board regarding an applicant's, or a license or 16231
certificate holder's, inability to practice according to 16232
acceptable and prevailing standards of care by reason of a 16233
medical condition; 16234

(yy) Images and data captured by an automated license 16235
plate recognition system that are maintained in a law 16236
enforcement database; 16237

(zz) Attorney work product record; 16238

(aaa) Any entry on the public calendar of an elected 16239
official that is for any date that is after the date the record 16240
is requested. 16241

A record that is not a public record under division (A) (1) 16242
of this section and that, under law, is permanently retained 16243
becomes a public record on the day that is seventy-five years 16244
after the day on which the record was created, or in the case of 16245
a record that is not a public record under division (A) (1) (uu) 16246
of this section that is retained, three years after the day on 16247
which the record was created, except for any record protected by 16248
the attorney-client privilege, a trial preparation record as 16249
defined in this section, a statement prohibiting the release of 16250
identifying information signed under section 3107.083 of the 16251
Revised Code, a denial of release form filed pursuant to section 16252
3107.46 of the Revised Code, or any record that is exempt from 16253
release or disclosure under section 149.433 of the Revised Code. 16254
If the record is a birth certificate and a biological parent's 16255
name redaction request form has been accepted under section 16256
3107.391 of the Revised Code, the name of that parent shall be 16257
redacted from the birth certificate before it is released under 16258
this paragraph. If any other section of the Revised Code 16259
establishes a time period for disclosure of a record that 16260

conflicts with the time period specified in this section, the 16261
time period in the other section prevails. 16262

~~(2)~~(2) (a) "Confidential law enforcement investigatory 16263
record" means any record that pertains to a law enforcement 16264
matter of a criminal, quasi-criminal, civil, or administrative 16265
nature, but only to the extent that the release of the record 16266
would create a high probability of disclosure of any of the 16267
following: 16268

~~(a)~~(i) The identity of a suspect who has not been charged 16269
with the offense to which the record pertains, or of an 16270
information source or witness to whom confidentiality has been 16271
reasonably promised; 16272

~~(b)~~(ii) Information provided by an information source or 16273
witness to whom confidentiality has been reasonably promised, 16274
which information would reasonably tend to disclose the source's 16275
or witness's identity; 16276

~~(c)~~(iii) Specific confidential investigatory techniques or 16277
procedures or specific investigatory work product; 16278

~~(d)~~(iv) Information that would endanger the life or 16279
physical safety of law enforcement personnel, a crime victim, a 16280
witness, or a confidential information source. 16281

(b) As used in divisions (A) (2) and (18) of this section, 16282
"specific investigatory work product" means information 16283
assembled by law enforcement officials in connection with a 16284
probable or pending criminal or civil proceeding, with the 16285
exception of routine incident reports. "Specific investigatory 16286
work product" is not a public record prior to the conclusion of 16287
all direct appeals, or, if no appeal is filed, prior to the 16288
expiration of the time during which an appeal may be filed, or, 16289

if no trial has occurred, until the criminal or civil proceeding 16290
has ended without possibility of direct appeal or each agency, 16291
office, or official responsible for the matter has made a 16292
decision not to proceed with the matter. 16293

(3) "Medical record" means any document or combination of 16294
documents, except births, deaths, and the fact of admission to 16295
or discharge from a hospital, that pertains to the medical 16296
history, diagnosis, prognosis, or medical condition of a patient 16297
and that is generated and maintained in the process of medical 16298
treatment. 16299

(4) "Trial preparation record" means any record created by 16300
or for another party or by or for that party's representative, 16301
in reasonable anticipation of, or in defense of, a civil or 16302
criminal action or proceeding, that is not a confidential law 16303
enforcement investigatory record or attorney work product record 16304
and that contains factual information that is specifically 16305
compiled in reasonable anticipation of, or in defense of, a for 16306
that civil or criminal action or proceeding, ~~including the~~ 16307
~~independent thought processes and personal trial preparation of~~ 16308
~~an attorney.~~ 16309

(5) "Intellectual property record" means a record, other 16310
than a financial or administrative record, that is produced or 16311
collected by or for faculty or staff of a state institution of 16312
higher learning in the conduct of or as a result of study or 16313
research on an educational, commercial, scientific, artistic, 16314
technical, or scholarly issue, regardless of whether the study 16315
or research was sponsored by the institution alone or in 16316
conjunction with a governmental body or private concern, and 16317
that has not been publicly released, published, or patented. 16318

(6) "Donor profile record" means all records about donors 16319

or potential donors to a public institution of higher education 16320
except the names and reported addresses of the actual donors and 16321
the date, amount, and conditions of the actual donation. 16322

(7) "Designated public service worker" means a peace 16323
officer, parole officer, probation officer, bailiff, prosecuting 16324
attorney, assistant prosecuting attorney, correctional employee, 16325
county or multicounty corrections officer, community-based 16326
correctional facility employee, designated Ohio national guard 16327
member, protective services worker, youth services employee, 16328
firefighter, EMT, medical director or member of a cooperating 16329
physician advisory board of an emergency medical service 16330
organization, state board of pharmacy employee, investigator of 16331
the bureau of criminal identification and investigation, 16332
emergency service telecommunicator, forensic mental health 16333
provider, mental health evaluation provider, regional 16334
psychiatric hospital employee, judge, magistrate, or federal law 16335
enforcement officer. 16336

(8) "Designated public service worker residential and 16337
familial information" means any information that discloses any 16338
of the following about a designated public service worker: 16339

(a) The address of the actual personal residence of a 16340
designated public service worker, except for the following 16341
information: 16342

(i) The address of the actual personal residence of a 16343
prosecuting attorney or judge; and 16344

(ii) The state or political subdivision in which a 16345
designated public service worker resides. 16346

(b) Information compiled from referral to or participation 16347
in an employee assistance program; 16348

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a designated public service worker; 16349
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(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a designated public service worker by the designated public service worker's employer; 16354
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(e) The identity and amount of any charitable or employment benefit deduction made by the designated public service worker's employer from the designated public service worker's compensation, unless the amount of the deduction is required by state or federal law; 16358
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(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a designated public service worker; 16363
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(g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority. 16369
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(9) As used in divisions (A) (7) and (15) to (17) of this section: 16373
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"Peace officer" has the meaning defined in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the 16375
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sheriff of a county or a supervisory employee who, in the 16378
absence of the sheriff, is authorized to stand in for, exercise 16379
the authority of, and perform the duties of the sheriff. 16380

"Correctional employee" means any employee of the 16381
department of rehabilitation and correction who in the course of 16382
performing the employee's job duties has or has had contact with 16383
inmates and persons under supervision. 16384

"County or multicounty corrections officer" means any 16385
corrections officer employed by any county or multicounty 16386
correctional facility. 16387

"Designated Ohio national guard member" means a member of 16388
the Ohio national guard who is participating in duties related 16389
to remotely piloted aircraft, including, but not limited to, 16390
pilots, sensor operators, and mission intelligence personnel, 16391
duties related to special forces operations, or duties related 16392
to cybersecurity, and is designated by the adjutant general as a 16393
designated public service worker for those purposes. 16394

"Protective services worker" means any employee of a 16395
county agency who is responsible for child protective services, 16396
child support services, or adult protective services. 16397

"Youth services employee" means any employee of the 16398
department of youth services who in the course of performing the 16399
employee's job duties has or has had contact with children 16400
committed to the custody of the department of youth services. 16401

"Firefighter" means any regular, paid or volunteer, member 16402
of a lawfully constituted fire department of a municipal 16403
corporation, township, fire district, or village. 16404

"EMT" means EMTs-basic, EMTs-I, and paramedics that 16405
provide emergency medical services for a public emergency 16406

medical service organization. "Emergency medical service 16407
organization," "EMT-basic," "EMT-I," and "paramedic" have the 16408
meanings defined in section 4765.01 of the Revised Code. 16409

"Investigator of the bureau of criminal identification and 16410
investigation" has the meaning defined in section 2903.11 of the 16411
Revised Code. 16412

"Emergency service telecommunicator" means an individual 16413
employed by an emergency service provider as defined under 16414
section 128.01 of the Revised Code, whose primary responsibility 16415
is to be an operator for the receipt or processing of calls for 16416
emergency services made by telephone, radio, or other electronic 16417
means. 16418

"Forensic mental health provider" means any employee of a 16419
community mental health service provider or local alcohol, drug 16420
addiction, and mental health services board who, in the course 16421
of the employee's duties, has contact with persons committed to 16422
a local alcohol, drug addiction, and mental health services 16423
board by a court order pursuant to section 2945.38, 2945.39, 16424
2945.40, or 2945.402 of the Revised Code. 16425

"Mental health evaluation provider" means an individual 16426
who, under Chapter 5122. of the Revised Code, examines a 16427
respondent who is alleged to be a mentally ill person subject to 16428
court order, as defined in section 5122.01 of the Revised Code, 16429
and reports to the probate court the respondent's mental 16430
condition. 16431

"Regional psychiatric hospital employee" means any 16432
employee of the department of mental health and addiction 16433
services who, in the course of performing the employee's duties, 16434
has contact with patients committed to the department of mental 16435

health and addiction services by a court order pursuant to 16436
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 16437
Code. 16438

"Federal law enforcement officer" has the meaning defined 16439
in section 9.88 of the Revised Code. 16440

(10) "Information pertaining to the recreational 16441
activities of a person under the age of eighteen" means 16442
information that is kept in the ordinary course of business by a 16443
public office, that pertains to the recreational activities of a 16444
person under the age of eighteen years, and that discloses any 16445
of the following: 16446

(a) The address or telephone number of a person under the 16447
age of eighteen or the address or telephone number of that 16448
person's parent, guardian, custodian, or emergency contact 16449
person; 16450

(b) The social security number, birth date, or 16451
photographic image of a person under the age of eighteen; 16452

(c) Any medical record, history, or information pertaining 16453
to a person under the age of eighteen; 16454

(d) Any additional information sought or required about a 16455
person under the age of eighteen for the purpose of allowing 16456
that person to participate in any recreational activity 16457
conducted or sponsored by a public office or to use or obtain 16458
admission privileges to any recreational facility owned or 16459
operated by a public office. 16460

(11) "Community control sanction" has the meaning defined 16461
in section 2929.01 of the Revised Code. 16462

(12) "Post-release control sanction" has the meaning 16463

defined in section 2967.01 of the Revised Code. 16464

(13) "Redaction" means obscuring or deleting any 16465
information that is exempt from the duty to permit public 16466
inspection or copying from an item that otherwise meets the 16467
definition of a "record" in section 149.011 of the Revised Code. 16468

(14) "Designee," "elected official," and "future official" 16469
have the meanings defined in section 109.43 of the Revised Code. 16470

(15) "Body-worn camera" means a visual and audio recording 16471
device worn on the person of a correctional employee, youth 16472
services employee, or peace officer while the correctional 16473
employee, youth services employee, or peace officer is engaged 16474
in the performance of official duties. 16475

(16) "Dashboard camera" means a visual and audio recording 16476
device mounted on a peace officer's vehicle or vessel that is 16477
used while the peace officer is engaged in the performance of 16478
the peace officer's duties. 16479

(17) "Restricted portions of a body-worn camera or 16480
dashboard camera recording" means any visual or audio portion of 16481
a body-worn camera or dashboard camera recording that shows, 16482
communicates, or discloses any of the following: 16483

(a) The image or identity of a child or information that 16484
could lead to the identification of a child who is a primary 16485
subject of the recording when the department of rehabilitation 16486
and correction, department of youth services, or the law 16487
enforcement agency knows or has reason to know the person is a 16488
child based on the department's or law enforcement agency's 16489
records or the content of the recording; 16490

(b) The death of a person or a deceased person's body, 16491
unless the death was caused by a correctional employee, youth 16492

services employee, or peace officer or, subject to division (H) 16493
(1) of this section, the consent of the decedent's executor or 16494
administrator has been obtained; 16495

(c) The death of a correctional employee, youth services 16496
employee, peace officer, firefighter, paramedic, or other first 16497
responder, occurring while the decedent was engaged in the 16498
performance of official duties, unless, subject to division (H) 16499
(1) of this section, the consent of the decedent's executor or 16500
administrator has been obtained; 16501

(d) Grievous bodily harm, unless the injury was effected 16502
by a correctional employee, youth services employee, or peace 16503
officer or, subject to division (H) (1) of this section, the 16504
consent of the injured person or the injured person's guardian 16505
has been obtained; 16506

(e) An act of severe violence against a person that 16507
results in serious physical harm to the person, unless the act 16508
and injury was effected by a correctional employee, youth 16509
services employee, or peace officer or, subject to division (H) 16510
(1) of this section, the consent of the injured person or the 16511
injured person's guardian has been obtained; 16512

(f) Grievous bodily harm to a correctional employee, youth 16513
services employee, peace officer, firefighter, paramedic, or 16514
other first responder, occurring while the injured person was 16515
engaged in the performance of official duties, unless, subject 16516
to division (H) (1) of this section, the consent of the injured 16517
person or the injured person's guardian has been obtained; 16518

(g) An act of severe violence resulting in serious 16519
physical harm against a correctional employee, youth services 16520
employee, peace officer, firefighter, paramedic, or other first 16521

responder, occurring while the injured person was engaged in the 16522
performance of official duties, unless, subject to division (H) 16523
(1) of this section, the consent of the injured person or the 16524
injured person's guardian has been obtained; 16525

(h) A person's nude body, unless, subject to division (H) 16526
(1) of this section, the person's consent has been obtained; 16527

(i) Protected health information, the identity of a person 16528
in a health care facility who is not the subject of a 16529
correctional, youth services, or law enforcement encounter, or 16530
any other information in a health care facility that could 16531
identify a person who is not the subject of a correctional, 16532
youth services, or law enforcement encounter; 16533

(j) Information that could identify the alleged victim of 16534
a sex offense, menacing by stalking, or domestic violence; 16535

(k) Information, that does not constitute a confidential 16536
law enforcement investigatory record, that could identify a 16537
person who provides sensitive or confidential information to the 16538
department of rehabilitation and correction, the department of 16539
youth services, or a law enforcement agency when the disclosure 16540
of the person's identity or the information provided could 16541
reasonably be expected to threaten or endanger the safety or 16542
property of the person or another person; 16543

(l) Personal information of a person who is not arrested, 16544
cited, charged, or issued a written warning by a peace officer; 16545

(m) Proprietary correctional, youth services, or police 16546
contingency plans or tactics that are intended to prevent crime 16547
and maintain public order and safety; 16548

(n) A personal conversation unrelated to work between 16549
correctional employees, youth services employees, or peace 16550

officers or between a correctional employee, youth services
employee, or peace officer and an employee of a law enforcement
agency;

(o) A conversation between a correctional employee, youth
services employee, or peace officer and a member of the public
that does not concern correctional, youth services, or law
enforcement activities;

(p) The interior of a residence, unless the interior of a
residence is the location of an adversarial encounter with, or a
use of force by, a correctional employee, youth services
employee, or peace officer;

(q) Any portion of the interior of a private business that
is not open to the public, unless an adversarial encounter with,
or a use of force by, a correctional employee, youth services
employee, or peace officer occurs in that location.

As used in division (A) (17) of this section:

"Grievous bodily harm" has the same meaning as in section
5924.120 of the Revised Code.

"Health care facility" has the same meaning as in section
1337.11 of the Revised Code.

"Protected health information" has the same meaning as in
45 C.F.R. 160.103.

"Law enforcement agency" means a government entity that
employs peace officers to perform law enforcement duties.

"Personal information" means any government-issued
identification number, date of birth, address, financial
information, or criminal justice information from the law
enforcement automated data system or similar databases.

"Sex offense" has the same meaning as in section 2907.10 16579
of the Revised Code. 16580

"Firefighter," "paramedic," and "first responder" have the 16581
same meanings as in section 4765.01 of the Revised Code. 16582

(18) "Attorney work product record" means a record that is 16583
not specific investigatory work product or a trial preparation 16584
record and that is created by an attorney, or by the agent of an 16585
attorney, in reasonable anticipation of or for litigation, 16586
trial, or administrative proceedings, when acting in an official 16587
capacity on behalf of the state, a political subdivision of the 16588
state, a state agency, a public official, or a public employee, 16589
that documents the independent thought processes, mental 16590
impressions, legal theories, strategies, analysis, or reasoning 16591
of an attorney or the agent of an attorney. 16592

(19) "Elected official" means a person who is elected or 16593
appointed to an elective office of the state or a political 16594
subdivision. 16595

(20) "Public calendar" means a calendar or appointment 16596
book maintained by an elected official to schedule the elected 16597
official's activities in relation to the elected official's 16598
position as an elected official. "Public calendar" does not 16599
include a personal calendar or appointment book maintained 16600
solely for an elected official's personal convenience that does 16601
not serve to document the elected official's official activities 16602
or functions or the official activities or functions of the 16603
elected official's public office. 16604

(B) (1) Upon request by any person and subject to division 16605
(B) (8) of this section, all public records responsive to the 16606
request shall be promptly prepared and made available for 16607

inspection to the requester at all reasonable times during 16608
regular business hours. Subject to division (B) (8) of this 16609
section, upon request by any person, a public office or person 16610
responsible for public records shall make copies of the 16611
requested public record available to the requester at cost and 16612
within a reasonable period of time. 16613

When considering whether a state or local law enforcement 16614
agency or a prosecuting attorney's office promptly prepared a 16615
video record for inspection or ~~provided~~ produced a copy of a 16616
video record ~~for production~~ within a reasonable period of time, 16617
in addition to any other factors, a court shall consider the 16618
time required for a state or local law enforcement agency or a 16619
prosecuting attorney's office to retrieve, download, review, 16620
redact, seek legal advice regarding, and produce the video 16621
record. ~~Notwithstanding~~ Except as specified in division (B) (11) 16622
of this section, notwithstanding any other requirement set forth 16623
in Chapter 149. of the Revised Code, a state or local law 16624
enforcement agency or a prosecuting attorney's office may charge 16625
a requester the actual cost associated with preparing a video 16626
record for inspection or production, not to exceed seventy-five 16627
dollars per hour of video produced, nor seven hundred fifty 16628
dollars total. As used in this division, "actual cost," with 16629
respect to video records only, means all costs incurred by the 16630
state or local law enforcement agency or a prosecuting 16631
attorney's office in reviewing, blurring or otherwise obscuring, 16632
redacting, uploading, or producing the video records, including 16633
but not limited to the storage medium on which the record is 16634
produced, staff time, and any other relevant overhead necessary 16635
to comply with the request. A state or local law enforcement 16636
agency or a prosecuting attorney's office may include in its 16637
public records policy the requirement that a requester pay the 16638

estimated actual cost before beginning the process of preparing 16639
a video record for inspection or production. Where a state or 16640
local law enforcement agency or a prosecuting attorney's office 16641
imposes such a requirement, its obligation to produce a video or 16642
make it available for inspection begins once the estimated 16643
actual cost is paid in full by the requester. A state or local 16644
law enforcement agency or a prosecuting attorney's office shall 16645
provide the requester with the estimated actual cost within five 16646
business days of receipt of the public records request. If the 16647
actual cost exceeds the estimated actual cost, a state or local 16648
law enforcement agency or a prosecuting attorney's office may 16649
charge a requester for the difference upon fulfilling a request 16650
for video records if the requester is notified in advance that 16651
the actual cost may be up to twenty per cent higher than the 16652
estimated actual cost. A state or local law enforcement agency 16653
or a prosecuting attorney's office shall not charge a requester 16654
a difference that exceeds twenty per cent of the estimated 16655
actual cost. 16656

If a public record contains information that is exempt 16657
from the duty to permit public inspection or to copy the public 16658
record, the public office or the person responsible for the 16659
public record shall make available all of the information within 16660
the public record that is not exempt. When making that public 16661
record available for public inspection or copying that public 16662
record, the public office or the person responsible for the 16663
public record shall notify the requester of any redaction or 16664
make the redaction plainly visible. A redaction shall be deemed 16665
a denial of a request to inspect or copy the redacted 16666
information, except if federal or state law authorizes or 16667
requires a public office to make the redaction. When the auditor 16668
of state receives a request to inspect or to make a copy of a 16669

record that was provided to the auditor of state for purposes of 16670
an audit, but the original public office has asserted to the 16671
auditor of state that the record is not a public record, the 16672
auditor of state may handle the requests by directing the 16673
requestor to the original public office that provided the record 16674
to the auditor of state. 16675

(2) To facilitate broader access to public records, a 16676
public office or the person responsible for public records shall 16677
organize and maintain public records in a manner that they can 16678
be made available for inspection or copying in accordance with 16679
division (B) of this section. A public office also shall have 16680
available a copy of its current records retention schedule at a 16681
location readily available to the public. If a requester makes 16682
an ambiguous or overly broad request or has difficulty in making 16683
a request for copies or inspection of public records under this 16684
section such that the public office or the person responsible 16685
for the requested public record cannot reasonably identify what 16686
public records are being requested, the public office or the 16687
person responsible for the requested public record may deny the 16688
request but shall provide the requester with an opportunity to 16689
revise the request by informing the requester of the manner in 16690
which records are maintained by the public office and accessed 16691
in the ordinary course of the public office's or person's 16692
duties. 16693

(3) If a request is ultimately denied, in part or in 16694
whole, the public office or the person responsible for the 16695
requested public record shall provide the requester with an 16696
explanation, including legal authority, setting forth why the 16697
request was denied. If the initial request was provided in 16698
writing, the explanation also shall be provided to the requester 16699
in writing. The explanation shall not preclude the public office 16700

or the person responsible for the requested public record from 16701
relying upon additional reasons or legal authority in defending 16702
an action commenced under division (C) of this section. 16703

(4) Unless specifically required or authorized by state or 16704
federal law or in accordance with division (B) of this section, 16705
no public office or person responsible for public records may 16706
limit or condition the availability of public records by 16707
requiring disclosure of the requester's identity or the intended 16708
use of the requested public record. Any requirement that the 16709
requester disclose the requester's identity or the intended use 16710
of the requested public record constitutes a denial of the 16711
request. 16712

(5) A public office or person responsible for public 16713
records may ask a requester to make the request in writing, may 16714
ask for the requester's identity, and may inquire about the 16715
intended use of the information requested, but may do so only 16716
after disclosing to the requester that a written request is not 16717
mandatory, that the requester may decline to reveal the 16718
requester's identity or the intended use, and when a written 16719
request or disclosure of the identity or intended use would 16720
benefit the requester by enhancing the ability of the public 16721
office or person responsible for public records to identify, 16722
locate, or deliver the public records sought by the requester. 16723

(6) If any person requests a copy of a public record in 16724
accordance with division (B) of this section, the public office 16725
or person responsible for the public record may require the 16726
requester to pay in advance the cost involved in providing the 16727
copy of the public record in accordance with the choice made by 16728
the requester under this division. The public office or the 16729
person responsible for the public record shall permit the 16730

requester to choose to have the public record duplicated upon 16731
paper, upon the same medium upon which the public office or 16732
person responsible for the public record keeps it, or upon any 16733
other medium upon which the public office or person responsible 16734
for the public record determines that it reasonably can be 16735
duplicated as an integral part of the normal operations of the 16736
public office or person responsible for the public record. When 16737
the requester makes a choice under this division, the public 16738
office or person responsible for the public record shall provide 16739
a copy of it in accordance with the choice made by the 16740
requester. Nothing in this section requires a public office or 16741
person responsible for the public record to allow the requester 16742
of a copy of the public record to make the copies of the public 16743
record. 16744

(7) (a) Upon a request made in accordance with division (B) 16745
of this section and subject to division (B) (6) of this section, 16746
a public office or person responsible for public records shall 16747
transmit a copy of a public record to any person by United 16748
States mail or by any other means of delivery or transmission 16749
within a reasonable period of time after receiving the request 16750
for the copy. The public office or person responsible for the 16751
public record may require the person making the request to pay 16752
in advance the cost of postage if the copy is transmitted by 16753
United States mail or the cost of delivery if the copy is 16754
transmitted other than by United States mail, and to pay in 16755
advance the costs incurred for other supplies used in the 16756
mailing, delivery, or transmission. 16757

(b) Any public office may adopt a policy and procedures 16758
that it will follow in transmitting, within a reasonable period 16759
of time after receiving a request, copies of public records by 16760
United States mail or by any other means of delivery or 16761

transmission pursuant to division (B)(7) of this section. A 16762
public office that adopts a policy and procedures under division 16763
(B)(7) of this section shall comply with them in performing its 16764
duties under that division. 16765

(c) In any policy and procedures adopted under division 16766
(B)(7) of this section: 16767

(i) A public office may limit the number of records 16768
requested by a person that the office will physically deliver by 16769
United States mail or by another delivery service to ten per 16770
month, unless the person certifies to the office in writing that 16771
the person does not intend to use or forward the requested 16772
records, or the information contained in them, for commercial 16773
purposes; 16774

(ii) A public office that chooses to provide some or all 16775
of its public records on a web site that is fully accessible to 16776
and searchable by members of the public at all times, other than 16777
during acts of God outside the public office's control or 16778
maintenance, and that charges no fee to search, access, 16779
download, or otherwise receive records provided on the web site, 16780
may limit to ten per month the number of records requested by a 16781
person that the office will deliver in a digital format, unless 16782
the requested records are not provided on the web site and 16783
unless the person certifies to the office in writing that the 16784
person does not intend to use or forward the requested records, 16785
or the information contained in them, for commercial purposes. 16786

(iii) For purposes of division (B)(7) of this section, 16787
"commercial" shall be narrowly construed and does not include 16788
reporting or gathering news, reporting or gathering information 16789
to assist citizen oversight or understanding of the operation or 16790
activities of government, or nonprofit educational research. 16791

(8) A public office or person responsible for public records is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation or prosecution were an adult, unless the request to inspect or to obtain a copy of the record is for the purpose of acquiring information that is subject to release as a public record under this section and the judge who imposed the sentence or made the adjudication with respect to the person, or the judge's successor in office, finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person. As used in this division, "public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation were an adult" includes, but is not limited to, personnel files and payroll and attendance records of designated public service workers.

(9) (a) Upon written request made and signed by a journalist, a public office, or person responsible for public records, having custody of the records of the agency employing a specified designated public service worker shall disclose to the journalist the address of the actual personal residence of the designated public service worker and, if the designated public service worker's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the designated public service worker's spouse, former spouse, or child, and any past, current, and future work schedules of the designated public service worker. The request shall include the

journalist's name and title and the name and address of the 16823
journalist's employer and shall state that disclosure of the 16824
information sought would be in the public interest. 16825

(b) Division (B) (9) (a) of this section also applies to 16826
journalist requests for: 16827

(i) Customer information maintained by a municipally owned 16828
or operated public utility, other than social security numbers 16829
and any private financial information such as credit reports, 16830
payment methods, credit card numbers, and bank account 16831
information; 16832

(ii) Information about minors involved in a school vehicle 16833
accident as provided in division (A) (1) (gg) of this section, 16834
other than personal information as defined in section 149.45 of 16835
the Revised Code; 16836

(iii) A request form submitted to a public office under 16837
section 149.45 of the Revised Code; 16838

(iv) An affidavit submitted under section 319.28 of the 16839
Revised Code. 16840

(c) As used in division (B) (9) of this section, 16841
"journalist" means a person engaged in, connected with, or 16842
employed by any news medium, including a newspaper, magazine, 16843
press association, news agency, or wire service, a radio or 16844
television station, or a similar medium, for the purpose of 16845
gathering, processing, transmitting, compiling, editing, or 16846
disseminating information for the general public. 16847

(10) Upon a request made by a victim, victim's attorney, 16848
or victim's representative, as that term is used in section 16849
2930.02 of the Revised Code, a public office or person 16850
responsible for public records shall transmit a copy of a 16851

depiction of the victim as described in division (A) (1) (ii) of 16852
this section to the victim, victim's attorney, or victim's 16853
representative. 16854

(11) A state or local law enforcement agency or a 16855
prosecuting attorney's office shall not charge a fee for 16856
preparing a video record for inspection, or producing a copy of 16857
a video record, when the requester of the video record is a 16858
victim, as defined in Ohio Constitution, Article I, Section 10a, 16859
or who is a victim who suffered loss and could seek remedy 16860
through a tort action as defined by section 2307.011 of the 16861
Revised Code, who reasonably asserts that the video recording 16862
relates to the act or omission that caused the victim's harm or 16863
loss, or who is the legal counsel or insurer of the victim. A 16864
fee under this section may only be waived upon the receipt of an 16865
affidavit by the victim or the victim's legal counsel 16866
identifying that the use of the video is to investigate harm or 16867
damages that may have been captured on the video. 16868

As used in this division, "legal counsel of the victim" 16869
means an attorney who, at the time of making the request, 16870
produces to the state or local law enforcement agency or a 16871
prosecuting attorney's office a signed retention agreement or 16872
letter of representation that establishes that the attorney is 16873
representing the victim. 16874

(C) (1) If a person allegedly is aggrieved by the failure 16875
of a public office or the person responsible for public records 16876
to promptly prepare a public record and to make it available to 16877
the person for inspection in accordance with division (B) of 16878
this section or by any other failure of a public office or the 16879
person responsible for public records to comply with an 16880
obligation in accordance with division (B) of this section, the 16881

person allegedly aggrieved may serve pursuant to Rule 4 of the 16882
Ohio Rules of Civil Procedure a complaint, on a form prescribed 16883
by the clerk of the court of claims, to the public office or 16884
person responsible for public records allegedly responsible for 16885
the alleged failure. Upon receipt of the complaint of the person 16886
allegedly aggrieved, the public office or person responsible for 16887
public records has three business days to cure or otherwise 16888
address the failure alleged in the complaint. The person 16889
allegedly aggrieved shall not file a complaint with a court or 16890
commence a mandamus action under this section within the three- 16891
day period. Upon the expiration of the three-day period, the 16892
person allegedly aggrieved may, subject to the requirements of 16893
division (C) (2) of this section, do only one of the following, 16894
and not both: 16895

(a) File a complaint with the clerk of the court of claims 16896
or the clerk of the court of common pleas under section 2743.75 16897
of the Revised Code; 16898

(b) Commence a mandamus action to obtain a judgment that 16899
orders the public office or the person responsible for the 16900
public record to comply with division (B) of this section, that 16901
awards court costs and reasonable attorney's fees to the person 16902
that instituted the mandamus action, and, if applicable, that 16903
includes an order fixing statutory damages under division (C) (3) 16904
of this section. The mandamus action may be commenced in the 16905
court of common pleas of the county in which division (B) of 16906
this section allegedly was not complied with, in the supreme 16907
court pursuant to its original jurisdiction under Section 2 of 16908
Article IV, Ohio Constitution, or in the court of appeals for 16909
the appellate district in which division (B) of this section 16910
allegedly was not complied with pursuant to its original 16911
jurisdiction under Section 3 of Article IV, Ohio Constitution. 16912

(2) Upon filing a complaint or mandamus action with a court under divisions (C) (1) (a) or (b) of this section, a person allegedly aggrieved shall file with the court, in conjunction with the person's complaint or petition, a written affirmation stating that the person properly transmitted a complaint to the public office or person responsible for public records, the failure alleged in the complaint has not been cured or otherwise resolved to the person's satisfaction, and that the complaint was transmitted to the public office or person responsible for public records at least three business days before the filing of the suit. If the person fails to file an affirmation pursuant to this division, the suit shall be dismissed.

(3) If a requester transmits a written request by hand delivery, electronic submission, or certified mail to inspect or receive copies of any public record in a manner that fairly describes the public record or class of public records to the public office or person responsible for the requested public records, except as otherwise provided in this section, the requester shall be entitled to recover the amount of statutory damages set forth in this division if a court determines that the public office or the person responsible for public records failed to comply with an obligation in accordance with division (B) of this section. Statutory damages are not available pursuant to this section to a person committed to the custody of the department of rehabilitation and correction or the United States bureau of prisons, or a child committed to the department of youth services as permitted in Chapter 2152. of the Revised Code.

The amount of statutory damages shall be fixed at one hundred dollars for each business day during which the public office or person responsible for the requested public records

failed to comply with an obligation in accordance with division 16944
(B) of this section, beginning with the day on which the 16945
requester files a mandamus action to recover statutory damages, 16946
up to a maximum of one thousand dollars. The award of statutory 16947
damages shall not be construed as a penalty, but as compensation 16948
for injury arising from lost use of the requested information. 16949
The existence of this injury shall be conclusively presumed. The 16950
award of statutory damages shall be in addition to all other 16951
remedies authorized by this section. 16952

The court may reduce an award of statutory damages or not 16953
award statutory damages if the court determines both of the 16954
following: 16955

(a) That, based on the ordinary application of statutory 16956
law and case law as it existed at the time of the conduct or 16957
threatened conduct of the public office or person responsible 16958
for the requested public records that allegedly constitutes a 16959
failure to comply with an obligation in accordance with division 16960
(B) of this section and that was the basis of the mandamus 16961
action, a well-informed public office or person responsible for 16962
the requested public records reasonably would believe that the 16963
conduct or threatened conduct of the public office or person 16964
responsible for the requested public records did not constitute 16965
a failure to comply with an obligation in accordance with 16966
division (B) of this section; 16967

(b) That a well-informed public office or person 16968
responsible for the requested public records reasonably would 16969
believe that the conduct or threatened conduct of the public 16970
office or person responsible for the requested public records 16971
would serve the public policy that underlies the authority that 16972
is asserted as permitting that conduct or threatened conduct. 16973

(4) In a mandamus action filed under division (C) (1) of this section, the following apply: 16974
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(a) (i) If the court orders the public office or the person responsible for the public record to comply with division (B) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive. 16976
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(ii) If the court makes a determination described in division (C) (4) (b) (iii) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive. 16981
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(b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section or if the court determines any of the following, the court may award reasonable attorney's fees to the relator, subject to division (C) (5) of this section: 16985
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(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section. 16990
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(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time. 16994
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(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, 16999
17000
17001
17002

but before the court issued any order concluding whether or not 17003
the public office or person was required to comply with division 17004
(B) of this section. No discovery may be conducted on the issue 17005
of the alleged bad faith of the public office or person 17006
responsible for the public records. This division shall not be 17007
construed as creating a presumption that the public office or 17008
the person responsible for the public records acted in bad faith 17009
when the office or person voluntarily made the public records 17010
available to the relator for the first time after the relator 17011
commenced the mandamus action, but before the court issued any 17012
order described in this division. 17013

(c) The court shall not award attorney's fees to the 17014
relator if the court determines both of the following: 17015

(i) That, based on the ordinary application of statutory 17016
law and case law as it existed at the time of the conduct or 17017
threatened conduct of the public office or person responsible 17018
for the requested public records that allegedly constitutes a 17019
failure to comply with an obligation in accordance with division 17020
(B) of this section and that was the basis of the mandamus 17021
action, a well-informed public office or person responsible for 17022
the requested public records reasonably would believe that the 17023
conduct or threatened conduct of the public office or person 17024
responsible for the requested public records did not constitute 17025
a failure to comply with an obligation in accordance with 17026
division (B) of this section; 17027

(ii) That a well-informed public office or person 17028
responsible for the requested public records reasonably would 17029
believe that the conduct or threatened conduct of the public 17030
office or person responsible for the requested public records 17031
would serve the public policy that underlies the authority that 17032

is asserted as permitting that conduct or threatened conduct. 17033

(5) All of the following apply to any award of reasonable 17034
attorney's fees awarded under division (C) (4) (b) of this 17035
section: 17036

(a) The fees shall be construed as remedial and not 17037
punitive. 17038

(b) The fees awarded shall not exceed the total of the 17039
reasonable attorney's fees incurred before the public record was 17040
made available to the relator and the fees described in division 17041
(C) (5) (c) of this section. 17042

(c) Reasonable attorney's fees shall include reasonable 17043
fees incurred to produce proof of the reasonableness and amount 17044
of the fees and to otherwise litigate entitlement to the fees. 17045

(d) The court may reduce the amount of fees awarded if the 17046
court determines that, given the factual circumstances involved 17047
with the specific public records request, an alternative means 17048
should have been pursued to more effectively and efficiently 17049
resolve the dispute that was subject to the mandamus action 17050
filed under division (C) (1) of this section. 17051

(6) If the court does not issue a writ of mandamus under 17052
division (C) of this section and the court determines at that 17053
time that the bringing of the mandamus action was frivolous 17054
conduct as defined in division (A) of section 2323.51 of the 17055
Revised Code, the court may award to the public office all court 17056
costs, expenses, and reasonable attorney's fees, as determined 17057
by the court. 17058

(D) Chapter 1347. of the Revised Code does not limit the 17059
provisions of this section. 17060

(E) (1) To ensure that all employees of public offices are 17061
appropriately educated about a public office's obligations under 17062
division (B) of this section, all elected officials or their 17063
appropriate designees shall attend training approved by the 17064
attorney general as provided in section 109.43 of the Revised 17065
Code. A future official may satisfy the requirements of this 17066
division by attending the training before taking office, 17067
provided that the future official may not send a designee in the 17068
future official's place. 17069

(2) All public offices shall adopt a public records policy 17070
in compliance with this section for responding to public records 17071
requests. In adopting a public records policy under this 17072
division, a public office may obtain guidance from the model 17073
public records policy developed and provided to the public 17074
office by the attorney general under section 109.43 of the 17075
Revised Code. Except as otherwise provided in this section, the 17076
policy may not limit the number of public records that the 17077
public office will make available to a single person, may not 17078
limit the number of public records that it will make available 17079
during a fixed period of time, and may not establish a fixed 17080
period of time before it will respond to a request for 17081
inspection or copying of public records, unless that period is 17082
less than eight hours. 17083

The public office shall distribute the public records 17084
policy adopted by the public office under this division to the 17085
employee of the public office who is the records custodian or 17086
records manager or otherwise has custody of the records of that 17087
office. The public office shall require that employee to 17088
acknowledge receipt of the copy of the public records policy. 17089
The public office shall create a poster that describes its 17090
public records policy and shall post the poster in a conspicuous 17091

place in the public office and in all locations where the public office has branch offices. The public office may post its public records policy on the internet web site of the public office if the public office maintains an internet web site. A public office that has established a manual or handbook of its general policies and procedures for all employees of the public office shall include the public records policy of the public office in the manual or handbook.

(F) (1) The bureau of motor vehicles may adopt rules pursuant to Chapter 119. of the Revised Code to reasonably limit the number of bulk commercial special extraction requests made by a person for the same records or for updated records during a calendar year. The rules may include provisions for charges to be made for bulk commercial special extraction requests for the actual cost of the bureau, plus special extraction costs, plus ten per cent. The bureau may charge for expenses for redacting information, the release of which is prohibited by law.

(2) As used in division (F) (1) of this section:

(a) "Actual cost" means the cost of depleted supplies, records storage media costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services.

(b) "Bulk commercial special extraction request" means a request for copies of a record for information in a format other than the format already available, or information that cannot be extracted without examination of all items in a records series, class of records, or database by a person who intends to use or forward the copies for surveys, marketing, solicitation, or resale for commercial purposes. "Bulk commercial special

extraction request" does not include a request by a person who 17122
gives assurance to the bureau that the person making the request 17123
does not intend to use or forward the requested copies for 17124
surveys, marketing, solicitation, or resale for commercial 17125
purposes. 17126

(c) "Commercial" means profit-seeking production, buying, 17127
or selling of any good, service, or other product. 17128

(d) "Special extraction costs" means the cost of the time 17129
spent by the lowest paid employee competent to perform the task, 17130
the actual amount paid to outside private contractors employed 17131
by the bureau, or the actual cost incurred to create computer 17132
programs to make the special extraction. "Special extraction 17133
costs" include any charges paid to a public agency for computer 17134
or records services. 17135

(3) For purposes of divisions (F) (1) and (2) of this 17136
section, "surveys, marketing, solicitation, or resale for 17137
commercial purposes" shall be narrowly construed and does not 17138
include reporting or gathering news, reporting or gathering 17139
information to assist citizen oversight or understanding of the 17140
operation or activities of government, or nonprofit educational 17141
research. 17142

(G) A request by a defendant, counsel of a defendant, or 17143
any agent of a defendant in a criminal action that public 17144
records related to that action be made available under this 17145
section shall be considered a demand for discovery pursuant to 17146
the Criminal Rules, except to the extent that the Criminal Rules 17147
plainly indicate a contrary intent. The defendant, counsel of 17148
the defendant, or agent of the defendant making a request under 17149
this division shall serve a copy of the request on the 17150
prosecuting attorney, director of law, or other chief legal 17151

officer responsible for prosecuting the action. 17152

(H) (1) Any portion of a body-worn camera or dashboard 17153
camera recording described in divisions (A) (17) (b) to (h) of 17154
this section may be released by consent of the subject of the 17155
recording or a representative of that person, as specified in 17156
those divisions, only if either of the following applies: 17157

(a) The recording will not be used in connection with any 17158
probable or pending criminal proceedings; 17159

(b) The recording has been used in connection with a 17160
criminal proceeding that was dismissed or for which a judgment 17161
has been entered pursuant to Rule 32 of the Rules of Criminal 17162
Procedure, and will not be used again in connection with any 17163
probable or pending criminal proceedings. 17164

(2) If a public office denies a request to release a 17165
restricted portion of a body-worn camera or dashboard camera 17166
recording, as defined in division (A) (17) of this section, any 17167
person may file a mandamus action pursuant to this section or a 17168
complaint with the clerk of the court of claims pursuant to 17169
section 2743.75 of the Revised Code, requesting the court to 17170
order the release of all or portions of the recording. If the 17171
court considering the request determines that the filing 17172
articulates by clear and convincing evidence that the public 17173
interest in the recording substantially outweighs privacy 17174
interests and other interests asserted to deny release, the 17175
court shall order the public office to release the recording. 17176

Sec. 153.01. (A) Whenever any building or structure for 17177
the use of the state or any institution supported in whole or in 17178
part by the state or in or upon the public works of the state 17179
that is administered by the Ohio facilities construction 17180

commission or by any other state officer or state agency 17181
authorized by law to administer a project, including an 17182
educational institution listed in section 3345.50 of the Revised 17183
Code, is to be erected or constructed, whenever additions, 17184
alterations, or structural or other improvements are to be made, 17185
or whenever heating, cooling, or ventilating plants or other 17186
equipment is to be installed or material supplied therefor, the 17187
estimated cost of which amounts to two hundred thousand dollars 17188
or more, or the amount determined pursuant to section 153.53 of 17189
the Revised Code or more, each officer, board, or other 17190
authority upon which devolves the duty of constructing, 17191
erecting, altering, or installing the same, referred to in 17192
sections 153.01 to 153.60 of the Revised Code as the public 17193
authority, shall cause to be made, by an architect or engineer 17194
whose contract of employment shall be prepared and approved by 17195
the attorney general, the following: 17196

(1) Full and accurate plans, suitable for the use of 17197
mechanics and other builders in the construction, improvement, 17198
addition, alteration, or installation; 17199

(2) Details to scale and full-sized, so drawn and 17200
represented as to be easily understood; 17201

(3) Definite and complete specifications of the work to be 17202
performed, together with directions that will enable a competent 17203
mechanic or other builder to carry them out and afford bidders 17204
all needful information; 17205

(4) A full and accurate estimate of each item of expense 17206
and the aggregate cost of those items of expense; 17207

(5) A life-cycle cost analysis; 17208

(6) Further data as may be required by the Ohio facilities 17209

construction commission. 17210

In preparing these plans, details, specifications, 17211
estimates, analyses, or other data, the public authority may 17212
require the architect or engineer to use a building information 17213
model system, as long as the system is based on a nationally 17214
recognized standard for building information models. As used in 17215
this division, "building information model" means a digital 17216
representation of physical and functional characteristics of a 17217
facility, and electronic files used to design and coordinate the 17218
project, whether it is a single model or multiple models used in 17219
the aggregate. 17220

(B) (1) Division (A) of this section shall not be required 17221
with respect to a construction management contract entered into 17222
with a construction manager at risk as described in section 17223
9.334 of the Revised Code or a design-build contract entered 17224
into with a design-build firm as described in section 153.693 of 17225
the Revised Code. 17226

(2) Nothing in this chapter shall interfere with the power 17227
of the director of transportation to prepare plans for, acquire 17228
rights-of-way for, construct, or maintain roads, highways, or 17229
bridges, or to let contracts for those purposes. 17230

Sec. 153.07. The notice provided for in section 153.06 of 17231
the Revised Code shall be published by electronic means~~once each~~ 17232
~~week for three consecutive weeks in a newspaper of general~~ 17233
~~circulation, or as provided in section 7.16 of the Revised Code,~~ 17234
and may be published in other news media in the county where the 17235
activity for which bids are submitted is to occur ~~and in such~~ 17236
~~other newspapers as ordered by the Ohio facilities construction~~ 17237
~~commission, the last publication to~~. The notice shall invite 17238
interested parties to submit proposals for consideration and 17239

shall be published at least ~~eight~~fourteen days preceding the 17240
day for opening the bids, ~~and in such form and with such~~ 17241
~~phraseology~~ a manner as prescribed by the commission orders. 17242
Copies of the plans, details, estimates of cost, and 17243
specifications shall be available electronically and open to 17244
public inspection at all business hours between the day of the 17245
first publication and the day for opening the bids, at the 17246
office of the commission where the bids are received, and such 17247
other place as may be designated in such notice. 17248

Sec. 153.08. On the day and at the place named in the 17249
notice provided for in section 153.06 of the Revised Code, the 17250
owner referred to in section 153.01 of the Revised Code shall 17251
open the bids and shall publicly, with the assistance of the 17252
architect or engineer, immediately proceed to tabulate the bids. 17253
For a bid filed electronically, the public bid opening may be 17254
broadcast by electronic means pursuant to rules established by 17255
the Ohio facilities construction commission. A bid shall be 17256
invalid and not considered unless a bid guaranty meeting the 17257
requirements of section 153.54 of the Revised Code and in the 17258
form approved by the commission is filed with such bid. For a 17259
bid that is not filed electronically, the bid and bid guaranty 17260
shall be filed in one sealed envelope. If the bid and bid 17261
guaranty are filed electronically, they must be received 17262
electronically before the deadline published pursuant to section 17263
153.06 of the Revised Code. For all bids filed electronically, 17264
the original, unaltered bid guaranty shall be made available to 17265
the public authority after the public bid opening, which may be 17266
achieved by means of an electronic verification and security 17267
system established under rules adopted by the Ohio facilities 17268
construction commission under Chapter 119. of the Revised Code. 17269
After investigation, which shall be completed within thirty 17270

days, the contract shall be awarded by such owner to the lowest responsive and responsible bidder in accordance with section 9.312 of the Revised Code.

No contract shall be entered into until the industrial commission has certified that the person so awarded the contract has complied with sections 4123.01 to 4123.94 of the Revised Code, until, if the bidder so awarded the contract is a foreign corporation, the secretary of state has certified that such corporation is authorized to do business in this state, until, if the bidder so awarded the contract is a person nonresident of this state, such person has filed with the secretary of state a power of attorney designating the secretary of state as its agent for the purpose of accepting service of summons in any action brought under section 153.05 of the Revised Code or under sections 4123.01 to 4123.94 of the Revised Code, and until the contract and bond, if any, are submitted to the attorney general and the attorney general's approval certified thereon.

~~No contract shall be entered into unless the bidder possesses a valid certificate of compliance with affirmative action programs issued pursuant to section 9.47 of the Revised Code and dated no earlier than one hundred eighty days prior to the date fixed for the opening of bids for a particular project.~~

Sec. 153.09. If in the opinion of the owner referred to in section 153.01 of the Revised Code, the award of a contract to the lowest responsive and responsible bidder is not in the best interests of the state, the owner may accept another bid so opened or reject all bids, and advertise for other bids. Such advertisement shall be for such time, in such form, and ~~in by~~ such ~~newspaper~~ electronic media as the Ohio facilities construction commission directs. All contracts shall provide

that such owner may make any change in work or materials on the 17301
conditions and in the manner provided in sections 153.10 and 17302
153.11 of the Revised Code. 17303

Sec. 153.12. (A) With respect to award of any contract for 17304
the construction, reconstruction, improvement, enlargement, 17305
alteration, repair, painting, or decoration of a public 17306
improvement made by the state, or any county, township, 17307
municipal corporation, school district, or other political 17308
subdivision, or any public board, commission, authority, 17309
instrumentality, or special purpose district of or in the state 17310
or a political subdivision or that is authorized by state law, 17311
the award, and execution of the contract, shall be made within 17312
sixty days after the date on which the bids are opened. The 17313
failure to award and execute the contract within sixty days 17314
invalidates the entire bid proceedings and all bids submitted, 17315
unless the time for awarding and executing the contract is 17316
extended by mutual consent of the owner or its representatives 17317
and the bidder whose bid the owner accepts and with respect to 17318
whom the owner subsequently awards and executes a contract. The 17319
public owners referred to in this section shall include, in the 17320
plans and specifications for the project for which bids are 17321
solicited, the estimate of cost. The bid for which the award is 17322
to be made shall be opened at the time and place named in the 17323
advertisement for bids, unless extended by the owner or its 17324
representative or unless, within seventy-two hours prior to the 17325
published time for the opening of bids, excluding Saturdays, 17326
Sundays, and legal holidays, any modification of the plans or 17327
specifications and estimates of cost for the project for which 17328
bids are solicited is issued and mailed or otherwise furnished 17329
to persons who have obtained plans or specifications for the 17330
project, for which the time for opening of bids shall be 17331

extended one week, with no further advertising of bids required. 17332
The contractor, upon request, is entitled to a notice to proceed 17333
with the work by the owner or its representative upon execution 17334
of the contract. No contract to which this section applies shall 17335
be entered into if the price of the contract, or, if the project 17336
involves multiple contracts where the total price of all 17337
contracts for the project, is in excess of ten per cent, in the 17338
case of a contract made by the state or a public board, 17339
commission, authority, or instrumentality of the state, or 17340
twenty per cent, in the case of a contract made by a county, 17341
township, municipal corporation, school district, special 17342
purpose district, or other political subdivision or a public 17343
board, commission, authority, or instrumentality of the 17344
political subdivision, above the entire estimate thereof, nor 17345
shall the entire cost of the construction, reconstruction, 17346
repair, painting, decorating, improvement, alteration, addition, 17347
or installation, including changes and estimates of expenses for 17348
architects or engineers, exceed in the aggregate the amount 17349
authorized by law. 17350

The unit or lump sum price stated in the contract shall be 17351
used in determining the amount to be paid and shall constitute 17352
full and final compensation for all the work. 17353

Partial payment to the contractor for work performed under 17354
the lump sum price shall be based on a schedule prepared by the 17355
contractor and approved by the architect or engineer who shall 17356
apportion the lump sum price to the major components entering 17357
into or forming a part of the work under the lump sum price. 17358

Partial payments to the contractor for labor performed 17359
under either a unit or lump sum price contract shall be made at 17360
~~the a rate of ninety-two~~ not less than ninety-six per cent of 17361

the estimates prepared by the contractor and approved by the architect or engineer. ~~All labor performed after the job is fifty per cent completed shall be paid for at the rate of one hundred per cent of the estimates submitted by the contractor and approved by the architect or engineer.~~ No subcontract shall be paid at a rate lower than the rate being paid to the contractor by the public authority.

The amounts and time of payments of any public improvements contract made by the state or any county, township, municipal corporation, school district, or other political subdivision, or any public board, commission, authority, instrumentality, or special purpose district of or in the state or a political subdivision or that is authorized by state law, except as provided in section 5525.19 of the Revised Code, shall be governed by this section and sections 153.13 and 153.14 of the Revised Code. If the time for awarding the contract is extended by mutual consent, or if the owner or its representative fails to issue a timely notice to proceed as required by this section, the owner or its representative shall issue a change order authorizing delay costs to the contractor, which does not invalidate the contract. The amount of such a change order to the owner shall be determined in accordance with the provisions of the contract for change orders or force accounts or, if no such provision is set forth in the contract, the cost to the owner shall be the contractor's actual costs including wages, labor costs other than wages, wage taxes, materials, equipment costs and rentals, insurance, and subcontracts attributable to the delay, plus a reasonable sum for overhead. In the event of a dispute between the owner and the contractor concerning such change order, procedures shall be commenced under the applicable terms of the contract, or, if the

contract contains no provision for resolving the dispute, it 17393
shall be resolved pursuant to the procedures for arbitration in 17394
Chapter 2711. of the Revised Code, except as provided in 17395
division (B) of this section. Nothing in this division shall be 17396
construed as a limitation upon the authority of the director of 17397
transportation granted in Chapter 5525. of the Revised Code. 17398

(B) If a dispute arises between the state and a contractor 17399
concerning the terms of a public improvement contract let by the 17400
state or concerning a breach of the contract, and after 17401
administrative remedies provided for in such contract and any 17402
alternative dispute resolution procedures provided in accordance 17403
with guidelines established by the executive director of the 17404
Ohio facilities construction commission are exhausted, the 17405
contractor may bring an action to the court of claims in 17406
accordance with Chapter 2743. of the Revised Code. The state or 17407
the contractor may request the chief justice of the supreme 17408
court to appoint a referee or panel of referees in accordance 17409
with division (C) (3) of section 2743.03 of the Revised Code. As 17410
used in this division, "dispute" means a disagreement between 17411
the state and the contractor concerning a public improvement 17412
contract let by the state. 17413

Sec. 153.13. At the time named in the contract for payment 17414
to the person with whom it is made, the owner referred to in 17415
section 153.01 or 153.12 of the Revised Code shall approve a 17416
full, accurate, and detailed estimate of the various kinds of 17417
labor performed and material furnished under the contract, with 17418
the amount due for each kind of labor and material and the 17419
materials and amount due in the aggregate, which estimate shall 17420
be based upon actual measurement of such labor and materials, 17421
and shall give the amounts of the preceding estimate, and the 17422
amount of labor performed and materials furnished since the last 17423

~~estimate. From the date the contract is fifty per cent complete,~~ 17424
~~as evidenced by payments in the amount of at least fifty per~~ 17425
~~cent of the contract to the person with whom the owner has~~ 17426
~~contracted, except in the case of contracts the total cost of~~ 17427
~~which is less than fifteen thousand dollars, all funds retained~~ 17428
~~pursuant to sections 153.12 and 153.14 of the Revised Code for~~ 17429
~~the faithful performance of work shall be deposited in the~~ 17430
~~escrow account designated in section 153.63 of the Revised Code.~~ 17431
~~After the contract is fifty per cent complete, no further funds~~ 17432
~~shall be retained.~~ When the major portion of the project is 17433
substantially completed and occupied, or in use, or otherwise 17434
accepted, and there exists no other reason to withhold 17435
retainage, the retained percentages held in connection with such 17436
portion and interest thereon accrued shall, within thirty days 17437
of substantial completion of, occupation of, use of, or 17438
acceptance of the project, be released from escrow and paid to 17439
the primary contractor, withholding only that amount reasonably 17440
necessary to assure final completion of the project. ~~Funds in~~ 17441
~~the escrow account not heretofore paid, with accumulated~~ 17442
~~interest, shall be paid to the person with whom the owner has~~ 17443
~~contracted thirty days from the date of completion or either~~ 17444
~~acceptance or occupancy by the owner. Such payments shall be in~~ 17445
~~accordance with division (A) (2) of section 153.63 of the Revised~~ 17446
~~Code.~~ Any retained funds withheld after substantial completion 17447
of, occupation of, use of, or acceptance of the project, and 17448
pending final completion of the project, and interest thereon 17449
accrued shall be paid to the primary contractor not later than 17450
thirty days after the date of final completion of the project. 17451
Nothing in this section shall be construed as a limitation upon 17452
the authority of the director of transportation granted in 17453
Chapter 5525. of the Revised Code. 17454

Sec. 153.14. For the construction of those projects, 17455
improvements, and public buildings over which the Ohio 17456
facilities construction commission has general supervision 17457
pursuant to section 123.21 of the Revised Code, the estimates 17458
referred to in section 153.13 of the Revised Code shall be filed 17459
with the executive director by the owner referred to in section 17460
153.01 or 153.12 of the Revised Code. Upon completion of a 17461
project referred to in section 153.13 of the Revised Code or any 17462
divisible part thereof, the maintenance and repair of such 17463
project or divisible part shall be assumed by the owner referred 17464
to in section 153.01 or 153.12 of the Revised Code. 17465

In addition to all other payments on account of work 17466
performed, there shall be allowed by the owner referred to in 17467
section 153.01 or 153.12 of the Revised Code and paid to the 17468
contractor a sum at the rate of ninety-two per cent of the 17469
invoice costs, not to exceed the bid price in a unit price 17470
contract, of material delivered on the site of the work, or a 17471
railroad station, siding, or other point in the vicinity of the 17472
work, or other approved storage site, provided such materials 17473
have been inspected and found to meet the specifications. The 17474
balance of such invoiced value shall be paid when such material 17475
is incorporated into and becomes a part of such building, 17476
construction, addition, improvement, alteration, or 17477
installation. When an estimate is allowed on account of material 17478
delivered on the site of the work or in the vicinity thereof or 17479
under the possession and control of the contractor but not yet 17480
incorporated therein, such material shall become the property of 17481
the owner under the contract, but if such material is stolen, 17482
destroyed, or damaged by casualty before being used, the 17483
contractor shall be required to replace it at the contractor's 17484
own expense. 17485

When the rate of work and amounts involved are so large 17486
that it is considered advisable by the owner or contractor, 17487
estimates and payments shall be made twice each month. 17488

Payment on approved estimates filed with the owner or its 17489
representative shall be made within thirty days. Upon the 17490
failure of the owner or its representative to make such payments 17491
within thirty days, or upon an unauthorized withholding of 17492
retainage, there shall be allowed to the contractor, in addition 17493
to any other remedies allowed by law, interest on such moneys 17494
not paid within thirty days. Interest on the unauthorized 17495
withholding of retainage shall be in addition to any interest 17496
earned ~~in the escrow account set forth as described~~ in section 17497
153.13 of the Revised Code. The rate of such interest shall be 17498
the average of the prime rate established at the commercial 17499
banks in the city of over one hundred thousand population that 17500
is nearest the construction project. Nothing in this section 17501
shall be construed as a limitation upon the authority of the 17502
director of transportation granted in Chapter 5525. of the 17503
Revised Code. 17504

Sec. 153.501. (A) A public authority may accept a 17505
subcontract awarded by a construction manager at risk, a design- 17506
build firm, or a general contracting firm, or may reject any 17507
such subcontract if the public authority determines that the 17508
bidder is not responsible. 17509

(B) A public authority may authorize a construction 17510
manager at risk or design-build firm to utilize a design-assist 17511
firm on any public improvement project without transferring any 17512
design liability to the design-assist firm. 17513

(C) If the construction manager at risk or design-build 17514
firm intends and is permitted by the public authority to self- 17515

perform a portion of the work to be performed, the construction 17516
manager at risk or design-build firm shall submit a sealed bid 17517
to the public authority for the portion of the work prior to 17518
accepting and opening any bids for the same work, except when 17519
the public authority requests a guaranteed maximum price 17520
proposal due at the time of selection. 17521

Sec. 153.502. (A) Each construction manager at risk and 17522
design-build firm shall establish criteria by which it will 17523
prequalify prospective bidders on subcontracts awarded for work 17524
to be performed under the construction management or design- 17525
build contract. The criteria established by a construction 17526
manager at risk or design-build firm shall be subject to the 17527
approval of the public authority involved in the project and 17528
shall be consistent with the rules adopted by the Ohio 17529
facilities construction commission pursuant to section 153.503 17530
of the Revised Code. 17531

(B) For each subcontract to be awarded, the construction 17532
manager at risk or design-build firm shall identify at least 17533
three prospective bidders that are prequalified to bid on that 17534
subcontract, except that the construction manager at risk or 17535
design-build firm shall identify fewer than three if the 17536
construction manager at risk or design-build firm establishes to 17537
the satisfaction of the public authority that fewer than three 17538
prequalified bidders are available. The public authority shall 17539
verify that each prospective bidder meets the prequalification 17540
criteria and, subject to division (E) of this section, may 17541
eliminate any bidder it determines is not qualified. 17542

(C) Once the prospective bidders are prequalified and 17543
found acceptable by the public authority, the construction 17544
manager at risk or design-build firm shall solicit proposals 17545

from each of those bidders. The solicitation and selection of a 17546
subcontractor shall be conducted under an open book pricing 17547
method. As used in this division, "open book pricing method" has 17548
the same meaning as in section 9.33 of the Revised Code, in the 17549
case of a construction manager at risk, and the same meaning as 17550
in section 153.65 of the Revised Code, in the case of a design- 17551
build firm. 17552

(D) A construction manager at risk or design-build firm 17553
shall not be required to award a subcontract to a low bidder. 17554

(E) Except as provided in section 307.921 of the Revised 17555
Code, no public authority shall eliminate a bidder as 17556
unqualified on the basis that the bidder has not complied with 17557
an affirmative action program or a diversity, equity, and 17558
inclusion program. This division shall not be construed to 17559
affect any set-aside programs for minority business enterprises 17560
or EDGE business enterprises, as defined in sections 122.921 and 17561
122.922 of the Revised Code, respectively. 17562

Sec. 153.54. (A) Except with respect to a contract 17563
described in section 9.334 or 153.693 of the Revised Code, each 17564
person bidding for a contract with the state or any political 17565
subdivision, district, institution, or other agency thereof, 17566
excluding therefrom the department of transportation, for any 17567
public improvement shall file with the bid, a bid guaranty in 17568
the form of either any of the following: 17569

(1) A bond in accordance with division (B) of this section 17570
for the full amount of the bid; 17571

(2) A certified check, cashier's check, or letter of 17572
credit pursuant to Chapter 1305. of the Revised Code, in 17573
accordance with division (C) of this section. Any such letter of 17574

credit is revocable only at the option of the beneficiary state, 17575
political subdivision, district, institution, or agency. The 17576
amount of the certified check, cashier's check, or letter of 17577
credit shall be equal to ten per cent of the bid; 17578

(3) An electronic verification through an electronic 17579
verification and security system described in section 153.08 of 17580
the Revised Code, if the state or any political subdivision, 17581
district, institution, or other agency thereof accepts bids 17582
electronically pursuant to section 153.08 of the Revised Code. 17583

(B) A bid guaranty filed pursuant to division (A) (1) of 17584
this section shall be conditioned to: 17585

(1) Provide that, if the bid is accepted, the bidder, 17586
after the awarding or the recommendation for the award of the 17587
contract, whichever the contracting authority designates, will 17588
enter into a proper contract in accordance with the bid, plans, 17589
details, and specifications. If for any reason, other than as 17590
authorized by section 9.31 of the Revised Code or division (G) 17591
of this section, the bidder fails to enter into the contract, 17592
and the contracting authority awards the contract to the next 17593
lowest bidder, the bidder and the surety on the bidder's bond 17594
are liable to the state, political subdivision, district, 17595
institution, or agency for the difference between the bid and 17596
that of the next lowest bidder, or for a penal sum not to exceed 17597
ten per cent of the amount of the bond, whichever is less. If 17598
the state, political subdivision, district, institution, or 17599
agency does not award the contract to the next lowest bidder but 17600
resubmits the project for bidding, the bidder failing to enter 17601
into the contract and the surety on the bidder's bond, except as 17602
provided in division (G) of this section, are liable to the 17603
state, political subdivision, district, institution, or agency 17604

for a penal sum not to exceed ten per cent of the amount of the 17605
bid or the costs in connection with the resubmission of printing 17606
new contract documents, required advertising, and printing and 17607
mailing notices to prospective bidders, whichever is less. 17608

(2) Indemnify the state, political subdivision, district, 17609
institution, or agency against all damage suffered by failure to 17610
perform the contract according to its provisions and in 17611
accordance with the plans, details, and specifications therefor 17612
and to pay all lawful claims of subcontractors, material 17613
suppliers, and laborers for labor performed or material 17614
furnished in carrying forward, performing, or completing the 17615
contract; and agree and assent that this undertaking is for the 17616
benefit of any subcontractor, material supplier, or laborer 17617
having a just claim, as well as for the state, political 17618
subdivision, district, institution, or agency. 17619

(C) (1) A bid guaranty filed pursuant to division (A) (2) of 17620
this section shall be conditioned to provide that if the bid is 17621
accepted, the bidder, after the awarding or the recommendation 17622
for the award of the contract, whichever the contracting 17623
authority designates, will enter into a proper contract in 17624
accordance with the bid, plans, details, specifications, and 17625
bills of material. If for any reason, other than as authorized 17626
by section 9.31 of the Revised Code or division (G) of this 17627
section, the bidder fails to enter into the contract, and the 17628
contracting authority awards the contract to the next lowest 17629
bidder, the bidder is liable to the state, political 17630
subdivision, district, institution, or agency for the difference 17631
between the bidder's bid and that of the next lowest bidder, or 17632
for a penal sum not to exceed ten per cent of the amount of the 17633
bid, whichever is less. If the state, political subdivision, 17634
district, institution, or agency does not award the contract to 17635

the next lowest bidder but resubmits the project for bidding, 17636
the bidder failing to enter into the contract, except as 17637
provided in division (G) of this section, is liable to the 17638
state, political subdivision, district, institution, or agency 17639
for a penal sum not to exceed ten per cent of the amount of the 17640
bid or the costs in connection with the resubmission, of 17641
printing new contract documents, required advertising, and 17642
printing and mailing notices to prospective bidders, whichever 17643
is less. 17644

If the bidder enters into the contract, the bidder, at the 17645
time the contract is entered to, shall file a bond for the 17646
amount of the contract to indemnify the state, political 17647
subdivision, district, institution, or agency against all damage 17648
suffered by failure to perform the contract according to its 17649
provisions and in accordance with the plans, details, and 17650
specifications and to pay all lawful claims of subcontractors, 17651
material suppliers, and laborers for labor performed or material 17652
furnished in carrying forward, performing, or completing the 17653
contract; and agree and assent that this undertaking is for the 17654
benefit of any subcontractor, material supplier, or laborer 17655
having a just claim, as well as for the state, political 17656
subdivision, district, institution, or agency. 17657

(2) A construction manager who enters into a contract 17658
pursuant to sections 9.33 to 9.333 of the Revised Code, if 17659
required by the public authority at the time the construction 17660
manager enters into the contract, shall file a letter of credit 17661
pursuant to Chapter 1305. of the Revised Code, bond, certified 17662
check, or cashier's check, for the value of the construction 17663
management contract to indemnify the state, political 17664
subdivision, district, institution, or agency against all damage 17665
suffered by the construction manager's failure to perform the 17666

contract according to its provisions, and shall agree and assent 17667
that this undertaking is for the benefit of the state, political 17668
subdivision, district, institution, or agency. A letter of 17669
credit provided by the construction manager is revocable only at 17670
the option of the beneficiary state, political subdivision, 17671
district, institution, or agency. 17672

(D) Where the state, political subdivision, district, 17673
institution, or agency accepts a bid but the bidder fails or 17674
refuses to enter into a proper contract in accordance with the 17675
bid, plans, details, and specifications within ten days after 17676
the awarding of the contract, the bidder and the surety on any 17677
bond, except as provided in division (G) of this section, are 17678
liable for the amount of the difference between the bidder's bid 17679
and that of the next lowest bidder, but not in excess of the 17680
liability specified in division (B)(1) or (C) of this section. 17681
Where the state, political subdivision, district, institution, 17682
or agency then awards the bid to such next lowest bidder and 17683
such next lowest bidder also fails or refuses to enter into a 17684
proper contract in accordance with the bid, plans, details, and 17685
specifications within ten days after the awarding of the 17686
contract, the liability of such next lowest bidder, except as 17687
provided in division (G) of this section, is the amount of the 17688
difference between the bids of such next lowest bidder and the 17689
third lowest bidder, but not in excess of the liability 17690
specified in division (B)(1) or (C) of this section. Liability 17691
on account of an award to any lowest bidder beyond the third 17692
lowest bidder shall be determined in like manner. 17693

(E) Notwithstanding division (C) of this section, where 17694
the state, political subdivision, district, institution, or 17695
agency resubmits the project for bidding, each bidder whose bid 17696
was accepted but who failed or refused to enter into a proper 17697

contract, except as provided in division (G) of this section, is 17698
liable for an equal share of a penal sum in connection with the 17699
resubmission, of printing new contract documents, required 17700
advertising, and printing and mailing notices to prospective 17701
bidders, but no bidder's liability shall exceed the amount of 17702
the bidder's bid guaranty. 17703

(F) All bid guaranties filed pursuant to this section 17704
shall be payable to the state, political subdivision, district, 17705
institution, or agency, be for the benefit of the state, 17706
political subdivision, district, institution, or agency or any 17707
person having a right of action thereon, and be deposited with, 17708
and held by, the board, officer, or agent contracting on behalf 17709
of the state, political subdivision, district, institution, or 17710
agency. All bonds filed pursuant to this section shall be issued 17711
by a surety company authorized to do business in this state as 17712
surety approved by the board, officer, or agent awarding the 17713
contract on behalf of the state, political subdivision, 17714
district, institution, or agency. 17715

(G) A bidder for a contract with the state or any 17716
political subdivision, district, institution, or other agency 17717
thereof, excluding therefrom the Ohio department of 17718
transportation, for a public improvement costing less than one- 17719
half million dollars may withdraw the bid from consideration if 17720
the bidder's bid for some other contract with the state or any 17721
political subdivision, district, institution, or other agency 17722
thereof, excluding therefrom the department of transportation, 17723
for the public improvement costing less than one-half million 17724
dollars has already been accepted, if the bidder certifies in 17725
good faith that the total amount of all the bidder's current 17726
contracts is less than one-half million dollars, and if the 17727
surety certifies in good faith that the bidder is unable to 17728

perform the subsequent contract because to do so would exceed 17729
the bidder's bonding capacity. If a bid is withdrawn under 17730
authority of this division, the contracting authority may award 17731
the contract to the next lowest bidder or reject all bids and 17732
resubmit the project for bidding, and neither the bidder nor the 17733
surety on the bidder's bond are liable for the difference 17734
between the bidder's bid and that of the next lowest bidder, for 17735
a penal sum, or for the costs of printing new contract 17736
documents, required advertising, and printing and mailing 17737
notices to prospective bidders. 17738

(H) Bid guaranties filed pursuant to division (A) of this 17739
section shall be returned to all unsuccessful bidders 17740
immediately after the contract is executed. The bid guaranty 17741
filed pursuant to division (A) (2) of this section shall be 17742
returned to the successful bidder upon filing of the bond 17743
required in division (C) of this section. 17744

(I) For the purposes of this section and sections 153.56, 17745
153.57, and 153.571 of the Revised Code, "public improvement," 17746
"subcontractor," "material supplier," "laborer," and "materials" 17747
have the same meanings as in section 1311.25 of the Revised 17748
Code. 17749

Sec. 153.59. Every contract for or on behalf of the state, 17750
or any township, county, or municipal corporation of the state, 17751
for the construction, alteration, or repair of any public 17752
building or public work in the state shall contain provisions by 17753
which the contractor agrees to both of the following: 17754

(A) That, in the hiring of employees for the performance 17755
of work under the contract or any subcontract, no contractor, 17756
subcontractor, or any person acting on a contractor's or 17757
subcontractor's behalf, by reason of race, creed, sex, 17758

disability or military status as defined in section 4112.01 of 17759
the Revised Code, or color, shall discriminate against any 17760
citizen of the state in the employment of labor or workers who 17761
is qualified and available to perform the work to which the 17762
employment relates; 17763

(B) That no contractor, subcontractor, or any person on a 17764
contractor's or subcontractor's behalf, in any manner, shall 17765
discriminate against or intimidate any employee hired for the 17766
performance of work under the contract on account of race, 17767
creed, sex, disability or military status as defined in section 17768
4112.01 of the Revised Code, or color. 17769

~~The department of development shall ensure that no capital 17770
moneys appropriated by the general assembly for any purpose 17771
shall be expended unless the project for which those moneys are 17772
appropriated provides for an affirmative action program for the 17773
employment and effective utilization of disadvantaged persons 17774
whose disadvantage may arise from cultural, racial, or ethnic 17775
background, or other similar cause, including, but not limited 17776
to, race, religion, sex, disability or military status as 17777
defined in section 4112.01 of the Revised Code, national origin, 17778
or ancestry. 17779~~

In awarding contracts for capital improvement projects, 17780
the department of development shall ensure that equal 17781
consideration be given to contractors, subcontractors, or joint 17782
venturers who qualify as a minority business enterprise. As used 17783
in this section, "minority business enterprise" means a business 17784
enterprise that is owned or controlled by one or more socially 17785
or economically disadvantaged persons who are residents of this 17786
state. "Socially or economically disadvantaged persons" means 17787
persons, regardless of marital status, who are members of groups 17788

whose disadvantage may arise from discrimination on the basis of 17789
race, religion, sex, disability or military status as defined in 17790
section 4112.01 of the Revised Code, national origin, ancestry, 17791
or other similar cause. 17792

Sec. 153.63. (A) Any money which is due from the public 17793
owner referred to in section ~~153.12~~1311.28 of the Revised Code 17794
under a contract entered into under this chapter or entered into 17795
under other applicable sections of the Revised Code for the 17796
construction, reconstruction, improvement, enlargement, 17797
alteration, repair, painting, or decoration of a public 17798
improvement shall, on the day it is due, be paid to the 17799
contractor or deposited in an escrow account, whichever is 17800
applicable, with one or more banks or building and loan 17801
associations in the state selected by mutual agreement between 17802
the contractor and the public owner. The agreement shall contain 17803
the following provisions: 17804

(1) The money shall be deposited in a savings account or 17805
the escrow agent shall promptly invest all of the escrowed 17806
principal in obligations selected by the escrow agent, as 17807
stipulated in the agreement. 17808

(2) The escrow agent shall hold the escrowed principal and 17809
income until receipt of notice from the public owner and the 17810
contractor, or until receipt of an arbitration order or an order 17811
of the court of claims specifying the amount of the escrowed 17812
principal to be released and the person to whom it is to be 17813
released. Upon receipt of the notice or order, the agent shall 17814
promptly pay such amount of principal and a proportionate amount 17815
of the escrowed income to the person indicated. 17816

(3) The escrow agent shall be compensated for its services 17817
as agreed to by the public owner and the contractor from the 17818

income from the escrow account. 17819

The agreement may include other provisions not 17820
inconsistent with this section, including, but not limited to 17821
granting authority for the escrow agent to commingle the 17822
escrowed funds with funds held pursuant to other escrow 17823
agreements and limiting the liability of the escrow agent. 17824

(B) When the public owner, as defined in division (B) of 17825
section 2743.01 of the Revised Code, and the contractor disagree 17826
as to the conditions under which money is to be paid under this 17827
section, the parties shall apply for a decision by arbitration 17828
under the procedures of Chapter 2711. of the Revised Code. When 17829
an application is made, neither party shall initiate, and no 17830
court shall permit the maintenance of, an action in court for 17831
decision of the same issues sought to be determined in the 17832
arbitration application. The award made by the arbitrator may 17833
include the costs of arbitration. The arbitration shall be 17834
binding on all parties. 17835

(C) When the public owner, as defined in division (A) of 17836
section 2743.01 of the Revised Code, and the contractor disagree 17837
as to the conditions under which money is to be paid under this 17838
section the contractor shall file an action in the court of 17839
claims. 17840

(D) If the money required to be paid or deposited under 17841
division (A) of this section is not paid or deposited, the 17842
governmental entity shall pay to the contractor an amount equal 17843
to eight per cent annual interest compounded daily. 17844

Sec. 153.693. ~~(A)~~ (A) (1) For every design-build contract, 17845
the public authority planning to contract for design-build 17846
services, in consultation with the criteria architect or 17847

engineer, shall evaluate the statements of qualifications 17848
submitted by design-build firms specifically regarding the 17849
project, including the design-build firm's proposed architect or 17850
engineer of record. 17851

(2) For projects valued at less than four million dollars, 17852
the public authority may require the design-build firm to submit 17853
a statement along with a pricing proposal described in division 17854
(B) (2) (h) of this section. The public authority shall provide 17855
each design-build firm who desires to submit both a statement 17856
and a proposal a pre-proposal meeting to explore the proposals 17857
further, in which the public authority shall provide the design- 17858
build firm with a description of the project, including the 17859
scope and nature of the proposed services and potential 17860
technical approaches. After and only after the public authority 17861
ranks and selects firms under division (B) (1) of this section, 17862
the public authority shall review the pricing proposals 17863
submitted by selected firms under this division, and proceed 17864
under division (B) (3) of this section, continuing the selection 17865
process from there. 17866

(B) Following this evaluation, the public authority shall: 17867

(1) Select and rank not fewer than three firms which it 17868
considers to be the most qualified to provide the required 17869
design-build services, except that the public authority shall 17870
select and rank fewer than three firms when the public authority 17871
determines in writing that fewer than three qualified firms are 17872
available; 17873

(2) Provide each selected design-build firm with all of 17874
the following: 17875

(a) A description of the project and project delivery; 17876

(b) The design criteria produced by the criteria architect or engineer under section 153.692 of the Revised Code;	17877 17878
(c) A preliminary project schedule;	17879
(d) A description of any preconstruction services;	17880
(e) A description of the proposed design services;	17881
(f) A description of a guaranteed maximum price, including the estimated level of design on which such guaranteed maximum price is based;	17882 17883 17884
(g) The form of the design-build services contract;	17885
(h) <u>A-Except for projects under division (A) (2) of this section, a request for a pricing proposal that shall be divided into a design services fee and a preconstruction and design-build services fee. The pricing proposal of each design-build firm shall include at least all of the following:</u>	17886 17887 17888 17889 17890
(i) A list of key personnel and consultants for the project;	17891 17892
(ii) Design concepts adhering to the design criteria produced by the criteria architect or engineer under section 153.692 of the Revised Code;	17893 17894 17895
(iii) The design-build firm's statement of general conditions and estimated contingency requirements;	17896 17897
(iv) A preliminary project schedule.	17898
(3) Evaluate the pricing proposal submitted by each selected firm and, at its discretion, hold discussions with each firm to further investigate its pricing proposal, including the scope and nature of the firm's proposed services and potential technical approaches;	17899 17900 17901 17902 17903

(4) Rank the selected firms based on the public authority's evaluation of the value of each firm's pricing proposal, with such evaluation considering each firm's proposed costs and qualifications;

(5) Enter into contract negotiations for design-build services with the design-build firm whose pricing proposal the public authority determines to be the best value under this section.

~~(B)~~(C) In complying with division ~~(A)~~(5)~~(B)~~(5) of this section, contract negotiations shall be directed toward:

(1) Ensuring that the design-build firm and the public authority mutually understand the essential requirements involved in providing the required design-build services, the provisions for the use of contingency funds, and the terms of the contract, including terms related to the possible distribution of savings in the final costs of the project;

(2) Ensuring that the design-build firm shall be able to provide the necessary personnel, equipment, and facilities to perform the design-build services within the time required by the design-build construction contract;

(3) Agreeing upon a procedure and schedule for determining a guaranteed maximum price using an open book pricing method that shall represent the total maximum amount to be paid by the public authority to the design-build firm for the project and that shall include the costs of all work, the cost of its general conditions, the contingency, and the fee payable to the design-build firm.

~~(C)~~(D) If the public authority fails to negotiate a contract with the design-build firm whose pricing proposal the

public authority determines to be the best value as determined 17933
under this section, the public authority shall inform the 17934
design-build firm in writing of the termination of negotiations. 17935
The public authority may then do the following: 17936

(1) Negotiate a contract with a design-build firm ranked 17937
next highest under this section following the negotiation 17938
procedure described in this section; 17939

(2) If negotiations fail with the design-build firm under 17940
division ~~(C)~~ ~~(1)~~ (D) (1) of this section, negotiate a contract with 17941
the design-build firm ranked next highest under this section 17942
following the negotiation procedure described in this section 17943
and continue negotiating with the design-build firms selected 17944
under this section in the order of their ranking until a 17945
contract is negotiated. 17946

~~(D)~~ (E) If the public authority fails to negotiate a 17947
contract with a design-build firm whose pricing proposal the 17948
public authority determines to be the best value as determined 17949
under this section, it may select additional design-build firms 17950
to provide pricing proposals to the public authority pursuant to 17951
this section or may select an alternative delivery method for 17952
the project. 17953

~~(E)~~ (F) The public authority may provide a stipend for 17954
pricing proposals received from design-build firms. 17955

~~(F)~~ (G) Nothing in this section affects a public 17956
authority's right to accept or reject any or all proposals in 17957
whole or in part. 17958

Sec. 155.33. (A) (1) Beginning on ~~the effective date of~~ 17959
~~this amendment~~ April 7, 2023, and ending on the effective date 17960
of the rules adopted under section 155.34 of the Revised Code, a 17961

state agency shall lease, in good faith, a formation within a 17962
parcel of land that is owned or controlled by the state agency 17963
for the exploration for and development and production of oil or 17964
natural gas. The lease shall be on terms that are just and 17965
reasonable, as determined by custom and practice in the oil and 17966
gas industry, and shall include at least the terms required 17967
under ~~divisions (A) (1) (a) to (d)~~ division (A) of section 155.34 17968
of the Revised Code as that division existed prior to the 17969
effective date of this amendment. The person seeking to lease 17970
the formation shall submit to the state agency the proof 17971
described in divisions (D) (5) (a) and (b) of this section before 17972
entering into the lease. On and after the effective date of the 17973
rules adopted under section 155.34 of the Revised Code, a 17974
formation within a parcel of land that is owned or controlled by 17975
a state agency may be leased for the exploration for and 17976
development and production of oil or natural gas only in 17977
accordance with divisions (A) (2) to (H) of this section and 17978
those rules. 17979

(2) On and after the effective date of rules adopted under 17980
section 155.34 of the Revised Code, any person or state agency 17981
that is interested in leasing a formation within a parcel of 17982
land that is owned or controlled by a state agency for the 17983
exploration for and the development and production of oil or 17984
natural gas may submit to the oil and gas land management 17985
commission a nomination that shall include all of the following: 17986

(a) The name of the person making the nomination and the 17987
person's address, telephone number, and email address; 17988

(b) An identification of the formation and parcel of land 17989
proposed to be leased that specifies all of the following: 17990

(i) The percentage of the interest owned or controlled by 17991

the state agency, and whether that interest is divided, 17992
undivided, or partial; 17993

(ii) The source deed by book and page numbers, including 17994
the description and acreage of the parcel and an identification 17995
of the county, section, township, and range in which the parcel 17996
is located; 17997

(iii) A plat map depicting the area in which the parcel is 17998
located. 17999

(c) If the person making the nomination is not a state 18000
agency, a nomination fee of one hundred fifty dollars; 18001

(d) The proposed lease bonus that applies to the 18002
nomination and any additional proposed gross landowner royalty 18003
that applies to the nomination that is in addition to the amount 18004
required under division (A) (1) (b) of section 155.34 of the 18005
Revised Code; 18006

(e) If the person making the nomination is not a state 18007
agency, proof of both of the following: 18008

(i) That the person has obtained the insurance and 18009
financial assurance required under section 1509.07 of the 18010
Revised Code; 18011

(ii) That the person has registered with and obtained an 18012
identification number from the division of oil and gas resources 18013
management under section 1509.31 of the Revised Code. 18014

(3) In order to encourage the submission of nominations 18015
and the responsible and reasonable development of the state's 18016
natural resources, only the information submitted under division 18017
(A) (2) (b) of this section may be disclosed to the public until a 18018
person is selected under division (F) of this section. Until a 18019

person is selected under division (F) of this section, all other 18020
information submitted under division (A) (2) of this section is 18021
confidential, shall not be disclosed by the commission, and is 18022
not a public record subject to inspection or copying under 18023
section 149.43 of the Revised Code. 18024

(4) When a nomination is not submitted by a state agency, 18025
the nomination is the opening bid for purposes of division (D) 18026
of this section. However, the person submitting the nomination 18027
may supplement or amend that bid by providing additional 18028
information in accordance with that division. 18029

(B) (1) Not less than thirty days, but not more than one 18030
hundred twenty days following the receipt of a nomination, the 18031
commission shall conduct a meeting for the purpose of 18032
determining whether to approve or disapprove the nomination for 18033
the purpose of leasing a formation within the parcel of land 18034
that is identified in the nomination. 18035

In making its decision to approve or disapprove the 18036
nomination, the commission shall consider all of the following: 18037

(a) The economic benefits, including the potential income 18038
from an oil or natural gas operation, that would result if the 18039
lease of a formation that is the subject of the nomination were 18040
approved; 18041

(b) Whether the proposed oil or gas operation is 18042
compatible with the current uses of the parcel of land that is 18043
the subject of the nomination; 18044

(c) The environmental impact that would result if the 18045
lease of a formation that is the subject of the nomination were 18046
approved; 18047

(d) Any potential adverse geological impact that would 18048

result if the lease of a formation that is the subject of the 18049
nomination were approved; 18050

(e) Any potential impact to visitors or users of a parcel 18051
of land that is the subject of the nomination; 18052

(f) Any potential impact to the operations or equipment of 18053
a state agency that is a state university or college if the 18054
lease of a formation within a parcel of land owned or controlled 18055
by the university or college that is the subject of the 18056
nomination were executed; 18057

(g) Any comments or objections to the nomination submitted 18058
to the commission by the state agency that owns or controls the 18059
parcel of land on which the proposed oil or natural gas 18060
operation would take place; 18061

(h) Any comments or objections to the nomination submitted 18062
to the commission by residents of this state or other users of 18063
the parcel of land that is the subject of the nomination; 18064

(i) Any special terms and conditions the state agency 18065
included in its comments or objections that the state agency 18066
believes are appropriate for the lease of the parcel of land 18067
because of specific conditions related to that parcel of land. 18068

(2) The commission shall approve or disapprove a 18069
nomination not later than two calendar quarters following the 18070
receipt of the nomination. The commission shall post notice of 18071
the commission's decision on the commission's web site and send 18072
notice of the decision by email and by certified mail to the 18073
person that submitted the nomination and to the state agency 18074
that owns or controls the formation within the parcel of land 18075
that is the subject of the nomination. 18076

(C) Each calendar quarter, the commission shall proceed to 18077

advertise for bids for a lease for a formation within a parcel 18078
of land that was the subject of a nomination approved during the 18079
previous calendar quarter. The commission shall publish the 18080
advertisement on its web site for a period of time established 18081
by the commission. The advertisement shall include all of the 18082
following: 18083

(1) An identification of each formation and parcel of land 18084
proposed to be leased that includes all of the information 18085
specified in division (A) (2) (b) of this section; 18086

(2) The deadline for the submission of bids; 18087

(3) A statement that each bid must contain all of the 18088
items required under division (D) of this section; 18089

(4) A statement that a standard lease form that is 18090
consistent with the practices of the oil and natural gas 18091
industries and adopted by rule by the commission will be used 18092
for the lease of a formation within the parcel of land; 18093

(5) Any special terms and conditions that may apply to the 18094
lease because of specific conditions related to the parcel of 18095
land; 18096

(6) The amount of the bid fee that is required to be 18097
submitted with a bid; 18098

(7) Any other information that the commission considers 18099
pertinent to the advertisement for bids. 18100

(D) A person interested in leasing a formation within a 18101
parcel of land owned or controlled by a state agency for the 18102
exploration for and development and production of oil or natural 18103
gas may submit a bid to the commission on a parcel by parcel 18104
basis that contains all of the following: 18105

(1) A bid fee of twenty-five dollars;	18106
(2) The name of the person making the bid and the person's address, telephone number, and email address;	18107 18108
(3) An identification of the formation and parcel of land for which the bid is being submitted, including all of the information specified in division (A) (2) (b) of this section;	18109 18110 18111
(4) The proposed lease bonus that applies to the bid <u>and any additional proposed gross landowner royalty that applies to the bid that is in addition to the amount required under division (A) (1) (b) of section 155.34 of the Revised Code;</u>	18112 18113 18114 18115
(5) Proof of both of the following:	18116
(a) That the person has obtained the insurance and financial assurance required under section 1509.07 of the Revised Code;	18117 18118 18119
(b) That the person has registered with and obtained an identification number from the division of oil and gas resources management under section 1509.31 of the Revised Code.	18120 18121 18122
(6) Any other information that the person believes is relevant to the bid.	18123 18124
(E) In order to encourage the submission of bids and the responsible and reasonable development of the state's natural resources, the information that is contained in a bid submitted to the commission under this section is confidential, shall not be disclosed by the commission, and is not a public record subject to inspection and copying under section 149.43 of the Revised Code until a person is selected under division (F) of this section.	18125 18126 18127 18128 18129 18130 18131 18132
The commission shall select the person who submits the	18133

highest and best bid, taking into account the financial 18134
responsibility of the prospective lessee and the ability of the 18135
prospective lessee to perform its obligations under the lease. 18136
After the commission selects a person, the commission shall 18137
notify the applicable state agency and send the person's bid to 18138
the agency. The state agency shall enter into a lease with the 18139
person selected by the commission. The state agency shall fully 18140
execute the lease not later than thirty days after the 18141
commission selects the person with the highest and best bid. 18142

(G) (1) Except as otherwise provided in section 155.37 of 18143
the Revised Code, all money received by a state agency from 18144
signing fees, rentals, and royalty payments for leases entered 18145
into under this section shall be paid by the state agency into 18146
the state treasury to the credit of the state land royalty fund 18147
created in section 131.50 of the Revised Code. 18148

(2) All money received from nomination fees and bid fees 18149
shall be paid into the state treasury to the credit of the oil 18150
and gas land management commission administration fund created 18151
in section 155.35 of the Revised Code. 18152

(H) Notwithstanding any other provision of this section to 18153
the contrary, a nature preserve as defined in section 1517.01 of 18154
the Revised Code that is owned or controlled by a state agency 18155
shall not be nominated or leased under this section for the 18156
purpose of exploring for and developing and producing oil and 18157
natural gas resources. 18158

(I) Except as otherwise provided in this chapter, the 18159
commission and any state agency shall not require as part of a 18160
bid or lease either of the following: 18161

(1) Any royalty payment in excess of the amount specified 18162

in division (A) (1) (b) of section 155.34 of the Revised Code; 18163

(2) Any additional payment that the commission or agency 18164
is not specifically authorized or required to charge under this 18165
section. 18166

Sec. 155.34. (A) ~~Not later than one hundred twenty days~~ 18167
~~after September 30, 2021, the~~ The oil and gas land management 18168
commission shall adopt rules in accordance with Chapter 119. of 18169
the Revised Code establishing both of the following: 18170

(1) A standard lease form that shall be used by a state 18171
agency for leases entered into under this chapter, is consistent 18172
with the practices of the oil and natural gas industries, and 18173
contains all of the following: 18174

(a) A prohibition against the use of the surface of the 18175
parcel of land for oil and gas development unless the state 18176
agency, in its sole discretion, chooses to negotiate and execute 18177
a written surface use agreement established under this section; 18178

(b) A one-eighth gross landowner royalty; 18179

(c) A shut-in royalty provision; 18180

(d) A primary term of five years; 18181

~~(d)~~ (e) An option for the lessee to extend the primary term 18182
of the lease for an additional ~~three~~ five years by tendering to 18183
the state agency the same bonus paid when first entering into 18184
the lease.—; 18185

(f) A provision that states: "Notwithstanding any other 18186
provision of this Lease to the contrary, Lessee is entitled to 18187
pay any advanced delay rentals/bonus amounts owed under this 18188
Lease within sixty (60) calendar days after Lessee receives a 18189
copy of this Lease executed by Lessor." 18190

(g) A provision that states: "Notwithstanding any other provision of this Lease to the contrary, in the event that a parcel subject to this Lease was acquired or improved through, or is otherwise encumbered by, a federal grant program, the Primary Term of the Lease shall be tolled until the requirements of the program, and any related grant documents, have been fully satisfied by Lessor and Lessor notifies Lessee in writing of same." 18191
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(h) A provision that states: "Notwithstanding any other provision of this Lease to the contrary, in the event that a parcel subject to this Lease was acquired or improved through, or is otherwise encumbered by, a federal grant program, Lessee may defer payment of all sums otherwise due and owing under this Lease until the requirements of the program, and any related grant documents, have been fully satisfied by Lessor and Lessor notifies Lessee in writing of same." 18199
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(i) A provision that states: "Notwithstanding any other provision of this Lease to the contrary, in the event that litigation of any kind or character is filed by a third party that may adversely impact Lessee's ability to conduct operations under the Lease, including an appeal before a court or the oil and gas commission, the Primary Term of the Lease shall be tolled until such time as there is a final, nonappealable order entered in such litigation." 18207
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(j) A provision that states: "Notwithstanding any other provision of this Lease to the contrary, in the event that litigation of any kind or character is filed by a third party that may adversely impact Lessee's ability to conduct operations under the Lease, including an appeal before a court or the oil and gas commission, Lessee may defer payment of all sums 18215
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otherwise due and owing under this Lease until a final, 18221
nonappealable order is entered in such litigation." 18222

(2) Any other procedures necessary to implement sections 18223
155.30 to 155.36 of the Revised Code, subject to division (I) of 18224
section 155.33 of the Revised Code. 18225

(B) ~~Not later than one hundred twenty days after September~~ 18226
~~30, 2021, the~~ The commission shall establish a standard surface 18227
use agreement that a state agency shall use to authorize the use 18228
of the surface of a leased parcel of land. 18229

(C) Section 121.95 of the Revised Code does not apply to 18230
rules adopted under this section and the commission is not 18231
subject to any requirements of that section. 18232

Sec. 163.01. As used in sections 163.01 to 163.22 of the 18233
Revised Code: 18234

(A) "Public agency" means any governmental corporation, 18235
unit, organization, instrumentality, or officer authorized by 18236
law to appropriate property in the courts of this state. 18237

(B) "Private agency" means any corporation, firm, 18238
partnership, voluntary association, joint-stock association, or 18239
company that is not a public agency and that is authorized by 18240
law to appropriate property in the courts of this state. 18241

(C) "Agency" means any public agency or private agency. 18242

(D) "Court" means the court of common pleas or the probate 18243
court of any county in which the property sought to be 18244
appropriated is located in whole or in part. 18245

(E) "Owner" means any individual, partnership, 18246
association, or corporation having any estate, title, or 18247
interest in any real property sought to be appropriated. 18248

(F) "Real property," "land," or "property" includes any estate, title, or interest in any real property that is authorized to be appropriated by the agency in question, unless the context otherwise requires.

(G) "Public utility" has the same meaning as in section 4905.02 of the Revised Code and also includes a public utility owned or operated by one or more municipal corporations, an electric cooperative, and an agency holding a certificate of public convenience and necessity granted by the federal energy regulatory commission.

(H) (1) "Public use" does not include any taking that is for conveyance to a private commercial enterprise, economic development, or solely for the purpose of increasing public revenue, unless the property is conveyed or leased to one of the following:

(a) A public utility, municipal power agency, or common carrier;

(b) A private entity that occupies a port authority transportation facility or an incidental area within a publicly owned and occupied project;

(c) A private entity when the agency that takes the property establishes by a preponderance of the evidence that the property is a blighted parcel or is included in a blighted area.

(2) "Public use" does not include any taking by a public or private agency that is for, or includes, the purpose of a parkway; or for, or includes, the purpose of constructing a trail, path, way, or lane for hiking, bicycling, horseback riding, ski touring, canoeing, or other nonmotorized forms of recreational travel if both of the following apply:

(a) The property sought has already been the subject of a taking action brought under this chapter by the same agency or a different agency, and that original action was dismissed by a court of competent jurisdiction, on or after January 1, 2024, because the agency in the original action lacked authority or jurisdiction or necessity in law for the proposed taking.

(b) The agency in the original action has no remaining right of appeal in that action.

(3) All of the following are presumed to be public uses:
utility facilities, roads, sewers, water lines, public schools,
public institutions of higher education, private institutions of
higher education that are authorized to appropriate property
under section 3333.08 of the Revised Code, public parks,
government buildings, port authority transportation facilities,
projects by an agency that is a public utility, and similar
facilities and uses of land.

(I) "Electric cooperative" has the same meaning as in
section 4928.01 of the Revised Code.

(J) "Good faith offer" means the written offer that an
agency that is appropriating property must make to the owner of
the property pursuant to division (B) of section 163.04 of the
Revised Code before commencing an appropriation proceeding.

(K) "Goodwill" means the calculable benefits that accrue
to a business as a result of its location, reputation for
dependability, skill or quality, and any other circumstances
that result in probable retention of old, or acquisition of new,
patronage.

(L) "Municipal power agency" has the same meaning as in
section 3734.058 of the Revised Code.

(M) "Port authority transportation facility" means any 18307
facility developed, controlled, or operated by a port authority 18308
for the purpose of providing passenger, cargo, or freight 18309
transportation services, such as airports, maritime ports, rail 18310
facilities, transit facilities, and support facilities directly 18311
related to any airport, maritime port, rail facility, or transit 18312
facility. 18313

Sec. 164.01. As used in this chapter: 18314

(A) "Capital improvement" or "capital improvement project" 18315
or "project" means the acquisition, construction, 18316
reconstruction, improvement, planning, and equipping of roads 18317
and bridges, appurtenances to roads and bridges to enhance the 18318
safety of animal-drawn vehicles, pedestrians, and bicycles, 18319
waste water treatment systems, water supply systems, solid waste 18320
disposal facilities, and storm water and sanitary collection, 18321
storage, and treatment facilities, including real property, 18322
interests in real property, facilities, and equipment related or 18323
incidental to those facilities. 18324

(B) "Local subdivision" means any county, municipal 18325
corporation, township, sanitary district, or regional water and 18326
sewer district. 18327

(C) "Bond proceedings" means the resolutions, orders, 18328
trust agreements, indentures, and other agreements, credit 18329
facilities and credit enhancement facilities, and amendments and 18330
supplements to the foregoing, or any one or more or combination 18331
thereof, authorizing, awarding, or providing for the terms and 18332
conditions applicable to or providing for the security or 18333
liquidity of obligations, and the provisions contained in those 18334
obligations. 18335

(D) "Bond service charges" means principal, including any mandatory sinking fund or redemption requirements for retirement of obligations, interest and other accreted amounts, and any redemption premium payable on obligations. If not prohibited by the applicable bond proceedings, bond service charges include costs of credit enhancement facilities that are related to, and represent or are intended to provide a source of payment of or limitation on, other bond service charges.

(E) "Bond service fund" means the fund, and any accounts in that fund, created by section 164.10 of the Revised Code, including all moneys and investments, and earnings from investments, credited and to be credited to that fund and accounts as provided in the bond proceedings.

(F) "Cost of capital improvement projects" means the costs of acquiring, constructing, reconstructing, expanding, improving, and engineering capital improvement projects, and related financing costs.

(G) "Credit enhancement facilities" means letters of credit, lines of credit, stand-by, contingent, or firm securities purchase agreements, interest rate hedges including, without limitation, interest rate swaps, insurance or surety arrangements, reserve or guarantee funds, and guarantees, and other arrangements that provide for contingent or direct payment of bond service charges, for security or additional security in the event of nonpayment or default in respect of obligations, or for making or providing funds for making payment of bond service charges to, and at the option and on demand of, holders of obligations or at the option of the issuer under put or similar arrangements, or for otherwise supporting the credit or liquidity of obligations, and includes credit, reimbursement,

marketing, remarketing, indexing, carrying, purchase, and 18366
subrogation agreements, and other agreements and arrangements 18367
for reimbursement of the person providing the credit enhancement 18368
facility and the security for that reimbursement. As used in 18369
this division, obligations include debt obligations of local 18370
subdivisions. 18371

(H) "Financing costs" means all costs and expenses 18372
relating to the authorization, issuance, sale, delivery, 18373
authentication, deposit, custody, clearing, registration, 18374
transfer, exchange, fractionalization, replacement, and 18375
servicing of obligations, including, without limitation, costs 18376
and expenses for or relating to, or payment obligations under, 18377
publication and printing, postage and express delivery, official 18378
statements, offering circulars, and informational statements, 18379
travel and transportation, paying agents, bond registrars, 18380
authenticating agents, remarketing agents, custodians, clearing 18381
agencies or corporations, securities depositories, financial 18382
advisory services, certifications, audits, federal or state 18383
regulatory agencies, accounting services, legal services and 18384
obtaining approving legal opinions and other legal opinions, 18385
credit ratings, original issue discount, credit facilities, and 18386
credit enhancement facilities. Financing costs may be paid from 18387
any moneys lawfully available for the purpose, including, unless 18388
otherwise provided in the bond proceedings, from the proceeds of 18389
the obligations to which they relate and from the same sources 18390
from which bond service charges on the obligations are paid and 18391
as though bond service charges. 18392

(I) "Issuer" means the treasurer of state, or the officer 18393
who by law performs the functions of that officer. 18394

(J) "Obligations" means bonds, notes, or other evidences 18395

of obligation of the state, including any interest coupons 18396
pertaining thereto, issued pursuant to sections 164.09 to 164.12 18397
of the Revised Code. 18398

(K) "Special funds" or "funds" means, except where the 18399
context does not permit, the bond service fund, and any other 18400
funds, including reserve funds, created under the bond 18401
proceedings and stated to be special funds in those proceedings, 18402
including all moneys and investments, and earnings from 18403
investments, credited and to be credited to the ~~particular~~ fund. 18404
Special funds do not include the state capital improvements fund 18405
created by section 164.08 of the Revised Code or, if so provided 18406
in the bond proceedings, a rebate fund or account established 18407
for purposes of federal tax laws. 18408

(L) "Net proceeds" means amounts received from the sale of 18409
obligations pursuant to this chapter, excluding amounts used to 18410
refund or retire outstanding obligations, and does not include 18411
amounts required to be deposited in special funds pursuant to 18412
the applicable bond proceedings, or financing costs paid from 18413
such amounts received. 18414

(M) "Local debt support" means ~~a full or partial pledge of~~ 18415
~~support for any local bond issue, the payment of all or a part~~ 18416
~~of the premium for bond insurance obtained from a private~~ 18417
~~insurer,~~ the subsidization of the interest rate on a loan 18418
obtained by the a subdivision, ~~or a source of revenue pledged in~~ 18419
~~support of revenue bonds issued by a subdivision.~~ 18420

(N) "Principal amount" refers to the aggregate of the 18421
amount as stated or provided for in the bond proceedings 18422
authorizing the obligations as the amount on which interest or 18423
interest equivalent is initially calculated. 18424

Sec. 164.05. (A) The director of the Ohio public works commission shall do all of the following:

(1) Approve requests for financial assistance from district public works integrating committees and enter into agreements with one or more local subdivisions to provide loans, grants, and local debt support for a capital improvement project if the director determines that:

(a) The project is an eligible project pursuant to this chapter;

(b) The financial assistance for the project has been properly approved and requested by the district committee of the district which includes the recipient of the loan or grant;

(c) The amount of the financial assistance, when added to all other financial assistance provided during the fiscal year for projects within the district, does not exceed that district's allocation of money from the state capital improvements fund for that fiscal year;

(d) The district committee has provided such documentation and other evidence as the director may require that the district committee has satisfied the requirements of section 164.06 or 164.14 of the Revised Code;

(e) The portion of a district's annual allocation which the director approves in the form of loans and local debt support for eligible projects is consistent with divisions (E) and (F) of this section.

(2) Authorize payments to local subdivisions or their contractors for costs incurred for capital improvement projects which have been approved pursuant to this chapter. All requests for payments shall be submitted to the director on forms and in

accordance with procedures specified in rules adopted by the 18454
director pursuant to division (A) (4) of this section. 18455

(3) Retain the services of or employ financial 18456
consultants, engineers, accountants, attorneys, and such other 18457
employees as the director determines are necessary to carry out 18458
the director's duties under this chapter and fix the 18459
compensation for their services. From among these employees, the 18460
director shall appoint a deputy with the necessary 18461
qualifications to act as the director when the director is 18462
absent or temporarily unable to carry out the duties of office. 18463

(4) Adopt rules establishing the procedures for making 18464
applications, reviewing, approving, and rejecting projects for 18465
which assistance is authorized under this chapter, and any other 18466
rules needed to implement the provisions of this chapter. Such 18467
rules shall be adopted under Chapter 119. of the Revised Code. 18468

(5) Provide information and other assistance to local 18469
subdivisions and district public works integrating committees in 18470
developing their requests for financial assistance for capital 18471
improvements under this chapter and encourage cooperation and 18472
coordination of requests and the development of multisubdivision 18473
projects in order to maximize the benefits that may be derived 18474
by districts from each year's allocation; 18475

(6) Require local subdivisions, to the extent practicable, 18476
to use Ohio products, materials, services, and labor in 18477
connection with any capital improvement project financed in 18478
whole or in part under this chapter; 18479

(7) Notify the director of budget and management of all 18480
approved projects, and supply all information necessary to track 18481
approved projects through the state accounting system; 18482

(8) Appoint the administrator of the Ohio small government capital improvements commission;	18483
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(9) Do all other acts, enter into contracts, and execute all instruments necessary or appropriate to carry out this chapter;	18485
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	18487
(10) Develop a standardized methodology for evaluating local subdivision capital improvement needs that a district public works integrating committee shall consider when addressing a subdivision's project application;	18488
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(11) Establish a program to provide local subdivisions with technical assistance in preparing project applications. The program shall be designed to assist local subdivisions that lack the financial or technical resources to prepare project applications on their own.	18492
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(B) When the director of the Ohio public works commission decides to conditionally approve or disapprove projects, the director's decisions and the reasons for which they are made shall be made in writing. These written decisions shall be conclusive for the purposes of the validity and enforceability of such determinations.	18497
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(C) Fees, charges, rates of interest, times of payment of interest and principal, and other terms, conditions, and provisions of and security for financial assistance provided pursuant to the provisions of this chapter shall be such as the director determines to be appropriate. If any payments required by a loan agreement entered into pursuant to this chapter are not paid, the funds which would otherwise be apportioned to the local subdivision from the county undivided local government fund, pursuant to sections 5747.51 to 5747.53 of the Revised	18503
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Code, may, at the direction of the director of the Ohio public works commission, be reduced by the amount payable. The county treasurer shall, at the direction of the director, pay the amount of such reductions to the state capital improvements revolving loan fund. The director may renegotiate a loan repayment schedule with a local subdivision whose payments from the county undivided local government fund could be reduced pursuant to this division, but such a renegotiation may occur only one time with respect to any particular loan agreement.

(D) Grants approved for the repair and replacement of existing infrastructure pursuant to this chapter shall not exceed ninety per cent of the estimated total cost of the capital improvement project. Grants approved for new or expanded infrastructure shall not exceed fifty per cent of the estimated cost of the new or expansion elements of the capital improvement project. A local subdivision share of the estimated cost of a capital improvement may consist of any of the following:

(1) The reasonable value, as determined by the director or the administrator, of labor, materials, and equipment that will be contributed by the local subdivision in performing the capital improvement project;

(2) Moneys received by the local subdivision in any form from an authority, commission, or agency of the United States for use in performing the capital improvement project;

(3) Loans made to the local subdivision under this chapter;

(4) Engineering costs incurred by the local subdivision in performing engineering activities related to the project.

A local subdivision share of the cost of a capital

improvement shall not include any amounts awarded to it from the 18541
local transportation improvement program fund created in section 18542
164.14 of the Revised Code. 18543

(E) ~~Not more than ten per cent of a~~ A district public 18544
works integrating ~~committee's~~ committee may determine how much 18545
of its annual allocation share pursuant to section 164.08 of the 18546
Revised Code ~~may be~~ is awarded to subdivisions ~~only~~ in the form 18547
of interest-free, low-interest, market rate of interest, or 18548
blended-rate loans and in the form of local debt support. 18549

(F) ~~Not more than ten per cent of a district public works~~ 18550
~~integrating committee's annual allocation pursuant to section~~ 18551
~~164.08 of the Revised Code may be awarded to subdivisions in the~~ 18552
~~form of local debt support.~~ 18553

~~(G)~~ For the period commencing July 1, 1993, and ending 18554
June 30, 1999, and for each five-year period thereafter, the 18555
total amount of financial assistance awarded under sections 18556
164.01 to 164.08 of the Revised Code for capital improvement 18557
projects located wholly or partially within a county shall be 18558
equal to at least thirty per cent of the amount of what the 18559
county would have been allocated from the obligations authorized 18560
to be sold under this chapter during each period, if such 18561
amounts had been allocable to each county on a per capita basis. 18562

~~(H)~~ (G) The amount of the annual allocations made pursuant 18563
to divisions (B) (1) and (4) of section 164.08 of the Revised 18564
Code which can be used for new or expanded infrastructure is 18565
limited to twenty per cent. 18566

~~(I)~~ (H) No project shall be approved under this section 18567
unless the project is designed to have a useful life of at least 18568
seven years. In addition, the average useful life of all 18569

projects for which grants or loans are awarded in each district 18570
during a program year shall not be less than twenty years. 18571

Sec. 164.06. (A) Each district public works integrating 18572
committee shall evaluate materials submitted to it by the local 18573
subdivisions located in the district concerning capital 18574
improvements for which assistance is sought from the state 18575
capital improvements fund and shall, pursuant to division (B) of 18576
this section, select the requests for financial assistance that 18577
will be formally submitted by the district to the director of 18578
the Ohio public works commission. In order to provide for the 18579
efficient use of the district's state capital improvements fund 18580
allocation each year, a district committee shall assist its 18581
subdivisions in the preparation and coordination of project 18582
plans. 18583

(B) In selecting the requests for assistance for capital 18584
improvement projects which will be submitted to the director, 18585
and in determining the nature, amount, and terms of the 18586
assistance that will be requested, a district public works 18587
integrating committee shall give priority to capital improvement 18588
projects for the repair or replacement of existing 18589
infrastructure and which would be unlikely to be undertaken 18590
without assistance under this chapter, and shall specifically 18591
consider all of the following factors: 18592

(1) The infrastructure repair and replacement needs of the 18593
district; 18594

(2) The age and condition of the system to be repaired or 18595
replaced; 18596

(3) Whether the project would generate revenue in the form 18597
of user fees or assessments; 18598

(4) The importance of the project to the health and safety of the citizens of the district;	18599 18600
(5) The cost of the project and whether it is consistent with division (G) (F) of section 164.05 of the Revised Code and the district's allocation for grants, loans, and local debt support for that year;	18601 18602 18603 18604
(6) The effort and ability of the benefited local subdivisions to assist in financing the project;	18605 18606
(7) The availability of federal or other funds for the project;	18607 18608
(8) The overall economic health of the particular local subdivision;	18609 18610
(9) The adequacy of the planning for the project and the readiness of the applicant to proceed should the project be approved;	18611 18612 18613
(10) Any other factors relevant to a particular project.	18614
(C) When applying the methodology under division (A) (10) of section 164.05 of the Revised Code, a district public works integrating committee may require a subdivision to submit information on its capital infrastructure as part of an application for assistance in financing a capital improvement project under this section.	18615 18616 18617 18618 18619 18620
(D) In addition to reviewing and selecting the projects for which approval will be sought from the director of the Ohio public works commission for financial assistance from the state capital improvements fund, each district public works integrating committee shall appoint a subcommittee of its members that will represent the interests of villages and	18621 18622 18623 18624 18625 18626

townships and that will review and select the capital 18627
improvement projects which will be submitted by the subcommittee 18628
to the administrator of the Ohio small government capital 18629
improvements commission for consideration of assistance from the 18630
portion of the net proceeds of obligations issued and sold by 18631
the treasurer of state which is allocated pursuant to division 18632
(B) (1) of section 164.08 of the Revised Code. In reviewing and 18633
approving the projects selected by its subcommittee, the 18634
administrator, and the Ohio small government capital 18635
improvements commission shall be guided by the provisions of 18636
division (B) of this section, and shall also take into account 18637
the fact that villages and townships may have different public 18638
infrastructure needs than larger subdivisions. 18639

Sec. 164.08. (A) Except as provided in sections 151.01 and 18640
151.08 or section 164.09 of the Revised Code, the net proceeds 18641
of obligations issued and sold by the treasurer of state 18642
pursuant to section 164.09 of the Revised Code before September 18643
30, 2000, or pursuant to sections 151.01 and 151.08 of the 18644
Revised Code, for the purpose of financing or assisting in the 18645
financing of the cost of public infrastructure capital 18646
improvement projects of local subdivisions, as provided for in 18647
Section 2k, 2m, 2p, or 2s of Article VIII, Ohio Constitution, 18648
and this chapter, shall be paid into the state capital 18649
improvements fund, which is hereby created in the state 18650
treasury. Investment earnings on moneys in the fund shall be 18651
credited to the fund. 18652

(B) Beginning July 1, 2016, each program year the amount 18653
of obligations authorized by the general assembly in accordance 18654
with sections 151.01 and 151.08 or section 164.09 of the Revised 18655
Code, excluding the proceeds of refunding or renewal 18656
obligations, shall be allocated by the director of the Ohio 18657

public works commission as follows: 18658

(1) First, ~~ten~~ twelve per cent of the amount of 18659
obligations authorized shall be allocated to provide financial 18660
assistance to villages and to townships with populations in the 18661
unincorporated areas of the township of less than five thousand 18662
persons, for capital improvements in accordance with section 18663
164.051 and division (D) of section 164.06 of the Revised Code. 18664
As used in division (B) (1) of this section, "capital 18665
improvements" includes resurfacing and improving roads. 18666

(2) Following the allocation required by division (B) (1) 18667
of this section, the director may allocate two per cent of the 18668
authorized obligations to provide financial assistance to local 18669
subdivisions for capital improvement projects which in the 18670
judgment of the director of the Ohio public works commission are 18671
necessary for the immediate preservation of the health, safety, 18672
and welfare of the citizens of the local subdivision requesting 18673
assistance. Starting July 1, 2021, the director may allocate up 18674
to six per cent of authorized obligations as provided in this 18675
division. 18676

(3) The director shall determine the amount of the 18677
remaining obligations authorized to be issued and sold that each 18678
county would receive if such amounts were allocated on a per 18679
capita basis each year. If a county's per capita share for the 18680
year would be less than three hundred thousand dollars, the 18681
director shall allocate to the district in which that county is 18682
located an amount equal to the difference between three hundred 18683
thousand dollars and the county's per capita share. 18684

(4) After making the allocation required by division (B) 18685
(3) of this section, the director shall allocate the remaining 18686
amount to each district on a per capita basis. 18687

(C) (1) There is hereby created in the state treasury the 18688
state capital improvements revolving loan fund, into which shall 18689
be deposited all repayments of loans made to local subdivisions 18690
for capital improvements pursuant to this chapter. Investment 18691
earnings on moneys in the fund shall be credited to the fund. 18692

(2) There may also be deposited in the state capital 18693
improvements revolving loan fund moneys obtained from federal or 18694
private grants, or from other sources, which are to be used for 18695
any of the purposes authorized by this chapter. Such moneys 18696
shall be allocated each year in accordance with division (B) (4) 18697
of this section. 18698

(3) Moneys deposited into the state capital improvements 18699
revolving loan fund shall be used to make loans for the purpose 18700
of financing or assisting in the financing of the cost of 18701
capital improvement projects of local subdivisions. 18702

(4) Investment earnings credited to the state capital 18703
improvements revolving loan fund that exceed the amounts 18704
required to meet estimated federal arbitrage rebate requirements 18705
shall be used to pay costs incurred by the public works 18706
commission in administering this section. Investment earnings 18707
credited to the state capital improvements revolving loan fund 18708
that exceed the amounts required to pay for the administrative 18709
costs and estimated rebate requirements shall be allocated to 18710
each district on a per capita basis. 18711

(5) Each program year, loan repayments received and on 18712
deposit in the state capital improvements revolving loan fund 18713
shall be allocated as follows: 18714

(a) Each district public works integrating committee shall 18715
be allocated an amount equal to the sum of all loan repayments 18716

made to the state capital improvements revolving loan fund by 18717
local subdivisions that are part of the district. Moneys not 18718
used in a program year may be used in the next program year in 18719
the same manner and for the same purpose as originally 18720
allocated. 18721

(b) Loan repayments made pursuant to projects approved 18722
under division (B) (1) of this section shall be used to make 18723
loans in accordance with section 164.051 and division (D) of 18724
section 164.06 of the Revised Code. Allocations for this purpose 18725
made pursuant to division (C) (5) of this section shall be in 18726
addition to the allocation provided in division (B) (1) of this 18727
section. 18728

(c) Loan repayments made pursuant to projects approved 18729
under division (B) (2) of this section shall be used to make 18730
loans in accordance with division (B) (2) of this section. 18731
Allocations for this purpose made pursuant to division (C) (5) of 18732
this section shall be in addition to the allocation provided in 18733
division (B) (2) of this section. 18734

(d) Loans made from the state capital improvements 18735
revolving loan fund shall not be limited in their usage by 18736
divisions (E), (F), and (G), ~~and (H)~~ of section 164.05 of the 18737
Revised Code. 18738

(D) Investment earnings credited to the state capital 18739
improvements fund that exceed the amounts required to meet 18740
estimated federal arbitrage rebate requirements shall be used to 18741
pay costs incurred by the public works commission in 18742
administering sections 164.01 to 164.12 of the Revised Code. 18743

(E) The director of the Ohio public works commission shall 18744
notify the director of budget and management of the amounts 18745

allocated pursuant to this section and such information shall be 18746
entered into the state accounting system. The director of budget 18747
and management shall establish appropriation line items as 18748
needed to track these allocations. 18749

(F) If the amount of a district's allocation in a program 18750
year exceeds the amount of financial assistance approved for the 18751
district by the commission for that year, the remaining portion 18752
of the district's allocation shall be added to the district's 18753
allocation pursuant to division (B) of this section for the next 18754
succeeding year for use in the same manner and for the same 18755
purposes as it was originally allocated, except that any portion 18756
of a district's allocation which was available for use on new or 18757
expanded infrastructure pursuant to division ~~(H)~~ (G) of section 18758
164.05 of the Revised Code shall be available in succeeding 18759
years only for the repair and replacement of existing 18760
infrastructure. 18761

(G) When an allocation based on population is made by the 18762
director pursuant to division (B) of this section, the director 18763
shall use the most recent decennial census statistics, and shall 18764
not make any reallocations based upon a change in a district's 18765
population. 18766

Sec. 164.14. (A) The local transportation improvement 18767
program fund is hereby created in the state treasury. The fund 18768
shall consist of moneys credited to it pursuant to sections 18769
117.16 and 5735.051 of the Revised Code, and, subject to the 18770
limitations of section 5735.05 of the Revised Code, shall be 18771
used to make grants to local subdivisions for projects that have 18772
been approved by district public works integrating committees 18773
and the Ohio public works commission in accordance with this 18774
section. The fund shall be administered by the Ohio public works 18775

commission, and shall be allocated each fiscal year on a per 18776
capita basis to district public works integrating committees in 18777
accordance with the most recent decennial census statistics. 18778
Money in the fund may be used to pay reasonable costs incurred 18779
by the commission in administering this section. Investment 18780
earnings on moneys credited to the fund shall be retained by the 18781
fund. 18782

(B) Grants awarded under this section may provide up to 18783
one hundred per cent of the estimated total cost of the project. 18784

(C) No grant shall be awarded for a project under this 18785
section unless the project is designed to have a useful life of 18786
at least seven years, except that the average useful life of all 18787
such projects for which grants are awarded in each district 18788
during a fiscal year shall be not less than twenty years. 18789

(D) For the period beginning on July 1, 1989, and ending 18790
on June 30, 1994, and for each succeeding five-year period, at 18791
least one-third of the total amount of money allocated to each 18792
district from the local transportation improvement program fund 18793
shall be awarded as follows: 18794

(1) Forty-two and eight-tenths per cent for projects of 18795
municipal corporations; 18796

(2) Thirty-seven and two-tenths per cent for projects of 18797
counties; 18798

(3) Twenty per cent for projects of townships, except that 18799
the requirement of division (D) (3) of this section shall not 18800
apply in districts where the combined population of the 18801
townships in the district is less than five per cent of the 18802
population of the district. 18803

(E) Each district public works integrating committee shall 18804

review, and approve or disapprove requests submitted to it by 18805
local subdivisions for assistance from the local transportation 18806
improvement program fund. In reviewing projects submitted to it, 18807
a district public works integrating committee shall consider the 18808
following factors: 18809

(1) Whether the project is of critical importance to the 18810
safety of the residents of the local subdivision; 18811

(2) Whether the project would alleviate serious traffic 18812
problems or hazards or would respond to needs caused by rapid 18813
growth and development; 18814

(3) Whether the project would assist the local subdivision 18815
in attaining the transportation infrastructure needed to pursue 18816
significant and specific economic development opportunities; 18817

(4) The availability of other sources of funding for the 18818
project; 18819

(5) The adequacy of the planning for the project and the 18820
readiness of the local subdivision to proceed should the project 18821
be approved; 18822

(6) The local subdivision's ability to pay for and history 18823
of investing in bridge and highway improvements; 18824

(7) The impact of the project on the multijurisdictional 18825
highway and bridge needs of the district; 18826

(8) The requirements of divisions (A), (B), (C), and (D) 18827
of this section; 18828

(9) The condition of the infrastructure system proposed 18829
for improvement; 18830

(10) Any other factors related to the safety, orderly 18831

growth, or economic development of the district or local 18832
subdivision that the district public works integrating committee 18833
considers relevant. 18834

A district public works integrating committee or its 18835
executive committee may appoint a subcommittee to assist it in 18836
carrying out its responsibilities under this section. 18837

(F) Every project approved by a district public works 18838
integrating committee shall be submitted to the Ohio public 18839
works commission for its review and approval or disapproval. The 18840
commission shall not approve any project that fails to meet the 18841
requirements of this section. 18842

(G) Grants awarded from the local transportation 18843
improvement program fund shall not be limited in their usage by 18844
divisions (D), (E), (F), and (G), ~~and (H)~~ of section 164.05 of 18845
the Revised Code. 18846

(H) As used in this section, "local subdivision" means a 18847
county, municipal corporation, or township. 18848

(I) The director of the Ohio public works commission shall 18849
notify the director of budget and management of the amounts 18850
allocated pursuant to this section, and the allocation 18851
information shall be entered into the state accounting system. 18852
The director of budget and management shall establish 18853
appropriation line items as needed to track these allocations. 18854

Sec. 165.04. The bond proceedings may contain provisions 18855
which shall be part of the contract with the bondholders as to: 18856

(A) Pledging the rentals, revenues, and other income, 18857
charges, and moneys therein designated for the payment of the 18858
principal of and interest on the bonds and all other payments 18859
required to be made by the bond proceedings; 18860

(B) Acquisition by gift or purchase, construction,	18861
reconstruction, enlargement, improvement, furnishing, equipment,	18862
operation, alteration, maintenance, insurance, and repair of the	18863
pledged facilities and the duties of the issuing authority with	18864
respect thereto;	18865
(C) Provisions regarding the purposes to which the	18866
proceeds of the bonds may be applied;	18867
(D) Terms of the bonds;	18868
(E) Maintenance, collection, use and disposition of	18869
rentals, revenues, and other income, charges, and moneys	18870
received from the lease, sale, or other disposition of the	18871
pledged facilities;	18872
(F) Terms and conditions under which additional bonds may	18873
be issued secured by a pledge of rentals, revenues, and other	18874
income, charges, and moneys received from or a mortgage on the	18875
same pledged facilities;	18876
(G) Terms of any trust agreement or indenture of mortgage	18877
securing the bonds including authorization to enter into such	18878
agreement or indenture;	18879
(H) The deposit, application, safeguarding, and investment	18880
of funds of the issuer received or held under the bond	18881
proceedings, to which Chapters 131. and 135. and sections	18882
122.57, 122.571, 122.58, and 321.44 of the Revised Code are not	18883
applicable.	18884
(I) Any other appropriate agreements with the bondholders	18885
with respect to the pledged facilities and the rentals,	18886
revenues, and other income, charges, and moneys received	18887
therefrom.	18888

Sec. 166.01. As used in this chapter:	18889
(A) "Allowable costs" means all or part of the costs of	18890
project facilities, eligible projects, eligible innovation	18891
projects, eligible research and development projects, eligible	18892
advanced energy projects, or eligible logistics and distribution	18893
projects, including costs of acquiring, constructing,	18894
reconstructing, rehabilitating, renovating, enlarging,	18895
improving, equipping, or furnishing project facilities, eligible	18896
projects, eligible innovation projects, eligible research and	18897
development projects, eligible advanced energy projects, or	18898
eligible logistics and distribution projects, site clearance and	18899
preparation, supplementing and relocating public capital	18900
improvements or utility facilities, designs, plans,	18901
specifications, surveys, studies, and estimates of costs,	18902
expenses necessary or incident to determining the feasibility or	18903
practicability of assisting an eligible project, an eligible	18904
innovation project, an eligible research and development	18905
project, an eligible advanced energy project, or an eligible	18906
logistics and distribution project, or providing project	18907
facilities or facilities related to an eligible project, an	18908
eligible innovation project, an eligible research and	18909
development project, an eligible advanced energy project, or an	18910
eligible logistics and distribution project, architectural,	18911
engineering, and legal services fees and expenses, the costs of	18912
conducting any other activities as part of a voluntary action,	18913
and such other expenses as may be necessary or incidental to the	18914
establishment or development of an eligible project, an eligible	18915
innovation project, an eligible research and development	18916
project, an eligible advanced energy project, or an eligible	18917
logistics and distribution project, and reimbursement of moneys	18918
advanced or applied by any governmental agency or other person	18919

for allowable costs. 18920

(B) "Allowable innovation costs" includes allowable costs 18921
of eligible innovation projects and, in addition, includes the 18922
costs of research and development of eligible innovation 18923
projects; obtaining or creating any requisite software or 18924
computer hardware related to an eligible innovation project or 18925
the products or services associated therewith; testing 18926
(including, without limitation, quality control activities 18927
necessary for initial production), perfecting, and marketing of 18928
such products and services; creating and protecting intellectual 18929
property related to an eligible innovation project or any 18930
products or services related thereto, including costs of 18931
securing appropriate patent, trademark, trade secret, trade 18932
dress, copyright, or other form of intellectual property 18933
protection for an eligible innovation project or related 18934
products and services; all to the extent that such expenditures 18935
could be capitalized under then-applicable generally accepted 18936
accounting principles; and the reimbursement of moneys advanced 18937
or applied by any governmental agency or other person for 18938
allowable innovation costs. 18939

(C) "Eligible innovation project" includes an eligible 18940
project, including any project facilities associated with an 18941
eligible innovation project and, in addition, includes all 18942
tangible and intangible property related to a new product or 18943
process based on new technology or the creative application of 18944
existing technology, including research and development, product 18945
or process testing, quality control, market research, and 18946
related activities, that is to be acquired, established, 18947
expanded, remodeled, rehabilitated, or modernized for industry, 18948
commerce, distribution, development of tourism attractions or 18949
professional sports facilities, or research, or any combination 18950

thereof, the operation of which, alone or in conjunction with 18951
other eligible projects, eligible innovation projects, or 18952
innovation property, will create new jobs or preserve existing 18953
jobs and employment opportunities and improve the economic 18954
welfare of the people of the state. 18955

(D) "Eligible project" means project facilities to be 18956
acquired, established, expanded, remodeled, rehabilitated, or 18957
modernized for industry, commerce, distribution, development of 18958
tourism attractions or professional sports facilities, or 18959
research, or any combination thereof, the operation of which, 18960
alone or in conjunction with other facilities, will create new 18961
jobs or preserve existing jobs and employment opportunities and 18962
improve the economic welfare of the people of the state. 18963

"Eligible project" includes, without limitation, a voluntary 18964
action. For purposes of this division, "new jobs" does not 18965
include existing jobs transferred from another facility within 18966
the state, and "existing jobs" includes only those existing jobs 18967
with work places within the municipal corporation or 18968
unincorporated area of the county in which the eligible project 18969
is located. 18970

"Eligible project" does not include project facilities to 18971
be acquired, established, expanded, remodeled, rehabilitated, or 18972
modernized for industry, commerce, distribution, development of 18973
tourism attractions or professional sports facilities, or 18974
research, or any combination of industry, commerce, 18975
distribution, development of tourism attractions or professional 18976
sports facilities, or research, if the project facilities 18977
consist solely of point-of-final-purchase retail facilities. If 18978
the project facilities consist of both point-of-final-purchase 18979
retail facilities and nonretail facilities, only the portion of 18980
the project facilities consisting of nonretail facilities is an 18981

eligible project. If a warehouse facility is part of a point-of- 18982
final-purchase retail facility and supplies only that facility, 18983
the warehouse facility is not an eligible project. Catalog 18984
distribution facilities are not considered point-of-final- 18985
purchase retail facilities for purposes of this paragraph, and 18986
are eligible projects. 18987

(E) "Eligible research and development project" means an 18988
eligible project, including project facilities, comprising, 18989
within, or related to, a facility or portion of a facility at 18990
which research is undertaken for the purpose of discovering 18991
information that is technological in nature and the application 18992
of which is intended to be useful in the development of a new or 18993
improved product, process, technique, formula, or invention, a 18994
new product or process based on new technology, or the creative 18995
application of existing technology. 18996

(F) "Financial assistance" means inducements under 18997
division (B) of section 166.02 of the Revised Code, loan 18998
guarantees under section 166.06 of the Revised Code, and direct 18999
loans under section 166.07 of the Revised Code. 19000

(G) "Governmental action" means any action by a 19001
governmental agency relating to the establishment, development, 19002
or operation of an eligible project, eligible innovation 19003
project, eligible research and development project, eligible 19004
advanced energy project, or eligible logistics and distribution 19005
project, and project facilities that the governmental agency 19006
acting has authority to take or provide for the purpose under 19007
law, including, but not limited to, actions relating to 19008
contracts and agreements, zoning, building, permits, acquisition 19009
and disposition of property, public capital improvements, 19010
utility and transportation service, taxation, employee 19011

recruitment and training, and liaison and coordination with and 19012
among governmental agencies. 19013

(H) "Governmental agency" means the state and any state 19014
department, division, commission, institution or authority; a 19015
municipal corporation, county, or township, and any agency 19016
thereof, and any other political subdivision or public 19017
corporation or the United States or any agency thereof; any 19018
agency, commission, or authority established pursuant to an 19019
interstate compact or agreement; and any combination of the 19020
above. 19021

(I) "Innovation financial assistance" means inducements 19022
under division (B) of section 166.12 of the Revised Code, 19023
innovation Ohio loan guarantees under section 166.15 of the 19024
Revised Code, and innovation Ohio loans under section 166.16 of 19025
the Revised Code. 19026

(J) "Innovation Ohio loan guarantee reserve requirement" 19027
means, at any time, with respect to innovation loan guarantees 19028
made under section 166.15 of the Revised Code, a balance in the 19029
innovation Ohio loan guarantee fund equal to the greater of 19030
twenty per cent of the then-outstanding principal amount of all 19031
outstanding innovation loan guarantees made pursuant to section 19032
166.15 of the Revised Code or fifty per cent of the principal 19033
amount of the largest outstanding guarantee made pursuant to 19034
section 166.15 of the Revised Code. 19035

(K) "Innovation property" includes property and also 19036
includes software, inventory, licenses, contract rights, 19037
goodwill, intellectual property, including without limitation, 19038
patents, patent applications, trademarks and service marks, and 19039
trade secrets, and other tangible and intangible property, and 19040
any rights and interests in or connected to the foregoing. 19041

(L) "Loan guarantee reserve requirement" means, at any 19042
time, with respect to loan guarantees made under section 166.06 19043
of the Revised Code, a balance in the loan guarantee fund equal 19044
to the greater of twenty per cent of the then-outstanding 19045
principal amount of all outstanding guarantees made pursuant to 19046
section 166.06 of the Revised Code or fifty per cent of the 19047
principal amount of the largest outstanding guarantee made 19048
pursuant to section 166.06 of the Revised Code. 19049

(M) "Person" means any individual, firm, partnership, 19050
association, corporation, or governmental agency, and any 19051
combination thereof. 19052

(N) "Project facilities" means buildings, structures, and 19053
other improvements, and equipment and other property, excluding 19054
small tools, supplies, and inventory, and any one, part of, or 19055
combination of the above, comprising all or part of, or serving 19056
or being incidental to, an eligible project, an eligible 19057
innovation project, an eligible research and development 19058
project, an eligible advanced energy project, or an eligible 19059
logistics and distribution project, including, but not limited 19060
to, public capital improvements. 19061

(O) "Property" means real and personal property and 19062
interests therein. 19063

(P) "Public capital improvements" means capital 19064
improvements or facilities that any governmental agency has 19065
authority to acquire, pay the costs of, own, maintain, or 19066
operate, or to contract with other persons to have the same 19067
done, including, but not limited to, highways, roads, streets, 19068
water and sewer facilities, railroad and other transportation 19069
facilities, and air and water pollution control and solid waste 19070
disposal facilities. For purposes of this division, "air 19071

pollution control facilities" includes, without limitation, 19072
solar, geothermal, biofuel, biomass, wind, hydro, wave, and 19073
other advanced energy projects as defined in section 3706.25 of 19074
the Revised Code. 19075

(Q) "Research and development financial assistance" means 19076
inducements under section 166.17 of the Revised Code, research 19077
and development loans under section 166.21 of the Revised Code, 19078
and research and development tax credits under sections 5733.352 19079
and 5747.331 of the Revised Code. 19080

(R) "Targeted innovation industry sectors" means industry 19081
sectors involving the production or use of advanced materials, 19082
instruments, controls and electronics, power and propulsion, 19083
biosciences, and information technology, or such other sectors 19084
as may be designated by the director of development. 19085

(S) "Voluntary action" means a voluntary action, as 19086
defined in section 3746.01 of the Revised Code, that is 19087
conducted under the voluntary action program established in 19088
Chapter 3746. of the Revised Code. 19089

(T) "Project financing obligations" means obligations 19090
issued pursuant to section 166.08 of the Revised Code other than 19091
obligations for which the bond proceedings provide that bond 19092
service charges shall be paid from receipts of the state 19093
representing gross profit on the sale of spirituous liquor as 19094
referred to in division (B) (4) of section ~~4310.10~~4301.10 of the 19095
Revised Code. 19096

(U) "Regional economic development entity" means an entity 19097
that is under contract with the director to administer a loan 19098
program under this chapter in a particular area of this state. 19099

(V) "Eligible advanced energy project" means an eligible 19100

project that is an "advanced energy project" as defined in 19101
section 3706.25 of the Revised Code. 19102

(W) "Eligible logistics and distribution project" means an 19103
eligible project, including project facilities, to be acquired, 19104
established, expanded, remodeled, rehabilitated, or modernized 19105
for transportation logistics and distribution infrastructure 19106
purposes. As used in this division, "transportation logistics 19107
and distribution infrastructure purposes" means promoting, 19108
providing for, and enabling improvements to the ground, air, and 19109
water transportation infrastructure comprising the 19110
transportation system in this state, including, without 19111
limitation, highways, streets, roads, bridges, railroads 19112
carrying freight, and air and water ports and port facilities, 19113
and all related supporting facilities. 19114

(X) "Professional sports facility" has the same meaning as 19115
in section 5516.01 of the Revised Code. 19116

Sec. 166.02. (A) The general assembly finds that many 19117
local areas throughout the state are experiencing economic 19118
stagnation or decline, and that the economic development 19119
programs provided for in this chapter will constitute deserved, 19120
necessary reinvestment by the state in those areas, materially 19121
contribute to their economic revitalization, and result in 19122
improving the economic welfare of all the people of the state. 19123
Accordingly, it is declared to be the public policy of the 19124
state, through the operations of this chapter and other 19125
applicable laws adopted pursuant to Section 2p or 13 of Article 19126
VIII, Ohio Constitution, and other authority vested in the 19127
general assembly, to assist in and facilitate the establishment 19128
or development of eligible projects or assist and cooperate with 19129
any governmental agency in achieving such purpose. 19130

(B) In furtherance of such public policy and to implement 19131
such purpose, the director of development may: 19132

(1) After consultation with appropriate governmental 19133
agencies, enter into agreements with persons engaged in 19134
industry, commerce, distribution, development of tourism 19135
attractions or professional sports facilities, or research and 19136
with governmental agencies to induce such persons to acquire, 19137
construct, reconstruct, rehabilitate, renovate, enlarge, 19138
improve, equip, or furnish, or otherwise develop, eligible 19139
projects and make provision therein for project facilities and 19140
governmental actions, as authorized by this chapter and other 19141
applicable laws, subject to any required actions by the general 19142
assembly or the controlling board and subject to applicable 19143
local government laws and regulations; 19144

(2) Provide for the guarantees and loans as provided for 19145
in sections 166.06 and 166.07 of the Revised Code; 19146

(3) Subject to release of such moneys by the controlling 19147
board, contract for labor and materials needed for, or contract 19148
with others, including governmental agencies, to provide, 19149
project facilities the allowable costs of which are to be paid 19150
for or reimbursed from moneys in the facilities establishment 19151
fund, and contract for the operation of such project facilities; 19152

(4) Subject to release thereof by the controlling board, 19153
from moneys in the facilities establishment fund acquire or 19154
contract to acquire by gift, exchange, or purchase, including 19155
the obtaining and exercise of purchase options, property, and 19156
convey or otherwise dispose of, or provide for the conveyance or 19157
disposition of, property so acquired or contracted to be 19158
acquired by sale, exchange, lease, lease purchase, conditional 19159
or installment sale, transfer, or other disposition, including 19160

the grant of an option to purchase, to any governmental agency 19161
or to any other person without necessity for competitive bidding 19162
and upon such terms and conditions and manner of consideration 19163
pursuant to and as the director determines to be appropriate to 19164
satisfy the objectives of sections 166.01 to 166.11 of the 19165
Revised Code; 19166

(5) Retain the services of or employ financial 19167
consultants, appraisers, consulting engineers, superintendents, 19168
managers, construction and accounting experts, attorneys, and 19169
employees, agents, and independent contractors as are necessary 19170
in the director's judgment and fix the compensation for their 19171
services; 19172

(6) Receive and accept from any person grants, gifts, and 19173
contributions of money, property, labor, and other things of 19174
value, to be held, used and applied only for the purpose for 19175
which such grants, gifts, and contributions are made; 19176

(7) Enter into appropriate arrangements and agreements 19177
with any governmental agency for the taking or provision by that 19178
governmental agency of any governmental action; 19179

(8) Do all other acts and enter into contracts and execute 19180
all instruments necessary or appropriate to carry out the 19181
provisions of this chapter; 19182

(9) Adopt rules to implement any of the provisions of this 19183
chapter applicable to the director. 19184

(C) The determinations by the director that facilities 19185
constitute eligible projects, that facilities are project 19186
facilities, that costs of such facilities are allowable costs, 19187
and all other determinations relevant thereto or to an action 19188
taken or agreement entered into shall be conclusive for purposes 19189

of the validity and enforceability of rights of parties arising 19190
from actions taken and agreements entered into under this 19191
chapter. 19192

(D) Except as otherwise prescribed in this chapter, all 19193
expenses and obligations incurred by the director in carrying 19194
out the director's powers and in exercising the director's 19195
duties under this chapter, shall be payable solely from, as 19196
appropriate, moneys in the facilities establishment fund, the 19197
loan guarantee fund, the innovation Ohio loan guarantee fund, 19198
the innovation Ohio loan fund, the research and development loan 19199
fund, the logistics and distribution infrastructure fund, or 19200
moneys appropriated for such purpose by the general assembly. 19201
This chapter does not authorize the director or the issuing 19202
authority under section 166.08 of the Revised Code to incur 19203
bonded indebtedness of the state or any political subdivision 19204
thereof, or to obligate or pledge moneys raised by taxation for 19205
the payment of any bonds or notes issued or guarantees made 19206
pursuant to this chapter. 19207

(E) Any governmental agency may enter into an agreement 19208
with the director, any other governmental agency, or a person to 19209
be assisted under this chapter, to take or provide for the 19210
purposes of this chapter any governmental action it is 19211
authorized to take or provide, and to undertake on behalf and at 19212
the request of the director any action which the director is 19213
authorized to undertake pursuant to divisions (B) (3), (4), and 19214
(5) of this section or divisions (B) (3), (4), and (5) of section 19215
166.12 of the Revised Code. Governmental agencies of the state 19216
shall cooperate with and provide assistance to the director of 19217
development and the controlling board in the exercise of their 19218
respective functions under this chapter. 19219

Sec. 166.03. (A) There is hereby created the facilities 19220
establishment fund within the state treasury, consisting of 19221
proceeds from the issuance of obligations as specified under 19222
section 166.08 of the Revised Code; the moneys received by the 19223
state from the sources specified in section 166.09 of the 19224
Revised Code; service charges imposed under sections 166.06 and 19225
166.07 of the Revised Code; any grants, gifts, or contributions 19226
of moneys received by the director of development to be used for 19227
loans made under section 166.07 of the Revised Code or for the 19228
payment of the allowable costs of project facilities; and all 19229
other moneys appropriated or transferred to the fund. Moneys in 19230
the loan guarantee fund in excess of the loan guarantee reserve 19231
requirement, but subject to the provisions and requirements of 19232
any guarantee contracts, may be transferred to the facilities 19233
establishment fund by the treasurer of state upon the order of 19234
the director of development. Moneys received by the state under 19235
Chapter 122. of the Revised Code, to the extent allocable to the 19236
utilization of moneys derived from proceeds of the sale of 19237
obligations pursuant to section 166.08 of the Revised Code, 19238
shall be credited to the facilities establishment fund. ~~All~~ 19239
~~investment earnings on the cash balance in the fund shall be~~ 19240
~~credited to the fund.~~ 19241

(B) All moneys appropriated or transferred to the 19242
facilities establishment fund may be released at the request of 19243
the director of development for payment of allowable costs or 19244
the making of loans under section 166.07 of the Revised Code, 19245
for transfer to the loan guarantee fund established in section 19246
166.06 of the Revised Code, or for use for the purpose of or 19247
transfer to the funds established by sections 122.35, 122.42, 19248
122.54, ~~122.55, 122.56, 122.561, 122.57, 122.601,~~ and 122.80 of 19249
the Revised Code and, until July 1, 2003, the fund established 19250

by section 166.031 of the Revised Code, and, until July 1, 2007, 19251
the fund established by section 122.26 of the Revised Code, but 19252
only for such of those purposes as are within the authorization 19253
of Section 13 of Article VIII, Ohio Constitution, in all cases 19254
subject to the approval of the controlling board. 19255

(C) The department of development, in the administration 19256
of the facilities establishment fund, is encouraged to utilize 19257
and promote the utilization of, to the maximum practicable 19258
extent, the other existing programs, business incentives, and 19259
tax incentives that department is required or authorized to 19260
administer or supervise. 19261

Sec. 166.08. (A) As used in this chapter: 19262

(1) "Bond proceedings" means the resolution, order, trust 19263
agreement, indenture, lease, and other agreements, amendments 19264
and supplements to the foregoing, or any one or more or 19265
combination thereof, authorizing or providing for the terms and 19266
conditions applicable to, or providing for the security or 19267
liquidity of, obligations issued pursuant to this section, and 19268
the provisions contained in such obligations. 19269

(2) "Bond service charges" means principal, including 19270
mandatory sinking fund requirements for retirement of 19271
obligations, and interest, and redemption premium, if any, 19272
required to be paid by the state on obligations. 19273

(3) "Bond service fund" means the applicable fund and 19274
accounts therein created for and pledged to the payment of bond 19275
service charges, which may be, or may be part of, the economic 19276
development bond service fund created by division (S) of this 19277
section including all moneys and investments, and earnings from 19278
investments, credited and to be credited thereto. 19279

(4) "Issuing authority" means the treasurer of state, or 19280
the officer who by law performs the functions of such officer. 19281

(5) "Obligations" means bonds, notes, or other evidence of 19282
obligation including interest coupons pertaining thereto, issued 19283
pursuant to this section. 19284

(6) "Pledged receipts" means all receipts of the state 19285
representing the gross profit on the sale of spirituous liquor, 19286
as referred to in division (B) (4) of section 4301.10 of the 19287
Revised Code, after paying all costs and expenses of the 19288
division of liquor control and providing an adequate working 19289
capital reserve for the division of liquor control as provided 19290
in that division, but excluding the sum required by the second 19291
paragraph of section 4301.12 of the Revised Code, as in effect 19292
on May 2, 1980, to be paid into the state treasury; moneys 19293
accruing to the state from the lease, sale, or other 19294
disposition, or use, of project facilities, and from the 19295
repayment, including interest, of loans made from proceeds 19296
received from the sale of obligations; accrued interest received 19297
from the sale of obligations; income from the investment of the 19298
special funds; and any gifts, grants, donations, and pledges, 19299
and receipts therefrom, available for the payment of bond 19300
service charges. 19301

(7) "Special funds" or "funds" means, except where the 19302
context does not permit, the bond service fund, and any other 19303
funds, including reserve funds, created under the bond 19304
proceedings, and the economic development bond service fund 19305
created by division (S) of this section to the extent provided 19306
in the bond proceedings, including all moneys and investments, 19307
and earnings from investment, credited and to be credited 19308
thereto. 19309

(B) Subject to the limitations provided in section 166.11 19310
of the Revised Code, the issuing authority, upon the 19311
certification by the director of development or, prior to ~~the~~ 19312
~~effective date of this amendment~~ September 29, 2017, upon 19313
certification by the Ohio air quality development authority 19314
regarding eligible advanced energy projects, to the issuing 19315
authority of the amount of moneys or additional moneys needed in 19316
the facilities establishment fund, the loan guarantee fund, the 19317
innovation Ohio loan fund, the innovation Ohio loan guarantee 19318
fund, the research and development loan fund, the logistics and 19319
distribution infrastructure fund, the advanced energy research 19320
and development fund, or the advanced energy research and 19321
development taxable fund, as applicable, for the purpose of 19322
paying, or making loans for, allowable costs from the facilities 19323
establishment fund, allowable innovation costs from the 19324
innovation Ohio loan fund, allowable costs from the research and 19325
development loan fund, allowable costs from the logistics and 19326
distribution infrastructure fund, allowable costs from the 19327
advanced energy research and development fund, or allowable 19328
costs from the advanced energy research and development taxable 19329
fund, as applicable, or needed for capitalized interest, for 19330
funding reserves, and for paying costs and expenses incurred in 19331
connection with the issuance, carrying, securing, paying, 19332
redeeming, or retirement of the obligations or any obligations 19333
refunded thereby, including payment of costs and expenses 19334
relating to letters of credit, lines of credit, insurance, put 19335
agreements, standby purchase agreements, indexing, marketing, 19336
remarketing and administrative arrangements, interest swap or 19337
hedging agreements, and any other credit enhancement, liquidity, 19338
remarketing, renewal, or refunding arrangements, all of which 19339
are authorized by this section, or providing moneys for the loan 19340
guarantee fund or the innovation Ohio loan guarantee fund, as 19341

provided in this chapter or needed for the purposes of funds 19342
established in accordance with or pursuant to sections 122.35, 19343
122.42, 122.54, ~~122.55, 122.56, 122.561, 122.57,~~ and 122.80 of 19344
the Revised Code which are within the authorization of Section 19345
13 of Article VIII, Ohio Constitution, or, prior to ~~the~~ 19346
~~effective date of this amendment~~ September 29, 2017, with 19347
respect to certain eligible advanced energy projects, Section 2p 19348
of Article VIII, Ohio Constitution, shall issue obligations of 19349
the state under this section in the required amount; provided 19350
that such obligations may be issued to satisfy the covenants in 19351
contracts of guarantee made under section 166.06 or 166.15 of 19352
the Revised Code, notwithstanding limitations otherwise 19353
applicable to the issuance of obligations under this section. 19354
The proceeds of such obligations, except for the portion to be 19355
deposited in special funds, including reserve funds, as may be 19356
provided in the bond proceedings, shall as provided in the bond 19357
proceedings be deposited by the director of development to the 19358
facilities establishment fund, the loan guarantee fund, the 19359
innovation Ohio loan guarantee fund, the innovation Ohio loan 19360
fund, the research and development loan fund, or the logistics 19361
and distribution infrastructure fund, or be deposited by the 19362
Ohio air quality development authority prior to ~~the effective~~ 19363
~~date of this amendment~~ September 29, 2017, to the advanced 19364
energy research and development fund or the advanced energy 19365
research and development taxable fund. Bond proceedings for 19366
project financing obligations may provide that the proceeds 19367
derived from the issuance of such obligations shall be deposited 19368
into such fund or funds provided for in the bond proceedings 19369
and, to the extent provided for in the bond proceedings, such 19370
proceeds shall be deemed to have been deposited into the 19371
facilities establishment fund and transferred to such fund or 19372
funds. The issuing authority may appoint trustees, paying 19373

agents, and transfer agents and may retain the services of 19374
financial advisors, accounting experts, and attorneys, and 19375
retain or contract for the services of marketing, remarketing, 19376
indexing, and administrative agents, other consultants, and 19377
independent contractors, including printing services, as are 19378
necessary in the issuing authority's judgment to carry out this 19379
section. The costs of such services are allowable costs payable 19380
from the facilities establishment fund or the research and 19381
development loan fund, allowable innovation costs payable from 19382
the innovation Ohio loan fund, allowable costs payable from the 19383
logistics and distribution infrastructure fund, or allowable 19384
costs payable prior to ~~the effective date of this amendment~~ 19385
September 29, 2017, from the advanced energy research and 19386
development fund or the advanced energy research and development 19387
taxable fund, as applicable. 19388

(C) The holders or owners of such obligations shall have 19389
no right to have moneys raised by taxation obligated or pledged, 19390
and moneys raised by taxation shall not be obligated or pledged, 19391
for the payment of bond service charges. Such holders or owners 19392
shall have no rights to payment of bond service charges from any 19393
moneys accruing to the state from the lease, sale, or other 19394
disposition, or use, of project facilities, or from payment of 19395
the principal of or interest on loans made, or fees charged for 19396
guarantees made, or from any money or property received by the 19397
director, treasurer of state, or the state under Chapter 122. of 19398
the Revised Code, or from any other use of the proceeds of the 19399
sale of the obligations, and no such moneys may be used for the 19400
payment of bond service charges, except for accrued interest, 19401
capitalized interest, and reserves funded from proceeds received 19402
upon the sale of the obligations and except as otherwise 19403
expressly provided in the applicable bond proceedings pursuant 19404

to written directions by the director. The right of such holders 19405
and owners to payment of bond service charges is limited to all 19406
or that portion of the pledged receipts and those special funds 19407
pledged thereto pursuant to the bond proceedings in accordance 19408
with this section, and each such obligation shall bear on its 19409
face a statement to that effect. 19410

(D) Obligations shall be authorized by resolution or order 19411
of the issuing authority and the bond proceedings shall provide 19412
for the purpose thereof and the principal amount or amounts, and 19413
shall provide for or authorize the manner or agency for 19414
determining the principal maturity or maturities, not exceeding 19415
twenty-five years from the date of issuance, the interest rate 19416
or rates or the maximum interest rate, the date of the 19417
obligations and the dates of payment of interest thereon, their 19418
denomination, and the establishment within or without the state 19419
of a place or places of payment of bond service charges. 19420
Sections 9.98 to 9.983 of the Revised Code are applicable to 19421
obligations issued under this section, subject to any applicable 19422
limitation under section 166.11 of the Revised Code. The purpose 19423
of such obligations may be stated in the bond proceedings in 19424
terms describing the general purpose or purposes to be served. 19425
The bond proceedings also shall provide, subject to the 19426
provisions of any other applicable bond proceedings, for the 19427
pledge of all, or such part as the issuing authority may 19428
determine, of the pledged receipts and the applicable special 19429
fund or funds to the payment of bond service charges, which 19430
pledges may be made either prior or subordinate to other 19431
expenses, claims, or payments, and may be made to secure the 19432
obligations on a parity with obligations theretofore or 19433
thereafter issued, if and to the extent provided in the bond 19434
proceedings. The pledged receipts and special funds so pledged 19435

and thereafter received by the state are immediately subject to 19436
the lien of such pledge without any physical delivery thereof or 19437
further act, and the lien of any such pledges is valid and 19438
binding against all parties having claims of any kind against 19439
the state or any governmental agency of the state, irrespective 19440
of whether such parties have notice thereof, and shall create a 19441
perfected security interest for all purposes of Chapter 1309. of 19442
the Revised Code, without the necessity for separation or 19443
delivery of funds or for the filing or recording of the bond 19444
proceedings by which such pledge is created or any certificate, 19445
statement or other document with respect thereto; and the pledge 19446
of such pledged receipts and special funds is effective and the 19447
money therefrom and thereof may be applied to the purposes for 19448
which pledged without necessity for any act of appropriation. 19449
Every pledge, and every covenant and agreement made with respect 19450
thereto, made in the bond proceedings may therein be extended to 19451
the benefit of the owners and holders of obligations authorized 19452
by this section, and to any trustee therefor, for the further 19453
security of the payment of the bond service charges. 19454

(E) The bond proceedings may contain additional provisions 19455
as to: 19456

(1) The redemption of obligations prior to maturity at the 19457
option of the issuing authority at such price or prices and 19458
under such terms and conditions as are provided in the bond 19459
proceedings; 19460

(2) Other terms of the obligations; 19461

(3) Limitations on the issuance of additional obligations; 19462

(4) The terms of any trust agreement or indenture securing 19463
the obligations or under which the same may be issued; 19464

(5) The deposit, investment and application of special funds, and the safeguarding of moneys on hand or on deposit, without regard to Chapter 131. or 135. of the Revised Code, but subject to any special provisions of this chapter, with respect to particular funds or moneys, provided that any bank or trust company which acts as depository of any moneys in the special funds may furnish such indemnifying bonds or may pledge such securities as required by the issuing authority;

(6) Any or every provision of the bond proceedings being binding upon such officer, board, commission, authority, agency, department, or other person or body as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duty required by such provision;

(7) Any provision that may be made in a trust agreement or indenture;

(8) Any other or additional agreements with the holders of the obligations, or the trustee therefor, relating to the obligations or the security therefor, including the assignment of mortgages or other security obtained or to be obtained for loans under section 122.43, 166.07, or 166.16 of the Revised Code.

(F) The obligations may have the great seal of the state or a facsimile thereof affixed thereto or printed thereon. The obligations and any coupons pertaining to obligations shall be signed or bear the facsimile signature of the issuing authority. Any obligations or coupons may be executed by the person who, on the date of execution, is the proper issuing authority although on the date of such bonds or coupons such person was not the issuing authority. If the issuing authority whose signature or a

facsimile of whose signature appears on any such obligation or coupon ceases to be the issuing authority before delivery thereof, such signature or facsimile is nevertheless valid and sufficient for all purposes as if the former issuing authority had remained the issuing authority until such delivery; and if the seal to be affixed to obligations has been changed after a facsimile of the seal has been imprinted on such obligations, such facsimile seal shall continue to be sufficient as to such obligations and obligations issued in substitution or exchange therefor.

(G) All obligations are negotiable instruments and securities under Chapter 1308. of the Revised Code, subject to the provisions of the bond proceedings as to registration. The obligations may be issued in coupon or in registered form, or both, as the issuing authority determines. Provision may be made for the registration of any obligations with coupons attached thereto as to principal alone or as to both principal and interest, their exchange for obligations so registered, and for the conversion or reconversion into obligations with coupons attached thereto of any obligations registered as to both principal and interest, and for reasonable charges for such registration, exchange, conversion, and reconversion.

(H) Obligations may be sold at public sale or at private sale, as determined in the bond proceedings.

Obligations issued to provide moneys for the loan guarantee fund or the innovation Ohio loan guarantee fund may, as determined by the issuing authority, be sold at private sale, and without publication of a notice of sale.

(I) Pending preparation of definitive obligations, the issuing authority may issue interim receipts or certificates

which shall be exchanged for such definitive obligations. 19525

(J) In the discretion of the issuing authority, 19526
obligations may be secured additionally by a trust agreement or 19527
indenture between the issuing authority and a corporate trustee 19528
which may be any trust company or bank having a place of 19529
business within the state. Any such agreement or indenture may 19530
contain the resolution or order authorizing the issuance of the 19531
obligations, any provisions that may be contained in any bond 19532
proceedings, and other provisions which are customary or 19533
appropriate in an agreement or indenture of such type, 19534
including, but not limited to: 19535

(1) Maintenance of each pledge, trust agreement, 19536
indenture, or other instrument comprising part of the bond 19537
proceedings until the state has fully paid the bond service 19538
charges on the obligations secured thereby, or provision 19539
therefor has been made; 19540

(2) In the event of default in any payments required to be 19541
made by the bond proceedings, or any other agreement of the 19542
issuing authority made as a part of the contract under which the 19543
obligations were issued, enforcement of such payments or 19544
agreement by mandamus, the appointment of a receiver, suit in 19545
equity, action at law, or any combination of the foregoing; 19546

(3) The rights and remedies of the holders of obligations 19547
and of the trustee, and provisions for protecting and enforcing 19548
them, including limitations on rights of individual holders of 19549
obligations; 19550

(4) The replacement of any obligations that become 19551
mutilated or are destroyed, lost, or stolen; 19552

(5) Such other provisions as the trustee and the issuing 19553

authority agree upon, including limitations, conditions, or 19554
qualifications relating to any of the foregoing. 19555

(K) Any holders of obligations or trustees under the bond 19556
proceedings, except to the extent that their rights are 19557
restricted by the bond proceedings, may by any suitable form of 19558
legal proceedings, protect and enforce any rights under the laws 19559
of this state or granted by such bond proceedings. Such rights 19560
include the right to compel the performance of all duties of the 19561
issuing authority, the director of development, the Ohio air 19562
quality development authority, or the division of liquor control 19563
required by this chapter or the bond proceedings; to enjoin 19564
unlawful activities; and in the event of default with respect to 19565
the payment of any bond service charges on any obligations or in 19566
the performance of any covenant or agreement on the part of the 19567
issuing authority, the director of development, the Ohio air 19568
quality development authority, or the division of liquor control 19569
in the bond proceedings, to apply to a court having jurisdiction 19570
of the cause to appoint a receiver to receive and administer the 19571
pledged receipts and special funds, other than those in the 19572
custody of the treasurer of state, which are pledged to the 19573
payment of the bond service charges on such obligations or which 19574
are the subject of the covenant or agreement, with full power to 19575
pay, and to provide for payment of bond service charges on, such 19576
obligations, and with such powers, subject to the direction of 19577
the court, as are accorded receivers in general equity cases, 19578
excluding any power to pledge additional revenues or receipts or 19579
other income or moneys of the issuing authority or the state or 19580
governmental agencies of the state to the payment of such 19581
principal and interest and excluding the power to take 19582
possession of, mortgage, or cause the sale or otherwise dispose 19583
of any project facilities. 19584

Each duty of the issuing authority and the issuing 19585
authority's officers and employees, and of each governmental 19586
agency and its officers, members, or employees, undertaken 19587
pursuant to the bond proceedings or any agreement or lease, 19588
lease-purchase agreement, or loan made under authority of this 19589
chapter, and in every agreement by or with the issuing 19590
authority, is hereby established as a duty of the issuing 19591
authority, and of each such officer, member, or employee having 19592
authority to perform such duty, specifically enjoined by the law 19593
resulting from an office, trust, or station within the meaning 19594
of section 2731.01 of the Revised Code. 19595

The person who is at the time the issuing authority, or 19596
the issuing authority's officers or employees, are not liable in 19597
their personal capacities on any obligations issued by the 19598
issuing authority or any agreements of or with the issuing 19599
authority. 19600

(L) The issuing authority may authorize and issue 19601
obligations for the refunding, including funding and retirement, 19602
and advance refunding with or without payment or redemption 19603
prior to maturity, of any obligations previously issued by the 19604
issuing authority. Such obligations may be issued in amounts 19605
sufficient for payment of the principal amount of the prior 19606
obligations, any redemption premiums thereon, principal 19607
maturities of any such obligations maturing prior to the 19608
redemption of the remaining obligations on a parity therewith, 19609
interest accrued or to accrue to the maturity dates or dates of 19610
redemption of such obligations, and any allowable costs 19611
including expenses incurred or to be incurred in connection with 19612
such issuance and such refunding, funding, and retirement. 19613
Subject to the bond proceedings therefor, the portion of 19614
proceeds of the sale of obligations issued under this division 19615

to be applied to bond service charges on the prior obligations 19616
shall be credited to an appropriate account held by the trustee 19617
for such prior or new obligations or to the appropriate account 19618
in the bond service fund for such obligations. Obligations 19619
authorized under this division shall be deemed to be issued for 19620
those purposes for which such prior obligations were issued and 19621
are subject to the provisions of this section pertaining to 19622
other obligations, except as otherwise provided in this section; 19623
provided that, unless otherwise authorized by the general 19624
assembly, any limitations imposed by the general assembly 19625
pursuant to this section with respect to bond service charges 19626
applicable to the prior obligations shall be applicable to the 19627
obligations issued under this division to refund, fund, advance 19628
refund or retire such prior obligations. 19629

(M) The authority to issue obligations under this section 19630
includes authority to issue obligations in the form of bond 19631
anticipation notes and to renew the same from time to time by 19632
the issuance of new notes. The holders of such notes or interest 19633
coupons pertaining thereto shall have a right to be paid solely 19634
from the pledged receipts and special funds that may be pledged 19635
to the payment of the bonds anticipated, or from the proceeds of 19636
such bonds or renewal notes, or both, as the issuing authority 19637
provides in the resolution or order authorizing such notes. Such 19638
notes may be additionally secured by covenants of the issuing 19639
authority to the effect that the issuing authority and the state 19640
will do such or all things necessary for the issuance of such 19641
bonds or renewal notes in appropriate amount, and apply the 19642
proceeds thereof to the extent necessary, to make full payment 19643
of the principal of and interest on such notes at the time or 19644
times contemplated, as provided in such resolution or order. For 19645
such purpose, the issuing authority may issue bonds or renewal 19646

notes in such principal amount and upon such terms as may be 19647
necessary to provide funds to pay when required the principal of 19648
and interest on such notes, notwithstanding any limitations 19649
prescribed by or for purposes of this section. Subject to this 19650
division, all provisions for and references to obligations in 19651
this section are applicable to notes authorized under this 19652
division. 19653

The issuing authority in the bond proceedings authorizing 19654
the issuance of bond anticipation notes shall set forth for such 19655
bonds an estimated interest rate and a schedule of principal 19656
payments for such bonds and the annual maturity dates thereof, 19657
and for purposes of any limitation on bond service charges 19658
prescribed under division (A) of section 166.11 of the Revised 19659
Code, the amount of bond service charges on such bond 19660
anticipation notes is deemed to be the bond service charges for 19661
the bonds anticipated thereby as set forth in the bond 19662
proceedings applicable to such notes, but this provision does 19663
not modify any authority in this section to pledge receipts and 19664
special funds to, and covenant to issue bonds to fund, the 19665
payment of principal of and interest and any premium on such 19666
notes. 19667

(N) Obligations issued under this section are lawful 19668
investments for banks, societies for savings, savings and loan 19669
associations, deposit guarantee associations, trust companies, 19670
trustees, fiduciaries, insurance companies, including domestic 19671
for life and domestic not for life, trustees or other officers 19672
having charge of sinking and bond retirement or other special 19673
funds of political subdivisions and taxing districts of this 19674
state, the commissioners of the sinking fund of the state, the 19675
administrator of workers' compensation, the state teachers 19676
retirement system, the public employees retirement system, the 19677

school employees retirement system, and the Ohio police and fire 19678
pension fund, notwithstanding any other provisions of the 19679
Revised Code or rules adopted pursuant thereto by any 19680
governmental agency of the state with respect to investments by 19681
them, and are also acceptable as security for the deposit of 19682
public moneys. 19683

(O) Unless otherwise provided in any applicable bond 19684
proceedings, moneys to the credit of or in the special funds 19685
established by or pursuant to this section may be invested by or 19686
on behalf of the issuing authority only in notes, bonds, or 19687
other obligations of the United States, or of any agency or 19688
instrumentality of the United States, obligations guaranteed as 19689
to principal and interest by the United States, obligations of 19690
this state or any political subdivision of this state, and 19691
certificates of deposit of any national bank located in this 19692
state and any bank, as defined in section 1101.01 of the Revised 19693
Code, subject to inspection by the superintendent of banks. If 19694
the law or the instrument creating a trust pursuant to division 19695
(J) of this section expressly permits investment in direct 19696
obligations of the United States or an agency of the United 19697
States, unless expressly prohibited by the instrument, such 19698
moneys also may be invested in no-front-end-load money market 19699
mutual funds consisting exclusively of obligations of the United 19700
States or an agency of the United States and in repurchase 19701
agreements, including those issued by the fiduciary itself, 19702
secured by obligations of the United States or an agency of the 19703
United States; and in common trust funds established in 19704
accordance with section 1111.20 of the Revised Code and 19705
consisting exclusively of any such securities, notwithstanding 19706
division (A) (4) of that section. The income from such 19707
investments shall be credited to such funds as the issuing 19708

authority determines, and such investments may be sold at such 19709
times as the issuing authority determines or authorizes. 19710

(P) Provision may be made in the applicable bond 19711
proceedings for the establishment of separate accounts in the 19712
bond service fund and for the application of such accounts only 19713
to the specified bond service charges on obligations pertinent 19714
to such accounts and bond service fund and for other accounts 19715
therein within the general purposes of such fund. Unless 19716
otherwise provided in any applicable bond proceedings, moneys to 19717
the credit of or in the several special funds established 19718
pursuant to this section shall be disbursed on the order of the 19719
treasurer of state, provided that no such order is required for 19720
the payment from the bond service fund when due of bond service 19721
charges on obligations. 19722

(Q) The issuing authority may pledge all, or such portion 19723
as the issuing authority determines, of the pledged receipts to 19724
the payment of bond service charges on obligations issued under 19725
this section, and for the establishment and maintenance of any 19726
reserves, as provided in the bond proceedings, and make other 19727
provisions therein with respect to pledged receipts as 19728
authorized by this chapter, which provisions are controlling 19729
notwithstanding any other provisions of law pertaining thereto. 19730

(R) The issuing authority may covenant in the bond 19731
proceedings, and any such covenants are controlling 19732
notwithstanding any other provision of law, that the state and 19733
applicable officers and governmental agencies of the state, 19734
including the general assembly, so long as any obligations are 19735
outstanding, shall: 19736

(1) Maintain statutory authority for and cause to be 19737
charged and collected wholesale and retail prices for spirituous 19738

liquor sold by the state or its agents so that the pledged 19739
receipts are sufficient in amount to meet bond service charges, 19740
and the establishment and maintenance of any reserves and other 19741
requirements provided for in the bond proceedings, and, as 19742
necessary, to meet covenants contained in contracts of guarantee 19743
made under section 166.06 of the Revised Code; 19744

(2) Take or permit no action, by statute or otherwise, 19745
that would impair the exemption from federal income taxation of 19746
the interest on the obligations. 19747

(S) There is hereby created the economic development bond 19748
service fund, which shall be in the custody of the treasurer of 19749
state but shall be separate and apart from and not a part of the 19750
state treasury. All moneys received by or on account of the 19751
issuing authority or state agencies and required by the 19752
applicable bond proceedings, consistent with this section, to be 19753
deposited, transferred, or credited to a bond service fund or 19754
the economic development bond service fund, and all other moneys 19755
transferred or allocated to or received for the purposes of the 19756
fund, shall be deposited and credited to such fund and to any 19757
separate accounts therein, subject to applicable provisions of 19758
the bond proceedings, but without necessity for any act of 19759
appropriation. During the period beginning with the date of the 19760
first issuance of obligations and continuing during such time as 19761
any such obligations are outstanding, and so long as moneys in 19762
the pertinent bond service funds are insufficient to pay all 19763
bond services charges on such obligations becoming due in each 19764
year, a sufficient amount of the gross profit on the sale of 19765
spirituous liquor included in pledged receipts are committed and 19766
shall be paid to the bond service fund or economic development 19767
bond service fund in each year for the purpose of paying the 19768
bond service charges becoming due in that year without necessity 19769

for further act of appropriation for such purpose and 19770
notwithstanding anything to the contrary in Chapter 4301. of the 19771
Revised Code. The economic development bond service fund is a 19772
trust fund and is hereby pledged to the payment of bond service 19773
charges to the extent provided in the applicable bond 19774
proceedings, and payment thereof from such fund shall be made or 19775
provided for by the treasurer of state in accordance with such 19776
bond proceedings without necessity for any act of appropriation. 19777

(T) The obligations, the transfer thereof, and the income 19778
therefrom, including any profit made on the sale thereof, shall 19779
at all times be free from taxation within the state. 19780

Sec. 166.12. (A) The general assembly finds that in order 19781
to maintain and enhance the competitiveness of the Ohio economy 19782
and to improve the economic welfare of all of the people of the 19783
state, it is necessary to ensure that high-value jobs based on 19784
research, technology, and innovation will be available to the 19785
people of this state. Further, the general assembly finds that 19786
the attraction of such jobs and their presence in this state 19787
will materially contribute to the economic welfare of all of the 19788
people of the state. Accordingly, it is declared to be the 19789
public policy of this state, through the operations under 19790
sections 166.01 and 166.12 to 166.16 of the Revised Code, and 19791
the loan and loan guarantee provisions contained in those 19792
sections, applicable laws adopted pursuant to Section 13 of 19793
Article VIII, Ohio Constitution, and other authority vested in 19794
the general assembly, to assist in and facilitate the 19795
establishment or development of eligible innovation projects or 19796
assist and cooperate with any governmental agency in achieving 19797
that purpose. 19798

(B) In furtherance of that public policy and to implement 19799

that purpose, the director of development may: 19800

(1) After consultation with appropriate governmental 19801
agencies, enter into agreements with persons engaged in 19802
industry, commerce, distribution, development of tourism 19803
attractions or professional sports facilities, or research and 19804
with governmental agencies to induce such persons to acquire, 19805
construct, reconstruct, rehabilitate, renovate, enlarge, 19806
improve, equip, or furnish, or otherwise develop, eligible 19807
innovation projects and make provision therein for project 19808
facilities and governmental actions, as authorized by sections 19809
166.01 and 166.12 to 166.16 of the Revised Code and other 19810
applicable laws; 19811

(2) Provide for innovation Ohio loan guarantees and loans 19812
under sections 166.15 and 166.16 of the Revised Code; 19813

(3) Subject to the release of such moneys by the 19814
controlling board, contract for labor and materials needed for, 19815
or contract with others, including governmental agencies, to 19816
provide, eligible innovation projects the allowable innovation 19817
costs of which are to be paid for or reimbursed from moneys in 19818
the innovation Ohio loan fund, and contract for the operation of 19819
such eligible innovation projects; 19820

(4) Subject to release thereof by the controlling board, 19821
from moneys in the innovation Ohio loan fund, acquire or 19822
contract to acquire by gift, exchange, or purchase, including 19823
the obtaining and exercise of purchase options, innovation 19824
property, and convey or otherwise dispose of, or provide for the 19825
conveyance or disposition of, innovation property so acquired or 19826
contracted to be acquired by sale, exchange, lease, lease 19827
purchase, conditional or installment sale, transfer, or other 19828
disposition, including the grant of an option to purchase, to 19829

any governmental agency or to any other person without necessity 19830
for competitive bidding and upon such terms and conditions and 19831
manner of consideration pursuant to, and as the director 19832
determines to be appropriate to satisfy the objectives of, 19833
Chapter 166. of the Revised Code; 19834

(5) Retain the services of or employ financial 19835
consultants, appraisers, consulting engineers, superintendents, 19836
managers, construction and accounting experts, attorneys, and 19837
employees, agents, and independent contractors as are necessary 19838
in the director's judgment and fix the compensation for their 19839
services; 19840

(6) Receive and accept from any person grants, gifts, and 19841
contributions of money, property, labor, and other things of 19842
value, to be held, used, and applied only for the purpose for 19843
which such grants, gifts, and contributions are made; 19844

(7) Enter into appropriate arrangements and agreements 19845
with any governmental agency for the taking or provision by that 19846
governmental agency of any governmental action with respect to 19847
innovation projects; 19848

(8) Do all other acts and enter into contracts and execute 19849
all instruments necessary or appropriate to carry out the 19850
provisions of sections 166.01 and 166.12 to 166.16 of the 19851
Revised Code; 19852

(9) With respect to property, including but not limited to 19853
innovation property, take such interests, including but not 19854
limited to mortgages, security interests, assignments, and 19855
exclusive or non-exclusive licenses, as may be necessary or 19856
appropriate under the circumstances, to ensure that innovation 19857
property is used within this state and that products or services 19858

associated with that innovation property are produced or, in the 19859
case of services, delivered, by persons employed within this 19860
state; 19861

(10) Adopt rules necessary to implement any of the 19862
provisions of sections 166.01 and 166.12 to 166.16 of the 19863
Revised Code applicable to the director. 19864

(C) The determinations by the director that facilities or 19865
property constitute eligible innovation projects and that costs 19866
of such facilities or property are allowable innovation costs, 19867
and all other determinations relevant thereto or to an action 19868
taken or agreement entered into, shall be conclusive for 19869
purposes of the validity and enforceability of rights of parties 19870
arising from actions taken and agreements entered into under 19871
sections 166.01 and 166.12 to 166.16 of the Revised Code. 19872

Sec. 166.17. (A) The general assembly finds that in order 19873
to enhance the economic opportunities available to and improve 19874
the economic welfare of all the people of the state, and to 19875
maintain and enhance the competitiveness of the Ohio economy, it 19876
is necessary to ensure that the people of the state will 19877
continue to have access to high-value jobs in technology, and 19878
that, to facilitate such continued access, it is necessary to 19879
provide incentives to retain and attract businesses that will 19880
develop new or improved technologies, processes, and products, 19881
or apply existing technologies in new ways. Further, the general 19882
assembly finds that the attraction of such jobs and their 19883
presence in this state will materially contribute to the 19884
economic welfare of all the people of the state. Accordingly, it 19885
is declared to be the public policy of this state, through 19886
operations under sections 166.17 to 166.21, 5733.352, and 19887
5747.331 of the Revised Code and the provisions for financial 19888

assistance contained in those sections, other applicable laws 19889
adopted pursuant to Section 13 of Article VIII, Ohio 19890
Constitution, and other authority vested in the general 19891
assembly, to assist in and facilitate the establishment or 19892
development of eligible research and development projects or 19893
assist and cooperate with any governmental agency in achieving 19894
that purpose. 19895

(B) In furtherance of that public policy and to implement 19896
that purpose, the director of development may do any of the 19897
following: 19898

(1) After consultation with appropriate governmental 19899
agencies, enter into agreements with persons engaged in 19900
industry, commerce, distribution, development of tourism 19901
attractions or professional sports facilities, or research and 19902
with governmental agencies, to induce such persons to acquire, 19903
construct, reconstruct, rehabilitate, renovate, enlarge, 19904
improve, equip, furnish, or develop eligible research and 19905
development projects, or to enable governmental agencies to 19906
acquire, construct, reconstruct, rehabilitate, renovate, 19907
enlarge, improve, equip, furnish, or develop eligible research 19908
and development projects for lease to persons engaged in 19909
industry, commerce, distribution, development of tourism 19910
attractions or professional sports facilities, or research; 19911

(2) Provide for loans under section 166.21 of the Revised 19912
Code to finance eligible research and development projects; 19913

(3) Subject to the release of moneys in the research and 19914
development loan fund by the controlling board, contract for 19915
labor and materials needed for, or contract with others, 19916
including governmental agencies, to provide, eligible research 19917
and development projects, the allowable costs of which are to be 19918

paid for or reimbursed from such moneys, and contract for the 19919
operation of those projects; 19920

(4) From moneys in the research and development loan fund, 19921
subject to release thereof by the controlling board, acquire or 19922
contract to acquire property by gift, exchange, or purchase, 19923
including by obtaining and exercising purchase options, and 19924
convey or otherwise dispose of, or provide for the conveyance or 19925
disposition of, that property by sale, exchange, lease, lease 19926
purchase, conditional or installment sale, transfer, or other 19927
disposition, including the grant of an option to purchase, to 19928
any governmental agency or to any other person without necessity 19929
for competitive bidding and upon such terms and conditions and 19930
manner of consideration pursuant to, and as the director 19931
determines to be appropriate to satisfy the objectives of, 19932
Chapter 166. of the Revised Code; 19933

(5) Retain the services of or employ financial 19934
consultants, appraisers, consulting engineers, superintendents, 19935
managers, construction and accounting experts, attorneys, 19936
employees, agents, and independent contractors as are necessary 19937
in the director's judgment, and fix the compensation for their 19938
services; 19939

(6) Receive and accept from any person, grants, gifts, and 19940
contributions of money, property, labor, and other things of 19941
value, to be held, used, and applied only for the purpose for 19942
which such grants, gifts, and contributions are made; 19943

(7) Enter into arrangements and agreements with any 19944
governmental agency for the agency to take or provide any 19945
governmental action with respect to eligible research and 19946
development projects; 19947

(8) Do all other acts, enter into contracts, execute all instruments, and make all certifications necessary or appropriate to carry out sections 166.01, 166.17 to 166.21, 5733.352, and 5747.331 of the Revised Code;

(9) With respect to property that is the subject of or related to research and development financial assistance, take such interests, including, but not limited to, mortgages, security interests, leasehold interests, assignments, and exclusive or nonexclusive licenses, as may be necessary or appropriate under the circumstances, to ensure that the property is used within this state and that products or services associated with that property are produced or, in the case of services, delivered, by persons employed within this state;

(10) Adopt rules necessary to implement any of the provisions of sections 166.17 to 166.21, 5733.352, and 5747.331 of the Revised Code that are applicable to the director.

(C) The determination by the director that facilities or property constitute an eligible research and development project and that the costs of such facilities or property are allowable costs related to the project, and all other determinations relevant thereto, or to an action taken or agreement entered into, shall be conclusive for purposes of the validity and enforceability of rights of parties arising from actions taken and agreements entered into under sections 166.17 to 166.21, 5733.352, and 5747.331 of the Revised Code.

Sec. 169.01. As used in this chapter, unless the context otherwise requires:

(A) "Financial organization" means any bank, trust company, savings bank, safe deposit company, mutual savings bank

without mutual stock, savings and loan association, credit union, or investment company.	19977 19978
(B) (1) "Unclaimed funds" means any moneys, rights to moneys, or intangible property, described in section 169.02 of the Revised Code, when, as shown by the records of the holder, the owner has not, within the times provided in section 169.02 of the Revised Code, done any of the following:	19979 19980 19981 19982 19983
(a) Increased, decreased, or adjusted the amount of such funds;	19984 19985
(b) Assigned, paid premiums, or encumbered such funds;	19986
(c) Presented an appropriate record for the crediting of such funds or received payment of such funds by check, draft, or otherwise;	19987 19988 19989
(d) Corresponded with the holder concerning such funds;	19990
(e) Otherwise indicated an interest in or knowledge of such funds;	19991 19992
(f) Transacted business with the holder.	19993
(2) "Unclaimed funds" does not include any of the following:	19994 19995
(a) Money received or collected under section 9.39 of the Revised Code;	19996 19997
(b) Any payment or credit due to a business association from a business association representing sums payable to suppliers, or payment for services rendered, in the course of business, including, but not limited to, checks or memoranda, overpayments, unidentified remittances, nonrefunded overcharges, discounts, refunds, and rebates;	19998 19999 20000 20001 20002 20003

(c) Any payment or credit received by a business association from a business association for tangible goods sold, or services performed, in the course of business, including, but not limited to, checks or memoranda, overpayments, unidentified remittances, nonrefunded overcharges, discounts, refunds, and rebates;

(d) Either of the following:

(i) Any credit or obligation due a retail customer that is represented by a gift certificate, gift card, merchandise credit, or merchandise credit card, redeemable only for goods or services, including gift cards issued by financial organizations or business associations;

(ii) Any electronic payment device that is issued by a financial organization or a business association that has no expiration date and meets all of the following conditions:

(I) It is purchased or loaded on a prepaid basis for the future purchase or delivery of goods or services.

(II) It is redeemable upon presentation to a single merchant or service provider or an affiliated group of merchants or service providers.

(III) It is not redeemable for cash in whole or in part.

(e) Any open-loop prepaid card that is issued by a financial organization or a business association for which the underlying funds do not expire. For purposes of division (B) (2) (e) of this section, "open-loop prepaid card" means an electronic payment device that meets all of the following conditions:

(i) It is purchased or loaded on a prepaid basis for the

future purchase or delivery of any goods or services. 20032

(ii) It can be used to purchase goods and services at 20033
multiple unaffiliated merchants or service providers. 20034

(iii) It is not redeemable for cash in whole or in part. 20035

(f) Any rewards card. For purposes of division (B) (2) (f) 20036
of this section, "rewards card" includes any loyalty, incentive, 20037
or promotional type program that is issued by a financial 20038
organization or a business association whether represented by a 20039
card or electronic record, which program is established for the 20040
purposes of providing cardholder awards, rewards, rebates, or 20041
other amounts to reward the cardholder for the cardholder's 20042
relationship with the entity sponsoring the rewards card, 20043
provided that no direct money was paid by the cardholder for the 20044
rewards card. "Rewards card" includes both of the following: 20045

(i) Cards or electronic records consisting of points, 20046
cash, or other tokens of value given to a cardholder as a reward 20047
or incentive for engaging in a transaction or a series of 20048
transactions; 20049

(ii) The unpaid portion of a rewards card when the rewards 20050
card is partially loaded by the cardholder with the remaining 20051
portion funded as a reward or incentive. 20052

A minimal annual fee charged to the cardholder for joining 20053
any such loyalty, incentive, or promotional type program shall 20054
not be considered direct money paid by the cardholder for the 20055
rewards card. For purposes of division (B) (2) (f) of this 20056
section, "cardholder" means the holder of a rewards card, 20057
regardless of whether the rewards card is represented by a card 20058
or by an electronic record. 20059

For purposes of division (B) (2) of this section, "business 20060

association" means any corporation, joint venture, business trust, limited liability company, partnership, association, or other business entity composed of one or more individuals, whether or not the entity is for profit.

(C) "Owner" means any person, or the person's legal representative, entitled to receive or having a legal or equitable interest in or claim against moneys, rights to moneys, or other intangible property, subject to this chapter.

(D) (1) "Holder" means any person that has possession, custody, or control of moneys, rights to moneys, or other intangible property, or that is indebted to another, if any of the following applies:

(a) Such person resides in this state;

(b) Such person is formed under the laws of this state;

(c) Such person is formed under the laws of the United States and has an office or principal place of business in this state;

(d) The records of such person indicate that the last known address of the owner of such moneys, rights to moneys, or other intangible property is in this state;

(e) The records of such person do not indicate the last known address of the owner of the moneys, rights to moneys, or other intangible property and the entity originating or issuing the moneys, rights to moneys, or other intangible property in this state or any political subdivision of this state, or is incorporated, organized, created, or otherwise located in this state. Division (D) (1) (e) of this section applies to all moneys, rights to moneys, or other intangible property that is in the possession, custody, or control of such person on or after July

22, 1994, whether the moneys, rights to moneys, or other
intangible property becomes unclaimed funds prior to or on or
after that date.

(2) "Holder" does not mean any hospital granted tax-exempt
status under section 501(c)(3) of the Internal Revenue Code or
any hospital owned or operated by the state or by any political
subdivision. Any entity in order to be exempt from the
definition of "holder" pursuant to this division shall make a
reasonable, good-faith effort to contact the owner of the
unclaimed funds.

(E) "Person" includes a natural person; corporation,
whether for profit or not for profit; copartnership;
unincorporated nonprofit association; public authority; estate;
trust; two or more persons having a joint or common interest;
eleemosynary organization; fraternal or cooperative association;
other legal or community entity; the United States government,
including any district, territory, possession, officer, agency,
department, authority, instrumentality, board, bureau, or court;
or any state or political subdivision thereof, including any
officer, agency, board, bureau, commission, division,
department, authority, court, or instrumentality.

(F) "Mortgage funds" means ~~the mortgage insurance fund~~
~~created by section 122.561 of the Revised Code, and the housing~~
guarantee fund created by division (D) of section 128.11 of the
Revised Code.

(G) "Lawful claims" means any vested right a holder of
unclaimed funds has against the owner of such unclaimed funds.

(H) "Public utility" means any entity defined as such by
division (A) of section 745.01 or by section 4905.02 of the

Revised Code.	20119
(I) "Deposit" means to place money in the custody of a financial organization for the purpose of establishing an income-bearing account by purchase or otherwise.	20120 20121 20122
(J) "Income-bearing account" means a time or savings account, whether or not evidenced by a certificate of deposit, or an investment account through which investments are made solely in obligations of the United States or its agencies or instrumentalities or guaranteed as to principal and interest by the United States or its agencies or instrumentalities, debt securities rated as investment grade by at least two nationally recognized rating services, debt securities which the director of commerce has determined to have been issued for the safety and welfare of the residents of this state, and equity interests in mutual funds that invest solely in some or all of the above-listed securities and involve no general liability, without regard to whether income earned on such accounts, securities, or interests is paid periodically or at the end of a term.	20123 20124 20125 20126 20127 20128 20129 20130 20131 20132 20133 20134 20135 20136
(K) "Director of commerce" may be read as the "division of unclaimed funds" or the "superintendent of unclaimed funds."	20137 20138
(L) "Attorney unclaimed funds" means any unclaimed funds, as defined in division (B)(1) of this section, that are any of the following:	20139 20140 20141
(1) Funds held in interest on lawyer trust accounts pursuant to section 4705.09 of the Revised Code;	20142 20143
(2) Funds held in an interest on trust accounts pursuant to section 3953.231 of the Revised Code;	20144 20145
(3) Residual settlement funds whether for named or unnamed plaintiffs, received by the division of unclaimed funds, and	20146 20147

held, paid out, or allocated by the division pursuant to or 20148
consistent with the terms and conditions of the court order 20149
authorizing the settlement fund. 20150

Sec. 169.05. (A) Every holder required to file a report 20151
under section 169.03 of the Revised Code shall, at the time of 20152
filing, pay to the director of commerce ten per cent of the 20153
aggregate amount of unclaimed funds as shown on the report, 20154
except for aggregate amounts of fifty dollars or less in which 20155
case one hundred per cent shall be paid. The funds may be 20156
deposited by the director in the state treasury to the credit of 20157
the unclaimed funds trust fund, which is hereby created, or 20158
placed with a financial organization. Any interest earned on 20159
money in the trust fund shall be credited to the trust fund. The 20160
remainder of the aggregate amount of unclaimed funds as shown on 20161
the report, plus earnings accrued to date of payment to the 20162
director, shall, at the option of the director, be retained by 20163
the holder or paid to the director for deposit as agent for the 20164
mortgage funds with a financial organization as defined in 20165
section 169.01 of the Revised Code, with the funds to be in 20166
income-bearing accounts to the credit of the mortgage funds, or 20167
the holder may enter into an agreement with the director 20168
specifying the obligations of the United States in which funds 20169
are to be invested, and agree to pay the interest on the 20170
obligations to the state. Holders retaining any funds not in 20171
obligations of the United States shall enter into an agreement 20172
with the director specifying the classification of income- 20173
bearing account in which the funds will be held and pay the 20174
state interest on the funds at a rate equal to the prevailing 20175
market rate for similar funds. Moneys that the holder is 20176
required to pay to the director rather than to retain may be 20177
deposited with the treasurer of state, or placed with a 20178

financial organization. 20179

Securities and other intangible property transferred to 20180
the director shall, within a reasonable time, be converted to 20181
cash and the proceeds deposited as provided for other funds. 20182

~~One-half of the~~ The funds evidenced by agreements, in 20183
income-bearing accounts, or on deposit with the treasurer of 20184
state shall be allocated on the records of the director ~~to the~~ 20185
~~mortgage insurance fund created by section 122.561 of the~~ 20186
~~Revised Code. Out of the remaining half, after allocation of~~ 20187
sufficient moneys to the minority business bonding fund to meet 20188
the provisions of division (B) of this section, ~~the remainder~~ 20189
~~shall be allocated on the records of the director to the housing~~ 20190
development fund created by division (A) of section 175.11 of 20191
the Revised Code. 20192

(B) The director shall serve as agent for the director of 20193
development and as agent for the Ohio housing finance agency in 20194
making deposits and withdrawals and maintaining records 20195
pertaining to the minority business bonding fund created by 20196
section 122.88 of the Revised Code, ~~the mortgage insurance fund,~~ 20197
and the housing development fund created by section 175.11 of 20198
the Revised Code. ~~Funds from the mortgage insurance fund are~~ 20199
~~available to the director of development when those funds are to~~ 20200
~~be disbursed to prevent or cure, or upon the occurrence of, a~~ 20201
~~default of a mortgage insured pursuant to section 122.451 of the~~ 20202
~~Revised Code.~~ Funds from the housing development fund are 20203
available upon request to the Ohio housing finance agency, in an 20204
amount not to exceed the funds allocated on the records of the 20205
director, for the purposes of section 175.05 of the Revised 20206
Code. Funds from the minority business bonding fund are 20207
available to the director of development upon request to pay 20208

obligations on bonds the director writes pursuant to section 20209
122.88 of the Revised Code; except that, unless the general 20210
assembly authorizes additional amounts, the total maximum amount 20211
of moneys that may be allocated to the minority business bonding 20212
fund under this division is ten million dollars. 20213

When funds are to be disbursed, the appropriate agency 20214
shall call upon the director to transfer the necessary funds to 20215
it. The director shall first withdraw the funds paid by the 20216
holders and deposited with the treasurer of state or in a 20217
financial institution as agent for the funds. Whenever these 20218
funds are inadequate to meet the request, the director shall 20219
provide for a withdrawal of funds, within a reasonable time and 20220
in the amount necessary to meet the request, from financial 20221
institutions in which the funds were retained or placed by a 20222
holder and from other holders who have retained funds, in an 20223
equitable manner as the director prescribes. In the event that 20224
the amount to be withdrawn from any one holder is less than five 20225
hundred dollars, the amount to be withdrawn is at the director's 20226
discretion. The director shall then transfer to the agency the 20227
amount of funds requested. 20228

Funds deposited in the unclaimed funds trust fund are 20229
subject to call by the director when necessary to pay claims the 20230
director allows under section 169.08 of the Revised Code, in 20231
accordance with the director's rules, to defray the necessary 20232
costs of making publications this chapter requires and to pay 20233
other operating and administrative expenses the department of 20234
commerce incurs in the administration and enforcement of this 20235
chapter. 20236

The unclaimed funds trust fund shall be assessed a 20237
proportionate share of the administrative costs of the 20238

department of commerce in accordance with procedures the 20239
director of commerce prescribes. The assessment shall be paid 20240
from the unclaimed funds trust fund to the division of 20241
administration fund. 20242

(C) Earnings on the accounts in financial organizations to 20243
the credit of the mortgage funds shall, at the option of the 20244
financial organization, be credited to the accounts at times and 20245
at rates as earnings are paid on other accounts of the same 20246
classification held in the financial organization or paid to the 20247
director. The director shall be notified annually, and at other 20248
times as the director may request, of the amount of the earnings 20249
credited to the accounts. Interest on unclaimed funds a holder 20250
retains shall be paid to the director or credited as specified 20251
in the agreement under which the organization retains the funds. 20252
Interest payable to the director under an agreement to invest 20253
unclaimed funds in income-bearing accounts or obligations of the 20254
United States shall be paid annually by the holder to the 20255
director. Any earnings or interest the director receives under 20256
this division shall be deposited in and credited to the mortgage 20257
funds. 20258

Sec. 169.08. (A) The Except as otherwise provided in 20259
division (I) of this section, the director of commerce shall pay 20260
to the owner or other person who has established the right to 20261
payment under this section, funds from the unclaimed funds trust 20262
fund in an amount equal to the amount of property delivered or 20263
reported to the director, or equal to the net proceeds if the 20264
securities or other property have been sold, together with 20265
interest earned by the state if required to be paid under 20266
division (D) of this section. Any person claiming a property 20267
interest in unclaimed funds delivered or reported to the state 20268
under Chapter 169. of the Revised Code, including the office of 20269

child support in the department of job and family services, 20270
pursuant to section 3123.88 of the Revised Code, may file a 20271
claim thereto on the form prescribed by the director ~~of~~ 20272
~~commerce~~. 20273

(B) The director shall consider matters relevant to any 20274
claim filed under division (A) of this section and shall hold a 20275
formal hearing if requested or considered necessary and receive 20276
evidence concerning such claim. A finding and decision in 20277
writing on each claim filed shall be prepared, stating the 20278
substance of any evidence received or heard and the reasons for 20279
allowance or disallowance of the claim. The evidence and 20280
decision shall be a public record. ~~No~~ Except as otherwise 20281
provided in division (I) of this section, no statute of 20282
limitations shall bar the allowance of a claim. 20283

(C) For the purpose of conducting any hearing, the 20284
director may require the attendance of such witnesses and the 20285
production of such books, records, and papers as the director 20286
desires, and the director may take the depositions of witnesses 20287
residing within or without this state in the same manner as is 20288
prescribed by law for the taking of depositions in civil actions 20289
in the court of common pleas, and for that purpose the director 20290
may issue a subpoena for any witness or a subpoena duces tecum 20291
to compel the production of any books, records, or papers, 20292
directed to the sheriff of the county where such witness resides 20293
or is found, which shall be served and returned. The fees of the 20294
sheriff shall be the same as that allowed in the court of common 20295
pleas in criminal cases. Witnesses shall be paid the fees and 20296
mileage provided for under section 119.094 of the Revised Code. 20297
Fees and mileage shall be paid from the unclaimed funds trust 20298
fund. 20299

(D) ~~Interest~~ Except as otherwise provided in division (I) 20300
of this section, interest earned by the state shall be payable 20301
to claimants of unclaimed funds held by the state in accordance 20302
with final court orders derived from the *Sogg v. Zurz*, 121 Ohio 20303
St.3d 449 (2009), line of cases and final settlement agreement 20304
determining payment of interest on unclaimed funds. For 20305
properties received by the state on or before July 26, 1991, 20306
interest shall be paid at a rate of six per cent per annum from 20307
the date the state received the property up to and including 20308
July 26, 1991. No interest shall be payable on any properties 20309
for the period from July 27, 1991, up to and including August 2, 20310
2000. For properties held by the state on August 3, 2000, or 20311
after, interest shall be paid at the applicable required rate 20312
per annum for the period held from August 3, 2000, or the date 20313
of receipt, whichever is later, up to and including the date the 20314
claim is paid. 20315

(E) Claims shall be paid from the trust fund. If the 20316
amount available in the trust fund is not sufficient to pay 20317
pending claims, or other amounts disbursable from the trust 20318
fund, the treasurer of state shall certify such fact to the 20319
director, who shall then withdraw such amount of funds from the 20320
mortgage accounts as the director determines necessary to 20321
reestablish the trust fund to a level required to pay 20322
anticipated claims but not more than ten per cent of the net 20323
unclaimed funds reported to date. 20324

The director may withdraw the funds paid to the director 20325
by the holders and deposited by the director with the treasurer 20326
of state or in a financial institution as agent for such funds. 20327
Whenever these funds are inadequate to meet the requirements for 20328
the trust fund, the director shall provide for a withdrawal of 20329
funds, within a reasonable time, in such amount as is necessary 20330

to meet the requirements, from financial institutions in which 20331
such funds were retained or placed by a holder and from other 20332
holders who have retained funds, in an equitable manner as 20333
prescribed by the director. In the event that the amount to be 20334
withdrawn from any one such holder is less than five hundred 20335
dollars, the amount to be withdrawn shall be at the discretion 20336
of the director. Such funds may be reimbursed in the amounts 20337
withdrawn when the trust fund has a surplus over the amount 20338
required to pay anticipated claims. Whenever the trust fund has 20339
a surplus over the amount required to pay anticipated claims, 20340
the director may transfer such surplus to the mortgage accounts. 20341

(F) (1) If a claim which is allowed under this section 20342
relates to funds which have been retained by the reporting 20343
holder, and if the funds, on deposit with the treasurer of state 20344
pursuant to this chapter, are insufficient to pay claims, the 20345
director may notify such holder in writing of the payment of the 20346
claim and such holder shall immediately reimburse the state in 20347
the amount of such claim. The reimbursement shall be credited to 20348
the unclaimed funds trust fund. 20349

(2) If a claim that is allowed under this section relates 20350
to attorney unclaimed funds that have been recovered by the Ohio 20351
access to justice foundation, pursuant to division (A) of 20352
section 169.052 of the Revised Code and division (A) of this 20353
section, the director shall notify the Ohio access to justice 20354
foundation in writing of the payment of the claim and the Ohio 20355
access to justice foundation shall immediately reimburse the 20356
unclaimed funds trust fund in the amount of such claim inclusive 20357
of interest as required by division (D) of this section. The 20358
reimbursement shall be credited to the unclaimed funds trust 20359
fund. 20360

(G) Any person, including the office of child support, 20361
adversely affected by a decision of the director may appeal such 20362
decision in the manner provided in Chapter 119. of the Revised 20363
Code. 20364

In the event the claimant prevails, the claimant shall be 20365
reimbursed for reasonable attorney's fees and costs. 20366

(H) Notwithstanding anything to the contrary in this 20367
chapter, any holder who has paid moneys to or entered into an 20368
agreement with the director pursuant to section 169.05 of the 20369
Revised Code on certified checks, cashiers' checks, bills of 20370
exchange, letters of credit, drafts, money orders, or travelers' 20371
checks, may make payment to any person entitled thereto, 20372
including the office of child support, and upon surrender of the 20373
document, except in the case of travelers' checks, and proof of 20374
such payment, the director shall reimburse the holder for such 20375
payment without interest. 20376

(I) (1) Unclaimed funds and interest earned thereon that 20377
are first reported to the director under section 169.03 of the 20378
Revised Code on or before January 1, 2016, are deemed abandoned 20379
and escheat to the state on January 1, 2026, if no valid claim 20380
is filed by the owner or another person claiming a right to 20381
payment on or before that date. 20382

(2) Unclaimed funds and interest first reported to the 20383
director after January 1, 2016, are deemed abandoned and escheat 20384
to the state on the tenth anniversary of that reporting date if 20385
no valid claim is filed by the owner or another person claiming 20386
a right to payment on or before the tenth anniversary of that 20387
reporting date. 20388

(3) (a) All property rights, legal title to, and ownership 20389

of unclaimed funds and interest vest solely in the state on the 20390
date the unclaimed funds and interest are deemed abandoned and 20391
escheat to the state. 20392

(b) Notwithstanding division (I) (3) (a) of this section, 20393
the former owner or other person claiming a property interest in 20394
unclaimed funds that are deemed abandoned and escheat to the 20395
state may file a claim for payment of an equivalent amount, 20396
together with interest earned by the state if required under 20397
division (D) of this section, at any time on or before January 20398
1, 2036. Upon providing sufficient proof of the validity of the 20399
owner's or other person's claim, the director shall pay the 20400
claim less any expenses and costs incurred by the state in 20401
securing full title and ownership of the unclaimed funds. 20402

(c) If payment is made on a claim under division (I) (3) (b) 20403
of this section, no action thereafter shall be maintained by any 20404
other claimant against the state for or on account of the 20405
payment of the claim. 20406

(d) The director shall pay claims under division (I) (3) (b) 20407
of this section from the unclaimed funds trust fund and shall 20408
not seek reimbursement for such claims from the Ohio cultural 20409
and sports facility performance grant fund created under section 20410
123.282 of the Revised Code or deduct the amount of such claims 20411
from future remissions to that fund required by division (I) (4) 20412
of this section. 20413

(e) Any claim filed after the date the unclaimed funds and 20414
interest are deemed abandoned and escheat to the state and after 20415
January 1, 2036, is void. 20416

(4) On the first days of January and July each year, 20417
beginning in 2026, the director shall remit or cause to be 20418

remitted all unclaimed funds and interest that are deemed 20419
abandoned and escheat to the state to the state treasury to the 20420
credit of the Ohio cultural and sports facility performance 20421
grant fund created under section 123.282 of the Revised Code. 20422
The director shall notify the director of budget and management 20423
of all funds and interest remitted under this division. 20424

(5) If unclaimed funds and interest that are deemed 20425
abandoned and escheat to the state are retained or invested by a 20426
holder pursuant to an agreement under division (A) of section 20427
169.05 of the Revised Code, the director shall notify the holder 20428
and the holder shall pay the funds and interest to the director 20429
in a form and manner determined by the director. 20430

(6) The director of commerce shall develop guidelines and 20431
procedures to implement division (I) of this section including 20432
procedures addressing both of the following: 20433

(a) Repayment of unclaimed funds and interest that are 20434
invested in non-liquid assets; 20435

(b) Ensuring that the balance of the unclaimed funds trust 20436
fund is sufficient to meet the state's financial obligations 20437
under this chapter. 20438

Sec. 169.13. (A) (1) All agreements to pay a fee, 20439
compensation, commission, or other remuneration to locate, 20440
deliver, recover, or assist in the recovery of unclaimed funds 20441
reported under section 169.03 of the Revised Code, entered into 20442
within two years immediately after the date a report is filed 20443
under division (D) of section 169.03 of the Revised Code, are 20444
invalid. 20445

(2) A person interested in entering into an agreement to 20446
locate, deliver, recover, or assist in the recovery of unclaimed 20447

funds for remuneration shall not initiate any contact with an 20448
owner during the two-year period immediately after the date a 20449
report is filed under division (D) of section 169.03 of the 20450
Revised Code. Failure to comply with this requirement is grounds 20451
for the invalidation of any such agreement between the person 20452
and the owner. 20453

(B) An agreement entered into any time after such two-year 20454
period is valid only if all of the following conditions are met: 20455

(1) The aggregate fee, compensation, commission, or other 20456
remuneration agreed upon is not in excess of ten per cent of the 20457
amount recovered and paid to the owner by the director of budget 20458
and management; 20459

(2) The agreement is in writing, signed by the owner, and 20460
notarized and discloses all of the following items: 20461

(a) The name, address, and telephone number of the owner, 20462
as shown by the records of the person or entity in possession of 20463
the unclaimed funds or contents of a safe deposit box; 20464

(b) The name, address, and telephone number of the owner 20465
if the owner's name, address, or telephone number are different 20466
from the name, address, or telephone number of the owner as 20467
shown by the records of the person or entity in possession of 20468
the unclaimed funds or contents of a safe deposit box; 20469

(c) The nature and value of the unclaimed funds or 20470
contents of a safe deposit box; 20471

(d) The amount the owner will receive after the fee or 20472
compensation has been subtracted; 20473

(e) The name and address of the person or entity in 20474
possession of the unclaimed funds or contents of a safe deposit 20475

box; 20476

(f) That the director of budget and management will pay 20477
the unclaimed funds directly to the owner or the director of 20478
commerce shall deliver the contents of a safe deposit box 20479
directly to the owner; 20480

(g) That the person agreeing to locate, deliver, recover, 20481
or assist in the recovery of the unclaimed funds or contents of 20482
a safe deposit box is not an employee or agent of the director 20483
of commerce; 20484

(h) That the director of commerce is not a party to the 20485
agreement; 20486

(i) That the person agreeing to locate, deliver, recover, 20487
or assist in the recovery of the unclaimed funds or contents of 20488
a safe deposit box holds a valid certificate of registration 20489
issued by the director under section 169.16 of the Revised Code; 20490

(j) The number designated on that certificate of 20491
registration and the date the certificate of registration 20492
expires. 20493

(3) No agreement described in division (B)(2) of this 20494
section shall include a power of attorney for the payment of the 20495
unclaimed funds or delivery of the contents of a safe deposit 20496
box to any person other than the owner of the unclaimed funds or 20497
contents of a safe deposit box. 20498

(4) If the agreement involves recovery of the contents of 20499
a safe deposit box, the agreement stipulates that the person 20500
receiving any fee, compensation, commission, or other 20501
remuneration for engaging in any activity for the purpose of 20502
locating, delivering, recovering, or assisting in the recovery 20503
of unclaimed funds or other items stored in a safe deposit box 20504

on behalf of any other person shall do all of the following: 20505

(a) Make arrangements to have an appraiser and the 20506
director of commerce view the contents of the safe deposit box 20507
together, at a time mutually agreeable to the appraiser and 20508
director; 20509

(b) State that the value of the property in the safe 20510
deposit box is the amount established by the appraiser who 20511
viewed the safe deposit box contents; 20512

(c) Base the fee, compensation, commission, or other 20513
remuneration for locating, delivering, recovering, or assisting 20514
in the recovery of unclaimed funds or other items stored in a 20515
safe deposit box on the appraised value established by the 20516
appraiser who viewed the safe deposit box contents. 20517

(C) No person shall receive a fee, compensation, 20518
commission, or other remuneration, or engage in any activity for 20519
the purpose of locating, delivering, recovering, or assisting in 20520
the recovery of unclaimed funds or contents of a safe deposit 20521
box, under an agreement that is invalid under this section. 20522

(D) A person who receives any fee, compensation, 20523
commission, or other remuneration for engaging in any activity 20524
for the purpose of locating, delivering, recovering, or 20525
assisting in the recovery of unclaimed funds or other items 20526
stored in a safe deposit box on behalf of any other person 20527
cannot function as an appraiser of the contents of the safe 20528
deposit box for purposes of division (B) (4) of this section. 20529

(E) The director shall not recognize or make any delivery 20530
and the ~~auditor of state~~ office of budget and management shall 20531
not make any payment pursuant to any power of attorney between 20532
an owner of the unclaimed funds or contents of a safe deposit 20533

box and the person with whom the owner entered into an agreement 20534
pursuant to division (B) (2) of this section to locate, deliver, 20535
recover, or assist in the recovery of the unclaimed funds or 20536
contents of a safe deposit box if that power of attorney is 20537
entered into on or after March 23, 2007, and that power of 20538
attorney specifically provides for the payment of unclaimed 20539
funds or delivery of the contents of a safe deposit box to any 20540
person other than the owner of the unclaimed funds or contents 20541
of a safe deposit box. Nothing in this section shall be 20542
construed as prohibiting the payment of unclaimed funds or 20543
delivery of the contents of a safe deposit box to the legal 20544
representative of the owner of the unclaimed funds or contents 20545
of the safe deposit box. Notwithstanding the definition of 20546
"owner" specified in division (C) of section 169.01 of the 20547
Revised Code, for purposes of the payment of unclaimed funds or 20548
delivery of the contents of the safe deposit box, a person with 20549
whom an owner entered into an agreement under division (B) (2) of 20550
this section is not a legal representative. 20551

Sec. 173.38. (A) As used in this section: 20552

(1) "Applicant" means a person who is under final 20553
consideration for employment with a responsible party in a full- 20554
time, part-time, or temporary direct-care position or is 20555
referred to a responsible party by an employment service for 20556
such a position. "Applicant" does not include a person being 20557
considered for a direct-care position as a volunteer. 20558

(2) "Area agency on aging" has the same meaning as in 20559
section 173.14 of the Revised Code. 20560

(3) ~~"Chief administrator of a responsible party" includes~~ 20561
~~a consumer when the consumer is a responsible party.~~ 20562

~~(4)~~—"Community-based long-term care services" means 20563
community-based long-term care services, as defined in section 20564
173.14 of the Revised Code, that are provided under a program 20565
the department of aging administers. 20566

~~(5)~~(4) "Consumer" means an individual who receives 20567
community-based long-term care services. 20568

~~(6)~~(5) "Criminal records check" has the same meaning as in 20569
section 109.572 of the Revised Code. 20570

~~(7)~~(a) (6) (a) "Direct-care position" means an employment 20571
position in which an employee has either or both of the 20572
following: 20573

(i) In-person contact with one or more consumers; 20574

(ii) Access to one or more consumers' personal property or 20575
records. 20576

(b) "Direct-care position" does not include a any of the 20577
following: 20578

(i) A person whose sole duties are transporting 20579
individuals under Chapter 306. of the Revised Code; 20580

(ii) An attorney licensed to practice law in this state; 20581

(iii) A person who is not licensed to practice law in this 20582
state, but, at the direction of an attorney licensed to practice 20583
law in this state, assists the attorney in the attorney's 20584
provision of legal services. 20585

~~(8)~~(7) "Disqualifying offense" means any of the offenses 20586
listed or described in divisions (A) (3) (a) to (e) of section 20587
109.572 of the Revised Code. 20588

~~(9)~~(8) "Employee" means a person employed by a responsible 20589

party in a full-time, part-time, or temporary direct-care 20590
position and a person who works in such a position due to being 20591
referred to a responsible party by an employment service. 20592
"Employee" does not include a person who works in a direct-care 20593
position as a volunteer. 20594

~~(10)~~(9) "PASSPORT administrative agency" has the same 20595
meaning as in section 173.42 of the Revised Code. 20596

~~(11)~~(10) "Provider" has the same meaning as in section 20597
173.39 of the Revised Code. 20598

~~(12)~~(11) "Responsible party" means the following: 20599

(a) An area agency on aging in the case of either of the 20600
following: 20601

(i) A person who is an applicant because the person is 20602
under final consideration for employment with the agency in a 20603
full-time, part-time, or temporary direct-care position or is 20604
referred to the agency by an employment service for such a 20605
position; 20606

(ii) A person who is an employee because the person is 20607
employed by the agency in a full-time, part-time, or temporary 20608
direct-care position or works in such a position due to being 20609
referred to the agency by an employment service. 20610

(b) A PASSPORT administrative agency in the case of either 20611
of the following: 20612

(i) A person who is an applicant because the person is 20613
under final consideration for employment with the agency in a 20614
full-time, part-time, or temporary direct-care position or is 20615
referred to the agency by an employment service for such a 20616
position; 20617

(ii) A person who is an employee because the person is employed by the agency in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the agency by an employment service.

(c) A provider in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the provider in a full-time, part-time, or temporary direct-care position or is referred to the provider by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the provider in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the provider by an employment service.

(d) A subcontractor in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the subcontractor in a full-time, part-time, or temporary direct-care position or is referred to the subcontractor by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the subcontractor in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the subcontractor by an employment service.

~~(e) A consumer in the case of either of the following:~~

~~(i) A person who is an applicant because the person is under final consideration for employment with the consumer in a~~

~~full-time, part-time, or temporary direct-care position for~~ 20646
~~which the consumer, as the employer of record, is to direct the~~ 20647
~~person in the provision of community-based long-term care~~ 20648
~~services the person is to provide the consumer or is referred to~~ 20649
~~the consumer by an employment service for such a position;~~ 20650

~~(ii) A person who is an employee because the person is~~ 20651
~~employed by the consumer in a full-time, part-time, or temporary~~ 20652
~~direct-care position for which the consumer, as the employer of~~ 20653
~~record, directs the person in the provision of community-based~~ 20654
~~long-term care services the person provides to the consumer or~~ 20655
~~who works in such a position due to being referred to the~~ 20656
~~consumer by an employment service.~~ 20657

~~(13)~~(12) "Subcontractor" has the meaning specified in 20658
rules adopted under this section. 20659

~~(14)~~(13) "Volunteer" means a person who serves in a 20660
direct-care position without receiving or expecting to receive 20661
any form of remuneration other than reimbursement for actual 20662
expenses. 20663

~~(15)~~(14) "Waiver agency" has the same meaning as in 20664
section 5164.342 of the Revised Code. 20665

(B) This section does not apply to any individual of the 20666
following: 20667

(1) A person who is subject to a database review or 20668
criminal records check under section 173.381 or 3740.11 of the 20669
Revised Code ~~or to any individual;~~ 20670

(2) A person who is subject to a criminal records check 20671
under section 3721.121 of the Revised Code; 20672

(3) A participant-directed provider, but only if the 20673

director of aging has conducted a database review of the 20674
provider in the same manner that other database reviews are 20675
conducted under this section; 20676

(4) An ambulette driver employed by an organization 20677
licensed under Chapter 4766. of the Revised Code. 20678

(C) No responsible party shall employ an applicant or 20679
continue to employ an employee in a direct-care position if any 20680
of the following apply: 20681

(1) A review of the databases listed in division (E) of 20682
this section reveals any of the following: 20683

(a) That the applicant or employee is included in one or 20684
more of the databases listed in divisions (E) (1) to (5) of this 20685
section; 20686

(b) That there is in the state nurse aide registry 20687
established under section 3721.32 of the Revised Code a 20688
statement detailing findings by the director of health that the 20689
applicant or employee abused, neglected, or exploited a long- 20690
term care facility or residential care facility resident or 20691
misappropriated property of such a resident; 20692

(c) That the applicant or employee is included in one or 20693
more of the databases, if any, specified in rules adopted under 20694
this section and the rules prohibit the responsible party from 20695
employing an applicant or continuing to employ an employee 20696
included in such a database in a direct-care position. 20697

(2) After the applicant or employee is provided, pursuant 20698
to division (F) (2) (a) of this section, a copy of the form 20699
prescribed pursuant to division (C) (1) of section 109.572 of the 20700
Revised Code and the standard impression sheet prescribed 20701
pursuant to division (C) (2) of that section, the applicant or 20702

employee fails to complete the form or provide the applicant's 20703
or employee's fingerprint impressions on the standard impression 20704
sheet. 20705

(3) Unless the applicant or employee meets standards 20706
specified in rules adopted under this section, the applicant or 20707
employee is found by a criminal records check required by this 20708
section to have been convicted of, pleaded guilty to, or been 20709
found eligible for intervention in lieu of conviction for a 20710
disqualifying offense. 20711

(D) Except as provided by division (G) of this section, 20712
the chief administrator of a responsible party shall inform each 20713
applicant of both of the following at the time of the 20714
applicant's initial application for employment or referral to 20715
the responsible party by an employment service for a direct-care 20716
position: 20717

(1) That a review of the databases listed in division (E) 20718
of this section will be conducted to determine whether the 20719
responsible party is prohibited by division (C)(1) of this 20720
section from employing the applicant in the direct-care 20721
position; 20722

(2) That, unless the database review reveals that the 20723
applicant may not be employed in the direct-care position, a 20724
criminal records check of the applicant will be conducted and 20725
the applicant is required to provide a set of the applicant's 20726
fingerprint impressions as part of the criminal records check. 20727

(E) As a condition of employing any applicant in a direct- 20728
care position, the chief administrator of a responsible party 20729
shall conduct a database review of the applicant in accordance 20730
with rules adopted under this section. If rules adopted under 20731

this section so require, the chief administrator of a 20732
responsible party shall conduct a database review of an employee 20733
in accordance with the rules as a condition of continuing to 20734
employ the employee in a direct-care position. However, a chief 20735
administrator is not required to conduct a database review of an 20736
applicant or employee if division (G) of this section applies. A 20737
database review shall determine whether the applicant or 20738
employee is included in any of the following: 20739

(1) The excluded parties list system that is maintained by 20740
the United States general services administration pursuant to 20741
subpart 9.4 of the federal acquisition regulation and available 20742
at the federal web site known as the system for award 20743
management; 20744

(2) The list of excluded individuals and entities 20745
maintained by the office of inspector general in the United 20746
States department of health and human services pursuant to the 20747
"Social Security Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 20748
and 1320c-5; 20749

(3) The registry of developmental disabilities employees 20750
established under section 5123.52 of the Revised Code; 20751

(4) The internet-based sex offender and child-victim 20752
offender database established under division (A)(11) of section 20753
2950.13 of the Revised Code; 20754

(5) The internet-based database of inmates established 20755
under section 5120.66 of the Revised Code; 20756

(6) The state nurse aide registry established under 20757
section 3721.32 of the Revised Code; 20758

(7) Any other database, if any, specified in rules adopted 20759
under this section. 20760

(F) (1) As a condition of employing any applicant in a direct-care position, the chief administrator of a responsible party shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules adopted under this section so require, the chief administrator of a responsible party shall request that the superintendent conduct a criminal records check of an employee at times specified in the rules as a condition of continuing to employ the employee in a direct-care position. However, the chief administrator is not required to request the criminal records check of the applicant or employee if division (G) of this section applies or the responsible party is prohibited by division (C) (1) of this section from employing the applicant or continuing to employ the employee in a direct-care position. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the chief administrator shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check. Even if an applicant or employee for whom a criminal records check request is required by this section presents proof of having been a resident of this state for the five-year period, the chief administrator may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

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(2) The chief administrator shall do all of the following: 20791

(a) Provide to each applicant and employee for whom a criminal records check request is required by this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Obtain the completed form and standard impression sheet from the applicant or employee;

(c) Forward the completed form and standard impression sheet to the superintendent.

(3) A responsible party shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check the responsible party requests under this section. A responsible party may charge an applicant a fee not exceeding the amount the responsible party pays to the bureau under this section if both of the following apply:

(a) The responsible party notifies the applicant at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.

(b) The medicaid program does not pay the responsible party for the fee it pays to the bureau under this section.

(G) Divisions (D) to (F) of this section do not apply with regard to an applicant or employee if the applicant or employee is referred to a responsible party by an employment service that supplies full-time, part-time, or temporary staff for direct-care positions and both of the following apply:

(1) The chief administrator of the responsible party

receives from the employment service confirmation that a review 20821
of the databases listed in division (E) of this section was 20822
conducted of the applicant or employee. 20823

(2) The chief administrator of the responsible party 20824
receives from the employment service, applicant, or employee a 20825
report of the results of a criminal records check of the 20826
applicant or employee that has been conducted by the 20827
superintendent within the one-year period immediately preceding 20828
the following: 20829

(a) In the case of an applicant, the date of the 20830
applicant's referral by the employment service to the 20831
responsible party; 20832

(b) In the case of an employee, the date by which the 20833
responsible party would otherwise have to request a criminal 20834
records check of the employee under division (F) of this 20835
section. 20836

(H) (1) A responsible party may employ conditionally an 20837
applicant for whom a criminal records check request is required 20838
by this section prior to obtaining the results of the criminal 20839
records check if the responsible party is not prohibited by 20840
division (C) (1) of this section from employing the applicant in 20841
a direct-care position and either of the following applies: 20842

(a) The chief administrator of the responsible party 20843
requests the criminal records check in accordance with division 20844
(F) of this section before conditionally employing the 20845
applicant. 20846

(b) The applicant is referred to the responsible party by 20847
an employment service, the employment service or the applicant 20848
provides the chief administrator of the responsible party a 20849

letter that is on the letterhead of the employment service, the 20850
letter is dated and signed by a supervisor or another designated 20851
official of the employment service, and the letter states all of 20852
the following: 20853

(i) That the employment service has requested the 20854
superintendent to conduct a criminal records check regarding the 20855
applicant; 20856

(ii) That the requested criminal records check is to 20857
include a determination of whether the applicant has been 20858
convicted of, pleaded guilty to, or been found eligible for 20859
intervention in lieu of conviction for a disqualifying offense; 20860

(iii) That the employment service has not received the 20861
results of the criminal records check as of the date set forth 20862
on the letter; 20863

(iv) That the employment service promptly will send a copy 20864
of the results of the criminal records check to the chief 20865
administrator of the responsible party when the employment 20866
service receives the results. 20867

(2) If a responsible party employs an applicant 20868
conditionally pursuant to division (H) (1) (b) of this section, 20869
the employment service, on its receipt of the results of the 20870
criminal records check, promptly shall send a copy of the 20871
results to the chief administrator of the responsible party. 20872

(3) A responsible party that employs an applicant 20873
conditionally pursuant to division (H) (1) (a) or (b) of this 20874
section shall terminate the applicant's employment if the 20875
results of the criminal records check, other than the results of 20876
any request for information from the federal bureau of 20877
investigation, are not obtained within the period ending sixty 20878

days after the date the request for the criminal records check 20879
is made. Regardless of when the results of the criminal records 20880
check are obtained, if the results indicate that the applicant 20881
has been convicted of, pleaded guilty to, or been found eligible 20882
for intervention in lieu of conviction for a disqualifying 20883
offense, the responsible party shall terminate the applicant's 20884
employment unless the applicant meets standards specified in 20885
rules adopted under this section that permit the responsible 20886
party to employ the applicant and the responsible party chooses 20887
to employ the applicant. Termination of employment under this 20888
division shall be considered just cause for discharge for 20889
purposes of division (D) (2) of section 4141.29 of the Revised 20890
Code if the applicant makes any attempt to deceive the 20891
responsible party about the applicant's criminal record. 20892

(I) The report of any criminal records check conducted 20893
pursuant to a request made under this section is not a public 20894
record for the purposes of section 149.43 of the Revised Code 20895
and shall not be made available to any person other than the 20896
following: 20897

(1) The applicant or employee who is the subject of the 20898
criminal records check or the applicant's or employee's 20899
representative; 20900

(2) The chief administrator of the responsible party 20901
requesting the criminal records check or the administrator's 20902
representative; 20903

(3) The administrator of any other facility, agency, or 20904
program that provides community-based long-term care services 20905
that is owned or operated by the same entity that owns or 20906
operates the responsible party that requested the criminal 20907
records check; 20908

- (4) The employment service that requested the criminal records check; 20909
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- (5) The director of aging or a person authorized by the director to monitor a responsible party's compliance with this section; 20911
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- (6) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if any of the following apply: 20914
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- (a) In the case of a criminal records check requested by a provider or subcontractor, the provider or subcontractor also is a waiver agency; 20917
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- (b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a provider or subcontractor that also is a waiver agency; 20920
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- ~~(c) The criminal records check is requested by a consumer who is acting as a responsible party.~~ 20924
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- (7) A court or hearing officer involved in a case dealing with any of the following: 20926
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- (a) A denial of employment of the applicant or employee; 20928
- (b) Employment or unemployment benefits of the applicant or employee; 20929
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- (c) A civil or criminal action regarding the medicaid program or a program the department of aging administers. 20931
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- (8) Pursuant to a lawful subpoena or valid court order, any necessary individual not identified in division (I) (7) of this section who is involved in a case dealing with any issue, 20933
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matter, or action described in division (I) (7) (a), (b), or (c) 20936
of this section. 20937

(J) In a tort or other civil action for damages that is 20938
brought as the result of an injury, death, or loss to person or 20939
property caused by an applicant or employee who a responsible 20940
party employs in a direct-care position, all of the following 20941
shall apply: 20942

(1) If the responsible party employed the applicant or 20943
employee in good faith and reasonable reliance on the report of 20944
a criminal records check requested under this section, the 20945
responsible party shall not be found negligent solely because of 20946
its reliance on the report, even if the information in the 20947
report is determined later to have been incomplete or 20948
inaccurate. 20949

(2) If the responsible party employed the applicant in 20950
good faith on a conditional basis pursuant to division (H) of 20951
this section, the responsible party shall not be found negligent 20952
solely because it employed the applicant prior to receiving the 20953
report of a criminal records check requested under this section. 20954

(3) If the responsible party in good faith employed the 20955
applicant or employee because the applicant or employee meets 20956
standards specified in rules adopted under this section, the 20957
responsible party shall not be found negligent solely because 20958
the applicant or employee has been convicted of, pleaded guilty 20959
to, or been found eligible for intervention in lieu of 20960
conviction for a disqualifying offense. 20961

(K) The director of aging shall adopt rules in accordance 20962
with Chapter 119. of the Revised Code to implement this section. 20963

(1) The rules may do the following: 20964

- (a) Require employees to undergo database reviews and criminal records checks under this section; 20965
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- (b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements; 20967
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- (c) For the purpose of division (E) (7) of this section, specify other databases that are to be checked as part of a database review conducted under this section. 20970
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- (2) The rules shall specify all of the following: 20973
- (a) The meaning of the term "subcontractor"; 20974
- (b) The procedures for conducting database reviews under this section; 20975
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- (c) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted; 20977
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- (d) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a responsible party is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases; 20981
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- (e) Standards that an applicant or employee must meet for a responsible party to be permitted to employ the applicant or continue to employ the employee in a direct-care position if the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. 20986
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Sec. 173.381. (A) As used in this section:	20993
(1) "Community-based long-term care services" means community-based long-term care services, as defined in section 173.14 of the Revised Code, that are provided under a program the department of aging administers.	20994 20995 20996 20997
(2) "Community-based long-term care services certificate" means a certificate issued under section 173.391 of the Revised Code.	20998 20999 21000
(3) "Community-based long-term care services contract or grant" means a contract or grant awarded under section 173.392 of the Revised Code.	21001 21002 21003
(4) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	21004 21005
(5) "Disqualifying offense" means any of the offenses listed or described in divisions (A) (3) (a) to (e) of section 109.572 of the Revised Code.	21006 21007 21008
(6) "Provider" has the same meaning as in section 173.39 of the Revised Code.	21009 21010
(7) "Self-employed provider" means a provider who works for the provider's self and has no employees.	21011 21012
(B) This section does not apply to any individual who is subject to a database review or criminal records check under of <u>the following:</u>	21013 21014 21015
(1) <u>An applicant as defined in section 3740.11 of the Revised Code or an employee as defined in section 3740.01 of the Revised Code;</u>	21016 21017 21018
(2) <u>An ambulette driver employed by an organization</u>	21019

<u>licensed under Chapter 4766. of the Revised Code;</u>	21020
<u>(3) An attorney licensed to practice law in this state;</u>	21021
<u>(4) A person who is not licensed to practice law in this</u>	21022
<u>state, but who, at the direction of an attorney licensed to</u>	21023
<u>practice law in this state, assists the attorney in the</u>	21024
<u>attorney's provision of legal services.</u>	21025
(C) (1) The department of aging or its designee shall take	21026
the following actions when the circumstances specified in	21027
division (C) (2) of this section apply:	21028
(a) Refuse to issue a community-based long-term care	21029
services certificate to a self-employed provider;	21030
(b) Revoke a self-employed provider's community-based	21031
long-term care services certificate;	21032
(c) Refuse to award a community-based long-term care	21033
services contract or grant to a self-employed provider;	21034
(d) Terminate a self-employed provider's community-based	21035
long-term care services contract or grant awarded on or after	21036
September 15, 2014.	21037
(2) The following are the circumstances that require the	21038
department of aging or its designee to take action under	21039
division (C) (1) of this section:	21040
(a) A review of the databases listed in division (E) of	21041
this section reveals any of the following:	21042
(i) That the self-employed provider is included in one or	21043
more of the databases listed in divisions (E) (1) to (5) of this	21044
section;	21045
(ii) That there is in the state nurse aide registry	21046

established under section 3721.32 of the Revised Code a 21047
statement detailing findings by the director of health that the 21048
self-employed provider abused, neglected, or exploited a long- 21049
term care facility or residential care facility resident or 21050
misappropriated property of such a resident; 21051

(iii) That the self-employed provider is included in one 21052
or more of the databases, if any, specified in rules adopted 21053
under this section and the rules require the department or its 21054
designee to take action under division (C)(1) of this section if 21055
a self-employed provider is included in such a database. 21056

(b) After the self-employed provider is provided, pursuant 21057
to division (F)(2)(a) of this section, a copy of the form 21058
prescribed pursuant to division (C)(1) of section 109.572 of the 21059
Revised Code and the standard impression sheet prescribed 21060
pursuant to division (C)(2) of that section, the self-employed 21061
provider fails to complete the form or provide the self-employed 21062
provider's fingerprint impressions on the standard impression 21063
sheet. 21064

(c) Unless the self-employed provider meets standards 21065
specified in rules adopted under this section, the self-employed 21066
provider is found by a criminal records check required by this 21067
section to have been convicted of, pleaded guilty to, or been 21068
found eligible for intervention in lieu of conviction for a 21069
disqualifying offense. 21070

(D) The department of aging or its designee shall inform 21071
each self-employed provider of both of the following at the time 21072
of the self-employed provider's initial application for a 21073
community-based long-term care services certificate or initial 21074
bid for a community-based long-term care services contract or 21075
grant: 21076

(1) That a review of the databases listed in division (E) 21077
of this section will be conducted to determine whether the 21078
department or its designee is required by division (C) of this 21079
section to refuse to issue or award a community-based long-term 21080
care services certificate or community-based long-term care 21081
services contract or grant to the self-employed provider; 21082

(2) That, unless the database review reveals that the 21083
department or its designee is required to refuse to issue or 21084
award a community-based long-term care services certificate or 21085
community-based long-term care services contract or grant to the 21086
self-employed provider, a criminal records check of the self- 21087
employed provider will be conducted and the self-employed 21088
provider is required to provide a set of the self-employed 21089
provider's fingerprint impressions as part of the criminal 21090
records check. 21091

(E) As a condition of issuing or awarding a community- 21092
based long-term care services certificate or community-based 21093
long-term care services contract or grant to a self-employed 21094
provider, the department of aging or its designee shall conduct 21095
a database review of the self-employed provider in accordance 21096
with rules adopted under this section. If rules adopted under 21097
this section so require, the department or its designee shall 21098
conduct a database review of a self-employed provider in 21099
accordance with the rules as a condition of not revoking or 21100
terminating the self-employed provider's community-based long- 21101
term care services certificate or community-based long-term care 21102
services contract or grant. A database review shall determine 21103
whether the self-employed provider is included in any of the 21104
following: 21105

(1) The excluded parties list system that is maintained by 21106

the United States general services administration pursuant to 21107
subpart 9.4 of the federal acquisition regulation and available 21108
at the federal web site known as the system for award 21109
management; 21110

(2) The list of excluded individuals and entities 21111
maintained by the office of inspector general in the United 21112
States department of health and human services pursuant to the 21113
"Social Security Act," 42 U.S.C. 1320a-7 and 1320c-5; 21114

(3) The registry of developmental disabilities employees 21115
established under section 5123.52 of the Revised Code; 21116

(4) The internet-based sex offender and child-victim 21117
offender database established under division (A)(11) of section 21118
2950.13 of the Revised Code; 21119

(5) The internet-based database of inmates established 21120
under section 5120.66 of the Revised Code; 21121

(6) The state nurse aide registry established under 21122
section 3721.32 of the Revised Code; 21123

(7) Any other database, if any, specified in rules adopted 21124
under this section. 21125

(F)(1) As a condition of issuing or awarding a community- 21126
based long-term care services certificate or community-based 21127
long-term care services contract or grant to a self-employed 21128
provider, the department of aging or its designee shall request 21129
that the superintendent of the bureau of criminal identification 21130
and investigation conduct a criminal records check of the self- 21131
employed provider. If rules adopted under this section so 21132
require, the department or its designee shall request that the 21133
superintendent conduct a criminal records check of a self- 21134
employed provider at times specified in the rules as a condition 21135

of not revoking or terminating the self-employed provider's 21136
community-based long-term care services certificate or 21137
community-based long-term care services contract or grant. 21138
However, the department or its designee is not required to 21139
request the criminal records check of the self-employed provider 21140
if the department or its designee, because of circumstances 21141
specified in division (C)(2)(a) of this section, is required to 21142
refuse to issue or award a community-based long-term care 21143
services certificate or community-based long-term care services 21144
contract or grant to the self-employed provider or to revoke or 21145
terminate the self-employed provider's certificate or contract 21146
or grant. 21147

If a self-employed provider for whom a criminal records 21148
check request is required by this section does not present proof 21149
of having been a resident of this state for the five-year period 21150
immediately prior to the date the criminal records check is 21151
requested or provide evidence that within that five-year period 21152
the superintendent has requested information about the self- 21153
employed provider from the federal bureau of investigation in a 21154
criminal records check, the department or its designee shall 21155
request that the superintendent obtain information from the 21156
federal bureau of investigation as part of the criminal records 21157
check. Even if a self-employed provider for whom a criminal 21158
records check request is required by this section presents proof 21159
of having been a resident of this state for the five-year 21160
period, the department or its designee may request that the 21161
superintendent include information from the federal bureau of 21162
investigation in the criminal records check. 21163

(2) The department or its designee shall do all of the 21164
following: 21165

(a) Provide to each self-employed provider for whom a criminal records check request is required by this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet prescribed pursuant to division (C)(2) of that section; 21166
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(b) Obtain the completed form and standard impression sheet from the self-employed provider; 21171
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(c) Forward the completed form and standard impression sheet to the superintendent. 21173
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(3) The department or its designee shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check of a self-employed provider the department or its designee requests under this section. The department or its designee may charge the self-employed provider a fee that does not exceed the amount the department or its designee pays to the bureau. 21175
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(G) The report of any criminal records check of a self-employed provider conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following: 21183
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(1) The self-employed provider or the self-employed provider's representative; 21188
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(2) The department of aging, the department's designee, or a representative of the department or its designee; 21190
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(3) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if the self-employed provider is to provide, or 21192
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provides, community-based long-term care services under a 21195
component of the medicaid program that the department of aging 21196
administers; 21197

(4) A court or hearing officer involved in a case dealing 21198
with any of the following: 21199

(a) A refusal to issue or award a community-based long- 21200
term services certificate or community-based long-term care 21201
services contract or grant to the self-employed provider; 21202

(b) A revocation or termination of the self-employed 21203
provider's community-based long-term care services certificate 21204
or community-based long-term care services contract or grant; 21205

(c) A civil or criminal action regarding a program the 21206
department of aging administers. 21207

(5) Pursuant to a lawful subpoena or valid court order, 21208
any necessary individual not identified in division (G) (4) of 21209
this section who is involved in a case dealing with any issue, 21210
matter, or action described in division (G) (4) (a), (b), or (c) 21211
of this section. 21212

(H) In a tort or other civil action for damages that is 21213
brought as the result of an injury, death, or loss to person or 21214
property caused by a self-employed provider, both of the 21215
following shall apply: 21216

(1) If the department of aging or its designee, in good 21217
faith and reasonable reliance on the report of a criminal 21218
records check requested under this section, issued or awarded a 21219
community-based long-term care services certificate or 21220
community-based long-term care services contract or grant to the 21221
self-employed provider or did not revoke or terminate the self- 21222
employed provider's certificate or contract or grant, the 21223

department and its designee shall not be found negligent solely 21224
because of its reliance on the report, even if the information 21225
in the report is determined later to have been incomplete or 21226
inaccurate. 21227

(2) If the department or its designee in good faith issued 21228
or awarded a community-based long-term care services certificate 21229
or community-based long-term care services contract or grant to 21230
the self-employed provider or did not revoke or terminate the 21231
self-employed provider's certificate or contract or grant 21232
because the self-employed provider meets standards specified in 21233
rules adopted under this section, the department and its 21234
designee shall not be found negligent solely because the self- 21235
employed provider has been convicted of, pleaded guilty to, or 21236
been found eligible for intervention in lieu of conviction for a 21237
disqualifying offense. 21238

(I) The director of aging shall adopt rules in accordance 21239
with Chapter 119. of the Revised Code to implement this section. 21240

(1) The rules may do the following: 21241

(a) Require self-employed providers who have been issued 21242
or awarded community-based long-term care services certificates 21243
or community-based long-term care services contracts or grants 21244
to undergo database reviews and criminal records checks under 21245
this section; 21246

(b) If the rules require self-employed providers who have 21247
been issued or awarded community-based long-term care services 21248
certificates or community-based long-term care services 21249
contracts or grants to undergo database reviews and criminal 21250
records checks under this section, exempt one or more classes of 21251
such self-employed providers from the requirements; 21252

(c) For the purpose of division (E) (7) of this section, 21253
specify other databases that are to be checked as part of a 21254
database review conducted under this section. 21255

(2) The rules shall specify all of the following: 21256

(a) The procedures for conducting database reviews under 21257
this section; 21258

(b) If the rules require self-employed providers who have 21259
been issued or awarded community-based long-term care services 21260
certificates or community-based long-term care services 21261
contracts or grants to undergo database reviews and criminal 21262
records checks under this section, the times at which the 21263
database reviews and criminal records checks are to be 21264
conducted; 21265

(c) If the rules specify other databases to be checked as 21266
part of the database reviews, the circumstances under which the 21267
department of aging or its designee is required to refuse to 21268
issue or award a community-based long-term care services 21269
certificate or community-based long-term care services contract 21270
or grant to a self-employed provider or to revoke or terminate a 21271
self-employed provider's certificate or contract or grant when 21272
the self-employed provider is found by a database review to be 21273
included in one or more of those databases; 21274

(d) Standards that a self-employed provider must meet for 21275
the department or its designee to be permitted to issue or award 21276
a community-based long-term care services certificate or 21277
community-based long-term care services contract or grant to the 21278
self-employed provider or not to revoke or terminate the self- 21279
employed provider's certificate or contract or grant if the 21280
self-employed provider is found by a criminal records check 21281

required by this section to have been convicted of, pleaded 21282
guilty to, or been found eligible for intervention in lieu of 21283
conviction for a disqualifying offense. 21284

Sec. 173.391. (A) Subject to section 173.381 of the 21285
Revised Code and except as provided in division (I) of this 21286
section, the department of aging or its designee shall do all of 21287
the following in accordance with Chapter 119. of the Revised 21288
Code: 21289

(1) Certify a provider to provide services, including 21290
community-based long-term care services, under a program the 21291
department administers if the provider satisfies the 21292
requirements for certification established by rules adopted 21293
under division (B) of this section and pays the fee, if any, 21294
established by rules adopted under division (G) of this section; 21295

(2) When required to do so by rules adopted under division 21296
(B) of this section, take one or more of the following 21297
disciplinary actions against a provider certified under division 21298
(A) (1) of this section: 21299

(a) Issue a written warning; 21300

(b) Require the submission of both of the following: a 21301
plan of correction ~~or~~ and evidence of compliance with 21302
requirements identified by the department; 21303

(c) Suspend referrals; 21304

(d) Remove clients; 21305

(e) Impose a fiscal sanction such as a civil monetary 21306
penalty or an order that unearned funds be repaid; 21307

(f) Suspend the certification; 21308

(g) Revoke the certification;	21309
(h) Impose another sanction.	21310
(3) Except as provided in division (E) of this section,	21311
hold hearings when there is a dispute between the department or	21312
its designee and a provider concerning actions the department or	21313
its designee takes regarding a decision not to certify the	21314
provider under division (A) (1) of this section or a disciplinary	21315
action under divisions (A) (2) (e) to (h) of this section.	21316
(B) The director of aging shall adopt rules in accordance	21317
with Chapter 119. of the Revised Code establishing certification	21318
requirements and standards for determining which type of	21319
disciplinary action to take under division (A) (2) of this	21320
section in individual situations. The rules shall establish	21321
procedures for all of the following:	21322
(1) Ensuring that providers comply with sections 173.38	21323
and 173.381 of the Revised Code;	21324
(2) Evaluating the services provided by the providers to	21325
ensure that the services are provided in a quality manner	21326
advantageous to the individual receiving the services;	21327
(3) In a manner consistent with section 173.381 of the	21328
Revised Code, determining when to take disciplinary action under	21329
division (A) (2) of this section and which disciplinary action to	21330
take;	21331
(4) Determining what constitutes another sanction for	21332
purposes of division (A) (2) (h) of this section.	21333
(C) The procedures established in rules adopted under	21334
division (B) (2) of this section shall require that all of the	21335
following be considered as part of an evaluation described in	21336

division (B) (2) of this section: 21337

(1) The provider's experience and financial 21338
responsibility; 21339

(2) The provider's ability to comply with standards for 21340
the services, including community-based long-term care services, 21341
that the provider provides under a program the department 21342
administers; 21343

(3) The provider's ability to meet the needs of the 21344
individuals served; 21345

(4) Any other factor the director considers relevant. 21346

(D) The rules adopted under division (B) (3) of this 21347
section shall specify that the reasons disciplinary action may 21348
be taken under division (A) (2) of this section include good 21349
cause, including misfeasance, malfeasance, nonfeasance, 21350
confirmed abuse or neglect, financial irresponsibility, or other 21351
conduct the director determines is injurious, or poses a threat, 21352
to the health or safety of individuals being served. 21353

(E) Subject to division (F) of this section, the 21354
department is not required to hold hearings under division (A) 21355
(3) of this section if any of the following conditions apply: 21356

(1) Rules adopted by the director of aging pursuant to 21357
this chapter require the provider to be a party to a provider 21358
agreement; hold a license, certificate, or permit; or maintain a 21359
certification, any of which is required or issued by a state or 21360
federal government entity other than the department of aging, 21361
and either of the following is the case: 21362

(a) The provider agreement has not been entered into or 21363
the license, certificate, permit, or certification has not been 21364

obtained or maintained. 21365

(b) The provider agreement, license, certificate, permit, 21366
or certification has been denied, revoked, not renewed, or 21367
suspended or has been otherwise restricted. 21368

(2) The provider's certification under this section has 21369
been denied, suspended, or revoked for any of the following 21370
reasons: 21371

(a) A government entity of this state, other than the 21372
department of aging, has terminated or refused to renew any of 21373
the following held by, or has denied any of the following sought 21374
by, a provider: a provider agreement, license, certificate, 21375
permit, or certification. Division (E) (2) (a) of this section 21376
applies regardless of whether the provider has entered into a 21377
provider agreement in, or holds a license, certificate, permit, 21378
or certification issued by, another state. 21379

(b) The provider or a principal owner or manager of the 21380
provider who provides direct care has entered a guilty plea for, 21381
or has been convicted of, an offense materially related to the 21382
medicaid program. 21383

(c) ~~A~~ The provider or a principal owner or manager of the 21384
provider who provides direct care has entered a guilty plea for, 21385
been convicted of, or been found eligible for intervention in 21386
lieu of conviction for an offense listed or described in 21387
divisions (A) (3) (a) to (e) of section 109.572 of the Revised 21388
Code, but only if the provider, principal owner, or manager does 21389
not meet standards specified by the director in rules adopted 21390
under section 173.38 of the Revised Code. 21391

(d) The department or its designee is required by section 21392
173.381 of the Revised Code to deny or revoke the provider's 21393

certification. 21394

(e) The United States department of health and human 21395
services has taken adverse action against the provider and that 21396
action impacts the provider's participation in the medicaid 21397
program. 21398

(f) The provider has failed to enter into or renew a 21399
provider agreement with either of the following: the department 21400
or the PASSPORT administrative agency, as that term is defined 21401
in section 173.42 of the Revised Code, that administers programs 21402
on behalf of the department of aging in the region of the state 21403
in which the provider is certified to provide services. 21404

(g) The provider has not billed or otherwise submitted a 21405
claim to the department for payment under the medicaid program 21406
in at least two years. 21407

(h) The provider denied or failed to provide the 21408
department or its designee access to the provider's facilities 21409
during the provider's normal business hours for purposes of 21410
conducting an audit or structural compliance review. 21411

(i) The provider has ceased doing business. 21412

(j) The provider has voluntarily relinquished its 21413
certification for any reason. 21414

(3) The provider's provider agreement with the department 21415
of medicaid has been suspended under section 5164.36 of the 21416
Revised Code. 21417

(4) The provider's provider agreement with the department 21418
of medicaid is denied or revoked because the provider or its 21419
owner, officer, authorized agent, associate, manager, or 21420
employee has been convicted of an offense that caused the 21421

provider agreement to be suspended under section 5164.36 of the Revised Code. 21422
21423

(F) If the department does not hold hearings when any condition described in division (E) of this section applies, the department shall send a notice to the provider describing a decision not to certify the provider under division (A) (1) of this section or the disciplinary action the department is taking under divisions (A) (2) (e) to (h) of this section. The notice shall be sent to the provider's address that is on record with the department and may be sent by regular or electronic mail. 21424
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(G) The director of aging may adopt rules in accordance with Chapter 119. of the Revised Code establishing a fee to be charged by the department of aging or its designee for certification issued under division (A) of this section. 21432
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(H) Any amounts collected by the department or its designee under this section shall be deposited in the state treasury to the credit of the provider certification fund, which is hereby created. Money credited to the fund shall be used to pay for services, including community-based long-term care services, to pay for administrative costs associated with provider certification under this section, and to pay for administrative costs related to the publication of the Ohio long-term care consumer guide. 21436
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(I) The director shall certify a provider in accordance with Chapter 4796. of the Revised Code if either of the following applies: 21445
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(1) The provider is licensed or certified in another state. 21448
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(2) The provider has satisfactory work experience, a 21450

government certification, or a private certification as 21451
described in that chapter as a provider of community-based long- 21452
term care services under a state program in a state that does 21453
not issue that license or certificate. 21454

Sec. 173.525. (A) (1) In addition to any other eligibility 21455
requirement of this chapter, to be eligible to serve as a 21456
personal care aide under the PASSPORT program, an individual 21457
must successfully complete thirty hours of pre-service training 21458
acceptable to the department of aging. 21459

To maintain eligibility, each personal care aide must 21460
successfully complete six hours of in-service training 21461
acceptable to the department. Such training must be completed 21462
every twelve months. 21463

(2) In administering the PASSPORT program, the department 21464
shall not require a personal care aide to do ~~either~~ any of the 21465
following: 21466

(a) Complete more than thirty hours of pre-service 21467
training; 21468

(b) Complete more than six hours of in-service training in 21469
a twelve-month period. 21470

~~(B) The department shall not require an individual serving 21471
as a home health aide under the PASSPORT program to complete;~~ 21472

(c) Complete more hours of pre-service training or annual 21473
in-service training than required by federal law. 21474

~~(C)~~ (B) Only the following may supervise a ~~home health aide~~ 21475
~~or~~ personal care aide under the PASSPORT program: 21476

(1) A registered nurse; 21477

(2) A licensed practical nurse under the direction of a 21478
chiropractor, dentist, optometrist, physician, physician 21479
assistant, podiatrist, or registered nurse. 21480

Sec. 175.16. (A) As used in this section: 21481

(1) "Federal credit" means the tax credit authorized under 21482
section 42 of the Internal Revenue Code. 21483

(2) "Credit period," "qualified low-income building," and 21484
"qualified basis" have the same meanings as in section 42 of the 21485
Internal Revenue Code. 21486

(3) "Qualified project" means a qualified low-income 21487
building that is located in Ohio, is placed in service on or 21488
after July 1, 2023, and for which the director reserves a tax 21489
credit under division (B) of this section before July 1, 2027. 21490

(4) "Pass-through entity" has the same meaning as in 21491
section 5733.04 of the Revised Code. 21492

(5) "Project owner" means a person holding a fee simple 21493
interest or a leasehold interest pursuant to a ground lease in 21494
the land on which a qualified project sits. 21495

(6) "Reserved credit amount" means the amount determined 21496
by the director and stipulated in the notice sent to each owner 21497
of a qualified project under division (B) of this section. 21498

(7) "Annual credit amount" means the amount computed by 21499
the director under division (D) of this section prior to issuing 21500
an eligibility certificate. 21501

(8) "Equity owner" means a direct or indirect owner of a 21502
project owner, provided the project owner is a pass-through 21503
entity, as determined under applicable state law governing such 21504
an entity. 21505

(9) "Person" has the same meaning as in section 5701.01 of the Revised Code. 21506
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(10) "Eligibility certificate" means a certificate issued by the director to each owner of a qualified project under division (D) of this section stating the amount of credit that may be claimed for each year of the credit period. 21508
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(11) "Qualified allocation plan" means the plan developed by the Ohio housing finance agency, as required under section 175.06 of the Revised Code, for evaluating and selecting projects for the federal credit pursuant to the mandates and requirements within section 42 of the Internal Revenue Code. 21512
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(12) "Internal Revenue Code" has the same meaning as in section 5747.01 of the Revised Code. 21517
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(13) "Designated reporter" means the project owner or one of the project owner's equity owners designated pursuant to division (I)(1) of this section. 21519
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(14) "Director" means the executive director of the Ohio housing finance agency. 21522
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(B) Except as otherwise provided by this division, the director, upon allocating a federal credit and issuing a binding reservation or letter of eligibility, pursuant to the Ohio housing finance agency's qualified allocation plan, for a qualified low-income building that is located in this state and placed in service on or after July 1, 2023, may reserve a tax credit under this section for the project owners so long as doing so will not result in exceeding the annual credit cap prescribed by division (C) of this section. The director shall not reserve a tax credit under this section after June 30, 2027. 21524
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The director shall send written notice of the reservation 21534

to each project owner. The notice shall state the aggregate 21535
credit amount reserved for all years of the qualified project's 21536
credit period and stipulate that receipt of the credit is 21537
contingent upon issuance of an eligibility certificate and 21538
filing the information described in division (I) of this 21539
section. Upon receipt of that notice, the owner shall provide 21540
the identity of the owner's designated reporter to the director. 21541

The director shall determine the credit amount reserved 21542
for each qualified project. The reserved credit amount shall not 21543
exceed the amount necessary, when combined with the federal 21544
credit, to ensure the financial feasibility of the qualified 21545
project. 21546

The director shall reserve credits in a manner that 21547
ensures that a qualified project is creating additional housing 21548
units that would not have otherwise been created with other 21549
state, federal, or private financing. The director may assess 21550
application, processing, and reporting fees to cover the cost of 21551
administering the tax credit authorized under this section. 21552

(C) The aggregate amount of credits reserved by the 21553
director under division (B) of this section in a fiscal year 21554
shall not exceed the sum of (1) one hundred million dollars, (2) 21555
the amount, if any, by which the credit cap prescribed by this 21556
division for the preceding fiscal year exceeds the credits 21557
reserved by the director in that year, and (3) the amount of tax 21558
credits recaptured or otherwise disallowed under division (G) of 21559
this section in the preceding fiscal year. 21560

For the purpose of computing and determining compliance 21561
with the credit cap prescribed by this division, the credit 21562
amount reserved for the project owners of a qualified project is 21563
the full amount for all years of the qualified project's credit 21564

period. 21565

(D) Immediately after approving the final cost 21566
certification for a qualified project for which a tax credit 21567
under this section is reserved, or upon otherwise determining 21568
the qualified basis of the qualified project and the date it was 21569
placed into service as required by section 42(m) of the Internal 21570
Revenue Code, the director shall compute the annual credit 21571
amount and issue an eligibility certificate to each project 21572
owner. The director shall send copies of all eligibility 21573
certificates issued each calendar year to the tax commissioner 21574
and the superintendent of insurance. 21575

The annual credit amount shall equal the lesser of the 21576
following: 21577

(1) The amount of the federal credit that would be awarded 21578
to the project owners for the first year of the credit period if 21579
not for the adjustment required under section 42(f)(2) of the 21580
Internal Revenue Code; 21581

(2) One-tenth of the reserved credit amount stated in the 21582
notice issued under division (B) of this section. 21583

(E) Each eligibility certificate shall state the annual 21584
credit amount, the years that comprise the credit period, the 21585
name, address, and taxpayer identification number of each 21586
project owner, each owner's designated reporter, the date the 21587
certificate is issued, a unique identifying number, and any 21588
additional information prescribed by a rule adopted under 21589
division (H) of this section. A project owner, if the project 21590
owner is a pass-through entity, shall provide a copy of the 21591
eligibility certificate and any information described in 21592
division (I) of this section to each equity owner that has been 21593

allocated a credit under division (F) (2) of this section, if 21594
requested. 21595

(F) (1) For each year of a qualified project's credit 21596
period, the project owner or an equity owner may claim a 21597
nonrefundable credit against the tax imposed by section 5725.18, 21598
5726.02, 5729.03, 5729.06, or 5747.02 of the Revised Code equal 21599
to all or a portion of the annual credit amount stated on the 21600
eligibility certificate. The credit shall be claimed in the 21601
manner prescribed by section 5725.36, 5726.58, 5729.19, or 21602
5747.83 of the Revised Code, as applicable. 21603

(2) If a project owner is a pass-through entity, the 21604
annual credit amount for any year of a qualified project's 21605
credit period may be allocated by the project owner among one or 21606
more equity owners and may be applied by those equity owners 21607
against more than one tax, but the total credits claimed in 21608
connection with that year of the qualified project's credit 21609
period by all project owners and equity owners against all taxes 21610
shall not exceed the annual credit amount stated on the 21611
eligibility certificate. 21612

(3) A project owner or equity owner may claim the credit 21613
authorized by this section after the date the qualified project 21614
is placed into service but not before the director issues the 21615
project owner an eligibility certificate under division (D) of 21616
this section and the applicable report required by division (I) 21617
of this section is filed by the designated reporter. 21618

(4) A project owner or equity owner that claims a tax 21619
credit under division (F) (1) of this section shall submit a copy 21620
of the eligibility certificate with the project owner's or 21621
equity owner's tax return or report. Upon request of the tax 21622
commissioner or the superintendent of insurance, any project 21623

owner or equity owner claiming a tax credit under this section 21624
shall provide the commissioner or superintendent other 21625
documentation that may be necessary to verify that the project 21626
owner or equity owner is entitled to claim the credit. 21627

(5) A project owner that is a pass-through entity may 21628
allocate the credit authorized by this section to its equity 21629
owners under division (F) (2) of this section in any manner 21630
agreed to by such persons regardless of whether such equity 21631
owners are eligible for an allocation of the federal credit, 21632
whether the allocation of the credit under the terms of the 21633
agreement has substantial economic effect within the meaning of 21634
section 704(b) of the Internal Revenue Code, and whether any 21635
such person is deemed a partner of the project owner or equity 21636
owner for federal income tax purposes as long as the equity 21637
owner acquired its ownership interest prior to claiming the 21638
credit. The allocation shall be allowed without regard to any 21639
provision of the Internal Revenue Code, or regulation 21640
promulgated pursuant to it, that may be interpreted as contrary 21641
to the allocation, including, without limitation, the treatment 21642
of the allocation as a disguised sale. 21643

An equity owner may assign all or any part of its interest 21644
in a qualified project, including its interest in the tax 21645
credits authorized by this section, to one or more other equity 21646
owners, and each assignee shall be able to claim the credit so 21647
long as its interest is acquired prior to the filing of its tax 21648
return or report or amended tax return or report claiming the 21649
credit and the assignee's ownership interest is identified in 21650
the report required by division (I) of this section. 21651

(6) Nothing in this section or section 5725.36, 5726.58, 21652
5729.19, or 5747.83 of the Revised Code allows the assignment or 21653

transfer of any carryforward of the credit authorized under this 21654
section once the annual credit amount is claimed. 21655

(G) If any portion of the federal credit allocated to a 21656
qualified project is recaptured under section 42(j) of the 21657
Internal Revenue Code or is otherwise disallowed, the director 21658
shall recapture a proportionate amount of the tax credit claimed 21659
pursuant to this section in connection with the same qualified 21660
project. 21661

If the director determines to recapture such a tax credit, 21662
the director shall certify the name of each project owner and 21663
the amount to be recaptured to the tax commissioner and to the 21664
superintendent of insurance. The commissioner or superintendent 21665
shall determine the taxpayer or taxpayers that claimed the 21666
credit, the tax against which the credit was claimed, and the 21667
amount to be recaptured and make an assessment against the 21668
taxpayer or taxpayers under Chapter 5725., 5726., 5729., or 21669
5747. of the Revised Code, as applicable, for the amount of the 21670
tax credit to be recaptured. The time limitations on assessments 21671
under those chapters do not bar an assessment made under this 21672
division. 21673

(H) The director, in consultation with the tax 21674
commissioner and superintendent of insurance, shall adopt any 21675
rules necessary to implement this section in accordance with 21676
Chapter 119. of the Revised Code. 21677

(I) (1) For each calendar year, a designated reporter shall 21678
provide the tax commissioner ~~and the superintendent of~~ 21679
~~insurance~~, in the form prescribed by the tax commissioner in 21680
consultation with the superintendent of insurance, all of the 21681
following: 21682

(a) The name, address, and taxpayer identification number 21683
of each project owner and equity owner that has been allocated a 21684
portion of the annual credit awarded on the eligibility 21685
certificate for that year; 21686

(b) The amount of the annual credit allocated to each such 21687
project owner and equity owner for such year and the tax against 21688
which the credit will be claimed; 21689

(c) The total of the amounts listed for each project owner 21690
and equity owner under division (I) (1) (b) of this section, 21691
demonstrating that the total does not exceed the amount listed 21692
on the eligibility certificate for that year. 21693

(2) A designated reporter shall notify the tax 21694
commissioner ~~and the superintendent of insurance~~ of any changes 21695
to the information reported in division (I) (1) of this section 21696
in the time and manner prescribed by the commissioner ~~and~~ 21697
~~superintendent.~~ 21698

(3) No credit allocated under this section may be claimed 21699
by a project owner or equity owner for a year unless that owner 21700
and the amount of the credit allocated to that owner appear on 21701
the report required by division (I) (1) of this section for that 21702
year. 21703

The tax commissioner shall provide a copy of the report, 21704
and any subsequent changes to the report, submitted by the 21705
designated reporter under division (I) of this section to the 21706
superintendent of insurance in the time and manner agreed to by 21707
the commissioner and superintendent. 21708

Sec. 175.17. (A) As used in this section: 21709

(1) "Qualified project" means a project to develop single- 21710
family dwellings in this state that satisfies any qualifications 21711

established by the director under division (I) of this section. 21712

(2) "Pass-through entity" has the same meaning as in 21713
section 5733.04 of the Revised Code. 21714

(3) "Reserved credit amount" means the amount determined 21715
by the director and stipulated in the notice sent under division 21716
(B) of this section. 21717

(4) "Annual credit amount" means the amount computed by 21718
the director under division (D) of this section before issuing 21719
an eligibility certificate. 21720

(5) "Equity owner" means any person who directly or 21721
indirectly, through one or more pass-through entities, is a 21722
member, partner, or shareholder of a pass-through entity. 21723

(6) "Person" has the same meaning as in section 5701.01 of 21724
the Revised Code. 21725

(7) "Eligibility certificate" means a certificate issued 21726
by the director to a project development owner under division 21727
(D) of this section. 21728

(8) "Project development owner" means a unit of government 21729
that owns a qualified project. 21730

(9) "Affordability period" means the period that commences 21731
on the date of sale of a single-family dwelling constructed as 21732
part of a qualified project to the initial qualified buyer and 21733
continues through subsequent qualified buyers for ten years. 21734

(10) "Designated reporter" means the project development 21735
owner or one of the owner's direct or indirect partners, 21736
members, or shareholders, as selected by the owner under 21737
division (B) of this section. 21738

(11) "Project development investor" means any person that contributes capital to a qualified project in exchange for an allocation of a tax credit under this section.

(12) "Credit period" means the ten-year period that begins in the year the eligibility certificate is issued.

(13) "Director" means the executive director of the Ohio housing finance agency.

(14) "Unit of government" means a county, township, municipal corporation, regional planning commission, community improvement corporation, economic development corporation, or county land reutilization corporation organized under Chapter 1724. of the Revised Code, or port authority.

(15) "Project development team" means the group of entities that develops, constructs, reports, appraises, finances, and services the associated properties of a qualified project in partnership with the project development owner.

(B) (1) A project development owner may submit an application to the director for a credit reservation under this section on a form and in a manner that the director shall prescribe. On the application, the project development owner shall provide all of the following:

(a) The name and address of the project development owner's designated reporter;

(b) The names and addresses of all members of the project development team;

(c) An estimate of the qualified project's development costs;

(d) Any other information as the director may require

pursuant to division (I) of this section. 21767

The director shall competitively evaluate and approve 21768
applications and award tax credit reservations under this 21769
section for a qualified project in accordance with the plan 21770
adopted under division (I)(1) of this section. The director 21771
shall determine the credit amount reserved for each qualified 21772
project, which shall not exceed the difference between the total 21773
estimated development costs included with the application and 21774
the appraised market value of all homes in the finished project, 21775
as estimated by the director. The director shall not reserve a 21776
credit under this section if doing so would exceed the annual 21777
limit prescribed by division (B)(3) of this section. 21778

(2) The director shall send written notice of the tax 21779
credit reservation to the project development owner of an 21780
approved qualified project. The notice shall state the aggregate 21781
credit amount reserved for all years of the qualified project's 21782
credit period and stipulate that receipt of the credit is 21783
contingent upon issuance of an eligibility certificate and 21784
filing the information required by division (H) of this section. 21785

(3) The amount of credits reserved by the director under 21786
division (B) of this section in a fiscal year shall not exceed 21787
the sum of (a) fifty million dollars, (b) the amount, if any, by 21788
which the credit allocation prescribed by this division for the 21789
preceding fiscal year exceeds the credits reserved by the 21790
director in that year, and (c) the amount of tax credits 21791
recaptured, assessed, and collected by the tax commissioner or 21792
superintendent of insurance, and disallowed or subject to 21793
reduction under this section in the preceding fiscal year. For 21794
the purpose of computing and determining compliance with the 21795
credit allocation prescribed by division (B)(3) of this section, 21796

the credit amount reserved for the project development owner is 21797
the full amount for all years of the qualified project's credit 21798
period. 21799

(4) The director shall not reserve a tax credit under this 21800
section after June 30, 2027. 21801

(C) The project development owner shall maintain ownership 21802
of a qualified project and associated single-family dwellings 21803
until the dwellings are sold to qualified buyers. The project 21804
development team shall service the associated properties of a 21805
qualified project for the duration of the applicable 21806
affordability period. 21807

The qualified buyer of a single-family home constructed as 21808
part of a qualified project for which a tax credit was reserved 21809
under this section shall occupy the home as the buyer's primary 21810
residence during the affordability period. 21811

(D) Upon completion of a qualified project for which a tax 21812
credit was reserved under this section, the project development 21813
owner shall notify the director and provide a final development 21814
cost certification for approval. After receipt of this notice, 21815
the director shall appraise the project's dwellings. Immediately 21816
after approving the final cost certification, the director shall 21817
compute the amount of the tax credit that may be claimed in each 21818
year and issue an eligibility certificate to the project 21819
development owner. That annual amount, which shall be stated on 21820
the certificate, shall equal one-tenth of the reserved credit 21821
amount stated in the notice issued under division (B) of this 21822
section, subject to any reduction or increase as the result of 21823
the approval of the final cost certification and the appraisal 21824
conducted under this division. 21825

(E) Each eligibility certificate shall state the annual credit amount, the years that comprise the credit period, the name, address, and the taxpayer identification number of the project development owner, the project development owner's designated reporter, and all members of the project development team along with the date the certificate is issued, a unique identifying number, and any additional information the director may require by rule. The director shall certify a copy of each eligibility certificate to the tax commissioner and the superintendent of insurance.

(F) (1) For each year of a qualified project's credit period, a project development owner may claim a nonrefundable credit against the tax imposed by section 5725.18, 5726.02, 5729.03, 5729.06, or 5747.02 of the Revised Code equal to all or a portion of the annual credit amount listed on the eligibility certificate. The credit shall be claimed in the manner prescribed by section 5725.37, 5726.60, 5729.20, or 5747.84 of the Revised Code.

(2) A project development owner may or, if the owner is not subject to any tax against which the credit authorized under this section may be claimed, shall allocate all or a portion of the annual credit amount for any year of a qualified project's credit period among one or more project development investors. Such allocated credits may be applied by those project development investors or the equity owners of such an investor that is a pass-through entity against more than one tax, as applicable, but the total credits claimed for that year of the qualified project's credit period by all project development investors and equity owners shall not exceed the annual credit amount stated on the eligibility certificate.

(3) A project development investor or the equity owner of such an investor that is a pass-through entity may claim the credit authorized by this section after the date the director issues an eligibility certificate under division (D) of this section and the applicable annual report required by division (H) of this section is filed by the designated reporter.

(4) A project development investor or equity owner that claims a tax credit under division (F) (2) of this section shall submit a copy of the eligibility certificate with the investor's or equity owner's tax return. Upon request of the tax commissioner or the superintendent of insurance, any project development investor or equity owner claiming a tax credit under that division shall provide the tax commissioner or superintendent other documentation that may be necessary to verify that the project development investor or equity owner is entitled to claim the credit.

(G) The director may disallow or recapture any portion of a credit if the project development owner or the project development owner's qualified project does not or ceases to qualify for the credit. If the director determines to recapture such a tax credit, the director shall certify the name of the project development owner, and the amount to be recaptured to the tax commissioner and to the superintendent of insurance. The tax commissioner or superintendent shall determine the taxpayer or taxpayers that claimed the credit, the tax against which the credit was claimed, and the amount to be recaptured and make an assessment against the taxpayer or taxpayers under Chapter 5725., 5726., 5729., or 5747. of the Revised Code, as applicable, for the amount to be recaptured. The time limitations on assessments under those chapters do not bar an assessment made under this division.

(H) For each calendar year, a designated reporter shall 21887
provide the following information to the ~~director tax~~ 21888
commissioner on a form prescribed by the ~~director commissioner~~ 21889
in consultation with ~~the tax commissioner and~~ the superintendent 21890
of insurance: 21891

(1) A list of each project development investor or equity 21892
owner that has been allocated a portion of the annual credit 21893
awarded in an eligibility certificate for that year, including 21894
the investor or owner's name, address, taxpayer identification 21895
number, and the tax against which the credit will be claimed by 21896
each. 21897

(2) For each project development investor or equity owner, 21898
the amount of annual credit that has been allocated for that 21899
year. 21900

(3) An aggregate list of the credit amount allocated for a 21901
qualified project demonstrating that the aggregate annual amount 21902
of the credits allocated does not exceed the aggregate annual 21903
credit awarded in the eligibility certificate. 21904

A designated reporter shall notify the ~~director tax~~ 21905
commissioner of any changes to the information reported under 21906
division (H) of this section in the time and manner prescribed 21907
by the ~~director commissioner~~. The ~~director commissioner~~ shall 21908
provide a copy of the report, and any subsequent changes to the 21909
report, submitted by the designated reporter under division (H) 21910
of this section to ~~the tax commissioner and~~ the superintendent 21911
of insurance in the time and manner ~~prescribed~~ agreed to by the 21912
commissioner and superintendent. 21913

No credits allocated under this section may be claimed 21914
unless the credits are listed on the report required by division 21915

(H) of this section. 21916

(I) (1) The director shall adopt a plan for competitively 21917
awarding tax credits under this section. The plan shall 21918
establish the criteria and metrics under which projects will be 21919
assessed for qualification and may allocate tax credits in a 21920
pooled manner. 21921

(2) The director may assess application, processing, and 21922
reporting fees to cover the cost of administering this section. 21923

(3) The director, in consultation with the tax 21924
commissioner and the superintendent of insurance, shall adopt 21925
any rules necessary to implement this section in accordance with 21926
Chapter 119. of the Revised Code. Such rules may include all of 21927
the following: 21928

(a) Supplementary definitions as may be necessary to 21929
administer this section. 21930

(b) Underwriting criteria to assess the risk associated 21931
with any application and determine appropriate criteria to deny 21932
an application based upon risk. 21933

(c) Criteria by which a project development owner shall be 21934
responsible for any or all risk associated with a qualified 21935
project such as homeowner abandonment, default, foreclosure, or 21936
other such risks. 21937

(d) Criteria to maintain the affordability of each of a 21938
qualified project's single-family dwellings during the 21939
affordability period, which may include a deed restriction held 21940
by the project development owner for some or all of the amount 21941
of the tax credit or any appreciated value of the property. 21942

(e) Requirements that the project development owner 21943

provide certain capital assets or other investments that 21944
contribute to the affordability of the project. 21945

(f) Criteria to be used in determining whether an 21946
individual is a qualified buyer. 21947

(g) Criteria regarding the purchase, ownership, and sale 21948
of completed qualified project single-family dwellings. 21949

(h) The manner of determining the project's development 21950
costs and the appraised market value of qualified project 21951
single-family dwellings. 21952

(i) Any other qualifications a project must meet to 21953
qualify as a qualified project. 21954

Sec. 176.05. (A) (1) Notwithstanding any provision of law 21955
to the contrary, the rate of wages payable for the various 21956
occupations covered by sections 4115.03 to 4115.16 of the 21957
Revised Code to persons employed on a project who are not any of 21958
the following shall be determined according to this section: 21959

(a) Qualified volunteers; 21960

(b) Persons required to participate in a work activity, 21961
developmental activity, or alternative work activity under 21962
sections 5107.40 to 5107.69 of the Revised Code except those 21963
engaged in paid employment or subsidized employment pursuant to 21964
the activity; 21965

(c) Supplemental nutrition assistance program benefit 21966
recipients required to participate in employment and training 21967
activities established by rules adopted under section 5101.54 of 21968
the Revised Code. 21969

An association representing the general contractors or 21970
subcontractors that engage in the business of residential 21971

construction in a certain locality shall negotiate with the 21972
applicable building and construction trades council in that 21973
locality an agreement or understanding that sets forth the 21974
residential prevailing rate of wages, payable on projects in 21975
that locality, for each of the occupations employed on those 21976
projects. 21977

(2) Notwithstanding any residential prevailing rate of 21978
wages established prior to July 1, 1995, if, by October 1, 1995, 21979
the parties are unable to agree under division (A) (1) of this 21980
section as to the rate of wages payable for each occupation 21981
covered by sections 4115.03 to 4115.16 of the Revised Code, the 21982
director of commerce shall establish the rate of wages payable 21983
for each occupation. 21984

(3) The residential prevailing rate of wages established 21985
under division (A) (1) or (2) of this section shall not be equal 21986
to or greater than the prevailing rate of wages determined by 21987
the director pursuant to sections 4115.03 to 4115.16 of the 21988
Revised Code for any of the occupations covered by those 21989
sections. 21990

(B) Except for the prevailing rate of wages determined by 21991
the director pursuant to sections 4115.03 to 4115.16 of the 21992
Revised Code, those sections and section 4115.99 of the Revised 21993
Code apply to projects. 21994

(C) The residential prevailing rate of wages established 21995
under division (A) of this section is not payable to any 21996
individual or member of that individual's family who provides 21997
labor in exchange for acquisition of the property for 21998
homeownership or who provides labor in place of or as a 21999
supplement to any rental payments for the property. 22000

(D) For the purposes of this section:	22001
(1) "Project" means any construction, rehabilitation, remodeling, or improvement of residential housing, whether on a single or multiple site for which a person, as defined in section 1.59 of the Revised Code, or municipal corporation, county, or township receives financing, that is financed in whole or in part from state moneys or pursuant to this chapter, section 133.51 or 307.698 of the Revised Code, or Chapter 174. or 175. of the Revised Code, except for any of the following:	22002 22003 22004 22005 22006 22007 22008 22009
(a) The single-family mortgage revenue bonds homeownership program under Chapter 175. of the Revised Code, including owner-occupied dwellings of one to four units;	22010 22011 22012
(b) Projects consisting of fewer than six units developed by any entity that is not a nonprofit organization exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code;	22013 22014 22015 22016
(c) Projects of fewer than twenty-five units developed by any nonprofit organization that is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code;	22017 22018 22019
(d) Programs undertaken by any municipal corporation, county, or township, including lease-purchase programs, using mortgage revenue bond financing;	22020 22021 22022
(e) <u>Projects to develop, repair, or upgrade water, sewer, transportation, electric, or gas infrastructure needed for the construction of single-family, residential dwellings that are part of a residential development project using funds provided under the residential development revolving loan program established under section 122.98 of the Revised Code;</u>	22023 22024 22025 22026 22027 22028
(f) <u>Any individual project, that is sponsored or developed</u>	22029

by a nonprofit organization that is exempt from federal income 22030
tax under section 501(c)(3) of the Internal Revenue Code, for 22031
which the federal government or any of its agencies furnishes by 22032
loan, grant, low-income housing tax credit, or insurance more 22033
than twelve per cent of the costs of the project. For purposes 22034
of division ~~(D)(2)(e)~~(D)(1)(f) of this section, the value of the 22035
low-income housing tax credits shall be calculated as the 22036
proceeds from the sale of the tax credits, less the costs of the 22037
sale. 22038

As used in division ~~(D)(1)(e)~~(D)(1)(f) of this section, 22039
"sponsored" means that a general partner of a limited 22040
partnership owning the project or a managing member of a limited 22041
liability company owning the project is either a nonprofit 22042
organization that is exempt from federal income tax under 22043
section 501(c)(3) of the Internal Revenue Code or a person, as 22044
defined in section 1.59 of the Revised Code, or a limited 22045
liability company in which such a nonprofit organization 22046
maintains controlling interest. For purposes of this division, a 22047
general partner of a limited partnership that is a nonprofit 22048
organization described under this division is not required to be 22049
the sole general partner in the limited partnership, and a 22050
managing member of a limited liability company that is a 22051
nonprofit organization described under this division is not 22052
required to be the sole managing member in the limited liability 22053
company. 22054

Nothing in division ~~(D)(1)(e)~~(D)(1)(f) of this section 22055
shall be construed as permitting unrelated projects to be 22056
combined for the sole purpose of determining the total 22057
percentage of project costs furnished by the federal government 22058
or any of its agencies. 22059

(2) A "project" is a "public improvement" and the state or a political subdivision that undertakes or participates in the financing of a project is a "public authority," as both of the last two terms are defined in section 4115.03 of the Revised Code.

(3) "Qualified volunteers" are volunteers who are working without compensation for a nonprofit organization that is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, and that is providing housing or housing assistance only to families and individuals in a county whose incomes are not greater than one hundred forty per cent of the median income of that county as determined under section 174.04 of the Revised Code.

Sec. 303.12. (A) (1) Amendments to the zoning resolution may be initiated by motion of the county rural zoning commission, by the passage of a resolution by the board of county commissioners, or by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the county rural zoning commission. The board of county commissioners may require that the owner or lessee of property filing an application to amend the zoning resolution pay a fee to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. If the board of county commissioners requires such a fee, it shall be required generally, for each application. The board of county commissioners, upon the passage of such a resolution, shall certify it to the county rural zoning commission.

(2) Upon the adoption of a motion by the county rural zoning commission, the certification of a resolution by the

board of county commissioners to the commission, or the filing 22090
of an application by property owners or lessees as described in 22091
division (A)(1) of this section with the commission, the 22092
commission shall set a date for a public hearing, which date 22093
shall not be less than twenty nor more than forty days from the 22094
date of adoption of such a motion, the date of the certification 22095
of such a resolution, or the date of the filing of such an 22096
application. Notice of the hearing shall be given by the 22097
commission by one publication at least ten days before the date 22098
of the hearing, using at least one of the following methods: 22099

(a) In the print or digital edition of one or more 22100
newspapers of general circulation in each township affected by 22101
the proposed amendment; 22102

(b) On the official public notice web site established 22103
under section 125.182 of the Revised Code; 22104

(c) On the web site and social media account of the 22105
county. 22106

(B) If the proposed amendment intends to rezone or 22107
redistrict ten or fewer parcels of land, as listed on the county 22108
auditor's current tax list, written notice of the hearing shall 22109
be mailed by the county rural zoning commission, by first class 22110
mail, at least ten days before the date of the public hearing to 22111
all owners of property within and contiguous to and directly 22112
across the street from the area proposed to be rezoned or 22113
redistricted to the addresses of those owners appearing on the 22114
county auditor's current tax list. The failure of delivery of 22115
that notice shall not invalidate any such amendment. 22116

(C) If the proposed amendment intends to rezone or 22117
redistrict ten or fewer parcels of land as listed on the county 22118

auditor's current tax list, the published and mailed notices 22119
shall set forth the time, date, and place of the public hearing 22120
and include all of the following: 22121

(1) The name of the county rural zoning commission that 22122
will be conducting the hearing; 22123

(2) A statement indicating that the motion, resolution, or 22124
application is an amendment to the zoning resolution; 22125

(3) A list of the addresses of all properties to be 22126
rezoned or redistricted by the proposed amendment and of the 22127
names of owners of these properties, as they appear on the 22128
county auditor's current tax list; 22129

(4) The present zoning classification of property named in 22130
the proposed amendment and the proposed zoning classification of 22131
that property; 22132

(5) The time and place where the motion, resolution, or 22133
application proposing to amend the zoning resolution will be 22134
available for examination for a period of at least ten days 22135
prior to the hearing; 22136

(6) The name of the person responsible for giving notice 22137
of the public hearing by publication, by mail, or by both 22138
publication and mail; 22139

(7) A statement that, after the conclusion of the hearing, 22140
the matter will be submitted to the board of county 22141
commissioners for its action; 22142

(8) Any other information requested by the commission. 22143

(D) If the proposed amendment alters the text of the 22144
zoning resolution, or rezones or redistricts more than ten 22145
parcels of land as listed on the county auditor's current tax 22146

list, the published notice shall set forth the time, date, and 22147
place of the public hearing and include all of the following: 22148

(1) The name of the county rural zoning commission that 22149
will be conducting the hearing on the proposed amendment; 22150

(2) A statement indicating that the motion, application, 22151
or resolution is an amendment to the zoning resolution; 22152

(3) The time and place where the text and maps of the 22153
proposed amendment will be available for examination for a 22154
period of at least ten days prior to the hearing; 22155

(4) The name of the person responsible for giving notice 22156
of the hearing by publication; 22157

(5) A statement that, after the conclusion of the hearing, 22158
the matter will be submitted to the board of county 22159
commissioners for its action; 22160

(6) Any other information requested by the commission. 22161

Hearings shall be held in the county court house or in a 22162
public place designated by the commission. 22163

(E) Within five days after the adoption of the motion 22164
described in division (A) of this section, the certification of 22165
the resolution described in division (A) of this section, or the 22166
filing of the application described in division (A) of this 22167
section, the county rural zoning commission shall transmit a 22168
copy of it together with text and map pertaining to it to the 22169
county or regional planning commission, if there is such a 22170
commission. 22171

The county or regional planning commission shall recommend 22172
the approval or denial of the proposed amendment or the approval 22173
of some modification of it and shall submit its recommendation 22174

to the county rural zoning commission. The recommendation shall 22175
be considered at the public hearing held by the county rural 22176
zoning commission on the proposed amendment. 22177

The county rural zoning commission, within thirty days 22178
after the hearing, shall recommend the approval or denial of the 22179
proposed amendment, or the approval of some modification of it, 22180
and shall submit that recommendation together with the motion, 22181
application, or resolution involved, the text and map pertaining 22182
to the proposed amendment, and the recommendation of the county 22183
or regional planning commission on it to the board of county 22184
commissioners. 22185

The board of county commissioners, upon receipt of that 22186
recommendation, shall set a time for a public hearing on the 22187
proposed amendment, which date shall be not more than thirty 22188
days from the date of the receipt of that recommendation. Notice 22189
of the hearing shall be given by the board by one publication at 22190
least ten days before the date of the hearing, using at least 22191
one of the following methods: 22192

(1) In the print or digital edition of one or more 22193
newspapers of general circulation in the county; 22194

(2) On the official public notice web site established 22195
under section 125.182 of the Revised Code; 22196

(3) On the web site and social media account of the 22197
county. 22198

(F) If the proposed amendment intends to rezone or 22199
redistrict ten or fewer parcels of land as listed on the county 22200
auditor's current tax list, the published notice shall set forth 22201
the time, date, and place of the public hearing and include all 22202
of the following: 22203

- (1) The name of the board of county commissioners that will be conducting the hearing; 22204
22205
- (2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution; 22206
22207
- (3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the county auditor's current tax list; 22208
22209
22210
22211
- (4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property; 22212
22213
22214
- (5) The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing; 22215
22216
22217
22218
- (6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail; 22219
22220
22221
- (7) Any other information requested by the board. 22222
- (G) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following: 22223
22224
22225
22226
22227
- (1) The name of the board of county commissioners that will be conducting the hearing on the proposed amendment; 22228
22229
- (2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution; 22230
22231

(3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing;

(4) The name of the person responsible for giving notice of the hearing by publication;

(5) Any other information requested by the board.

(H) Within twenty days after its public hearing, the board of county commissioners shall either adopt or deny the recommendation of the county rural zoning commission or adopt some modification of it. If the board denies or modifies the commission's recommendation, a majority vote of the board shall be required.

~~The~~ Except as provided in division (I) of this section, the proposed amendment, if adopted by the board, shall become effective in thirty days after the date of its adoption, unless, within thirty days after the adoption, there is presented to the board of county commissioners a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than eight per cent of the total vote cast for all candidates for governor in that area at the most recent general election at which a governor was elected, requesting the board to submit the amendment to the electors of that area for approval or rejection at a special election to be held on the day of the next primary or general election occurring at least ninety days after the petition is submitted. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In

addition to meeting the requirements of this section, each 22262
petition shall be governed by the rules specified in section 22263
3501.38 of the Revised Code. 22264

The form of a petition calling for a zoning referendum and 22265
the statement of the circulator shall be substantially as 22266
follows: 22267

"PETITION FOR ZONING REFERENDUM 22268

(if the proposal is identified by a particular name or number, 22269
or both, these should be inserted here) _____ 22270

A proposal to amend the zoning map of the unincorporated 22271
area of _____ Township, _____ County, 22272
Ohio, adopted _____ (date) _____ (followed by brief 22273
summary of the proposal). 22274

To the Board of County Commissioners of _____ 22275
County, Ohio: 22276

We, the undersigned, being electors residing in the 22277
unincorporated area of _____ Township, included within 22278
the _____ County Zoning Plan, equal to not less than 22279
eight per cent of the total vote cast for all candidates for 22280
governor in the area at the preceding general election at which 22281
a governor was elected, request the Board of County 22282
Commissioners to submit this amendment of the zoning resolution 22283
to the electors of _____ Township residing within the 22284
unincorporated area of the township included in the 22285
_____ County Zoning Resolution, for approval or 22286
rejection at a special election to be held on the day of the 22287
next primary or general election to be held on 22288
_____ (date) _____, pursuant to section 303.12 of the Revised 22289
Code. 22290

Street Address	Date of	22291
Signature or R.F.D.	Township Precinct County Signing	22292
_____		22293
_____		22294

STATEMENT OF CIRCULATOR 22295

I, _____ (name of circulator) _____, 22296
declare under penalty of election falsification that I am an 22297
elector of the state of Ohio and reside at the address appearing 22298
below my signature; that I am the circulator of the foregoing 22299
part petition containing _____ (number) _____ signatures; that I 22300
have witnessed the affixing of every signature; that all signers 22301
were to the best of my knowledge and belief qualified to sign; 22302
and that every signature is to the best of my knowledge and 22303
belief the signature of the person whose signature it purports 22304
to be or of an attorney in fact acting pursuant to section 22305
3501.382 of the Revised Code. 22306

_____ 22307

(Signature of circulator) 22308

_____ 22309

(Address of circulator's 22310
permanent residence in this 22311
state) 22312

_____ 22313

(City, village, or township, 22314
and zip code) 22315

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 22316
FELONY OF THE FIFTH DEGREE." 22317

No amendment for which such a referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the board of elections that the amendment has been approved by the voters, it shall take immediate effect.

Within five working days after an amendment's effective date, the board of county commissioners shall file the text and maps of the amendment in the office of the county recorder and with the regional or county planning commission, if one exists.

The failure to file any amendment, or any text and maps, or duplicates of any of these documents, with the office of the county recorder or the county or regional planning commission as required by this section does not invalidate the amendment and is not grounds for an appeal of any decision of the board of zoning appeals.

(I) If a proposed amendment establishes or modifies planned-unit development regulations, the following apply in lieu of the contrary provisions of division (H) of this section:

(1) The petition shall be signed by a number of registered electors residing in the territory where the planned-unit development regulations apply or will apply equal to not less than thirty-five per cent of the total vote cast for all candidates for governor in that territory at the most recent general election at which a governor was elected.

(2) The board of elections shall determine the sufficiency and validity of the petition not later than thirty days after the petition is certified to the board of elections by the board of county commissioners.

(3) If the board of elections determines there is an

insufficient number of valid signatures, the board immediately 22347
shall notify the person who presented the petition. The person 22348
may submit additional signatures not later than ten days after 22349
the notification. 22350

Sec. 305.021. (A) When there is a vacancy in the county 22351
engineer's office as a result of death or resignation and the 22352
vacancy cannot be filled by election or appointment as provided 22353
in section 305.02 of the Revised Code, or if no one runs for the 22354
office of county engineer and, for that reason, the office is 22355
vacant, the board of county commissioners may contract with 22356
another county's county engineer to exercise the powers and 22357
perform the acts, duties, or functions of the county engineer. 22358
Notwithstanding any contrary provision of the Revised Code or 22359
the common law, the same person may serve as the county engineer 22360
of more than one county, including adjacent counties, under this 22361
section. 22362

(B) A county engineer with whom the board contracts shall 22363
receive supplemental compensation for services rendered under 22364
the contract in an amount equal to that is not less than eighty 22365
per cent nor more than one hundred per cent of the compensation 22366
specified in sections 325.14 and 325.18 of the Revised Code for 22367
the population range of the county in which the engineer is 22368
contracted to perform services, prorated for the duration of the 22369
contract. The supplemental compensation shall have no effect on 22370
the compensation a county engineer receives for serving as 22371
county engineer in the county in which the engineer holds 22372
office. The duration of the contract shall not extend beyond the 22373
last day of the term for which there was a vacancy. 22374

Sec. 305.03. ~~(A) (1) (A) Whenever any county officer, except~~ 22375
~~the county auditor or county treasurer, fails to perform the~~ 22376

duties of office for ~~ninety~~thirty consecutive days, except in 22377
case of sickness or injury as provided in divisions (B) and (C) 22378
of this section, the office shall be deemed vacant. Performing 22379
the duties of office includes a county officer appearing in 22380
person at the officer's principal office location on at least 22381
one out of thirty consecutive days. 22382

~~(2) Whenever any county auditor or county treasurer fails-~~ 22383
~~to perform the duties of office for thirty consecutive days,~~ 22384
~~except in case of sickness or injury as provided in divisions-~~ 22385
~~(B) and (C) of this section, the office shall be deemed vacant.~~ 22386

(B) Whenever any county officer is absent because of 22387
sickness or injury, the officer shall cause to be filed with the 22388
board of county commissioners a certificate from a physician, 22389
certified nurse-midwife, clinical nurse specialist, or certified 22390
nurse practitioner of the officer's sickness or injury. If the 22391
certificate is not filed with the board within ten days after 22392
the expiration of thirty consecutive days, ~~in the case of a~~ 22393
~~county auditor or county treasurer, or within ten days after the~~ 22394
~~expiration of ninety consecutive days of absence, in the case of~~ 22395
~~all other county officers,~~ the office shall be deemed vacant. 22396

(C) Whenever a county officer files a certificate under 22397
division (B) of this section, but continues to be absent for an 22398
additional thirty days commencing immediately after the last day 22399
on which this certificate may be filed under division (B) of 22400
this section, the office shall be deemed vacant. 22401

(D) If at any time two county commissioners in a county 22402
are absent and have filed a certificate under division (B) of 22403
this section, the county coroner, in addition to performing the 22404
duties of coroner, shall serve as county commissioner until at 22405
least one of the absent commissioners returns to office or until 22406

the office of at least one of the absent commissioners is deemed 22407
vacant under this section and the vacancy is filled. If the 22408
coroner so requests, the coroner shall be paid a per diem rate 22409
for the coroner's service as a commissioner. That per diem rate 22410
shall be the annual salary specified by law for a county 22411
commissioner of that county whose term of office began in the 22412
same year as the coroner's term of office began, divided by the 22413
number of days in the year. 22414

While the coroner is serving as a county commissioner, the 22415
coroner shall be considered an acting county commissioner and 22416
shall perform the duties of the office of county commissioner 22417
until at least one of the absent commissioners returns to office 22418
or until the office of at least one of the absent commissioners 22419
is deemed vacant. Before assuming the office of acting county 22420
commissioner, the coroner shall take an oath of office as 22421
provided in sections 3.22 and 3.23 of the Revised Code. The 22422
coroner's service as an acting county commissioner does not 22423
constitute the holding of an incompatible public office or 22424
employment in violation of any statutory or common law 22425
prohibition against the simultaneous holding of more than one 22426
public office or employment. 22427

The coroner shall give a new bond in the same amount and 22428
signed and approved as provided in section 305.04 of the Revised 22429
Code. The bond shall be conditioned for the faithful discharge 22430
of the coroner's duties as acting county commissioner and for 22431
the payment of any loss or damage that the county may sustain by 22432
reason of the coroner's failure in those duties. The bond, along 22433
with the oath of office and approval of the probate judge 22434
indorsed on it, shall be deposited and paid for as provided for 22435
the bonds in section 305.04 of the Revised Code. 22436

(E) Any vacancy declared under this section shall be 22437
filled in the manner provided by section 305.02 of the Revised 22438
Code. 22439

(F) This section shall not apply to a county officer while 22440
in the active military service of the United States. 22441

Sec. 306.32. Any county, or any two or more counties, 22442
municipal corporations, or townships, or any combination of 22443
these, may create a regional transit authority by the adoption 22444
of a resolution or ordinance by the board of county 22445
commissioners of each county, the legislative authority of each 22446
municipal corporation, and the board of township trustees of 22447
each township which is to create or to join in the creation of 22448
the regional transit authority. The resolution or ordinance 22449
shall state: 22450

(A) The necessity for the creation of a regional transit 22451
authority; 22452

(B) The counties, municipal corporations, or townships 22453
which are to create or to join in the creation of the regional 22454
transit authority; 22455

(C) The official name by which the regional transit 22456
authority shall be known; 22457

(D) The place in which the principal office of the 22458
regional transit authority will be located or the manner in 22459
which it may be selected; 22460

(E) The number, term, and compensation, or method for 22461
establishing compensation, of the members of the board of 22462
trustees of the regional transit authority. Compensation shall 22463
not exceed fifty dollars for each board and committee meeting 22464
attended by a member, except that if compensation is provided 22465

annually it shall not exceed six thousand dollars for the 22466
president of the board or four thousand eight hundred dollars 22467
for each other board member. 22468

(F) The manner in which vacancies on the board of trustees 22469
of the regional transit authority shall be filled; 22470

(G) The manner and to what extent the expenses of the 22471
regional transit authority shall be apportioned among the 22472
counties, municipal corporations, and townships creating it; 22473

(H) The purposes, including the kinds of transit 22474
facilities, for which the regional transit authority is 22475
organized. 22476

The regional transit authority provided for in the 22477
resolution or ordinance shall be deemed to be created upon the 22478
adoption of the resolution or ordinance by the board of county 22479
commissioners of each county, the legislative authority of each 22480
municipal corporation, and the board of township trustees of 22481
each township enumerated in the resolution or ordinance. 22482

The resolution or ordinance creating a regional transit 22483
authority may be amended to include additional counties, 22484
municipal corporations, or townships or for any other purpose, 22485
by the adoption of the amendment by the board of county 22486
commissioners of each county, the legislative authority of each 22487
municipal corporation, and the board of township trustees of 22488
each township which has created or joined or proposes to join 22489
the regional transit authority. 22490

After each county, municipal corporation, and township 22491
which has created or joined or proposes to join the regional 22492
transit authority has adopted its resolution or ordinance 22493
approving inclusion of additional counties, municipal 22494

corporations, or townships in the regional transit authority, a 22495
copy of each resolution or ordinance shall be filed with the 22496
clerk of the board of the county commissioners of each county, 22497
the clerk of the legislative authority of each municipal 22498
corporation, and the fiscal officer of the board of trustees of 22499
each township proposed to be included in the regional transit 22500
authority. The inclusion is effective when all such filing has 22501
been completed, unless the regional transit authority to which 22502
territory is to be added has authority to levy an ad valorem tax 22503
on property, or a sales tax, within its territorial boundaries, 22504
in which event the inclusion shall become effective on the 22505
sixtieth day after the last such filing is accomplished, unless, 22506
prior to the expiration of the sixty-day period, qualified 22507
electors residing in the area proposed to be added to the 22508
regional transit authority, equal in number to at least ten per 22509
cent of the qualified electors from the area who voted for 22510
governor at the last gubernatorial election, file a petition of 22511
referendum against the inclusion. Any petition of referendum 22512
filed under this section shall be filed at the office of the 22513
secretary of the board of trustees of the regional transit 22514
authority. The person presenting the petition shall be given a 22515
receipt containing on it the time of the day, the date, and the 22516
purpose of the petition. The secretary of the board of trustees 22517
of the regional transit authority shall cause the appropriate 22518
board or boards of elections to check the sufficiency of 22519
signatures on any petition of referendum filed under this 22520
section and, if found to be sufficient, shall present the 22521
petition to the board of trustees at a meeting of said board 22522
which occurs not later than thirty days following the filing of 22523
said petition. Upon presentation to the board of trustees of a 22524
petition of referendum against the proposed inclusion, the board 22525
of trustees shall promptly certify the proposal to the board or 22526

boards of elections for the purpose of having the proposal 22527
placed on the ballot at the next general or primary election 22528
which occurs not less than ninety days after the date of the 22529
meeting of said board, or at a special election, the date of 22530
which shall be specified in the certification, which date shall 22531
be not less than ninety days after the date of such meeting of 22532
the board. Signatures on a petition of referendum may be 22533
withdrawn up to and including the meeting of the board of 22534
trustees certifying the proposal to the appropriate board or 22535
boards of elections. If territory of more than one county, 22536
municipal corporation, or township is to be added to the 22537
regional transit authority, the electors of the territories of 22538
the counties, municipal corporations, or townships which are to 22539
be added shall vote as a district, and the majority affirmative 22540
vote shall be determined by the vote cast in the district as a 22541
whole. 22542

If the proposal would extend the levy of an existing 22543
property tax to the territory to be added to the regional 22544
transit authority, the board of trustees of the regional transit 22545
authority and the county auditor shall proceed in the same 22546
manner as required for a tax levy under section 5705.03 of the 22547
Revised Code, except that the levy's annual collections shall be 22548
estimated assuming that the additional territory has been added 22549
to the regional transit authority. 22550

Upon certification of a proposal to the appropriate board 22551
or boards of elections pursuant to this section, the board or 22552
boards of election shall make the necessary arrangements for the 22553
submission of the question to the electors of the territory to 22554
be added to the regional transit authority qualified to vote on 22555
the question, and the election shall be held, canvassed, and 22556
certified in the manner provided for the submission of tax 22557

levies under section 5705.191 of the Revised Code, except that 22558
the question appearing on the ballot shall read: 22559

"Shall the territory within the _____ 22560
(Name or names of political subdivisions to be joined) be added 22561
to _____ (Name) regional transit 22562
authority?" and shall a(n) _____ (here insert type of tax 22563
or taxes) at a rate not to exceed _____ (here insert maximum tax 22564
rate or rates) be levied for all transit purposes?" 22565

If the tax is a tax on property, the ballot shall express 22566
the levy's estimated annual collections, and the rate shall be 22567
expressed numerically in mills for each one dollar of taxable 22568
value and the effective rate shall be expressed numerically in 22569
dollars for each one hundred thousand dollars of ~~the county~~ 22570
~~auditor's appraised market value.~~ 22571

If the question is approved by at least a majority of the 22572
electors voting on the question, the joinder is immediately 22573
effective, and the regional transit authority may extend the 22574
levy of the tax against all the taxable property within the 22575
territory which has been added. If the question is approved at a 22576
general election or at a special election occurring prior to the 22577
general election but after the fifteenth day of July, the 22578
regional transit authority may amend its budget and resolution 22579
adopted pursuant to section 5705.34 of the Revised Code, and the 22580
levy shall be placed on the current tax list and duplicate and 22581
collected as other taxes are collected from all taxable property 22582
within the territorial boundaries of the regional transit 22583
authority, including the territory within each political 22584
subdivision added as a result of the election. 22585

The territorial boundaries of a regional transit authority 22586
shall be coextensive with the territorial boundaries of the 22587

counties, municipal corporations, and townships included within 22588
the regional transit authority, provided that the same area may 22589
be included in more than one regional transit authority so long 22590
as the regional transit authorities are not organized for 22591
purposes as provided for in the resolutions or ordinances 22592
creating the same, and any amendments to them, relating to the 22593
same kinds of transit facilities; and provided further, that if 22594
a regional transit authority includes only a portion of an 22595
entire county, a regional transit authority for the same 22596
purposes may be created in the remaining portion of the same 22597
county by resolution of the board of county commissioners acting 22598
alone or in conjunction with municipal corporations and 22599
townships as provided in this section. 22600

No regional transit authority shall be organized after 22601
January 1, 1975, to include any area already included in a 22602
regional transit authority, except that any regional transit 22603
authority organized after June 29, 1974, and having territorial 22604
boundaries entirely within a single county shall, upon adoption 22605
by the board of county commissioners of the county of a 22606
resolution creating a regional transit authority including 22607
within its territorial jurisdiction the existing regional 22608
transit authority and for purposes including the purposes for 22609
which the existing regional transit authority was created, be 22610
dissolved and its territory included in such new regional 22611
transit authority. Any resolution creating such a new regional 22612
transit authority shall make adequate provision for satisfaction 22613
of the obligations of the dissolved regional transit authority. 22614

As used in this section, "~~the county auditor's appraised-~~ 22615
market value" and "effective rate" have the same meanings as in 22616
section 5705.01 of the Revised Code. 22617

Sec. 306.322. (A) As used in this section: 22618

(1) "Political subdivision" means a county, a municipal 22619
corporation, or a township. 22620

(2) "Governing body" means a board of county commissioners 22621
of a county, a legislative authority of a municipal corporation, 22622
or a board of trustees of a township. 22623

(B) For any regional transit authority that levies a 22624
property tax and that includes in its membership political 22625
subdivisions that are located in a county having a population of 22626
at least four hundred thousand according to the most recent 22627
federal census, the procedures of this section apply until 22628
December 31, 2022, and are in addition to and an alternative to 22629
those established in sections 306.32, 306.321, and 306.54 of the 22630
Revised Code for joining to the regional transit authority 22631
additional political subdivisions. 22632

(C) Any political subdivision may adopt a resolution or 22633
ordinance proposing to join a regional transit authority 22634
described in division (B) of this section. In its resolution or 22635
ordinance, the political subdivision may propose joining the 22636
regional transit authority for a limited period of three years 22637
or without a time limit. 22638

(D) The political subdivision proposing to join the 22639
regional transit authority shall submit a copy of its resolution 22640
or ordinance to the governing body of each political subdivision 22641
comprising the regional transit authority. Within thirty days of 22642
receiving the resolution or ordinance for inclusion in the 22643
regional transit authority, the governing body of each political 22644
subdivision shall consider the question of whether to include 22645
the additional political subdivision in the regional transit 22646

authority, shall adopt a resolution or ordinance approving or 22647
rejecting the inclusion of the additional political subdivision, 22648
and shall present its resolution or ordinance to the board of 22649
trustees of the regional transit authority. 22650

If the board of trustees of the regional transit authority 22651
proposes to extend the levy of an existing property tax to the 22652
territory to be added to the regional transit authority, the 22653
board and the county auditor shall proceed in the same manner as 22654
required for a tax levy under section 5705.03 of the Revised 22655
Code, except that the levy's annual collections shall be 22656
estimated assuming that the additional territory has been added 22657
to the regional transit authority. 22658

(E) If a majority of the political subdivisions comprising 22659
the regional transit authority approve the inclusion of the 22660
additional political subdivision under division (D) of this 22661
section, the board of trustees of the regional transit authority 22662
may proceed as provided in division (K) of this section or as 22663
provided in divisions (F) to (J) of this section, as applicable. 22664

(F) Not later than the tenth day following the day on 22665
which the last ordinance or resolution is presented under 22666
division (D) of this section, the board of trustees of the 22667
regional transit authority shall notify the political 22668
subdivision proposing to join the regional transit authority 22669
that it may certify the proposal to the board of elections for 22670
the purpose of having the proposal placed on the ballot at the 22671
next general election or at a special election conducted on the 22672
day of the next primary election that occurs not less than 22673
ninety days after the resolution or ordinance is certified to 22674
the board of elections. 22675

(G) Upon certification of a proposal to the board of 22676

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

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

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

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

In either case, if the tax is a tax on property, the
ballot shall express the levy's estimated annual collections,
and the rate shall be expressed numerically in mills for each
one dollar of taxable value and the effective rate shall be

expressed numerically in dollars for each one hundred thousand 22707
dollars of ~~the county auditor's appraised~~ market value. 22708

(H) If the question is approved by at least a majority of 22709
the electors voting on the question, the addition of the new 22710
territory is effective six months from the date of the 22711
certification of its passage, and the regional transit authority 22712
may extend the levy of the tax against all the taxable property 22713
within the territory that was added. If the question is approved 22714
at a general election or at a special election occurring prior 22715
to the general election but after the fifteenth day of July, the 22716
regional transit authority may amend its budget and resolution 22717
adopted pursuant to section 5705.34 of the Revised Code, and the 22718
levy shall be placed on the current tax list and duplicate and 22719
collected as other taxes are collected from all taxable property 22720
within the territorial boundaries of the regional transit 22721
authority, including the territory within the political 22722
subdivision added as a result of the election. If the budget of 22723
the regional transit authority is amended pursuant to this 22724
paragraph, the county auditor shall prepare and deliver an 22725
amended certificate of estimated resources to reflect the change 22726
in anticipated revenues of the regional transit authority. 22727

(I) If the question is approved by at least a majority of 22728
the electors voting on the question, the board of trustees of 22729
the regional transit authority immediately shall amend the 22730
resolution or ordinance creating the regional transit authority 22731
to include the additional political subdivision. 22732

(J) If the question approved by a majority of the electors 22733
voting on the question added the political subdivision for three 22734
years, the territory of the additional political subdivision in 22735
the regional transit authority shall be removed from the 22736

territory of the regional transit authority three years after 22737
the date the territory was added, as determined in the effective 22738
date of the election, and shall no longer be a part of that 22739
authority without any further action by either the political 22740
subdivisions that were included in the authority prior to 22741
submitting the question to the electors or of the political 22742
subdivision added to the authority as a result of the election. 22743
The regional transit authority reduced to its territory as it 22744
existed prior to the inclusion of the additional political 22745
subdivision shall be entitled to levy and collect any property 22746
taxes that it was authorized to levy and collect prior to the 22747
enlargement of its territory and for which authorization has not 22748
expired, as if the enlargement had not occurred. 22749

(K) (1) If a majority of the political subdivisions 22750
comprising the regional transit authority approve the inclusion 22751
of the additional political subdivision without a time limit 22752
under division (D) of this section, the board of trustees of the 22753
regional transit authority may adopt a resolution to submit to 22754
the electors of the regional transit authority, as it would be 22755
enlarged by the inclusion, the question of including the 22756
political subdivision in the regional transit authority, of 22757
levying a tax under sections 5739.023 and 5741.022 of the 22758
Revised Code throughout the territorial boundaries of the 22759
regional transit authority as so enlarged, and of repealing the 22760
property tax levied by the regional transit authority under 22761
section 306.49 of the Revised Code. 22762

The resolution shall state all of the following: 22763

(a) The date on which the political subdivision is to be 22764
included in the regional transit authority; 22765

(b) The rate of the tax to be levied under sections 22766

5739.023 and 5741.022 of the Revised Code, the number of years 22767
it is to be levied or that it is to be levied for a continuing 22768
period of time, and the date on which it shall first be levied, 22769
all as provided under section 5739.023 of the Revised Code; 22770

(c) The last tax year that the property tax is to be 22771
levied under section 306.49 of the Revised Code. 22772

(2) Except as otherwise provided in division (K)(5) of 22773
this section, the political subdivision shall not be joined to 22774
the regional transit authority before the first day sales and 22775
use tax is levied by the regional transit authority under 22776
sections 5739.023 and 5741.022 of the Revised Code. Sales and 22777
use tax shall not be levied under those sections on or before 22778
the last day of the last tax year the regional transit authority 22779
levies property tax under section 306.49 of the Revised Code. 22780

(3) The board of trustees of the regional transit 22781
authority shall certify the resolution to the board of elections 22782
for the purpose of having the proposal placed on the ballot at 22783
the next general election or at a special election conducted on 22784
the day of the next primary election that occurs not less than 22785
ninety days after the resolution is certified to the board of 22786
elections. The election shall be held, canvassed, and certified, 22787
as provided in section 306.70 of the Revised Code, except that 22788
the question appearing on the ballot shall read: 22789

"Shall the territory within the _____ (Name or 22790
names of political subdivisions to be joined) be added to 22791
_____ (Name) regional transit authority, shall sales 22792
and use tax at a rate not exceeding _____ (Insert tax rate) 22793
be levied for all transit purposes throughout the territory of 22794
the regional transit authority, and shall the existing property 22795
tax levied for transit purposes be repealed?" 22796

(4) If the question is approved, the sales and use tax may 22797
be levied and collected as is otherwise provided under sections 22798
5739.023 and 5741.022 of the Revised Code on and after the date 22799
stated in the resolution. 22800

(5) The board of trustees shall appropriate from the first 22801
moneys received from the sales and use tax in each year the full 22802
amount required in order to pay the principal of and interest on 22803
any notes of the regional transit authority issued pursuant to 22804
section 306.49 of the Revised Code in anticipation of the 22805
collection of the property tax. The board of trustees shall not 22806
thereafter levy and collect the property tax unless and to the 22807
extent that the levy and collection is necessary to pay the 22808
principal of and interest on notes issued in anticipation of the 22809
property tax in order to avoid impairing the obligation of the 22810
contract between the regional transit authority and the note 22811
holders. Such property tax shall be levied only in the territory 22812
of the authority as it existed before the political subdivision 22813
was joined to the authority. 22814

(6) If the question is approved after the fifteenth day of 22815
July in any calendar year, the regional transit authority may 22816
amend its budget for the current and next fiscal year, and any 22817
resolution adopted pursuant to section 5705.34 of the Revised 22818
Code, to reflect the imposition of the sales and use tax, and 22819
shall amend its budget for the next fiscal year, and any 22820
resolution adopted pursuant to section 5705.34 of the Revised 22821
Code, to comply with division (K) (5) of this section. If the 22822
budget of the regional transit authority is amended pursuant to 22823
this division, the county auditor shall prepare and deliver an 22824
amended certificate of estimated resources to reflect the change 22825
in anticipated revenues of the regional transit authority. 22826

(7) If the question is approved, the board of trustees of the regional transit authority immediately shall amend the resolution or ordinance creating the regional transit authority to include the additional political subdivision.

(L) As used in this section, "~~the county auditor's appraised market value~~" and "effective rate" have the same meanings as in section 5705.01 of the Revised Code.

Sec. 306.43. (A) The board of trustees of a regional transit authority or any officer or employee designated by such board may make any contract for the purchase of goods or services, the cost of which does not exceed one hundred thousand dollars. When an expenditure, other than for the acquisition of real estate, the discharge of claims, or the acquisition of goods or services under the circumstances described in division (H) of this section, is expected to exceed one hundred thousand dollars, such expenditure shall be made through full and open competition by the use of competitive procedures. The regional transit authority shall use the competitive procedure, as set forth in divisions (B), (C), (D), and (E) of this section, that is most appropriate under the circumstances of the procurement.

(B) Competitive sealed bidding is the preferred method of procurement and a regional transit authority shall use that method if all of the following conditions exist:

(1) A clear, complete, and adequate description of the goods, services, or work is available;

(2) Time permits the solicitation, submission, and evaluation of sealed bids;

(3) The award will be made on the basis of price and other price-related factors;

(4) It is not necessary to conduct discussions with
responding offerors about their bids;

(5) There is a reasonable expectation of receiving more
than one sealed bid.

A regional transit authority shall publish a notice
calling for bids once a week for no less than two consecutive
weeks in a newspaper of general circulation within the
territorial boundaries of the regional transit authority, or as
provided in section 7.16 of the Revised Code. A regional transit
authority may require that a bidder for any contract other than
a construction contract provide a bid guaranty in the form,
quality, and amount considered appropriate by the regional
transit authority. The board may let the contract to the lowest
responsive and responsible bidder. Where fewer than two
responsive bids are received, a regional transit authority may
negotiate price with the sole responsive bidder or may rescind
the solicitation and procure under division (H) (2) of this
section.

(C) A regional transit authority may use two-step
competitive bidding, consisting of a technical proposal and a
separate, subsequent sealed price bid from those submitting
acceptable technical proposals, if both of the following
conditions exist:

(1) A clear, complete, and adequate description of the
goods, services, or work is not available, but definite criteria
exist for the evaluation of technical proposals;

(2) It is necessary to conduct discussions with responding
offerors.

A regional transit authority shall publish a notice

calling for technical proposals once a week for no less than two 22885
consecutive weeks in a newspaper of general circulation within 22886
the territorial boundaries of the regional transit authority, or 22887
as provided in section 7.16 of the Revised Code. A regional 22888
transit authority may require a bid guaranty in the form, 22889
quality, and amount the regional transit authority considers 22890
appropriate. The board may let the contract to the lowest 22891
responsive and responsible bidder. Where fewer than two 22892
responsive and responsible bids are received, a regional transit 22893
authority may negotiate price with the sole responsive and 22894
responsible bidder or may rescind the solicitation and procure 22895
under division (H) (2) of this section. 22896

(D) A regional transit authority shall make a procurement 22897
by competitive proposals if competitive sealed bidding or two- 22898
step competitive bidding is not appropriate. 22899

A regional transit authority shall publish a notice 22900
calling for proposals once a week for no less than two 22901
consecutive weeks in a newspaper of general circulation within 22902
the territorial boundaries of the regional transit authority, or 22903
as provided in section 7.16 of the Revised Code. A regional 22904
transit authority may require a proposal guaranty in the form, 22905
quality, and amount considered appropriate by the regional 22906
transit authority. The board may let the contract to the 22907
proposer making the offer considered most advantageous to the 22908
authority. Where fewer than two competent proposals are 22909
received, a regional transit authority may negotiate price and 22910
terms with the sole proposer or may rescind the solicitation and 22911
procure under division (H) (2) of this section. 22912

(E) (1) A regional transit authority shall procure the 22913
services of an architect or engineer in the manner prescribed by 22914

the "Federal Mass Transportation Act of 1987," Public Law No. 22915
100-17, section 316, 101 Stat. 227, 232-234, 49 U.S.C.A. app. 22916
1608 and the services of a construction manager in the manner 22917
prescribed by sections 9.33 to 9.332 of the Revised Code. 22918

(2) A regional transit authority may procure revenue 22919
rolling stock in the manner prescribed by division (B), (C), or 22920
(D) of this section. 22921

(3) All contracts for construction in excess of one 22922
hundred thousand dollars shall be made only after the regional 22923
transit authority has published a notice calling for bids once a 22924
week for two consecutive weeks in a newspaper of general 22925
circulation within the territorial boundaries of the regional 22926
transit authority, or as provided in section 7.16 of the Revised 22927
Code. The board may award a contract to the lowest responsive 22928
and responsible bidder. Where only one responsive and 22929
responsible bid is received, the regional transit authority may 22930
negotiate price with the sole responsive bidder or may rescind 22931
the solicitation. The regional transit authority shall award 22932
construction contracts in accordance with sections 153.12 to 22933
153.14 and 153.54 of the Revised Code. Divisions (B) and (C) of 22934
this section shall not apply to the award of contracts for 22935
construction. 22936

(F) (1) As used in division (F) (2) of this section, 22937
"simplified acquisition threshold" means the amount set forth in 22938
41 U.S.C. 134. 22939

(2) The board may adopt a policy on whether board approval 22940
is required to enter into a contract involving expenditures 22941
below the simplified acquisition threshold. The board shall 22942
approve all contracts involving expenditures at or above the 22943
simplified acquisition threshold. 22944

(3) All contracts involving expenditures in excess of the amount for which board approval is required shall be in writing and shall be accompanied by or shall refer to plans and specifications for the work to be done. The plans and specifications shall at all times be made and considered part of the contract. For all contracts other than construction contracts, a regional transit authority may require performance, payment, or maintenance guaranties or any combination of such guaranties in the form, quality, and amount it considers appropriate. The contract shall be approved by the board and signed on behalf of the regional transit authority and by the contractor.

(G) In making a contract, a regional transit authority may give preference to goods produced in the United States in accordance with the Buy America requirements in the "Surface Transportation Assistance Act of 1982," Public Law No. 97-424, section 165, 96 Stat. 2097, 23 U.S.C.A. 101 note, as amended, and the rules adopted thereunder. The regional transit authority also may give preference to providers of goods produced in and services provided in labor surplus areas as defined by the United States department of labor in 41 U.S.C.A. 401 note, Executive Order No. 12073, August 16, 1978, 43 Fed. Reg. 36873, as amended.

(H) Competitive procedures under this section are not required in any of the following circumstances:

(1) The board of trustees of a regional transit authority, by a two-thirds affirmative vote of its members, determines that a real and present emergency exists under any of the following conditions, and the board enters its determination and the reasons for it in its proceedings:

(a) Affecting safety, welfare, or the ability to deliver transportation services;	22975 22976
(b) Arising out of an interruption of contracts essential to the provision of daily transit services;	22977 22978
(c) Involving actual physical damage to structures, supplies, equipment, or property.	22979 22980
(2) The purchase consists of goods or services, or any combination thereof, and after reasonable inquiry the board or any officer or employee the board designates finds that only one source of supply is reasonably available.	22981 22982 22983 22984
(3) The expenditure is for a renewal or renegotiation of a lease or license for telecommunications or electronic data processing equipment, services, or systems, or for the upgrade of such equipment, services, or systems, or for the maintenance thereof as supplied by the original source or its successors or assigns.	22985 22986 22987 22988 22989 22990
(4) The purchase of goods or services is made from another political subdivision, public agency, public transit system, regional transit authority, the state, or the federal government, or as a third-party beneficiary under a state or federal procurement contract, or as a participant in a department of administrative services contract under division (B) of section 125.04 of the Revised Code.	22991 22992 22993 22994 22995 22996 22997
(5) The sale and leaseback or lease and leaseback of transit facilities is made as provided in division (AA) of section 306.35 of the Revised Code.	22998 22999 23000
(6) The purchase substantially involves services of a personal, professional, highly technical, or scientific nature, including but not limited to the services of an attorney,	23001 23002 23003

physician, surveyor, appraiser, investigator, court reporter, 23004
adjuster, advertising consultant, or licensed broker, or 23005
involves the special skills or proprietary knowledge required 23006
for the servicing of specialized equipment owned by the regional 23007
transit authority. 23008

(7) Services or supplies are available from a qualified 23009
nonprofit agency pursuant to ~~sections 4115.31 to 4115.35~~ section 23010
125.601 of the Revised Code. 23011

(8) The purchase consists of the product or services of a 23012
public utility. 23013

(9) The purchase is for the services of individuals with 23014
disabilities to work in the authority's commissaries or 23015
cafeterias, and those individuals are supplied by a nonprofit 23016
corporation or association whose purpose is to assist 23017
individuals with disabilities, whether or not that corporation 23018
or association is funded entirely or in part by the federal 23019
government, or the purchase is for services provided by a 23020
nonprofit corporation or association whose purpose is to assist 23021
individuals with disabilities, whether or not that corporation 23022
or association is funded entirely or in part by the federal 23023
government. For purposes of division (H) (9) of this section, 23024
"disability" has the same meaning as in section 4112.01 of the 23025
Revised Code. 23026

(I) A regional transit authority may enter into blanket 23027
purchase agreements for purchases of maintenance, operating, or 23028
repair goods or services where the item cost does not exceed 23029
five hundred dollars and the annual expenditure does not exceed 23030
one hundred thousand dollars. 23031

(J) Nothing contained in this section prohibits a regional 23032

transit authority from participating in intergovernmental	23033
cooperative purchasing arrangements.	23034
(K) Except as otherwise provided in this chapter, a	23035
regional transit authority shall make a sale or other	23036
disposition of property through full and open competition.	23037
Except as provided in division (L) of this section, all	23038
dispositions of personal property and all grants of real	23039
property for terms exceeding five years shall be made by public	23040
auction or competitive procedure.	23041
(L) The competitive procedures required by division (K) of	23042
this section are not required in any of the following	23043
circumstances:	23044
(1) The grant is a component of a joint development	23045
between public and private entities and is intended to enhance	23046
or benefit public transit.	23047
(2) The grant of a limited use or of a license affecting	23048
land is made to an owner of abutting real property.	23049
(3) The grant of a limited use is made to a public	23050
utility.	23051
(4) The grant or disposition is to a department of the	23052
federal or state government, to a political subdivision of the	23053
state, or to any other governmental entity.	23054
(5) Used equipment is traded on the purchase of equipment	23055
and the value of the used equipment is a price-related factor in	23056
the basis for award for the purchase.	23057
(6) The value of the personal property is such that	23058
competitive procedures are not appropriate and the property	23059
either is sold at its fair market value or is disposed of by	23060

gift to a nonprofit entity having the general welfare or 23061
education of the public as one of its principal objects. 23062

(M) The board of trustees of a regional transit authority, 23063
when making a contract funded exclusively by state or local 23064
moneys or any combination thereof, shall make a good faith 23065
effort to use disadvantaged business enterprise participation to 23066
the same extent required under Section 105(f) of the "Surface 23067
Transportation Assistance Act of 1982," Public Law No. 97-424, 23068
96 Stat. 2100, and Section 106(c) of the "Surface Transportation 23069
and Uniform Relocation Assistance Act of 1987," Public Law No. 23070
100-17, 101 Stat. 145, and the rules adopted thereunder. 23071

(N) As used in this section: 23072

(1) "Goods" means all things, including specially 23073
manufactured goods, that are movable at the time of 23074
identification to the contract for sale other than the money in 23075
which the price is to be paid, investment securities, and things 23076
in action. "Goods" also includes other identified things 23077
attached to realty as described in section 1302.03 of the 23078
Revised Code. 23079

(2) "Services" means the furnishing of labor, time, or 23080
effort by a contractor, not involving the delivery of goods or 23081
reports other than goods or reports that are merely incidental 23082
to the required performance, including but not limited to 23083
insurance, bonding, or routine operation, routine repair, or 23084
routine maintenance of existing structures, buildings, real 23085
property, or equipment, but does not include employment 23086
agreements, collective bargaining agreements, or personal 23087
services. 23088

(3) "Construction" means the process of building, 23089

altering, repairing, improving, painting, decorating, or 23090
demolishing any structure or building, or other improvements of 23091
any kind to any real property owned or leased by a regional 23092
transit authority. 23093

(4) "Full and open competition" has the same meaning as in 23094
the "Office of Federal Procurement Policy Act," Public Law No. 23095
98-369, section 2731, 98 Stat. 1195 (1984), 41 U.S.C.A. 403. 23096

(5) A bidder is "responsive" if, applying the criteria of 23097
division (A) of section 9.312 of the Revised Code, the bidder is 23098
"responsive" as described in that section. 23099

(6) A bidder is "responsible" if, applying the criteria of 23100
division (B) of section 9.312 of the Revised Code and of the 23101
"Office of Federal Procurement Policy Act," Public Law No. 98- 23102
369, section 2731, 98 Stat. 1195 (1984), 41 U.S.C.A. 403, the 23103
bidder is "responsible" as described in those sections. 23104

Sec. 307.05. As used in this section, "emergency medical 23105
service organization" has the same meaning as in section 4765.01 23106
of the Revised Code. 23107

A board of county commissioners may operate an ambulance 23108
service organization or emergency medical service organization, 23109
or, in counties with a population of ~~forty~~sixty thousand or 23110
less, may operate a nonemergency patient transport service 23111
organization, or may enter into a contract with one or more 23112
counties, townships, municipal corporations, nonprofit 23113
corporations, joint emergency medical services districts, fire 23114
and ambulance districts, or private ambulance owners, regardless 23115
of whether such counties, townships, municipal corporations, 23116
nonprofit corporations, joint emergency medical services 23117
districts, fire and ambulance districts, or private ambulance 23118

owners are located within or without the state, in order to 23119
furnish or obtain the services of ambulance service 23120
organizations, to furnish or obtain additional services from 23121
ambulance service organizations in times of emergency, to 23122
furnish or obtain the services of emergency medical service 23123
organizations, or, in counties with a population of ~~forty-sixty~~ 23124
thousand or less, to furnish or obtain services of nonemergency 23125
patient transport service organizations, or may enter into a 23126
contract with any such entity to furnish or obtain the 23127
interchange of services from ambulance or emergency medical 23128
service organizations, or, within counties with a population of 23129
~~forty-sixty~~ thousand or less, to furnish or obtain the 23130
interchange of services from nonemergency patient transport 23131
service organizations, within the territories of the contracting 23132
subdivisions. Except in the case of a contract with a joint 23133
emergency medical services district to obtain the services of 23134
emergency medical service organizations, such contracts shall 23135
not be entered into with a public agency or nonprofit 23136
corporation that receives more than half of its operating funds 23137
from governmental entities with the intention of directly 23138
competing with the operation of other ambulance service 23139
organizations, nonemergency patient transport service 23140
organizations, or emergency medical service organizations in the 23141
county unless the public agency or nonprofit corporation is 23142
awarded the contract after submitting the lowest and best bid to 23143
the board of county commissioners. Any county wishing to 23144
commence operation of a nonemergency patient transport service 23145
organization or wishing to enter into a contract for the first 23146
time to furnish or obtain services from a nonemergency patient 23147
transport service organization on or after March 1, 1993, 23148
including a county in which a private provider has been 23149
providing the service, shall demonstrate the need for public 23150

funding for the service to, and obtain approval from, the state 23151
board of emergency medical, fire, and transportation services or 23152
its immediate successor board prior to operating or funding the 23153
organization. 23154

When such an organization is operated by the board, the 23155
organization may be administered by the board, by the county 23156
sheriff, or by another county officer or employee designated by 23157
the board. All rules, including the determining of reasonable 23158
rates, necessary for the establishment, operation, and 23159
maintenance of such an organization shall be adopted by the 23160
board. 23161

A contract for services of an ambulance service, 23162
nonemergency patient transport service, or emergency medical 23163
service organization shall include the terms, conditions, and 23164
stipulations as agreed to by the parties to the contract. It may 23165
provide for a fixed annual charge to be paid at the times agreed 23166
upon and stipulated in the contract, or for compensation based 23167
upon a stipulated price for each run, call, or emergency or the 23168
number of persons or pieces of apparatus employed, or the 23169
elapsed time of service required in such run, call, or 23170
emergency, or any combination thereof. 23171

Sec. 307.673. This section applies only in a county in 23172
which a tax is levied under section 307.697, 4301.421, 5743.024, 23173
or 5743.323 of the Revised Code on July 19, 1995. 23174

(A) As used in this section: 23175

(1) "County taxes" means taxes levied by a board of county 23176
commissioners under ~~division~~ divisions (D) and (E) of section 23177
307.697, ~~division~~ divisions (B) and (C) of section 4301.421, 23178
~~division~~ divisions (C) and (D) of section 5743.024, and ~~section~~ 23179

sections 5743.323, 5743.511, 5743.521, 5743.621, and 5743.631 of 23180
the Revised Code. 23181

(2) "Corporation" means a nonprofit corporation organized 23182
under the laws of this state and that includes among the 23183
purposes for which it is incorporated the authority to acquire, 23184
construct, renovate, repair, equip, lease, manage, or operate a 23185
sports facility. 23186

(3) "Cooperative agreement" means an agreement entered 23187
into pursuant to this section. 23188

(4) "Cost of a sports facility" means the cost of 23189
acquiring, constructing, renovating, repairing, equipping, or 23190
improving one or more sports facilities, including 23191
reconstructing, rehabilitating, remodeling, and enlarging; the 23192
cost of equipping and furnishing such a facility; and all 23193
financing costs pertaining thereto, including the cost of 23194
engineering, architectural, and other professional services, 23195
designs, plans, specifications and surveys, and estimates of 23196
costs; the costs of refinancing obligations issued by, or 23197
reimbursement of money advanced by, the parties to the 23198
cooperative agreement or other persons, the proceeds of which 23199
obligations were used to pay the costs of the sports facility; 23200
the cost of tests and inspections; the cost of any indemnity or 23201
surety bonds and premiums on insurance, all related direct and 23202
administrative costs pertaining thereto, fees and expenses of 23203
trustees, depositories, and paying agents for the obligations, 23204
capitalized interest on the obligations, amounts necessary to 23205
establish reserves as required by the obligation proceedings, 23206
the reimbursement of money advanced or applied by the parties to 23207
the cooperative agreement or other persons for the payment of 23208
any item of costs of the sports facility, and all other expenses 23209

necessary or incident to planning or determining the feasibility 23210
or practicability with respect to the sports facility; and any 23211
other such expenses as may be necessary or incident to the 23212
acquisition, construction, reconstruction, rehabilitation, 23213
remodeling, renovation, repair, enlargement, improvement, 23214
equipping, and furnishing of the sports facility, the financing 23215
of the sports facility, placing the sports facility in use and 23216
operation, including any one, part of, or combination of such 23217
classes of costs and expenses. 23218

(5) "Financing costs" has the same meaning as in section 23219
133.01 of the Revised Code. 23220

(6) "Obligations" means obligations issued or incurred to 23221
pay the cost of a sports facility, including bonds, notes, 23222
certificates of indebtedness, commercial paper, and other 23223
instruments in writing, anticipatory securities as defined in 23224
section 133.01 of the Revised Code, issued or incurred by an 23225
issuer pursuant to Chapter 133. or 4582. of the Revised Code or 23226
this section, or otherwise, to evidence the issuer's obligation 23227
to repay borrowed money, or to pay interest, by, or to pay at 23228
any future time other money obligations of, the issuer of the 23229
obligations, including obligations of an issuer or lessee to 23230
make payments under an installment sale, lease, lease-purchase, 23231
or similar agreement. 23232

(7) "Owner" means any person that owns or operates a 23233
professional athletic or sports team, that is party to a 23234
cooperative agreement, or that has a lease or other agreement 23235
with a party to a cooperative agreement, and that commits to use 23236
the sports facility that is the subject of the cooperative 23237
agreement for all of the team's home games for the period 23238
specified in that agreement. 23239

(8) "Payments," when used with reference to obligations, 23240
means payments of the principal, including any mandatory sinking 23241
fund deposits and mandatory redemption payments, interest and 23242
any redemption premium, and lease rentals, lease-purchase 23243
payments and other amounts payable under obligations in the form 23244
of installment sale, lease, lease-purchase, or similar 23245
agreements. 23246

(9) "Person" has the same meaning as defined in section 23247
133.01 of the Revised Code. 23248

(10) "Port authority" means a port authority created under 23249
Chapter 4582. of the Revised Code. 23250

(11) "Sports facility" means a facility, including a 23251
stadium, that is intended to house or provide a site for one or 23252
more major league professional athletic or sports teams or 23253
activities, together with all spectator facilities, parking 23254
facilities, walkways, and auxiliary facilities, real and 23255
personal property, property rights, easements, leasehold 23256
estates, and interests that may be appropriate for, or used in 23257
connection with, the operation of the sports facility. 23258

(B) The board of county commissioners of a county, the 23259
legislative authority of a municipal corporation, a port 23260
authority, a corporation, and an owner, or any combination 23261
thereof, may enter into one or more cooperative agreements under 23262
which the parties enter into one or more of the agreements 23263
described in divisions (B) (1) to (5) of this section. 23264

(1) The board of county commissioners agrees to do one or 23265
more of the following: 23266

(a) Levy a tax under division (D) or (E) of section 23267
307.697, division (B) or (C) of section 4301.421, division (C) 23268

or (D) of section 5743.024, ~~and~~ or section 5743.323, 5743.511, 23269
5743.521, 5743.621, and 5743.631 of the Revised Code and make 23270
available all or a portion of the revenue from those taxes for 23271
the payment of the cost of the sports facility or to make 23272
payments on obligations; 23273

(b) Issue or incur obligations of the county pursuant to 23274
Chapter 133. of the Revised Code or this section; 23275

(c) Make available all or a portion of the revenue from 23276
those taxes or of the proceeds from the issuance of those 23277
obligations to the municipal corporation, port authority, 23278
corporation, or otherwise for the payment of the cost of a 23279
sports facility or the payment of obligations; 23280

(d) Acquire, construct, renovate, repair, equip, lease to 23281
or from another person, and operate, directly or by a lease or 23282
management contract with another person, one or more sports 23283
facilities; 23284

(e) To the extent provided in the cooperative agreement or 23285
a lease with respect to a sports facility, authorize the 23286
municipal corporation, port authority, corporation, or owner to 23287
administer contracts for designing, planning, acquiring, 23288
constructing, renovating, repairing, or equipping a sports 23289
facility. 23290

(2) The port authority agrees to do one or more of the 23291
following: 23292

(a) Issue or incur obligations of the port authority 23293
pursuant to Chapter 133. or 4582. of the Revised Code or this 23294
section; 23295

(b) Make available all or a portion of the proceeds from 23296
the issuance of those obligations to the municipal corporation, 23297

county, or corporation for the payment of the cost of a sports facility or the payment of obligations;	23298 23299
(c) Acquire, construct, renovate, repair, equip, lease to or from another person, and operate, directly or by a lease or management contract with another person, one or more sports facilities;	23300 23301 23302 23303
(d) To the extent provided in the cooperative agreement or a lease with respect to a sports facility, authorize the municipal corporation, county, corporation, or owner to administer contracts for designing, planning, acquiring, constructing, renovating, repairing, or equipping a sports facility.	23304 23305 23306 23307 23308 23309
(3) The legislative authority of the municipal corporation agrees to do one or more of the following:	23310 23311
(a) Make available the revenue from taxes levied by the legislative authority for the payment of the cost of a sports facility or to make payments on obligations;	23312 23313 23314
(b) Issue or incur obligations of the municipal corporation pursuant to Chapter 133. of the Revised Code or otherwise;	23315 23316 23317
(c) Make available all or a portion of the proceeds from the issuance of those obligations to the county, port authority, corporation, or otherwise for the payment of the cost of a sports facility or the payment of obligations;	23318 23319 23320 23321
(d) Acquire, construct, renovate, repair, equip, lease to or from another person, and operate, directly or by a lease or management contract with another person, one or more sports facilities;	23322 23323 23324 23325

(e) To the extent provided in the cooperative agreement or a lease with respect to a sports facility, authorize the county, port authority, corporation, or owner to administer contracts for designing, planning, acquiring, constructing, renovating, repairing, or equipping a sports facility. 23326
23327
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(4) The corporation agrees to do one or more of the following: 23331
23332

(a) Issue or incur obligations; 23333

(b) Make available all or a portion of the proceeds from the issuance of those obligations to the county, port authority, municipal corporation, or otherwise for the payment of the cost of a sports facility or the payment of obligations; 23334
23335
23336
23337

(c) Acquire, construct, renovate, repair, equip, lease to or from another person, and operate, directly or by a lease or management contract with another person, one or more sports facilities; 23338
23339
23340
23341

(d) To the extent provided in the cooperative agreement or a lease with respect to a sports facility, agree that the corporation will administer contracts for designing, planning, acquiring, constructing, renovating, repairing, or equipping a sports facility. 23342
23343
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(5) The owner agrees to do one or more of the following: 23347

(a) Use the sports facility that is the subject of the cooperative agreement for all of the home games of the owner's professional athletic or sports team for a specified period; 23348
23349
23350

(b) Administer contracts for designing, planning, acquiring, constructing, renovating, repairing, or equipping a sports facility. 23351
23352
23353

(C) Any obligations may be secured by a trust agreement 23354
between the issuer of obligations and a corporate trustee that 23355
is a trust company or bank having the powers of a trust company 23356
in or outside this state and authorized to exercise corporate 23357
trust powers in this state. Proceeds from the issuance of any 23358
obligations or the taxes levied and collected by any party to 23359
the cooperative agreement may be deposited with and administered 23360
by a trustee pursuant to the trust agreement. 23361

(D) Any contract for the acquisition, construction, 23362
renovation, repair, or equipping of a sports facility entered 23363
into, assigned, or assumed under this section shall provide that 23364
all laborers and mechanics employed in the acquisition, 23365
construction, renovation, repair, or equipping of the sports 23366
facility shall be paid at the prevailing rates of wages of 23367
laborers and mechanics for the class of work called for, as 23368
those wages are determined in accordance with Chapter 4115. of 23369
the Revised Code. 23370

Sec. 307.696. (A) As used in this section: 23371

(1) "County taxes" means taxes levied by the county 23372
pursuant to sections 307.697, 4301.421, 5743.024, ~~and 5743.323,~~ 23373
5743.511, 5743.521, 5743.621, and 5743.631 of the Revised Code. 23374

(2) "Corporation" means a nonprofit corporation that is 23375
organized under the laws of this state for the purposes of 23376
operating or constructing and operating a sports facility in the 23377
county and that may also be organized under the laws of this 23378
state for the additional purposes of conducting redevelopment 23379
and economic development activities within the host municipal 23380
corporation. 23381

(3) "Sports facility" means a sports facility that is 23382

intended to house major league professional athletic teams, 23383
including a stadium, together with all parking facilities, 23384
walkways, and other auxiliary facilities, real and personal 23385
property, property rights, easements, and interests that may be 23386
appropriate for, or used in connection with, the operation of 23387
the facility. 23388

(4) "Construction" includes, but is not limited to, 23389
providing fixtures, furnishings, and equipment and providing for 23390
capital repairs and improvements. 23391

(5) "Debt service charges" means the interest, principal, 23392
premium, if any, carrying and redemption charges, and expenses 23393
on bonds issued by either the county or the corporation to: 23394

(a) Construct a sports facility or provide for related 23395
redevelopment or economic development as provided in this 23396
section; 23397

(b) Acquire real and personal property, property rights, 23398
easements, or interests that may be appropriate for, or used in 23399
connection with, the operation of the facility; and 23400

(c) Make site improvements to real property, including, 23401
but not limited to, demolition, excavation, and installation of 23402
footers, pilings, and foundations. 23403

(6) "Host municipal corporation" means the municipal 23404
corporation within the boundaries of which the sports facility 23405
is located, ~~and with which a national football league, major-~~ 23406
~~league baseball, or national basketball association sports-~~ 23407
~~franchise is associated on March 20, 1990.~~ 23408

(B) A board of county commissioners of a county that 23409
levies a tax under section 307.697, 4301.421, or 5743.024 of the 23410
Revised Code may enter into an agreement with a corporation 23411

operating in the county, and, if there is a host municipal 23412
corporation all or a part of which is located in the county, 23413
shall enter into an agreement with a corporation operating in 23414
the county and the host municipal corporation, under which: 23415

(1) (a) The corporation agrees to construct and operate a 23416
sports facility in the county and to pledge and contribute all 23417
or any part of the revenues derived from its operation, as 23418
specified in the agreement, for the purposes described in 23419
division (C) (1) of this section; and 23420

(b) The board agrees to levy county taxes and pledge and 23421
contribute any part or all of the revenues therefrom, as 23422
specified in the agreement, for the purposes described in 23423
division (C) (1) of this section; or 23424

(2) (a) The corporation agrees to operate a sports facility 23425
constructed by the county and to pledge and contribute all or 23426
any part of the revenues derived from its operation, as 23427
specified in the agreement, for the purposes described in 23428
division (C) (2) of this section; and 23429

(b) The board agrees to issue revenue bonds of the county, 23430
use the proceeds from the sale of the bonds to construct a 23431
sports facility in the county, and to levy county taxes and 23432
pledge and contribute all or any part of the revenues therefrom, 23433
as specified in the agreement, for the purposes described in 23434
division (C) (2) of this section; and, if applicable 23435

(3) The host municipal corporation agrees to expend the 23436
unused pledges and contributions and surplus revenues as 23437
described in divisions (C) (1) and (2) of this section for 23438
redevelopment and economic development purposes related to the 23439
sports facility. 23440

(C) (1) The primary purpose of the pledges and 23441
contributions described in division (B) (1) of this section is 23442
payment of debt service charges. To the extent the pledges and 23443
contributions are not used by the county or corporation for 23444
payment of debt service charges, the county or corporation, 23445
pursuant to the agreement provided for in division (B) of this 23446
section, shall provide the unused pledges and contributions, 23447
together with surplus revenues of the sports facility not needed 23448
for debt service charges or the operation and maintenance of the 23449
sports facility, to the host municipal corporation, or a 23450
nonprofit corporation, which may be the corporation acting on 23451
behalf of the host municipal corporation, for redevelopment and 23452
economic development purposes related to the sports facility. If 23453
the county taxes are also levied for the purpose of making 23454
permanent improvements, the agreement shall include a schedule 23455
of annual pledges and contributions by the county for the 23456
payment of debt service charges. The county's pledge and 23457
contribution provided for in the agreement shall be for the 23458
period stated in the agreement but not to exceed twenty years. 23459
The agreement shall provide that any such bonds and notes shall 23460
be secured by a trust agreement between the corporation or other 23461
bond issuer and a corporate trustee that is a trust company or 23462
bank having the powers of a trust company within or without the 23463
state, and the trust agreement shall pledge or assign to the 23464
retirement of the bonds or notes, all moneys paid by the county 23465
for that purpose under this section. A county tax, all or any 23466
part of the revenues from which are pledged under an agreement 23467
entered into by a board of county commissioners under this 23468
section shall not be subject to diminution by initiative or 23469
referendum, or diminution by statute, unless provision is made 23470
therein for an adequate substitute therefor reasonably 23471
satisfactory to the trustee under the trust agreement that 23472

secures the bonds and notes. 23473

(2) The primary purpose of the pledges and contributions 23474
described in division (B) (2) of this section is payment of debt 23475
service charges. To the extent the pledges and contributions are 23476
not used by the county for payment of debt service charges, the 23477
county or corporation, pursuant to the agreement provided for in 23478
division (B) of this section, shall provide the unused pledges 23479
and contributions, together with surplus revenues of the sports 23480
facility not needed for debt service charges or the operation 23481
and maintenance of the sports facility, to the host municipal 23482
corporation, or a nonprofit corporation, which may be the 23483
corporation, acting on behalf of the host municipal corporation, 23484
for redevelopment and economic development purposes related to 23485
the sports facility. The corporation's pledge and contribution 23486
provided for in the agreement shall be until all of the bonds 23487
issued for the construction of the facility have been retired. 23488

(D) A pledge of money by a county under this section shall 23489
not be indebtedness of the county for purposes of Chapter 133. 23490
of the Revised Code. 23491

(E) If the terms of the agreement so provide, the board of 23492
county commissioners may acquire, make site improvements to, 23493
including, but not limited to, demolition, excavation, and 23494
installation of footers, pilings, and foundations, and lease 23495
real property for the sports facility to a corporation that 23496
constructs a sports facility under division (B) (1) of this 23497
section. The agreement shall specify the term, which shall not 23498
exceed thirty years and shall be on such terms as are set forth 23499
in the agreement. The purchase, improvement, and lease may be 23500
the subject of an agreement between the county and a municipal 23501
corporation located within the county pursuant to section 153.61 23502

or 307.15 of the Revised Code, and are not subject to the 23503
limitations of sections 307.02 and 307.09 of the Revised Code. 23504

(F) The corporation shall not enter into any construction 23505
contract or contract for the purchase of services for use in 23506
connection with the construction of a sports facility prior to 23507
the corporation's adoption and implementation of a policy on the 23508
set aside of contracts for bidding by or award to minority 23509
business enterprises, as defined in division (E) (1) of section 23510
122.71 of the Revised Code. Sections 4115.03 to 4115.16 of the 23511
Revised Code apply to a sports facility constructed under this 23512
section. 23513

(G) Not more than one-half of the total costs, including 23514
debt service charges and cost of operation, of a project 23515
undertaken pursuant to an agreement entered into under division 23516
(B) of this section shall be paid from county taxes. Nothing in 23517
this section authorizes the use of revenues from county taxes or 23518
proceeds from the sale of bonds issued by the board of county 23519
commissioners for payment of costs of operation of a sports 23520
facility. 23521

(H) Division (G) of this section and the twenty-year 23522
limitation prescribed in division (C) (1) of this section do not 23523
apply in the case of taxes levied pursuant to division (E) of 23524
section 307.697 of the Revised Code, division (C) of section 23525
4301.421 of the Revised Code, division (D) of section 5743.024 23526
of the Revised Code, division (C) of section 5743.323 of the 23527
Revised Code, and sections 5743.511, 5743.521, 5743.621, and 23528
5743.631 of the Revised Code. Notwithstanding anything to the 23529
contrary in this section or any other section of the Revised 23530
Code, revenue from the taxes levied pursuant to those provisions 23531
shall be equally divided by the county among the sports 23532

facilities that exist within the boundaries of the county during 23533
the period that the taxes are levied. Unless documented by an 23534
agreement with the applicable owner of a sports facility, such 23535
division of revenue shall be made directly by the county 23536
treasurer by payment to the respective owners of the sports 23537
facilities. 23538

Sec. 307.697. (A) For the purpose of section 307.696 of 23539
the Revised Code and to pay any or all of the charge the board 23540
of elections makes against the county to hold the election on 23541
the question of levying the tax, or for those purposes and to 23542
provide revenues to the county for permanent improvements, the 23543
board of county commissioners of a county may levy a tax not to 23544
exceed three dollars on each gallon of spirituous liquor sold to 23545
or purchased by liquor permit holders for resale, and sold at 23546
retail by the state or pursuant to a transfer agreement entered 23547
into under Chapter 4313. of the Revised Code, in the county. The 23548
tax shall be levied on the number of gallons so sold. The tax 23549
may be levied for any number of years not exceeding twenty. 23550

The tax shall be levied pursuant to a resolution of the 23551
board of county commissioners approved by a majority of the 23552
electors in the county voting on the question of levying the 23553
tax, which resolution shall specify the rate of the tax, the 23554
number of years the tax will be levied, and the purposes for 23555
which the tax is levied. The election may be held on the date of 23556
a general or special election held not sooner than ninety days 23557
after the date the board certifies its resolution to the board 23558
of elections. If approved by the electors, the tax takes effect 23559
on the first day of the month specified in the resolution but 23560
not sooner than the first day of the month that is at least 23561
sixty days after the certification of the election results by 23562
the board of elections. A copy of the resolution levying the tax 23563

shall be certified to the division of liquor control at least 23564
 sixty days prior to the date on which the tax is to become 23565
 effective. 23566

(B) A resolution under this section may be joined on the 23567
 ballot as a single question with a resolution adopted under 23568
 section 4301.421 or 5743.024 of the Revised Code to levy a tax 23569
 for the same purposes, and for the purpose of paying the 23570
 expenses of administering that tax. 23571

(C) The form of the ballot in an election held pursuant to 23572
 this section or section 4301.421 or 5743.024 of the Revised Code 23573
 shall be as follows or in any other form acceptable to the 23574
 secretary of state: 23575

"For the purpose of paying not more than one-half of the 23576
 costs of providing a public sports facility together with 23577
 related redevelopment and economic development projects, shall 23578
 (an) excise tax(es) be levied by _____ county at the rate 23579
 of _____ (dollars on each gallon of spirituous liquor sold in 23580
 the county, cents per gallon on the sale of beer at wholesale in 23581
 the county, cents per gallon on the sale of wine and mixed 23582
 beverages at wholesale in the county, cents per gallon on the 23583
 sale of cider at wholesale in the county, or mills per cigarette 23584
 on the sale of cigarettes at wholesale in the county), for 23585
 _____ years? 23586

	Yes	
	No	"

For an election in which questions under this section or 23588
 section 4301.421 or 5743.024 of the Revised Code are joined as a 23589

single question, the form of the ballot shall be as above, 23590
except each of the proposed taxes shall be listed. 23591

(D) The board of county commissioners of a county in which 23592
a tax is imposed under this section on September 29, 2013, the 23593
effective date of the amendment of this section by H.B. 59 of 23594
the 130th general assembly, may levy a tax for the purpose of 23595
section 307.673 of the Revised Code regardless of whether or not 23596
the cooperative agreement authorized under that section has been 23597
entered into prior to the day the resolution adopted under 23598
division (D) (1) or (2) of this section is adopted, for the 23599
purpose of reimbursing a county for costs incurred in the 23600
construction of a sports facility pursuant to an agreement 23601
entered into by the county under section 307.696 of the Revised 23602
Code, or for the purpose of paying the costs of capital repairs 23603
of and improvements to a sports facility, or both. The tax shall 23604
be levied and approved in one of the manners prescribed by 23605
division (D) (1) or (2) of this section. 23606

(1) The tax may be levied pursuant to a resolution adopted 23607
by a majority of the members of the board of county 23608
commissioners not later than forty-five days after July 19, 23609
1995. A board of county commissioners approving a tax under 23610
division (D) (1) of this section may approve a tax under division 23611
(B) (1) of section 4301.421 or division (C) (1) of section 23612
5743.024 of the Revised Code at the same time. Subject to the 23613
resolution being submitted to a referendum under sections 305.31 23614
to 305.41 of the Revised Code, the resolution shall take effect 23615
immediately, but the tax levied pursuant to the resolution shall 23616
not be levied prior to the day following the last day that any 23617
tax previously levied pursuant to this division may be levied. 23618

(2) The tax may be levied pursuant to a resolution adopted 23619

by a majority of the members of the board of county 23620
commissioners not later than September 1, 2015, and approved by 23621
a majority of the electors of the county voting on the question 23622
of levying the tax. The board of county commissioners shall 23623
certify a copy of the resolution to the board of elections 23624
immediately upon adopting a resolution under division (D) (2) of 23625
this section. The election may be held on the date of a general 23626
or special election held not sooner than ninety days after the 23627
date the board certifies its resolution to the board of 23628
elections. The form of the ballot shall be as prescribed by 23629
division (C) of this section, except that the phrase "paying not 23630
more than one-half of the costs of providing a sports facility 23631
together with related redevelopment and economic development 23632
projects" shall be replaced by the phrase "paying the costs of 23633
constructing, renovating, improving, or repairing a sports 23634
facility and reimbursing a county for costs incurred by the 23635
county in the construction of a sports facility," and the phrase 23636
", beginning _____ (here insert the earliest date the tax 23637
would take effect)" shall be appended after "years." A board of 23638
county commissioners submitting the question of a tax under 23639
division (D) (2) of this section may submit the question of a tax 23640
under division (B) (2) of section 4301.421 or division (C) (2) of 23641
section 5743.024 of the Revised Code as a single question, and 23642
the form of the ballot shall include each of the proposed taxes. 23643

If approved by a majority of electors voting on the 23644
question, the tax shall take effect on the day specified on the 23645
ballot, which shall not be earlier than the day following the 23646
last day that any tax previously levied pursuant to this 23647
division may be levied. 23648

The rate of a tax levied pursuant to division (D) (1) or 23649
(2) of this section shall not exceed the rate specified in 23650

division (A) of this section. A tax levied pursuant to division 23651
(D) (1) or (2) of this section may be levied for any number of 23652
years not exceeding twenty. 23653

A board of county commissioners adopting a resolution 23654
under division (D) (1) or (2) of this section shall certify a 23655
copy of the resolution to the division of liquor control 23656
immediately upon adoption of the resolution. 23657

(E) The board of county commissioners of a county whose 23658
population is greater than one million one hundred thousand but 23659
less than one million three hundred thousand may levy a tax 23660
under this division for the purpose of section 307.673 of the 23661
Revised Code regardless of whether or not the cooperative 23662
agreement authorized under that section has been entered into 23663
prior to the day the resolution adopted under division (E) of 23664
this section is adopted, for the purpose of reimbursing a county 23665
for costs incurred in the construction of a sports facility 23666
pursuant to an agreement entered into by the county under 23667
section 307.696 of the Revised Code, or for the purpose of 23668
paying the costs of constructing, equipping, furnishing, 23669
maintaining, renovating, improving, or repairing a sports 23670
facility. The tax may be levied for any number of years or for a 23671
continuing period of time. 23672

The tax may be levied pursuant to a resolution adopted by 23673
the board of county commissioners and approved by a majority of 23674
the electors of the county voting on the question of levying the 23675
tax. The board of county commissioners shall certify a copy of 23676
the resolution to the board of elections immediately after its 23677
adoption. The election may be held on the date of a general or 23678
special election held not sooner than ninety days after the date 23679
the board certifies its resolution to the board of elections. 23680

The form of the ballot shall be as follows: 23681

"For the purpose of _____ (state the purpose or 23682
purposes), shall an excise tax be levied by _____ county at 23683
the rate of _____ dollars on each gallon of spirituous liquor 23684
sold in the county for _____ (number of years or a continuing 23685
period of time), the tax beginning on _____ (the earliest 23686
date the tax would take effect)? 23687

23688

	<u>Yes</u>
	<u>No</u>

A board of county commissioners submitting the question of 23689
a tax under division (E) of this section, may submit the 23690
question of a tax under section 5743.511, division (C) of 23691
section 4301.421, or division (D) of section 5743.024 of the 23692
Revised Code, or all, as a single question, provided that each 23693
tax is for the same purpose and period of time and the form of 23694
the ballot states the rate of each of the proposed taxes. 23695

If approved by a majority of electors voting on the 23696
question, the tax shall take effect on the date specified in the 23697
resolution but not sooner than the first day of the month that 23698
is at least sixty days after the certification of the election 23699
results by the board of elections. The tax levied under division 23700
(E) of this section may be approved and take effect before the 23701
expiration of the tax levied under division (D) of this section. 23702
The tax levied under division (E) of this section shall 23703
supersede and replace any tax levied under division (D) of this 23704
section, and the tax levied under division (D) of this section 23705
shall no longer be levied once the tax levied under division (E) 23706
of this section takes effect. 23707

The rate of a tax levied pursuant to division (E) of this 23708
section shall not exceed six dollars on each gallon of 23709
spirituous liquor sold to or purchased by liquor permit holders 23710
for resale, and sold at retail by the state or pursuant to a 23711
transfer agreement entered into under Chapter 4313. of the 23712
Revised Code, in the county. The tax shall be levied on the 23713
number of gallons so sold. 23714

A board of county commissioners adopting a resolution 23715
under division (E) of this section shall certify a copy of the 23716
resolution to the division of liquor control and to the tax 23717
commissioner immediately upon adoption of the resolution. 23718

(F) No tax shall be levied under division (A) of this 23719
section on or after September 23, 2008. This division does not 23720
apply to a tax levied under division (D) or (E) of this section, 23721
and does not prevent the collection of any tax levied under this 23722
section before September 23, 2008, so long as that tax remains 23723
effective. 23724

Sec. 307.86. Anything to be purchased, leased, leased with 23725
an option or agreement to purchase, or constructed, including, 23726
but not limited to, any product, structure, construction, 23727
reconstruction, improvement, maintenance, repair, or service, 23728
except the services of an accountant, architect, attorney at 23729
law, physician, professional engineer, construction project 23730
manager, consultant, surveyor, or appraiser, by or on behalf of 23731
the county or contracting authority, as defined in section 23732
307.92 of the Revised Code, at a cost in excess of the amount 23733
specified in section 9.17 of the Revised Code, except as 23734
otherwise provided in division (D) of section 713.23 and in 23735
sections 9.48, 125.04, 125.60 to 125.6012, 307.022, 307.041, 23736
307.861, 339.05, 340.036, ~~4115.31 to 4115.35~~, 5119.44, 5513.01, 23737

5543.19, 5713.01, and 6137.05 of the Revised Code, shall be 23738
obtained through competitive bidding. No purchase, lease, 23739
project, or other transaction subject to this section shall be 23740
divided into component parts, separate projects, or separate 23741
items of work in order to avoid the requirements of this 23742
section. However, competitive bidding is not required when any 23743
of the following applies: 23744

(A) The board of county commissioners, by a unanimous vote 23745
of its members, makes a determination that a real and present 23746
emergency exists, and that determination and the reasons for it 23747
are entered in the minutes of the proceedings of the board, when 23748
any of the following applies: 23749

(1) The estimated cost is less than one hundred twenty- 23750
five thousand dollars. 23751

(2) There is actual physical disaster to structures, radio 23752
communications equipment, or computers. 23753

(3) The product to be purchased is personal protective 23754
equipment and the purchase is completed during the period of the 23755
emergency declared by Executive Order 2020-01D, issued on March 23756
9, 2020. 23757

For purposes of this division: 23758

"Personal protective equipment" means equipment worn to 23759
minimize exposure to hazards that cause workplace injuries and 23760
illnesses. 23761

"Unanimous vote" means all three members of a board of 23762
county commissioners when all three members are present, or two 23763
members of the board if only two members, constituting a quorum, 23764
are present. 23765

Whenever a contract of purchase, lease, or construction is 23766
exempted from competitive bidding under division (A) (1) of this 23767
section because the estimated cost is less than one hundred 23768
twenty-five thousand dollars, but the estimated cost is the 23769
amount specified in section 9.17 of the Revised Code or more, 23770
the county or contracting authority shall solicit informal 23771
estimates from no fewer than three persons who could perform the 23772
contract, before awarding the contract. With regard to each such 23773
contract, the county or contracting authority shall maintain a 23774
record of such estimates, including the name of each person from 23775
whom an estimate is solicited. The county or contracting 23776
authority shall maintain the record for the longer of at least 23777
one year after the contract is awarded or the amount of time the 23778
federal government requires. 23779

(B) (1) The purchase consists of supplies or a replacement 23780
or supplemental part or parts for a product or equipment owned 23781
or leased by the county, and the only source of supply for the 23782
supplies, part, or parts is limited to a single supplier. 23783

(2) The purchase consists of services related to 23784
information technology, such as programming services, that are 23785
proprietary or limited to a single source. 23786

(C) The purchase is from the federal government, the 23787
state, another county or contracting authority of another 23788
county, or a board of education, educational service center, 23789
township, or municipal corporation. 23790

(D) The purchase is made by a county department of job and 23791
family services under section 329.04 of the Revised Code and 23792
consists of family services duties or workforce development 23793
activities or is made by a county board of developmental 23794
disabilities under section 5126.05 of the Revised Code and 23795

consists of program services, such as direct and ancillary 23796
client services, child care, case management services, 23797
residential services, and family resource services. 23798

(E) The purchase consists of criminal justice services, 23799
social services programs, family services, or workforce 23800
development activities by the board of county commissioners from 23801
nonprofit corporations or associations under programs funded by 23802
the federal government or by state grants. 23803

(F) The purchase consists of any form of an insurance 23804
policy or contract authorized to be issued under Title XXXIX of 23805
the Revised Code or any form of health care plan authorized to 23806
be issued under Chapter 1751. of the Revised Code, or any 23807
combination of such policies, contracts, plans, or services that 23808
the contracting authority is authorized to purchase, and the 23809
contracting authority does all of the following: 23810

(1) Determines that compliance with the requirements of 23811
this section would increase, rather than decrease, the cost of 23812
the purchase; 23813

(2) Requests issuers of the policies, contracts, plans, or 23814
services to submit proposals to the contracting authority, in a 23815
form prescribed by the contracting authority, setting forth the 23816
coverage and cost of the policies, contracts, plans, or services 23817
as the contracting authority desires to purchase; 23818

(3) Negotiates with the issuers for the purpose of 23819
purchasing the policies, contracts, plans, or services at the 23820
best and lowest price reasonably possible. 23821

(G) The purchase consists of computer hardware, software, 23822
or consulting services that are necessary to implement a 23823
computerized case management automation project administered by 23824

the Ohio prosecuting attorneys association and funded by a grant 23825
from the federal government. 23826

(H) Child care services are purchased for provision to 23827
county employees. 23828

(I) (1) Property, including land, buildings, and other real 23829
property, is leased for offices, storage, parking, or other 23830
purposes, and all of the following apply: 23831

(a) The contracting authority is authorized by the Revised 23832
Code to lease the property. 23833

(b) The contracting authority develops requests for 23834
proposals for leasing the property, specifying the criteria that 23835
will be considered prior to leasing the property, including the 23836
desired size and geographic location of the property. 23837

(c) The contracting authority receives responses from 23838
prospective lessors with property meeting the criteria specified 23839
in the requests for proposals by giving notice in a manner 23840
substantially similar to the procedures established for giving 23841
notice under section 307.87 of the Revised Code. 23842

(d) The contracting authority negotiates with the 23843
prospective lessors to obtain a lease at the best and lowest 23844
price reasonably possible considering the fair market value of 23845
the property and any relocation and operational costs that may 23846
be incurred during the period the lease is in effect. 23847

(2) The contracting authority may use the services of a 23848
real estate appraiser to obtain advice, consultations, or other 23849
recommendations regarding the lease of property under this 23850
division. 23851

(J) The purchase is made pursuant to section 5139.34 or 23852

sections 5139.41 to 5139.46 of the Revised Code and is of 23853
programs or services that provide case management, treatment, or 23854
prevention services to any felony or misdemeanor delinquent, 23855
unruly youth, or status offender under the supervision of the 23856
juvenile court, including, but not limited to, community 23857
residential care, day treatment, services to children in their 23858
home, or electronic monitoring. 23859

(K) The purchase is made by a public children services 23860
agency pursuant to section 307.92 or 5153.16 of the Revised Code 23861
and consists of family services, programs, or ancillary services 23862
that provide case management, prevention, or treatment services 23863
for children at risk of being or alleged to be abused, 23864
neglected, or dependent children. 23865

(L) The purchase is to obtain the services of emergency 23866
medical service organizations under a contract made by the board 23867
of county commissioners pursuant to section 307.05 of the 23868
Revised Code with a joint emergency medical services district. 23869

(M) The county contracting authority determines that the 23870
use of competitive sealed proposals would be advantageous to the 23871
county and the contracting authority complies with section 23872
307.862 of the Revised Code. 23873

(N) The purchase consists of used supplies and is made at 23874
a public auction. 23875

Any issuer of policies, contracts, plans, or services 23876
listed in division (F) of this section and any prospective 23877
lessor under division (I) of this section may have the issuer's 23878
or prospective lessor's name and address, or the name and 23879
address of an agent, placed on a special notification list to be 23880
kept by the contracting authority, by sending the contracting 23881

authority that name and address. The contracting authority shall 23882
send notice to all persons listed on the special notification 23883
list. Notices shall state the deadline and place for submitting 23884
proposals. The contracting authority shall mail the notices at 23885
least six weeks prior to the deadline set by the contracting 23886
authority for submitting proposals. Every five years the 23887
contracting authority may review this list and remove any person 23888
from the list after mailing the person notification of that 23889
action. 23890

Any contracting authority that negotiates a contract under 23891
division (F) of this section shall request proposals and 23892
negotiate with issuers in accordance with that division at least 23893
every three years from the date of the signing of such a 23894
contract, unless the parties agree upon terms for extensions or 23895
renewals of the contract. Such extension or renewal periods 23896
shall not exceed six years from the date the initial contract is 23897
signed. 23898

Any real estate appraiser employed pursuant to division 23899
(I) of this section shall disclose any fees or compensation 23900
received from any source in connection with that employment. 23901

As used in division (N) of this section, "supplies" means 23902
any personal property including equipment, materials, and other 23903
tangible assets. 23904

Sec. 307.985. Each board of county commissioners shall 23905
develop a written transportation work plan that establishes 23906
policies regarding the transportation needs of low income 23907
residents of the county seeking or striving to retain 23908
employment. In developing the transportation work plan, the 23909
board shall consult with all of the following: 23910

(A) The county department of job and family services;	23911
(B) If a regional transit authority created under section 306.32 of the Revised Code serves the county, the regional transit authority;	23912 23913 23914
(C) If a community action agency, as defined in section 122.66 <u>5101.311</u> of the Revised Code, serves the county, the community action agency;	23915 23916 23917
(D) As designated by the board of county commissioners, representatives of private non-profit <u>nonprofit</u> and government entities that work with issues related to economic development, employment, and persons with physical disabilities;	23918 23919 23920 23921
(E) Other individuals designated by the board of county commissioners.	23922 23923
Sec. 308.13. (A) The board of trustees of a regional airport authority or any officer or employee designated by such board may make without competitive bidding any contract for any purchase, lease, lease with option or agreement to purchase any property, or any construction contract for any work, the cost of which shall not exceed the amount specified in section 9.17 of the Revised Code. Any purchase, lease, lease with option or agreement to purchase, or construction contract in excess of the amount specified in section 9.17 of the Revised Code shall require that a notice calling for bids be published once a week for not less than two consecutive weeks preceding the day of the opening of the bids in a newspaper of general circulation within the territorial boundaries of the regional airport authority. The regional airport authority also may cause notice to be inserted in trade papers or other publications designated by it or to be distributed by electronic means, including posting the	23924 23925 23926 23927 23928 23929 23930 23931 23932 23933 23934 23935 23936 23937 23938 23939

notice on the internet site on the world wide web of the 23940
regional airport authority. If the contracting authority posts 23941
the notice on that internet web site, the requirement that a 23942
second notice be published in a newspaper of general circulation 23943
within the territorial boundaries of the regional airport 23944
authority does not apply provided the first notice published in 23945
that newspaper meets all of the following requirements: 23946

(1) It is published at least two weeks prior to the day of 23947
the opening of the bids. 23948

(2) It includes a statement that the notice is posted on 23949
the internet site on the world wide web of the regional airport 23950
authority. 23951

(3) It includes the internet address of the internet site 23952
on the world wide web of the regional airport authority. 23953

(4) It includes instructions describing how the notice may 23954
be accessed on the internet site on the world wide web of the 23955
regional airport authority. 23956

No purchase, lease, project, or other transaction subject 23957
to this section shall be divided into component parts, separate 23958
projects, or separate items of work in order to avoid the 23959
requirements of this section. 23960

If the bid is for a contract for the construction, 23961
demolition, alteration, repair, or reconstruction of an 23962
improvement, it shall meet the requirements of section 153.54 of 23963
the Revised Code. If the bid is for any other contract 23964
authorized by this section, it shall be accompanied by a good 23965
and approved bond with ample security conditioned on the 23966
carrying out of the contract as determined by the board. The 23967
board may let the contract to the lowest and best bidder. Such 23968

contract shall be in writing and shall be accompanied by or 23969
shall refer to plans and specifications for the work to be done, 23970
as approved by the board. The plans and specifications at all 23971
times shall be made and considered part of the contract. The 23972
contract shall be approved by the board and signed by its chief 23973
executive officer and by the contractor, and shall be executed 23974
in duplicate. 23975

(B) The competitive bidding procedures described in 23976
division (A) of this section do not apply in any of the 23977
following circumstances: 23978

(1) The board of trustees of a regional airport authority, 23979
by a majority vote of its members present at any meeting, 23980
determines that a real and present emergency exists under any of 23981
the following conditions, and the board enters its determination 23982
and the reasons for it in its proceedings: 23983

(a) Affecting safety, welfare, or the ability to deliver 23984
services; 23985

(b) Arising out of an interruption of contracts essential 23986
to the provision of daily air services and other services 23987
related to the airport; 23988

(c) Involving actual physical damage to structures, 23989
supplies, equipment, or property requiring immediate repair or 23990
replacement. 23991

(2) The purchase consists of goods or services, or any 23992
combination thereof, and after reasonable inquiry the board or 23993
any officer or designee of the board finds that only one source 23994
of supply is reasonably available. 23995

(3) The expenditure is for a renewal or renegotiation of a 23996
lease or license for telecommunications or informational 23997

technology equipment, services, or systems, or for the upgrade 23998
of such equipment, services, or systems, or for the maintenance 23999
thereof as supplied by the original source or its successors or 24000
assigns. 24001

(4) The purchase of goods or services is made from another 24002
political subdivision, public agency, public transit system, 24003
regional transit authority, the state, or the federal 24004
government, or as a third-party beneficiary under a state or 24005
federal procurement contract, or as a participant in a 24006
department of administrative services contract under division 24007
(B) of section 125.04 of the Revised Code or under an approved 24008
purchasing plan of this state. 24009

(5) The purchase substantially involves services of a 24010
personal, professional, highly technical, or scientific nature, 24011
including the services of an attorney, physician, engineer, 24012
architect, surveyor, appraiser, investigator, adjuster, 24013
advertising consultant, or licensed broker, or involves the 24014
special skills or proprietary knowledge required for the 24015
operation of the airport owned by the regional transit 24016
authority. 24017

(6) Services or supplies are available from a qualified 24018
nonprofit agency pursuant to sections ~~4115.31-125.60~~ to ~~4115.35-~~ 24019
125.6012 of the Revised Code. 24020

(7) The purchase consists of the product or services of a 24021
public utility. 24022

Sec. 311.14. Upon retiring from office, the sheriff shall 24023
pay over to ~~his~~ the sheriff's successor in office all moneys 24024
received by such sheriff and remaining in ~~his~~ the sheriff's 24025
hands. ~~He~~ The sheriff shall deliver to ~~his~~ the sheriff's 24026

successor all evidences of indebtedness and all books, blanks, 24027
and stationery belonging to ~~his~~ the sheriff's office. Each 24028
sheriff shall demand and receive such books and papers from ~~his~~ 24029
the sheriff's predecessor. Before leaving office, the sheriff 24030
shall prepare a certificate of transition for the successor 24031
sheriff in the form and substance prescribed by the auditor of 24032
state. The certificate shall contain an inventory of items 24033
delivered in accordance with this section, sections 311.13 and 24034
311.15 of the Revised Code, and other information prescribed by 24035
the auditor of state. Before prescribing the inventory of items, 24036
accounts, and other information to be contained in the 24037
certificate of transition, the auditor of state shall solicit 24038
input from county sheriffs. 24039

Sec. 317.20. (A) When, in the opinion of the board of 24040
county commissioners, sectional indexes are needed and it so 24041
directs, in addition to the indexes provided for in section 24042
317.18 of the Revised Code, the board may provide for making, in 24043
books prepared for that purpose, sectional indexes to the 24044
records of all real estate in the county beginning with some 24045
designated year and continuing through the period of years that 24046
the board specifies. The sectional indexes shall place under the 24047
heads of the original surveyed sections or surveys, parts of a 24048
section or survey, squares, subdivisions, permanent parcel 24049
numbers provided for under section 319.28 of the Revised Code, 24050
or lots, on the left-hand page or on the upper portion of that 24051
page of the index book, the name of the grantor, then the name 24052
of the grantee, then the number and page of the record in which 24053
the instrument is found recorded, then the character of the 24054
instrument, and then a pertinent description of the interest in 24055
property conveyed by the deed, lease, or assignment of lease, 24056
and shall place under similar headings on the right-hand page or 24057

on the lower portion of that page of the index book, beginning 24058
at the bottom, all the mortgages, liens, notices provided for in 24059
sections 5301.51, 5301.52, and 5301.56 of the Revised Code, or 24060
other encumbrances affecting the real estate. 24061

(B) The compensation for the services rendered under this 24062
section shall be paid from the general revenue fund of the 24063
county, and no additional levy shall be made in consequence of 24064
the services. 24065

(C) If the board of county commissioners decides to have 24066
sectional indexes made, it shall advertise for three consecutive 24067
weeks for sealed proposals to do the work provided for in this 24068
section, using at least one of the following methods: 24069

(1) In the print or digital edition of a newspaper of 24070
general circulation within the county; 24071

(2) On the official public notice web site established 24072
under section 125.182 of the Revised Code; 24073

(3) On the web site and social media account of the 24074
county. 24075

The board shall contract with the lowest and best bidder, 24076
and shall require the successful bidder to give a bond for the 24077
faithful performance of the contract in the sum that the board 24078
fixes. ~~The work shall be done to the acceptance of the auditor~~ 24079
~~of state upon allowance by the board.~~ The board may reject any 24080
and all bids for the work, provided that no more than five cents 24081
shall be paid for each entry of each tract or lot of land. 24082

(D) When the sectional indexes are brought up and 24083
completed, the county recorder shall maintain the indexes and 24084
comply with division (E) of this section in connection with 24085
registered land. 24086

(E) (1) As used in division (E) of this section, "housing accommodations" and "restrictive covenant" have the same meanings as in section 4112.01 of the Revised Code.

(2) In connection with any transfer of registered land that occurs on and after March 30, 1999, in accordance with Chapters 5309. and 5310. of the Revised Code, the county recorder shall delete from the sectional indexes maintained under this section all references to any restrictive covenant that appears to apply to the transferred registered land, if any inclusion of the restrictive covenant in a transfer, rental, or lease of housing accommodations, any honoring or exercising of the restrictive covenant, or any attempt to honor or exercise the restrictive covenant constitutes an unlawful discriminatory practice under division (H) (9) of section 4112.02 of the Revised Code.

Sec. 319.04. (A) Each county auditor who is elected to a full term of office shall attend and successfully complete at least sixteen hours of continuing education courses during the first year of the auditor's term of office, and complete at least another eight hours of such courses by the end of that term. Each such county auditor shall include at least two hours of ethics and substance-abuse training in the total twenty-four hours of required courses. To be counted toward the twenty-four hours required by this section, a course must be approved by the county auditors association of Ohio. Any county auditor who teaches an approved course shall be entitled to credit for the course in the same manner as if the county auditor had attended the course.

That association shall record and, upon request, verify the completion of required course work for each county auditor,

and issue a statement to each county auditor of the number of 24117
hours of continuing education the county auditor has 24118
successfully completed. Each year the association shall send a 24119
list of the continuing education courses, and the number of 24120
hours each county auditor has successfully completed, to the 24121
auditor of state and the tax commissioner, and shall provide a 24122
copy of this list to any other individual who requests it. 24123

~~The auditor of state shall issue a certificate of 24124
completion to each county auditor who completes the continuing- 24125
education courses required by this section. The auditor of state 24126
association shall issue a "notice of "failure to complete" to 24127
any county auditor required to complete continuing education 24128
courses under this section who fails to successfully complete at 24129
least sixteen hours of continuing education courses during the 24130
first year of the county auditor's term of office or to complete 24131
a total of at least twenty-four hours of such courses by the end 24132
of that term. This notice is for informational purposes only and 24133
does not affect any individual's ability to hold the office of 24134
county auditor. 24135~~

The county auditor shall retain the documentation of any 24136
initial or continuing education courses completed. The auditor 24137
of state shall audit for compliance with this section. 24138

(B) Each board of county commissioners shall approve, from 24139
money appropriated to the county auditor, a reasonable amount 24140
requested by the county auditor of its county to cover the costs 24141
the county auditor must incur to meet the requirements of 24142
division (A) of this section, including registration fees, 24143
lodging and meal expenses, and travel expenses. 24144

Sec. 319.202. Before the county auditor indorses any real 24145
property conveyance or manufactured or mobile home conveyance 24146

presented to the auditor pursuant to section 319.20 of the Revised Code or registers any manufactured or mobile home conveyance pursuant to section 4503.061 of the Revised Code, the grantee or the grantee's representative shall submit, either electronically or three written copies of, a statement, in the form prescribed by the tax commissioner, and other information as the county auditor may require, declaring the value of real property or manufactured or mobile home conveyed, except that when the transfer is exempt under division (G) (3) of section 319.54 of the Revised Code only a statement of the reason for the exemption shall be required. Each statement submitted under this section shall contain the information required under divisions (A) ~~and~~, (B), and (C) of this section.

(A) Each statement submitted under this section shall include or otherwise be accompanied by a statement advising the grantee of the eligibility requirements for the reduction in taxes authorized under division (B) of section 323.152 of the Revised Code and of the duty imposed by division (C) (1) of section 323.153 of the Revised Code on the grantee to notify the county auditor if the grantee no longer qualifies for the reduction.

(B) Each statement submitted under this section shall either:

(1) Contain an affirmation by the grantee that the grantor has been asked by the grantee or the grantee's representative whether to the best of the grantor's knowledge either the preceding or the current year's taxes on the real property or the current or following year's taxes on the manufactured or mobile home conveyed will be reduced under division (A) of section 323.152 or under section 4503.065 of the Revised Code

and that the grantor indicated that to the best of the grantor's knowledge the taxes will not be so reduced; or

(2) Be accompanied by a sworn or affirmed instrument stating:

(a) To the best of the grantor's knowledge the real property or the manufactured or mobile home that is the subject of the conveyance is eligible for and will receive a reduction in taxes for or payable in the current year under division (A) of section 323.152 or under section 4503.065 of the Revised Code and that the reduction or reductions will be reflected in the grantee's taxes;

(b) The estimated amount of such reductions that will be reflected in the grantee's taxes;

(c) That the grantor and the grantee have considered and accounted for the total estimated amount of such reductions to the satisfaction of both the grantee and the grantor. The auditor shall indorse the instrument, return it to the grantee or the grantee's representative, and provide a copy of the indorsed instrument to the grantor or the grantor's representative.

~~(B)~~ (C) Each statement submitted under this section shall either:

(1) Contain an affirmation by the grantee that the grantor has been asked by the grantee or the grantee's representative whether to the best of the grantor's knowledge the real property conveyed qualified for the current agricultural use valuation under section 5713.30 of the Revised Code either for the preceding or the current year and that the grantor indicated that to the best of the grantor's knowledge the property

conveyed was not so qualified; or 24206

(2) Be accompanied by a sworn or affirmed instrument 24207
stating: 24208

(a) To the best of the grantor's knowledge the real 24209
property conveyed was qualified for the current agricultural use 24210
valuation under section 5713.30 of the Revised Code either for 24211
the preceding or the current year; 24212

(b) To the extent that the property will not continue to 24213
qualify for the current agricultural use valuation either for 24214
the current or the succeeding year, that the property will be 24215
subject to a recoupment charge equal to the tax savings in 24216
accordance with section 5713.34 of the Revised Code; 24217

(c) That the grantor and the grantee have considered and 24218
accounted for the total estimated amount of such recoupment, if 24219
any, to the satisfaction of both the grantee and the grantor. 24220
The auditor shall indorse the instrument, forward it to the 24221
grantee or the grantee's representative, and provide a copy of 24222
the indorsed instrument to the grantor or the grantor's 24223
representative. 24224

~~(C)~~(D) The grantor shall pay the fee required by division 24225
(G) (3) of section 319.54 of the Revised Code; and, in the event 24226
the board of county commissioners of the county has levied a 24227
real property or a manufactured home transfer tax pursuant to 24228
Chapter 322. of the Revised Code, the amount required by the 24229
real property or manufactured home transfer tax so levied. If 24230
the conveyance is exempt from the fee provided for in division 24231
(G) (3) of section 319.54 of the Revised Code and the tax, if 24232
any, levied pursuant to Chapter 322. of the Revised Code, the 24233
reason for such exemption shall be shown on the statement. 24234

"Value" means, in the case of any deed or certificate of title 24235
not a gift in whole or part, the amount of the full 24236
consideration therefor, paid or to be paid for the real estate 24237
or manufactured or mobile home described in the deed or title, 24238
including the amount of any mortgage or vendor's lien thereon. 24239
If property sold under a land installment contract is conveyed 24240
by the seller under such contract to a third party and the 24241
contract has been of record at least twelve months prior to the 24242
date of conveyance, "value" means the unpaid balance owed to the 24243
seller under the contract at the time of the conveyance, but the 24244
statement shall set forth the amount paid under such contract 24245
prior to the date of conveyance. In the case of a gift in whole 24246
or part, "value" means the estimated price the real estate or 24247
manufactured or mobile home described in the deed or certificate 24248
of title would bring in the open market and under the then 24249
existing and prevailing market conditions in a sale between a 24250
willing seller and a willing buyer, both conversant with the 24251
property and with prevailing general price levels. No person 24252
shall willfully falsify the value of property conveyed. 24253

~~(D)~~ (E) The auditor shall indorse each conveyance on its 24254
face to indicate the amount of the conveyance fee and compliance 24255
with this section and if the property is residential rental 24256
property include a statement that the grantee shall file with 24257
the county auditor the information required under division (A) 24258
or (C) of section 5323.02 of the Revised Code. The auditor shall 24259
retain the original copy of the statement of value, forward to 24260
the tax commissioner one copy on which shall be noted the most 24261
recent assessed value of the property, and furnish one copy to 24262
the grantee or the grantee's representative. 24263

~~(E)~~ (F) In order to achieve uniform administration and 24264
collection of the transfer fee required by division (G) (3) of 24265

section 319.54 of the Revised Code, the tax commissioner shall 24266
adopt and promulgate rules for the administration and 24267
enforcement of the levy and collection of such fee. 24268

~~(F)~~(G) As used in this section, "residential rental 24269
property" has the same meaning as in section 5323.01 of the 24270
Revised Code. 24271

Sec. 319.301. (A) The reductions required by division (D) 24272
of this section do not apply to any of the following: 24273

(1) Taxes levied at whatever rate is required to produce a 24274
specified amount of tax money, including a tax levied under 24275
section 5705.199 or 5748.09 of the Revised Code, or an amount to 24276
pay debt charges; 24277

(2) Taxes levied within the one per cent limitation 24278
imposed by Section 2 of Article XII, Ohio Constitution; 24279

(3) Taxes provided for by the charter of a municipal 24280
corporation. 24281

(B) As used in this section: 24282

(1) "Real property" includes real property owned by a 24283
railroad. 24284

(2) "Carryover property" means all real property on the 24285
current year's tax list except: 24286

(a) Land and improvements that were not taxed by the 24287
district in both the preceding year and the current year; 24288

(b) Land and improvements that were not in the same class 24289
in both the preceding year and the current year. 24290

(3) "Effective tax rate" means with respect to each class 24291
of property: 24292

(a) The sum of the total taxes that would have been	24293
charged and payable for current expenses against real property	24294
in that class if each of the district's taxes were reduced for	24295
the current year under division (D) (1) of this section without	24296
regard to the application of division (E) (3) of this section	24297
divided by	24298
(b) The taxable value of all real property in that class.	24299
(4) "Taxes charged and payable" means the taxes charged	24300
and payable prior to any reduction required by section 319.302	24301
of the Revised Code.	24302
(C) The tax commissioner shall make the determinations	24303
required by this section each year, without regard to whether a	24304
taxing district has territory in a county to which section	24305
5715.24 of the Revised Code applies for that year. Separate	24306
determinations shall be made for each of the two classes	24307
established pursuant to section 5713.041 of the Revised Code.	24308
(D) With respect to each tax authorized to be levied by	24309
each taxing district, the tax commissioner, annually, shall do	24310
both of the following:	24311
(1) Determine by what percentage, if any, the sums levied	24312
by such tax against the carryover property in each class would	24313
have to be reduced for the tax to levy the same number of	24314
dollars against such property in that class in the current year	24315
as were charged against such property by such tax in the	24316
preceding year subsequent to the reduction made under this	24317
section but before the reduction made under section 319.302 of	24318
the Revised Code. In the case of a tax levied for the first time	24319
that is not a renewal of an existing tax, the commissioner shall	24320
determine by what percentage the sums that would otherwise be	24321

levied by such tax against carryover property in each class 24322
would have to be reduced to equal the amount that would have 24323
been levied if the full rate thereof had been imposed against 24324
the total taxable value of such property in the preceding tax 24325
year. ~~A tax or portion of a tax that is designated a replacement 24326~~
~~levy under section 5705.192 of the Revised Code is not a renewal 24327~~
~~of an existing tax for purposes of this division. 24328~~

(2) Certify each percentage determined in division (D) (1) 24329
of this section, as adjusted under division (E) of this section, 24330
and the class of property to which that percentage applies to 24331
the auditor of each county in which the district has territory. 24332
The auditor, after complying with section 319.30 of the Revised 24333
Code, shall reduce the sum to be levied by such tax against each 24334
parcel of real property in the district by the percentage so 24335
certified for its class. Certification shall be made by the 24336
first day of September except in the case of a tax levied for 24337
the first time, in which case certification shall be made within 24338
fifteen days of the date the county auditor submits the 24339
information necessary to make the required determination. 24340

(E) (1) As used in division (E) (2) of this section, "pre- 24341
1982 joint vocational taxes" means, with respect to a class of 24342
property, the difference between the following amounts: 24343

(a) The taxes charged and payable in tax year 1981 against 24344
the property in that class for the current expenses of the joint 24345
vocational school district of which the school district is a 24346
part after making all reductions under this section; 24347

(b) Two-tenths of one per cent of the taxable value of all 24348
real property in that class. 24349

If the amount in division (E) (1) (b) of this section 24350

exceeds the amount in division (E) (1) (a) of this section, the 24351
pre-1982 joint vocational taxes shall be zero. 24352

As used in divisions (E) (2) and (3) of this section, 24353
"taxes charged and payable" has the same meaning as in division 24354
(B) (4) of this section and excludes any tax charged and payable 24355
in 1985 or thereafter under ~~sections 5705.194 to 5705.197 or~~ 24356
section ~~5705.199,~~ 5705.213, 5705.219, or 5748.09 of the Revised 24357
Code. 24358

(2) If in the case of a school district other than a joint 24359
vocational or cooperative education school district any 24360
percentage required to be used in division (D) (2) of this 24361
section for either class of property could cause the total taxes 24362
charged and payable for current expenses to be less than two per 24363
cent of the taxable value of all real property in that class 24364
that is subject to taxation by the district, the commissioner 24365
shall determine what percentages would cause the district's 24366
total taxes charged and payable for current expenses against 24367
that class, after all reductions that would otherwise be made 24368
under this section, to equal, when combined with the pre-1982 24369
joint vocational taxes against that class, the lesser of the 24370
following: 24371

(a) The sum of the rates at which those taxes are 24372
authorized to be levied; 24373

(b) Two per cent of the taxable value of the property in 24374
that class. The auditor shall use such percentages in making the 24375
reduction required by this section for that class. 24376

(3) If in the case of a joint vocational school district 24377
any percentage required to be used in division (D) (2) of this 24378
section for either class of property could cause the total taxes 24379

charged and payable for current expenses for that class to be 24380
less than two-tenths of one per cent of the taxable value of 24381
that class, the commissioner shall determine what percentages 24382
would cause the district's total taxes charged and payable for 24383
current expenses for that class, after all reductions that would 24384
otherwise be made under this section, to equal that amount. The 24385
auditor shall use such percentages in making the reductions 24386
required by this section for that class. 24387

(F) No reduction shall be made under this section in the 24388
rate at which any tax is levied. 24389

(G) The commissioner may order a county auditor to furnish 24390
any information the commissioner needs to make the 24391
determinations required under division (D) or (E) of this 24392
section, and the auditor shall supply the information in the 24393
form and by the date specified in the order. If the auditor 24394
fails to comply with an order issued under this division, except 24395
for good cause as determined by the commissioner, the 24396
commissioner shall withhold from such county or taxing district 24397
therein fifty per cent of state revenues to local governments 24398
pursuant to section 5747.50 of the Revised Code or shall direct 24399
the department of education and workforce to withhold therefrom 24400
fifty per cent of state revenues to school districts pursuant to 24401
Chapter 3317. of the Revised Code. The commissioner shall 24402
withhold the distribution of such revenues until the county 24403
auditor has complied with this division, and the department 24404
shall withhold the distribution of such revenues until the 24405
commissioner has notified the department that the county auditor 24406
has complied with this division. 24407

(H) If the commissioner is unable to certify a tax 24408
reduction factor for either class of property in a taxing 24409

district located in more than one county by the last day of 24410
November because information required under division (G) of this 24411
section is unavailable, the commissioner may compute and certify 24412
an estimated tax reduction factor for that district for that 24413
class. The estimated factor shall be based upon an estimate of 24414
the unavailable information. Upon receipt of the actual 24415
information for a taxing district that received an estimated tax 24416
reduction factor, the commissioner shall compute the actual tax 24417
reduction factor and use that factor to compute the taxes that 24418
should have been charged and payable against each parcel of 24419
property for the year for which the estimated reduction factor 24420
was used. The amount by which the estimated factor resulted in 24421
an overpayment or underpayment in taxes on any parcel shall be 24422
added to or subtracted from the amount due on that parcel in the 24423
ensuing tax year. 24424

A percentage or a tax reduction factor determined or 24425
computed by the commissioner under this section shall be used 24426
solely for the purpose of reducing the sums to be levied by the 24427
tax to which it applies for the year for which it was determined 24428
or computed. It shall not be used in making any tax computations 24429
for any ensuing tax year. 24430

(I) In making the determinations under division (D) (1) of 24431
this section, the tax commissioner shall take account of changes 24432
in the taxable value of carryover property resulting from 24433
complaints filed under section 5715.19 of the Revised Code for 24434
determinations made for the tax year in which such changes are 24435
reported to the commissioner. Such changes shall be reported to 24436
the commissioner on the first abstract of real property filed 24437
with the commissioner under section 5715.23 of the Revised Code 24438
following the date on which the complaint is finally determined 24439
by the board of revision or by a court or other authority with 24440

jurisdiction on appeal. The tax commissioner shall account for 24441
such changes in making the determinations only for the tax year 24442
in which the change in valuation is reported. Such a valuation 24443
change shall not be used to recompute the percentages determined 24444
under division (D) (1) of this section for any prior tax year. 24445

Sec. 319.302. (A) (1) Real property that is not intended 24446
primarily for use in a business activity shall qualify for a 24447
partial exemption from real property taxation. For purposes of 24448
this partial exemption, "business activity" includes all uses of 24449
real property, except farming; leasing property for farming; 24450
occupying or holding property improved with single-family, two- 24451
family, or three-family dwellings; leasing property improved 24452
with single-family, two-family, or three-family dwellings; or 24453
holding vacant land that the county auditor determines will be 24454
used for farming or to develop single-family, two-family, or 24455
three-family dwellings. For purposes of this partial exemption, 24456
"farming" does not include land used for the commercial 24457
production of timber that is receiving the tax benefit under 24458
section 5713.23 or 5713.31 of the Revised Code and all 24459
improvements connected with such commercial production of 24460
timber. 24461

(2) Each year, the county auditor shall review each parcel 24462
of real property to determine whether it qualifies for the 24463
partial exemption provided for by this section as of the first 24464
day of January of the current tax year. 24465

(B) After complying with section 319.301 of the Revised 24466
Code, the county auditor shall reduce the remaining sums to be 24467
levied by qualifying levies against each parcel of real property 24468
that is listed on the general tax list and duplicate of real and 24469
public utility property for the current tax year and that 24470

qualifies for partial exemption under division (A) of this 24471
section, and against each manufactured and mobile home that is 24472
taxed pursuant to division (D)(2) of section 4503.06 of the 24473
Revised Code and that is on the manufactured home tax list for 24474
the current tax year, by ten per cent, to provide a partial 24475
exemption for that parcel or home. For the purposes of this 24476
division: 24477

(1) "Qualifying levy" means a levy approved at an election 24478
held before September 29, 2013; a levy within the ten-mill 24479
limitation; a levy provided for by the charter of a municipal 24480
corporation that was levied on the tax list for tax year 2013; a 24481
subsequent renewal of any such levy; or a subsequent substitute 24482
for such a levy under section 5705.199 of the Revised Code. 24483

(2) "Qualifying levy" does not include any replacement 24484
imposed under section 5705.192 of the Revised Code, as it 24485
existed before the effective date of this amendment, of any levy 24486
described in division (B)(1) of this section. 24487

(C) Except as otherwise provided in sections 323.152, 24488
323.158, 323.16, 505.06, and 715.263 of the Revised Code, the 24489
amount of the taxes remaining after any such reduction shall be 24490
the real and public utility property taxes charged and payable 24491
on each parcel of real property, including property that does 24492
not qualify for partial exemption under division (A) of this 24493
section, and the manufactured home tax charged and payable on 24494
each manufactured or mobile home, and shall be the amounts 24495
certified to the county treasurer for collection. Upon receipt 24496
of the real and public utility property tax duplicate, the 24497
treasurer shall certify to the tax commissioner the total amount 24498
by which the real property taxes were reduced under this 24499
section, as shown on the duplicate. Such reduction shall not 24500

directly or indirectly affect the determination of the principal 24501
amount of notes that may be issued in anticipation of any tax 24502
levies or the amount of bonds or notes for any planned 24503
improvements. If after application of sections 5705.31 and 24504
5705.32 of the Revised Code and other applicable provisions of 24505
law, including divisions (F) and (I) of section 321.24 of the 24506
Revised Code, there would be insufficient funds for payment of 24507
debt charges on bonds or notes payable from taxes reduced by 24508
this section, the reduction of taxes provided for in this 24509
section shall be adjusted to the extent necessary to provide 24510
funds from such taxes. 24511

(D) The tax commissioner may adopt rules governing the 24512
administration of the partial exemption provided for by this 24513
section. 24514

(E) The determination of whether property qualifies for 24515
partial exemption under division (A) of this section is solely 24516
for the purpose of allowing the partial exemption under division 24517
(B) of this section. 24518

Sec. 321.03. (A) At the request of the county treasurer, a 24519
board of county commissioners may enter into a contract with any 24520
financial institution under which the financial institution, in 24521
accordance with the terms of the contract, receives at a post 24522
office box any type of payment or fee owed or payable to the 24523
county, opens the mail delivered to that box, processes the 24524
checks and other payments received in such mail and deposits 24525
them into the treasurer's account, and provides the county 24526
treasurer daily receipt information with respect to such 24527
payments. The contract may provide for the financial institution 24528
to receive at the post office box those payments and fees 24529
specifically named in the contract or all payments and fees 24530

payable to the county, including, but not limited to, utility, 24531
sewer, water, refuse collection, waste disposal, and airport 24532
fees, but in any case excluding taxes. The contract shall not be 24533
entered into unless: 24534

~~(A) There is attached to the contract a certification by~~ 24535
~~the auditor of state that the financial institution and the~~ 24536
~~treasurer have given assurances satisfactory to the auditor of~~ 24537
~~state that the records of the financial institution, to the~~ 24538
~~extent that they relate to payments covered by the contract,~~ 24539
~~shall be subject to examination by the auditor of state to the~~ 24540
~~same extent as if the services that the financial institution~~ 24541
~~has agreed to perform were being performed by the treasurer.~~ 24542

~~(B)~~ (1) The contract is awarded in accordance with sections 24543
307.86 to 307.92 of the Revised Code. 24544

~~(C)~~ (2) The treasurer's surety bond includes within its 24545
coverage any loss that might occur as the result of the 24546
contract. 24547

~~(D)~~ (3) The provisions of the contract do not conflict with 24548
accounting and reporting requirements prescribed by the auditor 24549
of state. 24550

(B) The records of the financial institution are subject 24551
to examination by the auditor of state to the same extent as if 24552
the services that the financial institution has agreed to 24553
perform were being performed by the treasurer. 24554

Sec. 323.131. (A) Each tax bill prepared and mailed or 24555
delivered under section 323.13 of the Revised Code shall be in 24556
the form and contain the information required by the tax 24557
commissioner. The commissioner may prescribe different forms for 24558
each county and may authorize the county auditor to make up tax 24559

bills and tax receipts to be used by the county treasurer. For 24560
any county in which the board of county commissioners has 24561
granted a partial property tax exemption on homesteads under 24562
section 323.158 of the Revised Code, the commissioner shall 24563
require that the tax bills for those homesteads include a notice 24564
of the amount of the tax reduction that results from the partial 24565
exemption. In addition to the information required by the 24566
commissioner, each tax bill shall contain the following 24567
information: 24568

(1) The taxes levied and the taxes charged and payable 24569
against the property; 24570

(2) The effective tax rate. The words "effective tax rate" 24571
shall appear in boldface type. 24572

(3) The following notices: 24573

(a) "Notice: If the taxes are not paid within sixty days 24574
from the date they are certified delinquent, the property is 24575
subject to foreclosure for tax delinquency." Failure to provide 24576
such notice has no effect upon the validity of any tax 24577
foreclosure to which a property is subjected. 24578

(b) "Notice: If the taxes charged against this parcel have 24579
been reduced by the 2-1/2 per cent tax reduction for residences 24580
occupied by the owner but the property is not a residence 24581
occupied by the owner, the owner must notify the county 24582
auditor's office not later than March 31 of the year following 24583
the year for which the taxes are due. Failure to do so may 24584
result in the owner being convicted of a fourth degree 24585
misdemeanor, which is punishable by imprisonment up to 30 days, 24586
a fine up to \$250, or both, and in the owner having to repay the 24587
amount by which the taxes were erroneously or illegally reduced, 24588

plus any interest that may apply. 24589

If the taxes charged against this parcel have not been 24590
reduced by the 2-1/2 per cent tax reduction and the parcel 24591
includes a residence occupied by the owner, the parcel may 24592
qualify for the tax reduction. To obtain an application for the 24593
tax reduction or further information, the owner may contact the 24594
county auditor's office at _____ (insert the address and 24595
telephone number of the county auditor's office). 24596

(4) For a tract or lot on the real property tax suspension 24597
list under section 319.48 of the Revised Code, the following 24598
notice: "Notice: The taxes shown due on this bill are for the 24599
current year only. Delinquent taxes, penalties, and interest 24600
also are due on this property. Contact the county treasurer to 24601
learn the total amount due." 24602

(5) For a property, the tax liability of which has been 24603
reduced under section 5705.316 of the Revised Code for the 24604
current tax year, the following notice: "Notice: The school 24605
district taxes shown due on this bill are reduced only for the 24606
current year due to the school district's excess carry-over 24607
balance." 24608

The tax bill shall not contain or be mailed or delivered 24609
with any information or material that is not required by this 24610
section or that is not authorized by section 321.45 of the 24611
Revised Code or by the tax commissioner. 24612

(B) If the property is residential rental property, the 24613
tax bill shall contain a statement that the owner of the 24614
residential rental property shall file with the county auditor 24615
the information required under division (A) or (C) of section 24616
5323.02 of the Revised Code. 24617

(C) Each county auditor and treasurer shall post on their respective web sites, or on the county's web site, the percentage of property taxes charged by each taxing unit and, in the case of the county as a taxing unit, the percentage of taxes charged by the county for each of the county purposes for which taxes are charged.

(D) As used in this section, "residential rental property" has the same meaning as in section 5323.01 of the Revised Code.

Sec. 323.152. In addition to the reduction in taxes required under section 319.302 of the Revised Code, taxes shall be reduced as provided in divisions (A) and (B) of this section.

(A) (1) (a) Division (A) (1) of this section applies to any of the following persons:

(i) A person who is permanently and totally disabled;

(ii) A person who is sixty-five years of age or older;

(iii) A person who is the surviving spouse of a deceased person who was permanently and totally disabled or sixty-five years of age or older and who applied and qualified for a reduction in taxes under this division in the year of death, provided the surviving spouse is at least fifty-nine but not sixty-five or more years of age on the date the deceased spouse dies.

(b) Real property taxes on a homestead owned and occupied, or a homestead in a housing cooperative occupied, by a person to whom division (A) (1) of this section applies shall be reduced for each year for which an application for the reduction has been approved. The reduction shall equal one of the following amounts, as applicable to the person:

(i) If the person received a reduction under division (A)	24646
(1) of this section for tax year 2006, the greater of the	24647
reduction for that tax year or the amount computed under	24648
division (A) (1) (c) of this section;	24649
(ii) If the person received, for any homestead, a	24650
reduction under division (A) (1) of this section for tax year	24651
2013 or under division (A) of section 4503.065 of the Revised	24652
Code for tax year 2014 or the person is the surviving spouse of	24653
such a person and the surviving spouse is at least fifty-nine	24654
years of age on the date the deceased spouse dies, the amount	24655
computed under division (A) (1) (c) of this section.	24656
(iii) If the person is not described in division (A) (1) (b)	24657
(i) or (ii) of this section and the person's total income does	24658
not exceed thirty-four <u>thirty-two</u> thousand <u>five hundred</u> dollars, as	24659
adjusted under division (A) (1) (d) of this section, the amount	24660
computed under division (A) (1) (c) of this section.	24661
(c) The amount of the reduction under division (A) (1) (c)	24662
of this section equals the product of the following:	24663
(i) Twenty-five <u>Thirty-two</u> thousand dollars of the true	24664
value of the property in money, as adjusted under division (A)	24665
(1) (d) of this section;	24666
(ii) The assessment percentage established by the tax	24667
commissioner under division (B) of section 5715.01 of the	24668
Revised Code, not to exceed thirty-five per cent;	24669
(iii) The effective tax rate used to calculate the taxes	24670
charged against the property for the current year, where	24671
"effective tax rate" is defined as in section 323.08 of the	24672
Revised Code;	24673
(iv) The quantity equal to one minus the sum of the	24674

percentage reductions in taxes received by the property for the 24675
current tax year under section 319.302 of the Revised Code and 24676
division (B) of section 323.152 of the Revised Code. 24677

(d) The tax commissioner shall adjust the total income 24678
threshold described in division (A)(1)(b)(iii) and the reduction 24679
amounts described in divisions (A)(1)(c)(i), (A)(2), and (A)(3) 24680
of this section by completing the following calculations in 24681
September of each year: 24682

(i) Determine the percentage increase in the gross 24683
domestic product deflator determined by the bureau of economic 24684
analysis of the United States department of commerce from the 24685
first day of January of the preceding calendar year to the last 24686
day of December of the preceding calendar year; 24687

(ii) Multiply that percentage increase by the total income 24688
threshold or reduction amount for the current tax year, as 24689
applicable; 24690

(iii) Add the resulting product to the total income 24691
threshold or the reduction amount, as applicable, for the 24692
current tax year; 24693

(iv) Round the resulting sum to the nearest multiple of 24694
one hundred dollars. 24695

The commissioner shall certify the amount resulting from 24696
each adjustment to each county auditor not later than the first 24697
day of December each year. The certified total income threshold 24698
amount applies to the following tax year for persons described 24699
in division (A)(1)(b)(iii) of this section. The certified 24700
reduction amount applies to the following tax year. The 24701
commissioner shall not make the applicable adjustment in any 24702
calendar year in which the amount resulting from the adjustment 24703

would be less than the total income threshold or the reduction amount for the current tax year. 24704
24705

(2) (a) Real property taxes on a homestead owned and occupied, or a homestead in a housing cooperative occupied, by a disabled veteran shall be reduced for each year for which an application for the reduction has been approved. The reduction shall equal the product obtained by multiplying ~~fifty~~fifty-nine thousand dollars of the true value of the property in money, as adjusted under division (A) (1) (d) of this section, by the amounts described in divisions (A) (1) (c) (ii) to (iv) of this section. The reduction is in lieu of any reduction under section 323.158 of the Revised Code or division (A) (1), (2) (b), or (3) of this section. The reduction applies to only one homestead owned and occupied by a disabled veteran. 24706
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(b) Real property taxes on a homestead owned and occupied, or a homestead in a housing cooperative occupied, by the surviving spouse of a disabled veteran shall be reduced for each year an application for exemption is approved. The reduction shall equal to the amount of the reduction authorized under division (A) (2) (a) of this section. 24718
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The reduction is in lieu of any reduction under section 323.158 of the Revised Code or division (A) (1), (2) (a), or (3) of this section. The reduction applies to only one homestead owned and occupied by the surviving spouse of a disabled veteran. A homestead qualifies for a reduction in taxes under division (A) (2) (b) of this section beginning in one of the following tax years: 24724
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(i) For a surviving spouse described in division (L) (1) of section 323.151 of the Revised Code, the year the disabled veteran dies; 24731
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(ii) For a surviving spouse described in division (L) (2) 24734
of section 323.151 of the Revised Code, the first year on the 24735
first day of January of which the total disability rating 24736
described in division (F) of that section has been received for 24737
the deceased spouse. 24738

In either case, the reduction shall continue through the 24739
tax year in which the surviving spouse dies or remarries. 24740

(3) Real property taxes on a homestead owned and occupied, 24741
or a homestead in a housing cooperative occupied, by the 24742
surviving spouse of a public service officer killed in the line 24743
of duty shall be reduced for each year for which an application 24744
for the reduction has been approved. The reduction shall equal 24745
the product obtained by multiplying ~~fifty~~fifty-nine thousand 24746
dollars of the true value of the property in money, as adjusted 24747
under division (A) (1) (d) of this section, by the amounts 24748
described in divisions (A) (1) (c) (ii) to (iv) of this section. 24749
The reduction is in lieu of any reduction under section 323.158 24750
of the Revised Code or division (A) (1) or (2) of this section. 24751
The reduction applies to only one homestead owned and occupied 24752
by such a surviving spouse. A homestead qualifies for a 24753
reduction in taxes under division (A) (3) of this section for the 24754
tax year in which the public service officer dies through the 24755
tax year in which the surviving spouse dies or remarries. 24756

(B) To provide a partial exemption, real property taxes on 24757
any homestead, and manufactured home taxes on any manufactured 24758
or mobile home on which a manufactured home tax is assessed 24759
pursuant to division (D) (2) of section 4503.06 of the Revised 24760
Code, shall be reduced for each year for which an application 24761
for the reduction has been approved. The amount of the reduction 24762
shall equal two and one-half per cent of the amount of taxes to 24763

be levied by qualifying levies on the homestead or the 24764
manufactured or mobile home after applying section 319.301 of 24765
the Revised Code. For the purposes of this division, "qualifying 24766
levy" has the same meaning as in section 319.302 of the Revised 24767
Code. 24768

(C) The reductions granted by this section do not apply to 24769
special assessments or respread of assessments levied against 24770
the homestead, and if there is a transfer of ownership 24771
subsequent to the filing of an application for a reduction in 24772
taxes, such reductions are not forfeited for such year by virtue 24773
of such transfer. 24774

(D) The reductions in taxable value referred to in this 24775
section shall be applied solely as a factor for the purpose of 24776
computing the reduction of taxes under this section and shall 24777
not affect the total value of property in any subdivision or 24778
taxing district as listed and assessed for taxation on the tax 24779
lists and duplicates, or any direct or indirect limitations on 24780
indebtedness of a subdivision or taxing district. If after 24781
application of sections 5705.31 and 5705.32 of the Revised Code, 24782
including the allocation of all levies within the ten-mill 24783
limitation to debt charges to the extent therein provided, there 24784
would be insufficient funds for payment of debt charges not 24785
provided for by levies in excess of the ten-mill limitation, the 24786
reduction of taxes provided for in sections 323.151 to 323.159 24787
of the Revised Code shall be proportionately adjusted to the 24788
extent necessary to provide such funds from levies within the 24789
ten-mill limitation. 24790

(E) No reduction shall be made on the taxes due on the 24791
homestead of any person convicted of violating division (D) or 24792
(E) of section 323.153 of the Revised Code for a period of three 24793

years following the conviction. 24794

Sec. 323.611. (A) At the request of the county treasurer, 24795
a board of county commissioners may enter into a contract with 24796
any financial institution under which the financial institution, 24797
in accordance with the terms of the contract, receives real 24798
property and manufactured home tax payments at a post office 24799
box, opens the mail delivered to that box, processes the checks 24800
and other payments received in such mail and deposits them into 24801
the treasurer's account, and provides the county treasurer daily 24802
receipt information with respect to such payments. The contract 24803
shall not be entered into unless: 24804

~~(A) There is attached to the contract a certification by~~ 24805
~~the auditor of state that the financial institution and the~~ 24806
~~treasurer have given assurances satisfactory to the auditor of~~ 24807
~~state that the records of the financial institution, to the~~ 24808
~~extent that they relate to tax payments covered by the contract,~~ 24809
~~shall be subject to audit by the auditor of state to the same~~ 24810
~~extent as if the services for which the financial institution~~ 24811
~~has agreed to perform were being performed by the treasurer;~~ 24812

~~(B)~~ (1) The contract is awarded in accordance with sections 24813
307.86 to 307.92 of the Revised Code; 24814

~~(C)~~ (2) The treasurer's surety bond includes within its 24815
coverage any loss that might occur as the result of the 24816
contract; 24817

~~(D)~~ (3) The provisions of the contract do not conflict with 24818
accounting and reporting requirements prescribed by the auditor 24819
of state. 24820

(B) The records of the financial institution are subject 24821
to examination by the auditor of state to the same extent as if 24822

the services that the financial institution has agreed to 24823
perform were being performed by the treasurer of state. 24824

Sec. 325.18. (A) The salary amounts under sections 325.06 24825
and 325.11 of the Revised Code shall be increased as follows: 24826

(1) Beginning in calendar year 2020 and in each calendar 24827
year thereafter through calendar year 2028~~2025~~, the salary 24828
amounts under sections 325.06 and 325.11 of the Revised Code 24829
shall be increased by one and three-quarters per cent; 24830

(2) Beginning in calendar year 2026 and in each calendar 24831
year thereafter through calendar year 2029, by five per cent. 24832

(B) The salary amounts under sections 325.03, 325.04, 24833
325.08, 325.09, 325.10, 325.14, and 325.15 of the Revised Code 24834
shall be increased as follows: 24835

(1) Beginning in calendar year 2021 and in each calendar 24836
year thereafter through calendar year 2028~~2025~~, the salary 24837
amounts under sections 325.03, 325.04, 325.08, 325.09, 325.10, 24838
325.14, and 325.15 of the Revised Code shall be increased by one 24839
and three-quarters per cent; 24840

(2) Beginning in calendar year 2026 and in each calendar 24841
year thereafter through calendar year 2029, by five per cent. 24842

(C) Notwithstanding this section and sections 325.06, 24843
325.11, 325.14, and 325.15 of the Revised Code, when computing a 24844
salary for any elected county officer under any of those 24845
sections, if the population range for the class under which the 24846
officer is to be compensated is not the same as the population 24847
range for that class for any other such elected county office, 24848
the class at which the officer's salary is determined shall be 24849
the highest class at which any officer from that same county is 24850
compensated under the population range applicable to that 24851

officer. 24852

Sec. 325.25. ~~Upon~~ (A) Subject to division (B) of this 24853
section, upon notifying the board of county commissioners, any 24854
appointing authority of a county office, department, commission, 24855
board, or body, or of a common pleas court, county court, or 24856
county-operated municipal court as defined in section 1901.03 of 24857
the Revised Code, may establish a program to recognize 24858
outstanding employee performance. The program may include, but 24859
is not limited to, cash awards, additional paid leave, or other 24860
additional benefits as the appointing authority considers 24861
appropriate, so long as the. 24862

(B) (1) The costs of the program ~~do~~ shall not exceed the 24863
total amount of compensation fixed by the board of county 24864
commissioners for the office, department, commission, board, or 24865
body or for the common pleas court, county court, or county- 24866
operated municipal court. 24867

(2) Unless authorized in writing by the board of county 24868
commissioners, the total amount of cash awards shall not exceed, 24869
per employee in any calendar year, ten per cent of the 24870
compensation the employee receives that calendar year. 24871

Sec. 340.01. (A) As used in this chapter: 24872

(1) "Addiction," "addiction services," "alcohol and drug 24873
addiction services," "alcohol use disorder," "certifiable 24874
services and supports," "community addiction services provider," 24875
"community mental health services provider," "drug addiction," 24876
"gambling addiction services," "included opioid and co-occurring 24877
drug addiction services and recovery supports," "mental health 24878
services," "mental illness," "recovery housing residence," and 24879
"recovery supports" have the same meanings as in section 5119.01 24880

of the Revised Code. 24881

(2) "Medication-assisted treatment" means alcohol and drug 24882
addiction services that are accompanied by medication approved 24883
by the United States food and drug administration for the 24884
treatment of alcohol use disorder or drug addiction, prevention 24885
of relapse, or both. 24886

(B) An alcohol, drug addiction, and mental health service 24887
district shall be established in any county or combination of 24888
counties having a population of at least fifty thousand. With 24889
the approval of the director of ~~mental behavioral health and~~ 24890
~~addiction services~~, any county or combination of counties having 24891
a population of less than fifty thousand may establish such a 24892
district. Districts comprising more than one county shall be 24893
known as joint-county districts. 24894

The board of county commissioners of any county 24895
participating in a joint-county district may submit a resolution 24896
requesting withdrawal from the district together with a 24897
comprehensive plan or plans that are in compliance with rules 24898
adopted by the director of ~~mental behavioral health and~~ 24899
~~addiction services~~ under section 5119.22 of the Revised Code to 24900
the board of alcohol, drug addiction, and mental health 24901
services, to the boards of county commissioners of each county 24902
in the district, and to the director. The plan or plans shall 24903
include all of the following: proposed bylaws for the operation 24904
of the newly established district; a list of potential board 24905
members; a list of the behavioral health services available in 24906
the newly established district, including inpatient, outpatient, 24907
prevention, and housing services; equitable adjustment and 24908
division of all services, assets, property, debts, and 24909
obligations of the former joint-county district; a plan ensuring 24910

no disruption in behavioral health services in the newly 24911
established district; and provision for the employment of an 24912
executive director of the newly established district. 24913

The director shall approve the plan not later than one 24914
year after the date the resolution was adopted by the board of 24915
county commissioners. No county participating in a joint-county 24916
district may withdraw from the district without the consent of 24917
the director of ~~mental-behavioral health and addiction services~~ 24918
nor earlier than one year after the submission of such 24919
resolution unless all of the participating counties agree to an 24920
earlier withdrawal. 24921

Any county withdrawing from a joint-county district shall 24922
continue to have levied against its tax list and duplicate any 24923
tax levied by the district during the period in which the county 24924
was a member of the district until such time as the levy expires 24925
or is renewed or replaced. 24926

(C) For any tax levied under section 5705.19 of the 24927
Revised Code by a board of a joint-county district formed on or 24928
after April 3, 2023, revenue from the tax shall only be expended 24929
for the benefit of the residents of the county from which the 24930
revenue is derived. For the purpose of this division, a joint- 24931
county district is not formed by virtue of a county joining or 24932
withdrawing from a district or if a joint-county service 24933
district merges with another joint-county district. 24934

Sec. 340.011. (A) This chapter shall be interpreted to 24935
accomplish all of the following: 24936

(1) Establish a unified system of treatment for persons 24937
with mental illnesses and persons with addictions; 24938

(2) Establish a community support system available for 24939

every alcohol, drug addiction, and mental health service 24940
district; 24941

(3) Protect the personal liberty of persons with mental 24942
illnesses so that they may be treated in the least restrictive 24943
environment; 24944

(4) Encourage the development of high quality, cost 24945
effective, and comprehensive services, including culturally 24946
sensitive services; 24947

(5) Foster the development of comprehensive community 24948
mental health services, based on recognized local needs, 24949
especially for persons with severe mental disabilities; 24950

(6) Ensure that services provided meet minimum standards 24951
established by the director of ~~mental-behavioral health-and-~~ 24952
~~addiction services;~~ 24953

(7) Promote the delivery of high quality and cost- 24954
effective addiction and mental health services; 24955

(8) Promote the participation of persons receiving mental 24956
health services and addiction services in the planning, 24957
delivery, and evaluation of these services. 24958

(B) Nothing in Chapter 340., 5119., or 5122. of the 24959
Revised Code shall be construed as requiring a board of county 24960
commissioners to provide resources beyond the total amount set 24961
forth in a budget and list of addiction services, mental health 24962
services, and recovery supports required by section 340.08 of 24963
the Revised Code and approved by the department of ~~mental-~~ 24964
behavioral health and addiction services under section 5119.22 24965
of the Revised Code. 24966

Sec. 340.02. (A) For each alcohol, drug addiction, and 24967

mental health service district, there shall be appointed a board 24968
of alcohol, drug addiction, and mental health services. As 24969
provided in this section, the board shall consist of eighteen 24970
members, fifteen members, fourteen members, twelve members, or 24971
nine members. 24972

In a single-county district, the size of the board shall 24973
be determined by the board of county commissioners representing 24974
the county that constitutes the district. In a joint-county 24975
district, the size of the board shall be determined jointly by 24976
all of the boards of county commissioners representing the 24977
counties that constitute the district. 24978

The determination of board size shall be made by selecting 24979
one of the options described in division (B) of this section. 24980
After an option is selected and implemented, a subsequent 24981
determination of board size may be made, except that subsequent 24982
determinations shall not occur more frequently than once every 24983
four calendar years. 24984

If a selected option would result in a change in board 24985
size, before the option may be implemented the board of county 24986
commissioners or boards of county commissioners, as the case may 24987
be, shall send a representative to a meeting of the board of 24988
alcohol, drug addiction, and mental health services to solicit 24989
feedback about the matter. After considering any feedback 24990
received, the board or boards of county commissioners may 24991
proceed with implementing the change in board size. If the 24992
change results in a reduction of board members, the reduction 24993
shall be implemented by not filling vacancies as they occur. 24994

To implement a selected option that would result in the 24995
establishment of a new board of alcohol, drug addiction, and 24996
mental health services or in a change in size of an existing 24997

board, the board or boards of county commissioners, as the case 24998
may be, shall adopt a resolution specifying the board size that 24999
has been selected. The board or boards of county commissioners 25000
also shall notify the department of ~~mental~~ behavioral health and 25001
~~addiction services~~ of the board size that has been selected. 25002

(B) (1) In the case of a board of alcohol, drug addiction, 25003
and mental health services that is established on or after ~~the~~ 25004
~~effective date of this amendment~~ October 3, 2023, any of the 25005
following options may be selected for purposes of division (A) 25006
of this section: 25007

(a) To establish the board as an eighteen-member board; 25008

(b) To establish the board as a fifteen-member board; 25009

(c) To establish the board as a fourteen-member board; 25010

(d) To establish the board as a twelve-member board; 25011

(e) To establish the board as a nine-member board; 25012

(f) To change the board's size after it has been 25013
established by selecting a number of members that is eighteen, 25014
fifteen, fourteen, twelve, or nine, as the case may be. 25015

(2) In the case of a board of alcohol, drug addiction, and 25016
mental health services that existed immediately prior to ~~the~~ 25017
~~effective date of this amendment~~ October 3, 2023, either of the 25018
following options may be selected for purposes of division (A) 25019
of this section: 25020

(a) To continue the board's operation as an eighteen- 25021
member or fourteen-member board, as a board of that size was 25022
authorized prior to ~~the effective date of this amendment~~ October 25023
3, 2023, in which case no further action is required; 25024

(b) To change the board's size by selecting a number of 25025
members that is eighteen, fifteen, fourteen, twelve, or nine as 25026
the case may be. 25027

(C) All members shall be residents of the service 25028
district. The membership shall, as nearly as possible, reflect 25029
the composition of the population of the service district as to 25030
race and sex. 25031

The director of ~~mental-behavioral health and addiction-~~ 25032
~~services~~ shall appoint one-third of the members of the board and 25033
the board of county commissioners shall appoint two-thirds of 25034
the members. In a joint-county district, the board of county 25035
commissioners of each participating county shall appoint members 25036
in as nearly as possible the same proportion as that county's 25037
population bears to the total population of the district, except 25038
that at least one member shall be appointed from each 25039
participating county. 25040

The director of ~~mental-behavioral health and addiction-~~ 25041
~~services~~ shall ensure that at least one member of the board is a 25042
clinician with experience in the delivery of mental health 25043
services, at least one member of the board is a person who has 25044
received or is receiving mental health services, at least one 25045
member of the board is a parent or other relative of such a 25046
person, at least one member of the board is a clinician with 25047
experience in the delivery of addiction services, at least one 25048
member of the board is a person who has received or is receiving 25049
addiction services, and at least one member of the board is a 25050
parent or other relative of such a person. A single member who 25051
meets both qualifications may fulfill the requirement for a 25052
clinician with experience in the delivery of mental health 25053
services and a clinician with experience in the delivery of 25054

addiction services. 25055

No member or employee of a board of alcohol, drug 25056
addiction, and mental health services shall serve as a member of 25057
the board of any provider with which the board of alcohol, drug 25058
addiction, and mental health services has entered into a 25059
contract for the provision of services or facilities. No member 25060
of a board of alcohol, drug addiction, and mental health 25061
services shall be an employee of any provider with which the 25062
board has entered into a contract for the provision of services 25063
or facilities. No person shall be an employee of a board and 25064
such a provider unless the board and provider both agree in 25065
writing. 25066

No person shall serve as a member of the board of alcohol, 25067
drug addiction, and mental health services whose spouse, child, 25068
parent, brother, sister, grandchild, stepparent, stepchild, 25069
stepbrother, stepsister, father-in-law, mother-in-law, son-in- 25070
law, daughter-in-law, brother-in-law, or sister-in-law serves as 25071
a member of the board of any provider with which the board of 25072
alcohol, drug addiction, and mental health services has entered 25073
into a contract for the provision of services or facilities. No 25074
person shall serve as a member or employee of the board whose 25075
spouse, child, parent, brother, sister, stepparent, stepchild, 25076
stepbrother, stepsister, father-in-law, mother-in-law, son-in- 25077
law, daughter-in-law, brother-in-law, or sister-in-law serves as 25078
a county commissioner of a county or counties in the alcohol, 25079
drug addiction, and mental health service district. 25080

Each year each board member shall attend at least one 25081
inservice training session provided or approved by the 25082
department of ~~mental behavioral health and addiction services~~. 25083

Each member shall be appointed for a term of four years, 25084

commencing the first day of July, except that when a board is 25085
established on or after ~~the effective date of this amendment~~ 25086
October 3, 2023, the initial appointments shall be staggered 25087
among the members as equally as possible with terms of two 25088
years, three years, and four years. 25089

No member shall serve more than two consecutive four-year 25090
terms under the same appointing authority. A member may serve 25091
for three consecutive terms under the same appointing authority 25092
only if one of the terms is for less than two years. A member 25093
who has served two consecutive four-year terms or three 25094
consecutive terms totaling less than ten years is eligible for 25095
reappointment by the same appointing authority one year 25096
following the end of the second or third term, respectively. 25097

When a vacancy occurs, appointment for the expired or 25098
unexpired term shall be made in the same manner as an original 25099
appointment. The board shall notify the appointing authority 25100
either by certified mail or, if the board has record of an 25101
internet identifier of record associated with the authority, by 25102
ordinary mail and by that internet identifier of record of any 25103
vacancy and shall fill the vacancy within sixty days following 25104
that notice. As used in this paragraph, "internet identifier of 25105
record" has the same meaning as in section 9.312 of the Revised 25106
Code. 25107

Any member of the board may be removed from office by the 25108
appointing authority at will. Before a member may be removed at 25109
will, the member shall be informed in writing of the proposed 25110
removal and afforded an opportunity for a public hearing. Upon 25111
the absence of a member within one year from either four board 25112
meetings or from two board meetings without prior notice, the 25113
board shall notify the appointing authority, which may vacate 25114

the appointment and appoint another person to complete the 25115
member's term. 25116

Members of the board shall serve without compensation, but 25117
shall be reimbursed for actual and necessary expenses incurred 25118
in the performance of their official duties, as defined by rules 25119
of the department of ~~mental behavioral health and addiction~~ 25120
~~services~~. 25121

Sec. 340.021. (A) In an alcohol, drug addiction, and 25122
mental health service district where the board of county 25123
commissioners has established an alcohol and drug addiction 25124
services board, the community mental health board established 25125
under former section 340.02 of the Revised Code shall serve as 25126
the entity responsible for providing mental health services in 25127
the county. A community mental health board has all the powers, 25128
duties, and obligations of a board of alcohol, drug addiction, 25129
and mental health services with regard to mental health 25130
services. An alcohol and drug addiction services board has all 25131
the powers, duties, and obligations of a board of alcohol, drug 25132
addiction, and mental health services with regard to addiction 25133
services. Any provision of the Revised Code that refers to a 25134
board of alcohol, drug addiction, and mental health services 25135
with regard to mental health services also refers to a community 25136
mental health board and any provision that refers to a board of 25137
alcohol, drug addiction, and mental health services with regard 25138
to alcohol and drug addiction services also refers to an alcohol 25139
and drug addiction services board. 25140

An alcohol and drug addiction services board shall consist 25141
of eighteen members or fourteen members, at the election of the 25142
board. Not later than January 1, 2014, each alcohol and drug 25143
addiction services board shall notify the department of ~~mental~~ 25144

behavioral health and addiction services of its election to 25145
operate as an eighteen-member board or to operate as a fourteen- 25146
member board. The election shall be final. Failure to provide 25147
notice of its election to the department on or before January 1, 25148
2014, shall constitute an election to continue to operate as an 25149
eighteen-member board. If an existing board provides timely 25150
notice of its election to operate as a fourteen-member board, 25151
the number of board members may decline from eighteen to 25152
fourteen by attrition as current members' terms expire. However, 25153
the composition of the board must reflect the requirements set 25154
forth in this section and in applicable provisions of section 25155
340.02 of the Revised Code for fourteen-member boards. For 25156
boards operating as eighteen-member boards, six members shall be 25157
appointed by the director of ~~mental~~behavioral health and 25158
~~addiction services~~ and twelve members shall be appointed by the 25159
board of county commissioners. The director of ~~mental~~behavioral 25160
~~health and addiction services~~ shall ensure that at least one 25161
member of the board is a person who has received or is receiving 25162
services for alcohol, drug, or gambling addiction, at least one 25163
member is a parent or relative of such a person, and at least 25164
one member is a clinician with experience in the delivery of 25165
addiction services. The membership of the board shall, as nearly 25166
as possible, reflect the composition of the population of the 25167
service district as to race and sex. Members shall be residents 25168
of the service district and shall be interested in alcohol, 25169
drug, or gambling addiction services. Requirements for 25170
membership, including prohibitions against certain family and 25171
business relationships, and terms of office shall be the same as 25172
those for members of boards of alcohol, drug addiction, and 25173
mental health services. 25174

A community mental health board shall consist of eighteen 25175

members or fourteen members, at the election of the board. Not 25176
later than January 1, 2014, each community mental health board 25177
shall notify the department of ~~mental-behavioral health and~~ 25178
~~addiction services~~ of its election to operate as an eighteen- 25179
member board or to operate as a fourteen-member board. The 25180
election shall be final. Failure to provide notice of its 25181
election to the department on or before January 1, 2014, shall 25182
constitute an election to continue to operate as an eighteen- 25183
member board. If an existing board provides timely notice of its 25184
election to operate as a fourteen-member board, the number of 25185
board members may decline from eighteen to fourteen by attrition 25186
as current members' terms expire. However, the composition of 25187
the board must reflect the requirements set forth in this 25188
section and in applicable provisions of section 340.02 of the 25189
Revised Code for fourteen-member boards. For boards operating as 25190
eighteen-member boards, six members shall be appointed by the 25191
director of ~~mental-behavioral health and addiction services~~ and 25192
twelve members shall be appointed by the board of county 25193
commissioners. The director of ~~mental-behavioral health and~~ 25194
~~addiction services~~ shall ensure that at least one member of the 25195
board is a person who has received or is receiving mental health 25196
services, at least one member is a parent or relative of such a 25197
person, and at least one member is a clinician with experience 25198
in the delivery of mental health services. The membership of the 25199
board as nearly as possible shall reflect the composition of the 25200
population of the service district as to race and sex. Members 25201
shall be residents of the service district and shall be 25202
interested in mental health services. Requirements for 25203
membership, including prohibitions against certain family and 25204
business relationships, and terms of office shall be the same as 25205
those for members of boards of alcohol, drug addiction, and 25206
mental health services. 25207

(B) (1) If a board of county commissioners subject to 25208
division (A) of this section did not adopt a final resolution 25209
providing for a board of alcohol, drug addiction, and mental 25210
health services on or before July 1, 2007, the board of county 25211
commissioners may establish a board of alcohol, drug addiction, 25212
and mental health services on or after September 23, 2008. To 25213
establish the board, the board of county commissioners shall 25214
adopt a resolution providing for the board's establishment. The 25215
composition of the board, the procedures for appointing members, 25216
and all other matters related to the board and its members are 25217
subject to section 340.02 of the Revised Code, with the 25218
following exceptions: 25219

(a) For initial appointments to the board, the county's 25220
community mental health board and alcohol and drug addiction 25221
services board shall jointly recommend members of those boards 25222
for reappointment and shall submit the recommendations to the 25223
board of county commissioners and the director of ~~mental~~ 25224
behavioral health and addiction services. 25225

(b) The appointing authorities shall appoint the initial 25226
members from among the members jointly recommended under 25227
division (B) (1) (a) of this section unless the appointment is 25228
otherwise prohibited by law. 25229

(2) If a board of alcohol, drug addiction, and mental 25230
health services is established pursuant to division (B) (1) of 25231
this section, the board has the same rights, privileges, 25232
immunities, powers, and duties that were possessed by the 25233
county's community mental health board and alcohol and drug 25234
addiction services board. When the board is established, all 25235
property and obligations of the community mental health board 25236
and alcohol and drug addiction services board shall be 25237

transferred to the board of alcohol, drug addiction, and mental health services. 25238
25239

Sec. 340.022. Notwithstanding the procedures established 25240
by section 340.02 of the Revised Code for determining the size 25241
of a board of alcohol, drug addiction, and mental health 25242
services, the size of a board shall be determined in accordance 25243
with this section in both of the following circumstances: 25244

(A) (1) If the director of ~~mental behavioral health and~~ 25245
~~addiction services~~ during the period beginning January 1, 2021, 25246
and ending December 31, 2022, grants approval to a board of 25247
county commissioners of a county with a population of at least 25248
seventy thousand but not more than eighty thousand, according to 25249
data from the 2010 federal census, to withdraw from a joint- 25250
county alcohol, drug addiction, and mental health service 25251
district pursuant to section 340.01 of the Revised Code, the 25252
size of the board shall be determined by the board of county 25253
commissioners representing the county that constitutes the 25254
single-county alcohol, drug addiction, and mental health service 25255
district created as a result of the withdrawal. The 25256
determination shall be made from among the options that may be 25257
selected under division (A) (2) of this section. Once an option 25258
is selected, the board of county commissioners shall adopt a 25259
resolution specifying the selection that has been made and shall 25260
notify the department of ~~mental behavioral health and addiction~~ 25261
~~services~~. After the resolution is adopted and the department is 25262
notified, the determination of size is final. 25263

(2) In the case of a board of alcohol, drug addiction, and 25264
mental health services that is established on or after the date 25265
the director grants the approval to withdraw described in 25266
division (A) (1) of this section, either of the following options 25267

may be selected by the board of county commissioners when making 25268
the determination required under that division: 25269

(a) To establish the board as an eighteen-member board; 25270

(b) To establish the board as a fourteen-member board. 25271

(3) When a board is established on or after September 30, 25272
2021, the initial appointments shall be staggered among the 25273
members as equally as possible with terms of two years, three 25274
years, and four years. 25275

(B) (1) If a county with a population of at least thirty- 25276
five thousand but not more than forty-five thousand, according 25277
to data from the 2010 federal census, joins an existing alcohol, 25278
drug addiction, and mental health service district during the 25279
period beginning on June 30, 2021, and ending June 30, 2023, the 25280
existing board of alcohol, drug addiction, and mental health 25281
services serving that district may elect to expand its 25282
membership to eighteen members if the existing board has 25283
fourteen members. 25284

(2) The option to expand the board, as provided in 25285
division (B) (1) of this section, is available only during the 25286
twelve-month period beginning on the date the county with a 25287
population of at least thirty-five thousand but not more than 25288
forty-five thousand joins the alcohol, drug addiction, and 25289
mental health service district served by the board. The 25290
additional members shall be appointed in the manner specified in 25291
section 340.02 of the Revised Code. 25292

Sec. 340.03. (A) Subject to rules issued by the director 25293
of ~~mental behavioral health and addiction services~~ after 25294
consultation with relevant constituencies as required by 25295
division (A) (10) of section 5119.21 of the Revised Code, each 25296

board of alcohol, drug addiction, and mental health services	25297
shall:	25298
(1) Serve as the community addiction and mental health	25299
planning agency for the county or counties under its	25300
jurisdiction, and in so doing it shall:	25301
(a) Evaluate the need for facility services, addiction	25302
services, mental health services, and recovery supports;	25303
(b) In cooperation with other local and regional planning	25304
and funding bodies and with relevant ethnic organizations,	25305
evaluate strengths and challenges and set priorities for	25306
addiction services, mental health services, and recovery	25307
supports. A board shall include treatment and prevention	25308
services when setting priorities for addiction services and	25309
mental health services. When a board sets priorities for	25310
addiction services, the board shall consult with the county	25311
commissioners of the counties in the board's service district	25312
regarding the services described in section 340.15 of the	25313
Revised Code and shall give priority to those services, except	25314
that those services shall not have a priority over services	25315
provided to pregnant women under programs developed in relation	25316
to the mandate established in section 5119.17 of the Revised	25317
Code.	25318
(c) In accordance with guidelines issued by the director	25319
of mental-behavioral health and addiction services under	25320
division (F) of section 5119.22 of the Revised Code, annually	25321
develop and submit to the department of mental-behavioral health	25322
and addiction services a community addiction and mental health	25323
plan that addresses both of the following:	25324
(i) The needs of all residents of the service district	25325

currently receiving inpatient services in state-operated 25326
hospitals, the needs of other populations as required by state 25327
or federal law or programs, and the needs of all children 25328
subject to a determination made pursuant to section 121.38 of 25329
the Revised Code; 25330

(ii) The department's priorities for facility services, 25331
addiction services, mental health services, and recovery 25332
supports during the period for which the plan will be in effect. 25333
The department shall inform all of the boards of the 25334
department's priorities in a timely manner that enables the 25335
boards to know the department's priorities before the boards 25336
develop and submit the plans. 25337

In alcohol, drug addiction, and mental health service 25338
districts that have separate alcohol and drug addiction services 25339
and community mental health boards, the alcohol and drug 25340
addiction services board shall submit a community addiction plan 25341
and the community mental health board shall submit a community 25342
mental health plan. Each board shall consult with its 25343
counterpart in developing its plan and address the interaction 25344
between the local addiction and mental health systems and 25345
populations with regard to needs and priorities in developing 25346
its plan. 25347

The department shall approve or disapprove the plan, in 25348
whole or in part, in accordance with division (G) of section 25349
5119.22 of the Revised Code. Eligibility for state and federal 25350
funding shall be contingent upon an approved plan or relevant 25351
part of a plan. 25352

If a board determines that it is necessary to amend an 25353
approved plan, the board shall submit a proposed amendment to 25354
the director. The director shall approve or disapprove all or 25355

part of the amendment in accordance with division (H) of section 25356
5119.22 of the Revised Code. 25357

The board shall operate in accordance with the plan 25358
approved by the department. 25359

(d) Promote, arrange, and implement working agreements 25360
with social service agencies, both public and private, and with 25361
judicial agencies. 25362

(2) Investigate, or request another agency to investigate, 25363
any complaint alleging abuse or neglect of any person receiving 25364
addiction services, mental health services, or recovery supports 25365
from a community addiction services provider or community mental 25366
health services provider or alleging abuse or neglect of a 25367
resident receiving addiction services or with mental illness or 25368
severe mental disability residing in a residential facility 25369
licensed under section 5119.34 of the Revised Code. If the 25370
investigation substantiates the charge of abuse or neglect, the 25371
board shall take whatever action it determines is necessary to 25372
correct the situation, including notification of the appropriate 25373
authorities. Upon request, the board shall provide information 25374
about such investigations to the department. 25375

(3) For the purpose of section 5119.36 of the Revised 25376
Code, cooperate with the director of ~~mental~~-behavioral health 25377
~~and addiction services~~ in visiting and evaluating whether the 25378
certifiable services and supports of a community addiction 25379
services provider or community mental health services provider 25380
satisfy the certification standards established by rules adopted 25381
under that section. In addition, a board may provide input and 25382
recommendations to the department when an application for 25383
certification or the renewal of a certification has been 25384
submitted by a provider or when a provider is being investigated 25385

by the department, if the board, in either of those 25386
circumstances, is aware of information that would be beneficial 25387
to the department's consideration of the matter. 25388

(4) In accordance with criteria established under division 25389
(D) of section 5119.22 of the Revised Code, conduct program 25390
audits that review and evaluate the quality, effectiveness, and 25391
efficiency of addiction services, mental health services, and 25392
recovery supports provided by community addiction services 25393
providers and community mental health services providers under 25394
contract with the board and submit the board's findings and 25395
recommendations to the department of ~~mental-behavioral health-~~ 25396
~~and addiction services;~~ 25397

(5) In accordance with section 5119.34 of the Revised 25398
Code, review an application for a residential facility license 25399
and provide to the department of ~~mental-behavioral health and-~~ 25400
~~addiction services~~ any information about the applicant or 25401
facility that the board would like the department to consider in 25402
reviewing the application; 25403

(6) Audit, in accordance with rules adopted by the auditor 25404
of state pursuant to section 117.20 of the Revised Code, at 25405
least annually all programs, addiction services, mental health 25406
services, and recovery supports provided under contract with the 25407
board. In so doing, the board may contract for or employ the 25408
services of private auditors. A copy of the fiscal audit report 25409
shall be provided to the director of ~~mental-behavioral health-~~ 25410
~~and addiction services~~, the auditor of state, and the county 25411
auditor of each county in the board's district. 25412

(7) Recruit and promote local financial support for 25413
addiction services, mental health services, and recovery 25414
supports from private and public sources; 25415

(8) In accordance with guidelines issued by the department 25416
as necessary to comply with state and federal laws pertaining to 25417
financial assistance, approve fee schedules and related charges 25418
or adopt a unit cost schedule or other methods of payment for 25419
addiction services, mental health services, and recovery 25420
supports provided by community addiction services providers and 25421
community mental health services providers that have contracted 25422
with the board under section 340.036 of the Revised Code; 25423

(9) Submit to the director and the county commissioners of 25424
the county or counties served by the board, and make available 25425
to the public, an annual report of the addiction services, 25426
mental health services, and recovery supports under the 25427
jurisdiction of the board, including a fiscal accounting; 25428

(10) Establish a method for evaluating referrals for 25429
court-ordered treatment and affidavits filed pursuant to section 25430
5122.11 of the Revised Code in order to assist the probate 25431
division of the court of common pleas in determining whether 25432
there is probable cause that a respondent is subject to court- 25433
ordered treatment and whether alternatives to hospitalization 25434
are available and appropriate; 25435

(11) Designate the treatment services, provider, facility, 25436
or other placement for each person involuntarily committed to 25437
the board pursuant to Chapter 5122. of the Revised Code. The 25438
board shall provide the least restrictive and most appropriate 25439
alternative that is available for any person involuntarily 25440
committed to it and shall assure that the list of addiction 25441
services, mental health services, and recovery supports 25442
submitted and approved in accordance with division (B) of 25443
section 340.08 of the Revised Code are available to persons with 25444
severe mental disabilities residing within its service district. 25445

The board shall establish the procedure for authorizing payment 25446
for the services and supports, which may include prior 25447
authorization in appropriate circumstances. In accordance with 25448
section 340.037 of the Revised Code, the board may provide 25449
addiction services and mental health services directly to a 25450
person with a severe mental disability when life or safety is 25451
endangered and when no community addiction services provider or 25452
community mental health services provider is available to 25453
provide the service. 25454

(12) Ensure that housing built, subsidized, renovated, 25455
rented, owned, or leased by the board or a community addiction 25456
services provider or community mental health services provider 25457
has been approved as meeting minimum fire safety standards and 25458
that persons residing in the housing have access to appropriate 25459
and necessary services, including culturally relevant services, 25460
from a community addiction services provider or community mental 25461
health services provider. This division does not apply to 25462
residential facilities licensed pursuant to section 5119.34 of 25463
the Revised Code. 25464

(13) Establish a mechanism for obtaining advice and 25465
involvement of persons receiving addiction services, mental 25466
health services, or recovery supports on matters pertaining to 25467
services and supports in the alcohol, drug addiction, and mental 25468
health service district; 25469

(14) Perform the duties required by rules adopted under 25470
section 5119.22 of the Revised Code regarding referrals by the 25471
board or community mental health services providers under 25472
contract with the board of individuals with mental illness or 25473
severe mental disability to class two residential facilities 25474
licensed under section 5119.34 of the Revised Code and effective 25475

arrangements for ongoing mental health services for the 25476
individuals. The board is accountable in the manner specified in 25477
the rules for ensuring that the ongoing mental health services 25478
are effectively arranged for the individuals. 25479

(B) Each board of alcohol, drug addiction, and mental 25480
health services shall establish such rules, operating 25481
procedures, standards, and bylaws, and perform such other duties 25482
as may be necessary or proper to carry out the purposes of this 25483
chapter. 25484

(C) A board of alcohol, drug addiction, and mental health 25485
services may receive by gift, grant, devise, or bequest any 25486
moneys, lands, or property for the benefit of the purposes for 25487
which the board is established, and may hold and apply it 25488
according to the terms of the gift, grant, or bequest. All money 25489
received, including accrued interest, by gift, grant, or bequest 25490
shall be deposited in the treasury of the county, the treasurer 25491
of which is custodian of the alcohol, drug addiction, and mental 25492
health services funds to the credit of the board and shall be 25493
available for use by the board for purposes stated by the donor 25494
or grantor. 25495

(D) No member or employee of a board of alcohol, drug 25496
addiction, and mental health services shall be liable for injury 25497
or damages caused by any action or inaction taken within the 25498
scope of the member's official duties or the employee's 25499
employment, whether or not such action or inaction is expressly 25500
authorized by this section or any other section of the Revised 25501
Code, unless such action or inaction constitutes willful or 25502
wanton misconduct. Chapter 2744. of the Revised Code applies to 25503
any action or inaction by a member or employee of a board taken 25504
within the scope of the member's official duties or employee's 25505

employment. For the purposes of this division, the conduct of a 25506
member or employee shall not be considered willful or wanton 25507
misconduct if the member or employee acted in good faith and in 25508
a manner that the member or employee reasonably believed was in 25509
or was not opposed to the best interests of the board and, with 25510
respect to any criminal action or proceeding, had no reasonable 25511
cause to believe the conduct was unlawful. 25512

(E) The meetings held by any committee established by a 25513
board of alcohol, drug addiction, and mental health services 25514
shall be considered to be meetings of a public body subject to 25515
section 121.22 of the Revised Code. 25516

(F) (1) A board of alcohol, drug addiction, and mental 25517
health services may establish a rule, operating procedure, 25518
standard, or bylaw to allow the executive director of the board 25519
to execute both of the following types of contracts valued at 25520
twenty-five thousand dollars or less, as determined by the 25521
board, on behalf of the board without the board's prior 25522
approval: 25523

(a) Emergency contracts for clinical services or recovery 25524
support services; 25525

(b) Standard service contracts pertaining to the board's 25526
operations. 25527

(2) If a board establishes a rule, operating procedure, 25528
standard, or bylaw under division (F) (1) of this section, both 25529
of the following shall be the case: 25530

(a) The board shall define the scope of contracts 25531
described in divisions (F) (1) (a) and (b) of this section in that 25532
rule, operating procedure, standard, or bylaw. 25533

(b) The board shall disclose the existence of a contract 25534

executed pursuant to the rule, operating procedure, standard, or 25535
bylaw at the first board meeting that occurs after the contract 25536
was executed and ensure that a record of that disclosure is 25537
included in the written minutes of that meeting. 25538

Sec. 340.032. Subject to rules adopted by the director of 25539
~~mental-behavioral health and addiction services~~ after 25540
consultation with relevant constituencies as required by 25541
division (A) (10) of section 5119.21 of the Revised Code, each 25542
board of alcohol, drug addiction, and mental health services 25543
shall do all of the following: 25544

(A) Establish, to the extent resources are available, a 25545
community-based continuum of care that includes all of the 25546
following as essential elements: 25547

(1) Prevention and wellness management services; 25548

(2) At least both of the following outreach and engagement 25549
activities: 25550

(a) Locating persons in need of addiction services and 25551
persons in need of mental health services to inform them of 25552
available addiction services, mental health services, and 25553
recovery supports; 25554

(b) Helping persons who receive addiction services and 25555
persons who receive mental health services obtain services 25556
necessary to meet basic human needs for food, clothing, shelter, 25557
medical care, personal safety, and income. 25558

(3) Assessment services; 25559

(4) Care coordination; 25560

(5) Residential services; 25561

(6) At least the following outpatient services:	25562
(a) Nonintensive;	25563
(b) Intensive, such as partial hospitalization and assertive community treatment;	25564 25565
(c) Withdrawal management;	25566
(d) Emergency and crisis.	25567
(7) Where appropriate, at least the following inpatient services:	25568 25569
(a) Psychiatric care;	25570
(b) Medically managed alcohol or drug treatment.	25571
(8) At least all of the following recovery supports:	25572
(a) Peer support;	25573
(b) A wide range of housing and support services, including recovery housing residences;	25574 25575
(c) Employment, vocational, and educational opportunities;	25576
(d) Assistance with social, personal, and living skills;	25577
(e) Multiple paths to recovery such as twelve-step approaches and parent advocacy connection;	25578 25579
(f) Support, assistance, consultation, and education for families, friends, and persons receiving addiction services, mental health services, and recovery supports.	25580 25581 25582
(9) In accordance with section 340.033 of the Revised Code, an array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction;	25583 25584 25585
(10) Any additional elements the department of mental	25586

behavioral health and addiction services, pursuant to section 25587
5119.21 of the Revised Code, determines are necessary to 25588
establish the community-based continuum of care. 25589

(B) Ensure that the rights of persons receiving any 25590
elements of the community-based continuum of care are protected; 25591

(C) Ensure that persons receiving any elements of the 25592
community-based continuum of care are able to utilize grievance 25593
procedures applicable to the elements. 25594

Sec. 340.034. All of the following apply to recovery 25595
housing residences required by section 340.033 of the Revised 25596
Code to be part of included opioid and co-occurring drug 25597
addiction services and recovery supports: 25598

(A) A recovery housing residence shall comply with the 25599
requirements of being monitored by the department of ~~mental-~~ 25600
behavioral health and addiction services under sections 5119.39 25601
to 5119.396 of the Revised Code and any rules adopted under 25602
section 5119.397 of the Revised Code, but the residence is not 25603
subject to residential facility licensure by the department 25604
under section 5119.34 of the Revised Code. 25605

(B) A recovery housing residence shall not be operated by 25606
a board of alcohol, drug addiction, and mental health services 25607
unless any of the following applies: 25608

(1) The board operated the recovery housing residence on 25609
July 1, 2017. 25610

(2) The board utilizes local funds in the development or 25611
operation of the recovery housing residence. 25612

(3) The board determines that there is a need for the 25613
board to assume operation of the recovery housing residence, 25614

such as when an existing operator of the residence goes out of 25615
business and the board considers the assumption of operation of 25616
the residence to be in the best interest of the community. 25617

(C) A recovery housing residence shall have protocols for 25618
all of the following: 25619

(1) Administrative oversight; 25620

(2) Quality standards; 25621

(3) Policies and procedures, including house rules, for 25622
its residents to which the residents must agree to adhere. 25623

(D) Family members of a resident of a recovery housing 25624
residence may reside in the residence to the extent permitted by 25625
protocols of the residence. 25626

(E) A recovery housing residence shall not limit a 25627
resident's duration of stay to an arbitrary or fixed amount of 25628
time. Instead, each resident's duration of stay shall be 25629
determined by the resident's needs, progress, and willingness to 25630
abide by the residence's protocols, in collaboration with the 25631
residence's operator, and, if appropriate, in consultation and 25632
integration with a community addiction services provider. 25633

(F) A recovery housing residence may permit its residents 25634
to receive medication-assisted treatment. 25635

(G) A resident of a recovery housing residence may receive 25636
addiction services that are certified by the department under 25637
section 5119.36 of the Revised Code. 25638

Sec. 340.036. (A) Subject to division (B) of this section 25639
and rules adopted by the director of ~~mental~~behavioral health 25640
~~and addiction services~~ after consultation with relevant 25641
constituencies as required by division (A)(10) of section 25642

5119.21 of the Revised Code, each board of alcohol, drug	25643
addiction, and mental health services shall enter into contracts	25644
with all of the following:	25645
(1) Public and private facilities for the operation of	25646
facility services;	25647
(2) Community addiction services providers for addiction	25648
services and recovery supports;	25649
(3) Community mental health services providers for mental	25650
health services and recovery supports.	25651
(B) No board shall do any of the following:	25652
(1) Contract with a residential facility required to be	25653
licensed under section 5119.34 of the Revised Code unless the	25654
facility is so licensed;	25655
(2) Contract with a community addiction services provider	25656
or community mental health services provider for certifiable	25657
services and supports unless the certifiable services and	25658
supports are certified under section 5119.36 of the Revised	25659
Code;	25660
(3) Contract with a community addiction services provider	25661
or community mental health services provider for recovery	25662
supports that are required by the director to meet quality	25663
criteria or core competencies unless the recovery supports meet	25664
the criteria or competencies.	25665
(C) When a board contracts with a community addiction	25666
services provider or community mental health services provider	25667
for addiction services, mental health services, or recovery	25668
supports, all of the following apply:	25669
(1) The board shall consider both of the following:	25670

(a) The cost effectiveness and quality of the provider's services and supports; 25671
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(b) Continuity of care. 25673

(2) The board may review cost elements, including salary costs, of the services and supports. 25674
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(3) The board may establish, in a way that is most effective and efficient in meeting local needs, a utilization review process as part of the contract. 25676
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(4) The board may contract with a government entity, for-profit entity, or nonprofit entity. Any such entity may be faith-based. 25679
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(D) If a party to a contract entered into under this section proposes not to renew the contract or proposes substantial changes in contract terms, the other party shall be given written notice at least one hundred twenty days before the expiration date of the contract. During the first sixty days of this one-hundred-twenty-day period, both parties shall attempt to resolve any dispute through good faith collaboration and negotiation in order to continue to provide services and supports to persons in need. If the dispute has not been resolved sixty days before the expiration date of the contract, either party may notify the director of the unresolved dispute. The director may require both parties to submit the dispute to another entity with the cost to be shared by the parties. Not later than twenty days before the expiration date of the contract or a later date to which both parties agree, the other entity shall issue to the parties and director recommendations on how the dispute may be resolved. The director shall adopt rules establishing the procedures of this dispute resolution 25682
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process. 25700

(E) Section 307.86 of the Revised Code does not apply to 25701
contracts entered into under this section. 25702

Sec. 340.037. (A) Subject to division (B) of this section 25703
and rules adopted by the director of ~~mental~~-behavioral health 25704
~~and addiction services~~ after consultation with relevant 25705
constituencies as required by division (A)(10) of section 25706
5119.21 of the Revised Code, a board of alcohol, drug addiction, 25707
and mental health services may operate a facility or provide an 25708
addiction service or mental health service if both of the 25709
following apply: 25710

(1) The director gives the board prior approval; 25711

(2) There is no other qualified private or public 25712
facility, community addiction services provider, or community 25713
mental health services provider that is immediately available 25714
and willing to operate such a facility or provide the service. 25715

(B)(1) In an emergency situation, a board may operate a 25716
facility or provide an addiction service or mental health 25717
service in order to provide essential services for the duration 25718
of the emergency. 25719

(2) In a service district with a population of at least 25720
one hundred thousand but less than five hundred thousand, a 25721
board may operate a facility or provide an addiction service or 25722
mental health service for not longer than one year. 25723

(3) In a service district with a population of less than 25724
one hundred thousand, a board may operate a facility or provide 25725
an addiction service or mental health service for not longer 25726
than one year, except that the board may operate a facility or 25727
provide an addiction service or mental health service for more 25728

than one year with the prior approval of both of the following:	25729
(a) The director;	25730
(b) The board of county commissioners with jurisdiction over the service district or, if the service district is a joint-county district, a majority of the boards of county commissioners with jurisdiction over the district.	25731 25732 25733 25734
(C) The director shall not do any of the following:	25735
(1) Except in an emergency situation, give a board approval to operate a facility or provide an addiction service or mental health service unless the director determines that it is not feasible to have the department operate the facility or provide the service;	25736 25737 25738 25739 25740
(2) Give a board that serves a service district with a population of less than one hundred thousand approval to operate a facility or provide an addiction service or mental health service unless the director determines that the board will provide greater administrative efficiency and more or better services than would be available if the board contracted with a private or public facility, community addiction services provider, or community mental health services provider;	25741 25742 25743 25744 25745 25746 25747 25748
(3) Give a board approval to operate a facility previously operated by a person or other government entity unless the board has established to the director's satisfaction that the person or other government entity cannot effectively operate the facility or that the person or other government entity has requested the board to take over operation of the facility;	25749 25750 25751 25752 25753 25754
(4) Give a board approval to provide an addiction service or mental health service previously provided by a community addiction services provider or community mental health services	25755 25756 25757

provider unless the board has established to the director's 25758
satisfaction that the provider cannot effectively provide the 25759
service or that the provider has requested the board to take 25760
over providing the service. 25761

(D) The director shall review and evaluate a board's 25762
operation of a facility and provision of addiction services or 25763
mental health services under this section. 25764

(E) Nothing in this section authorizes a board to 25765
administer or direct the daily operation of any facility, 25766
community addiction services provider, or community mental 25767
health services provider. However, a facility or provider may 25768
contract with a board to receive administrative services or 25769
staff direction from the board under the direction of the 25770
governing body of the facility or provider. 25771

Sec. 340.04. Each board of alcohol, drug addiction, and 25772
mental health services shall employ a qualified mental health or 25773
addiction services professional with experience in 25774
administration or a professional administrator with experience 25775
in mental health services or addiction services to serve as 25776
executive director of the board and shall prescribe the 25777
director's duties. 25778

The board shall fix the compensation of the executive 25779
director. In addition to such compensation, the director shall 25780
be reimbursed for actual and necessary expenses incurred in the 25781
performance of the director's official duties. The board, by 25782
majority vote of the full membership, may remove the director 25783
for cause at any time, contingent upon any written contract 25784
between the board and the executive director, upon written 25785
charges, after an opportunity has been afforded the director for 25786
a hearing before the board on request. 25787

The board may delegate to its executive director the authority to act in its behalf in the performance of its administrative duties.

As used in this section, "mental health professional" and "addiction services professional" mean an individual who is qualified to work with persons with mental illnesses or persons receiving addiction services, pursuant to standards established by the director of ~~mental behavioral health and addiction services~~ under Chapter 5119. of the Revised Code.

Sec. 340.041. In addition to such other duties as may be lawfully imposed, the executive director of a board of alcohol, drug addiction, and mental health services shall:

(A) Serve as executive officer of the board and, subject to the prior approval of the board for each contract, except contracts, if any, to which division (F) of section 340.03 of the Revised Code applies, execute contracts on its behalf;

(B) Supervise addiction services, mental health services, recovery supports, and facilities provided, operated, contracted, or supported by the board to the extent of determining that services, supports, and facilities are being administered in conformity with this chapter and rules of the director of ~~mental behavioral health and addiction services~~;

(C) Provide consultation to community addiction services providers and community mental health services providers;

(D) Recommend to the board the changes necessary to increase the effectiveness of addiction services, mental health services, and recovery supports and other matters necessary or desirable to carry out this chapter;

(E) Employ and remove from office such employees and

consultants in the classified civil service and, subject to the 25817
approval of the board, employ and remove from office such other 25818
employees and consultants as may be necessary for the work of 25819
the board, and fix their compensation and reimbursement within 25820
the limits set by the salary schedule and the budget approved by 25821
the board; 25822

(F) Encourage the development and expansion of preventive, 25823
treatment, and consultative services, as well as recovery 25824
supports, in the fields of addiction services and mental health 25825
services with emphasis on continuity of care; 25826

(G) Prepare for board approval an annual report of the 25827
addiction services, mental health services, recovery supports, 25828
and facilities under the jurisdiction of the board, including a 25829
fiscal accounting of all services and supports; 25830

(H) Conduct such studies as may be necessary and 25831
practicable for the promotion of mental health, promotion of 25832
addiction services, and the prevention of mental illness, 25833
emotional disorders, and addiction; 25834

(I) Authorize the county auditor, or in a joint-county 25835
district the county auditor designated as the auditor for the 25836
district, to issue warrants for the payment of board obligations 25837
approved by the board, provided that all payments from funds 25838
distributed to the board by the department of ~~mental-behavioral~~ 25839
health ~~and addiction services~~ are in accordance with the budget 25840
submitted pursuant to section 340.08 of the Revised Code, as 25841
approved by the department of ~~mental-behavioral health-and-~~ 25842
~~addiction services~~. 25843

Sec. 340.05. If a community addiction services provider or 25844
community mental health services provider receives a complaint 25845

alleging abuse or neglect of an individual with mental illness 25846
or severe mental disability, or an individual receiving 25847
addiction services, who resides in a residential facility 25848
licensed under section 5119.34 of the Revised Code, the provider 25849
shall report the complaint to the board of alcohol, drug 25850
addiction, and mental health services serving the alcohol, drug 25851
addiction, and mental health service district in which the 25852
residential facility is located. A board of alcohol, drug 25853
addiction, and mental health services that receives such a 25854
report from a community addiction services provider or community 25855
mental health services provider of such a complaint shall report 25856
the complaint to the director of ~~mental-behavioral health and~~ 25857
~~addiction services~~ for the purpose of the director conducting an 25858
investigation under section 5119.34 of the Revised Code. The 25859
board may enter the facility with or without the director and, 25860
if the health and safety of a resident is in immediate danger, 25861
take any necessary action to protect the resident. The board's 25862
action shall not violate any resident's rights specified in 25863
rules adopted by the department of ~~mental-behavioral health and~~ 25864
~~addiction services~~ under section 5119.34 of the Revised Code. 25865
The board shall immediately report to the director regarding the 25866
board's actions under this section. 25867

Sec. 340.07. The board of county commissioners of any 25868
county participating in an alcohol, drug addiction, and mental 25869
health service district or joint-county district, upon receipt 25870
from the board of alcohol, drug addiction, and mental health 25871
services of a resolution so requesting, may appropriate money to 25872
such board for the operation, lease, acquisition, construction, 25873
renovation, and maintenance of community addiction services 25874
providers, community mental health services providers, and 25875
facilities in accordance with the budget required by section 25876

340.08 of the Revised Code and approved by the department of 25877
~~mental behavioral health and addiction services~~ pursuant to 25878
section 5119.22 of the Revised Code. 25879

Sec. 340.08. In accordance with rules or guidelines issued 25880
by the director of ~~mental behavioral health and addiction~~ 25881
~~services~~, each board of alcohol, drug addiction, and mental 25882
health services shall do all of the following: 25883

(A) Submit to the department of ~~mental behavioral health~~ 25884
~~and addiction services~~ a proposed budget of receipts and 25885
expenditures for all federal, state, and local moneys the board 25886
expects to receive. 25887

(1) The proposed budget shall identify funds the board has 25888
available for included opioid and co-occurring drug addiction 25889
services and recovery supports. 25890

(2) The proposed budget shall identify funds the board and 25891
public children services agencies in the board's service 25892
district have available to fund jointly the services described 25893
in section 340.15 of the Revised Code. 25894

(3) The board's proposed budget for expenditures of state 25895
and federal funds distributed to the board by the department 25896
shall be deemed an application for funds, and the department 25897
shall approve or disapprove the budget for these expenditures in 25898
whole or in part in accordance with division (G) of section 25899
5119.22 of the Revised Code. 25900

If a board determines that it is necessary to amend an 25901
approved budget, the board shall submit a proposed amendment to 25902
the director. The director shall approve or disapprove all or 25903
part of the amendment in accordance with division (H) of section 25904
5119.22 of the Revised Code. 25905

(B) Submit to the department a proposed list of addiction 25906
services, mental health services, and recovery supports the 25907
board intends to make available. The board shall include the 25908
services and supports required by section 340.032 of the Revised 25909
Code to be included in the community-based continuum of care and 25910
the services required by section 340.15 of the Revised Code. The 25911
board shall explain the manner in which the board intends to 25912
make such services and supports available. The list shall be 25913
compatible with the budget submitted pursuant to division (A) of 25914
this section. The department shall approve or disapprove the 25915
list in whole or in part in accordance with division (G) of 25916
section 5119.22 of the Revised Code. 25917

If a board determines that it is necessary to amend an 25918
approved list, the board shall submit a proposed amendment to 25919
the director. The director shall approve or disapprove all or 25920
part of the amendment in accordance with division (H) of section 25921
5119.22 of the Revised Code. 25922

(C) Enter into a continuity of care agreement with the 25923
state institution operated by the department of ~~mental-~~ 25924
behavioral health and addiction services and designated as the 25925
institution serving the district encompassing the board's 25926
service district. The continuity of care agreement shall outline 25927
the department's and the board's responsibilities to plan for 25928
and coordinate with each other to address the needs of board 25929
residents who are patients in the institution, with an emphasis 25930
on managing appropriate hospital bed day use and discharge 25931
planning. The continuity of care agreement shall not require the 25932
board to provide addiction services, mental health services, or 25933
recovery supports other than those on the list of services and 25934
supports submitted by the board pursuant to division (B) of this 25935
section and approved by the department in accordance with 25936

division (G) of section 5119.22 of the Revised Code.	25937
(D) In conjunction with the department, operate a	25938
coordinated system for tracking and monitoring persons found not	25939
guilty by reason of insanity and committed pursuant to section	25940
2945.40 of the Revised Code who have been granted a conditional	25941
release and persons found incompetent to stand trial and	25942
committed pursuant to section 2945.39 of the Revised Code who	25943
have been granted a conditional release. The system shall do all	25944
of the following:	25945
(1) Centralize responsibility for the tracking of those	25946
persons;	25947
(2) Provide for uniformity in monitoring those persons;	25948
(3) Provide a mechanism to allow prompt rehospitalization,	25949
reinstitutionalization, or detention when a violation of the	25950
conditional release or decompensation occurs.	25951
(E) Submit to the department a report summarizing all of	25952
the following:	25953
(1) Complaints and grievances received by the board	25954
concerning the rights of persons seeking or receiving addiction	25955
services, mental health services, or recovery supports;	25956
(2) Investigations of the complaints and grievances;	25957
(3) Outcomes of the investigations.	25958
(F) Provide to the department information to be submitted	25959
to the community behavioral health information system or systems	25960
established by the department under Chapter 5119. of the Revised	25961
Code.	25962
(G) Annually, and upon any change in membership, submit to	25963

the department a list of all current members of the board of alcohol, drug addiction, and mental health services, including the appointing authority for each member, and the member's specific qualification for appointment pursuant to section 340.02 or 340.021 of the Revised Code, if applicable.

(H) Submit to the department other information as is reasonably required for purposes of the department's operations, service evaluation, reporting activities, research, system administration, and oversight.

(I) Annually update and publish on the board's web site a list of all opioid treatment programs licensed under section 5119.37 of the Revised Code that are operating within the board's district, based on information obtained from any of the following:

(1) The federal substance abuse and mental health services administration's opioid treatment program directory;

(2) A resource directory created by the department of ~~mental behavioral health and addiction services~~;

(3) The list maintained by the department of ~~mental behavioral health and addiction services~~ pursuant to division (P) of section 5119.37 of the Revised Code.

Sec. 340.09. (A) Using funds the general assembly appropriates for these purposes, the department of ~~mental behavioral health and addiction services~~ shall provide any county assistance for one or more of the following:

(1) The operation of the board of alcohol, drug addiction, and mental health services serving the county;

(2) The provision of addiction services, mental health

services, and recovery supports included in the board's list of	25992
services and supports required by section 340.08 of the Revised	25993
Code and approved by the department under section 5119.22 of the	25994
Revised Code;	25995
(3) The provision of approved support functions;	25996
(4) The partnership in, or support for, approved	25997
community-based continuum of care-related activities.	25998
(B) Support functions may include the following:	25999
(1) Consultation;	26000
(2) Research;	26001
(3) Administrative;	26002
(4) Referral and information;	26003
(5) Training;	26004
(6) Service and program evaluation.	26005
Sec. 340.12. As used in this section, "disability" has the	26006
same meaning as in section 4112.01 of the Revised Code.	26007
No board of alcohol, drug addiction, and mental health	26008
services or any community addiction services provider or	26009
community mental health services provider under contract with	26010
such a board shall discriminate in the provision of addiction	26011
services, mental health services, or recovery supports under its	26012
authority, in employment, or under a contract on the basis of	26013
race, color, religion, ancestry, military status, sex, age,	26014
national origin, or disability.	26015
Each board, community addiction services provider, and	26016
community mental health services provider shall have a written	26017
affirmative action program. The affirmative action program shall	26018

include goals for the employment and effective utilization of, 26019
including contracts with, members of economically disadvantaged 26020
groups as defined in division (E) (1) of section 122.71 of the 26021
Revised Code in percentages reflecting as nearly as possible the 26022
composition of the alcohol, drug addiction, and mental health 26023
service district served by the board. Each board and provider 26024
shall file a description of the affirmative action program and a 26025
progress report on its implementation with the department of 26026
~~mental behavioral health and addiction services.~~ 26027

Sec. 340.13. (A) As used in this section: 26028

(1) "Minority business enterprise" has the same meaning as 26029
in section 122.71 of the Revised Code. 26030

(2) "EDGE business enterprise" has the same meaning as in 26031
section 122.922 of the Revised Code. 26032

(B) Any minority business enterprise that desires to bid 26033
on a contract under division (C) of this section shall first 26034
apply to the department of development for certification as a 26035
minority business enterprise. Any EDGE business enterprise that 26036
desires to bid on a contract under division (D) of this section 26037
shall first apply to the department of development for 26038
certification as an EDGE business enterprise. The director of 26039
development shall approve the application of any minority 26040
business enterprise or EDGE business enterprise that complies 26041
with the rules adopted under section 122.71 or 122.922 of the 26042
Revised Code, respectively. The director shall prepare and 26043
maintain a list of minority business enterprises and EDGE 26044
business enterprises certified under those sections. 26045

(C) From the contracts to be awarded for the purchases of 26046
equipment, materials, supplies, or services, other than 26047

contracts entered into under section 340.036 of the Revised Code, each board of alcohol, drug addiction, and mental health services shall select a number of contracts with an aggregate value of approximately fifteen per cent of the total estimated value of contracts to be awarded in the current fiscal year. The board shall set aside the contracts so selected for bidding by minority business enterprises only. The bidding procedures for such contracts shall be the same as for all other contracts awarded under section 307.86 of the Revised Code, except that only minority business enterprises certified and listed pursuant to division (B) of this section shall be qualified to submit bids.

(D) To the extent that a board is authorized to enter into contracts for construction, the board shall strive to attain a yearly contract dollar procurement goal the aggregate value of which equals approximately five per cent of the aggregate value of construction contracts for the current fiscal year for EDGE business enterprises only.

(E) (1) In the case of contracts set aside under division (C) of this section, if no bid is submitted by a minority business enterprise, the contract shall be awarded according to normal bidding procedures. The board shall from time to time set aside such additional contracts as are necessary to replace those contracts previously set aside on which no minority business enterprise bid.

(2) If a board, after having made a good faith effort, is unable to comply with the goal of procurement for contracting with EDGE business enterprises pursuant to division (D) of this section, the board may apply in writing, on a form prescribed by the department of administrative services, to the director of

~~mental-behavioral health and addiction services~~ for a waiver or 26078
modification of the goal. 26079

(F) This section does not preclude any minority business 26080
enterprise or EDGE business enterprise from bidding on any other 26081
contract not specifically set aside for minority business 26082
enterprises or subject to procurement goals for EDGE business 26083
enterprises. 26084

(G) Within ninety days after the beginning of each fiscal 26085
year, each board shall file a report with the department of 26086
~~mental-behavioral health and addiction services~~ that shows for 26087
that fiscal year the name of each minority business enterprise 26088
and EDGE business enterprise with which the board entered into a 26089
contract, the value and type of each such contract, the total 26090
value of contracts awarded under divisions (C) and (D) of this 26091
section, the total value of contracts awarded for the purchases 26092
of equipment, materials, supplies, or services, other than 26093
contracts entered into under section 340.036 of the Revised 26094
Code, and the total value of contracts entered into for 26095
construction. 26096

(H) Any person who intentionally misrepresents self as 26097
owning, controlling, operating, or participating in a minority 26098
business enterprise or an EDGE business enterprise for the 26099
purpose of obtaining contracts or any other benefits under this 26100
section shall be guilty of theft by deception as provided for in 26101
section 2913.02 of the Revised Code. 26102

Sec. 340.16. The department of ~~mental-behavioral health~~ 26103
~~and addiction services~~ and the department of medicaid shall 26104
adopt rules that establish requirements and procedures for prior 26105
notification and service coordination between public children 26106
services agencies and boards of alcohol, drug addiction, and 26107

mental health services when a public children services agency 26108
refers a child in its custody to a board for services funded by 26109
the board. The rules shall be adopted in accordance with Chapter 26110
119. of the Revised Code. 26111

Sec. 345.01. (A) As used in this chapter, "~~the county-~~ 26112
~~auditor's appraised market~~ value" has the same meaning as in 26113
section 5705.01 of the Revised Code. 26114

(B) The taxing authority of any municipal corporation, 26115
township, or county, at any time not less than one hundred days 26116
prior to a general election in any year, by a vote of two-thirds 26117
of all members of the taxing authority, may, and upon 26118
presentation to the clerk or fiscal officer, as the case may be, 26119
of the taxing authority of a petition signed by not less than 26120
two per cent of the electors of the political subdivision, as 26121
shown at the preceding general election held in the subdivision, 26122
shall, declare by resolution that the amount of taxes which may 26123
be raised within the ten-mill limitation will be insufficient to 26124
provide an adequate amount for the necessary requirements of the 26125
subdivision, and that it is necessary to levy taxes in excess of 26126
the limitation for either or both of the following purposes: 26127

(1) For purchasing a site, and for erecting, equipping, 26128
and furnishing, or for establishing a memorial to commemorate 26129
the services of all members and veterans of the armed forces of 26130
the United States; 26131

(2) For the operation and maintenance of a memorial, and 26132
for the functions related to it. 26133

The resolution shall be confined to the purposes set forth 26134
in this section, and shall specify the amount of increase in 26135
rate which it is necessary to levy, expressed both in mills for 26136

each one dollar of taxable value and in dollars for each one 26137
hundred thousand dollars of ~~the county auditor's appraised~~ 26138
market value, the purpose of the rate increase, and the number 26139
of years during which the increase shall be in effect. The 26140
increase may include a levy upon the tax duplicate of the 26141
current year. The number of years shall be any number not 26142
exceeding ten. The question of an increase in tax rate under 26143
divisions (B) (1) and (2) of this section may be submitted to the 26144
electors on one ballot. 26145

The total tax for the purposes included in this section 26146
shall not, in any year, exceed one mill of each dollar of 26147
taxable value. 26148

The resolution shall go into immediate effect upon its 26149
passage, and no publication of the resolution, other than that 26150
provided for in the notice of election, shall be necessary. 26151

Sec. 345.03. A copy of any resolution adopted under 26152
section 345.01 of the Revised Code shall be certified within 26153
five days by the taxing authority and not later than four p.m. 26154
of the ninetieth day before the day of the election, to the 26155
county board of elections, and such board shall submit the 26156
proposal to the electors of the subdivision at the succeeding 26157
general election. The board shall make the necessary 26158
arrangements for the submission of such question to the electors 26159
of the subdivision, and the election shall be conducted, 26160
canvassed, and certified in like manner as regular elections in 26161
such subdivision. 26162

Notice of the election shall be published once not less 26163
than two weeks prior to such election using at least one of the 26164
following methods: 26165

(A) In the print or digital edition of a newspaper of general circulation within the county; 26166
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(B) On the official public notice web site established under section 125.182 of the Revised Code; 26168
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(C) On the web site and social media account of the county. 26170
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The notice shall set out the purpose of the proposed increase in rate, the levy's estimated annual collections, the amount of the increase expressed in dollars for each one hundred thousand dollars of ~~the county auditor's appraised~~ market value as well as in mills for each one dollar of taxable value, the number of years during which such increase will be in effect, and the time and place of holding such election. 26172
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Sec. 345.04. The form of the ballot cast at a general election, as provided by sections 345.01 to 345.03 of the Revised Code, shall be: "An additional tax for the benefit of (name of subdivision) for the purpose of (state purpose stated in the resolution), that the county auditor estimates will collect \$_____ annually, at a rate not exceeding _____ mills for each \$1 of taxable value, which amounts to \$_____ for each \$100,000 of ~~the county auditor's appraised~~ market value, for (the number of years the levy is to run). 26179
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	For the Tax Levy
	Against the Tax Levy

"

If the tax is to be placed on the current tax list, the form of the ballot shall be modified by adding, after the statement of the number of years the levy is to run, the phrase 26189
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", commencing in _____ (first year the tax is to be levied), first due in calendar year _____ (first calendar year in which the tax shall be due)." 26192
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The question covered by the resolution shall be submitted to the electors as a separate proposition, but it may be printed on the same ballot with any other proposition submitted at the same election other than the election of officers. More than one such question may be submitted at the same election. 26195
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Sec. 349.01. As used in this chapter: 26200

(A) "New community" means a community or development of property in relation to an existing community planned so that the resulting community includes facilities for the conduct of industrial, commercial, residential, cultural, educational, and recreational activities, and designed in accordance with planning concepts for the placement of utility, open space, and other supportive facilities. 26201
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(B) "New community development program" means a program for the development of a new community characterized by well-balanced and diversified land use patterns and which includes land acquisition and land development, the acquisition, construction, operation, and maintenance of community facilities, and the provision of services authorized in this chapter. 26208
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A new community development program may take into account any existing community in relation to which a new community is developed for purposes of being characterized by well-balanced and diversified land use patterns. 26215
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(C) "New community district" means the area of land described by the developer in the petition as set forth in 26219
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division (A) of section 349.03 of the Revised Code for 26221
development as a new community and any lands added to the 26222
district by amendment of the resolution establishing the 26223
community authority. 26224

(D) "New community authority" means a body corporate and 26225
politic in this state, established pursuant to section 349.03 of 26226
the Revised Code and governed by a board of trustees as provided 26227
in section 349.04 of the Revised Code. 26228

(E) "Developer" means any person, organized for carrying 26229
out a new community development program who owns or controls, 26230
through leases of at least seventy-five years' duration, 26231
options, or contracts to purchase, the land within a new 26232
community district, or any municipal corporation, township, 26233
county, or port authority that owns the land within a new 26234
community district, or has the ability to acquire such land, 26235
either by voluntary acquisition or condemnation in order to 26236
eliminate slum, blighted, and deteriorated or deteriorating 26237
areas and to prevent the recurrence thereof. "Developer" may 26238
also mean a person, municipal corporation, township, county, or 26239
port authority that controls land within a new community 26240
district through leases of at least seventy-five years' 26241
duration. "Developer" includes a lessor that continues to own 26242
and control land for purposes of this chapter pursuant to leases 26243
with a ninety-nine-year renewable term, so long as ~~all~~ both of 26244
the following apply: 26245

(1) The developer's new community district consists of at 26246
least five leases described in this section. 26247

(2) The leases are subject to forfeiture for all of the 26248
following: 26249

(a) Failing to pay taxes and assessments;	26250
(b) Failing to pay an annual fee of up to one per cent of rent for sanitary purposes and improvements made to streets;	26251 26252
(c) Failing to keep the premises as required by sanitary and police regulations of the developer.	26253 26254
(3) The new community authority is established on or before December 31, 2024.	26255 26256
(F) "Organizational board of commissioners" means any of the following:	26257 26258
(1) For a new community district that is located in only one county, the board of county commissioners of that county;	26259 26260
(2) For a new community district that is located in more than one county, a board consisting of the members of the board of county commissioners of each of the counties in which the district is located, provided that action of the board shall require a majority vote of the members of each separate board of county commissioners;	26261 26262 26263 26264 26265 26266
(3) For a new community district that is located entirely within the boundaries of a municipal corporation or for a new community district where more than half of the new community district is located within the boundaries of the most populous municipal corporation of a county, the legislative authority of the municipal corporation;	26267 26268 26269 26270 26271 26272
(4) For a new community district that is comprised entirely of unincorporated territory within the boundaries of a township with a population of at least five thousand, and <u>which is</u> located in a county with a population of at least two hundred thousand and not more than four hundred thousand, <u>or located</u>	26273 26274 26275 26276 26277

within the boundaries of a limited home rule township that 26278
adopted a resolution under section 5709.73 of the Revised Code 26279
before January 1, 1995, and which is located in a county with a 26280
population of more than four hundred thousand, the board of 26281
township trustees of the township; 26282

(5) In the event that more than one body meets the 26283
definitions set forth in divisions (F)(1) to (4) of this 26284
section, "organizational board of commissioners" means the 26285
organizational board of commissioners with which the original 26286
petition was filed or another body meeting the definitions set 26287
forth in divisions (F)(1) to (4) of this section appointed in a 26288
resolution adopted by the organizational board of commissioners 26289
with which the original petition was filed. 26290

(G) "Land acquisition" means the acquisition of real 26291
property and interests in real property as part of a new 26292
community development program. 26293

(H) "Land development" means the process of clearing and 26294
grading land, making, installing, or constructing water 26295
distribution systems, sewers, sewage collection systems, steam, 26296
gas, and electric lines, roads, streets, curbs, gutters, 26297
sidewalks, storm drainage facilities, and other installations or 26298
work, whether within or without the new community district, and 26299
the construction of community facilities. 26300

(I) "Community facilities" means all real property, 26301
buildings, structures, or other facilities, including related 26302
fixtures, equipment, and furnishings, to be owned, operated, 26303
financed, constructed, and maintained under this chapter or in 26304
furtherance of community activities, whether within or without 26305
the new community district, including public, community, 26306
village, neighborhood, or town buildings, centers and plazas, 26307

auditoriums, child care centers, recreation halls, educational 26308
facilities, health care facilities including hospital facilities 26309
as defined in section 140.01 of the Revised Code, 26310
telecommunications facilities, including all facilities 26311
necessary to provide telecommunications service as defined in 26312
section 4927.01 of the Revised Code, recreational facilities, 26313
natural resource facilities, including parks and other open 26314
space land, lakes and streams, cultural facilities, community 26315
streets and off-street parking facilities, pathway and bikeway 26316
systems, pedestrian underpasses and overpasses, lighting 26317
facilities, design amenities, or other community facilities, and 26318
buildings needed in connection with water supply or sewage 26319
disposal installations, or energy facilities including those for 26320
renewable or sustainable energy sources, and steam, gas, or 26321
electric lines or installation. 26322

(J) "Cost" as applied to a new community development 26323
program means all costs related to land acquisition and land 26324
development, the acquisition, construction, maintenance, and 26325
operation of community facilities and offices of the community 26326
authority, and of providing furnishings and equipment therefor, 26327
financing charges including interest prior to and during 26328
construction and for the duration of the new community 26329
development program, planning expenses, engineering expenses, 26330
administrative expenses including working capital, and all other 26331
expenses necessary and incident to the carrying forward of the 26332
new community development program. 26333

(K) "Income source" means any and all sources of income to 26334
the community authority, including community development charges 26335
of which the new community authority is the beneficiary as 26336
provided in section 349.07 of the Revised Code, rentals, user 26337
fees and other charges received by the new community authority, 26338

any gift or grant received, any moneys received from any funds 26339
invested by or on behalf of the new community authority, and 26340
proceeds from the sale or lease of land and community 26341
facilities. 26342

(L) "Community development charge" means: 26343

(1) A dollar amount which shall be determined on the basis 26344
of the assessed valuation of real property or interests in real 26345
property in a new community district, the income of the 26346
residents of such property subject to such charge under section 26347
349.07 of the Revised Code, if such property is devoted to 26348
residential uses or to the profits, gross receipts, or other 26349
revenues of any business including, but not limited to, rentals 26350
received from leases of real property located in the district, a 26351
uniform or other fee on each parcel of such real property in a 26352
new community district, or any combination of the foregoing 26353
bases. 26354

(2) If a new community authority imposes a community 26355
development charge determined on the basis of rentals received 26356
from leases of real property, improvements of any real property 26357
located in the new community district and subject to that charge 26358
may not be exempted from taxation under section 5709.40, 26359
5709.41, 5709.45, 5709.48, 5709.73, or 5709.78 of the Revised 26360
Code. 26361

(M) "Proximate community" means the following: 26362

(1) For a new community district other than a new 26363
community district described in division (M)(2), (3), or (4) of 26364
this section, any city that, as of the date of filing of the 26365
petition under section 349.03 of the Revised Code, is the city 26366
with the greatest population located in the county in which the 26367

proposed new community district is located, is the city with the
greatest population located in an adjoining county if any
portion of such city is within five miles of any part of the
boundaries of such district, or exercises extraterritorial
subdivision authority under section 711.09 of the Revised Code
with respect to any part of such district.

(2) A municipal corporation in which, at the time of
filing the petition under section 349.03 of the Revised Code,
any portion of the proposed new community district is located.

(3) For a new community district other than a new
community district described in division (M) (2) or (4) of this
section, if at the time of filing the petition under section
349.03 of the Revised Code, more than one-half of the proposed
district is contained within a joint economic development
district created under sections 715.70 to 715.83 of the Revised
Code, the township containing the greatest portion of the
territory of the joint economic development district.

(4) For a new community district other than a new
community district described in division (M) (2) or (3) of this
section, if at the time of filing the petition under section
~~343.03~~ 349.03 of the Revised Code the proposed new community
district is comprised entirely of unincorporated territory
within the boundaries of a township with a population of at
least five thousand, and which is located in a county with a
population of at least two hundred thousand and not more than
four hundred thousand, or located within the boundaries of a
limited home rule township that adopted a resolution under
section 5709.73 of the Revised Code before January 1, 1995, and
which is located in a county with a population of more than four
hundred thousand, the township in which the proposed new

community district is located. 26398

(N) "Community activities" means cultural, educational, 26399
governmental, recreational, residential, industrial, commercial, 26400
distribution and research activities, or any combination 26401
thereof. 26402

Sec. 501.09. The lessee of land appropriated for 26403
ministerial purposes which land is leased for ninety-nine years, 26404
renewable forever, or the lessee of such land the lease of which 26405
has been renewed for a like term may purchase the fee simple 26406
title to the land for an amount equal to the rent for one year. 26407
The receipt of all rents due and an amount equal to the rent for 26408
one year from a lessee is deemed an offer to purchase the land, 26409
which offer the board of education of the school district for 26410
whose benefit the land has been allocated shall accept. The 26411
school board shall cancel the lease and prepare a deed in fee 26412
simple to the land, which the governor shall execute and the 26413
secretary of state shall countersign. 26414

The lessee of land appropriated for school purposes which 26415
land is leased for ninety-nine years, renewable forever, or the 26416
lessee of land the lease of which has been renewed for a like 26417
term may purchase the fee simple title to the land for an amount 26418
equal to the quotient of the annual rent divided by five one- 26419
hundredths. Upon receipt of that amount, if all unpaid rent due 26420
from the lessee for past years has been paid, the school board 26421
shall cancel the lease, and the ~~auditor of state~~ department of 26422
administrative services shall prepare a deed in fee simple to 26423
the land, which the governor shall execute and the secretary of 26424
state shall countersign. 26425

Moneys received from the sale of any land shall be paid to 26426
the school district for whose benefit the land has been 26427

allocated. 26428

Sec. 501.11. When the successful bidder at the sale 26429
provided in this chapter makes payment to the school district 26430
selling the land, the school district shall certify receipt of 26431
such payment to the ~~auditor of state~~department of administrative 26432
services. Following the payment to the school district, the 26433
~~auditor of state~~department of administrative services shall 26434
prepare a deed, conveying such lands in fee simple to the 26435
successful bidder, and deliver it to the governor, together with 26436
~~his certificate, under the seal of the auditor of state,~~a 26437
certification signed by the director of administrative services 26438
that all papers required by law have been properly filed, that 26439
the proceedings are according to law, and that the purchase 26440
money is fully paid. When signed by the governor, countersigned 26441
by the secretary of state, and sealed with the great seal of the 26442
state, such deed shall be returned to the ~~auditor of state who~~ 26443
department of administrative services, which shall deliver it to 26444
the grantee. 26445

Sec. 504.14. In a township that adopts a limited home rule 26446
government, resolutions may be proposed by initiative petition 26447
by the electors in the unincorporated area of the township and 26448
adopted by election by these electors, and resolutions adopted 26449
by the board of township trustees may be submitted to these 26450
electors for their approval or rejection by referendum, under 26451
the same circumstances and in the same manner as provided by 26452
sections 731.28 to 731.40 of the Revised Code for municipal 26453
corporations, except that both of the following apply: 26454

(A) Initiative and referendum petitions shall be filed 26455
with the township fiscal officer, who shall perform the duties 26456
imposed under those sections upon the city auditor or village 26457

clerk. 26458

(B) Initiative and referendum petitions shall contain the 26459
signatures of not less than ~~ten~~thirty-five per cent of the 26460
total number of electors in the unincorporated area of the 26461
township who voted for the office of governor at the most recent 26462
general election for that office in that area of the township. 26463

Sec. 505.24. (A) In calendar year 2018, each township 26464
trustee is entitled to compensation in an amount for each day of 26465
service in the business of the township, to be paid from the 26466
township treasury as follows: 26467

(1) In townships having a budget of two hundred fifty 26468
thousand dollars or less, forty dollars and forty-one cents per 26469
day for not more than two hundred days; 26470

(2) In townships having a budget of more than two hundred 26471
fifty thousand but not more than five hundred thousand dollars, 26472
forty-six dollars and eighty cents per day for not more than two 26473
hundred days; 26474

(3) In townships having a budget of more than five hundred 26475
thousand but not more than seven hundred fifty thousand dollars, 26476
forty-nine dollars and sixty-three cents per day for not more 26477
than two hundred days; 26478

(4) In townships having a budget of more than seven 26479
hundred fifty thousand but not more than one million five 26480
hundred thousand dollars, fifty-six dollars and seventy-one 26481
cents per day for not more than two hundred days; 26482

(5) In townships having a budget of more than one million 26483
five hundred thousand but not more than three million five 26484
hundred thousand dollars, sixty-two dollars and thirty-nine 26485
cents per day for not more than two hundred days; 26486

(6) In townships having a budget of more than three million five hundred thousand but not more than six million dollars, sixty-eight dollars and six cents per day for not more than two hundred days;

(7) In townships having a budget of more than six million but not more than ten million dollars, eighty-eight dollars and nineteen cents per day for not more than two hundred days;

(8) In townships having a budget of more than ten million dollars, one hundred thirteen dollars and thirty-eight cents per day for not more than two hundred days.

(B) The amounts paid as specified in division (A) of this section shall be increased as follows:

(1) In calendar year 2019 and in each calendar year thereafter through calendar year 2028~~2025, the amounts paid as specified in division (A) of this section shall be increased by one and three-quarters per cent;~~

(2) In calendar year 2026 and in each calendar year thereafter through calendar year 2029, by five per cent.

(C) Whenever members of a board of township trustees are compensated per diem and not by annual salary, the board shall establish, by resolution, a method by which each member of the board shall periodically notify the township fiscal officer of the number of days spent in the service of the township and the kinds of services rendered on those days. The per diem compensation shall be paid from the township general fund or from other township funds in such proportions as the kinds of services performed may require. The notice shall be filed with the township fiscal officer and preserved for inspection by any persons interested.

By unanimous vote, a board of township trustees may adopt 26516
a method of compensation consisting of an annual salary to be 26517
paid in equal monthly payments. If the office of trustee is held 26518
by more than one person during any calendar year, each person 26519
holding the office shall receive payments for only those months, 26520
and any fractions of those months, during which the person holds 26521
the office. The amount of the annual salary approved by the 26522
board shall be no more than the maximum amount that could be 26523
received annually by a trustee if the trustee were paid on a per 26524
diem basis as specified in this division, and shall be paid from 26525
the township general fund or from other township funds in such 26526
proportions as the board may specify by resolution. Each trustee 26527
shall certify the percentage of time spent working on matters to 26528
be paid from the township general fund and from other township 26529
funds in such proportions as the kinds of services performed. A 26530
board of township trustees that has adopted a salary method of 26531
compensation may return to a method of compensation on a per 26532
diem basis as specified in this division by a majority vote. Any 26533
change in the method of compensation shall be effective on the 26534
first day of January of the year following the year during which 26535
the board has voted to change the method of compensation. 26536

Sec. 505.37. (A) The board of township trustees may 26537
establish all necessary rules to guard against the occurrence of 26538
fires and to protect the property and lives of the citizens 26539
against damage and accidents, and may purchase, lease, lease 26540
with an option to purchase, or otherwise provide any fire 26541
apparatus, mechanical resuscitators, underwater rescue and 26542
recovery equipment, or other fire equipment, appliances, 26543
materials, fire hydrants, and water supply for fire-fighting and 26544
fire and rescue purposes that seems advisable to the board. The 26545
board shall provide for the care and maintenance of such fire 26546

equipment, and, for these purposes, may purchase, lease, lease 26547
with an option to purchase, or construct and maintain necessary 26548
buildings, and it may establish and maintain lines of fire-alarm 26549
communications within the limits of the township. The board may 26550
employ one or more persons to maintain and operate such fire 26551
equipment, or it may enter into an agreement with a volunteer 26552
fire company for the use and operation of the equipment. The 26553
board may compensate the members of a volunteer fire company on 26554
any basis and in any amount that it considers equitable. 26555

When the estimated cost to purchase fire apparatus, 26556
mechanical resuscitators, underwater rescue and recovery 26557
equipment, or other fire equipment, appliances, materials, fire 26558
hydrants, buildings, or fire-alarm communications equipment or 26559
services exceeds the amount specified in section 9.17 of the 26560
Revised Code, the contract shall be let by competitive bidding. 26561
No purchase or other transaction subject to this section shall 26562
be divided into component parts in order to avoid the 26563
requirements of this section. When competitive bidding is 26564
required, the board shall advertise once a week for not less 26565
than two consecutive weeks using at least one of the following 26566
methods: 26567

(1) In the print or digital edition of a newspaper of 26568
general circulation within the township; 26569

(2) On the official public notice web site established 26570
under section 125.182 of the Revised Code; 26571

(3) On the web site and social media account of the 26572
township. 26573

The board may also cause notice to be inserted in trade 26574
papers or other publications designated by it or to be 26575

distributed by electronic means, including posting the notice on 26576
the board's internet web site. 26577

The advertisement shall include the time, date, and place 26578
where the clerk of the township, or the clerk's designee, will 26579
read bids publicly. The time, date, and place of bid openings 26580
may be extended to a later date by the board of township 26581
trustees, provided that written or oral notice of the change 26582
shall be given to all persons who have received or requested 26583
specifications not later than ninety-six hours prior to the 26584
original time and date fixed for the opening. The board may 26585
reject all the bids or accept the lowest and best bid, provided 26586
that the successful bidder meets the requirements of section 26587
153.54 of the Revised Code when the contract is for the 26588
construction, demolition, alteration, repair, or reconstruction 26589
of an improvement. 26590

(B) The boards of township trustees of any two or more 26591
townships, or the legislative authorities of any two or more 26592
political subdivisions, or any combination of these, may, 26593
through joint action, unite in the joint purchase, lease, lease 26594
with an option to purchase, maintenance, use, and operation of 26595
fire equipment described in division (A) of this section, or for 26596
any other purpose designated in sections 505.37 to 505.42 of the 26597
Revised Code, and may prorate the expense of the joint action on 26598
any terms that are mutually agreed upon. 26599

(C) The board of township trustees of any township may, by 26600
resolution, whenever it is expedient and necessary to guard 26601
against the occurrence of fires or to protect the property and 26602
lives of the citizens against damages resulting from their 26603
occurrence, create a fire district of any portions of the 26604
township that it considers necessary. The board may purchase, 26605

lease, lease with an option to purchase, or otherwise provide 26606
any fire apparatus, mechanical resuscitators, underwater rescue 26607
and recovery equipment, or other fire equipment, appliances, 26608
materials, fire hydrants, and water supply for fire-fighting and 26609
fire and rescue purposes, or may contract for the fire 26610
protection for the fire district as provided in section 9.60 of 26611
the Revised Code. The fire district so created shall be given a 26612
separate name by which it shall be known. 26613

Additional unincorporated territory of the township may be 26614
added to a fire district upon the board's adoption of a 26615
resolution authorizing the addition. A municipal corporation, or 26616
a portion of a municipal corporation, that is within or 26617
adjoining the township may be added to a fire district upon the 26618
board's adoption of a resolution authorizing the addition and 26619
the municipal legislative authority's adoption of a resolution 26620
or ordinance requesting the addition of the municipal 26621
corporation or a portion of the municipal corporation to the 26622
fire district. 26623

If the township fire district imposes a tax, additional 26624
unincorporated territory of the township or a municipal 26625
corporation or a portion of a municipal corporation that is 26626
within or adjoining the township shall become part of the fire 26627
district only after all of the following have occurred: 26628

(1) Adoption by the board of township trustees of a 26629
resolution approving the expansion of the territorial limits of 26630
the district and, if the resolution proposes to add a municipal 26631
corporation or a portion of a municipal corporation, adoption by 26632
the municipal legislative authority of a resolution or ordinance 26633
requesting the addition of the municipal corporation or a 26634
portion of the municipal corporation to the district; 26635

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

(3) The board requests and obtains from the county auditor the information required for a tax levy under section 5705.03 of the Revised Code, in the manner prescribed in that section, except that the levy's annual collections shall be estimated assuming that the additional territory has been added to the fire district.

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

Each resolution of the board adopted under division (C) (2) of this section shall state the name of the fire district, a description of the territory to be added, the rate, expressed in mills for each one dollar of taxable value, the effective rate, expressed in dollars for each one hundred thousand dollars of ~~the county auditor's appraised market~~ value, and termination date of the tax, which shall be the rate, effective rate, and termination date of the tax currently in effect in the fire district.

The board of trustees shall certify each resolution adopted under division (C) (2) of this section and the county auditor's certification under division (C) (3) of this section to the board of elections in accordance with section 5705.19 of the Revised Code. The election required under division (C) (4) of this section shall be held, canvassed, and certified in the manner provided for the submission of tax levies under section 5705.25 of the Revised Code, except that the question appearing on the ballot shall read:

"Shall the territory within _____ 26665
(description of the proposed territory to be added) be added to 26666
_____ (name) fire district, and a property 26667
tax, that the county auditor estimates will collect \$ _____ 26668
annually, at a rate not exceeding _____ mills for each \$1 of 26669
taxable value, which amounts to \$ _____ (here insert 26670
effective rate) for each \$100,000 of ~~the county auditor's~~ 26671
~~appraised market~~ value, be in effect for _____ (here insert 26672
the number of years the tax is to be in effect or "a continuing 26673
period of time," as applicable)?" 26674

If the question is approved by at least a majority of the 26675
electors voting on it, the joinder shall be effective as of the 26676
first day of July of the year following approval, and on that 26677
date, the township fire district tax shall be extended to the 26678
taxable property within the territory that has been added. If 26679
the territory that has been added is a municipal corporation or 26680
portion thereof and if it had adopted a tax levy for fire 26681
purposes, the levy is terminated on the effective date of the 26682
joinder in the area of the municipal corporation added to the 26683
district. 26684

Any municipal corporation may withdraw from a township 26685
fire district created under division (C) of this section by the 26686
adoption by the municipal legislative authority of a resolution 26687
or ordinance ordering withdrawal. On the first day of July of 26688
the year following the adoption of the resolution or ordinance 26689
of withdrawal, the withdrawing municipal corporation or the 26690
portion thereof ceases to be a part of the district, and the 26691
power of the fire district to levy a tax upon taxable property 26692
in the withdrawing municipal corporation or the portion thereof 26693
terminates, except that the fire district shall continue to levy 26694
and collect taxes for the payment of indebtedness within the 26695

territory of the fire district as it was composed at the time 26696
the indebtedness was incurred. 26697

Upon the withdrawal of any municipal corporation from a 26698
township fire district created under division (C) of this 26699
section, the county auditor shall ascertain, apportion, and 26700
order a division of the funds on hand, moneys and taxes in the 26701
process of collection except for taxes levied for the payment of 26702
indebtedness, credits, and real and personal property, either in 26703
money or in kind, on the basis of the valuation of the 26704
respective tax duplicates of the withdrawing municipal 26705
corporation and the remaining territory of the fire district. 26706

A board of township trustees may remove unincorporated 26707
territory of the township from the fire district upon the 26708
adoption of a resolution authorizing the removal. On the first 26709
day of July of the year following the adoption of the 26710
resolution, the unincorporated township territory described in 26711
the resolution ceases to be a part of the district, and the 26712
power of the fire district to levy a tax upon taxable property 26713
in that territory terminates, except that the fire district 26714
shall continue to levy and collect taxes for the payment of 26715
indebtedness within the territory of the fire district as it was 26716
composed at the time the indebtedness was incurred. 26717

As used in this section, "~~the county auditor's appraised~~ 26718
market value" and "effective rate" have the same meanings as in 26719
section 5705.01 of the Revised Code. 26720

(D) The board of township trustees of any township, the 26721
board of fire district trustees of a fire district created under 26722
section 505.371 of the Revised Code, or the legislative 26723
authority of any municipal corporation may purchase, lease, or 26724
lease with an option to purchase the necessary fire equipment 26725

described in division (A) of this section, buildings, and sites 26726
for the township, fire district, or municipal corporation and 26727
issue securities for that purpose with maximum maturities as 26728
provided in section 133.20 of the Revised Code. The board of 26729
township trustees, board of fire district trustees, or 26730
legislative authority may also construct any buildings necessary 26731
to house fire equipment and issue securities for that purpose 26732
with maximum maturities as provided in section 133.20 of the 26733
Revised Code. 26734

The board of township trustees, board of fire district 26735
trustees, or legislative authority may issue the securities of 26736
the township, fire district, or municipal corporation, signed by 26737
the board or designated officer of the municipal corporation and 26738
attested by the signature of the township fiscal officer, fire 26739
district clerk, or municipal clerk, covering any deferred 26740
payments and payable at the times provided, which securities 26741
shall bear interest not to exceed the rate determined as 26742
provided in section 9.95 of the Revised Code, and shall not be 26743
subject to Chapter 133. of the Revised Code. The legislation 26744
authorizing the issuance of the securities shall provide for 26745
levying and collecting annually by taxation, amounts sufficient 26746
to pay the interest on and principal of the securities. The 26747
securities shall be offered for sale on the open market or given 26748
to the vendor or contractor if no sale is made. 26749

Section 505.40 of the Revised Code does not apply to any 26750
securities issued, or any lease with an option to purchase 26751
entered into, in accordance with this division. 26752

(E) A board of township trustees of any township or a 26753
board of fire district trustees of a fire district created under 26754
section 505.371 of the Revised Code may purchase a policy or 26755

policies of liability insurance for the officers, employees, and 26756
appointees of the fire department, fire district, or joint fire 26757
district governed by the board that includes personal injury 26758
liability coverage as to the civil liability of those officers, 26759
employees, and appointees for false arrest, detention, or 26760
imprisonment, malicious prosecution, libel, slander, defamation 26761
or other violation of the right of privacy, wrongful entry or 26762
eviction, or other invasion of the right of private occupancy, 26763
arising out of the performance of their duties. 26764

When a board of township trustees cannot, by deed of gift 26765
or by purchase and upon terms it considers reasonable, procure 26766
land for a township fire station that is needed in order to 26767
respond in reasonable time to a fire or medical emergency, the 26768
board may appropriate land for that purpose under sections 26769
163.01 to 163.22 of the Revised Code. If it is necessary to 26770
acquire additional adjacent land for enlarging or improving the 26771
fire station, the board may purchase, appropriate, or accept a 26772
deed of gift for the land for these purposes. 26773

(F) As used in this division, "emergency medical service 26774
organization" has the same meaning as in section 4766.01 of the 26775
Revised Code. 26776

A board of township trustees, by adoption of an 26777
appropriate resolution, may choose to have the state board of 26778
emergency medical, fire, and transportation services license any 26779
emergency medical service organization it operates. If the board 26780
adopts such a resolution, Chapter 4766. of the Revised Code, 26781
except for sections 4766.06 and 4766.99 of the Revised Code, 26782
applies to the organization. All rules adopted under the 26783
applicable sections of that chapter also apply to the 26784
organization. A board of township trustees, by adoption of an 26785

appropriate resolution, may remove its emergency medical service organization from the jurisdiction of the state board of emergency medical, fire, and transportation services.

Sec. 505.48. (A) The board of township trustees of any township may, by resolution adopted by two-thirds of the members of the board, create a township police district comprised of all or a portion of the unincorporated territory of the township as the resolution may specify. If the township police district does not include all of the unincorporated territory of the township, the resolution creating the district shall contain a complete and accurate description of the territory of the district and a separate and distinct name for the district.

At any time not less than one hundred twenty days after a township police district is created and operative, the territorial limits of the district may be altered in the manner provided in division (B) of this section or, if applicable, as provided in section 505.482 of the Revised Code.

(B) Except as otherwise provided in section 505.481 of the Revised Code, the territorial limits of a township police district may be altered by a resolution adopted by a two-thirds vote of the board of township trustees. If the township police district imposes a tax, any territory proposed for addition to the district shall become part of the district only after all of the following have occurred:

(1) Adoption by two-thirds vote of the board of township trustees of a resolution approving the expansion of the territorial limits of the district;

(2) Adoption by a two-thirds vote of the board of township trustees of a resolution recommending the extension of the tax

to the additional territory; 26815

(3) The board requests and obtains from the county auditor 26816
the information required for a tax levy under section 5705.03 of 26817
the Revised Code, in the same manner required under that 26818
section, except that the levy's annual collections shall be 26819
estimated assuming that the additional territory has been added 26820
to the township police district. 26821

(4) Approval of the tax by the electors of the territory 26822
proposed for addition to the district. 26823

Each resolution of the board adopted under division (B) (2) 26824
of this section shall state the name of the township police 26825
district, a description of the territory to be added, the rate, 26826
expressed in mills for each one dollar of taxable value, the 26827
effective rate, expressed in dollars for each one hundred 26828
thousand dollars of ~~the county auditor's appraised~~ market value, 26829
and termination date of the tax, which shall be the rate, 26830
effective rate, and termination date of the tax currently in 26831
effect in the district. 26832

The board of trustees shall certify each resolution 26833
adopted under division (B) (2) of this section and the county 26834
auditor's certification under division (B) (3) of this section to 26835
the board of elections in accordance with section 5705.19 of the 26836
Revised Code. The election required under division (B) (4) of 26837
this section shall be held, canvassed, and certified in the 26838
manner provided for the submission of tax levies under section 26839
5705.25 of the Revised Code, except that the question appearing 26840
on the ballot shall read: 26841

"Shall the territory within _____ 26842
(description of the proposed territory to be added) be added to 26843

_____ (name) township police district, and a property 26844
tax, that the county auditor estimates will collect \$_____ 26845
annually, at a rate not exceeding _____ mills for each \$1 26846
of taxable value, which amounts to \$_____ (here insert 26847
effective rate) for each \$100,000 of ~~the county auditor's~~ 26848
~~appraised market~~ value, be in effect for _____ (here insert 26849
the number of years the tax is to be in effect or "a continuing 26850
period of time," as applicable)?" 26851

If the question is approved by at least a majority of the 26852
electors voting on it, the joinder shall be effective as of the 26853
first day of January of the year following approval, and, on 26854
that date, the township police district tax shall be extended to 26855
the taxable property within the territory that has been added. 26856

As used in this section, "~~the county auditor's appraised~~ 26857
~~market value~~" and "effective rate" have the same meanings as in 26858
section 5705.01 of the Revised Code. 26859

Sec. 505.481. (A) If a township police district does not 26860
include all the unincorporated territory of the township, the 26861
remaining unincorporated territory of the township may be added 26862
to the district by a resolution adopted by a unanimous vote of 26863
the board of township trustees to place the issue of expansion 26864
of the district on the ballot for the electors of the entire 26865
unincorporated territory of the township. The resolution shall 26866
state whether the proposed township police district initially 26867
will hire personnel as provided in section 505.49 of the Revised 26868
Code or contract for the provision of police protection services 26869
or additional police protection services as provided in section 26870
505.43 or 505.50 of the Revised Code. If the board proposes to 26871
levy a tax throughout all of the unincorporated territory of the 26872
township, the board shall request and obtain from the county 26873

auditor the information required for a tax levy under section 26874
5705.03 of the Revised Code, except that the levy's annual 26875
collections shall be estimated assuming that the unincorporated 26876
territory has been added to the township police district. 26877

The ballot measure shall provide for the addition into a 26878
new district of all the unincorporated territory of the township 26879
not already included in the township police district and for the 26880
levy of any tax then imposed by the district throughout the 26881
unincorporated territory of the township. If the measure 26882
includes a tax, the measure shall state the rate of the tax, 26883
which need not be the same rate of any tax imposed by the 26884
existing district, to be imposed in the district resulting from 26885
approval of the measure, expressed in mills for each one dollar 26886
of taxable value, the effective rate, expressed in dollars for 26887
each one hundred thousand dollars of ~~the county auditor's~~ 26888
~~appraised~~ market value, the last year in which the tax will be 26889
levied or that it will be levied for a continuous period of 26890
time, and the county auditor's estimate of the levy's annual 26891
collections. 26892

(B) The election on the measure shall be held, canvassed, 26893
and certified in the manner provided for the submission of tax 26894
levies under section 5705.25 of the Revised Code, except that 26895
the question appearing on the ballot shall read substantially as 26896
follows: 26897

"Shall the unincorporated territory within _____ 26898
(name of the township) not already included within the 26899
_____ (name of township police district) be added to the 26900
township police district to create the _____ (name of new 26901
township police district) township police district?" 26902

The name of the proposed township police district shall be 26903

separate and distinct from the name of the existing township
police district. 26904
26905

If a tax is imposed in the existing township police 26906
district, the question shall be modified by adding, at the end 26907
of the question, the following: ", and shall a property tax be 26908
levied in the new township police district, replacing the tax in 26909
the existing township police district, that the county auditor 26910
estimates will collect \$_____ annually, at a rate not exceeding 26911
_____ mills for each \$1 of taxable value, which amounts to 26912
\$_____ (effective rate) for each \$100,000 of ~~the county~~ 26913
~~auditor's appraised market~~ value, for _____ (number of years 26914
the tax will be levied, or "a continuing period of time")." 26915

If the measure is not approved by a majority of the 26916
electors voting on it, the township police district shall 26917
continue to occupy its existing territory until altered as 26918
provided in this section or section 505.48 of the Revised Code, 26919
and any existing tax imposed under section 505.51 of the Revised 26920
Code shall remain in effect in the existing district at the 26921
existing rate and for as long as provided in the resolution 26922
under the authority of which the tax is levied. 26923

As used in this section, "~~the county auditor's appraised~~ 26924
market value" and "effective rate" have the same meanings as in 26925
section 5705.01 of the Revised Code. 26926

Sec. 507.09. (A) In calendar year 2018, the township 26927
fiscal officer shall be entitled to compensation as follows: 26928

(1) In townships having a budget of two hundred fifty 26929
thousand dollars or less, ten thousand nine hundred eighteen 26930
dollars; 26931

(2) In townships having a budget of more than two hundred 26932

fifty thousand but not more than five hundred thousand dollars,	26933
fourteen thousand thirty-nine dollars;	26934
(3) In townships having a budget of more than five hundred thousand but not more than seven hundred fifty thousand dollars,	26935
fifteen thousand five hundred ninety-seven dollars;	26936
(4) In townships having a budget of more than seven hundred fifty thousand but not more than one million five hundred thousand dollars, eighteen thousand seven hundred seventeen dollars;	26937
(5) In townships having a budget of more than one million five hundred thousand but not more than three million five hundred thousand dollars, twenty-one thousand eight hundred thirty-six dollars;	26938
(6) In townships having a budget of more than three million five hundred thousand but not more than six million dollars, twenty-three thousand three hundred ninety-six dollars;	26939
(7) In townships having a budget of more than six million but not more than ten million dollars, twenty-six thousand eight hundred fifty-two dollars;	26940
(8) In townships having a budget of more than ten million dollars, thirty-one thousand sixty-four dollars.	26941
(B) <u>The compensation determined under division (A) of this section shall be increased as follows:</u>	26942
(1) <u>In calendar year 2019 and in each calendar year thereafter through calendar year 2028</u> 2025, the compensation determined under division (A) of this section shall be increased	26943
<u>by one and three-quarters per cent;</u>	26944
(2) <u>In calendar year 2026 and in each calendar year</u>	26945

thereafter through calendar year 2029, by five per cent. 26961

(C) Any township fiscal officer may elect to receive less 26962
than the compensation the fiscal officer is entitled to under 26963
this section. Any township fiscal officer electing to do this 26964
shall so notify the board of township trustees in writing, and 26965
the board shall include this notice in the minutes of its next 26966
board meeting. 26967

(D) The compensation of the township fiscal officer shall 26968
be paid in equal monthly payments. If the office of township 26969
fiscal officer is held by more than one person during any 26970
calendar year, each person holding the office shall receive 26971
payments for only those months, and any fractions of those 26972
months, during which the person holds the office. 26973

A township fiscal officer may be compensated from the 26974
township general fund or from other township funds based on the 26975
proportion of time the township fiscal officer spends providing 26976
services related to each fund. A township fiscal officer must 26977
document the amount of time the township fiscal officer spends 26978
providing services related to each fund by certification 26979
specifying the percentage of time spent working on matters to be 26980
paid from the township general fund or from other township funds 26981
in such proportions as the kinds of services performed. 26982

Sec. 507.12. (A) To enhance the background and working 26983
knowledge of township fiscal officers in government accounting, 26984
budgeting and financing, financial report preparation, 26985
cybersecurity, ~~and~~ the rules adopted by the auditor of state, 26986
bulletins or other information published by the auditor of 26987
state, and any other subject deemed appropriate by the auditor 26988
of state, the auditor of state shall conduct education programs 26989
and continuing education courses for individuals elected or 26990

appointed for the first time to the office of township fiscal officer, and shall conduct continuing education courses for individuals who continue to hold the office in a subsequent term. The Ohio township association also may conduct such initial education programs and continuing education courses if approved by the auditor of state. The auditor of state, in conjunction with the Ohio township association, shall determine the manner and content of the initial education programs and continuing education courses.

(B) A newly elected or appointed township fiscal officer shall complete at least six hours of initial education programs before commencing, or during the first year of, office. A township fiscal officer who participates in a training program held under section 117.44 of the Revised Code may apply those hours taken before commencing office to the six hours of initial education programs required under this division.

(C) (1) In addition to the six hours of initial education required under division (B) of this section, a newly elected township fiscal officer shall complete at least a total of eighteen continuing education hours during the township fiscal officer's first term of office.

(2) A township fiscal officer who is elected to a subsequent term of office shall complete twelve hours of continuing education courses in each subsequent term of office.

(3) The auditor of state shall adopt rules specifying the initial education programs and continuing education courses that are required for a township fiscal officer who has been appointed to fill a vacancy. The requirements shall be proportionally equivalent, based on the time remaining in the vacated office, to the requirements for a newly elected township

fiscal officer. 27021

(4) At least two hours of ethics instruction shall be 27022
included in the continuing education hours required by divisions 27023
(C) (1) and (2) of this section. 27024

(5) A township fiscal officer who participates in a 27025
training program or seminar established under section 109.43 of 27026
the Revised Code may apply the three hours of training to the 27027
continuing education hours required by divisions (C) (1) and (2) 27028
of this section. 27029

(D) (1) A certified public accountant who serves as a 27030
township fiscal officer may apply to the continuing education 27031
hours required by division (C) of this section any hours of 27032
continuing education completed under section 4701.11 of the 27033
Revised Code after being elected or appointed as a township 27034
fiscal officer. 27035

(2) A township fiscal officer may apply to the continuing 27036
education hours required by division (C) of this section any 27037
hours of continuing education completed under section 135.22 of 27038
the Revised Code after being elected or appointed as a township 27039
fiscal officer. 27040

(3) A township fiscal officer who teaches an approved 27041
continuing education course under division (C) of this section 27042
is entitled to credit for the course in the same manner as if 27043
the township fiscal officer had attended the course. 27044

~~(E) The auditor of state shall adopt rules for verifying 27045
the completion of initial education programs and continuing 27046
education courses required under this section. The auditor of 27047
state shall issue a certificate of completion to each township 27048
fiscal officer who completes the initial education programs and 27049~~

~~continuing education courses. The auditor of state shall issue a 27050
"failure to complete" notice to any township fiscal officer who 27051
is required to complete initial education programs and 27052
continuing education courses under this section, but who fails 27053
to do so. The notice is for informational purposes only and does 27054
not affect any individual's ability to hold the office of 27055
township fiscal officer. 27056~~

The township fiscal officer shall retain the documentation 27057
of any initial or continuing education courses completed. The 27058
auditor of state shall audit for compliance with this section. 27059

(F) Each board of township trustees shall approve a 27060
reasonable amount requested by the township fiscal officer to 27061
cover the costs the township fiscal officer is required to incur 27062
to meet the requirements of this section, including registration 27063
fees, lodging and meal expenses, and travel expenses. 27064

Sec. 511.28. A copy of any resolution for a tax levy 27065
adopted by the township board of park commissioners as provided 27066
in section 511.27 of the Revised Code shall be certified by the 27067
clerk of the board of park commissioners to the board of 27068
elections of the proper county, together with a certified copy 27069
of the resolution approving the levy, passed by the board of 27070
township trustees if such a resolution is required by division 27071
(C) of section 511.27 of the Revised Code, and the county 27072
auditor's certification, not less than ninety days before a 27073
general or primary election in any year. The board of elections 27074
shall submit the proposal to the electors as provided in section 27075
511.27 of the Revised Code at the succeeding general or primary 27076
election. A resolution to renew an existing levy may not be 27077
placed on the ballot unless the question is submitted at the 27078
general election held during the last year the tax to be renewed 27079

may be extended on the real and public utility property tax list 27080
and duplicate, or at any election held in the ensuing year. The 27081
board of park commissioners shall cause notice that the vote 27082
will be taken to be published once a week for two consecutive 27083
weeks prior to the election in a newspaper of general 27084
circulation, or as provided in section 7.16 of the Revised Code, 27085
in the county within which the park district is located. 27086
Additionally, if the board of elections operates and maintains a 27087
web site, the board of elections shall post that notice on its 27088
web site for thirty days prior to the election. The notice shall 27089
state the purpose of the proposed levy, the levy's estimated 27090
annual collections, the levy's annual rate or, if applicable, 27091
the levy's effective rate, expressed in dollars for each one 27092
hundred thousand dollars of ~~the county auditor's appraised~~ 27093
market value as well as the annual rate expressed in mills for 27094
each one dollar of taxable value, the number of consecutive 27095
years during which the levy shall be in effect, and the time and 27096
place of the election. 27097

The form of the ballots cast at the election shall be: "An 27098
additional tax for the benefit of (name of township park 27099
district) _____ for the purpose of (purpose stated in the 27100
order of the board) _____, that the county auditor 27101
estimates will collect \$_____ annually, at a rate not exceeding 27102
_____ mills for each \$1 of taxable value, which amounts to 27103
\$_____ for each \$100,000 of ~~the county auditor's appraised~~ 27104
market value, for (number of years the levy is to run) 27105
_____ 27106

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

27107

If the levy submitted is a proposal to renew, increase, or decrease an existing levy, the form of the ballot specified in this section shall be changed by substituting for the words "An additional" at the beginning of the form, the words "A renewal of a" in the case of a proposal to renew an existing levy in the same amount; the words "A renewal of _____ mills and an increase of _____ mills for each \$1 of taxable value to constitute a" in the case of an increase; or the words "A renewal of part of an existing levy, being a reduction of _____ mills for each \$1 of taxable value, to constitute a" in the case of a decrease in the rate of the existing levy. Additionally, the effective rate, in lieu of the rate, shall be expressed for each one hundred thousand dollars of ~~the county~~ auditor's appraised market value.

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

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

As used in this section, "~~the county auditor's appraised market value~~" and "effective rate" have the same meanings as in section 5705.01 of the Revised Code.

Sec. 511.34. In townships composed of islands, and on one of which islands lands have been conveyed in trust for the

benefit of the inhabitants of the island for use as a park, and 27138
a board of park trustees has been provided for the control of 27139
the park, the board of township trustees may create a tax 27140
district of the island to raise funds by taxation as provided 27141
under divisions (A) and (B) of this section. 27142

(A) For the care and maintenance of parks on the island, 27143
the board of township trustees annually may levy a tax, not to 27144
exceed one mill for each one dollar of taxable value, upon all 27145
the taxable property in the district. The tax shall be in 27146
addition to all other levies authorized by law, and subject to 27147
no limitation on tax rates except as provided in this division. 27148

The proceeds of the tax levy shall be expended by the 27149
board of township trustees for the purpose of the care and 27150
maintenance of the parks, and shall be paid out of the township 27151
treasury upon the orders of the board of park trustees. 27152

(B) For the purpose of acquiring additional land for use 27153
as a park, the board of township trustees may levy a tax in 27154
excess of the ten-mill limitation on all taxable property in the 27155
district. The tax shall be proposed by resolution adopted by 27156
two-thirds of the members of the board of township trustees. The 27157
resolution shall specify the purpose and rate of the tax and the 27158
number of years the tax will be levied, which shall not exceed 27159
five years, and which may include a levy on the current tax list 27160
and duplicate. The resolution shall go into immediate effect 27161
upon its passage, and no publication of the resolution is 27162
necessary other than that provided for in the notice of 27163
election. The board of township trustees shall certify a copy of 27164
the resolution to the proper board of elections not later than 27165
ninety days before the primary or general election in the 27166
township, and the board of elections shall submit the question 27167

of the tax to the voters of the district at the succeeding 27168
primary or general election. The board of elections shall make 27169
the necessary arrangements for the submission of the question to 27170
the electors of the district, and the election shall be 27171
conducted, canvassed, and certified in the same manner as 27172
regular elections in the township for the election of officers. 27173
Notice of the election shall be published in a newspaper of 27174
general circulation in the township once a week for two 27175
consecutive weeks, or as provided in section 7.16 of the Revised 27176
Code prior to the election. If the board of elections operates 27177
and maintains a web site, notice of the election also shall be 27178
posted on that web site for thirty days prior to the election. 27179
The notice shall state the purpose of the tax, the levy's 27180
estimated annual collections, the proposed rate of the tax 27181
expressed in dollars for each one hundred thousand dollars of 27182
~~the county auditor's appraised market value~~ and mills for each 27183
one dollar of taxable value, the number of years the tax will be 27184
in effect, the first year the tax will be levied, and the time 27185
and place of the election. 27186

The form of the ballots cast at an election held under 27187
this division shall be as follows: 27188

"An additional tax for the benefit of _____ (name of 27189
the township) for the purpose of acquiring additional park land, 27190
that the county auditor estimates will collect \$____ annually, 27191
at a rate of _____ mills for each \$1 of taxable value, which 27192
amounts to \$_____ for each \$100,000 of ~~the county auditor's~~ 27193
~~appraised market value~~, for _____ (number of years the levy 27194
is to run) beginning in _____ (first year the tax will be 27195
levied). 27196
27197

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

The question shall be submitted as a separate proposition 27198
but may be printed on the same ballot with any other proposition 27199
submitted at the same election other than the election of 27200
officers. More than one such question may be submitted at the 27201
same election. 27202

If the levy is approved by a majority of electors voting 27203
on the question, the board of elections shall certify the result 27204
of the election to the tax commissioner. In the first year of 27205
the levy, the tax shall be extended on the tax lists after the 27206
February settlement following the election. If the tax is to be 27207
placed on the tax lists of the current year as specified in the 27208
resolution, the board of elections shall certify the result of 27209
the election immediately after the canvass to the board of 27210
township trustees, which shall forthwith make the necessary levy 27211
and certify the levy to the county auditor, who shall extend the 27212
levy on the tax lists for collection. After the first year of 27213
the levy, the levy shall be included in the annual tax budget 27214
that is certified to the county budget commission. 27215

As used in this section, "~~the county auditor's appraised-~~ 27216
market value" has the same meaning as in section 5705.01 of the 27217
Revised Code. 27218

Sec. 513.18. In the event any township, contiguous to a 27219
joint township hospital district, desires to become a part of 27220
such district in existence under sections 513.07 to 513.18 of 27221
the Revised Code, its board of township trustees, by a two- 27222
thirds favorable vote of the members of such board, after the 27223

existing joint township hospital board has, by a majority 27224
favorable vote of the members thereof, approved the terms under 27225
which such township proposes to join the district, shall become 27226
a part of the joint township district hospital board under such 27227
terms and with all the rights, privileges, and responsibilities 27228
enjoyed by and extended to the existing members of the hospital 27229
board under such sections, including representation on the board 27230
of hospital governors by the appointment of an elector of such 27231
township as a member thereof. 27232

If the terms under which such township proposes to join 27233
the hospital district involve a tax levy for the purpose of 27234
sharing the existing obligations, including bonded indebtedness, 27235
of the district or the necessary operating expenses of such 27236
hospital, such township shall not become a part of the district 27237
until its electors have approved such levy as provided in this 27238
section. In such a case, the board of township trustees and the 27239
county auditor shall proceed in the same manner as required for 27240
a tax levy under section 5705.03 of the Revised Code, except 27241
that the levy's annual collections shall be estimated assuming 27242
that the township has been added to the hospital district. 27243

Upon request of the board of township trustees of the 27244
township proposing to join such district, by resolution approved 27245
by a two-thirds vote of its members, the board of elections of 27246
the county in which the township lies shall place upon the 27247
ballot for submission to the electorate of such township at the 27248
next primary or general election occurring not less than ninety 27249
nor more than one hundred thirty-five days after such request is 27250
received from the board of township trustees the question of 27251
levying a tax, not to exceed one mill outside the ten-mill 27252
limitation, for a period of not to exceed five years, to provide 27253
funds for the payment of the township's share of the necessary 27254

expenses incurred in the operation of such hospital, or the 27255
question of levying a tax to pay the township's share of the 27256
existing obligations, including bonded indebtedness, of the 27257
district, or both questions may be submitted at the same primary 27258
or general election. The question appearing on the ballot shall 27259
read: 27260

"Shall _____ (name of township) be added to the _____ 27261
(name of joint township hospital district), and property tax be 27262
levied for the purpose of _____ (purpose of tax), that the 27263
county auditor estimates will collect \$_____ annually, at a 27264
rate not exceeding _____ mills for each \$1 of taxable value, 27265
which amounts to \$_____ (rate or effective rate, as applicable) 27266
for each \$100,000 of ~~the county auditor's appraised market~~ 27267
value, to be in effect for _____ (number of years the tax is to 27268
be in effect)?" 27269

If a majority of the electors voting on the propositions 27270
vote in favor thereof, the county auditor shall place such 27271
levies on the tax duplicate against the property in the 27272
township, which township shall thereby become a part of said 27273
joint township hospital district. 27274

As used in this section, "~~the county auditor's appraised-~~ 27275
market value" and "effective rate" have the same meanings as in 27276
section 5705.01 of the Revised Code. 27277

Sec. 519.12. (A) (1) Amendments to the zoning resolution 27278
may be initiated by motion of the township zoning commission, by 27279
the passage of a resolution by the board of township trustees, 27280
or by the filing of an application by one or more of the owners 27281
or lessees of property within the area proposed to be changed or 27282
affected by the proposed amendment with the township zoning 27283
commission. The board of township trustees may require that the 27284

owner or lessee of property filing an application to amend the zoning resolution pay a fee to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. If the board of township trustees requires such a fee, it shall be required generally, for each application. The board of township trustees, upon the passage of such a resolution, shall certify it to the township zoning commission.

(2) Upon the adoption of a motion by the township zoning commission, the certification of a resolution by the board of township trustees to the commission, or the filing of an application by property owners or lessees as described in division (A) (1) of this section with the commission, the commission shall set a date for a public hearing, which date shall not be less than twenty nor more than forty days from the date of the certification of such a resolution, the date of adoption of such a motion, or the date of the filing of such an application. Notice of the hearing shall be given by the commission by one publication at least ten days before the date of the hearing using at least one of the following methods:

(a) In the print or digital edition of one or more newspapers of general circulation in the township;

(b) On the official public notice web site established under section 125.182 of the Revised Code;

(c) On the web site and social media account of the township.

(B) If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land, as listed on the county auditor's current tax list, written notice of the hearing shall be mailed by the township zoning commission, by first class

mail, at least ten days before the date of the public hearing to 27314
all owners of property within and contiguous to and directly 27315
across the street from the area proposed to be rezoned or 27316
redistricted to the addresses of those owners appearing on the 27317
county auditor's current tax list. The failure of delivery of 27318
that notice shall not invalidate any such amendment. 27319

(C) If the proposed amendment intends to rezone or 27320
redistrict ten or fewer parcels of land as listed on the county 27321
auditor's current tax list, the published and mailed notices 27322
shall set forth the time, date, and place of the public hearing 27323
and include all of the following: 27324

(1) The name of the township zoning commission that will 27325
be conducting the hearing; 27326

(2) A statement indicating that the motion, resolution, or 27327
application is an amendment to the zoning resolution; 27328

(3) A list of the addresses of all properties to be 27329
rezoned or redistricted by the proposed amendment and of the 27330
names of owners of those properties, as they appear on the 27331
county auditor's current tax list; 27332

(4) The present zoning classification of property named in 27333
the proposed amendment and the proposed zoning classification of 27334
that property; 27335

(5) The time and place where the motion, resolution, or 27336
application proposing to amend the zoning resolution will be 27337
available for examination for a period of at least ten days 27338
prior to the hearing; 27339

(6) The name of the person responsible for giving notice 27340
of the hearing by publication, by mail, or by both publication 27341
and mail; 27342

(7) A statement that, after the conclusion of the hearing, 27343
the matter will be submitted to the board of township trustees 27344
for its action; 27345

(8) Any other information requested by the commission. 27346

(D) If the proposed amendment alters the text of the 27347
zoning resolution, or rezones or redistricts more than ten 27348
parcels of land as listed on the county auditor's current tax 27349
list, the published notice shall set forth the time, date, and 27350
place of the public hearing and include all of the following: 27351

(1) The name of the township zoning commission that will 27352
be conducting the hearing on the proposed amendment; 27353

(2) A statement indicating that the motion, application, 27354
or resolution is an amendment to the zoning resolution; 27355

(3) The time and place where the text and maps of the 27356
proposed amendment will be available for examination for a 27357
period of at least ten days prior to the hearing; 27358

(4) The name of the person responsible for giving notice 27359
of the hearing by publication; 27360

(5) A statement that, after the conclusion of the hearing, 27361
the matter will be submitted to the board of township trustees 27362
for its action; 27363

(6) Any other information requested by the commission. 27364

(E) (1) (a) Except as provided in division (E) (1) (b) of this 27365
section, within five days after the adoption of the motion 27366
described in division (A) of this section, the certification of 27367
the resolution described in division (A) of this section, or the 27368
filing of the application described in division (A) of this 27369
section, the township zoning commission shall transmit a copy of 27370

it together with text and map pertaining to it to the county or regional planning commission, if there is such a commission, for approval, disapproval, or suggestions.

The county or regional planning commission shall recommend the approval or denial of the proposed amendment or the approval of some modification of it and shall submit its recommendation to the township zoning commission. The recommendation shall be considered at the public hearing held by the township zoning commission on the proposed amendment.

(b) The township zoning commission of a township that has adopted a limited home rule government under Chapter 504. of the Revised Code is not subject to division (E) (1) (a) of this section but may choose to comply with division (E) (1) (a) of this section.

(2) The township zoning commission, within thirty days after the hearing, shall recommend the approval or denial of the proposed amendment, or the approval of some modification of it, and submit that recommendation together with the motion, application, or resolution involved, the text and map pertaining to the proposed amendment, and the recommendation of the county or regional planning commission on it to the board of township trustees.

(3) The board of township trustees, upon receipt of that recommendation, shall set a time for a public hearing on the proposed amendment, which date shall not be more than thirty days from the date of the receipt of that recommendation. Notice of the hearing shall be given by the board by one publication at least ten days before the date of the hearing using at least one of the following methods:

(a) In the print or digital edition of one or more newspapers of general circulation in the township;	27400 27401
(b) On the official public notice web site established under section 125.182 of the Revised Code;	27402 27403
(c) On the web site and social media account of the township.	27404 27405
(F) If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:	27406 27407 27408 27409 27410
(1) The name of the board of township trustees that will be conducting the hearing;	27411 27412
(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;	27413 27414
(3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the county auditor's current tax list;	27415 27416 27417 27418
(4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;	27419 27420 27421
(5) The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing;	27422 27423 27424 27425
(6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication	27426 27427

and mail; 27428

(7) Any other information requested by the board. 27429

(G) If the proposed amendment alters the text of the 27430
zoning resolution, or rezones or redistricts more than ten 27431
parcels of land as listed on the county auditor's current tax 27432
list, the published notice shall set forth the time, date, and 27433
place of the public hearing and include all of the following: 27434

(1) The name of the board of township trustees that will 27435
be conducting the hearing on the proposed amendment; 27436

(2) A statement indicating that the motion, application, 27437
or resolution is an amendment to the zoning resolution; 27438

(3) The time and place where the text and maps of the 27439
proposed amendment will be available for examination for a 27440
period of at least ten days prior to the hearing; 27441

(4) The name of the person responsible for giving notice 27442
of the hearing by publication; 27443

(5) Any other information requested by the board. 27444

(H) Within twenty days after its public hearing, the board 27445
of township trustees shall either adopt or deny the 27446
recommendations of the township zoning commission or adopt some 27447
modification of them. If the board denies or modifies the 27448
commission's recommendations, a majority vote of the board shall 27449
be required. 27450

The Except as provided in division (J) of this section, 27451
the proposed amendment, if adopted by the board, shall become 27452
effective in thirty days after the date of its adoption, unless, 27453
within thirty days after the adoption, there is presented to the 27454
board of township trustees a petition, signed by a number of 27455

registered electors residing in the unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than ~~fifteen~~thirty-five per cent of the total vote cast for all candidates for governor in that area at the most recent general election at which a governor was elected, requesting the board of township trustees to submit the amendment to the electors of that area for approval or rejection at a special election to be held on the day of the next primary or general election that occurs at least ninety days after the petition is filed. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in section 3501.38 of the Revised Code.

The form of a petition calling for a zoning referendum and the statement of the circulator shall be substantially as follows:

"PETITION FOR ZONING REFERENDUM

(if the proposal is identified by a particular name or number, or both, these should be inserted here)

A proposal to amend the zoning map of the unincorporated area of _____ Township, _____ County, Ohio, adopted ____ (date) ____ (followed by brief summary of the proposal).

To the Board of Township Trustees of _____ Township, _____ County, Ohio:

We, the undersigned, being electors residing in the
unincorporated area of _____ Township,
included within the _____ Township Zoning Plan, equal to
not less than fifteen per cent of the total vote cast for all
candidates for governor in the area at the preceding general
election at which a governor was elected, request the Board of
Township Trustees to submit this amendment of the zoning
resolution to the electors of _____ Township
residing within the unincorporated area of the township included
in the _____ Township Zoning Resolution, for
approval or rejection at a special election to be held on the
day of the primary or general election to be held on
____ (date) _____, pursuant to section 519.12 of the Revised
Code.

Street Address	Date of	
Signature or R.F.D.	Township Precinct County	Signing

STATEMENT OF CIRCULATOR

I, _____ (name of circulator) _____, declare
under penalty of election falsification that I am an elector of
the state of Ohio and reside at the address appearing below my
signature; that I am the circulator of the foregoing part
petition containing _____ (number) _____ signatures; that I
have witnessed the affixing of every signature; that all signers
were to the best of my knowledge and belief qualified to sign;
and that every signature is to the best of my knowledge and
belief the signature of the person whose signature it purports
to be or of an attorney in fact acting pursuant to section
3501.382 of the Revised Code.

_____	27515
(Signature of circulator)	27516
_____	27517
(Address of circulator's permanent	27518
residence in this state)	27519
_____	27520
(City, village, or township,	27521
and zip code)	27522
WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A	27523
FELONY OF THE FIFTH DEGREE."	27524
The petition shall be filed with the board of township	27525
trustees and shall be accompanied by an appropriate map of the	27526
area affected by the zoning proposal. Within two weeks after	27527
receiving a petition filed under this section, the board of	27528
township trustees shall certify the petition to the board of	27529
elections. A petition filed under this section shall be	27530
certified to the board of elections not less than ninety days	27531
prior to the election at which the question is to be voted upon.	27532
The board of elections shall determine the sufficiency and	27533
validity of each petition certified to it by a board of township	27534
trustees under this section. If the board of elections	27535
determines that a petition is sufficient and valid, the question	27536
shall be voted upon at a special election to be held on the day	27537
of the next primary or general election that occurs at least	27538
ninety days after the date the petition is filed with the board	27539
of township trustees, regardless of whether any election will be	27540
held to nominate or elect candidates on that day.	27541

No amendment for which such a referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the board of elections that the amendment has been approved by the voters, it shall take immediate effect.

(I) Within five working days after an amendment's effective date, the board of township trustees shall file the text and maps of the amendment in the office of the county recorder and with the county or regional planning commission, if one exists.

The failure to file any amendment, or any text and maps, or duplicates of any of these documents, with the office of the county recorder or the county or regional planning commission as required by this section does not invalidate the amendment and is not grounds for an appeal of any decision of the board of zoning appeals.

(J) If a proposed amendment establishes or modifies planned-unit development regulations, the following apply in lieu of the contrary provisions of division (H) of this section:

(1) The board of elections shall determine the sufficiency and validity of the petition not later than thirty days after the petition is certified to the board of elections by the board of township trustees.

(2) If the board of elections determines there is an insufficient number of valid signatures, the board immediately shall notify the person who presented the petition. The person may submit additional signatures not later than ten days after the notification.

Sec. 523.06. If a merger agreement is entered into as

required by section 523.04 of the Revised Code, this section 27571
does not apply. If a merger agreement is not entered into under 27572
section 523.04 of the Revised Code, the merger agreement shall 27573
contain all of the terms and conditions specified in this 27574
section. If a partial merger agreement is entered into under 27575
section 523.04 of the Revised Code, this section applies only to 27576
the extent any term or condition that is required by section 27577
523.04 of the Revised Code to be addressed in the merger 27578
agreement is not addressed therein. 27579

The terms and conditions of a merger agreement to which 27580
this section applies shall be as follows: 27581

(A) All members of each board of township trustees shall 27582
serve as board members of the new township. At the first general 27583
election for township officers occurring not less than ninety 27584
days after a merger is approved, the electors of the new 27585
township shall elect three township trustees with staggered 27586
terms of office. The first terms of office following the 27587
election shall be modified to an even number of years not to 27588
exceed four to allow subsequent elections for the office to be 27589
held in the same year as other township officers. 27590

(B) The township fiscal officer of the largest township, 27591
by population, shall be the township fiscal officer for the new 27592
township. At the first general election for township officers 27593
occurring not less than ninety days after the merger, the 27594
electors shall elect a township fiscal officer, whose first term 27595
of office shall be modified to an even number of years not to 27596
exceed four to allow subsequent elections for that office to be 27597
held in the same year as other township fiscal officers. 27598

(C) Voted property tax levies shall remain in effect for 27599
the parcels of real property to which they applied prior to the 27600

merger, and the merger shall not affect the proceeds of a tax 27601
levy pledged for the retirement of any debt obligation. Upon 27602
expiration of a property tax levy, the levy may only be ~~replaced~~ 27603
~~or~~ renewed by vote of the electors in the manner provided by 27604
law, to apply to real property within the boundaries of the new 27605
township. If the millage levied inside the ten-mill limitation 27606
of each township merged is different, the board of township 27607
trustees of the new township shall immediately equalize the 27608
millage for the entire new township. 27609

(D) For purposes of the retirement of all debt obligations 27610
of each township merged, the township fiscal officer shall 27611
continue to track parcels of real property and the tax revenue 27612
generated on those parcels by the tax districts that were in 27613
place prior to the merger, and shall provide that information on 27614
an annual basis to the board of township trustees of the new 27615
township. Debt obligations that existed at the time of the 27616
merger shall be retired from the revenue generated from the 27617
parcels of real property that made up the township that incurred 27618
the debt before the merger. 27619

(E) (1) With respect to any agreement entered into under 27620
Chapter 4117. of the Revised Code that covers any of the 27621
employees of the townships merged under this chapter, the state 27622
employment relations board, within one hundred twenty days after 27623
the date the merger is approved, shall designate the appropriate 27624
bargaining units for the employees of the new township in 27625
accordance with section 4117.06 of the Revised Code. 27626
Notwithstanding the recognition procedures prescribed in section 27627
4117.05 and division (A) of section 4117.07 of the Revised Code, 27628
the board shall conduct a representation election with respect 27629
to each bargaining unit designated under this division in 27630
accordance with divisions (B) and (C) of section 4117.07 of the 27631

Revised Code. If an exclusive representative is selected through 27632
this election, the exclusive representative shall negotiate and 27633
enter into an agreement with the new township in accordance with 27634
Chapter 4117. of the Revised Code. Until the parties reach an 27635
agreement, any agreement in effect on the date of the merger 27636
shall apply to the employees that were in the bargaining unit 27637
that is covered by the agreement. An agreement in existence on 27638
the date of the merger is terminated on the effective date of an 27639
agreement negotiated under this division. 27640

(2) If an exclusive representative is not selected, any 27641
agreement in effect on the date of the merger shall apply to the 27642
employees that were in the bargaining unit that is covered by 27643
the agreement and shall expire on its terms. 27644

(3) Each agreement entered into under Chapter 4117. of the 27645
Revised Code on or after ~~the effective date of this section~~ 27646
September 29, 2011, involving a new township shall contain a 27647
provision regarding the designation of an exclusive 27648
representative and bargaining units for the new township as 27649
described in division (E) of this section. 27650

(4) In addition to the laws listed in division (A) of 27651
section 4117.10 of the Revised Code that prevail over 27652
conflicting agreements between employee organizations and public 27653
employers, division (E) of this section prevails over any 27654
conflicting provisions of agreements between employee 27655
organizations and public employers that are entered into on or 27656
after ~~the effective date of this section~~ September 29, 2011, 27657
pursuant to Chapter 4117. of the Revised Code. 27658

(5) As used in division (E) of this section, "employee 27659
organization" and "exclusive representative" have the same 27660
meanings as in section 4117.01 of the Revised Code. 27661

(F) (1) If the boundaries of the new township are not 27662
coextensive with a special purpose district, the new township 27663
shall remain in the existing special purpose district as a 27664
successor to the original township, unless the special purpose 27665
district is dissolved. The board of township trustees of the new 27666
township may place a question on the ballot at the next general 27667
election held after the merger to conform the boundaries, 27668
dissolve the special purpose district, or absorb the special 27669
purpose district into the new township on the terms specified in 27670
the resolution that places the question on the ballot for 27671
approval of the electors of the new township. 27672

(2) As used in division (F) of this section, "special 27673
purpose district" means any geographic or political jurisdiction 27674
that is created under law by a township merged. 27675

(G) Zoning codes that existed at the time of the merger 27676
shall remain in effect after the merger, and the townships that 27677
existed before the merger shall be treated as administrative 27678
districts within the new township for the purposes of zoning. 27679

Sec. 703.331. (A) Not later than the last day of the year 27680
that is immediately after the year the results of a federal 27681
decennial census are released, the county auditor, county 27682
treasurer, and one member of the board of county commissioners 27683
selected by the board of county commissioners, jointly shall 27684
evaluate each village located within the county to determine if, 27685
over the approximate ten year period beginning the day the 27686
results of the preceding federal decennial census were released 27687
and ending the day the most recent federal decennial census 27688
results were released, both of the following are true: 27689

(1) The village itself provided, the village contracted 27690
with a private nongovernmental entity to provide, or the village 27691

contracted with a regional council of governments as defined in 27692
section 167.01 of the Revised Code that includes three or more 27693
political subdivisions at least two of which are municipal 27694
corporations to provide, at least five of the following 27695
services: 27696

(a) Police protection; 27697

(b) Fire-fighting services; 27698

(c) Garbage collection; 27699

(d) Water service; 27700

(e) Sewer service; 27701

(f) Emergency medical services; 27702

(g) Road maintenance; 27703

(h) Park services or other recreation services; 27704

(i) Human services; 27705

(j) A public library established and operated solely by 27706
the village; 27707

(k) Electric service. 27708

(2) At each election at which an elected village position 27709
was voted upon, at least one candidate appeared on the ballot 27710
for each elected village position. 27711

If a village is located in more than one county, the 27712
village shall be evaluated only by the county officials of the 27713
county wherein the largest portion of the population of the 27714
village resides. 27715

(B) Before beginning the evaluation, the county officials 27716
shall request, in writing, information from each village to 27717

assist the officials in making their determination. The request 27718
shall indicate the applicable evaluation period. Each village 27719
shall submit the information, in the manner requested by the 27720
county officials, not later than thirty days after receiving the 27721
request. The village shall include information about the 27722
services provided over the evaluation period, the manner by 27723
which such services were provided, a copy of the final 27724
appropriation budget or budgets applicable to the evaluation 27725
period, information on candidates on the ballot for village 27726
elected offices during the evaluation period, any documentation 27727
regarding the matters in division (A) of this section during the 27728
evaluation period, and any other information specifically 27729
requested by the county officials. After receiving the 27730
information, if necessary, the county officials may request 27731
additional information, which the village shall provide not 27732
later than ten days after receiving the request. The county 27733
officials shall base their finding on the information provided 27734
from the village. 27735

(C) The county officials shall notify the legislative 27736
authority of the village of the county officials' finding not 27737
later than the last day of the year that is immediately after 27738
the year the results of a federal decennial census are released. 27739

(D) If the county officials find a village failed to 27740
provide services or field candidates as specified in division 27741
(A) of this section, the county officials shall file the finding 27742
with the board of elections of the county in which the largest 27743
portion of the population of the village resides. The board of 27744
elections shall submit the question "Shall the village of 27745
_____ surrender its corporate powers?" for the approval or 27746
rejection of the electors of the village at the next general 27747
election, in any year, occurring after the period ending ninety 27748

days after the filing of the finding with the board. If the
result of the election is in favor of the surrender, the board
of elections shall certify the results to the secretary of
state, the auditor of state, and the county recorder, who shall
record it in their respective offices.

(E) The procedure in this section is in addition to the
procedure under section 703.33 of the Revised Code for the
dissolution of a village.

Sec. 703.34. (A) As used in this section, "condition for
the dissolution of a village" means any of the following:

(1) The village has been declared to be in a fiscal
emergency under Chapter 118. of the Revised Code and has been in
fiscal emergency for at least three consecutive years with
little or no improvement on the conditions that caused the
fiscal emergency declaration.

(2) The village has failed to properly follow applicable
election laws for at least two consecutive election cycles for
any one elected office in the village.

(3) The village has been declared during an audit
conducted under section 117.11 of the Revised Code to be
unauditable under section 117.41 of the Revised Code in at least
two consecutive audits.

(4) The village does not provide at least two services
typically provided by municipal government, such as police or
fire protection, garbage collection, water or sewer service,
emergency medical services, road maintenance, or similar
services. "Services" does not include any administrative service
or legislative action.

(5) The village has failed for any fiscal year to adopt

the tax budget required by section 5705.28 of the Revised Code. 27778

(6) A village elected official has been convicted of theft 27779
in office, either under section 2921.41 of the Revised Code or 27780
an equivalent criminal statute at the federal level, at least 27781
two times in a period of ten years. The convicted official with 27782
respect to those convictions may be the same person or different 27783
persons. 27784

(B) If the auditor of state finds, in an audit report 27785
issued under division (A) or (B) of section 117.11 of the 27786
Revised Code of a village that has a population of ~~one~~five 27787
hundred ~~fifty~~ persons or less ~~and consists of less than two~~ 27788
~~square miles~~, that the village meets at least two conditions for 27789
the dissolution of a village, the auditor of state shall send a 27790
certified copy of the report together with a letter to the 27791
attorney general requesting the attorney general to institute 27792
legal action to dissolve the village in accordance with division 27793
(C) of this section. The report and letter shall be sent to the 27794
attorney general within ten business days after the auditor of 27795
state's transmittal of the report to the village. The audit 27796
report transmitted to the village shall be accompanied by a 27797
notice to the village of the auditor's intent to refer the 27798
report to the attorney general for legal action in accordance 27799
with this section. 27800

(C) Within twenty days of receipt of the auditor of 27801
state's report and letter, the attorney general may file a legal 27802
action in the court of common pleas on behalf of the state to 27803
request the dissolution of the village that is the subject of 27804
the audit report. If a legal action is filed, the court shall 27805
hold a hearing within ninety days after the date the attorney 27806
general files the legal action with the court. Notice of the 27807

hearing shall be filed with the attorney general, the clerk of 27808
the village that is the subject of the action, and each fiscal 27809
officer of a township located wholly or partly within the 27810
village. 27811

At the hearing on dissolution, the court shall determine 27812
if the village has a population of ~~one~~five hundred ~~fifty~~ 27813
persons or less, ~~consists of less than two square miles,~~ and 27814
meets at least two conditions for the dissolution of a village. 27815
If the court so finds, the court shall order the dissolution of 27816
the village, which shall proceed in accordance with sections 27817
703.31 to 703.39 of the Revised Code. The attorney general shall 27818
file a certified copy of the court's order of dissolution with 27819
the secretary of state and the county recorder of the county in 27820
which the village is situated, who shall record it in their 27821
respective offices. 27822

(D) For purposes of this section, the population of a 27823
village shall be the population determined either at the last 27824
preceding federal decennial census or according to population 27825
estimates certified by the department of development between 27826
decennial censuses. 27827

(E) The procedure in this section is in addition to the 27828
procedure of section 703.33 of the Revised Code for the 27829
dissolution of a village. 27830

Sec. 717.051. Any multi-level off-street parking structure 27831
that is not tax exempt under section 717.05 of the Revised Code 27832
and is acquired in fee or by lease or constructed by a municipal 27833
corporation ~~that qualifies as an impacted city, as defined in~~ 27834
~~division (C) of section 1728.01 of the Revised Code, at the time~~ 27835
~~of the initial application for exemption provided for in this~~ 27836
~~section or so acquired or constructed by,~~ a county within the 27837

~~corporate boundaries of such an impacted city, a new community~~ 27838
~~authority, or a port authority, and the land on which the~~ 27839
~~parking structure is situated,~~ is hereby declared to be a public 27840
purpose and may, at the option of the ~~impacted city or municipal~~ 27841
~~corporation,~~ the county, ~~the new community authority, or the~~ 27842
~~port authority,~~ be made the subject of an application for 27843
exemption and shall be exempt from taxation for such period as 27844
the parking structure is owned or leased by such municipal 27845
corporation ~~or, county and is available to members of the~~ 27846
~~general public on a daily or monthly or other subscription~~ 27847
~~basis, provided such period of exemption shall not exceed twenty~~ 27848
~~years from September 30, 1974, or the date acquisition or~~ 27849
~~construction of such structure is completed, whichever shall~~ 27850
~~occur later,~~ new community authority, or port authority. 27851
Any such exemption shall be claimed and allowed in the same or 27852
similar manner as in the case of other real property exemptions. 27853
In the event that an exemption status changes during a tax year, 27854
the procedure for the apportionment of the taxes for said year 27855
shall be the same as in the case of other changes in the 27856
exemption status during the tax year. 27857

Sec. 718.01. Any term used in this chapter that is not 27858
otherwise defined in this chapter has the same meaning as when 27859
used in a comparable context in laws of the United States 27860
relating to federal income taxation or in Title LVII of the 27861
Revised Code, unless a different meaning is clearly required. 27862
Except as provided in section 718.81 of the Revised Code, if a 27863
term used in this chapter that is not otherwise defined in this 27864
chapter is used in a comparable context in both the laws of the 27865
United States relating to federal income tax and in Title LVII 27866
of the Revised Code and the use is not consistent, then the use 27867
of the term in the laws of the United States relating to federal 27868

income tax shall control over the use of the term in Title LVII 27869
of the Revised Code. 27870

Except as otherwise provided in section 718.81 of the 27871
Revised Code, as used in this chapter: 27872

(A) (1) "Municipal taxable income" means the following: 27873

(a) For a person other than an individual, income 27874
apportioned or sitused to the municipal corporation under 27875
section 718.02 of the Revised Code, as applicable, reduced by 27876
any pre-2017 net operating loss carryforward available to the 27877
person for the municipal corporation. 27878

(b) (i) For an individual who is a resident of a municipal 27879
corporation other than a qualified municipal corporation, income 27880
reduced by exempt income to the extent otherwise included in 27881
income, then reduced as provided in division (A) (2) of this 27882
section, and further reduced by any pre-2017 net operating loss 27883
carryforward available to the individual for the municipal 27884
corporation. 27885

(ii) For an individual who is a resident of a qualified 27886
municipal corporation, Ohio adjusted gross income reduced by 27887
income exempted, and increased by deductions excluded, by the 27888
qualified municipal corporation from the qualified municipal 27889
corporation's tax. If a qualified municipal corporation, on or 27890
before December 31, 2013, exempts income earned by individuals 27891
who are not residents of the qualified municipal corporation and 27892
net profit of persons that are not wholly located within the 27893
qualified municipal corporation, such individual or person shall 27894
have no municipal taxable income for the purposes of the tax 27895
levied by the qualified municipal corporation and may be 27896
exempted by the qualified municipal corporation from the 27897

requirements of section 718.03 of the Revised Code. 27898

(c) For an individual who is a nonresident of a municipal 27899
corporation, income reduced by exempt income to the extent 27900
otherwise included in income and then, as applicable, 27901
apportioned or situated to the municipal corporation under 27902
section 718.02 of the Revised Code, then reduced as provided in 27903
division (A)(2) of this section, and further reduced by any pre- 27904
2017 net operating loss carryforward available to the individual 27905
for the municipal corporation. 27906

(2) In computing the municipal taxable income of a 27907
taxpayer who is an individual, the taxpayer may subtract, as 27908
provided in division (A)(1)(b)(i) or (c) of this section, the 27909
amount of the individual's employee business expenses reported 27910
on the individual's form 2106 that the individual deducted for 27911
federal income tax purposes for the taxable year, subject to the 27912
limitation imposed by section 67 of the Internal Revenue Code. 27913
For the municipal corporation in which the taxpayer is a 27914
resident, the taxpayer may deduct all such expenses allowed for 27915
federal income tax purposes. For a municipal corporation in 27916
which the taxpayer is not a resident, the taxpayer may deduct 27917
such expenses only to the extent the expenses are related to the 27918
taxpayer's performance of personal services in that nonresident 27919
municipal corporation. 27920

(B) "Income" means the following: 27921

(1)(a) For residents, all income, salaries, qualifying 27922
wages, commissions, and other compensation from whatever source 27923
earned or received by the resident, including the resident's 27924
distributive share of the net profit of pass-through entities 27925
owned directly or indirectly by the resident and any net profit 27926
of the resident, except as provided in division (D)(5) of this 27927

section. 27928

(b) For the purposes of division (B) (1) (a) of this 27929
section: 27930

(i) Any net operating loss of the resident incurred in the 27931
taxable year and the resident's distributive share of any net 27932
operating loss generated in the same taxable year and 27933
attributable to the resident's ownership interest in a pass- 27934
through entity shall be allowed as a deduction, for that taxable 27935
year and the following five taxable years, against any other net 27936
profit of the resident or the resident's distributive share of 27937
any net profit attributable to the resident's ownership interest 27938
in a pass-through entity until fully utilized, subject to 27939
division (B) (1) (d) of this section; 27940

(ii) The resident's distributive share of the net profit 27941
of each pass-through entity owned directly or indirectly by the 27942
resident shall be calculated without regard to any net operating 27943
loss that is carried forward by that entity from a prior taxable 27944
year and applied to reduce the entity's net profit for the 27945
current taxable year. 27946

(c) Division (B) (1) (b) of this section does not apply with 27947
respect to any net profit or net operating loss attributable to 27948
an ownership interest in an S corporation unless shareholders' 27949
distributive shares of net profits from S corporations are 27950
subject to tax in the municipal corporation as provided in 27951
division (C) (14) (b) or (c) of this section. 27952

(d) Any amount of a net operating loss used to reduce a 27953
taxpayer's net profit for a taxable year shall reduce the amount 27954
of net operating loss that may be carried forward to any 27955
subsequent year for use by that taxpayer. In no event shall the 27956

cumulative deductions for all taxable years with respect to a 27957
taxpayer's net operating loss exceed the original amount of that 27958
net operating loss available to that taxpayer. 27959

(2) In the case of nonresidents, all income, salaries, 27960
qualifying wages, commissions, and other compensation from 27961
whatever source earned or received by the nonresident for work 27962
done, services performed or rendered, or activities conducted in 27963
the municipal corporation, including any net profit of the 27964
nonresident, but excluding the nonresident's distributive share 27965
of the net profit or loss of only pass-through entities owned 27966
directly or indirectly by the nonresident. 27967

(3) For taxpayers that are not individuals, net profit of 27968
the taxpayer; 27969

(4) Lottery, sweepstakes, gambling and sports winnings, 27970
winnings from games of chance, and prizes and awards. If the 27971
taxpayer is a professional gambler for federal income tax 27972
purposes, the taxpayer may deduct related wagering losses and 27973
expenses to the extent authorized under the Internal Revenue 27974
Code and claimed against such winnings. 27975

(C) "Exempt income" means all of the following: 27976

(1) The military pay or allowances of members of the armed 27977
forces of the United States or members of their reserve 27978
components, including the national guard of any state~~r~~. As used 27979
in division (C) (1) of this section, "armed forces" has the same 27980
meaning as in 10 U.S.C. 101. 27981

(2) (a) Except as provided in division (C) (2) (b) of this 27982
section, intangible income; 27983

(b) A municipal corporation that taxed any type of 27984
intangible income on March 29, 1988, pursuant to Section 3 of 27985

S.B. 238 of the 116th general assembly, may continue to tax that 27986
type of income if a majority of the electors of the municipal 27987
corporation voting on the question of whether to permit the 27988
taxation of that type of intangible income after 1988 voted in 27989
favor thereof at an election held on November 8, 1988. 27990

(3) Social security benefits, railroad retirement 27991
benefits, unemployment compensation, pensions, retirement 27992
benefit payments, payments from annuities, and similar payments 27993
made to an employee or to the beneficiary of an employee under a 27994
retirement program or plan, disability payments received from 27995
private industry or local, state, or federal governments or from 27996
charitable, religious or educational organizations, and the 27997
proceeds of sickness, accident, or liability insurance policies. 27998
As used in division (C) (3) of this section, "unemployment 27999
compensation" does not include supplemental unemployment 28000
compensation described in section 3402(o) (2) of the Internal 28001
Revenue Code. 28002

(4) The income of religious, fraternal, charitable, 28003
scientific, literary, or educational institutions to the extent 28004
such income is derived from tax-exempt real estate, tax-exempt 28005
tangible or intangible property, or tax-exempt activities. 28006

(5) Compensation paid under section 3501.28 or 3501.36 of 28007
the Revised Code to a person serving as a precinct election 28008
official to the extent that such compensation does not exceed 28009
one thousand dollars for the taxable year. Such compensation in 28010
excess of one thousand dollars for the taxable year may be 28011
subject to taxation by a municipal corporation. A municipal 28012
corporation shall not require the payer of such compensation to 28013
withhold any tax from that compensation. 28014

(6) Dues, contributions, and similar payments received by 28015

charitable, religious, educational, or literary organizations or	28016
labor unions, lodges, and similar organizations;	28017
(7) Alimony and child support received;	28018
(8) Compensation for personal injuries or for damages to	28019
property from insurance proceeds or otherwise, excluding	28020
compensation paid for lost salaries or wages or compensation	28021
from punitive damages;	28022
(9) Income of a public utility when that public utility is	28023
subject to the tax levied under section 5727.24 or 5727.30 of	28024
the Revised Code. Division (C) (9) of this section does not apply	28025
for purposes of Chapter 5745. of the Revised Code.	28026
(10) Gains from involuntary conversions, interest on	28027
federal obligations, items of income subject to a tax levied by	28028
the state and that a municipal corporation is specifically	28029
prohibited by law from taxing, and income of a decedent's estate	28030
during the period of administration except such income from the	28031
operation of a trade or business;	28032
(11) Compensation or allowances excluded from federal	28033
gross income under section 107 of the Internal Revenue Code;	28034
(12) Employee compensation that is not qualifying wages as	28035
defined in division (R) of this section;	28036
(13) Compensation paid to a person employed within the	28037
boundaries of a United States air force base under the	28038
jurisdiction of the United States air force that is used for the	28039
housing of members of the United States air force and is a	28040
center for air force operations, unless the person is subject to	28041
taxation because of residence or domicile. If the compensation	28042
is subject to taxation because of residence or domicile, tax on	28043
such income shall be payable only to the municipal corporation	28044

of residence or domicile. 28045

(14) (a) Except as provided in division (C) (14) (b) or (c) 28046
of this section, an S corporation shareholder's distributive 28047
share of net profits of the S corporation, other than any part 28048
of the distributive share of net profits that represents wages 28049
as defined in section 3121(a) of the Internal Revenue Code or 28050
net earnings from self-employment as defined in section 1402(a) 28051
of the Internal Revenue Code. 28052

(b) If, pursuant to division (H) of former section 718.01 28053
of the Revised Code as it existed before March 11, 2004, a 28054
majority of the electors of a municipal corporation voted in 28055
favor of the question at an election held on November 4, 2003, 28056
the municipal corporation may continue after 2002 to tax an S 28057
corporation shareholder's distributive share of net profits of 28058
an S corporation. 28059

(c) If, on December 6, 2002, a municipal corporation was 28060
imposing, assessing, and collecting a tax on an S corporation 28061
shareholder's distributive share of net profits of the S 28062
corporation to the extent the distributive share would be 28063
allocated or apportioned to this state under divisions (B) (1) 28064
and (2) of section 5733.05 of the Revised Code if the S 28065
corporation were a corporation subject to taxes imposed under 28066
Chapter 5733. of the Revised Code, the municipal corporation may 28067
continue to impose the tax on such distributive shares to the 28068
extent such shares would be so allocated or apportioned to this 28069
state only until December 31, 2004, unless a majority of the 28070
electors of the municipal corporation voting on the question of 28071
continuing to tax such shares after that date voted in favor of 28072
that question at an election held November 2, 2004. If a 28073
majority of those electors voted in favor of the question, the 28074

municipal corporation may continue after December 31, 2004, to 28075
impose the tax on such distributive shares only to the extent 28076
such shares would be so allocated or apportioned to this state. 28077

(d) A municipal corporation shall be deemed to have 28078
elected to tax S corporation shareholders' distributive shares 28079
of net profits of the S corporation in the hands of the 28080
shareholders if a majority of the electors of a municipal 28081
corporation voted in favor of a question at an election held 28082
under division (C) (14) (b) or (c) of this section. The municipal 28083
corporation shall specify by resolution or ordinance that the 28084
tax applies to the distributive share of a shareholder of an S 28085
corporation in the hands of the shareholder of the S 28086
corporation. 28087

(15) The income of individuals under eighteen years of 28088
age. 28089

(16) (a) Except as provided in divisions (C) (16) (b), (c), 28090
and (d) of this section, qualifying wages described in division 28091
(B) (1) or (E) of section 718.011 of the Revised Code to the 28092
extent the qualifying wages are not subject to withholding for 28093
the municipal corporation under either of those divisions. 28094

(b) The exemption provided in division (C) (16) (a) of this 28095
section does not apply with respect to the municipal corporation 28096
in which the employee resided at the time the employee earned 28097
the qualifying wages. 28098

(c) The exemption provided in division (C) (16) (a) of this 28099
section does not apply to qualifying wages that an employer 28100
elects to withhold under division (D) (2) of section 718.011 of 28101
the Revised Code. 28102

(d) The exemption provided in division (C) (16) (a) of this 28103

section does not apply to qualifying wages if both of the 28104
following conditions apply: 28105

(i) For qualifying wages described in division (B) (1) of 28106
section 718.011 of the Revised Code, the employee's employer 28107
withholds and remits tax on the qualifying wages to the 28108
municipal corporation in which the employee's principal place of 28109
work is situated, or, for qualifying wages described in division 28110
(E) of section 718.011 of the Revised Code, the employee's 28111
employer withholds and remits tax on the qualifying wages to the 28112
municipal corporation in which the employer's fixed location is 28113
located; 28114

(ii) The employee receives a refund of the tax described 28115
in division (C) (16) (d) (i) of this section on the basis of the 28116
employee not performing services in that municipal corporation. 28117

(17) (a) Except as provided in division (C) (17) (b) or (c) 28118
of this section, compensation that is not qualifying wages paid 28119
to a nonresident individual for personal services performed in 28120
the municipal corporation on not more than twenty days in a 28121
taxable year. 28122

(b) The exemption provided in division (C) (17) (a) of this 28123
section does not apply under either of the following 28124
circumstances: 28125

(i) The individual's base of operation is located in the 28126
municipal corporation. 28127

(ii) The individual is a professional athlete, 28128
professional entertainer, or public figure, and the compensation 28129
is paid for the performance of services in the individual's 28130
capacity as a professional athlete, professional entertainer, or 28131
public figure. For purposes of division (C) (17) (b) (ii) of this 28132

section, "professional athlete," "professional entertainer," and 28133
"public figure" have the same meanings as in section 718.011 of 28134
the Revised Code. 28135

(c) Compensation to which division (C)(17) of this section 28136
applies shall be treated as earned or received at the 28137
individual's base of operation. If the individual does not have 28138
a base of operation, the compensation shall be treated as earned 28139
or received where the individual is domiciled. 28140

(d) For purposes of division (C)(17) of this section, 28141
"base of operation" means the location where an individual owns 28142
or rents an office, storefront, or similar facility to which the 28143
individual regularly reports and at which the individual 28144
regularly performs personal services for compensation. 28145

(18) Compensation paid to a person for personal services 28146
performed for a political subdivision on property owned by the 28147
political subdivision, regardless of whether the compensation is 28148
received by an employee of the subdivision or another person 28149
performing services for the subdivision under a contract with 28150
the subdivision, if the property on which services are performed 28151
is annexed to a municipal corporation pursuant to section 28152
709.023 of the Revised Code on or after March 27, 2013, unless 28153
the person is subject to such taxation because of residence. If 28154
the compensation is subject to taxation because of residence, 28155
municipal income tax shall be payable only to the municipal 28156
corporation of residence. 28157

(19) In the case of a tax administered, collected, and 28158
enforced by a municipal corporation pursuant to an agreement 28159
with the board of directors of a joint economic development 28160
district under section 715.72 of the Revised Code, the net 28161
profits of a business, and the income of the employees of that 28162

business, exempted from the tax under division (Q) of that section.	28163 28164
(20) All of the following:	28165
(a) Income derived from disaster work conducted in this state by an out-of-state disaster business during a disaster response period pursuant to a qualifying solicitation received by the business;	28166 28167 28168 28169
(b) Income of a qualifying employee described in division (A) (14) (a) of section 5703.94 of the Revised Code, to the extent such income is derived from disaster work conducted in this state by the employee during a disaster response period pursuant to a qualifying solicitation received by the employee's employer;	28170 28171 28172 28173 28174 28175
(c) Income of a qualifying employee described in division (A) (14) (b) of section 5703.94 of the Revised Code, to the extent such income is derived from disaster work conducted in this state by the employee during a disaster response period on critical infrastructure owned or used by the employee's employer.	28176 28177 28178 28179 28180 28181
(21) Income the taxation of which is prohibited by the constitution or laws of the United States.	28182 28183
Any item of income that is exempt income of a pass-through entity under division (C) of this section is exempt income of each owner of the pass-through entity to the extent of that owner's distributive or proportionate share of that item of the entity's income.	28184 28185 28186 28187 28188
(D) (1) "Net profit" for a person who is an individual means the individual's net profit required to be reported on schedule C, schedule E, or schedule F reduced by any net	28189 28190 28191

operating loss carried forward. For the purposes of division (D) 28192
(1) of this section, the net operating loss carried forward 28193
shall be calculated and deducted in the same manner as provided 28194
in division (D) (3) of this section. 28195

(2) "Net profit" for a person other than an individual 28196
means adjusted federal taxable income reduced by any net 28197
operating loss incurred by the person in a taxable year 28198
beginning on or after January 1, 2017, subject to the 28199
limitations of division (D) (3) of this section. 28200

(3) (a) The amount of such net operating loss shall be 28201
deducted from net profit to the extent necessary to reduce 28202
municipal taxable income to zero, with any remaining unused 28203
portion of the net operating loss carried forward to not more 28204
than five consecutive taxable years following the taxable year 28205
in which the loss was incurred, but in no case for more years 28206
than necessary for the deduction to be fully utilized. 28207

(b) No person shall use the deduction allowed by division 28208
(D) (3) of this section to offset qualifying wages. 28209

(c) (i) For taxable years beginning in 2018, 2019, 2020, 28210
2021, or 2022, a person may not deduct, for purposes of an 28211
income tax levied by a municipal corporation that levies an 28212
income tax before January 1, 2016, more than fifty per cent of 28213
the amount of the deduction otherwise allowed by division (D) (3) 28214
of this section. 28215

(ii) For taxable years beginning in 2023 or thereafter, a 28216
person may deduct, for purposes of an income tax levied by a 28217
municipal corporation that levies an income tax before January 28218
1, 2016, the full amount allowed by division (D) (3) of this 28219
section without regard to the limitation of division (D) (3) (c) 28220

(i) of this section.	28221
(d) Any pre-2017 net operating loss carryforward deduction	28222
that is available may be utilized before a taxpayer may deduct	28223
any amount pursuant to division (D) (3) of this section.	28224
(e) Nothing in division (D) (3) (c) (i) of this section	28225
precludes a person from carrying forward, for use with respect	28226
to any return filed for a taxable year beginning after 2018, any	28227
amount of net operating loss that was not fully utilized by	28228
operation of division (D) (3) (c) (i) of this section. To the	28229
extent that an amount of net operating loss that was not fully	28230
utilized in one or more taxable years by operation of division	28231
(D) (3) (c) (i) of this section is carried forward for use with	28232
respect to a return filed for a taxable year beginning in 2019,	28233
2020, 2021, or 2022, the limitation described in division (D) (3)	28234
(c) (i) of this section shall apply to the amount carried	28235
forward.	28236
(4) For the purposes of this chapter, and notwithstanding	28237
division (D) (2) of this section, net profit of a disregarded	28238
entity shall not be taxable as against that disregarded entity,	28239
but shall instead be included in the net profit of the owner of	28240
the disregarded entity.	28241
(5) For the purposes of this chapter, and notwithstanding	28242
any other provision of this chapter, the net profit of a	28243
publicly traded partnership that makes the election described in	28244
division (D) (5) of this section shall be taxed as if the	28245
partnership were a C corporation, and shall not be treated as	28246
the net profit or income of any owner of the partnership.	28247
A publicly traded partnership that is treated as a	28248
partnership for federal income tax purposes and that is subject	28249

to tax on its net profits in one or more municipal corporations 28250
in this state may elect to be treated as a C corporation for 28251
municipal income tax purposes. The publicly traded partnership 28252
shall make the election in every municipal corporation in which 28253
the partnership is subject to taxation on its net profits. The 28254
election shall be made on the annual tax return filed in each 28255
such municipal corporation. The publicly traded partnership 28256
shall not be required to file the election with any municipal 28257
corporation in which the partnership is not subject to taxation 28258
on its net profits, but division (D) (5) of this section applies 28259
to all municipal corporations in which an individual owner of 28260
the partnership resides. 28261

(E) "Adjusted federal taxable income," for a person 28262
required to file as a C corporation, or for a person that has 28263
elected to be taxed as a C corporation under division (D) (5) of 28264
this section, means a C corporation's federal taxable income 28265
before net operating losses and special deductions as determined 28266
under the Internal Revenue Code, adjusted as follows: 28267

(1) Deduct intangible income to the extent included in 28268
federal taxable income. The deduction shall be allowed 28269
regardless of whether the intangible income relates to assets 28270
used in a trade or business or assets held for the production of 28271
income. 28272

(2) Add an amount equal to five per cent of intangible 28273
income deducted under division (E) (1) of this section, but 28274
excluding that portion of intangible income directly related to 28275
the sale, exchange, or other disposition of property described 28276
in section 1221 of the Internal Revenue Code; 28277

(3) Add any losses allowed as a deduction in the 28278
computation of federal taxable income if the losses directly 28279

relate to the sale, exchange, or other disposition of an asset	28280
described in section 1221 or 1231 of the Internal Revenue Code;	28281
(4) (a) Except as provided in division (E) (4) (b) of this	28282
section, deduct income and gain included in federal taxable	28283
income to the extent the income and gain directly relate to the	28284
sale, exchange, or other disposition of an asset described in	28285
section 1221 or 1231 of the Internal Revenue Code;	28286
(b) Division (E) (4) (a) of this section does not apply to	28287
the extent the income or gain is income or gain described in	28288
section 1245 or 1250 of the Internal Revenue Code.	28289
(5) Add taxes on or measured by net income allowed as a	28290
deduction in the computation of federal taxable income;	28291
(6) In the case of a real estate investment trust or	28292
regulated investment company, add all amounts with respect to	28293
dividends to, distributions to, or amounts set aside for or	28294
credited to the benefit of investors and allowed as a deduction	28295
in the computation of federal taxable income;	28296
(7) Deduct, to the extent not otherwise deducted or	28297
excluded in computing federal taxable income, any income derived	28298
from a transfer agreement or from the enterprise transferred	28299
under that agreement under section 4313.02 of the Revised Code;	28300
(8) Deduct exempt income to the extent not otherwise	28301
deducted or excluded in computing adjusted federal taxable	28302
income.	28303
(9) Deduct any net profit of a pass-through entity owned	28304
directly or indirectly by the taxpayer and included in the	28305
taxpayer's federal taxable income unless an affiliated group of	28306
corporations includes that net profit in the group's federal	28307
taxable income in accordance with division (E) (3) (b) of section	28308

718.06 of the Revised Code. 28309

(10) Add any loss incurred by a pass-through entity owned 28310
directly or indirectly by the taxpayer and included in the 28311
taxpayer's federal taxable income unless an affiliated group of 28312
corporations includes that loss in the group's federal taxable 28313
income in accordance with division (E) (3) (b) of section 718.06 28314
of the Revised Code. 28315

If the taxpayer is not a C corporation, is not a 28316
disregarded entity that has made the election described in 28317
division (L) (2) of this section, is not a publicly traded 28318
partnership that has made the election described in division (D) 28319
(5) of this section, and is not an individual, the taxpayer 28320
shall compute adjusted federal taxable income under this section 28321
as if the taxpayer were a C corporation, except guaranteed 28322
payments and other similar amounts paid or accrued to a partner, 28323
former partner, shareholder, former shareholder, member, or 28324
former member shall not be allowed as a deductible expense 28325
unless such payments are a pension or retirement benefit payment 28326
paid to a retired partner, retired shareholder, or retired 28327
member or are in consideration for the use of capital and 28328
treated as payment of interest under section 469 of the Internal 28329
Revenue Code or United States treasury regulations. Amounts paid 28330
or accrued to a qualified self-employed retirement plan with 28331
respect to a partner, former partner, shareholder, former 28332
shareholder, member, or former member of the taxpayer, amounts 28333
paid or accrued to or for health insurance for a partner, former 28334
partner, shareholder, former shareholder, member, or former 28335
member, and amounts paid or accrued to or for life insurance for 28336
a partner, former partner, shareholder, former shareholder, 28337
member, or former member shall not be allowed as a deduction. 28338

Nothing in division (E) of this section shall be construed 28339
as allowing the taxpayer to add or deduct any amount more than 28340
once or shall be construed as allowing any taxpayer to deduct 28341
any amount paid to or accrued for purposes of federal self- 28342
employment tax. 28343

(F) "Schedule C" means internal revenue service schedule C 28344
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 28345
Code. 28346

(G) "Schedule E" means internal revenue service schedule E 28347
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 28348
Code. 28349

(H) "Schedule F" means internal revenue service schedule F 28350
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 28351
Code. 28352

(I) "Internal Revenue Code" has the same meaning as in 28353
section 5747.01 of the Revised Code. 28354

(J) "Resident" means an individual who is domiciled in the 28355
municipal corporation as determined under section 718.012 of the 28356
Revised Code. 28357

(K) "Nonresident" means an individual that is not a 28358
resident. 28359

(L) (1) "Taxpayer" means a person subject to a tax levied 28360
on income by a municipal corporation in accordance with this 28361
chapter. "Taxpayer" does not include a grantor trust or, except 28362
as provided in division (L) (2) (a) of this section, a disregarded 28363
entity. 28364

(2) (a) A single member limited liability company that is a 28365
disregarded entity for federal tax purposes may be a separate 28366

taxpayer from its single member in all Ohio municipal 28367
corporations in which it either filed as a separate taxpayer or 28368
did not file for its taxable year ending in 2003, if all of the 28369
following conditions are met: 28370

(i) The limited liability company's single member is also 28371
a limited liability company. 28372

(ii) The limited liability company and its single member 28373
were formed and doing business in one or more Ohio municipal 28374
corporations for at least five years before January 1, 2004. 28375

(iii) Not later than December 31, 2004, the limited 28376
liability company and its single member each made an election to 28377
be treated as a separate taxpayer under division (L) of this 28378
section as this section existed on December 31, 2004. 28379

(iv) The limited liability company was not formed for the 28380
purpose of evading or reducing Ohio municipal corporation income 28381
tax liability of the limited liability company or its single 28382
member. 28383

(v) The Ohio municipal corporation that was the primary 28384
place of business of the sole member of the limited liability 28385
company consented to the election. 28386

(b) For purposes of division (L) (2) (a) (v) of this section, 28387
a municipal corporation was the primary place of business of a 28388
limited liability company if, for the limited liability 28389
company's taxable year ending in 2003, its income tax liability 28390
was greater in that municipal corporation than in any other 28391
municipal corporation in Ohio, and that tax liability to that 28392
municipal corporation for its taxable year ending in 2003 was at 28393
least four hundred thousand dollars. 28394

(M) "Person" includes individuals, firms, companies, joint 28395

stock companies, business trusts, estates, trusts, partnerships, 28396
limited liability partnerships, limited liability companies, 28397
associations, C corporations, S corporations, governmental 28398
entities, and any other entity. 28399

(N) "Pass-through entity" means a partnership not treated 28400
as an association taxable as a C corporation for federal income 28401
tax purposes, a limited liability company not treated as an 28402
association taxable as a C corporation for federal income tax 28403
purposes, an S corporation, or any other class of entity from 28404
which the income or profits of the entity are given pass-through 28405
treatment for federal income tax purposes. "Pass-through entity" 28406
does not include a trust, estate, grantor of a grantor trust, or 28407
disregarded entity. 28408

(O) "S corporation" means a person that has made an 28409
election under subchapter S of Chapter 1 of Subtitle A of the 28410
Internal Revenue Code for its taxable year. 28411

(P) "Single member limited liability company" means a 28412
limited liability company that has one direct member. 28413

(Q) "Limited liability company" means a limited liability 28414
company formed under former Chapter 1705. of the Revised Code as 28415
that chapter existed prior to February 11, 2022, Chapter 1706. 28416
of the Revised Code, or the laws of another state. 28417

(R) "Qualifying wages" means wages, as defined in section 28418
3121(a) of the Internal Revenue Code, without regard to any wage 28419
limitations, adjusted as follows: 28420

(1) Deduct the following amounts: 28421

(a) Any amount included in wages if the amount constitutes 28422
compensation attributable to a plan or program described in 28423
section 125 of the Internal Revenue Code. 28424

(b) Any amount included in wages if the amount constitutes payment on account of a disability related to sickness or an accident paid by a party unrelated to the employer, agent of an employer, or other payer.

(c) Any amount attributable to a nonqualified deferred compensation plan or program described in section 3121(v)(2)(C) of the Internal Revenue Code if the compensation is included in wages and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax.

(d) Any amount included in wages if the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax.

(e) Any amount included in wages that is exempt income.

(2) Add the following amounts:

(a) Any amount not included in wages solely because the employee was employed by the employer before April 1, 1986.

(b) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has not, by resolution or ordinance, exempted the amount from withholding and tax adopted before January 1, 2016. Division (R)(2)(b) of this section applies only to those amounts constituting ordinary income.

(c) Any amount not included in wages if the amount is an amount described in section 401(k), 403(b), or 457 of the Internal Revenue Code. Division (R) (2) (c) of this section applies only to employee contributions and employee deferrals.	28454 28455 28456 28457
(d) Any amount that is supplemental unemployment compensation benefits described in section 3402(o) (2) of the Internal Revenue Code and not included in wages.	28458 28459 28460
(e) Any amount received that is treated as self-employment income for federal tax purposes in accordance with section 1402(a) (8) of the Internal Revenue Code.	28461 28462 28463
(f) Any amount not included in wages if all of the following apply:	28464 28465
(i) For the taxable year the amount is employee compensation that is earned outside of the United States and that either is included in the taxpayer's gross income for federal income tax purposes or would have been included in the taxpayer's gross income for such purposes if the taxpayer did not elect to exclude the income under section 911 of the Internal Revenue Code;	28466 28467 28468 28469 28470 28471 28472
(ii) For no preceding taxable year did the amount constitute wages as defined in section 3121(a) of the Internal Revenue Code;	28473 28474 28475
(iii) For no succeeding taxable year will the amount constitute wages; and	28476 28477
(iv) For any taxable year the amount has not otherwise been added to wages pursuant to either division (R) (2) of this section or section 718.03 of the Revised Code, as that section existed before the effective date of H.B. 5 of the 130th general assembly, March 23, 2015.	28478 28479 28480 28481 28482

(S) "Intangible income" means income of any of the 28483
following types: income yield, interest, capital gains, 28484
dividends, or other income arising from the ownership, sale, 28485
exchange, or other disposition of intangible property including, 28486
but not limited to, investments, deposits, money, or credits as 28487
those terms are defined in Chapter 5701. of the Revised Code, 28488
and patents, copyrights, trademarks, tradenames, investments in 28489
real estate investment trusts, investments in regulated 28490
investment companies, and appreciation on deferred compensation. 28491
"Intangible income" does not include prizes, awards, or other 28492
income associated with any lottery winnings, gambling winnings, 28493
or other similar games of chance. 28494

(T) "Taxable year" means the corresponding tax reporting 28495
period as prescribed for the taxpayer under the Internal Revenue 28496
Code. 28497

(U) (1) "Tax administrator" means, subject to division (U) 28498
(2) of this section, the individual charged with direct 28499
responsibility for administration of an income tax levied by a 28500
municipal corporation in accordance with this chapter, and also 28501
includes the following: 28502

(a) A municipal corporation acting as the agent of another 28503
municipal corporation; 28504

(b) A person retained by a municipal corporation to 28505
administer a tax levied by the municipal corporation, but only 28506
if the municipal corporation does not compensate the person in 28507
whole or in part on a contingency basis; 28508

(c) The central collection agency or the regional income 28509
tax agency or their successors in interest, or another entity 28510
organized to perform functions similar to those performed by the 28511

central collection agency and the regional income tax agency. 28512

(2) "Tax administrator" does not include the tax 28513
commissioner. 28514

(3) A private individual or entity serving in any position 28515
described in division (U) (1) (b) or (c) of this section shall 28516
have no access to criminal history record information. 28517

(V) "Employer" means a person that is an employer for 28518
federal income tax purposes. 28519

(W) "Employee" means an individual who is an employee for 28520
federal income tax purposes. 28521

(X) "Other payer" means any person, other than an 28522
individual's employer or the employer's agent, that pays an 28523
individual any amount included in the federal gross income of 28524
the individual. "Other payer" includes casino operators and 28525
video lottery terminal sales agents. 28526

(Y) "Calendar quarter" means the three-month period ending 28527
on the last day of March, June, September, or December. 28528

(Z) "Form 2106" means internal revenue service form 2106 28529
filed by a taxpayer pursuant to the Internal Revenue Code. 28530

(AA) "Municipal corporation" includes a joint economic 28531
development district or joint economic development zone that 28532
levies an income tax under section 715.691, 715.70, 715.71, or 28533
715.72 of the Revised Code. 28534

(BB) "Disregarded entity" means a single member limited 28535
liability company, a qualifying subchapter S subsidiary, or 28536
another entity if the company, subsidiary, or entity is a 28537
disregarded entity for federal income tax purposes. 28538

(CC) "Generic form" means an electronic or paper form that 28539
is not prescribed by a particular municipal corporation and that 28540
is designed for reporting taxes withheld by an employer, agent 28541
of an employer, or other payer, estimated municipal income 28542
taxes, or annual municipal income tax liability or for filing a 28543
refund claim. 28544

(DD) "Tax return preparer" means any individual described 28545
in section 7701(a) (36) of the Internal Revenue Code and 26 28546
C.F.R. 301.7701-15. 28547

(EE) "Ohio business gateway" means the online computer 28548
network system created under section 125.30 of the Revised Code 28549
or any successor electronic filing and payment system. 28550

(FF) "Local board of tax review" and "board of tax review" 28551
mean the entity created under section 718.11 of the Revised 28552
Code. 28553

(GG) "Net operating loss" means a loss incurred by a 28554
person in the operation of a trade or business. "Net operating 28555
loss" does not include unutilized losses resulting from basis 28556
limitations, at-risk limitations, or passive activity loss 28557
limitations. 28558

(HH) "Casino operator" and "casino facility" have the same 28559
meanings as in section 3772.01 of the Revised Code. 28560

(II) "Video lottery terminal" has the same meaning as in 28561
section 3770.21 of the Revised Code. 28562

(JJ) "Video lottery terminal sales agent" means a lottery 28563
sales agent licensed under Chapter 3770. of the Revised Code to 28564
conduct video lottery terminals on behalf of the state pursuant 28565
to section 3770.21 of the Revised Code. 28566

(KK) "Postal service" means the United States postal service. 28567
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(LL) "Certified mail," "express mail," "United States mail," "postal service," and similar terms include any delivery service authorized pursuant to section 5703.056 of the Revised Code. 28569
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(MM) "Postmark date," "date of postmark," and similar terms include the date recorded and marked in the manner described in division (B) (3) of section 5703.056 of the Revised Code. 28573
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(NN) "Related member" means a person that, with respect to the taxpayer during all or any portion of the taxable year, is either a related entity, a component member as defined in section 1563(b) of the Internal Revenue Code, or a person to or from whom there is attribution of stock ownership in accordance with section 1563(e) of the Internal Revenue Code except, for purposes of determining whether a person is a related member under this division, "twenty per cent" shall be substituted for "5 percent" wherever "5 percent" appears in section 1563(e) of the Internal Revenue Code. 28577
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(OO) "Related entity" means any of the following: 28587

(1) An individual stockholder, or a member of the stockholder's family enumerated in section 318 of the Internal Revenue Code, if the stockholder and the members of the stockholder's family own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent of the value of the taxpayer's outstanding stock; 28588
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(2) A stockholder, or a stockholder's partnership, estate, trust, or corporation, if the stockholder and the stockholder's 28594
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partnerships, estates, trusts, or corporations own directly, 28596
indirectly, beneficially, or constructively, in the aggregate, 28597
at least fifty per cent of the value of the taxpayer's 28598
outstanding stock; 28599

(3) A corporation, or a party related to the corporation 28600
in a manner that would require an attribution of stock from the 28601
corporation to the party or from the party to the corporation 28602
under division (OO) (4) of this section, provided the taxpayer 28603
owns directly, indirectly, beneficially, or constructively, at 28604
least fifty per cent of the value of the corporation's 28605
outstanding stock; 28606

(4) The attribution rules described in section 318 of the 28607
Internal Revenue Code apply for the purpose of determining 28608
whether the ownership requirements in divisions (OO) (1) to (3) 28609
of this section have been met. 28610

(PP) (1) "Assessment" means a written finding by the tax 28611
administrator that a person has underpaid municipal income tax, 28612
or owes penalty and interest, or any combination of tax, 28613
penalty, or interest, to the municipal corporation that 28614
commences the person's time limitation for making an appeal to 28615
the local board of tax review pursuant to section 718.11 of the 28616
Revised Code, and has "ASSESSMENT" written in all capital 28617
letters at the top of such finding. 28618

(2) "Assessment" does not include an informal notice 28619
denying a request for refund issued under division (B) (3) of 28620
section 718.19 of the Revised Code, a billing statement 28621
notifying a taxpayer of current or past-due balances owed to the 28622
municipal corporation, a tax administrator's request for 28623
additional information, a notification to the taxpayer of 28624
mathematical errors, or a tax administrator's other written 28625

correspondence to a person or taxpayer that does not meet the 28626
criteria prescribed by division (PP) (1) of this section. 28627

(QQ) "Taxpayers' rights and responsibilities" means the 28628
rights provided to taxpayers in sections 718.11, 718.12, 718.19, 28629
718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the 28630
Revised Code and the responsibilities of taxpayers to file, 28631
report, withhold, remit, and pay municipal income tax and 28632
otherwise comply with Chapter 718. of the Revised Code and 28633
resolutions, ordinances, and rules adopted by a municipal 28634
corporation for the imposition and administration of a municipal 28635
income tax. 28636

(RR) "Qualified municipal corporation" means a municipal 28637
corporation that, by resolution or ordinance adopted on or 28638
before December 31, 2011, adopted Ohio adjusted gross income, as 28639
defined by section 5747.01 of the Revised Code, as the income 28640
subject to tax for the purposes of imposing a municipal income 28641
tax. 28642

(SS) (1) "Pre-2017 net operating loss carryforward" means 28643
any net operating loss incurred in a taxable year beginning 28644
before January 1, 2017, to the extent such loss was permitted, 28645
by a resolution or ordinance of the municipal corporation that 28646
was adopted by the municipal corporation before January 1, 2016, 28647
to be carried forward and utilized to offset income or net 28648
profit generated in such municipal corporation in future taxable 28649
years. 28650

(2) For the purpose of calculating municipal taxable 28651
income, any pre-2017 net operating loss carryforward may be 28652
carried forward to any taxable year, including taxable years 28653
beginning in 2017 or thereafter, for the number of taxable years 28654
provided in the resolution or ordinance or until fully utilized, 28655

whichever is earlier. 28656

(TT) "Small employer" means any employer that had total 28657
revenue of less than five hundred thousand dollars during the 28658
preceding taxable year. For purposes of this division, "total 28659
revenue" means receipts of any type or kind, including, but not 28660
limited to, sales receipts; payments; rents; profits; gains, 28661
dividends, and other investment income; compensation; 28662
commissions; premiums; money; property; grants; contributions; 28663
donations; gifts; program service revenue; patient service 28664
revenue; premiums; fees, including premium fees and service 28665
fees; tuition payments; unrelated business revenue; 28666
reimbursements; any type of payment from a governmental unit, 28667
including grants and other allocations; and any other similar 28668
receipts reported for federal income tax purposes or under 28669
generally accepted accounting principles. "Small employer" does 28670
not include the federal government; any state government, 28671
including any state agency or instrumentality; any political 28672
subdivision; or any entity treated as a government for financial 28673
accounting and reporting purposes. 28674

(UU) "Audit" means the examination of a person or the 28675
inspection of the books, records, memoranda, or accounts of a 28676
person for the purpose of determining liability for a municipal 28677
income tax. 28678

(VV) "Publicly traded partnership" means any partnership, 28679
an interest in which is regularly traded on an established 28680
securities market. A "publicly traded partnership" may have any 28681
number of partners. 28682

(WW) "Tax commissioner" means the tax commissioner 28683
appointed under section 121.03 of the Revised Code. 28684

(XX) "Out-of-state disaster business," "qualifying solicitation," "qualifying employee," "disaster work," "critical infrastructure," and "disaster response period" have the same meanings as in section 5703.94 of the Revised Code.

(YY) "Pension" means a retirement benefit plan, regardless of whether the plan satisfies the qualifications described under section 401(a) of the Internal Revenue Code, including amounts that are taxable under the "Federal Insurance Contributions Act," Chapter 21 of the Internal Revenue Code, excluding employee contributions and elective deferrals, and regardless of whether such amounts are paid in the same taxable year in which the amounts are included in the employee's wages, as defined by section 3121(a) of the Internal Revenue Code.

(ZZ) "Retirement benefit plan" means an arrangement whereby an entity provides benefits to individuals either on or after their termination of service because of retirement or disability. "Retirement benefit plan" does not include wage continuation payments, severance payments, or payments made for accrued personal or vacation time.

Sec. 718.031. As used in this section, "sports gaming facility" and "type B sports gaming proprietor" have the same meanings as in section 3775.01 of the Revised Code and ~~"lottery sports gaming"~~ has "video lottery terminal" and "video lottery sales agent" have the same ~~meaning~~ meanings as in section ~~3770.23-3770.10~~ of the Revised Code.

(A) A municipal corporation shall require the following persons to withhold and remit municipal income tax with respect to amounts other than qualifying wages as provided in this section:

(1) A casino facility or a casino operator, as defined in 28714
Section 6(C)(9) of Article XV, Ohio Constitution, and section 28715
3772.01 of the Revised Code, respectively; 28716

(2) A video lottery sales agent conducting video lottery 28717
terminals on behalf of the state; 28718

(3) A type B sports gaming proprietor offering sports 28719
gaming at a sports gaming facility. 28720

(B) If a person's winnings at a casino facility or sports 28721
gaming facility are an amount for which reporting to the 28722
internal revenue service of the amount is required by section 28723
6041 of the Internal Revenue Code, as amended, a casino operator 28724
or sports gaming proprietor shall deduct and withhold municipal 28725
income tax from the person's winnings at the rate of the tax 28726
imposed by the municipal corporation in which the casino 28727
facility or sports gaming facility is located. 28728

(C) Amounts deducted and withheld by a casino operator or 28729
sports gaming proprietor are held in trust for the benefit of 28730
the municipal corporation to which the tax is owed. 28731

(1) On or before the tenth day of each month, the casino 28732
operator or sports gaming proprietor shall file a return 28733
electronically with the tax administrator of the municipal 28734
corporation, providing the name, address, and social security 28735
number of the person from whose winnings amounts were deducted 28736
and withheld, the amount of each such deduction and withholding 28737
during the preceding calendar month, the amount of the winnings 28738
from which each such amount was withheld, the type of casino 28739
gaming or sports gaming that resulted in such winnings, and any 28740
other information required by the tax administrator. With this 28741
return, the casino operator or sports gaming proprietor shall 28742

remit electronically to the municipal corporation all amounts 28743
deducted and withheld during the preceding month. 28744

(2) Annually, on or before the thirty-first day of 28745
January, a casino operator or sports gaming proprietor shall 28746
file an annual return electronically with the tax administrator 28747
of the municipal corporation in which the casino facility or 28748
sports gaming facility is located, indicating the total amount 28749
deducted and withheld during the preceding calendar year. The 28750
casino operator or sports gaming proprietor shall remit 28751
electronically with the annual return any amount that was 28752
deducted and withheld and that was not previously remitted. If 28753
the name, address, or social security number of a person or the 28754
amount deducted and withheld with respect to that person was 28755
omitted on a monthly return for that reporting period, that 28756
information shall be indicated on the annual return. 28757

(3) Annually, on or before the thirty-first day of 28758
January, a casino operator or sports gaming proprietor shall 28759
issue an information return to each person with respect to whom 28760
an amount has been deducted and withheld during the preceding 28761
calendar year. The information return shall show the total 28762
amount of municipal income tax deducted from the person's 28763
winnings during the preceding year. The casino operator or 28764
sports gaming proprietor shall provide to the tax administrator 28765
a copy of each information return issued under this division. 28766
The administrator may require that such copies be transmitted 28767
electronically. 28768

(4) A casino operator or sports gaming proprietor that 28769
fails to file a return and remit the amounts deducted and 28770
withheld shall be personally liable for the amount withheld and 28771
not remitted. Such personal liability extends to any penalty and 28772

interest imposed for the late filing of a return or the late payment of tax deducted and withheld. 28773
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(5) If a casino operator or sports gaming proprietor sells the casino facility or sports gaming facility, or otherwise quits the casino or sports gaming business, the amounts deducted and withheld along with any penalties and interest thereon are immediately due and payable. The successor shall withhold an amount of the purchase money that is sufficient to cover the amounts deducted and withheld along with any penalties and interest thereon until the predecessor casino operator or sports gaming proprietor produces either of the following: 28775
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(a) A receipt from the tax administrator showing that the amounts deducted and withheld and penalties and interest thereon have been paid; 28784
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(b) A certificate from the tax administrator indicating that no amounts are due. 28787
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If the successor fails to withhold purchase money, the successor is personally liable for the payment of the amounts deducted and withheld and penalties and interest thereon. 28789
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(6) The failure of a casino operator or sports gaming proprietor to deduct and withhold the required amount from a person's winnings does not relieve that person from liability for the municipal income tax with respect to those winnings. 28792
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(D) If a person's prize award from a video lottery terminal ~~or from lottery sports gaming offered in a video lottery terminal facility~~ is an amount for which reporting to the internal revenue service is required by section 6041 of the Internal Revenue Code, as amended, the video lottery sales agent shall deduct and withhold municipal income tax from the person's 28796
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prize award at the rate of the tax imposed by the municipal 28802
corporation in which the video lottery terminal facility is 28803
located. 28804

(E) Amounts deducted and withheld by a video lottery sales 28805
agent are held in trust for the benefit of the municipal 28806
corporation to which the tax is owed. 28807

(1) The video lottery sales agent shall issue to a person 28808
from whose prize award an amount has been deducted and withheld 28809
a receipt for the amount deducted and withheld, and shall obtain 28810
from the person receiving a prize award the person's name, 28811
address, and social security number in order to facilitate the 28812
preparation of returns required by this section. 28813

(2) On or before the tenth day of each month, the video 28814
lottery sales agent shall file a return electronically with the 28815
tax administrator of the municipal corporation providing the 28816
names, addresses, and social security numbers of the persons 28817
from whose prize awards amounts were deducted and withheld, the 28818
amount of each such deduction and withholding during the 28819
preceding calendar month, the amount of the prize award from 28820
which each such amount was withheld, and any other information 28821
required by the tax administrator. With the return, the video 28822
lottery sales agent shall remit electronically to the tax 28823
administrator all amounts deducted and withheld during the 28824
preceding month. 28825

(3) A video lottery sales agent shall maintain a record of 28826
all receipts issued under division (E) of this section and shall 28827
make those records available to the tax administrator upon 28828
request. Such records shall be maintained in accordance with 28829
section 5747.17 of the Revised Code and any rules adopted 28830
pursuant thereto. 28831

(4) Annually, on or before the thirty-first day of 28832
January, each video lottery ~~terminal~~-sales agent shall file an 28833
annual return electronically with the tax administrator of the 28834
municipal corporation in which the facility is located 28835
indicating the total amount deducted and withheld during the 28836
preceding calendar year. The video lottery sales agent shall 28837
remit electronically with the annual return any amount that was 28838
deducted and withheld and that was not previously remitted. If 28839
the name, address, or social security number of a person or the 28840
amount deducted and withheld with respect to that person was 28841
omitted on a monthly return for that reporting period, that 28842
information shall be indicated on the annual return. 28843

(5) Annually, on or before the thirty-first day of 28844
January, a video lottery sales agent shall issue an information 28845
return to each person with respect to whom an amount has been 28846
deducted and withheld during the preceding calendar year. The 28847
information return shall show the total amount of municipal 28848
income tax deducted and withheld from the person's prize award 28849
by the video lottery sales agent during the preceding year. A 28850
video lottery sales agent shall provide to the tax administrator 28851
of the municipal corporation a copy of each information return 28852
issued under this division. The tax administrator may require 28853
that such copies be transmitted electronically. 28854

(6) A video lottery sales agent who fails to file a return 28855
and remit the amounts deducted and withheld is personally liable 28856
for the amount deducted and withheld and not remitted. Such 28857
personal liability extends to any penalty and interest imposed 28858
for the late filing of a return or the late payment of tax 28859
deducted and withheld. 28860

(F) If a video lottery sales agent ceases to operate video 28861

lottery terminals, the amounts deducted and withheld along with 28862
any penalties and interest thereon are immediately due and 28863
payable. The successor of the video lottery sales agent that 28864
purchases the video lottery terminals from the agent shall 28865
withhold an amount from the purchase money that is sufficient to 28866
cover the amounts deducted and withheld and any penalties and 28867
interest thereon until the predecessor video lottery sales agent 28868
operator produces either of the following: 28869

(1) A receipt from the tax administrator showing that the 28870
amounts deducted and withheld and penalties and interest thereon 28871
have been paid; 28872

(2) A certificate from the tax administrator indicating 28873
that no amounts are due. 28874

If the successor fails to withhold purchase money, the 28875
successor is personally liable for the payment of the amounts 28876
deducted and withheld and penalties and interest thereon. 28877

(G) The failure of a video lottery sales agent to deduct 28878
and withhold the required amount from a person's prize award 28879
does not relieve that person from liability for the municipal 28880
income tax with respect to that prize award. 28881

(H) If a casino operator, sports gaming proprietor, or 28882
video lottery sales agent files a return late, fails to file a 28883
return, remits amounts deducted and withheld late, or fails to 28884
remit amounts deducted and withheld as required under this 28885
section, the tax administrator of a municipal corporation may 28886
impose the following applicable penalty: 28887

(1) For the late remittance of, or failure to remit, tax 28888
deducted and withheld under this section, a penalty equal to 28889
fifty per cent of the tax deducted and withheld; 28890

(2) For the failure to file, or the late filing of, a 28891
monthly or annual return, a penalty of five hundred dollars for 28892
each return not filed or filed late. Interest shall accrue on 28893
past due amounts deducted and withheld at the rate prescribed in 28894
section 5703.47 of the Revised Code. 28895

(I) Amounts deducted and withheld on behalf of a municipal 28896
corporation shall be allowed as a credit against payment of the 28897
tax imposed by the municipal corporation and shall be treated as 28898
taxes paid for purposes of section 718.08 of the Revised Code. 28899
This division applies only to the person for whom the amount is 28900
deducted and withheld. 28901

(J) The tax administrator shall prescribe the forms of the 28902
receipts and returns required under this section. 28903

Sec. 718.05. (A) An annual return with respect to the 28904
income tax levied by a municipal corporation shall be completed 28905
and filed by every taxpayer for any taxable year for which the 28906
taxpayer is liable for the tax. If the total credit allowed 28907
against the tax as described in division (D) of section 718.04 28908
of the Revised Code for the year is equal to or exceeds the tax 28909
imposed by the municipal corporation, no return shall be 28910
required unless the municipal ordinance or resolution levying 28911
the tax requires the filing of a return in such circumstances. 28912

(B) If an individual is deceased, any return or notice 28913
required of that individual shall be completed and filed by that 28914
decedent's executor, administrator, or other person charged with 28915
the property of that decedent. 28916

(C) If an individual is unable to complete and file a 28917
return or notice required by a municipal corporation in 28918
accordance with this chapter, the return or notice required of 28919

that individual shall be completed and filed by the individual's 28920
duly authorized agent, guardian, conservator, fiduciary, or 28921
other person charged with the care of the person or property of 28922
that individual. 28923

(D) Returns or notices required of an estate or a trust 28924
shall be completed and filed by the fiduciary of the estate or 28925
trust. 28926

(E) No municipal corporation shall deny spouses the 28927
ability to file a joint return. 28928

(F) (1) Each return required to be filed under this section 28929
shall contain the signature of the taxpayer or the taxpayer's 28930
duly authorized agent and of the person who prepared the return 28931
for the taxpayer, and shall include the taxpayer's social 28932
security number or taxpayer identification number. Each return 28933
shall be verified by a declaration under penalty of perjury. 28934

(2) A tax administrator may require a taxpayer who is an 28935
individual to include, with each annual return, amended return, 28936
or request for refund required under this section, copies of 28937
only the following documents: all of the taxpayer's Internal 28938
Revenue Service form W-2, "Wage and Tax Statements," including 28939
all information reported on the taxpayer's federal W-2, as well 28940
as taxable wages reported or withheld for any municipal 28941
corporation; the taxpayer's Internal Revenue Service form 1040 28942
or, in the case of a return or request required by a qualified 28943
municipal corporation, Ohio form IT-1040; and, with respect to 28944
an amended tax return or refund request, any other documentation 28945
necessary to support the refund request or the adjustments made 28946
in the amended return. An individual taxpayer who files the 28947
annual return required by this section electronically is not 28948
required to provide paper copies of any of the foregoing to the 28949

tax administrator unless the tax administrator requests such 28950
copies after the return has been filed. 28951

(3) A tax administrator may require a taxpayer that is not 28952
an individual to include, with each annual net profit return, 28953
amended net profit return, or request for refund required under 28954
this section, copies of only the following documents: the 28955
taxpayer's Internal Revenue Service form 1041, form 1065, form 28956
1120, form 1120-REIT, form 1120F, or form 1120S, and, with 28957
respect to an amended tax return or refund request, any other 28958
documentation necessary to support the refund request or the 28959
adjustments made in the amended return. 28960

A taxpayer that is not an individual and that files an 28961
annual net profit return electronically through the Ohio 28962
business gateway or in some other manner shall either mail the 28963
documents required under this division to the tax administrator 28964
at the time of filing or, if electronic submission is available, 28965
submit the documents electronically through the Ohio business 28966
gateway. The department of taxation shall publish a method of 28967
electronically submitting the documents required under this 28968
division through the Ohio business gateway on or before January 28969
1, 2016. The department shall transmit all documents submitted 28970
electronically under this division to the appropriate tax 28971
administrator. 28972

(4) After a taxpayer files a tax return, the tax 28973
administrator may request, and the taxpayer shall provide, any 28974
information, statements, or documents required by the municipal 28975
corporation to determine and verify the taxpayer's municipal 28976
income tax liability. The requirements imposed under division 28977
(F) of this section apply regardless of whether the taxpayer 28978
files on a generic form or on a form prescribed by the tax 28979

administrator. 28980

(G) (1) (a) Except as otherwise provided in this chapter, 28981
each individual income tax return required to be filed under 28982
this section shall be completed and filed as required by the tax 28983
administrator on or before the date prescribed for the filing of 28984
state individual income tax returns under division (G) of 28985
section 5747.08 of the Revised Code. The taxpayer shall complete 28986
and file the return or notice on forms prescribed by the tax 28987
administrator or on generic forms, together with remittance made 28988
payable to the municipal corporation or tax administrator. No 28989
remittance is required if the amount shown to be due is ten 28990
dollars or less. A municipal corporation shall not require a 28991
qualifying employee whose income consists exclusively of exempt 28992
income described in division (C) (20) (b) or (c) of section 718.01 28993
of the Revised Code to file a return under this section. 28994

(b) Except as otherwise provided in this chapter, each 28995
annual net profit return required to be filed under this section 28996
by a taxpayer that is not an individual shall be completed and 28997
filed as required by the tax administrator on or before the 28998
fifteenth day of the fourth month following the end of the 28999
taxpayer's taxable year unless the taxpayer's unextended federal 29000
income tax return is due after that date, in which case the 29001
annual net profit return shall be completed and filed on or 29002
before the taxpayer's federal income tax return due date. The 29003
taxpayer shall complete and file the return or notice on forms 29004
prescribed by the tax administrator or on generic forms, 29005
together with remittance made payable to the municipal 29006
corporation or tax administrator. No remittance is required if 29007
the amount shown to be due is ten dollars or less. 29008

(2) (a) Any taxpayer that has duly requested an automatic 29009

six-month extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of a municipal income tax return. The extended due date of the municipal income tax return for a taxpayer that is an individual shall be the fifteenth day of the tenth month after the last day of the taxable year to which the return relates. The extended due date of the municipal income tax return for a taxpayer that is not an individual shall be the fifteenth day of the eleventh month after the last day of the taxable year to which the return relates.

(b) A taxpayer that has not requested or received a six-month extension for filing the taxpayer's federal income tax return may request that the tax administrator grant the taxpayer a six-month extension of the date for filing the taxpayer's municipal income tax return. If the request is received by the tax administrator on or before the date the municipal income tax return is due, the tax administrator shall grant the taxpayer's requested extension.

(c) An extension of time to file under division (G)(2) of this section is not an extension of the time to pay any tax due unless the tax administrator grants an extension of that date.

(3) If the tax commissioner extends for all taxpayers the date for filing state income tax returns under division (G) of section 5747.08 of the Revised Code, a taxpayer shall automatically receive an extension for the filing of a municipal income tax return. The extended due date of the municipal income tax return shall be the same as the extended due date of the state income tax return.

(4) If the tax administrator considers it necessary in order to ensure the payment of the tax imposed by the municipal

corporation in accordance with this chapter, the tax 29040
administrator may require taxpayers to file returns and make 29041
payments otherwise than as provided in this section, including 29042
taxpayers not otherwise required to file annual returns. 29043

(5) If a taxpayer receives an extension for the filing of 29044
a municipal income tax return under division (G) (2), (3), or (4) 29045
of this section, the tax administrator shall not make any 29046
inquiry or send any notice to the taxpayer with regard to the 29047
return on or before the date the taxpayer files the return or on 29048
or before the extended due date to file the return, whichever 29049
occurs first. 29050

If a tax administrator violates division (G) (5) of this 29051
section, the municipal corporation shall reimburse the taxpayer 29052
for any reasonable costs incurred to respond to such inquiry or 29053
notice, up to one hundred fifty dollars. 29054

Division (G) (5) of this section does not apply to an 29055
extension received under division (G) (2) of this section if the 29056
tax administrator has actual knowledge that the taxpayer failed 29057
to file for a federal extension as required to receive the 29058
extension under division (G) (2) (a) of this section or failed to 29059
file for an extension under division (G) (2) (b) of this section. 29060

(6) To the extent that any provision in this division 29061
conflicts with any provision in section 718.052 of the Revised 29062
Code, the provision in that section prevails. 29063

(H) (1) For taxable years beginning after 2015, a municipal 29064
corporation shall not require a taxpayer to remit tax with 29065
respect to net profits if the amount due is less than ten 29066
dollars. 29067

(2) Except as provided in division (H) (3) of this section, 29068

any taxpayer not required to remit tax to a municipal 29069
corporation for a taxable year pursuant to division (H) (1) of 29070
this section shall file with the municipal corporation an annual 29071
net profit return under division (F) (3) of this section. 29072

(3) A municipal corporation shall not require a person to 29073
file a net profit return under this section if the person's 29074
income consists exclusively of exempt income described in 29075
division (C) (20) (a) of section 718.01 of the Revised Code. 29076

(I) (1) If any report, claim, statement, or other document 29077
required to be filed, or any payment required to be made, within 29078
a prescribed period or on or before a prescribed date under this 29079
chapter is delivered after that period or that date by United 29080
States mail to the tax administrator or other municipal official 29081
with which the report, claim, statement, or other document is 29082
required to be filed, or to which the payment is required to be 29083
made, the date of the postmark stamped on the cover in which the 29084
report, claim, statement, or other document, or payment is 29085
mailed shall be deemed to be the date of delivery or the date of 29086
payment. "The date of postmark" means, in the event there is 29087
more than one date on the cover, the earliest date imprinted on 29088
the cover by the postal service. 29089

(2) If a payment under this chapter is made by electronic 29090
funds transfer, the payment shall be considered to be made on 29091
the date of the timestamp assigned by the first electronic 29092
system receiving that payment. 29093

(J) The amounts withheld by an employer, the agent of an 29094
employer, or an other payer as described in section 718.03 of 29095
the Revised Code shall be allowed to the recipient of the 29096
compensation as credits against payment of the tax imposed on 29097
the recipient by the municipal corporation, unless the amounts 29098

withheld were not remitted to the municipal corporation and the 29099
recipient colluded with the employer, agent, or other payer in 29100
connection with the failure to remit the amounts withheld. 29101

(K) Each return required by a municipal corporation to be 29102
filed in accordance with this section shall include a box that 29103
the taxpayer may check to authorize another person, including a 29104
tax return preparer who prepared the return, to communicate with 29105
the tax administrator about matters pertaining to the return. 29106
The return or instructions accompanying the return shall 29107
indicate that by checking the box the taxpayer authorizes the 29108
tax administrator to contact the preparer or other person 29109
concerning questions that arise during the examination or other 29110
review of the return and authorizes the preparer or other person 29111
only to provide the tax administrator with information that is 29112
missing from the return, to contact the tax administrator for 29113
information about the examination or other review of the return 29114
or the status of the taxpayer's refund or payments, and to 29115
respond to notices about mathematical errors, offsets, or return 29116
preparation that the taxpayer has received from the tax 29117
administrator and has shown to the preparer or other person. 29118

(L) The tax administrator of a municipal corporation shall 29119
accept for filing a generic form of any income tax return, 29120
report, or document required by the municipal corporation in 29121
accordance with this chapter, provided that the generic form, 29122
once completed and filed, contains all of the information 29123
required by ordinance, resolution, or rules adopted by the 29124
municipal corporation or tax administrator, and provided that 29125
the taxpayer or tax return preparer filing the generic form 29126
otherwise complies with the provisions of this chapter and of 29127
the municipal corporation ordinance or resolution governing the 29128
filing of returns, reports, or documents. 29129

(M) When income tax returns, reports, or other documents 29130
require the signature of a tax return preparer, the tax 29131
administrator shall accept a facsimile of such a signature in 29132
lieu of a manual signature. 29133

(N) (1) As used in this division, "worksite location" has 29134
the same meaning as in section 718.011 of the Revised Code. 29135

(2) A person may notify a tax administrator that the 29136
person does not expect to be a taxpayer with respect to the 29137
municipal corporation for a taxable year if both of the 29138
following conditions apply: 29139

(a) The person was required to file a tax return with the 29140
municipal corporation for the immediately preceding taxable year 29141
because the person performed services at a worksite location 29142
within that municipal corporation. 29143

(b) The person no longer provides services in the 29144
municipal corporation and does not expect to be subject to the 29145
municipal corporation's income tax for the taxable year. 29146

The person shall provide the notice in a signed affidavit 29147
that briefly explains the person's circumstances, including the 29148
location of the previous worksite location and the last date on 29149
which the person performed services or made any sales within the 29150
municipal corporation. The affidavit also shall include the 29151
following statement: "The affiant has no plans to perform any 29152
services within the municipal corporation, make any sales in the 29153
municipal corporation, or otherwise become subject to the tax 29154
levied by the municipal corporation during the taxable year. If 29155
the affiant does become subject to the tax levied by the 29156
municipal corporation for the taxable year, the affiant agrees 29157
to be considered a taxpayer and to properly register as a 29158

taxpayer with the municipal corporation if such a registration 29159
is required by the municipal corporation's resolutions, 29160
ordinances, or rules." The person shall sign the affidavit under 29161
penalty of perjury. 29162

(c) If a person submits an affidavit described in division 29163
(N) (2) of this section, the tax administrator shall not require 29164
the person to file any tax return for the taxable year unless 29165
the tax administrator possesses information that conflicts with 29166
the affidavit or if the circumstances described in the affidavit 29167
change. Nothing in division (N) of this section prohibits the 29168
tax administrator from performing an audit of the person. 29169

Sec. 718.12. (A) (1) (a) Civil actions to recover municipal 29170
income taxes and penalties and interest on municipal income 29171
taxes shall be brought within the later of: 29172

(i) Three years after the tax return, including any valid 29173
extension, was due or ~~the return was filed,~~ whichever is later; 29174
or 29175

(ii) One year after the conclusion of the qualifying 29176
deferral period, if any. 29177

(b) The time limit described in division (A) (1) (a) of this 29178
section may be extended at any time if both the tax 29179
administrator and the employer, agent of the employer, other 29180
payer, or taxpayer consent in writing to the extension. Any 29181
extension shall also extend for the same period of time the time 29182
limit described in division (C) of this section. 29183

(2) As used in this section, "qualifying deferral period" 29184
means a period of time beginning and ending as follows: 29185

(a) Beginning on the date a person who is aggrieved by an 29186
assessment files with a local board of tax review the request 29187

described in section 718.11 of the Revised Code. That date shall 29188
not be affected by any subsequent decision, finding, or holding 29189
by any administrative body or court that the local board of tax 29190
review with which the aggrieved person filed the request did not 29191
have jurisdiction to affirm, reverse, or modify the assessment 29192
or any part of that assessment. 29193

(b) Ending the later of the sixtieth day after the date on 29194
which the final determination of the local board of tax review 29195
becomes final or, if any party appeals from the determination of 29196
the local board of tax review, the sixtieth day after the date 29197
on which the final determination of the local board of tax 29198
review is either ultimately affirmed in whole or in part or 29199
ultimately reversed and no further appeal of either that 29200
affirmation, in whole or in part, or that reversal is available 29201
or taken. 29202

(B) Prosecutions for an offense made punishable under a 29203
resolution or ordinance imposing an income tax shall be 29204
commenced within three years after the commission of the 29205
offense, provided that in the case of fraud, failure to file a 29206
return, or the omission of twenty-five per cent or more of 29207
income required to be reported, prosecutions may be commenced 29208
within six years after the commission of the offense. 29209

(C) A claim for a refund of municipal income taxes shall 29210
be brought within the time limitation provided in section 718.19 29211
of the Revised Code. 29212

(D) Interest shall be allowed and paid on any overpayment 29213
by a taxpayer of any municipal income tax obligation from the 29214
date of the overpayment until the date of the refund of the 29215
overpayment, except that if any overpayment is refunded within 29216
ninety days after the final filing date of the annual return or 29217

ninety days after the completed return is filed, whichever is later, no interest shall be allowed on the refund. For the purpose of computing the payment of interest on amounts overpaid, no amount of tax for any taxable year shall be considered to have been paid before the date on which the return on which the tax is reported is due, without regard to any extension of time for filing that return. Interest shall be paid at the interest rate described in division (A) (5) of section 718.27 of the Revised Code.

(E) Within sixty days after the final determination of any federal or state tax liability affecting the taxpayer's municipal tax liability, that taxpayer shall make and file an amended municipal return showing income subject to the municipal income tax based upon such final determination of federal or state tax liability, and pay any additional municipal income tax shown due thereon or make a claim for refund of any overpayment, unless the tax or overpayment is less than ten dollars.

(F) (1) Notwithstanding the fact that an appeal is pending, the petitioner may pay all or a portion of the assessment that is the subject of the appeal. The acceptance of a payment by the municipal corporation does not prejudice any claim for refund upon final determination of the appeal.

(2) If upon final determination of the appeal an error in the assessment is corrected by the tax administrator, upon an appeal so filed or pursuant to a final determination of the local board of tax review created under section 718.11 of the Revised Code, of the Ohio board of tax appeals, or any court to which the decision of the Ohio board of tax appeals has been appealed, so that the amount due from the party assessed under the corrected assessment is less than the amount paid, there

shall be issued to the appellant or to the appellant's assigns 29248
or legal representative a refund in the amount of the 29249
overpayment as provided by section 718.19 of the Revised Code, 29250
with interest on that amount as provided by division (D) of this 29251
section. 29252

(G) No civil action to recover municipal income tax or 29253
related penalties or interest shall be brought during either of 29254
the following time periods: 29255

(1) The period during which a taxpayer has a right to 29256
appeal the imposition of that tax or interest or those 29257
penalties; 29258

(2) The period during which an appeal related to the 29259
imposition of that tax or interest or those penalties is 29260
pending. 29261

Sec. 718.13. (A) Any information gained as a result of 29262
returns, investigations, hearings, or verifications required or 29263
authorized by this chapter or by a charter or ordinance of a 29264
municipal corporation levying an income tax pursuant to this 29265
chapter is confidential, and no person shall access or disclose 29266
such information except in accordance with a proper judicial 29267
order or in connection with the performance of that person's 29268
official duties or the official business of the municipal 29269
corporation as authorized by this chapter or the charter or 29270
ordinance authorizing the levy. The tax administrator of the 29271
municipal corporation or a designee thereof may furnish copies 29272
of returns filed or otherwise received under this chapter and 29273
other related tax information to the internal revenue service, 29274
the tax commissioner, and tax administrators of other municipal 29275
corporations. 29276

(B) This section does not prohibit a municipal corporation 29277
from publishing or disclosing statistics in a form that does not 29278
disclose information with respect to particular taxpayers. 29279

(C) A municipal corporation may provide tax information 29280
related to municipal income tax revenues derived from a 29281
transformational major sports facility mixed-use project 29282
district, as authorized under section 123.281 of the Revised 29283
Code, to the department of taxation and the fiscal officer of a 29284
governmental agency, as defined in division (F) of section 29285
123.28 of the Revised Code, that owns, or holds a sufficient 29286
ownership in, a major sports facility located within the 29287
territorial boundaries of a transformational major sports 29288
facility mixed-use project district. 29289

Sec. 718.19. (A) Upon receipt of a request for a refund, 29290
the tax administrator of a municipal corporation, in accordance 29291
with this section, shall refund to employers, agents of 29292
employers, other payers, or taxpayers, with respect to any 29293
income or withholding tax levied by the municipal corporation: 29294

(1) Overpayments of more than ten dollars; 29295

(2) Amounts paid erroneously if the refund requested 29296
exceeds ten dollars. 29297

(B) (1) Except as otherwise provided in this chapter, 29298
requests for refund shall be filed with the tax administrator, 29299
on the form prescribed by the tax administrator within three 29300
years after the tax return, including any valid extension, was 29301
due or paid, whichever is later. The tax administrator may 29302
require the requestor to file with the request any documentation 29303
that substantiates the requestor's claim for a refund. 29304

(2) On filing of the refund request, the tax administrator 29305

shall determine the amount of refund due and certify such amount 29306
to the appropriate municipal corporation official for payment. 29307
Except as provided in division (B) (3) of this section, the 29308
administrator shall issue an assessment to any taxpayer whose 29309
request for refund is fully or partially denied. The assessment 29310
shall state the amount of the refund that was denied, the 29311
reasons for the denial, and instructions for appealing the 29312
assessment. 29313

(3) If a tax administrator denies in whole or in part a 29314
refund request included within the taxpayer's originally filed 29315
annual income tax return, the tax administrator shall notify the 29316
taxpayer, in writing, of the amount of the refund that was 29317
denied, the reasons for the denial, and instructions for 29318
requesting an assessment that may be appealed under section 29319
718.11 of the Revised Code. 29320

(C) A request for a refund that is received after the last 29321
day for filing specified in division (B) of this section shall 29322
be considered to have been filed in a timely manner if any of 29323
the following situations exist: 29324

(1) The request is delivered by the postal service, and 29325
the earliest postal service postmark on the cover in which the 29326
request is enclosed is not later than the last day for filing 29327
the request. 29328

(2) The request is delivered by the postal service, the 29329
only postmark on the cover in which the request is enclosed was 29330
affixed by a private postal meter, the date of that postmark is 29331
not later than the last day for filing the request, and the 29332
request is received within seven days of such last day. 29333

(3) The request is delivered by the postal service, no 29334

postmark date was affixed to the cover in which the request is 29335
enclosed or the date of the postmark so affixed is not legible, 29336
and the request is received within seven days of the last day 29337
for making the request. 29338

(D) As used in this section, "withholding tax" has the 29339
same meaning as in section 718.27 of the Revised Code. 29340

Sec. 718.85. (A) (1) For each taxable year, every taxpayer 29341
shall file an annual return. Such return, along with the amount 29342
of tax shown to be due on the return less the amount paid for 29343
the taxable year under section 718.88 of the Revised Code, shall 29344
be submitted to the tax commissioner, on a form and in the 29345
manner prescribed by the commissioner, on or before the 29346
fifteenth day of the fourth month following the end of the 29347
taxpayer's taxable year unless a taxpayer's unextended federal 29348
income tax return is due after that date, in which case the 29349
annual return shall be submitted on or before the taxpayer's 29350
federal income tax return due date. 29351

(2) The remittance shall be made payable to the treasurer 29352
of state and in the form prescribed by the tax commissioner. If 29353
the amount payable with the tax return is ten dollars or less, 29354
no remittance is required. 29355

(B) The tax commissioner shall immediately forward to the 29356
treasurer of state all amounts the commissioner receives 29357
pursuant to sections 718.80 to 718.95 of the Revised Code. The 29358
treasurer shall credit such amounts to the municipal net profit 29359
tax fund which is hereby created in the state treasury. 29360

(C) (1) Each return required to be filed under this section 29361
shall contain the signature of the taxpayer or the taxpayer's 29362
duly authorized agent and of the person who prepared the return 29363

for the taxpayer, and shall include the taxpayer's 29364
identification number. Each return shall be verified by a 29365
declaration under penalty of perjury. 29366

(2) (a) The tax commissioner may require a taxpayer to 29367
include, with each annual tax return, amended return, or request 29368
for refund filed with the commissioner under sections 718.80 to 29369
718.95 of the Revised Code, copies of any relevant documents or 29370
other information. 29371

(b) A taxpayer that files an annual tax return 29372
electronically through the Ohio business gateway or in another 29373
manner as prescribed by the tax commissioner shall either submit 29374
the documents required under this division electronically as 29375
prescribed at the time of filing or, if electronic submission is 29376
not available, mail the documents to the tax commissioner. The 29377
department of taxation shall publish a method of electronically 29378
submitting the documents required under this division on or 29379
before January 1, 2019. 29380

(3) After a taxpayer files a tax return, the tax 29381
commissioner may request, and the taxpayer shall provide, any 29382
information, statements, or documents required to determine and 29383
verify the taxpayer's municipal income tax. 29384

(D) (1) (a) Any taxpayer that has duly requested an 29385
automatic extension for filing the taxpayer's federal income tax 29386
return shall automatically receive an extension for the filing 29387
of a tax return with the commissioner under this section. The 29388
extended due date of the return shall be the fifteenth day of 29389
the eleventh month after the last day of the taxable year to 29390
which the return relates. 29391

(b) A taxpayer that has not requested or received a six- 29392

month extension for filing the taxpayer's federal income tax 29393
return may request that the commissioner grant the taxpayer a 29394
~~six-month~~ seven-month extension of the date for filing the 29395
taxpayer's tax return. If the commissioner receives the request 29396
on or before the date the tax return is due, the commissioner 29397
shall grant the taxpayer's extension request. 29398

(c) An extension of time to file under division (D) (1) of 29399
this section is not an extension of the time to pay any tax due 29400
unless the tax commissioner grants an extension of that date. 29401

(2) If the commissioner considers it necessary in order to 29402
ensure payment of a tax imposed in accordance with section 29403
718.04 of the Revised Code, the commissioner may require 29404
taxpayers to file returns and make payments otherwise than as 29405
provided in this section, including taxpayers not otherwise 29406
required to file annual returns. 29407

(3) If a taxpayer receives an extension for the filing of 29408
a tax return under division (D) (1) or (2) of this section, the 29409
commissioner shall not make any inquiry or send any notice to 29410
the taxpayer with regard to the return on or before the date the 29411
taxpayer files the return or on or before the extended due date 29412
to file the return, whichever occurs first. 29413

Division (D) (3) of this section does not apply to an 29414
extension received under division (D) (1) of this section if the 29415
commissioner has actual knowledge that the taxpayer failed to 29416
file for a federal extension as required to receive the 29417
extension under division (D) (1) (a) of this section or failed to 29418
file for an extension under division (D) (1) (b) of this section. 29419

(E) Each return required to be filed in accordance with 29420
this section shall include a box that the taxpayer may check to 29421

authorize another person, including a tax return preparer who 29422
prepared the return, to communicate with the tax commissioner 29423
about matters pertaining to the return. The return or 29424
instructions accompanying the return shall indicate that by 29425
checking the box the taxpayer authorizes the commissioner to 29426
contact the preparer or other person concerning questions that 29427
arise during the examination or other review of the return and 29428
authorizes the preparer or other person only to provide the 29429
commissioner with information that is missing from the return, 29430
to contact the commissioner for information about the 29431
examination or other review of the return or the status of the 29432
taxpayer's refund or payments, and to respond to notices about 29433
mathematical errors, offsets, or return preparation that the 29434
taxpayer has received from the commissioner and has shown to the 29435
preparer or other person. 29436

(F) When income tax returns or other documents require the 29437
signature of a tax return preparer, the tax commissioner shall 29438
accept a facsimile or electronic version of such a signature in 29439
lieu of a manual signature. 29440

Sec. 718.88. (A) As used in this section: 29441

(1) "Combined tax liability" means the total amount of a 29442
taxpayer's income tax liabilities to all municipal corporations 29443
in this state for a taxable year. 29444

(2) "Estimated taxes" means the amount that the taxpayer 29445
reasonably estimates to be the taxpayer's combined tax liability 29446
for the current taxable year. 29447

(B) (1) Except as provided in division (B) (4) of this 29448
section, every taxpayer shall make a declaration of estimated 29449
taxes for the current taxable year, on the form prescribed by 29450

the tax commissioner, if the amount payable as estimated taxes 29451
is at least two hundred dollars. 29452

(2) Except as provided in division (B) (4) of this section, 29453
a taxpayer having a taxable year of less than twelve months 29454
shall make a declaration under rules prescribed by the 29455
commissioner. 29456

(3) The declaration of estimated taxes shall be filed on 29457
or before the fifteenth day of the fourth month after the 29458
beginning of the taxable year or on or before the fifteenth day 29459
of the fourth month after the taxpayer becomes subject to tax 29460
for the first time. 29461

(4) The tax commissioner may waive the requirement for 29462
filing a declaration of estimated taxes for any class of 29463
taxpayers after finding that the waiver is reasonable and proper 29464
in view of administrative costs and other factors. 29465

(C) Each taxpayer shall file the declaration of estimated 29466
taxes with, and remit estimated taxes to, the tax commissioner 29467
at the times and in the amounts prescribed in division (C) (1) of 29468
this section. Remitted taxes shall be made payable to the 29469
treasurer of state. 29470

(1) The required portion of the combined tax liability for 29471
the taxable year that shall be paid through estimated taxes 29472
shall be as follows: 29473

(a) On or before the fifteenth day of the fourth month 29474
after the beginning of the taxable year, twenty-two and one-half 29475
per cent of the combined tax liability for the taxable year; 29476

(b) On or before the fifteenth day of the sixth month 29477
after the beginning of the taxable year, forty-five per cent of 29478
the combined tax liability for the taxable year; 29479

(c) On or before the fifteenth day of the ninth month 29480
after the beginning of the taxable year, sixty-seven and one- 29481
half per cent of the combined tax liability for the taxable 29482
year; 29483

(d) On or before the fifteenth day of the twelfth month of 29484
the taxable year, ninety per cent of the combined tax liability 29485
for the taxable year. 29486

(2) If the taxpayer determines that its declaration of 29487
estimated taxes will not accurately reflect the taxpayer's tax 29488
liability for the taxable year, the taxpayer shall increase or 29489
decrease, as appropriate, its subsequent payments in equal 29490
installments to result in a more accurate payment of estimated 29491
taxes. 29492

(3) (a) Each taxpayer shall report on the declaration of 29493
estimated taxes the portion of the remittance that the taxpayer 29494
estimates that it owes to each municipal corporation for the 29495
taxable year. 29496

(b) Upon receiving a payment of estimated taxes under this 29497
section, the commissioner shall immediately forward the payment 29498
to the treasurer of state. The treasurer shall credit the 29499
payment in the same manner as in division (B) of section 718.85 29500
of the Revised Code. 29501

(D) (1) In the case of any underpayment of estimated taxes, 29502
~~there shall be added~~ the tax commissioner may add to the taxes 29503
an amount determined at the rate per annum prescribed by section 29504
5703.47 of the Revised Code upon the amount of underpayment for 29505
the period of underpayment, unless the underpayment is due to 29506
reasonable cause as described in division (E) of this section. 29507
The amount of the underpayment shall be determined as follows: 29508

(a) For the first payment of estimated taxes each year, 29509
twenty-two and one-half per cent of the combined tax liability, 29510
less the amount of taxes paid by the date prescribed for that 29511
payment; 29512

(b) For the second payment of estimated taxes each year, 29513
forty-five per cent of the combined tax liability, less the 29514
amount of taxes paid by the date prescribed for that payment; 29515

(c) For the third payment of estimated taxes each year, 29516
sixty-seven and one-half per cent of the combined tax liability, 29517
less the amount of taxes paid by the date prescribed for that 29518
payment; 29519

(d) For the fourth payment of estimated taxes each year, 29520
ninety per cent of the combined tax liability, less the amount 29521
of taxes paid by the date prescribed for that payment. 29522

(2) The period of the underpayment shall run from the day 29523
the estimated payment was required to be made to the date on 29524
which the payment is made. For purposes of this section, a 29525
payment of estimated taxes on or before any payment date shall 29526
be considered a payment of any previous underpayment only to the 29527
extent the payment of estimated taxes exceeds the amount of the 29528
payment presently due. 29529

(3) All amounts collected under this section shall be 29530
considered as taxes collected under sections 718.80 to 718.95 of 29531
the Revised Code and shall be credited and distributed to 29532
municipal corporations in accordance with section 718.83 of the 29533
Revised Code. 29534

(E) An underpayment of any portion of a combined tax 29535
liability shall be due to reasonable cause and the penalty 29536
imposed by this section shall not be added to the taxes for the 29537

taxable year if any of the following apply: 29538

(1) The amount of estimated taxes that were paid equals at 29539
least ninety per cent of the combined tax liability for the 29540
current taxable year, determined by annualizing the income 29541
received during the year up to the end of the month immediately 29542
preceding the month in which the payment is due. 29543

(2) The amount of estimated taxes that were paid equals at 29544
least one hundred per cent of the tax liability shown on the 29545
return of the taxpayer for the preceding taxable year, provided 29546
that the immediately preceding taxable year reflected a period 29547
of twelve months and the taxpayer filed a municipal income tax 29548
return for that year. 29549

Sec. 718.90. (A) If any taxpayer required to file a return 29550
under section 718.80 to 718.95 of the Revised Code fails to file 29551
the return within the time prescribed, files an incorrect 29552
return, or fails to remit the full amount of the tax due for the 29553
period covered by the return, the tax commissioner may make an 29554
assessment against the taxpayer for any deficiency for the 29555
period for which the return or tax is due, based upon any 29556
information in the commissioner's possession. 29557

The tax commissioner shall not make or issue an assessment 29558
against a taxpayer more than three years after the later of the 29559
date the return subject to assessment was required to be filed 29560
or the date the return was filed. Such time limit may be 29561
extended if both the taxpayer and the commissioner consent in 29562
writing to the extension. Any such extension shall extend the 29563
three-year time limit in section 718.91 of the Revised Code for 29564
the same period of time. There shall be no bar or limit to an 29565
assessment against a taxpayer that fails to file a return 29566
subject to assessment as required by sections 718.80 to 718.95 29567

of the Revised Code, or that files a fraudulent return. The 29568
commissioner shall give the taxpayer assessed written notice of 29569
the assessment as provided in section 5703.37 of the Revised 29570
Code. With the notice, the commissioner shall provide 29571
instructions on how to petition for reassessment and request a 29572
hearing on the petition. 29573

(B) Unless the taxpayer assessed files with the tax 29574
commissioner within sixty days after service of the notice of 29575
assessment, ~~either personally or by certified mail,~~ a written 29576
petition for reassessment signed by the authorized agent of the 29577
taxpayer assessed having knowledge of the facts, the assessment 29578
becomes final, and the amount of the assessment is due and 29579
payable from the taxpayer to the treasurer of state. The 29580
petition shall indicate the taxpayer's objections, but 29581
additional objections may be raised in writing if received by 29582
the commissioner prior to the date shown on the final 29583
determination. If the petition has been properly filed, the 29584
commissioner shall proceed under section 5703.60 of the Revised 29585
Code. 29586

(C) After an assessment becomes final, if any portion of 29587
the assessment remains unpaid, including accrued interest, a 29588
certified copy of the tax commissioner's entry making the 29589
assessment final may be filed in the office of the clerk of the 29590
court of common pleas in the county in which the taxpayer has an 29591
office or place of business in this state, the county in which 29592
the taxpayer's statutory agent is located, or Franklin county. 29593

Immediately upon the filing of the entry, the clerk shall 29594
enter a judgment against the taxpayer assessed in the amount 29595
shown on the entry. The judgment may be filed by the clerk in a 29596
loose-leaf book entitled "special judgments for municipal income 29597

taxes," and shall have the same effect as other judgments. 29598
Execution shall issue upon the judgment upon the request of the 29599
tax commissioner, and all laws applicable to sales on execution 29600
shall apply to sales made under the judgment. 29601

If the assessment is not paid in its entirety within sixty 29602
days after the day the assessment was issued, the portion of the 29603
assessment consisting of tax due shall bear interest at the rate 29604
per annum prescribed by section 5703.47 of the Revised Code from 29605
the day the commissioner issues the assessment until the 29606
assessment is paid or until it is certified to the attorney 29607
general for collection under section 131.02 of the Revised Code, 29608
whichever comes first. If the unpaid portion of the assessment 29609
is certified to the attorney general for collection, the entire 29610
unpaid portion of the assessment shall bear interest at the rate 29611
per annum prescribed by section 5703.47 of the Revised Code from 29612
the date of certification until the date it is paid in its 29613
entirety. Interest shall be paid in the same manner as the tax 29614
and may be collected by issuing an assessment under this 29615
section. 29616

(D) (1) Except as provided in division (D) (2) of this 29617
section, all money collected under this section shall be 29618
credited to the municipal net profit tax fund and distributed to 29619
the municipal corporation to which the money is owed based on 29620
the assessment issued under this section. 29621

(2) The attorney general may assess collection costs as 29622
authorized under section 109.08, 109.081, or 131.02 of the 29623
Revised Code on amounts collected under this section, which 29624
shall be credited to the attorney general claims fund created 29625
under section 109.081 of the Revised Code. 29626

(E) If the tax commissioner believes that collection of 29627

the tax will be jeopardized unless proceedings to collect or 29628
secure collection of the tax are instituted without delay, the 29629
commissioner may issue a jeopardy assessment against the 29630
taxpayer liable for the tax. Immediately upon the issuance of 29631
the jeopardy assessment, the commissioner shall file an entry 29632
with the clerk of the court of common pleas in the manner 29633
prescribed by division (C) of this section. Notice of the 29634
jeopardy assessment shall be served on the taxpayer assessed or 29635
the taxpayer's legal representative in the manner provided in 29636
section 5703.37 of the Revised Code within five days of the 29637
filing of the entry with the clerk. The total amount assessed is 29638
immediately due and payable, unless the taxpayer assessed files 29639
a petition for reassessment in accordance with division (B) of 29640
this section and provides security in a form satisfactory to the 29641
commissioner and in an amount sufficient to satisfy the unpaid 29642
balance of the assessment. Full or partial payment of the 29643
assessment does not prejudice the commissioner's consideration 29644
of the petition for reassessment. 29645

(F) Notwithstanding the fact that a petition for 29646
reassessment is pending, the taxpayer may pay all or a portion 29647
of the assessment that is the subject of the petition. The 29648
acceptance of a payment by the treasurer of state does not 29649
prejudice any claim for refund upon final determination of the 29650
petition. 29651

If upon final determination of the petition an error in 29652
the assessment is corrected by the tax commissioner, upon 29653
petition so filed or pursuant to a decision of the board of tax 29654
appeals or any court to which the determination or decision has 29655
been appealed, so that the amount due from the taxpayer under 29656
the corrected assessment is less than the portion paid, there 29657
shall be issued to the taxpayer, its assigns, or legal 29658

representative a refund in the amount of the overpayment as 29659
provided by section 718.91 of the Revised Code, with interest on 29660
that amount as provided by that section. 29661

Sec. 718.91. (A) An application to refund to a taxpayer 29662
amounts that were overpaid, paid illegally or erroneously, or 29663
paid on an illegal or erroneous assessment pursuant to sections 29664
718.80 to 718.95 of the Revised Code shall be filed with the tax 29665
commissioner within three years after the date of the illegal, 29666
erroneous, or excessive payment, the date the return to which 29667
the payment relates was due including any valid extension, or 29668
within any additional period allowed by division (A) of section 29669
718.90 of the Revised Code, whichever is later. The application 29670
shall be filed in the form prescribed by the tax commissioner. 29671

(B) (1) On the filing of a refund application, the tax 29672
commissioner shall determine the amount of refund to which the 29673
applicant is entitled. The amount determined shall be based on 29674
the amount overpaid per return or assessment. If the amount is 29675
greater than ten dollars and not less than that claimed, the 29676
commissioner shall certify that amount to the director of budget 29677
and management and the treasurer of state for payment from the 29678
tax refund fund created in section 5703.052 of the Revised Code. 29679
If the amount is greater than ten dollars but less than that 29680
claimed, the commissioner shall proceed in accordance with 29681
section 5703.70 of the Revised Code. 29682

(2) Upon issuance of a refund under this section, the 29683
commissioner shall notify each municipal corporation of the 29684
amount refunded to the taxpayer attributable to that municipal 29685
corporation, which shall be deducted from the municipal 29686
corporation's next distribution under section 718.83 of the 29687
Revised Code. 29688

(C) Any portion of a refund determined under division (B) 29689
of this section that is not issued within ninety days after such 29690
determination shall bear interest at the rate per annum 29691
prescribed by section 5703.47 of the Revised Code from the 29692
ninety-first day after such determination until the day the 29693
refund is paid or credited. On an illegal or erroneous 29694
assessment, interest shall be paid at that rate from the date of 29695
payment on the illegal or erroneous assessment until the day the 29696
refund is paid or credited. 29697

Sec. 731.14. All contracts made by the legislative 29698
authority of a village shall be executed in the name of the 29699
village and signed on its behalf by the mayor and clerk. Except 29700
where the contract is for equipment, services, materials, or 29701
supplies to be purchased under division (D) of section 713.23 or 29702
section 125.04 or 5513.01 of the Revised Code, ~~available from a~~ 29703
~~qualified nonprofit agency pursuant to sections 4115.31 to~~ 29704
~~4115.35 of the Revised Code,~~ or required to be purchased from a 29705
qualified nonprofit agency under sections 125.60 to 125.6012 of 29706
the Revised Code, when any expenditure, other than the 29707
compensation of persons employed in the village, exceeds the 29708
amount specified in section 9.17 of the Revised Code, such 29709
contracts shall be in writing and made with the lowest and best 29710
bidder after advertising once a week for not less than two 29711
consecutive weeks in a newspaper of general circulation within 29712
the village. The legislative authority may also cause notice to 29713
be inserted in trade papers or other publications designated by 29714
it or to be distributed by electronic means, including posting 29715
the notice on the legislative authority's internet web site. If 29716
the legislative authority posts the notice on its web site, it 29717
may eliminate the second notice otherwise required to be 29718
published in a newspaper of general circulation within the 29719

village, provided that the first notice published in such newspaper meets all of the following requirements:

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

(B) It includes a statement that the notice is posted on the legislative authority's internet web site.

(C) It includes the internet address of the legislative authority's internet web site.

(D) It includes instructions describing how the notice may be accessed on the legislative authority's internet web site.

The bids shall be opened and shall be publicly read by the clerk of the village or a person designated by the clerk at the time, date, and place specified in the advertisement to bidders or specifications. The time, date, and place of bid openings may be extended to a later date by the legislative authority of the village, provided that written or oral notice of the change shall be given to all persons who have received or requested specifications no later than ninety-six hours prior to the original time and date fixed for the opening. This section does not apply to those villages that have provided for the appointment of a village administrator under section 735.271 of the Revised Code.

As used in this section, "personal protective equipment" means equipment worn to minimize exposure to hazards that cause workplace injuries and illnesses.

Sec. 731.141. In those villages that have established the position of village administrator, as provided by section 735.271 of the Revised Code, the village administrator shall make contracts, purchase supplies and materials, and provide

labor for any work under the administrator's supervision 29749
involving not more than the amount specified in section 9.17 of 29750
the Revised Code. When an expenditure, other than the 29751
compensation of persons employed by the village, exceeds the 29752
amount specified in section 9.17 of the Revised Code, the 29753
expenditure shall first be authorized and directed by ordinance 29754
of the legislative authority of the village. When so authorized 29755
and directed, except where the contract is for equipment, 29756
services, materials, or supplies to be purchased under division 29757
(D) of section 713.23 or section 125.04 or 5513.01 of the 29758
Revised Code, ~~available from a qualified nonprofit agency~~ 29759
~~pursuant to sections 4115.31 to 4115.35 of the Revised Code,~~ or 29760
required to be purchased from a qualified nonprofit agency under 29761
sections 125.60 to 125.6012 of the Revised Code, the village 29762
administrator shall make a written contract with the lowest and 29763
best bidder after advertisement for not less than two nor more 29764
than four consecutive weeks in a newspaper of general 29765
circulation within the village or as provided in section 7.16 of 29766
the Revised Code. The bids shall be opened and shall be publicly 29767
read by the village administrator or a person designated by the 29768
village administrator at the time, date, and place as specified 29769
in the advertisement to bidders or specifications. The time, 29770
date, and place of bid openings may be extended to a later date 29771
by the village administrator, provided that written or oral 29772
notice of the change shall be given to all persons who have 29773
received or requested specifications no later than ninety-six 29774
hours prior to the original time and date fixed for the opening. 29775
All contracts shall be executed in the name of the village and 29776
signed on its behalf by the village administrator and the clerk. 29777
No expenditure subject to this section shall be divided into 29778
component parts, separate projects, or separate items of work in 29779
order to avoid the requirements of this section. 29780

The legislative authority of a village may provide, by 29781
ordinance, for central purchasing for all offices, departments, 29782
divisions, boards, and commissions of the village, under the 29783
direction of the village administrator, who shall make 29784
contracts, purchase supplies or materials, and provide labor for 29785
any work of the village in the manner provided by this section. 29786

Sec. 731.29. Any ordinance or other measure passed by the 29787
legislative authority of a municipal corporation shall be 29788
subject to the referendum except as provided by section 731.30 29789
of the Revised Code. No ordinance or other measure shall go into 29790
effect until thirty days after it is filed with the mayor of a 29791
city or passed by the legislative authority in a village, except 29792
as provided by such section. 29793

~~When~~ Except as provided in section 731.291 of the Revised 29794
Code, when a petition, signed by ~~ten~~ thirty-five per cent of the 29795
number of electors who voted for governor at the most recent 29796
general election for the office of governor in the municipal 29797
corporation, is filed with the city auditor or village clerk 29798
within thirty days after any ordinance or other measure is filed 29799
with the mayor or passed by the legislative authority of a 29800
village, or in case the mayor has vetoed the ordinance or any 29801
measure and returned it to council, such petition may be filed 29802
within thirty days after the council has passed the ordinance or 29803
measure over the veto, ordering that such ordinance or measure 29804
be submitted to the electors of such municipal corporation for 29805
their approval or rejection, such auditor or clerk shall, after 29806
ten days, and not later than four p.m. of the ninetieth day 29807
before the day of election, transmit a certified copy of the 29808
text of the ordinance or measure to the board of elections. The 29809
auditor or clerk shall transmit the petition to the board 29810
together with the certified copy of the ordinance or measure. 29811

The board shall examine all signatures on the petition to 29812
determine the number of electors of the municipal corporation 29813
who signed the petition. The board shall return the petition to 29814
the auditor or clerk within ten days after receiving it, 29815
together with a statement attesting to the number of such 29816
electors who signed the petition. The board shall submit the 29817
ordinance or measure to the electors of the municipal 29818
corporation, for their approval or rejection, at the next 29819
general election occurring subsequent to ninety days after the 29820
auditor or clerk certifies the sufficiency and validity of the 29821
petition to the board of elections. 29822

No such ordinance or measure shall go into effect until 29823
approved by the majority of those voting upon it. Sections 29824
731.28 to 731.41 of the Revised Code do not prevent a municipal 29825
corporation, after the passage of any ordinance or other 29826
measure, from proceeding at once to give any notice or make any 29827
publication required by such ordinance or other measure. 29828

As used in this section, "certified copy" means a copy 29829
containing a written statement attesting that it is a true and 29830
exact reproduction of the original ordinance or other measure. 29831

Sec. 731.291. If a proposed ordinance establishes or 29832
modifies planned-unit development regulations, the following 29833
apply in lieu of the contrary provisions of section 731.29 of 29834
the Revised Code: 29835

(A) The board of elections shall determine the sufficiency 29836
and validity of the petition not later than thirty days after 29837
the petition is certified to the board of elections by the 29838
auditor or clerk. 29839

(B) If the board of elections determines there is an 29840

insufficient number of valid signatures, the board immediately 29841
shall notify the person who presented the petition. The person 29842
may submit additional signatures not later than ten days after 29843
the notification. 29844

Sec. 733.81. (A) As used in this section, "fiscal officer" 29845
means the city auditor, city treasurer, village fiscal officer, 29846
village clerk-treasurer, village clerk, and, in the case of a 29847
municipal corporation having a charter that designates an 29848
officer who, by virtue of the charter, has duties and functions 29849
similar to those of the city or village officers referred to in 29850
this section, the officer so designated by the charter. 29851

(B) To enhance the background and working knowledge of 29852
fiscal officers in government accounting, budgeting and 29853
financing, financial report preparation, cybersecurity, ~~and~~ the 29854
rules adopted by the auditor of state, bulletins or other 29855
information published by the auditor of state, and any other 29856
subject deemed appropriate by the auditor of state, the auditor 29857
of state shall conduct education programs and continuing 29858
education courses for individuals elected or appointed for the 29859
first time to the office of fiscal officer, and shall conduct 29860
continuing education courses for individuals who continue to 29861
hold the office in a subsequent term. The Ohio municipal league 29862
also may conduct such initial education programs and continuing 29863
education courses if approved by the auditor of state. The 29864
auditor of state, in conjunction with the Ohio municipal league, 29865
shall determine the manner and content of the initial education 29866
programs and continuing education courses. 29867

(C) A newly elected or appointed fiscal officer shall 29868
complete at least six hours of initial education programs before 29869
commencing, or during the first year of, office. A fiscal 29870

officer who participates in a training program held under 29871
section 117.44 of the Revised Code may apply those hours taken 29872
before commencing office to the six hours of initial education 29873
programs required under this division. 29874

(D) (1) In addition to the six hours of initial education 29875
required under division (B) of this section, a newly elected or 29876
appointed fiscal officer shall complete at least a total of 29877
eighteen continuing education hours during the fiscal officer's 29878
first term of office. 29879

(2) An elected or appointed fiscal officer who retains 29880
office for a subsequent term shall complete twelve hours of 29881
continuing education courses in each subsequent term of office. 29882

(3) The auditor of state shall adopt rules consistent with 29883
division (B) of this section specifying the initial education 29884
~~programs and continuing education courses that are required~~ 29885
requirements for a fiscal officer who has been appointed. The 29886
requirements shall be proportionally equivalent, based on the 29887
time remaining in the vacated office, to the requirements for a 29888
newly elected or appointed fiscal officer. 29889

(4) At least two hours of ethics instruction shall be 29890
included in the continuing education hours required by divisions 29891
(D) (1) and (2) of this section. 29892

(5) A fiscal officer who participates in a training 29893
program or seminar established under section 109.43 of the 29894
Revised Code may apply the three hours of training to the 29895
continuing education hours required by divisions (D) (1) and (2) 29896
of this section. 29897

(E) (1) A certified public accountant who serves as a 29898
fiscal officer may apply to the continuing education hours 29899

required by division (D) of this section any hours of continuing education completed under section 4701.11 of the Revised Code after being elected or appointed as a fiscal officer.

(2) A fiscal officer may apply to the continuing education hours required by division (D) of this section any hours of continuing education completed under section 135.22 of the Revised Code after being elected or appointed as a fiscal officer.

(3) A fiscal officer who teaches an approved continuing education course under division (D) of this section is entitled to credit for the course in the same manner as if the fiscal officer had attended the course.

~~(F) The auditor of state shall adopt rules for verifying the completion of initial education programs and continuing education courses required under this section for each category of fiscal officer. The auditor of state shall issue a certificate of completion to each fiscal officer who completes the initial education programs and continuing education courses. The auditor of state shall issue a "failure to complete" notice to any fiscal officer who is required to complete initial education programs and continuing education courses under this section, but who fails to do so. The notice is for informational purposes only and does not affect any individual's ability to hold the office to which the individual was elected or appointed.~~

The fiscal officer shall retain the documentation of any initial or continuing education courses completed. The auditor of state shall audit for compliance with this section.

(G) The legislative authority of a municipal corporation

shall approve a reasonable amount requested by the fiscal 29929
officer to cover the costs the fiscal officer is required to 29930
incur to meet the requirements of this section, including 29931
registration fees, lodging and meal expenses, and travel 29932
expenses. 29933

Sec. 735.05. The director of public service may make any 29934
contract, purchase supplies or material, or provide labor for 29935
any work under the supervision of the department of public 29936
service involving not more than the amount specified in section 29937
9.17 of the Revised Code. When an expenditure within the 29938
department, other than the compensation of persons employed in 29939
the department, exceeds the amount specified in section 9.17 of 29940
the Revised Code, the expenditure shall first be authorized and 29941
directed by ordinance of the city legislative authority. When so 29942
authorized and directed, except where the contract is for 29943
equipment, services, materials, or supplies to be purchased 29944
under division (D) of section 713.23 or section 125.04 or 29945
5513.01 of the Revised Code or available from a qualified 29946
nonprofit agency pursuant to ~~sections 4115.31 to 4115.35~~ section 29947
125.601 of the Revised Code, the director shall make a written 29948
contract with the lowest and best bidder after advertisement for 29949
not less than two nor more than four consecutive weeks in a 29950
newspaper of general circulation within the city or as provided 29951
in section 7.16 of the Revised Code. No expenditure subject to 29952
this section shall be divided into component parts, separate 29953
projects, or separate items of work in order to avoid the 29954
requirements of this section. 29955

Sec. 742.043. (A) No person shall knowingly fail to file a 29956
complete and accurate campaign finance statement or independent 29957
expenditure statement in accordance with section 742.042 of the 29958
Revised Code. 29959

(B) No person, during the course of a person seeking nomination for, and during any campaign for, election to the board of trustees of the police and fire pension fund, shall knowingly and with intent to affect the nomination or the outcome of the campaign do any of the following by means of campaign materials, an advertisement on radio or television or in a newspaper or periodical, a public speech, press release, or otherwise:

(1) With regard to a candidate, identify the candidate in a manner that implies that the candidate is a member of the board or use the term "re-elect" when the candidate is not currently a member of the board;

(2) Make a false statement concerning the formal schooling or training completed or attempted by a candidate; a degree, diploma, certificate, scholarship, grant, award, prize, or honor received, earned, or held by a candidate; or the period of time during which a candidate attended any school, college, community technical school, or institution;

(3) Make a false statement concerning the professional, occupational, or vocational licenses held by a candidate, or concerning any position the candidate held for which the candidate received a salary or wages;

(4) Make a false statement that a candidate or board member has been indicted or convicted of a theft offense, extortion, or other crime involving financial corruption or moral turpitude;

(5) Make a statement that a candidate has been indicted for any crime or has been the subject of a finding by the Ohio elections commission, the secretary of state, or the Ohio

<u>election integrity commission</u> without disclosing the outcome of	29989
any legal proceedings resulting from the indictment or finding;	29990
(6) Make a false statement that a candidate or board	29991
member has a record of treatment or confinement for mental	29992
disorder;	29993
(7) Make a false statement that a candidate or board	29994
member has been subjected to military discipline for criminal	29995
misconduct or dishonorably discharged from the armed services;	29996
(8) Falsely identify the source of a statement, issue	29997
statements under the name of another person without	29998
authorization, or falsely state the endorsement of or opposition	29999
to a candidate by a person or publication;	30000
(9) Make a false statement concerning the voting record of	30001
a candidate or board member;	30002
(10) Post, publish, circulate, distribute, or otherwise	30003
disseminate a false statement concerning a candidate, either	30004
knowing the same to be false or with reckless disregard of	30005
whether it was false or not, if the statement is designed to	30006
promote the election, nomination, or defeat of the candidate.	30007
Sec. 742.044. The secretary of state, or any person acting	30008
on personal knowledge and subject to the penalties of perjury,	30009
may file a <u>A</u> complaint with the Ohio elections commission	30010
alleging a violation of section 742.043 of the Revised Code <u>may</u>	30011
be filed in accordance with section 3517.16 of the Revised Code.	30012
The complaint shall be made on a form prescribed and provided by	30013
the commission.	30014
On receipt of a complaint under this section, the	30015
commission shall hold a hearing open to the public to determine	30016
whether the violation alleged in the complaint has occurred. The	30017

~~commission may administer oaths and issue subpoenas to any~~ 30018
~~person in the state compelling the attendance of witnesses and~~ 30019
~~the production of relevant papers, books, accounts, and reports.~~ 30020
~~On the refusal of any person to obey a subpoena or to be sworn~~ 30021
~~or to answer as a witness, the commission may apply to the court~~ 30022
~~of common pleas of Franklin county under section 2705.03 of the~~ 30023
~~Revised Code. The court shall hold contempt proceedings in~~ 30024
~~accordance with Chapter 2705. of the Revised Code.~~ 30025

~~The commission shall provide the person accused of the~~ 30026
~~violation at least seven days prior notice of the time, date,~~ 30027
~~and place of the hearing. The accused may be represented by an~~ 30028
~~attorney and shall have an opportunity to present evidence, call~~ 30029
~~witnesses, and cross-examine witnesses.~~ 30030

~~At the hearing, the commission shall determine whether the~~ 30031
~~violation alleged in the complaint has occurred. If the~~ 30032
~~commission determines that a violation of division (A) of~~ 30033
~~section 742.043 of the Revised Code has occurred, the commission~~ 30034
~~shall either impose a fine under section 742.99 of the Revised~~ 30035
~~Code or enter a finding that good cause has been shown not to~~ 30036
~~impose the fine. If the commission determines that a violation~~ 30037
~~of division (B) of section 742.043 of the Revised Code has~~ 30038
~~occurred, the commission shall impose the fine described in~~ 30039
~~section 742.99 of the Revised Code, refer the matter to the~~ 30040
~~appropriate prosecutor, or enter a finding that good cause has~~ 30041
~~been shown not to impose a fine or refer the matter to a~~ 30042
~~prosecutor.~~ 30043

Sec. 742.99. (A) Whoever violates section 742.043 of the 30044
Revised Code shall be fined not more than one hundred dollars 30045
for each day of the violation. 30046

(B) Whoever violates division (B) of section 742.043 of 30047

the Revised Code shall be imprisoned for not more than six 30048
months or fined not more than five thousand dollars, or both. 30049

~~(C) Fines imposed by the Ohio elections commission under 30050
this section shall be paid into the Ohio elections commission 30051
fund created under section 3513.10 of the Revised Code. 30052~~

Sec. 749.31. Except where the contract is for equipment, 30053
services, materials, or supplies available from a qualified 30054
nonprofit agency pursuant to ~~sections 4115.31 to 4115.35~~ section 30055
125.601 of the Revised Code, the board of hospital trustees 30056
shall enter into a contract for work or supplies where the 30057
estimated cost exceeds fifty thousand dollars with the lowest 30058
and best bidder. Where the contract is for other than the 30059
construction, demolition, alteration, repair, or reconstruction 30060
of an improvement, the board shall enter into the contract when 30061
the bidder gives bond to the board, with such security as the 30062
board approves, that the bidder will perform the work and 30063
furnish materials or supplies in accordance with the contract. 30064
On the failure of such bidder within a reasonable time, to be 30065
fixed by the board, to enter into bond with such security, a 30066
contract may be made with the next lowest and best bidder, and 30067
so on until a contract is effected by a contractor giving such 30068
bond. The board may reject any bid. 30069

Sec. 755.181. The legislative authority of any municipal 30070
corporation, township, township park district, county, or school 30071
district desiring to join a joint recreation district created 30072
under section 755.14 of the Revised Code may, by resolution, 30073
petition the joint recreation district board of trustees for 30074
membership. If the joint recreation district does not impose a 30075
tax, the petitioning subdivision becomes a member upon approval 30076
by the joint recreation district's board of trustees. If the 30077

joint recreation district imposes a tax, the petitioning 30078
subdivision becomes a member after approval by the joint 30079
recreation district's board of trustees and after approval of 30080
the tax by the electors of the petitioning subdivision. In such 30081
a case, the joint recreation district's board of trustees and 30082
the county auditor shall proceed as required for a tax levy 30083
under section 5705.03 of the Revised Code, except that the 30084
levy's annual collections shall be estimated assuming that the 30085
subdivision's territory has been added to the joint recreation 30086
district. 30087

Upon certification by the board of trustees of the joint 30088
recreation district to the appropriate boards of election, the 30089
boards of election shall make the necessary arrangements for the 30090
submission of the question to the electors of the petitioning 30091
subdivision qualified to vote thereon. The election shall be 30092
held, canvassed, and certified in the manner provided for the 30093
submission of tax levies under section 5705.19 of the Revised 30094
Code, except that the question appearing on the ballot shall 30095
read: 30096

"Shall the territory within _____ (Name of the 30097
subdivision to be added) be added to _____ (Name) 30098
joint recreation district, and a property tax, that the county 30099
auditor estimates will collect \$_____ annually, at a rate not 30100
exceeding _____ mills for each \$1 of taxable value, 30101
which amounts to \$_____ (effective rate) for each 30102
\$100,000 of ~~the county auditor's appraised market~~ value, be in 30103
effect for _____ (here insert the number of years 30104
the tax is to be in effect)?" 30105

If the question is approved by at least a majority of the 30106
electors voting on it, the joinder shall be effective as of the 30107

first day of January of the year following approval, and on that 30108
date, the joint recreation district tax shall be extended to the 30109
taxable property within the territory that has been added. 30110

The legislative authority of any subdivision that is a 30111
member of a joint recreation district may withdraw from it upon 30112
certification of a resolution proclaiming a withdrawal to the 30113
joint recreation district's board of trustees. Any subdivision 30114
withdrawing from a joint recreation district shall continue to 30115
have levied against its tax duplicate any tax levied by the 30116
district on the effective date of the withdrawal until it 30117
expires or is renewed. Members of a joint recreation district's 30118
board of trustees who represent the withdrawing subdivision are 30119
deemed to have resigned their position upon certification of a 30120
withdrawal resolution. Upon the withdrawal of any subdivision 30121
from a joint recreation district, the county auditor shall 30122
ascertain, apportion, and order a division of the funds on hand, 30123
moneys and taxes in the process of collection, except for taxes 30124
levied for the payment of indebtedness, credits, and real and 30125
personal property, either in money or in kind, on the basis of 30126
the valuation of the respective tax duplicates of the 30127
withdrawing subdivision and the remaining territory of the joint 30128
recreation district. 30129

When the number of subdivisions comprising a joint 30130
recreation district is reduced to one, the joint recreation 30131
district ceases to exist, and the funds, credits, and property 30132
remaining after apportionments to withdrawing subdivisions shall 30133
be assumed by the one remaining subdivision. When a joint 30134
recreation district ceases to exist and indebtedness remains 30135
unpaid, the board of county commissioners shall continue to levy 30136
and collect taxes for the payment of that indebtedness within 30137
the territory of the joint recreation district as it was 30138

comprised at the time the indebtedness was incurred. 30139

As used in this section, "~~the county auditor's appraised~~ 30140
market value" and "effective rate" have the same meanings as in 30141
section 5705.01 of the Revised Code. 30142

Sec. 901.43. (A) As used in this section, "certificate of 30143
free sale" means a document issued by the director of 30144
agriculture that certifies to states and countries receiving the 30145
listed product that the product being exported is freely 30146
marketed without restriction in the United States. 30147

(B) ~~The director of agriculture~~ may authorize any 30148
department of agriculture laboratory to perform a laboratory 30149
service for any person, organization, political subdivision, 30150
state agency, federal agency, or other entity, whether public or 30151
private. The director shall adopt and enforce rules to provide 30152
for the rendering of a laboratory service. 30153

~~(B)~~ (C) The director may charge a reasonable fee for the 30154
performance of a laboratory service, except when the service is 30155
performed on an official sample taken by the director acting 30156
pursuant to Title IX, Chapter 3715., or Chapter 3717. of the 30157
Revised Code; by a board of health acting as the licensor of 30158
retail food establishments or food service operations under 30159
Chapter 3717. of the Revised Code; or by the director of health 30160
acting as the licensor of food service operations under Chapter 30161
3717. of the Revised Code. The director of agriculture shall 30162
adopt rules specifying what constitutes an official sample. 30163

The director shall publish a list of laboratory services 30164
offered, together with the fee for each service. 30165

~~(C)~~ (D) The director may enter into a contract with any 30166
person, organization, political subdivision, state agency, 30167

federal agency, or other entity for the provision of a 30168
laboratory service. 30169

~~(D)~~~~(1)~~(E) (1) The director may adopt rules establishing 30170
standards for accreditation of laboratories and laboratory 30171
services and in doing so may adopt by reference existing or 30172
recognized standards or practices. 30173

(2) The director may inspect and accredit laboratories and 30174
laboratory services, and may charge a reasonable fee for the 30175
inspections and accreditation. 30176

~~(E)~~~~(1)~~(F) (1) There is hereby created in the state treasury 30177
the animal and consumer protection laboratory fund. Moneys from 30178
the following sources shall be deposited into the state treasury 30179
to the credit of the fund: all moneys collected by the director 30180
under this section that are from fees generated by a laboratory 30181
service performed by the department and related to the diseases 30182
of animals, all moneys so collected that are from fees generated 30183
for the inspection and accreditation of laboratories and 30184
laboratory services related to the diseases of animals, all 30185
moneys collected by the director under this section that are 30186
from fees generated by a laboratory service performed by the 30187
consumer protection laboratory, all moneys so collected that are 30188
from fees generated for the inspection and accreditation of 30189
laboratories and laboratory services not related to weights and 30190
measures, money received by the director under sections 947.01 30191
to 947.06 of the Revised Code, and all moneys collected under 30192
~~Chapters 943. and Chapter~~ 953. of the Revised Code that are not 30193
credited to the animal and consumer protection fund created in 30194
section 943.26 of the Revised Code. The director may use the 30195
moneys held in the fund to pay the expenses necessary to operate 30196
the animal industry laboratory and the consumer protection 30197

laboratory, including the purchase of supplies and equipment. 30198

(2) All moneys collected by the director under this 30199
section that are from fees generated by a laboratory service 30200
performed by the weights and measures laboratory, and all moneys 30201
so collected that are from fees generated for the inspection and 30202
accreditation of laboratories and laboratory services related to 30203
weights and measures, shall be deposited in the state treasury 30204
to the credit of the weights and measures laboratory fund, which 30205
is hereby created in the state treasury. The moneys held in the 30206
fund may be used to pay the expenses necessary to operate the 30207
division of weights and measures, including the purchase of 30208
supplies and equipment. 30209

(G) (1) The director may authorize any department of 30210
agriculture division or program to issue a certificate of free 30211
sale to any person, organization, political subdivision, state 30212
agency, federal agency, or other entity, whether public or 30213
private. The director may charge a fee of fifty dollars for 30214
issuance of a certificate of free sale. The director shall adopt 30215
and enforce rules in accordance with Chapter 119. of the Revised 30216
Code to provide for the issuance of the certificates of free 30217
sale. 30218

(2) All money collected by the director under this section 30219
that is from fees related to the issuance of certificates of 30220
free sale shall be credited to the appropriate program fund 30221
administered by the department. 30222

(H) (1) Information, reports, and other records furnished, 30223
procured, or used in any department of agriculture laboratory to 30224
perform a laboratory service is not a public record. Any details 30225
that would identify a particular person, business, or premises 30226
that submitted a specimen to any such laboratory shall be 30227

treated as confidential and shall not be disclosed, unless the 30228
director elects to share such information with one of the 30229
following: 30230

(a) A local, state, or federal agency for use in the 30231
discharge of such agency's official public duties; 30232

(b) An institution of higher education. 30233

The director may enter into an agreement with a local, 30234
state, or federal agency or with an institution of higher 30235
education that requires information shared under division (H) (1) 30236
of this section to be kept confidential. 30237

(2) The director may prepare and publish statistical 30238
information without disclosing details that would identify a 30239
particular person or business client. 30240

Sec. 904.02. (A) There is hereby created the Ohio 30241
livestock care standards board consisting of the following 30242
members: 30243

(1) The director of agriculture, who shall be the 30244
chairperson of the board; 30245

(2) Ten members appointed by the governor with the advice 30246
and consent of the senate. The ten members shall be residents of 30247
this state and shall include the following: 30248

(a) One member representing family farms; 30249

(b) One member who is knowledgeable about food safety in 30250
this state; 30251

(c) Two members representing statewide organizations that 30252
represent farmers; 30253

(d) One member who is a veterinarian licensed under 30254

Chapter 4741. of the Revised Code;	30255
(e) The state veterinarian in the department of agriculture;	30256 30257
(f) The dean of the agriculture department of a college or university located in this state;	30258 30259
(g) Two members of the public representing consumers in this state;	30260 30261
(h) One member representing a county humane society organized under Chapter 1717. of the Revised Code.	30262 30263
(3) One member appointed by the speaker of the house of representatives who shall be a family farmer;	30264 30265
(4) One member appointed by the president of the senate who shall be a family farmer.	30266 30267
Not more than seven members appointed to the board at any given time shall be of the same political party.	30268 30269
(B) (1) The governor, the speaker of the house of representatives, and the president of the senate shall make appointments to the board not later than forty-five days after the effective date of this section <u>March 31, 2010</u> .	30270 30271 30272 30273
(2) The following initial members of the board appointed by the governor shall be appointed for a term ending January 25, 2011:	30274 30275 30276
(a) The member representing family farmers;	30277
(b) The dean of the agriculture department of a college or university located in this state;	30278 30279
(c) The member who is a veterinarian licensed under Chapter 4741. of the Revised Code;	30280 30281

(d) One of the members of the public representing consumers in this state.	30282 30283
(3) The following initial members of the board shall be appointed for a term ending January 15, 2012:	30284 30285
(a) The member appointed by the speaker of the house of representatives who is a family farmer;	30286 30287
(b) One of the members representing a statewide organization that represents farmers;	30288 30289
(c) The member representing a county humane society organized under Chapter 1717. of the Revised Code;	30290 30291
(d) The member who is knowledgeable about food safety in this state.	30292 30293
(4) The following initial members of the board shall be appointed for a term ending January 15, 2013:	30294 30295
(a) The member appointed by the president of the senate who is a family farmer;	30296 30297
(b) One of the members of the public representing consumers in this state;	30298 30299
(c) One of the members representing a statewide organization that represents farmers.	30300 30301
(C) After the initial terms served in accordance with division (B) of this section, terms of office shall be for three years with each term ending on the same day of the same month as did the term that it succeeds. However, the terms for the director of agriculture and the state veterinarian shall coincide with the length of time that the person holds the position of director or state veterinarian, as applicable. If	30302 30303 30304 30305 30306 30307 30308

the director or the state veterinarian resigns or that person's 30309
employment is terminated, the director or state veterinarian, as 30310
applicable, shall cease to serve on the board, and the successor 30311
of the director or state veterinarian shall then serve on the 30312
board in accordance with this section. Every other member shall 30313
hold office from the date of the member's appointment until the 30314
end of the term for which the member was appointed. 30315

Vacancies on the board shall be filled in the manner 30316
provided for original appointments. Any member appointed to fill 30317
a vacancy occurring prior to the expiration of the term for 30318
which the member's predecessor was appointed shall hold office 30319
for the remainder of that term. A member shall continue in 30320
office subsequent to the expiration date of the member's term 30321
until the member's successor takes office, or until a period of 30322
one hundred eighty days has elapsed, whichever occurs first. A 30323
member may be reappointed upon the expiration of the member's 30324
term. 30325

(D) The board shall hold at least three regular meetings 30326
each year and may hold additional meetings at times that the 30327
chairperson or a majority of the board members considers 30328
appropriate. At the three regular meetings held by the board 30329
each year, the board shall conduct a review of the rules 30330
governing the care and well-being of livestock that have been or 30331
are proposed to be adopted under section 904.03 of the Revised 30332
Code. 30333

At the first meeting of the board in each calendar year, 30334
the director shall designate one member of the board to serve as 30335
its vice-chairperson. A majority of the board constitutes a 30336
quorum. The board may act only if a quorum is present and only 30337
by majority vote of that quorum. A vacancy on the board does not 30338

impair the right of the other members to exercise all of the 30339
board's powers. 30340

(E) Serving as an appointed member of the board does not 30341
constitute holding a public office or position of employment 30342
under the laws of this state and does not constitute grounds for 30343
removal of public officers or employees from their offices or 30344
positions of employment. 30345

(F) Appointed members of the board shall receive no 30346
compensation for their services. Members shall be reimbursed for 30347
their actual and necessary expenses incurred in the performance 30348
of their duties as members. The expenses shall be paid from the 30349
~~Ohio livestock care standards animal and consumer protection~~ 30350
fund created in section ~~904.06~~ 943.26 of the Revised Code. The 30351
expenses shall be paid in accordance with the rules and 30352
requirements adopted by the department of administrative 30353
services that are applicable to state employees. 30354

(G) The board may create committees that it considers 30355
appropriate to make recommendations to the board. Committees may 30356
include non-board members. 30357

Sec. 904.04. (A) In order to assist the Ohio livestock 30358
care standards board in the administration and enforcement of 30359
this chapter, the director of agriculture shall do all of the 30360
following: 30361

(1) Hire all employees of the board, including an 30362
executive director. Employees of the board shall be in the 30363
unclassified civil service, serve at the pleasure of the 30364
director of agriculture, and be compensated with money from the 30365
~~Ohio livestock care standards animal and consumer protection~~ 30366
fund created in section ~~904.06~~ 943.26 of the Revised Code. 30367

(2) Enter into contracts on behalf of the board;	30368
(3) Do all of the following with regard to rules governing the care and well-being of livestock adopted by the board under section 904.03 of the Revised Code:	30369
(a) Process and submit the rules to the joint committee on agency rule review pursuant to Chapter 119. of the Revised Code;	30370
(b) Contract for surveys and analyses;	30371
(c) Perform any other activities that assist the board in adopting the rules.	30372
(4) Publish and distribute information related to livestock care, including educational materials, to livestock producers and members of the public;	30373
(5) Investigate complaints regarding violations of the rules adopted under section 904.03 of the Revised Code in accordance with the authority granted by this chapter, sections 901.25 to 901.29 of the Revised Code, and rules adopted under this chapter and section 901.03 of the Revised Code;	30374
(6) Enforce the rules adopted under section 904.03 of the Revised Code and levy the civil penalties established by those rules. The director may apply to a court of competent jurisdiction for a temporary or permanent injunction or other appropriate relief for violations of this chapter and rules adopted under it. For purposes of this division, the court of competent jurisdiction shall be either the court of common pleas of Licking county or the court of common pleas of the county where the violation is occurring. Money collected from civil penalties levied under division (A) (6) of this section shall be deposited in the state treasury to the credit of the general revenue fund.	30375
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(7) Perform any other duties necessary to assist the board 30397
in the administration and enforcement of this chapter. 30398

(B) With the consent of the premises owner and, if the 30399
premises owner is different from the livestock owner, the 30400
livestock owner, the director or the director's authorized 30401
representative may enter at all reasonable times on any premises 30402
for the purpose of determining compliance with the rules adopted 30403
under section 904.03 of the Revised Code. If the director or the 30404
director's authorized representative is denied access to the 30405
premises and the director or the director's authorized 30406
representative suspects that those rules are not being complied 30407
with, the director may apply for a search warrant authorizing 30408
access from a court of competent jurisdiction. The court shall 30409
issue the search warrant if there is probable cause. Probable 30410
cause may be based on hearsay, provided that there is 30411
substantial basis for believing the source is credible and there 30412
is factual basis for the information. 30413

Upon entry on premises in accordance with this division, 30414
the director or the director's authorized representative shall 30415
observe biosecurity measures in order to prevent spreading 30416
disease and infecting livestock. 30417

Sec. 905.32. (A) No person shall manufacture or distribute 30418
in this state any type of fertilizer until a license to 30419
manufacture or distribute has been obtained by the manufacturer 30420
or distributor from the department of agriculture upon payment 30421
of a ~~five-dollar~~ fifty-dollar fee: 30422

(1) For each fixed (permanent) location at which 30423
fertilizer is manufactured in this state; 30424

(2) For each mobile unit used to manufacture fertilizer in 30425

this state; 30426

(3) For each location out of the state from which 30427
fertilizer is distributed into this state; 30428

(4) For each location in this state from which fertilizer 30429
is distributed in this state. 30430

All licenses shall be valid for one year beginning on the 30431
first day of December of a calendar year through the thirtieth 30432
day of November of the following calendar year. A renewal 30433
application for a license shall be submitted no later than the 30434
thirtieth day of November each year. A person who submits a 30435
renewal application for a license after the thirtieth day of 30436
November shall include with the application a late filing fee of 30437
~~ten~~ twenty-five dollars. 30438

(B) An application for a license shall include: 30439

(1) The name and address of the licensee; 30440

(2) The name and address of each bulk distribution point 30441
in the state, not licensed for fertilizer manufacture and 30442
distribution. 30443

The name and address shown on the license shall be shown 30444
on all labels, pertinent invoices, and bulk storage for 30445
fertilizers distributed by the licensee in this state. 30446

(C) The licensee shall inform the director of agriculture 30447
in writing of additional distribution points established during 30448
the period of the license. 30449

(D) All money collected under this section shall be 30450
credited to the pesticide, fertilizer, and lime program fund 30451
created in section 921.22 of the Revised Code. 30452

Sec. 905.57. ~~(A) All information furnished to or procured by the director of agriculture under section 905.56 of the Revised Code is for the exclusive use and information of the director in the discharge of his official duties and is not open to the public nor to be used in any court in any action or proceeding therein unless the director is a party to such action or proceeding, but such information may be consolidated in statistical tables and published by the director in statistical form, without disclosing details of information furnished by any particular person.~~

~~(B) No person shall willfully divulge any information secured while in the employ of the department of agriculture, with respect to the transactions, property, files, records, or papers of the department, or with respect to the business of any manufacturer, seller, or distributor of agricultural liming material to any person other than the director or the superior of such employee, or when called upon to testify in an action or proceeding to which the director is a party.~~

Sec. 907.13. No person shall label agricultural, vegetable, or flower seed that is intended for sale in this state unless the person holds a valid seed labeler permit that has been issued by the director of agriculture in accordance with this section.

A person who wishes to obtain a seed labeler permit shall file an application with the director on a form that the director provides and shall submit a permit fee in the amount of ~~ten~~ fifty dollars. Such a person who labels seed under more than one name or at more than one address shall obtain a separate seed labeler permit and pay a separate permit fee for each name and address.

The applicant shall include the applicant's full name and address on the application together with any additional information that the director requires by rules adopted under section 907.10 of the Revised Code. If the applicant's address is not within this state or it does not represent a location in this state where the director can collect samples of the applicant's seed for analysis, then the applicant shall include on the application an address within this state where samples of the applicant's seed may be collected for those purposes or shall agree to provide the director or the director's authorized representative with seeds for sampling upon request.

Upon receipt of a complete application accompanied by the ~~ten-dollar~~ fifty-dollar permit fee, the director shall issue a seed labeler's permit to the applicant. All seed labeler permits that are issued under this section shall expire on the thirty-first day of ~~December~~ January of each year regardless of the date on which a permit was issued during ~~that year~~ the previous one-year period.

Each person who obtains a seed labeler permit shall label the seed that the person intends for sale in this state in accordance with the requirements established in sections 907.01 to 907.17 of the Revised Code. Each person who holds a valid seed labeler permit shall keep the permit posted in a conspicuous place in the principal seed room from which the person sells seed and shall comply with the reporting and fee requirements that are established in section 907.14 of the Revised Code.

All money collected under this section shall be credited to the commercial feed and seed fund created in section 923.46 of the Revised Code.

Sec. 907.14. (A) A person who holds a valid seed labeler permit issued under section 907.13 of the Revised Code shall report to the director of agriculture concerning the amount of seed that the person sells in this state. The report shall be made ~~semiannually~~annually on a form that the director prescribes and provides. ~~One semiannual~~The report shall be filed with the director prior to the first day of February of each year with respect to all sales that the person made during the period from the first day of ~~July~~January to the thirty-first day of December of the ~~preceding~~previous year. ~~The second semiannual report shall be filed prior to the first day of August of each year with respect to all sales that the person made during the period from the first day of January to the thirtieth day of June of that year.~~

(B) A person who holds a valid seed labeler permit shall include with each ~~semiannual~~annual report a seed fee based on the amount of the seed that the person sold during that reporting period as follows:

(1) For soybeans and small grains, including barley, oats, rye, wheat, triticale, and spelt, four cents per one hundred pounds;

(2) For corn and grain sorghum, five cents per one hundred pounds;

(3) (a) For any of the following seed sold at wholesale or retail or on consignment or commission, two per cent of the wholesale value of the containers of seed or, if the seed is not sold wholesale, two per cent of the retail value of the containers of seed:

(i) Vegetable and flower seed sold in containers, other

than hermetically sealed containers, of eight ounces or less; 30542

(ii) Flower seed sold in hermetically sealed containers 30543
that contain fewer than three hundred seeds; 30544

(iii) Vegetable seed sold in hermetically sealed 30545
containers that contain fewer than one thousand seeds. 30546

(b) The fees established pursuant to divisions (B) (3) (a) 30547
(ii) and (iii) of this section apply to both of the following: 30548

(i) Seed sold in hermetically sealed containers that 30549
contain the amount of seeds specified in division (B) (3) (a) (ii) 30550
or (iii) of this section, as applicable; 30551

(ii) Seed sold in hermetically sealed containers that do 30552
not clearly state the number of seeds that they contain. 30553

(c) Except as otherwise provided in division (B) (3) (b) (ii) 30554
of this section, if the weight of seed in a container, or the 30555
quantity of seed in a container, exceeds the applicable weight 30556
or quantity specified in division (B) (3) (a) (i), (ii), or (iii) 30557
of this section, the fee established in division (B) (4) of this 30558
section applies. 30559

(4) For alfalfa, clover, grass, native grass, mixtures 30560
containing any of these, and all agricultural, vegetable, and 30561
flower seeds not specified in divisions (B) (1) to (3) of this 30562
section, ten cents per one hundred pounds. 30563

If the total amount of the seed fee that is due is less 30564
than ~~five~~ fifty dollars, the person shall pay ~~the minimum seed~~ 30565
no fee, which is five dollars. 30566

(C) For each failure to report in full the amount of seed 30567
sold or to submit the required seed fees in full by the due 30568
date, a person who holds a valid seed labeler permit shall pay a 30569

penalty of ten per cent of the amount due or fifty dollars, 30570
whichever is greater. Failure to pay either the fee or the 30571
penalty within thirty days after the due date is cause for 30572
suspension or revocation by the director of the seed labeler 30573
permit or refusal, without a hearing, to issue a subsequent seed 30574
labeler permit for which the person applies. 30575

(D) This section does not apply to governmental entities 30576
that donate seed for conservation purposes. 30577

(E) All money collected under this section shall be 30578
credited to the commercial feed and seed fund created in section 30579
923.46 of the Revised Code. 30580

Sec. 911.02. Each person, firm, partnership, or 30581
corporation that owns or operates a bakery shall register each 30582
bakery that it owns or operates with the director of 30583
agriculture. For the registration, the owner or operator of each 30584
bakery shall pay an annual fee of ~~thirty dollars for a~~ 30585
~~production capacity of one thousand pounds of bakery product per~~ 30586
~~hour or less and an annual fee of thirty dollars for each one~~ 30587
~~thousand pounds of bakery product per hour capacity, or part~~ 30588
~~thereof, in excess of one thousand pounds of bakery product per~~ 30589
~~hour~~ two hundred dollars. 30590

Any person who owns or operates a home bakery with only 30591
one oven, in a stove of ordinary home kitchen design and located 30592
in a home, used for the baking of baked goods to be sold, shall 30593
pay a sum of ten dollars annually for registration regardless of 30594
the capacity of the home bakery oven. The registration shall be 30595
renewed annually by the thirtieth day of September and shall be 30596
renewed according to the standard renewal procedure of Chapter 30597
4745. of the Revised Code. The registration of the bakery shall 30598
show the location, including municipal corporation, street, and 30599

number, the name of the owner, and the name of the operator. The 30600
application for registration shall be made on a form prescribed 30601
and provided by the director. All moneys received from 30602
registration fees and fines collected under sections 911.01 to 30603
911.20 of the Revised Code shall be deposited with the treasurer 30604
of state to the credit of the food safety fund created in 30605
section 915.24 of the Revised Code. All annual renewal 30606
registration fees required by this section shall be paid by the 30607
applicant for the renewal to the treasurer of state for deposit 30608
into the food safety fund. 30609

No bakery product that is manufactured in an out-of-state 30610
bakery shall be sold or offered for sale within this state 30611
unless the bakery is in compliance with sections 911.01 to 30612
911.20 of the Revised Code, and is registered, having paid the 30613
annual registration fee. 30614

Registration of out-of-state bakeries is not required if a 30615
reciprocal agreement is in effect whereby a bakery located in 30616
this state is not subject to a license or registration fee by 30617
the receiving state or a political subdivision thereof. 30618

Sec. 913.23. (A) The director of agriculture may issue 30619
licenses as required by sections 913.22 to 913.28 of the Revised 30620
Code, may make the inspections and registrations required by 30621
those sections, and may prescribe the form of application to be 30622
filed under this section. 30623

(B) No person shall manufacture or bottle for sale within 30624
this state any soft drink in closed containers unless the person 30625
has a license issued by the director. Upon receipt of an 30626
application for such a license, the director shall examine the 30627
products and the place of manufacture where the business is to 30628
be conducted, to determine whether the products and place comply 30629

with sections 913.22 to 913.28 of the Revised Code. Upon finding 30630
there is compliance, and upon payment of a license fee of two 30631
hundred dollars, the director shall issue a license authorizing 30632
the applicant to manufacture or bottle for sale such soft 30633
drinks, subject to sections 913.22 to 913.28 of the Revised 30634
Code. The license shall expire on the last day of March of each 30635
year unless renewed. 30636

(C) No soft drink that is manufactured or bottled out of 30637
the state shall be sold or offered for sale within this state 30638
unless the soft drink and the plant in which the soft drink is 30639
manufactured or bottled are found by the director to comply with 30640
sections 913.22 to 913.28 of the Revised Code, and are 30641
registered by the director, which shall be upon a like 30642
application as provided in division (B) of this section. 30643

An annual registration fee of two hundred dollars shall be 30644
paid to the director by each applicant under this division. The 30645
registration shall be renewed annually, and the registration fee 30646
paid with the application for annual renewal. 30647

Registration of out-of-state soft drink manufacturers or 30648
bottlers or syrup and extract manufacturers is not required if a 30649
reciprocal agreement is in effect whereby a soft drink 30650
manufacturer or bottler or syrup and extract manufacturer 30651
located in this state is not subject to a license or 30652
registration fee by another state or a political subdivision 30653
thereof. 30654

~~(D) No person, other than a manufacturer or bottler 30655
holding a soft drink plant license under this section, shall 30656
sell, offer for sale, use, or have in the person's possession 30657
with intent to sell, any soda water syrup or extract or soft 30658
drink syrup, to be used in making, drawing, or dispensing soda 30659~~

~~water or other soft drinks, without first registering the~~ 30660
~~person's name and address, the name and address of the~~ 30661
~~manufacturer of the syrup or extract, the number and variety of~~ 30662
~~such syrups or extracts intended to be sold, and the trade name~~ 30663
~~or brand of those products, with the director, together with~~ 30664
~~such samples of the syrups or extracts as the director requests~~ 30665
~~for analysis. The person also shall pay to the department of~~ 30666
~~agriculture at the time of making registration a license fee of~~ 30667
~~one hundred dollars. No license shall be granted by the director~~ 30668
~~unless the director determines that the syrup or extract is free~~ 30669
~~from all harmful drugs and other ingredients that, as used, may~~ 30670
~~be injurious to health. The registration shall be renewed~~ 30671
~~annually upon like terms. If any manufacturer, bottler, agent,~~ 30672
~~or seller is licensed or has registered the manufacturer's,~~ 30673
~~bottler's, agent's, or seller's name and product as required by~~ 30674
~~this section and has paid the manufacturer's, bottler's,~~ 30675
~~agent's, or seller's fee, the manufacturer's, bottler's,~~ 30676
~~agent's, or seller's distributor, retail agent, or retail seller~~ 30677
~~using the products shall not be required to pay that fee. This~~ 30678
~~section does not apply to local sellers of soft drinks as to~~ 30679
~~syrups and extracts made by themselves for their own use~~ 30680
~~exclusively.~~ 30681

~~(E)~~ All moneys received under sections 913.22 to 913.28 of 30682
the Revised Code shall be deposited with the treasurer of state 30683
to the credit of the food safety fund created in section 915.24 30684
of the Revised Code. 30685

~~(F)~~ (E) The director may revoke any license or registration 30686
issued under sections 913.22 to 913.28 of the Revised Code, 30687
whenever the director determines that those sections have been 30688
violated. When a license has been revoked, the licensee shall 30689
discontinue the manufacture and sale of soft drinks or other 30690

products for which the license was issued. When a registration 30691
has been revoked, the registrant shall discontinue the sale 30692
within this state of the registrant's products until those 30693
sections have been complied with and a new license or 30694
registration has been issued. The director may suspend any such 30695
license or registration temporarily, pending compliance with 30696
such conditions required by those sections as the director 30697
prescribes. 30698

Sec. 915.16. The license fee for an establishment is ~~fifty~~ 30699
two hundred dollars. Any operator operating in connection with a 30700
cold-storage warehouse holding a license under section 915.02 of 30701
the Revised Code is not required to secure an additional license 30702
under section 915.15 of the Revised Code so long as the operator 30703
continues to be licensed as a cold-storage warehouse; but the 30704
operator shall comply with sections 915.14 to 915.24 of the 30705
Revised Code, and all rules and regulations promulgated 30706
thereunder. The license issued shall be in such form as the 30707
department of agriculture prescribes. Licenses shall be valid 30708
until the last day of November following initial issuance or 30709
renewal and shall become invalid on that date unless renewed. 30710
The original license or a certified copy thereof shall be 30711
conspicuously displayed by the operator in the establishment. 30712

Sec. 915.24. (A) There is hereby created in the state 30713
treasury the food safety fund. All of the following moneys shall 30714
be credited to the fund: 30715

(1) Bakery registration fees and fines received under 30716
sections 911.02 to 911.20 of the Revised Code; 30717

(2) Cannery license fees and renewal fees received under 30718
sections 913.01 to 913.05 of the Revised Code; 30719

(3) Moneys received under sections 913.22 to 913.28 of the Revised Code;	30720 30721
(4) License fees, fines, and penalties recovered for the violation of sections 915.01 to 915.12 of the Revised Code;	30722 30723
(5) License fees collected under sections 915.14 to 915.23 of the Revised Code;	30724 30725
(6) License fees, other fees, and fines collected by or for the director of agriculture under Chapter 3717. of the Revised Code;	30726 30727 30728
(7) Fees collected under section 3715.04 of the Revised Code for the issuance of certificates of health and freesale;	30729 30730
(8) Registration fees and other fees collected by the director of agriculture under section 3715.041 of the Revised Code;	30731 30732 30733
<u>(9) Money received from contracts or cooperative agreements with any agency of the United States government, or any other public or private agency or organization, for either of the following:</u>	30734 30735 30736 30737
<u>(a) The performance of the prescribed duties of the department of agriculture under this chapter and Chapters 911., 913., 925., 3715., and 3717. of the Revised Code;</u>	30738 30739 30740
<u>(b) Accomplishing cooperative projects within the scope of such duties.</u>	30741 30742
(B) The director of agriculture shall use the moneys deposited into the food safety fund to administer and enforce the laws pursuant to which the moneys were collected.	30743 30744 30745
Sec. 923.42. (A) No person who manufactures commercial	30746

feed or customer-formula feed, or whose name appears on the 30747
label of any commercial feed or customer-formula feed as a 30748
distributor shall distribute in this state any type of 30749
commercial feed unless ~~heth~~ the person is registered ~~with the~~ 30750
~~director of agriculture on a form provided by the director that~~ 30751
~~identifies the manufacturer's or distributor's name, place of~~ 30752
~~business, and location of each manufacturing facility in this~~ 30753
~~state~~ in accordance with this section. 30754

A manufacturer and distributor shall annually register, on 30755
a form prescribed by the director of agriculture, and pay a 30756
registration fee of fifty dollars. The person shall file the 30757
registration not later than February first of each year. A 30758
registration expires January thirty-first of the following year. 30759

~~(B) The director shall assign to each manufacturer or~~ 30760
~~distributor registered under division (A) of this section a~~ 30761
~~permanent registration number.~~ 30762

~~(C) The director may revoke or suspend a registration or~~ 30763
~~refuse to register a person upon a finding that the~~ 30764
~~manufacturer, distributor, or person violated any provision of~~ 30765
~~sections 923.41 to 923.55 of the Revised Code or any rule~~ 30766
~~adopted under those sections.~~ 30767

No registration shall be revoked, suspended, or refused 30768
until the manufacturer, distributor, or person has an 30769
opportunity to appear at an adjudication hearing conducted in 30770
accordance with Chapter 119. of the Revised Code. 30771

(C) For purposes of this section, "manufacturer" includes 30772
an exempt buyer. 30773

Sec. 923.44. (A) (1) Except as otherwise provided in 30774
divisions (A) (2), (3), and (4) of this section, the first 30775

distributor of a commercial feed shall pay the director of 30776
agriculture a ~~semiannual~~ an annual inspection fee at the rate of 30777
twenty-five cents per ton, ~~with a minimum payment of twenty-five~~ 30778
~~dollars,~~ on all commercial feeds distributed by the first 30779
distributor in this state. The department of agriculture shall 30780
not collect inspection fees on the first two hundred tons of 30781
commercial feed sold in a calendar year. 30782

(2) The ~~semiannual~~ annual inspection fee required under 30783
division (A) (1) of this section shall not be paid by the first 30784
distributor of a commercial feed if the distribution is made to 30785
an exempt buyer who shall be responsible for the fee. The 30786
director shall establish an exempt list consisting of those 30787
buyers who are responsible for the fee. 30788

(3) The ~~semiannual~~ annual inspection fee shall not be paid 30789
on a commercial feed if the fee has been paid by a previous 30790
distributor. 30791

(4) The ~~semiannual~~ annual inspection fee shall not be paid 30792
on customer-formula feed if the fee has been paid on the 30793
commercial feeds that are used as components in that customer- 30794
formula feed. 30795

(B) Each distributor or exempt buyer who is required to 30796
pay a fee under division (A) (1) or (2) of this section shall 30797
file a ~~semiannual~~ an annual statement with the director that 30798
includes the number of net tons of commercial feed distributed 30799
by the distributor or exempt buyer in this state, ~~within thirty~~ 30800
~~days after the thirtieth day of June and within thirty days~~ 30801
~~after the thirty-first day of December, respectively, of each~~ 30802
for the previous calendar year. The distributor or exempt buyer 30803
shall file the statement with the distributor's or exempt 30804
buyer's registration required under section 923.42 of the 30805

Revised Code. 30806

The inspection fee at the rate stated in division (A) (1) 30807
of this section shall accompany the statement. For a tonnage 30808
report that is not filed or payment of inspection fees that is 30809
not made ~~within fifteen days after~~ by the due date established 30810
in section 923.42 of the Revised Code, a penalty of ten per cent 30811
of the amount due, ~~with a minimum penalty of~~ or fifty dollars, 30812
whichever is greater, shall be assessed against the distributor 30813
or exempt buyer. The amount of fees due, plus penalty, shall 30814
constitute a debt and become the basis of a judgment against the 30815
distributor or exempt buyer. 30816

(C) No information furnished under this section shall be 30817
disclosed by an employee of the department of agriculture in 30818
such a way as to divulge the operation of any person required to 30819
make such a report. 30820

(D) All money collected under this section shall be 30821
credited to the commercial feed and seed fund created in section 30822
923.46 of the Revised Code. 30823

Sec. 923.51. No person shall commit any of the following 30824
acts or cause to be committed any of the following acts: 30825

(A) Adulterate commercial feed or distribute adulterated 30826
commercial feed; 30827

(B) Adulterate pet food or distribute adulterated pet 30828
food; 30829

(C) Misbrand commercial feed or distribute misbranded 30830
commercial feed; 30831

(D) Adulterate any agricultural commodity such as whole 30832
seed, hay, straw, stover, silage, cobs, husks, or hulls and feed 30833

it to animals or distribute any such commodity that is 30834
adulterated; 30835

(E) Remove or dispose of a commercial feed in violation of 30836
a withdrawal from distribution order or a condemnation and 30837
confiscation order issued under section 923.52 or 923.53 of the 30838
Revised Code or any rules adopted under those sections; 30839

(F) Use for the person's own advantage, or reveal except 30840
to the director of agriculture or the director's agent or to the 30841
courts when relevant in any judicial proceeding under sections 30842
923.41 to 923.55 of the Revised Code or any rules adopted under 30843
those sections, any information acquired under the authority of 30844
those sections of the Revised Code or rules adopted under those 30845
sections that as a trade secret is entitled to protection; 30846

(G) Fail or refuse to register as required under section 30847
923.42 of the Revised Code or any rule adopted under that 30848
section; 30849

(H) Fail to pay inspection fees or file ~~semiannual~~ annual 30850
reports as required under section 923.44 of the Revised Code or 30851
any rule adopted under that section. 30852

Sec. 924.01. As used in sections 924.01 to 924.16 and 30853
924.40 to 924.55 of the Revised Code: 30854

(A) "Agricultural commodity" means any food, fiber, feed, 30855
animal, or plant, or group of foods, fibers, feeds, animals, or 30856
plants that the director of agriculture determines to be of the 30857
same nature, in either a natural or a processed state. 30858
"Agricultural commodity" does not include any of the following: 30859

(1) Grain, as defined in section 924.20 of the Revised 30860
Code; 30861

(2) Soybeans;	30862
(3) Hemp, as defined in section 928.01 of the Revised Code;	30863 30864
<u>(4) Pork, as defined in section 924.212 of the Revised Code.</u>	30865 30866
(B) "Distributor" means any person who sells, offers for sale, markets, or distributes an agricultural commodity that the person has purchased or acquired directly from a producer, or that the person markets on behalf of a producer.	30867 30868 30869 30870
(C) "Handler" means any person who is in the business of packing, grading, selling, offering for sale, or marketing any agricultural commodity in commercial quantities as defined in a marketing program.	30871 30872 30873 30874
(D) "Marketing program" means a program that is established by order of the director pursuant to this chapter, to improve or expand the market for an agricultural commodity.	30875 30876 30877
(E) "Operating committee" means a committee established to administer a marketing program for an agricultural commodity.	30878 30879
(F) "Person" means any natural person, partnership, sole proprietorship, limited liability company, corporation, society, agricultural cooperative as defined in section 1729.01 of the Revised Code, association, or fiduciary.	30880 30881 30882 30883
(G) "Processor" means any person who is in the business of grading, packaging, packing, canning, freezing, dehydrating, fermenting, distilling, extracting, preserving, grinding, crushing, juicing, or in any other way preserving or changing the form of any agricultural commodity.	30884 30885 30886 30887 30888
(H) "Producer" means any person who is in the business of	30889

producing, or causing to be produced, any agricultural commodity 30890
for commercial sale, except that when used in reference to 30891
nursery stock, "producer" also means a distributor, processor, 30892
handler, or retailer of nursery stock. 30893

Sec. 924.212. (A) As used in this section: 30894

(1) "Pork" means the flesh of a porcine animal. 30895

(2) "Pork product" means a product produced or processed 30896
in whole or in part from pork. 30897

(3) "Producer" means a person who raises porcine animals 30898
in this state for sale in commerce. 30899

(B) The pork marketing program is established to promote 30900
the sale of pork and pork products. However, the pork marketing 30901
program shall not operate unless the national pork checkoff 30902
program created by the "Pork Promotion, Research, and Consumer 30903
Information Act of 1985," 7 U.S.C. 4801 et seq. is no longer in 30904
operation. Except as provided in this division and divisions (C) 30905
to (F) of this section, the procedures, requirements, and other 30906
provisions that are established under sections 924.20 to 924.30 30907
of the Revised Code and rules that apply to the grain marketing 30908
program apply to the pork marketing program. For purposes of 30909
that application, references in those sections to "grain" are 30910
deemed to be replaced with references to "pork." 30911

(C) Not later than one hundred twenty days after the 30912
national pork checkoff program is no longer in operation, the 30913
Ohio pork council, or its successor, shall do both of the 30914
following: 30915

(1) Accept the names of persons as nominees to serve on a 30916
pork marketing program operating committee. In accepting 30917
nominations and placing names on the ballot, the Ohio pork 30918

council, or its successor, shall follow the procedures 30919
established in rules. 30920

(2) Hold an election to determine the membership of the 30921
operating committee. In the election, eligible producers may 30922
cast votes in person or mail ballots to polling places 30923
designated by the director of agriculture. The Ohio pork 30924
council, or its successor, shall establish a three-day period 30925
during which eligible producers may vote in person during normal 30926
business hours at the designated polling places. The director or 30927
another appropriate person shall send a ballot by ordinary 30928
first-class mail to an eligible producer who requests a ballot. 30929
An eligible producer shall make such a request by calling a 30930
toll-free telephone number designated by the director, by 30931
contacting one of the designated polling places, or by any 30932
additional method that the director may provide. A ballot 30933
returned by mail is not valid if it is postmarked later than the 30934
third day of the election period established by the Ohio pork 30935
council or its successor. 30936

For the purposes of an election of members of the pork 30937
marketing program operating committee, the director shall cause 30938
a ballot request form to be published at least thirty days 30939
before the beginning of the election period in at least two 30940
appropriate periodicals designated by the director and shall 30941
make the form available for reproduction to any interested group 30942
or association. 30943

(D) The pork marketing program operating committee 30944
consists of the following twelve members: 30945

(1) The director of agriculture, who shall be an ex- 30946
officio, non-voting member, or the director's designee; 30947

- (2) The executive vice-president of the Ohio pork council 30948
or its successor; 30949
- (3) Four members appointed by the director of agriculture 30950
who are pork producers. When making such appointments, the 30951
director shall give consideration to Ohio pork producers who are 30952
representatives on the national pork board; 30953
- (4) Six members elected in accordance with section 924.22 30954
of the Revised Code, except that the elections shall occur by 30955
district, with one member elected from each district. The 30956
districts are as follows: 30957
- (a) District one: Allen, Defiance, Fulton, Henry, 30958
Paulding, Putnam, Van Wert, and Williams counties; 30959
- (b) District two: Crawford, Erie, Hancock, Huron, Lucas, 30960
Marion, Ottawa, Richland, Sandusky, Seneca, Wood, and Wyandot 30961
counties; 30962
- (c) District three: Auglaize, Mercer, Hardin, Logan, and 30963
Shelby counties; 30964
- (d) District four: Ashland, Ashtabula, Carroll, 30965
Columbiana, Coshocton, Cuyahoga, Delaware, Geauga, Harrison, 30966
Holmes, Jefferson, Knox, Lake, Licking, Lorain, Mahoning, 30967
Medina, Morrow, Portage, Stark, Summit, Tuscarawas, Trumbull, 30968
Union, and Wayne counties; 30969
- (e) District five: Butler, Darke, Hamilton, Miami, 30970
Montgomery, and Preble counties; 30971
- (f) District six: Adams, Athens, Belmont, Brown, 30972
Champaign, Clark, Clermont, Clinton, Fairfield, Fayette, 30973
Franklin, Gallia, Greene, Guernsey, Highland, Hocking, Jackson, 30974
Lawrence, Madison, Meigs, Monroe, Morgan, Muskingum, Noble, 30975

Perry, Pickaway, Pike, Ross, Scioto, Vinton, Warren, and 30976
Washington counties. 30977

Except for the director, or the director's designee, all 30978
members of the pork marketing program operating committee are 30979
voting members. 30980

(E) Following the election of the initial members of the 30981
operating committee, all future elections for the pork marketing 30982
program shall occur in accordance with the pork marketing 30983
program's by-laws drafted and adopted by the pork marketing 30984
program operating committee. Such by-laws shall be adopted by 30985
the operating committee within one year after the creation of 30986
the pork marketing program. 30987

(F) (1) With regard to the levying of assessments under 30988
section 924.26 of the Revised Code, the assessment on pork shall 30989
be the lesser of the following: 30990

(a) Twenty-five one hundredths of one per cent of the 30991
market value of the porcine animal, pork, or pork product sold 30992
or imported; 30993

(b) An amount established by the operating committee at 30994
the initial meeting of the operating committee through an 30995
initial order. The operating committee may increase the rate of 30996
an assessment after the initial order by not more than one-tenth 30997
of one per cent per year. 30998

(3) If assessments are levied under the national pork 30999
checkoff program created by the "Pork Promotion, Research, and 31000
Consumer Information Act of 1985," 7 U.S.C. 4801 et seq., no 31001
assessments shall be levied for purposes of the pork marketing 31002
program established under this section. 31003

(4) The operating committee may determine if a refund of 31004

an assessment is permitted. 31005

Sec. 924.30. (A) No person shall knowingly fail or refuse 31006
to withhold or remit an assessment levied under section 924.212 31007
or 924.26 of the Revised Code. 31008

(B) Before instituting an enforcement action for a 31009
violation of this section, the director of agriculture shall 31010
give the alleged violator an opportunity to present the alleged 31011
violator's views to the director as to why the action should not 31012
be instituted. 31013

Sec. 924.51. (A) There is hereby created the Ohio grape 31014
industries committee consisting of ~~nine~~ten members. The members 31015
shall be the director of agriculture or the director's designee, 31016
who shall chair the committee, the superintendent of liquor 31017
control or the superintendent's designee, ~~the chief of the~~ 31018
~~division of markets of the department of agriculture,~~ the 31019
viticulture extension specialist of the Ohio agricultural 31020
research and development center, who shall be a nonvoting 31021
member, and ~~five~~seven members who shall be residents of this 31022
state and appointed by the director of agriculture in accordance 31023
with division (B) of this section. At no time shall the director 31024
appoint more than ~~five~~seven members to the committee. 31025

(B) Of the ~~five~~seven members of the committee appointed 31026
by the director of agriculture, not less than ~~two~~three, but not 31027
more than ~~three~~four shall be persons who receive income from 31028
the production of grapes or grape products. Not less than 31029
~~two~~three, but not more than ~~three~~four members shall be persons 31030
who receive income from the production of wine from raw grape or 31031
fruit products in either raw fruit or fresh juice form. The 31032
terms for each appointed member of the committee shall be for 31033
three years, commencing on the first day of January and ending 31034

on the thirty-first day of December. No appointed member shall 31035
serve more than two consecutive terms. The director may remove 31036
any appointed member for cause. 31037

(C) Members shall be appointed to fill vacancies caused by 31038
death, resignation, or removal in the same manner prescribed for 31039
regular appointment to the committee. Any member appointed to 31040
fill a vacancy occurring prior to the expiration of the term for 31041
which the member's predecessor was appointed shall hold office 31042
for the remainder of the term. Any member shall continue in 31043
office subsequent to the expiration date of that member's term 31044
until that member's successor takes office, or until a period of 31045
one hundred eighty days has elapsed, whichever occurs first. 31046

(D) All members of the committee are entitled to their 31047
actual and necessary expenses incurred in the performance of 31048
their duties as members, payable from moneys received from the 31049
Ohio grape industries fund created under section 924.54 of the 31050
Revised Code. 31051

(E) A majority of the committee constitutes a quorum. 31052

Sec. 927.53. (A) Each collector or dealer who sells, 31053
offers, or exposes for sale, or distributes nursery stock within 31054
this state, or ships nursery stock to other states, shall pay an 31055
annual license fee of one hundred twenty-five dollars to the 31056
director of agriculture for each place of business the collector 31057
or dealer operates. 31058

(B) (1) Each dealer shall furnish the director, annually, 31059
an affidavit that the dealer will buy and sell only nursery 31060
stock which has been inspected and certified by an official 31061
state or federal inspector. 31062

(2) Each dealer's license expires on the thirty-first day 31063

of December of each year. Each licensed dealer shall apply for 31064
renewal of the dealer's license prior to the first day of 31065
January of each year and in accordance with the standard renewal 31066
procedure of sections 4745.01 to 4745.03 of the Revised Code. 31067

(C) Each licensed nurseryperson shall post conspicuously 31068
in the nurseryperson's principal place of business, the 31069
certificate which is issued to the nurseryperson in accordance 31070
with section 927.61 of the Revised Code. 31071

(D) Each licensed nurseryperson, or dealer, shall post 31072
conspicuously in each place of business, each certificate or 31073
license which is issued to the nurseryperson or dealer in 31074
compliance with this section or section 927.61 of the Revised 31075
Code. 31076

(E) (1) Each nurseryperson who produces, sells, offers for 31077
sale, or distributes woody nursery stock within the state, or 31078
ships woody nursery stock to other states, shall pay to the 31079
director an annual inspection fee of ~~one~~two hundred dollars 31080
plus ~~eleven~~fifteen dollars per acre, or fraction thereof, of 31081
growing nursery stock in intensive production areas and ~~seven~~ 31082
ten dollars per acre, or fraction thereof, of growing nursery 31083
stock in nonintensive production areas, as applicable. 31084

(2) Each nurseryperson who limits production and sales of 31085
nursery stock to brambles, herbaceous, perennial, and other 31086
nonwoody plants, shall pay to the director an inspection fee of 31087
one hundred dollars, plus eleven dollars per acre, or fraction 31088
thereof, of growing nursery stock in intensive and nonintensive 31089
production areas. 31090

(F) The fees collected under this section shall be 31091
credited to the plant pest program fund created in section 31092

927.54 of the Revised Code. 31093

Sec. 928.02. (A) (1) The director of agriculture ~~shall~~ may 31094
establish a program to monitor and regulate hemp cultivation and 31095
shall establish a program to monitor and regulate hemp 31096
processing in this state. ~~Under the~~ 31097

(2) If the director establishes a program to monitor and 31098
regulate hemp cultivation in this state and subsequently intends 31099
to transfer authority to the United States department of 31100
agriculture to monitor and regulate hemp cultivation in this 31101
state, the director shall take whatever actions necessary to 31102
effectuate such transfer. 31103

(3) If the director implements a program to monitor and 31104
regulate hemp cultivation under division (A) (1) of this section, 31105
the director shall issue hemp cultivation licenses ~~and hemp~~ 31106
~~processing licenses~~ in accordance with rules adopted under 31107
section 928.03 of the Revised Code. 31108

~~(2) As~~ (4) If the director implements a program to monitor 31109
and regulate hemp cultivation under division (A) (1) of this 31110
section and as authorized by the director, the department of 31111
agriculture or a university may cultivate ~~or process~~ hemp 31112
without a hemp cultivation license ~~or hemp processing license~~ 31113
for research purposes. 31114

(5) As authorized by the director, the department of 31115
agriculture or a university may process hemp without a hemp 31116
processing license for research purposes. 31117

(B) ~~Except~~ If the director implements a program to monitor 31118
and regulate hemp cultivation under division (A) (1) of this 31119
section and except as authorized under division ~~(A) (2)~~ (A) (4) or 31120
(E) of this section, any person that wishes to cultivate hemp 31121

shall apply for and obtain a hemp cultivation license from the 31122
director in accordance with rules adopted under section 928.03 31123
of the Revised Code. Except as authorized under division ~~(A) (2)~~ 31124
(A) (5) or (E) of this section, any person that wishes to process 31125
hemp shall apply for and obtain a hemp processing license from 31126
the director in accordance with those rules. Such licenses are 31127
valid for three years unless earlier suspended or revoked by the 31128
director. 31129

(C) The department, a university, or any person may, 31130
without a hemp cultivation license or hemp processing license, 31131
possess, buy, or sell hemp or a hemp product. 31132

(D) Notwithstanding any other provision of the Revised 31133
Code to the contrary, the addition of hemp or a hemp product to 31134
any other product does not adulterate that other product. 31135

(E) ~~The~~ If the director implements a program to monitor 31136
and regulate hemp cultivation under division (A) (1) of this 31137
section, the director shall issue a hemp cultivation license or 31138
~~hemp processing license~~ in accordance with Chapter 4796. of the 31139
Revised Code to an individual if either of the following 31140
applies: 31141

(1) The individual holds the applicable license in another 31142
state. 31143

(2) The individual has satisfactory work experience, a 31144
government certification, or a private certification as 31145
described in that chapter as a hemp cultivator ~~or hemp processor~~ 31146
in a state that does not issue the applicable license. 31147

(F) The director shall issue a hemp processing license in 31148
accordance with Chapter 4796. of the Revised Code to an 31149
individual if either of the following applies: 31150

(1) The individual holds the applicable license in another state. 31151
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(2) The individual has satisfactory work experience, a government certification, or a private certification as described in that chapter as a hemp processor in a state that does not issue the applicable license. 31153
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Sec. 928.03. The director of agriculture, in consultation with the governor and attorney general, shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the regulation of hemp processing. 31157
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The director also shall adopt such rules, in consultation with the governor and attorney general, regarding hemp cultivation and processing 31160
31161
if the director implements a program to monitor and regulate hemp cultivation under division (A) (1) of section 928.02 of the Revised Code. 31162
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The rules shall include all of the following: 31164
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(A) The form of an application for a hemp cultivation license and hemp processing license and the information required to be included in each license application; 31167
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(B) The amount of an initial application fee that an applicant shall submit along with an application for a hemp cultivation license or a hemp processing license, and the amount of an annual license fee that a licensee shall submit for a hemp cultivation license or a hemp processing license. In adopting rules under division (B) of this section, the director shall ensure both of the following: 31170
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(1) That the amount of the application fee and annual license fee does not exceed an amount sufficient to cover the costs incurred by the department of agriculture to administer 31177
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and enforce this chapter;	31180
(2) That there is one uniform application fee and one uniform annual license fee that applies to all applicants for a hemp cultivation license.	31181 31182 31183
(C) Requirements and procedures concerning background investigations of each applicant for a hemp cultivation license and each applicant for a hemp processing license. The director shall include both of the following in the rules adopted under this division:	31184 31185 31186 31187 31188
(1) A requirement that each applicant comply with sections 4776.01 to 4776.04 of the Revised Code;	31189 31190
(2) Provisions that prohibit the director from issuing a hemp cultivation license or hemp processing license to an applicant that has not complied with those sections.	31191 31192 31193
(D) Requirements regarding the experience, equipment, facilities, or land necessary to obtain a hemp cultivation license;	31194 31195 31196
(E) Requirements and procedures regarding standards of financial responsibility for each applicant for a hemp processing license.	31197 31198 31199
(F) Procedures and requirements for the issuance, renewal, denial, suspension, and revocation of a hemp cultivation license and hemp processing license, including providing for a hearing under Chapter 119. of the Revised Code with regard to such a denial, suspension, or revocation;	31200 31201 31202 31203 31204
(G) Grounds for the denial, suspension, and revocation of a hemp cultivation license and of a hemp processing license, including a requirement that the director revoke a hemp	31205 31206 31207

cultivation license or hemp processing license, for a period of 31208
ten years, of any person who pleads guilty to or is convicted of 31209
a felony relating to a controlled substance; 31210

(H) A requirement that the director shall not issue a hemp 31211
cultivation license or hemp processing license to any person who 31212
has pleaded guilty to or been convicted of a felony relating to 31213
a controlled substance in the ten years immediately prior to the 31214
submission of the application for a license; 31215

(I) A requirement that any person that materially 31216
falsifies information in an application for a hemp cultivation 31217
license or hemp processing license is ineligible to receive 31218
either license; 31219

(J) A practice for maintaining relevant information 31220
regarding land on which hemp is cultivated by hemp cultivation 31221
licensees, including a legal description of the land, in 31222
accordance with applicable federal law; 31223

(K) Requirements prohibiting a hemp cultivation licensee 31224
and a hemp processing licensee from cultivating or processing 31225
marihuana; 31226

(L) A procedure for testing, using post-decarboxylation or 31227
other similarly reliable methods, delta-9 tetrahydrocannabinol 31228
concentration levels of plants and products for purposes of 31229
determining compliance with this chapter and rules adopted under 31230
it; 31231

(M) Requirements and procedures for the issuance, 31232
administration, and enforcement of corrective action plans 31233
issued under this chapter; 31234

(N) A procedure for conducting annual inspections of, at a 31235
minimum, a random sample of hemp cultivation license holders to 31236

verify that plants are not being cultivated in violation of this chapter or rules adopted under it;	31237 31238
(O) A procedure for conducting annual inspections of, at a minimum, a random sample of hemp processing license holders to verify that such license holders are not operating in violation of this chapter or rules adopted under it;	31239 31240 31241 31242
(P) A procedure for complying with enforcement procedures required under federal law;	31243 31244
(Q) A procedure for the effective disposal of all of the following:	31245 31246
(1) Plants, whether growing or not, cultivated in violation of this chapter or rules adopted under it;	31247 31248
(2) Products derived from plants cultivated in violation of this chapter or rules adopted under it;	31249 31250
(3) Products produced in violation of this chapter or rules adopted under it.	31251 31252
(R) Requirements and procedures governing the production, storage, and disposal of hemp byproducts.	31253 31254
For the purposes of this chapter and notwithstanding any provision of law to the contrary, "hemp product" includes a byproduct, produced as a result of processing hemp, that contains a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent, provided that the byproduct is produced, stored, and disposed of in accordance with rules adopted under division (R) of this section.	31255 31256 31257 31258 31259 31260 31261
(S) Procedures for sharing information regarding hemp cultivation license holders with the secretary of the USDA;	31262 31263

(T) A setback distance requirement that specifies the distance that a hemp cultivation license holder shall locate hemp plants from a location where medical marijuana is being cultivated. The requirement does not apply to a hemp cultivation license holder with regard to a medical marijuana cultivator that locates medical marijuana within the established setback distance requirement after the hemp cultivation license holder begins operation.

(U) Annual reporting requirements and procedures for hemp cultivation license holders and hemp processing license holders;

(V) Recordkeeping and documentation maintenance requirements and procedures for hemp cultivation license holders and hemp processing license holders;

(W) Fees for the laboratory testing of plants and products;

(X) Standards for the testing and labeling of hemp and hemp products;

(Y) Requirements prohibiting the processing of hemp in a building used as a personal residence or on land that is zoned for residential use;

(Z) Production standards and manufacturing practices for processing hemp;

(AA) Procedures and requirements for the transportation and storage of both hemp and hemp products;

(BB) Any other requirements or procedures necessary to administer and enforce this chapter.

Sec. 928.04. (A) Except as authorized under division ~~(A)~~ (2) (A) (4) or (5) of section 928.02 of the Revised Code, no

person shall cultivate hemp without a hemp cultivation license 31292
issued by the director of agriculture under this chapter, if the 31293
director implements a program to monitor and regulate hemp 31294
cultivation under division (A) (1) of section 928.02 of the 31295
Revised Code, or process hemp without a hemp processing license 31296
issued by the director of agriculture under this chapter. 31297

(B) No person who holds a hemp cultivation license or hemp 31298
processing license issued by the director under this chapter 31299
shall violate this chapter or rules adopted under it. 31300

(C) No person subject to a corrective action plan issued 31301
by the director of agriculture under section 928.05 of the 31302
Revised Code shall fail to comply with the plan. 31303

(D) No person shall transport hemp or a hemp product in 31304
violation of rules adopted under section 928.03 of the Revised 31305
Code. 31306

Sec. 935.06. (A) Not later than ninety days after receipt 31307
of an application under section 935.05 of the Revised Code, the 31308
director of agriculture shall issue or deny a wildlife shelter 31309
permit. The director shall issue a permit to an applicant only 31310
if all of the following apply: 31311

(1) The applicant is eighteen years of age or older. 31312

(2) The applicant has registered the dangerous wild animal 31313
or animals that are the subject of the application under section 31314
935.04 of the Revised Code. 31315

(3) The applicant is in compliance with the standards of 31316
care established in rules adopted under division (A) (2) of 31317
section 935.17 of the Revised Code. 31318

(4) The applicant has sterilized each male dangerous wild 31319

animal that is possessed by the applicant. However, a dangerous 31320
wild animal is not required to be sterilized if a veterinarian 31321
that is qualified to provide veterinary care to the dangerous 31322
wild animal determines that the sterilization is medically 31323
contraindicated and the applicant has submitted a copy of the 31324
veterinarian's written determination with the applicant's 31325
application. 31326

(5) The applicant has signed an affidavit attesting that 31327
the applicant will not allow members of the public to be in 31328
physical contact with a dangerous wild animal possessed by the 31329
applicant. Division (A) (5) of this section does not apply to an 31330
employee of the applicant or a volunteer who has entered into a 31331
written agreement with the applicant to work for or volunteer 31332
for the applicant and assists in the care of a dangerous wild 31333
animal or animals specified in division (C) (20) of section 31334
935.01 of the Revised Code possessed by the applicant if the 31335
care is provided under the direction of the applicant. 31336

(6) The applicant has not been convicted of or pleaded 31337
guilty to a a disqualifying offense as determined in accordance 31338
with section 9.79 of the Revised Code and a criminal records 31339
check performed in accordance with division (B) of this section. 31340

(7) The facility at which a dangerous wild animal or 31341
dangerous wild animals will be maintained under the permit 31342
consists of at least one acre. Division (A) (7) of this section 31343
does not apply to either of the following: 31344

(a) Dangerous wild animals specified in division (C) (20) 31345
of section 935.01 of the Revised Code; 31346

(b) An applicant to whom the director issues a written 31347
waiver stating that the acreage requirement does not apply to 31348

the applicant. 31349

(8) The applicant has signed an affidavit attesting that 31350
the facility at which a dangerous wild animal or dangerous wild 31351
animals will be maintained under the permit and the conditions 31352
in which each dangerous wild animal will be kept in that 31353
facility are in compliance with this chapter and rules. 31354

(9) The applicant has submitted a complete application 31355
that meets the requirements established in section 935.05 of the 31356
Revised Code. 31357

(10) The applicant has submitted the applicable fee under 31358
section 935.05 of the Revised Code. 31359

If a permit is issued, the director shall assign a unique 31360
identification number to the permit. 31361

(B) Prior to issuing or denying a wildlife shelter permit, 31362
the director shall submit a request to the bureau of criminal 31363
identification and investigation in the office of the attorney 31364
general for a criminal records check of the applicant for the 31365
permit. Upon receipt of a request, the superintendent of the 31366
bureau shall conduct a criminal records check in the manner 31367
described in division (B) of section 109.572 of the Revised Code 31368
to determine whether any information exists that indicates that 31369
the applicant previously has been convicted of or pleaded guilty 31370
to any of the following: 31371

(1) A felony drug abuse offense; 31372

(2) An offense of violence that is a felony; 31373

(3) A violation of section 959.13 or 959.131 of the 31374
Revised Code or of section 2927.21 of the Revised Code as that 31375
section existed prior to its repeal by S.B. 310 of the 129th 31376

general assembly. 31377

The applicant is responsible for paying all costs 31378
associated with the criminal records check. 31379

(C) If a permit application is denied, two hundred fifty 31380
dollars of the permit application fee shall be retained by the 31381
director as payment for the reasonable expense of processing the 31382
application, and the remainder of the fee shall be returned to 31383
the applicant. 31384

(D) Not later than the first day of December of each year, 31385
a permit holder shall apply to the director, on a form 31386
prescribed and provided by the director, for a renewal of the 31387
permit if the permit holder intends to retain possession of the 31388
dangerous wild animal or animals that are identified in the 31389
permit. Not later than thirty days after receipt of an 31390
application for renewal, the director shall renew or deny the 31391
renewal of the permit. The director shall renew the permit if 31392
the permit holder complies with this chapter and rules and pays 31393
a renewal fee in the same amount as the fee established for the 31394
initial permit in section 935.05 of the Revised Code. If a 31395
renewal permit is denied, two hundred fifty dollars of the 31396
renewal fee shall be retained by the director as payment for the 31397
reasonable expense of processing the application, and the 31398
remainder of the renewal fee shall be returned to the applicant. 31399

(E) If the director denies an application for a permit or 31400
a renewal of a permit, the director shall notify the person of 31401
the denial, the grounds for the denial, and the person's right 31402
to an adjudication under Chapter 119. of the Revised Code. 31403

(F) If a person does not appeal the determination of the 31404
director to deny an application for a permit or a renewal of a 31405

permit or if the determination of the director is affirmed under 31406
Chapter 119. of the Revised Code, not later than thirty days 31407
after the decision not to appeal or after the determination is 31408
affirmed, as applicable, the person shall transfer the dangerous 31409
wild animal or animals that the person possesses to a humane 31410
society, wildlife sanctuary, rescue facility, facility that is 31411
an accredited member of either the association of zoos and 31412
aquariums or the zoological association of America, or facility 31413
that is located in another state and that complies with that 31414
state's applicable laws. After the transfer has occurred, the 31415
person shall submit proof to the director that the dangerous 31416
wild animal or animals were transferred and shall specify the 31417
society, sanctuary, or facility to which the animal or animals 31418
were transferred. 31419

The person is responsible for all costs associated with 31420
the transfer of the dangerous wild animal or animals. 31421

(G) If a person that has been issued a wildlife shelter 31422
permit under this section or a wildlife propagation permit under 31423
section 935.07 of the Revised Code dies, the person's next of 31424
kin shall do one of the following: 31425

(1) If the next of kin wishes to possess the dangerous 31426
wild animal or animals, obtain a wildlife shelter permit under 31427
this section or a wildlife propagation permit under section 31428
935.07 of the Revised Code, as applicable. That next of kin 31429
shall comply with this chapter and rules, except that, with 31430
respect to the next of kin's initial permit, the person need not 31431
pay the applicable permit application fee. 31432

(2) If the deceased person has a last will and testament 31433
that specifies that the dangerous wild animal or animals 31434
possessed by the person are to be transferred to another person 31435

that has been issued a wildlife shelter permit, wildlife 31436
propagation permit, or rescue facility permit issued under this 31437
chapter, transfer the dangerous wild animal or animals to the 31438
applicable permit holder; 31439

(3) Transfer the dangerous wild animal or animals that 31440
were possessed by the deceased person in accordance with 31441
division (F) of this section. 31442

(H) All fees collected under this section shall be 31443
credited to the ~~dangerous and restricted animal~~ and consumer 31444
protection fund created in section ~~935.25~~ 943.26 of the Revised 31445
Code. 31446

Sec. 935.07. (A) A person that possesses a registered 31447
dangerous wild animal in this state on October 1, 2013, that 31448
wishes to continue to possess the dangerous wild animal on and 31449
after January 1, 2014, and that intends to propagate the animal 31450
solely for the purposes of a species survival program that 31451
complies with rules shall apply for a wildlife propagation 31452
permit under this section. An applicant need apply for only one 31453
permit regardless of the number of dangerous wild animals that 31454
the applicant possesses. 31455

(B) Except as otherwise provided in this section, an 31456
applicant for a wildlife propagation permit shall comply with 31457
the requirements and procedures established in sections 935.05 31458
and 935.06 of the Revised Code. The application fee for a 31459
wildlife propagation permit shall be one of the following, as 31460
applicable: 31461

(1) One thousand dollars if the applicant possesses not 31462
more than fifty dangerous wild animals; 31463

(2) Three thousand dollars if the applicant possesses more 31464

than fifty dangerous wild animals. 31465

(C) The facility at which a dangerous wild animal or 31466
dangerous wild animals will be maintained under a wildlife 31467
propagation permit shall consist of at least two acres. Division 31468
(C) of this section does not apply to either of the following: 31469

(1) Dangerous wild animals specified in division (C) (20) 31470
of section 935.01 of the Revised Code; 31471

(2) An applicant to whom the director of agriculture 31472
issues a written waiver stating that the acreage requirement 31473
does not apply to the applicant. 31474

(D) All fees collected under this section shall be 31475
credited to the ~~dangerous and restricted animal~~ and consumer 31476
protection fund created in section ~~935.25~~ 943.26 of the Revised 31477
Code. 31478

(E) Division (A) (4) of section 935.06 of the Revised Code 31479
does not apply to an applicant for a wildlife propagation 31480
permit. 31481

Sec. 935.09. (A) Not later than ninety days after receipt 31482
of an application under section 935.08 of the Revised Code, the 31483
director of agriculture shall issue or deny a restricted snake 31484
possession permit. The director shall issue a permit to an 31485
applicant only if all of the following apply: 31486

(1) The applicant is eighteen years of age or older. 31487

(2) The applicant has signed an affidavit attesting that 31488
the applicant will not allow members of the public to be in 31489
physical contact with a restricted snake possessed by the 31490
applicant. Division (A) (2) of this section does not apply to 31491
either of the following: 31492

(a) An applicant that displays a restricted snake or snakes specified in division (L)(1) of section 935.01 of the Revised Code to a primary or secondary school age student;

(b) An employee of the applicant or a volunteer who has entered into a written agreement with the applicant to work for or volunteer for the applicant and assists in the care of a restricted snake or snakes possessed by the applicant if the care is provided under the direction of the applicant.

(3) The applicant has not been convicted of or pleaded guilty to a felony drug abuse offense, an offense of violence that is a felony, or a violation of section 959.13 or 959.131 of the Revised Code or of section 2927.21 of the Revised Code as that section existed prior to its repeal by S.B. 310 of the 129th general assembly, as determined by a criminal records check performed in accordance with division (B) of this section.

(4) The applicant has signed an affidavit attesting that the facility at which a restricted snake or snakes will be maintained under the permit and the conditions in which each restricted snake will be kept in that facility are in compliance with this chapter and rules.

(5) The applicant has submitted a complete application that meets the requirements established in section 935.08 of the Revised Code.

(6) The applicant has submitted the application fee established in section 935.08 of the Revised Code.

If a permit is issued, the director shall assign a unique identification number to the permit.

(B) Prior to issuing or denying a restricted snake possession permit, the director shall submit a request to the

bureau of criminal identification and investigation in the 31522
office of the attorney general for a criminal records check of 31523
the applicant for the permit. Upon receipt of a request, the 31524
superintendent of the bureau shall conduct a criminal records 31525
check in the manner described in division (B) of section 109.572 31526
of the Revised Code to determine whether any information exists 31527
that indicates that the applicant previously has been convicted 31528
of or pleaded guilty to any of the following: 31529

(1) A felony drug abuse offense; 31530

(2) An offense of violence that is a felony; 31531

(3) A violation of section 959.13 or 959.131 of the 31532
Revised Code or of section 2927.21 of the Revised Code as that 31533
section existed prior to its repeal by S.B. 310 of the 129th 31534
general assembly. 31535

The applicant is responsible for paying all costs 31536
associated with the criminal records check. 31537

(C) If a permit application is denied, seventy-five 31538
dollars of the permit application fee shall be retained by the 31539
director as payment for the reasonable expense of processing the 31540
application, and the remainder of the fee shall be returned to 31541
the applicant. 31542

(D) Not later than the first day of December of each year, 31543
a permit holder shall apply to the director, on a form 31544
prescribed and provided by the director, for a renewal of the 31545
permit if the permit holder intends to retain possession of the 31546
restricted snake or snakes that are identified in the permit. 31547
Not later than thirty days after receipt of an application for 31548
renewal, the director shall renew or deny the renewal of the 31549
permit. The director shall renew the permit if the permit holder 31550

complies with this chapter and rules and pays a renewal fee in 31551
the same amount as the fee established for the initial permit in 31552
section 935.08 of the Revised Code. If a renewal permit is 31553
denied, seventy-five dollars of the renewal fee shall be 31554
retained by the director as payment for the reasonable expense 31555
of processing the application, and the remainder of the renewal 31556
fee shall be returned to the applicant. 31557

(E) If the director denies an application for a permit or 31558
a renewal of a permit, the director shall notify the person of 31559
the denial, the grounds for the denial, and the person's right 31560
to an adjudication under Chapter 119. of the Revised Code. 31561

(F) If a person does not appeal the determination of the 31562
director to deny an application for a permit or a renewal of a 31563
permit or if the determination of the director is affirmed under 31564
Chapter 119. of the Revised Code, not later than thirty days 31565
after the decision not to appeal or after the determination is 31566
affirmed, as applicable, the person shall transfer the 31567
restricted snake or snakes that the person possesses to a humane 31568
society, wildlife sanctuary, facility that is an accredited 31569
member of either the association of zoos and aquariums or the 31570
zoological association of America, or facility that is located 31571
in another state and that complies with that state's applicable 31572
laws. After the transfer has occurred, the person shall submit 31573
proof to the director that the restricted snake or snakes were 31574
transferred and shall specify the society, sanctuary, or 31575
facility to which the snake or snakes were transferred. 31576

The person is responsible for all costs associated with 31577
the transfer of the restricted snake or snakes. 31578

(G) If a person that has been issued a restricted snake 31579
possession permit under this section or a restricted snake 31580

propagation permit under section 935.10 of the Revised Code 31581
dies, the person's next of kin shall do one of the following: 31582

(1) If the next of kin wishes to possess the restricted 31583
snake or snakes, obtain a restricted snake possession permit 31584
under this section or a restricted snake propagation permit 31585
under section 935.10 of the Revised Code, as applicable. That 31586
next of kin shall comply with this chapter and rules, except 31587
that, with respect to the next of kin's initial permit, the 31588
person need not pay the applicable permit application fee. 31589

(2) If the deceased person has a last will and testament 31590
that specifies that the restricted snake or snakes possessed by 31591
the person are to be transferred to another person that has been 31592
issued a restricted snake possession permit under this section 31593
or a restricted snake propagation permit issued under section 31594
935.10 of the Revised Code, transfer the restricted snake or 31595
snakes to the applicable permit holder; 31596

(3) Transfer the restricted snake or snakes that were 31597
possessed by the deceased person in accordance with division (F) 31598
of this section. 31599

(H) All fees collected under this section shall be 31600
credited to the ~~dangerous and restricted animal~~ and consumer 31601
protection fund created in section ~~935.25~~ 943.26 of the Revised 31602
Code. 31603

Sec. 935.10. (A) (1) A person that possesses a restricted 31604
snake in this state prior to January 1, 2014, that wishes to 31605
continue to possess the restricted snake on and after that date, 31606
and that intends to propagate, sell, trade, or otherwise 31607
transfer the snake shall obtain a restricted snake propagation 31608
permit under this section not later than January 1, 2014. 31609

(2) A person that acquires a restricted snake in this state on or after January 1, 2014, and that intends to propagate, sell, trade, or otherwise transfer the snake shall obtain a restricted snake propagation permit under this section not later than one hundred twenty days after acquiring the snake.

(3) An applicant need apply for only one permit regardless of the number of restricted snakes that the applicant possesses.

(B) Except as otherwise provided in this section, an applicant for a restricted snake propagation permit shall comply with the requirements and procedures established in sections 935.08 and 935.09 of the Revised Code. The application fee for a restricted snake propagation permit shall be three hundred dollars.

(C) If a permit application is denied, one hundred fifty dollars of the permit application fee shall be retained by the director of agriculture as payment for the reasonable expense of processing the application, and the remainder of the fee shall be returned to the applicant.

(D) All fees collected under this section shall be credited to the ~~dangerous and restricted animal~~ and consumer protection fund created in section ~~935.25~~ 943.26 of the Revised Code.

Sec. 935.16. (A) If a dangerous wild animal or restricted snake escapes, the person that possesses the animal or snake immediately shall notify both of the following:

(1) The sheriff of the county and the chief law enforcement officer of the township or municipal corporation where the escape occurred;

(2) The division of animal health in the department of agriculture by means of the twenty-four-hour telephone number that is maintained by the division. 31639
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(B) (1) A law enforcement officer or natural resources law enforcement officer may destroy a dangerous wild animal or restricted snake that has escaped and that poses a threat to public safety. 31642
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(2) A law enforcement officer or natural resources law enforcement officer that destroys an escaped dangerous wild animal or restricted snake pursuant to division (B) (1) of this section is not liable for damages in a civil action for any injury, death, or loss to person or property that allegedly arises from the destruction of the animal or snake. 31646
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(C) The person that possesses a dangerous wild animal or restricted snake that escapes is responsible for all reasonable costs associated with the capture or destruction of the animal or snake. The person shall reimburse the political subdivision that employs the law enforcement officer who captured or destroyed the dangerous wild animal or restricted snake for the costs incurred in capturing or destroying the animal or snake. However, if the law enforcement officer is a state highway patrol trooper or if a natural resources law enforcement officer captured or destroyed the dangerous wild animal or restricted snake, the person shall reimburse the state highway patrol or department of natural resources, as applicable, for those costs. 31652
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(D) (1) Except as provided in division (D) (2) of this section, money collected under division (C) of this section shall be credited to a special fund, which is hereby created in the applicable political subdivision. Money in the special fund shall be used exclusively for the administration and enforcement 31664
31665
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of this chapter and rules. 31669

(2) Money collected under division (C) of this section for 31670
costs incurred by a state highway patrol trooper or a natural 31671
resources law enforcement officer under this section shall be 31672
deposited in the state treasury to the credit of the ~~dangerous-~~ 31673
~~and restricted-animal~~ and consumer protection fund created in 31674
section ~~935.25~~ 943.26 of the Revised Code. 31675

(3) If law enforcement officers from more than one 31676
jurisdiction assist in the capture or destruction of a dangerous 31677
wild animal or restricted snake, the money collected shall be 31678
proportionally distributed to each political subdivision's 31679
special fund and the dangerous and restricted animal fund, if 31680
applicable. 31681

Sec. 935.17. The director of agriculture shall adopt rules 31682
in accordance with Chapter 119. of the Revised Code that 31683
establish all of the following: 31684

(A) Both of the following concerning the registration of 31685
dangerous wild animals under section 935.04 of the Revised Code: 31686

(1) Any additional information that must be included with 31687
a registration; 31688

(2) Standards for the care and housing of registered 31689
dangerous wild animals, including standards for the proper care 31690
of each species of dangerous wild animal and caging and fencing 31691
of the animals. 31692

The director shall adopt rules under division (A) of this 31693
section not later than ninety days after ~~the effective date of~~ 31694
~~this section~~ September 5, 2012. 31695

(B) Standards for the care and well-being of dangerous 31696

wild animals specified in divisions (C) (1) to (19) of section	31697
935.01 of the Revised Code that are possessed by the holders of	31698
wildlife shelter permits and wildlife propagation permits issued	31699
under this chapter. The standards shall govern at least	31700
sanitation for, provision of health care for, and feeding,	31701
caging, housing, and fencing of dangerous wild animals. In	31702
adopting rules under this division, the director shall consider	31703
the following factors:	31704
(1) Best management practices for the care and well-being	31705
of dangerous wild animals;	31706
(2) Public health and safety;	31707
(3) Biosecurity;	31708
(4) The prevention of disease;	31709
(5) Animal morbidity and mortality data;	31710
(6) Generally accepted veterinary medical practices;	31711
(7) Standards adopted by the association of zoos and	31712
aquariums;	31713
(8) Standards adopted by the zoological association of	31714
America;	31715
(9) Standards established in the federal animal welfare	31716
act;	31717
(10) Ethical standards established by the American	31718
veterinary medical association;	31719
(11) Any other factors that the director considers	31720
necessary for the proper care and well-being of dangerous wild	31721
animals in this state.	31722
(C) Standards for the housing of dangerous wild animals	31723

specified in division (C) (20) of section 935.01 of the Revised Code that are possessed by the holders of wildlife shelter permits and wildlife propagation permits issued under this chapter;

(D) All of the following concerning applications for permits issued under sections 935.06 and 935.07 of the Revised Code:

(1) Any additional information that must be included with a permit application;

(2) Criteria for determining what constitutes a species survival program for the purposes of division (A) of section 935.07 of the Revised Code and requirements and procedures that are necessary to determine if a program meets those criteria;

(3) The content of the examination specified in division (B) (6) of section 935.05 of the Revised Code. The rules shall require the examination to test an applicant's knowledge on topics that include proper diet, health care, exercise needs, and housing of the species of dangerous wild animal or animals that are the subject of the application.

(4) Procedures and requirements concerning the administration of the examination specified in division (B) (6) of section 935.05 of the Revised Code.

(E) All of the following concerning applications for permits issued under sections 935.09 and 935.10 of the Revised Code:

(1) Any additional information that must be included with a permit application;

(2) The content of the examination specified in division

(B) (5) of section 935.08 of the Revised Code. The rules shall 31752
require the examination to test an applicant's knowledge on 31753
topics that include proper diet, health care, and housing of the 31754
species of restricted snake or snakes that are the subject of 31755
the application. 31756

(3) Procedures and requirements concerning the 31757
administration of the examination specified in division (B) (5) 31758
of section 935.08 of the Revised Code. 31759

(F) Both of the following concerning applications for 31760
permits issued under section 935.101 of the Revised Code: 31761

(1) Information that must be included in a permit 31762
application; 31763

(2) Criteria and procedures for the issuance or denial of 31764
a permit. 31765

(G) Standards for the care and well-being of dangerous 31766
wild animals that are possessed by the holders of permits issued 31767
under section 935.101 of the Revised Code. The standards shall 31768
govern at least sanitation for, provision of health care for, 31769
and feeding, caging, housing, and fencing of dangerous wild 31770
animals. In adopting the rules, the director may consider the 31771
standards of care and housing established in rules adopted under 31772
division (B) of this section and section 935.12 of the Revised 31773
Code. 31774

(H) Procedures and requirements governing the maintenance 31775
of records under section 935.15 of the Revised Code; 31776

(I) Standards for signs that are required to be posted and 31777
displayed in accordance with section 935.18 of the Revised Code; 31778

(J) The amount of civil penalties that may be assessed 31779

under section 935.24 of the Revised Code; 31780

~~(K) Procedures and requirements governing the distribution of money under division (B) (4) of section 935.25 of the Revised Code from the dangerous and restricted animal fund created in that section;~~ 31781
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~~(L) Any other provisions necessary to administer and enforce this chapter.~~ 31785
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Sec. 935.20. (A) On and after January 1, 2014, the 31787
director of agriculture immediately shall cause an investigation 31788
to be conducted if the director has reason to believe that one 31789
of the following may be occurring: 31790

(1) A dangerous wild animal is possessed by a person who 31791
has not been issued a wildlife shelter permit, wildlife 31792
propagation permit, or rescue facility permit under this 31793
chapter. 31794

(2) A restricted snake is possessed by a person that has 31795
not been issued a restricted snake possession permit or 31796
restricted snake propagation permit under this chapter. 31797

(3) A dangerous wild animal or restricted snake is being 31798
treated or kept in a manner that is in violation of this chapter 31799
or rules. 31800

For purposes of the investigation, the director or the 31801
director's designee may order the animal or snake that is the 31802
subject of the notification to be quarantined or may order the 31803
transfer of the animal or snake to a facility that is on the 31804
list maintained by the director under this section. If the 31805
director's designee orders the animal or snake to be quarantined 31806
or transferred, the designee shall provide a copy of the order 31807
to the director. 31808

(B) The director shall attempt to notify the person owning 31809
or possessing an animal or snake that has been ordered to be 31810
quarantined or transferred under division (A) of this section. 31811
The notice shall be delivered in person or by certified mail. 31812
The director also may post a copy of a quarantine order at two 31813
conspicuous locations on the premises where the animal or snake 31814
is quarantined. The director shall maintain a copy of an order 31815
issued under this section and evidence that the director 31816
attempted to notify the person owning or possessing the animal 31817
or snake. 31818

(C) A quarantine or transfer order issued under this 31819
section shall contain all of the following: 31820

(1) The name and address of the person owning or 31821
possessing the animal or snake, if known; 31822

(2) A description of the quarantined or transferred animal 31823
or snake; 31824

(3) A description of the premises affected by the 31825
quarantine or transfer; 31826

(4) The reason for the quarantine or transfer; 31827

(5) Any terms and conditions of the quarantine or 31828
transfer; 31829

(6) A notice that a person adversely affected by the order 31830
may request a hearing to review the order. 31831

(D) A person that is adversely affected by a quarantine or 31832
transfer order pertaining to a dangerous wild animal or 31833
restricted snake owned or possessed by the person, within thirty 31834
days after the order is issued, may request in writing an 31835
adjudication in accordance with Chapter 119. of the Revised 31836

Code. A request for an adjudication does not stay a quarantine 31837
or transfer order. 31838

(E) The owner of or person possessing a dangerous wild 31839
animal or restricted snake that was quarantined or transferred 31840
under division (A) of this section shall be responsible for all 31841
reasonable costs associated with the quarantine or transfer, 31842
including the costs of transportation, housing, food, and 31843
veterinary care for the animal or snake. If such an owner or 31844
person is unable to pay for the reasonable costs, the director 31845
shall certify the costs to the county auditor to be assessed 31846
against any property of the owner or person and thereby made a 31847
lien upon it and collected as other taxes. All money from the 31848
collection of liens under this division shall be credited in 31849
accordance with division (J) of this section. 31850

(F) If the state veterinarian determines that a dangerous 31851
wild animal or restricted snake that was quarantined or 31852
transferred under division (A) of this section is infected with 31853
or exposed to a dangerously contagious or infectious disease or 31854
is seriously injured, the state veterinarian shall so notify the 31855
director. The director may order the animal or snake to be 31856
humanely euthanized by a veterinarian if the state veterinarian 31857
has indicated that euthanization is medically necessary. 31858

(G) A quarantine or transfer order issued under this 31859
section shall remain in effect until one of the following 31860
occurs: 31861

(1) The director, after reviewing the results of the 31862
investigation conducted under division (A) of this section, 31863
issues a written notice of release. 31864

(2) A court of competent jurisdiction orders the 31865

quarantine or transfer order to be terminated in a proceeding 31866
conducted under division (H) of this section. 31867

(3) A court of competent jurisdiction orders the seizure 31868
of the dangerous wild animal or restricted snake in a proceeding 31869
conducted under division (H) of this section. 31870

(H) If, after reviewing the results of an investigation 31871
concerning a dangerous wild animal or restricted snake conducted 31872
under division (A) of this section and after resolution of any 31873
proceeding conducted under division (D) of this section, the 31874
director determines that a circumstance described in division 31875
(A) (1), (2), or (3) of this section is or was occurring, the 31876
director shall initiate, in a court of competent jurisdiction, a 31877
proceeding for the permanent seizure of the animal or snake, as 31878
applicable. If the court affirms the director's determination 31879
that a circumstance described in division (A) (1), (2), or (3) of 31880
this section is or was occurring, the court shall order the 31881
animal or snake seized and shall order the method of disposition 31882
of the animal or snake. The court may order the person owning or 31883
possessing the animal or snake to pay all reasonable costs 31884
associated with the seizure and, if applicable, the costs 31885
associated with the quarantine or transfer of the animal or 31886
snake, including the costs of transportation, housing, food, and 31887
veterinary care of the animal or snake. If the court does not 31888
affirm the director's determination, the court shall order the 31889
quarantine or transfer order to be terminated and the animal or 31890
snake to be returned to the person owning or possessing it, if 31891
applicable. 31892

(I) The director may authorize any of the following to 31893
conduct an investigation and order the quarantine or transfer of 31894
a dangerous wild animal or restricted snake under division (A) 31895

of this section:	31896
(1) Employees of the department of agriculture;	31897
(2) Natural resources law enforcement officers with the consent of the director of natural resources;	31898 31899
(3) Employees of the department of health with the consent of the director of health;	31900 31901
(4) Employees of a board of health with the consent of the board;	31902 31903
(5) Humane society agents appointed under section 1717.06 of the Revised Code with the consent of the humane society;	31904 31905
(6) Law enforcement officers with the consent of the sheriff of the county or the chief law enforcement officer of the township or municipal corporation, as applicable, by whom the law enforcement officers are employed;	31906 31907 31908 31909
(7) Law enforcement officers who are state highway patrol troopers with the consent of the superintendent of the state highway patrol.	31910 31911 31912
(J) Money collected for reimbursement of costs associated with the quarantine or transfer of dangerous wild animals and restricted snakes under this section shall be credited to one of the following funds, as applicable:	31913 31914 31915 31916
(1) If the animal or snake was quarantined or transferred by an employee of the department of agriculture or the department of health, a natural resources law enforcement officer, or a law enforcement officer who is a state highway patrol trooper, the dangerous and restricted animal <u>and consumer protection</u> fund created in section 935.25 <u>943.26</u> of the Revised Code;	31917 31918 31919 31920 31921 31922 31923

(2) If the animal or snake was quarantined or transferred 31924
by an employee of a board of health, a special fund, which is 31925
hereby created in each health district, that shall be used 31926
exclusively for the administration and enforcement of this 31927
chapter and rules; 31928

(3) If the animal or snake was quarantined or transferred 31929
by a humane society agent, a special fund, which is hereby 31930
created in each county that has a humane society, that shall be 31931
used exclusively for the administration and enforcement of this 31932
chapter and rules; 31933

(4) If the animal or snake was quarantined or transferred 31934
by a law enforcement officer who is not a state highway patrol 31935
trooper, the special fund that is created in the political 31936
subdivision that employs the law enforcement officer in division 31937
(D) of section 935.16 of the Revised Code. 31938

(K) The director shall maintain a list of facilities 31939
inside and outside the state that the director determines are 31940
eligible to accept dangerous wild animals and restricted snakes 31941
for the purposes of this section. 31942

Sec. 935.24. (A) The attorney general, upon request of the 31943
director of agriculture, shall bring an action for injunction 31944
against any person who has violated, is violating, or is 31945
threatening to violate this chapter or rules. The court of 31946
common pleas in which an action for injunction is filed has 31947
jurisdiction to and shall grant preliminary and permanent 31948
injunctive relief upon a showing that the person against whom 31949
the action is brought has violated, is violating, or is 31950
threatening to violate this chapter or rules. 31951

(B) (1) The director may assess a civil penalty against any 31952

person that the director determines is not in compliance with 31953
this chapter or rules. 31954

(2) The director shall afford the person an opportunity 31955
for an adjudication under Chapter 119. of the Revised Code to 31956
challenge the director's determination that the person is not in 31957
compliance with this chapter or rules. However, the person may 31958
waive the right to an adjudication. 31959

(3) If the opportunity for an adjudication is waived or 31960
if, after an adjudication, the director determines that a 31961
violation has occurred or is occurring, the director may issue 31962
an order and assess a civil penalty in an amount established in 31963
rules against the violator. The order and the assessment of the 31964
civil penalty may be appealed in accordance with section 119.12 31965
of the Revised Code. 31966

(C) Notwithstanding any other section of the Revised Code, 31967
money resulting from any action taken under this section shall 31968
be credited to the ~~dangerous and restricted animal~~ and consumer 31969
protection fund created in section ~~935.25~~ 943.26 of the Revised 31970
Code. 31971

Sec. 943.04. (A) Fees for the initial issuance of any 31972
license issued pursuant to sections 943.02, 943.03, and 943.031 31973
of the Revised Code, shall be paid to the department of 31974
agriculture. 31975

(B) All annual renewal fees for the licenses shall be paid 31976
by the applicant for the renewal of a license on or before the 31977
thirty-first day of March of each year to the treasurer of 31978
state. Except for license fees for small dealers, the fees shall 31979
~~be based on the number of head of livestock purchased, sold, or~~ 31980
~~exchanged, in this state, whichever is the greatest, during the~~ 31981

~~preceding calendar year. Those fees for dealers or brokers shall~~ 31982
~~be as follows:~~ 31983

~~Less than 1,000 head _____ \$50.00 per annum;~~ 31984

~~For 1,001 to 10,000 head _____ \$125.00 per annum;~~ 31985

~~For more than 10,000 head _____ \$250.00 per annum.~~ 31986

In the event a dealer or broker operates more than one 31987
place where livestock is purchased, sold, or exchanged, a fee 31988
shall be paid for each place, but only the original purchase, 31989
sale, or exchange shall be counted in computing the amount of 31990
the fee to be paid for each place operated by the dealer or 31991
broker. Shipment between yards owned or operated by the dealer 31992
or broker shall be exempt. 31993

A late fee of one hundred dollars shall be paid for each 31994
dealer or broker license renewal application that is received 31995
after the thirty-first day of March each year. 31996

(C) (1) A fee of ~~twenty-five~~ thirty dollars shall be paid by 31997
each small dealer. 31998

If a small dealer operates more than one place where 31999
livestock is purchased, sold, or exchanged, a fee shall be paid 32000
for each place, but only the original purchase, sale, or 32001
exchange shall be counted in computing the amount of fee to be 32002
paid for each place operated by the small dealer. Shipment 32003
between yards owned or operated by the small dealer shall be 32004
exempt. 32005

(2) A late fee of ~~twenty-five~~ one hundred dollars shall be 32006
paid for each small dealer license renewal application that is 32007
received after the thirty-first day of March each year. 32008

(D) A fee of ~~twenty~~ thirty dollars shall be paid by each 32009

licensed weigher and each employee that is appointed by a small dealer, dealer, or broker as provided in section 943.02 of the Revised Code. 32010
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~~(E) A fee of ten dollars shall be paid by each licensed weigher.~~ 32013
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~~(F) All money collected under section 943.03 of the Revised Code and under this section shall be credited to the animal and consumer protection laboratory fund created in section 901.43-943.26 of the Revised Code.~~ 32015
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Sec. 943.16. All fines imposed and collected under section 943.99 of the Revised Code shall be credited to the animal and consumer protection ~~laboratory~~ fund created in section ~~901.43-~~ 943.26 of the Revised Code. 32019
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Sec. 943.26. The animal and consumer protection fund is created in the state treasury. ~~Notwithstanding section 943.04 of the Revised Code,~~ The fund shall consist of livestock dealer or broker fees and civil penalties collected under this chapter, all money collected through the issuance of licenses to captive whitetail deer licensees under this chapter ~~and all money collected under section 942.04 of the Revised Code shall be credited to the animal and consumer protection fund, which is hereby created in the state treasury and any other money credited to it under the Revised Code.~~ The director of agriculture shall use money in the fund to administer ~~Chapter 942. and sections 943.20 to 943.26 of the Revised Code and rules and Chapters 935. and 942. of the Revised Code and rules adopted under those chapters.~~ 32023
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Sec. 943.27. (A) The director of agriculture, after providing an opportunity for an adjudication hearing under 32037
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Chapter 119. of the Revised Code, may assess a civil penalty 32039
against a person who has violated or is in violation of sections 32040
943.01 to 943.10 and 943.12 to 943.17 of the Revised Code. If 32041
the director assesses a civil penalty, the director shall do so 32042
as follows: 32043

(1) In an amount not exceeding five hundred dollars if, 32044
within five years of the violation, the director has not 32045
previously assessed a civil penalty against the person under 32046
this section; 32047

(2) In an amount not exceeding two thousand five hundred 32048
dollars if, within five years of the violation, the director has 32049
previously assessed one civil penalty against the person under 32050
this section; 32051

(3) In an amount not exceeding ten thousand dollars if, 32052
within five years of the violation, the director has previously 32053
assessed two or more civil penalties against the person under 32054
this section. 32055

(B) Money collected under division (A) of this section 32056
shall be deposited in the state treasury to the credit of the 32057
animal and consumer protection fund created in section 943.26 of 32058
the Revised Code. 32059

Sec. 943.99. ~~(A) Whoever violates section 943.11 of the~~ 32060
~~Revised Code is guilty of a felony of the fifth degree.~~ 32061

~~(B) Whoever violates sections 943.01 to 943.10 and 943.12~~ 32062
~~to 943.17 of the Revised Code is guilty of a misdemeanor of the~~ 32063
~~first degree.~~ 32064

Sec. 955.201. (A) As used in this section and in section 32065
955.202 of the Revised Code, "Ohio pet fund" means a nonprofit 32066
corporation organized by that name under Chapter 1702. of the 32067

Revised Code that consists of humane societies, veterinarians, 32068
animal shelters, companion animal breeders, dog wardens, or 32069
similar individuals and entities. 32070

(B) The Ohio pet fund shall do all of the following: 32071

(1) Establish eligibility criteria for organizations that 32072
may receive financial assistance from the Ohio pet fund. Those 32073
organizations may include any of the following: 32074

(a) An animal shelter as defined in section 4729.01 of the 32075
Revised Code; 32076

(b) A local nonprofit veterinary association that operates 32077
a program for the sterilization of dogs and cats; 32078

(c) A charitable organization that is exempt from federal 32079
income taxation under subsection 501(c)(3) of the Internal 32080
Revenue Code and a purpose of which is to support programs for 32081
the sterilization of dogs and cats and educational programs 32082
concerning the proper veterinary care of those animals. 32083

(2) Establish procedures for applying for financial 32084
assistance from the Ohio pet fund. Application procedures shall 32085
require eligible organizations to submit detailed proposals that 32086
outline the intended uses of the moneys sought. 32087

(3) Establish eligibility criteria for sterilization and 32088
educational programs for which moneys from the Ohio pet fund may 32089
be used and, consistent with division (C) of this section, 32090
establish eligibility criteria for individuals who seek 32091
sterilization for their dogs and cats from eligible 32092
organizations; 32093

(4) Establish procedures for the disbursement of moneys 32094
the Ohio pet fund receives ~~from license plate contributions~~ 32095

pursuant to division (C) of section 4503.551 of the Revised Code 32096
and section 955.202 of the Revised Code; 32097

(5) Advertise or otherwise provide notification of the 32098
availability of financial assistance from the Ohio pet fund for 32099
eligible organizations; 32100

(6) Design markings to be inscribed on "pets" license 32101
plates under section 4503.551 of the Revised Code. 32102

(C) (1) The owner of a dog or cat is eligible for dog or 32103
cat sterilization services from an eligible organization when 32104
those services are subsidized in whole or in part by money from 32105
the Ohio pet fund if any of the following applies: 32106

(a) The income of the owner's family does not exceed one 32107
hundred fifty per cent of the federal poverty guideline. 32108

(b) The owner, or any member of the owner's family who 32109
resides with the owner, is a recipient or beneficiary of one of 32110
the following government assistance programs: 32111

(i) Low-income housing assistance under the "United States 32112
Housing Act of 1937," 42 U.S.C.A. 1437f, as amended, known as 32113
the federal section 8 housing program; 32114

(ii) The Ohio works first program established by Chapter 32115
5107. of the Revised Code; 32116

(iii) The medicaid program; 32117

(iv) A program or law administered by the United States 32118
department of veterans' affairs or veterans' administration for 32119
any service-connected disability; 32120

(v) The supplemental nutrition assistance program 32121
established under the Food and Nutrition Act of 2008 (7 U.S.C. 32122

2011 et seq.), administered by the department of job and family services under section 5101.54 of the Revised Code; 32123
32124

(vi) The "special supplemental nutrition program for women, infants, and children" established under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended, administered by the department of health under section 3701.132 of the Revised Code; 32125
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(vii) Supplemental security income under Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended; 32130
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(viii) Social security disability insurance benefits provided under Title II of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 401, as amended. 32133
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(c) The owner of the dog or cat submits to the eligible organization operating the sterilization program either of the following: 32136
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(i) A certificate of adoption showing that the dog or cat was adopted from a licensed animal shelter, a municipal, county, or regional pound, or a holding and impoundment facility that contracts with a municipal corporation; 32139
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(ii) A certificate of adoption showing that the dog or cat was adopted through a nonprofit corporation operating an animal adoption referral service whose holding facility, if any, is licensed in accordance with state law or a municipal ordinance. 32143
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(2) The Ohio pet fund shall determine the type of documentary evidence that must be presented by the owner of a dog or cat to show that the income of the owner's family does not exceed one hundred fifty per cent of the federal poverty guideline or that the owner is eligible under division (C) (1) (b) 32147
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of this section. 32152

(D) As used in division (C) of this section, "federal 32153
poverty guideline" means the official poverty guideline as 32154
revised annually by the United States department of health and 32155
human services in accordance with section 673(2) of the "Omnibus 32156
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 32157
9902, as amended, for a family size equal to the size of the 32158
family of the person whose income is being determined. 32159

Sec. 955.202. The companion animal fund is created in the 32160
state treasury. The fund shall consist of money credited to it 32161
under section 5747.113 of the Revised Code, donations, gifts, 32162
bequests, and any other money received for the purposes of 32163
section 955.201 of the Revised Code. The Ohio pet fund shall use 32164
money in the fund for the purposes of that section. 32165

Sec. 956.07. (A) A person who is applying for an annual 32166
license to operate a high volume breeder or to act as or perform 32167
the functions of a dog broker under section 956.04 or 956.05 of 32168
the Revised Code, as applicable, shall include with the 32169
application for a license a nonrefundable license application 32170
fee. The application fees are as follows: 32171

(1) For a high volume breeder: 32172

(a) One hundred fifty dollars if the high volume breeder 32173
annually sells at least forty, but not more than sixty puppies 32174
to the public; 32175

(b) Two hundred fifty dollars if the high volume breeder 32176
annually sells at least sixty-one, but not more than one hundred 32177
fifty puppies to the public; 32178

(c) Three hundred fifty dollars if the high volume breeder 32179
annually sells at least one hundred fifty-one, but not more than 32180

two hundred fifty puppies to the public; 32181

(d) Five hundred dollars if the high volume breeder 32182
annually sells at least two hundred fifty-one, but not more than 32183
three hundred fifty puppies to the public; 32184

(e) Seven hundred fifty dollars if the high volume breeder 32185
annually sells three hundred fifty-one or more puppies to the 32186
public; 32187

(f) If divisions (A) (1) (a) to (e) of this section do not 32188
apply, one hundred and fifty dollars if either of the following 32189
applies: 32190

(i) The high volume breeder sells five or more adult dogs 32191
or puppies to a dog broker or pet store. 32192

(ii) The high volume breeder keeps, houses, and maintains, 32193
at any given time in a calendar year, more than forty puppies 32194
that are under four months of age, that have been bred on the 32195
premises of the establishment, and that have been primarily 32196
kept, housed, and maintained from birth on the premises of the 32197
establishment. 32198

(2) For a dog broker, five hundred dollars. 32199

(B) Money collected by the director of agriculture from 32200
each application fee submitted under this section shall be 32201
deposited in the state treasury to the credit of the ~~high volume~~ 32202
~~breeder kennel control license~~ commercial dog breeding fund 32203
created in section 956.18 of the Revised Code. The director 32204
shall use fifty dollars of the application fee submitted by a 32205
high volume breeder under this section or an amount equal to the 32206
fee charged for the registration of a kennel under section 32207
955.14 of the Revised Code in the county in which the high 32208
volume breeder is located or will be located, whichever is 32209

greater, to reimburse that county. The county auditor shall 32210
deposit the transferred money into that county's dog and kennel 32211
fund created under section 955.20 of the Revised Code. 32212

Sec. 956.10. (A) (1) At least once annually, the director 32213
of agriculture or the director's authorized representative shall 32214
inspect a high volume breeder that is subject to licensure under 32215
this chapter and rules adopted under section 956.03 of the 32216
Revised Code to ensure compliance with this chapter and rules 32217
adopted under it, including the standards of care established in 32218
rules adopted under that section. 32219

(2) The director or the director's authorized 32220
representative shall inspect a boarding kennel when the director 32221
or the director's authorized representative has received 32222
information that the boarding kennel is breeding dogs and may be 32223
subject to licensure under this chapter and rules adopted under 32224
section 956.03 of the Revised Code. 32225

(B) The director or the director's authorized 32226
representative may do any of the following: 32227

(1) Upon receiving a complaint, inspect a high volume 32228
breeder that is subject to licensure under this chapter and 32229
rules adopted under section 956.03 of the Revised Code to ensure 32230
compliance with this chapter and rules adopted under it; 32231

(2) Upon the request of a member of the public, a public 32232
official, or an animal shelter for dogs, inspect any facility at 32233
which a person is acting as or performing the functions of a dog 32234
broker to ensure such compliance; 32235

(3) Upon receiving a complaint, inspect an animal rescue 32236
for dogs to ensure compliance with section 956.06 of the Revised 32237
Code and applicable rules adopted under section 956.03 of the 32238

Revised Code;	32239
(4) Conduct an inspection under this section during regular business hours without providing notice in advance.	32240 32241
(C) Inspections shall be conducted in accordance with rules adopted under section 956.03 of the Revised Code. A record of each inspection shall be made by the director or the director's authorized representative who is responsible for the inspection in accordance with those rules.	32242 32243 32244 32245 32246
(D) The director or the director's authorized representative, upon proper identification and upon stating the purpose and necessity of an inspection, may enter at reasonable times on any public or private property, real or personal, to inspect or investigate and to examine or copy records in order to determine compliance with this chapter and rules adopted under it. The director, the director's authorized representative, or the attorney general upon the request of the director may apply to the appropriate court in the county in which inspection will occur for an appropriate court order or search warrant as necessary to achieve the purposes of this chapter and rules adopted under it.	32247 32248 32249 32250 32251 32252 32253 32254 32255 32256 32257 32258
(E) No owner or operator of a high volume breeder, person acting as or performing the functions of a dog broker, owner or operator of a boarding kennel, or owner or operator of an animal rescue for dogs shall interfere with an inspection or refuse to allow the director or the director's authorized representative full access to all areas where dogs are kept or cared for. If entry is refused or inspection or investigation is refused, hindered, or thwarted by a high volume breeder or dog broker, the director may suspend or revoke the breeder's or broker's license in accordance with this chapter.	32259 32260 32261 32262 32263 32264 32265 32266 32267 32268

(F) (1) The director may enter into a contract or agreement 32269
with a veterinarian to conduct inspections under this section. 32270
The veterinarian shall be considered the director's authorized 32271
representative for the purposes of this section. 32272

(2) A veterinarian with whom the director has entered into 32273
a contract or agreement under division (F) (1) of this section 32274
may inspect a high volume breeder with whom the veterinarian has 32275
established a veterinary-client-patient relationship as 32276
described in section 4741.04 of the Revised Code only every 32277
other year. 32278

(3) If the director determines that a veterinarian with 32279
whom the director has entered into a contract or agreement under 32280
division (F) (1) of this section has falsified any information 32281
submitted to the director pursuant to an inspection, the 32282
director shall inform the veterinary medical licensing board 32283
created by Chapter 4741. of the Revised Code of the 32284
falsification. 32285

(G) (1) If entry that is authorized by division (D) of this 32286
section is refused or if an inspection or investigation is 32287
refused, hindered, or thwarted by intimidation or otherwise and 32288
if the director, an authorized representative of the director, 32289
or the attorney general applies for and obtains a court order or 32290
a search warrant under division (D) of this section to conduct 32291
the inspection or investigation, the owner or operator of the 32292
premises where entry was refused or inspection or investigation 32293
was refused, hindered, or thwarted, if found guilty of violating 32294
this chapter or rules adopted under it, is liable to the 32295
director for all of the following: 32296

(a) The reasonable costs incurred by the director for the 32297
regular salaries and fringe benefit costs of personnel assigned 32298

to conduct the inspection or investigation from the time the 32299
court order or search warrant was issued until the court order 32300
or search warrant is executed; 32301

(b) The salary, fringe benefits, and travel expenses of 32302
the director, an authorized representative of the director, or 32303
the attorney general incurred in obtaining the court order or 32304
search warrant; and 32305

(c) Expenses necessarily incurred for the assistance of 32306
local law enforcement officers in executing the court order or 32307
search warrant. 32308

(2) In the application for a court order or a search 32309
warrant, the director, the director's authorized representative, 32310
or the attorney general may request and the court, in its order 32311
granting the court order or search warrant, may order the owner 32312
or operator of the premises, if found guilty of violating this 32313
chapter or rules adopted under it, to reimburse the director for 32314
any of the costs described in division (G)(1) of this section 32315
that the court finds reasonable. From money recovered under this 32316
division, the director shall do all of the following: 32317

(a) Reimburse the attorney general for the costs incurred 32318
by the attorney general in connection with proceedings for 32319
obtaining the court order or search warrant; 32320

(b) Reimburse the political subdivision in which the 32321
premises is located for the assistance of its law enforcement 32322
officers in executing the court order or search warrant; 32323

(c) Deposit the remainder in the state treasury to the 32324
credit of the ~~high volume breeder kennel control license~~ 32325
commercial dog breeding fund created in section 956.18 of the 32326
Revised Code. 32327

(H) A dog warden appointed under Chapter 955. of the Revised Code or an agent of a humane society entering on public or private property to make investigations and inspections in accordance with Chapter 955. or 1717. of the Revised Code, as applicable, shall report any violations of this chapter and rules adopted under it to the director or the director's authorized representative.

Sec. 956.13. (A) The director of agriculture, after providing an opportunity for an adjudication hearing under Chapter 119. of the Revised Code, may assess a civil penalty against a person who has violated or is violating sections 956.01 to 956.18 of the Revised Code or rules adopted under section 956.03 of the Revised Code.

(B) A person who is assessed a civil penalty under this section is liable for a civil penalty of not more than two thousand five hundred dollars for a first violation, not more than five thousand dollars for a second violation, and not more than ten thousand dollars for a third or subsequent violation.

Each day that a violation continues constitutes a separate violation.

(C) Any person assessed a civil penalty under this section shall pay the amount prescribed to the department of agriculture. The department shall remit all money collected under this section to the treasurer of state for deposit in the high volume breeder kennel control license commercial dog breeding fund created under section 956.18 of the Revised Code.

Sec. 956.16. The director of agriculture, the director's authorized representative, or the attorney general may require the attendance of witnesses and the production of books,

records, papers, and dogs that are needed either by the director 32357
or the attorney general or by any party to a hearing before the 32358
director and for that purpose may issue a subpoena for any 32359
witness or a subpoena duces tecum to compel the production of 32360
any books, records, papers, or dogs. The subpoena shall be 32361
served by personal service or by certified mail. If the subpoena 32362
is returned because of inability to deliver, or if no return is 32363
received within thirty days after the date of mailing, the 32364
subpoena may be served by ordinary mail. If no return of 32365
ordinary mail is received within thirty days after the date of 32366
mailing, service shall be deemed to have been made. If the 32367
subpoena is returned because of inability to deliver, the 32368
director or the attorney general may designate a person or 32369
persons to effect either personal or residence service on the 32370
witness. The person designated to effect personal or residence 32371
service under this section may be the sheriff of the county in 32372
which the witness resides or may be found or any other duly 32373
designated person. The fees and mileage of the person serving 32374
the subpoena shall be the same as those allowed by the courts of 32375
common pleas in criminal cases and shall be paid from the funds 32376
of the department of agriculture. Fees and mileage for the 32377
witness shall be the same as those allowed for witnesses by the 32378
courts of common pleas in criminal cases and, upon request of 32379
the witness following the hearing, shall be paid from the money 32380
in the ~~high volume breeder kennel control license commercial dog~~ 32381
breeding fund created in section 956.18 of the Revised Code. 32382

Sec. 956.18. (A) All money collected by the director of 32383
agriculture from ~~late renewal fees under section 956.06, license~~ 32384
~~fees under section 956.07, and civil penalties assessed under~~ 32385
~~section 956.13 of the Revised Code~~ fees and civil penalties 32386
under this chapter shall be deposited in the state treasury to 32387

the credit of the ~~high volume breeder kennel control license~~ 32388
commercial dog breeding fund, which is hereby created. The fund 32389
shall also consist of money appropriated to it. 32390

(B) The director shall use the money in the fund for the 32391
purpose of administering ~~sections 956.01 to 956.18 of the~~ 32392
~~Revised Code this chapter~~ and rules adopted under ~~section 956.03~~ 32393
~~of the Revised Code that apply to those sections~~ it. 32394

Sec. 956.21. (A) The director of agriculture may issue a 32395
pet store license to an owner or operator of a pet store when 32396
the owner or operator does all of the following: 32397

(1) Applies for a license in accordance with this section 32398
and rules adopted under section 956.03 of the Revised Code; 32399

(2) Affirms in writing that the owner or operator will 32400
maintain compliance with the applicable requirements established 32401
under section 959.20 of the Revised Code; 32402

(3) Submits with the application for a pet store license a 32403
fee of five hundred dollars. 32404

(B) The director of agriculture may deny, suspend, or 32405
revoke a license issued under this section for a violation of 32406
division (A), (B), or (C) of section 956.20 of the Revised Code 32407
or rules adopted under section 956.03 of the Revised Code. The 32408
denial, suspension, or revocation of a license is not effective 32409
until the licensee is given written notice of the violation, a 32410
reasonable amount of time to correct the violation, if possible, 32411
and an opportunity for a hearing. 32412

The director also may refuse to issue a license under 32413
division (B) of this section if the applicant has violated 32414
division (A), (B), or (C) of section 956.20 of the Revised Code 32415
or the rules adopted under section 956.03 of the Revised Code 32416

during the thirty-six-month period prior to submitting an 32417
application for the license. 32418

(C) Any license issued under this section is valid for a 32419
period of one year from the date of issuance. A pet store 32420
license must be renewed annually in the manner provided in rules 32421
adopted under section 956.03 of the Revised Code. 32422

(D) Money collected by the director of agriculture from 32423
each application fee submitted under this section shall be 32424
deposited in the state treasury to the credit of the ~~pet store~~ 32425
~~license-commercial dog breeding fund~~ created in section ~~956.181~~ 32426
956.18 of the Revised Code. 32427

(E) No owner, operator, or manager of a pet store shall 32428
negligently display, offer for sale, deliver, barter, auction, 32429
broker, give away, transfer, or sell any live dog from a pet 32430
store in this state unless a license has been issued for the pet 32431
store by the director of agriculture in accordance with this 32432
section and rules adopted under section 956.03 of the Revised 32433
Code. 32434

Sec. 956.22. (A) The director of agriculture, after 32435
providing an opportunity for an adjudication hearing under 32436
Chapter 119. of the Revised Code, may assess a civil penalty 32437
against a person who has violated or is violating division (A), 32438
(B), or (C) of section 956.20 of the Revised Code or division 32439
(E) of section 956.21 of the Revised Code. 32440

(B) The person who is assessed a civil penalty under this 32441
section is liable for a civil penalty of not more than two 32442
thousand five hundred dollars for a first violation, not more 32443
than five thousand dollars for a second violation, and not more 32444
than ten thousand dollars for a third or subsequent violation. 32445

(C) Any person assessed a civil penalty under this section shall pay the amount prescribed to the department of agriculture. The department shall remit all money collected under this section to the treasurer of state for deposit in the ~~pet store license~~ commercial dog breeding fund created under section ~~956.181~~ 956.18 of the Revised Code.

Sec. 956.23. The regulation of pet stores is a matter of general statewide interest that requires statewide regulation. Sections ~~956.181~~ 956.19 to 956.23 of the Revised Code and section 956.99 of the Revised Code constitute a comprehensive plan with respect to all aspects of the regulation of pet stores. Accordingly, it is the intent of the general assembly to preempt any local ordinance, resolution, or other law adopted to regulate the sale, delivery, barter, auction, broker, or transfer of a dog to a person from a pet store.

Sec. 1310.251. (A) (1) As used in this section, "excess wear and use waiver" means a contractual agreement that is part of, or a separate addendum to, a lease agreement for use of a motor vehicle, under which the lessor agrees, with or without a separate charge, to do one or both of the following:

(a) Cancel or waive all or part of amounts that may become due under a lessee's lease agreement as a result of excess wear and use of a motor vehicle;

(b) Cancel or waive amounts due for excess mileage.

(2) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code and also includes utility vehicles and under-speed vehicles as defined in that section.

(B) The terms of a related motor vehicle lease shall not be conditioned upon the consumer's payment for any excess wear

and use waiver. Excess wear and use waivers may be discounted or 32475
given at no extra charge in connection with the purchase of 32476
other noncredit related goods or services. 32477

(C) Notwithstanding any provision of the Revised Code to 32478
the contrary, an excess wear and use waiver is not an insurance 32479
product. 32480

Sec. 1311.252. (A) Prior to the performance of any labor 32481
or work or the furnishing of any materials in furtherance of a 32482
public improvement, the public authority shall prepare a notice 32483
of commencement in substantially the form specified in division 32484
(B) of this section which shall be made readily available to the 32485
public upon request. 32486

(B) The notice of commencement required under division (A) 32487
of this section shall contain ~~in affidavit form~~ all of the 32488
following information: 32489

(1) The name, location, and a number, if any, used by the 32490
public authority to identify the public improvement sufficient 32491
to permit the public improvement to be identified; 32492

(2) The name and address of the public authority; 32493

(3) The name, address, and trade of all principal 32494
contractors; 32495

(4) The date the public authority first executed a 32496
contract with a principal contractor for the public improvement; 32497

(5) The name and address of the sureties for all principal 32498
contractors; 32499

(6) The name and address of the representative of the 32500
public authority upon whom service shall be made for the 32501
purposes of serving an affidavit pursuant to section 1311.26 of 32502

the Revised Code. 32503

(C) If the notice of commencement is not made available to 32504
the public prior to the commencement of work on the public 32505
improvement or if the notice of commencement furnished by the 32506
public authority contains incorrect information which the 32507
claimant relies upon to ~~his~~ the claimant's detriment, the 32508
unavailability of the notice or the incorrect notice shall not 32509
adversely affect the rights of any claimant under sections 32510
1311.25 to 1311.32 of the Revised Code. 32511

Sec. 1317.05. (A) Any retail seller who, in any retail 32512
installment contract, has agreed to purchase insurance for the 32513
retail buyer and to extend credit for the price thereof, 32514
excluding single interest insurance, shall, prior to the due 32515
date of the first installment of the retail installment 32516
contract, deliver to the retail buyer personally, or mail or 32517
cause to be mailed to the retail buyer at the retail buyer's 32518
address as shown on the retail installment contract, the policy 32519
of insurance, or in lieu thereof a certificate of insurance, or 32520
the retail buyer is not liable on the retail buyer's retail 32521
installment contract until the policy, or certificate of 32522
insurance, is received, or full refund is made of the insurance 32523
premium. 32524

If the premium for insurance of like kind and amount, as 32525
fixed in the published manual of a recognized standard rating 32526
bureau designated by the retail seller, is less than the amount 32527
charged the retail buyer as fixed in the written instrument in 32528
compliance with division (D) of section 1317.04 of the Revised 32529
Code, the retail buyer may deduct an amount equal to three times 32530
the difference from the amount owed the retail seller, or the 32531
retail seller's successor in interest. Sections 1317.01 to 32532

1317.11 of the Revised Code do not impair the authority of the 32533
superintendent of insurance to grant, renew, or revoke licenses, 32534
nor do said sections authorize anyone other than a licensee of 32535
the division of insurance to directly or indirectly receive any 32536
part of the amount charged for insurance in connection with any 32537
retail installment sale. 32538

(B) As used in this division, "debt cancellation or debt 32539
suspension product" means a contractual agreement in which a 32540
retail seller, or its assignee, agrees for a separate charge to 32541
cancel or waive all or a part of amounts due on a retail buyer's 32542
retail installment contract in the event of a total physical 32543
damage loss or unrecovered theft of the motor vehicle that is 32544
the subject of the contract. "Debt cancellation or debt 32545
suspension product" includes a guaranteed asset protection 32546
waiver, guaranteed auto protection waiver, or other similarly 32547
named agreement. A "debt cancellation or debt suspension 32548
product" may also provide, with or without a separate charge, a 32549
benefit that waives an amount, or provides a borrower with a 32550
credit, towards the purchase of a replacement motor vehicle. 32551

A debt cancellation or debt suspension product, and an 32552
addendum to a retail installment contract containing a debt 32553
cancellation or debt suspension product, shall be considered a 32554
part of the retail installment contract and shall remain a part 32555
of that contract upon the assignment, sale, or transfer of that 32556
contract. The charge for any optional debt cancellation or debt 32557
suspension product shall be listed as a specific good and shall 32558
not be considered a finance charge or interest. The purchase 32559
price and the terms of the debt cancellation or debt suspension 32560
product shall be disclosed in writing to the buyer. The 32561
extension of credit, terms of the credit, or the terms of the 32562
related motor vehicle sale or lease shall not be conditioned on 32563

the purchase of the debt cancellation or debt suspension 32564
product. Notwithstanding any other provision of law, a debt 32565
cancellation or debt suspension product shall not be considered 32566
insurance. 32567

(C) Single interest insurance shall be listed as a 32568
specific good in a retail installment contract. 32569

(D) As used in this section, "single interest insurance" 32570
means insurance that covers only the interest of the holder of 32571
the retail installment contract. 32572

Sec. 1317.06. (A) A retail seller at the time of making 32573
any retail installment sale may charge and contract for the 32574
payment of a finance charge by the retail buyer and collect and 32575
receive the same, which shall not exceed the greater of the 32576
following: 32577

(1) A base finance charge at the rate of eight dollars per 32578
one hundred dollars per year on the principal balance of the 32579
retail installment contract. On retail installment contracts 32580
providing for principal balances less than, nor not in multiples 32581
of one hundred dollars, or for installment payments extending 32582
for a period less than or greater than one year, said finance 32583
charge shall be computed proportionately. In addition to the 32584
base finance charge, the retail seller may charge and contract 32585
for a service charge of fifty cents per month for the first 32586
fifty dollar unit or fraction thereof, of the principal balance 32587
for each month of the term of the installment contract; and an 32588
additional service charge of twenty-five cents per month for 32589
each of the next five fifty dollar units or fraction thereof, of 32590
the principal balance for each month of the term of the 32591
installment contract. This paragraph applies only to retail 32592
installment contracts with a principal balance of seven hundred 32593

dollars or less. 32594

(2) A pre-computed base finance charge not in excess of 32595
the amount obtained by applying the rate of one and one-half per 32596
cent per month to the unpaid portion of the unpaid principal 32597
balance determined to be outstanding from time to time according 32598
to the terms and schedule of payments of the retail installment 32599
contract executed in connection with such retail installment 32600
sale. 32601

Such base finance charge and service charges may be 32602
computed on a basis of a full month for any fractional period in 32603
excess of ten days. For a fractional period of a month not in 32604
excess of ten days, there shall be no base finance charge or 32605
service charge. 32606

Sections 1317.01 to 1317.11 of the Revised Code do not 32607
apply to any sale in which the base finance and service charge 32608
does not exceed the sum of fifteen dollars. 32609

(B) Every retail seller may, at the time of making any 32610
retail installment sale, contract for the payment by the retail 32611
buyer of lawful delinquent charges as follows: 32612

(1) No charges shall be made for delinquent payments less 32613
than ten days late. 32614

(2) Five cents for each dollar for a delinquent payment 32615
that is more than ten days late may be charged, but in no event 32616
shall a delinquent charge for any one installment exceed three 32617
dollars. 32618

A provision for the payment of interest on any installment 32619
not paid in full on or before its scheduled due date at a rate 32620
not to exceed one and one-half per cent interest per month is 32621
not a delinquent charge and is expressly authorized. 32622

~~(C)~~ (1) No retail installment contract arising out of a consumer transaction and requiring the payment of the charges authorized by this section shall be executed unless the combined total of the cash price and all finance charges and service charges is required to be paid according to a one of the following:

(a) A schedule of substantially equal consecutive installments, except where the contract contains a provision allowing the buyer to refinance the contract under terms no less favorable than those of the original contract after making the refund credit required by section 1317.09 of the Revised Code;

(b) A schedule of periodic installments in which no scheduled installment is more than fifty per cent greater than any other scheduled installment, except where the contract contains a provision allowing the buyer to refinance the contract under terms not less favorable than those of the original contract after making the refund credit required by section 1317.09 of the Revised Code. No

(2) No seller shall, pursuant to any provision in a retail installment contract arising out of a consumer transaction, accelerate any payments on account of a default in the making of an installment payment that has not continued for at least thirty days. Division (C) of this section does not apply to the extent that the payment schedule is adjusted to the seasonal or irregular income of the buyer.

Sec. 1321.21. All fees, charges, penalties, and forfeitures collected under Chapters 1321., 1322., 4712., 4727., and 4728., sections 1315.21 to 1315.30, and sections 1349.25 to 1349.37 of the Revised Code shall be paid to the superintendent of financial institutions and shall be deposited by the

superintendent into the state treasury to the credit of the 32653
consumer finance fund, which is hereby created. The fund may be 32654
expended or obligated by the superintendent for the defrayment 32655
of the costs of administration of Chapters 1321., 1322., 4712., 32656
4727., and 4728., sections 1315.21 to 1315.30, and sections 32657
1349.25 to 1349.37 of the Revised Code by the division of 32658
financial institutions. All actual and necessary expenses 32659
incurred by the superintendent, including any services rendered 32660
by the department of commerce for the division's administration 32661
of Chapters 1321., 1322., 4712., 4727., and 4728., sections 32662
1315.21 to 1315.30, and sections 1349.25 to 1349.37 of the 32663
Revised Code, shall be paid from the fund. The fund shall be 32664
assessed a proportionate share of the administrative costs of 32665
the department and the division. The proportionate share of the 32666
administrative costs of the division of financial institutions 32667
shall be determined in accordance with procedures prescribed by 32668
the superintendent. Such assessment shall be paid from the 32669
consumer finance fund to the division of administration fund or 32670
the financial institutions fund. 32671

~~Periodically, in accordance with a schedule the director 32672
establishes by rule, but at least once every three months, the 32673
director of budget and management shall transfer five per cent 32674
of all charges, penalties, and forfeitures received into the 32675
consumer finance fund to the financial literacy education fund 32676
created under section 121.085 of the Revised Code. 32677~~

Sec. 1347.08. (A) Every state or local agency that 32678
maintains a personal information system, upon the request and 32679
the proper identification of any person who is the subject of 32680
personal information in the system, shall: 32681

(1) Inform the person of the existence of any personal 32682

information in the system of which the person is the subject; 32683

(2) Except as provided in divisions (C) and (E) (2) of this 32684
section, permit the person, the person's legal guardian, or an 32685
attorney who presents a signed written authorization made by the 32686
person, to inspect all personal information in the system of 32687
which the person is the subject; 32688

(3) Inform the person about the types of uses made of the 32689
personal information, including the identity of any users 32690
usually granted access to the system. 32691

(B) Any person who wishes to exercise a right provided by 32692
this section may be accompanied by another individual of the 32693
person's choice. 32694

(C) (1) A state or local agency, upon request, shall 32695
disclose medical, psychiatric, or psychological information to a 32696
person who is the subject of the information or to the person's 32697
legal guardian, unless one of the following determines for the 32698
agency that the disclosure of the information is likely to have 32699
an adverse effect on the person: a physician, including such a 32700
person who specializes as a psychiatrist; an advanced practice 32701
registered nurse, including such a person who specializes as a 32702
psychiatric-mental health nurse practitioner or psychiatric 32703
clinical nurse specialist; or a psychologist. If such a 32704
determination is made, the information shall be released to one 32705
of the following who is designated by the person or by the 32706
person's legal guardian: a physician, including such a person 32707
who specializes as a psychiatrist; an advanced practice 32708
registered nurse, including such a person who specializes as a 32709
psychiatric-mental health nurse practitioner or psychiatric 32710
clinical nurse specialist; or a psychologist. 32711

(2) Upon the signed written request of a licensed attorney 32712
at law, a licensed physician, or an advanced practice registered 32713
nurse designated by the inmate, together with the signed written 32714
request of an inmate of a correctional institution under the 32715
administration of the department of rehabilitation and 32716
correction, the department shall disclose medical information to 32717
the designated attorney, physician, or advanced practice 32718
registered nurse as provided in division (C) of section 5120.21 32719
of the Revised Code. 32720

(D) If an individual who is authorized to inspect personal 32721
information that is maintained in a personal information system 32722
requests the state or local agency that maintains the system to 32723
provide a copy of any personal information that the individual 32724
is authorized to inspect, the agency shall provide a copy of the 32725
personal information to the individual. Each state and local 32726
agency may establish reasonable fees for the service of copying, 32727
upon request, personal information that is maintained by the 32728
agency. 32729

(E) (1) This section regulates access to personal 32730
information that is maintained in a personal information system 32731
by persons who are the subject of the information, but does not 32732
limit the authority of any person, including a person who is the 32733
subject of personal information maintained in a personal 32734
information system, to inspect or have copied, pursuant to 32735
section 149.43 of the Revised Code, a public record as defined 32736
in that section. 32737

(2) This section does not provide a person who is the 32738
subject of personal information maintained in a personal 32739
information system, the person's legal guardian, or an attorney 32740
authorized by the person, with a right to inspect or have 32741

copied, or require an agency that maintains a personal 32742
information system to permit the inspection of or to copy, a 32743
confidential law enforcement investigatory record or trial 32744
preparation record, as defined in divisions (A) (2) and (4) of 32745
section 149.43 of the Revised Code. 32746

(F) This section does not apply to any of the following: 32747

(1) The contents of an adoption file maintained by the 32748
department of health under sections 3705.12 to 3705.124 of the 32749
Revised Code; 32750

(2) Information contained in the putative father registry 32751
established by section 3107.062 of the Revised Code, regardless 32752
of whether the information is held by the department of ~~job and~~ 32753
~~family services~~ children and youth or, pursuant to section 32754
3111.69 of the Revised Code, the office of child support in the 32755
department of job and family services or a child support 32756
enforcement agency; 32757

(3) Papers, records, and books that pertain to an adoption 32758
and that are subject to inspection in accordance with section 32759
3107.17 of the Revised Code; 32760

(4) Records specified in division (A) of section 3107.52 32761
of the Revised Code; 32762

(5) Records that identify an individual described in 32763
division (A) (1) of section 3721.031 of the Revised Code, or that 32764
would tend to identify such an individual; 32765

(6) Files and records that have been expunged under 32766
division (D) (1) or (2) of section 3721.23 of the Revised Code; 32767

(7) Records that identify an individual described in 32768
division (A) (1) of section 3721.25 of the Revised Code, or that 32769

would tend to identify such an individual;	32770
(8) Records that identify an individual described in	32771
division (A) (1) of section 5165.88 of the Revised Code, or that	32772
would tend to identify such an individual;	32773
(9) Test materials, examinations, or evaluation tools used	32774
in an examination for licensure as a nursing home administrator	32775
that the board of executives of long-term services and supports	32776
administers under section 4751.15 of the Revised Code or	32777
contracts under that section with a private or government entity	32778
to administer;	32779
(10) Information contained in a database established and	32780
maintained pursuant to section 5101.13 <u>5180.40</u> of the Revised	32781
Code;	32782
(11) Information contained in a database established and	32783
maintained pursuant to section 5101.631 of the Revised Code.	32784
<u>Sec. 1501.022.</u> (A) As used in this section, "local	32785
<u>government" means a municipal corporation or a township.</u>	32786
<u>(B) If the department of natural resources does not</u>	32787
<u>provide emergency response services, garbage and debris removal</u>	32788
<u>services, or snow removal services on state park land or at</u>	32789
<u>facilities owned or managed by the department, the director of</u>	32790
<u>natural resources shall enter into a contract with a local</u>	32791
<u>government for the local government to provide such services.</u>	32792
<u>(C) If the director requests a local government to provide</u>	32793
<u>any other service besides such services described in division</u>	32794
<u>(B) of this section on state park land or at facilities owned or</u>	32795
<u>managed by the department, the director shall enter into a</u>	32796
<u>contract with a local government for the local government to</u>	32797
<u>provide such services.</u>	32798

(D) A contract entered into under this section shall 32799
include a term providing for the department to reimburse the 32800
local government for services provided and administrative costs 32801
associated with providing such services. 32802

Sec. 1501.023. (A) As used in this section, "historical 32803
site" means a site that has been designated by the Ohio history 32804
connection with a brown historical marker sign and has 32805
significance with respect to the state's oil and gas history. 32806

(B) The department of natural resources shall not 32807
physically work on or alter a historical site without the 32808
consent of every member of all of the following entities: 32809

(1) The board of county commissioners of the county in 32810
which the historical site is located; 32811

(2) The historical society of the county in which the 32812
historical site is located; 32813

(3) The technical advisory council created under section 32814
1509.38 of the Revised Code. 32815

Sec. 1501.47. The program support fund is created in the 32816
state treasury. The fund shall consist of payments from 32817
divisions within the department of natural resources and any 32818
other payments received by the department related to the 32819
purposes of the fund. The director of natural resources shall 32820
use the money in the fund to support centralized service support 32821
offices of the department. 32822

Sec. 1509.02. There is hereby created in the department of 32823
natural resources the division of oil and gas resources 32824
management, which shall be administered by the chief of the 32825
division of oil and gas resources management. The division has 32826
sole and exclusive authority to regulate the permitting, 32827

location, and spacing of oil and gas wells and production 32828
operations within the state, excepting only those activities 32829
regulated under federal laws for which oversight has been 32830
delegated to the environmental protection agency and activities 32831
regulated under sections 6111.02 to 6111.028 of the Revised 32832
Code. The regulation of oil and gas activities is a matter of 32833
general statewide interest that requires uniform statewide 32834
regulation, and this chapter and rules adopted under it 32835
constitute a comprehensive plan with respect to all aspects of 32836
the locating, drilling, well stimulation, completing, and 32837
operating of oil and gas wells within this state, including site 32838
construction and restoration, permitting related to those 32839
activities, and the disposal of wastes from those wells. In 32840
order to assist the division in the furtherance of its sole and 32841
exclusive authority as established in this section, the chief 32842
may enter into cooperative agreements with other state agencies 32843
for advice and consultation, including visitations at the 32844
surface location of a well on behalf of the division. Such 32845
cooperative agreements do not confer on other state agencies any 32846
authority to administer or enforce this chapter and rules 32847
adopted under it. In addition, such cooperative agreements shall 32848
not be construed to dilute or diminish the division's sole and 32849
exclusive authority as established in this section. Nothing in 32850
this section affects the authority granted to the director of 32851
transportation and local authorities in section 723.01 or 32852
4513.34 of the Revised Code, provided that the authority granted 32853
under those sections shall not be exercised in a manner that 32854
discriminates against, unfairly impedes, or obstructs oil and 32855
gas activities and operations regulated under this chapter. 32856

The chief shall not hold any other public office, nor 32857
shall the chief be engaged in any occupation or business that 32858

might interfere with or be inconsistent with the duties as 32859
chief. 32860

Money collected by the chief pursuant to sections 1509.06, 32861
1509.061, 1509.062, 1509.071, 1509.13, 1509.22, 1509.222, 32862
1509.28, 1509.34, 1509.50, and 5749.02 of the Revised Code, all 32863
civil penalties paid under section 1509.33 of the Revised Code, 32864
and, notwithstanding any section of the Revised Code relating to 32865
the distribution or crediting of fines for violations of the 32866
Revised Code, all fines imposed under divisions (A) and (B) of 32867
section 1509.99 of the Revised Code and fines imposed under 32868
divisions (C) and (D) of section 1509.99 of the Revised Code for 32869
all violations prosecuted by the attorney general and for 32870
violations prosecuted by prosecuting attorneys that do not 32871
involve the transportation of brine by vehicle shall be 32872
deposited into the state treasury to the credit of the oil and 32873
gas well fund, which is hereby created. Fines imposed under 32874
divisions (C) and (D) of section 1509.99 of the Revised Code for 32875
violations prosecuted by prosecuting attorneys that involve the 32876
transportation of brine by vehicle and penalties associated with 32877
a compliance agreement entered into pursuant to this chapter 32878
shall be paid to the county treasury of the county where the 32879
violation occurred. 32880

The fund shall be used solely and exclusively for the 32881
purposes enumerated in division (B) of section 1509.071 of the 32882
Revised Code, payments to the oil and gas resolution and 32883
remediation fund created in section 1509.075 of the Revised 32884
Code, for the expenses of the division associated with the 32885
administration of this chapter and Chapter 1571. of the Revised 32886
Code and rules adopted under them, and for expenses that are 32887
critical and necessary for the protection of human health and 32888
safety and the environment related to oil and gas production in 32889

this state. The expenses of the division in excess of the moneys 32890
available in the fund shall be paid from general revenue fund 32891
appropriations to the department. 32892

Sec. 1509.07. (A) (1) (a) Except as provided in division (A) 32893
(1) (b) or (A) (2) of this section, an owner of any well, except 32894
an exempt Mississippian well or an exempt domestic well, shall 32895
obtain liability insurance coverage from a company authorized or 32896
approved to do business in this state in an amount of not less 32897
than one million dollars bodily injury coverage and property 32898
damage coverage to pay damages for injury to persons or damage 32899
to property caused by the drilling, operation, or plugging of 32900
all the owner's wells in this state. However, if any well is 32901
located within an urbanized area, the owner shall obtain 32902
liability insurance coverage in an amount of not less than three 32903
million dollars for bodily injury coverage and property damage 32904
coverage to pay damages for injury to persons or damage to 32905
property caused by the drilling, operation, or plugging of all 32906
of the owner's wells in this state. 32907

(b) A board of county commissioners of a county that is an 32908
owner of a well or a board of township trustees of a township 32909
that is an owner of a well may elect to satisfy the liability 32910
coverage requirements specified in division (A) (1) (a) of this 32911
section by participating in a joint self-insurance pool in 32912
accordance with the requirements established under section 32913
2744.081 of the Revised Code. Nothing in division (A) (1) (b) of 32914
this section shall be construed to allow an entity, other than a 32915
county or township, to participate in a joint self-insurance 32916
pool to satisfy the liability coverage requirements specified in 32917
division (A) (1) (a) of this section. 32918

(2) An owner of a horizontal well shall obtain liability 32919

insurance coverage from an insurer authorized to write such 32920
insurance in this state or from an insurer approved to write 32921
such insurance in this state under section 3905.33 of the 32922
Revised Code in an amount of not less than five million dollars 32923
bodily injury coverage and property damage coverage to pay 32924
damages for injury to persons or damage to property caused by 32925
the production operations of all the owner's wells in this 32926
state. The insurance policy shall include a reasonable level of 32927
coverage available for an environmental endorsement. 32928

(3) An owner shall maintain the coverage required under 32929
division (A)(1) or (2) of this section until all the owner's 32930
wells are plugged and abandoned or are transferred to an owner 32931
who has obtained insurance as required under this section and 32932
who is not under a notice of material and substantial violation 32933
or under a suspension order. The owner shall provide proof of 32934
liability insurance coverage to the chief of the division of oil 32935
and gas resources management upon request. Upon failure of the 32936
owner to provide that proof when requested, the chief may order 32937
the suspension of any outstanding permits and operations of the 32938
owner until the owner provides proof of the required insurance 32939
coverage. 32940

(B)(1) Except as otherwise provided in this section, an 32941
owner of any well, before being issued a permit under section 32942
1509.06 of the Revised Code or before operating or producing 32943
from a well, shall execute and file with the division of oil and 32944
gas resources management a surety bond conditioned on compliance 32945
with the restoration requirements of section 1509.072, the 32946
plugging requirements of section 1509.12, the permit provisions 32947
of section 1509.13 of the Revised Code, and all rules and orders 32948
of the chief relating thereto, in an amount set by rule of the 32949
chief. 32950

(2) The owner may deposit with the chief, instead of a surety bond, cash in an amount equal to the surety bond as prescribed pursuant to this section or negotiable certificates of deposit or irrevocable letters of credit, issued by any bank organized or transacting business in this state, having a cash value equal to or greater than the amount of the surety bond as prescribed pursuant to this section. Cash or certificates of deposit shall be deposited upon the same terms as those upon which surety bonds may be deposited. If the owner deposits cash, the cash shall be credited to the performance cash bond refunds fund created in section 1501.16 of the Revised Code. If the owner deposits certificates of deposit, the chief shall require the bank that issued any such certificate to pledge securities of a cash value equal to the amount of the certificate that is in excess of the amount insured by the federal deposit insurance corporation. The securities shall be security for the repayment of the certificate of deposit.

Upon a deposit of cash, certificates of deposit, or letters of credit with the chief, the chief shall hold them in trust for the purposes for which they have been deposited.

(3) Instead of a surety bond, the chief may accept proof of financial responsibility consisting of a sworn financial statement showing a net financial worth within this state equal to twice the amount of the bond for which it substitutes and, as may be required by the chief, a list of producing properties of the owner within this state or other evidence showing ability and intent to comply with the law and rules concerning restoration and plugging that may be required by rule of the chief. The owner of an exempt Mississippian well is not required to file scheduled updates of the financial documents, but shall file updates of those documents if requested to do so by the

chief. The owner of a nonexempt Mississippian well shall file 32982
updates of the financial documents in accordance with a schedule 32983
established by rule of the chief. The chief, upon determining 32984
that an owner for whom the chief has accepted proof of financial 32985
responsibility instead of bond cannot demonstrate financial 32986
responsibility, shall order that the owner execute and file a 32987
bond or deposit cash, certificates of deposit, or irrevocable 32988
letters of credit as required by this section for the wells 32989
specified in the order within ten days of receipt of the order. 32990
If the order is not complied with, all wells of the owner that 32991
are specified in the order and for which no bond is filed or 32992
cash, certificates of deposit, or letters of credit are 32993
deposited shall be plugged. No owner shall fail or refuse to 32994
plug such a well. Each day on which such a well remains 32995
unplugged thereafter constitutes a separate offense. 32996

(4) The surety bond provided for in this section shall be 32997
executed by a surety company authorized to do business in this 32998
state. 32999

The chief shall not approve any bond until it is 33000
personally signed and acknowledged by both principal and surety, 33001
or as to either by the principal's or surety's attorney in fact, 33002
with a certified copy of the power of attorney attached thereto. 33003
The chief shall not approve a bond unless there is attached a 33004
certificate of the superintendent of insurance that the company 33005
is authorized to transact a fidelity and surety business in this 33006
state. 33007

All bonds shall be given in a form to be prescribed by the 33008
chief and shall run to the state as obligee. 33009

(5) An owner of an exempt Mississippian well or an exempt 33010
domestic well, in lieu of filing a surety bond, cash in an 33011

amount equal to the surety bond, certificates of deposit, 33012
irrevocable letters of credit, or a sworn financial statement, 33013
may file a one-time fee of fifty dollars, which shall be 33014
deposited in the oil and gas ~~well plugging resolution and~~ 33015
remediation fund created in section ~~1509.071~~ 1509.075 of the 33016
Revised Code. 33017

(C) An owner, operator, producer, or other person shall 33018
not operate a well or produce from a well at any time if the 33019
owner, operator, producer, or other person has not satisfied the 33020
requirements established in this section. 33021

Sec. 1509.071. (A) When the chief of the division of oil 33022
and gas resources management finds that an owner has failed to 33023
comply with a final nonappealable order issued or compliance 33024
agreement entered into under section 1509.04, the restoration 33025
requirements of section 1509.072, plugging requirements of 33026
section 1509.12, or permit provisions of section 1509.13 of the 33027
Revised Code, or rules and orders relating thereto, the chief 33028
shall make a finding of that fact and declare any surety bond 33029
filed to ensure compliance with those sections and rules 33030
forfeited in the amount set by rule of the chief. The chief 33031
thereupon shall certify the total forfeiture to the attorney 33032
general, who shall proceed to collect the amount of the 33033
forfeiture. In addition, the chief may require an owner, 33034
operator, producer, or other person who forfeited a surety bond 33035
to post a new surety bond in the amount of fifteen thousand 33036
dollars for a single well, thirty thousand dollars for two 33037
wells, or fifty thousand dollars for three or more wells. 33038

In lieu of total forfeiture, the surety or owner, at the 33039
surety's or owner's option, may cause the well to be properly 33040
plugged and abandoned and the area properly restored or pay to 33041

the treasurer of state the cost of plugging and abandonment. 33042

(B) (1) All moneys collected because of forfeitures of 33043
bonds as provided in this section shall be deposited in the 33044
state treasury to the credit of the oil and gas well fund 33045
created in section 1509.02 of the Revised Code. 33046

For purposes of promoting the competent management and 33047
conservation of the state's oil and natural gas resources and 33048
the proper and lawful plugging of historic oil and gas wells for 33049
which there is no known responsible owner, the chief annually 33050
shall spend not less than thirty per cent of the revenue 33051
credited to the oil and gas well fund during the previous fiscal 33052
year for both of the following purposes: 33053

(a) In accordance with division (E) of this section, to 33054
plug orphaned wells or to restore the land surface properly as 33055
required in section 1509.072 of the Revised Code; 33056

(b) In accordance with division (F) of this section, to 33057
correct conditions that the chief reasonably has determined are 33058
causing imminent health or safety risks at an orphaned well or 33059
associated with a well for which the owner has not initiated a 33060
corrective action within a reasonable period of time as 33061
determined by the chief after the chief has attempted to notify 33062
the owner. 33063

(2) Expenditures from the oil and gas well fund and oil 33064
and gas resolution and remediation fund shall be made only for 33065
lawful purposes. ~~In addition~~ Except as otherwise provided in 33066
divisions (B) (2) and (D) of section 1509.075 of the Revised 33067
Code, expenditures from the fund those funds shall not be made 33068
to purchase real property or to remove a structure in order to 33069
access a well. 33070

~~The director of budget and management, in consultation with the chief, shall establish an accounting code for purposes of tracking expenditures made as required under this division.~~

(C) (1) If a landowner discovers a well on the landowner's real property and the landowner is not the owner of the well, the landowner may report the existence of the well in writing to the chief.

(2) If the chief receives a written report from a landowner of the discovery of a well previously unknown to the division, the chief shall inspect the well not later than thirty days after the date of receipt of the landowner's report.

(3) The chief shall establish a scoring matrix for use in determining the priority of plugging wells or restoring land surfaces at orphaned well sites for purposes of this section. The matrix shall include a classification system that categorizes orphaned wells as high priority, medium priority, and low priority.

(4) The chief shall use the matrix developed under division (C) (3) of this section to prioritize plugging and land restoration projects under this section. The chief may add additional orphaned wells to a project regardless of classification.

(D) (1) After determining that a well is an orphaned well, the chief shall do all of the following:

(a) Make a reasonable attempt to determine from the records in the office of the county recorder of the county in which the well is located the identity of the current owner of the land on which the well is located, the identity of each person owning a right or interest in the oil or gas mineral

interests, and the identities of the persons having a lien upon 33100
any of the equipment appurtenant to the well. For purposes of 33101
division (D) (1) (a) of this section, the chief is not required to 33102
review records in the office of the county recorder that are 33103
older than forty years from the date on which the chief made the 33104
determination that the well is an orphaned well. 33105

(b) Mail notice to each person identified in division (D) 33106
(1) (a) of this section; 33107

(c) Include in the notice to each person having a lien 33108
upon any equipment appurtenant to the well, a statement 33109
informing the person that the well is to be plugged and offering 33110
the person the opportunity to remove that equipment from the 33111
well site at the person's own expense in order to avoid 33112
forfeiture of the equipment to this state; 33113

(d) Publish notice in a newspaper of general circulation 33114
in the county where the well is located that the well is to be 33115
plugged or post the notice on the department of natural 33116
resources web site. 33117

(2) If the current address of a person identified in 33118
division (D) (1) (a) of this section cannot be determined, or if a 33119
notice provided by mail to a person under division (D) (1) (b) of 33120
this section is returned undeliverable, the notice published 33121
under division (D) (1) (d) of this section constitutes sufficient 33122
notice to the person. 33123

(3) If none of the persons described in division (D) (1) (a) 33124
of this section removes equipment from the well within thirty 33125
days after the mailing of the notice or publication or posting 33126
of notice described in division (D) (1) (d) of this section, 33127
whichever is later, all equipment appurtenant to the well is 33128

hereby declared to be forfeited to this state without 33129
compensation and without the necessity for any action by the 33130
state for use to defray the cost of plugging the well and 33131
restoring the land surface at the well site. 33132

(E) The chief may expend money from the oil and gas well 33133
fund and the oil and gas resolution and remediation fund for the 33134
purpose of division (B) (1) (a) of this section, and such 33135
expenditures shall be made in accordance with either of the 33136
following: 33137

(1) The chief may make expenditures pursuant to contracts 33138
entered into by either the chief or another agency of the state 33139
with persons who agree to furnish the materials, equipment, 33140
work, and labor as specified and provided in such a contract for 33141
activities associated with the restoration or plugging of an 33142
orphaned well as determined by the chief. If another agency of 33143
the state enters into the contract, the chief shall prepare the 33144
scope of work for the restoration or plugging of the well. The 33145
activities may include excavation to uncover a well, methods to 33146
locate a well, analyzing the well, stabilizing or other work 33147
conducted prior to plugging the well, drilling out or cleanout 33148
of wellbores to remove material from a well, plugging 33149
operations, installation of vault and vent systems, including 33150
associated engineering certifications and permits, removal of 33151
associated equipment, restoration of property, replugging of 33152
previously plugged orphaned wells or wells for which final 33153
restoration was completed under section 1509.072 of the Revised 33154
Code and rules adopted under it, and repair of damage to 33155
property that is caused by such activities. The chief may make 33156
expenditures for salaries, maintenance, equipment, or other 33157
administrative purposes, for costs directly attributed to 33158
locating, analyzing, stabilizing, designing, plugging, 33159

remediating, or restoring an orphaned well, and for determining 33160
if a well is an orphaned well. 33161

Agents or employees of persons contracting with the chief 33162
to locate, analyze, stabilize, design, plug, remediate, or 33163
restore a well may enter upon any land, public or private, on 33164
which the well is located, or on adjacent parcels needed for 33165
access, for the purpose of performing the work. Prior to such 33166
entry, the chief shall give to the following persons written 33167
notice of the existence of a contract to locate, analyze, 33168
stabilize, design, plug, remediate, or restore a well, the names 33169
of the persons with whom the contract is made, and the date that 33170
the project will commence: the owner of the well, the owner of 33171
the land upon which the well is located, the owner of the land 33172
of an adjacent parcel that will be entered upon, and, if the 33173
well is located in the same township as or in a township 33174
adjacent to the excavations and workings of a mine and the owner 33175
or lessee of that mine has provided written notice identifying 33176
those townships to the chief at any time during the immediately 33177
preceding three years, the owner or lessee of the mine. The 33178
chief may include in the notice to the owner or lessee of the 33179
mine additional information, such as authorization to plug an 33180
orphaned well under section 1509.151 of the Revised Code. 33181

(2) (a) The owner of the land on which at least one 33182
orphaned well is located who has received notice under division 33183
(D) (1) (b) of this section may plug any such orphaned well and be 33184
reimbursed by the division of oil and gas resources management 33185
for the reasonable cost of plugging such wells. In order to plug 33186
the orphaned wells, the landowner shall submit an application to 33187
the chief on a form prescribed by the chief and approved by the 33188
technical advisory council on oil and gas created in section 33189
1509.38 of the Revised Code. The application, at a minimum, 33190

shall require the landowner to provide the same information as 33191
is required to be included in the application for a permit to 33192
plug and abandon under section 1509.13 of the Revised Code. 33193

The application shall be accompanied by a copy of a 33194
proposed contract to plug and abandon the orphaned wells 33195
prepared by a contractor regularly engaged in the business of 33196
plugging oil and gas wells. The proposed contract shall require 33197
the contractor to furnish all of the materials, equipment, work, 33198
and labor necessary to plug the orphaned wells properly and 33199
restore the site including the removal of all associated 33200
equipment and shall specify the price for doing the work. The 33201
contractor shall be insured. 33202

Expenditures made under division (E) (2) (a) of this section 33203
shall be consistent with the expenditures for activities 33204
described in division (E) (1) of this section. In addition, 33205
expenditures made under division (E) (2) of this section are not 33206
subject to section 127.16 of the Revised Code. The application 33207
constitutes an application for a permit to plug the well for the 33208
purposes of section 1509.13 of the Revised Code ~~and the~~ 33209
~~applicant is not required to submit the fee otherwise required~~ 33210
~~under that section.~~ 33211

(b) Within thirty days after receiving an application and 33212
accompanying proposed contract under division (E) (2) (a) of this 33213
section, the chief shall determine whether the plugging would 33214
comply with the applicable requirements of this chapter and 33215
applicable rules adopted and orders issued under it and whether 33216
the cost of the plugging under the proposed contract is 33217
reasonable. If the chief determines that the proposed plugging 33218
would comply with those requirements and that the proposed cost 33219
of the plugging is reasonable, the chief shall notify the 33220

landowner of that determination and issue to the landowner a 33221
permit to plug the well under section 1509.13 of the Revised 33222
Code. The chief may disapprove an application submitted under 33223
division (E) (2) (a) of this section if the chief determines that 33224
the proposed plugging would not comply with the applicable 33225
requirements of this chapter and applicable rules adopted and 33226
orders issued under it, that the cost of the plugging under the 33227
proposed contract is unreasonable, or that the proposed contract 33228
is not a bona fide, arm's length contract. 33229

(c) After receiving the chief's notice of the approval of 33230
the application and permit to plug and abandon a well under 33231
division (E) (2) (b) of this section, the landowner may enter into 33232
the proposed contract to plug the well. 33233

(d) Upon determining that the plugging has been completed 33234
in compliance with the applicable requirements of this chapter 33235
and applicable rules adopted and orders issued under it, the 33236
chief shall pay the contractor for the cost of the plugging and 33237
restoration as set forth in the proposed contract approved by 33238
the chief and changes or costs approved by the chief. The 33239
payment shall be paid from the oil and gas well fund or the oil 33240
and gas resolution and remediation fund. The chief shall only 33241
make payments for purposes of division (E) (2) of this section 33242
pursuant to a proper invoice as defined under section 125.01 of 33243
the Revised Code. 33244

(e) If the chief determines that the plugging was not 33245
completed in accordance with the applicable requirements, the 33246
chief shall not pay the contractor or landowner for the cost of 33247
the plugging. 33248

(f) If any equipment was removed from the well during the 33249
plugging and sold, the chief shall deduct the sale amount of the 33250

equipment from the payment to the contractor. 33251

(g) Changes made to a contract executed under division (E) 33252
(2) of this section due to unanticipated conditions may be 33253
presented to the chief in the form of a written request for 33254
approval of the additional costs prior to completion of the 33255
work. The chief shall determine if the changes are necessary to 33256
comply with this chapter and rules adopted and orders issued 33257
under it and if the cost of the changes are reasonable. The 33258
chief shall provide to the contractor a written decision 33259
regarding the proposed changes. If the chief determines that the 33260
changes are not necessary or that the costs are not reasonable, 33261
the chief may either deny the request or establish the amount of 33262
the cost that the chief approves. Work completed prior to 33263
receipt of written approval from the chief is not eligible for 33264
payment, unless waived by the chief. 33265

(3) The chief may establish an annual limit on the number 33266
of wells that may be plugged under division (E)(2) of this 33267
section or an annual limit on the expenditures to be made under 33268
that division. The chief may reject an application submitted 33269
under division (E)(2) of this section if the chief determines 33270
that the plugging of other wells take priority. 33271

(4) As used in division (E)(2) of this section, "plug" and 33272
"plugging" include the plugging of the well, replugging of a 33273
previously plugged orphaned well or a well for which final 33274
restoration was completed under section 1509.072 of the Revised 33275
Code and rules adopted under it, drilling out or cleanout of a 33276
well bore to remove material from a well, installation of 33277
casings, installation of a vault and vent, restoration, and the 33278
restoration of the land surface disturbed by the plugging. 33279

(F)(1) Expenditures from the oil and gas well fund or the 33280

oil and gas resolution and remediation fund for the purpose of 33281
division (B) (1) (b) of this section may be made pursuant to 33282
contracts entered into by either the chief or another agency of 33283
the state with persons who agree to furnish the materials, 33284
equipment, work, and labor as specified and provided in such a 33285
contract. The competitive bidding requirements of Chapter 153. 33286
of the Revised Code do not apply if the chief reasonably 33287
determines that a situation exists requiring immediate action 33288
for the correction of the applicable health or safety risk. A 33289
contract or purchase of materials for purposes of addressing the 33290
emergency situation is not subject to division (B) of section 33291
127.16 of the Revised Code. The chief, designated 33292
representatives of the chief, and agents or employees of persons 33293
contracting with the chief to locate, analyze, stabilize, 33294
design, plug, remediate, or restore a well under this division 33295
may enter upon any land, public or private, on which the well is 33296
located, or on parcels needed for access, for the purpose of 33297
performing the work. 33298

(2) The chief shall issue an order that requires the owner 33299
of a well to pay the actual documented costs of a corrective 33300
action that is described in division (B) (1) (b) of this section 33301
concerning the well. The chief shall transmit the money so 33302
recovered to the treasurer of state who shall deposit the money 33303
in the ~~state treasury to the credit of the oil and gas well-~~ 33304
resolution and remediation fund. 33305

(G) Contracts entered into by either the chief or another 33306
agency of the state under this section are not subject to any of 33307
the following: 33308

(1) Chapter 4115. of the Revised Code; 33309

(2) Chapter 153. of the Revised Code; 33310

(3) Section 4733.17 of the Revised Code.	33311
(H) The owner of land on which a well is located who has received notice under division (D) (1) (b) of this section, in lieu of plugging the well in accordance with division (E) (2) of this section, may cause ownership of the well to be transferred in accordance with section 1509.31 of the Revised Code.	33312 33313 33314 33315 33316
If a well is transferred, the owner to whom it is transferred shall comply with this chapter and rules adopted under it and shall take title to and possession of the equipment appurtenant to the well that has been identified by the chief as having been abandoned by the former owner of the well.	33317 33318 33319 33320 33321
(I) The chief may engage in cooperative projects under this section with any agency of this state, another state, or the United States; any other governmental agencies; any state university or college as defined in section 3345.27 of the Revised Code; or a nonprofit corporation that is exempt from federal income taxation under section 501(c) (3) of the "Internal Revenue Code of 1986," 26 U.S.C. 1, as amended. A contract entered into for purposes of a cooperative project is not subject to division (B) of section 127.16 of the Revised Code.	33322 33323 33324 33325 33326 33327 33328 33329 33330
(J) (1) On or before the close of each calendar quarter, the chief shall submit a written report to the technical advisory council established under section 1509.38 of the Revised Code describing the efforts of the division of oil and gas resources management to plug orphaned wells during the immediately preceding calendar quarter. The chief also shall include in the report all of the following information:	33331 33332 33333 33334 33335 33336 33337
(a) The total number of known orphaned wells in the state and the total number in each county of the state;	33338 33339

(b) The total number of newly discovered orphaned wells during the immediately preceding calendar quarter;	33340 33341
(c) The total number of wells plugged in accordance with this section during the immediately preceding calendar quarter;	33342 33343
(d) The total number of wells plugged in accordance with this section and the estimated average and indirect costs of plugging activities conducted under this section prior to the date of the report;	33344 33345 33346 33347
(e) The number of wells approved for plugging in accordance with this section and the estimated average and indirect costs of plugging activities conducted under this section during the immediately preceding calendar quarter.	33348 33349 33350 33351
(2) Not later than the thirty-first day of March of each year, the chief and the technical advisory council shall jointly provide a report containing, at a minimum, the information required to be included in the quarterly reports during the previous one-year period to all of the following:	33352 33353 33354 33355 33356
(a) The speaker of the house of representatives;	33357
(b) The president of the senate;	33358
(c) The chair of the committee of the house of representatives responsible for energy and natural resources issues;	33359 33360 33361
(d) The chair of the committee of the senate responsible for energy and natural resources issues.	33362 33363
<u>Sec. 1509.075. (A) There is hereby created the oil and gas resolution and remediation fund, which shall be in the custody of the treasurer of state but shall not be part of the state treasury. The fund shall consist of moneys transferred to it</u>	33364 33365 33366 33367

from the oil and gas well fund and any money deposited into it 33368
under sections 1509.07 and 1509.071 of the Revised Code. 33369
Notwithstanding any provision of law to the contrary, at the 33370
beginning of each fiscal year, the treasurer of state shall 33371
transfer to the oil and gas resolution and remediation fund the 33372
amount of money in the oil and gas well fund that is in excess 33373
of the total amount appropriated to the oil and gas well fund 33374
for that fiscal year. 33375

(B) (1) Money in the oil and gas resolution and remediation 33376
fund shall be used by the chief of the division of oil and gas 33377
resources management for the plugging of orphaned wells under 33378
this chapter. 33379

(2) The chief may use money in the fund for expenses that 33380
are critical and necessary for the protection of human health 33381
and safety and the environment related to oil and gas production 33382
in this state. 33383

(3) The treasurer of state shall disburse moneys from the 33384
fund quarterly on order of the chief. 33385

(C) The treasurer of state may invest any portion of the 33386
oil and gas resolution and remediation fund not needed for 33387
immediate use in the same manner as, and subject to all 33388
provisions of law with respect to the investment of, state 33389
funds. 33390

(D) Interest earned on the fund shall be credited to the 33391
fund and reserved for use by the director of natural resources. 33392
The director may order the treasurer of state to disburse 33393
interest from the fund for any purpose of the department of 33394
natural resources, subject to the approval of the technical 33395
advisory council on oil and gas, as provided in section 1509.38 33396

of the Revised Code. The director shall provide the treasurer of 33397
state with written notice of the council's approval before the 33398
treasurer of state may disburse money from the fund. 33399

Sec. 1509.13. (A) (1) Except as otherwise provided in 33400
division (A) (2) of this section and division (E) (1) of section 33401
1509.071 of the Revised Code, no person shall plug and abandon a 33402
well without having a permit to do so issued by the chief of the 33403
division of oil and gas resources management. The permit shall 33404
be issued by the chief in accordance with this chapter and shall 33405
be valid for a period of twenty-four months from the date of 33406
issue. 33407

(2) The holder of a valid permit issued under section 33408
1509.06 of the Revised Code may receive approval from an oil and 33409
gas resources inspector to plug and abandon the well associated 33410
with that permit, without obtaining the permit required under 33411
division (A) of this section, if either of the following apply: 33412

(a) The well was drilled to total depth and the well 33413
cannot or will not be completed. 33414

(b) The well is a lost hole or dry hole. 33415

(3) A permit holder plugging a well pursuant to division 33416
(A) (2) (a) of this section shall plug the well within thirty days 33417
of receipt of approval from the oil and gas resources inspector. 33418

(4) A permit holder plugging a well pursuant to division 33419
(A) (2) (b) of this section shall plug the well immediately after 33420
determining that the well is a lost hole or dry hole in 33421
accordance with rules adopted under this chapter. 33422

(B) The application for a permit to plug and abandon shall 33423
be filed as many days in advance as will be necessary for an oil 33424
and gas resources inspector or, if the well is located in a coal 33425

bearing township, both a deputy mine inspector and an oil and gas resources inspector to be present at the plugging. The application shall be filed with the chief upon a form that the chief prescribes and shall contain the following information:

(1) The name and address of the applicant;

(2) The signature of the applicant or the applicant's authorized agent. When an authorized agent signs an application, it shall be accompanied by a certified copy of the appointment as that agent.

(3) The location of the well identified by section or lot number, city, village, township, and county;

(4) Designation of well by name and number;

(5) The total depth of the well to be plugged;

(6) The date and amount of last production from the well;

(7) Other information that the chief may require.

(C) ~~Except as otherwise provided in division (E) (2) (a) of section 1509.071 of the Revised Code, the application shall be accompanied by a nonrefundable fee of two hundred fifty dollars.~~ Unless waived by an oil and gas resources inspector, the owner of a well or the owner's authorized representative shall notify an oil and gas resources inspector at least twenty-four hours prior to the commencement of the plugging of a well. No well shall be plugged and abandoned without an oil and gas resources inspector present unless permission has been granted by the chief. The owner of a well that has produced oil or gas shall give written notice at the same time to the owner of the land upon which the well is located and to all lessors that receive gas from the well pursuant to an agreement. If the well

penetrates or passes within one hundred feet of the excavations 33454
and workings of a mine, the owner of the well shall give written 33455
notice to the owner or lessee of that mine of the intention to 33456
abandon the well and of the time when the owner of the well will 33457
be prepared to commence plugging it. 33458

(D) An applicant may file a request with the chief for 33459
expedited review of an application for a permit to plug and 33460
abandon a well. The chief may refuse to accept a request for 33461
expedited review if, in the chief's judgment, acceptance of the 33462
request will prevent the issuance, within twenty-one days of 33463
filing, of permits for which applications filed under section 33464
1509.06 of the Revised Code are pending. In addition to a 33465
complete application for a permit that meets the requirements of 33466
this section ~~and the permit fee prescribed by this section, if~~ 33467
~~applicable~~, a request for expedited review shall be accompanied 33468
by a nonrefundable filing fee of five hundred dollars unless the 33469
chief has ordered the applicant to plug and abandon the well. 33470
When a request for expedited review is filed, the chief shall 33471
immediately begin to process the application and shall issue a 33472
permit within seven days of the filing of the request unless the 33473
chief, by order, denies the application. 33474

(E) (1) Except as otherwise provided in division (E) (2) of 33475
this section, any person undertaking the plugging of a well for 33476
which a permit has been issued under this section shall obtain 33477
insurance for bodily injury coverage and property damage 33478
coverage in the amount established under section 1509.07 of the 33479
Revised Code to pay for damages or injury to property or person, 33480
including damages caused by the plugging of the well. The person 33481
shall electronically submit proof of insurance to the chief upon 33482
the chief's request. 33483

(2) Division (E) (1) of this section does not apply to a person already required to maintain an insurance policy under section 1509.07 of the Revised Code.

(F) This section does not apply to a well plugged or abandoned in compliance with section 1571.05 of the Revised Code.

Sec. 1509.36. Any person adversely affected by an order by the chief of the division of oil and gas resources management may appeal to the oil and gas commission for an order vacating or modifying the order.

The person so appealing to the commission shall be known as appellant and the chief shall be known as appellee. Appellant and appellee shall be deemed to be parties to the appeal.

The appeal shall be in writing and shall set forth the order complained of and the grounds upon which the appeal is based. The appeal shall be filed with the commission within thirty days after the date upon which the person to whom the order was issued received the order and, for all other persons adversely affected by the order, within thirty days after the date of the order complained of. Notice of the filing of the appeal shall be filed with the chief within three days after the appeal is filed with the commission.

Upon the filing of the appeal, the commission may decide the appeal, in whole or in part, without a hearing when, in its judgment, it is appropriate to do so. If the commission decides to hold a hearing, the commission promptly shall fix the time and place at which the hearing on the appeal will be held, and shall give the appellant and the chief at least ten days' written notice thereof by mail. The commission may postpone or

continue any hearing upon its own motion or upon application of 33513
the appellant or of the chief. 33514

The filing of an appeal provided for in this section does 33515
not automatically suspend or stay execution of the order 33516
appealed from, but upon application by the appellant the 33517
commission may suspend or stay the execution pending 33518
determination of the appeal upon such terms as the commission 33519
considers proper. 33520

Either party to the appeal or any interested person who, 33521
pursuant to commission rules has been granted permission to 33522
appear, may submit such evidence as the commission considers 33523
admissible. 33524

For the purpose of conducting a hearing on an appeal, the 33525
commission may require the attendance of witnesses and the 33526
production of books, records, and papers, and it may, and at the 33527
request of any party it shall, issue subpoenas for witnesses or 33528
subpoenas duces tecum to compel the production of any books, 33529
records, or papers, directed to the sheriffs of the counties 33530
where the witnesses are found. The subpoenas shall be served and 33531
returned in the same manner as subpoenas in criminal cases are 33532
served and returned. The fees of sheriffs shall be the same as 33533
those allowed by the court of common pleas in criminal cases. 33534
Witnesses shall be paid the fees and mileage provided for under 33535
section 119.094 of the Revised Code. Such fees and mileage 33536
expenses incurred at the request of appellant shall be paid in 33537
advance by the appellant, and the remainder of those expenses 33538
shall be paid out of funds appropriated for the expenses of the 33539
division of oil and gas resources management. 33540

In case of disobedience or neglect of any subpoena served 33541
on any person, or the refusal of any witness to testify to any 33542

matter regarding which the witness may be lawfully interrogated, 33543
the court of common pleas of the county in which the 33544
disobedience, neglect, or refusal occurs, or any judge thereof, 33545
on application of the commission or any member thereof, shall 33546
compel obedience by attachment proceedings for contempt as in 33547
the case of disobedience of the requirements of a subpoena 33548
issued from that court or a refusal to testify therein. 33549
Witnesses at such hearings shall testify under oath, and any 33550
member of the commission may administer oaths or affirmations to 33551
persons who so testify. 33552

~~At~~ If a hearing occurs and at the request of any party to 33553
the appeal, a record of the testimony and other evidence 33554
submitted shall be taken by an official court reporter at the 33555
expense of the party making the request for the record. The 33556
record shall include all of the testimony and other evidence and 33557
the rulings on the admissibility thereof presented at the 33558
hearing. The commission shall pass upon the admissibility of 33559
evidence, but any party may at the time object to the admission 33560
of any evidence and except to the rulings of the commission 33561
thereon, and if the commission refuses to admit evidence the 33562
party offering same may make a proffer thereof, and such proffer 33563
shall be made a part of the record of the hearing. 33564

If ~~upon completion of the hearing~~ the commission finds 33565
that the order appealed from was lawful and reasonable, it shall 33566
make a written order affirming the order appealed from; if the 33567
commission finds that the order was unreasonable or unlawful, it 33568
shall make a written order vacating the order appealed from and 33569
making the order that it finds the chief should have made. Every 33570
order made by the commission shall contain a written finding by 33571
the commission of the facts upon which the order is based. 33572

Notice of the making of the order shall be given forthwith 33573
to each party to the appeal by mailing a certified copy thereof 33574
to each such party by certified mail. 33575

The order of the commission is final unless vacated by the 33576
court of common pleas of Franklin county in an appeal as 33577
provided for in section 1509.37 of the Revised Code. Sections 33578
1509.01 to 1509.37 of the Revised Code, providing for appeals 33579
relating to orders by the chief or by the commission, or 33580
relating to rules adopted by the chief, do not constitute the 33581
exclusive procedure that any person who believes the person's 33582
rights to be unlawfully affected by those sections or any 33583
official action taken thereunder must pursue in order to protect 33584
and preserve those rights, nor do those sections constitute a 33585
procedure that that person must pursue before that person may 33586
lawfully appeal to the courts to protect and preserve those 33587
rights. 33588

Sec. 1509.38. (A) There is hereby created in the division 33589
of oil and gas resources management a technical advisory council 33590
on oil and gas, which shall consist of eight members to be 33591
appointed by the governor with the advice and consent of the 33592
senate. Three members shall be independent oil or gas producers, 33593
operators, or their representatives, operating and producing 33594
primarily in this state, three members shall be oil or gas 33595
producers, operators, or their representatives having 33596
substantial oil and gas producing operations in this state and 33597
at least one other state, one member shall represent the public, 33598
and one member shall represent persons having landowners' 33599
royalty interests in oil and gas production. All members shall 33600
be residents of this state, and all members, except the members 33601
representing the public and persons having landowners' royalty 33602
interests, shall have at least five years of practical or 33603

technical experience in oil or gas drilling and production. Not 33604
more than one member may represent any one company, producer, or 33605
operator. 33606

(B) Terms of office shall be for three years, commencing 33607
on the first day of February and ending on the thirty-first day 33608
of January. Each member shall hold office from the date of 33609
appointment until the end of the term for which the member was 33610
appointed. A vacancy in the office of a member shall be filled 33611
by the governor, with the advice and consent of the senate. Any 33612
member appointed to fill a vacancy occurring prior to the 33613
expiration of the term for which the member's predecessor was 33614
appointed shall hold office for the remainder of that term. Any 33615
member shall continue in office subsequent to the expiration 33616
date of the member's term until the member's successor takes 33617
office, or until a period of sixty days has elapsed, whichever 33618
occurs first. 33619

(C) The council shall select from among its members a 33620
chairperson, a vice-chairperson, and a secretary. All members 33621
are entitled to their actual and necessary expenses incurred in 33622
the performance of their duties as members, payable from the 33623
appropriations for the division. 33624

(D) The governor may remove any member for inefficiency, 33625
neglect of duty, or malfeasance in office. 33626

(E) The council shall hold at least one regular meeting in 33627
each quarter of a calendar year and shall keep a record of its 33628
proceedings. Special meetings may be called by the chairperson 33629
and shall be called by the chairperson upon receipt of a written 33630
request signed by two or more members of the council. A written 33631
notice of the time and place of each meeting shall be sent to 33632
each member of the council. Five members constitute a quorum, 33633

and no action of the council is valid unless five members 33634
concur. 33635

(F) The council, when requested by the chief of the 33636
division of oil and gas resources management, shall consult with 33637
and advise the chief and perform other duties that may be 33638
lawfully delegated to it by the chief. The council may 33639
participate in hearings held by the chief under this chapter and 33640
has powers of approval as provided in sections 1509.24 and 33641
1509.25 of the Revised Code. The council shall conduct the 33642
activities required, and exercise the authority granted, under 33643
Chapter 1510. of the Revised Code. 33644

(G) If the council receives a request from the director of 33645
natural resources to approve an expenditure from the oil and gas 33646
resolution and remediation fund for purposes of division (D) of 33647
section 1509.075 of the Revised Code, the council shall vote to 33648
approve or deny that expenditure. The council shall notify the 33649
director in writing of the approval or denial. 33650

(H) The council, upon receiving a request from the 33651
chairperson of the oil and gas commission under division (C) of 33652
section 1509.35 of the Revised Code, immediately shall prepare 33653
and provide to the chairperson a list of its members who may 33654
serve as temporary members of the oil and gas commission as 33655
provided in that division. 33656

Sec. 1513.371. The long-term abandoned mine reclamation 33657
fund is created in the state treasury. The fund shall be 33658
administered by the chief of the division of mineral resources 33659
management and consist of grants awarded by the United States 33660
secretary of the interior from the federal abandoned mine 33661
reclamation fund pursuant to the federal "Infrastructure 33662
Investment and Jobs Act," Pub. L. No. 177-58. All investment 33663

earnings of the fund shall be credited to the fund. 33664

The fund shall be used for abatement of the causes and treatment of the effects of acid mine drainage resulting from coal mine practices, including the following: 33665
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(A) The costs of building, operating, maintaining, and rehabilitating acid mine drainage treatment systems; 33668
33669

(B) The prevention, abatement, and control of subsidence; 33670

(C) The prevention, abatement, and control of coal mine fires. 33671
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Sec. 1517.11. (A) There is hereby created in the state treasury the natural areas and preserves fund, which shall consist of moneys transferred into it under section 5747.113 of the Revised Code and of contributions made directly to it. Any person may contribute directly to the fund in addition to or independently of the income tax refund contribution system established in that section. 33673
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(B) Moneys in the fund shall be disbursed pursuant to vouchers approved by the director of natural resources for use by the division of natural areas and preserves solely for the following purposes: 33680
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~~(A)~~ (1) The acquisition of new or expanded natural areas and nature preserves and scenic river lands; 33684
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~~(B)~~ (2) Facility development in natural areas and nature preserves and scenic river lands; 33686
33687

~~(C)~~ (3) Special projects, including, but not limited to, biological inventories, research grants, and the production of interpretive material related to natural areas and nature preserves and scenic river lands; 33688
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(D) <u>(4)</u> Routine maintenance for health and safety purposes.	33692
<u>(C)</u> Money in the fund also may be used for the purposes of administering a system of wild, scenic, and recreational rivers, scenic river lands, and facilities or improvements associated with such rivers and lands.	33693 33694 33695 33696
<u>(D)</u> Moneys appropriated from the fund shall not be used to fund salaries of permanent employees or administrative costs.	33697 33698
<u>(E)</u> All investment earnings of the fund shall be credited to the fund.	33699 33700
<u>(F)</u> The chief of the division of natural areas and preserves may sell any of the following:	33701 33702
<u>(1) Items related to or that promote Ohio's native plants and animals, unique ecology and geology, and general ecological preservation and conservation such as pins, apparel, stickers, books, bulletins, maps, publications, calendars, and other educational articles and division branded merchandise;</u>	33703 33704 33705 33706 33707
<u>(2) Items pertaining to Ohio's ecology including native plants and seeds of native plants.</u>	33708 33709
<u>(G)</u> All moneys received under division (F) of this section shall be paid into the state treasury to the credit of the natural areas and preserves fund created under this section.	33710 33711 33712
Sec. 1531.01. As used in this chapter and Chapter 1533. of the Revised Code:	33713 33714
(A) "Person" means a person as defined in section 1.59 of the Revised Code or a company; an employee, agent, or officer of such a person or company; a combination of individuals; the state; a political subdivision of the state; an interstate body created by a compact; or the federal government or a department,	33715 33716 33717 33718 33719

agency, or instrumentality of it. 33720

(B) "Resident" means either of the following: 33721

(1) An individual who has resided in this state for not 33722
less than six months preceding the date of making application 33723
for a license or permit; 33724

(2) An individual who is a full-time student enrolled in 33725
an accredited Ohio public or private college or university and 33726
who resides in this state at the time the individual makes 33727
application for a license or permit and who attests to the 33728
individual's full-time student status in a manner determined by 33729
the chief of the division of wildlife. 33730

(C) "Nonresident" means any individual who does not 33731
qualify as a resident. 33732

(D) "Division rule" or "rule" means any rule adopted by 33733
the chief of the division of wildlife under section 1531.10 of 33734
the Revised Code unless the context indicates otherwise. 33735

(E) "Closed season" means that period of time during which 33736
the taking of wild animals protected by this chapter and Chapter 33737
1533. of the Revised Code is prohibited. 33738

(F) "Open season" means that period of time during which 33739
the taking of wild animals protected by this chapter and Chapter 33740
1533. of the Revised Code is permitted. 33741

(G) "Take or taking" includes pursuing, shooting, hunting, 33742
killing, trapping, angling, fishing with a trotline, or netting 33743
any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, 33744
wild bird, or wild quadruped, and any lesser act, such as 33745
wounding, or placing, setting, drawing, or using any other 33746
device for killing or capturing any wild animal, whether it 33747

results in killing or capturing the animal or not. "Take or 33748
taking" includes every attempt to kill or capture and every act 33749
of assistance to any other person in killing or capturing or 33750
attempting to kill or capture a wild animal. 33751

(H) "Possession" means both actual and constructive 33752
possession and any control of things referred to. 33753

(I) "Bag limit" means the number, measurement, or weight 33754
of any kind of crayfish, aquatic insects, fish, frogs, turtles, 33755
wild birds, and wild quadrupeds permitted to be taken. 33756

(J) "Transport and transportation" means carrying or 33757
moving or causing to be carried or moved. 33758

(K) "Sell and sale" means barter, exchange, or offer or 33759
expose for sale. 33760

(L) "Whole to include part" means that every provision 33761
relating to any wild animal protected by this chapter and 33762
Chapter 1533. of the Revised Code applies to any part of the 33763
wild animal with the same effect as it applies to the whole. 33764

(M) "Angling" means fishing with not more than two hand 33765
lines, not more than two units of rod and line, or a combination 33766
of not more than one hand line and one rod and line, either in 33767
hand or under control at any time while fishing. The hand line 33768
or rod and line shall have attached to it not more than three 33769
baited hooks, not more than three artificial fly rod lures, or 33770
one artificial bait casting lure equipped with not more than 33771
three sets of three hooks each. 33772

(N) "Trotline" means a device for catching fish that 33773
consists of a line having suspended from it, at frequent 33774
intervals, vertical lines with hooks attached. 33775

- (O) "Fish" means a cold-blooded vertebrate having fins. 33776
- (P) "Measurement of fish" means length from the end of the 33777
nose to the longest tip or end of the tail. 33778
- (Q) "Wild birds" includes game birds and nongame birds. 33779
- (R) "Game" includes game birds, game quadrupeds, and fur- 33780
bearing animals. 33781
- (S) "Game birds" includes mourning doves, ringneck 33782
pheasants, bobwhite quail, ruffed grouse, sharp-tailed grouse, 33783
pinnated grouse, wild turkey, Hungarian partridge, Chukar 33784
partridge, woodcocks, black-breasted plover, golden plover, 33785
Wilson's snipe or jacksnipe, greater and lesser yellowlegs, 33786
rail, coots, gallinules, duck, geese, brant, and crows. 33787
- (T) "Nongame birds" includes all other wild birds not 33788
included and defined as game birds or migratory game birds. 33789
- (U) "Wild quadrupeds" includes game quadrupeds, fur- 33790
bearing animals, and wild boar or feral swine. 33791
- (V) "Game quadrupeds" includes cottontail rabbits, gray 33792
squirrels, black squirrels, fox squirrels, red squirrels, flying 33793
squirrels, chipmunks, groundhogs or woodchucks, white-tailed 33794
deer, elk, and black bears. 33795
- (W) "Fur-bearing animals" includes minks, weasels, 33796
raccoons, skunks, opossums, muskrats, fox, beavers, badgers, 33797
otters, coyotes, and bobcats. 33798
- (X) "Wild animals" includes mollusks, crustaceans, aquatic 33799
insects, fish, reptiles, amphibians, wild birds, wild 33800
quadrupeds, and all other wild mammals, but does not include 33801
domestic deer. 33802

(Y) "Hunting" means pursuing, shooting, killing, following 33803
after or on the trail of, lying in wait for, shooting at, or 33804
wounding wild birds or wild quadrupeds while employing any 33805
device commonly used to kill or wound wild birds or wild 33806
quadrupeds whether or not the acts result in killing or 33807
wounding. "Hunting" includes every attempt to kill or wound and 33808
every act of assistance to any other person in killing or 33809
wounding or attempting to kill or wound wild birds or wild 33810
quadrupeds. 33811

(Z) "Trapping" means securing or attempting to secure 33812
possession of a wild bird or wild quadruped by means of setting, 33813
placing, drawing, or using any device that is designed to close 33814
upon, hold fast, confine, or otherwise capture a wild bird or 33815
wild quadruped whether or not the means results in capture. 33816
"Trapping" includes every act of assistance to any other person 33817
in capturing wild birds or wild quadrupeds by means of the 33818
device whether or not the means results in capture. 33819

(AA) "Muskrat spear" means any device used in spearing 33820
muskrats. 33821

(BB) "Channels and passages" means those narrow bodies of 33822
water lying between islands or between an island and the 33823
mainland in Lake Erie. 33824

(CC) "Island" means a rock or land elevation above the 33825
waters of Lake Erie having an area of five or more acres above 33826
water. 33827

(DD) "Reef" means an elevation of rock, either broken or 33828
in place, or gravel shown by the latest United States chart to 33829
be above the common level of the surrounding bottom of the lake, 33830
other than the rock bottom, or in place forming the base or 33831

foundation rock of an island or mainland and sloping from the 33832
shore of it. "Reef" also means all elevations shown by that 33833
chart to be above the common level of the sloping base or 33834
foundation rock of an island or mainland, whether running from 33835
the shore of an island or parallel with the contour of the shore 33836
of an island or in any other way and whether formed by rock, 33837
broken or in place, or from gravel. 33838

(EE) "Fur farm" means any area used exclusively for 33839
raising fur-bearing animals or in addition thereto used for 33840
hunting game, the boundaries of which are plainly marked as 33841
such. 33842

(FF) "Waters" includes any lake, pond, reservoir, stream, 33843
channel, lagoon, or other body of water, or any part thereof, 33844
whether natural or artificial. 33845

(GG) "Crib" or "car" refers to that particular compartment 33846
of the net from which the fish are taken when the net is lifted. 33847

(HH) "Commercial fish" means those species of fish 33848
permitted to be taken, possessed, bought, or sold unless 33849
otherwise restricted by the Revised Code or division rule and 33850
are alewife (*Alosa pseudoharengus*), American eel (*Anguilla* 33851
rostrata), bowfin (*Amia calva*), burbot (*Lota lota*), carp 33852
(*Cyprinus carpio*), smallmouth buffalo (*Ictiobus bubalus*), 33853
bigmouth buffalo (*Ictiobus cyprinellus*), black bullhead 33854
(*Ictalurus melas*), yellow bullhead (*Ictalurus natalis*), brown 33855
bullhead (*Ictalurus nebulosus*), channel catfish (*Ictalurus* 33856
punctatus), flathead catfish (*Pylodictis olivaris*), whitefish 33857
(*Coregonus* sp.), cisco (*Coregonus* sp.), freshwater drum or 33858
sheepshead (*Aplodinotus grunniens*), gar (*Lepisosteus* sp.), 33859
gizzard shad (*Dorosoma cepedianum*), goldfish (*Carassius* 33860
auratus), lake trout (*Salvelinus namaycush*), mooneye (*Hiodon* 33861

tergibus), quillback (*Carpionodes cyprinus*), smelt (*Allosmerus* 33862
elongatus, *Hypomesus* sp., *Osmerus* sp., *Spirinchus* sp.), sturgeon 33863
(*Acipenser* sp., *Scaphirhynchus* sp.), sucker other than buffalo 33864
and quillback (*Carpionodes* sp., *Catostomus* sp., *Hypentelium* sp., 33865
Minytrema sp., *Moxostoma* sp.), white bass (*Morone chrysops*), 33866
white perch (*Roccus americanus*), and yellow perch (*Perca* 33867
flavescens). When the common name of a fish is used in this 33868
chapter or Chapter 1533. of the Revised Code, it refers to the 33869
fish designated by the scientific name in this definition. 33870

(II) "Fishing" means taking or attempting to take fish by 33871
any method, and all other acts such as placing, setting, 33872
drawing, or using any device commonly used to take fish whether 33873
resulting in a taking or not. 33874

(JJ) "Fillet" means the pieces of flesh taken or cut from 33875
both sides of a fish, joined to form one piece of flesh. 33876

(KK) "Part fillet" means a piece of flesh taken or cut 33877
from one side of a fish. 33878

(LL) "Round" when used in describing fish means with head 33879
and tail intact. 33880

(MM) "Migrate" means the transit or movement of fish to or 33881
from one place to another as a result of natural forces or 33882
instinct and includes, but is not limited to, movement of fish 33883
induced or caused by changes in the water flow. 33884

(NN) "Spreader bar" means a brail or rigid bar placed 33885
across the entire width of the back, at the top and bottom of 33886
the cars in all trap, crib, and fyke nets for the purpose of 33887
keeping the meshes hanging squarely while the nets are fishing. 33888

(OO) "Fishing guide" means any person who, for 33889
consideration or hire, operates a boat, rents, leases, or 33890

otherwise furnishes angling devices, ice fishing shanties or 33891
shelters of any kind, or other fishing equipment, and 33892
accompanies, guides, directs, or assists any other person in 33893
order for the other person to engage in fishing. 33894

(PP) "Net" means fishing devices with meshes composed of 33895
twine or synthetic material and includes, but is not limited to, 33896
trap nets, fyke nets, crib nets, carp aprons, dip nets, and 33897
seines, except minnow seines and minnow dip nets. 33898

(QQ) "Commercial fishing gear" means seines, trap nets, 33899
fyke nets, dip nets, carp aprons, trotlines, other similar gear, 33900
and any boat used in conjunction with that gear, but does not 33901
include gill nets. 33902

(RR) "Native wildlife" means any species of the animal 33903
kingdom indigenous to this state. 33904

(SS) "Gill net" means a single section of fabric or 33905
netting seamed to a float line at the top and a lead line at the 33906
bottom, which is designed to entangle fish in the net openings 33907
as they swim into it. 33908

(TT) "Tag fishing tournament" means a contest in which a 33909
participant pays a fee, or gives other valuable consideration, 33910
for a chance to win a prize by virtue of catching a tagged or 33911
otherwise specifically marked fish within a limited period of 33912
time. 33913

(UU) "Tenant" means an individual who resides on land for 33914
which the individual pays rent and whose annual income is 33915
primarily derived from agricultural production conducted on that 33916
land, as "agricultural production" is defined in section 929.01 33917
of the Revised Code. 33918

(VV) "Nonnative wildlife" means any wild animal not 33919

indigenous to this state, but does not include domestic deer.	33920
(WW) "Reptiles" includes common musk turtle (<i>sternotherus</i>	33921
<i>odoratus</i>), common snapping turtle (<i>Chelydra serpentina</i>	33922
<i>serpentina</i>), spotted turtle (<i>Clemmys guttata</i>), eastern box	33923
turtle (<i>Terrapene carolina carolina</i>), Blanding's turtle	33924
(<i>Emydoidea blandingii</i>), common map turtle (<i>Graptemys</i>	33925
<i>geographica</i>), ouachita map turtle (<i>Graptemys pseudogeographica</i>	33926
<i>ouachitensis</i>), midland painted turtle (<i>Chrysemys picta</i>	33927
<i>marginata</i>), red-eared slider (<i>Trachemys scripta elegans</i>),	33928
eastern spiny softshell turtle (<i>Apalone spinifera spinifera</i>),	33929
midland smooth softshell turtle (<i>Apalone mutica mutica</i>),	33930
northern fence lizard (<i>Sceloporus undulatus hyacinthinus</i>),	33931
ground skink (<i>Scincella lateralis</i>), five-lined skink (<i>Eumeces</i>	33932
<i>fasciatus</i>), broadhead skink (<i>Eumeces laticeps</i>), northern coal	33933
skink (<i>Eumeces anthracinus anthracinus</i>), European wall lizard	33934
(<i>Podarcis muralis</i>), queen snake (<i>Regina septemvittata</i>),	33935
Kirtland's snake (<i>Clonophis kirtlandii</i>), northern water snake	33936
(<i>Nerodia sipedon sipedon</i>), Lake Erie watersnake (<i>Nerodia sipedon</i>	33937
<i>insularum</i>), copperbelly water snake (<i>Nerodia erythrogaster</i>	33938
<i>neglecta</i>), northern brown snake (<i>Storeria dekayi dekayi</i>),	33939
midland brown snake (<i>Storeria dekayi wrightorum</i>), northern	33940
redbelly snake (<i>Storeria occipitomaculata occipitomaculata</i>),	33941
eastern garter snake (<i>Thamnophis sirtalis sirtalis</i>), eastern	33942
plains garter snake (<i>Thamnophis radix radix</i>), Butler's garter	33943
snake (<i>Thamnophis butleri</i>), shorthead garter snake (<i>Thamnophis</i>	33944
<i>brachystoma</i>), eastern ribbon snake (<i>Thamnophis sauritus</i>	33945
<i>sauritus</i>), northern ribbon snake (<i>Thamnophis sauritus</i>	33946
<i>septentrionalis</i>), eastern hognose snake (<i>Heterodon platirhinos</i>),	33947
eastern smooth earth snake (<i>Virginia valeriae valeriae</i>),	33948
northern ringneck snake (<i>Diadophis punctatus edwardsii</i>), midwest	33949
worm snake (<i>Carphophis amoenus helena</i>), eastern worm snake	33950

(<i>Carphophis amoenus amoenus</i>), black racer (<i>Coluber constrictor</i>	33951
<i>constrictor</i>), blue racer (<i>Coluber constrictor foxii</i>), rough	33952
green snake (<i>Opheodrys aestivus</i>), smooth green snake (<i>Opheodrys</i>	33953
<i>vernalis vernalis</i>), black rat snake (<i>Elaphe obsoleta obsoleta</i>),	33954
eastern fox snake (<i>Elaphe vulpina gloydi</i>), black kingsnake	33955
(<i>Lampropeltis getula nigra</i>), eastern milk snake (<i>Lampropeltis</i>	33956
<i>triangulum triangulum</i>), northern copperhead (<i>Agkistrodon</i>	33957
<i>contortrix mokasen</i>), eastern massasauga (<i>Sistrurus catenatus</i>	33958
<i>catenatus</i>), and timber rattlesnake (<i>Crotalus horridus horridus</i>).	33959
(XX) "Amphibians" includes eastern hellbender	33960
(<i>Cryptobranchus alleganiensis alleganiensis</i>), mudpuppy (<i>Necturus</i>	33961
<i>maculosus maculosus</i>), red-spotted newt (<i>Notophthalmus</i>	33962
<i>viridescens viridescens</i>), Jefferson salamander (<i>Ambystoma</i>	33963
<i>jeffersonianum</i>), spotted salamander (<i>Ambystoma maculatum</i>), blue-	33964
spotted salamander (<i>Ambystoma laterale</i>), smallmouth salamander	33965
(<i>Ambystoma texanum</i>), streamside salamander (<i>Ambystoma barbouri</i>),	33966
marbled salamander (<i>Ambystoma opacum</i>), eastern tiger salamander	33967
(<i>Ambystoma tigrinum tigrinum</i>), northern dusky salamander	33968
(<i>Desmognathus fuscus fuscus</i>), mountain dusky salamander	33969
(<i>Desmognathus ochrophaeus</i>), redback salamander (<i>Plethodon</i>	33970
<i>cinereus</i>), ravine salamander (<i>Plethodon richmondi</i>), northern	33971
slimy salamander (<i>Plethodon glutinosus</i>), Wehrle's salamander	33972
(<i>Plethodon wehrlei</i>), four-toed salamander (<i>Hemidactylum</i>	33973
<i>scutatum</i>), Kentucky spring salamander (<i>Gyrinophilus</i>	33974
<i>porphyriticus duryi</i>), northern spring salamander (<i>Gyrinophilus</i>	33975
<i>porphyriticus porphyriticus</i>), mud salamander (<i>Pseudotriton</i>	33976
<i>montanus</i>), northern red salamander (<i>Pseudotriton ruber ruber</i>),	33977
green salamander (<i>Aneides aeneus</i>), northern two-lined salamander	33978
(<i>Eurycea bislineata</i>), longtail salamander (<i>Eurycea longicauda</i>	33979
<i>longicauda</i>), cave salamander (<i>Eurycea lucifuga</i>), southern two-	33980
lined salamander (<i>Eurycea cirrigera</i>), Fowler's toad (<i>Bufo</i>	33981

woodhousii fowleri), American toad (Bufo americanus), eastern	33982
spadefoot (Scaphiopus holbrookii), Blanchard's cricket frog	33983
(Acris crepitans blanchardi), northern spring peeper (Pseudacris	33984
crucifer crucifer), gray treefrog (Hyla versicolor), Cope's gray	33985
treefrog (Hyla chrysoscelis), western chorus frog (Pseudacris	33986
triseriata triseriata), mountain chorus frog (Pseudacris	33987
brachyphona), bullfrog (Rana catesbeiana), green frog (Rana	33988
clamitans melanota), northern leopard frog (Rana pipiens),	33989
pickerel frog (Rana palustris), southern leopard frog (Rana	33990
utricularia), and wood frog (Rana sylvatica).	33991
(YY) "Deer" means white-tailed deer (Odocoileus	33992
virginianus).	33993
(ZZ) "Domestic deer" means nonnative deer that have been	33994
legally acquired or their offspring and that are held in private	33995
ownership for primarily agricultural purposes.	33996
(AAA) "Migratory game bird" includes waterfowl (Anatidae);	33997
doves (Columbidae); cranes (Gruidae); cormorants	33998
(Phalacrocoracidae); rails, coots, and gallinules (Rallidae);	33999
and woodcock and snipe (Scolopacidae).	34000
(BBB) "Accompany" means to go along with another person	34001
while staying within a distance from the person that enables	34002
uninterrupted, unaided visual and auditory communication.	34003
(CCC) "All-purpose vehicle" means any vehicle that is	34004
designed primarily for cross-country travel on land, water, or	34005
land and water and that is steered by wheels, caterpillar	34006
treads, or a combination of wheels and caterpillar treads and	34007
includes vehicles that operate on a cushion of air, vehicles	34008
commonly known as all-terrain vehicles, all-season vehicles,	34009
mini-bikes, and trail bikes.	34010

(DDD) "Wholly enclosed preserve" means an area of land 34011
that is surrounded by a fence that is at least six feet in 34012
height, unless otherwise specified in division rule, and is 34013
constructed of a woven wire mesh, or another enclosure that the 34014
division of wildlife may approve, where game birds, game 34015
quadrupeds, reptiles, amphibians, or fur-bearing animals are 34016
raised and may be sold under the authority of a commercial 34017
propagating license or captive white-tailed deer propagation 34018
license obtained under section 1533.71 of the Revised Code. 34019

(EEE) "Commercial bird shooting preserve" means an area of 34020
land where game birds are released and hunted by shooting as 34021
authorized by a commercial bird shooting preserve license 34022
obtained under section 1533.72 of the Revised Code. 34023

(FFF) "Wild animal hunting preserve" means an area of land 34024
where game, captive white-tailed deer, and nonnative wildlife, 34025
other than game birds, are released and hunted as authorized by 34026
a wild animal hunting preserve license obtained under section 34027
1533.721 of the Revised Code. 34028

(GGG) "Captive white-tailed deer" means legally acquired 34029
deer that are held in private ownership at a facility licensed 34030
under section 943.03 or 943.031 of the Revised Code and under 34031
section 1533.71 or 1533.721 of the Revised Code. 34032

(HHH) "Wild boar" or "feral swine" means either a hog, 34033
boar, or pig that appears to be untamed, undomesticated, or in a 34034
wild state. "Wild boar" or "feral swine" includes both of the 34035
following: 34036

(1) ~~Members~~ Except for *Sus scrofa domesticus* that is 34037
legally confined or held in captivity, members of the family 34038
suidae, including ~~both~~ all of the following: 34039

(a) Wild pig, wild hog, feral hog, and feral pig;	34040
(b) Old world swine, razorbacks, European wild boar, and Russian wild boar, and any hybrids or crossbreeds thereof;	34041 34042
<u>(c) Wild pig, wild hog, feral hog, or feral pig that appear contained in a wild animal hunting preserve licensed under section 1533.721 of the Revised Code or a wholly enclosed preserve for hunting or trapping.</u>	34043 34044 34045 34046
(2) Members of the family tayassuidae <u>tayassuidae</u> , including collared peccary and javelina, and any hybrids or crossbreeds of members of the family tayassuidae <u>tayassuidae</u> .	34047 34048 34049
Sec. 1533.10. (A) Except as provided in this section or division (A) (2) of section 1533.12 or section 1533.73 or 1533.731 of the Revised Code, no person shall hunt any wild bird or wild quadruped without a hunting license. Each day that any person hunts within the state without procuring such a license constitutes a separate offense.	34050 34051 34052 34053 34054 34055
(B) (1) Except as otherwise provided in this section, division (A) of section 1533.12 of the Revised Code, or in rules adopted under division (B) of that section, each applicant for a hunting license shall pay an annual fee for each annual license in accordance with the following schedule:	34056 34057 34058 34059 34060 34061

	1	2
A	Hunting license - resident	\$18.00
B	Hunting license - nonresident that is not a resident of a reciprocal state, ages 18 and older	\$174.00
C	Hunting license - nonresident that is a resident of a	\$18.00

	reciprocal state, ages 18 and older	
D	Apprentice hunting license - resident	\$18.00
E	Apprentice hunting license - nonresident that is not a resident of a reciprocal state	\$174.00
F	Apprentice hunting license - nonresident that is a resident of a reciprocal state	\$18.00
G	Youth hunting license - resident and nonresident	\$9.00
H	Apprentice youth hunting license - resident	\$9.00
I	Senior hunting license - resident	\$9.00
J	Apprentice senior hunting license - resident	\$9.00

(2) Apprentice resident hunting licenses, apprentice youth hunting licenses, apprentice senior hunting licenses, and apprentice nonresident hunting licenses are subject to the requirements established under section 1533.102 of the Revised Code and rules adopted under it.

(3) As used in division (B)(1) of this section:

(a) "Youth" means an applicant who is under the age of eighteen years at the time of application for a license.

(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a license.

(c) "Reciprocal state" means a state that is a party to an agreement under section 1533.91 of the Revised Code.

(C) A resident of this state who owns lands in the state

and the owner's parents, children of any age, and grandchildren 34075
under eighteen years of age may hunt on the lands without a 34076
hunting license. A resident of any other state who owns real 34077
property in this state, and the spouse and children living with 34078
the property owner, may hunt on that property without a license, 34079
provided that the state of residence of the real property owner 34080
allows residents of this state owning real property in that 34081
state, and the spouse and children living with the property 34082
owner, to hunt without a license. If the owner of land in this 34083
state is a limited liability company or a limited liability 34084
partnership that consists of three or fewer individual members 34085
or partners, as applicable, an individual member or partner who 34086
is a resident of this state and the member's or partner's 34087
parents, children of any age, and grandchildren under eighteen 34088
years of age may hunt on the land owned by the limited liability 34089
company or limited liability partnership without a hunting 34090
license. In addition, if the owner of land in this state is a 34091
trust that has a total of three or fewer trustees and 34092
beneficiaries, an individual who is a trustee or beneficiary and 34093
who is a resident of this state and the individual's parents, 34094
children of any age, and grandchildren under eighteen years of 34095
age may hunt on the land owned by the trust without a hunting 34096
license. The tenant and children of the tenant, residing on 34097
lands in the state, may hunt on them without a hunting license. 34098

(D) The chief of the division of wildlife may issue a 34099
small game hunting license expiring three days from the 34100
effective date of the license to a nonresident of the state, the 34101
fee for which is thirty-nine dollars. No person shall take or 34102
possess deer, wild turkeys, fur-bearing animals, ducks, geese, 34103
brant, or any nongame animal while possessing only a small game 34104
hunting license. 34105

A small game hunting license or an apprentice nonresident hunting license does not authorize the taking or possessing of ducks, geese, or brant without having obtained, in addition to the small game hunting license or the apprentice nonresident hunting license, a wetlands habitat stamp as provided in section 1533.112 of the Revised Code. A small game hunting license or an apprentice nonresident hunting license does not authorize the taking or possessing of deer, wild turkeys, or fur-bearing animals. A nonresident of the state who wishes to take or possess deer, wild turkeys, or fur-bearing animals in this state shall procure, respectively, a deer or wild turkey permit as provided in section 1533.11 of the Revised Code or a fur taker permit as provided in section 1533.111 of the Revised Code in addition to a nonresident hunting license, an apprentice nonresident hunting license, a special youth hunting license, or an apprentice youth hunting license, as applicable, as provided in this section.

(E) No person shall procure or attempt to procure a hunting license by fraud, deceit, misrepresentation, or any false statement.

(F) (1) This section does not authorize the taking and possessing of deer or wild turkeys without first having obtained, in addition to the hunting license required by this section, a deer or wild turkey permit as provided in section 1533.11 of the Revised Code or the taking and possessing of ducks, geese, or brant without first having obtained, in addition to the hunting license required by this section, a wetlands habitat stamp as provided in section 1533.112 of the Revised Code.

(2) This section does not authorize the hunting or

trapping of fur-bearing animals without first having obtained, 34136
in addition to a hunting license required by this section, a fur 34137
taker permit as provided in section 1533.111 of the Revised 34138
Code. 34139

(G) (1) No hunting license shall be issued unless it is 34140
accompanied by a written explanation of the law in section 34141
1533.17 of the Revised Code and the penalty for its violation, 34142
including a description of terms of imprisonment and fines that 34143
may be imposed. 34144

(2) No hunting license, other than an apprentice hunting 34145
license, shall be issued unless the applicant presents to the 34146
agent authorized to issue the license a previously held hunting 34147
license or evidence of having held such a license in content and 34148
manner approved by the chief, a certificate of completion issued 34149
upon completion of a hunter education and conservation course 34150
approved by the chief, or evidence of equivalent training in 34151
content and manner approved by the chief. A previously held 34152
apprentice hunting license does not satisfy the requirement 34153
concerning the presentation of a previously held hunting license 34154
or evidence of it. 34155

(3) No person shall issue a hunting license, except an 34156
apprentice hunting license, to any person who fails to present 34157
the evidence required by this section. No person shall purchase 34158
or obtain a hunting license, other than an apprentice hunting 34159
license, without presenting to the issuing agent the evidence 34160
required by this section. Issuance of a hunting license in 34161
violation of the requirements of this section is an offense by 34162
both the purchaser of the illegally obtained hunting license and 34163
the clerk or agent who issued the hunting license. Any hunting 34164
license issued in violation of this section is void. 34165

(H) The chief, with approval of the wildlife council, 34166
shall adopt rules prescribing a hunter education and 34167
conservation course for first-time hunting license buyers, other 34168
than buyers of apprentice hunting licenses, and for volunteer 34169
instructors. The course shall consist of subjects including, but 34170
not limited to, hunter safety and health, use of hunting 34171
implements, hunting tradition and ethics, the hunter and 34172
conservation, the law in section 1533.17 of the Revised Code 34173
along with the penalty for its violation, including a 34174
description of terms of imprisonment and fines that may be 34175
imposed, and other law relating to hunting. Authorized personnel 34176
of the division or volunteer instructors approved by the chief 34177
shall conduct such courses with such frequency and at such 34178
locations throughout the state as to reasonably meet the needs 34179
of license applicants. The chief shall issue a certificate of 34180
completion to each person who successfully completes the course 34181
and passes an examination prescribed by the chief. 34182

Sec. 1533.11. (A) (1) Except as provided in this section or 34183
section 1533.731 of the Revised Code, no person shall hunt deer 34184
on lands of another without first obtaining an annual deer 34185
permit. Except as provided in this section, no person shall hunt 34186
wild turkeys on lands of another without first obtaining an 34187
annual wild turkey permit. A deer or wild turkey permit is valid 34188
during the hunting license year in which the permit is 34189
purchased. Except as provided in rules adopted under division 34190
(B) of section 1533.12 of the Revised Code, each applicant for a 34191
deer or wild turkey permit shall pay an annual fee for each 34192
permit in accordance with the following schedule: 34193
34194

A	Deer permit - resident	\$30.00
B	Deer permit - nonresident	\$74.00
		<u>\$210.00</u>
C	Youth deer permit - resident and nonresident	\$15.00
D	Senior deer permit - resident	\$11.00
E	Wild turkey permit - resident	\$30.00
F	Wild turkey permit - nonresident	\$37.00
G	Youth wild turkey permit - resident and nonresident	\$15.00
H	Senior wild turkey permit - resident	\$11.00

(2) As used in division (A) (1) of this section:	34195
(a) "Youth" means an applicant who is under the age of	34196
eighteen years at the time of application for a permit.	34197
(b) "Senior" means an applicant who is sixty-six years of	34198
age or older at the time of application for a permit.	34199
(3) The money received shall be paid into the state	34200
treasury to the credit of the wildlife fund, created in section	34201
1531.17 of the Revised Code, exclusively for the use of the	34202
division of wildlife in the acquisition and development of land	34203
for deer or wild turkey management, for investigating deer or	34204
wild turkey problems, and for the stocking, management, and	34205
protection of deer or wild turkey.	34206
(4) Every person, while hunting deer or wild turkey on	34207
lands of another, shall carry the person's deer or wild turkey	34208

permit and exhibit it to any enforcement officer so requesting. 34209
Failure to so carry and exhibit such a permit constitutes an 34210
offense under this section. 34211

(5) The chief of the division of wildlife shall adopt any 34212
additional rules the chief considers necessary to carry out this 34213
section and section 1533.10 of the Revised Code. 34214

(6) An owner who is a resident of this state or an owner 34215
who is exempt from obtaining a hunting license under section 34216
1533.10 of the Revised Code and the spouse, parents, children of 34217
any age, and grandchildren under eighteen years of age of the 34218
owner of lands in this state may hunt deer or wild turkey 34219
thereon without a deer or wild turkey permit. If the owner of 34220
land in this state is a limited liability company or a limited 34221
liability partnership that consists of three or fewer individual 34222
members or partners, as applicable, an individual member or 34223
partner who is a resident of this state and the member's or 34224
partner's parents, children of any age, and grandchildren under 34225
eighteen years of age may hunt deer or wild turkey on the land 34226
owned by the limited liability company or limited liability 34227
partnership without a deer or wild turkey permit. In addition, 34228
if the owner of land in this state is a trust that has a total 34229
of three or fewer trustees and beneficiaries, an individual who 34230
is a trustee or beneficiary and who is a resident of this state 34231
and the individual's parents, children of any age, and 34232
grandchildren under eighteen years of age may hunt deer or wild 34233
turkey on the land owned by the trust without a deer or wild 34234
turkey permit. The tenant and children of the tenant may hunt 34235
deer or wild turkey on lands where they reside without a deer or 34236
wild turkey permit. 34237

(B) A deer or wild turkey permit is not transferable. No 34238

person shall carry a deer or wild turkey permit issued in the 34239
name of another person. 34240

(C) The wildlife refunds fund is hereby created in the 34241
state treasury. The fund shall consist of money received from 34242
application fees for deer permits that are not issued. Money in 34243
the fund shall be used to make refunds of such application fees. 34244

(D) If the division establishes a system for the 34245
electronic submission of information regarding deer or wild 34246
turkey that are taken, the division shall allow the owner and 34247
the children of the owner of lands in this state to use the 34248
owner's name or address for purposes of submitting that 34249
information electronically via that system. 34250

Sec. 1533.111. (A) Except as provided in this section or 34251
division (A)(2) of section 1533.12 of the Revised Code, no 34252
person shall hunt or trap fur-bearing animals on land of another 34253
without first obtaining some type of an annual fur taker permit. 34254

(B)(1) Except as otherwise provided in rules adopted under 34255
division (B) of section 1533.12 of the Revised Code, each 34256
applicant for a fur taker permit or an apprentice fur taker 34257
permit shall pay an annual fee for each annual permit in 34258
accordance with the following schedule: 34259

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A	Fur taker permit	\$14.00
B	Apprentice fur taker permit	\$14.00
C	Senior fur taker permit - resident only	\$7.00
D	Apprentice senior fur taker permit - resident only	\$7.00

E	Special youth fur taker permit	\$7.00	
F	Apprentice youth fur taker permit	\$7.00	
	(2) As used in division (B) (1) of this section:		34261
	(a) "Youth" means an applicant who is under the age of		34262
	eighteen years at the time of application for a permit.		34263
	(b) "Senior" means an applicant who is sixty-six years of		34264
	age or older at the time of application for a permit.		34265
	(C) Each type of fur taker permit is valid during the		34266
	hunting license year in which the permit is purchased. The money		34267
	received shall be paid into the state treasury to the credit of		34268
	the fund established in section 1533.15 of the Revised Code.		34269
	Apprentice fur taker permits and apprentice youth fur taker		34270
	permits are subject to the requirements established under		34271
	section 1533.102 of the Revised Code and rules adopted pursuant		34272
	to it.		34273
	(D) (1) No person shall issue a fur taker permit to an		34274
	applicant unless it is accompanied by a written explanation of		34275
	the law in section 1533.17 of the Revised Code and the penalty		34276
	for its violation, including a description of terms of		34277
	imprisonment and fines that may be imposed.		34278
	(2) No person shall issue a fur taker permit, other than		34279
	an apprentice fur taker permit or an apprentice youth fur taker		34280
	permit, to an applicant unless the applicant presents to the		34281
	agent authorized to issue a fur taker permit a previously held		34282
	hunting license or trapping or fur taker permit or evidence of		34283
	having held such a license or permit in content and manner		34284
	approved by the chief of the division of wildlife, a certificate		34285
	of completion issued upon completion of a trapper education		34286

course approved by the chief, or evidence of equivalent training 34287
in content and manner approved by the chief. A previously held 34288
apprentice hunting license, apprentice fur taker permit, or 34289
apprentice youth fur taker permit does not satisfy the 34290
requirement concerning the presentation of a previously held 34291
hunting license or fur taker permit or evidence of such a 34292
license or permit. 34293

(3) No person shall issue a fur taker permit, other than 34294
an apprentice fur taker permit or an apprentice youth fur taker 34295
permit, to any person who fails to present the evidence required 34296
by this section. No person shall purchase or obtain a fur taker 34297
permit, other than an apprentice fur taker permit or an 34298
apprentice youth fur taker permit, without presenting to the 34299
issuing agent the evidence required by this section. Issuance of 34300
a fur taker permit in violation of the requirements of this 34301
section is an offense by both the purchaser of the illegally 34302
obtained permit and the clerk or agent who issued the permit. 34303
Any fur taker permit issued in violation of this section is 34304
void. 34305

(E) The chief, with approval of the wildlife council, 34306
shall adopt rules prescribing a trapper education course for 34307
first-time fur taker permit buyers, other than buyers of 34308
apprentice fur taker permits or apprentice youth fur taker 34309
permits, and for volunteer instructors. The course shall consist 34310
of subjects that include, but are not limited to, trapping 34311
techniques, animal habits and identification, trapping tradition 34312
and ethics, the trapper and conservation, the law in section 34313
1533.17 of the Revised Code along with the penalty for its 34314
violation, including a description of terms of imprisonment and 34315
fines that may be imposed, and other law relating to trapping. 34316
Authorized personnel of the division of wildlife or volunteer 34317

instructors approved by the chief shall conduct the courses with 34318
such frequency and at such locations throughout the state as to 34319
reasonably meet the needs of permit applicants. The chief shall 34320
issue a certificate of completion to each person who 34321
successfully completes the course and passes an examination 34322
prescribed by the chief. 34323

(F) Every person, while hunting or trapping fur-bearing 34324
animals on lands of another, shall carry the person's fur taker 34325
permit with the person's signature written on the permit. 34326
Failure to carry such a signed permit constitutes an offense 34327
under this section. The chief shall adopt any additional rules 34328
the chief considers necessary to carry out this section. 34329

(G) An owner who is a resident of this state or an owner 34330
who is exempt from obtaining a hunting license under section 34331
1533.10 of the Revised Code and the spouse, parents, children of 34332
any age, and grandchildren under eighteen years of age of the 34333
owner of lands in this state may hunt or trap fur-bearing 34334
animals thereon without a fur taker permit. If the owner of land 34335
in this state is a limited liability company or a limited 34336
liability partnership that consists of three or fewer individual 34337
members or partners, as applicable, an individual member or 34338
partner who is a resident of this state and the member's or 34339
partner's parents, children of any age, and grandchildren under 34340
eighteen years of age may hunt or trap fur-bearing animals on 34341
the land owned by the limited liability company or limited 34342
liability partnership without a fur taker permit. In addition, 34343
if the owner of land in this state is a trust that has a total 34344
of three or fewer trustees and beneficiaries, an individual who 34345
is a trustee or beneficiary and who is a resident of this state 34346
and the individual's parents, children of any age, and 34347
grandchildren under eighteen years of age may hunt or trap fur- 34348

bearing animals on the land owned by the trust without a fur taker permit. The tenant and children of the tenant may hunt or trap fur-bearing animals on lands where they reside without a fur taker permit.

(H) A fur taker permit is not transferable. No person shall carry a fur taker permit issued in the name of another person.

(I) A fur taker permit entitles a nonresident to take from this state fur-bearing animals taken and possessed by the nonresident as provided by law or division rule.

Sec. 1533.13. Hunting and fishing licenses, wetlands habitat stamps, deer and wild turkey permits, fur taker permits, and any other licenses, permits, or stamps that are required under this chapter or Chapter 1531. of the Revised Code and any reissued license, permit, or stamp may be issued by the clerk of the court of common pleas, village clerks, township fiscal officers, and other authorized agents designated by the chief of the division of wildlife. When required by the chief, a clerk, fiscal officer, or other agent shall give bond in the manner provided by the chief. All bonds, reports, ~~except records prescribed by the auditor of state,~~ and moneys received by those persons shall be handled under rules adopted by the director of natural resources.

The premium of any bond prescribed by the chief under this section may be paid by the chief. Any person who is designated and authorized by the chief to issue licenses, stamps, and permits as provided in this section, except the clerk of the court of common pleas, a village clerk, and a township fiscal officer, shall pay to the chief a premium in an amount that represents the person's portion of the premium paid by the chief

under this section, which amount shall be established by the 34379
chief and approved by the wildlife council created under section 34380
1531.03 of the Revised Code. The chief shall pay all moneys that 34381
the chief receives as premiums under this section into the state 34382
treasury to the credit of the wildlife fund created under 34383
section 1531.17 of the Revised Code. 34384

Every authorized agent, for the purpose of issuing hunting 34385
and fishing licenses, wetlands habitat stamps, deer and wild 34386
turkey permits, and fur taker permits, may administer oaths to 34387
and take affidavits from applicants for the licenses, stamps, or 34388
permits when required. An authorized agent may appoint deputies 34389
to perform any acts that the agent is authorized to perform, 34390
consistent with division rules. 34391

Every applicant for a hunting or fishing license, wetlands 34392
habitat stamp, deer or wild turkey permit, or fur taker permit, 34393
unless otherwise provided by division rule, shall provide the 34394
applicant's name, date of birth, weight, height, and place of 34395
residence and any other information that the chief may require. 34396
The clerk, fiscal officer, or other agent authorized to issue 34397
licenses, stamps, and permits shall charge each applicant a fee 34398
of one dollar or four per cent of the cost of the license, 34399
stamp, or permit, whichever is greater, for taking the 34400
information provided by the applicant and issuing the license, 34401
stamp, or permit. The application, license, stamp, permit, and 34402
other blanks required by this section shall be prepared and 34403
furnished by the chief, in the form the chief provides, to the 34404
clerk, fiscal officer, or other agent authorized to issue them. 34405
The licenses and permits shall be issued to applicants by the 34406
clerk, fiscal officer, or other agent. The record of licenses 34407
and permits kept by the clerks, fiscal officers, and other 34408
agents shall be uniform throughout the state ~~and in the form or~~ 34409

~~manner as the auditor of state prescribes~~ and shall be open at 34410
all reasonable hours to the inspection of any person. Unless 34411
otherwise provided by division rule, each annual hunting 34412
license, deer or wild turkey permit, and fur taker permit issued 34413
shall remain in force until the first day of March. Application 34414
for any such license or permit may be made and a license or 34415
permit issued prior to the date upon which it becomes effective. 34416

The chief may require an applicant who wishes to purchase 34417
a license, stamp, or permit by mail or telephone or via the 34418
internet to pay a nominal fee for postage and handling and 34419
credit card transactions. 34420

The court before whom a violator of any laws or division 34421
rules for the protection of wild animals is tried, as a part of 34422
the punishment, shall revoke the license, stamp, or permit of 34423
any person convicted. The license, stamp, or permit fee paid by 34424
that person shall not be returned to the person. The person 34425
shall not procure or use any other license, stamp, or permit or 34426
engage in hunting wild animals or trapping fur-bearing animals 34427
during the period of revocation as ordered by the court. 34428

No person under sixteen years of age shall engage in 34429
hunting unless accompanied by the person's parent or another 34430
adult person. 34431

Sec. 1533.131. The chief of the division of wildlife may 34432
sell gift certificates that may be used to obtain ~~hunting and~~ 34433
~~fishing~~, pay for, or purchase licenses, ~~fur taker, deer, and~~ 34434
~~wild turkey permits, and wetlands habitat stamps, user fees, and~~ 34435
conservation-related items provided for under this chapter or 34436
Chapter 1531. of the Revised Code. For the purposes of this 34437
~~section, the~~ The chief ~~shall~~ may adopt rules in accordance with 34438
section 1531.10 of the Revised Code ~~doing~~ necessary to 34439

administer this section, including all of the following: 34440

(A) ~~Providing that a gift certificate may be used to~~ 34441
~~obtain a resident or nonresident hunting license under section~~ 34442
~~1533.10 of the Revised Code, a resident or nonresident fishing~~ 34443
~~license under section 1533.32 of the Revised Code, a fur taker~~ 34444
~~permit under section 1533.111 of the Revised Code, a deer or~~ 34445
~~wild turkey permit under section 1533.11 of the Revised Code, a~~ 34446
~~wetlands habitat stamp under section 1533.112 of the Revised~~ 34447
~~Code, or a combination of those licenses, permits, and~~ 34448
~~stamps~~ Designating which licenses, permits, stamps, user fees, 34449
and conservation-related items may be obtained, paid for, or 34450
purchased with a gift certificate; 34451

(B) Prescribing the form for the gift certificates; 34452

(C) Authorizing persons who are designated and authorized 34453
under section 1533.13 of the Revised Code to sell licenses and 34454
permits under this chapter also to sell gift certificates under 34455
this section; 34456

~~(D) Establishing fees for the gift certificates, which~~ 34457
~~shall equal the total of the fee for a resident or nonresident~~ 34458
~~hunting license, a resident or nonresident fishing license, a~~ 34459
~~fur taker permit, a deer or wild turkey permit, a wetlands~~ 34460
~~habitat stamp, or a combination of those licenses, permits, and~~ 34461
~~stamp, as applicable, and the fee established under section~~ 34462
~~1533.13 of the Revised Code;~~ 34463

~~(E) Requiring gift certificates to expire one year after~~ 34464
~~the date of purchase.~~ 34465

Nothing in this section or rules adopted under it relieves 34466
an individual who receives a gift certificate for a hunting 34467
license from complying with the requirement established under 34468

section 1533.10 of the Revised Code to present, when applying 34469
for the license, a previously held hunting license or evidence 34470
of having held such a license in content and manner approved by 34471
the chief, a certificate of completion issued upon completion of 34472
a hunter education and conservation course approved by the 34473
chief, or evidence of equivalent training in content and manner 34474
approved by the chief. 34475

Nothing in this section or rules adopted under it relieves 34476
an individual who receives a gift certificate for a fur taker 34477
permit from complying with the requirements established under 34478
section 1533.111 of the Revised Code to present, when applying 34479
for the permit, a previously held hunting license or trapping or 34480
fur taker permit or evidence of having held such a license or 34481
permit in content and manner approved by the chief, a 34482
certificate of completion issued upon completion of a trapper 34483
education course approved by the chief, or evidence of 34484
equivalent training in content and manner approved by the chief. 34485

Sec. 1533.32. (A) Except as provided in this section or 34486
division (A) (2) or (C) of section 1533.12 of the Revised Code or 34487
as exempted at the discretion of the chief of the division of 34488
wildlife, no person, including nonresidents, shall take or catch 34489
any fish by angling in any of the waters in the state or engage 34490
in fishing in those waters without a license. No person shall 34491
take or catch frogs or turtles without a valid fishing license, 34492
except as provided in this section. Persons fishing in privately 34493
owned ponds, lakes, or reservoirs to or from which fish are not 34494
accustomed to migrate are exempt from the license requirements 34495
set forth in this section. Persons fishing in privately owned 34496
ponds, lakes, or reservoirs that are open to public fishing 34497
through an agreement or lease with the division of wildlife 34498
shall comply with the license requirements set forth in this 34499

section. 34500

(B) (1) Except as otherwise provided in rules adopted under 34501
division (B) of section 1533.12 of the Revised Code, each 34502
applicant for a fishing license shall pay a fee for each license 34503
in accordance with the following schedule: 34504
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A	Annual fishing license - resident	\$24.00
B	Annual fishing license - nonresident that is not a resident of a reciprocal state	\$49.00 <u>\$74.00</u>
C	Annual fishing license - nonresident that is a resident of a reciprocal state	\$24.00
D	Annual senior fishing license - resident	\$9.00
E	Three-day tourist fishing license - nonresident that is not a resident of a reciprocal state	\$24.00 <u>\$50.00</u>
F	One-day fishing license - <u>resident</u>	\$13.00
G	<u>One-day fishing license - nonresident that is not a resident of a reciprocal state</u>	<u>\$26.00</u>
H	<u>One-day fishing license - nonresident that is a resident of a reciprocal state</u>	<u>\$13.00</u>

(2) As used in division (B) (1) of this section: 34506

(a) "Reciprocal state" means a state that is a party to an 34507
agreement under section 1533.91 of the Revised Code. 34508

(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a license. 34509
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(3) Any person under the age of sixteen years may take or catch frogs and turtles and take or catch fish by angling without a license. 34511
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(C) (1) The chief of the division of wildlife may issue a tourist's license expiring three days from the effective date of the license to a resident of a state that is not a party to an agreement under section 1533.91 of the Revised Code. 34514
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(2) The chief shall adopt rules under section 1531.10 of the Revised Code providing for the issuance of a one-day fishing license to a resident of this state or of any other state. A one-day fishing license shall allow the holder to take or catch fish by angling in the waters in the state, engage in fishing in those waters, or take or catch frogs or turtles in those waters for one day without obtaining an annual license or a tourist's license under this section. At the request of a holder of a one-day fishing license who wishes to obtain an annual license, a clerk or agent authorized to issue licenses under section 1533.13 of the Revised Code, not later than the last day on which the one-day license would be valid if it were an annual license, shall credit the amount of the fee paid for the one-day license toward the fee charged for the annual license if so authorized by the chief. The clerk or agent shall issue the annual license upon presentation of the one-day license and payment of a fee in an amount equal to the difference between the fee for the annual license and the fee for the one-day license. 34518
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(3) Unless otherwise provided by division rule, each annual license shall begin on the date of issuance and expire a 34537
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year from the date of issuance. 34539

(4) Unless otherwise provided by division rule, each 34540
multi-year license issued in accordance with section 1533.321 of 34541
the Revised Code shall begin on the date of issuance and expire 34542
three years, five years, or ten years from the date of issuance, 34543
as applicable. 34544

(5) No person shall alter a fishing license or possess a 34545
fishing license that has been altered. 34546

(6) No person shall procure or attempt to procure a 34547
fishing license by fraud, deceit, misrepresentation, or any 34548
false statement. 34549

(7) A resident of this state who owns land over, through, 34550
upon, or along which any water flows or stands, except where the 34551
land is in or borders on state parks or state-owned lakes, 34552
together with the members of the immediate families of such 34553
owners, may take frogs and turtles and may take or catch fish of 34554
the kind permitted to be taken or caught therefrom without 34555
procuring a license provided for in this section. This exemption 34556
extends to tenants actually residing upon such lands and to the 34557
members of the immediate families of the tenants. A resident of 34558
any other state who owns land in this state over, through, upon, 34559
or along which any water flows or stands, except where the land 34560
is in or borders on state parks or state-owned lakes, and the 34561
spouse and children living with the owner, may take frogs and 34562
turtles and may take or catch fish of the kind permitted to be 34563
taken or caught from that water without obtaining a license 34564
under this section, provided that the state of residence of the 34565
owner allows residents of this state owning real property in 34566
that state, and the spouse and children living with such a 34567
property owner, to take frogs and turtles and take or catch fish 34568

without a license. If the owner of such land in this state is a 34569
limited liability company or a limited liability partnership 34570
that consists of three or fewer individual members or partners, 34571
as applicable, an individual member or partner who is a resident 34572
of this state and the member's or partner's children of any age 34573
may take frogs and turtles and may take or catch fish of the 34574
kind permitted to be taken or caught therefrom without procuring 34575
a license provided for in this section. In addition, if the 34576
owner of such land in this state is a trust that has a total of 34577
three or fewer trustees and beneficiaries, an individual who is 34578
a trustee or beneficiary and who is a resident of this state and 34579
the individual's children of any age may take frogs and turtles 34580
and may take or catch fish of the kind permitted to be taken or 34581
caught therefrom without procuring a license provided for in 34582
this section. Residents of state or county institutions, 34583
charitable institutions, and military homes in this state may 34584
take frogs and turtles without procuring the required license, 34585
provided that a member of the institution or home has an 34586
identification card, which shall be carried on that person when 34587
fishing. 34588

(8) Every fisher required to be licensed, while fishing or 34589
taking or attempting to take frogs or turtles, shall carry the 34590
license and exhibit it to any person. Failure to so carry and 34591
exhibit the license constitutes an offense under this section. 34592

Sec. 1545.041. (A) Any township park district created 34593
pursuant to section 511.18 of the Revised Code that includes 34594
park land located outside the township in which the park 34595
district was established may be converted under the procedures 34596
provided in this section into a park district to be operated and 34597
maintained as provided for in this chapter, provided that there 34598
is no existing park district created under section 1545.04 of 34599

the Revised Code in the county in which the township park 34600
district is located. The proposed park district shall include 34601
within its boundary all townships and municipal corporations in 34602
which lands owned by the township park district seeking 34603
conversion are located, and may include any other townships and 34604
municipal corporations in the county in which the township park 34605
district is located. 34606

(B) Conversion of a township park district into a park 34607
district operated and maintained under this chapter shall be 34608
initiated by a resolution adopted by the board of park 34609
commissioners of the park district. Any resolution initiating a 34610
conversion shall include the following: 34611

(1) The name of the township park district seeking 34612
conversion; 34613

(2) The name of the proposed park district; 34614

(3) An accurate description of the territory to be 34615
included in the proposed district; 34616

(4) An accurate map or plat of the proposed park district. 34617
The resolution may also include a proposed tax levy for the 34618
operation and maintenance of the proposed park district. If such 34619
a tax levy is proposed, the resolution shall specify the annual 34620
rate of the tax, expressed in dollars for each one hundred 34621
thousand dollars of ~~the county auditor's appraised~~ market value 34622
and in mills for each dollar of taxable value, and the number of 34623
consecutive years the levy will be in effect. The annual rate of 34624
such a tax may not be higher than the total combined millage of 34625
all levies then in effect for the benefit of the township park 34626
district named in the resolution. 34627

(C) Upon adoption of the resolution provided for in 34628

division (B) of this section, the board of park commissioners of 34629
the township park district seeking conversion under this section 34630
shall certify the resolution to the county auditor, who shall 34631
certify to the board the information required for a tax levy 34632
under section 5705.03 of the Revised Code, in the same manner as 34633
required under that section. 34634

The board shall certify the resolution and the county 34635
auditor's certification to the board of elections of the county 34636
in which the park district is located no later than four p.m. of 34637
the seventy-fifth day before the day of the election at which 34638
the question will be voted upon. Upon certification of the 34639
resolution to the board, the board of elections shall make the 34640
necessary arrangements to submit the question of conversion of 34641
the township park into a park district operated and maintained 34642
under Chapter 1545. of the Revised Code, to the electors 34643
qualified to vote at the next primary or general election who 34644
reside in the territory of the proposed park district. The 34645
question shall provide for a tax levy if such a levy is 34646
specified in the resolution. 34647

(D) The ballot submitted to the electors as provided in 34648
division (C) of this section shall contain the following 34649
language: 34650

"Shall the _____ (name of the township park 34651
district seeking conversion) be converted into a park district 34652
to be operated and maintained under Chapter 1545. of the Revised 34653
Code under the name of _____ (name of proposed park 34654
district), which park district shall include the following 34655
townships and municipal corporations: 34656

(Name townships and municipal corporations) 34657

Approval of the proposed conversion will result in the 34658
 termination of all existing tax levies voted for the benefit of 34659
 _____ (name of the township park district sought to be 34660
 converted) and in the levy of a new tax for the operation and 34661
 maintenance of _____ (name of proposed park district), 34662
 that the county auditor estimates will collect \$_____ annually, 34663
 at a rate not exceeding _____ mills for each \$1 of taxable 34664
 value, which amounts to \$_____ for each \$100,000 of ~~the~~ 34665
~~county auditor's appraised market~~ value, for _____ (number of 34666
 years the millage is to be imposed) years, commencing on the 34667
 _____ (year) tax duplicate. 34668
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	For the proposed conversion	
	Against the proposed conversion	"

(E) If the proposed conversion is approved by at least a 34670
 majority of the electors voting on the proposal, the township 34671
 park district that seeks conversion shall become a park district 34672
 subject to Chapter 1545. of the Revised Code effective the first 34673
 day of January following approval by the voters. The park 34674
 district shall have the name specified in the resolution, and 34675
 effective the first day of January following approval by the 34676
 voters, the following shall occur: 34677

(1) The indebtedness of the former township park district 34678
 shall be assumed by the new park district; 34679

(2) All rights, assets, properties, and other interests of 34680
 the former township park district shall become vested in the new 34681
 park district, including the rights to any tax revenues 34682
 previously vested in the former township park district; 34683
 provided, that all tax levies in excess of the ten mill 34684

limitation approved for the benefit of the former township park 34685
district shall be removed from the tax lists after the February 34686
settlement next succeeding the conversion. Any tax levy approved 34687
in connection with the conversion shall be certified as provided 34688
in section 5705.25 of the Revised Code. 34689

(3) The members of the board of park commissioners of the 34690
former township park district shall be the members of the board 34691
of park commissioners of the new park district, with all the 34692
same powers and duties as if appointed under section 1545.05 of 34693
the Revised Code. The term of each such commissioner shall 34694
expire on the first day of January of the year following the 34695
year in which his term would have expired under section 511.19 34696
of the Revised Code. Thereafter, commissioners shall be 34697
appointed pursuant to section 1545.05 of the Revised Code. 34698

As used in this section, "~~the county auditor's appraised~~ 34699
market value" has the same meaning as in section 5705.01 of the 34700
Revised Code. 34701

Sec. 1545.21. (A) The board of park commissioners, by 34702
resolution, may submit to the electors of the park district the 34703
question of levying taxes for the use of the district. The 34704
resolution shall declare the necessity of levying such taxes, 34705
shall specify the purpose for which such taxes shall be used, 34706
the annual rate proposed, and the number of consecutive years 34707
the rate shall be levied. Such resolution shall be forthwith 34708
certified to the board of elections in each county in which any 34709
part of such district is located, not later than the ninetieth 34710
day before the day of the election, and the question of the levy 34711
of taxes as provided in such resolution shall be submitted to 34712
the electors of the district at a special election to be held on 34713
whichever of the following occurs first: 34714

(1) The day of the next general election; 34715

(2) The first Tuesday after the first Monday in May in any 34716
calendar year, except that if a presidential primary election is 34717
held in that calendar year, then the day of that election. 34718

A resolution to renew, renew and increase, or renew and 34719
decrease any existing levy shall not be placed on the ballot 34720
unless the question is submitted at the general election held 34721
during the last year the tax to be renewed may be extended on 34722
the tax list, or at any election described in division (A) (1) or 34723
(2) of this section in the ensuing year. Such a resolution may 34724
specify that the renewal, increase, or decrease of the existing 34725
levy shall be extended on the tax list for the tax year 34726
specified in the resolution, which may be the last year the 34727
existing levy may be extended on the list for the ensuing year. 34728
If the renewal, increase, or decrease is to be extended on the 34729
tax list for the last tax year the existing levy would otherwise 34730
be extended, the existing levy shall not be extended on the tax 34731
list for that last year unless the question of the renewal, 34732
increase, or decrease is not approved by a majority of electors 34733
voting on the question, in which case the existing levy shall be 34734
extended on the tax list for that last year. 34735

Except as otherwise prescribed in division (B) of this 34736
section, the ballot shall set forth the purpose for which the 34737
taxes shall be levied, the levy's estimated annual collections, 34738
the annual rate of levy, expressed in mills for each dollar of 34739
taxable value and in dollars for each one hundred thousand 34740
dollars of ~~the county auditor's appraised market~~ value, and the 34741
number of years of such levy. If the tax is to be placed on the 34742
current tax list, the form of the ballot shall state that the 34743
tax will be levied in the current tax year and shall indicate 34744

the first calendar year the tax will be due. 34745

~~(B)(1)~~ (B) If the resolution of the board of park 34746
commissioners provides that an existing levy will be renewed, 34747
increased, or decreased upon the passage of the ballot question, 34748
the form of the ballot shall be the same as prescribed for such 34749
levies in divisions (B) and (C) of section 5705.25 of the 34750
Revised Code. 34751

~~(2) If the resolution of the board of park commissioners~~ 34752
~~provides that an existing levy will be canceled upon the passage~~ 34753
~~of the new levy, the board shall request that the county~~ 34754
~~auditor, in addition to the information the auditor is required~~ 34755
~~to certify under section 5705.03 of the Revised Code, certify~~ 34756
~~the effective rate of the existing levy. In such an instance,~~ 34757
~~the ballot must include a statement that: "an existing levy of~~ 34758
~~___ mills (stating the original levy millage) for each \$1 of~~ 34759
~~taxable value, which amounts to \$___ (effective rate) for each~~ 34760
~~\$100,000 of the county auditor's appraised value, having ___~~ 34761
~~years remaining, will be canceled and replaced upon the passage~~ 34762
~~of this levy." In such case, the ballot may refer to the new~~ 34763
~~levy as a "replacement levy" if the new millage does not exceed~~ 34764
~~the original millage of the levy being canceled or as a~~ 34765
~~"replacement and additional levy" if the new millage exceeds the~~ 34766
~~original millage of the levy being canceled.~~ 34767

(C) If a majority of the electors voting upon the question 34768
of such levy vote in favor thereof, such taxes shall be levied 34769
and shall be in addition to the taxes authorized by section 34770
1545.20 of the Revised Code, and all other taxes authorized by 34771
law. The rate submitted to the electors at any one time shall 34772
not exceed two mills annually upon each dollar of taxable value 34773
unless the purpose of the levy includes providing operating 34774

revenues for one of Ohio's major metropolitan zoos, as defined 34775
in section 4503.74 of the Revised Code, in which case the rate 34776
shall not exceed three mills annually upon each dollar of 34777
taxable value. When a tax levy has been authorized as provided 34778
in this section or in section 1545.041 of the Revised Code, the 34779
board of park commissioners may issue bonds pursuant to section 34780
133.24 of the Revised Code in anticipation of the collection of 34781
such levy, provided that such bonds shall be issued only for the 34782
purpose of acquiring and improving lands. Such levy, when 34783
collected, shall be applied in payment of the bonds so issued 34784
and the interest thereon. The amount of bonds so issued and 34785
outstanding at any time shall not exceed one per cent of the 34786
total taxable value in such district. Such bonds shall bear 34787
interest at a rate not to exceed the rate determined as provided 34788
in section 9.95 of the Revised Code. 34789

(D) As used in this section, "~~the county auditor's~~ 34790
~~appraised market value~~" and "effective rate" have the same 34791
meanings as in section 5705.01 of the Revised Code. 34792

Sec. 1546.04. (A) Except as provided in this section, the 34793
chief of the division of parks and watercraft, with the approval 34794
of the director of natural resources, shall adopt rules in 34795
accordance with Chapter 119. of the Revised Code that are 34796
necessary for the proper management of state parks, bodies of 34797
water, and the lands adjacent to them under its jurisdiction and 34798
control, including rules: 34799

(1) Governing opening and closing times and dates of state 34800
parks; 34801

(2) Establishing fees and charges for use of facilities in 34802
state parks; 34803

(3) Governing camps, camping, and fees for camps and camping;	34804 34805
(4) Governing the application for and rental of, rental fees for, and the use of cottages;	34806 34807
(5) Relating to public use of state park lands, and governing the operation of motor vehicles, including speeds and parking on those lands;	34808 34809 34810
(6) Governing all advertising within state parks and requirements for the operation of places selling tangible personal property and food service sales on lands and waters under the control of the division. The rules shall establish uniform requirements for those operations and sales.	34811 34812 34813 34814 34815
(7) Providing uniform standards relating to the size, type, location, construction, and maintenance of structures and devices used for fishing or moorage of watercraft, rowboats, sailboats, and powercraft over waters under the control of the division and establishing reasonable fees for the construction of, and annual use permits for, those structures and devices;	34816 34817 34818 34819 34820 34821
(8) Governing state beaches, swimming, inflatable devices, and fees for them;	34822 34823
(9) Governing the removal and disposition of any watercraft, rowboat, sailboat, or powercraft left unattended for more than seven days on any lands or waters under the control of the division;	34824 34825 34826 34827
(10) Governing the establishment and collection of check collection charges for checks that are returned to the division or dishonored for any reason;	34828 34829 34830
(11) Governing natural resources officers in all parks and	34831

bodies of water and lands adjacent to those bodies under the 34832
supervision and control of the division as are necessary to the 34833
proper management of such parks and bodies of water. 34834

(B) The chief shall adopt rules in accordance with Chapter 34835
119. of the Revised Code establishing a discount program for all 34836
persons who are issued a golden buckeye card under section 34837
173.06 of the Revised Code. The discount program shall provide a 34838
discount for all park services and rentals, but shall not 34839
provide a discount for the purchase of merchandise. 34840

(C) The chief, with the approval of the director of 34841
natural resources, may adopt rules in accordance with Chapter 34842
119. of the Revised Code that establish all of the following: 34843

(1) Requirements governing the administration of state 34844
parks; 34845

(2) Requirements considered necessary by the chief to 34846
supplement the identification, operation, titling, use, 34847
registration, and numbering of watercraft or vessels as provided 34848
in Chapters 1547. and 1548. of the Revised Code; 34849

(3) Requirements governing the navigation of vessels on 34850
waters in this state, including rules regarding steering and 34851
sailing, the conduct of vessels in sight of one another or in 34852
restricted visibility, lights and shapes of lights used on 34853
vessels, and sound and light signals. As the chief considers 34854
necessary, the chief shall ensure that those rules are 34855
consistent with and equivalent to the regulations and 34856
interpretive rulings governing inland waters adopted or issued 34857
under the "Inland Navigational Rules Act of 1980," 94 Stat. 34858
3415, 33 U.S.C. 151, 1604, 1605, 1608, 2001 to 2008, and 2071 to 34859
2073. 34860

(4) Requirements and procedures governing vessel safety inspection checkpoints, including procedures that comply with statutory and constitutional provisions governing searches and seizures by law enforcement officers;	34861 34862 34863 34864
(5) Fees and charges for all of the following:	34865
(a) Boating skill development classes and other educational classes;	34866 34867
(b) Law enforcement services provided at special events when the services are in addition to normal enforcement duties;	34868 34869
(c) Inspections of vessels or motors conducted under Chapter 1547. or Chapter 1548. of the Revised Code.	34870 34871
(D) The chief shall not adopt rules under this section establishing fees or charges for parking a motor vehicle in a state park or for admission to a state park.	34872 34873 34874
(E) <u>If the chief adopts rules under this section for the issuance of a permit for preventing or limiting ice formation on the surface of water that is located in a state park on property owned or managed by the division, the chief shall not levy a fee for the issuance of the permit.</u>	34875 34876 34877 34878 34879
<u>Sec. 1546.25. The park lodges, maintenance, and repair fund is created in the state treasury. The fund shall consist of money received from contractual agreements with service providers and concessionaires for state park lodges, restaurants, and marinas. The chief of the division of parks and watercraft shall use money in the fund to pay maintenance and repair costs for facilities operated by concessionaires and service providers at state park lodges, restaurants, and marinas.</u>	34880 34881 34882 34883 34884 34885 34886 34887 34888

Sec. 1546.26. The parks and watercraft holding fund is 34889
created in the state treasury. The fund shall consist of money 34890
received by the division of parks and watercraft from gift card 34891
sales, credit card sales, and sales conducted at field 34892
locations. 34893

With regard to gift card sales, the chief of the division 34894
of parks and watercraft shall transfer money in the parks and 34895
watercraft holding fund to the appropriate fund after gift 34896
certificates and gift cards are redeemed. 34897

Sec. 1547.54. (A) (1) Except as otherwise provided in 34898
section 1547.542 of the Revised Code, the owner of every 34899
watercraft requiring registration under this chapter shall file 34900
an application for a triennial registration certificate with the 34901
chief of the division of parks and watercraft on forms that 34902
shall be provided by the chief or by an electronic means 34903
approved by the chief. The application shall be signed by the 34904
following: 34905

(a) If the watercraft is owned by two persons under joint 34906
ownership with right of survivorship established under section 34907
2131.12 of the Revised Code, by both of those persons as owners 34908
of the watercraft. The signatures may be done by electronic 34909
signature if the owners themselves are renewing the registration 34910
and there are no changes in the registration information since 34911
the issuance of the immediately preceding registration 34912
certificate. In all other instances, the signatures shall be 34913
done manually. 34914

(b) If the watercraft is owned by a minor, by the minor 34915
and a parent or legal guardian. The signatures may be done by 34916
electronic signature if the parent or legal guardian and the 34917
minor themselves are renewing the registration and there are no 34918

changes in the registration information since the issuance of 34919
the immediately preceding registration certificate. In all other 34920
instances, the signatures shall be done manually. 34921

(c) In all other cases, by the owner of the watercraft. 34922
The signature may be done by electronic signature if the owner 34923
is renewing the registration personally and there are no changes 34924
in the registration information since the issuance of the 34925
immediately preceding registration certificate. In all other 34926
instances, the signatures shall be done manually. 34927

(2) An application for a triennial registration of a 34928
watercraft filed under division (A)(1) of this section shall be 34929
accompanied by the following fee: 34930

(a) For canoes, rowboats, and inflatable watercraft that 34931
are numbered under section 1547.53 of the Revised Code, twelve 34932
dollars; 34933

(b) For canoes, row boats, and inflatable watercraft that 34934
are not numbered under section 1547.53 of the Revised Code, 34935
seventeen dollars; 34936

(c) For class A watercraft, including motorized 34937
canoes, thirty dollars; 34938

(d) For class 1 watercraft, forty-five dollars; 34939

(e) For class 2 watercraft, sixty dollars; 34940

(f) For class 3 watercraft, seventy-five dollars; 34941

(g) For class 4 watercraft, ninety dollars. 34942

(3) For the purpose of registration, any watercraft 34943
operated by means of power, sail, or any other mechanical or 34944
electrical means of propulsion, except motorized canoes, shall be 34945

registered by length as prescribed in this section. 34946

(4) If an application for registration is filed by two 34947
persons as owners under division (A) (1) (a) of this section, the 34948
person who is listed first on the title shall serve as and 34949
perform the duties of the "owner" and shall be considered the 34950
person "in whose name the watercraft is registered" for purposes 34951
of divisions (B) to (R) of this section and for purposes of all 34952
other sections in this chapter. 34953

(B) All registration certificates issued under this 34954
section are valid for three years and are renewable on a 34955
triennial basis unless sooner terminated or discontinued in 34956
accordance with this chapter. The renewal date shall be printed 34957
on the registration certificate. A registration certificate may 34958
be renewed by the owner in the manner prescribed by the chief. 34959
All fees shall be charged according to a proration of the time 34960
remaining in the registration cycle to the nearest year. 34961

(C) In addition to the fees set forth in this section, the 34962
chief, or any authorized agent, shall charge an additional 34963
writing fee of three dollars for any registration certificate 34964
the chief or authorized agent issues. When the registration 34965
certificate is issued by an authorized agent, the additional 34966
writing fee of three dollars shall be retained by the issuing 34967
agent. When the registration certificate is issued by the chief, 34968
the additional writing fee of three dollars shall be deposited 34969
to the credit of the waterways safety fund established in 34970
section 1547.75 of the Revised Code. 34971

(D) In addition to the fees established in this section, 34972
watercraft that are not powercraft shall be charged a waterways 34973
conservation assessment fee of five dollars. The fee shall be 34974
collected at the time of the issuance of a triennial watercraft 34975

registration under division (A) (2) of this section and deposited 34976
in the state treasury and credited to a distinct account in the 34977
waterways safety fund created in section 1547.75 of the Revised 34978
Code. 34979

(E) (1) Upon receipt of the application in approved form, 34980
the chief shall enter the same upon the records of the office of 34981
the division of parks and watercraft, assign a number to the 34982
watercraft if a number is required under section 1547.53 of the 34983
Revised Code, and issue to the applicant a registration 34984
certificate. If a number is assigned by the chief, it shall be 34985
set forth on the certificate. The registration certificate, in 34986
physical or digital form, shall be on the watercraft for which 34987
it is issued and available at all times for inspection whenever 34988
the watercraft is in operation, except that livery operators may 34989
retain the registration certificate at the livery where it shall 34990
remain available for inspection at all times and except as 34991
otherwise provided in division (E) (2) of this section. 34992

(2) A person who is operating on the waters of this state 34993
a canoe, kayak, rowboat, or inflatable watercraft meeting the 34994
definition of a paddlecraft that has not been numbered under 34995
section 1547.53 of the Revised Code and who is stopped by a law 34996
enforcement officer in the enforcement of this chapter or rules 34997
shall present to the officer, not later than seventy-two hours 34998
after being stopped, a registration certificate, in physical or 34999
digital form. The registration certificate shall have been 35000
obtained under this section for the canoe, kayak, rowboat, or 35001
inflatable watercraft meeting the definition of a paddlecraft 35002
prior to the time that it was stopped. Failure of the person to 35003
present the registration certificate within seventy-two hours 35004
constitutes prima-facie evidence of a violation of this section. 35005

(F) No person shall issue or be issued a registration certificate for a watercraft that is required to be issued a certificate of title under Chapter 1548. of the Revised Code except upon presentation of a certificate of title for the watercraft as provided in that chapter, proof of current documentation by the United States coast guard, a renewal registration form provided by the division of parks and watercraft, or a certificate of registration issued under this section that has expired if there is no change in the ownership or description of the watercraft.

(G) Whenever the ownership of a watercraft changes, a new application form together with the prescribed fee shall be filed with the chief or the chief's agent and a new registration certificate shall be issued. The application shall be signed manually by the person or persons specified in divisions (A) (1) (a) to (c) of this section and shall be accompanied by a two-dollar transfer fee. Any remaining time on the registration shall be transferred. An authorized agent of the chief shall charge an additional writing fee of three dollars, which shall be retained by the issuing agent. If the certificate is issued by the chief, an additional writing fee of three dollars for each certificate issued shall be collected and deposited to the credit of the waterways safety fund.

(H) If an agency of the United States has in force an overall system of identification numbering for watercraft or certain types of watercraft within the United States, the numbering system employed by the division shall be in conformity with that system.

(I) (1) The chief may assign any registration certificates to any authorized agent for the assignment of the registration

certificates. If a person accepts that authorization, the person 35036
may be assigned a block of numbers and certificates that upon 35037
assignment, in conformity with this chapter and Chapter 1548. of 35038
the Revised Code and with rules, shall be valid as if assigned 35039
directly by the division. Any person so designated as an agent 35040
by the chief shall post with the division security as may be 35041
required by the director of natural resources. The chief may 35042
issue an order temporarily or permanently restricting or 35043
suspending an agent's authorization without a hearing if the 35044
chief finds that the agent has violated this chapter or Chapter 35045
1548. of the Revised Code, rules, or any agreements prescribed 35046
by the chief. 35047

(2) A clerk of the court of common pleas may apply for 35048
designation as an authorized agent of the chief. The division 35049
shall accept the clerk's bond that is required under section 35050
2303.02 of the Revised Code for any security that is required 35051
for agents under this division, provided that the bond includes 35052
a rider or other provision specifically covering the clerk's 35053
duties as an authorized agent of the chief. 35054

(J) All records of the division made or kept pursuant to 35055
this section shall be public records. Those records shall be 35056
available for inspection at reasonable hours and in a manner 35057
compatible with normal operations of the division. 35058

(K) The owner shall furnish the division notice within 35059
fifteen days of the following: 35060

(1) The transfer, other than through the creation of a 35061
security interest in any watercraft, of all or any part of the 35062
owner's interest or, if the watercraft is owned by two persons 35063
under joint ownership with right of survivorship established 35064
under section 2131.12 of the Revised Code, of all or any part of 35065

the joint interest of either of the two persons. The transfer 35066
shall not terminate the registration certificate. 35067

(2) Any change in the address appearing on the 35068
certificate. As a part of the notification, the owner shall 35069
furnish the chief with the owner's new address. 35070

(3) The destruction or abandonment of the watercraft. 35071

(L) The chief may issue duplicate registration 35072
certificates or duplicate tags to owners of currently registered 35073
watercraft, the fee for which shall be four dollars. 35074

(M) If the chief finds that a registration certificate 35075
previously issued to an owner is in error to a degree that would 35076
impair its basic purpose and use, the chief may issue a 35077
corrected certificate to the owner without charge. 35078

(N) No authorized agent shall issue and no person shall 35079
receive or accept from an authorized agent a registration 35080
certificate assigned to the authorized agent under division (I) 35081
of this section unless the exact month, day, and year of issue 35082
are plainly written on the certificate by the agent. 35083
Certificates issued with incorrect dates of issue are void from 35084
the time they are issued. 35085

(O) The chief, in accordance with Chapter 119. of the 35086
Revised Code, shall adopt rules governing the renewal of 35087
watercraft registrations by electronic means. 35088

(P) As used in this section: 35089

(1) "Disabled veteran" means a person who is included in 35090
either of the following categories: 35091

(a) Because of a service-connected disability, has been or 35092
is awarded funds for the purchase of a motor vehicle under the 35093

"Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970," 84 Stat. 1998, 38 U.S.C. 1901, and amendments thereto; 35094
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(b) Has a service-connected disability rated at one hundred per cent by the veterans administration. 35096
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(2) "Prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the military forces of the United States who was captured, separated, and incarcerated by an enemy of the United States at any time, and any regularly appointed, enrolled, or enlisted member of the military forces of Great Britain, France, Australia, Belgium, Brazil, Canada, China, Denmark, Greece, the Netherlands, New Zealand, Norway, Poland, South Africa, or the republics formerly associated with the Union of Soviet Socialist Republics or Yugoslavia who was a citizen of the United States at the time of the appointment, enrollment, or enlistment, and was captured, separated, and incarcerated by an enemy of this country during World War II. 35098
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(Q) Any disabled veteran, congressional medal of honor awardee, or prisoner of war may apply to the chief for a certificate of registration, or for a renewal of the certificate of registration, without the payment of any fee required by this section. The application for a certificate of registration shall be accompanied by evidence of disability or by documentary evidence in support of a congressional medal of honor that the chief requires by rule. The application for a certificate of registration by any person who has been a prisoner of war shall be accompanied by written evidence in the form of a record of separation, a letter from one of the armed forces of a country listed in division (P) (2) of this section, or other evidence that the chief may require by rule, that the person was honorably discharged or is currently residing in this state on 35110
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active duty with one of the branches of the armed forces of the United States, or was a prisoner of war and was honorably discharged or received an equivalent discharge or release from one of the armed forces of a country listed in division (P) (2) of this section.

(R) Annually by the fifteenth day of January, the director of natural resources shall determine the amount of fees that would have been collected in the prior calendar year for each certificate of registration issued or renewed pursuant to division (Q) of this section and shall certify the total amount of foregone revenue to the director of budget and management for reimbursement. The director of budget and management shall transfer the amount certified from the general revenue fund to the waterways safety fund.

Sec. 1548.06. (A) (1) Application for a certificate of title for a watercraft or outboard motor shall be made upon a form prescribed by the chief of the division of parks and watercraft and shall be sworn to before a notary public or other officer empowered to administer oaths. The application shall be filed with the clerk of any court of common pleas. An application for a certificate of title may be filed electronically by any electronic means approved by the chief in any county with the clerk of the court of common pleas of that county. The application shall be accompanied by the fee prescribed in section 1548.10 of the Revised Code. The fee shall be retained by the clerk who issues the certificate of title and shall be distributed in accordance with that section. If a clerk of a court of common pleas, other than the clerk of the court of common pleas of an applicant's county of residence, issues a certificate of title to the applicant, the clerk shall transmit data related to the transaction to the automated title

processing system. 35155

(2) If a certificate of title previously has been issued 35156
for the watercraft or outboard motor, the application for a 35157
certificate of title also shall be accompanied by the 35158
certificate of title duly assigned unless otherwise provided in 35159
this chapter. If a certificate of title previously has not been 35160
issued for the watercraft or outboard motor in this state, the 35161
application, unless otherwise provided in this chapter, shall be 35162
accompanied by a manufacturer's or importer's certificate; by a 35163
sworn statement of ownership if the watercraft or outboard motor 35164
was purchased by the applicant on or before October 9, 1963, or 35165
if the watercraft is less than fourteen feet long with a 35166
permanently affixed mechanical means of propulsion and was 35167
purchased by the applicant on or before January 1, 2000; or by a 35168
certificate of title, bill of sale, or other evidence of 35169
ownership required by the law of another state from which the 35170
watercraft or outboard motor was brought into this state. 35171
Evidence of ownership of a watercraft or outboard motor for 35172
which an Ohio certificate of title previously has not been 35173
issued and which watercraft or outboard motor does not have 35174
permanently affixed to it a manufacturer's serial number shall 35175
be accompanied by the certificate of assignment of a hull 35176
identification number assigned by the chief as provided in 35177
section 1548.07 of the Revised Code. 35178

(3) The clerk shall retain the evidence of title presented 35179
by the applicant and on which the certificate of title is 35180
issued, except that, if an application for a certificate of 35181
title is filed electronically, by a vendor on behalf of a 35182
purchaser of a watercraft or outboard motor, the clerk shall 35183
retain the completed electronic record to which the vendor 35184
converted the certificate of title application and other 35185

required documents. The chief, after consultation with the attorney general, shall adopt rules that govern the location at which, and the manner in which, are stored the actual application and all other documents relating to the sale of a watercraft or outboard motor when a vendor files the application for a certificate of title electronically on behalf of a purchaser.

(B) The clerk shall use reasonable diligence in ascertaining whether the facts in the application are true by checking the application and documents accompanying it or the electronic record to which a vendor converted the application and accompanying documents with the records of watercraft and outboard motors in the clerk's office. If the clerk is satisfied that the applicant is the owner of the watercraft or outboard motor and that the application is in the proper form, the clerk shall issue a physical certificate of title over the clerk's signature and sealed with the clerk's seal unless the applicant specifically requests the clerk not to issue a physical certificate of title and instead to issue an electronic certificate of title. However, if the evidence indicates and an investigation shows that one or more Ohio titles already exist for the watercraft or outboard motor, the chief may cause the redundant title or titles to be canceled.

(C) In the case of the sale of a watercraft or outboard motor by a vendor to a general purchaser or user, the certificate of title shall be obtained in the name of the purchaser by the vendor upon application signed by the purchaser. In all other cases, the certificate shall be obtained by the purchaser. In all cases of transfer of watercraft or outboard motors, the application for certificate of title shall be filed within thirty days after the later of the date of

purchase or assignment of ownership of the watercraft or 35217
outboard motor. If the application for certificate of title is 35218
not filed within thirty days after the later of the date of 35219
purchase or assignment of ownership of the watercraft or 35220
outboard motor, the clerk shall charge a late penalty fee of 35221
five dollars in addition to the fee prescribed by section 35222
1548.10 of the Revised Code. The clerk shall retain the entire 35223
amount of each late penalty fee. 35224

(D) The clerk shall refuse to accept an application for 35225
certificate of title unless the applicant either tenders with 35226
the application payment of all taxes levied by or pursuant to 35227
Chapter 5739. or 5741. of the Revised Code based on the 35228
applicant's county of residence less, in the case of a sale by a 35229
vendor, any discount to which the vendor is entitled under 35230
section 5739.12 of the Revised Code, or submits any of the 35231
following: 35232

(1) A receipt issued by the tax commissioner or a clerk of 35233
courts showing payment of the tax; 35234

(2) A copy of the unit certificate of exemption completed 35235
by the purchaser at the time of sale as provided in section 35236
5739.03 of the Revised Code; 35237

(3) An exemption certificate, in a form prescribed by the 35238
tax commissioner, that specifies why the purchase is not subject 35239
to the tax imposed by Chapter 5739. or 5741. of the Revised 35240
Code. 35241

Payment of the tax shall be in accordance with rules 35242
issued by the tax commissioner, and the clerk shall issue a 35243
receipt in the form prescribed by the tax commissioner to any 35244
applicant who tenders payment of the tax with the application 35245

for the certificate of title. 35246

(E) (1) For receiving and disbursing the taxes paid to the 35247
clerk by a resident of the clerk's county, the clerk may retain 35248
a poundage fee of one and one one-hundredth per cent of the 35249
taxes collected, which shall be paid into the certificate of 35250
title administration fund created by section 325.33 of the 35251
Revised Code. The clerk shall not retain a poundage fee from 35252
payments of taxes by persons who do not reside in the clerk's 35253
county. 35254

(2) A clerk, however, may retain from the taxes paid to 35255
the clerk an amount equal to the poundage fees associated with 35256
certificates of title issued by other clerks of courts of common 35257
pleas to applicants who reside in the first clerk's county. The 35258
chief of the division of parks and watercraft, in consultation 35259
with the tax commissioner and the clerks of the courts of common 35260
pleas, shall develop a report from the automated title 35261
processing system that informs each clerk of the amount of the 35262
poundage fees that the clerk is permitted to retain from those 35263
taxes because of certificates of title issued by the clerks of 35264
other counties to applicants who reside in the first clerk's 35265
county. 35266

(F) In the case of casual sales of watercraft or outboard 35267
motors that are subject to the tax imposed by Chapter 5739. or 35268
5741. of the Revised Code, the purchase price for the purpose of 35269
determining the tax shall be the purchase price on an affidavit 35270
executed and filed with the clerk by the vendor on a form to be 35271
prescribed by the chief, which shall be prima-facie evidence of 35272
the price for the determination of the tax. In addition to the 35273
information required by section 1548.08 of the Revised Code, 35274
each certificate of title shall contain in bold lettering the 35275

following notification and statements: "WARNING TO TRANSFEROR 35276
AND TRANSFEREE (SELLER AND BUYER). You are required by law to 35277
state the true selling price. A false statement is a violation 35278
of section 2921.13 of the Revised Code and is punishable by six 35279
months imprisonment or a fine of up to one thousand dollars, or 35280
both. All transfers are audited by the department of taxation. 35281
The seller and buyer must provide any information requested by 35282
the department of taxation. The buyer may be assessed any 35283
additional tax found to be due." 35284

(G) Each county clerk of courts shall forward to the ~~tax-~~ 35285
~~commissioner~~ registrar of motor vehicles, in a manner prescribed 35286
by the tax commissioner, all sales and use tax collections 35287
resulting from sales of titled watercraft and outboard motors 35288
during a calendar week on or before the Friday following the 35289
close of that week. If, on any Friday, the offices of the clerk 35290
of courts or the state are not open for business, the tax shall 35291
be forwarded to the ~~commissioner~~ registrar on or before the next 35292
day on which the offices are open. Every remittance of tax under 35293
this division shall be accompanied by a remittance report in 35294
such form as the commissioner, in consultation with the director 35295
of public safety, prescribes. If the tax due for any week is not 35296
remitted by a clerk of courts as required under this division, 35297
the clerk shall forfeit the poundage fees for the sales made 35298
during that week. The commissioner may require the clerks of 35299
courts to transmit tax collections and remittance reports 35300
electronically. 35301

(H) For purposes of a transfer of a certificate of title, 35302
if the clerk is satisfied that a secured party has discharged a 35303
lien but has not canceled the lien notation with a clerk, the 35304
clerk may cancel the lien notation on the automated title 35305
processing system and notify the clerk of the county of origin. 35306

(I) Every clerk shall have the capability to transact by 35307
electronic means all procedures and transactions relating to the 35308
issuance of watercraft or outboard motor certificates of title 35309
that are described in the Revised Code as being accomplished by 35310
electronic means. 35311

Sec. 1701.04. (A) Any person, singly or jointly with 35312
others, and without regard to residence, domicile, or state of 35313
incorporation, may form a corporation by signing and filing with 35314
the secretary of state articles of incorporation that shall set 35315
forth all of the following: 35316

(1) The name of the corporation, which shall be in 35317
compliance with division (A) of section 1701.05 of the Revised 35318
Code; 35319

(2) The place in this state where the principal office of 35320
the corporation is to be located; 35321

(3) The authorized number and the par value per share of 35322
shares with par value, and the authorized number of shares 35323
without par value, except that the articles of a banking, safe 35324
deposit, trust, or insurance corporation shall not authorize 35325
shares without par value; the express terms, if any, of the 35326
shares; and, if the shares are classified, the designation of 35327
each class, the authorized number and par value per share, if 35328
any, of the shares of each class, and the express terms of the 35329
shares of each class; 35330

(4) If the corporation is to have an initial stated 35331
capital, the amount of that stated capital. 35332

(B) The articles also may set forth any of the following: 35333

(1) The names of the individuals who are to serve as 35334
initial directors; 35335

- (2) The purpose or purposes for which the corporation is formed, but in the absence of a statement of the purpose or purposes or except as expressly set forth in such statement, the purpose for which any corporation is formed is to engage in any lawful act or activity for which a corporation may be formed under this chapter, and all lawful acts and activities of the corporation are within the purposes of the corporation; 35336
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- (3) Any priority or other method for balancing the purposes for which the corporation is formed; 35343
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- (4) Any lawful provision for the purpose of defining, limiting, or regulating the exercise of the authority of the corporation, the incorporators, the directors, the officers, the shareholders, or the holders of any class of shares; 35345
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- (5) Any provision that may be set forth in the regulations; 35349
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- (6) A provision specifying the period of existence of the corporation if it is to be otherwise than perpetual; 35351
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- (7) A provision eliminating the right of every shareholder to vote cumulatively in the election of directors; 35353
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- (8) Any additional provision permitted by this chapter. 35355
- (C) A written appointment of a statutory agent for the purposes set forth in section 1701.07 of the Revised Code shall be filed with the articles, unless the corporation belongs to one of the classes mentioned in division ~~(O)~~(N) of that section. 35356
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- (D) The legal existence of the corporation begins upon the filing of the articles or on a later date specified in the articles that is not more than ninety days after filing, and, unless the articles otherwise provide, its period of existence 35360
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shall be perpetual. 35364

Sec. 1701.07. (A) Every corporation shall have and 35365
maintain an agent, sometimes referred to as the "statutory 35366
agent," upon whom any process, notice, or demand required or 35367
permitted by statute to be served upon a corporation may be 35368
served. The agent shall be one of the following: 35369

(1) A natural person who is a resident of this state; 35370

(2) A domestic or foreign corporation, nonprofit 35371
corporation, limited liability company, partnership, limited 35372
partnership, limited liability partnership, limited partnership 35373
association, professional association, business trust, or 35374
unincorporated nonprofit association that has a business address 35375
in this state. If the agent is an entity other than a domestic 35376
corporation, the agent shall meet the requirements of Title XVII 35377
of the Revised Code for an entity of the agent's type to 35378
transact business or exercise privileges in this state. 35379

(B) The secretary of state shall not accept original 35380
articles for filing unless there is filed with the articles a 35381
written appointment of an agent that is signed by the 35382
incorporators of the corporation or a majority of them and a 35383
written acceptance of the appointment that is signed by the 35384
agent. In all other cases, the corporation shall appoint the 35385
agent and shall file in the office of the secretary of state a 35386
written appointment of the agent that is signed by any 35387
authorized officer of the corporation and a written acceptance 35388
of the appointment that is either the original acceptance signed 35389
by the agent or a photocopy, facsimile, or similar reproduction 35390
of the original acceptance signed by the agent. 35391

(C) (1) The written appointment of an agent shall set forth 35392

the name and address in this state of the agent, including the 35393
street and number of the agent's primary residence in this state 35394
or, if the agent is not a natural person, the agent's usual 35395
place of business in this state, and shall otherwise be in such 35396
form as the secretary of state prescribes. The secretary of 35397
state shall keep a record of the names of corporations, and the 35398
names and addresses of their respective agents. 35399

(2) As used in division (C) (1) of this section, "usual 35400
place of business" means a place in this state that is 35401
customarily open during normal business hours and where an 35402
individual is generally present who is authorized to perform the 35403
services of a registered agent, including accepting service of 35404
process and other notifications for the person serving as a 35405
statutory agent. "Usual place of business" does not include a 35406
post office box, regardless of whether that post office box has 35407
an associated street address. 35408

(D) If any agent dies, removes from the state, or resigns, 35409
the corporation shall forthwith appoint another agent and file 35410
with the secretary of state, on a form prescribed by the 35411
secretary of state, a written appointment of the agent. 35412

(E) If the agent changes the agent's address from that 35413
appearing upon the record in the office of the secretary of 35414
state, the corporation or the agent shall forthwith file with 35415
the secretary of state, on a form prescribed by the secretary of 35416
state, a written statement setting forth the new address. 35417

(F) An agent may resign by filing with the secretary of 35418
state, on a form prescribed by the secretary of state, a written 35419
notice to that effect that is signed by the agent and by sending 35420
a copy of the notice to the corporation at the current or last 35421
known address of its principal office on or prior to the date 35422

the notice is filed with the secretary of state. The notice 35423
shall set forth the name of the corporation, the name and 35424
current address of the agent, the current or last known address, 35425
including the street and number or other particular description, 35426
of the corporation's principal office, the resignation of the 35427
agent, and a statement that a copy of the notice has been sent 35428
to the corporation within the time and in the manner prescribed 35429
by this division. Upon the expiration of thirty days after the 35430
filing, the authority of the agent shall terminate. 35431

(G) A corporation may revoke the appointment of an agent 35432
by filing with the secretary of state, on a form prescribed by 35433
the secretary of state, a written appointment of another agent 35434
and a statement that the appointment of the former agent is 35435
revoked. 35436

(H) Any process, notice, or demand required or permitted 35437
by statute to be served upon a corporation may be served upon 35438
the corporation by delivering a copy of it to its agent, if a 35439
natural person, or by delivering a copy of it at the address of 35440
its agent in this state, as the address appears upon the record 35441
in the office of the secretary of state. If (1) the agent cannot 35442
be found, or (2) the agent no longer has that address, or (3) 35443
the corporation has failed to maintain an agent as required by 35444
this section, and if in any such case the party desiring that 35445
the process, notice, or demand be served, or the agent or 35446
representative of the party, shall have filed with the secretary 35447
of state an affidavit stating that one of the foregoing 35448
conditions exists and stating the most recent address of the 35449
corporation that the party after diligent search has been able 35450
to ascertain, then service of process, notice, or demand upon 35451
the secretary of state, as the agent of the corporation, may be 35452
initiated by delivering to the secretary of state or at the 35453

secretary of state's office quadruplicate copies of such 35454
process, notice, or demand and by paying to the secretary of 35455
state a fee of five dollars. The secretary of state shall 35456
forthwith give notice of the delivery to the corporation at its 35457
principal office as shown upon the record in the secretary of 35458
state's office and at any different address shown on its last 35459
franchise tax report filed in this state, or to the corporation 35460
at any different address set forth in the above mentioned 35461
affidavit, and shall forward to the corporation at said 35462
addresses, by certified mail, with request for return receipt, a 35463
copy of the process, notice, or demand; and thereupon service 35464
upon the corporation shall be deemed to have been made. 35465

(I) The secretary of state shall keep a record of each 35466
process, notice, and demand delivered to the secretary of state 35467
or at the secretary of state's office under this section or any 35468
other law of this state that authorizes service upon the 35469
secretary of state, and shall record the time of the delivery 35470
and the action thereafter with respect thereto. 35471

(J) This section does not limit or affect the right to 35472
serve any process, notice, or demand upon a corporation in any 35473
other manner permitted by law. 35474

~~(K) Every corporation shall state in each annual report~~ 35475
~~filed by it with the department of taxation the name and address~~ 35476
~~of its statutory agent.~~ 35477

~~(L)~~ Except when an original appointment of an agent is 35478
filed with the original articles, a written appointment of an 35479
agent or a written statement filed by a corporation with the 35480
secretary of state shall be signed by any authorized officer of 35481
the corporation or by the incorporators of the corporation or a 35482
majority of them if no directors have been elected. 35483

~~(M)~~ (L) For filing a written appointment of an agent other than one filed with original articles, and for filing a statement of change of address of an agent, the secretary of state shall charge and collect the fee specified in division (R) of section 111.16 of the Revised Code.

~~(N)~~ (M) Upon the failure of a corporation to appoint another agent or to file a statement of change of address of an agent, the secretary of state shall give notice thereof by ordinary or electronic mail to the corporation at the electronic mail address provided to the secretary of state, or at the address set forth in the notice of resignation or on the last franchise tax return filed in this state by the corporation. Unless the default is cured within thirty days after the mailing by the secretary of state of the notice or within any further period of time that the secretary of state grants, upon the expiration of that period of time from the date of the mailing, the articles of the corporation shall be canceled without further notice or action by the secretary of state. The secretary of state shall make a notation of the cancellation on the secretary of state's records.

A corporation whose articles have been canceled may be reinstated by filing, within two years of the cancellation, on a form prescribed by the secretary of state, an application for reinstatement and the required appointment of agent or required statement, and by paying the filing fee specified in division (Q) of section 111.16 of the Revised Code. The rights, privileges, and franchises of a corporation whose articles have been reinstated are subject to section 1701.922 of the Revised Code. The secretary of state shall furnish the tax commissioner a monthly list of all corporations canceled and reinstated under this division.

~~(O)~~-(N) This section does not apply to banks, trust 35515
companies, insurance companies, or any corporation defined under 35516
the laws of this state as a public utility for taxation 35517
purposes. 35518

Sec. 1703.041. (A) Every foreign corporation for profit 35519
that is licensed to transact business in this state, and every 35520
foreign nonprofit corporation that is licensed to exercise its 35521
privileges in this state, shall have and maintain an agent, 35522
sometimes referred to as the "designated agent," upon whom 35523
process against the corporation may be served within this state. 35524
The agent shall be one of the following: 35525

(1) A natural person who is a resident of this state; 35526

(2) A domestic or foreign corporation, nonprofit 35527
corporation, limited liability company, partnership, limited 35528
partnership, limited liability partnership, limited partnership 35529
association, professional association, business trust, or 35530
unincorporated nonprofit association that has a business address 35531
in this state. If the agent is an entity other than a domestic 35532
corporation, the agent shall meet the requirements of Title XVII 35533
of the Revised Code for an entity of the agent's type to 35534
transact business or exercise privileges in this state. 35535

(B) (1) The written appointment of a designated agent shall 35536
set forth the name and address of the agent, including the 35537
street and number of the agent's primary residence in this state 35538
or, if the agent is not a natural person, the agent's usual 35539
place of business in this state, and shall otherwise be in such 35540
form as the secretary of state prescribes. The secretary of 35541
state shall keep a record of the names of such foreign 35542
corporations and the names and addresses of their respective 35543
agents. 35544

(2) As used in division (B) (1) of this section, "usual place of business" means a place in this state that is customarily open during normal business hours and where an individual is generally present who is authorized to perform the services of a registered agent, including accepting service of process and other notifications for the person serving as a statutory agent. "Usual place of business" does not include a post office box, regardless of whether that post office box has an associated street address.

(C) If the designated agent dies, removes from the state, or resigns, the foreign corporation shall forthwith appoint another agent and file in the office of the secretary of state, on a form prescribed by the secretary of state, a written appointment of the new agent.

(D) If the designated agent changes the agent's address from that appearing upon the record in the office of the secretary of state, the foreign corporation or the designated agent in its behalf shall forthwith file with the secretary of state, on a form prescribed by the secretary of state, a written statement setting forth the agent's new address.

(E) A designated agent may resign by filing with the secretary of state, on a form prescribed by the secretary of state, a signed statement to that effect. The secretary of state shall forthwith mail a copy of the statement to the foreign corporation at its principal office as shown by the record in the secretary of state's office. Upon the expiration of sixty days after the filing, the authority of the agent shall terminate.

(F) A foreign corporation may revoke the appointment of a designated agent by filing with the secretary of state, on a

form prescribed by the secretary of state, a written appointment 35575
of another agent and a statement that the appointment of the 35576
former agent is revoked. 35577

(G) Process may be served upon a foreign corporation by 35578
delivering a copy of it to its designated agent, if a natural 35579
person, or by delivering a copy of it at the address of its 35580
agent in this state, as the address appears upon the record in 35581
the office of the secretary of state. 35582

(H) This section does not limit or affect the right to 35583
serve process upon a foreign corporation in any other manner 35584
permitted by law. 35585

~~(I) Every foreign corporation for profit shall state in 35586
each annual report filed by it with the department of taxation 35587
the name and address of its designated agent in this state. 35588~~

Sec. 1707.01. As used in this chapter: 35589

(A) Whenever the context requires it, "division" or 35590
"division of securities" may be read as "director of commerce" 35591
or as "commissioner of securities." 35592

(B) "Security" means any certificate or instrument, or any 35593
oral, written, or electronic agreement, understanding, or 35594
opportunity, that represents title to or interest in, or is 35595
secured by any lien or charge upon, the capital, assets, 35596
profits, property, or credit of any person or of any public or 35597
governmental body, subdivision, or agency. It includes shares of 35598
stock, certificates for shares of stock, an uncertificated 35599
security, membership interests in limited liability companies, 35600
voting-trust certificates, warrants and options to purchase 35601
securities, subscription rights, interim receipts, interim 35602
certificates, promissory notes, all forms of commercial paper, 35603

evidences of indebtedness, bonds, debentures, land trust 35604
certificates, fee certificates, leasehold certificates, 35605
syndicate certificates, endowment certificates, interests in or 35606
under profit-sharing or participation agreements, interests in 35607
or under oil, gas, or mining leases, preorganization or 35608
reorganization subscriptions, preorganization certificates, 35609
reorganization certificates, interests in any trust or pretended 35610
trust, any investment contract, any life settlement interest, 35611
any instrument evidencing a promise or an agreement to pay 35612
money, warehouse receipts for intoxicating liquor, and the 35613
currency of any government other than those of the United States 35614
and Canada, but sections 1707.01 to 1707.50 of the Revised Code 35615
do not apply to the sale of real estate. 35616

(C) (1) "Sale" has the full meaning of "sale" as applied by 35617
or accepted in courts of law or equity, and includes every 35618
disposition, or attempt to dispose, of a security or of an 35619
interest in a security. "Sale" also includes a contract to sell, 35620
an exchange, an attempt to sell, an option of sale, a 35621
solicitation of a sale, a solicitation of an offer to buy, a 35622
subscription, or an offer to sell, directly or indirectly, by 35623
agent, circular, pamphlet, advertisement, or otherwise. 35624

(2) "Sell" means any act by which a sale is made. 35625

(3) The use of advertisements, circulars, or pamphlets in 35626
connection with the sale of securities in this state exclusively 35627
to the purchasers specified in division (D) of section 1707.03 35628
of the Revised Code is not a sale when the advertisements, 35629
circulars, and pamphlets describing and offering those 35630
securities bear a readily legible legend in substance as 35631
follows: "This offer is made on behalf of dealers licensed under 35632
sections 1707.01 to 1707.50 of the Revised Code, and is confined 35633

in this state exclusively to institutional investors and 35634
licensed dealers." 35635

(4) The offering of securities by any person in 35636
conjunction with a licensed dealer by use of advertisement, 35637
circular, or pamphlet is not a sale if that person does not 35638
otherwise attempt to sell securities in this state. 35639

(5) Any security given with, or as a bonus on account of, 35640
any purchase of securities is conclusively presumed to 35641
constitute a part of the subject of that purchase and has been 35642
"sold." 35643

(6) "Sale" by an owner, pledgee, or mortgagee, or by a 35644
person acting in a representative capacity, includes sale on 35645
behalf of such party by an agent, including a licensed dealer or 35646
salesperson. 35647

(D) "Person," except as otherwise provided in this 35648
chapter, means a natural person, firm, partnership, limited 35649
partnership, partnership association, syndicate, joint-stock 35650
company, unincorporated association, trust or trustee except 35651
where the trust was created or the trustee designated by law or 35652
judicial authority or by a will, and a corporation or limited 35653
liability company organized under the laws of any state, any 35654
foreign government, or any political subdivision of a state or 35655
foreign government. 35656

(E) (1) "Dealer," except as otherwise provided in this 35657
chapter, means every person, other than a salesperson, who 35658
engages or professes to engage, in this state, for either all or 35659
part of the person's time, directly or indirectly, either in the 35660
business of the sale of securities for the person's own account, 35661
or in the business of the purchase or sale of securities for the 35662

account of others in the reasonable expectation of receiving a 35663
commission, fee, or other remuneration as a result of engaging 35664
in the purchase and sale of securities. "Dealer" does not mean 35665
any of the following: 35666

(a) Any issuer, including any officer, director, employee, 35667
or trustee of, or member or manager of, or partner in, or any 35668
general partner of, any issuer, that sells, offers for sale, or 35669
does any act in furtherance of the sale of a security that 35670
represents an economic interest in that issuer, provided no 35671
commission, fee, or other similar remuneration is paid to or 35672
received by the issuer for the sale; 35673

(b) Any licensed attorney, public accountant, or firm of 35674
such attorneys or accountants, whose activities are incidental 35675
to the practice of the attorney's, accountant's, or firm's 35676
profession; 35677

(c) Any person that, for the account of others, engages in 35678
the purchase or sale of securities that are issued and 35679
outstanding before such purchase and sale, if a majority or more 35680
of the equity interest of an issuer is sold in that transaction, 35681
and if, in the case of a corporation, the securities sold in 35682
that transaction represent a majority or more of the voting 35683
power of the corporation in the election of directors; 35684

(d) Any person that brings an issuer together with a 35685
potential investor and whose compensation is not directly or 35686
indirectly based on the sale of any securities by the issuer to 35687
the investor; 35688

(e) Any bank; 35689

(f) Any person that the division of securities by rule 35690
exempts from the definition of "dealer" under division (E) (1) of 35691

this section. 35692

(2) "Licensed dealer" means a dealer licensed under this chapter. 35693
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(F) (1) "Salesman" or "salesperson" means every natural person, other than a dealer, who is employed, authorized, or appointed by a dealer to sell securities within this state. 35695
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(2) The general partners of a partnership, and the executive officers of a corporation or unincorporated association, licensed as a dealer are not salespersons within the meaning of this definition, nor are clerical or other employees of an issuer or dealer that are employed for work to which the sale of securities is secondary and incidental; but the division of securities may require a license from any such partner, executive officer, or employee if it determines that protection of the public necessitates the licensing. 35698
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(3) "Licensed salesperson" means a salesperson licensed under this chapter. 35707
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(G) "Issuer" means every person who has issued, proposes to issue, or issues any security. 35709
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(H) "Director" means each director or trustee of a corporation, each trustee of a trust, each general partner of a partnership, except a partnership association, each manager of a partnership association, and any person vested with managerial or directory power over an issuer not having a board of directors or trustees. 35711
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(I) "Incorporator" means any incorporator of a corporation and any organizer of, or any person participating, other than in a representative or professional capacity, in the organization of an unincorporated issuer. 35717
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(J) "Fraud," "fraudulent," "fraudulent acts," "fraudulent practices," or "fraudulent transactions" means anything recognized on or after July 22, 1929, as such in courts of law or equity; any device, scheme, or artifice to defraud or to obtain money or property by means of any false pretense, representation, or promise; any fictitious or pretended purchase or sale of securities; and any act, practice, transaction, or course of business relating to the purchase or sale of securities that is fraudulent or that has operated or would operate as a fraud upon the seller or purchaser.

(K) Except as otherwise specifically provided, whenever any classification or computation is based upon "par value," as applied to securities without par value, the average of the aggregate consideration received or to be received by the issuer for each class of those securities shall be used as the basis for that classification or computation.

(L) (1) "Intangible property" means patents, copyrights, secret processes, formulas, services, good will, promotion and organization fees and expenses, trademarks, trade brands, trade names, licenses, franchises, any other assets treated as intangible according to generally accepted accounting principles, and securities, accounts receivable, or contract rights having no readily determinable value.

(2) "Tangible property" means all property other than intangible property and includes securities, accounts receivable, and contract rights, when the securities, accounts receivable, or contract rights have a readily determinable value.

(M) "Public utilities" means those utilities defined in sections 4905.02, 4905.03, 4907.02, and 4907.03 of the Revised

Code; in the case of a foreign corporation, it means those 35751
utilities defined as public utilities by the laws of its 35752
domicile; and in the case of any other foreign issuer, it means 35753
those utilities defined as public utilities by the laws of the 35754
situs of its principal place of business. The term always 35755
includes railroads whether or not they are so defined as public 35756
utilities. 35757

(N) "State" means any state of the United States, any 35758
territory or possession of the United States, the District of 35759
Columbia, and any province of Canada. 35760

(O) "Bank" means any bank, trust company, savings and loan 35761
association, savings bank, or credit union that is incorporated 35762
or organized under the laws of the United States, any state of 35763
the United States, Canada, or any province of Canada and that is 35764
subject to regulation or supervision by that country, state, or 35765
province. 35766

(P) "Include," when used in a definition, does not exclude 35767
other things or persons otherwise within the meaning of the term 35768
defined. 35769

(Q) (1) "Registration by description" means that the 35770
requirements of section 1707.08 of the Revised Code have been 35771
complied with. 35772

(2) "Registration by qualification" means that the 35773
requirements of sections 1707.09 and 1707.11 of the Revised Code 35774
have been complied with. 35775

(3) "Registration by coordination" means that there has 35776
been compliance with section 1707.091 of the Revised Code. 35777
Reference in this chapter to registration by qualification also 35778
includes registration by coordination unless the context 35779

otherwise indicates. 35780

(R) "Intoxicating liquor" includes all liquids and 35781
compounds that contain more than three and two-tenths per cent 35782
of alcohol by weight and are fit for use for beverage purposes. 35783

(S) "Institutional investor" means any of the following, 35784
whether acting for itself or for others in a fiduciary capacity: 35785

(1) A bank or international banking institution; 35786

(2) An insurance company; 35787

(3) A separate account of an insurance company; 35788

(4) An investment company as defined in the "Investment 35789
Company Act of 1940," 15 U.S.C. 80a-3; 35790

(5) A broker-dealer registered under the "Securities 35791
Exchange Act of 1934," 15 U.S.C. 78o, as amended, or licensed by 35792
the division of securities as a dealer; 35793

(6) An employee pension, profit-sharing, or benefit plan 35794
if the plan has total assets in excess of ten million dollars or 35795
its investment decisions are made by a named fiduciary, as 35796
defined in the "Employee Retirement Income Security Act of 35797
1974," 29 U.S.C. 1001, that is one of the following: 35798

(a) A broker-dealer registered under the "Securities 35799
Exchange Act of 1934," 15 U.S.C. 78o, as amended; 35800

(b) An investment adviser registered or exempt from 35801
registration under the "Investment Advisers Act of 1940," 15 35802
U.S.C. 80b-3; 35803

(c) An investment adviser registered under this chapter, a 35804
bank, or an insurance company. 35805

(7) A plan established and maintained by a state, a 35806

political subdivision of a state, or an agency or 35807
instrumentality of a state or a political subdivision of a state 35808
for the benefit of its employees, if the plan has total assets 35809
in excess of ten million dollars or its investment decisions are 35810
made by a duly designated public official or by a named 35811
fiduciary, as defined in the "Employee Retirement Income 35812
Security Act of 1974," 29 U.S.C. 1001, that is one of the 35813
following: 35814

(a) A broker-dealer registered under the "Securities 35815
Exchange Act of 1934," 15 U.S.C. 78o, as amended; 35816

(b) An investment adviser registered or exempt from 35817
registration under the "Investment Advisers Act of 1940," 15 35818
U.S.C. 80b-3; 35819

(c) An investment adviser registered under this chapter, a 35820
bank, or an insurance company. 35821

(8) A trust, if it has total assets in excess of ten 35822
million dollars, its trustee is a bank, and its participants are 35823
exclusively plans of the types identified in division (S) (6) or 35824
(7) of this section, regardless of the size of their assets, 35825
except a trust that includes as participants self-directed 35826
individual retirement accounts or similar self-directed plans; 35827

(9) An organization described in section 501(c) (3) of the 35828
"Internal Revenue Code of 1986," 26 U.S.C. 1, as amended, 35829
corporation, Massachusetts trust or similar business trust, 35830
limited liability company, or partnership, not formed for the 35831
specific purpose of acquiring the securities offered, with total 35832
assets in excess of ten million dollars; 35833

(10) A small business investment company licensed by the 35834
small business administration under section 301(c) of the "Small 35835

Business Investment Act of 1958," 15 U.S.C. 681(c), with total	35836
assets in excess of ten million dollars;	35837
(11) A private business development company as defined in	35838
section 202(a)(22) of the "Investment Advisers Act of 1940," 15	35839
U.S.C. 80b-2(a)(22), with total assets in excess of ten million	35840
dollars;	35841
(12) A federal covered investment adviser acting for its	35842
own account;	35843
(13) A "qualified institutional buyer" as defined in 17	35844
C.F.R. 230.144A(a)(1), other than 17 C.F.R. 230.144A(a)(1)(H);	35845
(14) A "major U.S. institutional investor" as defined in	35846
17 C.F.R. 240.15a-6(b)(4)(i);	35847
(15) Any other person, other than an individual, of	35848
institutional character with total assets in excess of ten	35849
million dollars not organized for the specific purpose of	35850
evading this chapter;	35851
(16) Any other person specified by rule adopted or order	35852
issued under this chapter.	35853
(T) A reference to a statute of the United States or to a	35854
rule, regulation, or form promulgated by the securities and	35855
exchange commission or by another federal agency means the	35856
statute, rule, regulation, or form as it exists at the time of	35857
the act, omission, event, or transaction to which it is applied	35858
under this chapter.	35859
(U) "Securities and exchange commission" means the	35860
securities and exchange commission established by the Securities	35861
Exchange Act of 1934.	35862
(V) (1) "Control bid" means the purchase of or offer to	35863

purchase any equity security of a subject company from a 35864
resident of this state if either of the following applies: 35865

(a) After the purchase of that security, the offeror would 35866
be directly or indirectly the beneficial owner of more than ten 35867
per cent of any class of the issued and outstanding equity 35868
securities of the issuer. 35869

(b) The offeror is the subject company, there is a pending 35870
control bid by a person other than the issuer, and the number of 35871
the issued and outstanding shares of the subject company would 35872
be reduced by more than ten per cent. 35873

(2) For purposes of division (V) (1) of this section, 35874
"control bid" does not include any of the following: 35875

(a) A bid made by a dealer for the dealer's own account in 35876
the ordinary course of business of buying and selling 35877
securities; 35878

(b) An offer to acquire any equity security solely in 35879
exchange for any other security, or the acquisition of any 35880
equity security pursuant to an offer, for the sole account of 35881
the offeror, in good faith and not for the purpose of avoiding 35882
the provisions of this chapter, and not involving any public 35883
offering of the other security within the meaning of Section 4 35884
of Title I of the "Securities Act of 1933," 48 Stat. 77, 15 35885
U.S.C.A. 77d(2), as amended; 35886

(c) Any other offer to acquire any equity security, or the 35887
acquisition of any equity security pursuant to an offer, for the 35888
sole account of the offeror, from not more than fifty persons, 35889
in good faith and not for the purpose of avoiding the provisions 35890
of this chapter. 35891

(W) "Offeror" means a person who makes, or in any way 35892

participates or aids in making, a control bid and includes 35893
persons acting jointly or in concert, or who intend to exercise 35894
jointly or in concert any voting rights attached to the 35895
securities for which the control bid is made and also includes 35896
any subject company making a control bid for its own securities. 35897

(X) (1) "Investment adviser" means any person who, for 35898
compensation, engages in the business of advising others, either 35899
directly or through publications or writings, as to the value of 35900
securities or as to the advisability of investing in, 35901
purchasing, or selling securities, or who, for compensation and 35902
as a part of regular business, issues or promulgates analyses or 35903
reports concerning securities. 35904

(2) "Investment adviser" does not mean any of the 35905
following: 35906

(a) Any attorney, accountant, engineer, or teacher, whose 35907
performance of investment advisory services described in 35908
division (X) (1) of this section is solely incidental to the 35909
practice of the attorney's, accountant's, engineer's, or 35910
teacher's profession; 35911

(b) A publisher of any bona fide newspaper, news magazine, 35912
or business or financial publication of general and regular 35913
circulation; 35914

(c) A person who acts solely as an investment adviser 35915
representative; 35916

(d) A bank holding company, ~~as defined in the "Bank~~ 35917
~~Holding Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841,~~ that 35918
is not an investment company; 35919

(e) A bank, or any receiver, conservator, or other 35920
liquidating agent of a bank; 35921

(f) Any licensed dealer or licensed salesperson whose performance of investment advisory services described in division (X)(1) of this section is solely incidental to the conduct of the dealer's or salesperson's business as a licensed dealer or licensed salesperson and who receives no special compensation for the services;

(g) Any person, the advice, analyses, or reports of which do not relate to securities other than securities that are direct obligations of, or obligations guaranteed as to principal or interest by, the United States, or securities issued or guaranteed by corporations in which the United States has a direct or indirect interest, and that have been designated by the secretary of the treasury as exempt securities as defined in the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 78c;

(h) Any person that is excluded from the definition of investment adviser pursuant to section 202(a)(11)(A) to (E) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11), or that has received an order from the securities and exchange commission under section 202(a)(11)(F) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11)(F), declaring that the person is not within the intent of section 202(a)(11) of the Investment Advisers Act of 1940.

(i) A person who acts solely as a state retirement system investment officer or as a bureau of workers' compensation chief investment officer;

(j) Any other person that the division designates by rule, if the division finds that the designation is necessary or appropriate in the public interest or for the protection of investors or clients and consistent with the purposes fairly

intended by the policy and provisions of this chapter. 35952

(Y) (1) "Subject company" means an issuer that satisfies 35953
both of the following: 35954

(a) Its principal place of business or its principal 35955
executive office is located in this state, or it owns or 35956
controls assets located within this state that have a fair 35957
market value of at least one million dollars. 35958

(b) More than ten per cent of its beneficial or record 35959
equity security holders are resident in this state, more than 35960
ten per cent of its equity securities are owned beneficially or 35961
of record by residents in this state, or more than one thousand 35962
of its beneficial or record equity security holders are resident 35963
in this state. 35964

(2) The division of securities may adopt rules to 35965
establish more specific application of the provisions set forth 35966
in division (Y) (1) of this section. Notwithstanding the 35967
provisions set forth in division (Y) (1) of this section and any 35968
rules adopted under this division, the division, by rule or in 35969
an adjudicatory proceeding, may make a determination that an 35970
issuer does not constitute a "subject company" under division 35971
(Y) (1) of this section if appropriate review of control bids 35972
involving the issuer is to be made by any regulatory authority 35973
of another jurisdiction. 35974

(Z) "Beneficial owner" includes any person who directly or 35975
indirectly through any contract, arrangement, understanding, or 35976
relationship has or shares, or otherwise has or shares, the 35977
power to vote or direct the voting of a security or the power to 35978
dispose of, or direct the disposition of, the security. 35979
"Beneficial ownership" includes the right, exercisable within 35980

sixty days, to acquire any security through the exercise of any option, warrant, or right, the conversion of any convertible security, or otherwise. Any security subject to any such option, warrant, right, or conversion privilege held by any person shall be deemed to be outstanding for the purpose of computing the percentage of outstanding securities of the class owned by that person, but shall not be deemed to be outstanding for the purpose of computing the percentage of the class owned by any other person. A person shall be deemed the beneficial owner of any security beneficially owned by any relative or spouse or relative of the spouse residing in the home of that person, any trust or estate in which that person owns ten per cent or more of the total beneficial interest or serves as trustee or executor, any corporation or entity in which that person owns ten per cent or more of the equity, and any affiliate or associate of that person.

(AA) "Offeree" means the beneficial or record owner of any security that an offeror acquires or offers to acquire in connection with a control bid.

(BB) "Equity security" means any share or similar security, or any security convertible into any such security, or carrying any warrant or right to subscribe to or purchase any such security, or any such warrant or right, or any other security that, for the protection of security holders, is treated as an equity security pursuant to rules of the division of securities.

(CC) (1) "Investment adviser representative" means a supervised person of an investment adviser, provided that the supervised person has more than five clients who are natural persons other than excepted persons defined in division (EE) of

this section, and that more than ten per cent of the supervised 36011
person's clients are natural persons other than excepted persons 36012
defined in division (EE) of this section. "Investment adviser 36013
representative" does not mean any of the following: 36014

(a) A supervised person that does not on a regular basis 36015
solicit, meet with, or otherwise communicate with clients of the 36016
investment adviser; 36017

(b) A supervised person that provides only investment 36018
advisory services described in division (X)(1) of this section 36019
by means of written materials or oral statements that do not 36020
purport to meet the objectives or needs of specific individuals 36021
or accounts; 36022

(c) Any other person that the division designates by rule, 36023
if the division finds that the designation is necessary or 36024
appropriate in the public interest or for the protection of 36025
investors or clients and is consistent with the provisions 36026
fairly intended by the policy and provisions of this chapter. 36027

(2) For the purpose of the calculation of clients in 36028
division (CC)(1) of this section, a natural person and the 36029
following persons are deemed a single client: Any minor child of 36030
the natural person; any relative, spouse, or relative of the 36031
spouse of the natural person who has the same principal 36032
residence as the natural person; all accounts of which the 36033
natural person or the persons referred to in division (CC)(2) of 36034
this section are the only primary beneficiaries; and all trusts 36035
of which the natural person or persons referred to in division 36036
(CC)(2) of this section are the only primary beneficiaries. 36037
Persons who are not residents of the United States need not be 36038
included in the calculation of clients under division (CC)(1) of 36039
this section. 36040

(3) If subsequent to March 18, 1999, amendments are 36041
enacted or adopted defining "investment adviser representative" 36042
for purposes of the Investment Advisers Act of 1940 or 36043
additional rules or regulations are promulgated by the 36044
securities and exchange commission regarding the definition of 36045
"investment adviser representative" for purposes of the 36046
Investment Advisers Act of 1940, the division of securities 36047
shall, by rule, adopt the substance of the amendments, rules, or 36048
regulations, unless the division finds that the amendments, 36049
rules, or regulations are not necessary for the protection of 36050
investors or in the public interest. 36051

(DD) "Supervised person" means a natural person who is any 36052
of the following: 36053

(1) A partner, officer, or director of an investment 36054
adviser, or other person occupying a similar status or 36055
performing similar functions with respect to an investment 36056
adviser; 36057

(2) An employee of an investment adviser; 36058

(3) A person who provides investment advisory services 36059
described in division (X) (1) of this section on behalf of the 36060
investment adviser and is subject to the supervision and control 36061
of the investment adviser. 36062

(EE) "Excepted person" means a natural person to whom any 36063
of the following applies: 36064

(1) Immediately after entering into the investment 36065
advisory contract with the investment adviser, the person has at 36066
least seven hundred fifty thousand dollars under the management 36067
of the investment adviser. 36068

(2) The investment adviser reasonably believes either of 36069

the following at the time the investment advisory contract is 36070
entered into with the person: 36071

(a) The person has a net worth, together with assets held 36072
jointly with a spouse, of more than one million five hundred 36073
thousand dollars. 36074

(b) The person is a qualified purchaser as defined in 36075
division (FF) of this section. 36076

(3) Immediately prior to entering into an investment 36077
advisory contract with the investment adviser, the person is 36078
either of the following: 36079

(a) An executive officer, director, trustee, general 36080
partner, or person serving in a similar capacity, of the 36081
investment adviser; 36082

(b) An employee of the investment adviser, other than an 36083
employee performing solely clerical, secretarial, or 36084
administrative functions or duties for the investment adviser, 36085
which employee, in connection with the employee's regular 36086
functions or duties, participates in the investment activities 36087
of the investment adviser, provided that, for at least twelve 36088
months, the employee has been performing such nonclerical, 36089
nonsecretarial, or nonadministrative functions or duties for or 36090
on behalf of the investment adviser or performing substantially 36091
similar functions or duties for or on behalf of another company. 36092

If subsequent to March 18, 1999, amendments are enacted or 36093
adopted defining "excepted person" for purposes of the 36094
Investment Advisers Act of 1940 or additional rules or 36095
regulations are promulgated by the securities and exchange 36096
commission regarding the definition of "excepted person" for 36097
purposes of the Investment Advisers Act of 1940, the division of 36098

securities shall, by rule, adopt the substance of the 36099
amendments, rules, or regulations, unless the division finds 36100
that the amendments, rules, or regulations are not necessary for 36101
the protection of investors or in the public interest. 36102

(FF) (1) "Qualified purchaser" means either of the 36103
following: 36104

(a) A natural person who owns not less than five million 36105
dollars in investments as defined by rule by the division of 36106
securities; 36107

(b) A natural person, acting for the person's own account 36108
or accounts of other qualified purchasers, who in the aggregate 36109
owns and invests on a discretionary basis, not less than twenty- 36110
five million dollars in investments as defined by rule by the 36111
division of securities. 36112

(2) If subsequent to March 18, 1999, amendments are 36113
enacted or adopted defining "qualified purchaser" for purposes 36114
of the Investment Advisers Act of 1940 or additional rules or 36115
regulations are promulgated by the securities and exchange 36116
commission regarding the definition of "qualified purchaser" for 36117
purposes of the Investment Advisers Act of 1940, the division of 36118
securities shall, by rule, adopt the amendments, rules, or 36119
regulations, unless the division finds that the amendments, 36120
rules, or regulations are not necessary for the protection of 36121
investors or in the public interest. 36122

(GG) (1) "Purchase" has the full meaning of "purchase" as 36123
applied by or accepted in courts of law or equity and includes 36124
every acquisition of, or attempt to acquire, a security or an 36125
interest in a security. "Purchase" also includes a contract to 36126
purchase, an exchange, an attempt to purchase, an option to 36127

purchase, a solicitation of a purchase, a solicitation of an offer to sell, a subscription, or an offer to purchase, directly or indirectly, by agent, circular, pamphlet, advertisement, or otherwise.

(2) "Purchase" means any act by which a purchase is made.

(3) Any security given with, or as a bonus on account of, any purchase of securities is conclusively presumed to constitute a part of the subject of that purchase.

(HH) "Life settlement interest" means the entire interest or any fractional interest in an insurance policy or certificate of insurance, or in an insurance benefit under such a policy or certificate, that is the subject of a life settlement contract.

For purposes of this division, "life settlement contract" means an agreement for the purchase, sale, assignment, transfer, devise, or bequest of any portion of the death benefit or ownership of any life insurance policy or contract, in return for consideration or any other thing of value that is less than the expected death benefit of the life insurance policy or contract. "Life settlement contract" includes a viatical settlement contract as defined in section 3916.01 of the Revised Code, but does not include any of the following:

(1) A loan by an insurer under the terms of a life insurance policy, including, but not limited to, a loan secured by the cash value of the policy;

(2) An agreement with a bank that takes an assignment of a life insurance policy as collateral for a loan;

(3) The provision of accelerated benefits as defined in section 3915.21 of the Revised Code;

(4) Any agreement between an insurer and a reinsurer;	36156
(5) An agreement by an individual to purchase an existing life insurance policy or contract from the original owner of the policy or contract, if the individual does not enter into more than one life settlement contract per calendar year;	36157 36158 36159 36160
(6) The initial purchase of an insurance policy or certificate of insurance from its owner by a viatical settlement provider, as defined in section 3916.01 of the Revised Code, that is licensed under Chapter 3916. of the Revised Code.	36161 36162 36163 36164
(II) "State retirement system" means the public employees retirement system, Ohio police and fire pension fund, state teachers retirement system, school employees retirement system, and state highway patrol retirement system.	36165 36166 36167 36168
(JJ) "State retirement system investment officer" means an individual employed by a state retirement system as a chief investment officer, assistant investment officer, or the person in charge of a class of assets or in a position that is substantially equivalent to chief investment officer, assistant investment officer, or person in charge of a class of assets.	36169 36170 36171 36172 36173 36174
(KK) "Bureau of workers' compensation chief investment officer" means an individual employed by the administrator of workers' compensation as a chief investment officer or in a position that is substantially equivalent to a chief investment officer.	36175 36176 36177 36178 36179
<u>(LL) "Bank holding company" has the same meaning as in the "Bank Holding Company Act of 1956," 12 U.S.C. 1841.</u>	36180 36181
<u>(MM) "Savings and loan holding company" has the same meaning as in 12 U.S.C. 1467a.</u>	36182 36183

Sec. 1707.14. (A) No person shall act as a dealer, unless 36184
the person is licensed as a dealer by the division of 36185
securities, except when at least one of the following cases 36186
applies: 36187

(1) When the person is transacting business through or 36188
with a licensed dealer; 36189

(2) When the securities are the subject matter of one or 36190
more transactions enumerated in divisions (B) to (L), (O) to 36191
(R), and (U) to (Y) of section 1707.03, or in section 1707.06 of 36192
the Revised Code, except when a commission, discount, or other 36193
remuneration is paid or given in consideration with transactions 36194
enumerated in divisions (O), (Q), (W), (X), and (Y) of section 36195
1707.03, or in section 1707.06 of the Revised Code; 36196

~~(3)~~(3)(a) When the person is an issuer selling securities 36197
issued by it or by its subsidiary, if such securities are 36198
specified under division (G) or (I) of section 1707.02, or under 36199
section 1707.04 of the Revised Code; 36200

(b) As used in division (A) (3) of this section, "person" 36201
includes a bank holding company and a savings and loan holding 36202
company. 36203

(4) When the person is participating in transactions 36204
exempt, under section 1707.34 of the Revised Code, from this 36205
chapter; 36206

(5) When the person has no place of business in this 36207
state, is registered with the securities and exchange 36208
commission, and the only transactions effected in this state are 36209
with institutional investors. 36210

(B) Each dealer that in any twelve-month or shorter 36211
period, alone or with any other dealer with which it is 36212

affiliated, has total revenues of one hundred fifty thousand 36213
dollars or more derived from the business of buying, selling, or 36214
otherwise dealing in securities, and that at any time during 36215
such period has one hundred or more retail securities customers, 36216
shall be registered as a broker or dealer with the securities 36217
and exchange commission under the Securities Exchange Act of 36218
1934, except the following entities: 36219

(1) A bank; 36220

(2) A dealer that enters into and is in compliance with an 36221
undertaking accepted by the division, in which the dealer agrees 36222
that it will not engage in any transaction involving the buying, 36223
selling, or otherwise dealing in securities with any natural 36224
person in this state, except for transactions involving either 36225
of the following: 36226

(a) Securities of corporations or associations that have 36227
qualified for treatment as nonprofit organizations pursuant to 36228
section 501(c)(3) of the "Internal Revenue Code of 1986," 100 36229
Stat. 2085, 26 U.S.C.A. 501, as amended; 36230

(b) Securities or transactions that are described in 36231
divisions (A) (1) to (4) of this section. 36232

(C) Every dealer that must be registered as a broker or 36233
dealer with the securities and exchange commission pursuant to 36234
division (B) of this section shall become so registered no later 36235
than ninety days after the date on which the dealer meets the 36236
requirements for such registration. 36237

(D) The division by rule may exempt any dealer from 36238
complying with the licensing or registration requirements of 36239
this section, if the division finds that such licensing or 36240
registration is not necessary for the protection of investors or 36241

in the public interest. 36242

(E) As used in division (B) of this section, "retail securities customer" means a person that purchases from or through or sells securities to or through a dealer, and that is not an officer, a director, a principal, a general partner, or an employee of, the dealer. Each of the following is deemed to be a single retail securities customer: 36243
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(1) A husband and wife; 36249

(2) A minor child and the minor child's parent or legal guardian; 36250
36251

(3) A corporation, a partnership, an association or other unincorporated entity, a joint stock company, or a trust. 36252
36253

Sec. 1707.47. (A) As used in this section and section 1707.471 of the Revised Code: 36254
36255

(1) "Claimant" means a person that files an application for restitution assistance on behalf of a victim. 36256
36257

(2) "Final order" means a final administrative order issued by the division of securities or a final court order in a civil or criminal proceeding initiated by the division. 36258
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(3) "Victim" means a purchaser identified in a final order that has suffered a pecuniary loss as the result of a violation of this chapter or any rules adopted thereunder, or, in the case of a deceased purchaser so identified, the purchaser's surviving spouse or dependent children. 36261
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(B) There is hereby created in the state treasury the Ohio investor recovery fund, which shall consist of all cash transfers from the division of securities fund, created in section 1707.37 of the Revised Code, ~~not to exceed an aggregate~~ 36266
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~~total of two million five hundred thousand dollars in any fiscal~~ 36270
~~year.~~ Money in the Ohio investor recovery fund shall be used for 36271
the purposes identified in division (C) of this section. 36272

(C) The division shall use the Ohio investor recovery fund 36273
only to pay awards of restitution assistance and any expenses 36274
incurred in administering this section. 36275

(D) (1) If the Ohio investor recovery fund is reduced below 36276
two hundred fifty thousand dollars due to payment in full of 36277
restitution assistance awards that become final during a month, 36278
the division shall suspend payment of further claims that become 36279
final during that month and the following two months. 36280

(2) At the end of the suspension period described in 36281
division (D) (1) of this section, the division shall pay the 36282
suspended claims. If the Ohio investor recovery fund would be 36283
exhausted by payment in full of the suspended claims, the amount 36284
paid to each claimant shall be prorated according to the amount 36285
remaining in the Ohio investor recovery fund at the end of the 36286
suspension period. 36287

(E) The state shall not be liable for a determination made 36288
by the division under this section except to the extent that 36289
money is available in the Ohio investor recovery fund on the 36290
date the award is calculated. 36291

(F) The following victims are eligible for restitution 36292
assistance: 36293

(1) A natural person who is a resident of this state; 36294

(2) A person, other than a natural person, that is 36295
domiciled in Ohio. 36296

(G) The division shall not award restitution assistance as 36297

follows:	36298
(1) To more than one claimant per victim;	36299
(2) To a claimant on behalf of a victim that has received the full amount of restitution owed from the person ordered to pay restitution to the victim in the final order before the application for restitution assistance from the fund is filed;	36300 36301 36302 36303
(3) To a claimant if the final order identifies no pecuniary loss to the victim on whose behalf the application is made;	36304 36305 36306
(4) To a claimant on behalf of a victim that assisted in the commission of the violation of this chapter;	36307 36308
(5) If the portion of the final order giving rise to a restitution order or otherwise establishing a pecuniary loss to the victim is overturned on appeal.	36309 36310 36311
(H) If, after the division has made a restitution assistance award from the Ohio investor recovery fund under this section, the restitution award in the final order is overturned on appeal and all legal remedies have been exhausted, then the claimant shall forfeit the restitution assistance award.	36312 36313 36314 36315 36316
Sec. 1711.30. Before issuing bonds under section 1711.28 of the Revised Code, the board of county commissioners, by resolution, shall submit to the qualified electors of the county at the next general election for county officers, held not less than ninety days after receiving from the county agricultural society the notice provided for in section 1711.25 of the Revised Code, the question of issuing and selling such bonds in such amount and denomination as are necessary for the purpose in view, and shall certify a copy of such resolution to the county board of elections.	36317 36318 36319 36320 36321 36322 36323 36324 36325 36326

The county board of elections shall place the question of 36327
issuing and selling such bonds upon the ballot and make all 36328
other necessary arrangements for the submission, at the time 36329
fixed by such resolution, of such question to such electors. The 36330
votes cast at such election upon such question must be counted, 36331
canvassed, and certified in the same manner, except as provided 36332
by law, as votes cast for county officers. Fifteen days' notice 36333
of such submission shall be given by the county board of 36334
elections, by publication once a week for two consecutive weeks 36335
in a newspaper of general circulation in the county or as 36336
provided in section 7.16 of the Revised Code, stating the amount 36337
of bonds to be issued, the purpose for which they are to be 36338
issued, and the time and places of holding such election. If the 36339
resolution proposes the levy of a tax under section 1711.29 of 36340
the Revised Code, the notice shall include the rate of the tax 36341
in both mills for each one dollar of taxable value and in 36342
dollars for each one hundred thousand dollars of ~~the county~~ 36343
~~auditor's appraised market~~ value. 36344

The question must be stated on the ballot as follows: "For 36345
the issue of county fair bonds, yes"; "For the issue of county 36346
fair bonds, no." 36347

If the resolution proposes the levy of a tax under section 36348
1711.29 of the Revised Code, the question appearing on the 36349
ballot shall include the rate of the tax in both mills for each 36350
one dollar of taxable value and in dollars for each one hundred 36351
thousand dollars of ~~the county auditor's appraised market~~ value. 36352

If the majority of those voting upon the question of 36353
issuing the bonds vote in favor thereof, then and only then 36354
shall they be issued and the tax provided for in section 1711.29 36355
of the Revised Code be levied. 36356

As used in this section, "~~the county auditor's appraised~~
market value" has the same meaning as in section 5705.01 of the
Revised Code.

Sec. 1713.03. The chancellor of higher education shall
establish standards for certificates of authorization to be
issued to institutions as defined in section 1713.01 of the
Revised Code, to private institutions exempt from regulation
under Chapter 3332. of the Revised Code as prescribed in section
3333.046 of the Revised Code, and to schools holding
certificates of registration issued by the state board of career
colleges and schools pursuant to division (C) of section 3332.05
of the Revised Code. A certificate of authorization may permit
an institution or school to award one or more types of degrees.

The standards for a certificate of authorization may
include, for various types of institutions, schools, or degrees,
minimum qualifications for faculty, library, laboratories, and
other facilities as adopted and published by the chancellor. The
standards shall be adopted by the chancellor pursuant to Chapter
119. of the Revised Code.

An institution or school shall apply to the chancellor for
a certificate of authorization on forms containing such
information as is prescribed by the chancellor. Each institution
or school with a certificate of authorization shall file an
annual report with the chancellor in such form and containing
such information as the chancellor prescribes. The annual report
shall include disclosure of any contract entered with an online
program manager, as described in section 1713.032 of the Revised
Code.

The chancellor shall adopt a rule under Chapter 119. of
the Revised Code establishing fees to pay the cost of reviewing

an application for a certificate of authorization, which the 36387
institution or school shall pay when it applies for a 36388
certificate of authorization, and establishing fees, which an 36389
institution or school shall pay, for any further reviews the 36390
chancellor determines necessary upon examining an institution's 36391
or school's annual report. 36392

Sec. 1713.032. (A) As used in this section: 36393

(1) "Online program manager" means an entity that is not 36394
an institution of higher education as defined under "The Higher 36395
Education Act of 1965," 20 U.S.C. 1001, that enters into an 36396
agreement with a private institution of higher education to 36397
provide marketing and recruitment services and at least one 36398
additional service, including course design, technology, or 36399
faculty training, to support an online degree program. 36400

(2) "Private institution of higher education" means a 36401
private institution of higher education with a certificate of 36402
authorization, or seeking authorization, from the chancellor of 36403
higher education under Chapter 1713. of Revised Code. 36404

(B) If a private institution of higher education enters a 36405
contract with an online program manager, the institution shall 36406
ensure the contract is in compliance with relevant program 36407
standards and requirements. 36408

(C) A private institution of higher education that enters 36409
into a contract with an online program manager shall post on 36410
each online degree program web site it maintains that it 36411
utilizes an online program manager for services. The institution 36412
shall require the online program manager to identify itself when 36413
providing services to students. 36414

(D) A contract between a private institution of higher 36415

education and an online program manager is not a public record 36416
for purposes of section 149.43 of the Revised Code. 36417

(E) A private institution of higher education shall not 36418
permit an online program manager to control, make decisions 36419
regarding, administer, or disburse student financial aid. 36420

Sec. 1713.033. Each institution or school with a 36421
certificate of authorization issued under this chapter annually 36422
shall certify to the chancellor of higher education, on a date 36423
and in the form and manner determined by the chancellor, a plan 36424
to preserve student records indefinitely if the institution or 36425
school was to cease operations. The plan shall include the 36426
designation and signed confirmation of an official custodian of 36427
student records. If the chancellor determines it necessary, the 36428
chancellor may require an institution or school to produce an 36429
executed agreement with the designated custodian of student 36430
records, paid in full, to ensure the institution's or school's 36431
plan can be implemented. 36432

The chancellor may consult with the higher learning 36433
commission, the state board of career colleges and schools, and 36434
other appropriate entities to establish plans, processes, and 36435
procedures for institutions and schools to provide indefinite 36436
access to student records. 36437

Sec. 1713.041. (A) Each institution or school authorized 36438
to offer courses or degrees under a certificate of authorization 36439
annually shall provide to the chancellor of higher education all 36440
of the following: 36441

(1) Verification of current accreditation status and a 36442
copy of the most recent institutional report from the 36443
institution's accrediting organization; 36444

<u>(2) A plan to preserve student records indefinitely in the</u>	36445
<u>event of closure of the institution or discontinuation of</u>	36446
<u>service. The plan shall include a method by which students and</u>	36447
<u>alumni of the institution may retrieve student records by</u>	36448
<u>request. The plan also shall include a designation and signed</u>	36449
<u>confirmation of an official custodian of student records.</u>	36450
<u>Student records preserved under the plan shall include, but not</u>	36451
<u>be limited to:</u>	36452
<u>(a) Academic transcripts;</u>	36453
<u>(b) Financial aid documents;</u>	36454
<u>(c) International student forms;</u>	36455
<u>(d) Tax information.</u>	36456
<u>(3) The following program information:</u>	36457
<u>(a) A list of current degree programs offered by the</u>	36458
<u>institution in this state;</u>	36459
<u>(b) The results of any external degree program evaluations</u>	36460
<u>conducted in the last year;</u>	36461
<u>(c) A list of any degree programs that have been</u>	36462
<u>eliminated in the last year;</u>	36463
<u>(4) The latest financial statement for the most recent</u>	36464
<u>fiscal year compiled and audited by an independent certified</u>	36465
<u>public accountant, including any management letters provided by</u>	36466
<u>the independent auditor;</u>	36467
<u>(5) Any other information requested by the chancellor.</u>	36468
<u>(B) If an institution or school fails to submit the</u>	36469
<u>information required under division (A) of this section or if</u>	36470
<u>the chancellor finds that the information submitted under that</u>	36471

division is insufficient, the chancellor may suspend, withdraw, 36472
or revoke an institution or school's institutional authorization 36473
or a program's authorization. 36474

(C) Each institution or school shall immediately notify 36475
the chancellor if the institution or school does any of the 36476
following: 36477

(1) Receives notice from the federal government or an 36478
institutional accrediting organization that the institution or 36479
school is subject to heightened reporting standards or special 36480
monitoring status, such as the United States department of 36481
education's heightened cash monitoring process; 36482

(2) Receives preliminary or final accreditation findings; 36483

(3) Becomes the subject of an investigation by a 36484
government agency related to the institution's academic quality, 36485
financial stability, or student consumer protection; 36486

(4) Fails to make any payments to applicable retirement 36487
systems; 36488

(5) Fails to make any scheduled payroll payments; 36489

(6) Fails to make any payments to vendors when due as a 36490
result of a cash deficiency or a substantial deficiency in the 36491
payment processing system of the institution; 36492

(7) Fails to make any scheduled payment of principal or 36493
interest for short- or long-term debt; 36494

(8) Makes budget revisions resulting in a substantially 36495
reduced ending fund balance or larger deficit; 36496

(9) Becomes aware of significant negative variance between 36497
the most recently adopted annual budget and actual revenues or 36498

expenses as projected at the end of the fiscal year. 36499

(D) A document received by the chancellor under division 36500
(C) (1), (2), or (3) of this section that is confidential under 36501
federal law is not subject to release under a public record 36502
request until such time as the document is released publicly by 36503
the appropriate entity. Further, financial documentation of the 36504
institution or school received by the chancellor under this 36505
section is not a public record under section 149.43 of the 36506
Revised Code. 36507

Sec. 1901.123. ~~(A) (1) Subject to reimbursement under~~ 36508
~~division (B) of this section, the~~ The treasurer of the county in 36509
which a county-operated municipal court or other municipal court 36510
is located shall pay the per diem compensation to which an 36511
acting judge appointed pursuant to division (A) (2) (a), (B) (1), 36512
or (C) (1) of section 1901.121 of the Revised Code is entitled 36513
pursuant to division (A) (1) of section 1901.122 of the Revised 36514
Code. 36515

(2) The treasurer of the county in which a county-operated 36516
municipal court or other municipal court is located shall pay 36517
the per diem compensation to which an assigned judge assigned 36518
pursuant to division (A) (1), (A) (2) (b), (B) (2), (C) (2), or (D) 36519
of section 1901.121 of the Revised Code is entitled pursuant to 36520
division (B) (1) or (4) of section 1901.122 of the Revised Code. 36521

(3) Subject to reimbursement under division (B) of this 36522
section, the treasurer of the county in which a county-operated 36523
municipal court or other municipal court is located shall pay 36524
the per diem compensation to which an assigned judge assigned 36525
pursuant to division (A) (1), (A) (2) (b), (B) (2), (C) (2), or (D) 36526
of section 1901.121 of the Revised Code is entitled pursuant to 36527
division (B) (2) of section 1901.122 of the Revised Code. 36528

(4) Subject to reimbursement under division (C) of this section, the supreme court shall pay the per diem compensation to which an assigned judge assigned pursuant to division (A) (1), (A) (2) (b), (B) (2), (C) (2), or (D) of section 1901.121 of the Revised Code is entitled pursuant to division (B) (3) of section 1901.122 of the Revised Code.

(B) A county that, pursuant to division ~~(A) (1) or (3)~~ (A) (3) of this section, is required to pay the per diem compensation to which an ~~acting judge or~~ assigned judge is entitled, shall submit to the administrative director of the supreme court quarterly requests for reimbursements of the state portion of the per diem amounts so paid. The requests shall include verifications of the payment of those amounts and an affidavit from the ~~acting judge or~~ assigned judge stating the days and hours worked. The administrative director shall cause reimbursements of the state portion of the per diem amounts paid to be issued to the county if the administrative director verifies that those amounts were, in fact, so paid. If the county fails to submit a request within one year after the per diem compensation was paid, the administrative director shall refuse to cause reimbursement to be issued.

(C) If the supreme court, pursuant to division (A) (4) of this section, is required to pay the per diem compensation to which an assigned judge is entitled, annually, on the first day of August, the administrative director of the supreme court shall issue a billing to the county treasurer of any county to which such a judge was assigned to a municipal court for reimbursement of the county or local portion of the per diem compensation previously paid by the supreme court for the twelve-month period preceding the last day of June. The county or local portion of the per diem compensation shall be that part

of each per diem paid by the state which is proportional to the 36560
county or local shares of the total compensation of a resident 36561
judge of such court. The county treasurer shall forward the 36562
payment within thirty days. After forwarding the payment, the 36563
county treasurer shall seek reimbursement from the applicable 36564
local municipalities as appropriate. 36565

Sec. 1901.26. (A) Subject to division (E) of this section, 36566
costs in a municipal court shall be fixed and taxed as follows: 36567

(1) (a) The municipal court shall require an advance 36568
deposit for the filing of any new civil action or proceeding 36569
when required by division (C) of this section, subject to its 36570
waiver pursuant to that division, and in all other cases, by 36571
rule, shall establish a schedule of fees and costs to be taxed 36572
in any civil or criminal action or proceeding. 36573

(b) (i) The legislative authority of a municipal 36574
corporation may by ordinance establish a schedule of fees to be 36575
taxed as costs in any civil, criminal, or traffic action or 36576
proceeding in a municipal court for the performance by officers 36577
or other employees of the municipal corporation's police 36578
department or marshal's office of any of the services specified 36579
in sections 311.17 and 509.15 of the Revised Code. No fee in the 36580
schedule shall be higher than the fee specified in section 36581
311.17 of the Revised Code for the performance of the same 36582
service by the sheriff. If a fee established in the schedule 36583
conflicts with a fee for the same service established in another 36584
section of the Revised Code or a rule of court, the fee 36585
established in the other section of the Revised Code or the rule 36586
of court shall apply. 36587

(ii) When an officer or employee of a municipal police 36588
department or marshal's office performs in a civil, criminal, or 36589

traffic action or proceeding in a municipal court a service 36590
specified in section 311.17 or 509.15 of the Revised Code for 36591
which a taxable fee has been established under this or any other 36592
section of the Revised Code, the applicable legal fees and any 36593
other extraordinary expenses, including overtime, provided for 36594
the service shall be taxed as costs in the case. The clerk of 36595
the court shall pay those legal fees and other expenses, when 36596
collected, into the general fund of the municipal corporation 36597
that employs the officer or employee. 36598

(iii) If a bailiff of a municipal court performs in a 36599
civil, criminal, or traffic action or proceeding in that court a 36600
service specified in section 311.17 or 509.15 of the Revised 36601
Code for which a taxable fee has been established under this 36602
section or any other section of the Revised Code, the fee for 36603
the service is the same and is taxable to the same extent as if 36604
the service had been performed by an officer or employee of the 36605
police department or marshal's office of the municipal 36606
corporation in which the court is located. The clerk of that 36607
court shall pay the fee, when collected, into the general fund 36608
of the entity or entities that fund the bailiff's salary, in the 36609
same prorated amount as the salary is funded. 36610

(iv) Division (A) (1) (b) of this section does not authorize 36611
or require any officer or employee of a police department or 36612
marshal's office of a municipal corporation or any bailiff of a 36613
municipal court to perform any service not otherwise authorized 36614
by law. 36615

(2) The municipal court, by rule, may require an advance 36616
deposit for the filing of any civil action or proceeding and 36617
publication fees as provided in section 2701.09 of the Revised 36618
Code. The court shall waive the requirement for advance deposit 36619

for a party that the court determines qualifies as an indigent 36620
litigant as set forth in section 2323.311 of the Revised Code. 36621

(3) When a jury trial is demanded in any civil action or 36622
proceeding, the party making the demand may be required to make 36623
an advance deposit as fixed by rule of court, unless the court 36624
determines that the party qualifies as an indigent litigant as 36625
set forth in section 2323.311 of the Revised Code. If a jury is 36626
called, the fees of a jury shall be taxed as costs. 36627

(4) In any civil or criminal action or proceeding, each 36628
witness shall receive twelve dollars for each full day's 36629
attendance and six dollars for each half day's attendance. Each 36630
witness in a municipal court that is not a county-operated 36631
municipal court also shall receive fifty and one-half cents for 36632
each mile necessarily traveled to and from the witness's place 36633
of residence to the action or proceeding. 36634

(5) A reasonable charge for driving, towing, carting, 36635
storing, keeping, and preserving motor vehicles and other 36636
personal property recovered or seized in any proceeding may be 36637
taxed as part of the costs in a trial of the cause, in an amount 36638
that shall be fixed by rule of court. 36639

(6) Chattel property seized under any writ or process 36640
issued by the court shall be preserved pending final disposition 36641
for the benefit of all persons interested and may be placed in 36642
storage when necessary or proper for that preservation. The 36643
custodian of any chattel property so stored shall not be 36644
required to part with the possession of the property until a 36645
reasonable charge, to be fixed by the court, is paid. 36646

(7) The municipal court, as it determines, may refund all 36647
deposits and advance payments of fees and costs, including those 36648

for jurors and summoning jurors, when they have been paid by the 36649
losing party. 36650

(8) Charges for the publication of legal notices required 36651
by statute or order of court may be taxed as part of the costs, 36652
as provided by section 7.13 of the Revised Code. 36653

(B) (1) (a) The municipal court may determine that, for the 36654
efficient operation of the court, additional funds are necessary 36655
to acquire and pay for special projects of the court including, 36656
but not limited to, the acquisition of additional facilities or 36657
the rehabilitation of existing facilities, the acquisition of 36658
equipment, the hiring and training of staff, community service 36659
programs, mediation or dispute resolution services, the 36660
employment of magistrates, the training and education of judges, 36661
acting judges, and magistrates, and other related services. Upon 36662
that determination, the court by rule may charge a fee, in 36663
addition to all other court costs, on the filing of each 36664
criminal cause, civil action or proceeding, or judgment by 36665
confession. Fees collected by a court for special projects of 36666
the court under this division shall not be used for training or 36667
education that takes place outside of the state. 36668

(b) If the municipal court offers a special program or 36669
service in cases of a specific type, the municipal court by rule 36670
may assess an additional charge in a case of that type, over and 36671
above court costs, to cover the special program or service. The 36672
municipal court shall adjust the special assessment 36673
periodically, but not retroactively, so that the amount assessed 36674
in those cases does not exceed the actual cost of providing the 36675
service or program. 36676

(c) Any fee or charge assessed under division (B) (1) (a) or 36677
(b) of this section on the filing of a civil action or 36678

proceeding shall be waived if the court determines that the
person on whom the fee or charge is assessed qualifies as an
indigent litigant as set forth in section 2323.311 of the
Revised Code.

(d) All moneys collected under division (B) of this
section shall be paid to the county treasurer if the court is a
county-operated municipal court or to the city treasurer if the
court is not a county-operated municipal court for deposit into
either a general special projects fund or a fund established for
a specific special project. Moneys from a fund of that nature
shall be disbursed upon an order of the court in an amount no
greater than the actual cost to the court of a project. If a
specific fund is terminated because of the discontinuance of a
program or service established under division (B) of this
section, the municipal court may order that moneys remaining in
the fund be transferred to an account established under this
division for a similar purpose.

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

(a) "Criminal cause" means a charge alleging the violation
of a statute or ordinance, or subsection of a statute or
ordinance, that requires a separate finding of fact or a
separate plea before disposition and of which the defendant may
be found guilty, whether filed as part of a multiple charge on a
single summons, citation, or complaint or as a separate charge
on a single summons, citation, or complaint. "Criminal cause"
does not include separate violations of the same statute or
ordinance, or subsection of the same statute or ordinance,
unless each charge is filed on a separate summons, citation, or
complaint.

(b) "Civil action or proceeding" means any civil

litigation that must be determined by judgment entry. 36709

(C) The municipal court shall collect in all its divisions 36710
except the small claims division the sum of twenty-six dollars 36711
as additional filing fees in each new civil action or proceeding 36712
for the charitable public purpose of providing financial 36713
assistance to legal aid societies that operate within the state 36714
and to support the office of the state public defender. The 36715
municipal court shall collect in its small claims division the 36716
sum of eleven dollars as additional filing fees in each new 36717
civil action or proceeding for the charitable public purpose of 36718
providing financial assistance to legal aid societies that 36719
operate within the state and to support the office of the state 36720
public defender. This division does not apply to any execution 36721
on a judgment, proceeding in aid of execution, or other post- 36722
judgment proceeding arising out of a civil action. The filing 36723
fees required to be collected under this division shall be in 36724
addition to any other court costs imposed in the action or 36725
proceeding and shall be collected at the time of the filing of 36726
the action or proceeding. The court shall not waive the payment 36727
of the additional filing fees in a new civil action or 36728
proceeding unless the court waives the advanced payment of all 36729
filing fees in the action or proceeding for the party that the 36730
court determines is qualified as an indigent litigant as set 36731
forth in section 2323.311 of the Revised Code. All such moneys 36732
collected during a month except for an amount equal to up to one 36733
per cent of those moneys retained to cover administrative costs 36734
shall be transmitted on or before the twentieth day of the 36735
following month by the clerk of the court to the treasurer of 36736
state in a manner prescribed by the treasurer of state or by the 36737
Ohio access to justice foundation. The treasurer of state shall 36738
deposit four per cent of the funds collected under this division 36739

to the credit of the civil case filing fee fund established 36740
under section 120.07 of the Revised Code and ninety-six per cent 36741
of the funds collected under this division to the credit of the 36742
legal aid fund established under section 120.52 of the Revised 36743
Code. 36744

The court may retain up to one per cent of the moneys it 36745
collects under this division to cover administrative costs, 36746
including the hiring of any additional personnel necessary to 36747
implement this division. If the court fails to transmit to the 36748
treasurer of state the moneys the court collects under this 36749
division in a manner prescribed by the treasurer of state or by 36750
the Ohio access to justice foundation, the court shall forfeit 36751
the moneys the court retains under this division to cover 36752
administrative costs, including the hiring of any additional 36753
personnel necessary to implement this division, and shall 36754
transmit to the treasurer of state all moneys collected under 36755
this division, including the forfeited amount retained for 36756
administrative costs, for deposit in the legal aid fund. 36757

(D) In the Cleveland municipal court, reasonable charges 36758
for investigating titles of real estate to be sold or disposed 36759
of under any writ or process of the court may be taxed as part 36760
of the costs. 36761

(E) Under the circumstances described in sections 2969.21 36762
to 2969.27 of the Revised Code, the clerk of the municipal court 36763
shall charge the fees and perform the other duties specified in 36764
those sections. 36765

(F) As used in this section: 36766

(1) "Full day's attendance" means a day on which a witness 36767
is required or requested to be present at an action or 36768

proceeding before and after twelve noon, regardless of whether
the witness actually testifies. 36769
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(2) "Half day's attendance" means a day on which a witness
is required or requested to be present at an action or
proceeding either before or after twelve noon, but not both,
regardless of whether the witness actually testifies. 36771
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Sec. 1901.31. The clerk and deputy clerks of a municipal
court shall be selected, be compensated, give bond, and have
powers and duties as follows: 36775
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(A) There shall be a clerk of the court who is appointed
or elected as follows: 36778
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(1) (a) Except in the Akron, Barberton, Toledo, Columbiana
county, Hamilton county, Miami county, Montgomery county,
Portage county, and Wayne county municipal courts and through
December 31, 2008, the Cuyahoga Falls municipal court, if the
population of the territory equals or exceeds one hundred
thousand at the regular municipal election immediately preceding
the expiration of the term of the present clerk, the clerk shall
be nominated and elected by the qualified electors of the
territory in the manner that is provided for the nomination and
election of judges in section 1901.07 of the Revised Code. 36780
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The clerk so elected shall hold office for a term of six
years, which term shall commence on the first day of January
following the clerk's election and continue until the clerk's
successor is elected and qualified. 36790
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(b) In the Hamilton county municipal court, the clerk of
courts of Hamilton county shall be the clerk of the municipal
court and may appoint an assistant clerk who shall receive the
compensation, payable out of the treasury of Hamilton county in 36794
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semimonthly installments, that the board of county commissioners 36798
prescribes. The clerk of courts of Hamilton county, acting as 36799
the clerk of the Hamilton county municipal court and assuming 36800
the duties of that office, shall receive compensation at one- 36801
fourth the rate that is prescribed for the clerks of courts of 36802
common pleas as determined in accordance with the population of 36803
the county and the rates set forth in sections 325.08 and 325.18 36804
of the Revised Code. This compensation shall be paid from the 36805
county treasury in semimonthly installments and is in addition 36806
to the annual compensation that is received for the performance 36807
of the duties of the clerk of courts of Hamilton county, as 36808
provided in sections 325.08 and 325.18 of the Revised Code. 36809

(c) In the Portage county and Wayne county municipal 36810
courts, the clerks of courts of Portage county and Wayne county 36811
shall be the clerks, respectively, of the Portage county and 36812
Wayne county municipal courts and may appoint a chief deputy 36813
clerk for each branch that is established pursuant to section 36814
1901.311 of the Revised Code and assistant clerks as the judges 36815
of the municipal court determine are necessary, all of whom 36816
shall receive the compensation that the legislative authority 36817
prescribes. The clerks of courts of Portage county and Wayne 36818
county, acting as the clerks of the Portage county and Wayne 36819
county municipal courts and assuming the duties of these 36820
offices, shall receive compensation payable from the county 36821
treasury in semimonthly installments at one-fourth the rate that 36822
is prescribed for the clerks of courts of common pleas as 36823
determined in accordance with the population of the county and 36824
the rates set forth in sections 325.08 and 325.18 of the Revised 36825
Code. 36826

(d) In the Montgomery county and Miami county municipal 36827
courts, the clerks of courts of Montgomery county and Miami 36828

county shall be the clerks, respectively, of the Montgomery 36829
county and Miami county municipal courts. The clerks of courts 36830
of Montgomery county and Miami county, acting as the clerks of 36831
the Montgomery county and Miami county municipal courts and 36832
assuming the duties of these offices, shall receive compensation 36833
at one-fourth the rate that is prescribed for the clerks of 36834
courts of common pleas as determined in accordance with the 36835
population of the county and the rates set forth in sections 36836
325.08 and 325.18 of the Revised Code. This compensation shall 36837
be paid from the county treasury in semimonthly installments and 36838
is in addition to the annual compensation that is received for 36839
the performance of the duties of the clerks of courts of 36840
Montgomery county and Miami county, as provided in sections 36841
325.08 and 325.18 of the Revised Code. 36842

(e) Except as otherwise provided in division (A) (1) (e) of 36843
this section, in the Akron municipal court, candidates for 36844
election to the office of clerk of the court shall be nominated 36845
by primary election. The primary election shall be held on the 36846
day specified in the charter of the city of Akron for the 36847
nomination of municipal officers. Notwithstanding any contrary 36848
provision of section 3513.05 or 3513.257 of the Revised Code, 36849
the declarations of candidacy and petitions of partisan 36850
candidates and the nominating petitions of independent 36851
candidates for the office of clerk of the Akron municipal court 36852
shall be signed by at least fifty qualified electors of the 36853
territory of the court. 36854

The candidates shall file a declaration of candidacy and 36855
petition, or a nominating petition, whichever is applicable, not 36856
later than four p.m. of the ninetieth day before the day of the 36857
primary election, in the form prescribed by section 3513.07 or 36858
3513.261 of the Revised Code. The declaration of candidacy and 36859

petition, or the nominating petition, shall conform to the 36860
applicable requirements of section 3513.05 or 3513.257 of the 36861
Revised Code. 36862

If no valid declaration of candidacy and petition is filed 36863
by any person for nomination as a candidate of a particular 36864
political party for election to the office of clerk of the Akron 36865
municipal court, a primary election shall not be held for the 36866
purpose of nominating a candidate of that party for election to 36867
that office. If only one person files a valid declaration of 36868
candidacy and petition for nomination as a candidate of a 36869
particular political party for election to that office, a 36870
primary election shall not be held for the purpose of nominating 36871
a candidate of that party for election to that office, and the 36872
candidate shall be issued a certificate of nomination in the 36873
manner set forth in section 3513.02 of the Revised Code. 36874

Declarations of candidacy and petitions, nominating 36875
petitions, and certificates of nomination for the office of 36876
clerk of the Akron municipal court shall contain a designation 36877
of the term for which the candidate seeks election. At the 36878
following regular municipal election, all candidates for the 36879
office shall be submitted to the qualified electors of the 36880
territory of the court in the manner that is provided in section 36881
1901.07 of the Revised Code for the election of the judges of 36882
the court. The clerk so elected shall hold office for a term of 36883
six years, which term shall commence on the first day of January 36884
following the clerk's election and continue until the clerk's 36885
successor is elected and qualified. 36886

(f) Except as otherwise provided in division (A) (1) (f) of 36887
this section, in the Barberton municipal court, candidates for 36888
election to the office of clerk of the court shall be nominated 36889

by primary election. The primary election shall be held on the 36890
day specified in the charter of the city of Barberton for the 36891
nomination of municipal officers. Notwithstanding any contrary 36892
provision of section 3513.05 or 3513.257 of the Revised Code, 36893
the declarations of candidacy and petitions of partisan 36894
candidates and the nominating petitions of independent 36895
candidates for the office of clerk of the Barberton municipal 36896
court shall be signed by at least fifty qualified electors of 36897
the territory of the court. 36898

The candidates shall file a declaration of candidacy and 36899
petition, or a nominating petition, whichever is applicable, not 36900
later than four p.m. of the ninetieth day before the day of the 36901
primary election, in the form prescribed by section 3513.07 or 36902
3513.261 of the Revised Code. The declaration of candidacy and 36903
petition, or the nominating petition, shall conform to the 36904
applicable requirements of section 3513.05 or 3513.257 of the 36905
Revised Code. 36906

If no valid declaration of candidacy and petition is filed 36907
by any person for nomination as a candidate of a particular 36908
political party for election to the office of clerk of the 36909
Barberton municipal court, a primary election shall not be held 36910
for the purpose of nominating a candidate of that party for 36911
election to that office. If only one person files a valid 36912
declaration of candidacy and petition for nomination as a 36913
candidate of a particular political party for election to that 36914
office, a primary election shall not be held for the purpose of 36915
nominating a candidate of that party for election to that 36916
office, and the candidate shall be issued a certificate of 36917
nomination in the manner set forth in section 3513.02 of the 36918
Revised Code. 36919

Declarations of candidacy and petitions, nominating 36920
petitions, and certificates of nomination for the office of 36921
clerk of the Barberton municipal court shall contain a 36922
designation of the term for which the candidate seeks election. 36923
At the following regular municipal election, all candidates for 36924
the office shall be submitted to the qualified electors of the 36925
territory of the court in the manner that is provided in section 36926
1901.07 of the Revised Code for the election of the judges of 36927
the court. The clerk so elected shall hold office for a term of 36928
six years, which term shall commence on the first day of January 36929
following the clerk's election and continue until the clerk's 36930
successor is elected and qualified. 36931

(g) (i) Through December 31, 2008, except as otherwise 36932
provided in division (A) (1) (g) (i) of this section, in the 36933
Cuyahoga Falls municipal court, candidates for election to the 36934
office of clerk of the court shall be nominated by primary 36935
election. The primary election shall be held on the day 36936
specified in the charter of the city of Cuyahoga Falls for the 36937
nomination of municipal officers. Notwithstanding any contrary 36938
provision of section 3513.05 or 3513.257 of the Revised Code, 36939
the declarations of candidacy and petitions of partisan 36940
candidates and the nominating petitions of independent 36941
candidates for the office of clerk of the Cuyahoga Falls 36942
municipal court shall be signed by at least fifty qualified 36943
electors of the territory of the court. 36944

The candidates shall file a declaration of candidacy and 36945
petition, or a nominating petition, whichever is applicable, not 36946
later than four p.m. of the ninetieth day before the day of the 36947
primary election, in the form prescribed by section 3513.07 or 36948
3513.261 of the Revised Code. The declaration of candidacy and 36949
petition, or the nominating petition, shall conform to the 36950

applicable requirements of section 3513.05 or 3513.257 of the Revised Code. 36951
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If no valid declaration of candidacy and petition is filed by any person for nomination as a candidate of a particular political party for election to the office of clerk of the Cuyahoga Falls municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code. 36953
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Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Cuyahoga Falls municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified. 36966
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(ii) Division (A) (1) (g) (i) of this section shall have no effect after December 31, 2008. 36978
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(h) Except as otherwise provided in division (A) (1) (h) of 36980

this section, in the Toledo municipal court, candidates for 36981
election to the office of clerk of the court shall be nominated 36982
by primary election. The primary election shall be held on the 36983
day specified in the charter of the city of Toledo for the 36984
nomination of municipal officers. Notwithstanding any contrary 36985
provision of section 3513.05 or 3513.257 of the Revised Code, 36986
the declarations of candidacy and petitions of partisan 36987
candidates and the nominating petitions of independent 36988
candidates for the office of clerk of the Toledo municipal court 36989
shall be signed by at least fifty qualified electors of the 36990
territory of the court. 36991

The candidates shall file a declaration of candidacy and 36992
petition, or a nominating petition, whichever is applicable, not 36993
later than four p.m. of the ninetieth day before the day of the 36994
primary election, in the form prescribed by section 3513.07 or 36995
3513.261 of the Revised Code. The declaration of candidacy and 36996
petition, or the nominating petition, shall conform to the 36997
applicable requirements of section 3513.05 or 3513.257 of the 36998
Revised Code. 36999

If no valid declaration of candidacy and petition is filed 37000
by any person for nomination as a candidate of a particular 37001
political party for election to the office of clerk of the 37002
Toledo municipal court, a primary election shall not be held for 37003
the purpose of nominating a candidate of that party for election 37004
to that office. If only one person files a valid declaration of 37005
candidacy and petition for nomination as a candidate of a 37006
particular political party for election to that office, a 37007
primary election shall not be held for the purpose of nominating 37008
a candidate of that party for election to that office, and the 37009
candidate shall be issued a certificate of nomination in the 37010
manner set forth in section 3513.02 of the Revised Code. 37011

Declarations of candidacy and petitions, nominating 37012
petitions, and certificates of nomination for the office of 37013
clerk of the Toledo municipal court shall contain a designation 37014
of the term for which the candidate seeks election. At the 37015
following regular municipal election, all candidates for the 37016
office shall be submitted to the qualified electors of the 37017
territory of the court in the manner that is provided in section 37018
1901.07 of the Revised Code for the election of the judges of 37019
the court. The clerk so elected shall hold office for a term of 37020
six years, which term shall commence on the first day of January 37021
following the clerk's election and continue until the clerk's 37022
successor is elected and qualified. 37023

(i) In the Columbiana county municipal court, the clerk of 37024
courts of Columbiana county shall be the clerk of the municipal 37025
court, may appoint a chief deputy clerk for each branch office 37026
that is established pursuant to section 1901.311 of the Revised 37027
Code, and may appoint any assistant clerks that the judges of 37028
the court determine are necessary. All of the chief deputy 37029
clerks and assistant clerks shall receive the compensation that 37030
the legislative authority prescribes. The clerk of courts of 37031
Columbiana county, acting as the clerk of the Columbiana county 37032
municipal court and assuming the duties of that office, shall 37033
receive in either biweekly installments or semimonthly 37034
installments, as determined by the payroll administrator, 37035
compensation payable from the county treasury at one-fourth the 37036
rate that is prescribed for the clerks of courts of common pleas 37037
as determined in accordance with the population of the county 37038
and the rates set forth in sections 325.08 and 325.18 of the 37039
Revised Code. 37040

(2) (a) Except for the Alliance, Auglaize county, Brown 37041
county, Holmes county, Perry county, Putnam county, Lima, 37042

Lorain, Massillon, and Youngstown municipal courts, in a 37043
municipal court for which the population of the territory is 37044
less than one hundred thousand, the clerk shall be appointed by 37045
the court, and the clerk shall hold office until the clerk's 37046
successor is appointed and qualified. 37047

(b) In the Alliance, Lima, Lorain, Massillon, and 37048
Youngstown municipal courts, the clerk shall be elected for a 37049
term of office as described in division (A) (1) (a) of this 37050
section. 37051

(c) In the Auglaize county, Brown county, Holmes county, 37052
Perry county, and Putnam county municipal courts, the clerks of 37053
courts of Auglaize county, Brown county, Holmes county, Perry 37054
county, and Putnam county shall be the clerks, respectively, of 37055
the Auglaize county, Brown county, Holmes county, Perry county, 37056
and Putnam county municipal courts and may appoint a chief 37057
deputy clerk for each branch office that is established pursuant 37058
to section 1901.311 of the Revised Code, and assistant clerks as 37059
the judge of the court determines are necessary, all of whom 37060
shall receive the compensation that the legislative authority 37061
prescribes. The clerks of courts of Auglaize county, Brown 37062
county, Holmes county, Perry county, and Putnam county, acting 37063
as the clerks of the Auglaize county, Brown county, Holmes 37064
county, Perry county, and Putnam county municipal courts and 37065
assuming the duties of these offices, shall receive compensation 37066
payable from the county treasury in semimonthly installments at 37067
one-fourth the rate that is prescribed for the clerks of courts 37068
of common pleas as determined in accordance with the population 37069
of the county and the rates set forth in sections 325.08 and 37070
325.18 of the Revised Code. 37071

(3) During the temporary absence of the clerk due to 37072

illness, vacation, or other proper cause, the court may appoint 37073
a temporary clerk, who shall be paid the same compensation, have 37074
the same authority, and perform the same duties as the clerk. 37075

(B) Except in the Hamilton county, Montgomery county, 37076
Miami county, Portage county, and Wayne county municipal courts, 37077
if a vacancy occurs in the office of the clerk of the Alliance, 37078
Lima, Lorain, Massillon, or Youngstown municipal court or occurs 37079
in the office of the clerk of a municipal court for which the 37080
population of the territory equals or exceeds one hundred 37081
thousand because the clerk ceases to hold the office before the 37082
end of the clerk's term or because a clerk-elect fails to take 37083
office, the vacancy shall be filled, until a successor is 37084
elected and qualified, by a person chosen by the residents of 37085
the territory of the court who are members of the county central 37086
committee of the political party by which the last occupant of 37087
that office or the clerk-elect was nominated. Not less than five 37088
nor more than fifteen days after a vacancy occurs, those members 37089
of that county central committee shall meet to make an 37090
appointment to fill the vacancy. At least four days before the 37091
date of the meeting, the chairperson or a secretary of the 37092
county central committee shall notify each such member of that 37093
county central committee by first class mail of the date, time, 37094
and place of the meeting and its purpose. A majority of all such 37095
members of that county central committee constitutes a quorum, 37096
and a majority of the quorum is required to make the 37097
appointment. If the office so vacated was occupied or was to be 37098
occupied by a person not nominated at a primary election, or if 37099
the appointment was not made by the committee members in 37100
accordance with this division, the court shall make an 37101
appointment to fill the vacancy. A successor shall be elected to 37102
fill the office for the unexpired term at the first municipal 37103

election that is held more than one hundred thirty-five days 37104
after the vacancy occurred. 37105

(C) (1) ~~In a municipal court, other than the Auglaize-~~ 37106
~~county, the Brown county, the Holmes county, the Perry county,~~ 37107
~~the Putnam county, and the Lorain municipal courts, for which~~ 37108
~~the population of the territory is less than one hundred~~ 37109
~~thousand, the~~ A clerk who is elected under division (A) of this 37110
section shall receive an annual compensation at the rate that is 37111
prescribed for the clerks of courts of common pleas, as 37112
determined using the population of the territory of the court 37113
and the rates set forth in sections 325.08 and 325.18 of the 37114
Revised Code. 37115

(2) A clerk of the municipal court who is appointed under 37116
division (A) of this section shall receive the following: 37117

(a) An annual compensation that the presiding judge of the 37118
court prescribes, if the revenue of the court for the preceding 37119
calendar year, as certified by the auditor or chief fiscal 37120
officer of the municipal corporation in which the court is 37121
located or, in the case of a county-operated municipal court, 37122
the county auditor, is equal to or greater than the 37123
expenditures, including any debt charges, for the operation of 37124
the court payable under this chapter from the city treasury or, 37125
in the case of a county-operated municipal court, the county 37126
treasury for that calendar year, as also certified by the 37127
auditor or chief fiscal officer. 37128

(b) If the revenue of a the municipal court, other than- 37129
~~the Auglaize county, the Brown county, the Columbiana county,~~ 37130
~~the Perry county, the Putnam county, and the Lorain municipal~~ 37131
~~courts, for which the population of the territory is less than~~ 37132
~~one hundred thousand for the preceding calendar year as so~~ 37133

certified is not equal to or greater than those expenditures for 37134
the operation of the court for that calendar year as so 37135
certified, the clerk of a municipal court shall receive the 37136
annual compensation that the legislative authority prescribes. 37137
~~As~~ 37138

As used in this division, "revenue" means the total of all 37139
costs and fees that are collected and paid to the city treasury 37140
or, in a county-operated municipal court, the county treasury by 37141
the clerk of the municipal court under division (F) of this 37142
section and all interest received and paid to the city treasury 37143
or, in a county-operated municipal court, the county treasury in 37144
relation to the costs and fees under division (G) of this 37145
section. 37146

~~(2) In a municipal court, other than the Columbiana 37147
county, Hamilton county, Montgomery county, Miami county, 37148
Portage county, and Wayne county municipal courts, for which the 37149
population of the territory is one hundred thousand or more, and 37150
in the Lorain municipal court, the clerk of the municipal court 37151
shall receive annual compensation in a sum equal to eighty-five 37152
per cent of the salary of a judge of the court. 37153~~

(3) The clerk of another court who is serving as the clerk 37154
of a municipal court as required under this section and for whom 37155
compensation is otherwise provided under this section shall not 37156
receive compensation under this division. 37157

(4) Except as otherwise provided in this section, the 37158
compensation of a clerk described in division (C) (1) or (2) of 37159
this section and of the clerk of the Columbiana county municipal 37160
court is payable in either semimonthly installments or biweekly 37161
installments, as determined by the payroll administrator, from 37162
the same sources and in the same manner as provided in section 37163

1901.11 of the Revised Code, except that the compensation of the clerk of the Carroll county municipal court is payable in biweekly installments.

(D) Before entering upon the duties of the clerk's office, the clerk of a municipal court shall give bond of not less than six thousand dollars to be determined by the judges of the court, conditioned upon the faithful performance of the clerk's duties.

(E) The clerk of a municipal court may do all of the following: administer oaths, take affidavits, and issue executions upon any judgment rendered in the court, including a judgment for unpaid costs; issue, sign, and attach the seal of the court to all writs, process, subpoenas, and papers issuing out of the court; and approve all bonds, sureties, recognizances, and undertakings fixed by any judge of the court or by law. The clerk may refuse to accept for filing any pleading or paper submitted for filing by a person who has been found to be a vexatious litigator under section 2323.52 of the Revised Code and who has failed to obtain leave to proceed under that section. The clerk shall do all of the following: file and safely keep all journals, records, books, and papers belonging or appertaining to the court; record the proceedings of the court; perform all other duties that the judges of the court may prescribe; and keep a book showing all receipts and disbursements, which book shall be open for public inspection at all times.

The clerk shall prepare and maintain a general index, a docket, and other records that the court, by rule, requires, all of which shall be the public records of the court. In the docket, the clerk shall enter, at the time of the commencement

of an action, the names of the parties in full, the names of the
counsel, and the nature of the proceedings. Under proper dates,
the clerk shall note the filing of the complaint, issuing of
summons or other process, returns, and any subsequent pleadings.
The clerk also shall enter all reports, verdicts, orders,
judgments, and proceedings of the court, clearly specifying the
relief granted or orders made in each action. The court may
order an extended record of any of the above to be made and
entered, under the proper action heading, upon the docket at the
request of any party to the case, the expense of which record
may be taxed as costs in the case or may be required to be
prepaid by the party demanding the record, upon order of the
court.

(F) The clerk of a municipal court shall receive, collect,
and issue receipts for all costs, fees, fines, bail, and other
moneys payable to the office or to any officer of the court. The
clerk shall on or before the twentieth day of the month
following the month in which they are collected disburse to the
proper persons or officers, and take receipts for, all costs,
fees, fines, bail, and other moneys that the clerk collects.
Subject to sections 307.515 and 4511.193 of the Revised Code and
to any other section of the Revised Code that requires a
specific manner of disbursement of any moneys received by a
municipal court and except for the Hamilton county, Lawrence
county, and Ottawa county municipal courts, the clerk shall pay
all fines received for violation of municipal ordinances into
the treasury of the municipal corporation the ordinance of which
was violated and shall pay all fines received for violation of
township resolutions adopted pursuant to section 503.52 or
503.53 or Chapter 504. of the Revised Code into the treasury of
the township the resolution of which was violated. Subject to

sections 1901.024 and 4511.193 of the Revised Code, in the 37225
Hamilton county, Lawrence county, and Ottawa county municipal 37226
courts, the clerk shall pay fifty per cent of the fines received 37227
for violation of municipal ordinances and fifty per cent of the 37228
fines received for violation of township resolutions adopted 37229
pursuant to section 503.52 or 503.53 or Chapter 504. of the 37230
Revised Code into the treasury of the county. Subject to 37231
sections 307.515, 4511.19, and 5503.04 of the Revised Code and 37232
to any other section of the Revised Code that requires a 37233
specific manner of disbursement of any moneys received by a 37234
municipal court, the clerk shall pay all fines collected for the 37235
violation of state laws into the county treasury. Except in a 37236
county-operated municipal court, the clerk shall pay all costs 37237
and fees the disbursement of which is not otherwise provided for 37238
in the Revised Code into the city treasury. The clerk of a 37239
county-operated municipal court shall pay the costs and fees the 37240
disbursement of which is not otherwise provided for in the 37241
Revised Code into the county treasury. Moneys deposited as 37242
security for costs shall be retained pending the litigation. The 37243
clerk shall keep a separate account of all receipts and 37244
disbursements in civil and criminal cases, which shall be a 37245
permanent public record of the office. On the expiration of the 37246
term of the clerk, the clerk shall deliver the records to the 37247
clerk's successor. The clerk shall have other powers and duties 37248
as are prescribed by rule or order of the court. 37249

(G) All moneys paid into a municipal court shall be noted 37250
on the record of the case in which they are paid and shall be 37251
deposited in a state or national bank, as defined in section 37252
1101.01 of the Revised Code, that is selected by the clerk. Any 37253
interest received upon the deposits shall be paid into the city 37254
treasury, except that, in a county-operated municipal court, the 37255

interest shall be paid into the treasury of the county in which 37256
the court is located. 37257

On the first Monday in January of each year, the clerk 37258
shall make a list of the titles of all cases in the court that 37259
were finally determined more than one year past in which there 37260
remains unclaimed in the possession of the clerk any funds, or 37261
any part of a deposit for security of costs not consumed by the 37262
costs in the case. The clerk shall give notice of the moneys to 37263
the parties who are entitled to the moneys or to their attorneys 37264
of record. All the moneys remaining unclaimed that are for 37265
restitution payments for crime victims shall be sent to the 37266
reparations fund created under section 2743.191 of the Revised 37267
Code, with a list from the clerk or other officer responsible 37268
for the collection and distribution of restitution payments 37269
specifying the amounts and individual identifying information of 37270
the funds. All other moneys remaining unclaimed on the first day 37271
of April of each year shall be paid by the clerk to the city 37272
treasurer, except that, in a county-operated municipal court, 37273
the moneys shall be paid to the treasurer of the county in which 37274
the court is located. The treasurer shall pay any part of the 37275
moneys at any time to the person who has the right to the moneys 37276
upon proper certification of the clerk. 37277

(H) Deputy clerks of a municipal court other than the 37278
Carroll county municipal court may be appointed by the clerk and 37279
shall receive the compensation, payable in either biweekly 37280
installments or semimonthly installments, as determined by the 37281
payroll administrator, out of the city treasury, that the clerk 37282
may prescribe, except that the compensation of any deputy clerk 37283
of a county-operated municipal court shall be paid out of the 37284
treasury of the county in which the court is located. The judge 37285
of the Carroll county municipal court may appoint deputy clerks 37286

for the court, and the deputy clerks shall receive the 37287
compensation, payable in biweekly installments out of the county 37288
treasury, that the judge may prescribe. Each deputy clerk shall 37289
take an oath of office before entering upon the duties of the 37290
deputy clerk's office and, when so qualified, may perform the 37291
duties appertaining to the office of the clerk. The clerk may 37292
require any of the deputy clerks to give bond of not less than 37293
three thousand dollars, conditioned for the faithful performance 37294
of the deputy clerk's duties. 37295

(I) For the purposes of this section, whenever the 37296
population of the territory of a municipal court falls below one 37297
hundred thousand but not below ninety thousand, and the 37298
population of the territory prior to the most recent regular 37299
federal census exceeded one hundred thousand, the legislative 37300
authority of the municipal corporation may declare, by 37301
resolution, that the territory shall be considered to have a 37302
population of at least one hundred thousand. 37303

(J) The clerk or a deputy clerk shall be in attendance at 37304
all sessions of the municipal court, although not necessarily in 37305
the courtroom, and may administer oaths to witnesses and jurors 37306
and receive verdicts. 37307

Sec. 1907.143. (A) (1) ~~Subject to reimbursement under~~ 37308
~~division (B) of this section, the~~ The treasurer of the county in 37309
which a county court is located shall pay the per diem 37310
compensation to which an acting judge appointed pursuant to 37311
division (A) (2) (a), (B) (1), or (C) (1) of section 1907.141 of the 37312
Revised Code is entitled pursuant to division (A) of section 37313
1907.142 of the Revised Code. 37314

(2) The treasurer of the county in which a county court is 37315
located shall pay the per diem compensation to which an assigned 37316

judge assigned pursuant to division (A) (1), (A) (2) (b), (B) (2), 37317
or (C) (2) of section 1907.141 of the Revised Code is entitled 37318
pursuant to division (B) (1) or (4) of section 1907.142 of the 37319
Revised Code. 37320

(3) Subject to reimbursement under division (B) of this 37321
section, the treasurer of the county in which a county court is 37322
located shall pay the per diem compensation to which an assigned 37323
judge assigned pursuant to division (A) (1), (A) (2) (b), (B) (2), 37324
or (C) (2) of section 1907.141 of the Revised Code is entitled 37325
pursuant to division (B) (2) of section 1907.142 of the Revised 37326
Code. 37327

(4) Subject to reimbursement under division (C) of this 37328
section, the supreme court shall pay the per diem compensation 37329
to which an assigned judge assigned pursuant to division (A) (1), 37330
(A) (2) (b), (B) (2), or (C) (2) of section 1907.141 of the Revised 37331
Code is entitled pursuant to division (B) (3) of section 1907.142 37332
of the Revised Code. 37333

(B) A county that, pursuant to division ~~(A) (1) or (3)~~ (A) 37334
(3) of this section, is required to pay the per diem 37335
compensation to which an ~~acting judge or~~ assigned judge is 37336
entitled, shall submit to the administrative director of the 37337
supreme court quarterly requests for reimbursements of the state 37338
portion of the per diem amounts so paid. The requests shall 37339
include verifications of the payment of those amounts and an 37340
affidavit from the ~~acting judge or~~ assigned judge stating the 37341
days and hours worked. The administrative director shall cause 37342
reimbursements of the state portion of the per diem amounts paid 37343
to be issued to the county if the administrative director 37344
verifies that those amounts were, in fact, so paid. If the 37345
county fails to submit a request within one year after the per 37346

diem compensation was paid, the administrative director shall 37347
refuse to cause reimbursement to be issued. 37348

(C) If the supreme court, pursuant to division (A) (4) of 37349
this section, is required to pay the per diem compensation to 37350
which an assigned judge is entitled, annually, on the first day 37351
of August, the administrative director of the supreme court 37352
shall issue a billing to the county treasurer of any county to 37353
which such a judge was assigned to a county court for 37354
reimbursement of the county portion of the per diem compensation 37355
previously paid by the supreme court for the twelve-month period 37356
preceding the last day of June. The county portion of the per 37357
diem compensation shall be that part of each per diem paid by 37358
the state which is proportional to the county shares of the 37359
total compensation of a resident judge of such court. The county 37360
treasurer shall forward the payment within thirty days. After 37361
forwarding the payment, the county treasurer shall seek 37362
reimbursement from the applicable local municipalities as 37363
appropriate. 37364

Sec. 1907.24. (A) Subject to division (C) of this section, 37365
a county court shall fix and tax fees and costs as follows: 37366

(1) The county court shall require an advance deposit for 37367
the filing of any new civil action or proceeding when required 37368
by division (C) of this section, subject to its waiver pursuant 37369
to that division, and, in all other cases, shall establish a 37370
schedule of fees and costs to be taxed in any civil or criminal 37371
action or proceeding. 37372

(2) The county court by rule may require an advance 37373
deposit for the filing of a civil action or proceeding and 37374
publication fees as provided in section 2701.09 of the Revised 37375
Code. The court shall waive an advance deposit requirement for a 37376

party that the court determines qualifies as an indigent 37377
litigant as set forth in section 2323.311 of the Revised Code. 37378

(3) When a party demands a jury trial in a civil action or 37379
proceeding, the county court may require the party to make an 37380
advance deposit as fixed by rule of court, unless the court 37381
determines that the party qualifies as an indigent litigant as 37382
set forth in section 2323.311 of the Revised Code. If a jury is 37383
called, the county court shall tax the fees of a jury as costs. 37384

(4) In a civil or criminal action or proceeding, the 37385
county court shall fix the fees of witnesses in accordance with 37386
sections 2335.06 and 2335.08 of the Revised Code. 37387

(5) A county court may tax as part of the costs in a trial 37388
of the cause, in an amount fixed by rule of court, a reasonable 37389
charge for driving, towing, carting, storing, keeping, and 37390
preserving motor vehicles and other personal property recovered 37391
or seized in a proceeding. 37392

(6) The court shall preserve chattel property seized under 37393
a writ or process issued by the court pending final disposition 37394
for the benefit of all interested persons. The court may place 37395
the chattel property in storage when necessary or proper for its 37396
preservation. The custodian of chattel property so stored shall 37397
not be required to part with the possession of the property 37398
until a reasonable charge, to be fixed by the court, is paid. 37399

(7) The county court, as it determines, may refund all 37400
deposits and advance payments of fees and costs, including those 37401
for jurors and summoning jurors, when they have been paid by the 37402
losing party. 37403

(8) The court may tax as part of costs charges for the 37404
publication of legal notices required by statute or order of 37405

court, as provided by section 7.13 of the Revised Code. 37406

(B) (1) (a) The county court may determine that, for the 37407
efficient operation of the court, additional funds are necessary 37408
to acquire and pay for special projects of the court including, 37409
but not limited to, the acquisition of additional facilities or 37410
the rehabilitation of existing facilities, the acquisition of 37411
equipment, the hiring and training of staff, community service 37412
programs, mediation or dispute resolution services, the 37413
employment of magistrates, the training and education of judges, 37414
acting judges, and magistrates, and other related services. Upon 37415
that determination, the court by rule may charge a fee, in 37416
addition to all other court costs, on the filing of each 37417
criminal cause, civil action or proceeding, or judgment by 37418
confession. Fees collected by a court for special projects of 37419
the court under this division shall not be used for training or 37420
education that takes place outside of the state. 37421

(b) If the county court offers a special program or 37422
service in cases of a specific type, the county court by rule 37423
may assess an additional charge in a case of that type, over and 37424
above court costs, to cover the special program or service. The 37425
county court shall adjust the special assessment periodically, 37426
but not retroactively, so that the amount assessed in those 37427
cases does not exceed the actual cost of providing the service 37428
or program. 37429

(c) Any fee or charge assessed under division (B) (1) (a) or 37430
(b) of this section on the filing of a civil action or 37431
proceeding shall be waived if the court determines that the 37432
person on whom the fee or charge is assessed qualifies as an 37433
indigent litigant as set forth in section 2323.311 of the 37434
Revised Code. 37435

(d) All moneys collected under division (B) of this section shall be paid to the county treasurer for deposit into either a general special projects fund or a fund established for a specific special project. Moneys from a fund of that nature shall be disbursed upon an order of the court in an amount no greater than the actual cost to the court of a project. If a specific fund is terminated because of the discontinuance of a program or service established under division (B) of this section, the county court may order that moneys remaining in the fund be transferred to an account established under this division for a similar purpose.

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

(a) "Criminal cause" means a charge alleging the violation of a statute or ordinance, or subsection of a statute or ordinance, that requires a separate finding of fact or a separate plea before disposition and of which the defendant may be found guilty, whether filed as part of a multiple charge on a single summons, citation, or complaint or as a separate charge on a single summons, citation, or complaint. "Criminal cause" does not include separate violations of the same statute or ordinance, or subsection of the same statute or ordinance, unless each charge is filed on a separate summons, citation, or complaint.

(b) "Civil action or proceeding" means any civil litigation that must be determined by judgment entry.

(C) Subject to division (E) of this section, the county court shall collect in all its divisions except the small claims division the sum of twenty-six dollars as additional filing fees in each new civil action or proceeding for the charitable public purpose of providing financial assistance to legal aid societies

that operate within the state and to support the office of the 37466
state public defender. Subject to division (E) of this section, 37467
the county court shall collect in its small claims division the 37468
sum of eleven dollars as additional filing fees in each new 37469
civil action or proceeding for the charitable public purpose of 37470
providing financial assistance to legal aid societies that 37471
operate within the state and to support the office of the state 37472
public defender. This division does not apply to any execution 37473
on a judgment, proceeding in aid of execution, or other post- 37474
judgment proceeding arising out of a civil action. The filing 37475
fees required to be collected under this division shall be in 37476
addition to any other court costs imposed in the action or 37477
proceeding and shall be collected at the time of the filing of 37478
the action or proceeding. The court shall not waive the payment 37479
of the additional filing fees in a new civil action or 37480
proceeding unless the court waives the advanced payment of all 37481
filing fees in the action or proceeding for the party that the 37482
court determines is qualified as an indigent litigant as set 37483
forth in section 2323.311 of the Revised Code. All such moneys 37484
collected during a month except for an amount equal to up to one 37485
per cent of those moneys retained to cover administrative costs 37486
shall be transmitted on or before the twentieth day of the 37487
following month by the clerk of the court to the treasurer of 37488
state in a manner prescribed by the treasurer of state or by the 37489
Ohio access to justice foundation. The treasurer of state shall 37490
deposit four per cent of the funds collected under this division 37491
to the credit of the civil case filing fee fund established 37492
under section 120.07 of the Revised Code and ninety-six per cent 37493
of the funds collected under this division to the credit of the 37494
legal aid fund established under section 120.52 of the Revised 37495
Code. 37496

The court may retain up to one per cent of the moneys it 37497
collects under this division to cover administrative costs, 37498
including the hiring of any additional personnel necessary to 37499
implement this division. If the court fails to transmit to the 37500
treasurer of state the moneys the court collects under this 37501
division in a manner prescribed by the treasurer of state or by 37502
the Ohio access to justice foundation, the court shall forfeit 37503
the moneys the court retains under this division to cover 37504
administrative costs, including the hiring of any additional 37505
personnel necessary to implement this division, and shall 37506
transmit to the treasurer of state all moneys collected under 37507
this division, including the forfeited amount retained for 37508
administrative costs, for deposit in the legal aid fund. 37509

(D) The county court shall establish by rule a schedule of 37510
fees for miscellaneous services performed by the county court or 37511
any of its judges in accordance with law. If judges of the court 37512
of common pleas perform similar services, the fees prescribed in 37513
the schedule shall not exceed the fees for those services 37514
prescribed by the court of common pleas. 37515

(E) Under the circumstances described in sections 2969.21 37516
to 2969.27 of the Revised Code, the clerk of the county court 37517
shall charge the fees and perform the other duties specified in 37518
those sections. 37519

Sec. 2101.11. ~~(A)(1)~~(A)(1)(a) The probate judge shall have 37520
the care and custody of the files, papers, books, and records 37521
belonging to the probate court. The probate judge is authorized 37522
to perform the duties of clerk of the judge's court. The probate 37523
judge may appoint deputy clerks, court reporters, a bailiff, and 37524
any other necessary employees, each of whom shall take an oath 37525
of office before entering upon the duties of the employee's 37526

appointment and, when so qualified, may perform the duties 37527
appertaining to the office of clerk of the court. 37528

(b) Not later than eighteen months after the effective 37529
date of this amendment, the general docket of the probate court 37530
shall be available online on the clerk of court's web site for 37531
remote access and printing by the public of the information in 37532
that docket, including all individual documents in each case 37533
file, pertaining to probate cases filed on or after the 37534
effective date of this amendment. Nothing in this division shall 37535
be construed as making available online any of the following: 37536

(i) Internal documents such as notes, electronic mails, 37537
drafts, recommendations, advice, or research of judicial 37538
officers and court staff; 37539

(ii) Any document or any information in a case file the 37540
public access to which the court has ordered restricted under 37541
the Rules of Superintendence for the Courts of Ohio. 37542

(2) (a) The probate judge shall provide for one or more 37543
probate court investigators to perform the duties that are 37544
established for a probate court investigator by the Revised Code 37545
or the probate judge. The probate judge may provide for an 37546
investigator in any of the following manners, as the court 37547
determines is appropriate: 37548

(i) By appointing a person as a full-time or part-time 37549
employee of the probate court to serve as investigator, or by 37550
designating a current full-time or part-time employee of the 37551
probate court to serve as investigator; 37552

(ii) By contracting with a person to serve and be 37553
compensated as investigator only when needed by the probate 37554
court, as determined by the court, and by designating that 37555

person as a probate court investigator during the times when the 37556
person is performing the duties of an investigator for the 37557
court; 37558

(iii) By entering into an agreement with another 37559
department or agency of the county, including, but not limited 37560
to, the sheriff's department or the county department of job and 37561
family services, pursuant to which an employee of the other 37562
department or agency will serve and perform the duties of 37563
investigator for the court, upon request of the probate judge, 37564
and designating that employee as a probate court investigator 37565
during the times when the person is performing the duties of an 37566
investigator for the court. 37567

(b) Each person appointed or otherwise designated as a 37568
probate court investigator shall take an oath of office before 37569
entering upon the duties of the person's appointment. When so 37570
qualified, an investigator may perform the duties that are 37571
established for a probate court investigator by the Revised Code 37572
or the probate judge. 37573

(c) Except as otherwise provided in this division, a 37574
probate court investigator shall hold at least a bachelor's 37575
degree in social work, psychology, education, special education, 37576
or a related human services field. A probate judge may waive the 37577
education requirement of this division for a person the judge 37578
appoints or otherwise designates as a probate court investigator 37579
if the judge determines that the person has experience in family 37580
services work that is equivalent to the required education. 37581

(d) Within one year after appointment or designation, a 37582
probate court investigator shall attend an orientation course of 37583
at least six hours, and each calendar year after the calendar 37584
year of appointment or designation, a probate court investigator 37585

shall satisfactorily complete at least six hours of continuing education. 37586
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(e) For purposes of divisions (A) (4), (B), and (C) of this section, a person designated as a probate court investigator under division (A) (2) (a) (ii) or (iii) of this section shall be considered an appointee of the probate court at any time that the person is performing the duties established under the Revised Code or by the probate judge for a probate court investigator. 37588
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(3) (a) The probate judge may provide for one or more persons to perform the duties of an assessor under sections 3107.031, 3107.032, 3107.082, 3107.09, 3107.101, and 3107.12 of the Revised Code or may enter into agreements with public children services agencies, private child placing agencies, or private noncustodial agencies under which the agency provides for one or more persons to perform the duties of an assessor. A probate judge who provides for an assessor shall do so in either of the following manners, as the judge considers appropriate: 37595
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(i) By appointing a person as a full-time or part-time employee of the probate court to serve as assessor, or by designating a current full-time or part-time employee of the probate court to serve as assessor; 37604
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(ii) By contracting with a person to serve and be compensated as assessor only when needed by the probate court, as determined by the court, and by designating that person as an assessor during the times when the person is performing the duties of an assessor for the court. 37608
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(b) Each person appointed or designated as a probate court assessor shall take an oath of office before entering on the 37613
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duties of the person's appointment. 37615

(c) A probate court assessor must meet the qualifications 37616
for an assessor established by section 3107.014 of the Revised 37617
Code. 37618

(d) A probate court assessor shall perform additional 37619
duties, including duties of an investigator under division (A) 37620
(2) of this section, when the probate judge assigns additional 37621
duties to the assessor. 37622

(e) For purposes of divisions (A) (4), (B), and (C) of this 37623
section, a person designated as a probate court assessor shall 37624
be considered an appointee of the probate court at any time that 37625
the person is performing assessor duties. 37626

(4) Each appointee of the probate judge may administer 37627
oaths in all cases when necessary, in the discharge of official 37628
duties. 37629

(B) (1) (a) Subject to the appropriation made by the board 37630
of county commissioners pursuant to this division, each 37631
appointee of a probate judge under division (A) of this section 37632
shall receive such compensation and expenses as the judge 37633
determines and shall serve during the pleasure of the judge. The 37634
compensation of each appointee shall be paid in semimonthly 37635
installments by the county treasurer from the county treasury, 37636
upon the warrants of the county auditor, certified to by the 37637
judge. 37638

(b) Except as otherwise provided in the Revised Code, the 37639
total compensation paid to all appointees of the probate judge 37640
in any calendar year shall not exceed the total fees earned by 37641
the probate court during the preceding calendar year, unless the 37642
board of county commissioners approves otherwise. 37643

(2) The probate judge annually shall submit a written request for an appropriation to the board of county commissioners that shall set forth estimated administrative expenses of the court, including the salaries of appointees as determined by the judge and any other costs, fees, and expenses, including, but not limited to, those enumerated in section 5123.96 of the Revised Code, that the judge considers reasonably necessary for the operation of the court. The board shall conduct a public hearing with respect to the written request submitted by the judge and shall appropriate such sum of money each year as it determines, after conducting the public hearing and considering the written request of the judge, is reasonably necessary to meet all the administrative expenses of the court, including the salaries of appointees as determined by the judge and any other costs, fees, and expenses, including, but not limited to, the costs, fees, and expenses enumerated in section 5123.96 of the Revised Code.

If the judge considers the appropriation made by the board pursuant to this division insufficient to meet all the administrative expenses of the court, the judge shall commence an action under Chapter 2731. of the Revised Code in the court of appeals for the judicial district for a determination of the duty of the board of county commissioners to appropriate the amount of money in dispute. The court of appeals shall give priority to the action filed by the probate judge over all cases pending on its docket. The burden shall be on the probate judge to prove that the appropriation requested is reasonably necessary to meet all administrative expenses of the court. If, prior to the filing of an action under Chapter 2731. of the Revised Code or during the pendency of the action, the judge exercises the judge's contempt power in order to obtain the sum

of money in dispute, the judge shall not order the imprisonment 37675
of any member of the board of county commissioners 37676
notwithstanding sections 2705.02 to 2705.06 of the Revised Code. 37677

(C) The probate judge may require any of the judge's 37678
appointees to give bond in the sum of not less than one thousand 37679
dollars, conditioned for the honest and faithful performance of 37680
the appointee's duties. The sureties on the bonds shall be 37681
approved in the manner provided in section 2101.03 of the 37682
Revised Code. 37683

The judge shall not be personally liable for the default, 37684
malfeasance, or nonfeasance of any appointee. 37685

All bonds required to be given in the probate court, on 37686
being accepted and approved by the probate judge, shall be filed 37687
in the judge's office. 37688

Sec. 2101.16. (A) Except as provided in section 2101.164 37689
of the Revised Code, the fees enumerated in this division shall 37690
be charged and collected, if possible, by the probate judge and 37691
shall be in full for all services rendered in the respective 37692
proceedings: 37693
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A	(1)	Account, in addition to advertising charges	
B		_____	\$12.00
C		Waivers and proof of notice of hearing on account, per page, minimum one dollar	
D		_____	\$1.00

E	(2)	Account of distribution, in addition to advertising charges	
F		_____	\$7.00
G	(3)	Adoption of child, petition for	
H		_____	\$20.00
I	(4)	Alter or cancel contract for sale or purchase of real property, complaint to	
J		_____	\$20.00
K	(5)	Application and order not otherwise provided for in this section or by rule adopted pursuant to division (E) of this section	
L		_____	\$5.00
M	(6)	Appropriation suit, per day, hearing in	
N		_____	\$20.00
O	(7)	Birth, application for registration of	
P		_____	\$7.00
Q	(8)	Birth record, application to correct	
R		_____	\$5.00
S	(9)	Bond, application for new or additional	
T		_____	\$5.00

U	(10) Bond, application for release of surety or reduction of	
V	_____	\$5.00
W	(11) Bond, receipt for securities deposited in lieu of	
X	_____	\$5.00
Y	(12) Certified copy of journal entry, record, or proceeding, per page, minimum fee one dollar	
Z	_____	\$1.00
AA	(13) Citation and issuing citation, application for	
AB	_____	\$5.00
AC	(14) Change of name, petition for	
AD	_____	\$20.00
AE	(15) Claim, application of administrator or executor for allowance of administrator's or executor's own	
AF	_____	\$10.00
AG	(16) Claim, application to compromise or settle	
AH	_____	\$10.00
AI	(17) Claim, authority to present	
AJ	_____	\$10.00
AK	(18) Commissioner, appointment of	

AL	_____	\$5.00
AM	(19) Compensation for extraordinary services and attorney's fees for fiduciary, application for	
AN	_____	\$5.00
AO	(20) Competency, application to procure adjudication of	
AP	_____	\$20.00
AQ	(21) Complete contract, application to	
AR	_____	\$10.00
AS	(22) Concealment of assets, citation for	
AT	_____	\$10.00
AU	(23) Construction of will, complaint for	
AV	_____	\$20.00
AW	(24) Continue decedent's business, application to	
AX	_____	\$10.00
AY	Monthly reports of operation	
AZ	_____	\$5.00
BA	(25) Declaratory judgment, complaint for	
BB	_____	\$20.00
BC	(26) Deposit of will	

BD	_____	\$5.00
BE	(27) Designation of heir	
BF	_____	\$20.00
BG	(28) Distribution in kind, application, assent, and order for	
BH	_____	\$5.00
BI	(29) Distribution under section 2109.36 of the Revised Code, application for an order of	
BJ	_____	\$7.00
BK	(30) Docketing and indexing proceedings, including the filing and noting of all necessary documents, maximum fee, fifteen dollars	
BL	_____	\$15.00
BM	(31) Exceptions to any proceeding named in this section, contest of appointment or	
BN	_____	\$10.00
BO	(32) Election of surviving partner to purchase assets of partnership, proceedings relating to	
BP	_____	\$10.00
BQ	(33) Election of surviving spouse under will	
BR	_____	\$5.00

BS	(34) Fiduciary, including an assignee or trustee of an insolvent debtor or any guardian or conservator accountable to the probate court, appointment of	
BT	_____	\$35.00
BU	(35) Foreign will, application to record	
BV	_____	\$10.00
BW	Record of foreign will, additional, per page	
BX	_____	\$1.00
BY	(36) Forms when supplied by the probate court, not to exceed	
BZ	_____	\$10.00
CA	(37) Heirship, complaint to determine	
CB	_____	\$20.00
CC	(38) Injunction proceedings	
CD	_____	\$20.00
CE	(39) Improve real property, petition to	
CF	_____	\$20.00
CG	(40) Inventory with appraisement	
CH	_____	\$10.00
CI	(41) Inventory without appraisement	

CJ	_____	\$7.00
CK	(42) Investment or expenditure of funds, application for	
CL	_____	\$10.00
CM	(43) Invest in real property, application to	
CN	_____	\$10.00
CO	(44) Lease for oil, gas, coal, or other mineral, petition to	
CP	_____	\$20.00
CQ	(45) Lease or lease and improve real property, petition to	
CR	_____	\$20.00
CS	(46) Marriage license	
CT	_____	\$10.00
CU	Certified abstract of each marriage	
CV	_____	\$2.00
CW	(47) Minor or incompetent person, etc., disposal of estate under twenty-five thousand dollars of	
CX	_____	\$10.00
CY	(48) Mortgage or mortgage and repair or improve real property, complaint to	
CZ	_____	\$20.00

DA	(49) Newly discovered assets, report of	
DB	_____	\$7.00
DC	(50) Nonresident executor or administrator to bar creditors' claims, proceedings by	
DD	_____	\$20.00
DE	(51) Power of attorney or revocation of power, bonding company	
DF	_____	\$10.00
DG	(52) Presumption of death, petition to establish	
DH	_____	\$20.00
DI	(53) Probating will	
DJ	_____	\$15.00
DK	Proof of notice to beneficiaries	
DL	_____	\$5.00
DM	(54) Purchase personal property, application of surviving spouse to	
DN	_____	\$10.00
DO	(55) Purchase real property at appraised value, petition of surviving spouse to	
DP	_____	\$20.00

DQ	(56) Receipts in addition to advertising charges, application and order to record	
DR	_____	\$5.00
DS	Record of those receipts, additional, per page	
DT	_____	\$1.00
DU	(57) Record in excess of fifteen hundred words in any proceeding in the probate court, per page	
DV	_____	\$1.00
DW	(58) Release of estate by mortgagee or other lienholder	
DX	_____	\$5.00
DY	(59) Relieving an estate from administration under section 2113.03 of the Revised Code or granting an order for a summary release from administration under section 2113.031 of the Revised Code	
DZ	_____	\$60.00
EA	(60) Removal of fiduciary, application for	
EB	_____	\$10.00
EC	(61) Requalification of executor or administrator	
ED	_____	\$10.00
EE	(62) Resignation of fiduciary	

EF	_____	\$5.00
EG	(63) Sale bill, public sale of personal property	
EH	_____	\$10.00
EI	(64) Sale of personal property and report, application for	
EJ	_____	\$10.00
EK	(65) Sale of real property, petition for	
EL	_____	\$25.00
EM	(66) Terminate guardianship, petition to	
EN	_____	\$10.00
EO	(67) Transfer of real property, application, entry, and certificate for	
EP	_____	\$7.00
EQ	(68) Unclaimed money, application to invest	
ER	_____	\$7.00
ES	(69) Vacate approval of account or order of distribution, motion to	
ET	_____	\$10.00
EU	(70) Writ of execution	
EV	_____	\$5.00

EW	(71) Writ of possession	
EX	_____	\$5.00
EY	(72) Wrongful death, application and settlement of claim for	
EZ	_____	\$20.00
FA	(73) Year's allowance, petition to review	
FB	_____	\$7.00
FC	(74) Guardian's report, filing and review of	
FD	_____	\$5.00
FE	(75) Person with a mental illness subject to court order, filing of affidavit and proceedings for	
FF	_____	\$25.00

(B) (1) In relation to an application for the appointment 37695
of a guardian or the review of a report of a guardian under 37696
section 2111.49 of the Revised Code, the probate court, pursuant 37697
to court order or in accordance with a court rule, may direct 37698
that the applicant or the estate pay any or all of the expenses 37699
of an investigation conducted pursuant to section 2111.041 or 37700
division (A) (2) of section 2111.49 of the Revised Code. If the 37701
investigation is conducted by a public employee or investigator 37702
who is paid by the county, the fees for the investigation shall 37703
be paid into the county treasury. If the court finds that an 37704
alleged incompetent or a ward is indigent, the court may waive 37705
the costs, fees, and expenses of an investigation. 37706

(2) In relation to the appointment or functioning of a 37707

guardian for a minor or the guardianship of a minor, the probate court may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.042 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that the guardian or applicant is indigent, the court may waive the costs, fees, and expenses of an investigation.

(3) In relation to the filing of an affidavit of mental illness for a person with a mental illness subject to court order, the court may waive the fee under division (A) (75) of this section if the court finds that the affiant is indigent or for good cause shown.

(C) Thirty dollars of the thirty-five-dollar fee collected pursuant to division (A) (34) of this section and twenty dollars of the sixty-dollar fee collected pursuant to division (A) (59) of this section shall be deposited by the county treasurer in the indigent guardianship fund created pursuant to section 2111.51 of the Revised Code.

(D) The fees of witnesses, jurors, sheriffs, coroners, and constables for services rendered in the probate court or by order of the probate judge shall be the same as provided for similar services in the court of common pleas.

(E) The probate court, by rule, may require an advance deposit for costs, not to exceed one hundred twenty-five dollars, at the time application is made for an appointment as executor or administrator or at the time a will is presented for probate.

(F) (1) The "putative father registry fund" is hereby 37737
created in the state treasury. The department of ~~job and family~~ 37738
~~services children and youth~~ shall use the money in the fund to 37739
fund the department's costs of performing its duties related to 37740
the putative father registry established under section 3107.062 37741
of the Revised Code. 37742

(2) If the department determines that money in the 37743
putative father registry fund is more than is needed for its 37744
duties related to the putative father registry, the department 37745
may use the surplus moneys in the fund as permitted in division 37746
(D) of section 2151.3527 or section 5103.155 of the Revised 37747
Code. 37748

Sec. 2108.34. (A) There is hereby created in the state 37749
treasury the second chance trust fund. The fund shall consist of 37750
voluntary contributions deposited as provided in sections 37751
4501.028 and 4503.721 of the Revised Code. ~~All investment~~ 37752
~~earnings of the fund shall be credited to the fund.~~ 37753

(B) The director of health shall use the money in the fund 37754
only for the following purposes: 37755

(1) Development and implementation of a campaign that 37756
explains and promotes the second chance trust fund; 37757

(2) Development and implementation of local and statewide 37758
public education programs about organ, tissue, and eye donation, 37759
including the informational material required to be provided 37760
under section 4501.028 of the Revised Code; 37761

(3) Development and implementation of local and statewide 37762
donor awareness programs in schools; 37763

(4) Development and implementation of local and statewide 37764
programs to recognize donor families; 37765

(5) Development and distribution of materials promoting organ, tissue, and eye donation;	37766 37767
(6) Cooperation with the Ohio Supreme Court, Ohio State Bar Association, and law schools of this state to more effectively educate attorneys about the donation of anatomical gifts and to encourage them to assist their clients in donating anatomical gifts through anatomical gift declarations, durable powers of attorney for health care, and any other appropriate means;	37768 37769 37770 37771 37772 37773 37774
(7) Cooperation with the state medical board, state medical, osteopathic, and ophthalmological associations, and colleges of medicine and osteopathic medicine in this state to more effectively educate physicians about the donation of anatomical gifts and to encourage them to assist their patients in making declarations of anatomical gifts;	37775 37776 37777 37778 37779 37780
(8) Development of statewide hospital training programs to encourage and facilitate compliance with sections 2108.14 and 2108.15 of the Revised Code;	37781 37782 37783
(9) Reimbursement of the bureau of motor vehicles for the administrative costs incurred in the performance of duties under section 4501.028 of the Revised Code;	37784 37785 37786
(10) Reimbursement of the department of health for administrative costs incurred in the performance of duties under this section and section 2108.35 of the Revised Code;	37787 37788 37789
(11) Reimbursement of members of the second chance fund advisory committee for actual and necessary expenses incurred in the performance of official duties.	37790 37791 37792
(C) The director shall make the materials developed under division (B) (5) of this section available to other state	37793 37794

agencies. 37795

(D) The director shall consider recommendations made by 37796
the second chance trust fund advisory committee pursuant to 37797
section 2108.35 of the Revised Code. The director shall 37798
determine the appropriateness of and approve or disapprove 37799
projects recommended by the advisory committee for funding and 37800
approve or disapprove the disbursement of money from the second 37801
chance trust fund. 37802

Sec. 2151.27. (A) (1) Subject to division (A) (2) of this 37803
section, any person having knowledge of a child who appears to 37804
have violated section 2151.87 of the Revised Code or to be a 37805
juvenile traffic offender or to be an unruly, abused, neglected, 37806
or dependent child may file a sworn complaint with respect to 37807
that child in the juvenile court of the county in which the 37808
child has a residence or legal settlement or in which the 37809
violation, unruliness, abuse, neglect, or dependency allegedly 37810
occurred. If an alleged abused, neglected, or dependent child is 37811
taken into custody pursuant to division (D) of section 2151.31 37812
of the Revised Code or is taken into custody pursuant to 37813
division (A) of section 2151.31 of the Revised Code without the 37814
filing of a complaint and placed into shelter care pursuant to 37815
division (C) of that section, a sworn complaint shall be filed 37816
with respect to the child before the end of the next day after 37817
the day on which the child was taken into custody. The sworn 37818
complaint may be upon information and belief, and, in addition 37819
to the allegation that the child committed the violation or is 37820
an unruly, abused, neglected, or dependent child, the complaint 37821
shall allege the particular facts upon which the allegation that 37822
the child committed the violation or is an unruly, abused, 37823
neglected, or dependent child is based. 37824

(2) Any person having knowledge of a child who appears to be an unruly child for being an habitual truant may file a sworn complaint with respect to that child and the parent, guardian, or other person having care of the child in the juvenile court of the county in which the child has a residence or legal settlement or in which the child is supposed to attend public school. The sworn complaint may be upon information and belief and shall contain the following allegations:

(a) That the child is an unruly child for being an habitual truant and, in addition, the particular facts upon which that allegation is based;

(b) That the parent, guardian, or other person having care of the child has failed to cause the child's attendance at school in violation of section 3321.38 of the Revised Code and, in addition, the particular facts upon which that allegation is based.

(B) If a child, before arriving at the age of eighteen years, allegedly commits an act for which the child may be adjudicated an unruly child and if the specific complaint alleging the act is not filed or a hearing on that specific complaint is not held until after the child arrives at the age of eighteen years, the court has jurisdiction to hear and dispose of the complaint as if the complaint were filed and the hearing held before the child arrived at the age of eighteen years.

(C) If the complainant in a case in which a child is alleged to be an abused, neglected, or dependent child desires permanent custody of the child or children, temporary custody of the child or children, whether as the preferred or an alternative disposition, or the placement of the child in a

planned permanent living arrangement, the complaint shall 37855
contain a prayer specifically requesting permanent custody, 37856
temporary custody, or the placement of the child in a planned 37857
permanent living arrangement. 37858

(D) Any person with standing under applicable law may file 37859
a complaint for the determination of any other matter over which 37860
the juvenile court is given jurisdiction by section 2151.23 of 37861
the Revised Code. The complaint shall be filed in the county in 37862
which the child who is the subject of the complaint is found or 37863
was last known to be found. 37864

(E) A public children services agency, acting pursuant to 37865
a complaint or an action on a complaint filed under this 37866
section, is not subject to the requirements of section 3127.23 37867
of the Revised Code. 37868

(F) Upon the filing of a complaint alleging that a child 37869
is an unruly child, the court may hold the complaint in abeyance 37870
pending the child's successful completion of actions that 37871
constitute a method to divert the child from the juvenile court 37872
system. The method may be adopted by a county pursuant to 37873
divisions (D) and (E) of section 121.37 of the Revised Code or 37874
it may be another method that the court considers satisfactory. 37875
If the child completes the actions to the court's satisfaction, 37876
the court may dismiss the complaint. If the child fails to 37877
complete the actions to the court's satisfaction, the court may 37878
consider the complaint. 37879

(G) Upon the filing of a complaint that a child is an 37880
unruly child that is based solely on a child being an habitual 37881
truant, the court shall consider an alternative to adjudication, 37882
including actions that constitute a method to divert the child 37883
from the juvenile court system, using the Rules of Juvenile 37884

Procedure, or by any other means if such an alternative is 37885
available to the court and the child has not already 37886
participated or failed to complete one of the available 37887
alternatives. The court shall consider the complaint only as a 37888
matter of last resort. 37889

(H) If a complaint that a child is an unruly child based 37890
on the child being an habitual truant proceeds to consideration 37891
by the court, the prosecution shall bear the burden of proving 37892
beyond a reasonable doubt the following: 37893

(1) That the child is of compulsory school age, as defined 37894
in section 3321.01 of the Revised Code; 37895

(2) That the child was absent without legitimate excuse 37896
for absence from the public school the child was supposed to 37897
attend for thirty or more consecutive hours, forty-two or more 37898
hours in one school month, or seventy-two or more hours in a 37899
school year. 37900

The child may assert as an affirmative defense the fact 37901
that the child did participate in, or made satisfactory progress 37902
on, ~~the absence intervention plan~~ any interventions or other 37903
alternatives to adjudication as described in ~~division (C) of~~ 37904
section 3321.191 of the Revised Code. 37905

Sec. 2151.311. (A) A person taking a child into custody 37906
shall, with all reasonable speed and in accordance with division 37907
(C) of this section, either: 37908

(1) Release the child to the child's parents, guardian, or 37909
other custodian, unless the child's detention or shelter care 37910
appears to be warranted or required as provided in section 37911
2151.31 of the Revised Code; 37912

(2) Bring the child to the court or deliver the child to a 37913

place of detention or shelter care designated by the court and 37914
promptly give notice thereof, together with a statement of the 37915
reason for taking the child into custody, to a parent, guardian, 37916
or other custodian and to the court. 37917

(B) If a parent, guardian, or other custodian fails, when 37918
requested by the court, to bring the child before the court as 37919
provided by this section, the court may issue its warrant 37920
directing that the child be taken into custody and brought 37921
before the court. 37922

(C) (1) Before taking any action required by division (A) 37923
of this section, a person taking a child into custody may hold 37924
the child for processing purposes in a county, multicounty, or 37925
municipal jail or workhouse, or other place where an adult 37926
convicted of crime, under arrest, or charged with crime is held 37927
for either of the following periods of time: 37928

(a) For a period not to exceed six hours, if all of the 37929
following apply: 37930

(i) The child is alleged to be a delinquent child for the 37931
commission of an act that would be a felony if committed by an 37932
adult; 37933

(ii) The child remains beyond the range of touch of all 37934
adult detainees; 37935

(iii) The child is visually supervised by jail or 37936
workhouse personnel at all times during the detention; 37937

(iv) The child is not handcuffed or otherwise physically 37938
secured to a stationary object during the detention. 37939

(b) For a period not to exceed three hours, if all of the 37940
following apply: 37941

(i) The child is alleged to be a delinquent child for the 37942
commission of an act that would be a misdemeanor if committed by 37943
an adult, is alleged to be a delinquent child for violating a 37944
court order regarding the child's adjudication as an unruly 37945
child for being an habitual truant, or is alleged to be an 37946
unruly child or a juvenile traffic offender; 37947

(ii) The child remains beyond the range of touch of all 37948
adult detainees; 37949

(iii) The child is visually supervised by jail or 37950
workhouse personnel at all times during the detention; 37951

(iv) The child is not handcuffed or otherwise physically 37952
secured to a stationary object during the detention. 37953

(2) If a child has been transferred to an adult court for 37954
prosecution for the alleged commission of a criminal offense, 37955
subsequent to the transfer, the child may be held as described 37956
in division (F) of section 2152.26 or division ~~(B)~~ (C) of section 37957
5120.16 of the Revised Code. 37958

(D) If a person who is alleged to be or has been 37959
adjudicated a delinquent child or who is in any other category 37960
of persons identified in this section is confined under 37961
authority of this section in a place specified in division (C) 37962
of this section, the fact of the person's admission to and 37963
confinement in that place is restricted as described in division 37964
(G) of section 2152.26 of the Revised Code. 37965

(E) As used in division (C) (1) of this section, 37966
"processing purposes" means all of the following: 37967

(1) Fingerprinting, photographing, or fingerprinting and 37968
photographing the child in a secure area of the facility; 37969

(2) Interrogating the child, contacting the child's parent 37970
or guardian, arranging for placement of the child, or arranging 37971
for transfer or transferring the child, while holding the child 37972
in a nonsecure area of the facility. 37973

Sec. 2151.316. (A) The department of children and youth 37974
shall adopt rules in accordance with Chapter 119. of the Revised 37975
Code to establish and enforce a foster youth bill of rights for 37976
individuals who are in the temporary or permanent custody of a 37977
public children services agency or a planned permanent living 37978
arrangement or in the Title IV-E eligible care and placement 37979
responsibility of a juvenile court or other governmental agency 37980
that provides Title IV-E reimbursable placement services and who 37981
are subject to out-of-home care or placed with a kinship 37982
caregiver as defined in section ~~5101.85~~5180.50 of the Revised 37983
Code. 37984

(B) If the rights of an individual, as established under 37985
division (A) of this section, conflict with the rights of a 37986
resource family or resource caregiver, as established in section 37987
5103.163 of the Revised Code, the rights of the individual shall 37988
preempt the rights of the resource family or resource caregiver. 37989

(C) The rights established by rules under this section 37990
shall not create grounds for a civil action against the 37991
department, the recommending agency, or the custodial agency. 37992

Sec. 2151.3527. (A) The director of children and youth 37993
shall promulgate forms designed to gather pertinent medical 37994
information concerning a deserted child and the child's parents. 37995
The forms shall clearly and unambiguously state on each page 37996
that the information requested is to facilitate medical care for 37997
the child, that the forms may be fully or partially completed or 37998
left blank, that completing the forms or parts of the forms is 37999

completely voluntary, and that no adverse legal consequence will 38000
result from failure to complete any part of the forms. 38001

(B) The director shall promulgate written materials to be 38002
made available to the parents of a child delivered pursuant to 38003
section 2151.3516 of the Revised Code. The materials shall 38004
describe services available to assist parents and newborns and 38005
shall include information directly relevant to situations that 38006
might cause parents to desert a child and information on the 38007
procedures for a person to follow in order to reunite with a 38008
child the person delivered under section 2151.3516 of the 38009
Revised Code, including notice that the person will be required 38010
to submit to a DNA test, at that person's expense, to prove that 38011
the person is the parent of the child. 38012

(C) The director of ~~job and family services~~ children and 38013
youth shall distribute the medical information forms and written 38014
materials promulgated pursuant to this section to all of the 38015
following: 38016

(1) Entities permitted to receive a deserted child as 38017
specified in section 2151.3517 of the Revised Code; 38018

(2) Public children services agencies; 38019

(3) Other public or private agencies that, in the 38020
discretion of the director, are best able to disseminate the 38021
forms and materials to the persons who are most in need of the 38022
forms and materials. 38023

(D) If the department ~~of job and family services~~ 38024
determines that money in the putative father registry fund 38025
created under section 2101.16 of the Revised Code is more than 38026
is needed for its duties related to the putative father 38027
registry, the department may use surplus moneys in the fund for 38028

costs related to the development, distribution, and publication 38029
of forms and materials promulgated pursuant to divisions (A) and 38030
(B) of this section. 38031

(E) The department ~~of job and family services~~ shall 38032
develop an educational plan, in collaboration with the Ohio 38033
family and children first cabinet council, for informing at-risk 38034
populations who are most likely to voluntarily deliver a child 38035
under section 2151.3516 of the Revised Code concerning the 38036
provisions of sections 2151.3515 to 2151.3533 of the Revised 38037
Code. 38038

Sec. 2151.416. (A) Each agency that is required by section 38039
2151.412 of the Revised Code to prepare a case plan for a child 38040
shall complete a semiannual administrative review of the case 38041
plan no later than six months after the earlier of the date on 38042
which the complaint in the case was filed or the child was first 38043
placed in shelter care. After the first administrative review, 38044
the agency shall complete semiannual administrative reviews no 38045
later than every six months. If the court issues an order 38046
pursuant to section 2151.414 or 2151.415 of the Revised Code, 38047
the agency shall complete an administrative review no later than 38048
six months after the court's order and continue to complete 38049
administrative reviews no later than every six months after the 38050
first review, except that the court hearing held pursuant to 38051
section 2151.417 of the Revised Code may take the place of any 38052
administrative review that would otherwise be held at the time 38053
of the court hearing. When conducting a review, the child's 38054
health and safety shall be the paramount concern. 38055

(B) Each administrative review required by division (A) of 38056
this section shall be conducted by a review panel of at least 38057
three persons, including, but not limited to, both of the 38058

following: 38059

(1) A caseworker with day-to-day responsibility for, or familiarity with, the management of the child's case plan; 38060
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(2) A person who is not responsible for the management of the child's case plan or for the delivery of services to the child or the parents, guardian, or custodian of the child. 38062
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(C) Each semiannual administrative review shall include, but not be limited to, a joint meeting by the review panel with the parents, guardian, or custodian of the child, the guardian ad litem of the child, and the child's foster care provider and shall include an opportunity for those persons to submit any written materials to be included in the case record of the child. If a parent, guardian, custodian, guardian ad litem, or foster care provider of the child cannot be located after reasonable efforts to do so or declines to participate in the administrative review after being contacted, the agency does not have to include them in the joint meeting. 38065
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(D) The agency shall prepare a written summary of the semiannual administrative review that shall include, but not be limited to, all of the following: 38076
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(1) A conclusion regarding the safety and appropriateness of the child's foster care placement; 38079
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(2) The extent of the compliance with the case plan of all parties; 38081
38082

(3) The extent of progress that has been made toward alleviating the circumstances that required the agency to assume temporary custody of the child; 38083
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(4) An estimated date by which the child may be returned 38086

to and safely maintained in the child's home or placed for 38087
adoption or legal custody; 38088

(5) An updated case plan that includes any changes that 38089
the agency is proposing in the case plan; 38090

(6) The recommendation of the agency as to which agency or 38091
person should be given custodial rights over the child for the 38092
six-month period after the administrative review; 38093

(7) The names of all persons who participated in the 38094
administrative review; 38095

(8) A summary of the agency's intensive efforts to secure 38096
a placement with an appropriate and willing kinship caregiver as 38097
defined in section ~~5101.85~~ 5180.50 of the Revised Code, 38098
including any use of search technology to find biological family 38099
members of the child and all other efforts undertaken since the 38100
last review, unless a court has determined that intensive 38101
efforts are unnecessary pursuant to section 2151.4118 of the 38102
Revised Code. 38103

(E) The agency shall file the summary with the court no 38104
later than seven days after the completion of the administrative 38105
review. If the agency proposes a change to the case plan as a 38106
result of the administrative review, the agency shall file the 38107
proposed change with the court at the time it files the summary. 38108
The agency shall give notice of the summary and proposed change 38109
in writing before the end of the next day after filing them to 38110
all parties and the child's guardian ad litem. All parties and 38111
the guardian ad litem shall have seven days after the date the 38112
notice is sent to object to and request a hearing on the 38113
proposed change. 38114

(1) If the court receives a timely request for a hearing, 38115

the court shall schedule a hearing pursuant to section 2151.417 38116
of the Revised Code to be held not later than thirty days after 38117
the court receives the request. The court shall give notice of 38118
the date, time, and location of the hearing to all parties and 38119
the guardian ad litem. The agency may implement the proposed 38120
change after the hearing, if the court approves it. The agency 38121
shall not implement the proposed change unless it is approved by 38122
the court. 38123

(2) If the court does not receive a timely request for a 38124
hearing, the court may approve the proposed change without a 38125
hearing. If the court approves the proposed change without a 38126
hearing, it shall journalize the case plan with the change not 38127
later than fourteen days after the change is filed with the 38128
court. If the court does not approve the proposed change to the 38129
case plan, it shall schedule a review hearing to be held 38130
pursuant to section 2151.417 of the Revised Code no later than 38131
thirty days after the expiration of the fourteen-day time period 38132
and give notice of the date, time, and location of the hearing 38133
to all parties and the guardian ad litem of the child. If, 38134
despite the requirements of this division and division (D) of 38135
section 2151.417 of the Revised Code, the court neither approves 38136
and journalizes the proposed change nor conducts a hearing, the 38137
agency may implement the proposed change not earlier than 38138
fifteen days after it is submitted to the court. 38139

(F) The director of children and youth may adopt rules 38140
pursuant to Chapter 119. of the Revised Code for procedures and 38141
standard forms for conducting administrative reviews pursuant to 38142
this section. 38143

(G) The juvenile court that receives the written summary 38144
of the administrative review, upon determining, either from the 38145

written summary, case plan, or otherwise, that the custody or 38146
care arrangement is not in the best interest of the child, may 38147
terminate the custody of an agency and place the child in the 38148
custody of another institution or association certified by the 38149
department of children and youth under section 5103.03 of the 38150
Revised Code. 38151

Sec. 2151.4115. ~~(A)~~As used in sections 2151.4116 to 38152
2151.4122 of the Revised Code: 38153

~~(1)~~(A) "Kinship caregiver" has the same meaning as used 38154
in section ~~5101.85~~5180.50 of the Revised Code. 38155

~~(2)~~(B) "Search technology" means any locate-and-research 38156
tool, search engine, electronic database, or social media search 38157
tool available to a public children services agency or a private 38158
child placing agency. 38159

Sec. 2151.421. (A) (1) (a) No person described in division 38160
(A) (1) (b) of this section who is acting in an official or 38161
professional capacity and knows, or has reasonable cause to 38162
suspect based on facts that would cause a reasonable person in a 38163
similar position to suspect, that a child under eighteen years 38164
of age, or a person under twenty-one years of age with a 38165
developmental disability or physical impairment, has suffered or 38166
faces a threat of suffering any physical or mental wound, 38167
injury, disability, or condition of a nature that reasonably 38168
indicates abuse or neglect of the child shall fail to 38169
immediately report that knowledge or reasonable cause to suspect 38170
to the entity or persons specified in this division. Except as 38171
otherwise provided in this division or section 5120.173 of the 38172
Revised Code, the person making the report shall make it to the 38173
public children services agency or a peace officer in the county 38174
in which the child resides or in which the abuse or neglect is 38175

occurring or has occurred. If the person making the report is a 38176
peace officer, the officer shall make it to the public children 38177
services agency in the county in which the child resides or in 38178
which the abuse or neglect is occurring or has occurred. In the 38179
circumstances described in section 5120.173 of the Revised Code, 38180
the person making the report shall make it to the entity 38181
specified in that section. 38182

(b) Division (A) (1) (a) of this section applies to any 38183
person who is an attorney; health care professional; 38184
practitioner of a limited branch of medicine as specified in 38185
section 4731.15 of the Revised Code; licensed school 38186
psychologist; independent marriage and family therapist or 38187
marriage and family therapist; coroner; administrator or 38188
employee of a child care center; administrator or employee of a 38189
residential camp, child day camp, or private, nonprofit 38190
therapeutic wilderness camp; administrator or employee of a 38191
certified child care agency or other public or private children 38192
services agency; school teacher; school employee; school 38193
authority; peace officer; humane society agent; dog warden, 38194
deputy dog warden, or other person appointed to act as an animal 38195
control officer for a municipal corporation or township in 38196
accordance with state law, an ordinance, or a resolution; 38197
person, other than a cleric, rendering spiritual treatment 38198
through prayer in accordance with the tenets of a well- 38199
recognized religion; employee of a county department of job and 38200
family services who is a professional and who works with 38201
children and families; superintendent or regional administrator 38202
employed by the department of youth services; superintendent, 38203
board member, or employee of a county board of developmental 38204
disabilities; investigative agent contracted with by a county 38205
board of developmental disabilities; employee of the department 38206

of developmental disabilities; employee of a facility or home 38207
that provides respite care in accordance with section 5123.171 38208
of the Revised Code; employee of an entity that provides 38209
homemaker services; employee of a qualified organization as 38210
defined in section 2151.90 of the Revised Code; a host family as 38211
defined in section 2151.90 of the Revised Code; foster 38212
caregiver; a person performing the duties of an assessor 38213
pursuant to Chapter 3107. or 5103. of the Revised Code; third 38214
party employed by a public children services agency to assist in 38215
providing child or family related services; court appointed 38216
special advocate; or guardian ad litem. 38217

(c) If two or more health care professionals, after 38218
providing health care services to a child, determine or suspect 38219
that the child has been or is being abused or neglected, the 38220
health care professionals may designate one of the health care 38221
professionals to report the abuse or neglect. A single report 38222
made under this division shall meet the reporting requirements 38223
of division (A) (1) of this section. 38224

(2) Except as provided in division (A) (3) of this section, 38225
an attorney, physician, or advanced practice registered nurse is 38226
not required to make a report pursuant to division (A) (1) of 38227
this section concerning any communication the attorney, 38228
physician, or advanced practice registered nurse receives from a 38229
client or patient in an attorney-client, physician-patient, or 38230
advanced practice registered nurse-patient relationship, if, in 38231
accordance with division (A) or (B) of section 2317.02 of the 38232
Revised Code, the attorney, physician, or advanced practice 38233
registered nurse could not testify with respect to that 38234
communication in a civil or criminal proceeding. 38235

(3) The client or patient in an attorney-client, 38236

physician-patient, or advanced practice registered nurse-patient 38237
relationship described in division (A) (2) of this section is 38238
deemed to have waived any testimonial privilege under division 38239
(A) or (B) of section 2317.02 of the Revised Code with respect 38240
to any communication the attorney, physician, or advanced 38241
practice registered nurse receives from the client or patient in 38242
that relationship, and the attorney, physician, or advanced 38243
practice registered nurse shall make a report pursuant to 38244
division (A) (1) of this section with respect to that 38245
communication, if all of the following apply: 38246

(a) The client or patient, at the time of the 38247
communication, is a child under eighteen years of age or is a 38248
person under twenty-one years of age with a developmental 38249
disability or physical impairment. 38250

(b) The attorney, physician, or advanced practice 38251
registered nurse knows, or has reasonable cause to suspect based 38252
on facts that would cause a reasonable person in similar 38253
position to suspect that the client or patient has suffered or 38254
faces a threat of suffering any physical or mental wound, 38255
injury, disability, or condition of a nature that reasonably 38256
indicates abuse or neglect of the client or patient. 38257

(c) The abuse or neglect does not arise out of the 38258
client's or patient's attempt to have an abortion without the 38259
notification of her parents, guardian, or custodian in 38260
accordance with section 2151.85 of the Revised Code. 38261

(4) (a) No cleric and no person, other than a volunteer, 38262
designated by any church, religious society, or faith acting as 38263
a leader, official, or delegate on behalf of the church, 38264
religious society, or faith who is acting in an official or 38265
professional capacity, who knows, or has reasonable cause to 38266

believe based on facts that would cause a reasonable person in a 38267
similar position to believe, that a child under eighteen years 38268
of age, or a person under twenty-one years of age with a 38269
developmental disability or physical impairment, has suffered or 38270
faces a threat of suffering any physical or mental wound, 38271
injury, disability, or condition of a nature that reasonably 38272
indicates abuse or neglect of the child, and who knows, or has 38273
reasonable cause to believe based on facts that would cause a 38274
reasonable person in a similar position to believe, that another 38275
cleric or another person, other than a volunteer, designated by 38276
a church, religious society, or faith acting as a leader, 38277
official, or delegate on behalf of the church, religious 38278
society, or faith caused, or poses the threat of causing, the 38279
wound, injury, disability, or condition that reasonably 38280
indicates abuse or neglect shall fail to immediately report that 38281
knowledge or reasonable cause to believe to the entity or 38282
persons specified in this division. Except as provided in 38283
section 5120.173 of the Revised Code, the person making the 38284
report shall make it to the public children services agency or a 38285
peace officer in the county in which the child resides or in 38286
which the abuse or neglect is occurring or has occurred. In the 38287
circumstances described in section 5120.173 of the Revised Code, 38288
the person making the report shall make it to the entity 38289
specified in that section. 38290

(b) Except as provided in division (A) (4) (c) of this 38291
section, a cleric is not required to make a report pursuant to 38292
division (A) (4) (a) of this section concerning any communication 38293
the cleric receives from a penitent in a cleric-penitent 38294
relationship, if, in accordance with division (C) of section 38295
2317.02 of the Revised Code, the cleric could not testify with 38296
respect to that communication in a civil or criminal proceeding. 38297

(c) The penitent in a cleric-penitent relationship 38298
described in division (A) (4) (b) of this section is deemed to 38299
have waived any testimonial privilege under division (C) of 38300
section 2317.02 of the Revised Code with respect to any 38301
communication the cleric receives from the penitent in that 38302
cleric-penitent relationship, and the cleric shall make a report 38303
pursuant to division (A) (4) (a) of this section with respect to 38304
that communication, if all of the following apply: 38305

(i) The penitent, at the time of the communication, is a 38306
child under eighteen years of age or is a person under twenty- 38307
one years of age with a developmental disability or physical 38308
impairment. 38309

(ii) The cleric knows, or has reasonable cause to believe 38310
based on facts that would cause a reasonable person in a similar 38311
position to believe, as a result of the communication or any 38312
observations made during that communication, the penitent has 38313
suffered or faces a threat of suffering any physical or mental 38314
wound, injury, disability, or condition of a nature that 38315
reasonably indicates abuse or neglect of the penitent. 38316

(iii) The abuse or neglect does not arise out of the 38317
penitent's attempt to have an abortion performed upon a child 38318
under eighteen years of age or upon a person under twenty-one 38319
years of age with a developmental disability or physical 38320
impairment without the notification of her parents, guardian, or 38321
custodian in accordance with section 2151.85 of the Revised 38322
Code. 38323

(d) Divisions (A) (4) (a) and (c) of this section do not 38324
apply in a cleric-penitent relationship when the disclosure of 38325
any communication the cleric receives from the penitent is in 38326
violation of the sacred trust. 38327

(e) As used in divisions (A) (1) and (4) of this section, 38328
"cleric" and "sacred trust" have the same meanings as in section 38329
2317.02 of the Revised Code. 38330

(B) Anyone who knows, or has reasonable cause to suspect 38331
based on facts that would cause a reasonable person in similar 38332
circumstances to suspect, that a child under eighteen years of 38333
age, or a person under twenty-one years of age with a 38334
developmental disability or physical impairment, has suffered or 38335
faces a threat of suffering any physical or mental wound, 38336
injury, disability, or other condition of a nature that 38337
reasonably indicates abuse or neglect of the child may report or 38338
cause reports to be made of that knowledge or reasonable cause 38339
to suspect to the entity or persons specified in this division. 38340
Except as provided in section 5120.173 of the Revised Code, a 38341
person making a report or causing a report to be made under this 38342
division shall make it or cause it to be made to the public 38343
children services agency or to a peace officer. In the 38344
circumstances described in section 5120.173 of the Revised Code, 38345
a person making a report or causing a report to be made under 38346
this division shall make it or cause it to be made to the entity 38347
specified in that section. 38348

(C) Any report made pursuant to division (A) or (B) of 38349
this section shall be made forthwith either by telephone, in 38350
person, or electronically and shall be followed by a written 38351
report, if requested by the receiving agency or officer. The 38352
written report shall contain: 38353

(1) The names and addresses of the child and the child's 38354
parents or the person or persons having custody of the child, if 38355
known; 38356

(2) The child's age and the nature and extent of the 38357

child's injuries, abuse, or neglect that is known or reasonably 38358
suspected or believed, as applicable, to have occurred or of the 38359
threat of injury, abuse, or neglect that is known or reasonably 38360
suspected or believed, as applicable, to exist, including any 38361
evidence of previous injuries, abuse, or neglect; 38362

(3) Any other information, including, but not limited to, 38363
results and reports of any medical examinations, tests, or 38364
procedures performed under division (D) of this section, that 38365
might be helpful in establishing the cause of the injury, abuse, 38366
or neglect that is known or reasonably suspected or believed, as 38367
applicable, to have occurred or of the threat of injury, abuse, 38368
or neglect that is known or reasonably suspected or believed, as 38369
applicable, to exist. 38370

(D) (1) Any person, who is required by division (A) of this 38371
section to report child abuse or child neglect that is known or 38372
reasonably suspected or believed to have occurred, may take or 38373
cause to be taken color photographs of areas of trauma visible 38374
on a child and, if medically necessary for the purpose of 38375
diagnosing or treating injuries that are suspected to have 38376
occurred as a result of child abuse or child neglect, perform or 38377
cause to be performed radiological examinations and any other 38378
medical examinations of, and tests or procedures on, the child. 38379

(2) The results and any available reports of examinations, 38380
tests, or procedures made under division (D) (1) of this section 38381
shall be included in a report made pursuant to division (A) of 38382
this section. Any additional reports of examinations, tests, or 38383
procedures that become available shall be provided to the public 38384
children services agency, upon request. 38385

(3) If a health care professional provides health care 38386
services in a hospital, children's advocacy center, or emergency 38387

medical facility to a child about whom a report has been made 38388
under division (A) of this section, the health care professional 38389
may take any steps that are reasonably necessary for the release 38390
or discharge of the child to an appropriate environment. Before 38391
the child's release or discharge, the health care professional 38392
may obtain information, or consider information obtained, from 38393
other entities or individuals that have knowledge about the 38394
child. Nothing in division (D) (3) of this section shall be 38395
construed to alter the responsibilities of any person under 38396
sections 2151.27 and 2151.31 of the Revised Code. 38397

(4) A health care professional may conduct medical 38398
examinations, tests, or procedures on the siblings of a child 38399
about whom a report has been made under division (A) of this 38400
section and on other children who reside in the same home as the 38401
child, if the professional determines that the examinations, 38402
tests, or procedures are medically necessary to diagnose or 38403
treat the siblings or other children in order to determine 38404
whether reports under division (A) of this section are warranted 38405
with respect to such siblings or other children. The results of 38406
the examinations, tests, or procedures on the siblings and other 38407
children may be included in a report made pursuant to division 38408
(A) of this section. 38409

(5) Medical examinations, tests, or procedures conducted 38410
under divisions (D) (1) and (4) of this section and decisions 38411
regarding the release or discharge of a child under division (D) 38412
(3) of this section do not constitute a law enforcement 38413
investigation or activity. 38414

(E) (1) When a peace officer receives a report made 38415
pursuant to division (A) or (B) of this section, upon receipt of 38416
the report, the peace officer who receives the report shall 38417

refer the report to the appropriate public children services 38418
agency, in accordance with requirements specified under division 38419
(B) (6) of section 2151.4221 of the Revised Code, unless an 38420
arrest is made at the time of the report that results in the 38421
appropriate public children services agency being contacted 38422
concerning the possible abuse or neglect of a child or the 38423
possible threat of abuse or neglect of a child. 38424

(2) When a public children services agency receives a 38425
report pursuant to this division or division (A) or (B) of this 38426
section, upon receipt of the report, the public children 38427
services agency shall do all of the following: 38428

(a) Comply with section 2151.422 of the Revised Code; 38429

(b) If the county served by the agency is also served by a 38430
children's advocacy center and the report alleges sexual abuse 38431
of a child or another type of abuse of a child that is specified 38432
in the memorandum of understanding that creates the center as 38433
being within the center's jurisdiction, comply regarding the 38434
report with the protocol and procedures for referrals and 38435
investigations, with the coordinating activities, and with the 38436
authority or responsibility for performing or providing 38437
functions, activities, and services stipulated in the 38438
interagency agreement entered into under section 2151.428 of the 38439
Revised Code relative to that center; 38440

(c) Unless an arrest is made at the time of the report 38441
that results in the appropriate law enforcement agency being 38442
contacted concerning the possible abuse or neglect of a child or 38443
the possible threat of abuse or neglect of a child, and in 38444
accordance with requirements specified under division (B) (6) of 38445
section 2151.4221 of the Revised Code, notify the appropriate 38446
law enforcement agency of the report, if the public children 38447

services agency received either of the following: 38448

(i) A report of abuse of a child; 38449

(ii) A report of neglect of a child that alleges a type of 38450
neglect identified by the department of children and youth in 38451
rules adopted under division (L)(2) of this section. 38452

(F) No peace officer shall remove a child about whom a 38453
report is made pursuant to this section from the child's 38454
parents, stepparents, or guardian or any other persons having 38455
custody of the child without consultation with the public 38456
children services agency, unless, in the judgment of the 38457
officer, and, if the report was made by a physician or advanced 38458
practice registered nurse, the physician or nurse, immediate 38459
removal is considered essential to protect the child from 38460
further abuse or neglect. The agency that must be consulted 38461
shall be the agency conducting the investigation of the report 38462
as determined pursuant to section 2151.422 of the Revised Code. 38463

(G) (1) Except as provided in section 2151.422 of the 38464
Revised Code or in an interagency agreement entered into under 38465
section 2151.428 of the Revised Code that applies to the 38466
particular report, the public children services agency shall 38467
investigate, within twenty-four hours, each report of child 38468
abuse or child neglect that is known or reasonably suspected or 38469
believed to have occurred and of a threat of child abuse or 38470
child neglect that is known or reasonably suspected or believed 38471
to exist that is referred to it under this section to determine 38472
the circumstances surrounding the injuries, abuse, or neglect or 38473
the threat of injury, abuse, or neglect, the cause of the 38474
injuries, abuse, neglect, or threat, and the person or persons 38475
responsible. The investigation shall be made in cooperation with 38476
the law enforcement agency and in accordance with the memorandum 38477

of understanding prepared under sections 2151.4220 to 2151.4234 38478
of the Revised Code. A representative of the public children 38479
services agency shall, at the time of initial contact with the 38480
person subject to the investigation, inform the person of the 38481
specific complaints or allegations made against the person. The 38482
information shall be given in a manner that is consistent with 38483
division (I)(1) of this section and protects the rights of the 38484
person making the report under this section. 38485

A failure to make the investigation in accordance with the 38486
memorandum is not grounds for, and shall not result in, the 38487
dismissal of any charges or complaint arising from the report or 38488
the suppression of any evidence obtained as a result of the 38489
report and does not give, and shall not be construed as giving, 38490
any rights or any grounds for appeal or post-conviction relief 38491
to any person. The public children services agency shall report 38492
each case to the uniform statewide automated child welfare 38493
information system that the department of children and youth 38494
shall maintain in accordance with section ~~5101.13~~ 5180.40 of the 38495
Revised Code. The public children services agency shall submit a 38496
report of its investigation, in writing, to the law enforcement 38497
agency. 38498

(2) The public children services agency shall make any 38499
recommendations to the county prosecuting attorney or city 38500
director of law that it considers necessary to protect any 38501
children that are brought to its attention. 38502

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 38503
(I) (3) of this section, any person, health care professional, 38504
hospital, institution, school, health department, or agency 38505
shall be immune from any civil or criminal liability for injury, 38506
death, or loss to person or property that otherwise might be 38507

incurred or imposed as a result of any of the following: 38508

(i) Participating in the making of reports pursuant to 38509
division (A) of this section or in the making of reports in good 38510
faith, pursuant to division (B) of this section; 38511

(ii) Participating in medical examinations, tests, or 38512
procedures under division (D) of this section; 38513

(iii) Providing information used in a report made pursuant 38514
to division (A) of this section or providing information in good 38515
faith used in a report made pursuant to division (B) of this 38516
section; 38517

(iv) Participating in a judicial proceeding resulting from 38518
a report made pursuant to division (A) of this section or 38519
participating in good faith in a proceeding resulting from a 38520
report made pursuant to division (B) of this section. 38521

(b) Immunity under division (H) (1) (a) (ii) of this section 38522
shall not apply when a health care provider has deviated from 38523
the standard of care applicable to the provider's profession. 38524

(c) Notwithstanding section 4731.22 of the Revised Code, 38525
the physician-patient privilege shall not be a ground for 38526
excluding evidence regarding a child's injuries, abuse, or 38527
neglect, or the cause of the injuries, abuse, or neglect in any 38528
judicial proceeding resulting from a report submitted pursuant 38529
to this section. 38530

(2) In any civil or criminal action or proceeding in which 38531
it is alleged and proved that participation in the making of a 38532
report under this section was not in good faith or participation 38533
in a judicial proceeding resulting from a report made under this 38534
section was not in good faith, the court shall award the 38535
prevailing party reasonable attorney's fees and costs and, if a 38536

civil action or proceeding is voluntarily dismissed, may award 38537
reasonable attorney's fees and costs to the party against whom 38538
the civil action or proceeding is brought. 38539

(I) (1) Except as provided in divisions (I) (4) and (N) of 38540
this section and sections 2151.423 and 2151.4210 of the Revised 38541
Code, a report made under this section is confidential. The 38542
information provided in a report made pursuant to this section 38543
and the name of the person who made the report shall not be 38544
released for use, and shall not be used, as evidence in any 38545
civil action or proceeding brought against the person who made 38546
the report. Nothing in this division shall preclude the use of 38547
reports of other incidents of known or suspected abuse or 38548
neglect in a civil action or proceeding brought pursuant to 38549
division (M) of this section against a person who is alleged to 38550
have violated division (A) (1) of this section, provided that any 38551
information in a report that would identify the child who is the 38552
subject of the report or the maker of the report, if the maker 38553
of the report is not the defendant or an agent or employee of 38554
the defendant, has been redacted. In a criminal proceeding, the 38555
report is admissible in evidence in accordance with the Rules of 38556
Evidence and is subject to discovery in accordance with the 38557
Rules of Criminal Procedure. 38558

(2) (a) Except as provided in division (I) (2) (b) of this 38559
section, no person shall permit or encourage the unauthorized 38560
dissemination of the contents of any report made under this 38561
section. 38562

(b) A health care professional that obtains the same 38563
information contained in a report made under this section from a 38564
source other than the report may disseminate the information, if 38565
its dissemination is otherwise permitted by law. 38566

(3) A person who knowingly makes or causes another person 38567
to make a false report under division (B) of this section that 38568
alleges that any person has committed an act or omission that 38569
resulted in a child being an abused child or a neglected child 38570
is guilty of a violation of section 2921.14 of the Revised Code. 38571

(4) If a report is made pursuant to division (A) or (B) of 38572
this section and the child who is the subject of the report dies 38573
for any reason at any time after the report is made, but before 38574
the child attains eighteen years of age, the public children 38575
services agency or peace officer to which the report was made or 38576
referred, on the request of the child fatality review board, the 38577
suicide fatality review committee, or the director of health 38578
pursuant to guidelines established under section 3701.70 of the 38579
Revised Code, shall submit a summary sheet of information 38580
providing a summary of the report to the review board or review 38581
committee of the county in which the deceased child resided at 38582
the time of death or to the director. On the request of the 38583
review board, review committee, or director, the agency or peace 38584
officer may, at its discretion, make the report available to the 38585
review board, review committee, or director. If the county 38586
served by the public children services agency is also served by 38587
a children's advocacy center and the report of alleged sexual 38588
abuse of a child or another type of abuse of a child is 38589
specified in the memorandum of understanding that creates the 38590
center as being within the center's jurisdiction, the agency or 38591
center shall perform the duties and functions specified in this 38592
division in accordance with the interagency agreement entered 38593
into under section 2151.428 of the Revised Code relative to that 38594
advocacy center. 38595

(5) Not later than five business days after the 38596
determination of a disposition, a public children services 38597

agency shall advise a person alleged to have inflicted abuse or neglect on a child who is the subject of a report made pursuant to this section, including a report alleging sexual abuse of a child or another type of abuse of a child referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, in writing of the disposition of the investigation. The agency shall not provide to the person any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports. The written notice of disposition shall be made in a form designated by the department of ~~job and family services~~ children and youth and shall inform the person of the right to appeal the disposition.

(J) Any report that is required by this section, other than a report that is made to the state highway patrol as described in section 5120.173 of the Revised Code, shall result in protective services and emergency supportive services being made available by the public children services agency on behalf of the children about whom the report is made. The agency required to provide the services shall be the agency conducting the investigation of the report pursuant to section 2151.422 of the Revised Code. If a ~~child-family~~ is determined to be a candidate for benefit from prevention services, the agency also ~~shall may~~ make efforts to prevent neglect or abuse, to enhance a child's welfare, and to preserve the family unit intact by referring a report for assessment and provision of services to an agency providing prevention services, if appropriate prevention services are available from a local provider or other reasonable source.

(K) (1) Except as provided in division (K) (4) or (5) of this section, a person who is required to make a report under

division (A) of this section may make a reasonable number of 38629
requests of the public children services agency that receives or 38630
is referred the report, or of the children's advocacy center 38631
that is referred the report if the report is referred to a 38632
children's advocacy center pursuant to an interagency agreement 38633
entered into under section 2151.428 of the Revised Code, to be 38634
provided with the following information: 38635

(a) Whether the agency or center has initiated an 38636
investigation of the report; 38637

(b) Whether the agency or center is continuing to 38638
investigate the report; 38639

(c) Whether the agency or center is otherwise involved 38640
with the child who is the subject of the report; 38641

(d) The general status of the health and safety of the 38642
child who is the subject of the report; 38643

(e) Whether the report has resulted in the filing of a 38644
complaint in juvenile court or of criminal charges in another 38645
court. 38646

(2) (a) A person may request the information specified in 38647
division (K) (1) of this section only if, at the time the report 38648
is made, the person's name, address, and telephone number are 38649
provided to the person who receives the report. 38650

(b) When a peace officer or employee of a public children 38651
services agency receives a report pursuant to division (A) or 38652
(B) of this section the recipient of the report shall inform the 38653
person of the right to request the information described in 38654
division (K) (1) of this section. The recipient of the report 38655
shall include in the initial child abuse or child neglect report 38656
that the person making the report was so informed and, if 38657

provided at the time of the making of the report, shall include 38658
the person's name, address, and telephone number in the report. 38659

(c) If the person making the report provides the person's 38660
name and contact information on making the report, the public 38661
children services agency that received or was referred the 38662
report shall send a written notice via United States mail or 38663
electronic mail, in accordance with the person's preference, to 38664
the person not later than seven calendar days after receipt of 38665
the report. The notice shall provide the status of the agency's 38666
investigation into the report made, who the person may contact 38667
at the agency for further information, and a description of the 38668
person's rights under division (K) (1) of this section. 38669

(d) Each request is subject to verification of the 38670
identity of the person making the report. If that person's 38671
identity is verified, the agency shall provide the person with 38672
the information described in division (K) (1) of this section a 38673
reasonable number of times, except that the agency shall not 38674
disclose any confidential information regarding the child who is 38675
the subject of the report other than the information described 38676
in those divisions. 38677

(3) A request made pursuant to division (K) (1) of this 38678
section is not a substitute for any report required to be made 38679
pursuant to division (A) of this section. 38680

(4) If an agency other than the agency that received or 38681
was referred the report is conducting the investigation of the 38682
report pursuant to section 2151.422 of the Revised Code, the 38683
agency conducting the investigation shall comply with the 38684
requirements of division (K) of this section. 38685

(5) A health care professional who made a report under 38686

division (A) of this section, or on whose behalf such a report 38687
was made as provided in division (A) (1) (c) of this section, may 38688
authorize a person to obtain the information described in 38689
division (K) (1) of this section if the person requesting the 38690
information is associated with or acting on behalf of the health 38691
care professional who provided health care services to the child 38692
about whom the report was made. 38693

(6) If the person making the report provides the person's 38694
name and contact information on making the report, the public 38695
children services agency that received or was referred the 38696
report shall send a written notice via United States mail or 38697
electronic mail, in accordance with the person's preference, to 38698
the person not later than seven calendar days after the agency 38699
closes the investigation into the case reported by the person. 38700
The notice shall notify the person that the agency has closed 38701
the investigation. 38702

(L) (1) The director of children and youth shall adopt 38703
rules in accordance with Chapter 119. of the Revised Code to 38704
implement this section. The department of children and youth may 38705
enter into a plan of cooperation with any other governmental 38706
entity to aid in ensuring that children are protected from abuse 38707
and neglect. The department shall make recommendations to the 38708
attorney general that the department determines are necessary to 38709
protect children from child abuse and child neglect. 38710

(2) The director of children and youth shall adopt rules 38711
in accordance with Chapter 119. of the Revised Code to identify 38712
the types of neglect of a child that a public children services 38713
agency shall be required to notify law enforcement of pursuant 38714
to division (E) (2) (c) (ii) of this section. 38715

(M) Whoever violates division (A) of this section is 38716

liable for compensatory and exemplary damages to the child who 38717
would have been the subject of the report that was not made. A 38718
person who brings a civil action or proceeding pursuant to this 38719
division against a person who is alleged to have violated 38720
division (A) (1) of this section may use in the action or 38721
proceeding reports of other incidents of known or suspected 38722
abuse or neglect, provided that any information in a report that 38723
would identify the child who is the subject of the report or the 38724
maker of the report, if the maker is not the defendant or an 38725
agent or employee of the defendant, has been redacted. 38726

(N) (1) As used in this division: 38727

(a) "Out-of-home care" includes a nonchartered nonpublic 38728
school if the alleged child abuse or child neglect, or alleged 38729
threat of child abuse or child neglect, described in a report 38730
received by a public children services agency allegedly occurred 38731
in or involved the nonchartered nonpublic school and the alleged 38732
perpetrator named in the report holds a certificate, permit, or 38733
license issued by the state board of education under section 38734
3301.071 or Chapter 3319. of the Revised Code. 38735

(b) "Administrator, director, or other chief 38736
administrative officer" means the superintendent of the school 38737
district if the out-of-home care entity subject to a report made 38738
pursuant to this section is a school operated by the district. 38739

(2) No later than the end of the day following the day on 38740
which a public children services agency receives a report of 38741
alleged child abuse or child neglect, or a report of an alleged 38742
threat of child abuse or child neglect, that allegedly occurred 38743
in or involved an out-of-home care entity, the agency shall 38744
provide written notice of the allegations contained in and the 38745
person named as the alleged perpetrator in the report to the 38746

administrator, director, or other chief administrative officer 38747
of the out-of-home care entity that is the subject of the report 38748
unless the administrator, director, or other chief 38749
administrative officer is named as an alleged perpetrator in the 38750
report. If the administrator, director, or other chief 38751
administrative officer of an out-of-home care entity is named as 38752
an alleged perpetrator in a report of alleged child abuse or 38753
child neglect, or a report of an alleged threat of child abuse 38754
or child neglect, that allegedly occurred in or involved the 38755
out-of-home care entity, the agency shall provide the written 38756
notice to the owner or governing board of the out-of-home care 38757
entity that is the subject of the report. The agency shall not 38758
provide witness statements or police or other investigative 38759
reports. 38760

(3) No later than three days after the day on which a 38761
public children services agency that conducted the investigation 38762
as determined pursuant to section 2151.422 of the Revised Code 38763
makes a disposition of an investigation involving a report of 38764
alleged child abuse or child neglect, or a report of an alleged 38765
threat of child abuse or child neglect, that allegedly occurred 38766
in or involved an out-of-home care entity, the agency shall send 38767
written notice of the disposition of the investigation to the 38768
administrator, director, or other chief administrative officer 38769
and the owner or governing board of the out-of-home care entity. 38770
The agency shall not provide witness statements or police or 38771
other investigative reports. 38772

(0) As used in this section: 38773

(1) "Children's advocacy center" and "sexual abuse of a 38774
child" have the same meanings as in section 2151.425 of the 38775
Revised Code. 38776

(2) "Health care professional" means an individual who provides health-related services. "Health care professional" includes all of the following: a physician, including a hospital intern or resident; a dentist; a podiatrist; a registered nurse, including such a nurse who is an advanced practice registered nurse; a licensed practical nurse; a home care nurse; a licensed psychologist; a speech-language pathologist; an audiologist; a person engaged in social work or the practice of professional counseling; and an employee of a home health agency. "Health care professional" does not include a practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code, licensed school psychologist, independent marriage and family therapist or marriage and family therapist, or coroner.

(3) "Investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional response.

(4) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper.

Sec. 2151.423. A public children services agency shall disclose confidential information discovered during an investigation conducted pursuant to section 2151.421 or 2151.422 of the Revised Code to any federal, state, or local government entity, including any appropriate military authority or any ~~agency providing prevention services provider to the~~ childfamily, that needs the information to carry out its responsibilities to protect children from abuse or neglect.

Information disclosed pursuant to this section is 38807
confidential and is not subject to disclosure pursuant to 38808
section 149.43 or 1347.08 of the Revised Code by the agency to 38809
whom the information was disclosed. The agency receiving the 38810
information shall maintain the confidentiality of information 38811
disclosed pursuant to this section. 38812

Sec. 2151.424. (A) If a child has been placed in a 38813
certified foster home or is in the custody of, or has been 38814
placed with, a kinship caregiver as defined in section ~~5101.85-~~ 38815
5180.50 of the Revised Code, a court, prior to conducting any 38816
hearing pursuant to division (F) (2) or (3) of section 2151.412 38817
or section 2151.28, 2151.33, 2151.35, 2151.414, 2151.415, 38818
2151.416, or 2151.417 of the Revised Code with respect to the 38819
child, shall notify the foster caregiver or kinship caregiver of 38820
the date, time, and place of the hearing. At the hearing, the 38821
foster caregiver or kinship caregiver shall have the right to be 38822
heard. 38823

(B) If a public children services agency or private child 38824
placing agency has permanent custody of a child and a petition 38825
to adopt the child has been filed under Chapter 3107. of the 38826
Revised Code, the agency, prior to conducting a review under 38827
section 2151.416 of the Revised Code, or a court, prior to 38828
conducting a hearing under division (F) (2) or (3) of section 38829
2151.412 or section 2151.416 or 2151.417 of the Revised Code, 38830
shall notify the prospective adoptive parent of the date, time, 38831
and place of the review or hearing. At the review or hearing, 38832
the prospective adoptive parent shall have the right to be 38833
heard. 38834

(C) The notice and the opportunity to be heard do not make 38835
the foster caregiver, kinship caregiver, or prospective adoptive 38836

parent a party in the action or proceeding pursuant to which the review or hearing is conducted. 38837
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Sec. 2151.45. As used in sections 2151.45 to 2151.455 of the Revised Code, "emancipated young adult" and "representative" have the same meanings as in section ~~5101.141~~5180.42 of the Revised Code. 38839
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Sec. 2151.451. (A) The juvenile court of the county, to which either of the following applies regarding an emancipated young adult described under division (A) (1) of section ~~5101.141~~5180.428 of the Revised Code, may exercise jurisdiction over the emancipated young adult for purposes of sections 2151.45 to 2151.455 of the Revised Code: 38843
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(1) The county in which the emancipated young adult resides; 38849
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(2) The county in which the emancipated young adult resided when the custody, arrangement, or care and placement described in division (A) (3) (a) of section ~~5101.141~~5180.42 of the Revised Code terminated. 38851
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(B) A juvenile court, on its own motion or the motion of any party, may transfer a proceeding under sections 2151.45 to 2151.455 of the Revised Code to a juvenile court with jurisdiction as provided in this section. 38855
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Sec. 2151.452. A juvenile court shall do both of the following regarding an emancipated young adult described under division (A) (1) of section ~~5101.141~~5180.428 of the Revised Code: 38859
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(A) Not later than one hundred eighty days after the voluntary participation agreement becomes effective, make a determination as to whether the emancipated young adult's best 38863
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interest is served by continuing the care and placement with the 38866
department of children and youth or its representative. 38867

(B) Not later than twelve months after the effective date 38868
of the voluntary participation agreement, and at least once 38869
every twelve months thereafter, make a determination that the 38870
department or its representative has made reasonable efforts to 38871
finalize a permanency plan to prepare the emancipated young 38872
adult for independence. 38873

Sec. 2151.453. If any determination required under section 38874
2151.452 of the Revised Code is not timely made, the federal 38875
payments for foster care under division (A) (1) of section 38876
~~5101.1411~~5180.428 of the Revised Code for the emancipated young 38877
adult shall be suspended. The payments shall resume upon a 38878
subsequent determination that reasonable efforts have been made 38879
to prepare the emancipated young adult for independence, but 38880
only if both of the following apply: 38881

(A) The emancipated young adult complies with division (A) 38882
(1) of section ~~5101.1411~~5180.428 of the Revised Code. 38883

(B) There has been a timely determination of best interest 38884
under division (A) of section 2151.452 of the Revised Code. 38885

Sec. 2152.26. (A) Except as provided in divisions (B) and 38886
(F) of this section, a child alleged to be or adjudicated a 38887
delinquent child or a juvenile traffic offender may be held only 38888
in the following places: 38889

(1) A certified foster home or a home approved by the 38890
court; 38891

(2) A facility operated by a certified child welfare 38892
agency; 38893

(3) Any other suitable place designated by the court. 38894

(B) In addition to the places listed in division (A) of 38895
this section, a child alleged to be or adjudicated a delinquent 38896
child or a person described in division (C) (7) of section 38897
2152.02 of the Revised Code may be held in a detention facility 38898
for delinquent children that is under the direction or 38899
supervision of the court or other public authority or of a 38900
private agency and approved by the court, and a child 38901
adjudicated a delinquent child may be held in accordance with 38902
division (F) (2) of this section in a facility of a type 38903
specified in that division. 38904

(C) (1) Except as provided under division (C) (1) of section 38905
2151.311 of the Revised Code or division (A) (5) of section 38906
2152.21 of the Revised Code, a child alleged to be or 38907
adjudicated a juvenile traffic offender may not be held in any 38908
of the following facilities: 38909

(a) A state correctional institution, county, multicounty, 38910
or municipal jail or workhouse, or other place in which an adult 38911
convicted of crime, under arrest, or charged with a crime is 38912
held. 38913

(b) A secure correctional facility. 38914

(2) Except as provided under this section, sections 38915
2151.56 to 2151.59, and divisions (A) (5) and (6) of section 38916
2152.21 of the Revised Code, a child alleged to be or 38917
adjudicated a juvenile traffic offender may not be held for more 38918
than twenty-four hours in a detention facility. 38919

(D) Except as provided in division (F) of this section or 38920
in division (C) of section 2151.311, in division (C) (2) of 38921
section 5139.06 and section 5120.162, or in division ~~(B)~~ (C) of 38922

section 5120.16 of the Revised Code, a child who is alleged to 38923
be or is adjudicated a delinquent child or a person described in 38924
division (C) (7) of section 2152.02 of the Revised Code may not 38925
be held in a state correctional institution, county, 38926
multicounty, or municipal jail or workhouse, or other place 38927
where an adult convicted of crime, under arrest, or charged with 38928
crime is held. 38929

(E) Unless the detention is pursuant to division (F) of 38930
this section or division (C) of section 2151.311, division (C) 38931
(2) of section 5139.06 and section 5120.162, or division ~~(B)~~(C) 38932
of section 5120.16 of the Revised Code, the official in charge 38933
of the institution, jail, workhouse, or other facility shall 38934
inform the court immediately when a person who is or appears to 38935
be under the age of eighteen years, or a person who is charged 38936
with a violation of an order of a juvenile court or a violation 38937
of probation or parole conditions imposed by a juvenile court 38938
and who is or appears to be between the ages of eighteen and 38939
twenty-one years, is received at the facility and shall deliver 38940
the person to the court upon request or transfer the person to a 38941
detention facility designated by the court. 38942

(F) (1) If a case is transferred to another court for 38943
criminal prosecution pursuant to section 2152.12 of the Revised 38944
Code and the alleged offender is a person described in division 38945
(C) (7) of section 2152.02 of the Revised Code, the person may 38946
not be transferred for detention pending the criminal 38947
prosecution in a jail or other facility except under the 38948
circumstances described in division (F) (4) of this section. Any 38949
child held in accordance with division (F) (3) of this section 38950
shall be confined in a manner that keeps the child beyond the 38951
sight and sound of all adult detainees. The child shall be 38952
supervised at all times during the detention. 38953

(2) If a person is adjudicated a delinquent child or juvenile traffic offender or is a person described in division (C) (7) of section 2152.02 of the Revised Code and the court makes a disposition of the person under this chapter, at any time after the person attains twenty-one years of age, the person may be held under that disposition or under the circumstances described in division (F) (4) of this section in places other than those specified in division (A) of this section, including, but not limited to, a county, multicounty, or municipal jail or workhouse, or other place where an adult convicted of crime, under arrest, or charged with crime is held.

(3) (a) A person alleged to be a delinquent child may be held in places other than those specified in division (A) of this section, including, but not limited to, a county, multicounty, or municipal jail, if the delinquent act that the child allegedly committed would be a felony if committed by an adult, and if either of the following applies:

(i) The person attains twenty-one years of age before the person is arrested or apprehended for that act.

(ii) The person is arrested or apprehended for that act before the person attains twenty-one years of age, but the person attains twenty-one years of age before the court orders a disposition in the case.

(b) If, pursuant to division (F) (3) (a) of this section, a person is held in a place other than a place specified in division (A) of this section, the person has the same rights to bail as an adult charged with the same offense who is confined in a jail pending trial.

(4) (a) Any person whose case is transferred for criminal

prosecution pursuant to section 2152.10 or 2152.12 of the 38983
Revised Code or any person who has attained the age of eighteen 38984
years but has not attained the age of twenty-one years and who 38985
is being held in a place specified in division (B) of this 38986
section may be held under that disposition or charge in places 38987
other than those specified in division (B) of this section, 38988
including a county, multicounty, or municipal jail or workhouse, 38989
or other place where an adult under arrest or charged with crime 38990
is held if the juvenile court, upon its own motion or upon 38991
motion by the prosecutor and after notice and hearing, 38992
establishes by a preponderance of the evidence and makes written 38993
findings of either of the following: 38994

(i) With respect to a person whose case is transferred for 38995
criminal prosecution pursuant to either specified section or who 38996
has attained the age of eighteen years but who has not attained 38997
the age of twenty-one years and is being so held, that the youth 38998
is a threat to the safety and security of the facility; 38999

(ii) With respect to a person who has attained the age of 39000
eighteen years but who has not attained the age of twenty-one 39001
years and is being so held, that the best interests of the youth 39002
require that the youth be held in a place other than a place 39003
specified in division (B) of this section, including a county, 39004
multicounty, or municipal jail or workhouse, or other place 39005
where an adult under arrest or charged with crime is held. 39006

(b) In determining for purposes of division (F) (4) (a) (i) 39007
of this section whether a youth is a threat to the safety and 39008
security of the facility, evidence that the youth is a threat to 39009
the safety and security of the facility may include, but is not 39010
limited to, whether the youth has done any of the following: 39011

(i) Injured or created an imminent danger to the life or 39012

health of another youth or staff member in the facility or 39013
program by violent behavior; 39014

(ii) Escaped from the facility or program in which the 39015
youth is being held on more than one occasion; 39016

(iii) Established a pattern of disruptive behavior as 39017
verified by a written record that the youth's behavior is not 39018
conducive to the established policies and procedures of the 39019
facility or program in which the youth is being held. 39020

(c) If a prosecutor submits a motion requesting that a 39021
person be held in a place other than those specified in division 39022
(B) of this section or if the court submits its own motion, the 39023
juvenile court shall hold a hearing within five days of the 39024
filing of the motion, and, in determining whether a place other 39025
than those specified in division (B) of this section is the 39026
appropriate place of confinement for the person, the court shall 39027
consider the following factors: 39028

(i) The age of the person; 39029

(ii) Whether the person would be deprived of contact with 39030
other people for a significant portion of the day or would not 39031
have access to recreational facilities or age-appropriate 39032
educational opportunities in order to provide physical 39033
separation from adults; 39034

(iii) The person's current emotional state, intelligence, 39035
and developmental maturity, including any emotional and 39036
psychological trauma, and the risk to the person in an adult 39037
facility, which may be evidenced by mental health or 39038
psychological assessments or screenings made available to the 39039
prosecuting attorney and the defense counsel; 39040

(iv) Whether detention in a juvenile facility would 39041

adequately serve the need for community protection pending the
outcome of the criminal proceeding;

(v) The relative ability of the available adult and
juvenile detention facilities to meet the needs of the person,
including the person's need for age-appropriate mental health
and educational services delivered by individuals specifically
trained to deal with youth;

(vi) Whether the person presents an imminent risk of self-
inflicted harm or an imminent risk of harm to others within a
juvenile facility;

(vii) Any other factors the juvenile court considers to be
relevant.

(d) If the juvenile court determines that a place other
than those specified in division (B) of this section is the
appropriate place for confinement of a person pursuant to
division (F) (4) (a) of this section, the person may petition the
juvenile court for a review hearing thirty days after the
initial confinement decision, thirty days after any subsequent
review hearing, or at any time after the initial confinement
decision upon an emergency petition by the youth due to the
youth facing an imminent danger from others or the youth's self.
Upon receipt of the petition, the juvenile court has discretion
over whether to conduct the review hearing and may set the
matter for a review hearing if the youth has alleged facts or
circumstances that, if true, would warrant reconsideration of
the youth's placement in a place other than those specified in
division (B) of this section based on the factors listed in
division (F) (4) (c) of this section.

(e) Upon the admission of a person described in division

(F) (4) (a) of this section to a place other than those specified 39071
in division (B) of this section, the facility shall advise the 39072
person of the person's right to request a review hearing as 39073
described in division (F) (4) (d) of this section. 39074

(f) Any person transferred under division (F) (4) (a) of 39075
this section to a place other than those specified in division 39076
(B) of this section shall be confined in a manner that keeps 39077
those under eighteen years of age beyond sight and sound of all 39078
adult detainees. Those under eighteen years of age shall be 39079
supervised at all times during the detention. 39080

(G) (1) If a person who is alleged to be or has been 39081
adjudicated a delinquent child or who is in any other category 39082
of persons identified in this section or section 2151.311 of the 39083
Revised Code is confined under authority of any Revised Code 39084
section in a place other than a place specified in division (B) 39085
of this section, including a county, multicounty, or municipal 39086
jail or workhouse, or other place where an adult under arrest or 39087
charged with crime is held, subject to division (G) (2) of this 39088
section, all identifying information, other than the person's 39089
county of residence, age, gender, and race and the charges 39090
against the person, that relates to the person's admission to 39091
and confinement in that place is not a public record open for 39092
inspection or copying under section 149.43 of the Revised Code 39093
and is confidential and shall not be released to any person 39094
other than to a court, to a law enforcement agency for law 39095
enforcement purposes, or to a person specified by court order. 39096

(2) Division (G) (1) of this section does not apply with 39097
respect to a person whose case is transferred for criminal 39098
prosecution pursuant to section 2152.10 or 2152.12 of the 39099
Revised Code, who is convicted of or pleads guilty to an offense 39100

in that case, who is confined after that conviction or guilty plea in a place other than a place specified in division (B) of this section, and to whom one of the following applies:

(a) The case was transferred other than pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code.

(b) The case was transferred pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code, and the person is sentenced for the offense pursuant to division (B) (4) of section 2152.121 of the Revised Code.

(c) The case was transferred pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code, the person is sentenced for the offense pursuant to division (B) (3) of section 2152.121 of the Revised Code by the court in which the person was convicted of or pleaded guilty to the offense, and the sentence imposed by that court is invoked pursuant to division (B) (3) (b) of section 2152.121 of the Revised Code.

Sec. 2303.12. (A) As used in this section:

(1) "Case file" means the compendium of original documents filed in a civil or criminal action or proceeding in the court of common pleas, including the pleadings, motions, orders, and judgments of the court on a case by case basis.

(2) "General docket" means the appearance docket, trial docket, journal, execution docket, and case files in relation to those dockets and journal.

(B) The clerk of the court of common pleas shall keep records as indicated by the Rules of Superintendence for the Courts of Ohio. They shall be called the appearance docket,

trial docket and printed duplicates of the trial docket for the 39130
use of the court and the officers thereof, journal, and 39131
execution docket. The clerk shall also keep a record in book 39132
form or the clerk may prepare a record by using any photostatic, 39133
photographic, miniature photographic, film, microfilm, or 39134
microphotographic process, electrostatic process, perforated 39135
tape, magnetic tape, or other electromagnetic means, electronic 39136
data processing, machine readable media, graphic or video 39137
display, or any combination thereof, which correctly and 39138
accurately copies or reproduces every case file and other 39139
original document, paper, or instrument in writing. The clerk 39140
shall keep an index to the trial docket and to the printed 39141
duplicates of the trial docket and of the journal direct, and to 39142
the appearance docket, record, and execution docket, direct and 39143
reverse. All clerks keeping records and information by the 39144
methods described in this section shall keep and make readily 39145
available to the public the machine and equipment necessary to 39146
reproduce the records and information in a readable form. 39147

(C) The clerk of the court of common pleas shall keep 39148
confidential information that is subject to a real property 39149
confidentiality notice under section 111.431 of the Revised 39150
Code, in accordance with that section. 39151

(D) (1) Subject to division (D) (2) of this section, ~~not the~~ the 39152
clerk of court shall do both of the following: 39153

(a) Not later than eighteen months after the effective 39154
date of this amendment April 6, 2023, the clerk of court shall 39155
make available online on the clerk of court's web site the 39156
general docket of the court for remote access and printing by 39157
the public of the information in that docket, including all 39158
individual documents in each case file, pertaining to civil 39159

cases filed on or after ~~the effective date of this amendment~~
April 6, 2023. 39160
39161

(b) Not later than eighteen months after the effective 39162
date of this amendment, the clerk of court shall make available 39163
online on the clerk of court's web site the general docket of 39164
the court for remote access and printing by the public of the 39165
information in that docket, including all individual documents 39166
in each case file, pertaining to criminal cases filed on or 39167
after the effective date of this amendment. 39168

(2) The clerk of court is not required to make available 39169
online under division (D) (1) of this section either of the 39170
following: 39171

(a) The general docket of the division of domestic 39172
relations, or the juvenile court, or the probate court; 39173

(b) If the court does not have a division of domestic 39174
relations, the general docket in civil cases pertaining to 39175
domestic relations. 39176

(E) Nothing in division (D) of this section shall be 39177
construed as making available online any of the following: 39178

(1) Internal documents such as notes, emails, drafts, 39179
recommendations, advice, or research of judicial officers and 39180
court staff; 39181

(2) Any document or any information in a case file the 39182
public access to which the court has ordered restricted under 39183
the Rules of Superintendence for the Courts of Ohio. 39184

Sec. 2303.201. (A) (1) The court of common pleas of any 39185
county may determine that for the efficient operation of the 39186
court additional funds are required to computerize the court, to 39187

make available computerized legal research services, or to do 39188
both. Upon making a determination that additional funds are 39189
required for either or both of those purposes, the court shall 39190
~~authorize~~ do one of the following: 39191

(a) If the court of common pleas of a county has complied 39192
with the requirements in division (D)(1) of section 2303.12 of 39193
the Revised Code, authorize and direct the clerk of the court of 39194
common pleas to charge one additional fee, not to exceed six 39195
dollars, on the filing of each cause of action or appeal under 39196
divisions (A), (Q), and (U) of section 2303.20 of the Revised 39197
Code; 39198

(b) If the court of common pleas of a county has not 39199
complied with the requirements in division (D)(1) of section 39200
2303.12 of the Revised Code, authorize and direct the clerk of 39201
the court of common pleas to charge one additional fee, not to 39202
exceed three dollars, on the filing of each cause of action or 39203
appeal under divisions (A), (Q), and (U) of section 2303.20 of 39204
the Revised Code. 39205

(2) All fees collected under division (A)(1) of this 39206
section shall be paid to the county treasurer. The treasurer 39207
shall place the funds from the fees in a separate fund to be 39208
disbursed either upon an order of the court, subject to an 39209
appropriation by the board of county commissioners, or upon an 39210
order of the court, subject to the court making an annual report 39211
available to the public listing the use of all such funds, in an 39212
amount not greater than the actual cost to the court of 39213
procuring and maintaining computerization of the court, 39214
computerized legal research services, or both. 39215

(3) If the court determines that the funds in the fund 39216
described in division (A)(2) of this section are more than 39217

sufficient to satisfy the purpose for which the additional fee 39218
described in division (A) (1) of this section was imposed, the 39219
court may declare a surplus in the fund and, subject to an 39220
appropriation by the board of county commissioners, expend those 39221
surplus funds, or upon an order of the court, subject to the 39222
court making an annual report available to the public listing 39223
the use of all such funds, expend those surplus funds, for other 39224
appropriate technological expenses of the court. 39225

(B) (1) (a) Except as provided in division (B) (1) (b) of this 39226
section, the clerk of the court of common pleas of any county 39227
may determine that, for the efficient operation of the office of 39228
the clerk of the court of common pleas, additional funds are 39229
required to make technological advances in or to computerize the 39230
office of the clerk of the court of common pleas ~~and, upon.~~ 39231
Upon making that determination, authorize the court shall do one 39232
of the following: 39233

(i) If the court of common pleas of a county has complied 39234
with the requirements in division (D) (1) of section 2303.12 of 39235
the Revised Code, authorize and direct that an additional fee, 39236
not to exceed twenty dollars, on the filing of each cause of 39237
action or appeal, on the filing, docketing, and endorsing of 39238
each certificate of judgment, or on the docketing and indexing 39239
of each aid in execution or petition to vacate, revive, or 39240
modify a judgment under divisions (A), (P), (Q), (T), and (U) of 39241
section 2303.20 of the Revised Code and not to exceed one dollar 39242
each for the services described in divisions (B), (C), (D), (F), 39243
(H), and (L) of section 2303.20 of the Revised Code, be charged; 39244

(ii) If the court of common pleas of a county has not 39245
complied with the requirements in division (D) (1) of section 39246
2303.12 of the Revised Code, authorize and direct that an 39247

additional fee, not to exceed ten dollars, on the filing of each 39248
cause of action or appeal, on the filing, docketing, and 39249
endorsing of each certificate of judgment, or on the docketing 39250
and indexing of each aid in execution or petition to vacate, 39251
revive, or modify a judgment under divisions (A), (P), (Q), (T), 39252
and (U) of section 2303.20 of the Revised Code and not to exceed 39253
fifty cents each for the services described in divisions (B), 39254
(C), (D), (F), (H), and (L) of section 2303.20 of the Revised 39255
Code, be charged. 39256

(b) In a county in which the clerk of the court of common 39257
pleas is appointed, the court may make the determination 39258
described in division (B)(1)(a) of this section and, upon that 39259
determination, may include such a computerization fee in the 39260
schedule of fees and costs. 39261

(2) Subject to division (B)(3) of this section, all moneys 39262
collected under division (B)(1)(a) of this section shall be paid 39263
to the county treasurer to be disbursed, subject to an 39264
appropriation made by the board of county commissioners, in an 39265
amount no greater than the actual cost to the court of procuring 39266
and maintaining technology and computer systems for the office 39267
of the clerk of the court of common pleas. 39268

(3) If the court or the clerk of the court of common pleas 39269
of a county makes the determination described in division (B)(1) 39270
(a) of this section, the board of county commissioners of that 39271
county may issue one or more general obligation bonds for the 39272
purpose of procuring and maintaining the technology and computer 39273
systems for the office of the clerk of the court of common 39274
pleas. In addition to the purposes stated in division (B)(1)(a) 39275
of this section for which the moneys collected under that 39276
division may be expended, the moneys additionally may be 39277

expended to pay debt charges on and financing costs related to 39278
any general obligation bonds issued pursuant to division (B) (3) 39279
of this section as they become due. General obligation bonds 39280
issued pursuant to division (B) (3) of this section are Chapter 39281
133. securities. 39282

(C) The court of common pleas shall collect the sum of 39283
twenty-six dollars as additional filing fees in each new civil 39284
action or proceeding for the charitable public purpose of 39285
providing financial assistance to legal aid societies that 39286
operate within the state and to support the office of the state 39287
public defender. This division does not apply to a juvenile 39288
division of a court of common pleas, except that an additional 39289
filing fee of fifteen dollars shall apply to custody, 39290
visitation, and parentage actions; to a probate division of a 39291
court of common pleas, except that the additional filing fees 39292
shall apply to name change, guardianship, adoption, and 39293
decedents' estate proceedings; or to an execution on a judgment, 39294
proceeding in aid of execution, or other post-judgment 39295
proceeding arising out of a civil action. The filing fees 39296
required to be collected under this division shall be in 39297
addition to any other filing fees imposed in the action or 39298
proceeding and shall be collected at the time of the filing of 39299
the action or proceeding. The court shall not waive the payment 39300
of the additional filing fees in a new civil action or 39301
proceeding unless the court waives the advanced payment of all 39302
filing fees in the action or proceeding. All such moneys 39303
collected during a month except for an amount equal to up to one 39304
per cent of those moneys retained to cover administrative costs 39305
shall be transmitted on or before the twentieth day of the 39306
following month by the clerk of the court to the treasurer of 39307
state in a manner prescribed by the treasurer of state or by the 39308

Ohio access to justice foundation. The treasurer of state shall 39309
deposit four per cent of the funds collected under this division 39310
to the credit of the civil case filing fee fund established 39311
under section 120.07 of the Revised Code and ninety-six per cent 39312
of the funds collected under this division to the credit of the 39313
legal aid fund established under section 120.52 of the Revised 39314
Code. 39315

The court may retain up to one per cent of the moneys it 39316
collects under this division to cover administrative costs, 39317
including the hiring of any additional personnel necessary to 39318
implement this division. If the court fails to transmit to the 39319
treasurer of state the moneys the court collects under this 39320
division in a manner prescribed by the treasurer of state or by 39321
the Ohio access to justice foundation, the court shall forfeit 39322
the moneys the court retains under this division to cover 39323
administrative costs, including the hiring of any additional 39324
personnel necessary to implement this division, and shall 39325
transmit to the treasurer of state all moneys collected under 39326
this division, including the forfeited amount retained for 39327
administrative costs, for deposit in the legal aid fund. 39328

(D) On and after the thirtieth day after December 9, 1994, 39329
the court of common pleas shall collect the sum of thirty-two 39330
dollars as additional filing fees in each new action or 39331
proceeding for annulment, divorce, or dissolution of marriage 39332
for the purpose of funding shelters for victims of domestic 39333
violence pursuant to sections 3113.35 to 3113.39 of the Revised 39334
Code. The filing fees required to be collected under this 39335
division shall be in addition to any other filing fees imposed 39336
in the action or proceeding and shall be collected at the time 39337
of the filing of the action or proceeding. The court shall not 39338
waive the payment of the additional filing fees in a new action 39339

or proceeding for annulment, divorce, or dissolution of marriage 39340
unless the court waives the advanced payment of all filing fees 39341
in the action or proceeding. On or before the twentieth day of 39342
each month, all moneys collected during the immediately 39343
preceding month pursuant to this division shall be deposited by 39344
the clerk of the court into the county treasury in the special 39345
fund used for deposit of additional marriage license fees as 39346
described in section 3113.34 of the Revised Code. Upon their 39347
deposit into the fund, the moneys shall be retained in the fund 39348
and expended only as described in section 3113.34 of the Revised 39349
Code. 39350

(E) (1) The court of common pleas may determine that, for 39351
the efficient operation of the court, additional funds are 39352
necessary to acquire and pay for special projects of the court, 39353
including, but not limited to, the acquisition of additional 39354
facilities or the rehabilitation of existing facilities, the 39355
acquisition of equipment, the hiring and training of staff, 39356
community service programs, mediation or dispute resolution 39357
services, the employment of magistrates, the training and 39358
education of judges, acting judges, and magistrates, and other 39359
related services. Upon that determination, the court by rule may 39360
charge a fee, in addition to all other court costs, on the 39361
filing of each criminal cause, civil action or proceeding, or 39362
judgment by confession. Fees collected by a court for special 39363
projects of the court under this division shall not be used for 39364
training or education that takes place outside of the state. 39365

If the court of common pleas offers or requires a special 39366
program or additional services in cases of a specific type, the 39367
court by rule may assess an additional charge in a case of that 39368
type, over and above court costs, to cover the special program 39369
or service. The court shall adjust the special assessment 39370

periodically, but not retroactively, so that the amount assessed 39371
in those cases does not exceed the actual cost of providing the 39372
service or program. 39373

All moneys collected under division (E) of this section 39374
shall be paid to the county treasurer for deposit into either a 39375
general special projects fund or a fund established for a 39376
specific special project. Moneys from a fund of that nature 39377
shall be disbursed upon an order of the court, subject to an 39378
appropriation by the board of county commissioners, in an amount 39379
no greater than the actual cost to the court of a project. If a 39380
specific fund is terminated because of the discontinuance of a 39381
program or service established under division (E) of this 39382
section, the court may order, subject to an appropriation by the 39383
board of county commissioners, that moneys remaining in the fund 39384
be transferred to an account established under this division for 39385
a similar purpose. 39386

(2) As used in division (E) of this section: 39387

(a) "Criminal cause" means a charge alleging the violation 39388
of a statute or ordinance, or subsection of a statute or 39389
ordinance, that requires a separate finding of fact or a 39390
separate plea before disposition and of which the defendant may 39391
be found guilty, whether filed as part of a multiple charge on a 39392
single summons, citation, or complaint or as a separate charge 39393
on a single summons, citation, or complaint. "Criminal cause" 39394
does not include separate violations of the same statute or 39395
ordinance, or subsection of the same statute or ordinance, 39396
unless each charge is filed on a separate summons, citation, or 39397
complaint. 39398

(b) "Civil action or proceeding" means any civil 39399
litigation that must be determined by judgment entry. 39400

Sec. 2303.26. The clerk of the court of common pleas shall 39401
exercise the powers conferred and perform the duties enjoined 39402
upon the clerk by statute and by the common law; and in the 39403
performance of official duties the clerk shall be under the 39404
direction of the court. The clerk shall not restrict, prohibit, 39405
or otherwise modify the rights of parties to seek service on 39406
party defendants allowed by the Rules of Civil Procedure, either 39407
singularly or concurrently. 39408

In furtherance of the performance of the duties enjoined 39409
upon the clerk by statute, common law, and the Rules of 39410
Superintendence for the Courts of Ohio, the clerk of the court 39411
of common pleas shall be responsible for determining the best 39412
means and methods for storing, maintaining, and retrieving all 39413
papers delivered to the clerk, whether delivered in writing or 39414
in electronic form, in compliance with Rule 26 of the Rules of 39415
Superintendence for the Courts of Ohio. Once determined by the 39416
clerk of court of common pleas, the clerk shall be responsible 39417
for implementing the means and methods for storage, maintenance, 39418
and retrieval. 39419

Sec. 2329.66. (A) Every person who is domiciled in this 39420
state may hold property exempt from execution, garnishment, 39421
attachment, or sale to satisfy a judgment or order, as follows: 39422

(1) (a) In the case of a judgment or order regarding money 39423
owed for health care services rendered or health care supplies 39424
provided to the person or a dependent of the person, one parcel 39425
or item of real or personal property that the person or a 39426
dependent of the person uses as a residence. Division (A) (1) (a) 39427
of this section does not preclude, affect, or invalidate the 39428
creation under this chapter of a judgment lien upon the exempted 39429
property but only delays the enforcement of the lien until the 39430

property is sold or otherwise transferred by the owner or in 39431
accordance with other applicable laws to a person or entity 39432
other than the surviving spouse or surviving minor children of 39433
the judgment debtor. Every person who is domiciled in this state 39434
may hold exempt from a judgment lien created pursuant to 39435
division (A) (1) (a) of this section the person's interest, not to 39436
exceed one hundred twenty-five thousand dollars, in the exempted 39437
property. 39438

(b) In the case of all other judgments and orders, the 39439
person's interest, not to exceed one hundred twenty-five 39440
thousand dollars, in one parcel or item of real or personal 39441
property that the person or a dependent of the person uses as a 39442
residence. 39443

(c) For purposes of divisions (A) (1) (a) and (b) of this 39444
section, "parcel" means a tract of real property as identified 39445
on the records of the auditor of the county in which the real 39446
property is located. 39447

(2) The person's interest, not to exceed three thousand 39448
two hundred twenty-five dollars, in one motor vehicle; 39449

(3) The person's interest, not to exceed four hundred 39450
dollars, in cash on hand, money due and payable, money to become 39451
due within ninety days, tax refunds, and money on deposit with a 39452
bank, savings and loan association, credit union, public 39453
utility, landlord, or other person, other than personal 39454
earnings. 39455

(4) (a) The person's interest, not to exceed five hundred 39456
twenty-five dollars in any particular item or ten thousand seven 39457
hundred seventy-five dollars in aggregate value, in household 39458
furnishings, household goods, wearing apparel, appliances, 39459

books, animals, crops, musical instruments, firearms, and 39460
hunting and fishing equipment that are held primarily for the 39461
personal, family, or household use of the person; 39462

(b) The person's aggregate interest in one or more items 39463
of jewelry, not to exceed one thousand three hundred fifty 39464
dollars, held primarily for the personal, family, or household 39465
use of the person or any of the person's dependents. 39466

(5) The person's interest, not to exceed an aggregate of 39467
two thousand twenty-five dollars, in all implements, 39468
professional books, or tools of the person's profession, trade, 39469
or business, including agriculture; 39470

(6) (a) The person's interest in a beneficiary fund set 39471
apart, appropriated, or paid by a benevolent association or 39472
society, as exempted by section 2329.63 of the Revised Code; 39473

(b) The person's interest in contracts of life or 39474
endowment insurance or annuities, as exempted by section 3911.10 39475
of the Revised Code; 39476

(c) The person's interest in a policy of group insurance 39477
or the proceeds of a policy of group insurance, as exempted by 39478
section 3917.05 of the Revised Code; 39479

(d) The person's interest in money, benefits, charity, 39480
relief, or aid to be paid, provided, or rendered by a fraternal 39481
benefit society, as exempted by section 3921.18 of the Revised 39482
Code; 39483

(e) The person's interest in the portion of benefits under 39484
policies of sickness and accident insurance and in lump sum 39485
payments for dismemberment and other losses insured under those 39486
policies, as exempted by section 3923.19 of the Revised Code. 39487

(7) The person's professionally prescribed or medically necessary health aids;	39488 39489
(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;	39490 39491 39492
(9) The person's interest in the following:	39493
(a) Moneys paid or payable for maintenance or rights, as exempted by section 3304.19 of the Revised Code;	39494 39495
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	39496 39497
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	39498 39499
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	39500 39501
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;	39502 39503 39504
(f) Payments under section 24 or 32 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.	39505 39506
(10) (a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C) (2) (b) of that section, in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, in cases in which an order for forfeiture was issued under division (A) or (B) of section 2929.192 of the Revised Code, and in cases in which an order was issued under section 2929.193 or 2929.194 of	39507 39508 39509 39510 39511 39512 39513 39514 39515

the Revised Code, and only to the extent provided in the order, 39516
and except as provided in sections 3105.171, 3105.63, 3119.80, 39517
3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the 39518
person's rights to or interests in a pension, benefit, annuity, 39519
retirement allowance, or accumulated contributions, the person's 39520
rights to or interests in a participant account in any deferred 39521
compensation program offered by the ~~Ohio~~ public employees 39522
~~deferred compensation~~ retirement board, a government unit, or a 39523
municipal corporation, or the person's other accrued or accruing 39524
rights or interests, as exempted by section 143.11, 145.56, 39525
146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of the 39526
Revised Code, and the person's rights to or interests in 39527
benefits from the Ohio public safety officers death benefit 39528
fund; 39529

(b) Except as provided in sections 3119.80, 3119.81, 39530
3121.02, 3121.03, and 3123.06 of the Revised Code, the person's 39531
rights to receive or interests in receiving a payment or other 39532
benefits under any pension, annuity, or similar plan or 39533
contract, not including a payment or benefit from a stock bonus 39534
or profit-sharing plan or a payment included in division (A) (6) 39535
(b) or (10) (a) of this section, on account of illness, 39536
disability, death, age, or length of service, to the extent 39537
reasonably necessary for the support of the person and any of 39538
the person's dependents, except if all the following apply: 39539

(i) The plan or contract was established by or under the 39540
auspices of an insider that employed the person at the time the 39541
person's rights or interests under the plan or contract arose. 39542

(ii) The payment is on account of age or length of 39543
service. 39544

(iii) The plan or contract is not qualified under the 39545

"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 39546
39547

(c) Except for any portion of the assets that were 39548
deposited for the purpose of evading the payment of any debt and 39549
except as provided in sections 3119.80, 3119.81, 3121.02, 39550
3121.03, and 3123.06 of the Revised Code, the person's rights or 39551
interests in the assets held in, or to directly or indirectly 39552
receive any payment or benefit under, any individual retirement 39553
account, individual retirement annuity, "Roth IRA," account 39554
opened pursuant to a program administered by a state under 39555
section 529 or 529A of the "Internal Revenue Code of 1986," 100 39556
Stat. 2085, 26 U.S.C. 1, as amended, or education individual 39557
retirement account that provides payments or benefits by reason 39558
of illness, disability, death, retirement, or age or provides 39559
payments or benefits for purposes of education or qualified 39560
disability expenses, to the extent that the assets, payments, or 39561
benefits described in division (A) (10) (c) of this section are 39562
attributable to or derived from any of the following or from any 39563
earnings, dividends, interest, appreciation, or gains on any of 39564
the following: 39565

(i) Contributions of the person that were less than or 39566
equal to the applicable limits on deductible contributions to an 39567
individual retirement account or individual retirement annuity 39568
in the year that the contributions were made, whether or not the 39569
person was eligible to deduct the contributions on the person's 39570
federal tax return for the year in which the contributions were 39571
made; 39572

(ii) Contributions of the person that were less than or 39573
equal to the applicable limits on contributions to a Roth IRA or 39574
education individual retirement account in the year that the 39575

contributions were made; 39576

(iii) Contributions of the person that are within the 39577
applicable limits on rollover contributions under subsections 39578
219, 402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3) 39579
(B), 408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 39580
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended; 39581

(iv) Contributions by any person into any plan, fund, or 39582
account that is formed, created, or administered pursuant to, or 39583
is otherwise subject to, section 529 or 529A of the "Internal 39584
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 39585

(d) Except for any portion of the assets that were 39586
deposited for the purpose of evading the payment of any debt and 39587
except as provided in sections 3119.80, 3119.81, 3121.02, 39588
3121.03, and 3123.06 of the Revised Code, the person's rights or 39589
interests in the assets held in, or to receive any payment 39590
under, any Keogh or "H.R. 10" plan that provides benefits by 39591
reason of illness, disability, death, retirement, or age, to the 39592
extent reasonably necessary for the support of the person and 39593
any of the person's dependents. 39594

(e) The person's rights to or interests in any assets held 39595
in, or to directly or indirectly receive any payment or benefit 39596
under, any individual retirement account, individual retirement 39597
annuity, "Roth IRA," account opened pursuant to a program 39598
administered by a state under section 529 or 529A of the 39599
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 39600
amended, or education individual retirement account that a 39601
decedent, upon or by reason of the decedent's death, directly or 39602
indirectly left to or for the benefit of the person, either 39603
outright or in trust or otherwise, including, but not limited 39604
to, any of those rights or interests in assets or to receive 39605

payments or benefits that were transferred, conveyed, or 39606
otherwise transmitted by the decedent by means of a will, trust, 39607
exercise of a power of appointment, beneficiary designation, 39608
transfer or payment on death designation, or any other method or 39609
procedure. 39610

(f) The exemptions under divisions (A)(10)(a) to (e) of 39611
this section also shall apply or otherwise be available to an 39612
alternate payee under a qualified domestic relations order 39613
(QDRO) or other similar court order. 39614

(g) A person's interest in any plan, program, instrument, 39615
or device described in divisions (A)(10)(a) to (e) of this 39616
section shall be considered an exempt interest even if the plan, 39617
program, instrument, or device in question, due to an error made 39618
in good faith, failed to satisfy any criteria applicable to that 39619
plan, program, instrument, or device under the "Internal Revenue 39620
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 39621

(11) The person's right to receive spousal support, child 39622
support, an allowance, or other maintenance to the extent 39623
reasonably necessary for the support of the person and any of 39624
the person's dependents; 39625

(12) The person's right to receive, or moneys received 39626
during the preceding twelve calendar months from, any of the 39627
following: 39628

(a) An award of reparations under sections 2743.51 to 39629
2743.72 of the Revised Code, to the extent exempted by division 39630
(D) of section 2743.66 of the Revised Code; 39631

(b) A payment on account of the wrongful death of an 39632
individual of whom the person was a dependent on the date of the 39633
individual's death, to the extent reasonably necessary for the 39634

support of the person and any of the person's dependents; 39635

(c) Except in cases in which the person who receives the 39636
payment is an inmate, as defined in section 2969.21 of the 39637
Revised Code, and in which the payment resulted from a civil 39638
action or appeal against a government entity or employee, as 39639
defined in section 2969.21 of the Revised Code, a payment, not 39640
to exceed twenty thousand two hundred dollars, on account of 39641
personal bodily injury, not including pain and suffering or 39642
compensation for actual pecuniary loss, of the person or an 39643
individual for whom the person is a dependent; 39644

(d) A payment in compensation for loss of future earnings 39645
of the person or an individual of whom the person is or was a 39646
dependent, to the extent reasonably necessary for the support of 39647
the debtor and any of the debtor's dependents. 39648

(13) Except as provided in sections 3119.80, 3119.81, 39649
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 39650
earnings of the person owed to the person for services in an 39651
amount equal to the greater of the following amounts: 39652

(a) If paid weekly, thirty times the current federal 39653
minimum hourly wage; if paid biweekly, sixty times the current 39654
federal minimum hourly wage; if paid semimonthly, sixty-five 39655
times the current federal minimum hourly wage; or if paid 39656
monthly, one hundred thirty times the current federal minimum 39657
hourly wage that is in effect at the time the earnings are 39658
payable, as prescribed by the "Fair Labor Standards Act of 39659
1938," 52 Stat. 1060, 29 U.S.C. 206(a)(1), as amended; 39660

(b) Seventy-five per cent of the disposable earnings owed 39661
to the person. 39662

(14) The person's right in specific partnership property, 39663

as exempted by the person's rights in a partnership pursuant to 39664
section 1776.50 of the Revised Code, except as otherwise set 39665
forth in section 1776.50 of the Revised Code; 39666

(15) A seal and official register of a notary public, as 39667
exempted by section 147.04 of the Revised Code; 39668

(16) The person's interest in a tuition unit or a payment 39669
under section 3334.09 of the Revised Code pursuant to a tuition 39670
payment contract, as exempted by section 3334.15 of the Revised 39671
Code; 39672

(17) Any other property that is specifically exempted from 39673
execution, attachment, garnishment, or sale by federal statutes 39674
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 39675
11 U.S.C.A. 101, as amended; 39676

(18) The person's aggregate interest in any property, not 39677
to exceed one thousand seventy-five dollars, except that 39678
division (A)(18) of this section applies only in bankruptcy 39679
proceedings. 39680

(B) On April 1, 2010, and on the first day of April in 39681
each third calendar year after 2010, the Ohio judicial 39682
conference shall adjust each dollar amount set forth in this 39683
section to reflect any increase in the consumer price index for 39684
all urban consumers, as published by the United States 39685
department of labor, or, if that index is no longer published, a 39686
generally available comparable index, for the three-year period 39687
ending on the thirty-first day of December of the preceding 39688
year. Any adjustments required by this division shall be rounded 39689
to the nearest twenty-five dollars. 39690

The Ohio judicial conference shall prepare a memorandum 39691
specifying the adjusted dollar amounts. The judicial conference 39692

shall transmit the memorandum to the director of the legislative 39693
service commission, and the director shall publish the 39694
memorandum in the register of Ohio. (Publication of the 39695
memorandum in the register of Ohio shall continue until the next 39696
memorandum specifying an adjustment is so published.) The 39697
judicial conference also may publish the memorandum in any other 39698
manner it concludes will be reasonably likely to inform persons 39699
who are affected by its adjustment of the dollar amounts. 39700

(C) As used in this section: 39701

(1) "Disposable earnings" means net earnings after the 39702
garnishee has made deductions required by law, excluding the 39703
deductions ordered pursuant to section 3119.80, 3119.81, 39704
3121.02, 3121.03, or 3123.06 of the Revised Code. 39705

(2) "Insider" means: 39706

(a) If the person who claims an exemption is an 39707
individual, a relative of the individual, a relative of a 39708
general partner of the individual, a partnership in which the 39709
individual is a general partner, a general partner of the 39710
individual, or a corporation of which the individual is a 39711
director, officer, or in control; 39712

(b) If the person who claims an exemption is a 39713
corporation, a director or officer of the corporation; a person 39714
in control of the corporation; a partnership in which the 39715
corporation is a general partner; a general partner of the 39716
corporation; or a relative of a general partner, director, 39717
officer, or person in control of the corporation; 39718

(c) If the person who claims an exemption is a 39719
partnership, a general partner in the partnership; a general 39720
partner of the partnership; a person in control of the 39721

partnership; a partnership in which the partnership is a general partner; or a relative in, a general partner of, or a person in control of the partnership;

(d) An entity or person to which or whom any of the following applies:

(i) The entity directly or indirectly owns, controls, or holds with power to vote, twenty per cent or more of the outstanding voting securities of the person who claims an exemption, unless the entity holds the securities in a fiduciary or agency capacity without sole discretionary power to vote the securities or holds the securities solely to secure to debt and the entity has not in fact exercised the power to vote.

(ii) The entity is a corporation, twenty per cent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the person who claims an exemption or by an entity to which division (C) (2) (d) (i) of this section applies.

(iii) A person whose business is operated under a lease or operating agreement by the person who claims an exemption, or a person substantially all of whose business is operated under an operating agreement with the person who claims an exemption.

(iv) The entity operates the business or all or substantially all of the property of the person who claims an exemption under a lease or operating agreement.

(e) An insider, as otherwise defined in this section, of a person or entity to which division (C) (2) (d) (i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption;

(f) A managing agent of the person who claims an

exemption. 39751

(3) "Participant account" has the same meaning as in 39752
section 148.01 of the Revised Code. 39753

(4) "Government unit" has the same meaning as in section 39754
148.06 of the Revised Code. 39755

(D) For purposes of this section, "interest" shall be 39756
determined as follows: 39757

(1) In bankruptcy proceedings, as of the date a petition 39758
is filed with the bankruptcy court commencing a case under Title 39759
11 of the United States Code; 39760

(2) In all cases other than bankruptcy proceedings, as of 39761
the date of an appraisal, if necessary under section 2329.68 of 39762
the Revised Code, or the issuance of a writ of execution. 39763

An interest, as determined under division (D) (1) or (2) of 39764
this section, shall not include the amount of any lien otherwise 39765
valid pursuant to section 2329.661 of the Revised Code. 39766

Sec. 2501.16. (A) Each court of appeals may appoint one or 39767
more official reporters, law clerks, secretaries, and any other 39768
employees that the court considers necessary for its efficient 39769
operation. 39770

The clerk of the court of common pleas, acting as the 39771
clerk of the court of appeals for the county, shall perform the 39772
duties otherwise performed and collect the fees otherwise 39773
collected by the clerk of the court of common pleas, as set 39774
forth in section 2303.03 of the Revised Code, and shall maintain 39775
the files and records of the court. The clerk of the court of 39776
common pleas, acting as the clerk of the court of appeals for 39777
the county, may refuse to accept for filing any pleading or 39778

paper submitted for filing by a person who has been found to be 39779
a vexatious litigator under section 2323.52 of the Revised Code 39780
and who has failed to obtain leave from the court of appeals to 39781
proceed under that section. The overhead expenses pertaining to 39782
the office of the clerk of the court of common pleas that result 39783
from the clerk's acting as clerk of the court of appeals for the 39784
county, other than wages and salaries, shall be paid from the 39785
funds provided under sections 2501.18 and 2501.181 of the 39786
Revised Code. 39787

Each officer and employee appointed pursuant to this 39788
section shall take an oath of office, serve at the pleasure of 39789
the court, and perform any duties that the court directs. Each 39790
reporter shall have the powers that are vested in official 39791
reporters of the court of common pleas under sections 2301.18 to 39792
2301.26 of the Revised Code. Whenever an opinion, per curiam, or 39793
report of a case has been prepared in accordance with section 39794
2503.20 of the Revised Code, the official reporter immediately 39795
shall forward one copy of the opinion, per curiam, or report to 39796
the reporter of the supreme court, without expense to the 39797
reporter. 39798

(B) The court of appeals may determine that, for the 39799
efficient operation of the court, additional funds are necessary 39800
to acquire and pay for special projects of the court, including, 39801
but not limited to, the acquisition of additional facilities or 39802
the rehabilitation of existing facilities, the acquisition of 39803
equipment, the hiring and training of staff, the employment of 39804
magistrates, the training and education of judges, acting 39805
judges, and magistrates, community service programs, and other 39806
related services. Upon that determination, the court by rule may 39807
charge a fee, in addition to all other court costs, on the 39808
filing of each case or cause over which the court has 39809

jurisdiction. Fees collected by a court for special projects of 39810
the court under this division shall not be used for training or 39811
education that takes place outside of the state. 39812

If the court of appeals offers a special program or 39813
service in cases of a specific type, the court by rule may 39814
assess an additional charge in a case of that type, over and 39815
above court costs, to cover the special program or service. The 39816
court shall adjust the special assessment periodically, but not 39817
retroactively, so that the amount assessed in those cases does 39818
not exceed the actual cost of providing the service or program. 39819

All moneys collected under division (B) of this section 39820
shall be paid to the county treasurer of the county selected as 39821
the principal seat of that court of appeals for deposit into 39822
either a general special projects fund or a fund established for 39823
a specific special project. Moneys from a fund of that nature 39824
shall be disbursed upon an order of the court in an amount no 39825
greater than the actual cost to the court of a project. If a 39826
specific fund is terminated because of the discontinuance of a 39827
program or service established under division (B) of this 39828
section, the court may order that moneys remaining in the fund 39829
be transferred to an account established under this division for 39830
a similar purpose. 39831

Sec. 2743.03. (A) (1) There is hereby created a court of 39832
claims. Except as provided under section 107.43 of the Revised 39833
Code, the court of claims is a court of record and has 39834
exclusive, original jurisdiction of all civil actions against 39835
the state permitted by the waiver of immunity contained in 39836
section 2743.02 of the Revised Code and exclusive jurisdiction 39837
of the causes of action of all parties in civil actions that are 39838
removed to the court of claims. The court shall have full equity 39839

powers in all actions within its jurisdiction and may entertain 39840
and determine all counterclaims, cross-claims, and third-party 39841
claims. 39842

(2) If the claimant in a civil action as described in 39843
division (A) (1) of this section also files a claim for a 39844
declaratory judgment, injunctive relief, or other equitable 39845
relief against the state that arises out of the same 39846
circumstances that gave rise to the civil action described in 39847
division (A) (1) of this section, the court of claims has 39848
exclusive, original jurisdiction to hear and determine that 39849
claim in that civil action. This division does not affect, and 39850
shall not be construed as affecting, the original jurisdiction 39851
of another court of this state to hear and determine a civil 39852
action in which the sole relief that the claimant seeks against 39853
the state is a declaratory judgment, injunctive relief, or other 39854
equitable relief. 39855

(3) In addition to its exclusive, original jurisdiction as 39856
conferred by divisions (A) (1) and (2) of this section, the court 39857
of claims has exclusive, original jurisdiction as follows: 39858

(a) As described in division (F) of section 2743.02, 39859
division (B) of section 3335.03, and division (C) of section 39860
5903.02 of the Revised Code; 39861

(b) Under section 2743.75 of the Revised Code to hear 39862
complaints alleging a denial of access to public records in 39863
violation of division (B) of section 149.43 of the Revised Code, 39864
regardless of whether the public office or person responsible 39865
for public records is an office or employee of the state or of a 39866
political subdivision; 39867

(c) Under section 118.29 of the Revised Code to appoint a 39868

receiver. 39869

(B) The court of claims shall sit in Franklin county, its 39870
hearings shall be public, and it shall consist of incumbent 39871
justices or judges of the supreme court, courts of appeals, or 39872
courts of common pleas, or retired justices or judges eligible 39873
for active duty pursuant to division (C) of Section 6 of Article 39874
IV, Ohio Constitution, sitting by temporary assignment of the 39875
chief justice of the supreme court. The chief justice may direct 39876
the court to sit in any county for cases on removal upon a 39877
showing of substantial hardship and whenever justice dictates. 39878

(C) (1) A civil action against the state shall be heard and 39879
determined by a single judge. Upon application by the claimant 39880
or the state, the chief justice of the supreme court may assign 39881
a panel of three judges to hear and determine a civil action 39882
presenting novel or complex issues of law or fact. Concurrence 39883
of two members of the panel is necessary for any judgment or 39884
order. 39885

(2) Whenever the chief justice of the supreme court 39886
believes an equitable resolution of a case will be expedited, 39887
the chief justice may appoint magistrates in accordance with 39888
Civil Rule 53 to hear the case. 39889

(3) When any dispute under division (B) of section 153.12 39890
of the Revised Code is brought to the court of claims, upon 39891
request of either party to the dispute, the chief justice of the 39892
supreme court shall appoint a single referee or a panel of three 39893
referees. The referees need not be attorneys, but shall be 39894
persons knowledgeable about construction contract law, a member 39895
of the construction industry panel of the American arbitration 39896
association, or an individual or individuals deemed qualified by 39897
the chief justice to serve. No person shall serve as a referee 39898

if that person has been employed by an affected state agency or 39899
a contractor or subcontractor involved in the dispute at any 39900
time in the preceding five years. Proceedings governing referees 39901
shall be in accordance with Civil Rule 53, except as modified by 39902
this division. The referee or panel of referees shall submit its 39903
report, which shall include a recommendation and finding of 39904
fact, to the judge assigned to the case by the chief justice, 39905
within thirty days of the conclusion of the hearings. Referees 39906
appointed pursuant to this division shall be compensated on a 39907
per diem basis at the same rate as is paid to judges of the 39908
court and also shall be paid their expenses. If a single referee 39909
is appointed or a panel of three referees is appointed, then, 39910
with respect to one referee of the panel, the compensation and 39911
expenses of the referee shall not be taxed as part of the costs 39912
in the case but shall be included in the budget of the court. If 39913
a panel of three referees is appointed, the compensation and 39914
expenses of the two remaining referees shall be taxed as costs 39915
of the case. 39916

All costs of a case shall be apportioned among the 39917
parties. The court may not require that any party deposit with 39918
the court cash, bonds, or other security in excess of two 39919
hundred dollars to guarantee payment of costs without the prior 39920
approval in each case of the chief justice. 39921

(4) An appeal from a decision of the attorney general 39922
pursuant to sections 2743.51 to 2743.72 of the Revised Code 39923
shall be heard and determined by the court of claims. 39924

(D) The Rules of Civil Procedure shall govern practice and 39925
procedure in all actions in the court of claims, except insofar 39926
as inconsistent with this chapter. The supreme court may 39927
promulgate rules governing practice and procedure in actions in 39928

the court as provided in Section 5 of Article IV, Ohio 39929
Constitution. 39930

(E) (1) A party who files a counterclaim against the state 39931
or makes the state a third-party defendant in an action 39932
commenced in any court, other than the court of claims, shall 39933
file a petition for removal in the court of claims. The petition 39934
shall state the basis for removal, be accompanied by a copy of 39935
all process, pleadings, and other papers served upon the 39936
petitioner, and shall be signed in accordance with Civil Rule 39937
11. A petition for removal based on a counterclaim shall be 39938
filed within twenty-eight days after service of the counterclaim 39939
of the petitioner. A petition for removal based on third-party 39940
practice shall be filed within twenty-eight days after the 39941
filing of the third-party complaint of the petitioner. 39942

(2) Within seven days after filing a petition for removal, 39943
the petitioner shall give written notice to the parties, and 39944
shall file a copy of the petition with the clerk of the court in 39945
which the action was brought originally. The filing effects the 39946
removal of the action to the court of claims, and the clerk of 39947
the court where the action was brought shall forward all papers 39948
in the case to the court of claims. The court of claims shall 39949
adjudicate all civil actions removed. The court may remand a 39950
civil action to the court in which it originated upon a finding 39951
that the removal petition does not justify removal, or upon a 39952
finding that the state is no longer a party. 39953

(3) Bonds, undertakings, or security and injunctions, 39954
attachments, sequestrations, or other orders issued prior to 39955
removal remain in effect until dissolved or modified by the 39956
court of claims. 39957

Sec. 2907.15. (A) As used in this section: 39958

(1) "Public retirement system" means the public employees retirement system, state teachers retirement system, school employees retirement system, Ohio police and fire pension fund, state highway patrol retirement system, or a municipal retirement system of a municipal corporation of this state.

(2) "Government deferred compensation program" means such a program offered by the ~~Ohio~~ public employees ~~deferred compensation retirement~~ board; a municipal corporation; or a ~~governmental~~ government unit, as defined in section 148.06 of the Revised Code.

(3) "Deferred compensation program participant" means a "participating employee" or "continuing member," as defined in section 148.01 of the Revised Code, or any other public employee who has funds in a government deferred compensation program.

(4) "Alternative retirement plan" means an alternative retirement plan provided pursuant to Chapter 3305. of the Revised Code.

(5) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

In any case in which a sentencing court orders restitution to the victim under section 2929.18 or 2929.28 of the Revised Code for a violation of section 2907.02, 2907.03, 2907.04, or 2907.05 of the Revised Code and in which the offender is a government deferred compensation program participant, is an electing employee, as defined in section 3305.01 of the Revised Code, or is a member of, or receiving a pension, benefit, or allowance, other than a survivorship benefit, from, a public retirement system and committed the offense against a child, student, patient, or other person with whom the offender had

contact in the context of the offender's public employment, at 39988
the request of the victim the prosecutor shall file a motion 39989
with the sentencing court specifying the government deferred 39990
compensation program, alternative retirement plan, or public 39991
retirement system and requesting that the court issue an order 39992
requiring the government deferred compensation program, 39993
alternative retirement plan, or public retirement system to 39994
withhold the amount required as restitution from one or more of 39995
the following: any payment to be made from a government deferred 39996
compensation program, any payment or benefit under an 39997
alternative retirement plan, or under a pension, annuity, 39998
allowance, or any other benefit, other than a survivorship 39999
benefit, that has been or is in the future granted to the 40000
offender; from any payment of accumulated employee contributions 40001
standing to the offender's credit with the government deferred 40002
compensation program, alternative retirement plan, or public 40003
retirement system; or from any payment of any other amounts to 40004
be paid to the offender pursuant to Chapter 145., 148., 742., 40005
3307., 3309., or 5505. of the Revised Code on withdrawal of 40006
contributions. The motion may be filed at any time subsequent to 40007
the conviction of the offender or entry of a guilty plea. On the 40008
filing of the motion, the clerk of the court in which the motion 40009
is filed shall notify the offender and the government deferred 40010
compensation program, alternative retirement plan, or public 40011
retirement system, in writing, of all of the following: that the 40012
motion was filed; that the offender will be granted a hearing on 40013
the issuance of the requested order if the offender files a 40014
written request for a hearing with the clerk prior to the 40015
expiration of thirty days after the offender receives the 40016
notice; that, if a hearing is requested, the court will schedule 40017
a hearing as soon as possible and notify the offender and the 40018
government deferred compensation program, alternative retirement 40019

plan, or public retirement system of the date, time, and place 40020
of the hearing; that, if a hearing is conducted, it will be 40021
limited to a consideration of whether the offender can show good 40022
cause why the order should not be issued; that, if a hearing is 40023
conducted, the court will not issue the order if the court 40024
determines, based on evidence presented at the hearing by the 40025
offender, that there is good cause for the order not to be 40026
issued; that the court will issue the order if a hearing is not 40027
requested or if a hearing is conducted but the court does not 40028
determine, based on evidence presented at the hearing by the 40029
offender, that there is good cause for the order not to be 40030
issued; and that, if the order is issued, the government 40031
deferred compensation program, alternative retirement plan, or 40032
public retirement system specified in the motion will be 40033
required to withhold the amount required as restitution from 40034
payments to the offender. 40035

(B) In any case in which a motion requesting the issuance 40036
of a withholding order as described in division (A) of this 40037
section is filed, the offender may receive a hearing on the 40038
motion by delivering a written request for a hearing to the 40039
court prior to the expiration of thirty days after the 40040
offender's receipt of the notice provided pursuant to division 40041
(A) of this section. If the offender requests a hearing within 40042
the prescribed time, the court shall schedule a hearing as soon 40043
as possible after the request is made and notify the offender 40044
and the government deferred compensation program, alternative 40045
retirement plan, or public retirement system of the date, time, 40046
and place of the hearing. A hearing scheduled under this 40047
division shall be limited to a consideration of whether there is 40048
good cause, based on evidence presented by the offender, for the 40049
requested order not to be issued. If the court determines, based 40050

on evidence presented by the offender, that there is good cause 40051
for the order not to be issued, the court shall deny the motion 40052
and shall not issue the order. Good cause for not issuing the 40053
order includes a determination by the court that the order would 40054
severely impact the offender's ability to support the offender's 40055
dependents. 40056

If the offender does not request a hearing within the 40057
prescribed time or the court conducts a hearing but does not 40058
determine, based on evidence presented by the offender, that 40059
there is good cause for the order not to be issued, the court 40060
shall order the government deferred compensation program, 40061
alternative retirement plan, or public retirement system to 40062
withhold the amount required as restitution from one or more of 40063
the following: any payments to be made from a government 40064
deferred compensation program, any payment or benefit under an 40065
alternative retirement plan, or under a pension, annuity, 40066
allowance, or under any other benefit, other than a survivorship 40067
benefit, that has been or is in the future granted to the 40068
offender; from any payment of accumulated employee contributions 40069
standing to the offender's credit with the government deferred 40070
compensation program, alternative retirement plan, or public 40071
retirement system; or from any payment of any other amounts to 40072
be paid to the offender upon withdrawal of contributions 40073
pursuant to Chapter 145., 148., 742., 3307., 3309., or 5505. of 40074
the Revised Code and to continue the withholding for that 40075
purpose, in accordance with the order, out of each payment to be 40076
made on or after the date of issuance of the order, until 40077
further order of the court. On receipt of an order issued under 40078
this division, the government deferred compensation program, 40079
alternative retirement plan, or public retirement system shall 40080
withhold the amount required as restitution, in accordance with 40081

the order, from any such payments and immediately forward the 40082
amount withheld to the clerk of the court in which the order was 40083
issued for payment to the person to whom restitution is to be 40084
made. The order shall not apply to any portion of payments made 40085
from a government deferred compensation program, alternative 40086
retirement plan, or public retirement system to a person other 40087
than the offender pursuant to a previously issued domestic court 40088
order. 40089

(C) Service of a notice required by division (A) or (B) of 40090
this section shall be effected in the same manner as provided in 40091
the Rules of Civil Procedure for the service of process. 40092

(D) Upon the filing of charges under section 2907.02, 40093
2907.03, 2907.04, or 2907.05 of the Revised Code against a 40094
person who is a deferred compensation program participant, an 40095
electing employee participating in an alternative retirement 40096
plan, or a member of, or receiving a pension benefit, or 40097
allowance, other than a survivorship benefit, from a public 40098
retirement system for an offense against a child, student, 40099
patient, or other person with whom the offender had contact in 40100
the context of the offender's public employment, the prosecutor 40101
shall send written notice that charges have been filed against 40102
that person to the appropriate government deferred compensation 40103
program, alternative retirement plan, or public retirement 40104
system. The notice shall specifically identify the person 40105
charged. 40106

Sec. 2913.401. (A) As used in this section: 40107

(1) "Medicaid services" has the same meaning as in section 40108
5164.01 of the Revised Code. 40109

(2) "Property" means any real or personal property or 40110

other asset in which a person has any legal title or interest. 40111

(B) No person shall knowingly do any of the following in 40112
an application for enrollment in the medicaid program or in a 40113
document that requires a disclosure of assets for the purpose of 40114
determining eligibility for the medicaid program: 40115

(1) Make or cause to be made a false or misleading 40116
statement; 40117

(2) Conceal an interest in property; 40118

(3) (a) Except as provided in division (B) (3) (b) of this 40119
section, fail to disclose a transfer of property that occurred 40120
during the period beginning thirty-six months before submission 40121
of the application or document and ending on the date the 40122
application or document was submitted; 40123

(b) Fail to disclose a transfer of property that occurred 40124
during the period beginning sixty months before submission of 40125
the application or document and ending on the date the 40126
application or document was submitted and that was made to an 40127
irrevocable trust a portion of which is not distributable to the 40128
applicant for or recipient of medicaid or to a revocable trust. 40129

(C) (1) Whoever violates this section is guilty of medicaid 40130
eligibility fraud. Except as otherwise provided in this 40131
division, a violation of this section is a misdemeanor of the 40132
first degree. If the value of the medicaid services paid as a 40133
result of the violation is one thousand dollars or more and is 40134
less than seven thousand five hundred dollars, a violation of 40135
this section is a felony of the fifth degree. If the value of 40136
the medicaid services paid as a result of the violation is seven 40137
thousand five hundred dollars or more and is less than one 40138
hundred fifty thousand dollars, a violation of this section is a 40139

felony of the fourth degree. If the value of the medicaid 40140
services paid as a result of the violation is one hundred fifty 40141
thousand dollars or more, a violation of this section is a 40142
felony of the third degree. 40143

(2) In addition to imposing a sentence under division (C) 40144
(1) of this section, the court ~~shall~~may order that a person who 40145
is guilty of medicaid eligibility fraud make restitution in the 40146
~~full~~ amount of two hundred per cent of any medicaid services 40147
paid on behalf of an applicant for or recipient of medicaid for 40148
which the applicant or recipient was not eligible, plus interest 40149
at the rate applicable to judgments on unreimbursed amounts from 40150
the date on which the medicaid services were paid to the date on 40151
which restitution is made. 40152

(3) The remedies and penalties provided in this section 40153
are not exclusive and do not preclude the use of any other 40154
criminal or civil remedy for any act that is in violation of 40155
this section. 40156

(D) This section does not apply to a person who fully 40157
disclosed in an application for medicaid or in a document that 40158
requires a disclosure of assets for the purpose of determining 40159
eligibility for medicaid all of the interests in property of the 40160
applicant for or recipient of medicaid, all transfers of 40161
property by the applicant for or recipient of medicaid, and the 40162
circumstances of all those transfers. 40163

(E) Any amounts of medicaid services recovered as 40164
restitution under this section and any interest on those amounts 40165
shall be credited to the general revenue fund, and any 40166
applicable federal share shall be returned to the appropriate 40167
agency or department of the United States. 40168

Sec. 2915.01. As used in this chapter:	40169
(A) "Bookmaking" means the business of receiving or paying off bets.	40170 40171
(B) "Bet" means the hazarding of anything of value upon the result of an event, undertaking, or contingency, but does not include a bona fide business risk.	40172 40173 40174
(C) "Scheme of chance" means a slot machine unless authorized under Chapter 3772. of the Revised Code, lottery unless authorized under Chapter 3770. of the Revised Code, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit. "Scheme of chance" includes the use of an electronic device to reveal the results of a game entry if valuable consideration is paid, directly or indirectly, for a chance to win a prize. Valuable consideration is deemed to be paid for a chance to win a prize in the following instances:	40175 40176 40177 40178 40179 40180 40181 40182 40183 40184 40185 40186
(1) Less than fifty per cent of the goods or services sold by a scheme of chance operator in exchange for game entries are used or redeemed by participants at any one location;	40187 40188 40189
(2) Less than fifty per cent of participants who purchase goods or services at any one location do not accept, use, or redeem the goods or services sold or purportedly sold;	40190 40191 40192
(3) More than fifty per cent of prizes at any one location are revealed to participants through an electronic device simulating a game of chance or a "casino game" as defined in section 3772.01 of the Revised Code;	40193 40194 40195 40196
(4) The good or service sold by a scheme of chance	40197

operator in exchange for a game entry cannot be used or redeemed 40198
in the manner advertised; 40199

(5) A participant pays more than fair market value for 40200
goods or services offered by a scheme of chance operator in 40201
order to receive one or more game entries; 40202

(6) A participant may use the electronic device to 40203
purchase additional game entries; 40204

(7) A participant may purchase additional game entries by 40205
using points or credits won as prizes while using the electronic 40206
device; 40207

(8) A scheme of chance operator pays out in prize money 40208
more than twenty per cent of the gross revenue received at one 40209
location; or 40210

(9) A participant makes a purchase or exchange in order to 40211
obtain any good or service that may be used to facilitate play 40212
on the electronic device. 40213

As used in this division, "electronic device" means a 40214
mechanical, video, digital, or electronic machine or device that 40215
is capable of displaying information on a screen or other 40216
mechanism and that is owned, leased, or otherwise possessed by 40217
any person conducting a scheme of chance, or by that person's 40218
partners, affiliates, subsidiaries, or contractors. "Electronic 40219
device" does not include an electronic instant bingo system. 40220

(D) "Game of chance" means poker, craps, roulette, or 40221
other game in which a player gives anything of value in the hope 40222
of gain, the outcome of which is determined largely by chance, 40223
but does not include bingo. 40224

(E) "Game of chance conducted for profit" means any game 40225

of chance designed to produce income for the person who conducts	40226
or operates the game of chance, but does not include bingo.	40227
(F) "Gambling device" means any of the following:	40228
(1) A book, totalizer, or other equipment for recording	40229
bets;	40230
(2) A ticket, token, or other device representing a	40231
chance, share, or interest in a scheme of chance or evidencing a	40232
bet;	40233
(3) A deck of cards, dice, gaming table, roulette wheel,	40234
slot machine, or other apparatus designed for use in connection	40235
with a game of chance;	40236
(4) Any equipment, device, apparatus, or paraphernalia	40237
specially designed for gambling purposes;	40238
(5) Bingo supplies sold or otherwise provided, or used, in	40239
violation of this chapter.	40240
(G) "Gambling offense" means any of the following:	40241
(1) A violation of this chapter;	40242
(2) A violation of an existing or former municipal	40243
ordinance or law of this or any other state or the United States	40244
substantially equivalent to any provision of this chapter or a	40245
violation of section 2915.06 of the Revised Code as it existed	40246
prior to July 1, 1996;	40247
(3) An offense under an existing or former municipal	40248
ordinance or law of this or any other state or the United	40249
States, of which gambling is an element;	40250
(4) A conspiracy or attempt to commit, or complicity in	40251
committing, any offense under division (G)(1), (2), or (3) of	40252

this section. 40253

(H) Except as otherwise provided in this chapter, 40254
"charitable organization" means either of the following: 40255

(1) An organization that is exempt from federal income 40256
taxation under subsection 501(a) and described in subsection 40257
501(c) (3) of the Internal Revenue Code; 40258

(2) A volunteer rescue service organization, volunteer 40259
firefighter's organization, veteran's organization, fraternal 40260
organization, or sporting organization that is exempt from 40261
federal income taxation under subsection 501(c) (4), (c) (7), (c) 40262
(8), (c) (10), or (c) (19) of the Internal Revenue Code. 40263

To qualify as a "charitable organization," an organization 40264
shall have been in continuous existence as such in this state 40265
for a period of two years immediately preceding either the 40266
making of an application for a bingo license under section 40267
2915.08 of the Revised Code or the conducting of any game of 40268
chance as provided in division (D) of section 2915.02 of the 40269
Revised Code. 40270

(I) "Religious organization" means any church, body of 40271
communicants, or group that is not organized or operated for 40272
profit and that gathers in common membership for regular worship 40273
and religious observances. 40274

(J) "Veteran's organization" means any individual post or 40275
state headquarters of a national veteran's association or an 40276
auxiliary unit of any individual post of a national veteran's 40277
association, which post, state headquarters, or auxiliary unit 40278
is incorporated as a nonprofit corporation and either has 40279
received a letter from the state headquarters of the national 40280
veteran's association indicating that the individual post or 40281

auxiliary unit is in good standing with the national veteran's 40282
association or has received a letter from the national veteran's 40283
association indicating that the state headquarters is in good 40284
standing with the national veteran's association. As used in 40285
this division, "national veteran's association" means any 40286
veteran's association that has been in continuous existence as 40287
such for a period of at least five years and either is 40288
incorporated by an act of the United States congress or has a 40289
national dues-paying membership of at least five thousand 40290
persons. 40291

(K) "Volunteer firefighter's organization" means any 40292
organization of volunteer firefighters, as defined in section 40293
146.01 of the Revised Code, that is organized and operated 40294
exclusively to provide financial support for a volunteer fire 40295
department or a volunteer fire company and that is recognized or 40296
ratified by a county, municipal corporation, or township. 40297

(L) "Fraternal organization" means any society, order, 40298
state headquarters, or association within this state, except a 40299
college or high school fraternity, that is not organized for 40300
profit, that is a branch, lodge, or chapter of a national or 40301
state organization, that exists exclusively for the common 40302
business or sodality of its members. 40303

(M) "Volunteer rescue service organization" means any 40304
organization of volunteers organized to function as an emergency 40305
medical service organization, as defined in section 4765.01 of 40306
the Revised Code. 40307

(N) "Charitable bingo game" means any bingo game described 40308
in division (O) (1) or (2) of this section that is conducted by a 40309
charitable organization that has obtained a license pursuant to 40310
section 2915.08 of the Revised Code and the proceeds of which 40311

- are used for a charitable purpose. 40312
- (0) "Bingo" means either of the following: 40313
- (1) A game with all of the following characteristics: 40314
- (a) The participants use bingo cards or sheets, including 40315
paper formats and electronic representation or image formats, 40316
that are divided into twenty-five spaces arranged in five 40317
horizontal and five vertical rows of spaces, with each space, 40318
except the central space, being designated by a combination of a 40319
letter and a number and with the central space being designated 40320
as a free space. 40321
- (b) The participants cover the spaces on the bingo cards 40322
or sheets that correspond to combinations of letters and numbers 40323
that are announced by a bingo game operator. 40324
- (c) A bingo game operator announces combinations of 40325
letters and numbers that appear on objects that a bingo game 40326
operator selects by chance, either manually or mechanically, 40327
from a receptacle that contains seventy-five objects at the 40328
beginning of each game, each object marked by a different 40329
combination of a letter and a number that corresponds to one of 40330
the seventy-five possible combinations of a letter and a number 40331
that can appear on the bingo cards or sheets. 40332
- (d) The winner of the bingo game includes any participant 40333
who properly announces during the interval between the 40334
announcements of letters and numbers as described in division 40335
(0) (1) (c) of this section, that a predetermined and preannounced 40336
pattern of spaces has been covered on a bingo card or sheet 40337
being used by the participant. 40338
- (2) Instant bingo, electronic instant bingo, and raffles. 40339

(P) "Conduct" means to back, promote, organize, manage, 40340
carry on, sponsor, or prepare for the operation of bingo or a 40341
game of chance, a scheme of chance, or a sweepstakes. 40342

(Q) "Bingo game operator" means any person, except 40343
security personnel, who performs work or labor at the site of 40344
bingo, including, but not limited to, collecting money from 40345
participants, handing out bingo cards or sheets or objects to 40346
cover spaces on bingo cards or sheets, selecting from a 40347
receptacle the objects that contain the combination of letters 40348
and numbers that appear on bingo cards or sheets, calling out 40349
the combinations of letters and numbers, distributing prizes, 40350
selling or redeeming instant bingo tickets or cards, selling or 40351
redeeming electronic instant bingo tickets, credits, or 40352
vouchers, accessing an electronic instant bingo system other 40353
than as a participant, supervising the operation of a punch 40354
board, selling raffle tickets, selecting raffle tickets from a 40355
receptacle and announcing the winning numbers in a raffle, and 40356
preparing, selling, and serving food or beverages. "Bingo game 40357
operator" does not include a person who is installing, 40358
maintaining, updating, or repairing an electronic instant bingo 40359
system. 40360

(R) "Participant" means any person who plays bingo. 40361

(S) "Bingo session" means a period that includes both of 40362
the following: 40363

(1) Not to exceed five continuous hours for the conduct of 40364
one or more games described in division (O) (1) of this section, 40365
instant bingo, and electronic instant bingo; 40366

(2) A period for the conduct of instant bingo and 40367
electronic instant bingo for not more than two hours before and 40368

not more than two hours after the period described in division 40369
(S) (1) of this section. 40370

(T) "Gross receipts" means all money or assets, including 40371
admission fees, that a person receives from bingo without the 40372
deduction of any amounts for prizes paid out or for the expenses 40373
of conducting bingo. "Gross receipts" does not include any money 40374
directly taken in from the sale of food or beverages by a 40375
charitable organization conducting bingo, or by a bona fide 40376
auxiliary unit or society of a charitable organization 40377
conducting bingo, provided all of the following apply: 40378

(1) The auxiliary unit or society has been in existence as 40379
a bona fide auxiliary unit or society of the charitable 40380
organization for at least two years prior to conducting bingo. 40381

(2) The person who purchases the food or beverage receives 40382
nothing of value except the food or beverage and items 40383
customarily received with the purchase of that food or beverage. 40384

(3) The food and beverages are sold at customary and 40385
reasonable prices. 40386

(U) "Security personnel" includes any person who either is 40387
a sheriff, deputy sheriff, marshal, deputy marshal, township 40388
constable, or member of an organized police department of a 40389
municipal corporation or has successfully completed a peace 40390
officer's training course pursuant to sections 109.71 to 109.79 40391
of the Revised Code and who is hired to provide security for the 40392
premises on which bingo is conducted. 40393

(V) "Charitable purpose" means that the net profit of 40394
bingo, other than instant bingo or electronic instant bingo, is 40395
used by, or is given, donated, or otherwise transferred to, any 40396
of the following: 40397

(1) Any organization that is described in subsection 40398
509(a) (1), 509(a) (2), or 509(a) (3) of the Internal Revenue Code 40399
and is either a governmental unit or an organization that is tax 40400
exempt under subsection 501(a) and described in subsection 40401
501(c) (3) of the Internal Revenue Code; 40402

(2) A veteran's organization that is a post, chapter, or 40403
organization of veterans, or an auxiliary unit or society of, or 40404
a trust or foundation for, any such post, chapter, or 40405
organization organized in the United States or any of its 40406
possessions, at least seventy-five per cent of the members of 40407
which are veterans and substantially all of the other members of 40408
which are individuals who are spouses, widows, or widowers of 40409
veterans, or such individuals, provided that no part of the net 40410
earnings of such post, chapter, or organization inures to the 40411
benefit of any private shareholder or individual, and further 40412
provided that the net profit is used by the post, chapter, or 40413
organization for the charitable purposes set forth in division 40414
(B) (12) of section 5739.02 of the Revised Code, is used for 40415
awarding scholarships to or for attendance at an institution 40416
mentioned in division (B) (12) of section 5739.02 of the Revised 40417
Code, is donated to a governmental agency, or is used for 40418
nonprofit youth activities, the purchase of United States or 40419
Ohio flags that are donated to schools, youth groups, or other 40420
bona fide nonprofit organizations, promotion of patriotism, or 40421
disaster relief; 40422

(3) A fraternal organization that has been in continuous 40423
existence in this state for fifteen years and that uses the net 40424
profit exclusively for religious, charitable, scientific, 40425
literary, or educational purposes, or for the prevention of 40426
cruelty to children or animals, if contributions for such use 40427
would qualify as a deductible charitable contribution under 40428

subsection 170 of the Internal Revenue Code; 40429

(4) A volunteer firefighter's organization that uses the 40430
net profit for the purposes set forth in division (K) of this 40431
section. 40432

(W) "Internal Revenue Code" means the "Internal Revenue 40433
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 40434
amended. 40435

(X) "Youth athletic organization" means any organization, 40436
not organized for profit, that is organized and operated 40437
exclusively to provide financial support to, or to operate, 40438
athletic activities for persons who are twenty-one years of age 40439
or younger by means of sponsoring, organizing, operating, or 40440
contributing to the support of an athletic team, club, league, 40441
or association. 40442

(Y) "Youth athletic park organization" means any 40443
organization, not organized for profit, that satisfies both of 40444
the following: 40445

(1) It owns, operates, and maintains playing fields that 40446
satisfy both of the following: 40447

(a) The playing fields are used for athletic activities by 40448
one or more organizations, not organized for profit, each of 40449
which is organized and operated exclusively to provide financial 40450
support to, or to operate, athletic activities for persons who 40451
are eighteen years of age or younger by means of sponsoring, 40452
organizing, operating, or contributing to the support of an 40453
athletic team, club, league, or association. 40454

(b) The playing fields are not used for any profit-making 40455
activity at any time during the year. 40456

(2) It uses the proceeds of bingo it conducts exclusively 40457
for the operation, maintenance, and improvement of its playing 40458
fields of the type described in division (Y)(1) of this section. 40459

(Z) "Bingo supplies" means bingo cards or sheets; instant 40460
bingo tickets or cards; electronic bingo aids; raffle tickets; 40461
punch boards; seal cards; instant bingo ticket dispensers; 40462
electronic instant bingo systems; and devices for selecting or 40463
displaying the combination of bingo letters and numbers or 40464
raffle tickets. Items that are "bingo supplies" are not gambling 40465
devices if sold or otherwise provided, and used, in accordance 40466
with this chapter. For purposes of this chapter, "bingo 40467
supplies" are not to be considered equipment used to conduct a 40468
bingo game. 40469

(AA) "Instant bingo" means a form of bingo that shall use 40470
folded or banded tickets or paper cards with perforated break- 40471
open tabs, a face of which is covered or otherwise hidden from 40472
view to conceal a number, letter, or symbol, or set of numbers, 40473
letters, or symbols, some of which have been designated in 40474
advance as prize winners, and may also include games in which 40475
some winners are determined by the random selection of one or 40476
more bingo numbers by the use of a seal card or bingo blower. 40477
"Instant bingo" also includes a punch board game. In all 40478
"instant bingo" the prize amount and structure shall be 40479
predetermined. "Instant bingo" does not include electronic 40480
instant bingo or any device that is activated by the insertion 40481
of a coin, currency, token, or an equivalent, and that contains 40482
as one of its components a video display monitor that is capable 40483
of displaying numbers, letters, symbols, or characters in 40484
winning or losing combinations. 40485

(BB) "Seal card" means a form of instant bingo that uses 40486

instant bingo tickets in conjunction with a board or placard 40487
that contains one or more seals that, when removed or opened, 40488
reveal predesignated winning numbers, letters, or symbols. 40489

(CC) "Raffle" means a form of bingo in which the one or 40490
more prizes are won by one or more persons who have purchased a 40491
raffle ticket. The one or more winners of the raffle are 40492
determined by drawing a ticket stub or other detachable section 40493
from a receptacle containing ticket stubs or detachable sections 40494
corresponding to all tickets sold for the raffle. "Raffle" does 40495
not include the drawing of a ticket stub or other detachable 40496
section of a ticket purchased to attend a professional sporting 40497
event if both of the following apply: 40498

(1) The ticket stub or other detachable section is used to 40499
select the winner of a free prize given away at the professional 40500
sporting event; and 40501

(2) The cost of the ticket is the same as the cost of a 40502
ticket to the professional sporting event on days when no free 40503
prize is given away. 40504

(DD) "Punch board" means a form of instant bingo that uses 40505
a board containing a number of holes or receptacles of uniform 40506
size in which are placed, mechanically and randomly, serially 40507
numbered slips of paper that may be punched or drawn from the 40508
hole or receptacle. A player may punch or draw the numbered 40509
slips of paper from the holes or receptacles and obtain the 40510
prize established for the game if the number drawn corresponds 40511
to a winning number or, if the punch board includes the use of a 40512
seal card, a potential winning number. 40513

(EE) "Gross profit" means gross receipts minus the amount 40514
actually expended for the payment of prize awards. 40515

(FF) "Net profit" means gross profit minus expenses.	40516
(GG) "Expenses" means the reasonable amount of gross profit actually expended for all of the following:	40517 40518
(1) The purchase or lease of bingo supplies;	40519
(2) The annual license fee required under section 2915.08 of the Revised Code;	40520 40521
(3) Bank fees and service charges for a bingo session or game account described in section 2915.10 of the Revised Code;	40522 40523
(4) Audits and accounting services;	40524
(5) Safes;	40525
(6) Cash registers;	40526
(7) Hiring security personnel;	40527
(8) Advertising bingo;	40528
(9) Renting premises in which to conduct a bingo session;	40529
(10) Tables and chairs;	40530
(11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;	40531 40532 40533 40534 40535
(12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;	40536 40537
(13) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division (F) (1) of section 2915.08 of the Revised Code.	40538 40539 40540 40541

(HH) "Person" has the same meaning as in section 1.59 of 40542
the Revised Code and includes any firm or any other legal 40543
entity, however organized. 40544

(II) "Revoke" means to void permanently all rights and 40545
privileges of the holder of a license issued under section 40546
2915.08, 2915.081, or 2915.082 of the Revised Code or a 40547
charitable gaming license issued by another jurisdiction. 40548

(JJ) "Suspend" means to interrupt temporarily all rights 40549
and privileges of the holder of a license issued under section 40550
2915.08, 2915.081, or 2915.082 of the Revised Code or a 40551
charitable gaming license issued by another jurisdiction. 40552

(KK) "Distributor" means any person who purchases or 40553
obtains bingo supplies and who does either of the following: 40554

(1) Sells, offers for sale, or otherwise provides or 40555
offers to provide the bingo supplies to another person for use 40556
in this state; 40557

(2) Modifies, converts, adds to, or removes parts from the 40558
bingo supplies to further their promotion or sale for use in 40559
this state. 40560

(LL) "Manufacturer" means any person who assembles 40561
completed bingo supplies from raw materials, other items, or 40562
subparts or who modifies, converts, adds to, or removes parts 40563
from bingo supplies to further their promotion or sale. 40564

(MM) "Gross annual revenues" means the annual gross 40565
receipts derived from the conduct of bingo described in division 40566
(O) (1) of this section plus the annual net profit derived from 40567
the conduct of bingo described in division (O) (2) of this 40568
section. 40569

(NN) "Instant bingo ticket dispenser" means a mechanical device that dispenses an instant bingo ticket or card as the sole item of value dispensed and that has the following characteristics:

(1) It is activated upon the insertion of United States currency.

(2) It performs no gaming functions.

(3) It does not contain a video display monitor or generate noise.

(4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.

(5) It does not simulate or display rolling or spinning reels.

(6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or nonwinning ticket or card and requires a winning ticket or card to be paid by a bingo game operator.

(7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.

(8) It is not part of an electronic network and is not interactive.

(OO) (1) "Electronic bingo aid" means an electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following:

(a) It provides a means for a participant to input numbers

and letters announced by a bingo caller. 40597

(b) It compares the numbers and letters entered by the 40598
participant to the bingo faces previously stored in the memory 40599
of the device. 40600

(c) It identifies a winning bingo pattern. 40601

(2) "Electronic bingo aid" does not include any device 40602
into which a coin, currency, token, or an equivalent is inserted 40603
to activate play. 40604

(PP) "Deal" means a single game of instant bingo tickets, 40605
or a single game of electronic instant bingo tickets, all with 40606
the same serial number. 40607

(QQ) (1) "Slot machine" means either of the following: 40608

(a) Any mechanical, electronic, video, or digital device 40609
that is capable of accepting anything of value, directly or 40610
indirectly, from or on behalf of a player who gives the thing of 40611
value in the hope of gain; 40612

(b) Any mechanical, electronic, video, or digital device 40613
that is capable of accepting anything of value, directly or 40614
indirectly, from or on behalf of a player to conduct bingo or a 40615
scheme or game of chance. 40616

(2) "Slot machine" does not include a skill-based 40617
amusement machine, an instant bingo ticket dispenser, or an 40618
electronic instant bingo system. 40619

(RR) "Net profit from the proceeds of the sale of instant 40620
bingo or electronic instant bingo" means gross profit minus the 40621
ordinary, necessary, and reasonable expense expended for the 40622
purchase of bingo supplies for the purpose of conducting instant 40623
bingo or electronic instant bingo, and, in the case of instant 40624

bingo or electronic instant bingo conducted by a veteran's, 40625
fraternal, or sporting organization, minus the payment by that 40626
organization of real property taxes and assessments levied on a 40627
premises on which instant bingo or electronic instant bingo is 40628
conducted. 40629

(SS) "Charitable instant bingo organization" means an 40630
organization that is exempt from federal income taxation under 40631
subsection 501(a) and described in subsection 501(c)(3) of the 40632
Internal Revenue Code and is a charitable organization as 40633
defined in this section. A "charitable instant bingo 40634
organization" does not include a charitable organization that is 40635
exempt from federal income taxation under subsection 501(a) and 40636
described in subsection 501(c)(3) of the Internal Revenue Code 40637
and that is created by a veteran's organization, a fraternal 40638
organization, or a sporting organization in regards to bingo 40639
conducted or assisted by a veteran's organization, a fraternal 40640
organization, or a sporting organization pursuant to section 40641
2915.13 of the Revised Code. 40642

(TT) "Game flare" means the board or placard, or 40643
electronic representation of a board or placard, that 40644
accompanies each deal of instant bingo or electronic instant 40645
bingo tickets and that includes the following information for 40646
the game: 40647

(1) The name of the game; 40648

(2) The manufacturer's name or distinctive logo; 40649

(3) The form number; 40650

(4) The ticket count; 40651

(5) The prize structure, including the number of winning 40652
tickets by denomination and the respective winning symbol or 40653

number combinations for the winning tickets; 40654

(6) The cost per play; 40655

(7) The serial number of the game. 40656

(UU) (1) "Skill-based amusement machine" means a 40657
mechanical, video, digital, or electronic device that rewards 40658
the player or players, if at all, only with merchandise prizes 40659
or with redeemable vouchers redeemable only for merchandise 40660
prizes, provided that with respect to rewards for playing the 40661
game all of the following apply: 40662

(a) The wholesale value of a merchandise prize awarded as 40663
a result of the single play of a machine does not exceed ten 40664
dollars; 40665

(b) Redeemable vouchers awarded for any single play of a 40666
machine are not redeemable for a merchandise prize with a 40667
wholesale value of more than ten dollars; 40668

(c) Redeemable vouchers are not redeemable for a 40669
merchandise prize that has a wholesale value of more than ten 40670
dollars times the fewest number of single plays necessary to 40671
accrue the redeemable vouchers required to obtain that prize; 40672
and 40673

(d) Any redeemable vouchers or merchandise prizes are 40674
distributed at the site of the skill-based amusement machine at 40675
the time of play. 40676

A card for the purchase of gasoline is a redeemable 40677
voucher for purposes of division (UU) (1) of this section even if 40678
the skill-based amusement machine for the play of which the card 40679
is awarded is located at a place where gasoline may not be 40680
legally distributed to the public or the card is not redeemable 40681

at the location of, or at the time of playing, the skill-based 40682
amusement machine. 40683

(2) A device shall not be considered a skill-based 40684
amusement machine and shall be considered a slot machine if it 40685
pays cash or one or more of the following apply: 40686

(a) The ability of a player to succeed at the game is 40687
impacted by the number or ratio of prior wins to prior losses of 40688
players playing the game. 40689

(b) Any reward of redeemable vouchers is not based solely 40690
on the player achieving the object of the game or the player's 40691
score; 40692

(c) The outcome of the game, or the value of the 40693
redeemable voucher or merchandise prize awarded for winning the 40694
game, can be controlled by a source other than any player 40695
playing the game. 40696

(d) The success of any player is or may be determined by a 40697
chance event that cannot be altered by player actions. 40698

(e) The ability of any player to succeed at the game is 40699
determined by game features not visible or known to the player. 40700

(f) The ability of the player to succeed at the game is 40701
impacted by the exercise of a skill that no reasonable player 40702
could exercise. 40703

(3) All of the following apply to any machine that is 40704
operated as described in division (UU) (1) of this section: 40705

(a) As used in division (UU) of this section, "game" and 40706
"play" mean one event from the initial activation of the machine 40707
until the results of play are determined without payment of 40708
additional consideration. An individual utilizing a machine that 40709

involves a single game, play, contest, competition, or 40710
tournament may be awarded redeemable vouchers or merchandise 40711
prizes based on the results of play. 40712

(b) Advance play for a single game, play, contest, 40713
competition, or tournament participation may be purchased. The 40714
cost of the contest, competition, or tournament participation 40715
may be greater than a single noncontest, competition, or 40716
tournament play. 40717

(c) To the extent that the machine is used in a contest, 40718
competition, or tournament, that contest, competition, or 40719
tournament has a defined starting and ending date and is open to 40720
participants in competition for scoring and ranking results 40721
toward the awarding of redeemable vouchers or merchandise prizes 40722
that are stated prior to the start of the contest, competition, 40723
or tournament. 40724

(4) For purposes of division (UU)(1) of this section, the 40725
mere presence of a device, such as a pin-setting, ball- 40726
releasing, or scoring mechanism, that does not contribute to or 40727
affect the outcome of the play of the game does not make the 40728
device a skill-based amusement machine. 40729

(VV) "Merchandise prize" means any item of value, but 40730
shall not include any of the following: 40731

(1) Cash, gift cards, or any equivalent thereof; 40732

(2) Plays on games of chance, state lottery tickets, or 40733
bingo; 40734

(3) Firearms, tobacco, or alcoholic beverages; or 40735

(4) A redeemable voucher that is redeemable for any of the 40736
items listed in division (VV)(1), (2), or (3) of this section. 40737

(WW) "Redeemable voucher" means any ticket, token, coupon, receipt, or other noncash representation of value. 40738
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(XX) "Pool not conducted for profit" means a scheme in which a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants. 40740
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(YY) "Sporting organization" means a hunting, fishing, or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is affiliated with a state or national sporting organization, including but not limited to, the league of Ohio sportsmen, and that has been in continuous existence in this state for a period of three years. 40744
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(ZZ) "Community action agency" has the same meaning as in section ~~122.66~~5101.311 of the Revised Code. 40751
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(AAA) (1) "Sweepstakes terminal device" means a mechanical, video, digital, or electronic machine or device that is owned, leased, or otherwise possessed by any person conducting a sweepstakes, or by that person's partners, affiliates, subsidiaries, or contractors, that is intended to be used by a sweepstakes participant, and that is capable of displaying information on a screen or other mechanism. A device is a sweepstakes terminal device if any of the following apply: 40753
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(a) The device uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries. 40761
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(b) The device utilizes software such that the simulated game influences or determines the winning of or value of the prize. 40764
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- (c) The device selects prizes from a predetermined finite pool of entries. 40767
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- (d) The device utilizes a mechanism that reveals the content of a predetermined sweepstakes entry. 40769
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- (e) The device predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed. 40771
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- (f) The device utilizes software to create a game result. 40774
- (g) The device reveals the prize incrementally, even though the device does not influence the awarding of the prize or the value of any prize awarded. 40775
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- (h) The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered. 40778
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- (2) As used in this division and in section 2915.02 of the Revised Code: 40780
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- (a) "Enter" means the act by which a person becomes eligible to receive any prize offered in a sweepstakes. 40782
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- (b) "Entry" means one event from the initial activation of the sweepstakes terminal device until all the sweepstakes prize results from that activation are revealed. 40784
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- (c) "Prize" means any gift, award, gratuity, good, service, credit, reward, or any other thing of value that may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize. 40787
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- (d) "Sweepstakes terminal device facility" means any location in this state where a sweepstakes terminal device is 40792
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provided to a sweepstakes participant, except as provided in 40794
division (G) of section 2915.02 of the Revised Code. 40795

(BBB) "Sweepstakes" means any game, contest, advertising 40796
scheme or plan, or other promotion where consideration is not 40797
required for a person to enter to win or become eligible to 40798
receive any prize, the determination of which is based upon 40799
chance. "Sweepstakes" does not include bingo as authorized under 40800
this chapter, pari-mutuel wagering as authorized by Chapter 40801
3769. of the Revised Code, lotteries conducted by the state 40802
lottery commission as authorized by Chapter 3770. of the Revised 40803
Code, and casino gaming as authorized by Chapter 3772. of the 40804
Revised Code. 40805

(CCC) (1) "Electronic instant bingo" means a form of bingo 40806
that consists of an electronic or digital representation of 40807
instant bingo in which a participant wins a prize if the 40808
participant's electronic instant bingo ticket contains a 40809
combination of numbers or symbols that was designated in advance 40810
as a winning combination, and to which all of the following 40811
apply: 40812

(a) Each deal has a predetermined, finite number of 40813
winning and losing tickets and a predetermined prize amount and 40814
deal structure, provided that there may be multiple winning 40815
combinations in each deal and multiple winning tickets. 40816

(b) Each electronic instant bingo ticket within a deal has 40817
a unique serial number that is not regenerated. 40818

(c) Each electronic instant bingo ticket within a deal is 40819
sold for the same price. 40820

(d) After a participant purchases an electronic instant 40821
bingo ticket, the combination of numbers or symbols on the 40822

ticket is revealed to the participant. 40823

(e) The reveal of numbers or symbols on the ticket may 40824
incorporate an entertainment or bonus theme, provided that the 40825
reveal does not include spinning reels that resemble a slot 40826
machine. 40827

(f) The reveal theme, if any, does not require additional 40828
consideration or award any prize other than any predetermined 40829
prize associated with the electronic instant bingo ticket. 40830

(2) "Electronic instant bingo" shall not include any of 40831
the following: 40832

(a) Any game, entertainment, or bonus theme that 40833
replicates or simulates any of the following: 40834

(i) The gambling games of keno, blackjack, roulette, 40835
poker, craps, other casino-style table games; 40836

(ii) Horse racing; 40837

(iii) Gambling games offered in this state on slot 40838
machines or video lottery terminals. As used in this division, 40839
"video lottery terminal" has the same meaning as in section 40840
3770.21 of the Revised Code. 40841

(b) Any device operated by dropping one or more coins or 40842
tokens into a slot and pulling a handle or pushing a button or 40843
touchpoint on a touchscreen to activate one to three or more 40844
rotating reels marked into horizontal segments by varying 40845
symbols, where the predetermined prize amount depends on how and 40846
how many of the symbols line up when the rotating reels come to 40847
a rest; 40848

(c) Any device that includes a coin or token slot, tray, 40849
or hopper and the ability to dispense coins, cash, tokens, or 40850

anything of value other than a credit ticket voucher. 40851

(DDD) "Electronic instant bingo system" means both of the 40852
following: 40853

(1) A mechanical, electronic, digital, or video device and 40854
associated software to which all of the following apply: 40855

(a) It is used by not more than one player at a time to 40856
play electronic instant bingo on a single screen that is 40857
physically connected to the device; 40858

(b) It is located on the premises of the principal place 40859
of business of a veteran's or fraternal organization that holds 40860
a type II or type III bingo license to conduct electronic 40861
instant bingo at that location issued under section 2915.08 of 40862
the Revised Code. 40863

(2) Any associated equipment or software used to manage, 40864
monitor, or document any aspect of electronic instant bingo. 40865

Sec. 2919.171. (A) (1) A physician who performs or induces 40866
or attempts to perform or induce an abortion on a pregnant woman 40867
shall submit a report to the department of health in accordance 40868
with the forms, rules, and regulations adopted by the department 40869
that includes all of the information the physician is required 40870
to certify in writing or determine under section 2919.17, 40871
section 2919.18, divisions (A) and (C) of section 2919.192, 40872
division (C) of section 2919.193, division (B) of section 40873
2919.195, or division (A) of section 2919.196 of the Revised 40874
Code. 40875

(2) If a person other than the physician described in 40876
division (A) (1) of this section makes or maintains a record 40877
required by sections 2919.192 to 2919.196 of the Revised Code on 40878
the physician's behalf or at the physician's direction, that 40879

person shall comply with the reporting requirement described in 40880
division (A) (1) of this section as if the person were the 40881
physician described in that division. 40882

(B) By ~~September 30~~ the first day of March of each year, 40883
the department of health shall issue a public report that 40884
provides statistics for the previous calendar year compiled from 40885
all of the reports covering that calendar year submitted to the 40886
department in accordance with this section for each of the items 40887
listed in division (A) of this section. The report shall also 40888
provide the statistics for each previous calendar year in which 40889
a report was filed with the department pursuant to this section, 40890
adjusted to reflect any additional information that a physician 40891
provides to the department in a late or corrected report. The 40892
department shall ensure that none of the information included in 40893
the report could reasonably lead to the identification of any 40894
pregnant woman upon whom an abortion is performed. 40895

(C) (1) The physician shall submit the report described in 40896
division (A) of this section to the department of health within 40897
fifteen days after the woman is discharged. If the physician 40898
fails to submit the report more than thirty days after that 40899
fifteen-day deadline, the physician shall be subject to a late 40900
fee of five hundred dollars for each additional thirty-day 40901
period or portion of a thirty-day period the report is overdue. 40902
A physician who is required to submit to the department of 40903
health a report under division (A) of this section and who has 40904
not submitted a report or has submitted an incomplete report 40905
more than one year following the fifteen-day deadline may, in an 40906
action brought by the department of health, be directed by a 40907
court of competent jurisdiction to submit a complete report to 40908
the department of health within a period of time stated in a 40909
court order or be subject to contempt of court. 40910

(2) If a physician fails to comply with the requirements 40911
of this section, other than filing a late report with the 40912
department of health, or fails to submit a complete report to 40913
the department of health in accordance with a court order, the 40914
physician is subject to division (B)(43) of section 4731.22 of 40915
the Revised Code. 40916

(3) No person shall falsify any report required under this 40917
section. Whoever violates this division is guilty of abortion 40918
report falsification, a misdemeanor of the first degree. 40919

(D) The department of health shall adopt rules pursuant to 40920
section 111.15 of the Revised Code to assist in compliance with 40921
this section. 40922

Sec. 2919.19. (A) As used in this section and sections 40923
2919.191 to ~~2919.1910~~ 2919.199 of the Revised Code: 40924

(1) "Conception" means fertilization. 40925

(2) "Contraceptive" means a drug, device, or chemical that 40926
prevents conception. 40927

(3) "DNA" means deoxyribonucleic acid. 40928

(4) "Fetal heartbeat" means cardiac activity or the steady 40929
and repetitive rhythmic contraction of the fetal heart within 40930
the gestational sac. 40931

(5) "Fetus" means the human offspring developing during 40932
pregnancy from the moment of conception and includes the 40933
embryonic stage of development. 40934

(6) "Gestational age" means the age of an unborn human 40935
individual as calculated from the first day of the last 40936
menstrual period of a pregnant woman. 40937

(7) "Gestational sac" means the structure that comprises 40938
the extraembryonic membranes that envelop the fetus and that is 40939
typically visible by ultrasound after the fourth week of 40940
pregnancy. 40941

(8) "Intrauterine pregnancy" means a pregnancy in which 40942
the fetus is attached to the placenta within the uterus of the 40943
pregnant woman. 40944

(9) "Medical emergency" has the same meaning as in section 40945
2919.16 of the Revised Code. 40946

(10) "Physician" has the same meaning as in section 40947
2305.113 of the Revised Code. 40948

(11) "Pregnancy" means the human female reproductive 40949
condition that begins with fertilization, when the woman is 40950
carrying the developing human offspring, and that is calculated 40951
from the first day of the last menstrual period of the woman. 40952

(12) "Serious risk of the substantial and irreversible 40953
impairment of a major bodily function" has the same meaning as 40954
in section 2919.16 of the Revised Code. 40955

(13) "Spontaneous miscarriage" means the natural or 40956
accidental termination of a pregnancy and the expulsion of the 40957
fetus, typically caused by genetic defects in the fetus or 40958
physical abnormalities in the pregnant woman. 40959

(14) "Standard medical practice" means the degree of 40960
skill, care, and diligence that a physician of the same medical 40961
specialty would employ in like circumstances. As applied to the 40962
method used to determine the presence of a fetal heartbeat for 40963
purposes of section 2919.192 of the Revised Code, "standard 40964
medical practice" includes employing the appropriate means of 40965
detection depending on the estimated gestational age of the 40966

fetus and the condition of the woman and her pregnancy. 40967

(15) "Unborn human individual" means an individual 40968
organism of the species homo sapiens from fertilization until 40969
live birth. 40970

(B) (1) It is the intent of the general assembly that a 40971
court judgment or order suspending enforcement of any provision 40972
of this section or sections 2919.171 or 2919.191 to 2919.1913 of 40973
the Revised Code is not to be regarded as tantamount to repeal 40974
of that provision. 40975

(2) Upon the issuance of any court order or judgment 40976
restoring, expanding, or clarifying the authority of states to 40977
prohibit or regulate abortion entirely or in part, or the 40978
effective date of an amendment to the United States Constitution 40979
restoring, expanding, or clarifying the authority of states to 40980
prohibit or regulate abortion entirely or in part, the attorney 40981
general may apply to the pertinent state or federal court for 40982
either or both of the following: 40983

(a) A declaration that any one or more sections specified 40984
in division (B) (1) of this section are constitutional; 40985

(b) A judgment or order lifting an injunction against the 40986
enforcement of any one or more sections specified in division 40987
(B) (1) of this section. 40988

(3) If the attorney general fails to apply for the relief 40989
described in division (B) (2) of this section within the thirty- 40990
day period after an event described in that division occurs, any 40991
county prosecutor, with standing, may apply to the appropriate 40992
state or federal court for such relief. 40993

(4) If any provision of this section or sections 2919.171 40994
or 2919.191 to 2919.1913 of the Revised Code is held invalid, or 40995

if the application of such provision to any person or 40996
circumstance is held invalid, the invalidity of that provision 40997
does not affect any other provisions or applications of this 40998
section and sections 2919.171 and 2919.191 to 2919.1913 of the 40999
Revised Code that can be given effect without the invalid 41000
provision or application, and to this end the provisions of this 41001
section and sections 2919.171 and 2919.191 to 2919.1913 of the 41002
Revised Code are severable as provided in section 1.50 of the 41003
Revised Code. In particular, it is the intent of the general 41004
assembly that any invalidity or potential invalidity of a 41005
provision of this section or sections 2919.171 or 2919.191 to 41006
2919.1913 of the Revised Code is not to impair the immediate and 41007
continuing enforceability of the remaining provisions. It is 41008
furthermore the intent of the general assembly that the 41009
provisions of this section and sections 2919.171 or 2919.191 to 41010
2919.1913 of the Revised Code are not to have the effect of 41011
repealing or limiting any other laws of this state, except as 41012
specified by this section and sections 2919.171 and 2919.191 to 41013
2919.1913 of the Revised Code. 41014

Sec. 2921.13. (A) No person shall knowingly make a false 41015
statement, or knowingly swear or affirm the truth of a false 41016
statement previously made, when any of the following applies: 41017

(1) The statement is made in any official proceeding. 41018

(2) The statement is made with purpose to incriminate 41019
another. 41020

(3) The statement is made with purpose to mislead a public 41021
official in performing the public official's official function. 41022

(4) The statement is made with purpose to secure the 41023
payment of unemployment compensation; Ohio works first; 41024

prevention, retention, and contingency benefits and services; 41025
disability financial assistance; retirement benefits or health 41026
care coverage from a state retirement system; economic 41027
development assistance, as defined in section 9.66 of the 41028
Revised Code; or other benefits administered by a governmental 41029
agency or paid out of a public treasury. 41030

(5) The statement is made with purpose to secure the 41031
issuance by a governmental agency of a license, permit, 41032
authorization, certificate, registration, release, or provider 41033
agreement. 41034

(6) The statement is sworn or affirmed before a notary 41035
public or another person empowered to administer oaths. 41036

(7) The statement is in writing on or in connection with a 41037
report or return that is required or authorized by law. 41038

(8) The statement is in writing and is made with purpose 41039
to induce another to extend credit to or employ the offender, to 41040
confer any degree, diploma, certificate of attainment, award of 41041
excellence, or honor on the offender, or to extend to or bestow 41042
upon the offender any other valuable benefit or distinction, 41043
when the person to whom the statement is directed relies upon it 41044
to that person's detriment. 41045

(9) The statement is made with purpose to commit or 41046
facilitate the commission of a theft offense. 41047

(10) The statement is knowingly made to a probate court in 41048
connection with any action, proceeding, or other matter within 41049
its jurisdiction, either orally or in a written document, 41050
including, but not limited to, an application, petition, 41051
complaint, or other pleading, or an inventory, account, or 41052
report. 41053

- (11) The statement is made on an account, form, record, stamp, label, or other writing that is required by law. 41054
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- (12) The statement is made in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, and in conjunction with the furnishing to the seller of the firearm of a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity. 41056
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- (13) The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the secretary of state, a county recorder, or the clerk of a court of record. 41063
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- (14) The statement is made in an application filed with a county sheriff pursuant to section 2923.125 of the Revised Code in order to obtain or renew a concealed handgun license or is made in an affidavit submitted to a county sheriff to obtain a concealed handgun license on a temporary emergency basis under section 2923.1213 of the Revised Code. 41067
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- (15) The statement is required under section 5743.71 of the Revised Code in connection with the person's purchase of cigarettes or tobacco products in a delivery sale. 41073
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- (16) The statement is made to the department of children and youth in connection with the Ohio adoption grant program for the purpose of qualifying for or obtaining an adoption grant under sections 5101.19 to 5101.194 of the Revised Code. 41076
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- (B) No person, in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, shall knowingly furnish to the seller of the firearm a 41080
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fictitious or altered driver's or commercial driver's license or 41083
permit, a fictitious or altered identification card, or any 41084
other document that contains false information about the 41085
purchaser's identity. 41086

(C) No person, in an attempt to obtain a concealed handgun 41087
license under section 2923.125 of the Revised Code, shall 41088
knowingly present to a sheriff a fictitious or altered document 41089
that purports to be certification of the person's competence in 41090
handling a handgun as described in division (B) (3) of that 41091
section. 41092

(D) It is no defense to a charge under division (A) (6) of 41093
this section that the oath or affirmation was administered or 41094
taken in an irregular manner. 41095

(E) If contradictory statements relating to the same fact 41096
are made by the offender within the period of the statute of 41097
limitations for falsification, it is not necessary for the 41098
prosecution to prove which statement was false but only that one 41099
or the other was false. 41100

(F) (1) Whoever violates division (A) (1), (2), (3), (4), 41101
(5), (6), (7), (8), (10), (11), (13), ~~or (15)~~, or (16) of this 41102
section is guilty of falsification. Except as otherwise provided 41103
in this division, falsification is a misdemeanor of the first 41104
degree. 41105

(2) Whoever violates division (A) (9) of this section is 41106
guilty of falsification in a theft offense. Except as otherwise 41107
provided in this division, falsification in a theft offense is a 41108
misdemeanor of the first degree. If the value of the property or 41109
services stolen is one thousand dollars or more and is less than 41110
seven thousand five hundred dollars, falsification in a theft 41111

offense is a felony of the fifth degree. If the value of the 41112
property or services stolen is seven thousand five hundred 41113
dollars or more and is less than one hundred fifty thousand 41114
dollars, falsification in a theft offense is a felony of the 41115
fourth degree. If the value of the property or services stolen 41116
is one hundred fifty thousand dollars or more, falsification in 41117
a theft offense is a felony of the third degree. 41118

(3) Whoever violates division (A) (12) or (B) of this 41119
section is guilty of falsification to purchase a firearm, a 41120
felony of the fifth degree. 41121

(4) Whoever violates division (A) (14) or (C) of this 41122
section is guilty of falsification to obtain a concealed handgun 41123
license, a felony of the fourth degree. 41124

(5) Whoever violates division (A) of this section in 41125
removal proceedings under section 319.26, 321.37, 507.13, or 41126
733.78 of the Revised Code is guilty of falsification regarding 41127
a removal proceeding, a felony of the third degree. 41128

(G) A person who violates this section is liable in a 41129
civil action to any person harmed by the violation for injury, 41130
death, or loss to person or property incurred as a result of the 41131
commission of the offense and for reasonable attorney's fees, 41132
court costs, and other expenses incurred as a result of 41133
prosecuting the civil action commenced under this division. A 41134
civil action under this division is not the exclusive remedy of 41135
a person who incurs injury, death, or loss to person or property 41136
as a result of a violation of this section. 41137

Sec. 2921.41. (A) No public official or party official 41138
shall commit any theft offense, as defined in division (K) of 41139
section 2913.01 of the Revised Code, when either of the 41140

following applies: 41141

(1) The offender uses the offender's office in aid of 41142
committing the offense or permits or assents to its use in aid 41143
of committing the offense; 41144

(2) The property or service involved is owned by this 41145
state, any other state, the United States, a county, a municipal 41146
corporation, a township, or any political subdivision, 41147
department, or agency of any of them, is owned by a political 41148
party, or is part of a political campaign fund. 41149

(B) Whoever violates this section is guilty of theft in 41150
office. Except as otherwise provided in this division, theft in 41151
office is a felony of the fifth degree. If the value of property 41152
or services stolen is one thousand dollars or more and is less 41153
than seven thousand five hundred dollars, theft in office is a 41154
felony of the fourth degree. If the value of property or 41155
services stolen is seven thousand five hundred dollars or more 41156
and is less than one hundred fifty thousand dollars, theft in 41157
office is a felony of the third degree. If the value of property 41158
or services stolen is one hundred fifty thousand dollars or more 41159
and is less than seven hundred fifty thousand dollars, theft in 41160
office is a felony of the second degree. If the value of 41161
property or services stolen is seven hundred fifty thousand 41162
dollars or more, theft in office is a felony of the first 41163
degree. 41164

(C) (1) A public official or party official who pleads 41165
guilty to theft in office and whose plea is accepted by the 41166
court or a public official or party official against whom a 41167
verdict or finding of guilt for committing theft in office is 41168
returned is forever disqualified from holding any public office, 41169
employment, or position of trust in this state. 41170

(2) (a) (i) A court that imposes sentence for a violation of this section based on conduct described in division (A) (2) of this section shall require the public official or party official who is convicted of or pleads guilty to the offense to make restitution for all of the property or the service that is the subject of the offense, in addition to the term of imprisonment and any fine imposed. The total amount of restitution imposed under this division shall include costs of auditing the public entities specified in division (A) (2) of this section that own the property or service involved in the conduct described in that division that is a violation of this section, but, except as otherwise provided in a negotiated plea agreement, shall not exceed the amount of the restitution imposed for all of the property or the service that is the subject of the offense.

(ii) A court that imposes sentence for a violation of this section based on conduct described in division (A) (1) of this section and that determines at trial that this state or a political subdivision of this state if the offender is a public official, or a political party in the United States or this state if the offender is a party official, suffered actual loss as a result of the offense shall require the offender to make restitution to the state, political subdivision, or political party for all of the actual loss experienced, in addition to the term of imprisonment and any fine imposed. The total amount of restitution imposed under this division shall include costs of auditing the state, political subdivision, or political party that suffered the actual loss based on conduct described in that division that is a violation of this section, but, except as otherwise provided in a negotiated plea agreement, shall not exceed the amount of the restitution imposed for all of the actual loss suffered.

(b) (i) In any case in which a sentencing court is required 41202
to order restitution under division (C) (2) (a) of this section 41203
and in which the offender, at the time of the commission of the 41204
offense or at any other time, was a member of the public 41205
employees retirement system, the Ohio police and fire pension 41206
fund, the state teachers retirement system, the school employees 41207
retirement system, or the state highway patrol retirement 41208
system; was an electing employee, as defined in section 3305.01 41209
of the Revised Code, participating in an alternative retirement 41210
plan provided pursuant to Chapter 3305. of the Revised Code; was 41211
a participating employee or continuing member, as defined in 41212
section 148.01 of the Revised Code, in a deferred compensation 41213
program offered by the ~~Ohio public employees deferred~~ 41214
~~compensation retirement~~ board; was an officer or employee of a 41215
municipal corporation who was a participant in a deferred 41216
compensation program offered by that municipal corporation; was 41217
an officer or employee of a government unit, as defined in 41218
section 148.06 of the Revised Code, who was a participant in a 41219
deferred compensation program offered by that government unit, 41220
or was a participating employee, continuing member, or 41221
participant in any deferred compensation program described in 41222
this division and a member of a retirement system specified in 41223
this division or a retirement system of a municipal corporation, 41224
the entity to which restitution is to be made may file a motion 41225
with the sentencing court specifying any retirement system, any 41226
provider as defined in section 3305.01 of the Revised Code, and 41227
any deferred compensation program of which the offender was a 41228
member, electing employee, participating employee, continuing 41229
member, or participant and requesting the court to issue an 41230
order requiring the specified retirement system, the specified 41231
provider under the alternative retirement plan, or the specified 41232
deferred compensation program, or, if more than one is specified 41233

in the motion, the applicable combination of these, to withhold 41234
the amount required as restitution from any payment that is to 41235
be made under a pension, annuity, or allowance, under an option 41236
in the alternative retirement plan, under a participant account, 41237
as defined in section 148.01 of the Revised Code, or under any 41238
other type of benefit, other than a survivorship benefit, that 41239
has been or is in the future granted to the offender, from any 41240
payment of accumulated employee contributions standing to the 41241
offender's credit with that retirement system, that provider of 41242
the option under the alternative retirement plan, or that 41243
deferred compensation program, or, if more than one is specified 41244
in the motion, the applicable combination of these, and from any 41245
payment of any other amounts to be paid to the offender upon the 41246
offender's withdrawal of the offender's contributions pursuant 41247
to Chapter 145., 148., 742., 3307., 3309., or 5505. of the 41248
Revised Code. A motion described in this division may be filed 41249
at any time subsequent to the conviction of the offender or 41250
entry of a guilty plea. Upon the filing of the motion, the clerk 41251
of the court in which the motion is filed shall notify the 41252
offender, the specified retirement system, the specified 41253
provider under the alternative retirement plan, or the specified 41254
deferred compensation program, or, if more than one is specified 41255
in the motion, the applicable combination of these, in writing, 41256
of all of the following: that the motion was filed; that the 41257
offender will be granted a hearing on the issuance of the 41258
requested order if the offender files a written request for a 41259
hearing with the clerk prior to the expiration of thirty days 41260
after the offender receives the notice; that, if a hearing is 41261
requested, the court will schedule a hearing as soon as possible 41262
and notify the offender, any specified retirement system, any 41263
specified provider under an alternative retirement plan, and any 41264
specified deferred compensation program of the date, time, and 41265

place of the hearing; that, if a hearing is conducted, it will 41266
be limited only to a consideration of whether the offender can 41267
show good cause why the requested order should not be issued; 41268
that, if a hearing is conducted, the court will not issue the 41269
requested order if the court determines, based on evidence 41270
presented at the hearing by the offender, that there is good 41271
cause for the requested order not to be issued; that the court 41272
will issue the requested order if a hearing is not requested or 41273
if a hearing is conducted but the court does not determine, 41274
based on evidence presented at the hearing by the offender, that 41275
there is good cause for the requested order not to be issued; 41276
and that, if the requested order is issued, any retirement 41277
system, any provider under an alternative retirement plan, and 41278
any deferred compensation program specified in the motion will 41279
be required to withhold the amount required as restitution from 41280
payments to the offender. 41281

(ii) In any case in which a sentencing court is required 41282
to order restitution under division (C) (2) (a) of this section 41283
and in which a motion requesting the issuance of a withholding 41284
order as described in division (C) (2) (b) (i) of this section is 41285
filed, the offender may receive a hearing on the motion by 41286
delivering a written request for a hearing to the court prior to 41287
the expiration of thirty days after the offender's receipt of 41288
the notice provided pursuant to division (C) (2) (b) (i) of this 41289
section. If a request for a hearing is made by the offender 41290
within the prescribed time, the court shall schedule a hearing 41291
as soon as possible after the request is made and shall notify 41292
the offender, the specified retirement system, the specified 41293
provider under the alternative retirement plan, or the specified 41294
deferred compensation program, or, if more than one is specified 41295
in the motion, the applicable combination of these, of the date, 41296

time, and place of the hearing. A hearing scheduled under this 41297
division shall be limited to a consideration of whether there is 41298
good cause, based on evidence presented by the offender, for the 41299
requested order not to be issued. If the court determines, based 41300
on evidence presented by the offender, that there is good cause 41301
for the order not to be issued, the court shall deny the motion 41302
and shall not issue the requested order. If the offender does 41303
not request a hearing within the prescribed time or if the court 41304
conducts a hearing but does not determine, based on evidence 41305
presented by the offender, that there is good cause for the 41306
order not to be issued, the court shall order the specified 41307
retirement system, the specified provider under the alternative 41308
retirement plan, or the specified deferred compensation program, 41309
or, if more than one is specified in the motion, the applicable 41310
combination of these, to withhold the amount required as 41311
restitution under division (C) (2) (a) of this section from any 41312
payments to be made under a pension, annuity, or allowance, 41313
under a participant account, as defined in section 148.01 of the 41314
Revised Code, under an option in the alternative retirement 41315
plan, or under any other type of benefit, other than a 41316
survivorship benefit, that has been or is in the future granted 41317
to the offender, from any payment of accumulated employee 41318
contributions standing to the offender's credit with that 41319
retirement system, that provider under the alternative 41320
retirement plan, or that deferred compensation program, or, if 41321
more than one is specified in the motion, the applicable 41322
combination of these, and from any payment of any other amounts 41323
to be paid to the offender upon the offender's withdrawal of the 41324
offender's contributions pursuant to Chapter 145., 148., 742., 41325
3307., 3309., or 5505. of the Revised Code, and to continue the 41326
withholding for that purpose, in accordance with the order, out 41327
of each payment to be made on or after the date of issuance of 41328

the order, until further order of the court. Upon receipt of an 41329
order issued under this division, the public employees 41330
retirement system, the Ohio police and fire pension fund, the 41331
state teachers retirement system, the school employees 41332
retirement system, the state highway patrol retirement system, a 41333
municipal corporation retirement system, the provider under the 41334
alternative retirement plan, and the deferred compensation 41335
program offered by the ~~Ohio public employees deferred-~~ 41336
~~compensation-retirement~~ board, a municipal corporation, or a 41337
government unit, as defined in section 148.06 of the Revised 41338
Code, whichever are applicable, shall withhold the amount 41339
required as restitution, in accordance with the order, from any 41340
such payments and immediately shall forward the amount withheld 41341
to the clerk of the court in which the order was issued for 41342
payment to the entity to which restitution is to be made. 41343

(iii) Service of a notice required by division (C) (2) (b) 41344
(i) or (ii) of this section shall be effected in the same manner 41345
as provided in the Rules of Civil Procedure for the service of 41346
process. 41347

(c) Consistent with the ruling of the supreme court of the 41348
United States in Kelly v. Robinson, 479 U.S. 36 (1986), 41349
restitution imposed under division (C) (2) (a) of this section is 41350
not dischargeable under Chapter 7 of the United States 41351
Bankruptcy Code pursuant to 11 U.S.C. 523, as amended. 41352

(D) Upon the filing of charges against a person under this 41353
section, the prosecutor, as defined in section 2935.01 of the 41354
Revised Code, who is assigned the case shall send written notice 41355
that charges have been filed against that person to the public 41356
employees retirement system, the Ohio police and fire pension 41357
fund, the state teachers retirement system, the school employees 41358

retirement system, the state highway patrol retirement system, 41359
the provider under an alternative retirement plan, any municipal 41360
corporation retirement system in this state, and the deferred 41361
compensation program offered by the ~~Ohio~~-public employees 41362
~~deferred compensation retirement~~ board, a municipal corporation, 41363
or a government unit, as defined in section 148.06 of the 41364
Revised Code. The written notice shall specifically identify the 41365
person charged. 41366

Sec. 2925.14. (A) As used in this section, "drug 41367
paraphernalia" means any equipment, product, or material of any 41368
kind that is used by the offender, intended by the offender for 41369
use, or designed for use, in propagating, cultivating, growing, 41370
harvesting, manufacturing, compounding, converting, producing, 41371
processing, preparing, testing, analyzing, packaging, 41372
repackaging, storing, containing, concealing, injecting, 41373
ingesting, inhaling, or otherwise introducing into the human 41374
body, a controlled substance in violation of this chapter. "Drug 41375
paraphernalia" includes, but is not limited to, any of the 41376
following equipment, products, or materials that are used by the 41377
offender, intended by the offender for use, or designed by the 41378
offender for use, in any of the following manners: 41379

(1) A kit for propagating, cultivating, growing, or 41380
harvesting any species of a plant that is a controlled substance 41381
or from which a controlled substance can be derived; 41382

(2) A kit for manufacturing, compounding, converting, 41383
producing, processing, or preparing a controlled substance; 41384

(3) Any object, instrument, or device for manufacturing, 41385
compounding, converting, producing, processing, or preparing 41386
methamphetamine; 41387

- (4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance; 41388
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- (5) Testing equipment for identifying, or analyzing the strength, effectiveness, or purity of, a controlled substance, ~~except for those exempted in~~ unless division (D) (4) of this section applies to the testing equipment; 41390
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- (6) A scale or balance for weighing or measuring a controlled substance; 41394
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- (7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance; 41396
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- (8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana; 41399
41400
- (9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance; 41401
41402
- (10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance; 41403
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- (11) A container or device for storing or concealing a controlled substance; 41405
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- (12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body; 41407
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- (13) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, marihuana, cocaine, hashish, or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or without a screen, permanent screen, hashish head, or punctured metal bowl; water pipe; carburetion tube or device; smoking or 41410
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carburetion mask; roach clip or similar object used to hold 41416
burning material, such as a marihuana cigarette, that has become 41417
too small or too short to be held in the hand; miniature cocaine 41418
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric 41419
pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 41420

(B) In determining if any equipment, product, or material 41421
is drug paraphernalia, a court or law enforcement officer shall 41422
consider, in addition to other relevant factors, the following: 41423

(1) Any statement by the owner, or by anyone in control, 41424
of the equipment, product, or material, concerning its use; 41425

(2) The proximity in time or space of the equipment, 41426
product, or material, or of the act relating to the equipment, 41427
product, or material, to a violation of any provision of this 41428
chapter; 41429

(3) The proximity of the equipment, product, or material 41430
to any controlled substance; 41431

(4) The existence of any residue of a controlled substance 41432
on the equipment, product, or material; 41433

(5) Direct or circumstantial evidence of the intent of the 41434
owner, or of anyone in control, of the equipment, product, or 41435
material, to deliver it to any person whom the owner or person 41436
in control of the equipment, product, or material knows intends 41437
to use the object to facilitate a violation of any provision of 41438
this chapter. A finding that the owner, or anyone in control, of 41439
the equipment, product, or material, is not guilty of a 41440
violation of any other provision of this chapter does not 41441
prevent a finding that the equipment, product, or material was 41442
intended or designed by the offender for use as drug 41443
paraphernalia. 41444

- (6) Any oral or written instruction provided with the equipment, product, or material concerning its use; 41445
41446
- (7) Any descriptive material accompanying the equipment, product, or material and explaining or depicting its use; 41447
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- (8) National or local advertising concerning the use of the equipment, product, or material; 41449
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- (9) The manner and circumstances in which the equipment, product, or material is displayed for sale; 41451
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- (10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product, or material to the total sales of the business enterprise; 41453
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- (11) The existence and scope of legitimate uses of the equipment, product, or material in the community; 41456
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- (12) Expert testimony concerning the use of the equipment, product, or material. 41458
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- (C) (1) Subject to divisions (D) (2), (3), and (4) of this section, no person shall knowingly use, or possess with purpose to use, drug paraphernalia. 41460
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- (2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product, or material will be used as drug paraphernalia. 41463
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- (3) No person shall place an advertisement in any newspaper, magazine, handbill, or other publication that is published and printed and circulates primarily within this state, if the person knows that the purpose of the advertisement is to promote the illegal sale in this state of the equipment, product, or material that the offender intended or designed for 41467
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use as drug paraphernalia. 41473

(D) (1) This section does not apply to manufacturers, 41474
licensed health professionals authorized to prescribe drugs, 41475
pharmacists, owners of pharmacies, and other persons whose 41476
conduct is in accordance with Chapters 3719., 4715., 4723., 41477
4729., 4730., 4731., 4741., and 4772. of the Revised Code. This 41478
section shall not be construed to prohibit the possession or use 41479
of a hypodermic as authorized by section 3719.172 of the Revised 41480
Code. 41481

(2) Division (C) (1) of this section does not apply to a 41482
person's use, or possession with purpose to use, any drug 41483
paraphernalia that is equipment, a product, or material of any 41484
kind that is used by the person, intended by the person for use, 41485
or designed for use in storing, containing, concealing, 41486
injecting, ingesting, inhaling, or otherwise introducing into 41487
the human body marihuana. 41488

(3) Division (B) (2) of section 2925.11 of the Revised Code 41489
applies with respect to a violation of division (C) (1) of this 41490
section when a person seeks or obtains medical assistance for 41491
another person who is experiencing a drug overdose, a person 41492
experiences a drug overdose and seeks medical assistance for 41493
that overdose, or a person is the subject of another person 41494
seeking or obtaining medical assistance for that overdose. 41495

(4) Division (C) (1) of this section does not apply to a 41496
person's use, or possession with purpose to use, ~~any~~ drug 41497
testing strips to determine the presence of fentanyl or a 41498
fentanyl-related compound or any other equipment, product, or 41499
material approved by the state board of pharmacy, in rules 41500
adopted under section 4729.261 of the Revised Code, as a type of 41501
instrument that demonstrates efficacy in reducing drug poisoning 41502

by determining the presence of a specific compound or group of 41503
compounds. 41504

(E) Notwithstanding Chapter 2981. of the Revised Code, any 41505
drug paraphernalia that was used, possessed, sold, or 41506
manufactured in a violation of this section shall be seized, 41507
after a conviction for that violation shall be forfeited, and 41508
upon forfeiture shall be disposed of pursuant to division (B) of 41509
section 2981.12 of the Revised Code. 41510

(F) (1) Whoever violates division (C) (1) of this section is 41511
guilty of illegal use or possession of drug paraphernalia, a 41512
misdemeanor of the fourth degree. 41513

(2) Except as provided in division (F) (3) of this section, 41514
whoever violates division (C) (2) of this section is guilty of 41515
dealing in drug paraphernalia, a misdemeanor of the second 41516
degree. 41517

(3) Whoever violates division (C) (2) of this section by 41518
selling drug paraphernalia to a juvenile is guilty of selling 41519
drug paraphernalia to juveniles, a misdemeanor of the first 41520
degree. 41521

(4) Whoever violates division (C) (3) of this section is 41522
guilty of illegal advertising of drug paraphernalia, a 41523
misdemeanor of the second degree. 41524

(G) (1) If the offender is a professionally licensed 41525
person, in addition to any other sanction imposed for a 41526
violation of this section, the court immediately shall comply 41527
with section 2925.38 of the Revised Code. 41528

If the offender has a driver's or commercial driver's 41529
license or permit, section 2929.33 of the Revised Code applies. 41530

(2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

Upon the filing of a motion under division (G) (2) of this section, the sentencing court, in its discretion, may terminate the suspension.

Sec. 2933.32. (A) As used in this section:

(1) "Body cavity search" means an inspection of the anal or vaginal cavity of a person that is conducted visually, manually, by means of any instrument, apparatus, or object, or in any other manner ~~while the person is detained or arrested for the alleged commission of a misdemeanor or traffic offense.~~

(2) "Medical practitioner" has the same meaning as in section 4743.10 of the Revised Code.

(3) "Strip search" means an inspection of the genitalia, buttocks, breasts, or undergarments of a person that is preceded by the removal or rearrangement of some or all of the person's clothing that directly covers the person's genitalia, buttocks, breasts, or undergarments and that is conducted visually, manually, by means of any instrument, apparatus, or object, or in any other manner while the person is detained or arrested for

the alleged commission of a misdemeanor or traffic offense. 41560
"Strip search" does not mean the visual observation of a person 41561
who was afforded a reasonable opportunity to secure release on 41562
bail or recognizance, who fails to secure such release, and who 41563
is to be integrated with the general population of any detention 41564
facility, while the person is changing into clothing that is 41565
required to be worn by inmates in the facility. 41566

(B) (1) Except as authorized by this division, no law 41567
enforcement officer, other employee of a law enforcement agency, 41568
physician, or registered nurse or licensed practical nurse shall 41569
conduct or cause to be conducted a body cavity search or a strip 41570
search. 41571

(2) A body cavity search or strip search may be conducted 41572
if a law enforcement officer or employee of a law enforcement 41573
agency has probable cause to believe that the person is 41574
concealing evidence of the commission of a criminal offense, 41575
including fruits or tools of a crime, contraband, or a deadly 41576
weapon, as defined in section 2923.11 of the Revised Code, that 41577
could not otherwise be discovered. In determining probable cause 41578
for purposes of this section, a law enforcement officer or 41579
employee of a law enforcement agency shall consider the nature 41580
of the offense with which the person to be searched is charged, 7 41581
and the circumstances of the person's arrest, and, if known, the 41582
~~prior conviction record of the person.~~ 41583

(3) A body cavity search or strip search may be conducted 41584
for any legitimate medical or hygienic reason. 41585

(4) Unless there is a legitimate medical reason or medical 41586
emergency justifying a warrantless search, a body cavity search 41587
shall be conducted only after a search warrant is issued that 41588
authorizes the search. In any case, a body cavity search shall 41589

be conducted under sanitary conditions and only by a physician, 41590
or a registered nurse or licensed practical nurse, who is 41591
registered or licensed to practice in this state. 41592

(5) Unless there is a legitimate medical reason or medical 41593
emergency that makes obtaining written authorization 41594
impracticable, a body cavity search or strip search shall be 41595
conducted only after a law enforcement officer or employee of a 41596
law enforcement agency obtains a written authorization for the 41597
search from the person in command of the law enforcement agency, 41598
or from a person specifically designated by the person in 41599
command to give a written authorization for either type of 41600
search. 41601

(6) A body cavity search or strip search shall be 41602
conducted by a person or persons who are of the same sex as the 41603
person who is being searched and the search shall be conducted 41604
in a manner and in a location that permits only the person or 41605
persons who are physically conducting the search and the person 41606
who is being searched to observe the search. 41607

(C) (1) Upon completion of a body cavity search or strip 41608
search pursuant to this section, the person or persons who 41609
conducted the search shall prepare a written report concerning 41610
the search that shall include all of the following: 41611

(a) The written authorization for the search obtained from 41612
the person in command of the law enforcement agency or ~~his~~ that 41613
person's designee, if required by division (B) (5) of this 41614
section; 41615

(b) The name of the person who was searched; 41616

(c) The name of the person or persons who conducted the 41617
search, the time and date of the search, and the place at which 41618

the search was conducted; 41619

(d) A list of the items, if any, recovered during the 41620
search; 41621

(e) The facts upon which the law enforcement officer or 41622
employee of the law enforcement agency based ~~his~~ the officer's 41623
or employee's probable cause for the search, including, but not 41624
limited to, the officer or employee's review of the nature of 41625
the offense with which the searched person is charged, and the 41626
circumstances of his the person's arrest, ~~and, if known, his~~ 41627
~~prior conviction record;~~ 41628

(f) If the body cavity search was conducted before or 41629
without the issuance of a search warrant pursuant to division 41630
(B) (4) of this section, or if the body cavity or strip search 41631
was conducted before or without the granting of written 41632
authorization pursuant to division (B) (5) of this section, the 41633
legitimate medical reason or medical emergency that justified 41634
the warrantless search or made obtaining written authorization 41635
impracticable. 41636

(2) A copy of the written report required by division (C) 41637
(1) of this section shall be kept on file in the law enforcement 41638
agency, and another copy of it shall be given to the person who 41639
was searched. 41640

(D) (1) This section does not preclude the prosecution of a 41641
law enforcement officer or employee of a law enforcement agency 41642
for the violation of any other section of the Revised Code. 41643

(2) This section does not limit, and shall not be 41644
construed to limit, any statutory or common law rights of a 41645
person to obtain injunctive relief or to recover damages in a 41646
civil action. 41647

(3) If a person is subjected to a body cavity search or strip search in violation of this section, any person may commence a civil action to recover compensatory damages for any injury, death, or loss to person or property or any indignity arising from the violation. In the civil action, the court may award punitive damages to the plaintiffs if they prevail in the action, and it may award reasonable attorney's fees to the parties who prevail in the action.

(4) This section does not apply to body cavity searches or strip searches of persons who have been sentenced to serve a term of imprisonment and who are serving that term in a detention facility, as defined in section 2921.01 of the Revised Code.

(E) (1) Whoever violates division (B) of this section is guilty of conducting an unauthorized search, a misdemeanor of the first degree.

(2) Whoever violates division (C) of this section is guilty of failure to prepare a proper search report, a misdemeanor of the fourth degree.

(F) A medical practitioner is not required, and a court or other person shall not order a medical practitioner, to perform any medical procedure that is inconsistent with the medical practitioner's expert medical opinion.

Sec. 2951.041. (A) (1) If an offender is charged with a criminal offense, including but not limited to a violation of section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 of the Revised Code, and the court has reason to believe that drug or alcohol usage by the offender was a factor leading to the criminal offense with which the offender is charged or that,

at the time of committing that offense, the offender had a 41677
mental illness, was a person with an intellectual disability, or 41678
was a victim of a violation of section 2905.32 or 2907.21 of the 41679
Revised Code and that the mental illness, status as a person 41680
with an intellectual disability, or fact that the offender was a 41681
victim of a violation of section 2905.32 or 2907.21 of the 41682
Revised Code was a factor leading to the offender's criminal 41683
behavior, the court may accept, prior to the entry of a guilty 41684
plea, the offender's request for intervention in lieu of 41685
conviction. The request shall include a statement from the 41686
offender as to whether the offender is alleging that drug or 41687
alcohol usage by the offender was a factor leading to the 41688
criminal offense with which the offender is charged or is 41689
alleging that, at the time of committing that offense, the 41690
offender had a mental illness, was a person with an intellectual 41691
disability, or was a victim of a violation of section 2905.32 or 41692
2907.21 of the Revised Code and that the mental illness, status 41693
as a person with an intellectual disability, or fact that the 41694
offender was a victim of a violation of section 2905.32 or 41695
2907.21 of the Revised Code was a factor leading to the criminal 41696
offense with which the offender is charged. The request also 41697
shall include a waiver of the defendant's right to a speedy 41698
trial, the preliminary hearing, the time period within which the 41699
grand jury may consider an indictment against the offender, and 41700
arraignment, unless the hearing, indictment, or arraignment has 41701
already occurred. Unless an offender alleges that drug or 41702
alcohol usage by the offender was a factor leading to the 41703
criminal offense with which the offender is charged, the court 41704
may reject an offender's request without a hearing. If the court 41705
elects to consider an offender's request or the offender alleges 41706
that drug or alcohol usage by the offender was a factor leading 41707
to the criminal offense with which the offender is charged, the 41708

court shall conduct a hearing to determine whether the offender 41709
is eligible under this section for intervention in lieu of 41710
conviction and shall stay all criminal proceedings pending the 41711
outcome of the hearing. If the court schedules a hearing, the 41712
court shall order an assessment of the offender for the purpose 41713
of determining the offender's program eligibility for 41714
intervention in lieu of conviction and recommending an 41715
appropriate intervention plan. 41716

If the offender alleges that drug or alcohol usage by the 41717
offender was a factor leading to the criminal offense with which 41718
the offender is charged, the court may order that the offender 41719
be assessed by a community addiction services provider or a 41720
properly credentialed professional for the purpose of 41721
determining the offender's program eligibility for intervention 41722
in lieu of conviction and recommending an appropriate 41723
intervention plan. The community addiction services provider or 41724
the properly credentialed professional shall provide a written 41725
assessment of the offender to the court. 41726

(2) The victim notification provisions of division (E) of 41727
section 2930.06 of the Revised Code apply in relation to any 41728
hearing held under division (A)(1) of this section. 41729

(B) An offender is eligible for intervention in lieu of 41730
conviction if the court finds all of the following: 41731

(1) The offender previously has not been convicted of or 41732
pleaded guilty to any felony offense of violence. 41733

(2) The offense is not a felony of the first, second, or 41734
third degree, is not an offense of violence, is not a felony sex 41735
offense, is not a violation of division (A)(1) or (2) of section 41736
2903.06 of the Revised Code, is not a violation of division (A) 41737

(1) of section 2903.08 of the Revised Code, is not a violation 41738
of division (A) of section 4511.19 of the Revised Code or a 41739
municipal ordinance that is substantially similar to that 41740
division, and is not an offense for which a sentencing court is 41741
required to impose a mandatory prison term. 41742

(3) The offender is not charged with a violation of 41743
section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not 41744
charged with a violation of section 2925.03 of the Revised Code 41745
that is a felony of the first, second, third, or fourth degree, 41746
and is not charged with a violation of section 2925.11 of the 41747
Revised Code that is a felony of the first or second degree. 41748

(4) If an offender alleges that drug or alcohol usage by 41749
the offender was a factor leading to the criminal offense with 41750
which the offender is charged, the court has ordered that the 41751
offender be assessed by a community addiction services provider 41752
or a properly credentialed professional for the purpose of 41753
determining the offender's program eligibility for intervention 41754
in lieu of conviction and recommending an appropriate 41755
intervention plan, the offender has been assessed by a community 41756
addiction services provider of that nature or a properly 41757
credentialed professional in accordance with the court's order, 41758
and the community addiction services provider or properly 41759
credentialed professional has filed the written assessment of 41760
the offender with the court. 41761

(5) If an offender alleges that, at the time of committing 41762
the criminal offense with which the offender is charged, the 41763
offender had a mental illness, was a person with an intellectual 41764
disability, or was a victim of a violation of section 2905.32 or 41765
2907.21 of the Revised Code and that the mental illness, status 41766
as a person with an intellectual disability, or fact that the 41767

offender was a victim of a violation of section 2905.32 or 41768
2907.21 of the Revised Code was a factor leading to that 41769
offense, the offender has been assessed by a psychiatrist, 41770
psychologist, independent social worker, licensed professional 41771
clinical counselor, or independent marriage and family therapist 41772
for the purpose of determining the offender's program 41773
eligibility for intervention in lieu of conviction and 41774
recommending an appropriate intervention plan. 41775

(6) The offender's drug usage, alcohol usage, mental 41776
illness, or intellectual disability, or the fact that the 41777
offender was a victim of a violation of section 2905.32 or 41778
2907.21 of the Revised Code, whichever is applicable, was a 41779
factor leading to the criminal offense with which the offender 41780
is charged, intervention in lieu of conviction would not demean 41781
the seriousness of the offense, and intervention would 41782
substantially reduce the likelihood of any future criminal 41783
activity. 41784

(7) The alleged victim of the offense was not sixty-five 41785
years of age or older, permanently and totally disabled, under 41786
thirteen years of age, or a peace officer engaged in the 41787
officer's official duties at the time of the alleged offense. 41788

(8) If the offender is charged with a violation of section 41789
2925.24 of the Revised Code, the alleged violation did not 41790
result in physical harm to any person. 41791

(9) The offender is willing to comply with all terms and 41792
conditions imposed by the court pursuant to division (D) of this 41793
section. 41794

(10) The offender is not charged with an offense that 41795
would result in the offender being disqualified under Chapter 41796

4506. of the Revised Code from operating a commercial motor 41797
vehicle or would subject the offender to any other sanction 41798
under that chapter. 41799

(C) At the conclusion of a hearing held pursuant to 41800
division (A) of this section, the court shall determine whether 41801
the offender will be granted intervention in lieu of conviction. 41802
In making this determination, the court shall presume that 41803
intervention in lieu of conviction is appropriate. If the court 41804
finds under this division and division (B) of this section that 41805
the offender is eligible for intervention in lieu of conviction, 41806
the court shall grant the offender's request unless the court 41807
finds specific reasons to believe that the candidate's 41808
participation in intervention in lieu of conviction would be 41809
inappropriate. 41810

If the court denies an eligible offender's request for 41811
intervention in lieu of conviction, the court shall state the 41812
reasons for the denial, with particularity, in a written entry. 41813

If the court grants the offender's request, the court 41814
shall accept the offender's plea of guilty and waiver of the 41815
defendant's right to a speedy trial, the preliminary hearing, 41816
the time period within which the grand jury may consider an 41817
indictment against the offender, and arraignment, unless the 41818
hearing, indictment, or arraignment has already occurred. In 41819
addition, the court then may stay all criminal proceedings and 41820
order the offender to comply with all terms and conditions 41821
imposed by the court pursuant to division (D) of this section. 41822
If the court finds that the offender is not eligible or does not 41823
grant the offender's request, the criminal proceedings against 41824
the offender shall proceed as if the offender's request for 41825
intervention in lieu of conviction had not been made. 41826

(D) If the court grants an offender's request for intervention in lieu of conviction, all of the following apply:

(1) The court shall place the offender under the general control and supervision of one of the following, as if the offender was subject to a community control sanction imposed under section 2929.15, 2929.18, or 2929.25 of the Revised Code:

(a) The county probation department, the adult parole authority, or another appropriate local probation or court services agency, if one exists;

(b) If the court grants the request for intervention in lieu of conviction during the period commencing on April 4, 2023, and ending on October 15, 2025, a community-based correctional facility.

(2) The court shall establish an intervention plan for the offender.

(3) The terms and conditions of the intervention plan required under division (D)(2) of this section shall require the offender, for at least one year, but not more than five years, from the date on which the court grants the order of intervention in lieu of conviction, to abstain from the use of illegal drugs and alcohol, to participate in treatment and recovery support services, and to submit to regular random testing for drug and alcohol use and may include any other treatment terms and conditions, or terms and conditions similar to community control sanctions, which may include community service or restitution, that are ordered by the court.

(E) If the court grants an offender's request for intervention in lieu of conviction and the court finds that the offender has successfully completed the intervention plan for

the offender, including the requirement that the offender 41856
abstain from using illegal drugs and alcohol for a period of at 41857
least one year, but not more than five years, from the date on 41858
which the court granted the order of intervention in lieu of 41859
conviction, the requirement that the offender participate in 41860
treatment and recovery support services, and all other terms and 41861
conditions ordered by the court, the court shall dismiss the 41862
proceedings against the offender. Successful completion of the 41863
intervention plan and period of abstinence under this section 41864
shall be without adjudication of guilt and is not a criminal 41865
conviction for purposes of any disqualification or disability 41866
imposed by law and upon conviction of a crime, and the court may 41867
order the sealing or expungement of records related to the 41868
offense in question, as a dismissal of the charges, in the 41869
manner provided in sections 2953.31, 2953.33, 2953.37, and 41870
2953.521 of the Revised Code and divisions (H), (K), and (L) of 41871
section 2953.34 of the Revised Code. 41872

(F) If the court grants an offender's request for 41873
intervention in lieu of conviction and the offender fails to 41874
comply with any term or condition imposed as part of the 41875
intervention plan for the offender, the supervising authority 41876
for the offender promptly shall advise the court of this 41877
failure, and the court shall hold a hearing to determine whether 41878
the offender failed to comply with any term or condition imposed 41879
as part of the plan. If the court determines that the offender 41880
has failed to comply with any of those terms and conditions, it 41881
may continue the offender on intervention in lieu of conviction, 41882
continue the offender on intervention in lieu of conviction with 41883
additional terms, conditions, and sanctions, including placing 41884
the offender under the general control and supervision of a 41885
community-based correctional facility, or enter a finding of 41886

guilty and impose an appropriate sanction under Chapter 2929. of 41887
the Revised Code. If the court sentences the offender to a 41888
prison term, the court, after consulting with the department of 41889
rehabilitation and correction regarding the availability of 41890
services, may order continued court-supervised activity and 41891
treatment of the offender during the prison term and, upon 41892
consideration of reports received from the department concerning 41893
the offender's progress in the program of activity and 41894
treatment, may consider judicial release under section 2929.20 41895
of the Revised Code. 41896

(G) As used in this section: 41897

(1) "Community addiction services provider" has the same 41898
meaning as in section 5119.01 of the Revised Code. 41899

(2) "Community control sanction" has the same meaning as 41900
in section 2929.01 of the Revised Code. 41901

(3) "Intervention in lieu of conviction" means any court- 41902
supervised activity that complies with this section. 41903

(4) "Intellectual disability" has the same meaning as in 41904
section 5123.01 of the Revised Code. 41905

(5) "Peace officer" has the same meaning as in section 41906
2935.01 of the Revised Code. 41907

(6) "Mental illness" and "psychiatrist" have the same 41908
meanings as in section 5122.01 of the Revised Code. 41909

(7) "Psychologist" has the same meaning as in section 41910
4732.01 of the Revised Code. 41911

(8) "Felony sex offense" means a violation of a section 41912
contained in Chapter 2907. of the Revised Code that is a felony. 41913

Sec. 2967.28. (A) As used in this section:	41914
(1) "Monitored time" means the monitored time sanction specified in section 2929.17 and defined in section 2929.01 of the Revised Code.	41915 41916 41917
(2) "Deadly weapon" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.	41918 41919
(3) "Felony sex offense" means a violation of a section contained in Chapter 2907. of the Revised Code that is a felony.	41920 41921
(4) "Risk reduction sentence" means a prison term imposed by a court, when the court recommends pursuant to section 2929.143 of the Revised Code that the offender serve the sentence under section 5120.036 of the Revised Code, and the offender may potentially be released from imprisonment prior to the expiration of the prison term if the offender successfully completes all assessment and treatment or programming required by the department of rehabilitation and correction under section 5120.036 of the Revised Code.	41922 41923 41924 41925 41926 41927 41928 41929 41930
(5) "Victim's immediate family" has the same meaning as in section 2967.12 of the Revised Code.	41931 41932
(6) "Minor drug possession offense" has the same meaning as in section 2925.11 of the Revised Code.	41933 41934
(7) "Single validated risk assessment tool" means the single validated risk assessment tool selected by the department of rehabilitation and correction under section 5120.114 of the Revised Code.	41935 41936 41937 41938
(B) Each sentence to a prison term, other than a term of life imprisonment, for a felony of the first degree, for a felony of the second degree, for a felony sex offense, or for a	41939 41940 41941

felony of the third degree that is an offense of violence and is 41942
not a felony sex offense shall include a requirement that the 41943
offender be subject to a period of post-release control imposed 41944
by the parole board after the offender's release from 41945
imprisonment. For post-release control to be imposed, the 41946
offender must be committed to the department of rehabilitation 41947
and correction as set forth in section 5120.16 of the Revised 41948
Code. This division applies with respect to all prison terms of 41949
a type described in this division, including a term of any such 41950
type that is a risk reduction sentence. If a court imposes a 41951
sentence including a prison term of a type described in this 41952
division on or after July 11, 2006, the failure of a sentencing 41953
court to notify the offender pursuant to division (B) (2) (d) of 41954
section 2929.19 of the Revised Code of this requirement or to 41955
include in the judgment of conviction entered on the journal a 41956
statement that the offender's sentence includes this requirement 41957
does not negate, limit, or otherwise affect the mandatory period 41958
of supervision that is required for the offender under this 41959
division. This division applies with respect to all prison terms 41960
of a type described in this division, including a non-life 41961
felony indefinite prison term. Section 2929.191 of the Revised 41962
Code applies if, prior to July 11, 2006, a court imposed a 41963
sentence including a prison term of a type described in this 41964
division and failed to notify the offender pursuant to division 41965
(B) (2) (d) of section 2929.19 of the Revised Code regarding post- 41966
release control or to include in the judgment of conviction 41967
entered on the journal or in the sentence pursuant to division 41968
(D) (1) of section 2929.14 of the Revised Code a statement 41969
regarding post-release control. Unless reduced by the parole 41970
board pursuant to division (D) of this section when authorized 41971
under that division, a period of post-release control required 41972
by this division for an offender shall be of one of the 41973

following periods: 41974

(1) For a felony sex offense, five years; 41975

(2) For a felony of the first degree that is not a felony sex offense, up to five years, but not less than two years; 41976
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(3) For a felony of the second degree that is not a felony sex offense, up to three years, but not less than eighteen months; 41978
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(4) For a felony of the third degree that is an offense of violence and is not a felony sex offense, up to three years, but not less than one year. 41981
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(C) Any sentence to a prison term for a felony of the third, fourth, or fifth degree that is not subject to division (B) (1) or (4) of this section shall include a requirement that the offender be subject to a period of post-release control of up to two years after the offender's release from imprisonment, if the parole board, in accordance with division (D) of this section, determines that a period of post-release control is necessary for that offender. For post-release control to be imposed, the offender must be committed to the department of rehabilitation and correction as set forth in section 5120.16 of the Revised Code. This division applies with respect to all prison terms of a type described in this division, including a term of any such type that is a risk reduction sentence. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to notify the offender pursuant to division (B) (2) (e) of section 2929.19 of the Revised Code regarding post-release control or to include in the judgment of conviction entered on the journal or in the sentence

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pursuant to division (D) (2) of section 2929.14 of the Revised Code a statement regarding post-release control. Pursuant to an agreement entered into under section 2967.29 of the Revised Code, a court of common pleas or parole board may impose sanctions or conditions on an offender who is placed on post-release control under this division.

(D) (1) Before the prisoner is released from imprisonment, the parole board or, pursuant to an agreement under section 2967.29 of the Revised Code, the court shall impose on a prisoner described in division (B) of this section, shall impose on a prisoner described in division (C) of this section who is to be released before the expiration of the prisoner's stated prison term under a risk reduction sentence, may impose on a prisoner described in division (C) of this section who is not to be released before the expiration of the prisoner's stated prison term under a risk reduction sentence, and shall impose on a prisoner described in division (B) (2) (b) of section 5120.031 or in division (B) (1) of section 5120.032 of the Revised Code, one or more post-release control sanctions to apply during the prisoner's period of post-release control. Whenever the board or court imposes one or more post-release control sanctions on a prisoner, the board or court, in addition to imposing the sanctions, also shall include as a condition of the post-release control that the offender not leave the state without permission of the court or the offender's parole or probation officer and that the offender abide by the law. The board or court may impose any other conditions of release under a post-release control sanction that the board or court considers appropriate, and the conditions of release may include any community residential sanction, community nonresidential sanction, or financial sanction that the sentencing court was authorized to

impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the Revised Code. Prior to the release of a prisoner for whom it will impose one or more post-release control sanctions under this division, the parole board or court shall review the prisoner's criminal history, results from the single validated risk assessment tool, and the record of the prisoner's conduct while imprisoned. The parole board or court shall consider any recommendation regarding post-release control sanctions for the prisoner made by the office of victims' services. After considering those materials, the board or court shall determine, for a prisoner described in division (B) of this section, division (B) (2) (b) of section 5120.031, or division (B) (1) of section 5120.032 of the Revised Code and for a prisoner described in division (C) of this section who is to be released before the expiration of the prisoner's stated prison term under a risk reduction sentence, which post-release control sanction or combination of post-release control sanctions is reasonable under the circumstances or, for a prisoner described in division (C) of this section who is not to be released before the expiration of the prisoner's stated prison term under a risk reduction sentence, whether a post-release control sanction is necessary and, if so, which post-release control sanction or combination of post-release control sanctions is reasonable under the circumstances. In the case of a prisoner convicted of a felony of the fourth or fifth degree other than a felony sex offense, the board or court shall presume that monitored time is the appropriate post-release control sanction unless the board or court determines that a more restrictive sanction is warranted. A post-release control sanction imposed under this division takes effect upon the prisoner's release from imprisonment.

Regardless of whether the prisoner was sentenced to the 42065
prison term prior to, on, or after July 11, 2006, prior to the 42066
release of a prisoner for whom it will impose one or more post- 42067
release control sanctions under this division, the parole board 42068
shall notify the prisoner that, if the prisoner violates any 42069
sanction so imposed or any condition of post-release control 42070
described in division (B) of section 2967.131 of the Revised 42071
Code that is imposed on the prisoner, the parole board may 42072
impose a prison term of up to one-half of the stated prison term 42073
originally imposed on the prisoner. 42074

At least thirty days before the prisoner is released from 42075
imprisonment under post-release control, except as otherwise 42076
provided in this paragraph, the department of rehabilitation and 42077
correction shall notify the victim and the victim's immediate 42078
family of the date on which the prisoner will be released, the 42079
period for which the prisoner will be under post-release control 42080
supervision, and the terms and conditions of the prisoner's 42081
post-release control regardless of whether the victim or 42082
victim's immediate family has requested the notification. The 42083
notice described in this paragraph shall not be given to a 42084
victim or victim's immediate family if the victim or the 42085
victim's immediate family has requested pursuant to division (B) 42086
(2) of section 2930.03 of the Revised Code that the notice not 42087
be provided to the victim or the victim's immediate family. At 42088
least thirty days before the prisoner is released from 42089
imprisonment and regardless of whether the victim or victim's 42090
immediate family has requested that the notice described in this 42091
paragraph be provided or not be provided to the victim or the 42092
victim's immediate family, the department also shall provide 42093
notice of that nature to the prosecuting attorney in the case 42094
and the law enforcement agency that arrested the prisoner if any 42095

officer of that agency was a victim of the offense. 42096

If the notice given under the preceding paragraph to the 42097
victim or the victim's immediate family is based on an offense 42098
committed prior to March 22, 2013, and if the department of 42099
rehabilitation and correction has not previously successfully 42100
provided any notice to the victim or the victim's immediate 42101
family under division (B), (C), or (D) of section 2930.16 of the 42102
Revised Code with respect to that offense and the offender who 42103
committed it, the notice also shall inform the victim or the 42104
victim's immediate family that the victim or the victim's 42105
immediate family may request that the victim or the victim's 42106
immediate family not be provided any further notices with 42107
respect to that offense and the offender who committed it and 42108
shall describe the procedure for making that request. The 42109
department may give the notices to which the preceding paragraph 42110
applies by any reasonable means, including regular mail, 42111
telephone, and electronic mail. If the department attempts to 42112
provide notice to any specified person under the preceding 42113
paragraph but the attempt is unsuccessful because the department 42114
is unable to locate the specified person, is unable to provide 42115
the notice by its chosen method because it cannot determine the 42116
mailing address, electronic mail address, or telephone number at 42117
which to provide the notice, or, if the notice is sent by mail, 42118
the notice is returned, the department shall make another 42119
attempt to provide the notice to the specified person. If the 42120
second attempt is unsuccessful, the department shall make at 42121
least one more attempt to provide the notice. If the notice is 42122
based on an offense committed prior to March 22, 2013, in each 42123
attempt to provide the notice to the victim or victim's 42124
immediate family, the notice shall include the opt-out 42125
information described in this paragraph. The department, in the 42126

manner described in division (D) (2) of section 2930.16 of the Revised Code, shall keep a record of all attempts to provide the notice, and of all notices provided, under this paragraph and the preceding paragraph. The record shall be considered as if it was kept under division (D) (2) of section 2930.16 of the Revised Code. This paragraph, the preceding paragraph, and the notice-related provisions of divisions (E) (2) and (K) of section 2929.20, division (D) (1) of section 2930.16, division (H) of section 2967.12, division (E) (1) (b) of section 2967.19 as it existed prior to ~~the effective date of this amendment~~ April 4, 2023, division (A) (3) (b) of section 2967.26, and division (A) (2) of section 5149.101 of the Revised Code enacted in the act in which this paragraph and the preceding paragraph were enacted, shall be known as "Roberta's Law."

(2) If a prisoner who is placed on post-release control under this section is released before the expiration of the definite term that is the prisoner's stated prison term or the expiration of the minimum term that is part of the prisoner's indefinite prison term imposed under a non-life felony indefinite prison term by reason of credit earned under section 2967.193 or 2967.194 or a reduction under division (F) of section 2967.271 of the Revised Code and if the prisoner earned sixty or more days of credit, the adult parole authority may supervise the offender with an active global positioning system device for the first fourteen days after the offender's release from imprisonment. This division does not prohibit or limit the imposition of any post-release control sanction otherwise authorized by this section.

(3) After a prisoner is released from imprisonment and during the period of post-release control applicable to the releasee, the adult parole authority or, pursuant to an

agreement under section 2967.29 of the Revised Code, the court 42158
may review the releasee's behavior under the post-release 42159
control sanctions imposed upon the releasee under this section. 42160
The authority or court may determine, based upon the review and 42161
in accordance with the standards established under division (E) 42162
of this section, that the releasee has satisfactorily complied 42163
with the sanctions imposed, and if such a determination is made, 42164
the authority may recommend a less restrictive sanction, reduce 42165
the period of post-release control, or, no sooner than the 42166
minimum period of time required under section 2967.16 of the 42167
Revised Code, recommend that the parole board or court terminate 42168
the duration of the period of post-release control. In no case 42169
shall the board or court reduce the duration of the period of 42170
control imposed for a felony sex offense described in division 42171
(B) (1) of this section. 42172

(4) The department of rehabilitation and correction shall 42173
develop factors that the parole board or court shall consider in 42174
determining under division (D) (3) of this section whether to 42175
terminate the period of control imposed on a releasee. 42176

(E) The department of rehabilitation and correction, in 42177
accordance with Chapter 119. of the Revised Code, shall adopt 42178
rules that do all of the following: 42179

(1) Establish standards for the imposition by the parole 42180
board of post-release control sanctions under this section that 42181
are consistent with the overriding purposes and sentencing 42182
principles set forth in section 2929.11 of the Revised Code and 42183
that are appropriate to the needs of releasees; 42184

(2) Establish standards that provide for a period of post- 42185
release control of up to two years for all prisoners described 42186
in division (C) of this section who are to be released before 42187

the expiration of their stated prison term under a risk 42188
reduction sentence and standards by which the parole board can 42189
determine which prisoners described in division (C) of this 42190
section who are not to be released before the expiration of 42191
their stated prison term under a risk reduction sentence should 42192
be placed under a period of post-release control; 42193

(3) Establish standards to be used by the parole board in 42194
reducing or terminating the duration of the period of post- 42195
release control imposed by the court when authorized under 42196
division (D) of this section, in imposing a more restrictive 42197
post-release control sanction than monitored time on a prisoner 42198
convicted of a felony of the fourth or fifth degree other than a 42199
felony sex offense, or in imposing a less restrictive control 42200
sanction on a releasee based on results from the single 42201
validated risk assessment tool and on the releasee's activities 42202
including, but not limited to, remaining free from criminal 42203
activity and from the abuse of alcohol or other drugs, 42204
successfully participating in approved rehabilitation programs, 42205
maintaining employment, and paying restitution to the victim or 42206
meeting the terms of other financial sanctions; 42207

(4) Establish standards to be used by the adult parole 42208
authority in modifying a releasee's post-release control 42209
sanctions pursuant to division (D)(2) of this section; 42210

(5) Establish standards to be used by the adult parole 42211
authority or parole board in imposing further sanctions under 42212
division (F) of this section on releasees who violate post- 42213
release control sanctions, including standards that do the 42214
following: 42215

(a) Classify violations according to the degree of 42216
seriousness; 42217

(b) Define the circumstances under which formal action by the parole board is warranted;	42218 42219
(c) Govern the use of evidence at violation hearings;	42220
(d) Ensure procedural due process to an alleged violator;	42221
(e) Prescribe nonresidential community control sanctions for most misdemeanor and technical violations;	42222 42223
(f) Provide procedures for the return of a releasee to imprisonment for violations of post-release control.	42224 42225
(F) (1) Whenever the parole board imposes one or more post-release control sanctions on an offender under this section, the offender upon release from imprisonment shall be under the general jurisdiction of the adult parole authority and generally shall be supervised by the field services section through its staff of parole and field officers as described in section 5149.04 of the Revised Code, as if the offender had been placed on parole. If the offender upon release from imprisonment violates the post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed on the offender, the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction shall report the violation directly to the adult parole authority or to the officer of the authority who supervises the offender. The authority's officers may treat the offender as if the offender were on parole and in violation of the parole, and otherwise shall comply with this section.	42226 42227 42228 42229 42230 42231 42232 42233 42234 42235 42236 42237 42238 42239 42240 42241 42242 42243
(2) If the adult parole authority or, pursuant to an agreement under section 2967.29 of the Revised Code, the court determines that a releasee has violated a post-release control	42244 42245 42246

sanction or any conditions described in division (A) of section 42247
2967.131 of the Revised Code imposed on the releasee and that a 42248
more restrictive sanction is appropriate, the authority or court 42249
may impose a more restrictive sanction on the releasee, in 42250
accordance with the standards established under division (E) of 42251
this section or in accordance with the agreement made under 42252
section 2967.29 of the Revised Code, or may report the violation 42253
to the parole board for a hearing pursuant to division (F) (3) of 42254
this section. The authority or court may not, pursuant to this 42255
division, increase the duration of the releasee's post-release 42256
control or impose as a post-release control sanction a 42257
residential sanction that includes a prison term, but the 42258
authority or court may impose on the releasee any other 42259
residential sanction, nonresidential sanction, or financial 42260
sanction that the sentencing court was authorized to impose 42261
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 42262
Revised Code. 42263

(3) The parole board or, pursuant to an agreement under 42264
section 2967.29 of the Revised Code, the court may hold a 42265
hearing on any alleged violation by a releasee of a post-release 42266
control sanction or any conditions described in division (A) of 42267
section 2967.131 of the Revised Code that are imposed upon the 42268
releasee. Except as otherwise provided in this division, if 42269
after the hearing the board or court finds that the releasee 42270
violated the sanction or condition, the board or court may 42271
increase the duration of the releasee's post-release control up 42272
to the maximum duration authorized by division (B) or (C) of 42273
this section or impose a more restrictive post-release control 42274
sanction. If a releasee was acting pursuant to division (B) (2) 42275
(b) of section 2925.11 or a related provision of section 42276
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 42277

doing violated the conditions of a post-release control sanction 42278
based on a minor drug possession offense, as defined in that 42279
section, or violated section 2925.12, division (C) (1) of section 42280
2925.14, or section 2925.141 of the Revised Code, the board or 42281
the court shall not impose any of the penalties described in 42282
this division based on the violation. When appropriate, the 42283
board or court may impose as a post-release control sanction a 42284
residential sanction that includes a prison term. The board or 42285
court shall consider a prison term as a post-release control 42286
sanction imposed for a violation of post-release control when 42287
the violation involves a deadly weapon or dangerous ordnance, 42288
physical harm or attempted serious physical harm to a person, or 42289
sexual misconduct. Unless a releasee's stated prison term was 42290
reduced pursuant to section 5120.032 of the Revised Code, the 42291
period of a prison term that is imposed as a post-release 42292
control sanction under this division shall not exceed nine 42293
months, and the maximum cumulative prison term for all 42294
violations under this division shall not exceed one-half of the 42295
definite prison term that was the stated prison term originally 42296
imposed on the offender as part of this sentence or, with 42297
respect to a stated non-life felony indefinite prison term, one- 42298
half of the minimum prison term that was imposed as part of that 42299
stated prison term originally imposed on the offender. If a 42300
releasee's stated prison term was reduced pursuant to section 42301
5120.032 of the Revised Code, the period of a prison term that 42302
is imposed as a post-release control sanction under this 42303
division and the maximum cumulative prison term for all 42304
violations under this division shall not exceed the period of 42305
time not served in prison under the sentence imposed by the 42306
court. The period of a prison term that is imposed as a post- 42307
release control sanction under this division shall not count as, 42308
or be credited toward, the remaining period of post-release 42309

control. If, during the period of the releasee's post-release 42310
control, the releasee serves as a post-release control sanction 42311
the maximum prison time available as a sanction, the post- 42312
release control shall terminate. 42313

If an offender is imprisoned for a felony committed while 42314
under post-release control supervision and is again released on 42315
post-release control for a period of time, the maximum 42316
cumulative prison term for all violations under this division 42317
shall not exceed one-half of the total stated prison terms of 42318
the earlier felony, reduced by any prison term administratively 42319
imposed by the parole board or court, plus one-half of the total 42320
stated prison term of the new felony. 42321

(G) (1) If an offender is simultaneously subject to a 42322
period of parole under an indefinite or life sentence and a 42323
period of post-release control, or is simultaneously subject to 42324
two periods of post-release control, the period of supervision 42325
that expires last shall determine the length and form of 42326
supervision for all the periods and the related sentences. 42327

(2) An offender shall receive credit for post-release 42328
control supervision during the period of parole, and shall not 42329
be eligible for final release under section 2967.16 of the 42330
Revised Code until the post-release control period otherwise 42331
would have ended. 42332

(3) If the period of parole ends prior to the end of the 42333
period of post-release control, the requirements of parole 42334
supervision shall be satisfied during the post-release control 42335
period. 42336

(H) (1) A period of post-release control shall not be 42337
imposed consecutively to any other post-release control period. 42338

(2) The period of post-release control for a releasee who 42339
commits a felony while under post-release control for an earlier 42340
felony shall be the longer of the period of post-release control 42341
specified for the new felony under division (B) or (C) of this 42342
section or the time remaining under the period of post-release 42343
control imposed for the earlier felony as determined by the 42344
parole board or court. 42345

Sec. 2969.13. All moneys that are collected pursuant to 42346
section 2929.32 of the Revised Code and required to be deposited 42347
in the crime victims recovery fund shall be credited ~~by the~~ 42348
~~treasurer of state~~ to the fund. Any interest earned on the money 42349
in the fund shall be credited to the fund. 42350

Sec. 3101.08. An ordained or licensed minister of any 42351
religious society or congregation within this state who is 42352
licensed to solemnize marriages, the governor or a former 42353
governor of this state, a judge of a county court in accordance 42354
with section 1907.18 of the Revised Code, a judge of a municipal 42355
court in accordance with section 1901.14 of the Revised Code, a 42356
probate judge in accordance with section 2101.27 of the Revised 42357
Code, the mayor of a municipal corporation anywhere within this 42358
state, the superintendent of Ohio deaf and blind education 42359
services, or any religious society in conformity with the rules 42360
of its church, may join together as husband and wife any persons 42361
who are not prohibited by law from being joined in marriage. 42362

Sec. 3105.171. (A) As used in this section: 42363

(1) "Distributive award" means any payment or payments, in 42364
real or personal property, that are payable in a lump sum or 42365
over time, in fixed amounts, that are made from separate 42366
property or income, and that are not made from marital property 42367
and do not constitute payments of spousal support, as defined in 42368

section 3105.18 of the Revised Code. 42369

(2) "During the marriage" means whichever of the following 42370
is applicable: 42371

(a) Except as provided in division (A) (2) (b) of this 42372
section, the period of time from the date of the marriage 42373
through the date of the final hearing in an action for divorce 42374
or in an action for legal separation; 42375

(b) If the court determines that the use of either or both 42376
of the dates specified in division (A) (2) (a) of this section 42377
would be inequitable, the court may select dates that it 42378
considers equitable in determining marital property. If the 42379
court selects dates that it considers equitable in determining 42380
marital property, "during the marriage" means the period of time 42381
between those dates selected and specified by the court. 42382

(3) (a) "Marital property" means, subject to division (A) 42383
(3) (b) of this section, all of the following: 42384

(i) All real and personal property that currently is owned 42385
by either or both of the spouses, including, but not limited to, 42386
the retirement benefits of the spouses, and that was acquired by 42387
either or both of the spouses during the marriage; 42388

(ii) All interest that either or both of the spouses 42389
currently has in any real or personal property, including, but 42390
not limited to, the retirement benefits of the spouses, and that 42391
was acquired by either or both of the spouses during the 42392
marriage; 42393

(iii) Except as otherwise provided in this section, all 42394
income and appreciation on separate property, due to the labor, 42395
monetary, or in-kind contribution of either or both of the 42396
spouses that occurred during the marriage; 42397

(iv) A participant account, as defined in section 148.01 42398
of the Revised Code, of either of the spouses, to the extent of 42399
the following: the moneys that have been deferred by a 42400
continuing member or participating employee, as defined in that 42401
section, and that have been transmitted to the ~~Ohio~~ public 42402
employees ~~deferred compensation~~ retirement board during the 42403
marriage and any income that is derived from the investment of 42404
those moneys during the marriage; the moneys that have been 42405
deferred by an officer or employee of a municipal corporation 42406
and that have been transmitted to the governing board, 42407
administrator, depository, or trustee of the deferred 42408
compensation program of the municipal corporation during the 42409
marriage and any income that is derived from the investment of 42410
those moneys during the marriage; or the moneys that have been 42411
deferred by an officer or employee of a government unit, as 42412
defined in section 148.06 of the Revised Code, and that have 42413
been transmitted to the governing board, as defined in that 42414
section, during the marriage and any income that is derived from 42415
the investment of those moneys during the marriage. 42416

(b) "Marital property" does not include any separate 42417
property. 42418

(4) "Passive income" means income acquired other than as a 42419
result of the labor, monetary, or in-kind contribution of either 42420
spouse. 42421

(5) "Personal property" includes both tangible and 42422
intangible personal property. 42423

(6) (a) "Separate property" means all real and personal 42424
property and any interest in real or personal property that is 42425
found by the court to be any of the following: 42426

(i) An inheritance by one spouse by bequest, devise, or descent during the course of the marriage;	42427 42428
(ii) Any real or personal property or interest in real or personal property that was acquired by one spouse prior to the date of the marriage;	42429 42430 42431
(iii) Passive income and appreciation acquired from separate property by one spouse during the marriage;	42432 42433
(iv) Any real or personal property or interest in real or personal property acquired by one spouse after a decree of legal separation issued under section 3105.17 of the Revised Code;	42434 42435 42436
(v) Any real or personal property or interest in real or personal property that is excluded by a valid antenuptial or postnuptial agreement;	42437 42438 42439
(vi) Compensation to a spouse for the spouse's personal injury, except for loss of marital earnings and compensation for expenses paid from marital assets;	42440 42441 42442
(vii) Any gift of any real or personal property or of an interest in real or personal property that is made after the date of the marriage and that is proven by clear and convincing evidence to have been given to only one spouse.	42443 42444 42445 42446
(b) The commingling of separate property with other property of any type does not destroy the identity of the separate property as separate property, except when the separate property is not traceable.	42447 42448 42449 42450
(B) In divorce proceedings, the court shall, and in legal separation proceedings upon the request of either spouse, the court may, determine what constitutes marital property and what constitutes separate property. In either case, upon making such	42451 42452 42453 42454

a determination, the court shall divide the marital and separate property equitably between the spouses, in accordance with this section. For purposes of this section, the court has jurisdiction over all property, excluding the social security benefits of a spouse other than as set forth in division (F) (9) of this section, in which one or both spouses have an interest.

(C) (1) Except as provided in this division or division (E) of this section, the division of marital property shall be equal. If an equal division of marital property would be inequitable, the court shall not divide the marital property equally but instead shall divide it between the spouses in the manner the court determines equitable. In making a division of marital property, the court shall consider all relevant factors, including those set forth in division (F) of this section.

(2) Each spouse shall be considered to have contributed equally to the production and acquisition of marital property.

(3) The court shall provide for an equitable division of marital property under this section prior to making any award of spousal support to either spouse under section 3105.18 of the Revised Code and without regard to any spousal support so awarded.

(4) If the marital property includes a participant account, as defined in section 148.01 of the Revised Code, the court shall not order the division or disbursement of the moneys and income described in division (A) (3) (a) (iv) of this section to occur in a manner that is inconsistent with the law, rules, or plan governing the deferred compensation program involved or prior to the time that the spouse in whose name the participant account is maintained commences receipt of the moneys and income credited to the account in accordance with that law, rules, and

plan. 42485

(D) Except as otherwise provided in division (E) of this 42486
section or by another provision of this section, the court shall 42487
disburse a spouse's separate property to that spouse. If a court 42488
does not disburse a spouse's separate property to that spouse, 42489
the court shall make written findings of fact that explain the 42490
factors that it considered in making its determination that the 42491
spouse's separate property should not be disbursed to that 42492
spouse. 42493

(E) (1) The court may make a distributive award to 42494
facilitate, effectuate, or supplement a division of marital 42495
property. The court may require any distributive award to be 42496
secured by a lien on the payor's specific marital property or 42497
separate property. 42498

(2) The court may make a distributive award in lieu of a 42499
division of marital property in order to achieve equity between 42500
the spouses, if the court determines that a division of the 42501
marital property in kind or in money would be impractical or 42502
burdensome. 42503

(3) The court shall require each spouse to disclose in a 42504
full and complete manner all marital property, separate 42505
property, and other assets, debts, income, and expenses of the 42506
spouse. 42507

(4) If a spouse has engaged in financial misconduct, 42508
including, but not limited to, the dissipation, destruction, 42509
concealment, nondisclosure, or fraudulent disposition of assets, 42510
the court may compensate the offended spouse with a distributive 42511
award or with a greater award of marital property. 42512

(5) If a spouse has substantially and willfully failed to 42513

disclose marital property, separate property, or other assets, 42514
debts, income, or expenses as required under division (E) (3) of 42515
this section, the court may compensate the offended spouse with 42516
a distributive award or with a greater award of marital property 42517
not to exceed three times the value of the marital property, 42518
separate property, or other assets, debts, income, or expenses 42519
that are not disclosed by the other spouse. 42520

(F) In making a division of marital property and in 42521
determining whether to make and the amount of any distributive 42522
award under this section, the court shall consider all of the 42523
following factors: 42524

(1) The duration of the marriage; 42525

(2) The assets and liabilities of the spouses; 42526

(3) The desirability of awarding the family home, or the 42527
right to reside in the family home for reasonable periods of 42528
time, to the spouse with custody of the children of the 42529
marriage; 42530

(4) The liquidity of the property to be distributed; 42531

(5) The economic desirability of retaining intact an asset 42532
or an interest in an asset; 42533

(6) The tax consequences of the property division upon the 42534
respective awards to be made to each spouse; 42535

(7) The costs of sale, if it is necessary that an asset be 42536
sold to effectuate an equitable distribution of property; 42537

(8) Any division or disbursement of property made in a 42538
separation agreement that was voluntarily entered into by the 42539
spouses; 42540

(9) Any retirement benefits of the spouses, excluding the 42541
social security benefits of a spouse except as may be relevant 42542
for purposes of dividing a public pension; 42543

(10) Any other factor that the court expressly finds to be 42544
relevant and equitable. 42545

(G) In any order for the division or disbursement of 42546
property or a distributive award made pursuant to this section, 42547
the court shall make written findings of fact that support the 42548
determination that the marital property has been equitably 42549
divided and shall specify the dates it used in determining the 42550
meaning of "during the marriage." 42551

(H) Except as otherwise provided in this section, the 42552
holding of title to property by one spouse individually or by 42553
both spouses in a form of co-ownership does not determine 42554
whether the property is marital property or separate property. 42555

(I) A division or disbursement of property or a 42556
distributive award made under this section is not subject to 42557
future modification by the court except upon the express written 42558
consent or agreement to the modification by both spouses. 42559

(J) The court may issue any orders under this section that 42560
it determines equitable, including, but not limited to, either 42561
of the following types of orders: 42562

(1) An order granting a spouse the right to use the 42563
marital dwelling or any other marital property or separate 42564
property for any reasonable period of time; 42565

(2) An order requiring the sale or encumbering of any 42566
real or personal property, with the proceeds from the sale and 42567
the funds from any loan secured by the encumbrance to be applied 42568
as determined by the court. 42569

Sec. 3105.63. (A) (1) A petition for dissolution of 42570
marriage shall be signed by both spouses and shall have attached 42571
and incorporated a separation agreement agreed to by both 42572
spouses. The separation agreement shall provide for a division 42573
of all property; spousal support; if there are minor children of 42574
the marriage, the allocation of parental rights and 42575
responsibilities for the care of the minor children, the 42576
designation of a residential parent and legal custodian of the 42577
minor children, child support, and parenting time rights; and, 42578
if the spouses so desire, an authorization for the court to 42579
modify the amount or terms of spousal support, or the division 42580
of property, provided in the separation agreement. If there are 42581
minor children of the marriage, the spouses may address the 42582
allocation of the parental rights and responsibilities for the 42583
care of the minor children by including in the separation 42584
agreement a plan under which both parents will have shared 42585
rights and responsibilities for the care of the minor children. 42586
The spouses shall file the plan with the petition for 42587
dissolution of marriage and shall include in the plan the 42588
provisions described in division (G) of section 3109.04 of the 42589
Revised Code. 42590

(2) The division of property in the separation agreement 42591
shall include any participant account, as defined in section 42592
148.01 of the Revised Code, of either of the spouses, to the 42593
extent of the following: 42594

(a) The moneys that have been deferred by a continuing 42595
member or participating employee, as defined in that section, 42596
and that have been transmitted to the ~~Ohio~~ public employees 42597
~~deferred compensation~~ retirement board during the marriage and 42598
any income that is derived from the investment of those moneys 42599
during the marriage; 42600

(b) The moneys that have been deferred by an officer or 42601
employee of a municipal corporation and that have been 42602
transmitted to the governing board, administrator, depository, 42603
or trustee of the deferred compensation program of the municipal 42604
corporation during the marriage and any income that is derived 42605
from the investment of those moneys during the marriage; 42606

(c) The moneys that have been deferred by an officer or 42607
employee of a government unit, as defined in section 148.06 of 42608
the Revised Code, and that have been transmitted to the 42609
governing board, as defined in that section, during the marriage 42610
and any income that is derived from the investment of those 42611
moneys during the marriage. 42612

(3) The separation agreement shall not require or permit 42613
the division or disbursement of the moneys and income described 42614
in division (A) (2) of this section to occur in a manner that is 42615
inconsistent with the law, rules, or plan governing the deferred 42616
compensation program involved or prior to the time that the 42617
spouse in whose name the participant account is maintained 42618
commences receipt of the moneys and income credited to the 42619
account in accordance with that law, rules, and plan. 42620

(B) An amended separation agreement may be filed at any 42621
time prior to or during the hearing on the petition for 42622
dissolution of marriage. Upon receipt of a petition for 42623
dissolution of marriage, the court may cause an investigation to 42624
be made pursuant to the Rules of Civil Procedure. 42625

(C) (1) If a petition for dissolution of marriage contains 42626
an authorization for the court to modify the amount or terms of 42627
spousal support provided in the separation agreement, the 42628
modification shall be in accordance with section 3105.18 of the 42629
Revised Code. 42630

(2) If a petition for dissolution of marriage contains an authorization for the court to modify the division of property provided in the separation agreement, the modification shall be made with the express written consent or agreement of both spouses.

Sec. 3107.01. As used in sections 3107.01 to 3107.20 of the Revised Code:

(A) "Adoption" means to create the legal relationship of parent and child between the petitioner and the adopted person, as if the adopted person were a legitimate blood descendant of the petitioner, for all purposes including inheritance and applicability of statutes, documents, and instruments, whether executed before or after the adoption is decreed, and which do not expressly exclude an adopted person from their operation or effect.

(B) "Agency" means any public or private organization certified, licensed, or otherwise specially empowered by law or rule to place minors for adoption.

(C) "Attorney" means a person who has been admitted to the bar by order of the Ohio supreme court.

(D) "Best interest" means the factors a court uses to determine the best interest of a child as set forth in section 3107.161 of the Revised Code.

(E) "Child" means a son or daughter, whether by birth or by adoption.

(F) "Court" means the probate courts of this state, and when the context requires, means the court of any other state empowered to grant petitions for adoption.

(G) "Date of placement" means the date on which a child is 42659
living with the child's prospective adoptive parent and becomes 42660
eligible for adoption pursuant to statutory authority, judgment 42661
decree or court order, or as otherwise authorized by law. 42662

(H) "Foster caregiver" has the same meaning as in section 42663
5103.02 of the Revised Code. 42664

(I) "Identifying information" means any of the following 42665
with regard to a person: first name, last name, maiden name, 42666
alias, social security number, address, telephone number, place 42667
of employment, number used to identify the person for the 42668
purpose of the statewide education management information system 42669
established pursuant to section 3301.0714 of the Revised Code, 42670
and any other number federal or state law requires or permits to 42671
be used to identify the person. 42672

(J) "Kinship caregiver" has the same meaning as in section 42673
~~5101.85~~5180.50 of the Revised Code. 42674

(K) "Legal custodian" has the same meaning as in section 42675
5103.16 of the Revised Code. 42676

(L) "Legal custody" has the same meaning as in section 42677
2151.011 of the Revised Code. 42678

(M) "Minor" means a person under the age of eighteen 42679
years. 42680

(N) "Parent" means a legally recognized natural or 42681
adoptive parent of a child. 42682

(O) "Party" means a petitioner, adoptee, or any other 42683
person or agency that is part of an adoption proceeding and 42684
whose consent to the adoption is necessary but has not been 42685
obtained. 42686

(P) "Permanent custody" has the same meaning as in section 2151.011 of the Revised Code. 42687
42688

(Q) "Placement" means the act by a public children services agency, a private child placing agency, or a parent who is utilizing an agency or attorney that is intended to arrange for the care or custody of a child in accordance with Chapter 5103. of the Revised Code. 42689
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(R) "Planned permanent living arrangement" has the same meaning as in section 2151.011 of the Revised Code. 42694
42695

(S) "Putative father" means a man, including one under age eighteen, who may be a child's father and to whom all of the following apply: 42696
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42698

(1) He is not married to the child's mother at the time of the child's conception or birth; 42699
42700

(2) He has not adopted the child; 42701

(3) He has not been determined, prior to the date a petition to adopt the child is filed, to have a parent and child relationship with the child by a court proceeding pursuant to sections 3111.01 to 3111.18 of the Revised Code, a court proceeding in another state, an administrative agency proceeding pursuant to sections 3111.38 to 3111.54 of the Revised Code, or an administrative agency proceeding in another state; 42702
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(4) He has not acknowledged paternity of the child pursuant to sections 3111.21 to 3111.35 of the Revised Code. 42709
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Sec. 3107.012. (A) A foster caregiver may use the application prescribed under division (B) of this section to obtain the services of an agency to arrange an adoption for the foster caregiver if the foster caregiver seeks to adopt the 42711
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42714

foster caregiver's foster child who ~~has resided~~ resides in the 42715
foster caregiver's home ~~for at least six months prior to the~~ 42716
~~date the foster caregiver submits the application to the agency.~~ 42717

(B) The department of children and youth shall prescribe 42718
an application for a foster caregiver to use under division (A) 42719
of this section. The application shall not require that the 42720
foster caregiver provide any information the foster caregiver 42721
already provided the department, or undergo an inspection the 42722
foster caregiver already underwent, to obtain a foster home 42723
certificate under section 5103.03 of the Revised Code. 42724

(C) An agency that receives an application prescribed 42725
under division (B) of this section from a foster caregiver 42726
authorized to use the application shall not require, as a 42727
condition of the agency accepting or approving the application, 42728
that the foster caregiver undergo a criminal records check under 42729
section 2151.86 of the Revised Code as a prospective adoptive 42730
parent. The agency shall inform the foster caregiver, in 42731
accordance with division (G) of section 2151.86 of the Revised 42732
Code, that the foster caregiver must undergo the criminal 42733
records check before a court may issue a final decree of 42734
adoption or interlocutory order of adoption under section 42735
3107.14 of the Revised Code. 42736

Sec. 3107.031. Except as otherwise provided in this 42737
section, an assessor shall conduct a home study for the purpose 42738
of ascertaining whether a person seeking to adopt a minor is 42739
suitable to adopt. A written report of the home study shall be 42740
filed with the court at least ten days before the petition for 42741
adoption is heard. 42742

A person seeking to adopt a minor who knowingly makes a 42743
false statement that is included in the written report of a home 42744

study conducted pursuant to this section is guilty of the 42745
offense of falsification under section 2921.13 of the Revised 42746
Code, and such a home study shall not be filed with the court. 42747
If such a home study is filed with the court, the court may 42748
strike the home study from the court's records. 42749

The report shall contain the opinion of the assessor as to 42750
whether the person who is the subject of the report is suitable 42751
to adopt a minor, any multiple children assessment required 42752
under section 3107.032 of the Revised Code, and other 42753
information and documents specified in rules adopted by the 42754
director of children and youth under section 3107.033 of the 42755
Revised Code. The assessor shall not consider the person's age 42756
when determining whether the person is suitable to adopt if the 42757
person is old enough to adopt as provided by section 3107.03 of 42758
the Revised Code. 42759

An assessor may request departments or agencies within or 42760
outside this state to assist in the home study as may be 42761
appropriate and to make a written report to be included with and 42762
attached to the report to the court. The assessor shall make 42763
similar home studies and reports on behalf of other assessors 42764
designated by the courts of this state or another place. 42765

Upon order of the court, the costs of the home study and 42766
other proceedings shall be paid by the person seeking to adopt, 42767
and, if the home study is conducted by a public agency or public 42768
employee, the part of the cost representing any services and 42769
expenses shall be taxed as costs and paid into the state 42770
treasury or county treasury, as the court may direct. 42771

On request, the assessor shall provide the person seeking 42772
to adopt a copy of the report of the home study. The assessor 42773
shall delete from that copy any provisions concerning the 42774

opinion of other persons, excluding the assessor, of the 42775
person's suitability to adopt a minor. 42776

This section does not apply to a foster caregiver seeking 42777
to adopt the foster caregiver's foster child if the foster child 42778
~~has resided~~ resides in the foster caregiver's home ~~for at least~~ 42779
~~six months prior to the date and~~ the foster caregiver submits an 42780
application prescribed under division (B) of section 3107.012 of 42781
the Revised Code to the agency arranging the adoption. 42782

Sec. 3107.033. The director of children and youth shall 42783
adopt rules in accordance with Chapter 119. of the Revised Code 42784
specifying both of the following: 42785

(A) The manner in which a home study is to be conducted 42786
and the information and documents to be included in a home study 42787
report, which shall include, pursuant to section 3107.034 of the 42788
Revised Code, a summary report of a search of the uniform 42789
statewide automated child welfare information system established 42790
in section ~~5101.13~~ 5180.40 of the Revised Code and a report of a 42791
check of a central registry of another state if a request for a 42792
check of a central registry of another state is required under 42793
division (A) of section 3107.034 of the Revised Code. The 42794
director shall ensure that rules adopted under this section 42795
align the home study content, time period, and process with any 42796
foster care home study content, time period, and process 42797
required by rules adopted under section 5103.03 of the Revised 42798
Code. 42799

(B) A procedure under which a person whose application for 42800
adoption has been denied as a result of a search of the uniform 42801
statewide automated child welfare information system established 42802
in section ~~5101.13~~ 5180.40 of the Revised Code as part of the 42803
home study may appeal the denial to the agency that employed the 42804

assessor who filed the report. 42805

Sec. 3107.034. (A) Whenever a prospective adoptive parent 42806
or a person eighteen years of age or older who resides with a 42807
prospective adoptive parent has resided in another state within 42808
the five-year period immediately prior to the date on which a 42809
criminal records check is requested for the person under 42810
division (A) of section 2151.86 of the Revised Code, the 42811
administrative director of an agency, or attorney, who arranges 42812
the adoption for the prospective adoptive parent shall request a 42813
check of the central registry of abuse and neglect of this state 42814
from the department of children and youth regarding the 42815
prospective adoptive parent or the person eighteen years of age 42816
or older who resides with the prospective adoptive parent to 42817
enable the agency or attorney to check any child abuse and 42818
neglect registry maintained by that other state. The 42819
administrative director or attorney shall make the request and 42820
shall review the results of the check before a final decree of 42821
adoption or an interlocutory order of adoption making the person 42822
an adoptive parent may be made. Information received pursuant to 42823
the request shall be considered for purposes of this chapter as 42824
if it were a summary report required under section 3107.033 of 42825
the Revised Code. The department of children and youth shall 42826
comply with any request to check the central registry that is 42827
similar to the request described in this division and that is 42828
received from any other state. 42829

(B) The summary report of a search of the uniform 42830
statewide automated child welfare information system established 42831
in section ~~5101.13~~5180.40 of the Revised Code that is required 42832
under section 3107.033 of the Revised Code shall contain, if 42833
applicable, a chronological list of abuse and neglect 42834
determinations or allegations of which the person seeking to 42835

adopt is subject and in regards to which a public children 42836
services agency has done one of the following: 42837

(1) Determined that abuse or neglect occurred; 42838

(2) Initiated an investigation, and the investigation is 42839
ongoing; 42840

(3) Initiated an investigation and the agency was unable 42841
to determine whether abuse or neglect occurred. 42842

(C) The summary report required under section 3107.033 of 42843
the Revised Code shall not contain any of the following: 42844

(1) An abuse and neglect determination of which the person 42845
seeking to adopt is subject and in regards to which a public 42846
children services agency determined that abuse or neglect did 42847
not occur; 42848

(2) Information or reports the dissemination of which is 42849
prohibited by, or interferes with eligibility under, the "Child 42850
Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 42851
U.S.C. 5101 et seq., as amended; 42852

(3) The name of the person who or entity that made, or 42853
participated in the making of, the report of abuse or neglect. 42854

(D) (1) An application for adoption may be denied based on 42855
a summary report containing the information described under 42856
division (B) (1) of this section, when considered within the 42857
totality of the circumstances. An application that is denied may 42858
be appealed using the procedure adopted pursuant to division (B) 42859
of section 3107.033 of the Revised Code. 42860

(2) An application for adoption shall not be denied solely 42861
based on a summary report containing the information described 42862
under division (B) (2) or (3) of this section. 42863

Sec. 3107.062. (A) (1) The department of ~~job and family~~
~~services~~ children and youth shall establish a putative father
registry. To register, a putative father must complete a
registration form prescribed under section 3107.065 of the
Revised Code and submit it to the department. The registration
form shall include the putative father's name; the name of the
mother of the person he claims as his child; and the address or
telephone number at which he wishes to receive, pursuant to
section 3107.11 of the Revised Code, notice of any petition that
may be filed to adopt a minor he claims as his child.

(2) A putative father may register at any time. For the
purpose of preserving the requirement of his consent to an
adoption, a putative father shall register before or not later
than fifteen days after the birth of the child. No fee shall be
charged for registration.

(B) On receipt of a completed registration form, the
department shall indicate on the form the date of receipt and
file it in the putative father registry. The department shall
maintain registration forms in a manner that enables it to
access a registration form using either the name of the putative
father or of the mother.

(C) The department of children and youth shall grant the
office of child support in the department of job and family
services and a child support enforcement agency access to the
putative father registry for purposes of section 3111.69 of the
Revised Code.

Sec. 3107.063. (A) An attorney arranging a minor's
adoption, a mother, a public children services agency, a private
noncustodial agency, or a private child placing agency may
request at any time that the department of ~~job and family~~

~~services—children and youth~~ search the putative father registry 42894
to determine whether a man is registered as the minor's putative 42895
father. The request shall include the mother's name. On receipt 42896
of the request, the department shall search the registry. If the 42897
department determines that a man is registered as the minor's 42898
putative father, it shall provide the attorney, mother, or 42899
agency a certified copy of the man's registration form. If the 42900
department determines that no man is registered as the minor's 42901
putative father, it shall provide the attorney, mother, or 42902
agency a certified written statement to that effect. The 42903
department shall specify in the statement the date the search 42904
request was submitted. No fee shall be charged for searching the 42905
registry. 42906

Division (B) of section 3107.17 of the Revised Code does 42907
not apply to this section. 42908

(B) If the department of ~~job and family services—children~~ 42909
~~and youth~~ provides a certified copy of a putative father's 42910
registration form pursuant to division (A) of this section, the 42911
department also shall provide a written notice to the putative 42912
father: 42913

(1) That he may be the father of the minor he claims as 42914
his child on the registration form; 42915

(2) That the minor is being or may be placed for adoption; 42916
and 42917

(3) Of his right to consent or refuse to consent to the 42918
minor's adoption to the extent provided under Chapter 3107. of 42919
the Revised Code. 42920

(C) The department shall provide the notice under this 42921
section not later than ten business days after the date it 42922

provides the certified copy of the registration form pursuant to 42923
division (A) of this section. 42924

Sec. 3107.064. (A) Except as provided in division (B) of 42925
this section, a court shall not issue a final decree of adoption 42926
or finalize an interlocutory order of adoption unless the mother 42927
placing the minor for adoption or the agency or attorney 42928
arranging the adoption files with the court a certified document 42929
provided by the department of ~~job and family services~~ children 42930
and youth under section 3107.063 of the Revised Code. The court 42931
shall not accept the document unless the date the department 42932
places on the document pursuant to that section is sixteen or 42933
more days after the date of the minor's birth. 42934

(B) The document described in division (A) of this section 42935
is not required if any of the following apply: 42936

(1) The mother was married at the time the minor was 42937
conceived or born; 42938

(2) The parent placing the minor for adoption previously 42939
adopted the minor; 42940

(3) Prior to the date a petition to adopt the minor is 42941
filed, a man has been determined to have a parent and child 42942
relationship with the minor by a court proceeding pursuant to 42943
sections 3111.01 to 3111.18 of the Revised Code, a court 42944
proceeding in another state, an administrative agency proceeding 42945
pursuant to sections 3111.38 to 3111.54 of the Revised Code, or 42946
an administrative agency proceeding in another state; 42947

(4) The minor's father acknowledged paternity of the minor 42948
and that acknowledgment has become final pursuant to section 42949
2151.232, 3111.25, or 3111.821 of the Revised Code; 42950

(5) A public children services agency has permanent 42951

custody of the minor pursuant to Chapter 2151. or division (B) 42952
of section 5103.15 of the Revised Code after both parents lost 42953
or surrendered parental rights, privileges, and responsibilities 42954
over the minor. 42955

Sec. 3107.065. Not later than ninety days after the 42956
effective date of this section, the director of ~~job and family~~ 42957
~~services~~ children and youth shall do both of the following: 42958

(A) Adopt rules in accordance with Chapter 119. of the 42959
Revised Code governing the putative father registry. The rules 42960
shall establish the registration form to be used by a putative 42961
father under section 3107.062 of the Revised Code. 42962

(B) Establish a campaign to promote awareness of the 42963
putative father registry. The campaign shall include 42964
informational materials about the registry. 42965

Sec. 3107.38. (A) As used in sections 3107.38 to 3107.394 42966
of the Revised Code: 42967

(1) "Adopted person" means a person who was adopted but is 42968
not an adopted person as defined in section 3107.45 of the 42969
Revised Code. 42970

(2) "Adoption file" means a file maintained by the 42971
department of health under sections 3705.12 to 3705.124 of the 42972
Revised Code. 42973

(3) "Biological parent" means a parent, by birth, of a 42974
person who is, or is to become, an adopted person. 42975

(4) "Biological parent's name redaction request form" 42976
means the form prescribed under section 3107.391 of the Revised 42977
Code. 42978

(5) "Biological sibling" means a sibling, by birth, of a 42979

- person who is, or is to become, an adopted person. 42980
- (6) "Contact preference form" means the form prescribed 42981
under section 3107.39 of the Revised Code. 42982
- (7) "File of releases" means the filing system for 42983
releases that former section 3107.40 of the Revised Code, as 42984
repealed by Sub. S.B. 23 of the 130th general assembly, required 42985
the department of health to maintain. 42986
- (8) "Items of identification" include a motor vehicle 42987
driver's or commercial driver's license, an identification card 42988
issued under sections 4507.50 to 4507.52 of the Revised Code, a 42989
marriage application, a social security card, a credit card, a 42990
military identification card, or an employee identification 42991
card. 42992
- (9) "Lineal descendant of an adopted person" means a 42993
person who by reason of blood or adoption is a lineal descendant 42994
of an adopted person. 42995
- (10) "Offspring" means a child, by birth, of a person. 42996
- (11) "Release" means both of the following: 42997
- (a) A release filed by a biological parent or biological 42998
sibling pursuant to former section 3107.40 of the Revised Code, 42999
as repealed by Sub. S.B. 23 of the 130th general assembly, that 43000
authorized the release of identifying information to the 43001
biological parent's offspring or the release of specified 43002
information to the biological sibling's adopted sibling pursuant 43003
to former section 3107.41 of the Revised Code, as repealed by 43004
Sub. S.B. 23 of the 130th general assembly; 43005
- (b) A withdrawal of release filed by a biological parent 43006
or biological sibling pursuant to former section 3107.40 of the 43007

Revised Code, as repealed by Sub. S.B. 23 of the 130th general assembly. 43008
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(B) Subject to division (C) of this section, an adopted person or lineal descendant of an adopted person may submit a written request to the department of health for the department to provide the adopted person or lineal descendant of an adopted person with a copy of the contents of the adopted person's adoption file. The request shall provide the requester's address and notarized signature and be accompanied by two items of identification of the requester. If the requester is a lineal descendant of an adopted person, the request shall also provide notarized documentation evidencing the requester's relationship to the adopted person. On receipt of a request and payment of the fee required by section 3705.241 of the Revised Code, the department shall mail to the requester, at the address provided in the request, a copy of the contents of the adopted person's adoption file if the department has an adoption file, including all releases transferred to the adoption file pursuant to section 3107.381 of the Revised Code, for the adopted person. If the adoption file includes a biological parent's name redaction request form from a biological parent, the department shall redact the biological parent's name from the copy of the contents of the adoption file that is mailed to the requester. If the department removes the biological parent's name redaction request form from the adoption file pursuant to division ~~(D)~~ (A) of section 3107.391 of the Revised Code after the department mails the copy of the contents of the adoption file to the requester, the department shall mail to the requester another copy of the contents with the biological parent's name included. 43010
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(C) An adopted person or lineal descendant of an adopted person may not submit a request under this section until the 43037
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adopted person or lineal descendant is at least eighteen years of age. 43039
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~~Sec. 3107.391. (A) The department of job and family services shall prescribe a biological parent's name redaction request form. The form shall include all of the following:~~ 43041
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~~(1) Information about the procedures and requirements for a biological parent to do either of the following:~~ 43044
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~~(a) Have the form placed in the adoption file of the biological parent's offspring so that the biological parent's name is redacted from a copy of the contents of the adoption file that a person receives under section 3107.38 of the Revised Code;~~ 43046
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~~(b) Have the form removed from the adoption file if the biological parent later decides to permit the biological parent's name to be included in a copy of the contents of the adoption file that a person receives under section 3107.38 of the Revised Code.~~ 43051
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~~(2) Provisions necessary for the department of health to be able to identify the adoption file of the adopted person to whom the form pertains;~~ 43056
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~~(3) A place for the biological parent to attest that the biological parent is the biological parent of the adopted person to whom the form pertains.~~ 43059
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~~(B) The department of job and family services shall make the biological parent's name redaction request form available to the department of health.~~ 43062
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~~(C) (1) Until one year after the effective date of this section, the department of health shall make a biological~~ 43065
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~~parent's name redaction request form available to a biological-~~ 43067
~~parent on request. The department may accept a completed-~~ 43068
~~biological parent's name redaction request form only if all of-~~ 43069
~~the following apply:-~~ 43070

~~(a) The form is submitted to the department not later than~~ 43071
~~one year after the effective date of this section.-~~ 43072

~~(b) The form has been notarized.~~ 43073

~~(c) The biological parent provides the department two-~~ 43074
~~items of identification of the biological parent.~~ 43075

~~(d) If a social and medical history for the biological-~~ 43076
~~parent was not previously prepared or such a history was-~~ 43077
~~prepared but should be corrected or expanded, the biological-~~ 43078
~~parent does the following as appropriate:~~ 43079

~~(i) Completes a social and medical history form in-~~ 43080
~~accordance with section 3107.091 or 3107.393 of the Revised-~~ 43081
~~Code;~~ 43082

~~(ii) Corrects or expands the biological parent's social-~~ 43083
~~and medical history in accordance with division (D) of section-~~ 43084
~~3107.09 of the Revised Code.~~ 43085

~~(e) The department is satisfied that the form has been-~~ 43086
~~substantially completed.~~ 43087

~~(2) If the department determines that it may accept the-~~ 43088
~~biological parent's name redaction request form, it shall accept~~ 43089
~~the form. As soon as the department identifies the adoption file~~ 43090
~~of the adopted person to whom the form pertains, it shall place-~~ 43091
~~the form in that file.~~ 43092

~~(D)(1) A biological parent who has had a biological~~ 43093
~~parent's name redaction request form accepted under division (C)~~ 43094

~~of this section~~ by the department of health between March 20, 43095
2014, and March 20, 2015, may request at any time that the 43096
department remove the form from the adoption file of the adopted 43097
person to whom the form pertains if the biological parent 43098
decides to permit the biological parent's name to be included in 43099
a copy of the contents of the adoption file that a person 43100
receives under section 3107.38 of the Revised Code. The 43101
department shall remove the form from the adoption file if the 43102
biological parent provides the department all of the following: 43103

~~(a)~~ (1) Two items of identification of the biological 43104
parent; 43105

~~(b)~~ (2) Information the department needs to be able to 43106
identify the adoption file of the adopted person to whom the 43107
form pertains; 43108

~~(c)~~ (3) A notarized attestation that the biological parent 43109
is the biological parent of the adopted person to whom the form 43110
pertains. 43111

~~(2)~~ (B) When the department removes a biological parent's 43112
name redaction request form from an adoption file under division 43113
~~(D)~~ (1) (A) of this section, the department shall destroy the 43114
form. 43115

Sec. 3109.14. (A) As used in this section, "birth record" 43116
and "certification of birth" have the meanings given in section 43117
3705.01 of the Revised Code. 43118

(B) (1) The director of health, a person authorized by the 43119
director, a local commissioner of health, or a local registrar 43120
of vital statistics shall charge and collect a fee for each 43121
certified copy of a birth record, for each certification of 43122
birth, and for each copy of a death record. The fee shall be 43123

three dollars. The fee is in addition to the fee imposed by 43124
section 3705.24 or any other section of the Revised Code. A 43125
local commissioner of health or a local registrar of vital 43126
statistics may retain an amount of each additional fee 43127
collected, not to exceed three per cent of the amount of the 43128
additional fee, to be used for costs directly related to the 43129
collection of the fee and the forwarding of the fee to the 43130
department of health. 43131

The additional fees collected by the director of health or 43132
a person authorized by the director and the additional fees 43133
collected but not retained by a local commissioner of health or 43134
a local registrar of vital statistics shall be forwarded to the 43135
department of health not later than thirty days following the 43136
end of each quarter. Not later than two days after the fees are 43137
forwarded to the department each quarter, the department shall 43138
~~pay deposit~~ the collected fees ~~to the treasurer of state in~~ 43139
~~accordance with rules adopted by the treasurer of state under~~ 43140
~~section 113.08 of the Revised Code~~ in the state treasury to the 43141
credit of the children's trust fund. A person or government 43142
entity that fails to forward the fees in a timely manner, as 43143
determined by the department, shall send to the department, in 43144
addition to the fees, a penalty equal to ten per cent of the 43145
fees. The department also shall deposit any penalty received in 43146
the state treasury to the credit of the children's trust fund. 43147

(2) Upon the filing for a divorce decree under section 43148
3105.10 or a decree of dissolution under section 3105.65 of the 43149
Revised Code, a court of common pleas shall charge and collect a 43150
fee. The fee shall be eleven dollars. The fee is in addition to 43151
any other court costs or fees. The county clerk of courts may 43152
retain an amount of each additional fee collected, not to exceed 43153
three per cent of the amount of the additional fee, to be used 43154

for costs directly related to the collection of the fee and the 43155
forwarding of the fee to the treasurer of state. The additional 43156
fees collected, but not retained, under division (B) (2) of this 43157
section shall be forwarded to the treasurer of state not later 43158
than twenty days following the end of each month. 43159

The treasurer of state shall deposit the fees received 43160
under division (B) (2) of this section in the state treasury to 43161
the credit of the children's trust fund. A county clerk of 43162
courts that fails to forward the fees in a timely manner, as 43163
determined by the treasurer of state, shall send to the 43164
treasurer of state, in addition to the fees, a penalty equal to 43165
ten per cent of the fees. The treasurer of state also shall 43166
deposit any penalty received in the state treasury to the credit 43167
of the children's trust fund. 43168

~~(C) The treasurer of state shall deposit the fees paid or~~ 43169
~~forwarded under this section in the state treasury to the credit~~ 43170
~~of the children's trust fund, which is hereby created. A person~~ 43171
~~or government entity that fails to forward the fees in a timely~~ 43172
~~manner, as determined by the treasurer of state, shall send to~~ 43173
~~the treasurer of state, in addition to the fees, a penalty equal~~ 43174
~~to ten per cent of the fees.~~ 43175

The children's trust fund is created in the state 43176
treasury. The treasurer of state shall invest the moneys in the 43177
fund, and all earnings resulting from investment of the fund 43178
shall be credited to the fund, except that actual administrative 43179
costs incurred by the treasurer of state in administering the 43180
fund may be deducted from the earnings resulting from 43181
investments. The amount that may be deducted shall not exceed 43182
three per cent of the total amount of fees credited to the fund 43183
in each fiscal year, except that the children's trust fund board 43184

may approve an amount for actual administrative costs exceeding 43185
three per cent but not exceeding four per cent of such amount. 43186
The balance of the investment earnings shall be credited to the 43187
fund. Moneys credited to the fund shall be used only for the 43188
purposes described in sections 3109.13 to 3109.179 of the 43189
Revised Code. 43190

Sec. 3109.171. For the purpose of administering child 43191
abuse and child neglect prevention programming and services 43192
approved by the children's trust fund board, there are hereby 43193
created ~~the following eight~~ child abuse and child neglect 43194
prevention regions ~~in the state:~~ 43195

~~One region consisting of the following counties: Defiance,~~ 43196
~~Erie, Fulton, Hancock, Henry, Huron, Lucas, Ottawa, Paulding,~~ 43197
~~Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot.~~ 43198

~~One region consisting of the following counties:~~ 43199
~~Ashtabula, Cuyahoga, Geauga, and Lake.~~ 43200

~~One region consisting of the following counties: Ashland,~~ 43201
~~Columbiana, Holmes, Lorain, Mahoning, Medina, Portage, Stark,~~ 43202
~~Summit, Trumbull, and Wayne.~~ 43203

~~One region consisting of the following counties: Allen,~~ 43204
~~Auglaize, Champaign, Clark, Darke, Greene, Hardin, Logan,~~ 43205
~~Mercer, Miami, Montgomery, Preble, and Shelby.~~ 43206

~~One region consisting of the following counties: Crawford,~~ 43207
~~Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Madison,~~ 43208
~~Marion, Morrow, Pickaway, Richland, and Union.~~ 43209

~~One region consisting of the following counties: Belmont,~~ 43210
~~Carroll, Coshocton, Guernsey, Harrison, Jefferson, Monroe,~~ 43211
~~Muskingum, Noble, and Tuscarawas.~~ 43212

~~One region consisting of the following counties: Adams, 43213
Brown, Butler, Clermont, Clinton, Hamilton, Highland, and 43214
Warren. 43215~~

~~One region consisting of the following counties: Athens, 43216
Gallia, Hocking, Jackson, Lawrence, Meigs, Morgan, Perry, Pike, 43217
Ross, Scioto, Vinton, and Washington. The board, in consultation 43218
with the department of children and youth, shall determine the 43219
number of regions and the counties within each region. Each 43220
county in the state shall be included in a region. 43221~~

Sec. 3109.172. (A) As used in this section, "county 43222
prevention specialist" includes the following: 43223

(1) Members of agencies responsible for the administration 43224
of children's services in the counties within a child abuse and 43225
child neglect prevention region established in section 3109.171 43226
of the Revised Code; 43227

(2) Providers of alcohol or drug addiction services or 43228
members of boards of alcohol, drug addiction, and mental health 43229
services that serve counties within a region; 43230

(3) Providers of mental health services or members of 43231
boards of alcohol, drug addiction, and mental health services 43232
that serve counties within a region; 43233

(4) Members of county boards of developmental disabilities 43234
that serve counties within a region; 43235

(5) Members of the educational community appointed by the 43236
superintendent of the school district with the largest 43237
enrollment in the counties within a region; 43238

(6) Juvenile justice officials serving counties within a 43239
region; 43240

(7) Pediatricians, health department nurses, and other members of the medical community in the counties within a region;	43241 43242 43243
(8) Counselors and social workers serving counties within a region;	43244 43245
(9) Head start agencies serving counties within a region;	43246
(10) Child care providers serving counties within a region;	43247 43248
(11) Parent advocates with relevant experience and knowledge of services in a region;	43249 43250
(12) Other persons with demonstrated knowledge in programs for children serving counties within a region.	43251 43252
(B) Each child abuse and child neglect prevention region shall have a child abuse and child neglect regional prevention council as appointed under divisions (C), (D), and (E) of this section. Each council shall operate in accordance with rules adopted by the department of children and youth pursuant to Chapter 119. of the Revised Code.	43253 43254 43255 43256 43257 43258
(C) (1) Each board of county commissioners within a region may appoint up to two county prevention specialists to the council representing the county, in accordance with rules adopted by the department of children and youth under Chapter 119. of the Revised Code. <u>The reappointment of a chairperson by a board of county commissioners in accordance with division (D) of this section shall not be considered to be an appointment under this division.</u>	43259 43260 43261 43262 43263 43264 43265 43266
(2) The children's trust fund board may appoint additional county prevention specialists to each region's council at the	43267 43268

board's discretion. 43269

(D) Each council member appointed under ~~division (C) (1) of~~ 43270
this section shall be appointed for a two-year term. ~~Each~~ 43271
~~council member appointed under division (C) (2) of this section~~ 43272
~~shall be appointed for a three-year term.~~ A member may be 43273
reappointed, but for two consecutive terms only. A council 43274
member selected as chairperson of a child abuse and child 43275
neglect regional prevention council in accordance with division 43276
(G) of this section is eligible to be reappointed by the 43277
original appointing authority. 43278

(E) A member may be removed from the council by the 43279
member's appointing authority for misconduct, incompetence, or 43280
neglect of duty. 43281

(F) Each appointed member of a council shall serve without 43282
compensation but shall be reimbursed for all actual and 43283
necessary expenses incurred in the performance of official 43284
duties. 43285

(G) A chairperson shall be selected by the council's 43286
regional prevention coordinator from among the county prevention 43287
specialists serving on the council. 43288

(1) The chairperson shall serve as a nonvoting member of 43289
the council. 43290

(2) The chairperson shall preside over council meetings or 43291
may call upon the vice-chairperson to preside over meetings. 43292

(H) At the first regular meeting of the year, which shall 43293
be called by the chairperson, the members shall elect a vice- 43294
chairperson by a majority vote. 43295

(1) The vice-chairperson shall preside over council 43296

meetings in the absence of the chairperson or upon the request of the chairperson.	43297 43298
(2) The vice-chairperson functions in the same capacity as the chairperson and becomes a nonvoting member when presiding over a council meeting.	43299 43300 43301
(I) Each council shall meet at least quarterly.	43302
(J) Council members shall do all of the following:	43303
(1) Attend meetings of the council on which they serve;	43304
(2) Assist the regional prevention coordinator in conducting a needs assessment to ascertain the child abuse and child neglect prevention programming and services that are needed in their region;	43305 43306 43307 43308
(3) Collaborate on assembling the council's regional prevention plan based on children's trust fund board guidelines pursuant to section 3109.174 of the Revised Code;	43309 43310 43311
(4) Assist the council's regional prevention coordinator with all of the following:	43312 43313
(a) Implementing the regional prevention plan, including monitoring fulfillment of child abuse and child neglect prevention deliverables and achievement of prevention outcomes;	43314 43315 43316
(b) Coordinating county data collection;	43317
(c) Ensuring timely and accurate reporting to the children's trust fund board.	43318 43319
(5) Any additional duties specified in accordance with rules adopted by the department pursuant to Chapter 119. of the Revised Code.	43320 43321 43322
(K) No council member shall participate in matters of the	43323

council pertaining to their own interests, including 43324
applications for funding by a council member or any entity, 43325
public or private, of which a council member serves as either a 43326
board member or employee. 43327

(L) Each council shall file with the children's trust fund 43328
board, not later than the due dates specified by the board, a 43329
progress report and an annual report regarding the council's 43330
child abuse and child neglect prevention programs and activities 43331
undertaken in accordance with the council's regional prevention 43332
plan. The reports shall contain all information required by the 43333
board. 43334

Sec. 3109.173. (A) Each child abuse and child neglect 43335
regional prevention council shall be under the direction of a 43336
regional prevention coordinator. The children's trust fund board 43337
~~shall~~ may select each region's coordinator through a competitive 43338
selection process conducted by the board. If the board has not 43339
selected a regional coordinator through a competitive selection 43340
process for a region, children's trust fund staff shall serve as 43341
coordinator for that region. 43342

(B) Regional prevention coordinators shall do all of the 43343
following: 43344

(1) Select a representative to serve as chairperson of the 43345
regional prevention council pursuant to division (G) of section 43346
3109.172 of the Revised Code; 43347

(2) Conduct a needs assessment to ascertain the child 43348
abuse and neglect prevention programming and services that are 43349
needed in the region; 43350

(3) Work with county prevention specialists in the region 43351
to assemble the regional prevention plan based on children's 43352

trust fund board guidelines pursuant to section 3109.174 of the Revised Code; 43353
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(4) Implement the regional prevention plan, including the following: 43355
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(a) Monitoring fulfillment of prevention deliverables and achievement of prevention outcomes; 43357
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(b) Coordinating county data collection; 43359

(c) Ensuring timely and accurate reporting to the board. 43360

(5) Any additional duties specified by the department in rules adopted pursuant to Chapter 119. of the Revised Code. 43361
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Sec. 3109.178. (A) ~~Each child abuse and child neglect regional prevention council~~ An entity may request from the children's trust fund board up to five thousand dollars ~~for each county within the council's region~~ to be used as one-time, start-up costs for the establishment and operation of a children's advocacy center to serve ~~each~~ at least one ~~county in the region or a center to serve two or more contiguous counties within the region.~~ 43363
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(B) On receipt of a request made under this section, the board shall review and approve or disapprove the request. 43371
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(C) If the board disapproves the request, the board shall send to the ~~requesting council~~ entity requesting funds written notice of the disapproval that states the reasons for the disapproval. 43373
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(D) No funds allocated ~~to a council~~ under this section may be used as start-up costs for any children's advocacy center unless the center has as a component a primary prevention strategy. 43377
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(E) ~~A council~~ An entity that receives funds under this 43381
section in any fiscal year shall not use the funds received in a 43382
different fiscal year or for a different center in any fiscal 43383
year without the approval of the board. 43384

(F) A children's advocacy center established using funds 43385
awarded under this section shall comply with sections 2151.425 43386
to 2151.428 of the Revised Code. 43387

Sec. 3115.201. (A) In a proceeding to establish or enforce 43388
a support order or to determine parentage of a child, a tribunal 43389
or support enforcement agency of this state may exercise 43390
personal jurisdiction over a nonresident individual if any of 43391
the following apply: 43392

(1) The individual is personally served with summons 43393
within this state. 43394

(2) The individual submits to the jurisdiction of this 43395
state by consent in a record, by entering a general appearance, 43396
or by filing a responsive document having the effect of waiving 43397
any contest to personal jurisdiction. 43398

(3) The individual resided with the child in this state. 43399

(4) The individual resided in this state and provided 43400
prenatal expenses or support for the child. 43401

(5) The child resides in this state as a result of the 43402
acts or directives of the individual. 43403

(6) The individual engaged in sexual intercourse in this 43404
state and the child may have been conceived by that act of 43405
intercourse. 43406

(7) The individual asserted parentage of a child in the 43407
putative father registry maintained in this state by the 43408

department of ~~job and family services~~ children and youth. 43409

(8) There is any other basis consistent with the 43410
Constitutions of this state and the United States for the 43411
exercise of personal jurisdiction. 43412

(B) The bases of personal jurisdiction set forth in 43413
division (A) of this section or in any other law of this state 43414
may not be used to acquire personal jurisdiction for a tribunal 43415
of this state to modify a child-support order of another state 43416
unless the requirements of section 3115.611 of the Revised Code 43417
are met or, in the case of a foreign support order, unless the 43418
requirements of section 3115.615 of the Revised Code are met. 43419

Sec. 3119.01. (A) As used in the Revised Code, "child 43420
support enforcement agency" means a child support enforcement 43421
agency designated under former section 2301.35 of the Revised 43422
Code prior to October 1, 1997, or a private or government entity 43423
designated as a child support enforcement agency under section 43424
307.981 of the Revised Code. 43425

(B) As used in this chapter and Chapters 3121., 3123., and 43426
3125. of the Revised Code: 43427

(1) "Administrative child support order" means any order 43428
issued by a child support enforcement agency for the support of 43429
a child pursuant to section 3109.19 or 3111.81 of the Revised 43430
Code or former section 3111.211 of the Revised Code, section 43431
3111.21 of the Revised Code as that section existed prior to 43432
January 1, 1998, or section 3111.20 or 3111.22 of the Revised 43433
Code as those sections existed prior to March 22, 2001. 43434

(2) "Child support order" means either a court child 43435
support order or an administrative child support order. 43436

(3) "Obligee" means the person who is entitled to receive 43437

the support payments under a support order. 43438

(4) "Obligor" means the person who is required to pay 43439
support under a support order. 43440

(5) "Support order" means either an administrative child 43441
support order or a court support order. 43442

(C) As used in this chapter: 43443

(1) "Caretaker" means any of the following, other than a 43444
parent: 43445

(a) A person with whom the child resides for at least 43446
thirty consecutive days, and who is the child's primary 43447
caregiver; 43448

(b) A person who is receiving public assistance on behalf 43449
of the child; 43450

(c) A person or agency with legal custody of the child, 43451
including a county department of job and family services or a 43452
public children services agency; 43453

(d) A guardian of the person or the estate of a child; 43454

(e) Any other appropriate court or agency with custody of 43455
the child. 43456

"Caretaker" excludes a "host family" as defined under 43457
section 2151.90 of the Revised Code. 43458

(2) "Cash medical support" means an amount ordered to be 43459
paid in a child support order toward the ordinary medical 43460
expenses incurred during a calendar year. 43461

(3) "Child care cost" means annual out-of-pocket costs for 43462
the care and supervision of a child or children subject to the 43463
order that is related to work or employment training. 43464

(4) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3109.20, 3111.13, 3113.04, 3113.07, 3113.31, 3119.11, 3119.65, or 3119.70 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.

(5) "Court-ordered parenting time" means the amount of parenting time a parent is to have under a parenting time order or the amount of time the children are to be in the physical custody of a parent under a shared parenting order.

(6) "Court support order" means either a court child support order or an order for the support of a spouse or former spouse issued pursuant to Chapter 3115. of the Revised Code, section 3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.

(7) "CPI-U" means the consumer price index for all urban consumers, published by the United States department of labor, bureau of labor statistics.

(8) "Extraordinary medical expenses" means any uninsured medical expenses incurred for a child during a calendar year that exceed the total cash medical support amount owed by the parents during that year.

(9) "Federal poverty level" has the same meaning as in section 5121.30 of the Revised Code.

(10) "Income" means either of the following:

(a) For a parent who is employed to full capacity, the gross income of the parent;

(b) For a parent who is unemployed or underemployed, the 43493
sum of the gross income of the parent and any potential income 43494
of the parent. 43495

(11) "Income share" means the percentage derived from a 43496
comparison of each parent's annual income after allowable 43497
deductions and credits as indicated on the worksheet to the 43498
total annual income of both parents. 43499

(12) "Insurer" means any person authorized under Title 43500
XXXIX of the Revised Code to engage in the business of insurance 43501
in this state, any health insuring corporation, and any legal 43502
entity that is self-insured and provides benefits to its 43503
employees or members. 43504

(13) "Gross income" means, except as excluded in division 43505
(C)(13) of this section, the total of all earned and unearned 43506
income from all sources during a calendar year, whether or not 43507
the income is taxable, and includes income from salaries, wages, 43508
overtime pay, and bonuses to the extent described in division 43509
(D) of section 3119.05 of the Revised Code; commissions; 43510
royalties; tips; rents; dividends; severance pay; pensions; 43511
interest; trust income; annuities; social security benefits, 43512
including retirement, disability, and survivor benefits that are 43513
not means-tested; workers' compensation benefits; unemployment 43514
insurance benefits; disability insurance benefits; benefits that 43515
are not means-tested and that are received by and in the 43516
possession of the veteran who is the beneficiary for any 43517
service-connected disability under a program or law administered 43518
by the United States department of veterans' affairs or 43519
veterans' administration; spousal support actually received; and 43520
all other sources of income. "Gross income" includes income of 43521
members of any branch of the United States armed services or 43522

national guard, including, amounts representing base pay, basic 43523
allowance for quarters, basic allowance for subsistence, 43524
supplemental subsistence allowance, cost of living adjustment, 43525
specialty pay, variable housing allowance, and pay for training 43526
or other types of required drills; self-generated income; and 43527
potential cash flow from any source. 43528

"Gross income" does not include any of the following: 43529

(a) Benefits received from means-tested government 43530
administered programs, including Ohio works first; prevention, 43531
retention, and contingency; means-tested veterans' benefits; 43532
supplemental security income; supplemental nutrition assistance 43533
program; disability financial assistance; or other assistance 43534
for which eligibility is determined on the basis of income or 43535
assets; 43536

(b) Benefits for any service-connected disability under a 43537
program or law administered by the United States department of 43538
veterans' affairs or veterans' administration that are not 43539
means-tested, that have not been distributed to the veteran who 43540
is the beneficiary of the benefits, and that are in the 43541
possession of the United States department of veterans' affairs 43542
or veterans' administration; 43543

(c) Child support amounts received for children who are 43544
not included in the current calculation; 43545

(d) Amounts paid for mandatory deductions from wages such 43546
as union dues but not taxes, social security, or retirement in 43547
lieu of social security; 43548

(e) Nonrecurring or unsustainable income or cash flow 43549
items; 43550

(f) Adoption assistance, kinship guardianship assistance, 43551

and foster care maintenance payments made pursuant to Title IV-E 43552
of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 43553
(1980), as amended; 43554

(g) State kinship guardianship assistance described in 43555
section 5153.163 of the Revised Code and payment from the 43556
kinship support program described in section ~~5101.881~~ 5180.531 43557
of the Revised Code. 43558

(14) "Nonrecurring or unsustainable income or cash flow 43559
item" means an income or cash flow item the parent receives in 43560
any year or for any number of years not to exceed three years 43561
that the parent does not expect to continue to receive on a 43562
regular basis. "Nonrecurring or unsustainable income or cash 43563
flow item" does not include a lottery prize award that is not 43564
paid in a lump sum or any other item of income or cash flow that 43565
the parent receives or expects to receive for each year for a 43566
period of more than three years or that the parent receives and 43567
invests or otherwise uses to produce income or cash flow for a 43568
period of more than three years. 43569

(15) "Ordinary medical expenses" includes copayments and 43570
deductibles, and uninsured medical-related costs for the 43571
children of the order. 43572

(16) (a) "Ordinary and necessary expenses incurred in 43573
generating gross receipts" means actual cash items expended by 43574
the parent or the parent's business and includes depreciation 43575
expenses of business equipment as shown on the books of a 43576
business entity. 43577

(b) Except as specifically included in "ordinary and 43578
necessary expenses incurred in generating gross receipts" by 43579
division (C) (16) (a) of this section, "ordinary and necessary 43580

expenses incurred in generating gross receipts" does not include 43581
depreciation expenses and other noncash items that are allowed 43582
as deductions on any federal tax return of the parent or the 43583
parent's business. 43584

(17) "Personal earnings" means compensation paid or 43585
payable for personal services, however denominated, and includes 43586
wages, salary, commissions, bonuses, draws against commissions, 43587
profit sharing, vacation pay, or any other compensation. 43588

(18) "Potential income" means both of the following for a 43589
parent who the court pursuant to a court support order, or a 43590
child support enforcement agency pursuant to an administrative 43591
child support order, determines is voluntarily unemployed or 43592
voluntarily underemployed: 43593

(a) Imputed income that the court or agency determines the 43594
parent would have earned if fully employed as determined from 43595
the following criteria: 43596

(i) The parent's prior employment experience; 43597

(ii) The parent's education; 43598

(iii) The parent's physical and mental disabilities, if 43599
any; 43600

(iv) The availability of employment in the geographic area 43601
in which the parent resides; 43602

(v) The prevailing wage and salary levels in the 43603
geographic area in which the parent resides; 43604

(vi) The parent's special skills and training; 43605

(vii) Whether there is evidence that the parent has the 43606
ability to earn the imputed income; 43607

(viii) The age and special needs of the child for whom child support is being calculated under this section;	43608 43609
(ix) The parent's increased earning capacity because of experience;	43610 43611
(x) The parent's decreased earning capacity because of a felony conviction;	43612 43613
(xi) Any other relevant factor.	43614
(b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant.	43615 43616 43617 43618 43619 43620
(19) "Schedule" means the basic child support schedule created pursuant to section 3119.021 of the Revised Code.	43621 43622
(20) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by a parent from self-employment, the operation of a business, or rents, including company cars, free housing, reimbursed meals, and other benefits, if the reimbursements are significant and reduce personal living expenses.	43623 43624 43625 43626 43627 43628 43629 43630 43631 43632
(21) "Self-sufficiency reserve" means the minimal amount necessary for an obligor to adequately subsist upon, as determined under section 3119.021 of the Revised Code.	43633 43634 43635

(22) "Split parental rights and responsibilities" means a situation in which there is more than one child who is the subject of an allocation of parental rights and responsibilities and each parent is the residential parent and legal custodian of at least one of those children.

(23) "Worksheet" means the applicable worksheet created in rules adopted under section 3119.022 of the Revised Code that is used to calculate a parent's child support obligation.

Sec. 3121.441. (A) Notwithstanding the provisions of this chapter, Chapters 3119., 3123., and 3125., and sections 3770.071 and 5107.20 of the Revised Code providing for the office of child support in the department of job and family services to collect, withhold, or deduct spousal support, when a court pursuant to section 3105.18 or 3105.65 of the Revised Code issues or modifies an order requiring an obligor to pay spousal support or grants or modifies a decree of dissolution of marriage incorporating a separation agreement that provides for spousal support, or at any time after the issuance, granting, or modification of an order or decree of that type, the court may permit the obligor to make the spousal support payments directly to the obligee instead of to the office if the obligee and the obligor have no minor children born as a result of their marriage and the obligee has not assigned the spousal support amounts to the department pursuant to section 5107.20 or 5160.38 of the Revised Code.

(B) A court that permits an obligor to make spousal support payments directly to the obligee pursuant to division (A) of this section shall order the obligor to make the spousal support payments as a check, as a money order, or in any other form that establishes a clear record of payment.

(C) If a court permits an obligor to make spousal support payments directly to an obligee pursuant to division (A) of this section and the obligor is in default in making any spousal support payment to the obligee, the court, upon motion of the obligee or on its own motion, may rescind the permission granted under that division. After the rescission, the court shall determine the amount of arrearages in the spousal support payments and order the obligor to make to the office of child support in the department of job and family services any spousal support payments that are in arrears and any future spousal support payments. Upon the issuance of the order of the court under this division, the provisions of this chapter, Chapters 3119., 3123., and 3125., and sections 3770.071, 3770.074, and 5107.20 of the Revised Code apply with respect to the collection, withholding, or deduction of the obligor's spousal support payments that are the subject of that order of the court.

Sec. 3123.89. (A) The department of job and family services shall develop and implement a real time data match program with the state lottery commission and its lottery sales agents and lottery agents to identify obligors who are subject to a final and enforceable determination of default made under sections 3123.01 to 3123.07 of the Revised Code.

(B) Upon the data match program's implementation, the department, in consultation with the commission, shall promulgate rules to facilitate withholding, in appropriate circumstances and in accordance with ~~section~~ sections 3770.071 and 3770.074 of the Revised Code, by the commission or its lottery sales agents or lottery agents of an amount sufficient to satisfy any past due support owed by an obligor from a lottery prize award owed to the obligor up to the amount of the

award. The rules shall describe an expedited method for 43697
withholding, and the time frame for transmission of the amount 43698
withheld to the department. 43699

(C) As used in this section, ~~"lottery":~~ 43700

(1) ~~"Lottery prize award" has the same meaning as in~~ 43701
~~section 3770.10 of the Revised Code~~ includes a prize award from 43702
a video lottery terminal but does not include winnings from 43703
lottery sports gaming, except for winnings from lottery sports 43704
gaming wagers placed through a terminal described in division 43705
(B) (3) of section 3770.24 of the Revised Code. 43706

(2) "Lottery sports gaming" has the same meaning as in 43707
section 3770.23 of the Revised Code. 43708

(3) "Video lottery terminal" has the same meaning as in 43709
section 3770.21 of the Revised Code. 43710

Sec. 3123.90. (A) As used in this section: 43711

(1) "Casino facility," "casino operator," and "management 43712
company" have the meanings defined in section 3772.01 of the 43713
Revised Code. 43714

(2) "Sports gaming proprietor" has the meaning defined in 43715
section 3775.01 of the Revised Code. 43716

(3) "Lottery sports gaming" has the same meaning as in 43717
section 3770.23 of the Revised Code. 43718

(B) The department of job and family services shall 43719
develop and implement a real time data match program with each 43720
casino facility's casino operator or management company and with 43721
each sports gaming proprietor to identify obligors who are 43722
subject to a final and enforceable determination of default made 43723
under sections 3123.01 to 3123.07 of the Revised Code. 43724

(C) ~~Upon~~ Subject to division (E) of this section, upon the 43725
data match program's implementation, if a person receives a 43726
payout of winnings at a casino facility or from sports gaming in 43727
an amount for which reporting to the internal revenue service of 43728
the amount is required by section 6041 of the Internal Revenue 43729
Code, as amended, the casino operator, management company, or 43730
sports gaming proprietor shall refer to the data match program 43731
to determine if the person entitled to the winnings is in 43732
default under a support order. If the data match program 43733
indicates that the person is in default, the casino operator, 43734
management company, or sports gaming proprietor shall withhold 43735
from the person's winnings an amount sufficient to satisfy any 43736
past due support owed by the obligor identified in the data 43737
match up to the amount of the winnings. 43738

(D) Not later than fourteen days after withholding the 43739
amount, the casino operator, management company, or sports 43740
gaming proprietor shall electronically transmit any amount 43741
withheld to the department as payment on the support obligation. 43742

(E) A sports gaming proprietor that offers lottery sports 43743
gaming through a terminal described in division (B) (3) of 43744
section 3770.24 of the Revised Code shall not withhold amounts 43745
under this section from winnings from wagers placed through that 43746
terminal. The state lottery commission shall withhold amounts 43747
from those winnings under section 3770.071 of the Revised Code. 43748

(F) The department, in consultation with the Ohio casino 43749
control commission, may adopt rules under Chapter 119. of the 43750
Revised Code as are necessary for implementation of this 43751
section. 43752

Sec. 3301.071. (A) (1) Except as provided in division (E) 43753
of this section, in the case of nontax-supported schools, 43754

standards for teacher certification prescribed under section 43755
3301.07 of the Revised Code shall provide for certification, 43756
without further educational requirements, of any administrator, 43757
supervisor, or teacher who has attended and received a 43758
bachelor's degree or a master's degree from a college or 43759
university accredited by a national or regional association in 43760
the United States except that, at the discretion of the state 43761
board of education, this requirement may be met by having an 43762
equivalent degree from a foreign college or university of 43763
comparable standing. 43764

(2) Except as provided in division (E) of this section, in 43765
the case of nonchartered, nontax-supported schools, the 43766
standards for teacher certification prescribed under section 43767
3301.07 of the Revised Code shall provide for certification, 43768
without further educational requirements, of any administrator, 43769
supervisor, or teacher who has attended and received a diploma 43770
from a "bible college" or "bible institute" described in 43771
division (E) of section 1713.02 of the Revised Code. 43772

(3) A certificate issued under division (A) (3) of this 43773
section shall be valid only for teaching foreign language, 43774
music, religion, computer technology, or fine arts. 43775

Notwithstanding division (A) (1) of this section and except 43776
as provided in division (E) of this section, the standards for 43777
teacher certification prescribed under section 3301.07 of the 43778
Revised Code shall provide for certification of a person as a 43779
teacher upon receipt by the state board of an affidavit signed 43780
by the chief administrative officer of a chartered nonpublic 43781
school seeking to employ the person, stating that the person 43782
meets one of the following conditions: 43783

(a) The person has specialized knowledge, skills, or 43784

expertise that qualifies the person to provide instruction. 43785

(b) The person has provided to the chief administrative 43786
officer evidence of at least three years of teaching experience 43787
in a public or nonpublic school. 43788

(c) The person has provided to the chief administrative 43789
officer evidence of completion of a teacher training program 43790
named in the affidavit. 43791

(B) Each person applying for a certificate under this 43792
section for purposes of serving in a nonpublic school chartered 43793
by the director of education and workforce under section 3301.16 43794
of the Revised Code shall pay a fee in the amount established 43795
under division ~~(A)~~(B) of section 3319.51 of the Revised Code. 43796
Any fees received under this division shall be paid into the 43797
state treasury to the credit of the ~~state board of education~~ 43798
~~certification fund established under division (B) of section~~ 43799
~~3319.51 occupational licensing and regulatory fund established~~ 43800
in section 4743.05 of the Revised Code. 43801

(C) A person applying for or holding any certificate 43802
pursuant to this section for purposes of serving in a nonpublic 43803
school chartered by the director is subject to sections 3123.41 43804
to 3123.50 of the Revised Code and any applicable rules adopted 43805
under section 3123.63 of the Revised Code and sections 3319.31 43806
and 3319.311 of the Revised Code. 43807

(D) Divisions (B) and (C) of this section and sections 43808
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 43809
to any administrators, supervisors, or teachers in nonchartered, 43810
nontax-supported schools. 43811

(E) The state board shall issue a certificate to serve in 43812
a nonpublic school as an administrator, supervisor, or teacher 43813

in accordance with Chapter 4796. of the Revised Code to an 43814
applicant if either of the following applies: 43815

(1) The applicant holds a certificate in another state. 43816

(2) The applicant has satisfactory work experience, a 43817
government certification, or a private certification as 43818
described in that chapter as a nonpublic school administrator, 43819
supervisor, or teacher in a state that does not issue one or 43820
more of those certificates. 43821

Sec. 3301.074. (A) Except as provided in division (E) of 43822
this section, the state board of education shall, by rule 43823
adopted in accordance with Chapter 119. of the Revised Code, 43824
establish standards for licensing school district treasurers and 43825
business managers, for the renewal of such licenses, and for the 43826
issuance of duplicate copies of licenses. Licenses of the 43827
following types shall be issued or renewed by the board to 43828
applicants who meet the standards for the license or the renewal 43829
of the license for which application is made: 43830

(1) Treasurer, valid for serving as treasurer of a school 43831
district in accordance with section 3313.22 of the Revised Code; 43832

(2) Business manager, valid for serving as business 43833
manager of a school district in accordance with section 3319.03 43834
of the Revised Code. 43835

(B) Each application for a license or renewal or duplicate 43836
copy of a license shall be accompanied by the payment of a fee 43837
in the amount established under division ~~(A)~~(B) of section 43838
3319.51 of the Revised Code. Any fees received under this 43839
section shall be paid into the state treasury to the credit of 43840
the ~~state board of education licensure fund established under~~ 43841
~~division (B) of section 3319.51~~ occupational licensing and 43842

regulatory fund established in section 4743.05 of the Revised Code. 43843
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(C) Any person employed under section 3313.22 of the Revised Code as a treasurer on July 1, 1983, shall be considered to meet the standards for licensure as a treasurer and for renewal of such license. Any person employed under section 3319.03 of the Revised Code as a business manager on July 1, 1983, shall be considered to meet the standards for licensure as a business manager and for renewal of such license. 43845
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(D) Any person applying for or holding any license pursuant to this section is subject to sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code and sections 3319.31 and 3319.311 of the Revised Code. 43852
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(E) The state board shall issue a license to act as a school district treasurer or business manager in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 43857
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(1) The applicant holds a license in another state. 43861

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a school district treasurer or business manager in a state that does not issue one of those licenses or both. 43862
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Sec. 3301.079. (A) (1) The department of education and workforce periodically shall adopt statewide academic standards with emphasis on coherence, focus, and essential knowledge and that are more challenging and demanding when compared to international standards for each of grades kindergarten through 43867
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twelve in English language arts, mathematics, science, and social studies. 43872
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(a) The department shall ensure that the standards do all of the following: 43874
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(i) Include the essential academic content and skills that students are expected to know and be able to do at each grade level that will allow each student to be prepared for postsecondary instruction and the workplace for success in the twenty-first century; 43876
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(ii) Include the development of skill sets that promote information, media, and technological literacy; 43881
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(iii) Include interdisciplinary, project-based, real-world learning opportunities; 43883
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(iv) Instill life-long learning by providing essential knowledge and skills based in the liberal arts tradition, as well as science, technology, engineering, mathematics, and career-technical education; 43885
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(v) Be clearly written, transparent, and understandable by parents, educators, and the general public. 43889
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(b) The department shall incorporate into the social studies standards for grades four to twelve academic content regarding the original texts of the Declaration of Independence, the Northwest Ordinance, the Constitution of the United States and its amendments, with emphasis on the Bill of Rights, and the Ohio Constitution, and their original context. The department shall revise the model curricula and achievement assessments adopted under divisions (B) and (C) of this section as necessary to reflect the additional American history and American government content. The department shall make available a list 43891
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of suggested grade-appropriate supplemental readings that place 43901
the documents prescribed by this division in their historical 43902
context, which teachers may use as a resource to assist students 43903
in reading the documents within that context. 43904

(c) When the department adopts or revises academic content 43905
standards in social studies, American history, American 43906
government, or science under division (A) (1) of this section, it 43907
shall develop such standards independently and not as part of a 43908
multistate consortium. 43909

(2) (a) After completing the standards required by division 43910
(A) (1) of this section, the department shall adopt standards and 43911
model curricula for instruction in technology, financial 43912
literacy and entrepreneurship, fine arts, and foreign language 43913
for grades kindergarten through twelve. The standards shall meet 43914
the same requirements prescribed in division (A) (1) (a) of this 43915
section. 43916

(b) The department shall incorporate into the standards 43917
and model curriculum for financial literacy and entrepreneurship 43918
for grades nine through twelve academic content regarding free 43919
market capitalism. The academic content shall include all of the 43920
following concepts related to free market capitalism: 43921

(i) Raw materials, labor, and capital, the three classical 43922
factors of economic production, are privately owned. 43923

(ii) Individuals control their own ability to work, earn 43924
wages, and obtain skills to earn and increase wages. 43925

(iii) Private ownership of capital may include a sole 43926
proprietorship, a family business, a publicly traded 43927
corporation, a group of private investors, or a bank. 43928

(iv) Markets aggregate the exchange of goods and services 43929

throughout the world. Market prices are the only way to convey 43930
so much constantly changing information about the supply of 43931
goods and services, and the demand for them, for consumers and 43932
producers to make informed economic decisions for themselves. 43933

(v) Wealth is created by providing goods and services that 43934
people value at a profit, and both sellers and buyers seek to 43935
profit in some way in a free market transaction. Thus, profit 43936
earned through transactions can be consumed, saved, reinvested 43937
in the business, or dispersed to shareholders. 43938

(vi) Wealth creation involves asset value appreciation and 43939
depreciation, voluntary exchange of equity ownership, and open 43940
and closed markets. 43941

(vii) The free market is driven by, and tends to produce, 43942
entrepreneurship and innovation. 43943

(viii) The free market can include side effects and market 43944
failures where at least part of the cost of the transaction, 43945
including producing, transporting, selling, or buying, is born 43946
by others outside of the transaction. 43947

(ix) The political features of the free market, including 43948
legally protected property rights, legally enforceable 43949
contracts, patent protections, and the mitigation of side 43950
effects and market failures; 43951

(x) Societies that embrace the free market often embrace 43952
political and personal freedom as well. 43953

(3) The department shall adopt the most recent standards 43954
developed by the national association for sport and physical 43955
education for physical education in grades kindergarten through 43956
twelve or shall adopt its own standards for physical education 43957
in those grades and revise and update them periodically. 43958

The department shall employ a full-time physical education coordinator to provide guidance and technical assistance to districts, community schools, and STEM schools in implementing the physical education standards adopted under this division. The director of education and workforce shall determine that the person employed as coordinator is qualified for the position, as demonstrated by possessing an adequate combination of education, license, and experience.

(4) The department shall update the standards and model curriculum for instruction in computer science in grades kindergarten through twelve, which shall include standards for introductory and advanced computer science courses in grades nine through twelve. When developing the standards and curriculum, the department shall consider recommendations from computer science education stakeholder groups, including teachers and representatives from higher education, industry, computer science organizations in Ohio, and national computer science organizations.

Any district or school may utilize the computer science standards or model curriculum or any part thereof adopted pursuant to division (A) (4) of this section. However, no district or school shall be required to utilize all or any part of the standards or curriculum.

(5) When academic standards have been completed for any subject area required by this section, the department shall inform all school districts, all community schools established under Chapter 3314. of the Revised Code, all STEM schools established under Chapter 3326. of the Revised Code, and all nonpublic schools required to administer the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised

Code of the content of those standards. Additionally, upon 43989
completion of any academic standards under this section, the 43990
department shall post those standards on the department's web 43991
site. 43992

(B) (1) The department shall adopt a model curriculum for 43993
instruction in each subject area for which updated academic 43994
standards are required by division (A) (1) of this section and 43995
for each of grades kindergarten through twelve that is 43996
sufficient to meet the needs of students in every community. The 43997
model curriculum shall be aligned with the standards, to ensure 43998
that the academic content and skills specified for each grade 43999
level are taught to students, and shall demonstrate vertical 44000
articulation and emphasize coherence, focus, and rigor. When any 44001
model curriculum has been completed, the department shall inform 44002
all school districts, community schools, and STEM schools of the 44003
content of that model curriculum. 44004

(2) The department, in consultation with the governor's 44005
office of workforce transformation, shall adopt model curricula 44006
for grades kindergarten through twelve that embed career 44007
connection learning strategies into regular classroom 44008
instruction. 44009

(3) All school districts, community schools, and STEM 44010
schools may utilize the state standards and the model curriculum 44011
established by the department, together with other relevant 44012
resources, examples, or models to ensure that students have the 44013
opportunity to attain the academic standards. Upon request, the 44014
department shall provide technical assistance to any district, 44015
community school, or STEM school in implementing the model 44016
curriculum. 44017

Nothing in this section requires any school district to 44018

utilize all or any part of a model curriculum developed under 44019
this section. 44020

(C) The department shall develop achievement assessments 44021
aligned with the academic standards and model curriculum for 44022
each of the subject areas and grade levels required by divisions 44023
(A) (1) and (B) (1) of section 3301.0710 of the Revised Code. 44024

When any achievement assessment has been completed, the 44025
department shall inform all school districts, community schools, 44026
STEM schools, and nonpublic schools required to administer the 44027
assessment of its completion, and the department shall make the 44028
achievement assessment available to the districts and schools. 44029

(D) (1) ~~The~~ Not later than June 30, 2026, the department 44030
shall ~~adopt~~ do both of the following: 44031

(a) Adopt a diagnostic assessment aligned with the 44032
academic standards and model curriculum for each of grades one- 44033
and two-kindergarten to three in reading, writing, and 44034
mathematics and for grade three in reading and writing. The ; 44035

(b) Approve a list of up to five diagnostic assessments 44036
aligned with the academic standards for each of grades 44037
kindergarten to three for both reading and mathematics. The 44038
department's list of approved diagnostic assessments for reading 44039
shall include the three reading diagnostic assessments that were 44040
approved by the department for use as comparable tools for 44041
purposes of division (B) (1) of section 3313.608 of the Revised 44042
Code, as it existed prior to the effective date of this 44043
amendment, and are most widely used by public schools in the 44044
state. 44045

(2) Each diagnostic assessment adopted or approved under 44046
division (D) (1) of this section shall be designed to measure 44047

student comprehension of academic content and mastery of related 44048
skills for the relevant subject area and grade level. The 44049
diagnostic assessment for reading shall be designed to measure 44050
student comprehension of foundational reading skills aligned to 44051
the science of reading. Any diagnostic assessment adopted by the 44052
department shall not include components to identify gifted 44053
students. Blank copies of diagnostic assessments shall be public 44054
records. 44055

~~(2) When each diagnostic assessment has been completed,~~ 44056
~~the department shall inform all school districts of its~~ 44057
~~completion and make the diagnostic assessment available to the~~ 44058
~~districts at no cost to the district.~~ 44059

(3) School districts shall administer ~~the~~ a diagnostic 44060
assessment in reading and mathematics adopted or approved by the 44061
department pursuant to section 3301.0715 of the Revised Code 44062
beginning ~~the first~~ in the 2026-2027 school year ~~following the~~ 44063
~~development of the assessment.~~ 44064

~~However, beginning with the 2017-2018 school year, both of~~ 44065
~~the following shall apply:~~ 44066

~~(a) In the case of the diagnostic assessments for grades~~ 44067
~~one or two in writing or mathematics or for grade three in~~ 44068
~~writing, a school district shall not be required to administer~~ 44069
~~any such assessment, but may do so at the discretion of the~~ 44070
~~district board;~~ 44071

~~(b) In the case of any diagnostic assessment that is not~~ 44072
~~for the grade levels and subject areas specified in division (D)~~ 44073
~~(3)(a) of this section, each school district shall administer~~ 44074
~~the assessment in the manner prescribed by section 3301.0715 of~~ 44075
~~the Revised Code.~~ 44076

(E) The department shall not adopt a diagnostic or 44077
achievement assessment for any grade level or subject area other 44078
than those specified in this section. 44079

(F) Whenever the department consults with persons for the 44080
purpose of drafting or reviewing any standards, diagnostic 44081
assessments, achievement assessments, or model curriculum 44082
required under this section, the department shall first consult 44083
with parents of students in kindergarten through twelfth grade 44084
and with active Ohio classroom teachers, other school personnel, 44085
and administrators with expertise in the appropriate subject 44086
area. Whenever practicable, the department shall consult with 44087
teachers recognized as outstanding in their fields. 44088

If the department contracts with more than one outside 44089
entity for the development of the achievement assessments 44090
required by this section, the department shall ensure the 44091
interchangeability of those assessments. 44092

(G) Whenever the department adopts standards or model 44093
curricula under this section, the department also shall provide 44094
information on the use of blended, online, or digital learning 44095
in the delivery of the standards or curricula to students in 44096
accordance with division (A)(5) of this section. 44097

(H) The fairness sensitivity review committee of the 44098
department shall not allow any question on any achievement or 44099
diagnostic assessment developed under this section or any 44100
proficiency test prescribed by former section 3301.0710 of the 44101
Revised Code, as it existed prior to September 11, 2001, to 44102
include, be written to promote, or inquire as to individual 44103
moral or social values or beliefs. The decision of the committee 44104
shall be final. This section does not create a private cause of 44105
action. 44106

(I) Not later than sixty days prior to the adoption of 44107
updated academic standards under division (A) (1) of this section 44108
or updated model curricula under division (B) (1) of this 44109
section, the director of education and workforce shall present 44110
the academic standards or model curricula, as applicable, in 44111
person at a public hearing of the respective committees of the 44112
house of representatives and senate that consider education 44113
legislation. 44114

(J) As used in this section: 44115

(1) "Blended learning" means the delivery of instruction 44116
in a combination of time primarily in a supervised physical 44117
location away from home and online delivery whereby the student 44118
has some element of control over time, place, path, or pace of 44119
learning and includes noncomputer-based learning opportunities. 44120

(2) "Online learning" means students work primarily from 44121
their residences on assignments delivered via an internet- or 44122
other computer-based instructional method. 44123

(3) "Coherence" means a reflection of the structure of the 44124
discipline being taught. 44125

(4) "Digital learning" means learning facilitated by 44126
technology that gives students some element of control over 44127
time, place, path, or pace of learning. 44128

(5) "Focus" means limiting the number of items included in 44129
a curriculum to allow for deeper exploration of the subject 44130
matter. 44131

(6) "Vertical articulation" means key academic concepts 44132
and skills associated with mastery in particular content areas 44133
should be articulated and reinforced in a developmentally 44134
appropriate manner at each grade level so that over time 44135

students acquire a depth of knowledge and understanding in the 44136
core academic disciplines. 44137

Sec. 3301.0711. (A) The department of education and 44138
workforce shall: 44139

(1) Annually furnish to, grade, and score all assessments 44140
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 44141
the Revised Code to be administered by city, local, exempted 44142
village, and joint vocational school districts, except that each 44143
district shall score any assessment administered pursuant to 44144
division (B) (10) of this section. Each assessment so furnished 44145
shall include the data verification code of the student to whom 44146
the assessment will be administered, as assigned pursuant to 44147
division (D) (2) of section 3301.0714 of the Revised Code. In 44148
furnishing the practice versions of Ohio graduation tests 44149
prescribed by division (D) of section 3301.0710 of the Revised 44150
Code, the department shall make the tests available on its web 44151
site for reproduction by districts. In awarding contracts for 44152
grading assessments, the department shall give preference to 44153
Ohio-based entities employing Ohio residents. 44154

(2) Adopt rules for the ethical use of assessments and 44155
prescribing the manner in which the assessments prescribed by 44156
section 3301.0710 of the Revised Code shall be administered to 44157
students. 44158

(B) Except as provided in divisions (C) and (J) of this 44159
section, the board of education of each city, local, and 44160
exempted village school district shall, in accordance with rules 44161
adopted under division (A) of this section: 44162

(1) Administer the English language arts assessments 44163
prescribed under division (A) (1) (a) of section 3301.0710 of the 44164

Revised Code twice annually to all students in the third grade 44165
who have not attained the score designated for that assessment 44166
under division (A) (2) (c) of section 3301.0710 of the Revised 44167
Code. 44168

(2) Administer the mathematics assessment prescribed under 44169
division (A) (1) (a) of section 3301.0710 of the Revised Code at 44170
least once annually to all students in the third grade. 44171

(3) Administer the assessments prescribed under division 44172
(A) (1) (b) of section 3301.0710 of the Revised Code at least once 44173
annually to all students in the fourth grade. 44174

(4) Administer the assessments prescribed under division 44175
(A) (1) (c) of section 3301.0710 of the Revised Code at least once 44176
annually to all students in the fifth grade. 44177

(5) Administer the assessments prescribed under division 44178
(A) (1) (d) of section 3301.0710 of the Revised Code at least once 44179
annually to all students in the sixth grade. 44180

(6) Administer the assessments prescribed under division 44181
(A) (1) (e) of section 3301.0710 of the Revised Code at least once 44182
annually to all students in the seventh grade. 44183

(7) Administer the assessments prescribed under division 44184
(A) (1) (f) of section 3301.0710 of the Revised Code at least once 44185
annually to all students in the eighth grade. 44186

(8) Except as provided in division (B) (9) of this section, 44187
administer any assessment prescribed under division (B) (1) of 44188
section 3301.0710 of the Revised Code as follows: 44189

(a) At least once annually to all tenth grade students and 44190
at least twice annually to all students in eleventh or twelfth 44191
grade who have not yet attained the score on that assessment 44192

designated under that division; 44193

(b) To any person who has successfully completed the 44194
curriculum in any high school or the individualized education 44195
program developed for the person by any high school pursuant to 44196
section 3323.08 of the Revised Code but has not received a high 44197
school diploma and who requests to take such assessment, at any 44198
time such assessment is administered in the district. 44199

(9) In lieu of the board of education of any city, local, 44200
or exempted village school district in which the student is also 44201
enrolled, the board of a joint vocational school district shall 44202
administer any assessment prescribed under division (B)(1) of 44203
section 3301.0710 of the Revised Code at least twice annually to 44204
any student enrolled in the joint vocational school district who 44205
has not yet attained the score on that assessment designated 44206
under that division. A board of a joint vocational school 44207
district may also administer such an assessment to any student 44208
described in division (B)(8)(b) of this section. 44209

(10) If the district has a three-year average graduation 44210
rate of not more than seventy-five per cent, administer each 44211
assessment prescribed by division (D) of section 3301.0710 of 44212
the Revised Code in September to all ninth grade students who 44213
entered ninth grade prior to July 1, 2014. 44214

Except as provided in section 3313.614 of the Revised Code 44215
for administration of an assessment to a person who has 44216
fulfilled the curriculum requirement for a high school diploma 44217
but has not passed one or more of the required assessments, the 44218
assessments prescribed under division (B)(1) of section 44219
3301.0710 of the Revised Code shall not be administered after 44220
the date specified in the rules adopted under division (D)(1) of 44221
section 3301.0712 of the Revised Code. 44222

(11) (a) Except as provided in divisions (B) (11) (b) and (c) 44223
of this section, administer the assessments prescribed by 44224
division (B) (2) of section 3301.0710 and section 3301.0712 of 44225
the Revised Code in accordance with the timeline and plan for 44226
implementation of those assessments prescribed by rule adopted 44227
under division (D) (1) of section 3301.0712 of the Revised Code; 44228

(b) A student who has presented evidence to the district 44229
or school of having satisfied the condition prescribed by 44230
division (A) (1) of section 3313.618 of the Revised Code to 44231
qualify for a high school diploma prior to the date of the 44232
administration of the assessment prescribed under division (B) 44233
(1) of section 3301.0712 of the Revised Code shall not be 44234
required to take that assessment. However, no board shall 44235
prohibit a student who is not required to take such assessment 44236
from taking the assessment. 44237

(c) A student shall not be required to retake the Algebra 44238
I end-of-course examination or the English language arts II end- 44239
of-course examination prescribed under division (B) (2) of 44240
section 3301.0712 of the Revised Code in grades nine through 44241
twelve if the student demonstrates at least a proficient level 44242
of skill, as prescribed under division (B) (5) (a) of that 44243
section, or achieves a competency score, as prescribed under 44244
division (B) (10) of that section, in an administration of the 44245
examination prior to grade nine. 44246

(C) (1) (a) In the case of a student receiving special 44247
education services under Chapter 3323. of the Revised Code, the 44248
individualized education program developed for the student under 44249
that chapter shall specify the manner in which the student will 44250
participate in the assessments administered under this section, 44251
except that a student with significant cognitive disabilities to 44252

whom an alternate assessment is administered in accordance with 44253
division (C) (1) of this section and a student determined to have 44254
a disability that includes an intellectual disability as 44255
outlined in guidance issued by the department shall not be 44256
required to take the assessment prescribed under division (B) (1) 44257
of section 3301.0712 of the Revised Code. The individualized 44258
education program may excuse the student from taking any 44259
particular assessment required to be administered under this 44260
section if it instead specifies an alternate assessment method 44261
approved by the department as conforming to requirements of 44262
federal law for receipt of federal funds for disadvantaged 44263
pupils. To the extent possible, the individualized education 44264
program shall not excuse the student from taking an assessment 44265
unless no reasonable accommodation can be made to enable the 44266
student to take the assessment. No board shall prohibit a 44267
student who is not required to take an assessment under division 44268
(C) (1) of this section from taking the assessment. 44269

(b) Any alternate assessment approved by the department 44270
for a student under this division shall produce measurable 44271
results comparable to those produced by the assessment it 44272
replaces in order to allow for the student's results to be 44273
included in the data compiled for a school district or building 44274
under section 3302.03 of the Revised Code. 44275

(c) (i) Any student enrolled in a chartered nonpublic 44276
school who has been identified, based on an evaluation conducted 44277
in accordance with section 3323.03 of the Revised Code or 44278
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 44279
29 U.S.C.A. 794, as amended, as a child with a disability shall 44280
be excused from taking any particular assessment required to be 44281
administered under this section if either of the following 44282
apply: 44283

(I) A plan developed for the student pursuant to rules 44284
adopted by the department excuses the student from taking that 44285
assessment. 44286

(II) The chartered nonpublic school develops a written 44287
plan in which the school, in consultation with the student's 44288
parents, determines that an assessment or alternative assessment 44289
with accommodations does not accurately assess the student's 44290
academic performance. The plan shall include an academic profile 44291
of the student's academic performance and shall be reviewed 44292
annually to determine if the student's needs continue to require 44293
excusal from taking the assessment. 44294

(ii) A student with significant cognitive disabilities to 44295
whom an alternate assessment is administered in accordance with 44296
division (C) (1) of this section and a student determined to have 44297
a disability that includes an intellectual disability as 44298
outlined in guidance issued by the department shall not be 44299
required to take the assessment prescribed under division (B) (1) 44300
of section 3301.0712 of the Revised Code. 44301

(iii) In the case of any student so excused from taking an 44302
assessment under division (C) (1) (c) of this section, the 44303
chartered nonpublic school shall not prohibit the student from 44304
taking the assessment. 44305

(2) A district board may, for medical reasons or other 44306
good cause, excuse a student from taking an assessment 44307
administered under this section on the date scheduled, but that 44308
assessment shall be administered to the excused student not 44309
later than nine days following the scheduled date. The district 44310
board shall annually report the number of students who have not 44311
taken one or more of the assessments required by this section to 44312
the department not later than the thirtieth day of June. 44313

(3) No school district board shall excuse any English learner from taking any particular assessment required to be administered under this section, except that any English learner who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department shall not be required to take the assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code.

However, no board shall prohibit an English learner who is not required to take that assessment from taking the assessment.

A board may permit any English learner to take an assessment required to be administered under this section with appropriate accommodations, as determined by the department.

For each English learner, each school district shall annually assess that student's progress in learning English, in accordance with procedures approved by the department.

The guidance and procedures issued by the department for the purposes of division (C) (3) of this section shall comply with the rules adopted under section 3301.0731 of the Revised Code.

(4) (a) The governing authority of a chartered nonpublic school may excuse an English learner from taking any assessment administered under this section.

(b) No governing authority shall require an English learner who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department to take the assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code.

(c) No governing authority shall prohibit an English learner from taking an assessment from which the student was excused under division (C) (4) of this section.

(D) (1) In the school year next succeeding the school year in which the assessments prescribed by division (A) (1) or (B) (1) of section 3301.0710 of the Revised Code or former division (A) (1), (A) (2), or (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, are administered to any student, the board of education of any school district in which the student is enrolled in that year shall provide to the student intervention services commensurate with the student's performance, including any intensive intervention required under section 3313.608 of the Revised Code, in any skill in which the student failed to demonstrate at least a score at the proficient level on the assessment.

(2) Following any administration of the assessments prescribed by division (D) of section 3301.0710 of the Revised Code to ninth grade students, each school district that has a three-year average graduation rate of not more than seventy-five per cent shall determine for each high school in the district whether the school shall be required to provide intervention services to any students who took the assessments. In determining which high schools shall provide intervention services based on the resources available, the district shall consider each school's graduation rate and scores on the practice assessments. The district also shall consider the scores received by ninth grade students on the English language arts and mathematics assessments prescribed under division (A) (1) (f) of section 3301.0710 of the Revised Code in the eighth grade in determining which high schools shall provide intervention services.

Each high school selected to provide intervention services 44374
under this division shall provide intervention services to any 44375
student whose results indicate that the student is failing to 44376
make satisfactory progress toward being able to attain scores at 44377
the proficient level on the Ohio graduation tests. Intervention 44378
services shall be provided in any skill in which a student 44379
demonstrates unsatisfactory progress and shall be commensurate 44380
with the student's performance. Schools shall provide the 44381
intervention services prior to the end of the school year, 44382
during the summer following the ninth grade, in the next 44383
succeeding school year, or at any combination of those times. 44384

(E) Except as provided in section 3313.608 of the Revised 44385
Code and division (N) of this section, no school district board 44386
of education shall utilize any student's failure to attain a 44387
specified score on an assessment administered under this section 44388
as a factor in any decision to deny the student promotion to a 44389
higher grade level. However, a district board may choose not to 44390
promote to the next grade level any student who does not take an 44391
assessment administered under this section or make up an 44392
assessment as provided by division (C) (2) of this section and 44393
who is not exempt from the requirement to take the assessment 44394
under division (C) (3) of this section. 44395

(F) No person shall be charged a fee for taking any 44396
assessment administered under this section. 44397

(G) (1) Each school district board shall designate one 44398
location for the collection of assessments administered in the 44399
spring under division (B) (1) of this section and those 44400
administered under divisions (B) (2) to (7) of this section. Each 44401
district board shall submit the assessments to the entity with 44402
which the department contracts for the scoring of the 44403

assessments as follows: 44404

(a) If the district's total enrollment in grades 44405
kindergarten through twelve during the first full school week of 44406
October was less than two thousand five hundred, not later than 44407
the Friday after all of the assessments have been administered; 44408

(b) If the district's total enrollment in grades 44409
kindergarten through twelve during the first full school week of 44410
October was two thousand five hundred or more, but less than 44411
seven thousand, not later than the Monday after all of the 44412
assessments have been administered; 44413

(c) If the district's total enrollment in grades 44414
kindergarten through twelve during the first full school week of 44415
October was seven thousand or more, not later than the Tuesday 44416
after all of the assessments have been administered. 44417

However, any assessment that a student takes during the 44418
make-up period described in division (C) (2) of this section 44419
shall be submitted not later than the Friday following the day 44420
the student takes the assessment. 44421

(2) The department or an entity with which the department 44422
contracts for the scoring of the assessment shall send to each 44423
school district board a list of the individual scores of all 44424
persons taking a state achievement assessment as follows: 44425

(a) Except as provided in division (G) (2) (b) or (c) of 44426
this section, within forty-five days after the administration of 44427
the assessments prescribed by sections 3301.0710 and 3301.0712 44428
of the Revised Code, but in no case shall the scores be returned 44429
later than the thirtieth day of June following the 44430
administration; 44431

(b) In the case of the third-grade English language arts 44432

assessment, within forty-five days after the administration of 44433
that assessment, but in no case shall the scores be returned 44434
later than the fifteenth day of June following the 44435
administration; 44436

(c) In the case of the writing component of an assessment 44437
or end-of-course examination in the area of English language 44438
arts, except for the third-grade English language arts 44439
assessment, the results may be sent after forty-five days of the 44440
administration of the writing component, but in no case shall 44441
the scores be returned later than the thirtieth day of June 44442
following the administration. 44443

(3) For assessments administered under this section by a 44444
joint vocational school district, the department or entity shall 44445
also send to each city, local, or exempted village school 44446
district a list of the individual scores of any students of such 44447
city, local, or exempted village school district who are 44448
attending school in the joint vocational school district. 44449

(4) Beginning with the 2019-2020 school year, a school 44450
district, other public school, or chartered nonpublic school may 44451
administer the third-grade English language arts or mathematics 44452
assessment, or both, in a paper format in any school year for 44453
which the district board of education or school governing body 44454
adopts a resolution indicating that the district or school 44455
chooses to administer the assessment in a paper format. The 44456
board or governing body shall submit a copy of the resolution to 44457
the department of education and workforce not later than the 44458
first day of May prior to the school year for which it will 44459
apply. If the resolution is submitted, the district or school 44460
shall administer the assessment in a paper format to all 44461
students in the third grade, except that any student whose 44462

individualized education program or plan developed under section 44463
504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 44464
794, as amended, specifies that taking the assessment in an 44465
online format is an appropriate accommodation for the student 44466
may take the assessment in an online format. 44467

(5) A classical school may administer all assessments 44468
administered under this section in a paper format, except that 44469
any student whose individualized education program or plan 44470
developed under section 504 of the "Rehabilitation Act of 1973," 44471
29 U.S.C. 794 specifies that taking the assessment in an online 44472
format is an appropriate accommodation for the student may take 44473
the assessment in an online format. 44474

(H) Individual scores on any assessments administered 44475
under this section shall be released by a district board only in 44476
accordance with section 3319.321 of the Revised Code and the 44477
rules adopted under division (A) of this section. No district 44478
board or its employees shall utilize individual or aggregate 44479
results in any manner that conflicts with rules for the ethical 44480
use of assessments adopted pursuant to division (A) of this 44481
section. 44482

(I) Except as provided in division (G) of this section, 44483
the department or an entity with which the department contracts 44484
for the scoring of the assessment shall not release any 44485
individual scores on any assessment administered under this 44486
section. The department shall adopt rules to ensure the 44487
protection of student confidentiality at all times. The rules 44488
may require the use of the data verification codes assigned to 44489
students pursuant to division (D)(2) of section 3301.0714 of the 44490
Revised Code to protect the confidentiality of student scores. 44491

(J) Notwithstanding division (D) of section 3311.52 of the 44492

Revised Code, this section does not apply to the board of 44493
education of any cooperative education school district except as 44494
provided under rules adopted pursuant to this division. 44495

(1) In accordance with rules that the department shall 44496
adopt, the board of education of any city, exempted village, or 44497
local school district with territory in a cooperative education 44498
school district established pursuant to divisions (A) to (C) of 44499
section 3311.52 of the Revised Code may enter into an agreement 44500
with the board of education of the cooperative education school 44501
district for administering any assessment prescribed under this 44502
section to students of the city, exempted village, or local 44503
school district who are attending school in the cooperative 44504
education school district. 44505

(2) In accordance with rules that the department shall 44506
adopt, the board of education of any city, exempted village, or 44507
local school district with territory in a cooperative education 44508
school district established pursuant to section 3311.521 of the 44509
Revised Code shall enter into an agreement with the cooperative 44510
district that provides for the administration of any assessment 44511
prescribed under this section to both of the following: 44512

(a) Students who are attending school in the cooperative 44513
district and who, if the cooperative district were not 44514
established, would be entitled to attend school in the city, 44515
local, or exempted village school district pursuant to section 44516
3313.64 or 3313.65 of the Revised Code; 44517

(b) Persons described in division (B) (8) (b) of this 44518
section. 44519

Any assessment of students pursuant to such an agreement 44520
shall be in lieu of any assessment of such students or persons 44521

pursuant to this section. 44522

(K) (1) (a) Except as otherwise provided in division (K) (1) 44523
or (2) of this section, each chartered nonpublic school for 44524
which at least sixty-five per cent of its total enrollment is 44525
made up of students who are participating in state scholarship 44526
programs shall administer the assessments prescribed by division 44527
(A) of section 3301.0710 of the Revised Code or an alternative 44528
standardized assessment determined by the department. In 44529
accordance with procedures and deadlines prescribed by the 44530
department, the parent or guardian of a student enrolled in the 44531
school who is not participating in a state scholarship program 44532
may submit notice to the chief administrative officer of the 44533
school that the parent or guardian does not wish to have the 44534
student take the assessments prescribed for the student's grade 44535
level under division (A) of section 3301.0710 of the Revised 44536
Code. If a parent or guardian submits an opt-out notice, the 44537
school shall not administer the assessments to that student. 44538
This option does not apply to any assessment required for a high 44539
school diploma under section 3313.612 of the Revised Code. 44540

(b) Any chartered nonpublic school that enrolls students 44541
who are participating in state scholarship programs may 44542
administer an alternative standardized assessment determined by 44543
the department instead of the assessments prescribed by division 44544
(A) of section 3301.0710 of the Revised Code. 44545

Each chartered nonpublic school subject to division (K) (1) 44546
(a) or (b) of this section shall report the results of each 44547
assessment administered under those divisions to the department. 44548

(2) A chartered nonpublic school may submit to the 44549
director of education and workforce a request for a waiver from 44550
administering the elementary assessments prescribed by division 44551

(A) of section 3301.0710 of the Revised Code. The director shall 44552
approve or disapprove a request for a waiver submitted under 44553
division (K) (2) of this section. 44554

To be eligible to submit a request for a waiver, a 44555
chartered nonpublic school shall meet the following conditions: 44556

(a) At least ninety-five per cent of the students enrolled 44557
in the school are children with disabilities, as defined under 44558
section 3323.01 of the Revised Code, or have received a 44559
diagnosis by a school district or from a physician, including a 44560
neuropsychiatrist or psychiatrist, or a psychologist who is 44561
authorized to practice in this or another state as having a 44562
condition that impairs academic performance, such as dyslexia, 44563
dyscalculia, attention deficit hyperactivity disorder, or 44564
Asperger's syndrome. 44565

(b) The school has solely served a student population 44566
described in division (K) (1) (a) of this section for at least ten 44567
years. 44568

(c) The school provides to the department at least five 44569
years of records of internal testing conducted by the school 44570
that affords the department data required for accountability 44571
purposes, including diagnostic assessments and nationally 44572
standardized norm-referenced achievement assessments that 44573
measure reading and math skills. 44574

(3) Any chartered nonpublic school that is not subject to 44575
division (K) (1) of this section may participate in the 44576
assessment program by administering any of the assessments 44577
prescribed by division (A) of section 3301.0710 of the Revised 44578
Code. The chief administrator of the school shall specify which 44579
assessments the school will administer. Such specification shall 44580

be made in writing to the director prior to the first day of 44581
August of any school year in which assessments are administered 44582
and shall include a pledge that the nonpublic school will 44583
administer the specified assessments in the same manner as 44584
public schools are required to do under this section and rules 44585
adopted by the department. 44586

(4) The department shall furnish the assessments 44587
prescribed by section 3301.0710 of the Revised Code to each 44588
chartered nonpublic school that is subject to division (K) (1) of 44589
this section or participates under division (K) (3) of this 44590
section. 44591

(L) If a chartered nonpublic school is educating students 44592
in grades nine through twelve, the following shall apply: 44593

(1) Except as provided in division (L) (4) of this section, 44594
for a student who is enrolled in a chartered nonpublic school 44595
that is accredited through the independent schools association 44596
of the central states and who is attending the school under a 44597
state scholarship program, the student shall either take all of 44598
the assessments prescribed by division (B) of section 3301.0712 44599
of the Revised Code or take an alternative assessment approved 44600
by the department under section 3313.619 of the Revised Code. 44601
However, a student who is excused from taking an assessment 44602
under division (C) of this section or has presented evidence to 44603
the chartered nonpublic school of having satisfied the condition 44604
prescribed by division (A) (1) of section 3313.618 of the Revised 44605
Code to qualify for a high school diploma prior to the date of 44606
the administration of the assessment prescribed under division 44607
(B) (1) of section 3301.0712 of the Revised Code shall not be 44608
required to take that assessment. No governing authority of a 44609
chartered nonpublic school shall prohibit a student who is not 44610

required to take such assessment from taking the assessment. 44611

(2) For a student who is enrolled in a chartered nonpublic 44612
school that is accredited through the independent schools 44613
association of the central states, and who is not attending the 44614
school under a state scholarship program, the student shall not 44615
be required to take any assessment prescribed under section 44616
3301.0712 or 3313.619 of the Revised Code. 44617

(3) (a) Except as provided in divisions (L) (3) (b) and (4) 44618
of this section, for a student who is enrolled in a chartered 44619
nonpublic school that is not accredited through the independent 44620
schools association of the central states, regardless of whether 44621
the student is attending or is not attending the school under a 44622
state scholarship program, the student shall do one of the 44623
following: 44624

(i) Take all of the assessments prescribed by division (B) 44625
of section 3301.0712 of the Revised Code; 44626

(ii) Take only the assessment prescribed by division (B) 44627
(1) of section 3301.0712 of the Revised Code, provided that the 44628
student's school publishes the results of that assessment for 44629
each graduating class. The published results of that assessment 44630
shall include the overall composite scores, mean scores, twenty- 44631
fifth percentile scores, and seventy-fifth percentile scores for 44632
each subject area of the assessment. 44633

(iii) Take an alternative assessment approved by the 44634
department under section 3313.619 of the Revised Code. 44635

(b) A student who is excused from taking an assessment 44636
under division (C) of this section or has presented evidence to 44637
the chartered nonpublic school of having satisfied the condition 44638
prescribed by division (A) (1) of section 3313.618 of the Revised 44639

Code to qualify for a high school diploma prior to the date of 44640
the administration of the assessment prescribed under division 44641
(B) (1) of section 3301.0712 of the Revised Code shall not be 44642
required to take that assessment. No governing authority of a 44643
chartered nonpublic school shall prohibit a student who is not 44644
required to take such assessment from taking the assessment. 44645

(4) The assessments prescribed by sections 3301.0712 and 44646
3313.619 of the Revised Code shall not be administered to any 44647
student attending the school, if the school meets all of the 44648
following conditions: 44649

(a) At least ninety-five per cent of the students enrolled 44650
in the school are children with disabilities, as defined under 44651
section 3323.01 of the Revised Code, or have received a 44652
diagnosis by a school district or from a physician, including a 44653
neuropsychologist or psychiatrist, or a psychologist who is 44654
authorized to practice in this or another state as having a 44655
condition that impairs academic performance, such as dyslexia, 44656
dyscalculia, attention deficit hyperactivity disorder, or 44657
Asperger's syndrome. 44658

(b) The school has solely served a student population 44659
described in division (L) (4) (a) of this section for at least ten 44660
years. 44661

(c) The school makes available to the department at least 44662
five years of records of internal testing conducted by the 44663
school that affords the department data required for 44664
accountability purposes, including growth in student achievement 44665
in reading or mathematics, or both, as measured by nationally 44666
norm-referenced assessments that have developed appropriate 44667
standards for students. 44668

Division (L) (4) of this section applies to any student 44669
attending such school regardless of whether the student receives 44670
special education or related services and regardless of whether 44671
the student is attending the school under a state scholarship 44672
program. 44673

(M) (1) The superintendent of Ohio deaf and blind education 44674
services shall administer the assessments described by sections 44675
3301.0710 and 3301.0712 of the Revised Code for the state school 44676
for the blind and the state school for the deaf. The 44677
superintendent of Ohio deaf and blind education services shall 44678
administer the assessments in the same manner as district boards 44679
are required to do under this section and rules adopted by the 44680
department and in conformity with division (C) (1) (a) of this 44681
section. 44682

(2) The department shall furnish the assessments described 44683
by sections 3301.0710 and 3301.0712 of the Revised Code to the 44684
superintendent of Ohio deaf and blind education services. 44685

(N) Notwithstanding division (E) of this section, a school 44686
district may use a student's failure to attain a score in at 44687
least the proficient range on the mathematics assessment 44688
described by division (A) (1) (a) of section 3301.0710 of the 44689
Revised Code or on an assessment described by division (A) (1) 44690
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 44691
Code as a factor in retaining that student in the current grade 44692
level. 44693

(O) (1) In the manner specified in divisions (O) (3) ~~and~~ 44694
(4) ~~, (6), and (7)~~ of this section, the assessments required by 44695
division (A) (1) of section 3301.0710 of the Revised Code shall 44696
become public records pursuant to section 149.43 of the Revised 44697
Code on the thirty-first day of July following the school year 44698

that the assessments were administered. 44699

(2) The department may field test proposed questions with 44700
samples of students to determine the validity, reliability, or 44701
appropriateness of questions for possible inclusion in a future 44702
year's assessment. The department also may use anchor questions 44703
on assessments to ensure that different versions of the same 44704
assessment are of comparable difficulty. 44705

Field test questions and anchor questions shall not be 44706
considered in computing scores for individual students. Field 44707
test questions and anchor questions may be included as part of 44708
the administration of any assessment required by division (A) (1) 44709
or (B) of section 3301.0710 and division (B) of section 44710
3301.0712 of the Revised Code. 44711

(3) Any field test question or anchor question 44712
administered under division (O) (2) of this section shall not be 44713
a public record. Such field test questions and anchor questions 44714
shall be redacted from any assessments which are released as a 44715
public record pursuant to division (O) (1) of this section. 44716

~~(4) This division applies to the assessments prescribed by 44717
division (A) of section 3301.0710 of the Revised Code. 44718~~

~~(a) The first administration of each assessment, as 44719
specified in former section 3301.0712 of the Revised Code, shall 44720
be a public record. 44721~~

~~(b) For subsequent administrations of each assessment 44722
prior to the 2011-2012 school year, not less than forty per cent 44723
of the questions on the assessment that are used to compute a 44724
student's score shall be a public record. The department shall 44725
determine which questions will be needed for reuse on a future 44726
assessment and those questions shall not be public records and 44727~~

~~shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the statewide academic standard adopted under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The preceding sentence does not apply to field test questions that are redacted under division (O) (3) of this section.~~

~~(c) The administrations of each assessment in the 2011-2012, 2012-2013, and 2013-2014 school years shall not be a public record.~~

~~(5) Each assessment prescribed by division (B) (1) of section 3301.0710 of the Revised Code shall not be a public record.~~

~~(6) (a) Except as provided in division (O) (6) (b) of this section, for the administrations in the 2014-2015, 2015-2016, and 2016-2017 school years, questions on the assessments prescribed under division (A) of section 3301.0710 and division (B) (2) of section 3301.0712 of the Revised Code and the corresponding preferred answers that are used to compute a student's score shall become a public record as follows:~~

~~(i) Forty per cent of the questions and preferred answers on the assessments on the thirty-first day of July following the administration of the assessment;~~

~~(ii) Twenty per cent of the questions and preferred answers on the assessment on the thirty-first day of July one year after the administration of the assessment;~~

~~(iii) The remaining forty per cent of the questions and preferred answers on the assessment on the thirty-first day of~~

~~July two years after the administration of the assessment.~~ 44757

~~The entire content of an assessment shall become a public record within three years of its administration.~~ 44758
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~~The department shall make the questions that become a public record under this division readily accessible to the public on the department's web site. Questions on the spring administration of each assessment shall be released on an annual basis, in accordance with this division.~~ 44760
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~~(b) No questions and corresponding preferred answers shall become a public record under division (O) (6) of this section after July 31, 2017.~~ 44765
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~~(7) Division (O) (7) (O) (4) of this section applies to the assessments prescribed by division (A) of section 3301.0710 and division (B) (2) of section 3301.0712 of the Revised Code.~~ 44768
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Beginning with the assessments administered in the spring of the ~~2017-2018~~ 2025-2026 school year, ~~not less than forty percent of the~~ the department shall determine which questions on each assessment that are used to compute a student's score ~~shall be~~ are a public record, if any. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the corresponding statewide academic standard adopted under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The department is not required to provide corresponding standards and benchmarks to field test questions that are redacted under 44771
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- division (O) (3) of this section. 44786
- (P) As used in this section: 44787
- (1) "Three-year average" means the average of the most 44788
recent consecutive three school years of data. 44789
- (2) "Dropout" means a student who withdraws from school 44790
before completing course requirements for graduation and who is 44791
not enrolled in an education program approved by the department 44792
or an education program outside the state. "Dropout" does not 44793
include a student who has departed the country. 44794
- (3) "Graduation rate" means the ratio of students 44795
receiving a diploma to the number of students who entered ninth 44796
grade four years earlier. Students who transfer into the 44797
district are added to the calculation. Students who transfer out 44798
of the district for reasons other than dropout are subtracted 44799
from the calculation. If a student who was a dropout in any 44800
previous year returns to the same school district, that student 44801
shall be entered into the calculation as if the student had 44802
entered ninth grade four years before the graduation year of the 44803
graduating class that the student joins. 44804
- (4) "State scholarship programs" means the educational 44805
choice scholarship pilot program established under sections 44806
3310.01 to 3310.17 of the Revised Code, the autism scholarship 44807
program established under section 3310.41 of the Revised Code, 44808
the Jon Peterson special needs scholarship program established 44809
under sections 3310.51 to 3310.64 of the Revised Code, and the 44810
pilot project scholarship program established under sections 44811
3313.974 to 3313.979 of the Revised Code. 44812
- (5) "Other public school" means a community school 44813
established under Chapter 3314., a STEM school established under 44814

Chapter 3326., or a college-preparatory boarding school 44815
established under Chapter 3328. of the Revised Code. 44816

(6) "English learner" has the same meaning as in section 44817
3301.0731 of the Revised Code. 44818

(7) "Classical school" means a community school 44819
established under Chapter 3314. of the Revised Code that is a 44820
member of the Ohio classical school association, or its 44821
successor organization, and uses a curriculum substantially 44822
similar to that of a nationally recognized classical school 44823
network. 44824

Sec. 3301.0712. (A) The department of education and 44825
workforce and the chancellor of higher education shall develop a 44826
system of college and work ready assessments as described in 44827
division (B) of this section to assess whether each student upon 44828
graduating from high school is ready to enter college or the 44829
workforce. Beginning with students who enter the ninth grade for 44830
the first time on or after July 1, 2014, the system shall 44831
replace the Ohio graduation tests prescribed in division (B)(1) 44832
of section 3301.0710 of the Revised Code as a measure of student 44833
academic performance and one determinant of eligibility for a 44834
high school diploma in the manner prescribed by rule adopted 44835
under division (D) of this section. 44836

(B) The college and work ready assessment system shall 44837
consist of the following: 44838

(1) (a) Except as provided in division (B)(1)(b) of this 44839
section, nationally standardized assessments that measure 44840
college and career readiness and are used for college admission. 44841
The assessments shall be selected jointly by the department and 44842
the chancellor, and one of which shall be selected by each 44843

school district or school to administer to its students. The 44844
assessments prescribed under division (B) (1) of this section 44845
shall be administered to all eleventh-grade students in the 44846
spring of the school year. 44847

(b) Beginning with students who enter the ninth grade for 44848
the first time on or after July 1, 2022, the parent or guardian 44849
of a student may elect not to have a nationally standardized 44850
assessment administered to that student. In that event, the 44851
student's school district or school shall not administer the 44852
nationally standardized assessment to that student. 44853

(2) (a) Except as provided in division (B) (2) (b) of this 44854
section, seven end-of-course examinations, one in each of the 44855
areas of English language arts I, English language arts II, 44856
science, Algebra I, geometry, American history, and American 44857
government. The end-of-course examinations shall be selected 44858
jointly by the department and the chancellor in consultation 44859
with faculty in the appropriate subject areas at institutions of 44860
higher education of the university system of Ohio. Advanced 44861
placement examinations and international baccalaureate 44862
examinations, as prescribed under section 3313.6013 of the 44863
Revised Code, in the areas of science, American history, and 44864
American government may be used as end-of-course examinations in 44865
accordance with division (B) (4) (a) (i) of this section. Final 44866
course grades for courses taken under any other advanced 44867
standing program, as prescribed under section 3313.6013 of the 44868
Revised Code, in the areas of science, American history, and 44869
American government may be used in lieu of end-of-course 44870
examinations in accordance with division (B) (4) (a) (ii) of this 44871
section. 44872

(b) Beginning with students who enter ninth grade for the 44873

first time on or after July 1, 2019, five end-of-course 44874
examinations, one in each areas of English language arts II, 44875
science, Algebra I, American history, and American government. 44876
However, only the end-of-course examinations in English language 44877
arts II and Algebra I shall be required for graduation. 44878

The department shall, as necessary to implement division 44879
(B) (2) (b) of this section, seek a waiver from the United States 44880
secretary of education for testing requirements prescribed under 44881
federal law to allow for the use and implementation of Algebra I 44882
as the primary assessment of high school mathematics. If the 44883
department does not receive a waiver under this division, the 44884
end-of-course examinations for students described in division 44885
(B) (2) (b) of this section also shall include an end-of-course 44886
examination in the area of geometry. However, the geometry end- 44887
of-course examination shall not be required for graduation. 44888

(3) The end-of-course examinations in American history and 44889
American government shall require demonstration of mastery of 44890
the American history and American government content for social 44891
studies standards adopted under division (A) (1) (b) of section 44892
3301.079 of the Revised Code and the topics required under 44893
division (M) of section 3313.603 of the Revised Code. 44894

At least twenty per cent of the end-of-course examination 44895
in American government shall address the topics on American 44896
history and American government described in division (M) of 44897
section 3313.603 of the Revised Code. 44898

(4) (a) Notwithstanding anything to the contrary in this 44899
section, both of the following shall apply: 44900

(i) If a student is enrolled in an appropriate advanced 44901
placement or international baccalaureate course, that student 44902

shall take the advanced placement or international baccalaureate examination in lieu of the science, American history, or American government end-of-course examinations prescribed under division (B) (2) of this section. The department shall specify the score levels for each advanced placement examination and international baccalaureate examination for purposes of calculating the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.

(ii) If a student is enrolled in an appropriate course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, that student shall not be required to take the science, American history, or American government end-of-course examination, whichever is applicable, prescribed under division (B) (2) of this section. Instead, that student's final course grade shall be used in lieu of the applicable end-of-course examination prescribed under that section. The department, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades that demonstrate the level of academic achievement necessary to earn a high school diploma.

Division (B) (4) (a) (ii) of this section shall apply only to courses for which students receive transcribed credit, as defined in section 3365.01 of the Revised Code. It shall not apply to remedial or developmental courses.

(b) No student shall take a substitute examination or examination prescribed under division (B) (4) (a) of this section in place of the end-of-course examinations in English language arts I, English language arts II, Algebra I, or geometry prescribed under division (B) (2) of this section.

(c) The department shall consider additional assessments 44933
that may be used as substitute examinations in lieu of the end- 44934
of-course examinations prescribed under division (B) (2) of this 44935
section. 44936

(5) The department shall do all of the following: 44937

(a) Determine and designate at least five ranges of scores 44938
on each of the end-of-course examinations prescribed under 44939
division (B) (2) of this section, and substitute examinations 44940
prescribed under division (B) (4) of this section. Not later than 44941
sixty days after the designation of ranges of scores, the 44942
director of education and workforce shall conduct a public 44943
presentation before the standing committees of the house of 44944
representatives and the senate that consider primary and 44945
secondary education legislation regarding the designated range 44946
of scores. Each range of scores shall be considered to 44947
demonstrate a level of achievement so that any student attaining 44948
a score within such range has achieved one of the following: 44949

(i) An advanced level of skill; 44950

(ii) An accomplished level of skill; 44951

(iii) A proficient level of skill; 44952

(iv) A basic level of skill; 44953

(v) A limited level of skill. 44954

(b) Determine a method by which to calculate a cumulative 44955
performance score based on the results of a student's end-of- 44956
course examinations or substitute examinations; 44957

(c) Determine the minimum cumulative performance score 44958
that demonstrates the level of academic achievement necessary to 44959
earn a high school diploma under division (A) (2) of section 44960

3313.618 of the Revised Code. However, no new minimum cumulative performance score shall be determined after October 17, 2019.

(d) Develop a table of corresponding score equivalents for the end-of-course examinations and substitute examinations in order to calculate student performance consistently across the different examinations.

A score of two on an advanced placement examination or a score of two or three on an international baccalaureate examination shall be considered equivalent to a proficient level of skill as specified under division (B) (5) (a) (iii) of this section.

(6) (a) A student who meets both of the following conditions shall not be required to take an end-of-course examination:

(i) The student received high school credit prior to July 1, 2015, for a course for which the end-of-course examination is prescribed.

(ii) The examination was not available for administration prior to July 1, 2015.

Receipt of credit for the course described in division (B) (6) (a) (i) of this section shall satisfy the requirement to take the end-of-course examination. A student exempted under division (B) (6) (a) of this section may take the applicable end-of-course examination at a later date.

(b) For purposes of determining whether a student who is exempt from taking an end-of-course examination under division (B) (6) (a) of this section has attained the cumulative score prescribed by division (B) (5) (c) of this section, such student shall select either of the following:

(i) The student is considered to have attained a 44990
proficient score on the end-of-course examination from which the 44991
student is exempt; 44992

(ii) The student's final course grade shall be used in 44993
lieu of a score on the end-of-course examination from which the 44994
student is exempt. 44995

The department, in consultation with the chancellor, shall 44996
adopt guidelines for purposes of calculating the corresponding 44997
final course grades and the minimum cumulative performance score 44998
that demonstrates the level of academic achievement necessary to 44999
earn a high school diploma. 45000

(7) (a) Notwithstanding anything to the contrary in this 45001
section, the department may replace the algebra I end-of-course 45002
examination prescribed under division (B) (2) of this section 45003
with an algebra II end-of-course examination, beginning with the 45004
2016-2017 school year for students who enter ninth grade on or 45005
after July 1, 2016. 45006

(b) If the department replaces the algebra I end-of-course 45007
examination with an algebra II end-of-course examination as 45008
authorized under division (B) (7) (a) of this section, both of the 45009
following shall apply: 45010

(i) A student who is enrolled in an advanced placement or 45011
international baccalaureate course in algebra II shall take the 45012
advanced placement or international baccalaureate examination in 45013
lieu of the algebra II end-of-course examination. 45014

(ii) A student who is enrolled in an algebra II course 45015
under any other advanced standing program, as described in 45016
section 3313.6013 of the Revised Code, shall not be required to 45017
take the algebra II end-of-course examination. Instead, that 45018

student's final course grade shall be used in lieu of the 45019
examination. 45020

(c) If a school district or school utilizes an integrated 45021
approach to mathematics instruction, the district or school may 45022
do either or both of the following: 45023

(i) Administer an integrated mathematics I end-of-course 45024
examination in lieu of the prescribed algebra I end-of-course 45025
examination; 45026

(ii) Administer an integrated mathematics II end-of-course 45027
examination in lieu of the prescribed geometry end-of-course 45028
examination. 45029

(8) (a) For students entering the ninth grade for the first 45030
time on or after July 1, 2014, but prior to July 1, 2015, the 45031
assessment in the area of science shall be physical science or 45032
biology. For students entering the ninth grade for the first 45033
time on or after July 1, 2015, the assessment in the area of 45034
science shall be biology. 45035

(b) Until July 1, 2019, the department shall make 45036
available the end-of-course examination in physical science for 45037
students who entered the ninth grade for the first time on or 45038
after July 1, 2014, but prior to July 1, 2015, and who wish to 45039
retake the examination. 45040

(c) The department shall adopt rules prescribing the 45041
requirements for the end-of-course examination in science for 45042
students who entered the ninth grade for the first time on or 45043
after July 1, 2014, but prior to July 1, 2015, and who have not 45044
met the requirement prescribed by section 3313.618 of the 45045
Revised Code by July 1, 2019, due to a student's failure to 45046
satisfy division (A) (2) of section 3313.618 of the Revised Code. 45047

(9) The department shall not develop or administer an end-of-course examination in the area of world history. 45048
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(10) The department, in consultation with the chancellor and the governor's office of workforce transformation, shall determine a competency score for both of the Algebra I and English language arts II end-of-course examinations for the purpose of graduation eligibility. 45050
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(C) The department shall convene a group of national experts, state experts, and local practitioners to provide advice, guidance, and recommendations for the alignment of standards and model curricula to the assessments and in the design of the end-of-course examinations prescribed by this section. 45055
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(D) Upon completion of the development of the assessment system, the department shall adopt rules prescribing all of the following: 45061
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(1) A timeline and plan for implementation of the assessment system, including a phased implementation if the department determines such a phase-in is warranted; 45064
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(2) The date after which a person shall meet the requirements of the entire assessment system as a prerequisite for a diploma of adult education under section 3313.611 of the Revised Code; 45067
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(3) Whether and the extent to which a person may be excused from an American history end-of-course examination and an American government end-of-course examination under division (H) of section 3313.61 and division (B) (3) of section 3313.612 of the Revised Code; 45071
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(4) The date after which a person who has fulfilled the 45076

curriculum requirement for a diploma but has not passed one or 45077
more of the required assessments at the time the person 45078
fulfilled the curriculum requirement shall meet the requirements 45079
of the entire assessment system as a prerequisite for a high 45080
school diploma under division (B) of section 3313.614 of the 45081
Revised Code; 45082

(5) The extent to which the assessment system applies to 45083
students enrolled in a dropout ~~recovery and prevention~~ and 45084
recovery program for purposes of division (F) of section 45085
3313.603 ~~and or~~ a dropout prevention and recovery community 45086
school under section 3314.36 of the Revised Code. 45087

(E) (1) Any person enrolled in a nonchartered nonpublic 45088
school or any person who is exempt from attendance at school for 45089
the purpose of home education under section 3321.042 of the 45090
Revised Code may choose to participate in the system of 45091
assessments administered under divisions (B) (1) and (2) of this 45092
section. However, no such person shall be required to 45093
participate in the system of assessments. 45094

(2) The department shall adopt rules for the 45095
administration and scoring of any assessments under division (E) 45096
(1) of this section. 45097

(F) The department shall select at least one nationally 45098
recognized job skills assessment. Each school district shall 45099
administer that assessment to those students who opt to take it. 45100
The department shall reimburse a school district for the costs 45101
of administering that assessment. The department shall establish 45102
the minimum score a student must attain on the job skills 45103
assessment in order to demonstrate a student's workforce 45104
readiness and employability. The administration of the job 45105
skills assessment to a student under this division shall not 45106

exempt a school district from administering the assessments 45107
prescribed in division (B) of this section to that student. 45108

Sec. 3301.0714. (A) The department of education and 45109
workforce shall adopt rules for a statewide education management 45110
information system. The rules shall require the department to 45111
establish guidelines for the establishment and maintenance of 45112
the system in accordance with this section and the rules adopted 45113
under this section. The guidelines shall include: 45114

(1) Standards identifying and defining the types of data 45115
in the system in accordance with divisions (B) and (C) of this 45116
section; 45117

(2) Procedures for annually collecting and reporting the 45118
data to the department in accordance with division (D) of this 45119
section; 45120

(3) Procedures for annually compiling the data in 45121
accordance with division (G) of this section; 45122

(4) Procedures for annually reporting the data to the 45123
public in accordance with division (H) of this section; 45124

(5) Standards to provide strict safeguards to protect the 45125
confidentiality of personally identifiable student data. 45126

(B) The guidelines adopted under this section shall 45127
require the data maintained in the education management 45128
information system to include at least the following: 45129

(1) Student participation and performance data, for each 45130
grade in each school district as a whole and for each grade in 45131
each school building in each school district, that includes: 45132

(a) The numbers of students receiving each category of 45133
instructional service offered by the school district, such as 45134

regular education instruction, vocational education instruction, 45135
specialized instruction programs or enrichment instruction that 45136
is part of the educational curriculum, instruction for gifted 45137
students, instruction for students with disabilities, and 45138
remedial instruction. The guidelines shall require instructional 45139
services under this division to be divided into discrete 45140
categories if an instructional service is limited to a specific 45141
subject, a specific type of student, or both, such as regular 45142
instructional services in mathematics, remedial reading 45143
instructional services, instructional services specifically for 45144
students gifted in mathematics or some other subject area, or 45145
instructional services for students with a specific type of 45146
disability. The categories of instructional services required by 45147
the guidelines under this division shall be the same as the 45148
categories of instructional services used in determining cost 45149
units pursuant to division (C) (3) of this section. 45150

(b) The numbers of students receiving support or 45151
extracurricular services for each of the support services or 45152
extracurricular programs offered by the school district, such as 45153
counseling services, health services, and extracurricular sports 45154
and fine arts programs. The categories of services required by 45155
the guidelines under this division shall be the same as the 45156
categories of services used in determining cost units pursuant 45157
to division (C) (4) (a) of this section. 45158

(c) Average student grades in each subject in grades nine 45159
through twelve; 45160

(d) Academic achievement levels as assessed under sections 45161
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 45162

(e) The number of students designated as having a 45163
disabling condition pursuant to division (C) (1) of section 45164

3301.0711 of the Revised Code;	45165
(f) The numbers of students reported to the department pursuant to division (C) (2) of section 3301.0711 of the Revised Code;	45166 45167 45168
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	45169 45170 45171 45172
(h) Expulsion rates;	45173
(i) Suspension rates;	45174
(j) Dropout rates;	45175
(k) Rates of retention in grade;	45176
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with the director's rules;	45177 45178 45179
(m) Graduation rates, to be calculated in a manner specified by the department that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	45180 45181 45182 45183 45184
(n) Results of diagnostic assessments administered to kindergarten students as required under <u>described in division (A) (1) of section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students.</u> However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A) (2) of section 3301.0715 of	45185 45186 45187 45188 45189 45190 45191 45192

the Revised Code, if the parent of that student requests the	45193
district not to report those results.;	45194
(o) The number of students earning each state diploma seal	45195
included in the system prescribed under division (A) of section	45196
3313.6114 of the Revised Code;	45197
(p) The number of students demonstrating competency for	45198
graduation using each option described in divisions (B) (1) (a) to	45199
(d) of section 3313.618 of the Revised Code;	45200
(q) The number of students completing each foundational	45201
and supporting option as part of the demonstration of competency	45202
for graduation pursuant to division (B) (1) (b) of section	45203
3313.618 of the Revised Code;	45204
(r) The number of students enrolled in all-day	45205
kindergarten, as defined in section 3321.05 of the Revised Code.	45206
(2) Personnel and classroom enrollment data for each	45207
school district, including:	45208
(a) The total numbers of licensed employees and	45209
nonlicensed employees and the numbers of full-time equivalent	45210
licensed employees and nonlicensed employees providing each	45211
category of instructional service, instructional support	45212
service, and administrative support service used pursuant to	45213
division (C) (3) of this section. The guidelines adopted under	45214
this section shall require these categories of data to be	45215
maintained for the school district as a whole and, wherever	45216
applicable, for each grade in the school district as a whole,	45217
for each school building as a whole, and for each grade in each	45218
school building.	45219
(b) The total number of employees and the number of full-	45220
time equivalent employees providing each category of service	45221

used pursuant to divisions (C) (4) (a) and (b) of this section, 45222
and the total numbers of licensed employees and nonlicensed 45223
employees and the numbers of full-time equivalent licensed 45224
employees and nonlicensed employees providing each category used 45225
pursuant to division (C) (4) (c) of this section. The guidelines 45226
adopted under this section shall require these categories of 45227
data to be maintained for the school district as a whole and, 45228
wherever applicable, for each grade in the school district as a 45229
whole, for each school building as a whole, and for each grade 45230
in each school building. 45231

(c) The total number of regular classroom teachers 45232
teaching classes of regular education and the average number of 45233
pupils enrolled in each such class, in each of grades 45234
kindergarten through five in the district as a whole and in each 45235
school building in the school district. 45236

(d) The number of lead teachers employed by each school 45237
district and each school building. 45238

(e) The number of teachers, administrators, school 45239
psychologists, and speech-language pathologists employed by each 45240
school district and school building who have completed training 45241
in the science of reading under section 3319.2310 of the Revised 45242
Code. 45243

(3) (a) Student demographic data for each school district, 45244
including information regarding the gender ratio of the school 45245
district's pupils, the racial make-up of the school district's 45246
pupils, the number of English learners in the district, and an 45247
appropriate measure of the number of the school district's 45248
pupils who reside in economically disadvantaged households. The 45249
demographic data shall be collected in a manner to allow 45250
correlation with data collected under division (B) (1) of this 45251

section. Categories for data collected pursuant to division (B) 45252
(3) of this section shall conform, where appropriate, to 45253
standard practices of agencies of the federal government. 45254

(b) With respect to each student entering kindergarten, 45255
whether the student previously participated in a public 45256
preschool program, a private preschool program, or a head start 45257
program, and the number of years the student participated in 45258
each of these programs. 45259

(4) (a) The core curriculum and instructional materials 45260
being used for English language arts in each of grades pre- 45261
kindergarten to five; 45262

(b) The reading intervention programs being used in each 45263
of grades pre-kindergarten to twelve; 45264

(c) The core curriculum and instructional materials being 45265
used for mathematics in each of grades pre-kindergarten to 45266
twelve. 45267

(5) Any data required to be collected pursuant to federal 45268
law. 45269

(C) The education management information system shall 45270
include cost accounting data for each district as a whole and 45271
for each school building in each school district. The guidelines 45272
adopted under this section shall require the cost data for each 45273
school district to be maintained in a system of mutually 45274
exclusive cost units and shall require all of the costs of each 45275
school district to be divided among the cost units. The 45276
guidelines shall require the system of mutually exclusive cost 45277
units to include at least the following: 45278

(1) Administrative costs for the school district as a 45279
whole. The guidelines shall require the cost units under this 45280

division (C) (1) to be designed so that each of them may be 45281
compiled and reported in terms of average expenditure per pupil 45282
in enrolled ADM in the school district, as determined pursuant 45283
to section 3317.03 of the Revised Code. 45284

(2) Administrative costs for each school building in the 45285
school district. The guidelines shall require the cost units 45286
under this division (C) (2) to be designed so that each of them 45287
may be compiled and reported in terms of average expenditure per 45288
full-time equivalent pupil receiving instructional or support 45289
services in each building. 45290

(3) Instructional services costs for each category of 45291
instructional service provided directly to students and required 45292
by guidelines adopted pursuant to division (B) (1) (a) of this 45293
section. The guidelines shall require the cost units under 45294
division (C) (3) of this section to be designed so that each of 45295
them may be compiled and reported in terms of average 45296
expenditure per pupil receiving the service in the school 45297
district as a whole and average expenditure per pupil receiving 45298
the service in each building in the school district and in terms 45299
of a total cost for each category of service and, as a breakdown 45300
of the total cost, a cost for each of the following components: 45301

(a) The cost of each instructional services category 45302
required by guidelines adopted under division (B) (1) (a) of this 45303
section that is provided directly to students by a classroom 45304
teacher; 45305

(b) The cost of the instructional support services, such 45306
as services provided by a speech-language pathologist, classroom 45307
aide, multimedia aide, or librarian, provided directly to 45308
students in conjunction with each instructional services 45309
category; 45310

(c) The cost of the administrative support services 45311
related to each instructional services category, such as the 45312
cost of personnel that develop the curriculum for the 45313
instructional services category and the cost of personnel 45314
supervising or coordinating the delivery of the instructional 45315
services category. 45316

(4) Support or extracurricular services costs for each 45317
category of service directly provided to students and required 45318
by guidelines adopted pursuant to division (B) (1) (b) of this 45319
section. The guidelines shall require the cost units under 45320
division (C) (4) of this section to be designed so that each of 45321
them may be compiled and reported in terms of average 45322
expenditure per pupil receiving the service in the school 45323
district as a whole and average expenditure per pupil receiving 45324
the service in each building in the school district and in terms 45325
of a total cost for each category of service and, as a breakdown 45326
of the total cost, a cost for each of the following components: 45327

(a) The cost of each support or extracurricular services 45328
category required by guidelines adopted under division (B) (1) (b) 45329
of this section that is provided directly to students by a 45330
licensed employee, such as services provided by a guidance 45331
counselor or any services provided by a licensed employee under 45332
a supplemental contract; 45333

(b) The cost of each such services category provided 45334
directly to students by a nonlicensed employee, such as 45335
janitorial services, cafeteria services, or services of a sports 45336
trainer; 45337

(c) The cost of the administrative services related to 45338
each services category in division (C) (4) (a) or (b) of this 45339
section, such as the cost of any licensed or nonlicensed 45340

employees that develop, supervise, coordinate, or otherwise are 45341
involved in administering or aiding the delivery of each 45342
services category. 45343

(D) (1) The guidelines adopted under this section shall 45344
require school districts to collect information about individual 45345
students, staff members, or both in connection with any data 45346
required by division (B) or (C) of this section or other 45347
reporting requirements established in the Revised Code. The 45348
guidelines may also require school districts to report 45349
information about individual staff members in connection with 45350
any data required by division (B) or (C) of this section or 45351
other reporting requirements established in the Revised Code. 45352
The guidelines shall not authorize school districts to request 45353
social security numbers of individual students. The guidelines 45354
shall prohibit the reporting under this section of a student's 45355
name, address, and social security number to the department. The 45356
guidelines shall also prohibit the reporting under this section 45357
of any personally identifiable information about any student, 45358
except for the purpose of assigning the data verification code 45359
required by division (D) (2) of this section, to any other person 45360
unless such person is employed by the school district or the 45361
information technology center operated under section 3301.075 of 45362
the Revised Code and is authorized by the district or technology 45363
center to have access to such information or is employed by an 45364
entity with which the department contracts for the scoring or 45365
the development of state assessments. The guidelines may require 45366
school districts to provide the social security numbers of 45367
individual staff members and the county of residence for a 45368
student. Nothing in this section prohibits the department from 45369
providing a student's county of residence to the department of 45370
taxation to facilitate the distribution of tax revenue. 45371

(2) (a) The guidelines shall provide for each school 45372
district or community school to assign a data verification code 45373
that is unique on a statewide basis over time to each student 45374
whose initial Ohio enrollment is in that district or school and 45375
to report all required individual student data for that student 45376
utilizing such code. The guidelines shall also provide for 45377
assigning data verification codes to all students enrolled in 45378
districts or community schools on the effective date of the 45379
guidelines established under this section. The assignment of 45380
data verification codes for other entities, as described in 45381
division (D) (2) (d) of this section, the use of those codes, and 45382
the reporting and use of associated individual student data 45383
shall be coordinated by the department of education and 45384
workforce in accordance with state and federal law. 45385

School districts shall report individual student data to 45386
the department through the information technology centers 45387
utilizing the code. The entities described in division (D) (2) (d) 45388
of this section shall report individual student data to the 45389
department in the manner prescribed by the department. 45390

(b) (i) Except as provided in sections 3301.941, 3310.11, 45391
3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised 45392
Code, and in division (D) (2) (b) (ii) of this section, at no time 45393
shall the department have access to information that would 45394
enable any data verification code to be matched to personally 45395
identifiable student data. 45396

(ii) For the purpose of making per-pupil payments to 45397
community schools under section 3317.022 of the Revised Code, 45398
the department shall have access to information that would 45399
enable any data verification code to be matched to personally 45400
identifiable student data. 45401

(c) Each school district and community school shall ensure 45402
that the data verification code is included in the student's 45403
records reported to any subsequent school district, community 45404
school, or state institution of higher education, as defined in 45405
section 3345.011 of the Revised Code, in which the student 45406
enrolls. Any such subsequent district or school shall utilize 45407
the same identifier in its reporting of data under this section. 45408

(d) (i) The director of any state agency that administers a 45409
publicly funded program providing services to children who are 45410
younger than compulsory school age, as defined in section 45411
3321.01 of the Revised Code, including the directors of health, 45412
job and family services, mental health and addiction services, 45413
children and youth, and developmental disabilities, shall 45414
request and receive, pursuant to sections 3301.0723 and 5180.33 45415
of the Revised Code, a data verification code for a child who is 45416
receiving those services. 45417

(ii) The director of developmental disabilities, director 45418
of health, director of job and family services, director of 45419
children and youth, director of mental health and addiction 45420
services, medicaid director, executive director of the 45421
commission on minority health, executive director of the 45422
opportunities for Ohioans with disabilities agency, or director 45423
of education and workforce, on behalf of a program that receives 45424
public funds and provides services to children who are younger 45425
than compulsory school age, may request and receive, pursuant to 45426
section 3301.0723 of the Revised Code, a data verification code 45427
for a child who is receiving services from the program. 45428

(E) The guidelines adopted under this section may require 45429
school districts to collect and report data, information, or 45430
reports other than that described in divisions (A), (B), and (C) 45431

of this section for the purpose of complying with other 45432
reporting requirements established in the Revised Code. The 45433
other data, information, or reports may be maintained in the 45434
education management information system but are not required to 45435
be compiled as part of the profile formats required under 45436
division (G) of this section or the annual statewide report 45437
required under division (H) of this section. 45438

(F) The board of education of each school district shall 45439
annually collect and report to the department, in accordance 45440
with the guidelines established by the department, the data 45441
required pursuant to this section. A school district may collect 45442
and report these data notwithstanding section 2151.357 or 45443
3319.321 of the Revised Code. 45444

(G) The department shall, in accordance with the 45445
procedures it adopts, annually compile the data reported by each 45446
school district pursuant to division (D) of this section. The 45447
department shall design formats for profiling each school 45448
district as a whole and each school building within each 45449
district and shall compile the data in accordance with these 45450
formats. These profile formats shall: 45451

(1) Include all of the data gathered under this section in 45452
a manner that facilitates comparison among school districts and 45453
among school buildings within each school district; 45454

(2) Present the data on academic achievement levels as 45455
assessed by the testing of student achievement maintained 45456
pursuant to division (B)(1)(d) of this section. 45457

(H)(1) The department shall, in accordance with the 45458
procedures it adopts, annually prepare a statewide report for 45459
all school districts and the general public that includes the 45460

profile of each of the school districts developed pursuant to 45461
division (G) of this section. Copies of the report shall be sent 45462
to each school district. 45463

(2) The department shall, in accordance with the 45464
procedures it adopts, annually prepare an individual report for 45465
each school district and the general public that includes the 45466
profiles of each of the school buildings in that school district 45467
developed pursuant to division (G) of this section. 45468

(I) Any data that is collected or maintained pursuant to 45469
this section and that identifies an individual pupil is not a 45470
public record for the purposes of section 149.43 of the Revised 45471
Code. 45472

(J) As used in this section: 45473

(1) "School district" means any city, local, exempted 45474
village, or joint vocational school district and, in accordance 45475
with section 3314.17 of the Revised Code, any community school. 45476
As used in division (L) of this section, "school district" also 45477
includes any educational service center or other educational 45478
entity required to submit data using the system established 45479
under this section. 45480

(2) "Cost" means any expenditure for operating expenses 45481
made by a school district excluding any expenditures for debt 45482
retirement except for payments made to any commercial lending 45483
institution for any loan approved pursuant to section 3313.483 45484
of the Revised Code. 45485

(K) Any person who removes data from the information 45486
system established under this section for the purpose of 45487
releasing it to any person not entitled under law to have access 45488
to such information is subject to section 2913.42 of the Revised 45489

Code prohibiting tampering with data. 45490

(L) (1) In accordance with division (L) (2) of this section 45491
and the rules adopted under division (L) (10) of this section, 45492
the department may sanction any school district that reports 45493
incomplete or inaccurate data, reports data that does not 45494
conform to data requirements and descriptions published by the 45495
department, fails to report data in a timely manner, or 45496
otherwise does not make a good faith effort to report data as 45497
required by this section. 45498

(2) If the department decides to sanction a school 45499
district under this division, the department shall take the 45500
following sequential actions: 45501

(a) Notify the district in writing that the department has 45502
determined that data has not been reported as required under 45503
this section and require the district to review its data 45504
submission and submit corrected data by a deadline established 45505
by the department. The department also may require the district 45506
to develop a corrective action plan, which shall include 45507
provisions for the district to provide mandatory staff training 45508
on data reporting procedures. 45509

(b) Withhold up to ten per cent of the total amount of 45510
state funds due to the district for the current fiscal year and, 45511
if not previously required under division (L) (2) (a) of this 45512
section, require the district to develop a corrective action 45513
plan in accordance with that division; 45514

(c) Withhold an additional amount of up to twenty per cent 45515
of the total amount of state funds due to the district for the 45516
current fiscal year; 45517

(d) Direct department staff or an outside entity to 45518

investigate the district's data reporting practices and make 45519
recommendations for subsequent actions. The recommendations may 45520
include one or more of the following actions: 45521

(i) Arrange for an audit of the district's data reporting 45522
practices by department staff or an outside entity; 45523

(ii) Conduct a site visit and evaluation of the district; 45524

(iii) Withhold an additional amount of up to thirty per 45525
cent of the total amount of state funds due to the district for 45526
the current fiscal year; 45527

(iv) Continue monitoring the district's data reporting; 45528

(v) Assign department staff to supervise the district's 45529
data management system; 45530

(vi) Conduct an investigation to determine whether to 45531
suspend or revoke the license of any district employee in 45532
accordance with division (N) of this section; 45533

(vii) If the district is issued a report card under 45534
section 3302.03 of the Revised Code, indicate on the report card 45535
that the district has been sanctioned for failing to report data 45536
as required by this section; 45537

(viii) If the district is issued a report card under 45538
section 3302.03 of the Revised Code and incomplete or inaccurate 45539
data submitted by the district likely caused the district to 45540
receive a higher performance rating than it deserved under that 45541
section, issue a revised report card for the district; 45542

(ix) Any other action designed to correct the district's 45543
data reporting problems. 45544

(3) Any time the department takes an action against a 45545

school district under division (L) (2) of this section, the 45546
department shall make a report of the circumstances that 45547
prompted the action. The department shall send a copy of the 45548
report to the district superintendent or chief administrator and 45549
maintain a copy of the report in its files. 45550

(4) If any action taken under division (L) (2) of this 45551
section resolves a school district's data reporting problems to 45552
the department's satisfaction, the department shall not take any 45553
further actions described by that division. If the department 45554
withheld funds from the district under that division, the 45555
department may release those funds to the district, except that 45556
if the department withheld funding under division (L) (2) (c) of 45557
this section, the department shall not release the funds 45558
withheld under division (L) (2) (b) of this section and, if the 45559
department withheld funding under division (L) (2) (d) of this 45560
section, the department shall not release the funds withheld 45561
under division (L) (2) (b) or (c) of this section. 45562

(5) Notwithstanding anything in this section to the 45563
contrary, the department may use its own staff or an outside 45564
entity to conduct an audit of a school district's data reporting 45565
practices any time the department has reason to believe the 45566
district has not made a good faith effort to report data as 45567
required by this section. If any audit conducted by an outside 45568
entity under division (L) (2) (d) (i) or (5) of this section 45569
confirms that a district has not made a good faith effort to 45570
report data as required by this section, the district shall 45571
reimburse the department for the full cost of the audit. The 45572
department may withhold state funds due to the district for this 45573
purpose. 45574

(6) Prior to issuing a revised report card for a school 45575

district under division (L) (2) (d) (viii) of this section, the 45576
department may hold a hearing to provide the district with an 45577
opportunity to demonstrate that it made a good faith effort to 45578
report data as required by this section. The hearing shall be 45579
conducted by a referee appointed by the department. Based on the 45580
information provided in the hearing, the referee shall recommend 45581
whether the department should issue a revised report card for 45582
the district. If the referee affirms the department's contention 45583
that the district did not make a good faith effort to report 45584
data as required by this section, the district shall bear the 45585
full cost of conducting the hearing and of issuing any revised 45586
report card. 45587

(7) If the department determines that any inaccurate data 45588
reported under this section caused a school district to receive 45589
excess state funds in any fiscal year, the district shall 45590
reimburse the department an amount equal to the excess funds, in 45591
accordance with a payment schedule determined by the department. 45592
The department may withhold state funds due to the district for 45593
this purpose. 45594

(8) Any school district that has funds withheld under 45595
division (L) (2) of this section may appeal the withholding in 45596
accordance with Chapter 119. of the Revised Code. 45597

(9) In all cases of a disagreement between the department 45598
and a school district regarding the appropriateness of an action 45599
taken under division (L) (2) of this section, the burden of proof 45600
shall be on the district to demonstrate that it made a good 45601
faith effort to report data as required by this section. 45602

(10) The director of education and workforce shall adopt 45603
rules under Chapter 119. of the Revised Code to implement 45604
division (L) of this section. 45605

(M) No information technology center or school district shall acquire, change, or update its student administration software package to manage and report data required to be reported to the department unless it converts to a student software package that is certified by the department.

(N) The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke a license as defined under division (A) of section 3319.31 of the Revised Code that has been issued to any school district employee found to have willfully reported erroneous, inaccurate, or incomplete data to the education management information system.

(O) No person shall release or maintain any information about any student in violation of this section. Whoever violates this division is guilty of a misdemeanor of the fourth degree.

~~(P) The department shall disaggregate the data collected under division (B)(1)(n) of this section according to the race and socioeconomic status of the students assessed.~~

~~(Q) If the department cannot compile any of the information required by division (I) of section 3302.03 of the Revised Code based upon the data collected under this section, the department shall develop a plan and a reasonable timeline for the collection of any data necessary to comply with that division.~~

Sec. 3301.0715. ~~(A) Except as required under division (B)(1) of section 3313.608 or as specified in division (D)(3) of section 3301.079 of the Revised Code, the~~ (A) (1) The board of education of each city, local, and exempted village school district shall administer ~~each applicable~~ a diagnostic

assessment ~~developed and provided to the district~~ in reading and 45635
mathematics adopted or approved in accordance with section 45636
3301.079 of the Revised Code to the following: 45637

~~(1)~~ (a) Each student enrolled in kindergarten, first, 45638
second, or third grade. 45639

(b) Any student who transfers into the district or to a 45640
different school within the district if each applicable 45641
diagnostic assessment was not administered by the district or 45642
school the student previously attended in the current school 45643
year, within thirty days after the date of transfer. If the 45644
district or school into which the student transfers cannot 45645
determine whether the student has taken any applicable 45646
diagnostic assessment in the current school year, the district 45647
or school may administer the diagnostic assessment to the 45648
student. However, if a student transfers into the district prior 45649
to the administration of the diagnostic assessments to all 45650
students under division (B) of this section, the district may 45651
administer the diagnostic assessments to that student on the 45652
date or dates determined under that division. 45653

~~(2) Each kindergarten student, not earlier than the first-~~ 45654
~~day of July of the school year and not later than the twentieth-~~ 45655
~~day of instruction of that school year.~~ 45656

~~For the purpose of division (A) (2) of this section, the-~~ 45657
The district shall administer the kindergarten readiness 45658
assessment provided by the department of children and youth to 45659
each kindergarten student not earlier than the first day of July 45660
of the school year in which the student is enrolled in 45661
kindergarten and not later than the twentieth day of instruction 45662
of that school year. In no case shall the results of the 45663
readiness assessment be used to prohibit a student from 45664

enrolling in kindergarten. 45665

~~(3) Each student enrolled in first, second, or third grade.~~ 45666
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~~Division (A) of this section does not apply to students with significant cognitive disabilities, as defined by the department.~~ 45668
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(B) Each district board shall administer each diagnostic assessment when the board deems appropriate, provided the administration complies with section 3313.608 of the Revised Code. However, the board shall administer any diagnostic assessment described in division (A) (1) of this section at least once annually by the thirtieth day of September to all students in the appropriate grade level. The board shall administer a diagnostic assessment to a student with a significant cognitive disability in accordance with guidelines adopted by the department of education and workforce. A district board may administer any diagnostic assessment in the fall and spring of a school year to measure the amount of academic growth attributable to the instruction received by students during that school year. 45671
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~~(C) A district may use different diagnostic assessments from those adopted under division (D) of section 3301.079 of the Revised Code in order to satisfy the requirements of division (A) (3) of this section if the district meets either of the following conditions for the immediately preceding school year:~~ 45685
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~~(1) The district received a grade of "A" or "B" for the performance index score under division (C) (1) (b) of section 3302.03 of the Revised Code or for the value-added progress dimension under division (C) (1) (e) of that section.~~ 45690
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~~(2) The district received a performance rating of four stars or higher for achievement under division (D) (3) (b) of section 3302.03 of the Revised Code or for progress under division (D) (3) (c) of that section.~~ 45694
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~~(D) Each district board shall utilize and score any diagnostic the kindergarten readiness assessment administered under division (A) of this section in accordance with rules established by the department of education or the department of children and youth and shall utilize and score each diagnostic assessment described in division (A) (1) of this section in accordance with rules established by the department of education and workforce. After the administration of any the kindergarten readiness assessment or a diagnostic assessment described in division (A) (1) of this section, each district shall provide a student's completed diagnostic assessment, the results of such assessment, and any other accompanying documents used during the administration of the assessment to the parent of that student, and. The district shall include all such documents and information related to a diagnostic assessment described in division (A) (1) of this section in any plan developed for the student under division (C) of section 3313.608 of the Revised Code. Each district shall submit, in the manner prescribed by each department, the results of the diagnostic assessments administered under this section, regardless of the type of assessment used under section 3313.608 of the Revised Code as follows:~~ 45698
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(1) The results of the kindergarten readiness assessment to the department of children and youth; 45720
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(2) The results of all diagnostic assessments described in division (A) (1) of this section to the department of education_ 45722
45723

and workforce pursuant to section 3301.0714 of the Revised Code. 45724

~~The department of education and the department of children and youth may issue reports with respect to the data collected. Either department may report school and district level kindergarten diagnostic readiness assessment data and use.~~ 45725
The department of education and workforce may report data from any diagnostic assessment data described in division (A) (1) of this section and may use that data to calculate the measures prescribed by divisions (B) (1) (g), (C) (1) (g), and (D) (1) (h) of section 3302.03 of the Revised Code and the data reported under division (D) (2) (e) of that section. 45726
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~~(E)~~ (D) Each district board shall provide intervention services to students whose diagnostic assessments described in division (A) (1) of this section show that they are failing to make satisfactory progress toward attaining the academic standards for their grade level. 45735
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~~(F)~~ (E) Any chartered nonpublic school may elect to administer the kindergarten readiness assessment to all kindergarten students enrolled in the school. If the school so elects, the chief administrator of the school shall notify the director of children and youth not later than the thirty-first day of March prior to any school year in which the school will administer the assessment. The department of children and youth shall furnish the assessment to the school at no cost to the school. In administering the assessment, the school shall do all of the following: 45740
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(1) Enter into a written agreement with the department of children and youth specifying that the school will share each participating student's assessment data with the department ~~of~~ education and the department of children and youth and, that for 45750
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the purpose of reporting the data to the department ~~of education~~ 45754
~~and department of children and youth~~, each participating student 45755
will be assigned a data verification code as described in 45756
division (D) (2) of section 3301.0714 of the Revised Code; 45757

(2) Require the assessment to be administered by a teacher 45758
certified under section 3301.071 of the Revised Code who either 45759
has completed training on administering the kindergarten 45760
readiness assessment ~~provided by the department of children and~~ 45761
~~youth~~ or has been trained by another person who has completed 45762
such training; 45763

(3) Administer the assessment in the same manner as school 45764
districts are required to do under this section and the rules 45765
established under division ~~(D)~~ (C) of this section. 45766

~~(G)~~ (F) A school district in which less than eighty per 45767
cent of its students score at the proficient level or higher on 45768
the third-grade English language arts assessment prescribed 45769
under section 3301.0710 of the Revised Code shall establish a 45770
reading improvement plan supported by reading specialists. Prior 45771
to implementation, the plan shall be approved by the school 45772
district board of education. 45773

(G) As used in this section, "kindergarten readiness 45774
assessment" means the diagnostic assessment provided by the 45775
department of children and youth under section 5104.52 of the 45776
Revised Code. 45777

Sec. 3301.0722. (A) As used in this section, "evidence- 45778
based" has the same meaning as in section 3301.221 of the 45779
Revised Code. 45780

(B) The department of education and workforce, in 45781
collaboration with the department of behavioral health and the 45782

OneOhio recovery foundation, shall conduct a review of available 45783
resources and develop a list of curricula, materials, programs, 45784
and instructional strategies related to the instruction required 45785
under divisions (A) (5) (b) and (g) of section 3313.60 of the 45786
Revised Code and section 3313.6034 of the Revised Code, that 45787
districts or schools may utilize. The department of education 45788
and workforce shall highlight any evidence-based resources that 45789
exist on its list. Periodically, the department of education and 45790
workforce shall review and update the list developed under this 45791
section. 45792

Sec. 3301.0723. (A) All of the following apply to the 45793
independent contractor engaged by the department of education 45794
and workforce to create and maintain for school districts and 45795
community schools the student data verification codes required 45796
by division (D) (2) of section 3301.0714 of the Revised Code: 45797

(1) Upon request of the director of any state agency that 45798
administers a publicly funded program providing services to 45799
children who are younger than compulsory school age, including 45800
the directors of health, children and youth, mental health and 45801
addiction services, and developmental disabilities, the 45802
contractor shall assign a data verification code to a child who 45803
is receiving such services and shall provide that code to the 45804
director. 45805

(2) Upon request of the director of developmental 45806
disabilities, director of health, director of job and family 45807
services, director of children and youth, director of mental 45808
health and addiction services, medicaid director, executive 45809
director of the commission on minority health, executive 45810
director of the opportunities for Ohioans with disabilities 45811
agency, or director of education and workforce and on behalf of 45812

a program that receives public funds and provides services to 45813
children younger than compulsory school age, the contractor 45814
shall assign a data verification code to a child who is 45815
receiving such services from the program and shall provide that 45816
code to the director. 45817

(3) The contractor also shall provide the codes requested 45818
under division (A) of this section to the department of 45819
education and workforce. 45820

For purposes of division (A) of this section, "compulsory 45821
school age" has the same meaning as in section 3321.01 of the 45822
Revised Code. 45823

(B) The director of a state agency that receives a child's 45824
data verification code under division (A)(1) of this section 45825
shall use that code to submit information for that child to the 45826
department of education and workforce in accordance with section 45827
3301.0714 of the Revised Code. 45828

The director of a state agency that receives a child's 45829
data verification code under division (A)(2) of this section 45830
shall provide that code to the publicly or privately funded 45831
program providing services to the child. The program shall use 45832
that code to submit information for that child to the department 45833
of education and workforce in accordance with section 3301.0714 45834
of the Revised Code, but only to the extent permitted by federal 45835
law. 45836

(C) A public school that receives from the independent 45837
contractor the data verification code for a child assigned under 45838
division (A) of this section shall not request or assign to that 45839
child another data verification code under division (D)(2) of 45840
section 3301.0714 of the Revised Code. That school and any other 45841

public school in which the child subsequently enrolls shall use 45842
the data verification code assigned under division (A) of this 45843
section to report data relative to that student required under 45844
section 3301.0714 of the Revised Code. 45845

Sec. 3301.0727. (A) As used in this section, "dropout 45846
prevention and recovery community school" has the same meaning 45847
as in section ~~3319.301~~ 3314.02 of the Revised Code. 45848

(B) Notwithstanding any provision to the contrary in 45849
section 3301.0710, 3301.0711, or 3301.0712 of the Revised Code, 45850
a dropout prevention and recovery community school shall do both 45851
of the following with regard to the administration of end-of- 45852
course examinations required under section 3301.0712 of the 45853
Revised Code: 45854

(1) In addition to the annual testing windows established 45855
by the director of education and workforce under division (C) of 45856
section 3301.0710 of the Revised Code, administer the 45857
examinations in an online or paper format based on the needs of 45858
the student; 45859

(2) Adhere to security requirements prescribed under 45860
section 3319.151 of the Revised Code for the online examinations 45861
administered under division (B) (1) of this section. 45862

(C) The director of education and workforce shall 45863
establish extended testing windows of ten weeks in duration in 45864
the fall and spring for dropout prevention and recovery 45865
community schools so that they may administer assessments in 45866
closer proximity to when students complete related coursework. 45867
The director also shall establish a summer testing window for 45868
students participating in summer instruction. 45869

(D) Nothing in this section shall be construed to relieve 45870

a dropout prevention and recovery community school from its 45871
obligation to administer testing in-person as otherwise required 45872
by law. 45873

Sec. 3301.0732. The minimum education standards prescribed 45874
by the director of education and workforce for nonchartered 45875
nonpublic schools under section 3301.07 of the Revised Code 45876
shall comply with and shall be limited to this section. 45877

(A) A nonchartered nonpublic school that is not seeking a 45878
charter from the department of education and workforce because 45879
of truly held religious beliefs shall annually certify in a 45880
report to the parents of its pupils that the school meets 45881
minimum education standards for nonchartered nonpublic schools 45882
as described in this section. A copy of the report shall be 45883
filed with the department of education and workforce on or 45884
before the thirtieth day of September of each year. 45885

(B) A nonchartered nonpublic school shall be open for 45886
instruction with pupils in attendance for not less than four 45887
hundred fifty-five hours in the case of pupils in kindergarten 45888
unless such pupils are provided all-day kindergarten, in which 45889
case the pupils shall be in attendance for nine hundred ten 45890
hours; nine hundred ten hours in the case of pupils in grades 45891
one through six; and one thousand one hours in the case of 45892
pupils in grades seven through twelve in each school year. 45893

(C) The parents of a child enrolled in a nonchartered 45894
nonpublic school shall be responsible for reporting their 45895
child's enrollment or withdrawal from that school to the 45896
treasurer of the board of education of the city, exempted 45897
village, or local school district in which the pupil resides. 45898
Pupil attendance is reported for the purposes of facilitating 45899
the administration of laws relating to compulsory education and 45900

the employment of minors. An individual in charge of the 45901
nonchartered nonpublic school may, as a matter of convenience, 45902
provide the report to the treasurer on behalf of the parents. 45903

The attendance report shall include the name, age, and 45904
place of residence of each pupil below eighteen years of age. 45905
The report shall be made within the first two weeks of the 45906
beginning of each school year. In the case of pupil withdrawal 45907
or entrance during the school year, notice shall be given to the 45908
treasurer of the appropriate board of education within the first 45909
week of the next school month. 45910

(D) Teachers and administrators at nonchartered nonpublic 45911
schools shall hold at least a bachelor's degree, or the 45912
equivalent, from a recognized college or university. 45913

(E) The curriculum of each nonchartered nonpublic school 45914
shall include the study of the following subjects: 45915

(1) Language arts; 45916

(2) Geography, the history of the United States and Ohio, 45917
and national, state, and local government; 45918

(3) Mathematics; 45919

(4) Science; 45920

(5) Health, which may include age and developmentally 45921
appropriate instruction about how short-term or chronic 45922
substance use, as defined in section 3313.6034 of the Revised 45923
Code, to alter an individual's mood is harmful to an 45924
individual's health; 45925

(6) Physical education; 45926

(7) The fine arts, including music; 45927

(8) First aid, safety, and fire prevention;	45928
(9) Other subjects as prescribed by the nonchartered nonpublic school.	45929 45930
(F) Each nonchartered nonpublic school shall follow regular procedures for promotion from grade to grade for pupils who have met the school's educational requirements.	45931 45932 45933
(G) Each nonchartered nonpublic school shall comply with all applicable health, fire, and safety laws.	45934 45935
(H) Pupils attending a nonchartered nonpublic school shall not be entitled to pupil transportation or auxiliary services. A nonchartered nonpublic school is not entitled to reimbursement for administrative costs.	45936 45937 45938 45939
Sec. 3301.136. The department of education and workforce shall compile a list of tutoring programs that it considers to be of high quality and have the potential to accelerate learning for students in the areas of English language arts, mathematics, science, and social studies. For this purpose, the department shall request the qualifications of public and private entities that provide tutoring programs for students. <u>The requested qualifications shall include program efficacy data or other evidence of program effectiveness for students who participate in the tutoring programs.</u> The department shall establish a rubric to evaluate the programs and determine a minimum score for a tutoring program to be included on the department's list.	45940 45941 45942 45943 45944 45945 45946 45947 45948 45949 45950 45951
In compiling the list, the department may designate individual tutoring programs as more appropriate for certain grade levels, populations of students, or subject areas.	45952 45953 45954
<u>The department shall immediately remove from the list any tutoring program in the area of English language arts that the</u>	45955 45956

department determines is not aligned to the science of reading 45957
or uses a three-cueing approach, as defined in section 3313.6028 45958
of the Revised Code. 45959

The department may establish multiple application periods 45960
in any school year for entities to submit their qualifications 45961
for consideration to be included on the list. However, the 45962
department shall post the initial list of tutoring programs on 45963
the department's web site not later than October 1, 2022. After 45964
the initial list is posted, the department shall, at least every 45965
three years thereafter, provide an opportunity for entities to 45966
submit their qualifications for consideration to be included on 45967
the list and post an updated list of tutoring programs on the 45968
department's web site. No school district or school shall be 45969
required to use a tutoring program on the list. 45970

Sec. 3301.166. The governing authority of each chartered 45971
nonpublic school annually may provide instruction to students in 45972
the grade levels the school serves about how short-term or 45973
chronic substance use, as defined in section 3313.6034 of the 45974
Revised Code, to alter one's mood is harmful to an individual's 45975
health. Each governing authority may do all of the following 45976
with regard to the instruction: 45977

(A) Determine the manner in which the instruction is 45978
provided to students; 45979

(B) Ensure the instruction is age and developmentally 45980
appropriate; 45981

(C) Conform the instruction to prevention best-practice 45982
frameworks; 45983

(D) Focus the instruction on addressing changes in 45984
knowledge, attitude, and skills as a child develops. 45985

Sec. 3301.17. (A) The board of education of each city, 45986
exempted village, local, and joint vocational school district 45987
may make a driver education course available to high school 45988
students enrolled in the district in accordance with Chapter 45989
4508. of the Revised Code. No school district making such a 45990
course available shall require any student to enroll in the 45991
course in lieu of taking a training course from a private driver 45992
training school licensed under that chapter. 45993

(B) The principal of each high school shall annually give 45994
written notice to the students enrolled in the high school that 45995
they may elect, under a procedure that shall be described in the 45996
notice, to take a training course from a private driver training 45997
school or, if available, enroll in a driver education course 45998
made available by the student's school district of attendance. 45999

(C) Students who successfully complete a driver education 46000
course offered by the student's school district of attendance or 46001
through any agency or organization that the district contracts 46002
with to offer such a course under this section may earn either: 46003

(1) Notwithstanding anything to the contrary in division 46004
(C) (8) of section 3313.603 of the Revised Code, up to one-half 46005
unit towards high school elective credits that may substitute 46006
for credits in the subjects listed under that division; 46007

(2) An industry-recognized credential approved under 46008
section 3313.6113 of the Revised Code. ~~A student may be granted~~ 46009
~~up to two points toward a high school diploma under the list of~~ 46010
~~industry-recognized credentials established and updated under~~ 46011
~~section 3313.6113 of the Revised Code.~~ 46012

(D) Notwithstanding anything to the contrary in sections 46013
3317.014, 3317.022, and 3317.16 of the Revised Code, a career- 46014

technical planning district, as defined in section 3317.023 of 46015
the Revised Code, may use a portion of the career-technical 46016
education funds received under section 3317.022 or 3317.16 of 46017
the Revised Code to make a driver education course available to 46018
high school students enrolled in the district. 46019

Sec. 3301.24. (A) Not later than December 31, 2025, the 46020
department of education and workforce shall develop a model 46021
policy on the use of artificial intelligence in schools. The 46022
model policy shall address appropriate use of artificial 46023
intelligence by students and staff for educational purposes. 46024

(B) Not later than July 1, 2026, each school district, 46025
community school established under Chapter 3314. of the Revised 46026
Code, and STEM school established under Chapter 3326. of the 46027
Revised Code shall adopt a policy on the use of artificial 46028
intelligence. The district or school may adopt the department's 46029
model policy developed under division (A) of this section. 46030

(C) The department may collect data from districts and 46031
schools on their use of artificial intelligence in the manner 46032
prescribed by the department. 46033

Sec. 3301.541. (A) (1) The director, head teacher, 46034
elementary principal, or site administrator of a preschool 46035
program shall request the superintendent of the bureau of 46036
criminal identification and investigation to conduct a criminal 46037
records check with respect to any applicant who has applied to 46038
the preschool program for employment as a person responsible for 46039
the care, custody, or control of a child. If the applicant does 46040
not present proof that the applicant has been a resident of this 46041
state for the five-year period immediately prior to the date 46042
upon which the criminal records check is requested or does not 46043
provide evidence that within that five-year period the 46044

superintendent has requested information about the applicant 46045
from the federal bureau of investigation in a criminal records 46046
check, the director, head teacher, or elementary principal shall 46047
request that the superintendent obtain information from the 46048
federal bureau of investigation as a part of the criminal 46049
records check for the applicant. If the applicant presents proof 46050
that the applicant has been a resident of this state for that 46051
five-year period, the director, head teacher, or elementary 46052
principal may request that the superintendent include 46053
information from the federal bureau of investigation in the 46054
criminal records check. 46055

(2) Any director, head teacher, elementary principal, or 46056
site administrator required by division (A) (1) of this section 46057
to request a criminal records check shall provide to each 46058
applicant a copy of the form prescribed pursuant to division (C) 46059
(1) of section 109.572 of the Revised Code, provide to each 46060
applicant a standard impression sheet to obtain fingerprint 46061
impressions prescribed pursuant to division (C) (2) of section 46062
109.572 of the Revised Code, obtain the completed form and 46063
impression sheet from each applicant, and forward the completed 46064
form and impression sheet to the superintendent of the bureau of 46065
criminal identification and investigation at the time the person 46066
requests a criminal records check pursuant to division (A) (1) of 46067
this section. 46068

(3) Any applicant who receives pursuant to division (A) (2) 46069
of this section a copy of the form prescribed pursuant to 46070
division (C) (1) of section 109.572 of the Revised Code and a 46071
copy of an impression sheet prescribed pursuant to division (C) 46072
(2) of that section and who is requested to complete the form 46073
and provide a set of fingerprint impressions shall complete the 46074
form or provide all the information necessary to complete the 46075

form and provide the impression sheet with the impressions of 46076
the applicant's fingerprints. If an applicant, upon request, 46077
fails to provide the information necessary to complete the form 46078
or fails to provide impressions of the applicant's fingerprints, 46079
the preschool program shall not employ that applicant for any 46080
position for which a criminal records check is required by 46081
division (A) (1) of this section. 46082

(B) (1) Except as provided in rules adopted by the 46083
department of ~~education and workforce~~ children and youth in 46084
accordance with division (E) of this section, no preschool 46085
program shall employ a person as a person responsible for the 46086
care, custody, or control of a child if the person previously 46087
has been convicted of or pleaded guilty to any of the following: 46088

(a) A violation of section 2903.01, 2903.02, 2903.03, 46089
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 46090
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 46091
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 46092
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 46093
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 46094
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 46095
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 46096
section 2905.04 of the Revised Code as it existed prior to July 46097
1, 1996, a violation of section 2919.23 of the Revised Code that 46098
would have been a violation of section 2905.04 of the Revised 46099
Code as it existed prior to July 1, 1996, had the violation 46100
occurred prior to that date, a violation of section 2925.11 of 46101
the Revised Code that is not a minor drug possession offense, or 46102
felonious sexual penetration in violation of former section 46103
2907.12 of the Revised Code; 46104

(b) A violation of an existing or former law of this 46105

state, any other state, or the United States that is 46106
substantially equivalent to any of the offenses or violations 46107
described in division (B) (1) (a) of this section. 46108

(2) A preschool program may employ an applicant 46109
conditionally until the criminal records check required by this 46110
section is completed and the preschool program receives the 46111
results of the criminal records check. If the results of the 46112
criminal records check indicate that, pursuant to division (B) 46113
(1) of this section, the applicant does not qualify for 46114
employment, the preschool program shall release the applicant 46115
from employment. 46116

(C) (1) Each preschool program shall pay to the bureau of 46117
criminal identification and investigation the fee prescribed 46118
pursuant to division (C) (3) of section 109.572 of the Revised 46119
Code for each criminal records check conducted in accordance 46120
with that section upon the request pursuant to division (A) (1) 46121
of this section of the director, head teacher, elementary 46122
principal, or site administrator of the preschool program. 46123

(2) A preschool program may charge an applicant a fee for 46124
the costs it incurs in obtaining a criminal records check under 46125
this section. A fee charged under this division shall not exceed 46126
the amount of fees the preschool program pays under division (C) 46127
(1) of this section. If a fee is charged under this division, 46128
the preschool program shall notify the applicant at the time of 46129
the applicant's initial application for employment of the amount 46130
of the fee and that, unless the fee is paid, the applicant will 46131
not be considered for employment. 46132

(D) The report of any criminal records check conducted by 46133
the bureau of criminal identification and investigation in 46134
accordance with section 109.572 of the Revised Code and pursuant 46135

to a request under division (A) (1) of this section is not a 46136
public record for the purposes of section 149.43 of the Revised 46137
Code and shall not be made available to any person other than 46138
the applicant who is the subject of the criminal records check 46139
or the applicant's representative, the preschool program 46140
requesting the criminal records check or its representative, and 46141
any court, hearing officer, or other necessary individual in a 46142
case dealing with the denial of employment to the applicant. 46143

(E) The department of ~~education and workforce~~ children and 46144
youth shall adopt rules pursuant to Chapter 119. of the Revised 46145
Code to implement this section, including rules specifying 46146
circumstances under which a preschool program may hire a person 46147
who has been convicted of an offense listed in division (B) (1) 46148
of this section but who meets standards in regard to 46149
rehabilitation set by the department. 46150

(F) Any person required by division (A) (1) of this section 46151
to request a criminal records check shall inform each person, at 46152
the time of the person's initial application for employment, 46153
that the person is required to provide a set of impressions of 46154
the person's fingerprints and that a criminal records check is 46155
required to be conducted and satisfactorily completed in 46156
accordance with section 109.572 of the Revised Code if the 46157
person comes under final consideration for appointment or 46158
employment as a precondition to employment for that position. 46159

(G) As used in this section: 46160

(1) "Applicant" means a person who is under final 46161
consideration for appointment or employment in a position with a 46162
preschool program as a person responsible for the care, custody, 46163
or control of a child, except that "applicant" does not include 46164
a person already employed by a board of education, community 46165

school, or chartered nonpublic school in a position of care, 46166
custody, or control of a child who is under consideration for a 46167
different position with such board or school. 46168

(2) "Criminal records check" has the same meaning as in 46169
section 109.572 of the Revised Code. 46170

(3) "Minor drug possession offense" has the same meaning 46171
as in section 2925.01 of the Revised Code. 46172

(H) If the board of education of a local school district 46173
adopts a resolution requesting the assistance of the educational 46174
service center in which the local district has territory in 46175
conducting criminal records checks of substitute teachers under 46176
this section, the appointing or hiring officer of such 46177
educational service center governing board shall serve for 46178
purposes of this section as the appointing or hiring officer of 46179
the local board in the case of hiring substitute teachers for 46180
employment in the local district. 46181

Sec. 3301.57. (A) For the purpose of improving programs, 46182
facilities, and implementation of the standards promulgated 46183
under section 3301.53 of the Revised Code, ~~the department of~~ 46184
~~education and workforce and~~ the department of children and youth 46185
shall provide consultation and technical assistance to school 46186
districts, county boards of developmental disabilities, 46187
community schools, authorized private before and after school 46188
care programs, and eligible nonpublic schools operating 46189
preschool programs or school child programs, and in-service 46190
training to preschool staff members, school child program staff 46191
members, and nonteaching employees. 46192

(B) The department of education and workforce, the 46193
department of children and youth, and the school district board 46194

of education, county board of developmental disabilities, 46195
community school, or eligible nonpublic school shall jointly 46196
monitor each preschool program and each school child program. 46197

If the program receives any grant or other funding from 46198
the state or federal government, the department of education and 46199
workforce and the department of children and youth annually 46200
shall monitor all reports on attendance, financial support, and 46201
expenditures according to provisions for use of the funds. 46202

(C) The ~~department of education and workforce and the~~ 46203
department of children and youth, at least once during every 46204
twelve-month period of operation of a preschool program or a 46205
licensed school child program, shall inspect the program and 46206
provide a written inspection report to the superintendent of the 46207
school district, county board of developmental disabilities, 46208
community school, or eligible nonpublic school. The ~~departments~~ 46209
department may inspect any program more than once, as considered 46210
necessary by the ~~departments~~department, during any twelve-month 46211
period of operation. All inspections may be unannounced. No 46212
person shall interfere with any inspection conducted pursuant to 46213
this division or to the rules adopted pursuant to sections 46214
3301.52 to 3301.59 of the Revised Code. 46215

Upon receipt of any complaint that a preschool program or 46216
a licensed school child program is out of compliance with the 46217
requirements in sections 3301.52 to 3301.59 of the Revised Code 46218
or the rules adopted under those sections, the department of 46219
children and youth shall investigate and may inspect the 46220
program. If the complaint is related to a teacher, the 46221
department shall coordinate with the ~~department~~ state board of 46222
education to investigate and take action on a teacher's license. 46223

(D) If a preschool program or a licensed school child 46224

program is determined to be out of compliance with the 46225
requirements of sections 3301.52 to 3301.59 of the Revised Code 46226
or the rules adopted under those sections, the department of 46227
children and youth shall notify the appropriate superintendent, 46228
county board of developmental disabilities, community school, 46229
authorized private before and after school care program, or 46230
eligible nonpublic school in writing regarding the nature of the 46231
violation, what must be done to correct the violation, and by 46232
what date the correction must be made. If the correction is not 46233
made by the date established by the department, it may commence 46234
action under Chapter 119. of the Revised Code to close the 46235
program or to revoke the license of the program. If a program 46236
does not comply with an order to cease operation issued in 46237
accordance with Chapter 119. of the Revised Code, the department 46238
shall notify the attorney general, the prosecuting attorney of 46239
the county in which the program is located, or the city 46240
attorney, village solicitor, or other chief legal officer of the 46241
municipal corporation in which the program is located that the 46242
program is operating in violation of sections 3301.52 to 3301.59 46243
of the Revised Code or the rules adopted under those sections 46244
and in violation of an order to cease operation issued in 46245
accordance with Chapter 119. of the Revised Code. Upon receipt 46246
of the notification, the attorney general, prosecuting attorney, 46247
city attorney, village solicitor, or other chief legal officer 46248
shall file a complaint in the court of common pleas of the 46249
county in which the program is located requesting the court to 46250
issue an order enjoining the program from operating. The court 46251
shall grant the requested injunctive relief upon a showing that 46252
the program named in the complaint is operating in violation of 46253
sections 3301.52 to 3301.59 of the Revised Code or the rules 46254
adopted under those sections and in violation of an order to 46255
cease operation issued in accordance with Chapter 119. of the 46256

Revised Code. 46257

(E) ~~The department of education and workforce and~~ 46258
department of children and youth shall prepare an annual report 46259
on inspections conducted under this section. The report shall 46260
include the number of inspections conducted, the number and 46261
types of violations found, and the steps taken to address the 46262
violations. ~~The departments~~ department shall file the report 46263
with the governor, the president and minority leader of the 46264
senate, and the speaker and minority leader of the house of 46265
representatives on or before the first day of January of each 46266
year. 46267

Sec. 3301.82. (A) The department of education and 46268
workforce annually shall collect employment and vacancy data for 46269
each city, local, exempted village, and joint vocational school 46270
district, community school established under Chapter 3314. of 46271
the Revised Code, and STEM school established under Chapter 46272
3326. of the Revised Code for all of the following: 46273

(1) Teachers; 46274

(2) Related services providers and other providers of 46275
specialized services; 46276

(3) Principals and assistant principals; 46277

(4) Paraprofessionals; 46278

(5) Bus drivers; 46279

(6) Any other positions as determined by the department. 46280

(B) The department shall report the number of vacant 46281
positions aggregated by the following: 46282

(1) Type of position; 46283

<u>(2) Subject area;</u>	46284
<u>(3) Geographic area, including rural and urban areas;</u>	46285
<u>(4) The number of educator positions filled by long-term substitute teachers, unlicensed individuals, or educators with emergency credentials disaggregated by school, grade level, and endorsement;</u>	46286 46287 46288 46289
<u>(5) The reasons why a position was vacant, which may include the following reasons:</u>	46290 46291
<u>(a) Retirement;</u>	46292
<u>(b) New position;</u>	46293
<u>(c) Repeated poor teacher evaluations;</u>	46294
<u>(d) Position is no longer necessary;</u>	46295
<u>(e) Reduction in force.</u>	46296
<u>(6) Methods used to fill vacant positions, which shall include the following:</u>	46297 46298
<u>(a) Hiring of short- and long-term substitutes;</u>	46299
<u>(b) Hiring retired educators;</u>	46300
<u>(c) Hiring educators from alternative licensure program candidates;</u>	46301 46302
<u>(d) Contracting with an educational service center or other entity;</u>	46303 46304
<u>(e) Hiring personnel with emergency credentials or who are unlicensed;</u>	46305 46306
<u>(f) Other methods identified by the department.</u>	46307
<u>(7) Positions that remain unfilled.</u>	46308

(C) The department also annually shall collect and report 46309
the following statewide data on educators: 46310

(1) Educator preparation program enrollment and completion 46311
data annually, disaggregated by endorsement area and grade 46312
level; 46313

(2) The number of new educator licenses issued by the 46314
state board of education annually, disaggregated by licensure 46315
pathway and including those issued through reciprocity with 46316
another state; 46317

(3) Educator retention at one-year, three-year, five-year, 46318
and ten-year rates; 46319

(4) Educator demographic data aggregated at the district 46320
and state level. 46321

(D) The department shall annually publish and summarize 46322
data collected under this section on its publicly accessible web 46323
site. To the extent possible, the department shall report the 46324
data at the state, district, and school level. 46325

Sec. 3302.03. Not later than the thirty-first day of July 46326
of each year, the department of education and workforce shall 46327
submit preliminary report card data for overall academic 46328
performance and for each separate performance measure for each 46329
school district, and each school building, in accordance with 46330
this section. 46331

Annually, not later than the fifteenth day of September or 46332
the preceding Friday when that day falls on a Saturday or 46333
Sunday, the department shall assign a letter grade or 46334
performance rating for overall academic performance and for each 46335
separate performance measure for each school district, and each 46336
school building in a district, in accordance with this section. 46337

The department shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section. The department's rules shall establish performance criteria for each letter grade or performance rating and prescribe a method by which the department assigns each letter grade or performance rating. For a school building to which any of the performance measures do not apply, due to grade levels served by the building, the department shall designate the performance measures that are applicable to the building and that must be calculated separately and used to calculate the building's overall grade or performance rating. The department shall issue annual report cards reflecting the performance of each school district, each building within each district, and for the state as a whole using the performance measures and letter grade or performance rating system described in this section. The department shall include on the report card for each district and each building within each district the most recent two-year trend data in student achievement for each subject and each grade.

(A) (1) For the 2012-2013 school year, the department shall issue grades as described in division (F) of this section for each of the following performance measures:

(a) Annual measurable objectives;

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as adopted by the department. In adopting benchmarks for assigning letter grades under division (A) (1) (b) of this section, the department shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building
meets each of the applicable performance indicators established
by the department under section 3302.02 of the Revised Code and
the percentage of applicable performance indicators that have
been achieved. In adopting benchmarks for assigning letter
grades under division (A) (1) (c) of this section, the department
shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation
rates.

In adopting benchmarks for assigning letter grades under
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the
department shall designate a four-year adjusted cohort
graduation rate of ninety-three per cent or higher for an "A"
and a five-year cohort graduation rate of ninety-five per cent
or higher for an "A."

(e) The overall score under the value-added progress
dimension of a school district or building, for which the
department shall use up to three years of value-added data as
available. The letter grade assigned for this growth measure
shall be as follows:

(i) A score that is at least one standard error of measure
above the mean score shall be designated as an "A."

(ii) A score that is less than one standard error of
measure above but greater than one standard error of measure
below the mean score shall be designated as a "B."

(iii) A score that is less than or equal to one standard
error of measure below the mean score but greater than two
standard errors of measure below the mean score shall be
designated as a "C."

(iv) A score that is less than or equal to two standard errors of measure below the mean score but is greater than three standard errors of measure below the mean score shall be designated as a "D." 46397
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(v) A score that is less than or equal to three standard errors of measure below the mean score shall be designated as an "F." 46401
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Whenever the value-added progress dimension is used as a graded performance measure in this division and divisions (B) and (C) of this section, whether as an overall measure or as a measure of separate subgroups, the grades for the measure shall be calculated in the same manner as prescribed in division (A) (1) (e) of this section. 46404
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(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure. 46410
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(2) The department shall adopt a resolution describing the performance measures, benchmarks, and grading system for the 2012-2013 school year and shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under division (A) (1) of this section shall be assessed and assigned a letter grade, including performance benchmarks for each letter grade. 46416
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At least forty-five days prior to the department's adoption of rules to prescribe the methods by which the performance measures under division (A) (1) of this section shall 46423
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be assessed and assigned a letter grade, the department shall 46426
conduct a public presentation before the standing committees of 46427
the house of representatives and the senate that consider 46428
education legislation describing such methods, including 46429
performance benchmarks. 46430

(3) There shall not be an overall letter grade for a 46431
school district or building for the 2012-2013 school year. 46432

(B) (1) For the 2013-2014 school year, the department shall 46433
issue grades as described in division (F) of this section for 46434
each of the following performance measures: 46435

(a) Annual measurable objectives; 46436

(b) Performance index score for a school district or 46437
building. Grades shall be awarded as a percentage of the total 46438
possible points on the performance index system as created by 46439
the department. In adopting benchmarks for assigning letter 46440
grades under division (B) (1) (b) of this section, the department 46441
shall designate ninety per cent or higher for an "A," at least 46442
seventy per cent but not more than eighty per cent for a "C," 46443
and less than fifty per cent for an "F." 46444

(c) The extent to which the school district or building 46445
meets each of the applicable performance indicators established 46446
by the department under section 3302.03 of the Revised Code and 46447
the percentage of applicable performance indicators that have 46448
been achieved. In adopting benchmarks for assigning letter 46449
grades under division (B) (1) (c) of this section, the department 46450
shall designate ninety per cent or higher for an "A." 46451

(d) The four- and five-year adjusted cohort graduation 46452
rates; 46453

(e) The overall score under the value-added progress 46454

dimension of a school district or building, for which the 46455
department shall use up to three years of value-added data as 46456
available. 46457

(f) The value-added progress dimension score for a school 46458
district or building disaggregated for each of the following 46459
subgroups: students identified as gifted in superior cognitive 46460
ability and specific academic ability fields under Chapter 3324. 46461
of the Revised Code, students with disabilities, and students 46462
whose performance places them in the lowest quintile for 46463
achievement on a statewide basis. Each subgroup shall be a 46464
separate graded measure. 46465

(g) Whether a school district or building is making 46466
progress in improving literacy in grades kindergarten through 46467
three, as determined using a method prescribed by the 46468
department. The department shall adopt rules to prescribe 46469
benchmarks and standards for assigning grades to districts and 46470
buildings for purposes of division (B) (1) (g) of this section. In 46471
adopting benchmarks for assigning letter grades under divisions 46472
(B) (1) (g) and (C) (1) (g) of this section, the department shall 46473
determine progress made based on the reduction in the total 46474
percentage of students scoring below grade level, or below 46475
proficient, compared from year to year on the reading ~~and~~ 46476
~~writing~~ diagnostic assessments administered under section 46477
3301.0715 of the Revised Code and the third grade English 46478
language arts assessment under section 3301.0710 of the Revised 46479
Code, as applicable. The department shall designate for a "C" 46480
grade a value that is not lower than the statewide average value 46481
for this measure. No grade shall be issued under divisions (B) 46482
(1) (g) and (C) (1) (g) of this section for a district or building 46483
in which less than five per cent of students have scored below 46484
grade level on the diagnostic assessment administered to 46485

students in kindergarten under division (B) (1) of section 46486
3313.608 of the Revised Code. 46487

(h) For a high mobility school district or building, an 46488
additional value-added progress dimension score. For this 46489
measure, the department shall use value-added data from the most 46490
recent school year available and shall use assessment scores for 46491
only those students to whom the district or building has 46492
administered the assessments prescribed by section 3301.0710 of 46493
the Revised Code for each of the two most recent consecutive 46494
school years. 46495

As used in this division, "high mobility school district 46496
or building" means a school district or building where at least 46497
twenty-five per cent of its total enrollment is made up of 46498
students who have attended that school district or building for 46499
less than one year. 46500

(2) In addition to the graded measures in division (B) (1) 46501
of this section, the department shall include on a school 46502
district's or building's report card all of the following 46503
without an assigned letter grade: 46504

(a) The percentage of students enrolled in a district or 46505
building participating in advanced placement classes and the 46506
percentage of those students who received a score of three or 46507
better on advanced placement examinations; 46508

(b) The number of a district's or building's students who 46509
have earned at least three college credits through dual 46510
enrollment or advanced standing programs, such as the post- 46511
secondary enrollment options program under Chapter 3365. of the 46512
Revised Code and state-approved career-technical courses offered 46513
through dual enrollment or statewide articulation, that appear 46514

on a student's transcript or other official document, either of 46515
which is issued by the institution of higher education from 46516
which the student earned the college credit. The credits earned 46517
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 46518
this section shall not include any that are remedial or 46519
developmental and shall include those that count toward the 46520
curriculum requirements established for completion of a degree. 46521

(c) The percentage of students enrolled in a district or 46522
building who have taken a national standardized test used for 46523
college admission determinations and the percentage of those 46524
students who are determined to be remediation-free in accordance 46525
with standards adopted under division (F) of section 3345.061 of 46526
the Revised Code; 46527

(d) The percentage of the district's or the building's 46528
students who receive industry-recognized credentials as approved 46529
under section 3313.6113 of the Revised Code. 46530

(e) The percentage of students enrolled in a district or 46531
building who are participating in an international baccalaureate 46532
program and the percentage of those students who receive a score 46533
of four or better on the international baccalaureate 46534
examinations. 46535

(f) The percentage of the district's or building's 46536
students who receive an honors diploma under division (B) of 46537
section 3313.61 of the Revised Code. 46538

(3) The department shall adopt rules in accordance with 46539
Chapter 119. of the Revised Code that prescribe the methods by 46540
which the performance measures under divisions (B) (1) (f) and (B) 46541
(1) (g) of this section will be assessed and assigned a letter 46542
grade, including performance benchmarks for each grade. 46543

At least forty-five days prior to the department's 46544
adoption of rules to prescribe the methods by which the 46545
performance measures under division (B) (1) of this section shall 46546
be assessed and assigned a letter grade, the department shall 46547
conduct a public presentation before the standing committees of 46548
the house of representatives and the senate that consider 46549
education legislation describing such methods, including 46550
performance benchmarks. 46551

(4) There shall not be an overall letter grade for a 46552
school district or building for the 2013-2014, 2014-2015, 2015- 46553
2016, and 2016-2017 school years. 46554

(C) (1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 46555
2018-2019, 2019-2020, and 2020-2021 school years, the department 46556
shall issue grades as described in division (F) of this section 46557
for each of the performance measures prescribed in division (C) 46558
(1) of this section. The graded measures are as follows: 46559

(a) Annual measurable objectives. For the 2017-2018 school 46560
year, the department shall not include any subgroup data in the 46561
annual measurable objectives that includes data from fewer than 46562
twenty-five students. For the 2018-2019 school year, the 46563
department shall not include any subgroup data in the annual 46564
measurable objectives that includes data from fewer than twenty 46565
students. Beginning with the 2019-2020 school year, the 46566
department shall not include any subgroup data in the annual 46567
measurable objectives that includes data from fewer than fifteen 46568
students. 46569

(b) Performance index score for a school district or 46570
building. Grades shall be awarded as a percentage of the total 46571
possible points on the performance index system as created by 46572
the department. In adopting benchmarks for assigning letter 46573

grades under division (C) (1) (b) of this section, the department 46574
shall designate ninety per cent or higher for an "A," at least 46575
seventy per cent but not more than eighty per cent for a "C," 46576
and less than fifty per cent for an "F." 46577

(c) The extent to which the school district or building 46578
meets each of the applicable performance indicators established 46579
by the department under section 3302.03 of the Revised Code and 46580
the percentage of applicable performance indicators that have 46581
been achieved. In adopting benchmarks for assigning letter 46582
grades under division (C) (1) (c) of this section, the department 46583
shall designate ninety per cent or higher for an "A." 46584

(d) The four- and five-year adjusted cohort graduation 46585
rates; 46586

(e) The overall score under the value-added progress 46587
dimension, or another measure of student academic progress if 46588
adopted by the department, of a school district or building, for 46589
which the department shall use up to three years of value-added 46590
data as available. 46591

In adopting benchmarks for assigning letter grades for 46592
overall score on value-added progress dimension under division 46593
(C) (1) (e) of this section, the department shall prohibit the 46594
assigning of a grade of "A" for that measure unless the 46595
district's or building's grade assigned for value-added progress 46596
dimension for all subgroups under division (C) (1) (f) of this 46597
section is a "C" or higher. 46598

For the metric prescribed by division (C) (1) (e) of this 46599
section, the department may adopt a student academic progress 46600
measure to be used instead of the value-added progress 46601
dimension. If the department adopts such a measure, it also 46602

shall prescribe a method for assigning letter grades for the new 46603
measure that is comparable to the method prescribed in division 46604
(A) (1) (e) of this section. 46605

(f) The value-added progress dimension score of a school 46606
district or building disaggregated for each of the following 46607
subgroups: students identified as gifted in superior cognitive 46608
ability and specific academic ability fields under Chapter 3324. 46609
of the Revised Code, students with disabilities, and students 46610
whose performance places them in the lowest quintile for 46611
achievement on a statewide basis, as determined by a method 46612
prescribed by the department. Each subgroup shall be a separate 46613
graded measure. 46614

The department may adopt student academic progress 46615
measures to be used instead of the value-added progress 46616
dimension. If the department adopts such measures, it also shall 46617
prescribe a method for assigning letter grades for the new 46618
measures that is comparable to the method prescribed in division 46619
(A) (1) (e) of this section. 46620

(g) Whether a school district or building is making 46621
progress in improving literacy in grades kindergarten through 46622
three, as determined using a method prescribed by the 46623
department. The department shall adopt rules to prescribe 46624
benchmarks and standards for assigning grades to a district or 46625
building for purposes of division (C) (1) (g) of this section. The 46626
department shall designate for a "C" grade a value that is not 46627
lower than the statewide average value for this measure. No 46628
grade shall be issued under division (C) (1) (g) of this section 46629
for a district or building in which less than five per cent of 46630
students have scored below grade level on the kindergarten 46631
diagnostic assessment under division (B) (1) of section 3313.608 46632

of the Revised Code. 46633

(h) For a high mobility school district or building, an 46634
additional value-added progress dimension score. For this 46635
measure, the department shall use value-added data from the most 46636
recent school year available and shall use assessment scores for 46637
only those students to whom the district or building has 46638
administered the assessments prescribed by section 3301.0710 of 46639
the Revised Code for each of the two most recent consecutive 46640
school years. 46641

As used in this division, "high mobility school district 46642
or building" means a school district or building where at least 46643
twenty-five per cent of its total enrollment is made up of 46644
students who have attended that school district or building for 46645
less than one year. 46646

(2) In addition to the graded measures in division (C) (1) 46647
of this section, the department shall include on a school 46648
district's or building's report card all of the following 46649
without an assigned letter grade: 46650

(a) The percentage of students enrolled in a district or 46651
building who have taken a national standardized test used for 46652
college admission determinations and the percentage of those 46653
students who are determined to be remediation-free in accordance 46654
with the standards adopted under division (F) of section 46655
3345.061 of the Revised Code; 46656

(b) The percentage of students enrolled in a district or 46657
building participating in advanced placement classes and the 46658
percentage of those students who received a score of three or 46659
better on advanced placement examinations; 46660

(c) The percentage of a district's or building's students 46661

who have earned at least three college credits through advanced 46662
standing programs, such as the college credit plus program under 46663
Chapter 3365. of the Revised Code and state-approved career- 46664
technical courses offered through dual enrollment or statewide 46665
articulation, that appear on a student's college transcript 46666
issued by the institution of higher education from which the 46667
student earned the college credit. The credits earned that are 46668
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 46669
shall not include any that are remedial or developmental and 46670
shall include those that count toward the curriculum 46671
requirements established for completion of a degree. 46672

(d) The percentage of the district's or building's 46673
students who receive an honor's diploma under division (B) of 46674
section 3313.61 of the Revised Code; 46675

(e) The percentage of the district's or building's 46676
students who receive industry-recognized credentials as approved 46677
under section 3313.6113 of the Revised Code; 46678

(f) The percentage of students enrolled in a district or 46679
building who are participating in an international baccalaureate 46680
program and the percentage of those students who receive a score 46681
of four or better on the international baccalaureate 46682
examinations; 46683

(g) The results of the college and career-ready 46684
assessments administered under division (B) (1) of section 46685
3301.0712 of the Revised Code; 46686

(h) Whether the school district or building has 46687
implemented a positive behavior intervention and supports 46688
framework in compliance with the requirements of section 3319.46 46689
of the Revised Code, notated as a "yes" or "no" answer. 46690

(3) The department shall adopt rules pursuant to Chapter 119. of the Revised Code that establish a method to assign an overall grade for a school district or school building for the 2017-2018 school year and each school year thereafter. The rules shall group the performance measures in divisions (C) (1) and (2) of this section into the following components:

(a) Gap closing, which shall include the performance measure in division (C) (1) (a) of this section;

(b) Achievement, which shall include the performance measures in divisions (C) (1) (b) and (c) of this section;

(c) Progress, which shall include the performance measures in divisions (C) (1) (e) and (f) of this section;

(d) Graduation, which shall include the performance measure in division (C) (1) (d) of this section;

(e) Kindergarten through third-grade literacy, which shall include the performance measure in division (C) (1) (g) of this section;

(f) Prepared for success, which shall include the performance measures in divisions (C) (2) (a), (b), (c), (d), (e), and (f) of this section. The department shall develop a method to determine a grade for the component in division (C) (3) (f) of this section using the performance measures in divisions (C) (2) (a), (b), (c), (d), (e), and (f) of this section. When available, the department may incorporate the performance measure under division (C) (2) (g) of this section into the component under division (C) (3) (f) of this section. When determining the overall grade for the prepared for success component prescribed by division (C) (3) (f) of this section, no individual student shall be counted in more than one performance

measure. However, if a student qualifies for more than one 46720
performance measure in the component, the department may, in its 46721
method to determine a grade for the component, specify an 46722
additional weight for such a student that is not greater than or 46723
equal to 1.0. In determining the overall score under division 46724
(C) (3) (f) of this section, the department shall ensure that the 46725
pool of students included in the performance measures aggregated 46726
under that division are all of the students included in the 46727
four- and five-year adjusted graduation cohort. 46728

In the rules adopted under division (C) (3) of this 46729
section, the department shall adopt a method for determining a 46730
grade for each component in divisions (C) (3) (a) to (f) of this 46731
section. The department also shall establish a method to assign 46732
an overall grade of "A," "B," "C," "D," or "F" using the grades 46733
assigned for each component. The method the department adopts 46734
for assigning an overall grade shall give equal weight to the 46735
components in divisions (C) (3) (b) and (c) of this section. 46736

At least forty-five days prior to the department's 46737
adoption of rules to prescribe the methods for calculating the 46738
overall grade for the report card, as required by this division, 46739
the department shall conduct a public presentation before the 46740
standing committees of the house of representatives and the 46741
senate that consider education legislation describing the format 46742
for the report card, weights that will be assigned to the 46743
components of the overall grade, and the method for calculating 46744
the overall grade. 46745

(D) For the 2021-2022 school year and each school year 46746
thereafter, all of the following apply: 46747

(1) The department shall include on a school district's or 46748
building's report card all of the following performance measures 46749

without an assigned performance rating: 46750

(a) Whether the district or building meets the gifted 46751
performance indicator under division (A) (2) of section 3302.02 46752
of the Revised Code and the extent to which the district or 46753
building meets gifted indicator performance benchmarks; 46754

(b) The extent to which the district or building meets the 46755
chronic absenteeism indicator under division (A) (3) of section 46756
3302.02 of the Revised Code; 46757

(c) Performance index score percentage for a district or 46758
building, which shall be calculated by dividing the district's 46759
or building's performance index score according to the 46760
performance index system created by the department by the 46761
maximum performance index score for a district or building. The 46762
maximum performance index score shall be as follows: 46763

(i) For a building, the average of the highest two per 46764
cent of performance index scores achieved by a building for the 46765
school year for which a report card is issued; 46766

(ii) For a district, the average of the highest two per 46767
cent of performance index scores achieved by a district for the 46768
school year for which a report card is issued. 46769

(d) The overall score under the value-added progress 46770
dimension of a district or building, for which the department 46771
shall use three consecutive years of value-added data. In using 46772
three years of value-added data to calculate the measure 46773
prescribed under division (D) (1) (d) of this section, the 46774
department shall assign a weight of fifty per cent to the most 46775
recent year's data and a weight of twenty-five per cent to the 46776
data of each of the other years. However, if three consecutive 46777
years of value-added data is not available, the department shall 46778

use prior years of value-added data to calculate the measure, as follows: 46779
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(i) If two consecutive years of value-added data is not available, the department shall use one year of value-added data to calculate the measure. 46781
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(ii) If two consecutive years of value-added data is available, the department shall use two consecutive years of value-added data to calculate the measure. In using two years of value-added data to calculate the measure, the department shall assign a weight of sixty-seven per cent to the most recent year's data and a weight of thirty-three per cent to the data of the other year. 46784
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(e) The four-year adjusted cohort graduation rate. 46791

(f) The five-year adjusted cohort graduation rate. 46792

(g) The percentage of students in the district or building who score proficient or higher on the reading segment of the third grade English language arts assessment under section 3301.0710 of the Revised Code. 46793
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To the extent possible, the department shall include the results of the summer administration of the third grade reading assessment under section 3301.0710 of the Revised Code in the performance measures prescribed under divisions (D) (1) (g) and (h) of this section. 46797
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(h) Whether a district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the department. The method shall determine progress made based on the reduction in the total percentage of students scoring below grade level, or below proficient, compared from year to year on the reading 46802
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segments of the diagnostic assessments administered under_ 46808
division (A) (1) of section 3301.0715 of the Revised Code, 46809
~~including the kindergarten readiness assessment,~~ and the third 46810
grade English language arts assessment under section 3301.0710 46811
of the Revised Code, as applicable. The method shall not include 46812
a deduction for students who did not pass the third grade 46813
English language arts assessment under section 3301.0710 of the 46814
Revised Code and were not on a reading improvement and 46815
monitoring plan. 46816

The performance measure prescribed under division (D) (1) 46817
(h) of this section shall not be included on the report card of 46818
a district or building in which less than ten per cent of 46819
students have scored below grade level on the diagnostic 46820
assessment administered to students in kindergarten under 46821
division (B) (1) of section 3313.608 of the Revised Code. 46822

(i) The percentage of students in a district or building 46823
who are promoted to the fourth grade ~~and not subject to~~ 46824
~~retention under division (A) (2) of section 3313.608 of the~~ 46825
~~Revised Code~~based on the student's score on the third grade 46826
English language arts assessment under division (A) (3) of 46827
section 3301.0710 of the Revised Code or demonstrate competency 46828
on an alternative assessment under division (A) (2) (c) of section 46829
3313.608 of the Revised Code; 46830

(j) A post-secondary readiness measure. This measure shall 46831
be calculated by dividing the number of students included in the 46832
four-year adjusted graduation rate cohort who demonstrate post- 46833
secondary readiness by the total number of students included in 46834
the denominator of the four-year adjusted graduation rate 46835
cohort. Demonstration of post-secondary readiness shall include 46836
a student doing any of the following: 46837

(i) Attaining a remediation-free score, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on a nationally standardized assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code;

(ii) Attaining required scores on three or more advanced placement, college-level examination program, or international baccalaureate examinations. The required score for an advanced placement examination shall be a three or better. The required score for a college-level examination program examination shall be a passing score, as determined by the department. The required score for an international baccalaureate examination shall be a four or better. A student may satisfy this condition with any combination of advanced placement, college-level examination program, or international baccalaureate examinations.

(iii) Earning at least twelve college credits through advanced standing programs, such as the college credit plus program under Chapter 3365. of the Revised Code, an early college high school program under section 3313.6013 of the Revised Code, and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's college transcript issued by the institution of higher education from which the student earned the college credit. Earned credits reported under division (D) (1) (j) (iii) of this section shall include credits that count toward the curriculum requirements established for completion of a degree, but shall not include any remedial or developmental credits.

(iv) Meeting the additional criteria for an honors diploma under division (B) of section 3313.61 of the Revised Code;

(v) Earning an industry-recognized credential or license issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license approved under section 3313.6113 of the Revised Code;	46868 46869 46870 46871
(vi) Satisfying any of the following conditions:	46872
(I) Completing a pre-apprenticeship aligned with options established under section 3313.904 of the Revised Code in the student's chosen career field;	46873 46874 46875
(II) Completing an apprenticeship registered with the apprenticeship council established under section 4139.02 of the Revised Code in the student's chosen career field;	46876 46877 46878
(III) Providing evidence of acceptance into an apprenticeship program after high school that is restricted to participants eighteen years of age or older.	46879 46880 46881
(vii) Earning a cumulative score of proficient or higher on three or more state technical assessments aligned with section 3313.903 of the Revised Code in a single career pathway;	46882 46883 46884
(viii) Earning an OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code and completing two hundred fifty hours of an internship or other work-based learning experience that is either:	46885 46886 46887 46888
(I) Approved by the business advisory council established under section 3313.82 of the Revised Code that represents the student's district; or	46889 46890 46891
(II) Aligned to the career-technical education pathway approved by the department in which the student is enrolled.	46892 46893
(ix) Providing evidence that the student has enlisted in a branch of the armed services of the United States as defined in	46894 46895

section 5910.01 of the Revised Code. 46896

A student who satisfies more than one of the conditions 46897
prescribed under this division shall be counted as one student 46898
for the purposes of calculating the measure prescribed under 46899
division (D) (1) (j) of this section. 46900

(2) In addition to the performance measures under division 46901
(D) (1) of this section, the department shall report on a 46902
district's or building's report card all of the following data 46903
without an assigned performance rating: 46904

(a) The applicable performance indicators established by 46905
the department under division (A) (1) of section 3302.02 of the 46906
Revised Code; 46907

(b) The overall score under the value-added progress 46908
dimension of a district or building for the most recent school 46909
year; 46910

(c) A composite of the overall scores under the value- 46911
added progress dimension of a district or building for the 46912
previous three school years or, if only two years of value-added 46913
data are available, for the previous two years; 46914

(d) The percentage of students included in the four- and 46915
five-year adjusted cohort graduation rates of a district or 46916
building who did not receive a high school diploma under section 46917
3313.61 or 3325.08 of the Revised Code. To the extent possible, 46918
the department shall disaggregate that data according to the 46919
following categories: 46920

(i) Students who are still enrolled in the district or 46921
building and receiving general education services; 46922

(ii) Students with an individualized education program, as 46923

defined in section 3323.01 of the Revised Code, who satisfied 46924
the conditions for a high school diploma under section 3313.61 46925
or 3325.08 of the Revised Code, but opted not to receive a 46926
diploma and are still receiving education services; 46927

(iii) Students with an individualized education program 46928
who have not yet satisfied conditions for a high school diploma 46929
under section 3313.61 or 3325.08 of the Revised Code and who are 46930
still receiving education services; 46931

(iv) Students who are no longer enrolled in any district 46932
or building; 46933

(v) Students who, upon enrollment in the district or 46934
building for the first time, had completed fewer units of high 46935
school instruction required under section 3313.603 of the 46936
Revised Code than other students in the four- or five-year 46937
adjusted cohort graduation rate. 46938

The department may disaggregate the data prescribed under 46939
division (D) (2) (d) of this section according to other categories 46940
that the department determines are appropriate. 46941

~~(e) The results of the kindergarten diagnostic assessment— 46942
prescribed under division (D) of section 3301.079 of the Revised 46943
Code;— 46944~~

~~(f)~~ Post-graduate outcomes for students who were enrolled 46945
in a district or building and received a high school diploma 46946
under section 3313.61 or 3325.08 of the Revised Code in the 46947
school year prior to the school year for which the report card 46948
is issued, including the percentage of students who: 46949

(i) Enrolled in a post-secondary educational institution. 46950
To the extent possible, the department shall disaggregate that 46951
data according to whether the student enrolled in a four-year 46952

institution of higher education, a two-year institution of 46953
higher education, an Ohio technical center that provides adult 46954
technical education services and is recognized by the chancellor 46955
of higher education, or another type of post-secondary 46956
educational institution. 46957

(ii) Entered an apprenticeship program registered with the 46958
apprenticeship council established under Chapter 4139. of the 46959
Revised Code. The department may include other job training 46960
programs with similar rigor and outcomes. 46961

(iii) Attained gainful employment, as determined by the 46962
department; 46963

(iv) Enlisted in a branch of the armed forces of the 46964
United States, as defined in section 5910.01 of the Revised 46965
Code. 46966

~~(g)~~(f) Whether the school district or building has 46967
implemented a positive behavior intervention and supports 46968
framework in compliance with the requirements of section 3319.46 46969
of the Revised Code, notated with a "yes" or "no"; 46970

~~(h)~~(g) The number and percentage of high school seniors in 46971
each school year who completed the free application for federal 46972
student aid; 46973

~~(i)~~(h) Beginning with the report card issued under this 46974
section for the 2022-2023 school year, a student opportunity 46975
profile measure that reports data regarding the opportunities 46976
provided to students by a district or building. To the extent 46977
possible, and when appropriate, the data shall be disaggregated 46978
by grade level and subgroup. The measure also shall include data 46979
regarding the statewide average, the average for similar school 46980
districts, and, for a building, the average for the district in 46981

which the building is located. The measure shall include all of	46982
the following data for the district or building:	46983
(i) The average ratio of teachers of record to students in	46984
each grade level in a district or building;	46985
(ii) The average ratio of school counselors to students in	46986
a district or building;	46987
(iii) The average ratio of nurses to students in a	46988
district or building;	46989
(iv) The average ratio of licensed librarians and library	46990
media specialists to students in a district or building;	46991
(v) The average ratio of social workers to students in a	46992
district or building;	46993
(vi) The average ratio of mental health professionals to	46994
students in a district or building;	46995
(vii) The average ratio of paraprofessionals to students	46996
in a district or building;	46997
(viii) The percentage of teachers with fewer than three	46998
years of experience teaching in any school;	46999
(ix) The percentage of principals with fewer than three	47000
years of experience as a principal in any school;	47001
(x) The percentage of teachers who are not teaching in the	47002
subject or field for which they are certified or licensed;	47003
(xi) The percentage of kindergarten students who are	47004
enrolled in all-day kindergarten, as defined in section 3321.05	47005
of the Revised Code;	47006
(xii) The percentage of students enrolled in a performing	47007
or visual arts course;	47008

(xiii) The percentage of students enrolled in a physical education or wellness course;	47009 47010
(xiv) The percentage of students enrolled in a world language course;	47011 47012
(xv) The percentage of students in grades seven through twelve who are enrolled in a career-technical education course;	47013 47014
(xvi) The percentage of students participating in one or more cocurricular activities;	47015 47016
(xvii) The percentage of students participating in advance placement courses, international baccalaureate courses, honors courses, or courses offered through the college credit plus program established under Chapter 3365. of the Revised Code;	47017 47018 47019 47020
(xviii) The percentage of students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code and receiving gifted services pursuant to that chapter;	47021 47022 47023 47024
(xix) The percentage of students participating in enrichment or support programs offered by the district or building outside of the normal school day;	47025 47026 47027
(xx) The percentage of eligible students participating each school day in school breakfast programs offered by the district or building in accordance with section 3313.813 or 3313.818 of the Revised Code;	47028 47029 47030 47031
(xxi) The percentage of students who are transported by a school bus each school day;	47032 47033
(xxii) The ratio of portable technology devices that students may take home to the number of students.	47034 47035

The department shall include only opportunity measures at 47036
the building level for which data for buildings is available, as 47037
determined by a school district. 47038

~~(j)~~(i) (i) The percentage of students included in the 47039
four- and five-year adjusted cohort graduation rates of the 47040
district or building who completed all of grades nine through 47041
twelve while enrolled in the district or building; 47042

(ii) The four-year adjusted cohort graduation rate for 47043
only those students who were continuously enrolled in the same 47044
district or building for grades nine through twelve. 47045

~~(k)~~(j) Whether the district or building provides 47046
information about and promotes the college credit plus program 47047
established under Chapter 3365. of the Revised Code to students 47048
in accordance with section 3365.04 of the Revised Code, notated 47049
with a "yes" or "no"; 47050

~~(l)~~(k) The percentage of students in the district or 47051
building to whom both of the following apply: 47052

(i) The students are promoted to fourth grade and not 47053
subject to retention under division (A) (2) of section 3313.608 47054
of the Revised Code. 47055

(ii) The students completed all of the grade levels 47056
offered prior to the fourth grade in the district or building. 47057

(3) Except as provided in division (D) (3) (f) of this 47058
section, the department shall use the method prescribed under 47059
rules adopted under division (D) (4) of this section to assign 47060
performance ratings of "one star," "two stars," "three stars," 47061
"four stars," or "five stars," as described in division (F) of 47062
this section, for a district or building for the individual 47063
components prescribed under division (D) (3) of this section. The 47064

department also shall assign an overall performance rating for a 47065
district or building in accordance with division (D) (3) (g) of 47066
this section. The method shall use the performance measures 47067
prescribed under division (D) (1) of this section to calculate 47068
performance ratings for components. The method may report data 47069
under division (D) (2) of this section with corresponding 47070
components, but shall not use the data to calculate performance 47071
ratings for that component. The performance measures and 47072
reported data shall be grouped together into components as 47073
follows: 47074

(a) Gap closing. In addition to other criteria determined 47075
appropriate by the department, performance ratings for the gap 47076
closing component shall reflect whether each of the following 47077
performance measures are met or not met: 47078

(i) The gifted performance indicator as described in 47079
division (D) (1) (a) of this section; 47080

(ii) The chronic absenteeism indicator as described in 47081
division (D) (1) (b) of this section; 47082

(iii) For English learners, an English language 47083
proficiency improvement indicator established by the department; 47084

(iv) The subgroup graduation targets; 47085

(v) The subgroup achievement targets in both mathematics 47086
and English language arts; 47087

(vi) The subgroup progress targets in both mathematics and 47088
English language arts. 47089

Achievement and progress targets under division (D) (3) (a) 47090
of this section shall be calculated individually, and districts 47091
and buildings shall receive a status of met or not met on each 47092

measure. The department shall not require a subgroup of a 47093
district or building to meet both the achievement and progress 47094
targets at the same time to receive a status of met. 47095

The department shall not include any subgroup data in this 47096
measure that includes data from fewer than fifteen students. Any 47097
penalty for failing to meet the required assessment 47098
participation rate must be partially in proportion to how close 47099
the district or building was to meeting the rate requirement. 47100

(b) Achievement, which shall include the performance 47101
measure in division (D) (1) (c) of this section and the reported 47102
data in division (D) (2) (a) of this section. Performance ratings 47103
for the achievement component shall be awarded as a percentage 47104
of the maximum performance index score described in division (D) 47105
(1) (c) of this section. 47106

(c) Progress, which shall include the performance measure 47107
in division (D) (1) (d) of this section and the reported data in 47108
divisions (D) (2) (b) and (c) of this section; 47109

(d) Graduation, which shall include the performance 47110
measures in divisions (D) (1) (e) and (f) of this section and the 47111
reported data in divisions (D) (2) (d) and (j) of this section. 47112
The four-year adjusted cohort graduation rate shall be assigned 47113
a weight of sixty per cent and the five-year adjusted cohort 47114
graduation rate shall be assigned a weight of forty per cent. 47115

(e) Early literacy, which shall include the performance 47116
measures in divisions (D) (1) (g), (h), and (i) of this section 47117
and the reported data in ~~divisions (D) (2) (e) and (l)~~ division (D) 47118
(2) (k) of this section. 47119

If the measure prescribed under division (D) (1) (h) of this 47120
section is included in a report card, performance ratings for 47121

the early literacy component shall give a weight of forty per 47122
cent to the measure prescribed under division (D) (1) (g) of this 47123
section, a weight of thirty-five per cent to the measure 47124
prescribed under division (D) (1) (i) of this section, and a 47125
weight of twenty-five per cent to the measure prescribed under 47126
division (D) (1) (h) of this section. 47127

If the measure prescribed under division (D) (1) (h) of this 47128
section is not included in a report card of a district or 47129
building, performance ratings for the early literacy component 47130
shall give a weight of sixty per cent to the measure prescribed 47131
under division (D) (1) (g) of this section and a weight of forty 47132
per cent to the measure prescribed under division (D) (1) (i) of 47133
this section. 47134

(f) College, career, workforce, and military readiness, 47135
which shall include the performance measure in division (D) (1) 47136
(j) of this section and the reported data in division ~~(D) (2) (f)~~ 47137
(D) (2) (e) of this section. 47138

For the 2021-2022, 2022-2023, and 2023-2024 school years, 47139
the department only shall report the data for, and not assign a 47140
performance rating to, the college, career, workforce, and 47141
military readiness component. The reported data shall include 47142
the percentage of students who demonstrate post-secondary 47143
readiness using any of the options described in division (D) (1) 47144
(j) of this section. 47145

The department shall analyze the data included in the 47146
performance measure prescribed in division (D) (1) (j) of this 47147
section for the 2021-2022, 2022-2023, and 2023-2024 school 47148
years. Using that data, the department shall develop and propose 47149
rules for a method to assign a performance rating to the 47150
college, career, workforce, and military readiness component 47151

based on that measure. The method to assign a performance rating 47152
shall not include a tiered structure or per student bonuses. The 47153
rules shall specify that a district or building shall not 47154
receive lower than a performance rating of three stars for the 47155
component if the district's or building's performance on the 47156
component meets or exceeds a level of improvement set by the 47157
department. Notwithstanding division (D) (4) (b) of this section, 47158
more than half of the total districts and buildings may earn a 47159
performance rating of three stars on this component to account 47160
for the districts and buildings that earned a performance rating 47161
of three stars because they met or exceeded the level of 47162
improvement set by the department. 47163

The department shall submit the rules to the joint 47164
committee on agency rule review. The committee shall conduct at 47165
least one public hearing on the proposed rules and approve or 47166
disapprove the rules. If the committee approves the rules, the 47167
department shall adopt the rules in accordance with Chapter 119. 47168
of the Revised Code. If the rules are adopted, the department 47169
shall assign a performance rating to the college, career, 47170
workforce, and military readiness component under the rules 47171
beginning with the 2024-2025 school year, and for each school 47172
year thereafter. If the committee disapproves the rules, the 47173
component shall be included in the report card only as reported 47174
data for the 2024-2025 school year, and each school year 47175
thereafter. 47176

(g) (i) Except as provided for in division (D) (3) (g) (ii) of 47177
this section, beginning with the 2022-2023 school year, under 47178
the method prescribed under rules adopted in division (D) (4) of 47179
this section, the department shall use the performance ratings 47180
assigned for the components prescribed in divisions (D) (3) (a) to 47181
(e) of this section to determine and assign an overall 47182

performance rating of "one star," "one and one-half stars," "two stars," "two and one-half stars," "three stars," "three and one-half stars," "four stars," "four and one-half stars," or "five stars" for a district or building. The method shall give equal weight to the components in divisions (D) (3) (b) and (c) of this section. The method shall give equal weight to the components in divisions (D) (3) (a), (d), and (e) of this section. The individual weights of each of the components prescribed in divisions (D) (3) (a), (d), and (e) of this section shall be equal to one-half of the weight given to the component prescribed in division (D) (3) (b) of this section.

(ii) If the joint committee on agency rule review approves the department's rules regarding the college, career, workforce, and military readiness component as described in division (D) (3) (f) of this section, for the 2024-2025 school year, and each school year thereafter, the department's method shall use the components in divisions (D) (3) (a), (b), (c), (d), (e), and (f) of this section to calculate the overall performance rating. The method shall give equal weight to the components in divisions (D) (3) (b) and (c) of this section. The method shall give equal weight to the components prescribed in divisions (D) (3) (a), (d), (e), and (f) of this section. The individual weights of each of the components prescribed in divisions (D) (3) (a), (d), (e), and (f) of this section shall be equal to one-half the weight given to the component prescribed in division (D) (3) (b) of this section.

If the joint committee on agency rule review disapproves the department's rules regarding the college, career, workforce, and military readiness component as described in division (D) (3) (f) of this section, division (D) (3) (g) (ii) of this section does not apply.

(4) (a) The department shall adopt rules in accordance with Chapter 119. of the Revised Code to establish the performance criteria, benchmarks, and rating system necessary to implement divisions (D) and (F) of this section, including the method for the department to assign performance ratings under division (D) (3) of this section.

(b) In establishing the performance criteria, benchmarks, and rating system, the department shall consult with stakeholder groups and advocates that represent parents, community members, students, business leaders, and educators from different school typology regions. The department shall use data from prior school years and simulations to ensure that there is meaningful differentiation among districts and buildings across all performance ratings and that, except as permitted in division (D) (3) (f) of this section, more than half of all districts or buildings do not earn the same performance rating in any component or overall performance rating.

(c) The department shall adopt the rules prescribed by division (D) (4) of this section not later than March 31, 2022. However, the department shall notify districts and buildings of the changes to the report card prescribed in law not later than one week after September 30, 2021.

(d) Prior to adopting or updating rules under division (D) (4) of this section, the director of education and workforce and the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider primary and secondary education legislation describing the format for the report card and the performance criteria, benchmarks, and rating system, including the method to assign performance ratings under division (D) (3) of this

section. 47244

(E) The department may develop a measure of student 47245
academic progress for high school students using only data from 47246
assessments in English language arts and mathematics. If the 47247
department develops this measure, each school district and 47248
applicable school building shall be assigned a separate letter 47249
grade for it not sooner than the 2017-2018 school year. The 47250
district's or building's grade for that measure shall not be 47251
included in determining the district's or building's overall 47252
letter grade. 47253

(F) (1) The letter grades assigned to a school district or 47254
building under this section shall be as follows: 47255

(a) "A" for a district or school making excellent 47256
progress; 47257

(b) "B" for a district or school making above average 47258
progress; 47259

(c) "C" for a district or school making average progress; 47260

(d) "D" for a district or school making below average 47261
progress; 47262

(e) "F" for a district or school failing to meet minimum 47263
progress. 47264

(2) For the overall performance rating under division (D) 47265
(3) of this section, the department shall include a descriptor 47266
for each performance rating as follows: 47267

(a) "Significantly exceeds state standards" for a 47268
performance rating of five stars; 47269

(b) "Exceeds state standards" for a performance rating of 47270

four stars or four and one-half stars; 47271

(c) "Meets state standards" for a performance rating of 47272
three stars or three and one-half stars; 47273

(d) "Needs support to meet state standards" for a 47274
performance rating of two stars or two and one-half stars; 47275

(e) "Needs significant support to meet state standards" 47276
for a performance rating of one star or one and one-half stars. 47277

(3) For performance ratings for each component under 47278
divisions (D) (3) (a) to (f) of this section, the department shall 47279
include a description of each component and performance rating. 47280
The description shall include component-specific context to each 47281
performance rating earned, estimated comparisons to other school 47282
districts and buildings if appropriate, and any other 47283
information determined by the department. The descriptions shall 47284
be not longer than twenty-five words in length when possible. In 47285
addition to such descriptions, the department shall include the 47286
descriptors in division (F) (2) of this section for component 47287
performance ratings. 47288

(4) Each report card issued under this section shall 47289
include all of the following: 47290

(a) A graphic that depicts the performance ratings of a 47291
district or school on a color scale. The color associated with a 47292
performance rating of three stars shall be green and the color 47293
associated with a performance rating of one star shall be red. 47294

(b) An arrow graphic that shows data trends for 47295
performance ratings for school districts or buildings. The 47296
department shall determine the data to be used for this graphic, 47297
which shall include at least the three most recent years of 47298
data. 47299

(c) A description regarding the weights that are assigned 47300
to each component and used to determine an overall performance 47301
rating, as prescribed under division (D) (3) (g) of this section, 47302
which shall be included in the presentation of the overall 47303
performance rating on each report card. 47304

(G) When reporting data on student achievement and 47305
progress, the department shall disaggregate that data according 47306
to the following categories: 47307

(1) Performance of students by grade-level; 47308

(2) Performance of students by race and ethnic group; 47309

(3) Performance of students by gender; 47310

(4) Performance of students grouped by those who have been 47311
enrolled in a district or school for three or more years; 47312

(5) Performance of students grouped by those who have been 47313
enrolled in a district or school for more than one year and less 47314
than three years; 47315

(6) Performance of students grouped by those who have been 47316
enrolled in a district or school for one year or less; 47317

(7) Performance of students grouped by those who are 47318
economically disadvantaged; 47319

(8) Performance of students grouped by those who are 47320
enrolled in a conversion community school established under 47321
Chapter 3314. of the Revised Code; 47322

(9) Performance of students grouped by those who are 47323
classified as English learners; 47324

(10) Performance of students grouped by those who have 47325
disabilities; 47326

(11) Performance of students grouped by those who are 47327
classified as migrants; 47328

(12) Performance of students grouped by those who are 47329
identified as gifted in superior cognitive ability and the 47330
specific academic ability fields of reading and math pursuant to 47331
Chapter 3324. of the Revised Code. In disaggregating specific 47332
academic ability fields for gifted students, the department 47333
shall use data for those students with specific academic ability 47334
in math and reading. If any other academic field is assessed, 47335
the department shall also include data for students with 47336
specific academic ability in that field as well. 47337

(13) Performance of students grouped by those who perform 47338
in the lowest quintile for achievement on a statewide basis, as 47339
determined by a method prescribed by the department. 47340

The department may disaggregate data on student 47341
performance according to other categories that the department 47342
determines are appropriate. To the extent possible, the 47343
department shall disaggregate data on student performance 47344
according to any combinations of two or more of the categories 47345
listed in divisions (G) (1) to (13) of this section that it deems 47346
relevant. 47347

In reporting data pursuant to division (G) of this 47348
section, the department shall not include in the report cards 47349
any data statistical in nature that is statistically unreliable 47350
or that could result in the identification of individual 47351
students. For this purpose, the department shall not report 47352
student performance data for any group identified in division 47353
(G) of this section that contains less than ten students. If the 47354
department does not report student performance data for a group 47355
because it contains less than ten students, the department shall 47356

indicate on the report card that is why data was not reported. 47357

(H) The department may include with the report cards any 47358
additional education and fiscal performance data it deems 47359
valuable. 47360

(I) The department shall include on each report card a 47361
list of additional information collected by the department that 47362
is available regarding the district or building for which the 47363
report card is issued. When available, such additional 47364
information shall include student mobility data disaggregated by 47365
race and socioeconomic status, college enrollment data, and the 47366
reports prepared under section 3302.031 of the Revised Code. 47367

The department shall maintain a site on the world wide 47368
web. The report card shall include the address of the site and 47369
shall specify that such additional information is available to 47370
the public at that site. The department shall also provide a 47371
copy of each item on the list to the superintendent of each 47372
school district. The district superintendent shall provide a 47373
copy of any item on the list to anyone who requests it. 47374

(J) (1) (a) Except as provided in division (J) (1) (b) of this 47375
section, for any district that sponsors a conversion community 47376
school under Chapter 3314. of the Revised Code, the department 47377
shall combine data regarding the academic performance of 47378
students enrolled in the community school with comparable data 47379
from the schools of the district for the purpose of determining 47380
the performance of the district as a whole on the report card 47381
issued for the district under this section or section 3302.033 47382
of the Revised Code. 47383

(b) The department shall not combine data from any 47384
conversion community school that a district sponsors if a- 47385

~~majority of the students enrolled in the conversion community~~ 47386
~~school are enrolled in~~ is a dropout prevention and recovery 47387
~~program that is operated by the~~ community school, as ~~described~~ 47388
~~in division (B) (1) of~~ defined in section ~~3314.35~~ 3314.02 of the 47389
Revised Code. The department shall include as an addendum to the 47390
district's report card the ratings and performance measures that 47391
are required under section 3314.017 of the Revised Code for any 47392
community school to which division (J) (1) (b) of this section 47393
applies. This addendum shall include, at a minimum, the data 47394
specified in divisions (C) (1) (a), (C) (2), and (C) (3) of section 47395
3314.017 of the Revised Code. 47396

(2) Any district that leases a building to a community 47397
school located in the district or that enters into an agreement 47398
with a community school located in the district whereby the 47399
district and the school endorse each other's programs may elect 47400
to have data regarding the academic performance of students 47401
enrolled in the community school combined with comparable data 47402
from the schools of the district for the purpose of determining 47403
the performance of the district as a whole on the district 47404
report card. Any district that so elects shall annually file a 47405
copy of the lease or agreement with the department. 47406

(3) Any municipal school district, as defined in section 47407
3311.71 of the Revised Code, that sponsors a community school 47408
located within the district's territory, or that enters into an 47409
agreement with a community school located within the district's 47410
territory whereby the district and the community school endorse 47411
each other's programs, may exercise either or both of the 47412
following elections: 47413

(a) To have data regarding the academic performance of 47414
students enrolled in that community school combined with 47415

comparable data from the schools of the district for the purpose 47416
of determining the performance of the district as a whole on the 47417
district's report card; 47418

(b) To have the number of students attending that 47419
community school noted separately on the district's report card. 47420

The election authorized under division (J) (3) (a) of this 47421
section is subject to approval by the governing authority of the 47422
community school. 47423

Any municipal school district that exercises an election 47424
to combine or include data under division (J) (3) of this 47425
section, by the first day of October of each year, shall file 47426
with the department documentation indicating eligibility for 47427
that election, as required by the department. 47428

(K) The department shall include on each report card the 47429
percentage of teachers in the district or building who are 47430
properly certified or licensed teachers, as defined in section 47431
3319.074 of the Revised Code, and a comparison of that 47432
percentage with the percentages of such teachers in similar 47433
districts and buildings. 47434

(L) (1) In calculating English language arts, mathematics, 47435
science, American history, or American government assessment 47436
passage rates used to determine school district or building 47437
performance under this section, the department shall include all 47438
students taking an assessment with accommodation or to whom an 47439
alternate assessment is administered pursuant to division (C) (1) 47440
or (3) of section 3301.0711 of the Revised Code and all students 47441
who take substitute examinations approved under division (B) (4) 47442
of section 3301.0712 of the Revised Code in the subject areas of 47443
science, American history and American government. 47444

(2) In calculating performance index scores, rates of achievement on the performance indicators established by the department under section 3302.02 of the Revised Code, and annual measurable objectives for determining adequate yearly progress for school districts and buildings under this section, the department shall do all of the following:

(a) Include for each district or building only those students who are included in the ADM certified for the first full school week of October and are continuously enrolled in the district or building through the time of the spring administration of any assessment prescribed by division (A) (1) or (B) (1) of section 3301.0710 or division (B) of section 3301.0712 of the Revised Code that is administered to the student's grade level;

(b) Include cumulative totals from both the fall and spring administrations of the third grade English language arts achievement assessment and, to the extent possible, the summer administration of that assessment;

(c) Include for each district or building any English learner in accordance with the department's plan, as approved by the United States secretary of education, to comply with the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339.

As used in this section, "English learner" has the same meaning as in section 3301.0731 of the Revised Code.

(M) Beginning with the 2015-2016 school year and at least once every three years thereafter, the department shall review and may adjust the benchmarks for assigning letter grades or performance ratings to the performance measures and components

prescribed under divisions (C) (3), (D), and (E) of this section. 47474

Sec. 3302.034. (A) The department of education and 47475
workforce shall adopt and specify measures in addition to those 47476
included on the report card issued under section 3302.03 of the 47477
Revised Code. The measures adopted under this section shall be 47478
reported separately, as specified under division (B) of this 47479
section, for each school district, each building in a district, 47480
each community school established under Chapter 3314., each STEM 47481
school established under Chapter 3326., and each college- 47482
preparatory boarding school established under Chapter 3328. of 47483
the Revised Code. The measures shall include at least the 47484
following: 47485

(1) Data for students who have passed over a grade or 47486
subject area under an acceleration policy prescribed under 47487
section 3324.10 of the Revised Code; 47488

(2) The number of students who are economically 47489
disadvantaged as determined by the department; 47490

(3) The number of lead teachers employed by each district 47491
and each building once the data is available through the 47492
education management information system established under 47493
section 3301.0714 of the Revised Code; 47494

(4) The amount of students screened and identified as 47495
gifted under Chapter 3324. of the Revised Code; 47496

(5) ~~Postgraduate student outcome data as described under~~ 47497
~~division (E) (2) (d) (ii) of section 3314.017 of the Revised Code,~~ 47498
including postsecondary credit earned, nationally recognized 47499
career or technical certification, military enlistment, job 47500
placement, and attendance rate; 47501

(6) Availability of courses in fine arts; 47502

(7) Participation with other school districts to provide 47503
career-technical education services to students. 47504

(B) The department shall report this information annually 47505
beginning with the 2013-2014 school year and make this 47506
information available on its web site for comparison purposes. 47507

Sec. 3302.131. (A) Beginning with the 2025-2026 school 47508
year and each school year thereafter, each school district or 47509
community school in which fifty-one per cent or less of the 47510
district's or school's students who took the third grade 47511
mathematics assessment prescribed under section 3301.0710 of the 47512
Revised Code for that school year attained at least a proficient 47513
score on that assessment shall establish and submit to the 47514
department of education and workforce a mathematics achievement 47515
improvement plan. 47516

(B) The department shall establish guidelines prescribing 47517
the content of and deadlines for mathematics achievement 47518
improvement plans required under division (A) of this section. 47519
The guidelines shall prescribe that each plan include, at a 47520
minimum, an analysis of relevant student performance data, 47521
measurable student performance goals, strategies to meet 47522
specific student needs, a staffing and professional development 47523
plan, and instructional strategies for improving student 47524
performance. 47525

(C) Beginning with the 2025-2026 school year and each 47526
school year thereafter, any school district or community school 47527
to which this section applies is no longer required to submit an 47528
improvement plan pursuant to division (A) of this section when 47529
not less than fifty-one per cent of the district's students who 47530
took the third grade mathematics assessment prescribed under 47531
section 3301.0710 of the Revised Code for that school year 47532

attained at least a proficient score on that assessment. 47533

(D) The department shall post in a prominent location on its web site all plans submitted pursuant to this section. 47534
47535

(E) This section does not apply to a student that meets either of the following conditions: 47536
47537

(1) The student has an individualized education program developed under Chapter 3323. of the Revised Code that includes services related to a traumatic brain injury. 47538
47539
47540

(2) The student attends a dropout prevention and recovery community school established under Chapter 3314. of the Revised Code. 47541
47542
47543

Sec. 3302.132. (A) Beginning with the 2025-2026 school year and each school year thereafter, for each student required to be provided mathematics intervention services under section 3313.6035 of the Revised Code, the district shall develop a mathematics improvement and monitoring plan within sixty days after receiving the student's results on the third grade mathematics assessment prescribed under section 3301.0710 of the Revised Code. The district shall involve the student's parent or guardian and classroom teacher in developing the plan. The plan shall include all of the following: 47544
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(1) Identification of the student's specific mathematics deficiencies; 47554
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(2) A description of the additional instructional services and support that will be provided to the student to remediate the identified mathematics deficiencies; 47556
47557
47558

(3) Opportunities for the student's parent or guardian to be involved in the instructional services and support described 47559
47560

in division (A) (2) of this section; 47561

(4) A process for monitoring the extent to which the student receives the instructional services and support described in division (A) (2) of this section; 47562
47563
47564

(5) A mathematics curriculum during regular school hours that does all of the following: 47565
47566

(a) Assists students in mathematics at grade level; 47567

(b) Provides scientifically based and reliable assessment; 47568

(c) Provides initial and ongoing analysis of each student's progress. 47569
47570

(6) High-dosage tutoring opportunities aligned with the student's classroom instruction through a state-approved vendor on the list of high-quality tutoring vendors under section 3301.136 of the Revised Code or a locally approved opportunity that aligns with high-dosage tutoring best practices. High-dosage tutoring opportunities shall include additional instruction time delivered at least three days per week, or at least fifty hours over thirty-six weeks. 47571
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(B) (1) The district shall continue to implement the plan developed under division (A) of this section until the student achieves the required level of skill in mathematics for the student's current grade level. 47579
47580
47581
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(2) The district shall report any information requested by the department of education and workforce about the mathematics improvement and monitoring plans developed under this section in the manner required by the department. 47583
47584
47585
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Sec. 3302.20. (A) The department of education and workforce shall develop standards for determining, from the 47587
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existing data reported in accordance with sections 3301.0714 and 47589
3314.17 of the Revised Code, the amount of annual operating 47590
expenditures for classroom instructional purposes and for 47591
nonclassroom purposes for each city, exempted village, local, 47592
and joint vocational school district, each community school 47593
established under Chapter 3314. that is not an internet- or 47594
computer-based community school, each internet- or computer- 47595
based community school, and each STEM school established under 47596
Chapter 3326. of the Revised Code. In developing the standards, 47597
the department shall adapt existing standards used by 47598
professional organizations, research organizations, and other 47599
state governments. The department also shall align the 47600
expenditure categories required for reporting under the 47601
standards with the categories that are required for reporting to 47602
the United States department of education under federal law. 47603

(B) (1) The department shall categorize all city, exempted 47604
village, and local school districts into not less than three nor 47605
more than five groups based primarily on average daily student 47606
enrollment as reported on the most recent report card issued for 47607
each district under section 3302.03 of the Revised Code. 47608

(2) The department shall categorize all joint vocational 47609
school districts into not less than three nor more than five 47610
groups based primarily on enrolled ADM as that term is defined 47611
in section 3317.02 of the Revised Code rounded to the nearest 47612
whole number. 47613

(3) The department shall categorize all community schools 47614
that are not internet- or computer-based community schools into 47615
not less than three nor more than five groups based primarily on 47616
average daily student enrollment as reported on the most recent 47617
report card issued for each community school under sections 47618

3302.03 and 3314.012 of the Revised Code or, in the case of a school to which section 3314.017 of the Revised Code applies, on the total number of students reported under divisions (B) (1) and (2) of section 3314.08 of the Revised Code.

(4) The department shall categorize all internet- or computer-based community schools into a single category.

(5) The department shall categorize all STEM schools into a single category.

(C) Using the standards adopted under division (A) of this section and the data reported under sections 3301.0714 and 3314.17 of the Revised Code, the department shall compute annually for each fiscal year, the following:

(1) The percentage of each district's, community school's, or STEM school's total operating budget spent for classroom instructional purposes;

(2) The statewide average percentage for all districts, community schools, and STEM schools combined spent for classroom instructional purposes;

(3) The average percentage for each of the categories of districts and schools established under division (B) of this section spent for classroom instructional purposes;

(4) The ranking of each district, community school, or STEM school within its respective category established under division (B) of this section according to the following:

(a) From highest to lowest percentage spent for classroom instructional purposes;

(b) From lowest to highest percentage spent for noninstructional purposes.

(5) The total operating expenditures per pupil for each district, community school, and STEM school; 47647
47648

(6) The total operating expenditure per equivalent pupils for each district, community school, and STEM school. 47649
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(D) In its display of rankings within each category under division (C)(4) of this section, the department shall make the following notations: 47651
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47653

(1) Within each category of city, exempted village, and local school districts, the department shall denote each district that is: 47654
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47656

(a) Among the twenty per cent of all city, exempted village, and local school districts statewide with the lowest total operating expenditure per equivalent pupils; 47657
47658
47659

(b) Among the twenty per cent of all city, exempted village, and local school districts statewide with the highest performance index scores. 47660
47661
47662

(2) Within each category of joint vocational school districts, the department shall denote each district that is: 47663
47664

(a) Among the twenty per cent of all joint vocational school districts statewide with the lowest total operating expenditure per equivalent pupils; 47665
47666
47667

(b) Among the twenty per cent of all joint vocational school districts statewide with the highest report card scores under section 3302.033 of the Revised Code. 47668
47669
47670

(3) Within each category of community schools that are not internet- or computer-based community schools, the department shall denote each school that is: 47671
47672
47673

(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditure per equivalent pupils; 47674
47675
47676

(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores, excluding such community schools to which section 3314.017 of the Revised Code applies. 47677
47678
47679
47680

(4) Within the category of internet- or computer-based community schools, the department shall denote each school that is: 47681
47682
47683

(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditure per equivalent pupils; 47684
47685
47686

(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores, excluding such community schools to which section 3314.017 of the Revised Code applies. 47687
47688
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47690

(5) Within the category of STEM schools, the department shall denote each school that is: 47691
47692

(a) Among the twenty per cent of all STEM schools statewide with the lowest total operating expenditure per equivalent pupils; 47693
47694
47695

(b) Among the twenty per cent of all STEM schools statewide with the highest performance index scores. 47696
47697

For purposes of divisions (D) (3) (b) and (4) (b) of this section, the display shall note that, in accordance with section 3314.017 of the Revised Code, a performance index score is not reported for some ~~community schools that serve primarily~~ 47698
47699
47700
47701

~~students enrolled in dropout prevention and recovery~~ 47702
~~programs~~ community schools. 47703

(E) The department shall post in a prominent location on 47704
its web site the information prescribed by divisions (C) and (D) 47705
of this section. The department also shall include on each 47706
district's, community school's, and STEM school's annual report 47707
card issued under section 3302.03 or 3314.017 of the Revised 47708
Code the respective information computed for the district or 47709
school under divisions (C) (1) and (4) of this section, the 47710
statewide information computed under division (C) (2) of this 47711
section, and the information computed for the district's or 47712
school's category under division (C) (3) of this section. 47713

(F) As used in this section: 47714

(1) "Internet- or computer-based community school" has the 47715
same meaning as in section 3314.02 of the Revised Code. 47716

(2) A school district's, community school's, or STEM 47717
school's performance index score rank is its performance index 47718
score rank as computed under section 3302.21 of the Revised 47719
Code. 47720

(3) "Expenditure per equivalent pupils" has the same 47721
meaning as in section 3302.26 of the Revised Code. 47722

(4) "Dropout prevention and recovery community school" has 47723
the same meaning as in section 3314.02 of the Revised Code. 47724

Sec. 3302.42. As used in this section, "online learning" 47725
has the same meaning as in section 3301.079 of the Revised Code. 47726

(A) Any local, city, exempted village, or joint vocational 47727
school district, with approval of the department of education 47728
and workforce, may operate a school using an online learning 47729

model. If a school is operated using an online learning model or 47730
is to cease operating using an online learning model, the 47731
superintendent of the district shall notify the department of 47732
that fact not later than the first day of July of the school 47733
year for which the change is effective. If any school district 47734
school is currently operated using an online learning model on 47735
September 30, 2021, the superintendent of the district shall 47736
notify the department within sixty days after September 30, 47737
2021, of that fact and request that the school be classified as 47738
an online learning school. 47739

(1) Districts shall assign all students engaged in online 47740
learning to a single school which the department shall designate 47741
as a district online school. 47742

(2) Districts shall provide all students engaged in online 47743
learning a computer, at no cost, for instructional use. 47744
Districts shall provide a filtering device or install filtering 47745
software that protects against internet access to materials that 47746
are obscene or harmful to juveniles on each computer provided to 47747
students for instructional use. 47748

(3) Districts shall provide all students engaged in online 47749
learning access to the internet, at no cost, for instructional 47750
use. 47751

(4) Districts that operate an online learning school shall 47752
provide a comprehensive orientation for students and their 47753
parents or guardians prior to enrollment or within thirty days 47754
for students enrolled as of September 30, 2021. 47755

(5) Online learning schools operated by a district shall 47756
implement a learning management system that tracks the time 47757
students participate in online learning activities. All student 47758

learning activities completed while off-line shall be documented 47759
with all participation records checked and approved by the 47760
teacher of record. 47761

(6) Districts may employ teachers and nonteaching 47762
employees necessary to carry out its duties and fulfill its 47763
responsibilities under this section or may contract with a 47764
nonprofit or for-profit entity to operate the online learning 47765
school, including the provision of personnel, related services, 47766
curriculum, supplies, equipment, or facilities. 47767

(B) The department shall revise any operating standards 47768
for school districts adopted under section 3301.07 of the 47769
Revised Code to include standards for the operation of online 47770
learning under this section. The online learning operation 47771
standards shall provide for all of the following: 47772

(1) Student-to-teacher ratios whereby no school or 47773
classroom is required to have more than one teacher for every 47774
one hundred twenty-five students in online learning classrooms; 47775

(2) The ability of all students, at any grade level, to 47776
earn credits or advance grade levels upon demonstrating mastery 47777
of knowledge or skills through competency-based learning models. 47778
Credits or grade level advancement shall not be based on a 47779
minimum number of days or hours in a classroom. 47780

(3) Notwithstanding anything to the contrary in section 47781
3313.48 of the Revised Code, a requirement that schools 47782
operating using an online learning model have an annual 47783
instructional calendar of not less than nine hundred ten hours. 47784

(a) For funding purposes, the department shall reduce the 47785
full-time equivalence proportionally for any student in an 47786
online learning school who participates in less than nine 47787

hundred ten hours per school year. The department shall reduce 47788
state funding for students assigned to an online learning school 47789
operated by a district commensurate with such adjustments to 47790
enrollment. 47791

(b) The department shall develop a review process and make 47792
all adjustments of state funding to districts to reflect any 47793
participation of students in online learning schools for less 47794
than the equivalent of a full school year. 47795

(4) Adequate provisions for: the licensing of teachers, 47796
administrators, and other professional personnel and their 47797
assignment according to training and qualifications; efficient 47798
and effective instructional materials and equipment, including 47799
library facilities; the proper organization, administration, and 47800
supervision of each school, including regulations for preparing 47801
all necessary records and reports and the preparation of a 47802
statement of policies and objectives for each school; buildings, 47803
grounds, and health and sanitary facilities and services; 47804
admission of pupils, and such requirements for their promotion 47805
from grade to grade as will ensure that they are capable and 47806
prepared for the level of study to which they are certified; 47807
requirements for graduation; and such other factors as the board 47808
finds necessary. 47809

(C) This section does not affect any provisions for the 47810
operation of and payments to an internet- or computer-based 47811
community school prescribed in Chapter 3314. of the Revised 47812
Code. 47813

Sec. 3305.05. (A) As used in this section and section 47814
3305.051 of the Revised Code, "academic or administrative 47815
employee" means any full-time employee not receiving any 47816
benefit, allowance, or other payment granted on the employee's 47817

account from a state retirement system who, before August 1, 47818
2005, met one of the following requirements: 47819

(1) The employee was a member of the faculty of a public 47820
institution of higher education. 47821

(2) The employee was a member of the administrative staff 47822
of a public institution of higher education serving in a 47823
position in the unclassified civil service pursuant to section 47824
124.11 of the Revised Code. 47825

(3) If section 124.11 of the Revised Code did not apply to 47826
the public institution of higher education, the employee was a 47827
member of the administrative staff of a public institution of 47828
higher education serving in a position comparable to a position 47829
in the unclassified civil service. 47830

In all cases of doubt, the board of trustees of the public 47831
institution of higher education shall determine whether any 47832
person is an academic or administrative employee for purposes of 47833
this chapter, and the board's decision shall be final. 47834

(B) (1) Each person who, on August 1, 2005, is an eligible 47835
employee of a public institution of higher education and has 47836
accrued less than five years of service credit in a state 47837
retirement system may, not later than one hundred twenty days 47838
after August 1, 2005, make an election to participate in an 47839
alternative retirement plan available at the employing public 47840
institution, unless, prior to August 1, 2005, the person had an 47841
opportunity pursuant to former section 3305.05 of the Revised 47842
Code to make such an election as an academic or administrative 47843
employee of that public institution of higher education. 47844

(2) An eligible employee whose employment with a public 47845
institution of higher education commences on or after August 1, 47846

2005, may, not later than one hundred twenty days after the 47847
starting date of the employment, make an election to participate 47848
in an alternative retirement plan available at the employing 47849
public institution. 47850

(3) An eligible employee who, on or after August 1, 2005, 47851
terminates employment at one public institution of higher 47852
education and subsequently is employed by another public 47853
institution of higher education in a position for which an 47854
alternative retirement plan is available may, not later than one 47855
hundred twenty days after the starting date of the employment, 47856
elect to participate in an alternative retirement plan available 47857
at that public institution. 47858

(C) (1) An eligible employee who makes an election to 47859
participate in an alternative retirement plan under division (B) 47860
of this section shall ~~submit~~ make the election in writing and 47861
sign the election. The public institution of higher education 47862
employing the eligible employee may permit the employee to sign 47863
the election by electronic signature. The employee shall submit 47864
the election to the designated officer of the employee's 47865
employing public institution of higher education. Once 47866
submitted, the election is irrevocable while the eligible 47867
employee continues to be employed by the public institution of 47868
higher education. Not later than ten days after the election 47869
becomes irrevocable, the officer shall file a certified copy of 47870
the election with the state retirement system to which, apart 47871
from the election, the employee's employment would be subject. 47872

Each public institution of higher education that employs a 47873
person eligible to make an election under division (B) of this 47874
section shall notify, in writing, the state retirement system 47875
that applies to that employment in the manner specified by that 47876

state retirement system. The notice shall include the person's name and address. The notice shall be given not later than ten days after the first date the person is on the institution's payroll.

(2) Elections made under division (B) of this section take effect as follows:

(a) An election under division (B) (1) of this section is effective as of the date on which the employee's election to participate in the alternative retirement plan becomes irrevocable.

(b) An election under division (B) (2) or (3) of this section is effective as of the electing employee's starting date of employment.

(3) An eligible employee's election under division (B) of this section applies to the employee's employment in all positions at that public institution, unless the employee terminates employment at the public institution and does not return to employment in any position at that public institution for at least three hundred sixty-five days after the date of termination.

(4) An eligible employee who makes an election under division (B) of this section is forever barred from claiming or purchasing service credit under any state retirement system for the period of employment while the election is in effect.

(D) (1) An eligible employee who fails to make an election under division (B) of this section within the one-hundred-twenty day election period shall be deemed to have elected to participate in the state retirement system that applies to the employee's employment.

(2) An eligible employee who fails to make an election under division (B) of this section shall not be permitted to make an election for employment in any other position at the public institution of higher education while employed at that public institution, unless the employee terminates employment at the public institution and does not return to employment in any position at the public institution for at least three hundred sixty-five days after the date of termination.

Sec. 3305.053. (A) The board of trustees of a public institution of higher education shall permit an employee who makes an election under section 3305.05 or 3305.051 of the Revised Code to do ~~all~~ both of the following:

~~(A)~~ (1) Select, from among the providers that have entered into an agreement with the public institution of higher education under section 3305.04 of the Revised Code, the provider of an investment option for that employee;

~~(B)~~ (2) Subject to any terms and conditions established by the public institution of higher education, change the provider selected under division ~~(A)~~ (A) (1) of this section any time during the plan year.

(B) A public institution of higher education may allow an employee who seeks to change the employee's provider under division (A) (2) of this section to sign a form to change providers by electronic signature.

(C) If under division ~~(B)~~ (A) (2) of this section an employee changes providers, the employee may direct the provider to transfer to the new provider the employee's account balance either in whole or in part, as directed by the employee, except that the provider is not required to immediately transfer any

part of the account invested at the employee's election in a 47935
fixed annuity account if the contract with the employee under 47936
which the investment was made permits the provider to make such 47937
a transfer over a period of time not exceeding ten years and the 47938
contract was filed with and approved by the department of 47939
insurance pursuant to section 3911.011 of the Revised Code. 47940

Sec. 3307.073. (A) No person shall knowingly fail to file 47941
a complete and accurate campaign finance statement or 47942
independent expenditure statement in accordance with section 47943
3307.072 of the Revised Code. 47944

(B) No person, during the course of a person seeking 47945
nomination for, and during any campaign for, election to the 47946
state teachers retirement board, shall knowingly and with intent 47947
to affect the nomination or the outcome of the campaign do any 47948
of the following by means of campaign materials, an 47949
advertisement on radio or television or in a newspaper or 47950
periodical, a public speech, press release, or otherwise: 47951

(1) With regard to a candidate, identify the candidate in 47952
a manner that implies that the candidate is a member of the 47953
board or use the term "re-elect" when the candidate is not 47954
currently a member of the board; 47955

(2) Make a false statement concerning the formal schooling 47956
or training completed or attempted by a candidate; a degree, 47957
diploma, certificate, scholarship, grant, award, prize, or honor 47958
received, earned, or held by a candidate; or the period of time 47959
during which a candidate attended any school, college, community 47960
technical school, or institution; 47961

(3) Make a false statement concerning the professional, 47962
occupational, or vocational licenses held by a candidate, or 47963

concerning any position the candidate held for which the 47964
candidate received a salary or wages; 47965

(4) Make a false statement that a candidate or board 47966
member has been indicted or convicted of a theft offense, 47967
extortion, or other crime involving financial corruption or 47968
moral turpitude; 47969

(5) Make a statement that a candidate has been indicted 47970
for any crime or has been the subject of a finding by the Ohio 47971
elections commission, the secretary of state, or the Ohio 47972
election integrity commission without disclosing the outcome of 47973
any legal proceedings resulting from the indictment or finding; 47974

(6) Make a false statement that a candidate or board 47975
member has a record of treatment or confinement for mental 47976
disorder; 47977

(7) Make a false statement that a candidate or board 47978
member has been subjected to military discipline for criminal 47979
misconduct or dishonorably discharged from the armed services; 47980

(8) Falsely identify the source of a statement, issue 47981
statements under the name of another person without 47982
authorization, or falsely state the endorsement of or opposition 47983
to a candidate by a person or publication; 47984

(9) Make a false statement concerning the voting record of 47985
a candidate or board member; 47986

(10) Post, publish, circulate, distribute, or otherwise 47987
disseminate a false statement concerning a candidate, either 47988
knowing the same to be false or with reckless disregard of 47989
whether it was false or not, if the statement is designed to 47990
promote the election, nomination, or defeat of the candidate. 47991

~~Sec. 3307.074. The secretary of state, or any person acting on personal knowledge and subject to the penalties of perjury, may file a A complaint with the Ohio elections commission alleging a violation of section 3307.073 of the Revised Code may be filed in accordance with section 3517.16 of the Revised Code. The complaint shall be made on a form prescribed and provided by the commission.~~

~~On receipt of a complaint under this section, the commission shall hold a hearing open to the public to determine whether the violation alleged in the complaint has occurred. The commission may administer oaths and issue subpoenas to any person in the state compelling the attendance of witnesses and the production of relevant papers, books, accounts, and reports. On the refusal of any person to obey a subpoena or to be sworn or to answer as a witness, the commission may apply to the court of common pleas of Franklin county under section 2705.03 of the Revised Code. The court shall hold contempt proceedings in accordance with Chapter 2705. of the Revised Code.~~

~~The commission shall provide the person accused of the violation at least seven days prior notice of the time, date, and place of the hearing. The accused may be represented by an attorney and shall have an opportunity to present evidence, call witnesses, and cross-examine witnesses.~~

~~At the hearing, the commission shall determine whether the violation alleged in the complaint has occurred. If the commission determines that a violation of division (A) of section 3307.073 of the Revised Code has occurred, the commission shall either impose a fine under section 3307.99 of the Revised Code or enter a finding that good cause has been shown not to impose the fine. If the commission determines that~~

~~a violation of division (B) of section 3307.073 of the Revised Code has occurred, the commission shall impose the fine described in section 3307.99 of the Revised Code, refer the matter to the appropriate prosecutor, or enter a finding that good cause has been shown not to impose a fine or refer the matter to a prosecutor.~~

Sec. 3307.27. ~~The~~ (A) Except as provided in division (B) of this section, the contributions required under section 3307.26 of the Revised Code may be paid by the employer in accordance with division (h) of section 414 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 414(h), as amended.

(B) The contributions required under section 3307.26 of the Revised Code shall not be paid by a school district board of education on behalf of a contributor employed by the school district as a superintendent, but may be treated as paid by the school district board of education in accordance with division (h) of section 414 of the "Internal Revenue Code of 1986," 26 U.S.C. 414(h).

Sec. 3307.99. (A) Whoever violates division (A) of section 3307.073 of the Revised Code shall be fined not more than one hundred dollars for each day of the violation.

(B) Whoever violates division (B) of section 3307.073 of the Revised Code shall be imprisoned for not more than six months or fined not more than five thousand dollars, or both.

~~(C) Fines imposed by the Ohio elections commission under this section shall be paid into the Ohio elections commission fund created under section 3513.10 of the Revised Code.~~

Sec. 3309.011. (A) As used in this section, "child with a

disability," "individualized education program," and "school district" have the same meanings as in section 3323.01 of the Revised Code. 48051
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(B) "Employee" as defined in division (B) of section 3309.01 of the Revised Code, does not include any of the following: 48054
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~~(A)~~ (1) Any person having a license or registration issued pursuant to sections 3319.22 to 3319.31 of the Revised Code and employed in a public school in this state in an educational position, as determined by the department of education and workforce, under programs provided for by federal acts or regulations and financed in whole or in part from federal funds, but for which no licensure requirements for the position can be made under the provisions of such federal acts or regulations; 48057
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~~(B)~~ (2) Any person who participates in an alternative retirement plan established under Chapter 3305. of the Revised Code; 48065
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~~(C)~~ (3) Any person who elects to transfer from the school employees retirement system to the public employees retirement system under section 3309.312 of the Revised Code; 48068
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~~(D)~~ (4) Any person whose full-time employment by the university of Akron as a state university law enforcement officer pursuant to section 3345.04 of the Revised Code commences on or after September 16, 1998; 48071
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~~(E)~~ (5) Any person described in division (B) of section 3309.013 of the Revised Code; 48075
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~~(F)~~ (6) Any person described in division (D) of section 145.011 of the Revised Code; 48077
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~~(G)~~—(7) Any person described in division (B) (1) (b) or (g) 48079
of section 3307.01 of the Revised Code; 48080

(8) Any person who provides school health services to a 48081
child with a disability under the child's individualized 48082
education program and is employed and paid by an entity that has 48083
contracted with a school district to provide those services. 48084

Sec. 3309.073. (A) No person shall knowingly fail to file 48085
a complete and accurate campaign finance statement or 48086
independent expenditure statement in accordance with section 48087
3309.072 of the Revised Code. 48088

(B) No person, during the course of a person seeking 48089
nomination for, and during any campaign for, election to the 48090
school employees retirement board, shall knowingly and with 48091
intent to affect the nomination or the outcome of the campaign 48092
do any of the following by means of campaign materials, an 48093
advertisement on radio or television or in a newspaper or 48094
periodical, a public speech, press release, or otherwise: 48095

(1) With regard to a candidate, identify the candidate in 48096
a manner that implies that the candidate is a member of the 48097
board or use the term "re-elect" when the candidate is not 48098
currently a member of the board; 48099

(2) Make a false statement concerning the formal schooling 48100
or training completed or attempted by a candidate; a degree, 48101
diploma, certificate, scholarship, grant, award, prize, or honor 48102
received, earned, or held by a candidate; or the period of time 48103
during which a candidate attended any school, college, community 48104
technical school, or institution; 48105

(3) Make a false statement concerning the professional, 48106
occupational, or vocational licenses held by a candidate, or 48107

concerning any position the candidate held for which the 48108
candidate received a salary or wages; 48109

(4) Make a false statement that a candidate or board 48110
member has been indicted or convicted of a theft offense, 48111
extortion, or other crime involving financial corruption or 48112
moral turpitude; 48113

(5) Make a statement that a candidate has been indicted 48114
for any crime or has been the subject of a finding by the Ohio 48115
elections commission, the secretary of state, or the Ohio 48116
election integrity commission without disclosing the outcome of 48117
any legal proceedings resulting from the indictment or finding; 48118

(6) Make a false statement that a candidate or board 48119
member has a record of treatment or confinement for mental 48120
disorder; 48121

(7) Make a false statement that a candidate or board 48122
member has been subjected to military discipline for criminal 48123
misconduct or dishonorably discharged from the armed services; 48124

(8) Falsely identify the source of a statement, issue 48125
statements under the name of another person without 48126
authorization, or falsely state the endorsement of or opposition 48127
to a candidate by a person or publication; 48128

(9) Make a false statement concerning the voting record of 48129
a candidate or board member; 48130

(10) Post, publish, circulate, distribute, or otherwise 48131
disseminate a false statement concerning a candidate, either 48132
knowing the same to be false or with reckless disregard of 48133
whether it was false or not, if the statement is designed to 48134
promote the election, nomination, or defeat of the candidate. 48135

~~Sec. 3309.074. The secretary of state, or any person~~ 48136
~~acting on personal knowledge and subject to the penalties of~~ 48137
~~perjury, may file a A complaint with the Ohio elections~~ 48138
~~commission alleging a violation of section 3309.073 of the~~ 48139
~~Revised Code may be filed in accordance with section 3517.16 of~~ 48140
~~the Revised Code. The complaint shall be made on a form~~ 48141
~~prescribed and provided by the commission.~~ 48142

~~A complaint shall be filed not later than two years after~~ 48143
~~the occurrence of the act or failure to act that is the subject~~ 48144
~~of the complaint, except that if the act or failure to act~~ 48145
~~involves fraud, concealment, or misrepresentation and was not~~ 48146
~~discovered during that two-year period, a complaint may be filed~~ 48147
~~not later than one year after discovery of the act or failure to~~ 48148
~~act.~~ 48149

~~On receipt of a complaint under this section, the~~ 48150
~~commission shall hold a hearing open to the public to determine~~ 48151
~~whether the violation alleged in the complaint has occurred. The~~ 48152
~~commission may administer oaths and issue subpoenas to any~~ 48153
~~person in the state compelling the attendance of witnesses and~~ 48154
~~the production of relevant papers, books, accounts, and reports.~~ 48155
~~On the refusal of any person to obey a subpoena or to be sworn~~ 48156
~~or to answer as a witness, the commission may apply to the court~~ 48157
~~of common pleas of Franklin county under section 2705.03 of the~~ 48158
~~Revised Code. The court shall hold contempt proceedings in~~ 48159
~~accordance with Chapter 2705. of the Revised Code.~~ 48160

~~The commission shall provide the person accused of the~~ 48161
~~violation at least seven days prior notice of the time, date,~~ 48162
~~and place of the hearing. The accused may be represented by an~~ 48163
~~attorney and shall have an opportunity to present evidence, call~~ 48164
~~witnesses, and cross-examine witnesses.~~ 48165

~~At the hearing, the commission shall determine whether the violation alleged in the complaint has occurred. If the commission determines that a violation of division (A) of section 3309.073 of the Revised Code has occurred, the commission shall either impose a fine under section 3309.99 of the Revised Code or enter a finding that good cause has been shown not to impose the fine. If the commission determines that a violation of division (B) of section 3309.073 of the Revised Code has occurred, the commission shall impose the fine described in section 3309.99 of the Revised Code, refer the matter to the appropriate prosecutor, or enter a finding that good cause has been shown to not impose a fine or refer the matter to the appropriate prosecutor.~~

Sec. 3309.47. Each school employees retirement system contributor shall contribute eight per cent of the contributor's compensation to the employees' savings fund, except that the school employees retirement board may raise the contribution rate to a rate not greater than ten per cent of compensation.

The contributions required under this section shall not be paid by a school district board of education on behalf of a contributor employed by the school district as a treasurer, but may be treated as employer contributions for purposes of state and federal income tax deferred income provisions.

The contributions by the direction of the school employees retirement board shall be deducted by the employer from the compensation of each contributor on each payroll of such contributor for each payroll period and shall be an amount equal to the required per cent of such contributor's compensation. On a finding by the board that an employer has failed or refused to deduct contributions for any employee during any year and to

transmit such amounts to the retirement system, the retirement 48196
board may make a determination of the amount of the delinquent 48197
contributions, including interest at a rate set by the 48198
retirement board, from the end of each year, and certify to the 48199
employer the amounts for collection. If the amount is not paid 48200
by the employer, it may be certified for collection in the same 48201
manner as payments due the employers' trust fund. Any amounts so 48202
collected shall be held in trust pending receipt of a report of 48203
contributions for the employee for the period involved as 48204
provided by law and, thereafter, the amount in trust shall be 48205
transferred to the employee's savings fund to the credit of the 48206
employee. Any amount remaining after the transfer to the 48207
employees' savings fund shall be transferred to the employers' 48208
trust fund as a credit of the employer. 48209

Additional deposits may be made to a member's account. At 48210
retirement, the amount deposited with interest may be used to 48211
provide additional annuity income. The additional deposits may 48212
be refunded to the member before retirement, and shall be 48213
refunded if the member withdraws the member's refundable amount. 48214
The deposits may be refunded to the beneficiary or estate if the 48215
member dies before retirement, and the board shall determine 48216
whether regular interest shall be credited to deposits thus 48217
refunded. 48218

Sec. 3309.99. (A) Whoever violates division (A) of section 48219
3309.073 of the Revised Code shall be fined not more than one 48220
hundred dollars for each day of the violation. 48221

(B) Whoever violates division (B) of section 3309.073 of 48222
the Revised Code shall be imprisoned for not more than six 48223
months or fined not more than five thousand dollars, or both. 48224

~~(C) Fines imposed by the Ohio elections commission under~~ 48225

~~this section shall be paid into the Ohio elections commission-~~ 48226
~~fund created under section 3513.10 of the Revised Code.~~ 48227

Sec. 3310.033. (A) As used in this section: 48228

(1) "Foster child" means a child placed with a foster 48229
caregiver, as defined in section 5103.02 of the Revised Code. 48230

(2) "Qualifying student" means a student who is not 48231
entitled to attend school under section 3313.64 or 3313.65 of 48232
the Revised Code in a school district in which the pilot project 48233
scholarship program is operating under sections 3313.974 to 48234
3313.979 of the Revised Code. 48235

(3) "Kinship caregiver" has the same meaning as in section 48236
~~5101.85~~ 5180.50 of the Revised Code. 48237

(4) "Sibling" means any of the following: 48238

(a) A brother, half-brother, sister, or half-sister by 48239
birth, marriage, or adoption; 48240

(b) A cousin by birth, marriage, or adoption who is 48241
residing in the same household; 48242

(c) A foster child who is residing in the same household, 48243
including a child who is subsequently adopted by the child's 48244
foster family; 48245

(d) A child residing in the same household who is placed 48246
with a guardian or legal custodian; 48247

(e) A child who is residing in the same household and is 48248
being cared for by a kinship caregiver; 48249

(f) Any other child under eighteen years of age who has 48250
resided in the same household for at least forty-five 48251
consecutive days within the last calendar year. 48252

(5) "Caretaker" means the parent of a minor child or a relative acting in the parent's place. "Caretaker" also means another responsible adult who has care of the child and in whose household the child resides and, if not for residing in that household, the child would be homeless or likely to be homeless.

(B) Notwithstanding anything in the Revised Code to the contrary, a qualifying student shall be eligible for an educational choice scholarship under section 3310.03 of the Revised Code, regardless of whether the student is enrolled in a school building described in division (A)(1) or (C) of that section, if any of the following apply:

(1) The student's sibling received an educational choice scholarship under section 3310.03 of the Revised Code for the school year immediately prior to the school year for which the student is seeking a scholarship;

(2) The student is a foster child;

(3) The student is a child placed with a guardian, legal custodian, or kinship caregiver;

(4) The student is not a child placed with a guardian, legal custodian, or kinship caregiver, but has resided in the same household as such a child for at least forty-five consecutive days within the last calendar year;

(5) The student is not a foster child, but resides in a home that has received certification under section 5103.03 of the Revised Code;

(6) The student satisfies all of the following conditions:

(a) The student is not a foster child or a student described in division (B)(4) of this section.

(b) The student has resided in the household of an individual who is not the student's parent or guardian for at least forty-five consecutive days within the last calendar year and, if not for residing in that household, the student would have been homeless.

(c) The student's parent or guardian resides in this state.

(7) The student is not a child described in division (B) (6) of this section, but has resided in the same household as a child described in that division for at least forty-five consecutive days within the last calendar year.

(C) A student who receives an educational choice scholarship under this section remains eligible for that scholarship and may continue to receive a scholarship in subsequent school years until the student completes grade twelve, so long as the student satisfies the conditions specified in divisions (D) (2) and (3) of section 3310.03 of the Revised Code.

(D) The department of education and workforce may request any individual applying for a scholarship under this section on behalf of a qualifying student to provide appropriate documentation, as defined by the department, that the student meets the eligibility qualifications prescribed under this section. In the case of a student who qualifies under division (B) (6) of this section, such documentation shall be provided by the student's parent, guardian, or caretaker.

Sec. 3310.41. (A) As used in this section:

(1) "Alternative public provider" means either of the following providers that agrees to enroll a child in the

provider's special education program to implement the child's 48310
individualized education program or an education plan developed 48311
by the school district under division ~~(K)~~(L) of this section and 48312
to which the child's parent owes fees for the services provided 48313
to the child: 48314

(a) A school district that is not the school district in 48315
which the child is entitled to attend school; 48316

(b) A public entity other than a school district. 48317

(2) "Eligible applicant" means any of the following: 48318

(a) Either of the natural or adoptive parents of a 48319
qualified special education child, except as otherwise specified 48320
in this division. 48321

When the marriage of the natural or adoptive parents of 48322
the child has been terminated by a divorce, dissolution of 48323
marriage, or annulment, or when the natural or adoptive parents 48324
of the child are living separate and apart under a legal 48325
separation decree, and a court has issued an order allocating 48326
the parental rights and responsibilities with respect to the 48327
child, "eligible applicant" means the residential parent as 48328
designated by the court. If the court issues a shared parenting 48329
decree, "eligible applicant" means either parent. "Eligible 48330
applicant" does not mean a parent whose custodial rights have 48331
been terminated. 48332

(b) The custodian of a qualified special education child, 48333
when a court has granted temporary, legal, or permanent custody 48334
of the child to an individual other than either of the natural 48335
or adoptive parents of the child or to a government agency; 48336

(c) The guardian of a qualified special education child, 48337
when a court has appointed a guardian for the child; 48338

(d) The grandparent of a qualified special education child, when the grandparent is the child's attorney in fact under a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code or when the grandparent has executed a caretaker authorization affidavit under sections 3109.65 to 3109.73 of the Revised Code; 48339
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(e) The surrogate parent appointed for a qualified special education child pursuant to division (B) of section 3323.05 and section 3323.051 of the Revised Code; 48345
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(f) A qualified special education child, if the child does not have a custodian or guardian and the child is at least eighteen years of age and less than twenty-two years of age. 48348
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(3) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code. 48351
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~~(3)~~(4) "Formula ADM" has the same meaning as in section 3317.02 of the Revised Code. 48354
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~~(4)~~(5) "Preschool child with a disability" and "individualized education program" have the same meanings as in section 3323.01 of the Revised Code. 48356
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~~(5) "Parent" has the same meaning as in section 3313.64 of the Revised Code, except that "parent" does not mean a parent whose custodial rights have been terminated. "Parent" also includes the custodian of a qualified special education child, when a court has granted temporary, legal, or permanent custody of the child to an individual other than either of the natural or adoptive parents of the child or to a government agency.~~ 48359
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(6) "Qualified special education child" is a child who is at least three years of age and less than twenty-two years of 48366
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age and who either was enrolled in the school district in which 48368
the child is entitled to attend school in any grade from 48369
preschool through twelve in the school year prior to the year in 48370
which a scholarship under this section is ~~first~~-sought for the 48371
child or is eligible to enter school in any grade preschool 48372
through twelve or is less than twenty-two years of age in the 48373
school district in which the child is entitled to attend school 48374
in the school year in which a scholarship under this section is 48375
~~first~~-sought for the child and for whom any of the following 48376
conditions apply: 48377

(a) The school district in which the child is entitled to 48378
attend school has identified the child as autistic. A child who 48379
has been identified as having a "pervasive developmental 48380
disorder - not otherwise specified (PPD-NOS)" shall be 48381
considered to be an autistic child for purposes of this section. 48382

(b) The school district in which the child is entitled to 48383
attend school has developed an individualized education program 48384
under Chapter 3323. of the Revised Code for the child that 48385
includes services related to autism. 48386

(c) The child has been diagnosed as autistic by a 48387
physician or psychologist. 48388

(d) All of the following apply: 48389

(i) The child is enrolled in a chartered or nonchartered 48390
nonpublic school, is home educated in accordance with section 48391
3321.042 of the Revised Code, or is a student older than 48392
compulsory school age and less than twenty-two years of age and 48393
received a home education in accordance with section 3321.042 of 48394
the Revised Code and has not received a diploma under section 48395
3313.6110 of the Revised Code. 48396

(ii) The child has an individualized education program 48397
developed under Chapter 3323. of the Revised Code that includes 48398
services related to autism. 48399

(iii) The child is still eligible to receive transition 48400
services under the child's individualized education program. 48401

(7) "Registered private provider" means a nonpublic school 48402
or other nonpublic entity that has been approved by the 48403
department of education and workforce to participate in the 48404
program established under this section. 48405

(8) "Special education program" means a school or facility 48406
that provides special education and related services to children 48407
with disabilities. 48408

(B) There is hereby established the autism scholarship 48409
program. Under the program, the department shall pay a 48410
scholarship under section 3317.022 of the Revised Code to ~~the~~ 48411
~~parent of each qualified special education child~~ an eligible 48412
applicant upon application of that ~~parent~~ eligible applicant 48413
pursuant to procedures and deadlines established by rule of the 48414
department. Each scholarship shall be used only to pay tuition 48415
for the child on whose behalf the scholarship is awarded to 48416
attend a special education program or programs that implements 48417
the child's individualized education program or education plan 48418
and that is operated by an alternative public provider or by a 48419
registered private provider, and to pay for other services 48420
agreed to by the provider and the ~~parent of a qualified special~~ 48421
~~education child~~ eligible applicant that are not included in the 48422
individualized education program or education plan but are 48423
associated with educating the child. Upon agreement with the 48424
~~parent of a qualified special education child~~ eligible applicant, 48425
the alternative public provider or the registered private 48426

provider may modify the services provided to the child. The 48427
purpose of the scholarship is to permit the ~~parent of a~~ 48428
~~qualified special education child~~ eligible applicant the choice 48429
to send the child to a special education program or programs, 48430
instead of the one operated by or for the school district in 48431
which the child is entitled to attend school, to receive the 48432
services prescribed in the child's individualized education 48433
program or education plan once the individualized education 48434
program or education plan is finalized and any other services 48435
agreed to by the provider and the ~~parent of a qualified special~~ 48436
~~education child~~ eligible applicant. The services provided under 48437
the scholarship shall include an educational component or 48438
services designed to assist the child to benefit from the 48439
child's education. 48440

At the discretion of the eligible applicant, multiple 48441
alternative public providers or registered private providers may 48442
be contracted to provide services to implement an individualized 48443
education program or education plan as the eligible applicant 48444
and providers determine are necessary and associated with 48445
educating the qualified special education child. A qualified 48446
special education child shall not be limited to receiving 48447
services from a single provider for any services as identified 48448
in the individualized education program or education plan, 48449
including a single type of service. 48450

(C) Services, including intervention services, educational 48451
services, academic services, tutoring services, aide services, 48452
and other related special education services, provided through 48453
the program established under this section may be provided 48454
virtually by any of the following: 48455

(1) An educational aide or assistant who holds a valid 48456

permit issued under section 3319.088 of the Revised Code; 48457

(2) An instructional assistant who holds a valid permit 48458
issued under section 3310.43 of the Revised Code; 48459

(3) A qualified, credentialed provider in accordance with 48460
standards established by the department; 48461

(4) A teacher or substitute teacher licensed by the state 48462
board of education. 48463

(D) A scholarship under this section shall not be awarded 48464
to ~~the parent of a child~~ an eligible applicant while the child's 48465
individualized education program is being developed by the 48466
school district in which the child is entitled to attend school, 48467
or while any administrative or judicial mediation or proceedings 48468
with respect to the content of the child's individualized 48469
education program are pending. A scholarship under this section 48470
shall not be used for a child to attend a public special 48471
education program that operates under a contract, compact, or 48472
other bilateral agreement between the school district in which 48473
the child is entitled to attend school and another school 48474
district or other public provider, or for a child to attend a 48475
community school established under Chapter 3314. of the Revised 48476
Code. However, nothing in this section or in any rule adopted by 48477
the department shall prohibit ~~a parent~~ an eligible applicant 48478
whose child attends a public special education program under a 48479
contract, compact, or other bilateral agreement, or ~~a parent~~ an 48480
eligible applicant whose child attends a community school, from 48481
applying for and accepting a scholarship under this section so 48482
that the ~~parent~~ eligible applicant may withdraw the child from 48483
that program or community school and use the scholarship for the 48484
child to attend a special education program for which the ~~parent~~ 48485
eligible applicant is required to pay for services for the 48486

child. 48487

(E) Except for development of the child's individualized 48488
education program or education plan, the school district in 48489
which a qualified special education child is entitled to attend 48490
school and the child's school district of residence, as defined 48491
in section 3323.01 of the Revised Code, if different, are not 48492
obligated to provide the child with a free appropriate public 48493
education under Chapter 3323. of the Revised Code for as long as 48494
the child continues to attend the special education program 48495
operated by either an alternative public provider or a 48496
registered private provider for which a scholarship is awarded 48497
under the autism scholarship program. If at any time, the 48498
eligible applicant for the child decides no longer to accept 48499
scholarship payments and enrolls the child in the special 48500
education program of the school district in which the child is 48501
entitled to attend school, that district shall provide the child 48502
with a free appropriate public education under Chapter 3323. of 48503
the Revised Code. 48504

(F) A child attending a special education program with a 48505
scholarship under this section shall continue to be entitled to 48506
transportation to and from that program in the manner prescribed 48507
by law. 48508

(G) As prescribed in division (A) (2) (h) of section 3317.03 48509
of the Revised Code, a child who is not a preschool child with a 48510
disability for whom a scholarship is awarded under this section 48511
shall be counted in the formula ADM of the district in which the 48512
child is entitled to attend school and not in the formula ADM of 48513
any other school district. 48514

(H) A scholarship shall not be paid under section 3317.022 48515
of the Revised Code to ~~a parent~~ an eligible applicant for 48516

payment of tuition owed to a nonpublic entity unless that entity 48517
is a registered private provider. The department shall approve 48518
entities that meet the standards established by rule of the 48519
department for the program established under this section. 48520

(I) The department shall adopt rules under Chapter 119. of 48521
the Revised Code prescribing procedures necessary to implement 48522
this section, including, but not limited to, procedures and 48523
deadlines for ~~parents~~ eligible applicants to apply for 48524
scholarships, standards for registered private providers, and 48525
procedures for approval of entities as registered private 48526
providers. 48527

The rules also shall specify that intervention services, 48528
including virtual services, under the autism scholarship program 48529
may be provided by a qualified, credentialed provider, including 48530
an educator or substitute teacher licensed by the state board of 48531
education, and shall additionally include, but not be limited 48532
to, all of the following: 48533

(1) A behavior analyst certified by a nationally 48534
recognized organization that certifies behavior analysts; 48535

(2) A psychologist licensed to practice in this state 48536
under Chapter 4732. of the Revised Code; 48537

(3) An independent school psychologist or school 48538
psychologist licensed to practice in this state under Chapter 48539
4732. of the Revised Code; 48540

(4) Any person employed by a licensed psychologist, 48541
licensed independent school psychologist, or licensed school 48542
psychologist, while carrying out specific tasks, under the 48543
licensee's supervision, as an extension of the licensee's legal 48544
and ethical authority as specified under Chapter 4732. of the 48545

Revised Code who is ascribed as "psychology trainee," 48546
"psychology assistant," "psychology intern," or other 48547
appropriate term that clearly implies their supervised or 48548
training status; 48549

(5) Unlicensed persons holding a doctoral degree in 48550
psychology or special education from a program approved by the 48551
department; 48552

(6) A "registered behavior technician" as described under 48553
rule 5123-9-41 of the Administrative Code working under the 48554
supervision and following the intervention plan of a certified 48555
Ohio behavior analyst or a behavior analyst certified by a 48556
nationally recognized organization that certifies behavior 48557
analysts; 48558

(7) A "certified Ohio behavior analyst" under Chapter 48559
4783. of the Revised Code; 48560

(8) An occupational therapist or physical therapist 48561
licensed to practice in this state under Chapter 4755. of the 48562
Revised Code; 48563

(9) A speech-language pathologist licensed to practice in 48564
this state under Chapter 4753. of the Revised Code; 48565

(10) An intervention specialist who holds a valid license 48566
issued by the state board; 48567

(11) A literacy intervention specialist certified through 48568
pathways recognized by the Ohio dyslexia committee established 48569
by section 3323.25 of the Revised Code. To the extent that 48570
certification for any of the following positions is approved by 48571
the Ohio dyslexia committee under section 3323.25 of the Revised 48572
Code, literary intervention specialists may include: 48573

(a) A structured literacy dyslexia interventionist;	48574
(b) A structured literacy dyslexia specialist;	48575
(c) A certified academic language practitioner;	48576
(d) A certified academic language therapist.	48577
(12) <u>An educational aide or assistant with a valid permit issued under section 3319.088 of the Revised Code;</u>	48578 48579
(13) <u>An instructional assistant with a valid permit issued in accordance with section 3310.43 of the Revised Code;</u>	48580 48581
(14) <u>Any other qualified individual as determined by the department.</u>	48582 48583
<u>Supervision of a qualified, credentialed provider may be conducted virtually.</u>	48584 48585
(J) <u>For billing purposes under the autism scholarship program, services provided by a teacher or substitute teacher licensed by the state board of education shall be classified as academic services and shall not be classified as aide services. The department shall use this differentiation to simplify monthly audit procedures.</u>	48586 48587 48588 48589 48590 48591
(K) <u>The department shall provide reasonable notice to all parents of children eligible applicants receiving a scholarship under the autism scholarship program, alternative public providers, and registered private providers of any amendment to a rule governing, or change in the administration of, the autism scholarship program.</u>	48592 48593 48594 48595 48596 48597
(K) (L) <u>If a child qualifies for the autism scholarship program pursuant to a diagnosis under division (A) (6) (c) of this section and does not have an individualized education program</u>	48598 48599 48600

that includes services related to autism, the school district in 48601
which the child is entitled to attend school shall develop an 48602
education plan for the child. 48603

~~(L)~~(M) Not later than the thirtieth day of June each year, 48604
each alternative public provider and registered private provider 48605
enrolling students receiving autism scholarships shall submit to 48606
the department, in a form and manner prescribed by the 48607
department, the tuition rates charged by the provider for the 48608
following school year. 48609

~~(M)~~(N) The department shall not require ~~the parent of a~~ 48610
~~student~~ an eligible applicant who applies for or receives a 48611
scholarship under this section to complete any kind of income 48612
verification regarding the student's family income. 48613

(O) The department shall maintain a list of each 48614
registered private provider and the location of that provider on 48615
its publicly accessible web site. 48616

Sec. 3310.413. As used in this section, "junior reserve 48617
officer training corps program" means a junior reserve officer 48618
training corps (JROTC) program approved by the congress of the 48619
United States under title 10 of the United States Code. 48620

A qualified special education child, as defined in section 48621
3310.41 of the Revised Code, receiving home education under 48622
section 3321.042 of the Revised Code who participates in a 48623
junior reserve officer training corps program maintained by the 48624
child's resident school district in accordance with 10 U.S.C. 48625
2031f(1) shall not be considered enrolled in that district for 48626
purposes of determining eligibility for an autism scholarship 48627
under section 3310.41 of the Revised Code. 48628

Sec. 3310.51. As used in sections 3310.51 to 3310.64 of 48629

the Revised Code: 48630

(A) "Alternative public provider" means either of the 48631
following providers that agrees to enroll a child in the 48632
provider's special education program to implement the child's 48633
individualized education program and to which the eligible 48634
applicant owes fees for the services provided to the child: 48635

(1) A school district that is not the school district in 48636
which the child is entitled to attend school or the child's 48637
school district of residence, if different; 48638

(2) A public entity other than a school district. 48639

(B) "Child with a disability" and "individualized 48640
education program" have the same meanings as in section 3323.01 48641
of the Revised Code. 48642

(C) "Eligible applicant" means any of the following: 48643

(1) Either of the natural or adoptive parents of a 48644
qualified special education child, except as otherwise specified 48645
in this division. When the marriage of the natural or adoptive 48646
parents of the student has been terminated by a divorce, 48647
dissolution of marriage, or annulment, or when the natural or 48648
adoptive parents of the student are living separate and apart 48649
under a legal separation decree, and a court has issued an order 48650
allocating the parental rights and responsibilities with respect 48651
to the child, "eligible applicant" means the residential parent 48652
as designated by the court. If the court issues a shared 48653
parenting decree, "eligible applicant" means either parent. 48654
"Eligible applicant" does not mean a parent whose custodial 48655
rights have been terminated. 48656

(2) The custodian of a qualified special education child, 48657
when a court has granted temporary, legal, or permanent custody 48658

of the child to an individual other than either of the natural 48659
or adoptive parents of the child or to a government agency; 48660

(3) The guardian of a qualified special education child, 48661
when a court has appointed a guardian for the child; 48662

(4) The grandparent of a qualified special education 48663
child, when the grandparent is the child's attorney in fact 48664
under a power of attorney executed under sections 3109.51 to 48665
3109.62 of the Revised Code or when the grandparent has executed 48666
a caretaker authorization affidavit under sections 3109.65 to 48667
3109.73 of the Revised Code; 48668

(5) The surrogate parent appointed for a qualified special 48669
education child pursuant to division (B) of section 3323.05 and 48670
section 3323.051 of the Revised Code; 48671

(6) A qualified special education child, if the child does 48672
not have a custodian or guardian and the child is at least 48673
eighteen years of age and less than twenty-two years of age. 48674

(D) "Entitled to attend school" means entitled to attend 48675
school in a school district under sections 3313.64 and 3313.65 48676
of the Revised Code. 48677

(E) "Formula ADM" has the same meaning as in section 48678
3317.02 of the Revised Code. 48679

(F) "Qualified special education child" is a child for 48680
whom all of the following conditions apply: 48681

(1) The child is at least ~~five~~ three years of age and less 48682
than twenty-two years of age. 48683

(2) The school district in which the child is entitled to 48684
attend school, or the child's school district of residence if 48685
different, has identified the child as a child with a 48686

disability. 48687

(3) The school district in which the child is entitled to 48688
attend school, or the child's school district of residence if 48689
different, has developed an individualized education program 48690
under Chapter 3323. of the Revised Code for the child. 48691

(4) The child either meets one of the following 48692
conditions: 48693

(a) Was enrolled in the schools of the school district in 48694
which the child is entitled to attend school in any grade from 48695
~~kindergarten~~ preschool through twelve in the school year prior 48696
to the school year in which a scholarship is ~~first~~ sought for 48697
the child; 48698

(b) Is eligible to enter school in any grade ~~kindergarten~~ 48699
preschool through twelve in the school district in which the 48700
child is entitled to attend school in the school year in which a 48701
scholarship is ~~first~~ sought for the child; 48702

(c) All of the following apply: 48703

(i) The child is at least eighteen years of age and less 48704
than twenty-two years of age. 48705

(ii) The child is enrolled in a chartered or nonchartered 48706
nonpublic school, is home educated in accordance with section 48707
3321.042 of the Revised Code, or is a student older than 48708
compulsory school age and less than twenty-two years of age and 48709
received a home education in accordance with section 3321.042 of 48710
the Revised Code and has not received a diploma under section 48711
3313.6110 of the Revised Code. 48712

(iii) The child is still eligible to receive transition 48713
services under the child's individualized education program. 48714

(5) The department of education and workforce has not approved a scholarship for the child under the educational choice scholarship pilot program, under sections 3310.01 to 3310.17 of the Revised Code, the autism scholarship program, under section 3310.41 of the Revised Code, or the pilot project scholarship program, under sections 3313.974 to 3313.979 of the Revised Code for the same school year in which a scholarship under the Jon Peterson special needs scholarship program is sought.

(6) The child and the child's parents are in compliance with the state compulsory attendance law under Chapter 3321. of the Revised Code.

(G) "Registered private provider" means a nonpublic school or other nonpublic entity that has been registered by the superintendent of public instruction under section 3310.58 of the Revised Code prior to ~~the effective date of this amendment~~ October 3, 2023, or the department of education and workforce on or after that date.

(H) "Scholarship" means a scholarship awarded under the Jon Peterson special needs scholarship program pursuant to sections 3310.51 to 3310.64 of the Revised Code.

(I) "School district of residence" has the same meaning as in section 3323.01 of the Revised Code. A community school established under Chapter 3314. of the Revised Code is not a "school district of residence" for purposes of sections 3310.51 to 3310.64 of the Revised Code.

(J) "School year" has the same meaning as in section 3313.62 of the Revised Code.

(K) "Special education program" means a school or facility

that provides special education and related services to children 48744
with disabilities. 48745

Sec. 3310.52. (A) The Jon Peterson special needs 48746
scholarship program is hereby established. Under the program, 48747
beginning with the 2012-2013 school year, subject to division 48748
(B) of this section, the department of education and workforce 48749
annually shall pay a scholarship under section 3317.022 of the 48750
Revised Code to an eligible applicant for services provided by 48751
an alternative public provider or a registered private provider 48752
for a qualified special education child. The scholarship shall 48753
be used only to pay all or part of the fees for the child to 48754
attend the special education program or programs operated by the 48755
alternative public provider or registered private provider to 48756
implement the child's individualized education program or 48757
programs, in lieu of the child's attending the special education 48758
program operated by the school district in which the child is 48759
entitled to attend school, and other services agreed to by the 48760
provider and eligible applicant that are not included in the 48761
individualized education program but are associated with 48762
educating the child. 48763

At the discretion of an eligible applicant, multiple 48764
alternative public providers or registered private providers may 48765
be contracted to provide services to implement the 48766
individualized education program as the eligible applicant and 48767
providers determine are necessary and associated with educating 48768
the qualified special education child. A qualified special 48769
education child is not limited to receiving services from a 48770
single provider for any services as identified in the 48771
individualized education program, including a single type of 48772
service. 48773

Beginning in the 2014-2015 school year, if the child is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code, the scholarship shall be used only to pay for related services that are included in the child's individualized education program. Upon agreement with the eligible applicant, the alternative public provider or registered private provider may modify the services provided to the child.

Services, including intervention services, educational services, academic services, tutoring services, aide services, and other related special education services, provided through the program established under this section may be provided virtually by any of the following:

(1) An educational aide or assistant who holds a valid permit issued under section 3319.088 of the Revised Code;

(2) An instructional assistant who holds a valid permit issued under section 3310.43 of the Revised Code;

(3) A qualified, credentialed provider in accordance with standards established by the department;

(4) A teacher or substitute teacher licensed by the state board of education.

(B) The number of scholarships awarded under the program in any fiscal year shall not exceed five per cent of the total number of students residing in the state identified as children with disabilities during the previous fiscal year.

(C) The department shall pay a scholarship under section 3317.022 of the Revised Code to the ~~parent of each qualified special education child~~ eligible applicant, unless the ~~parent-eligible applicant~~ authorizes a direct payment to the child's

provider, upon application ~~of that parent~~ in the manner 48803
prescribed by the department. However, the department shall not 48804
adopt specific dates for application deadlines for scholarships 48805
under the program. 48806

(D) The department shall not require ~~the parent of a~~ 48807
~~student~~ an eligible applicant who applies for or receives a 48808
scholarship under this section to complete any kind of income 48809
verification regarding the student's family income. 48810

Sec. 3310.523. As used in this section, "junior reserve 48811
officer training corps program" means a junior reserve officer 48812
training corps (JROTC) program approved by the congress of the 48813
United States under title 10 of the United States Code. 48814

A qualified special education child receiving home 48815
education under section 3321.042 of the Revised Code who 48816
participates in a junior reserve officer training corps program 48817
maintained by the child's resident school district in accordance 48818
with 10 U.S.C. 2031f(1) shall not be considered enrolled in that 48819
district for purposes of determining eligibility for a Jon 48820
Peterson special needs scholarship under section 3310.52 of the 48821
Revised Code. 48822

Sec. 3310.58. No nonpublic school or entity shall receive 48823
payments from an eligible applicant for services for a qualified 48824
special education child under the Jon Peterson special needs 48825
scholarship program until the school or entity registers with 48826
the department of education and workforce. The department shall 48827
maintain a list of each registered private provider and the 48828
location of that provider on its publicly accessible web site. 48829
The department shall register and designate as a registered 48830
private provider any nonpublic school or entity that meets the 48831
following requirements: 48832

(A) The school or entity complies with the 48833
antidiscrimination provisions of 42 U.S.C. 2000d, regardless of 48834
whether the school or entity receives federal financial 48835
assistance. 48836

(B) If the school or entity is not chartered by the 48837
director of education and workforce under section 3301.16 of the 48838
Revised Code, the school or entity agrees to comply with 48839
sections 3319.39, 3319.391, and 3319.392 of the Revised Code as 48840
if it were a school district. 48841

(C) The teaching and nonteaching professionals employed by 48842
the school or entity, or employed by any subcontractors of the 48843
school or entity, hold appropriate credentials for the qualified 48844
special education children enrolled in and the services provided 48845
through the special education program it operates. The list of 48846
professionals who hold appropriate credentials to provide 48847
services under a special education program include all of the 48848
following: 48849

(1) A behavior analyst certified by a nationally 48850
recognized organization that certifies behavior analysts; 48851

(2) A psychologist licensed to practice in this state 48852
under Chapter 4732. of the Revised Code; 48853

(3) An independent school psychologist or school 48854
psychologist licensed to practice in this state under Chapter 48855
4732. of the Revised Code; 48856

(4) Any person employed by a licensed psychologist, 48857
licensed independent school psychologist, or licensed school 48858
psychologist, while carrying out specific tasks, under the 48859
licensee's supervision, as an extension of the licensee's legal 48860
and ethical authority as specified under Chapter 4732. of the 48861

Revised Code who is ascribed as "psychology trainee," 48862
"psychology assistant," "psychology intern," or other 48863
appropriate term that clearly implies their supervised or 48864
training status; 48865

(5) An unlicensed person holding a doctoral degree in 48866
psychology or special education from a program approved by the 48867
department; 48868

(6) A registered behavior technician as described in rule 48869
5123-9-41 of the Administrative Code working under the 48870
supervision and following the intervention plan of a certified 48871
Ohio behavior analyst or behavior analyst certified by a 48872
nationally recognized organization that certifies behavior 48873
analysts; 48874

(7) A certified Ohio behavior analyst under Chapter 4783. 48875
of the Revised Code; 48876

(8) An occupational therapist or physical therapist 48877
licensed to practice in this state under Chapter 4755. of the 48878
Revised Code; 48879

(9) A speech-language pathologist licensed to practice in 48880
this state under Chapter 4753. of the Revised Code; 48881

(10) An intervention specialist who holds a valid license 48882
issued by the state board; 48883

(11) A literacy intervention specialist certified through 48884
pathways recognized by the Ohio dyslexia committee established 48885
by section 3323.25 of the Revised Code. To the extent that 48886
certification for any of the following positions is approved by 48887
the Ohio dyslexia committee under section 3323.25 of the Revised 48888
Code, literary intervention specialists may include: 48889

- (a) A structured literacy dyslexia interventionist; 48890
- (b) A structured literacy dyslexia specialist; 48891
- (c) A certified academic language practitioner; 48892
- (d) A certified academic language therapist. 48893
- (12) An educational aide or assistant with a valid permit issued under section 3319.088 of the Revised Code; 48894
48895
- (13) An instructional assistant with a valid permit issued in accordance with section 3310.43 of the Revised Code; 48896
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- (14) Any other qualified individual as determined by the department. 48898
48899
- (D) For billing purposes under the Jon Peterson special needs scholarship program, services provided by a teacher or substitute teacher licensed by the state board of education shall be classified as academic services and shall not be classified as aide services. The department shall use this differentiation to simplify monthly audit procedures. 48900
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- (E) The school's or entity's educational program shall be approved by the department. 48906
48907
- ~~(E)~~ (F) The school or entity meets applicable health and safety standards established by law. 48908
48909
- ~~(F)~~ (G) The school or entity agrees to retain on file documentation as required by the department. 48910
48911
- ~~(G)~~ (H) The school or entity agrees to provide a record of the implementation of the individualized education program for each qualified special education child enrolled in the school's or entity's special education program, including evaluation of the child's progress, to the school district in which the child 48912
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is entitled to attend school, in the form and manner prescribed 48917
by the department. 48918

~~(H)~~(I) The school or entity agrees that, if it declines to 48919
enroll a particular qualified special education child, it will 48920
notify in writing the eligible applicant of its reasons for 48921
declining to enroll the child. 48922

Sec. 3310.64. The department of education and workforce 48923
shall adopt rules in accordance with Chapter 119. of the Revised 48924
Code prescribing procedures necessary to implement sections 48925
3310.51 to 3310.63 of the Revised Code including, but not 48926
limited to, procedures for parents to apply for scholarships, 48927
standards for registered private providers, and procedures for 48928
registration of private providers. 48929

The rules also shall specify that intervention services, 48930
including virtual services, under the Jon Peterson special needs 48931
scholarship program may be provided by a qualified, credentialed 48932
provider, including an educator or substitute teacher licensed 48933
by the state board of education, and shall additionally include, 48934
but not be limited to, the credentialed professionals listed in 48935
division (C) of section 3310.58 of the Revised Code. 48936

The rules also shall specify that supervision of a 48937
qualified, credentialed provider may be conducted virtually. 48938

Sec. 3311.053. (A) The boards of education of up to five 48939
adjoining educational service centers may, by identical 48940
resolutions adopted by a majority of the members of each 48941
governing board within any sixty-day period, combine such 48942
educational service centers into one educational service center. 48943
The resolutions shall state the name of the new center, which 48944
may be styled as a "joint educational service center." The 48945

resolutions shall also indicate whether the governing board of 48946
the new educational service center is to be formed in accordance 48947
with division (B) of this section, in accordance with division 48948
(A) of section 3311.054 of the Revised Code, or in accordance 48949
with section 3311.057 of the Revised Code. 48950

A copy of each resolution shall be filed with the state 48951
board of education. The new educational service center shall be 48952
created and the governing boards of the participating 48953
educational service centers shall be dissolved and a new 48954
governing board established thirty days after the date on which 48955
the last resolution was filed with the state board. 48956

(B) The initial members of a new governing board 48957
established in accordance with this division shall be appointed 48958
as follows: 48959

(1) If two educational service centers combine, each 48960
center's governing board, prior to its dissolution, shall 48961
appoint two members to the new governing board and the four 48962
members so selected shall select a fifth member within ten days 48963
of the date on which the last of the four members is appointed. 48964

(2) If three educational service centers combine, each 48965
center's governing board, prior to its dissolution, shall 48966
appoint one member to the new governing board and the three 48967
members so selected shall select the remaining two members of 48968
the governing board within ten days of the date on which the 48969
last of the three members is appointed. 48970

(3) If four educational service centers combine, each 48971
center's governing board, prior to its dissolution, shall 48972
appoint one member to the new governing board and the four 48973
members so selected shall select the remaining member of the 48974

governing board within ten days of the date on which the last of 48975
the four members is appointed. 48976

(4) If five educational service centers combine, each 48977
center's governing board, prior to its dissolution, shall 48978
appoint one member to the new governing board. 48979

If the members appointed to a new governing board by the 48980
governing boards of the combining educational service centers 48981
are unable to agree on the selection of the remaining members of 48982
the new governing board within ten days, the probate judge of 48983
the county in which the greatest number of pupils under the 48984
supervision of the new educational service center reside shall 48985
appoint the remaining members. 48986

Electors of the new educational service center shall elect 48987
a new governing board at the next general election occurring in 48988
an odd-numbered year and more than ninety days after the date of 48989
the appointment of the last member to the initial governing 48990
board. Members shall serve for the duration of the term to which 48991
they are elected or until their successors are elected and 48992
qualified. At such election, two members shall be elected to 48993
terms of two years and three members shall be elected to terms 48994
of four years. Thereafter, their successors shall be elected in 48995
the same manner and for the same terms as members of governing 48996
boards of all educational service centers. ~~Each candidate for~~ 48997
~~election as a member of the educational service center governing~~ 48998
~~board shall file a nominating petition in accordance with~~ 48999
~~section 3513.255 of the Revised Code.~~ 49000

(C) The funds of each former educational service center 49001
shall be paid over in full to the governing board of the new 49002
educational service center, and the legal title to all property 49003
of the former governing boards shall become vested in the new 49004

governing board. 49005

The governing board of an educational service center 49006
created under this section shall honor all contracts made by the 49007
former governing boards. 49008

Sec. 3311.242. In the case of a proposed transfer of 49009
school district territory filed under section 3311.24 of the 49010
Revised Code, the state board of education shall approve a 49011
proposed transfer that satisfies all of the following 49012
conditions: 49013

(A) The territory is being transferred to an adjacent 49014
school district. 49015

(B) The district from which the territory is being 49016
transferred has received an overall performance rating of less 49017
than two stars under division (D) (3) of section 3302.03 of the 49018
Revised Code for two or more consecutive school years. 49019

(C) No party opposing the proposed transfer has presented 49020
to the state board clear and convincing evidence that any 49021
information used to facilitate the transfer under section 49022
3311.24 of the Revised Code is incorrect or inaccurate. 49023

Sec. 3311.50. (A) As used in this section: 49024

(1) "County school financing district" means a taxing 49025
district consisting of the following territory: 49026

(a) The territory that constitutes the educational service 49027
center on the date that the governing board of that educational 49028
service center adopts a resolution under division (B) of this 49029
section declaring that the territory of the educational service 49030
center is a county school financing district, exclusive of any 49031
territory subsequently withdrawn from the district under 49032

division (D) of this section; 49033

(b) Any territory that has been added to the county school financing district under this section. 49034
49035

A county school financing district may include the 49036
territory of a city, local, or exempted village school district 49037
whose territory also is included in the territory of one or more 49038
other county school financing districts. 49039

(2) "~~The county auditor's appraised~~ Market value" and 49040
"effective rate" have the same meanings as in section 5705.01 of 49041
the Revised Code. 49042

(B) The governing board of any educational service center 49043
may, by resolution, declare that the territory of the 49044
educational service center is a county school financing 49045
district. The resolution shall state the purpose for which the 49046
county school financing district is created, which may be for 49047
any one or more of the following purposes: 49048

(1) To levy taxes for the provision of special education 49049
by the school districts that are a part of the district, 49050
including taxes for permanent improvements for special 49051
education; 49052

(2) To levy taxes for the provision of specified 49053
educational programs and services by the school districts that 49054
are a part of the district, as identified in the resolution 49055
creating the district, including the levying of taxes for 49056
permanent improvements for those programs and services. Services 49057
financed by the levy may include school safety and security and 49058
mental health services, including training and employment of or 49059
contracting for the services of safety personnel, mental health 49060
personnel, social workers, and counselors. 49061

(3) To levy taxes for permanent improvements of school 49062
districts that are a part of the district. 49063

The governing board of the educational service center that 49064
creates a county school financing district shall serve as the 49065
taxing authority of the district and may use educational service 49066
center governing board employees to perform any of the functions 49067
necessary in the performance of its duties as a taxing 49068
authority. A county school financing district shall not employ 49069
any personnel. 49070

With the approval of a majority of the members of the 49071
board of education of each school district within the territory 49072
of the county school financing district, the taxing authority of 49073
the financing district may amend the resolution creating the 49074
district to broaden or narrow the purposes for which it was 49075
created. 49076

A governing board of an educational service center may 49077
create more than one county school financing district. If a 49078
governing board of an educational service center creates more 49079
than one such district, it shall clearly distinguish among the 49080
districts it creates by including a designation of each 49081
district's purpose in the district's name. 49082

(C) A majority of the members of a board of education of a 49083
city, local, or exempted village school district may adopt a 49084
resolution requesting that its territory be joined with the 49085
territory of any county school financing district. Copies of the 49086
resolution shall be filed with the state board of education and 49087
the taxing authority of the county school financing district. 49088
Within sixty days of its receipt of such a resolution, the 49089
county school financing district's taxing authority shall vote 49090
on the question of whether to accept the school district's 49091

territory as part of the county school financing district. If a 49092
majority of the members of the taxing authority vote to accept 49093
the territory, the school district's territory shall thereupon 49094
become a part of the county school financing district unless the 49095
county school financing district has in effect a tax imposed 49096
under section 5705.215 of the Revised Code. If the county school 49097
financing district has such a tax in effect, the taxing 49098
authority shall certify a copy of its resolution accepting the 49099
school district's territory to the school district's board of 49100
education. The board of education and the county auditor shall 49101
proceed in the same manner as required for a tax levy under 49102
section 5705.03 of the Revised Code, except that the levy's 49103
annual collections shall be estimated assuming that the school 49104
district's territory has been added to the county school 49105
financing district. After receipt of the auditor's certification 49106
under that section, the board may adopt a resolution, with the 49107
affirmative vote of a majority of its members, proposing the 49108
submission to the electors of the question of whether the 49109
district's territory shall become a part of the county school 49110
financing district and subject to the taxes imposed by the 49111
financing district. The resolution shall set forth the date on 49112
which the question shall be submitted to the electors, which 49113
shall be at a special election held on a date specified in the 49114
resolution, which shall not be earlier than ninety days after 49115
the adoption and certification of the resolution. A copy of the 49116
resolution shall immediately be certified to the board of 49117
elections of the proper county, which shall make arrangements 49118
for the submission of the proposal to the electors of the school 49119
district. The board of the joining district shall publish notice 49120
of the election in a newspaper of general circulation in the 49121
county once a week for two consecutive weeks, or as provided in 49122
section 7.16 of the Revised Code, prior to the election. 49123

Additionally, if the board of elections operates and maintains a web site, the board of elections shall post notice of the election on its web site for thirty days prior to the election. The question appearing on the ballot shall read:

"Shall the territory within _____ (name of the school district proposing to join the county school financing district) _____ be added to _____ (name) _____ county school financing district, and a property tax for the purposes of _____ (here insert purposes), that the county auditor estimates will collect \$_____ annually, _____ at a rate not exceeding _____ mills for each \$1 of taxable value, which amounts to \$_____ (effective rate) for each \$100,000 of ~~the county auditor's appraised market value~~, _____ be in effect for _____ (here insert the number of years the tax is to be in effect or "a continuing period of time," as applicable) _____?"

If the proposal is approved by a majority of the electors voting on it, the joinder shall take effect on the first day of July following the date of the election, and the county board of elections shall notify the county auditor of each county in which the school district joining its territory to the county school financing district is located.

(D) The board of any city, local, or exempted village school district whose territory is part of a county school financing district may withdraw its territory from the county school financing district thirty days after submitting to the governing board that is the taxing authority of the district and the state board a resolution proclaiming such withdrawal, adopted by a majority vote of its members, but any county school financing district tax levied in such territory on the effective

date of the withdrawal shall remain in effect in such territory 49154
until such tax expires or is renewed. No board may adopt a 49155
resolution withdrawing from a county school financing district 49156
that would take effect during the forty-five days preceding the 49157
date of an election at which a levy proposed under section 49158
5705.215 of the Revised Code is to be voted upon. 49159

(E) A city, local, or exempted village school district 49160
does not lose its separate identity or legal existence by reason 49161
of joining its territory to a county school financing district 49162
under this section and an educational service center does not 49163
lose its separate identity or legal existence by reason of 49164
creating a county school financing district that accepts or 49165
loses territory under this section. 49166

Sec. 3312.01. (A) As used in this chapter: 49167

(1) "Career-technical planning district" has the same 49168
meaning as in section 3317.023 of the Revised Code. 49169

(2) "Community college" has the same meaning as in section 49170
3333.168 of the Revised Code. 49171

(3) "Community school" means a community school 49172
established in Chapter 3314. of the Revised Code. 49173

(4) "Information technology center" means an information 49174
technology center established under section 3301.075 of the 49175
Revised Code. 49176

(5) "STEM school" means a STEM school established under 49177
Chapter 3326. of the Revised Code. 49178

(B) The educational regional service system is hereby 49179
established. The system shall support state and regional 49180
education and workforce development initiatives and ~~efforts~~ 49181

shall provide support and technical assistance to improve school 49182
effectiveness and student achievement. Services, including 49183
special education and related services, shall be provided under 49184
the system to school districts, community schools ~~established~~ 49185
~~under Chapter 3314. of the Revised Code, STEM schools, and~~ 49186
chartered nonpublic schools. 49187

~~It is the intent of the general assembly that the~~ 49188
~~educational regional service system reduce the unnecessary~~ 49189
~~duplication of programs and services and provide for a more~~ 49190
~~streamlined and efficient delivery of educational services~~ 49191
~~without reducing the availability of the services needed by~~ 49192
~~school districts and schools.~~ 49193

~~(B)~~ (C) The educational regional service system shall 49194
consist of the following: 49195

~~(1) The advisory councils and subcommittees established~~ 49196
~~under sections 3312.03 and 3312.05 of the Revised Code;~~ 49197

~~(2)~~ A fiscal agent for each of the regions ~~as configured~~ 49198
established by the department of education and workforce under 49199
section 3312.02 of the Revised Code; 49200

~~(3)~~ (2) Educational service centers, information technology 49201
~~centers established under section 3301.075 of the Revised Code,~~ 49202
career-technical planning districts, county boards of 49203
developmental disabilities, Ohio college tech prep regional 49204
centers, community colleges, and other regional education 49205
service providers as determined by the department. 49206

~~(C) Educational service centers shall provide the services~~ 49207
~~that they are specifically required to provide by the Revised~~ 49208
~~Code and may enter into agreements pursuant to section 3313.843,~~ 49209
~~3313.844, or 3313.845 of the Revised Code for the provision of~~ 49210

- ~~other services, which may include any of the following:—~~ 49211
- ~~(1) Assistance in improving student performance;—~~ 49212
 - ~~(2) Services to enable a school district or school to operate more efficiently or economically;—~~ 49213
49214
 - ~~(3) Professional development for teachers or administrators;—~~ 49215
49216
 - ~~(4) Assistance in the recruitment and retention of teachers and administrators;—~~ 49217
49218
 - ~~(5) Applying for any state or federal grant on behalf of a school district;—~~ 49219
49220
 - ~~(6) Any other educational, administrative, or operational services.—~~ 49221
49222
- ~~In addition to implementing state and regional education initiatives and school improvement efforts under the educational regional service system, educational service centers shall implement state or federally funded initiatives assigned to the service centers by the general assembly or the department of education and workforce.—~~ 49223
49224
49225
49226
49227
49228
- ~~Any educational service center selected to be a fiscal agent for its region pursuant to section 3312.07 of the Revised Code shall continue to operate as an educational service center for the part of the region that comprises its territory.—~~ 49229
49230
49231
49232
- (D) An educational service center shall be considered a school district or a local education agency for the purposes of eligibility in applying for any state or competitive federal grant. 49233
49234
49235
49236
- (E) Information technology centers may enter into 49237

agreements for the provision of services pursuant to section 49238
3312.10 of the Revised Code. 49239

(F) No school district, community school, STEM school, or 49240
chartered nonpublic school shall be required to purchase 49241
services from an educational service center or information 49242
technology center in the region in which the district or school 49243
is located, ~~except that a local school district shall receive~~ 49244
~~any services required by the Revised Code to be provided by an~~ 49245
~~educational service center to the local school districts in its~~ 49246
~~territory from the educational service center in whose territory~~ 49247
~~the district is located.~~ 49248

Sec. 3312.02. Not later than one hundred eighty days after 49249
the effective date of this section, the department of education 49250
and workforce shall establish not more than sixteen regions in 49251
the educational regional service system and designate the 49252
boundaries of each region. If the department plans to make any 49253
subsequent changes to the number of regions or regional 49254
boundaries, the department shall provide notice to the affected 49255
regions at least ninety days prior to the first day of July of 49256
the fiscal year in which those changes will take effect. 49257

Sec. 3312.07. (A) The department of education and 49258
workforce shall select a school district ~~or,~~ educational service 49259
center ~~in,~~ information technology center, career-technical 49260
planning district, Ohio college tech prep regional center, 49261
county board of developmental disabilities, or community college 49262
for each region of the educational regional service system to be 49263
the fiscal agent for the region. For this purpose, the 49264
department shall issue a request for proposals from ~~districts~~ 49265
~~and service centers~~ entities interested in being a fiscal agent. 49266
The department shall select each fiscal agent based upon the 49267

following criteria: 49268

(1) Capability to serve as a fiscal agent as demonstrated 49269
by a satisfactory audit record and prior experience serving as a 49270
fiscal agent; 49271

(2) Adequate capacity in terms of facilities, personnel, 49272
and other relevant resources; 49273

(3) Evidence that the ~~school district's or educational~~ 49274
~~service center's~~ entity's role as a fiscal agent would result in 49275
minimal disruption to its other responsibilities ~~as a district~~ 49276
~~or service center~~; 49277

(4) ~~Demonstrated intent to~~ An assurance that the entity 49278
will limit the aggregate fees for administering a performance 49279
contract entered into under section 3312.08 of the Revised Code 49280
to not more than ~~seven~~ five per cent of the value of the 49281
contract. 49282

(B) If no ~~school district or educational service center~~ 49283
entity described in division (A) of this section in a region 49284
responds to the request for proposals issued by the department_ 49285
or meets the qualification established in the request for 49286
proposals, the department ~~shall select a district or service~~ 49287
~~center in the region may select an entity described in that~~ 49288
division that is located in another region and that meets the 49289
criteria in that ~~division (A) of this section~~ to be the fiscal 49290
agent for the region. 49291

Sec. 3312.08. Each fiscal agent selected by the department 49292
of education and workforce pursuant to section 3312.07 of the 49293
Revised Code shall do all of the following: 49294

(A) Enter into performance contracts with the department 49295
in accordance with section 3312.09 of the Revised Code for the 49296

implementation of state and regional education and workforce 49297
development initiatives and school improvement efforts; 49298

(B) Receive federal and state funds, including federal 49299
funds for the provision of special education and related 49300
services, as specified in the performance contracts, and 49301
disburse those funds as specified in the performance contracts 49302
to ~~educational service centers, information technology centers,~~ 49303
~~and other regional~~ identified service providers. However, any 49304
funds owed to an educational service center in accordance with 49305
an agreement entered into under section 3313.843, 3313.844, or 49306
3313.845 of the Revised Code shall be paid directly to the 49307
service center by the department and any operating funds 49308
appropriated for an information technology center shall be paid 49309
directly to the information technology center by the department 49310
pursuant to section 3301.075 of the Revised Code. 49311

(C) Implement any expenditure of funds ~~recommended by the~~ 49312
~~advisory council for the region pursuant to section 3312.04 of~~ 49313
~~the Revised Code or~~ required by the terms of any performance 49314
contract, unless there are insufficient funds available to the 49315
region to pay for the expenditure or the expenditure violates a 49316
provision of the Revised Code, a rule of the department 49317
regarding such expenditure, or the terms of a performance 49318
contract; 49319

(D) Exercise fiscal oversight of the implementation of 49320
state and regional education and workforce development 49321
initiatives and school improvement efforts as directed by the 49322
department. 49323

Sec. 3312.09. (A) Each performance contract entered into 49324
by the department of education and workforce and the fiscal 49325
agent of a region for implementation of a state or regional 49326

education or workforce development initiative or school 49327
improvement effort shall include at least all of the following: 49328

(1) An explanation of how the regional needs and 49329
priorities for educational services have been identified ~~by the~~ 49330
~~advisory council of the region, the advisory council's~~ 49331
~~subcommittees, and the department;~~ 49332

(2) A definition of the services to be provided to school 49333
districts, community schools, STEM schools, and chartered 49334
nonpublic schools in the region, ~~including any services provided~~ 49335
~~pursuant to division (A) of section 3302.04 of the Revised Code;~~ 49336

(3) Expected outcomes from the provision of the services 49337
defined in the contract; 49338

(4) The method the department will use to evaluate whether 49339
the expected outcomes have been achieved; 49340

(5) A requirement that the fiscal agent develop and 49341
implement a corrective action plan if the results of the 49342
evaluation are unsatisfactory; 49343

(6) Data reporting requirements; 49344

(7) The aggregate fees to be charged by the fiscal agent 49345
and any entity with which it subcontracts to cover personnel and 49346
program costs associated with administering the contract, which 49347
fees shall be subject to controlling board approval if in excess 49348
of ~~four~~ three per cent of the value of the contract. 49349

(B) Upon completion of each evaluation described in a 49350
performance contract, the department shall post the results of 49351
that evaluation on its web site. 49352

Sec. 3312.10. The board of education of a city, exempted 49353
village, or local school district ~~or,~~ the governing authority 49354

of a community school, or the governing body of a STEM school 49355
may enter into an agreement, through the adoption of identical 49356
resolutions, with the governing authority of an information 49357
technology center, under which the information technology center 49358
will provide services to the ~~school-district or community-~~ 49359
school. Services provided under the agreement and the amount to 49360
be paid for such services shall be mutually agreed to by the 49361
parties to the agreement, and shall be specified in the 49362
agreement. Payment for services specified in the agreement shall 49363
be the sole responsibility of the board of education ~~or,~~ 49364
community school governing authority, or STEM school governing 49365
body and shall be made directly to the information technology 49366
center providing the services. 49367

Sec. 3312.13. The department of education and workforce 49368
shall consider the following when entering into performance 49369
contracts with the fiscal agent of each region of the 49370
educational regional service system and when allocating funds 49371
for the implementation of statewide education and workforce 49372
development initiatives by regional service providers~~;~~: 49373

(A) The unique needs and circumstances of the region; 49374

(B) The regional needs and priorities for educational 49375
services identified ~~by the advisory council for~~ in the region~~;~~ 49376

~~(C) Any services that will be provided to school districts 49377
and schools within the region pursuant to division (A) of 49378
section 3302.04 of the Revised Code. 49379~~

Sec. 3313.174. A school district or member of a school 49380
district board of education is not immune from liability in 49381
damages in a civil action if the board of education of the city, 49382
exempted village, or local school district or one of its members 49383

knowingly instructs the superintendent of the district to 49384
violate any provision of the Revised Code or common law of this 49385
state. 49386

This section does not eliminate, limit, or reduce any 49387
other immunity or defense that a school district or member of a 49388
school district board of education may be entitled to under 49389
Chapter 2744. or any other provision of the Revised Code or 49390
under the common law of this state. 49391

Sec. 3313.27. At the expiration of the term of any 49392
treasurer of any board of education or before any board approves 49393
the surety of any treasurer, such board shall require the 49394
treasurer to produce all money, bonds, or other securities in 49395
~~his~~ the treasurer's hands, which shall then be counted by the 49396
board or a committee thereof, ~~or by a representative of the~~ 49397
~~auditor of state.~~ A certificate setting forth the exact amount 49398
of such money, bonds, or other securities, and signed by the 49399
representatives making such count, shall be entered upon the 49400
records of the board and shall be prima-facie evidence that the 49401
amount therein stated was actually in the treasury at that date. 49402

Sec. 3313.41. (A) Except as provided in divisions (C), 49403
(D), and (F) of this section and in sections 3313.412 and 49404
3313.413 of the Revised Code, when a board of education decides 49405
to dispose of real or personal property that it owns in its 49406
corporate capacity and that exceeds in value ten thousand 49407
dollars, it shall sell the property at public auction, after 49408
giving at least thirty days' notice of the auction by 49409
publication in a newspaper of general circulation in the school 49410
district, by publication as provided in section 7.16 of the 49411
Revised Code, or by posting notices in five of the most public 49412
places in the school district in which the property, if it is 49413

real property, is situated, or, if it is personal property, in 49414
the school district of the board of education that owns the 49415
property. The board may offer real property for sale as an 49416
entire tract or in parcels. The board of education shall accept 49417
the highest bid at a public auction under this division. 49418

(B) When the board of education has offered real or 49419
personal property for sale at public auction at least once 49420
pursuant to division (A) of this section, and the property has 49421
not been sold, the board may sell it at a private sale. 49422
Regardless of how it was offered at public auction, at a private 49423
sale, the board shall, as it considers best, sell real property 49424
as an entire tract or in parcels, and personal property in a 49425
single lot or in several lots. 49426

(C) If a board of education decides to dispose of real or 49427
personal property that it owns in its corporate capacity and 49428
that exceeds in value ten thousand dollars, it may sell the 49429
property to the adjutant general; to any subdivision or taxing 49430
authority as respectively defined in section 5705.01 of the 49431
Revised Code, township park district, board of park 49432
commissioners established under Chapter 755. of the Revised 49433
Code, or park district established under Chapter 1545. of the 49434
Revised Code; to a wholly or partially tax-supported university, 49435
university branch, or college; to a nonprofit institution of 49436
higher education that has a certificate of authorization under 49437
Chapter 1713. of the Revised Code; to the governing authority of 49438
a chartered nonpublic school; or to the board of trustees of a 49439
school district library, upon such terms as are agreed upon. The 49440
sale of real or personal property to the board of trustees of a 49441
school district library is limited, in the case of real 49442
property, to a school district library within whose boundaries 49443
the real property is situated, or, in the case of personal 49444

property, to a school district library whose boundaries lie in 49445
whole or in part within the school district of the selling board 49446
of education. 49447

(D) When a board of education decides to trade as a part 49448
or an entire consideration, an item of personal property on the 49449
purchase price of an item of similar personal property, it may 49450
trade the same upon such terms as are agreed upon by the parties 49451
to the trade. 49452

(E) The president and the treasurer of the board of 49453
education shall execute and deliver deeds or other necessary 49454
instruments of conveyance to complete any sale or trade under 49455
this section. 49456

(F) When a board of education has identified a parcel of 49457
real property that it determines is needed for school purposes, 49458
the board may, upon a majority vote of the members of the board, 49459
acquire that property by exchanging real property that the board 49460
owns in its corporate capacity for the identified real property 49461
or by using real property that the board owns in its corporate 49462
capacity as part or an entire consideration for the purchase 49463
price of the identified real property. Any exchange or 49464
acquisition made pursuant to this division shall be made by a 49465
conveyance executed by the president and the treasurer of the 49466
board. 49467

(G) When a school district board of education has property 49468
that the board, by resolution, finds is not needed for school 49469
district use, is obsolete, or is unfit for the use for which it 49470
was acquired, the board may donate that property in accordance 49471
with this division if the fair market value of the property is, 49472
in the opinion of the board, two thousand five hundred dollars 49473
or less. 49474

The property may be donated to an eligible nonprofit organization that is located in this state and is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). Before donating any property under this division, the board shall adopt a resolution expressing its intent to make unneeded, obsolete, or unfit-for-use school district property available to these organizations. The resolution shall include guidelines and procedures the board considers to be necessary to implement the donation program and shall indicate whether the school district will conduct the donation program or the board will contract with a representative to conduct it. If a representative is known when the resolution is adopted, the resolution shall provide contact information such as the representative's name, address, and telephone number.

The resolution shall include within its procedures a requirement that any nonprofit organization desiring to obtain donated property under this division shall submit a written notice to the board or its representative. The written notice shall include evidence that the organization is a nonprofit organization that is located in this state and is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of the organization's primary purpose; a description of the type or types of property the organization needs; and the name, address, and telephone number of a person designated by the organization's governing board to receive donated property and to serve as its agent. The written notice may be submitted electronically to the board or its representative.

After adoption of the resolution, the board shall continually post in the board's office notice of its intent to donate school district property that is unneeded, obsolete, or

unfit for use to eligible nonprofit organizations. If the school 49506
district maintains a web site on the internet, the notice shall 49507
be posted continually at that web site. 49508

The board or its representatives shall maintain a list of 49509
all nonprofit organizations that notify the board or its 49510
representative of their desire to obtain donated property under 49511
this division and that the board or its representative 49512
determines to be eligible, in accordance with the requirements 49513
set forth in this section and in the donation program's 49514
guidelines and procedures, to receive donated property. 49515

The board or its representative also shall maintain a list 49516
of all school district property the board finds to be unneeded, 49517
obsolete, or unfit for use and to be available for donation 49518
under this division. The list shall be posted continually in a 49519
conspicuous location in the board's office, and, if the school 49520
district maintains a web site on the internet, the list shall be 49521
posted continually at that web site. An item of property on the 49522
list shall be donated to the eligible nonprofit organization 49523
that first declares to the board or its representative its 49524
desire to obtain the item unless the board previously has 49525
established, by resolution, a list of eligible nonprofit 49526
organizations that shall be given priority with respect to the 49527
item's donation. Priority may be given on the basis that the 49528
purposes of a nonprofit organization have a direct relationship 49529
to specific school district purposes of programs provided or 49530
administered by the board. A resolution giving priority to 49531
certain nonprofit organizations with respect to the donation of 49532
an item of property shall specify the reasons why the 49533
organizations are given that priority. 49534

Members of the board shall consult with the Ohio ethics 49535

commission, and comply with Chapters 102. and 2921. of the 49536
Revised Code, with respect to any donation under this division 49537
to a nonprofit organization of which a board member, any member 49538
of a board member's family, or any business associate of a board 49539
member is a trustee, officer, board member, or employee. 49540

Sec. 3313.411. (A) As used in this section: 49541

(1) "College-preparatory boarding school" means a college- 49542
preparatory boarding school established under Chapter 3328. of 49543
the Revised Code. 49544

(2) "Community school" means a community school 49545
established under Chapter 3314. of the Revised Code. 49546

(3) "High-performing community school" has the same 49547
meaning as in section 3313.413 of the Revised Code. 49548

(4) "STEM school" means a science, technology, 49549
engineering, and mathematics school established under Chapter 49550
3326. of the Revised Code. 49551

(5) "Unused school facilities" means either: 49552

(a) Any real property that has been used by a school 49553
district for school operations, including, but not limited to, 49554
academic instruction or administration, since July 1, 1998, but 49555
has not been used in that capacity for one year; 49556

(b) Any school building that has been used for direct 49557
academic instruction ~~but~~, and the building's student enrollment 49558
for the three most recent school years was less than sixty per 49559
cent of the greatest student enrollment of the building in the 49560
ten most recent school years. ~~building was used for that purpose~~ 49561
~~in the preceding school year.~~ 49562

(B) (1) Except as provided in section 3313.412 of the 49563

Revised Code, on and after June 30, 2011, any school district 49564
board of education shall offer any unused school facilities it 49565
owns in its corporate capacity for lease or sale to the 49566
governing authorities of community schools, the boards of 49567
trustees of any college-preparatory boarding schools, ~~and the~~ 49568
governing bodies of any STEM schools, and the governing 49569
authorities of any chartered nonpublic schools, that are located 49570
within the territory of the district. Not later than sixty days 49571
after the district board makes the offer, interested governing 49572
authorities, boards of trustees, and governing bodies shall 49573
notify the district treasurer in writing of the intention to 49574
lease or purchase the property. 49575

The district board shall give priority to the governing 49576
authorities of high-performing community schools and chartered 49577
nonpublic schools that are located within the territory of the 49578
district. 49579

(2) At the same time that a district board makes the offer 49580
required under division (B)(1) of this section, the board also 49581
may, but shall not be required to, offer that property for sale 49582
or lease to the governing authorities of community schools with 49583
plans, stipulated in their contracts entered into under section 49584
3314.03 of the Revised Code, either to relocate their operations 49585
to the territory of the district or to add facilities, as 49586
authorized ~~by division (B)(3) or (4) of~~ under section 3314.05 of 49587
the Revised Code, to be located within the territory of the 49588
district. 49589

(C)(1) If, not later than sixty days after the district 49590
board makes the offer, only one governing authority of a high- 49591
performing community school or a chartered nonpublic school 49592
offered the property under division (B) of this section notifies 49593

the district treasurer in writing of the intention to purchase 49594
the property pursuant to that division, the district board shall 49595
sell the property to that party for the appraised ~~fair market~~ 49596
value of the property for operation as an educational facility 49597
as determined in an appraisal of the property that is not more 49598
than one year old. 49599

If, not later than sixty days after the district board 49600
makes the offer, more than one governing authority of a high- 49601
performing community school or a chartered nonpublic school 49602
offered the property under division (B) of this section notifies 49603
the district treasurer in writing of the intention to purchase 49604
the property pursuant to that division, the board shall conduct 49605
~~a public auction in the manner required for auctions of district~~ 49606
~~property under division (A) of section 3313.41 of the Revised~~ 49607
~~Code. Only the governing authorities of high-performing~~ 49608
~~community schools that notified the district treasurer of the~~ 49609
~~intention to purchase the property pursuant to division (B) of~~ 49610
~~this section are eligible to bid at the auction~~ lottery to 49611
select from among those governing authorities the one governing 49612
authority to which the board shall sell the property. The 49613
district board is not obligated to accept any ~~bid payment~~ for 49614
the property that is lower than the appraised ~~fair market~~ value 49615
of the property for operation as an educational facility, as 49616
determined in an appraisal that is not more than one year old. 49617

(2) If, not later than sixty days after the district board 49618
makes the offer, no governing authority of a high-performing 49619
community school or a chartered nonpublic school notifies the 49620
district treasurer of its intention to purchase the property 49621
pursuant to division (B) of this section, the board shall then 49622
proceed to offer the property for sale or lease to the governing 49623
authorities of high performing community schools and chartered 49624

nonpublic schools located outside of the district. If, not later 49625
than sixty days after the district board makes the offer, only 49626
one governing authority of a high-performing community school or 49627
a chartered nonpublic school offered the property under division 49628
(C) (2) of this section notifies the district treasurer in 49629
writing of the intention to purchase the property, the district 49630
board shall sell the property to that entity for the appraised 49631
value of the property for operation as an educational facility, 49632
as determined in an appraisal of the property that is not more 49633
than one year old. 49634

If, not later than sixty days after the district board 49635
makes the offer, more than one governing authority of a high- 49636
performing community school or a chartered nonpublic school 49637
offered the property under division (C) (2) of this section 49638
notifies the district treasurer in writing of the intention to 49639
purchase the property, the district board shall conduct a 49640
lottery to select from among those governing authorities the one 49641
governing authority to which the district board shall sell the 49642
property. The district board is not obligated to accept any 49643
payment for the property that is lower than the appraised value 49644
of the property for operation as an educational facility, as 49645
determined in an appraisal that is not more than one year old. 49646

(3) If, not later than sixty days after the district board 49647
makes the offer, no governing authority of a high-performing 49648
community school or a chartered nonpublic school notifies the 49649
district treasurer of its intention to purchase the property 49650
pursuant to division (C) (2) of this section, the district board 49651
shall then proceed with the offers from all other start-up 49652
community schools, college-preparatory boarding schools, and 49653
STEM schools made pursuant to ~~that division~~ this section. 49654

If more than one such entity notifies the district treasurer of its intention to purchase the property pursuant to division ~~(B)~~ (C) (3) of this section, the board shall conduct a ~~public auction in the manner required for auctions of district property under division (A) of section 3313.41 of the Revised Code. Only the entities that notified the district treasurer pursuant to division (B) of this section are eligible to bid at the auction~~ lottery to select from among those entities the one entity to which the district board shall sell the property. The district board is not obligated to accept any payment for the property that is lower than the appraised value of the property for operation as an educational facility, as determined in an appraisal that is not more than one year old.

~~(3)~~ (4) If more than one governing authority of a high-performing community school or a chartered nonpublic school notifies the district treasurer in writing of the intention to lease the property pursuant to division (B) or (C) of this section, the district board shall conduct a lottery to select from among those governing authorities the one qualified governing authority to which the district board shall lease the property.

If no such governing authority of a high-performing community school or a chartered nonpublic school notifies the district treasurer of its intention to lease the property pursuant to division (B) or (C) of this section, the board shall then proceed with the offers from all other start-up community schools, college-preparatory boarding schools, and STEM schools made pursuant to that division. If more than one other start-up community school, college-preparatory boarding school, or STEM school notified the district treasurer of its intention to lease the property pursuant to division (B) or (C) of this section,

the district board shall conduct a lottery to select from among 49686
those parties the one qualified party to which the district 49687
board shall lease the property. 49688

~~(4)~~(5) The lease price offered by a district board to a 49689
community school, college-preparatory boarding school, or STEM 49690
school under this section shall not be higher than the ~~fair-~~ 49691
~~market~~-value for such a leasehold for operation as an 49692
educational facility, as determined in an appraisal that is not 49693
more than one year old. 49694

~~(5)~~(6) If no qualified party offered the property under 49695
division (B) or (C) of this section accepts the offer to lease 49696
or buy the property within sixty days after the offer is made, 49697
the district board ~~may~~shall offer the property ~~to any other~~ 49698
~~entity in accordance with~~ for sale in the manner prescribed 49699
under divisions (A) to (F) of section 3313.41 of the Revised 49700
Code. 49701

(D) Notwithstanding division (B) or (C) of this section, a 49702
school district board may renew any agreement it originally 49703
entered into prior to June 30, 2011, to lease real property to 49704
an entity other than a community school, college-preparatory 49705
boarding school, ~~or~~ STEM school, or chartered nonpublic school. 49706
Nothing in this section shall affect the leasehold arrangements 49707
between the district board and that other entity. 49708

(E) (1) Except as provided in division (E) (2) of this 49709
section, the governing authority of a community school, board of 49710
trustees of a college-preparatory boarding school, ~~or~~ governing 49711
body of a STEM school, or governing authority of a chartered 49712
nonpublic school shall not sell any property purchased under 49713
division (B) or (C) of this section within five years of 49714
purchasing that property. 49715

(2) The governing authority, board of trustees, or governing body may sell a property purchased under division (B) or (C) of this section within five years of the purchase, only if the governing authority, board of trustees, or governing body sells or transfers that property to another entity described in that division.

(F) (1) A school district board of education is not required to offer any unused school facilities it owns in its corporate capacity for lease or sale under this section if any of the following apply:

(a) The facility is less than ten years old.

(b) The facility is located on, or adjacent to, a tract or parcel of land where other school district facilities are located.

(c) The facility is a school building described in division (A) (5) (b) of this section and is the only district building that provides direct academic instruction to one or more grade levels.

(d) The facility is a school building described in division (A) (5) (b) of this section and the building's student enrollment decreased because it was undergoing repairs or renovations that caused a portion of the building's instructional space to be unusable.

(e) The facility is a school building that is primarily used to provide career-technical education or has specialized classroom facilities necessary for the district to operate its career-technical education program.

(2) If a school district board of education believes extraordinary circumstances should exempt it from offering an

unused facility for lease or sale under this section, the board 49745
may appeal the requirement to the director of education and 49746
workforce. The director shall approve or deny the appeal within 49747
sixty days of receiving the request from the board. 49748

(G) (1) Not later than November 30, 2025, and annually 49749
thereafter, each school district shall report to the department 49750
of education and workforce, in the manner determined by the 49751
department, both of the following: 49752

(a) Any real district property described in division (A) 49753
(5) (a) of this section; 49754

(b) The enrollment data specified in division (A) (5) (b) of 49755
this section for each school building operated by the district. 49756

(2) Not later than December 31, 2025, and annually 49757
thereafter, the department shall publish on its web site a list 49758
of unused school facilities in each school district. 49759

Sec. 3313.413. (A) As used in this section, "high- 49760
performing community school" means ~~either~~ a community school 49761
established under Chapter 3314. of the Revised Code that meets 49762
any of the following conditions: 49763

~~(1) A community school established under Chapter 3314. of~~ 49764
~~the Revised Code that meets the following conditions:~~ 49765

~~(a) Except as provided in division (A) (1) (b) or (c) of~~ 49766
~~this section, the school both:~~ 49767

~~(i) Has received either a grade of "A," "B," or "C" for~~ 49768
~~the performance index score under division (C) (1) (b) of section~~ 49769
~~3302.03 of the Revised Code or a performance rating of three~~ 49770
~~stars or higher for achievement under division (D) (3) (b) of that~~ 49771
~~section; or has increased its performance index score under~~ 49772

~~division (C) (1) (b) or (D) (1) (d) of section 3302.03 of the Revised Code in each of the previous three years of operation; and~~ 49773
49774
49775

~~(ii) Has received either a grade of "A" or "B" for the value-added progress dimension under division (C) (1) (e) of section 3302.03 of the Revised Code or a performance rating of four stars or higher for progress under division (D) (3) (e) of that section on its most recent report card rating issued under that section~~ 49776
49777
49778
49779
49780
Except as provided for in division (A) (2) or (3) of this section, the community school does both of the following: 49781
49782

(a) The school has a higher performance index score than the school district in which the school is located on the two most recent report cards issued under section 3302.03 of the Revised Code. 49783
49784
49785
49786

(b) The school either has a performance rating of four stars or higher for progress on the most recent report card issued under section 3302.03 of the Revised Code or is a school described under division (B) (1) of section 3314.35 of the Revised Code and did not receive a rating for progress on the most recent report card. 49787
49788
49789
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49791
49792

~~(b) (2) If the community school serves only grades kindergarten through three, the school received either a grade of "A" or "B" for making progress in improving literacy in grades kindergarten through three under division (C) (1) (g) of section 3302.03 of the Revised Code or a performance rating of four stars or higher for early literacy under division (D) (3) (e) of that section on its most recent report card issued under that section~~ 49793
49794
49795
49796
49797
49798
49799
3302.03 of the Revised Code. 49800

~~(c) If the school primarily serves students enrolled in a~~ 49801

~~dropout prevention and recovery program as described in division 49802
(B) (1) of section 3314.35 of the Revised Code, the school 49803
received a rating of "exceeds standards" on its most recent 49804
report card issued under section 3314.017 of the Revised Code. 49805~~

~~(2) A newly established community school that is 49806
implementing a community school model that has a track record of 49807
high-quality academic performance, as determined by the 49808
department of education and workforce. (3) If the community 49809
school has not commenced operations or has been in operation for 49810
less than one school year, the school meets the following 49811
conditions: 49812~~

~~(a) The school is replicating an operational and 49813
instructional model used by a community school described in 49814
division (A) (1) or (2) of this section. 49815~~

~~(b) The school either: 49816~~

~~(i) Has an operator that received an overall rating of 49817
three stars or higher, or a "C" or higher, on its most recent 49818
performance report published under section 3314.031 of the 49819
Revised Code; 49820~~

~~(ii) Does not have an operator and is sponsored by a 49821
sponsor that was rated "exemplary" or "effective" on its most 49822
recent evaluation conducted under section 3314.016 of the 49823
Revised Code. 49824~~

(B) When a school district board of education decides to 49825
dispose of real property it owns in its corporate capacity under 49826
section 3313.41 of the Revised Code, the board shall first offer 49827
that property to the governing authorities of all start-up 49828
community schools, the boards of trustees of any college- 49829
preparatory boarding schools, ~~and~~ the governing bodies of any 49830

STEM schools, and the governing authorities of any chartered 49831
nonpublic schools that are located within the territory of the 49832
district and the governing boards of any educational service 49833
centers that have territory in the district. Not later than 49834
sixty days after the district board makes the offer, interested 49835
governing authorities, boards of trustees, ~~and~~ governing bodies, 49836
and governing boards shall notify the district treasurer in 49837
writing of the intention to purchase the property. 49838

The district board shall give priority to the governing 49839
authorities of high-performing community schools that are 49840
located within the territory of the district. 49841

(1) If more than one governing authority of a high- 49842
performing community school notifies the district treasurer of 49843
its intention to purchase the property pursuant to division (B) 49844
of this section, the board shall conduct a public auction in the 49845
manner required for auctions of district property under division 49846
(A) of section 3313.41 of the Revised Code. Only the governing 49847
authorities of high-performing community schools that notified 49848
the district treasurer pursuant to division (B) of this section 49849
are eligible to bid at the auction. 49850

(2) If no governing authority of a high-performing 49851
community school notifies the district treasurer of its 49852
intention to purchase the property pursuant to division (B) of 49853
this section, the board shall then proceed with the offers from 49854
all other start-up community schools, college-preparatory 49855
boarding schools, ~~and~~ STEM schools, educational service centers, 49856
and chartered nonpublic schools made pursuant to that division. 49857
If more than one such entity notifies the district treasurer of 49858
its intention to purchase the property pursuant to division (B) 49859
of this section, the board shall conduct a public auction in the 49860

manner required for auctions of district property under division 49861
(A) of section 3313.41 of the Revised Code. Only the entities 49862
that notified the district treasurer pursuant to division (B) of 49863
this section are eligible to bid at the auction. 49864

(3) If no governing authority, board of trustees, ~~or~~ 49865
governing body, or governing board notifies the district 49866
treasurer of its intention to purchase the property pursuant to 49867
division (B) of this section, the district may then offer the 49868
property for sale in the manner prescribed under divisions (A) 49869
to (F) of section 3313.41 of the Revised Code. 49870

(C) Notwithstanding anything to the contrary in sections 49871
3313.41 and 3313.411 of the Revised Code, the purchase price of 49872
any real property sold to any of the entities in accordance with 49873
division (B) of this section shall not be more than the 49874
appraised fair market value of that property as determined in an 49875
appraisal of the property that is not more than one year old. 49876

(D) A board of education that plans to demolish a building 49877
that it owns in its corporate capacity and that exceeds in value 49878
ten thousand dollars shall offer the building for sale in the 49879
manner prescribed under this section prior to demolishing the 49880
building. If no governing authority, board of trustees, 49881
governing body, or governing board notifies the district 49882
treasurer of its intention to purchase the property pursuant to 49883
division (B) of this section, the district may offer the 49884
property for sale in the manner prescribed under divisions (A) 49885
to (F) of section 3313.41 of the Revised Code. This division 49886
does not apply to a building located on, or adjacent to, a tract 49887
or parcel of land where other school district buildings used for 49888
educational instruction are located. 49889

(E) Not later than the first day of October of each year, 49890

the department of education and workforce shall post in a 49891
prominent location on its web site a list of schools that 49892
qualify as high-performing community schools for purposes of 49893
this section and section 3313.411 of the Revised Code. 49894

Sec. 3313.46. (A) In addition to any other law governing 49895
the bidding for contracts by the board of education of any 49896
school district, when any such board determines to build, 49897
repair, enlarge, improve, or demolish any ~~school building~~ or 49898
other property, the cost of which will exceed the amount 49899
specified in section 9.17 of the Revised Code, except in cases 49900
of urgent necessity, or for the security and protection of 49901
school property, and except as otherwise provided in division 49902
(D) of section 713.23 and in section 125.04 of the Revised Code, 49903
all of the following shall apply: 49904

(1) The board shall cause to be prepared the plans, 49905
specifications, and related information as required in divisions 49906
(A) (1), (2), and (3) of section 153.01 of the Revised Code 49907
unless the board determines that other information is sufficient 49908
to inform any bidders of the board's requirements. However, if 49909
the board determines that such other information is sufficient 49910
for bidding a project, the board shall not engage in the 49911
construction of any such project involving the practice of 49912
professional engineering, professional surveying, or 49913
architecture, for which plans, specifications, and estimates 49914
have not been made by, and the construction thereof inspected 49915
by, a licensed professional engineer, licensed professional 49916
surveyor, or registered architect. 49917

(2) The board shall advertise for bids once each week for 49918
a period of not less than two consecutive weeks, or as provided 49919
in section 7.16 of the Revised Code, in a newspaper of general 49920

circulation in the district before the date specified by the board for receiving bids. The board may also cause notice to be inserted in trade papers or other publications designated by it or to be distributed by electronic means, including posting the notice on the board's internet web site. If the board posts the notice on its web site, it may eliminate the second notice otherwise required to be published in a newspaper of general circulation within the school district, provided that the first notice published in such newspaper meets all of the following requirements:

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

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

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

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

(3) Unless the board extends the time for the opening of bids they shall be opened at the time and place specified by the board in the advertisement for the bids.

(4) Each bid shall contain the name of every person interested therein. Each bid shall meet the requirements of section 153.54 of the Revised Code.

(5) When both labor and materials are embraced in the work bid for, the board may require that each be separately stated in the bid, with the price thereof, or may require that bids be submitted without such separation.

(6) None but the lowest responsible bid shall be accepted. 49949
The board may reject all the bids, or accept any bid for both 49950
labor and material for such improvement or repair, which is the 49951
lowest in the aggregate. In all other respects, the award of 49952
contracts for improvement or repair, but not for purchases made 49953
under section 3327.08 of the Revised Code, shall be pursuant to 49954
section 153.12 of the Revised Code. 49955

(7) The contract shall be between the board and the 49956
bidders. The board shall pay the contract price for the work 49957
pursuant to sections 153.13 and 153.14 of the Revised Code. The 49958
board shall approve and retain the estimates referred to in 49959
section 153.13 of the Revised Code and make them available to 49960
the auditor of state upon request. 49961

(8) When two or more bids are equal, in the whole, or in 49962
any part thereof, and are lower than any others, either may be 49963
accepted, but in no case shall the work be divided between such 49964
bidders. 49965

(9) When there is reason to believe there is collusion or 49966
combination among the bidders, or any number of them, the bids 49967
of those concerned therein shall be rejected. 49968

(B) Division (A) of this section does not apply to the 49969
board of education of any school district in any of the 49970
following situations: 49971

(1) The acquisition of educational materials used in 49972
teaching. 49973

(2) If the board determines and declares by resolution 49974
adopted by two-thirds of all its members that any item is 49975
available and can be acquired only from a single source. 49976

(3) If the board declares by resolution adopted by two- 49977

thirds of all its members that division (A) of this section does 49978
not apply to any installation, modification, or remodeling 49979
involved in any energy conservation measure undertaken through 49980
an installment payment contract under section 3313.372 of the 49981
Revised Code or undertaken pursuant to division (G)(1) of 49982
section 133.06 of the Revised Code. 49983

(4) The acquisition of computer software for instructional 49984
purposes and computer hardware for instructional purposes 49985
pursuant to division (B)(4) of section 3313.37 of the Revised 49986
Code. 49987

(C) No resolution adopted pursuant to division (B)(2) or 49988
(3) of this section shall have any effect on whether sections 49989
153.12 to 153.14 and 153.54 of the Revised Code apply to the 49990
board of education of any school district with regard to any 49991
item. 49992

Sec. 3313.489. (A) The director of education and workforce 49993
shall examine each five-year school district's current budget 49994
information and three-year projection of revenues and 49995
expenditures submitted under section 5705.391 of the Revised 49996
Code and shall determine whether the information contained 49997
therein, together with any other relevant information, indicates 49998
that the district may be financially unable to operate its 49999
instructional program on all days set forth in its adopted 50000
school calendars and pay all obligated expenses during the 50001
current fiscal year. If a board of education has not adopted a 50002
school calendar for the school year beginning on the first day 50003
of July of the current fiscal year at the time an examination is 50004
required under this division, the director shall examine the 50005
five-year current budget information and three-year projection 50006
and determine whether the district may be financially unable to 50007

pay all obligated expenses and operate its instructional program 50008
for the number of days on which instruction was held in the 50009
preceding fiscal year. 50010

(B) If the director of education and workforce determines 50011
pursuant to division (A) of this section that a school district 50012
may be financially unable to operate its instructional program 50013
on all days required by such division and pay all obligated 50014
expenses during the current fiscal year, the director shall 50015
provide written notification of such determination to the 50016
president of the district's board of education and the auditor 50017
of state. 50018

(C) This section does not apply to a school district 50019
declared to be under a fiscal emergency pursuant to division (B) 50020
of section 3316.03 of the Revised Code. 50021

Sec. 3313.536. (A) The superintendent of any school 50022
district may afford a student enrolled in another school 50023
district the opportunity to participate in ice hockey as an 50024
interscholastic athletic activity at a school of the 50025
superintendent's district if all of the following conditions 50026
apply: 50027

(1) The school district in which the student is enrolled 50028
does not offer ice hockey as an interscholastic athletic 50029
activity. 50030

(2) The school district in which the student is enrolled 50031
is located less than twenty miles away from the superintendent's 50032
school district. 50033

(3) The superintendents of both school districts enter 50034
into an agreement approving the student's participation in ice 50035
hockey at the school district in which the student is not 50036

enrolled. 50037

(B) A student shall not be required to enroll in the school district that offers ice hockey as an interscholastic athletic activity or be a resident of that district to participate in ice hockey at the district under this section. 50038
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(C) To participate in ice hockey under this section, a student shall be of the appropriate age and grade level for the school at which the student participates in ice hockey, as determined by the superintendent of that school district, and shall fulfill and be subject to the same academic, nonacademic, and financial requirements as any other participant, including trying out for a position on the team. 50042
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Sec. 3313.5313. (A) As used in this section: 50049

(1) "Harassment, intimidation, or bullying" has the same meaning as in section 3313.666 of the Revised Code. 50050
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(2) "Home-educated student" means a student who is receiving home education in accordance with section 3321.042 of the Revised Code. 50052
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(3) "Qualifying offense" means any of the following: 50055

(a) An offense of violence; 50056

(b) A violation of section 2907.07 of the Revised Code; 50057

(c) An attempt to commit an offense of violence or a violation of section 2907.07 of the Revised Code. 50058
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(4) "Qualifying school" means a community school established under Chapter 3314. of the Revised Code, a STEM school established under Chapter 3326. of the Revised Code, a chartered nonpublic school, or a nonchartered nonpublic school. 50060
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(5) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 50064
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(B) The superintendent of any school district may afford any home-educated student ~~or any student enrolled in a qualifying school or a different school district,~~ regardless of whether the superintendent's district is the student's resident district, the opportunity to participate in interscholastic athletics at a school of the superintendent's district, if the student was subject to any of the following by a school official, employee, or volunteer or another student from ~~the district or school in which the student is enrolled or the~~ district in which the student is participating in interscholastic athletics under section ~~3313.537, 3313.5311, or~~ 3313.5312 of the Revised Code: 50067
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(1) Harassment, intimidation, or bullying; 50079

(2) A qualifying offense, for which the school official, employee, or volunteer or another student has been either of the following: 50080
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50082

(a) Charged with, indicted for, convicted of, or pled guilty to committing; 50083
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(b) Alleged to be or is adjudicated a delinquent child for committing. 50085
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(3) Conduct by a school official, employee, or volunteer that violates the licensure code of professional conduct for Ohio educators developed by the state board of education. 50087
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(C) The chief administrative officer of any qualifying school may afford any ~~student enrolled in a school district, any student enrolled in a different qualifying school, or any home-~~ 50090
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educated student the opportunity to participate in 50093
interscholastic athletics at the chief administrative officer's 50094
school, if the student was subject to any of the following by a 50095
school official, employee, or volunteer or another student from 50096
~~the district or school in which the student is enrolled or the~~ 50097
district in which the student is participating in 50098
interscholastic athletics under section ~~3313.537, 3313.5311, or~~ 50099
3313.5312 of the Revised Code: 50100

(1) Harassment, intimidation, or bullying; 50101

(2) A qualifying offense, for which the school official, 50102
employee, or volunteer or another student has been either of the 50103
following: 50104

(a) Charged with, indicted for, convicted of, or pled 50105
guilty to committing; 50106

(b) Alleged to be or is adjudicated a delinquent child for 50107
committing. 50108

(3) Conduct by a school official, employee, or volunteer 50109
that violates the licensure code of professional conduct for 50110
Ohio educators developed by the state board of education. 50111

~~(D) To participate in interscholastic athletics under this 50112
section, a student who is not a home-educated student shall be 50113
of the appropriate age and grade level, as determined by the 50114
superintendent of the district or the chief administrative 50115
officer of the qualifying school, for the school at which the 50116
student participates in interscholastic athletics and shall 50117
fulfill the same academic, nonacademic, and financial 50118
requirements as any other participant. 50119~~

~~(E)~~ Divisions (C) to (E) of section 3313.5312 of the 50120
Revised Code apply to a home-educated student who participates 50121

in interscholastic athletics at school under this section. 50122

~~(F)~~(E) No district or school shall impose additional rules 50123
on a student to participate under this section that do not apply 50124
to other students participating in the same interscholastic 50125
athletics activity. No district or school shall impose fees for 50126
a student to participate under this section that exceed any fees 50127
charged to other students participating in the same 50128
interscholastic athletics activity. 50129

~~(G)~~(F) No school district board of education, STEM school 50130
governing body, or governing authority of a community school, 50131
chartered nonpublic school, or nonchartered nonpublic school 50132
shall take any action contrary to the provisions of this 50133
section. 50134

~~(H)~~(G) No school district, interscholastic conference, or 50135
organization that regulates interscholastic conferences or 50136
events shall do either of the following: 50137

(1) Require a student who is eligible to participate in 50138
interscholastic athletics under this section to meet eligibility 50139
requirements that conflict with this section; 50140

(2) Penalize or restrict the eligibility to participate in 50141
interscholastic athletics of a student who, during a school 50142
year, ceases to participate in interscholastic athletics at one 50143
district or school and then begins to participate in 50144
interscholastic athletics at a different district or school 50145
under this section. 50146

Sec. 3313.60. Notwithstanding division (D) of section 50147
3311.52 of the Revised Code, divisions (A) to (E) of this 50148
section do not apply to any cooperative education school 50149
district established pursuant to divisions (A) to (C) of section 50150

3311.52 of the Revised Code.	50151
(A) The board of education of each city, exempted village,	50152
and local school district and the board of each cooperative	50153
education school district established, pursuant to section	50154
3311.521 of the Revised Code, shall prescribe a curriculum for	50155
all schools under its control. Except as provided in division	50156
(E) of this section, in any such curriculum there shall be	50157
included the study of the following subjects:	50158
(1) The language arts, including reading, writing,	50159
spelling, oral and written English, and literature;	50160
(2) Geography, the history of the United States and of	50161
Ohio, and national, state, and local government in the United	50162
States, including a balanced presentation of the relevant	50163
contributions to society of men and women of African, Mexican,	50164
Puerto Rican, and American Indian descent as well as other	50165
ethnic and racial groups in Ohio and the United States;	50166
(3) Mathematics;	50167
(4) Natural science, including instruction in the	50168
conservation of natural resources;	50169
(5) Health education, which shall include instruction in:	50170
(a) The nutritive value of foods, including natural and	50171
organically produced foods, the relation of nutrition to health,	50172
and the use and effects of food additives;	50173
(b) The harmful effects of and legal restrictions against	50174
the use of drugs of abuse, <u>including marijuana, opioids,</u>	50175
<u>opiates,</u> alcoholic beverages, and tobacco, including electronic	50176
smoking devices;	50177
(c) Sexually transmitted infection education, except that	50178

upon written request of the student's parent or guardian, a 50179
student shall be excused from taking instruction in sexually 50180
transmitted infection education; 50181

(d) In grades kindergarten through six, annual 50182
developmentally appropriate instruction in child sexual abuse 50183
prevention, including information on available counseling and 50184
resources for children who are sexually abused. Such instruction 50185
and information provided shall not be connected in any way to 50186
any individual, entity, or organization that provides, promotes, 50187
counsels, or makes referrals for abortion or abortion-related 50188
services. Upon written request of the student's parent or 50189
guardian, a student shall be excused from taking instruction in 50190
child sexual abuse prevention. 50191

(e) In grades kindergarten through six, instruction in 50192
personal safety and assault prevention, except that upon written 50193
request of the student's parent or guardian, a student shall be 50194
excused from taking instruction in personal safety and assault 50195
prevention; 50196

(f) In grades seven through twelve, developmentally 50197
appropriate instruction in dating violence prevention education 50198
and sexual violence prevention education, which shall include 50199
instruction in recognizing dating violence warning signs and 50200
characteristics of healthy relationships, except that upon 50201
written request of the student's parent or guardian a student 50202
shall be excused from taking instruction in sexual violence 50203
prevention. 50204

In order to assist school districts in developing a dating 50205
violence prevention education and sexual violence prevention 50206
education curriculum, the department of education and workforce 50207
shall provide on its web site links to free curricula addressing 50208

dating violence prevention and sexual violence prevention 50209
education. Such instruction and information shall not be 50210
connected in any way to any individual, entity, or organization 50211
that provides, promotes, counsels, or makes referrals for 50212
abortion or abortion-related services. 50213

Each school district shall notify the parents and legal 50214
guardians of students who receive instruction related to child 50215
sexual abuse prevention and sexual violence prevention, as 50216
described under divisions (A) (5) (d) and (f) of this section, of 50217
all of the following: 50218

(i) That instruction in child sexual abuse prevention and 50219
sexual violence prevention is a required part of the district's 50220
curriculum; 50221

(ii) That upon request, parents and legal guardians may 50222
examine such instructional materials in accordance with this 50223
section; 50224

(iii) That upon written request of the student's parent or 50225
guardian, a student shall be excused from taking instruction in 50226
child sexual abuse prevention and sexual violence prevention. 50227

If the parent or legal guardian of a student less than 50228
eighteen years of age submits to the principal of the student's 50229
school a written request to examine the dating violence 50230
prevention and sexual violence prevention instruction materials 50231
used at that school, the principal, within forty-eight hours 50232
after the request is made, shall allow the parent or guardian to 50233
examine those materials at that school. 50234

(g) Prescription opioid abuse prevention, with an emphasis 50235
on the prescription drug epidemic and the connection between 50236
prescription opioid abuse and addiction to other drugs, such as 50237

heroin; 50238

(h) The process of making an anatomical gift under Chapter 2108. of the Revised Code, with an emphasis on the life-saving and life-enhancing effects of organ and tissue donation; 50239
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(i) Beginning with the first day of the next school year that begins at least two years after March 24, 2021, in grades six through twelve, at least one hour or one standard class period per school year of evidence-based suicide awareness and prevention and at least one hour or one standard class period per school year of safety training and violence prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in suicide awareness and prevention or safety training and violence prevention; 50242
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(j) Beginning with the first day of the next school year that begins at least two years after March 24, 2021, in grades six through twelve, at least one hour or one standard class period per school year of evidence-based social inclusion instruction, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in social inclusion. 50252
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For the instruction required under divisions (A) (5) (i) and (j) of this section, the board shall use a training program approved by the department of education and workforce under section 3301.221 of the Revised Code. 50259
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Schools may use student assemblies, digital learning, and homework to satisfy the instruction requirements under divisions (A) (5) (i) and (j) of this section. 50263
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(k) Instruction in bullying and hazing. 50266

(6) Physical education;	50267
(7) The fine arts, including music;	50268
(8) First aid, including a training program in	50269
cardiopulmonary resuscitation, which shall comply with section	50270
3313.6021 of the Revised Code when offered in any of grades nine	50271
through twelve, safety, and fire prevention. However, upon	50272
written request of the student's parent or guardian, a student	50273
shall be excused from taking instruction in cardiopulmonary	50274
resuscitation.	50275
(B) Except as provided in division (E) of this section,	50276
every school or school district shall include in the	50277
requirements for promotion from the eighth grade to the ninth	50278
grade one year's course of study of American history. A board	50279
may waive this requirement for academically accelerated students	50280
who, in accordance with procedures adopted by the board, are	50281
able to demonstrate mastery of essential concepts and skills of	50282
the eighth grade American history course of study.	50283
(C) As specified in divisions (B) (6) and (C) (6) of section	50284
3313.603 of the Revised Code, except as provided in division (E)	50285
of this section, every high school shall include in the	50286
requirements for graduation from any curriculum one-half unit	50287
each of American history and government.	50288
(D) Except as provided in division (E) of this section,	50289
basic instruction or demonstrated mastery in geography, United	50290
States history, the government of the United States, the	50291
government of the state of Ohio, local government in Ohio, the	50292
Declaration of Independence, the United States Constitution, and	50293
the Constitution of the state of Ohio shall be required before	50294
pupils may participate in courses involving the study of social	50295

problems, economics, foreign affairs, United Nations, world 50296
government, socialism, and communism. 50297

(E) For each cooperative education school district 50298
established pursuant to section 3311.521 of the Revised Code and 50299
each city, exempted village, and local school district that has 50300
territory within such a cooperative district, the curriculum 50301
adopted pursuant to divisions (A) to (D) of this section shall 50302
only include the study of the subjects that apply to the grades 50303
operated by each such school district. The curricula for such 50304
schools, when combined, shall provide to each student of these 50305
districts all of the subjects required under divisions (A) to 50306
(D) of this section. 50307

(F) The board of education of any cooperative education 50308
school district established pursuant to divisions (A) to (C) of 50309
section 3311.52 of the Revised Code shall prescribe a curriculum 50310
for the subject areas and grade levels offered in any school 50311
under its control. 50312

(G) Upon the request of any parent or legal guardian of a 50313
student, the board of education of any school district shall 50314
permit the parent or guardian to promptly examine, with respect 50315
to the parent's or guardian's own child: 50316

(1) Any survey or questionnaire, prior to its 50317
administration to the child; 50318

(2) Any textbook, workbook, software, video, or other 50319
instructional materials being used by the district in connection 50320
with the instruction of the child; 50321

(3) Any completed and graded test taken or survey or 50322
questionnaire filled out by the child; 50323

(4) Copies of the statewide academic standards and each 50324

model curriculum developed pursuant to section 3301.079 of the Revised Code, which copies shall be available at all times during school hours in each district school building.

Sec. 3313.608. (A) (1) Beginning with students who enter third grade in the school year that starts July 1, 2009, and until June 30, 2013, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, for any student who does not attain at least the equivalent level of achievement designated under division (A) (3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, each school district, in accordance with the policy adopted under section 3313.609 of the Revised Code, shall do one of the following:

(a) Promote the student to fourth grade if the student's principal and reading teacher agree that other evaluations of the student's skill in reading demonstrate that the student is academically prepared to be promoted to fourth grade;

(b) Promote the student to fourth grade but provide the student with intensive intervention services in fourth grade;

(c) Retain the student in third grade.

(2) Beginning with students who enter third grade in the 2013-2014 school year, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, no school district shall promote to fourth grade any student who does not attain at least the equivalent level of achievement designated under division (A) (3) of section 3301.0710 of the Revised Code

on the assessment prescribed under that section to measure skill 50354
in English language arts expected at the end of third grade, 50355
unless one of the following applies: 50356

(a) The student is an English learner who has been 50357
enrolled in United States schools for less than three full 50358
school years and has had less than three years of instruction in 50359
an English as a second language program. 50360

(b) The student is a child with a disability entitled to 50361
special education and related services under Chapter 3323. of 50362
the Revised Code and the student's individualized education 50363
program exempts the student from retention under this division. 50364

(c) The student demonstrates an acceptable level of 50365
performance on an alternative standardized reading assessment as 50366
determined by the department of education and workforce. 50367

(d) All of the following apply: 50368

(i) The student is a child with a disability entitled to 50369
special education and related services under Chapter 3323. of 50370
the Revised Code. 50371

(ii) The student has taken the third grade English 50372
language arts achievement assessment prescribed under section 50373
3301.0710 of the Revised Code. 50374

(iii) The student's individualized education program or 50375
plan under section 504 of the "Rehabilitation Act of 1973," 87 50376
Stat. 355, 29 U.S.C. 794, as amended, shows that the student has 50377
received intensive remediation in reading for two school years 50378
but still demonstrates a deficiency in reading. 50379

(iv) The student previously was retained in any of grades 50380
kindergarten to three. 50381

(e) (i) The student received intensive remediation for 50382
reading for two school years but still demonstrates a deficiency 50383
in reading and was previously retained in any of grades 50384
kindergarten to three. 50385

(ii) A student who is promoted under division (A) (2) (e) (i) 50386
of this section shall continue to receive intensive reading 50387
instruction in grade four. The instruction shall include an 50388
altered instructional day that includes specialized diagnostic 50389
information and specific research-based reading strategies for 50390
the student that have been successful in improving reading among 50391
low-performing readers. 50392

(f) A student's parent or guardian, in consultation with 50393
the student's reading teacher and building principal, requests 50394
that the student, regardless of if the student is reading at 50395
grade level, be promoted to the fourth grade. 50396

A student who is promoted under division (A) (2) (f) of this 50397
section shall continue to receive intensive reading instruction 50398
in the same manner as a student retained under this section 50399
until the student is able to read at grade level. 50400

(B) (1) Beginning in the 2012-2013 school year, to assist 50401
students in meeting the third grade guarantee established by 50402
this section, each school district board of education shall 50403
adopt policies and procedures with which it annually shall 50404
assess the reading skills of each student, ~~except those students~~ 50405
~~with significant cognitive disabilities or other disabilities as~~ 50406
~~authorized by the department on a case-by-case basis,~~ enrolled 50407
in kindergarten to third grade and shall identify students who 50408
are reading below their grade level. The reading skills 50409
assessment shall be completed by the thirtieth day of September- 50410
~~for students in grades one to three, and by the twentieth day of~~ 50411

~~instruction of the school year for students in kindergarten.~~ 50412
Each district shall use ~~the~~ a diagnostic assessment ~~to measure~~ 50413
~~reading ability~~ for the appropriate grade level adopted or 50414
approved under section 3301.079 of the Revised Code, ~~or a~~ 50415
~~comparable tool approved by the department of education and~~ 50416
~~workforce,~~ to identify such students. The policies and 50417
procedures shall require the students' classroom teachers to be 50418
involved in the assessment and the identification of students 50419
reading below grade level. The assessment may be administered 50420
electronically using live, two-way video and audio connections 50421
whereby the teacher administering the assessment may be in a 50422
separate location from the student. 50423

(2) For each student identified by the diagnostic 50424
assessment prescribed under this section as having reading 50425
skills below grade level, the district shall do both of the 50426
following: 50427

(a) Provide to the student's parent or guardian, in 50428
writing, all of the following: 50429

(i) Notification that the student has been identified as 50430
having a substantial deficiency in reading; 50431

(ii) A description of the current services that are 50432
provided to the student; 50433

(iii) A description of the proposed supplemental 50434
instructional services and supports that will be provided to the 50435
student that are designed to remediate the identified areas of 50436
reading deficiency; 50437

(iv) Notification that if the student attains a score in 50438
the range designated under division (A) (3) of section 3301.0710 50439
of the Revised Code on the assessment prescribed under that 50440

section to measure skill in English language arts expected at 50441
the end of third grade, the student shall be retained unless the 50442
student is exempt under division (A) of this section. The 50443
notification shall specify that the assessment under section 50444
3301.0710 of the Revised Code is not the sole determinant of 50445
promotion and that additional evaluations and assessments are 50446
available to the student to assist parents and the district in 50447
knowing when a student is reading at or above grade level and 50448
ready for promotion. 50449

(v) A statement that connects the child's proficiency 50450
level in reading to long-term outcomes of success related to 50451
proficiency in reading. 50452

(b) Provide intensive reading instruction services and 50453
regular diagnostic assessments to the student immediately 50454
following identification of a reading deficiency until the 50455
development of the reading improvement and monitoring plan 50456
required by division (C) of this section. These intervention 50457
services shall be aligned with the science of reading as defined 50458
under section 3313.6028 of the Revised Code and include 50459
research-based reading strategies that have been shown to be 50460
successful in improving reading among low-performing readers and 50461
instruction targeted at the student's identified reading 50462
deficiencies. 50463

(3) For each student retained under division (A) of this 50464
section, the district shall do all of the following: 50465

(a) Provide intense remediation services until the student 50466
is able to read at grade level. The remediation services shall 50467
include intensive interventions in reading that address the 50468
areas of deficiencies identified under this section including, 50469
but not limited to, not less than ninety minutes of reading 50470

instruction per day, and may include any of the following:	50471
(i) Small group instruction;	50472
(ii) Reduced teacher-student ratios;	50473
(iii) More frequent progress monitoring;	50474
(iv) Tutoring or mentoring;	50475
(v) Transition classes containing third and fourth grade students;	50476 50477
(vi) Extended school day, week, or year;	50478
(vii) Summer reading camps.	50479
(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;	50480 50481 50482 50483
(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.	50484 50485 50486
The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education and workforce. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.	50487 50488 50489 50490 50491 50492 50493 50494
(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction	50495 50496 50497

commensurate with student achievement levels in that specific 50498
academic ability field. 50499

As used in this division, "specific academic ability 50500
field" has the same meaning as in section 3324.01 of the Revised 50501
Code. 50502

(C) For each student required to be provided intervention 50503
services under this section, the district shall develop a 50504
reading improvement and monitoring plan within sixty days after 50505
receiving the student's results on the diagnostic assessment ~~or~~ 50506
~~comparable tool~~ administered under division (B)(1) of this 50507
section. The district shall involve the student's parent or 50508
guardian and classroom teacher in developing the plan. The plan 50509
shall include all of the following: 50510

(1) Identification of the student's specific reading 50511
deficiencies; 50512

(2) A description of the additional instructional services 50513
and support that will be provided to the student to remediate 50514
the identified reading deficiencies; 50515

(3) Opportunities for the student's parent or guardian to 50516
be involved in the instructional services and support described 50517
in division (C)(2) of this section; 50518

(4) A process for monitoring the extent to which the 50519
student receives the instructional services and support 50520
described in division (C)(2) of this section; 50521

(5) A reading curriculum during regular school hours that 50522
does all of the following: 50523

(a) Assists students to read at grade level; 50524

(b) Provides scientifically based and reliable assessment; 50525

(c) Provides initial and ongoing analysis of each student's reading progress.

(6) A statement that if the student does not attain at least the equivalent level of achievement designated under division (A) (3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade.

(7) ~~High-dosage~~ The provision of high-dosage tutoring opportunities aligned with the student's classroom instruction through a state-approved vendor on the list of high-quality tutoring vendors under section 3301.136 of the Revised Code or a locally approved ~~opportunity program~~ that aligns with high-dosage tutoring best practices identified by the department. High-dosage tutoring ~~opportunities~~ shall include ~~additional~~ instruction time of at least three days per week, or at least fifty hours over thirty-six weeks. High-dosage tutoring may be incorporated into a student's regular classroom instruction.

The district shall continue to provide the plan developed under division (C) of this section until the student achieves the required level of skill in reading for the student's current grade level.

Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who satisfies one or more of the criteria set forth in division (H) of this section.

The district shall report any information requested by the department about the reading improvement monitoring plans developed under this division in the manner required by the

department. 50555

(D) Each school district shall report annually to the 50556
department on its implementation and compliance with this 50557
section using guidelines prescribed by the department. The 50558
director of education and workforce annually shall report to the 50559
governor and general assembly the number and percentage of 50560
students in grades kindergarten through four reading below grade 50561
level based on the diagnostic assessments administered under 50562
division (B) of this section and the achievement assessments 50563
administered under divisions (A) (1) (a) and (b) of section 50564
3301.0710 of the Revised Code in English language arts, 50565
aggregated by school district and building; the types of 50566
intervention services provided to students; and, if available, 50567
an evaluation of the efficacy of the intervention services 50568
provided. 50569

(E) Any summer remediation services funded in whole or in 50570
part by the state and offered by school districts to students 50571
under this section shall meet the following conditions: 50572

(1) The remediation methods are based on reliable 50573
educational research. 50574

(2) The school districts conduct assessment before and 50575
after students participate in the program to facilitate 50576
monitoring results of the remediation services. 50577

(3) The parents of participating students are involved in 50578
programming decisions. 50579

(F) Any intervention or remediation services required by 50580
this section shall include intensive, explicit, and systematic 50581
instruction. 50582

(G) This section does not create a new cause of action or 50583

a substantive legal right for any person. 50584

(H) (1) Except as provided under divisions (H) (2), (3), and 50585
(4) of this section, each student described in division (B) (3) 50586
or (C) of this section who enters third grade for the first time 50587
on or after July 1, 2013, shall be assigned a teacher who has at 50588
least one year of teaching experience and who satisfies one or 50589
more of the following criteria: 50590

(a) The teacher holds a reading endorsement on the 50591
teacher's license and has attained a passing score on the 50592
corresponding assessment for that endorsement, as applicable. 50593

(b) The teacher has completed a master's degree program 50594
with a major in reading. 50595

(c) The teacher was rated "most effective" for reading 50596
instruction consecutively for the most recent two years based on 50597
assessments of student growth measures developed by a vendor and 50598
that is on the list of student assessments approved by the 50599
department under division (B) (2) of section 3319.112 of the 50600
Revised Code. 50601

(d) The teacher was rated "above expected value added," in 50602
reading instruction, as determined by criteria established by 50603
the department, for the most recent, consecutive two years. 50604

(e) The teacher has earned a passing score on a rigorous 50605
test of principles of scientifically research-based reading 50606
instruction as approved by the department. 50607

(f) The teacher holds an educator license for teaching 50608
grades pre-kindergarten through three or four through nine 50609
issued on or after July 1, 2017. 50610

(2) Notwithstanding division (H) (1) of this section, a 50611

student described in division (B) (3) or (C) of this section who 50612
enters third grade for the first time on or after July 1, 2013, 50613
may be assigned to a teacher with less than one year of teaching 50614
experience provided that the teacher meets one or more of the 50615
criteria described in divisions (H) (1) (a) to (f) of this section 50616
and that teacher is assigned a teacher mentor who meets the 50617
qualifications of division (H) (1) of this section. 50618

(3) Notwithstanding division (H) (1) of this section, a 50619
student described in division (B) (3) or (C) of this section who 50620
enters third grade for the first time on or after July 1, 2013, 50621
but prior to July 1, 2016, may be assigned to a teacher who 50622
holds an alternative credential approved by the department or 50623
who has successfully completed training that is based on 50624
principles of scientifically research-based reading instruction 50625
that has been approved by the department. The alternative 50626
credentials and training described in division (H) (3) of this 50627
section shall be aligned with the reading competencies adopted 50628
by the department of education and workforce under section 50629
3301.077 of the Revised Code. 50630

(4) Notwithstanding division (H) (1) of this section, a 50631
student described in division (B) (3) or (C) of this section who 50632
enters third grade for the first time on or after July 1, 2013, 50633
may receive reading intervention or remediation services under 50634
this section from an individual employed as a speech-language 50635
pathologist who holds a license issued by the state speech and 50636
hearing professionals board under Chapter 4753. of the Revised 50637
Code and a registration under section 3319.221 of the Revised 50638
Code. 50639

(5) A teacher, other than a student's teacher of record, 50640
may provide any services required under this section, so long as 50641

that other teacher meets the requirements of division (H) of 50642
this section and the teacher of record and the school principal 50643
agree to the assignment. Any such assignment shall be documented 50644
in the student's reading improvement and monitoring plan. 50645

As used in this division, "teacher of record" means the 50646
classroom teacher to whom a student is assigned. 50647

(I) Notwithstanding division (H) of this section, a 50648
teacher may teach reading to any student who is an English 50649
language learner, and has been in the United States for three 50650
years or less, or to a student who has an individualized 50651
education program developed under Chapter 3323. of the Revised 50652
Code if that teacher holds an alternative credential approved by 50653
the department or has successfully completed training that is 50654
based on principles of scientifically research-based reading 50655
instruction that has been approved by the department. The 50656
alternative credentials and training described in this division 50657
shall be aligned with the reading competencies adopted by the 50658
department of education and workforce under section 3301.077 of 50659
the Revised Code. 50660

(J) If, on or after June 4, 2013, a school district or 50661
community school cannot furnish the number of teachers needed 50662
who satisfy one or more of the criteria set forth in division 50663
(H) of this section for the 2013-2014 school year, the school 50664
district or community school shall develop and submit a staffing 50665
plan by June 30, 2013. The staffing plan shall include criteria 50666
that will be used to assign a student described in division (B) 50667
(3) or (C) of this section to a teacher, credentials or training 50668
held by teachers currently teaching at the school, and how the 50669
school district or community school will meet the requirements 50670
of this section. The school district or community school shall 50671

post the staffing plan on its web site for the applicable school year. 50672
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Not later than March 1, 2014, and on the first day of March in each year thereafter, a school district or community school that has submitted a plan under this division shall submit to the department a detailed report of the progress the district or school has made in meeting the requirements under this section. 50674
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A school district or community school may request an extension of a staffing plan beyond the 2013-2014 school year. Extension requests must be submitted to the department not later than the thirtieth day of April prior to the start of the applicable school year. The department may grant extensions valid through the 2015-2016 school year. 50680
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(K) The department of education and workforce shall designate one or more staff members to provide guidance and assistance to school districts and community schools in implementing the third grade guarantee established by this section, including any standards or requirements adopted to implement the guarantee and to provide information and support for reading instruction and achievement. 50686
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Sec. 3313.609. (A) As used in this section:— 50693

~~(1) "Truant" means absent without excuse.~~ 50694

~~(2) "Academically prepared", "academically prepared"~~ means whatever educational standard the board of education of each city, exempted village, local, and joint vocational school district establishes as necessary for the promotion of a student to the next grade level pursuant to the policy adopted under division (B) of this section. 50695
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(B) The board of education of each city, exempted village, local, and joint vocational school district shall adopt a grade promotion and retention policy for students that complies with this section and section 3313.608 of the Revised Code. The policy shall prohibit the promotion of a student to the next grade level if the student ~~has been truant for more than ten percent of the required attendance days of the current school year~~ and has failed two or more of the required curriculum subject areas in the current grade unless the student's principal and the teachers of any failed subject areas agree that the student is academically prepared to be promoted to the next grade level.

Sec. 3313.6013. (A) As used in this section, "advanced standing program" means a program that enables a student to earn credit toward a degree from an institution of higher education while enrolled in high school or that enables a student to complete coursework while enrolled in high school that may earn credit toward a degree from an institution of higher education upon the student's attainment of a specified score on an examination covering the coursework. Advanced standing programs may include any of the following:

(1) The college credit plus program established under Chapter 3365. of the Revised Code;

(2) Advanced placement courses;

(3) International baccalaureate diploma courses;

(4) Early college high school programs;

(5) Courses that comply with the career-technical education credit transfer criteria, policies, and procedures established under section 3333.162 of the Revised Code;

(6) The college-level examination program.

(B) Each city, local, exempted village, and joint vocational school district and each chartered nonpublic high school shall provide students enrolled in grades nine through twelve with the opportunity to participate in an advanced standing program. For this purpose, each school district and chartered nonpublic high school shall offer at least one advanced standing program in accordance with division (B) (1) or (2) of this section, as applicable.

(1) A city, local, or exempted village school district meets the requirements of this division through its mandatory participation in the college credit plus program established under Chapter 3365. of the Revised Code. However, a city, local, or exempted village school district may offer any other advanced standing program, in addition to the college credit plus program, and each joint vocational school district shall offer at least one other advanced standing program, to students in good standing, as defined by the partnership for continued learning under section 3301.42 of the Revised Code as it existed prior to October 16, 2009, or as subsequently defined by the department of education and workforce.

(2) A chartered nonpublic high school that elects to participate in the college credit plus program established under Chapter 3365. of the Revised Code meets the requirements of this division. Each chartered nonpublic high school that elects not to participate in the college credit plus program instead shall offer at least one other advanced standing program to students in good standing, as defined by the partnership for continued learning under section 3301.42 of the Revised Code as it existed prior to October 16, 2009, or as subsequently defined by the department of education and workforce.

(C) Each school district and each chartered nonpublic high school, at least annually, shall provide information about the advanced standing programs offered by the district or school to all students enrolled in grades six through eleven. The district or school shall include information about all of the following:

(1) The process colleges and universities use in awarding credit for advanced placement and international baccalaureate courses and examinations, including minimum scores required by state institutions of higher education, as defined in section 3345.011 of the Revised Code, for a student to receive college credit;

(2) The availability of tuition and fee waivers for advanced placement and international baccalaureate courses and examinations;

(3) The availability of online advanced placement or international baccalaureate courses, including those that may be available at no cost;

(4) The benefits of earning postsecondary credit through advanced placement or international baccalaureate courses;

(5) The availability of advanced placement or international baccalaureate courses offered throughout the district.

The district or school may include additional information as determined appropriate by the district or school.

(D) Except as provided for in Chapter 3365. of the Revised Code, no city, local, exempted village, and joint vocational school district shall charge an enrolled student an additional fee or tuition for participation in any advanced standing program offered by the district. Students may be required to pay

the costs associated with taking an advanced placement or 50789
international baccalaureate examination. 50790

(E) Any agreement between a school district or school and 50791
an associated college governing the operation of an early 50792
college high school program shall be exempt from the 50793
requirements of the college credit plus program, provided the 50794
program meets the definition set forth in division (F) (2) of 50795
this section and is approved by the director of education and 50796
workforce and the chancellor of higher education. 50797

The college credit plus program also shall not govern any 50798
advanced placement course or international baccalaureate diploma 50799
course as described under this section. 50800

(F) As used in this section: 50801

(1) "Associated college" means a public or private 50802
college, as defined in section 3365.01 of the Revised Code, 50803
which has entered into an agreement with a school district or 50804
school to establish an early college high school program, as 50805
described in division (F) (2) of this section, and awards 50806
transcripted credit, as defined in section 3365.01 of the 50807
Revised Code, to students through that program. 50808

(2) "Early college high school program" means a 50809
partnership between at least one school district or school and 50810
at least one institution of higher education that allows 50811
participants to simultaneously complete requirements toward 50812
earning a regular high school diploma and have the opportunity 50813
to earn not less than twenty-four credits that are transferable 50814
to the institutions of higher education in the partnership as 50815
part of an organized course of study toward a post-secondary 50816
degree or credential at no cost to the participant or 50817

participant's family. The program also shall prioritize the 50818
following students: 50819

(a) Students who are underrepresented in regard to 50820
completing post-secondary education; 50821

(b) Students who are economically disadvantaged, as 50822
defined by the department of education and workforce; 50823

(c) Students whose parents did not earn a college degree. 50824

Sec. 3313.6020. (A) (1) Beginning in the 2015-2016 school 50825
year, the board of education of each city, local, exempted 50826
village, and joint vocational school district shall adopt a 50827
policy on career advising that complies with this section. 50828
Thereafter, the policy shall be updated at least once every two 50829
years. 50830

(2) The board shall make the policy publicly available to 50831
students, parents, guardians, or custodians, local post- 50832
secondary institutions, and residents of the district. The 50833
district shall post the policy in a prominent location on its 50834
web site, if it has one. 50835

(B) The policy on career advising shall specify how the 50836
district will do all of the following: 50837

(1) Provide students with grade-level examples that link 50838
their schoolwork to one or more career fields. A district may 50839
use career connections developed under division (B) (2) of 50840
section 3301.079 of the Revised Code for this purpose. 50841

(2) Create a plan to provide career advising to students 50842
in grades six through twelve; 50843

(3) Beginning in the 2015-2016 school year, provide 50844
additional interventions and career advising for students who 50845

are identified as at risk of dropping out of school in 50846
accordance with division (C) of this section; 50847

(4) Train its employees on how to advise students on 50848
career pathways, including training on advising students using 50849
online tools; 50850

(5) Develop multiple, clear academic pathways through high 50851
school that students may choose in order to earn a high school 50852
diploma; 50853

(6) Identify and publicize courses that can award students 50854
both traditional academic and career-technical credit; 50855

(7) Document the career advising provided to each student 50856
for review by the student, the student's parent, guardian, or 50857
custodian, and future schools that the student may attend. A 50858
district shall not otherwise release this information without 50859
the written consent of the student's parent, guardian, or 50860
custodian, if the student is less than eighteen years old, or 50861
the written consent of the student, if the student is at least 50862
eighteen years old. 50863

(8) Prepare students for their transition from high school 50864
to their post-secondary destinations, including any special 50865
interventions that are necessary for students in need of 50866
remediation in mathematics or English language arts; 50867

(9) Include information regarding career fields that 50868
require an industry-recognized credential, certificate, 50869
associate's degree, bachelor's degree, graduate degree, or 50870
professional degree; 50871

(10) Provide students with information about ways a 50872
student may offset the costs of a post-secondary education, 50873
including programs such as all of the following: 50874

(a) The reserve officer training corps;	50875
(b) The college credit plus program established under Chapter 3365. of the Revised Code;	50876 50877
(c) The Ohio guaranteed transfer pathways initiative established under section 3333.168 of the Revised Code;	50878 50879
(d) Joint academic programming or dual enrollment opportunities required under section 3333.168 of the Revised Code.	50880 50881 50882
The chancellor of higher education shall develop informational materials that illustrate cost saving estimates for each of the options listed under division (B) (10) of this section. The chancellor shall develop a list of individual college courses that are transferable under section 3333.16 of the Revised Code.	50883 50884 50885 50886 50887 50888
(C) (1) Beginning in the 2015-2016 school year, each district shall identify students who are at risk of dropping out of school using a method that is both research-based and locally-based and that is developed with input from the district's classroom teachers and guidance counselors. If a student is identified as at risk of dropping out of school, the district shall develop a student success plan that addresses the student's academic pathway to a successful graduation and the role of career-technical education, competency-based education, and experiential learning, as appropriate, in that pathway.	50889 50890 50891 50892 50893 50894 50895 50896 50897 50898
(2) Prior to developing a student success plan for a student, the district shall invite the student's parent, guardian, or custodian to assist in developing the plan. If the student's parent, guardian, or custodian does not participate in the development of the plan, the district shall provide to the	50899 50900 50901 50902 50903

parent, guardian, or custodian a copy of the student's success 50904
plan and a statement of the importance of a high school diploma 50905
and the academic pathways available to the student in order to 50906
successfully graduate. 50907

(3) Following the development of a student success plan 50908
for a student, the district shall provide career advising to the 50909
student that is aligned with the plan and, beginning in the 50910
2015-2016 school year, the district's plan to provide career 50911
advising created under division (B) (2) of this section. 50912

(D) (1) The department of education and workforce shall 50913
develop and post on its web site model policies on career 50914
advising and model student success plans. 50915

(2) The department shall create an online clearinghouse of 50916
research related to proven practices for policies on career 50917
advising and student success plans that districts may access 50918
when fulfilling the requirements of this section. 50919

(3) The department shall develop and make available 50920
informational materials for students in grades seven and eight 50921
about career opportunities available to them, including in- 50922
demand jobs as defined in section 3333.94 of the Revised Code, 50923
and how a career-technical education may help them satisfy 50924
graduation conditions under section 3313.618 of the Revised 50925
Code. 50926

(4) The department, in consultation with the governor's 50927
office of workforce transformation, shall develop a career 50928
pathways resource for students. Each school district shall 50929
distribute the resource, at least annually and in the manner 50930
prescribed by the department, to all students in grades six to 50931
twelve. 50932

Sec. 3313.6022. (A) As used in this section, "released time" means a period of time during which a student is excused from school to attend a course in religious instruction conducted by a private entity off school district property.

(B) A school district board of education shall adopt a policy that authorizes a student to be excused from school to attend a released time course in religious instruction for at least thirty-three periods per school year, provided that each of the following applies:

(1) The student's parent or guardian gives written consent.

(2) The sponsoring entity maintains attendance records and makes them available to the school district the student attends.

(3) Transportation to and from the place of instruction, including transportation for students with disabilities, is the complete responsibility of the sponsoring entity, parent, guardian, or student.

(4) The sponsoring entity makes provisions for and assumes liability for the student.

(5) No public funds are expended and no public school personnel are involved in providing the religious instruction.

(6) The student assumes responsibility for any missed schoolwork.

While in attendance in a released time course in religious instruction, a student shall not be considered absent from school. No student may be released from a core curriculum subject course to attend a religious instruction course.

(C) A school district board of education shall collaborate

with a sponsoring entity of a released time course in religious instruction to identify a time to offer the course during the school day.

(D) A policy adopted under division (B) of this section shall not prohibit students from bringing external educational and program materials into school.

(E) A policy adopted under division (B) of this section may authorize high school students to earn up to two units of high school credit for the completion of a released time course in religious instruction. In determining whether to award credit for completion of such a course, the board shall evaluate the course based on purely secular criteria that are substantially the same criteria used to evaluate similar nonpublic high school courses for purposes of determining whether to award credit for such courses to a student transferring from a nonpublic high school to a public high school. However, there shall be no criteria requiring that released time courses be completed only at a nonpublic school. The decision to award credit for a released time course of religious instruction shall be neutral to, and shall not involve any test for, religious content or denominational affiliation.

For purposes of this division, secular criteria may include, but are not limited to, the following:

- (1) The number of hours of classroom instruction time;
- (2) A review of the course syllabus that reflects course requirements and materials used;
- (3) The methods of assessment used in the course;
- (4) The qualifications of the course instructor, which shall be similar to the qualifications of other teachers within

the district. 50990

Notwithstanding division (C) (8) of section 3313.603 of the Revised Code, high school credit awarded to a student for a released time course in religious instruction may substitute for the same amount of credit in subjects listed in that division. 50991
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~~(E)~~(F) A school district, member of a school district board of education, or school district employee is not liable in damages in a civil action for injury allegedly arising during a student's transportation to or from a place of instruction when private transportation is used under a released time policy adopted under this section. This division does not eliminate, limit, or reduce any other immunity or defense that a school district, member of a school district board of education, or school district employee may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state. 50995
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Sec. 3313.6024. (A) Annually each school district and other public school, as defined in section 3301.0711 of the Revised Code, shall report to the department of education and workforce, ~~in the manner prescribed~~ a survey established by the department, the types of prevention-focused programs, services, and supports used to assist students in developing the knowledge and skills to engage in healthy behaviors and decision-making and to increase their awareness of the dangers and consequences of risky behaviors, including substance abuse, suicide, bullying, and other harmful behaviors. ~~The~~ Each district or school shall report on the survey the following information regarding such programs, services, and supports for each building operated by the district or school and for each of grades kindergarten through twelve served by the building: 51006
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(1) Curriculum and instruction provided during the school day;	51020 51021
(2) Programs and supports provided outside of the classroom or outside of the school day;	51022 51023
(3) Professional development for teachers, administrators, and other staff;	51024 51025
(4) Partnerships with community coalitions and organizations to provide prevention services and resources to students and their families;	51026 51027 51028
(5) School efforts to engage parents and the community;	51029
(6) Activities designed to communicate with and learn from other schools or professionals with expertise in prevention education.—;	51030 51031 51032
<u>(7) A description of how the district or school complies with the following:</u>	51033 51034
<u>(a) For each school district, divisions (A) (5) (b) and (g) of section 3313.60 of the Revised Code and section 3313.6034 of the Revised Code;</u>	51035 51036 51037
<u>(b) For every other public school, section 3314.0311, 3326.092, or 3328.60 of the Revised Code.</u>	51038 51039
<u>(8) The number of substance abuse cases that occurred in the district or school.</u>	51040 51041
<u>(B) A chartered nonpublic school may report to the department the information described in division (A) of this section by electing to participate in the department's annual survey.</u>	51042 51043 51044 51045
<u>(C) Each year, the department shall analyze the substance</u>	51046

abuse case data and the information on programs, services, and supports collected in the annual survey prescribed under this section for that year, and prior years, to determine the overall effectiveness of different programs, services, and supports at preventing substance abuse cases over time and identify best practices for prevention education.

(D) The department may use information reported under this section, and any other information collected by the department pursuant to law, as a factor in the distribution of any funding available for prevention-focused programs, services, and supports.

Sec. 3313.6028. (A) (1) As used in Title XXXIII of the Revised Code, "science of reading" means an interdisciplinary body of scientific evidence that:

(a) Informs how students learn to read and write proficiently;

(b) Explains why some students have difficulty with reading and writing;

(c) Indicates that all students benefit from explicit and systematic instruction in phonemic awareness, phonics, vocabulary, fluency, comprehension, and writing to become effective readers;

(d) Does not rely on any model of teaching students to read based on meaning, structure and syntax, and visual cues, including a three-cueing approach.

(2) As used in this section, "three-cueing approach" means any model of teaching students to read based on meaning, structure and syntax, and visual cues.

(B) The department of education and workforce shall 51075
establish a list of high-quality core curriculum and 51076
instructional materials in English language arts, and a list of 51077
evidence-based reading intervention programs, that are aligned 51078
with the science of reading and strategies for effective 51079
literacy instruction. 51080

(C) Beginning not later than the 2024-2025 school year, 51081
each school district, community school established under Chapter 51082
3314. of the Revised Code, and STEM school established under 51083
Chapter 3326. of the Revised Code, shall use core curriculum and 51084
instructional materials in English language arts in each of 51085
grades pre-kindergarten to five and evidence-based reading 51086
intervention programs in each of grades pre-kindergarten to 51087
twelve only from the lists established under division (B) of 51088
this section. Except as provided in division (D) of this 51089
section, no district or school shall use any core curriculum, 51090
instructional materials, or intervention program in grades pre- 51091
kindergarten to five that use the three-cueing approach to teach 51092
students to read. 51093

(D) A district or school may apply to the department for a 51094
waiver on an individual student basis to use curriculum, 51095
instructional materials, or an intervention program in grades 51096
pre-kindergarten through five that uses the three-cueing 51097
approach to teach students to read, except as follows: 51098

(1) No student for whom a reading improvement and 51099
monitoring plan has been developed under division (C) of section 51100
3313.608 of the Revised Code shall be eligible for a waiver. 51101

(2) If a student has an individualized education program 51102
that explicitly indicates the three-cueing approach is 51103
appropriate for the student's learning needs, the student shall 51104

not be required to have a waiver. 51105

In determining whether to approve a waiver requested under 51106
this section, the department shall consider the performance of 51107
the student's district or school on the state report card issued 51108
under section 3302.03 of the Revised Code, including on the 51109
early literacy component prescribed under division (D) (3) (e) of 51110
that section. 51111

(E) (1) The department shall identify vendors that provide 51112
professional development to educators, including pre-service 51113
teachers and faculty employed by educator preparation programs, 51114
on the use of high-quality core curriculum and instructional 51115
materials and reading intervention programs on the lists 51116
established under division (B) of this section.- 51117

(2) A professional development committee established under 51118
section 3319.22 of the Revised Code shall qualify any completed 51119
professional development coursework provided by a vendor 51120
described in division (E) (1) of this section to count towards 51121
professional development coursework requirements for teacher 51122
licensure renewal. 51123

(3) A professional development committee shall permit a 51124
teacher to apply any hours earned over the minimum amount of 51125
hours required for professional development coursework for 51126
teacher licensure renewal under division (E) (2) of this section 51127
to the next renewal period for that license. 51128

Sec. 3313.6031. (A) As used in this section, "other high 51129
school" means any of the following that offers any of grades 51130
nine through twelve: 51131

(1) A community school established under Chapter 3314. of 51132
the Revised Code; 51133

<u>(2) A STEM school established under Chapter 3326. of the</u>	51134
<u>Revised Code;</u>	51135
<u>(3) A chartered nonpublic school.</u>	51136
<u>(B) Each city, local, exempted village, and joint</u>	51137
<u>vocational school district and other high school that has</u>	51138
<u>students enrolled in courses that comply with the career-</u>	51139
<u>technical education credit transfer criteria, policies, and</u>	51140
<u>procedures established under section 3333.162 of the Revised</u>	51141
<u>Code shall adopt and implement a policy for the awarding of</u>	51142
<u>grades and the calculation of class standing for those courses.</u>	51143
<u>A district's or school's policy under this section shall</u>	51144
<u>be equivalent to the district's or school's policy for courses</u>	51145
<u>taken under the advanced standing programs described in</u>	51146
<u>divisions (A) (1) to (3) of section 3313.6013 of the Revised Code</u>	51147
<u>or for other courses designated as honors courses by the</u>	51148
<u>district or school, including procedures for awarding a weighted</u>	51149
<u>grade or enhancing a student's class standing for those courses.</u>	51150
<u>Sec. 3313.6032. (A) As used in this section, "advanced</u>	51151
<u>learning opportunities in mathematics" or "advanced mathematics</u>	51152
<u>course" means learning opportunities or a course that provides</u>	51153
<u>academic content or rigor that exceeds the standard mathematics</u>	51154
<u>curriculum for the student's grade level, including a</u>	51155
<u>mathematics course that is two grade levels above the student's</u>	51156
<u>current grade level, as determined by the district.</u>	51157
<u>(B) Except as otherwise provided in division (C) of this</u>	51158
<u>section, each city, local, exempted village, and joint-</u>	51159
<u>vocational school district shall provide each student that</u>	51160
<u>achieves an advanced level of skill on a mathematics achievement</u>	51161
<u>assessment as prescribed under section 3301.0710 or end-of-</u>	51162

course examination under section 3301.0712 of the Revised Code 51163
with advanced learning opportunities in mathematics including 51164
advanced mathematics courses in the following school year. Each 51165
student shall take any corresponding required achievement 51166
assessment or end-of-course examination for any mathematics 51167
course the student takes under those sections. 51168

(C) (1) No school district is subject to division (B) of 51169
this section if it does not offer the advanced learning 51170
opportunities in mathematics or an advanced mathematics course 51171
for the grade level in which the student is enrolled for the 51172
next school year. 51173

(2) Each school district shall notify the parent or 51174
guardian of a student who qualifies for advanced learning 51175
opportunities in mathematics under division (B) of this section 51176
of that determination. The parent or guardian of any such 51177
student may submit a written request for that student to not 51178
receive the advanced learning opportunities in mathematics or to 51179
not be enrolled in the advanced mathematics course. In which 51180
case, the district shall not be required to provide that student 51181
with advanced mathematics instruction under division (B) of this 51182
section. 51183

Sec. 3313.6034. (A) As used in this section, "substance 51184
use" includes the use of marijuana, alcoholic beverages, 51185
opioids, opiates, and tobacco, including electronic smoking 51186
devices, and any substance derived from a source external to the 51187
human body that is not legally permitted or authorized for use 51188
without a prescription. 51189

(B) In accordance with the curriculum requirement 51190
prescribed under divisions (A) (5) (b) and (g) of section 3313.60 51191
of the Revised Code, the board of education of each city, local, 51192

and exempted village school district annually shall provide 51193
instruction to students in grades kindergarten through twelve 51194
about how short-term or chronic substance use to alter one's 51195
mood is harmful to an individual's health. 51196

(C) Each district board shall do all of the following with 51197
regard to the instruction: 51198

(1) Determine the manner in which the instruction is 51199
provided to students; 51200

(2) Ensure the instruction is age and developmentally 51201
appropriate; 51202

(3) Conform the instruction to prevention best-practice 51203
frameworks; 51204

(4) Focus the instruction on addressing changes in 51205
knowledge, attitude, and skills as a child develops. 51206

Sec. 3313.6035. (A) As used in this section: 51207

(1) "Qualifying student" means a student who demonstrates 51208
a limited level of skill on a state assessment in mathematics or 51209
English language arts, or both. "Qualifying student" does not 51210
include a student that has an individualized education program 51211
developed under Chapter 3323. of the Revised Code that includes 51212
services related to a traumatic brain injury or a student that 51213
attends a dropout prevention and recovery community school 51214
established under Chapter 3314. of the Revised Code. 51215

(2) "State assessment" means an achievement assessment 51216
prescribed under section 3301.0710 of the Revised Code or an 51217
end-of-course examination prescribed under section 3301.0712 of 51218
the Revised Code. 51219

(3) "Tutoring supports" means high-dosage tutoring 51220

opportunities aligned with the student's classroom instruction 51221
through a state-approved vendor on the list of high-quality 51222
tutoring vendors under section 3301.136 of the Revised Code or a 51223
locally approved opportunity that aligns with high-dosage 51224
tutoring best practices. High-dosage tutoring opportunities 51225
shall include additional instruction time of at least three days 51226
per week, or at least fifty hours over thirty-six weeks. 51227

To the extent practicable, districts and schools shall 51228
endeavor to provide each of a student's tutoring supports with 51229
the same tutor. 51230

(4) "Integrated student supports" means an evidence based 51231
approach whereby schools intentionally and systematically 51232
leverage and coordinate resources and relationships available in 51233
the school and the surrounding community to address 51234
comprehensive student strengths, interests, and needs. 51235

(B) Each school district, community school established 51236
pursuant to Chapter 3314., and STEM school established pursuant 51237
to Chapter 3326. of the Revised Code shall provide evidence- 51238
based academic intervention services, free of cost, to each 51239
qualifying student. The district or school shall provide those 51240
services directly, through a contracted vendor, or as a 51241
combination of both options. A district or school annually shall 51242
notify the department of education and workforce, through the 51243
education management information system established under 51244
section 3301.0714 of the Revised Code, of all of the following: 51245

(1) The number of qualifying students enrolled in the 51246
district or school; 51247

(2) The number of qualifying students receiving academic 51248
intervention services in mathematics, English language arts, or 51249

both; 51250

(3) The number of qualifying students receiving academic intervention services from the district or school directly, through a vendor, or a combination of both options. 51251
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(C) (1) Academic intervention services provided to a student under this section may encompass a variety of evidence-based supports, including tutoring supports, additional instruction time, an extended school calendar, participation in a learning support program, or any other academically centered support service that the district or school determines will improve the student's academic performance. Intervention services may also be offered in combination with integrated student supports. 51254
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(2) All academic intervention services provided to a qualifying student under this section shall align with the academic instruction the student receives. Intervention services shall be in addition to and not a replacement for existing academic instruction and other services provided to students. All academic intervention services in English language arts shall align with the science of reading as defined in section 3313.6028 of the Revised Code. 51263
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(D) A district or school shall ensure that academic intervention services provided to a qualifying student under division (C) of this section do not supplant the student's core academic instructional time. 51271
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(E) (1) A district or school shall notify the parent or guardian of a qualifying student that the student will receive academic intervention services prior to providing services to the student. Notification shall include a description of which 51275
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intervention or interventions the qualifying student will 51279
receive and who will provide services to the student. 51280

(2) The district or school periodically shall update the 51281
parent or guardian on the academic intervention services 51282
provided to the qualifying student and shall provide resources 51283
and recommendations for ways the parent or guardian may assist 51284
the qualifying student. 51285

(F) (1) Beginning with the 2025-2026 school year, and each 51286
school year thereafter, the department randomly shall identify 51287
and select individual schools operated by a school district, 51288
community schools, and STEM schools for a review of their 51289
academic intervention services for qualifying students under 51290
this section. The department shall not select more than five per 51291
cent of all schools to review each year. No school shall be 51292
selected for review more than once every three years. The review 51293
shall include, at a minimum, a document review, interviews with 51294
applicable school staff, and observations of interventions. 51295

The review shall assess all of the following: 51296

(a) Whether qualifying students receive academic 51297
intervention services in accordance with division (B) of this 51298
section; 51299

(b) The types and methods of academic intervention 51300
services that qualifying students receive; 51301

(c) The quality of the academic intervention services 51302
provided by the school or the contracted vendor. To determine 51303
quality, the department may consider the length and duration of 51304
the intervention, specific programs and curriculum being used, 51305
the credentials and training of intervention providers, and data 51306
regarding qualifying student progress. 51307

(2) The department shall provide a report to the school 51308
containing its review of the school's academic intervention 51309
services not later than seventy-five days after the department 51310
completes the review. Each report shall include an assessment of 51311
the efficacy of the academic intervention services provided to 51312
qualifying students, along with any recommendations the 51313
department considers necessary. The school shall post a copy of 51314
the report on its web site and shall make the report available 51315
upon request to any person. The department shall include a 51316
review completed under this division as part of the student 51317
opportunity profile on the state report card under section 51318
3302.03 of the Revised Code. 51319

(3) The department may contract with an organization that 51320
has documented expertise in supporting school improvement and 51321
academic intervention services to help with conducting its 51322
review under division (F) of this section. 51323

(G) (1) A student is no longer a qualifying student under 51324
this section when the student achieves a level of skill higher 51325
than limited on a statewide assessment or diagnostic assessment 51326
prescribed under sections 3301.079, 3301.0710, 3301.0712, and 51327
3301.0715 of the Revised Code, in mathematics or English 51328
language arts, taken for the grade level in which the student is 51329
enrolled. 51330

(2) If a qualifying student receiving academic 51331
intervention services in both mathematics and English language 51332
arts demonstrates a skill greater than limited under this 51333
section in one, but not both, subject areas, the student shall 51334
continue to receive academic intervention services for the 51335
subject area in which the student continues to demonstrate a 51336
limited level of skill. 51337

(3) Any student in any of grades nine through twelve who 51338
fails to demonstrate a level of skill greater than limited on an 51339
end-of-course examination in mathematics or English language 51340
arts, or both, as prescribed under section 3301.0712 of the 51341
Revised Code, and is not required to retake the examination, 51342
continues to qualify for intervention services under this 51343
section. For such a student, the district or school shall align 51344
intervention services with the student's selected graduation 51345
pathway prescribed under section 3313.618 of the Revised Code. 51346

(H) Nothing in this section prohibits a district or school 51347
from providing academic intervention services to a student who 51348
does not meet the definition of a qualifying student under this 51349
section. 51350

Sec. 3313.6036. The department of education and workforce 51351
shall review core math curricula and establish a list of high- 51352
quality core curriculum and instructional materials in 51353
mathematics, and a list of evidence-based math intervention 51354
programs, that are aligned with state standards and best 51355
practices. Each school district, community school established 51356
under Chapter 3314. of the Revised Code, and STEM school 51357
established under Chapter 3326. of the Revised Code may use the 51358
core curriculum and instructional materials established by the 51359
department or may select different high-quality core curriculum 51360
and instructional materials. 51361

Sec. 3313.617. ~~Not later than June 30, 2020, each~~Each 51362
board of education of a school district and governing authority 51363
of a chartered nonpublic school shall adopt a policy regarding 51364
students who are at risk of not qualifying for a high school 51365
diploma. The policy shall require the district or school to do 51366
all of the following: 51367

(A) Develop criteria for identifying at-risk students, 51368
which shall include a student's lack of adequate progress in 51369
meeting the terms of a graduation and career plan developed or 51370
updated under division (E) of this section. The criteria also 51371
may include other factors, such as if a student has issues 51372
regarding excessive absences or misconduct. 51373

(B) Develop procedures for identifying at-risk students. 51374
The procedures shall include a method for determining if a 51375
student is not making adequate progress in meeting the terms of 51376
a graduation and career plan developed or updated under division 51377
(E) of this section. The procedures shall allow for a student to 51378
be identified as at risk in each of grades nine through twelve. 51379
The procedures also may include the identification of students 51380
in other grades. 51381

(C) Develop a notification process in which the district 51382
or school shall notify an at-risk student's parent, guardian, or 51383
custodian in each year in which the student has been identified 51384
as at risk. The notification process shall at least include 51385
providing a written notification to the at-risk student's 51386
parent, guardian, or custodian, which shall include all of the 51387
following: 51388

(1) A statement that the student is at risk of not 51389
qualifying for a high school diploma; 51390

(2) A description of the district's or school's curriculum 51391
requirements, or the student's individualized education program, 51392
and, as appropriate, the graduation conditions prescribed under 51393
section 3313.618 or 3313.619 of the Revised Code; 51394

(3) A description of any additional instructional or 51395
support services available to the at-risk student through the 51396

district or school.	51397
(D) Assist at-risk students with additional instructional	51398
or support services to help the students qualify for a high	51399
school diploma. The instructional and support services may	51400
include any of the following:	51401
(1) Mentoring programs;	51402
(2) Tutoring programs;	51403
(3) High school credit through demonstrations of subject	51404
area competency under division (J) of section 3313.603 of the	51405
Revised Code;	51406
(4) Adjusted curriculum options;	51407
(5) Career-technical programs;	51408
(6) Mental health services;	51409
(7) Physical health care services;	51410
(8) Family engagement and support services.	51411
(E) (1) Develop a graduation <u>and career plan</u> for each	51412
student enrolled in grades nine through twelve in the district	51413
or school. The graduation <u>and career plan</u> shall address the	51414
student's academic pathway to meet <u>both of the following:</u>	51415
(1) <u>Meeting</u> the curriculum requirements specified by the	51416
district or school and satisfysatisfying the graduation	51417
conditions, as appropriate, under section 3313.618 or 3313.619	51418
of the Revised Code;	51419
(2) <u>Identifying post-graduation career goals and aligning</u>	51420
<u>the student's high school experience to those goals.</u>	51421
(2) The (F) <u>Ensure the graduation and career plan shall be</u>	51422

is developed jointly by the student and a representative of the 51423
district or school ~~and~~ a representative of an organization the 51424
district or school partners with for career planning and 51425
advising supports. The plan shall be updated each school year in 51426
which the student is enrolled in the district or school, until 51427
the student qualifies for a high school diploma. The district or 51428
school shall invite a student's parent, guardian, or custodian 51429
to assist in developing and updating the graduation and career 51430
plan. 51431

~~(3) A district or school shall include~~ (G) Include a 51432
student's lack of progress in meeting the terms of a graduation 51433
and career plan developed or updated under this ~~division~~ section 51434
as both a criterion for identifying at-risk students under 51435
division (A) of this section and a procedure for identifying at- 51436
risk students under division (B) of this section. ~~;~~ 51437

~~(4) A~~ (H) Ensure that a graduation and career plan 51438
developed under this section ~~shall supplement~~ conforms to a 51439
school district's policy on career advising adopted under 51440
section 3313.6020 of the Revised Code. ~~;~~ 51441

~~(5) A~~ (I) Permit a school district ~~may~~ to use the 51442
individualized education program developed for a student 51443
pursuant to section 3323.08 of the Revised Code in lieu of 51444
developing a graduation and career plan under this ~~division~~ 51445
section, if the individualized education program contains 51446
~~academic~~ goals substantively similar to a graduation and career 51447
plan. ~~;~~ 51448

(J) Ensure that a graduation and career plan aligns to any 51449
student success plan developed for the student under division 51450
(C) of section 3313.6020 of the Revised Code. 51451

Sec. 3313.618. (A) In addition to the curriculum 51452
requirements specified by the board of education of a school 51453
district or governing authority of a chartered nonpublic school, 51454
each student entering ninth grade for the first time on or after 51455
July 1, 2014, but prior to July 1, 2019, shall satisfy at least 51456
one of the following conditions or the conditions prescribed 51457
under division (B) of this section in order to qualify for a 51458
high school diploma: 51459

(1) Be remediation-free, in accordance with standards 51460
adopted under division (F) of section 3345.061 of the Revised 51461
Code, on each of the nationally standardized assessments in 51462
English, mathematics, and reading; 51463

(2) Attain a score specified under division (B) (5) (c) of 51464
section 3301.0712 of the Revised Code on the end-of-course 51465
examinations prescribed under division (B) of section 3301.0712 51466
of the Revised Code. 51467

(3) Attain a score that demonstrates workforce readiness 51468
and employability on a nationally recognized job skills 51469
assessment selected by the department of education and workforce 51470
under division (F) of section 3301.0712 of the Revised Code and 51471
obtain either an industry-recognized credential or a license 51472
issued by a state agency or board for practice in a vocation 51473
that requires an examination for issuance of that license. 51474

For the purposes of this division, the industry-recognized 51475
credentials and licenses shall be as approved under section 51476
3313.6113 of the Revised Code. 51477

A student may choose to qualify for a high school diploma 51478
by satisfying any of the separate requirements prescribed by 51479
divisions (A) (1) to (3) of this section. If the student's school 51480

district or school does not administer the examination 51481
prescribed by one of those divisions that the student chooses to 51482
take to satisfy the requirements of this section, the school 51483
district or school may require that student to arrange for the 51484
applicable scores to be sent directly to the district or school 51485
by the company or organization that administers the examination. 51486

(B) In addition to the curriculum requirements specified 51487
by the district board or school governing authority, each 51488
student entering ninth grade for the first time on or after July 51489
1, 2019, shall satisfy the following conditions in order to 51490
qualify for a high school diploma: 51491

(1) Attain a competency score as determined under division 51492
(B) (10) of section 3301.0712 of the Revised Code on each of the 51493
Algebra I and English language arts II end-of-course 51494
examinations prescribed under division (B) (2) of section 51495
3301.0712 of the Revised Code. 51496

School districts and chartered nonpublic schools shall 51497
offer remedial support to any student who fails to attain a 51498
competency score on one or both of the Algebra I and English 51499
language arts II end-of-course examinations. 51500

Following the first administration of the exam, if a 51501
student fails to attain a competency score on one or both of the 51502
Algebra I and English language arts II end-of-course 51503
examinations that student must retake the respective examination 51504
at least once. 51505

If a student fails to attain a competency score on a 51506
retake examination, the student may demonstrate competency in 51507
the failed subject area through one of the following options: 51508

(a) Earn course credit taken through the college credit 51509

plus program established under Chapter 3365. of the Revised Code 51510
in the failed subject area; 51511

(b) Complete two of the following options, one of which 51512
must be foundational: 51513

(i) Foundational options to demonstrate competency, which 51514
include—_earning a cumulative score of proficient or higher on 51515
three or more state technical assessments aligned with section 51516
3313.903 of the Revised Code in a single career pathway, 51517
obtaining an industry-recognized credential, or group of 51518
credentials, approved under section 3313.6113 of the Revised 51519
Code that ~~is at least equal to the total number of points meet~~ 51520
the criteria established under that section to qualify for a 51521
high school diploma, obtaining a license approved under section 51522
3313.6113 of the Revised Code that is issued by a state agency 51523
or board for practice in a vocation that requires an examination 51524
for issuance of that license, completing a pre-apprenticeship 51525
aligned with options established under section 3313.904 of the 51526
Revised Code in the student's chosen career field, completing an 51527
apprenticeship registered with the apprenticeship council 51528
established under section 4139.02 of the Revised Code in the 51529
student's chosen career field, or providing evidence of 51530
acceptance into an apprenticeship program after high school that 51531
is restricted to participants eighteen years of age or older; 51532

(ii) Supporting options to demonstrate competency, which 51533
include completing two hundred fifty hours of a work-based 51534
learning experience with evidence of positive evaluations, 51535
obtaining an OhioMeansJobs-readiness seal under section 51536
3313.6112 of the Revised Code, or attaining a workforce 51537
readiness score, as determined by the department, on the 51538
nationally recognized job skills assessment selected by the 51539

department under division (F) of section 3301.0712 of the Revised Code. 51540
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(c) Provide evidence that the student has enlisted in a branch of the armed services of the United States as defined in section 5910.01 of the Revised Code. 51542
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(d) Be remediation-free, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, in the failed subject area on a nationally standardized assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code. For English language arts II, a student must be remediation-free in the subjects of English and reading on the nationally standardized assessment. 51545
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Subject to division (L)(2) of section 3313.61 of the Revised Code, for any students receiving special education and related services under Chapter 3323. of the Revised Code, the individualized education program developed for the student under that chapter shall specify the manner in which the student will participate in the assessments administered under this division or an alternate assessment in accordance with division (C)(1) of section 3301.0711 of the Revised Code. 51552
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(2) Earn at least two of the state diploma seals prescribed under division (A) of section 3313.6114 of the Revised Code, at least one of which shall be any of the following: 51560
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(a) The state seal of biliteracy established under section 3313.6111 of the Revised Code; 51564
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(b) The OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code; 51566
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(c) One of the state diploma seals established under 51568

divisions (C) (1) to (7) of section 3313.6114 of the Revised Code. 51569
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(C) (1) A student who transfers into an Ohio public or 51571
chartered nonpublic high school from another state or enrolls in 51572
such a high school after receiving home education or attending a 51573
nonchartered, nontax-supported school in the previous school 51574
year shall meet the requirements of division (B) or (D) of this 51575
section, as applicable, in order to qualify for a high school 51576
diploma. However, any student subject to division (B) of this 51577
section who transfers or enrolls after the start of the 51578
student's twelfth grade year and fails to attain a competency 51579
score on the Algebra I or English language arts II end-of-course 51580
examination shall not be required to retake the applicable 51581
examination prior to demonstrating competency in the failed 51582
subject area under the options prescribed in divisions (B) (1) (a) 51583
to (d) of this section. 51584

(2) The department shall prescribe standards that allow a 51585
transfer student who, prior to the student's transfer, took an 51586
assessment described in division (B) (1) or (2) of section 51587
3301.0712 or section 3313.619 of the Revised Code to apply the 51588
score from that assessment towards graduation requirements at 51589
the student's new public or chartered nonpublic school. 51590

(D) Notwithstanding division (B) of this section, in 51591
addition to the curriculum requirements specified by the school 51592
governing authority, a chartered nonpublic school student 51593
subject to division (L) (3) (a) (ii) of section 3301.0711 of the 51594
Revised Code entering ninth grade for the first time on or after 51595
July 1, 2019, shall qualify for a high school diploma if the 51596
student earns a remediation-free score in the areas of English, 51597
mathematics, and reading, in accordance with standards adopted 51598

under division (F) of section 3345.061 of the Revised Code, on a nationally standardized assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code. No such student shall be required to take the Algebra I or English language arts II end-of-course examination or earn diploma seals under this section.

(E) The department shall not create or require any additional assessment for the granting of any type of high school diploma other than as prescribed by this section. Except as provided in sections 3313.6111, 3313.6112, and 3313.6114 of the Revised Code, the department or the director of education and workforce shall not create any endorsement or designation that may be affiliated with a high school diploma.

Sec. 3313.6113. (A) The director of education and workforce, in collaboration with the governor's office of workforce transformation and representatives of business organizations, shall establish a committee to develop a list of industry-recognized credentials and licenses that may be used to qualify for a high school diploma under section 3313.618 of the Revised Code and shall be used for state report card purposes under section 3302.03 of the Revised Code.

(B) The committee shall do the following:

(1) Establish criteria for acceptable industry-recognized credentials and licenses aligned with the in-demand jobs list published by the department of job and family services and other relevant demand data;

~~(2) Review the list of industry-recognized credentials and licenses that was in existence on January 1, 2018, and update the list as it considers necessary;~~

~~(3)~~ Review and update the list of industry-recognized credentials and licenses at least biennially; 51628
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~~(4) Assign a point value for each industry-recognized credential and establish the total number of points for industry-recognized credentials that~~ (3) Establish the criteria under which a student must earn to may use industry-recognized credentials to help qualify for a high school diploma under sections 3313.618 and 3313.6114 of the Revised Code; 51630
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~~(5)~~ (4) Update the list of industry-recognized credentials to include a driver's license obtained by a student through a driver education course offered by a school district in accordance with section 3301.17 of the Revised Code. 51636
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(C) For purposes of divisions (B) (2) (d), (C) (2) (e), and (D) (1) (j) (v) of section 3302.03 of the Revised Code, the department of education and workforce shall include only those students who earn an industry-recognized credential, or group of credentials, at least equal to the total number of points that meet the criteria established by the committee under this section to qualify for a high school diploma. 51640
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Sec. 3313.6114. (A) The department of education and workforce shall establish a system of state diploma seals for the purposes of allowing a student to qualify for graduation under section 3313.618 of the Revised Code. State diploma seals may be attached or affixed to the high school diploma of a student enrolled in a public or chartered nonpublic school. The system of state diploma seals shall consist of all of the following: 51647
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(1) The state seal of biliteracy established under section 3313.6111 of the Revised Code; 51655
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(2) The OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code;	51657 51658
(3) The state diploma seals prescribed under division (C) of this section.	51659 51660
(B) A school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, college-preparatory boarding school established under Chapter 3328. of the Revised Code, or chartered nonpublic school shall attach or affix the state seals prescribed under division (C) of this section to the diploma and transcript of a student enrolled in the district or school who meets the requirements established under that division.	51661 51662 51663 51664 51665 51666 51667 51668
(C) The department shall establish all of the following state diploma seals:	51669 51670
(1) An industry-recognized credential seal. A student shall meet the requirement for this seal by doing either of the following:	51671 51672 51673
(a) Earning an industry-recognized credential, or group of credentials, approved under section 3313.6113 of the Revised Code that is both of the following:	51674 51675 51676
(i) At least equal to the total number of points <u>meets the criteria established under section 3313.6113 of the Revised Code to qualify for a high school diploma;</u>	51677 51678 51679
(ii) Aligned <u>and aligns</u> to a job that is determined to be in demand in this state and its regions under section 6301.11 of the Revised Code.	51680 51681 51682
(b) Obtaining a license approved under section 3313.6113 of the Revised Code that is issued by a state agency or board	51683 51684

for practice in a vocation that requires an examination for 51685
issuance of that license. 51686

(2) A college-ready seal. A student shall meet the 51687
requirement for this seal by attaining a score that is 51688
remediation-free, in accordance with standards adopted under 51689
division (F) of section 3345.061 of the Revised Code, on a 51690
nationally standardized assessment prescribed under division (B) 51691
(1) of section 3301.0712 of the Revised Code or by attaining a 51692
passing score, as determined by the department of education and 51693
workforce and aligned with current statewide college-level 51694
examination program scores identified by the chancellor of 51695
higher education, on a college-level examination program 51696
examination. 51697

(3) A military seal. A student shall meet the requirement 51698
for this seal by doing one of the following: 51699

(a) Providing evidence that the student has enlisted in a 51700
branch of the armed services of the United States as defined in 51701
section 5910.01 of the Revised Code; 51702

(b) Participating in a junior reserve officer training 51703
program approved by the congress of the United States under 51704
title 10 of the United States Code; 51705

(c) Providing evidence that the student has accepted a 51706
scholarship to enter the reserve officer training corps; 51707

(d) Providing evidence that the student has been appointed 51708
to a United States military service academy. 51709

(4) A citizenship seal. A student shall meet the 51710
requirement for this seal by doing any of the following: 51711

(a) Demonstrating at least a proficient level of skill as 51712

prescribed under division (B) (5) (a) of section 3301.0712 of the Revised Code on both the American history and American government end-of-course examinations prescribed under division (B) (2) of section 3301.0712 of the Revised Code;

(b) Attaining a score level prescribed under division (B) (5) (d) of section 3301.0712 of the Revised Code that is at least the equivalent of a proficient level of skill in appropriate advanced placement or international baccalaureate examinations or by attaining a passing score, as determined by the department, on a college-level examination program examination in lieu of the American history and American government end-of-course examinations;

(c) In lieu of the American history and American government end-of-course examinations, attaining a final course grade that is the equivalent of a "B" or higher in either:

(i) An American history course and an American government course that are offered by the student's high school;

(ii) Appropriate courses taken through the college credit plus program established under Chapter 3365. of the Revised Code.

(d) In the case of a student who takes an alternate assessment in accordance with division (C) (1) of section 3301.0711 of the Revised Code, attaining a score established by the department on the alternate assessment in social studies;

(e) In the case of a student who transfers into an Ohio public or chartered nonpublic high school from another state or who enrolls in an Ohio public or chartered nonpublic high school after receiving home education or attending a nonchartered, nontax-supported school in the previous school year, attaining a

final course grade that is the equivalent of a "B" or higher in 51742
courses that correspond with the American history and American 51743
government end-of-course examinations and that the student 51744
completed in the state from which the student transferred or 51745
completed while receiving home education or attending a 51746
nonchartered, nontax-supported school. Division (C) (4) (e) of 51747
this section does not apply to any such student with respect to 51748
an American history or American government course for which an 51749
end-of-course examination is associated that the student takes 51750
after enrolling in the high school. 51751

(5) A science seal. A student shall meet the requirement 51752
for this seal by doing any of the following: 51753

(a) Demonstrating at least a proficient level of skill as 51754
prescribed under division (B) (5) (a) of section 3301.0712 of the 51755
Revised Code on the science end-of-course examination prescribed 51756
under division (B) (2) of section 3301.0712 of the Revised Code; 51757

(b) Attaining a score level prescribed under division (B) 51758
(5) (d) of section 3301.0712 of the Revised Code that is at least 51759
the equivalent of a proficient level of skill in an appropriate 51760
advanced placement or international baccalaureate examination or 51761
by attaining a passing score, as determined by the department, 51762
on a college-level examination program examination in lieu of 51763
the science end-of-course examination; 51764

(c) In lieu of the science end-of-course examination, 51765
attaining a final course grade that is the equivalent of a "B" 51766
or higher in either: 51767

(i) A science course listed in divisions (C) (5) (c) (i) to 51768
(iii) of section 3313.603 of the Revised Code that is offered by 51769
the student's high school; 51770

(ii) An appropriate course taken through the college credit plus program established under Chapter 3365. of the Revised Code. 51771
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(d) In the case of a student who takes an alternate assessment in accordance with division (C)(1) of section 3301.0711 of the Revised Code, attaining a score established by the department on the alternate assessment in science; 51774
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(e) In the case of a student who transfers into an Ohio public or chartered nonpublic high school from another state or enrolls in an Ohio public or chartered nonpublic high school after receiving home education or attending a nonchartered, nontax-supported school in the previous school year, attaining a final course grade that is the equivalent of a "B" or higher in a course that corresponds with the science end-of-course examination and that the student completed in the state from which the student transferred or completed while receiving home instruction or attending a nonchartered, nontax-supported school. Division (C)(5)(e) of this section does not apply to any such student who takes a science course for which an end-of-course examination is associated after enrolling in the high school. 51778
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(6) An honors diploma seal. A student shall meet the requirement for this seal by meeting the additional criteria for an honors diploma under division (B) of section 3313.61 of the Revised Code. 51792
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(7) A technology seal. A student shall meet the requirement for this seal by doing any of the following: 51796
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(a) Subject to division (B)(5)(d) of section 3301.0712 of the Revised Code, attaining a score level that is at least the 51798
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equivalent of a proficient level of skill in an appropriate 51800
advanced placement or international baccalaureate examination or 51801
by attaining a passing score, as determined by the department of 51802
education and workforce and aligned with the current statewide 51803
college-level examination program scores identified by the 51804
chancellor of higher education, on a college-level examination 51805
program examination; 51806

(b) Attaining a final course grade that is the equivalent of 51807
of a "B" or higher in an appropriate course taken through the 51808
college credit plus program established under Chapter 3365. of 51809
the Revised Code; 51810

(c) Completing a course offered through the student's 51811
district or school that meets guidelines developed by the 51812
department. However, a district or school shall not be required 51813
to offer a course that meets those guidelines. 51814

(d) In the case of a student who transfers into an Ohio 51815
public or chartered nonpublic high school from another state or 51816
enrolls in an Ohio public or chartered nonpublic high school 51817
after receiving home education or attending a nonchartered, 51818
nontax-supported school in the previous school year, attaining a 51819
final course grade that is the equivalent of a "B" or higher in 51820
an appropriate course, as determined by the district or school, 51821
that the student completed in the state from which the student 51822
transferred or completed while receiving home education or 51823
attending a nonchartered, nontax-supported school. 51824

(8) A community service seal. A student shall meet the 51825
requirement for this seal by completing a community service 51826
project that is aligned with guidelines adopted by the student's 51827
district board or school governing authority. 51828

(9) A fine and performing arts seal. A student shall meet the requirement for this seal by demonstrating skill in the fine or performing arts according to an evaluation that is aligned with guidelines adopted by the student's district board or school governing authority.

(10) A student engagement seal. A student shall meet the requirement for this seal by participating in extracurricular activities such as athletics, clubs, or student government to a meaningful extent, as determined by guidelines adopted by the student's district board or school governing authority.

(D) (1) Each district or school shall develop guidelines for at least one of the state seals prescribed under divisions (C) (8) to (10) of this section.

(2) For the purposes of determining whether a student who transfers to a district or school has satisfied the state diploma seal requirement under division (B) (2) of section 3313.618 of the Revised Code, each district or school shall recognize a state diploma seal prescribed under divisions (C) (8) to (10) of this section and earned by a student at another district or a different public or chartered nonpublic school regardless of whether the district or school to which the student transfers has developed guidelines under this section for that state seal.

(3) In guidelines developed for a state diploma seal prescribed under divisions (C) (8) to (10) of this section, each district or school shall include a method to give, to the extent feasible, a student who transfers into the district or school a proportional amount of credit for any progress the student was making toward earning that state seal at the school district or different public or chartered nonpublic school from which the

student transfers. 51859

(E) Each district or school shall maintain appropriate 51860
records to identify students who have met the requirements 51861
prescribed under division (C) of this section for earning the 51862
state seals established under that division. 51863

(F) The department shall prepare and deliver to each 51864
district or school an appropriate mechanism for assigning a 51865
state diploma seal established under division (C) of this 51866
section. 51867

(G) A student shall not be charged a fee to be assigned a 51868
state seal prescribed under division (C) of this section on the 51869
student's diploma and transcript. 51870

Sec. 3313.64. (A) As used in this section and in section 51871
3313.65 of the Revised Code: 51872

(1) (a) Except as provided in division (A) (1) (b) of this 51873
section, "parent" means either parent, unless the parents are 51874
separated or divorced or their marriage has been dissolved or 51875
annulled, in which case "parent" means the parent who is the 51876
residential parent and legal custodian of the child. When a 51877
child is in the legal custody of a government agency or a person 51878
other than the child's natural or adoptive parent, "parent" 51879
means the parent with residual parental rights, privileges, and 51880
responsibilities. When a child is in the permanent custody of a 51881
government agency or a person other than the child's natural or 51882
adoptive parent, "parent" means the parent who was divested of 51883
parental rights and responsibilities for the care of the child 51884
and the right to have the child live with the parent and be the 51885
legal custodian of the child and all residual parental rights, 51886
privileges, and responsibilities. 51887

(b) When a child is the subject of a power of attorney
executed under sections 3109.51 to 3109.62 of the Revised Code,
"parent" means the grandparent designated as attorney in fact
under the power of attorney. When a child is the subject of a
caretaker authorization affidavit executed under sections
3109.64 to 3109.73 of the Revised Code, "parent" means the
grandparent that executed the affidavit.

(2) "Legal custody," "permanent custody," and "residual
parental rights, privileges, and responsibilities" have the same
meanings as in section 2151.011 of the Revised Code.

(3) "School district" or "district" means a city, local,
or exempted village school district and excludes any school
operated in an institution maintained by the department of youth
services.

(4) Except as used in division (C) (2) of this section,
"home" means a home, institution, foster home, group home, or
other residential facility in this state that receives and cares
for children, to which any of the following applies:

(a) The home is licensed, certified, or approved for such
purpose by the state or is maintained by the department of youth
services.

(b) The home is operated by a person who is licensed,
certified, or approved by the state to operate the home for such
purpose.

(c) The home accepted the child through a placement by a
person licensed, certified, or approved to place a child in such
a home by the state.

(d) The home is a children's home created under section
5153.21 or 5153.36 of the Revised Code.

- (5) "Agency" means all of the following: 51917
- (a) A public children services agency; 51918
 - (b) An organization that holds a certificate issued by the department of children and youth in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption; 51919
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 - (c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39 of the Revised Code or as applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised Code. 51925
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- (6) A child is placed for adoption if either of the following occurs: 51929
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- (a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child. 51931
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 - (b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child. 51935
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- (7) "Preschool child with a disability" has the same meaning as in section 3323.01 of the Revised Code. 51938
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- (8) "Child," unless otherwise indicated, includes preschool children with disabilities. 51940
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- (9) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 51942
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of the Revised Code. 51945

(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any preschool child with a disability shall be admitted to school as provided in this division. 51946
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(1) A child shall be admitted to the schools of the school district in which the child's parent resides. 51951
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(2) Except as provided in division (B) (4) of this section or division (B) of section 2151.362 and section 3317.30 of the Revised Code, a child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies: 51953
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(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent. 51959
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(b) The child resides in a home. 51962

(c) The child requires special education. 51963

(3) A child who is not entitled under division (B) (2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies: 51964
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(a) The placement for adoption has been terminated. 51970

(b) Another school district is required to admit the child under division (B) (1) of this section. 51971
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(4) (a) A child who does not reside in the district where 51973
the child's parent resides is not required to be admitted to the 51974
schools of the district in which the child resides if both of 51975
the following apply: 51976

(i) The child resides in a home, or in a facility 51977
similarly licensed in another state, and the child was placed in 51978
the home or facility by the child's parent in consultation with, 51979
and upon the recommendation of, the Ohio resilience through 51980
integrated systems and excellence program for children and youth 51981
involved in multiple state systems. 51982

(ii) The home provides education services that meet the 51983
minimum education standards under division (D) (2) of section 51984
3301.07 of the Revised Code or, in the case of a facility 51985
located in another state, meets substantially similar 51986
requirements of the jurisdiction where the facility is located, 51987
except that the home or facility may provide the child with less 51988
than the minimum number of instructional hours required only as 51989
necessary to accommodate the child's treatment program. 51990

(b) Upon a child's admission to a home pursuant to 51991
division (B) (4) (a) of this section, the home shall notify the 51992
district where the child's parent resides and the district where 51993
the home is located that the home is providing educational 51994
services to the child until the child is discharged. Upon a 51995
child's admission to a facility located in another state 51996
pursuant to division (B) (4) (a) of this section, the facility 51997
shall notify the district where the child's parent resides that 51998
the facility is providing educational services to the child 51999
until the child is discharged. In either case, the district 52000
where the child's parent resides shall continue to enroll the 52001
student as provided in division (C) (5) of this section and shall 52002

excuse the child from attendance until the child is discharged 52003
from the home or facility. 52004

(c) Upon a child's discharge from a home or facility, the 52005
home or facility shall notify the district where the child's 52006
parent resides. The home or facility and the district shall 52007
collaborate on a supportive reentry plan into school for the 52008
child. 52009

Division (B) of this section does not prohibit the board 52010
of education of a school district from placing a child with a 52011
disability who resides in the district in a special education 52012
program outside of the district or its schools in compliance 52013
with Chapter 3323. of the Revised Code. 52014

(C) A district shall not charge tuition for children 52015
admitted under division (B)(1) or (3) of this section. If the 52016
district admits a child under division (B)(2) of this section, 52017
tuition shall be paid to the district that admits the child as 52018
provided in divisions (C)(1) to (3) of this section, unless 52019
division (C)(4) of this section applies to the child: 52020

(1) If the child receives special education in accordance 52021
with Chapter 3323. of the Revised Code, the school district of 52022
residence, as defined in section 3323.01 of the Revised Code, 52023
shall pay tuition for the child in accordance with section 52024
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 52025
regardless of who has custody of the child or whether the child 52026
resides in a home. 52027

(2) For a child that does not receive special education in 52028
accordance with Chapter 3323. of the Revised Code, except as 52029
otherwise provided in division (C)(2)(d) of this section, if the 52030
child is in the permanent or legal custody of a government 52031

agency or person other than the child's parent, tuition shall be 52032
paid by: 52033

(a) The district in which the child's parent resided at 52034
the time the court removed the child from home or at the time 52035
the court vested legal or permanent custody of the child in the 52036
person or government agency, whichever occurred first; 52037

(b) If the parent's residence at the time the court 52038
removed the child from home or placed the child in the legal or 52039
permanent custody of the person or government agency is unknown, 52040
tuition shall be paid by the district in which the child resided 52041
at the time the child was removed from home or placed in legal 52042
or permanent custody, whichever occurred first; 52043

(c) If a school district cannot be established under 52044
division (C) (2) (a) or (b) of this section, tuition shall be paid 52045
by the district determined as required by section 2151.362 of 52046
the Revised Code by the court at the time it vests custody of 52047
the child in the person or government agency; 52048

(d) If at the time the court removed the child from home 52049
or vested legal or permanent custody of the child in the person 52050
or government agency, whichever occurred first, one parent was 52051
in a residential or correctional facility or a juvenile 52052
residential placement and the other parent, if living and not in 52053
such a facility or placement, was not known to reside in this 52054
state, tuition shall be paid by the district determined under 52055
division (D) of section 3313.65 of the Revised Code as the 52056
district required to pay any tuition while the parent was in 52057
such facility or placement; 52058

(e) If the department of education and workforce has 52059
determined, pursuant to division (A) (2) of section 2151.362 of 52060

the Revised Code, that a school district other than the one 52061
named in the court's initial order, or in a prior determination 52062
of the department, is responsible to bear the cost of educating 52063
the child, the district so determined shall be responsible for 52064
that cost. 52065

(3) If the child is not in the permanent or legal custody 52066
of a government agency or person other than the child's parent 52067
and the child resides in a home, tuition shall be paid by one of 52068
the following: 52069

(a) The school district in which the child's parent 52070
resides; 52071

(b) If the child's parent is not a resident of this state, 52072
the home in which the child resides. 52073

(4) Division (C)(4) of this section applies to any child 52074
who is admitted to a school district under division (B)(2) of 52075
this section, resides in a home that is not a foster home, a 52076
home maintained by the department of youth services, a detention 52077
facility established under section 2152.41 of the Revised Code, 52078
or a juvenile facility established under section 2151.65 of the 52079
Revised Code, and receives educational services at the home or 52080
facility in which the child resides pursuant to a contract 52081
between the home or facility and the school district providing 52082
those services. 52083

If a child to whom division (C)(4) of this section applies 52084
is a special education student, a district may choose whether to 52085
receive a tuition payment for that child under division (C)(4) 52086
of this section or to receive a payment for that child under 52087
section 3323.14 of the Revised Code. If a district chooses to 52088
receive a payment for that child under section 3323.14 of the 52089

Revised Code, it shall not receive a tuition payment for that child under division (C) (4) of this section. 52090
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If a child to whom division (C) (4) of this section applies is not a special education student, a district shall receive a tuition payment for that child under division (C) (4) of this section. 52092
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In the case of a child to which division (C) (4) of this section applies, the total educational cost to be paid for the child shall be determined by a formula approved by the department of education and workforce, which formula shall be designed to calculate a per diem cost for the educational services provided to the child for each day the child is served and shall reflect the total actual cost incurred in providing those services. The department shall certify the total educational cost to be paid for the child to both the school district providing the educational services and, if different, the school district that is responsible to pay tuition for the child. The department shall deduct the certified amount from the state basic aid funds payable under Chapter 3317. of the Revised Code to the district responsible to pay tuition and shall pay that amount to the district providing the educational services to the child. 52096
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(5) In the case of a child to whom division (B) (4) of this section applies, and except as otherwise provided in division (C) (5) (f) of this section, tuition shall be paid to the home or facility for educational services provided to the child by the school district in which the child's parent resides according to the following: 52112
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(a) The total educational cost to be paid for the child shall be determined by a formula approved by the department of 52118
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education and workforce. The department shall design the formula 52120
to calculate a per diem cost for the educational services 52121
provided to the child for each day the child is served and shall 52122
reflect the total actual cost incurred in providing those 52123
services. The department shall certify the total educational 52124
cost to be paid for the child to both the home or facility 52125
providing the educational services and the district that is 52126
responsible to pay the tuition for the child. The department 52127
shall deduct the certified amount from the state basic aid funds 52128
payable under Chapter 3317. of the Revised Code to the district 52129
responsible to pay tuition and shall pay that amount to the home 52130
or facility providing the educational services to the child. 52131

(b) The district responsible to pay tuition shall continue 52132
to report the child in its enrollment for purposes of section 52133
3317.03 of the Revised Code. 52134

(c) If the parent's residence changes to a different 52135
school district while the child resides in the home or facility, 52136
the department of education and workforce may re-determine the 52137
school district responsible for tuition based on evidence 52138
provided by the district currently responsible for tuition. 52139

(d) Upon a child's discharge from the home or facility, 52140
the home or facility shall immediately notify the district where 52141
the child's parent resides and the department of education and 52142
workforce. The notification shall include a certified transcript 52143
of all coursework completed by the child while residing in the 52144
home or facility. The district where the child's parent resides 52145
shall accept all coursework completed by the child while in the 52146
home or facility and shall award credit for that coursework in 52147
accordance with district policy. 52148

(e) Following discharge from the home or facility and 52149

return to the parent's residence, high school students shall 52150
meet requirements under section 3313.618 of the Revised Code in 52151
order to qualify for a high school diploma that are no more 52152
stringent than those that apply to students who enroll into an 52153
Ohio public or chartered nonpublic high school after receiving a 52154
home education under section 3321.042 of the Revised Code. 52155

(f) If the child is provided educational services by a 52156
chartered nonpublic school while residing in a home and the 52157
child has been awarded a scholarship under a state scholarship 52158
program, as defined in section 3301.0711 of the Revised Code, no 52159
school district shall be responsible for paying tuition under 52160
division (C) (5) of this section. 52161

(D) Tuition required to be paid under divisions (C) (2) and 52162
(3) (a) of this section shall be computed in accordance with 52163
section 3317.08 of the Revised Code. Tuition required to be paid 52164
under division (C) (3) (b) of this section shall be computed in 52165
accordance with section 3317.081 of the Revised Code. If a home 52166
fails to pay the tuition required by division (C) (3) (b) of this 52167
section, the board of education providing the education may 52168
recover in a civil action the tuition and the expenses incurred 52169
in prosecuting the action, including court costs and reasonable 52170
attorney's fees. If the prosecuting attorney or city director of 52171
law represents the board in such action, costs and reasonable 52172
attorney's fees awarded by the court, based upon the prosecuting 52173
attorney's, director's, or one of their designee's time spent 52174
preparing and presenting the case, shall be deposited in the 52175
county or city general fund. 52176

(E) A board of education may enroll a child free of any 52177
tuition obligation for a period not to exceed sixty days, on the 52178
sworn statement of an adult resident of the district that the 52179

resident has initiated legal proceedings for custody of the child. 52180
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(F) In the case of any individual entitled to attend school under this division, no tuition shall be charged by the school district of attendance and no other school district shall be required to pay tuition for the individual's attendance. Notwithstanding division (B), (C), or (E) of this section: 52182
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(1) All persons at least eighteen but under twenty-two years of age who live apart from their parents, support themselves by their own labor, and have not successfully completed the high school curriculum or the individualized education program developed for the person by the high school pursuant to section 3323.08 of the Revised Code, are entitled to attend school in the district in which they reside. 52187
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(2) Any child under eighteen years of age who is married is entitled to attend school in the child's district of residence. 52194
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(3) A child is entitled to attend school in the district in which either of the child's parents is employed if the child has a medical condition that may require emergency medical attention. The parent of a child entitled to attend school under division (F)(3) of this section shall submit to the board of education of the district in which the parent is employed a statement from the child's physician, certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner certifying that the child's medical condition may require emergency medical attention. The statement shall be supported by such other evidence as the board may require. 52197
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(4) Any child residing with a person other than the 52208

child's parent is entitled, for a period not to exceed twelve 52209
months, to attend school in the district in which that person 52210
resides if the child's parent files an affidavit with the 52211
superintendent of the district in which the person with whom the 52212
child is living resides stating all of the following: 52213

(a) That the parent is serving outside of the state in the 52214
armed services of the United States; 52215

(b) That the parent intends to reside in the district upon 52216
returning to this state; 52217

(c) The name and address of the person with whom the child 52218
is living while the parent is outside the state. 52219

(5) Any child under the age of twenty-two years who, after 52220
the death of a parent, resides in a school district other than 52221
the district in which the child attended school at the time of 52222
the parent's death is entitled to continue to attend school in 52223
the district in which the child attended school at the time of 52224
the parent's death for the remainder of the school year, subject 52225
to approval of that district board. 52226

(6) A child under the age of twenty-two years who resides 52227
with a parent who is having a new house built in a school 52228
district outside the district where the parent is residing is 52229
entitled to attend school for a period of time in the district 52230
where the new house is being built. In order to be entitled to 52231
such attendance, the parent shall provide the district 52232
superintendent with the following: 52233

(a) A sworn statement explaining the situation, revealing 52234
the location of the house being built, and stating the parent's 52235
intention to reside there upon its completion; 52236

(b) A statement from the builder confirming that a new 52237

house is being built for the parent and that the house is at the 52238
location indicated in the parent's statement. 52239

(7) A child under the age of twenty-two years residing 52240
with a parent who has a contract to purchase a house in a school 52241
district outside the district where the parent is residing and 52242
who is waiting upon the date of closing of the mortgage loan for 52243
the purchase of such house is entitled to attend school for a 52244
period of time in the district where the house is being 52245
purchased. In order to be entitled to such attendance, the 52246
parent shall provide the district superintendent with the 52247
following: 52248

(a) A sworn statement explaining the situation, revealing 52249
the location of the house being purchased, and stating the 52250
parent's intent to reside there; 52251

(b) A statement from a real estate broker or bank officer 52252
confirming that the parent has a contract to purchase the house, 52253
that the parent is waiting upon the date of closing of the 52254
mortgage loan, and that the house is at the location indicated 52255
in the parent's statement. 52256

The district superintendent shall establish a period of 52257
time not to exceed ninety days during which the child entitled 52258
to attend school under division (F) (6) or (7) of this section 52259
may attend without tuition obligation. A student attending a 52260
school under division (F) (6) or (7) of this section shall be 52261
eligible to participate in interscholastic athletics under the 52262
auspices of that school, provided the board of education of the 52263
school district where the student's parent resides, by a formal 52264
action, releases the student to participate in interscholastic 52265
athletics at the school where the student is attending, and 52266
provided the student receives any authorization required by a 52267

public agency or private organization of which the school 52268
district is a member exercising authority over interscholastic 52269
sports. 52270

(8) A child whose parent is a full-time employee of a 52271
city, local, or exempted village school district, or of an 52272
educational service center, may be admitted to the schools of 52273
the district where the child's parent is employed, or in the 52274
case of a child whose parent is employed by an educational 52275
service center, in the district that serves the location where 52276
the parent's job is primarily located, provided the district 52277
board of education establishes such an admission policy by 52278
resolution adopted by a majority of its members. Any such policy 52279
shall take effect on the first day of the school year and the 52280
effective date of any amendment or repeal may not be prior to 52281
the first day of the subsequent school year. The policy shall be 52282
uniformly applied to all such children and shall provide for the 52283
admission of any such child upon request of the parent. No child 52284
may be admitted under this policy after the first day of classes 52285
of any school year. 52286

(9) A child who is with the child's parent under the care 52287
of a shelter for victims of domestic violence, as defined in 52288
section 3113.33 of the Revised Code, is entitled to attend 52289
school free in the district in which the child is with the 52290
child's parent, and no other school district shall be required 52291
to pay tuition for the child's attendance in that school 52292
district. 52293

The enrollment of a child in a school district under this 52294
division shall not be denied due to a delay in the school 52295
district's receipt of any records required under section 52296
3313.672 of the Revised Code or any other records required for 52297

enrollment. Any days of attendance and any credits earned by a 52298
child while enrolled in a school district under this division 52299
shall be transferred to and accepted by any school district in 52300
which the child subsequently enrolls. The department of 52301
education and workforce shall adopt rules to ensure compliance 52302
with this division. 52303

(10) Any child under the age of twenty-two years whose 52304
parent has moved out of the school district after the 52305
commencement of classes in the child's senior year of high 52306
school is entitled, subject to the approval of that district 52307
board, to attend school in the district in which the child 52308
attended school at the time of the parental move for the 52309
remainder of the school year and for one additional semester or 52310
equivalent term. A district board may also adopt a policy 52311
specifying extenuating circumstances under which a student may 52312
continue to attend school under division (F) (10) of this section 52313
for an additional period of time in order to successfully 52314
complete the high school curriculum for the individualized 52315
education program developed for the student by the high school 52316
pursuant to section 3323.08 of the Revised Code. 52317

(11) As used in this division, "grandparent" means a 52318
parent of a parent of a child. A child under the age of twenty- 52319
two years who is in the custody of the child's parent, resides 52320
with a grandparent, and does not require special education is 52321
entitled to attend the schools of the district in which the 52322
child's grandparent resides, provided that, prior to such 52323
attendance in any school year, the board of education of the 52324
school district in which the child's grandparent resides and the 52325
board of education of the school district in which the child's 52326
parent resides enter into a written agreement specifying that 52327
good cause exists for such attendance, describing the nature of 52328

this good cause, and consenting to such attendance. 52329

In lieu of a consent form signed by a parent, a board of 52330
education may request the grandparent of a child attending 52331
school in the district in which the grandparent resides pursuant 52332
to division (F)(11) of this section to complete any consent form 52333
required by the district, including any authorization required 52334
by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the 52335
Revised Code. Upon request, the grandparent shall complete any 52336
consent form required by the district. A school district shall 52337
not incur any liability solely because of its receipt of a 52338
consent form from a grandparent in lieu of a parent. 52339

Division (F)(11) of this section does not create, and 52340
shall not be construed as creating, a new cause of action or 52341
substantive legal right against a school district, a member of a 52342
board of education, or an employee of a school district. This 52343
section does not affect, and shall not be construed as 52344
affecting, any immunities from defenses to tort liability 52345
created or recognized by Chapter 2744. of the Revised Code for a 52346
school district, member, or employee. 52347

(12) A child under the age of twenty-two years is entitled 52348
to attend school in a school district other than the district in 52349
which the child is entitled to attend school under division (B), 52350
(C), or (E) of this section provided that, prior to such 52351
attendance in any school year, both of the following occur: 52352

(a) The superintendent of the district in which the child 52353
is entitled to attend school under division (B), (C), or (E) of 52354
this section contacts the superintendent of another district for 52355
purposes of this division; 52356

(b) The superintendents of both districts enter into a 52357

written agreement that consents to the attendance and specifies 52358
that the purpose of such attendance is to protect the student's 52359
physical or mental well-being or to deal with other extenuating 52360
circumstances deemed appropriate by the superintendents. 52361

While an agreement is in effect under this division for a 52362
student who is not receiving special education under Chapter 52363
3323. of the Revised Code and notwithstanding Chapter 3327. of 52364
the Revised Code, the board of education of neither school 52365
district involved in the agreement is required to provide 52366
transportation for the student to and from the school where the 52367
student attends. 52368

A student attending a school of a district pursuant to 52369
this division shall be allowed to participate in all student 52370
activities, including interscholastic athletics, at the school 52371
where the student is attending on the same basis as any student 52372
who has always attended the schools of that district while of 52373
compulsory school age. 52374

(13) All school districts shall comply with the "McKinney- 52375
Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for 52376
the education of homeless children. Each city, local, and 52377
exempted village school district shall comply with the 52378
requirements of that act governing the provision of a free, 52379
appropriate public education, including public preschool, to 52380
each homeless child. 52381

When a child loses permanent housing and becomes a 52382
homeless person, as defined in 42 U.S.C.A. 11481(5), or when a 52383
child who is such a homeless person changes temporary living 52384
arrangements, the child's parent or guardian shall have the 52385
option of enrolling the child in either of the following: 52386

(a) The child's school of origin, as defined in 42 U.S.C.A. 11432(g) (3) (C); 52387
52388

(b) The school that is operated by the school district in which the shelter where the child currently resides is located and that serves the geographic area in which the shelter is located. 52389
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(14) A child under the age of twenty-two years who resides with a person other than the child's parent is entitled to attend school in the school district in which that person resides if both of the following apply: 52393
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52396

(a) That person has been appointed, through a military power of attorney executed under section 574(a) of the "National Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 U.S.C. 1044b, or through a comparable document necessary to complete a family care plan, as the parent's agent for the care, custody, and control of the child while the parent is on active duty as a member of the national guard or a reserve unit of the armed forces of the United States or because the parent is a member of the armed forces of the United States and is on a duty assignment away from the parent's residence. 52397
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(b) The military power of attorney or comparable document includes at least the authority to enroll the child in school. 52407
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The entitlement to attend school in the district in which the parent's agent under the military power of attorney or comparable document resides applies until the end of the school year in which the military power of attorney or comparable document expires. 52409
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(G) A board of education, after approving admission, may waive tuition for students who will temporarily reside in the 52414
52415

district and who are either of the following: 52416

(1) Residents or domiciliaries of a foreign nation who 52417
request admission as foreign exchange students; 52418

(2) Residents or domiciliaries of the United States but 52419
not of Ohio who request admission as participants in an exchange 52420
program operated by a student exchange organization. 52421

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 52422
3323.04, 3327.04, and 3327.06 of the Revised Code, a child may 52423
attend school or participate in a special education program in a 52424
school district other than in the district where the child is 52425
entitled to attend school under division (B) of this section. 52426

(I) (1) Notwithstanding anything to the contrary in this 52427
section or section 3313.65 of the Revised Code, a child under 52428
twenty-two years of age may attend school in the school district 52429
in which the child, at the end of the first full week of October 52430
of the school year, was entitled to attend school as otherwise 52431
provided under this section or section 3313.65 of the Revised 52432
Code, if at that time the child was enrolled in the schools of 52433
the district but since that time the child or the child's parent 52434
has relocated to a new address located outside of that school 52435
district and within the same county as the child's or parent's 52436
address immediately prior to the relocation. The child may 52437
continue to attend school in the district, and at the school to 52438
which the child was assigned at the end of the first full week 52439
of October of the current school year, for the balance of the 52440
school year. Division (I) (1) of this section applies only if 52441
both of the following conditions are satisfied: 52442

(a) The board of education of the school district in which 52443
the child was entitled to attend school at the end of the first 52444

full week in October and of the district to which the child or 52445
child's parent has relocated each has adopted a policy to enroll 52446
children described in division (I) (1) of this section. 52447

(b) The child's parent provides written notification of 52448
the relocation outside of the school district to the 52449
superintendent of each of the two school districts. 52450

(2) At the beginning of the school year following the 52451
school year in which the child or the child's parent relocated 52452
outside of the school district as described in division (I) (1) 52453
of this section, the child is not entitled to attend school in 52454
the school district under that division. 52455

(3) Any person or entity owing tuition to the school 52456
district on behalf of the child at the end of the first full 52457
week in October, as provided in division (C) of this section, 52458
shall continue to owe such tuition to the district for the 52459
child's attendance under division (I) (1) of this section for the 52460
lesser of the balance of the school year or the balance of the 52461
time that the child attends school in the district under 52462
division (I) (1) of this section. 52463

(4) A pupil who may attend school in the district under 52464
division (I) (1) of this section shall be entitled to 52465
transportation services pursuant to an agreement between the 52466
district and the district in which the child or child's parent 52467
has relocated unless the districts have not entered into such 52468
agreement, in which case the child shall be entitled to 52469
transportation services in the same manner as a pupil attending 52470
school in the district under interdistrict open enrollment as 52471
described in division (E) of section 3313.981 of the Revised 52472
Code, regardless of whether the district has adopted an open 52473
enrollment policy as described in division (B) (1) (b) or (c) of 52474

section 3313.98 of the Revised Code. 52475

(J) This division does not apply to a child receiving 52476
special education. 52477

A school district required to pay tuition pursuant to 52478
division (C) (2) or (3) of this section or section 3313.65 of the 52479
Revised Code shall have an amount deducted under division (C) of 52480
section 3317.023 of the Revised Code equal to its own tuition 52481
rate for the same period of attendance. A school district 52482
entitled to receive tuition pursuant to division (C) (2) or (3) 52483
of this section or section 3313.65 of the Revised Code shall 52484
have an amount credited under division (C) of section 3317.023 52485
of the Revised Code equal to its own tuition rate for the same 52486
period of attendance. If the tuition rate credited to the 52487
district of attendance exceeds the rate deducted from the 52488
district required to pay tuition, the department of education 52489
and workforce shall pay the district of attendance the 52490
difference from amounts deducted from all districts' payments 52491
under division (C) of section 3317.023 of the Revised Code but 52492
not credited to other school districts under such division and 52493
from appropriations made for such purpose. The treasurer of each 52494
school district shall, by the fifteenth day of January and July, 52495
furnish the director of education and workforce a report of the 52496
names of each child who attended the district's schools under 52497
divisions (C) (2) and (3) of this section or section 3313.65 of 52498
the Revised Code during the preceding six calendar months, the 52499
duration of the attendance of those children, the school 52500
district responsible for tuition on behalf of the child, and any 52501
other information that the director requires. 52502

Upon receipt of the report the director, pursuant to 52503
division (C) of section 3317.023 of the Revised Code, shall 52504

deduct each district's tuition obligations under divisions (C) 52505
(2) and (3) of this section or section 3313.65 of the Revised 52506
Code and pay to the district of attendance that amount plus any 52507
amount required to be paid by the state. 52508

(K) In the event of a disagreement, the director of 52509
education and workforce shall determine the school district in 52510
which the parent resides. 52511

(L) Nothing in this section requires or authorizes, or 52512
shall be construed to require or authorize, the admission to a 52513
public school in this state of a pupil who has been permanently 52514
excluded from public school attendance by the director pursuant 52515
to sections 3301.121 and 3313.662 of the Revised Code. 52516

(M) In accordance with division (B) (1) of this section, a 52517
child whose parent is a member of the national guard or a 52518
reserve unit of the armed forces of the United States and is 52519
called to active duty, or a child whose parent is a member of 52520
the armed forces of the United States and is ordered to a 52521
temporary duty assignment outside of the district, may continue 52522
to attend school in the district in which the child's parent 52523
lived before being called to active duty or ordered to a 52524
temporary duty assignment outside of the district, as long as 52525
the child's parent continues to be a resident of that district, 52526
and regardless of where the child lives as a result of the 52527
parent's active duty status or temporary duty assignment. 52528
However, the district is not responsible for providing 52529
transportation for the child if the child lives outside of the 52530
district as a result of the parent's active duty status or 52531
temporary duty assignment. 52532

Sec. 3313.753. (A) As used in this section: 52533

(1) "Electronic communications device" means any device 52534
that is powered by batteries or electricity and that is capable 52535
of receiving, transmitting, or receiving and transmitting 52536
communications between two or more persons or a communication 52537
from or to a person. 52538

(2) "School" means any school that is operated by a board 52539
of education of a city, local, exempted village, or joint 52540
vocational school district. 52541

(3) "School building" means any building in which any of 52542
the instruction, extracurricular activities, or training 52543
provided by a school is conducted. 52544

(4) "School grounds or premises" means either of the 52545
following: 52546

(a) The parcel of real property on which any school 52547
building is situated; 52548

(b) Any other parcel of real property that is owned or 52549
leased by a board of education and on which some of the 52550
instruction, extracurricular activities, or training of the 52551
school is conducted. 52552

(B) The board of education of any city, exempted village, 52553
local, joint vocational, or cooperative education school 52554
district may adopt a policy prohibiting students from carrying 52555
an electronic communications device in any school building or on 52556
any school grounds or premises of the district. The policy may 52557
provide for exceptions to this prohibition as specified in the 52558
policy. The policy shall specify any disciplinary measures that 52559
will be taken for violation of this prohibition. 52560

If a board of education adopts a policy under this 52561
division, the board shall post the policy in a central location 52562

in each school building and make it available to students and 52563
parents upon request. 52564

~~(C)~~ (C) (1) ~~Not later than the first day of July that~~ 52565
~~immediately follows the effective date of this amendment~~ October 52566
6, 2025, each school district board of education shall adopt a 52567
policy governing the use of cellular telephones by students 52568
during school hours. The policy shall ~~do all of the following:~~ 52569

~~(1) Emphasize that student cellular telephone use be as~~ 52570
~~limited as possible during school hours;~~ 52571

~~(2) Reduce cellular telephone-related distractions in~~ 52572
~~classroom settings;~~ 52573

~~(3)~~ prohibit all cellular telephone use by students during 52574
the instructional day, except as described in division (C) (2) of 52575
this section or if permitted under the building's comprehensive 52576
emergency management plan adopted under section 5502.262 of the 52577
Revised Code. 52578

(2) If determined appropriate by the district board, or if 52579
included in a student's individualized education program 52580
developed under Chapter 3323. of the Revised Code or plan 52581
developed under section 504 of the "Rehabilitation Act of 1973," 52582
29 U.S.C. 794, ~~permit~~ students to may use cellular telephones or 52583
other electronic communications devices for student learning or 52584
to monitor or address a health concern. 52585

A district board shall permit a student to use a cellular 52586
telephone or other electronic communications device to monitor 52587
or address a health concern if the board receives a written 52588
statement from the student's physician requiring such use. 52589

(D) ~~Division (C) of this section shall not be construed to~~ 52590
~~require a district board to adopt a policy that prohibits all~~ 52591

~~cellular telephone use by students. Nonetheless, any~~ Any 52592
district board that adopts a policy that prohibits all cellular 52593
telephone use by students shall be considered to have met the 52594
requirements in division (C) of this section. 52595

(E) Any district board that adopts a policy that meets the 52596
requirements prescribed in division (C) of this section prior to 52597
~~the effective date of this amendment~~ the effective date of this 52598
amendment, shall be considered to have met the requirement to 52599
adopt a policy under this section. 52600

(F) Each district board that adopts a policy under this 52601
section after ~~the effective date of this amendment~~ the effective 52602
date of this amendment, shall do so at a public meeting of the 52603
board. 52604

(G) Each district board shall make any policy it adopts 52605
under this section publicly available and post it prominently on 52606
its publicly accessible web site, if it has one. 52607

~~(H) Not later than sixty days after the effective date of~~ 52608
~~this amendment, the department of education and workforce shall~~ 52609
~~develop a model policy that meets the requirements prescribed in~~ 52610
~~division (C) of this section. To the extent possible, the model~~ 52611
~~policy shall take into account available research concerning the~~ 52612
~~effect of the use of cellular telephones by students in school~~ 52613
~~settings. The model policy may be utilized by districts and~~ 52614
~~schools.~~ 52615

Sec. 3313.90. As used in this section, "formula ADM" has 52616
the same meaning as in section 3317.02 of the Revised Code. 52617
Notwithstanding division (D) of section 3311.19 and division (D) 52618
of section 3311.52 of the Revised Code, the provisions of this 52619
section that apply to a city school district do not apply to any 52620

joint vocational or cooperative education school district. 52621

(A) Except as provided in division (B) of this section, 52622
each city, local, and exempted village school district shall, by 52623
one of the following means, provide to students enrolled in 52624
grades seven through twelve career-technical education adequate 52625
to prepare a student enrolled therein for an occupation: 52626

(1) Establishing and maintaining a career-technical 52627
education program that meets standards adopted by the department 52628
of education and workforce; 52629

(2) Being a member of a joint vocational school district 52630
that meets standards adopted by the department; 52631

(3) Contracting for career-technical education with a 52632
joint vocational school district or another school district that 52633
meets the standards adopted by the department. 52634

The standards of the department shall include criteria for 52635
the participation by nonpublic students in career-technical 52636
education programs without financial assessment, charge, or 52637
tuition to such student except such assessments, charges, or 52638
tuition paid by resident public school students in such 52639
programs. Such nonpublic school students shall be included in 52640
the formula ADM of the school district maintaining the career- 52641
technical education program as part-time students in proportion 52642
to the time spent in the career-technical education program. 52643

By the thirtieth day of October of each year, the director 52644
of education and workforce shall determine and certify to the 52645
superintendent of each school district subject to this section 52646
either that the district is in compliance with the requirements 52647
of this section for the current school year or that the district 52648
is not in compliance. If the director certifies that the 52649

district is not in compliance, the director shall notify the 52650
board of education of the district of the actions necessary to 52651
bring the district into compliance with this section. 52652

In meeting standards established by the department, school 52653
districts, where practicable, shall provide career-technical 52654
education programs in high schools. A minimum enrollment of 52655
~~fifteen hundred students in grades nine through twelve is~~ 52656
~~established as a base for comprehensive career-technical~~ 52657
~~education course offerings. Beginning with the 2015-2016 school-~~ 52658
~~year, this base shall increase to a minimum enrollment of two~~ 52659
thousand two hundred fifty students in grades seven through 52660
twelve is the base for comprehensive career-technical education 52661
course offerings. A school district may meet this requirement 52662
alone, through a cooperative arrangement pursuant to section 52663
3313.92 of the Revised Code, through school district 52664
consolidation, by membership in a joint vocational school 52665
district, by contract with a school district, by contract with a 52666
school licensed by any state agency established by the Revised 52667
Code which school operates its courses offered for contracting 52668
with public schools under standards as to staffing and 52669
facilities comparable to those prescribed by the department for 52670
public schools provided no instructor in such courses shall be 52671
required to be certificated by the department, or in a 52672
combination of such ways. Exceptions to the minimum enrollment 52673
prescribed by this section may be made by the department based 52674
on sparsity of population or other factors indicating that 52675
comprehensive educational and career-technical education 52676
programs as required by this section can be provided through an 52677
alternate plan. 52678

(B) If Until July 1, 2026, the department shall waive the 52679
requirement for a city, local, or exempted village school 52680

district to provide career-technical education to students 52681
enrolled in grades seven and eight for that particular school 52682
year, if the board of education of a city, local, or exempted- 52683
village school that district adopts a resolution that specifies 52684
the district's intent not to provide career-technical education 52685
to students enrolled in grades seven and eight for a particular 52686
school year and submits that resolution to the department by the 52687
thirtieth day of September of that school year, ~~the department~~ 52688
~~shall waive the requirement for that district to provide career-~~ 52689
~~technical education to students enrolled in grades seven and~~ 52690
~~eight for that particular school year.~~ 52691

Sec. 3313.902. (A) As used in this section: 52692

(1) "Competency-based educational program" means any 52693
system of academic instruction, assessment, grading, and 52694
reporting in which individuals receive credit based on 52695
demonstrations and assessments of their learning rather than the 52696
amount of time they spend studying a subject. A competency-based 52697
educational program shall encourage accelerated learning among 52698
individuals who master academic materials quickly while 52699
providing additional instructional support time for individuals 52700
who need it. 52701

(2) "Eligible individual" means an individual who 52702
satisfies all of the following criteria: 52703

(a) The individual is at least eighteen years of age. 52704

(b) The individual is officially withdrawn from school. 52705

(c) The individual has not been awarded a high school 52706
diploma or a certificate of high school equivalence as defined 52707
in section 4109.06 of the Revised Code. 52708

(3) "Eligible provider" means a city, local, or exempted 52709

village school district that operates a dropout prevention and 52710
recovery program, the buckeye united school district operated by 52711
the department of youth services, the Ohio central school system 52712
established under section 5145.06 of the Revised Code, or a 52713
joint vocational school district that operates an adult 52714
education program. 52715

(4) "Ohio technical center" has the same meaning as in 52716
section 3333.94 of the Revised Code. 52717

(B) An eligible provider may establish a competency-based 52718
educational program that complies with standards adopted by the 52719
department of education and workforce and may enroll eligible 52720
individuals in the program for up to three consecutive school 52721
years for the purpose of earning a high school diploma. The 52722
provider shall establish a career plan for each individual 52723
enrolled in the program that specifies the individual's career 52724
goals and describes how the individual will demonstrate 52725
competency or earn course credits under division (C) of this 52726
section to earn a diploma and attain the individual's career 52727
goals. 52728

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 52729
3313.614, 3313.618, and 3313.619 of the Revised Code, the 52730
department shall award a high school diploma to an individual 52731
enrolled in a program under division (B) of this section who 52732
meets either of the following conditions: 52733

(1) The individual demonstrates competency by completing 52734
at least three of the following activities, at least one of 52735
which shall be the activity described in division (C) (1) (a) or 52736
(b) of this section: 52737

(a) Attaining a competency score as determined under 52738

<u>division (B) (10) of section 3301.0712 of the Revised Code on</u>	52739
<u>each of the Algebra I and English language arts II end-of-course</u>	52740
<u>examinations prescribed under division (B) (2) of that section;</u>	52741
<u>(b) Attaining a workforce readiness score, as determined</u>	52742
<u>by the department, on the nationally recognized job skills</u>	52743
<u>assessment selected by the department under division (F) of</u>	52744
<u>section 3301.0712 of the Revised Code;</u>	52745
<u>(c) Obtaining an industry-recognized credential, or group</u>	52746
<u>of credentials, in a single career field that meet the criteria</u>	52747
<u>established under section 3313.6113 of the Revised Code to</u>	52748
<u>qualify for a high school diploma or earning an industry-</u>	52749
<u>recognized credential that is aligned to a technical education</u>	52750
<u>program provided by an Ohio technical center;</u>	52751
<u>(d) Earning a cumulative score of proficient or higher on</u>	52752
<u>three or more state technical assessments aligned with section</u>	52753
<u>3313.903 of the Revised Code in a single career pathway;</u>	52754
<u>(e) Doing either of the following:</u>	52755
<u>(i) Completing a pre-apprenticeship program aligned with</u>	52756
<u>options established under section 3313.904 of the Revised Code</u>	52757
<u>in the individual's chosen career field and providing evidence</u>	52758
<u>of acceptance into a registered apprenticeship program in that</u>	52759
<u>career field;</u>	52760
<u>(ii) Completing an apprenticeship registered with the</u>	52761
<u>apprenticeship council established under section 4139.02 of the</u>	52762
<u>Revised Code in the individual's chosen career field.</u>	52763
<u>(f) Completing two hundred fifty hours of a work-based</u>	52764
<u>learning experience with evidence of positive evaluations;</u>	52765
<u>(g) Obtaining an OhioMeansJobs-readiness seal under</u>	52766

<u>section 3313.6112 of the Revised Code.</u>	52767
<u>(2) The individual demonstrates competency by completing</u>	52768
<u>at least two of the activities described in divisions (C) (1) (a)</u>	52769
<u>to (g) of this section and earns course credits distributed as</u>	52770
<u>follows:</u>	52771
<u>(a) English language arts, four credits;</u>	52772
<u>(b) Mathematics, four credits. One credit may be a career-</u>	52773
<u>based mathematics course aligned to the individual's career plan</u>	52774
<u>developed under division (B) of this section.</u>	52775
<u>(c) Science, three credits;</u>	52776
<u>(d) Social studies, three credits;</u>	52777
<u>(e) Financial literacy, one-half credit. The one-half</u>	52778
<u>credit of financial literacy may be applied toward the number of</u>	52779
<u>mathematics or social studies credits required under division</u>	52780
<u>(C) (2) of this section.</u>	52781
<u>(D) An eligible provider shall report each individual</u>	52782
<u>enrolled in a program under division (B) of this section to the</u>	52783
<u>department. The department annually shall certify the enrollment</u>	52784
<u>and attendance of each individual reported under this division</u>	52785
<u>and shall pay the provider up to \$7,500 for each such individual</u>	52786
<u>per school year, as determined by the department based on the</u>	52787
<u>extent of the individual's successful completion of the diploma</u>	52788
<u>requirements prescribed in division (C) of this section.</u>	52789
<u>(E) Notwithstanding anything in this section to the</u>	52790
<u>contrary, an eligible provider may request that the department</u>	52791
<u>allow an eligible individual to enroll in a program under</u>	52792
<u>division (B) of this section for more than three consecutive</u>	52793
<u>school years due to a hardship experienced by the individual</u>	52794

that necessitates additional time to meet the diploma 52795
requirements prescribed in division (C) of this section. 52796

(F) An eligible individual shall not be assigned to 52797
classes or settings with individuals who are younger than 52798
eighteen years of age. 52799

(G) Each eligible provider shall contact each individual 52800
to whom a diploma is awarded under this section to collect data 52801
on the individual's career and educational outcomes at six 52802
months, twelve months, and eighteen months after the awarding of 52803
the diploma. At each time of contact, the provider shall request 52804
information regarding whether the individual is gainfully 52805
employed, participating in an apprenticeship, enrolled in 52806
postsecondary education, or serving in the military. The 52807
provider shall report the data collected to the department in 52808
the manner determined by the department. 52809

(H) The department shall adopt rules as necessary to 52810
administer this section. The rules may include all of the 52811
following: 52812

(1) Standards for competency-based educational programs; 52813

(2) Standards for applying an individual's work or life 52814
experiences toward the requirements of division (C) of this 52815
section; 52816

(3) Requirements for determining the amount paid to 52817
providers under division (D) of this section; 52818

(4) Guidelines for approving or denying a hardship request 52819
made under division (E) of this section. 52820

Sec. 3313.905. (A) Southern state community college shall 52821
establish and maintain the Ohio code-scholar program, a hands-on 52822

educational initiative designed for students in grades four 52823
through twelve, with an emphasis on experiential learning in 52824
computer science, coding, and digital literacy. 52825

(B) Southern state community college shall use any funds 52826
appropriated by the general assembly for the Ohio-code scholar 52827
program for the following purposes: 52828

(1) All of the following: 52829

(a) Curriculum development and alignment; 52830

(b) Teacher training and resource creation; 52831

(c) Coordination with K-12 schools statewide; 52832

(d) Partnership development with other educational 52833
institutions, workforce agencies, and regional employers; 52834

(2) To implement and scale the program statewide, 52835
prioritizing outreach to underserved and rural areas, 52836
particularly within Ohio's Appalachian region. 52837

(3) To provide ongoing institutional support for southern 52838
state community college, including all of the following: 52839

(a) Operational needs that enhance its educational 52840
mission; 52841

(b) Technology and infrastructure upgrades; 52842

(c) Community outreach; 52843

(d) Services that strengthen the college's regional impact 52844
in the Appalachian corridor. 52845

(C) The director of development shall oversee the 52846
allocation and use of these funds. The director of education and 52847
workforce may establish guidelines to ensure compliance with 52848

this section. 52849

(D) Southern state community college shall submit an 52850
annual report to the director of education and workforce and the 52851
general assembly by the thirtieth day of June that includes all 52852
of the following: 52853

(1) The number of students and districts served by the 52854
Ohio code-scholar program; 52855

(2) Progress toward statewide implementation; 52856

(3) Regional economic and educational impact; 52857

(4) Use of funds for both programmatic and general 52858
operational support. 52859

Sec. 3313.98. Notwithstanding division (D) of section 52860
3311.19 and division (D) of section 3311.52 of the Revised Code, 52861
the provisions of this section and sections 3313.981 to 3313.983 52862
of the Revised Code that apply to a city school district do not 52863
apply to a joint vocational or cooperative education school 52864
district unless expressly specified. 52865

(A) As used in this section and sections 3313.981 to 52866
3313.983 of the Revised Code: 52867

(1) "Parent" means either of the natural or adoptive 52868
parents of a student, except under the following conditions: 52869

(a) When the marriage of the natural or adoptive parents 52870
of the student has been terminated by a divorce, dissolution of 52871
marriage, or annulment or the natural or adoptive parents of the 52872
student are living separate and apart under a legal separation 52873
decree and the court has issued an order allocating the parental 52874
rights and responsibilities with respect to the student, 52875
"parent" means the residential parent as designated by the court 52876

except that "parent" means either parent when the court issues a shared parenting decree. 52877
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(b) When a court has granted temporary or permanent custody of the student to an individual or agency other than either of the natural or adoptive parents of the student, "parent" means the legal custodian of the child. 52879
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(c) When a court has appointed a guardian for the student, "parent" means the guardian of the student. 52883
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(2) "Native student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in a district adopting a resolution under this section. 52885
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(3) "Adjacent district" means a city, exempted village, or local school district having territory that abuts the territory of a district adopting a resolution under this section. 52888
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(4) "Adjacent district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an adjacent district. 52891
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(5) "Adjacent district joint vocational student" means an adjacent district student who enrolls in a city, exempted village, or local school district pursuant to this section and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student and does contain the territory of the city, exempted village, or local district in which the student enrolls. 52894
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(6) "Poverty line" means the poverty line established by the director of the United States office of management and budget as revised by the secretary of health and human services in accordance with section 673(2) of the "Community Services 52902
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Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended.	52906
(7) "IEP" has the same meaning as in section 3323.01 of the Revised Code.	52907 52908
(8) "Other district" means a city, exempted village, or local school district having territory outside of the territory of a district adopting a resolution under this section.	52909 52910 52911
(9) "Other district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an other district.	52912 52913 52914
(10) "Other district joint vocational student" means a student who is enrolled in any city, exempted village, or local school district and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student in accordance with a policy adopted under section 3313.983 of the Revised Code.	52915 52916 52917 52918 52919 52920 52921
(11) "Active duty member" means a member of the armed forces of the United States who is on full-time duty.	52922 52923
(12) "Armed forces" means the United States army, navy, air force, space force, marine corps, and coast guard.	52924 52925
(B)(1) Subject to division (I) of this section, the board of education of each city, local, and exempted village school district shall adopt a resolution establishing for the school district one of the following policies:	52926 52927 52928 52929
(a) A policy that entirely prohibits the enrollment of students from adjacent districts or other districts, other than students for whom tuition is paid in accordance with section 3317.08 of the Revised Code;	52930 52931 52932 52933

(b) A policy that permits enrollment of students from all adjacent districts in accordance with policy statements contained in the resolution;

(c) A policy that permits enrollment of students from all other districts in accordance with policy statements contained in the resolution.

(2) A policy permitting enrollment of students from adjacent or from other districts, as applicable, shall provide for all of the following:

(a) Application procedures, including deadlines for application and for notification of students and the superintendent of the applicable district whenever an adjacent or other district student's application is approved.

(b) Procedures for admitting adjacent or other district applicants free of any tuition obligation to the district's schools, including, but not limited to:

(i) The establishment of district capacity limits by grade level, school building, and education program;

(ii) A requirement that all native students wishing to be enrolled in the district will be enrolled and that any adjacent or other district students previously enrolled in the district shall receive preference over first-time applicants;

(iii) Procedures to ensure that an appropriate racial balance is maintained in the district schools.

(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting adjacent or other district students, as applicable, shall not include:

(1) Any requirement of academic ability, or any level of

athletic, artistic, or other extracurricular skills;	52962
(2) Limitations on admitting applicants because of disability, except that a board may refuse to admit a student receiving services under Chapter 3323. of the Revised Code, if the services described in the student's IEP are not available in the district's schools;	52963 52964 52965 52966 52967
(3) A requirement that the student be proficient in the English language;	52968 52969
(4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled by the student's district for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission of such applicant.	52970 52971 52972 52973 52974 52975 52976
(D) (1) Each school board permitting only enrollment of adjacent district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, to the superintendent and the board of education of each adjacent district and, upon request, to the parent of any adjacent district student.	52977 52978 52979 52980 52981 52982
(2) Each school board permitting enrollment of other district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, upon request, to the board of education of any other school district or to the parent of any student anywhere in the state.	52983 52984 52985 52986 52987 52988
(E) Any school board shall accept all credits toward graduation earned in adjacent or other district schools by an	52989 52990

adjacent or other district student or a native student. 52991

(F) (1) No board of education may adopt a policy 52992
discouraging or prohibiting its native students from applying to 52993
enroll in the schools of an adjacent or any other district that 52994
has adopted a policy permitting such enrollment, except that:— 52995

~~(a) A a district may object to the enrollment of a native 52996
student in an adjacent or other district in order to maintain an 52997
appropriate racial balance. 52998~~

~~(b) The board of education of a district receiving funds— 52999
under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 53000
may adopt a resolution objecting to the enrollment of its native 53001
students in adjacent or other districts if at least ten per cent 53002
of its students are included in the determination of the United 53003
States secretary of education made under section 20 U.S.C.A.— 53004
238(a).— 53005~~

(2) If a board objects to enrollment of native students 53006
under this division, any adjacent or other district shall refuse 53007
to enroll such native students unless tuition is paid for the 53008
students in accordance with section 3317.08 of the Revised Code. 53009
An adjacent or other district enrolling such students may not 53010
receive funding for those students in accordance with section 53011
3313.981 of the Revised Code. 53012

(G) The department of education and workforce shall 53013
monitor school districts to ensure compliance with this section 53014
and the districts' policies. The department may adopt rules 53015
requiring uniform application procedures, deadlines for 53016
application, notification procedures, and record-keeping 53017
requirements for all school boards that adopt policies 53018
permitting the enrollment of adjacent or other district 53019

students, as applicable. If the department adopts such rules, no school board shall adopt a policy that conflicts with those rules.

(H) A resolution adopted by a board of education under this section that entirely prohibits the enrollment of students from adjacent and from other school districts does not abrogate any agreement entered into under section 3313.841 or 3313.92 of the Revised Code or any contract entered into under section 3313.90 of the Revised Code between the board of education adopting the resolution and the board of education of any adjacent or other district or prohibit these boards of education from entering into any such agreement or contract.

(I) Notwithstanding anything to the contrary in this section or section 3313.981 of the Revised Code, all of the following apply:

(1) A policy adopted by a city, exempted village, or local school district board of education under division (B) (1) (a) or (b) of this section shall permit any student who is not a native student of the district to enroll in the district if both of the following apply:

(a) The student's parent is an active duty member of the armed forces stationed in the state.

(b) The student's parent provides to the district a copy of the parent's official written order verifying the parent's status as an active duty member of the armed forces.

(2) In enrolling a student pursuant to division (I) of this section, a district shall comply with procedures prescribed under divisions (B) (2) and (C) of this section, except as provided in division (I) (6) of this section. In addition, the

district shall not require tuition to be paid for the student's enrollment in the district. 53049
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(3) A student who, pursuant to this division, enrolls in a district that has adopted a policy under division (B) (1) (a) of this section and who is not a native student of that district shall, for the purposes of sections 3313.981, 3315.18, 3317.03, and 3318.011 of the Revised Code, be considered as an "other district student" who enrolls in a district that has adopted a policy under division (B) (1) (c) of this section. Such student also shall receive transportation services under section 3313.981 of the Revised Code in the same manner as an "other district student." 53051
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(4) A student who, pursuant to this division, enrolls in a district that has adopted a policy under division (B) (1) (b) of this section and who is not a native student of the district or an adjacent district shall, nevertheless, be considered an "adjacent district student" for the purposes of sections 3313.981, 3315.18, and 3317.03 of the Revised Code. 53061
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(5) A student who, pursuant to this division, enrolls in a district that has adopted a policy under division (B) (1) (b) of this section and whose parent is subsequently discharged or released from active duty shall be permitted to attend school in that district and receive transportation services under section 3313.981 of the Revised Code in the same manner as an "other district student" for the remainder of the school year in which the parent is discharged or released from active duty. After the conclusion of that school year, that student shall not be eligible under this division, as long as the student does not have a parent on active duty. 53067
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(6) A school district that enrolls a student under 53078

division (I) of this section, or that enrolls a student 53079
described in division (I) (1) of this section under division (B) 53080
(1) (c) of this section, shall not require the student to comply 53081
with any application deadline established under division (B) (2) 53082
of this section. 53083

(J) Nothing in this section shall be construed to permit 53084
or require the board of education of a city, exempted village, 53085
or local school district to exclude any native student of the 53086
district from enrolling in the district. 53087

Sec. 3314.011. (A) Every community school established 53088
under this chapter shall have a designated fiscal officer. 53089
Except as provided for in division (C) of this section, the 53090
fiscal officer shall be employed by or engaged under a contract 53091
with the governing authority of the community school. 53092

(B) Except as otherwise provided in section 3.061 of the 53093
Revised Code, the ~~auditor of state~~ department of education and 53094
workforce shall require that the fiscal officer of any community 53095
school, before entering upon duties as fiscal officer of the 53096
school, execute a bond in an amount and with surety to be 53097
approved by the governing authority of the school, payable to 53098
the state, conditioned for the faithful performance of all the 53099
official duties required of the fiscal officer. The bond shall 53100
be deposited with the governing authority of the school, and a 53101
copy thereof, certified by the governing authority, shall be 53102
filed with the county auditor. 53103

(C) Prior to assuming the duties of fiscal officer, the 53104
fiscal officer designated under this section shall be licensed 53105
under section 3301.074 of the Revised Code. Any person serving 53106
as a fiscal officer of a community school on March 22, 2013, who 53107
is not licensed as a treasurer shall be permitted to serve as a 53108

fiscal officer for not more than one year following March 22, 53109
2013. Beginning on that date and thereafter, no community school 53110
shall permit any individual to serve as a fiscal officer without 53111
a license as required by this section. 53112

(D) (1) The governing authority of a community school may 53113
adopt a resolution waiving the requirement that the governing 53114
authority is the party responsible to employ or contract with 53115
the designated fiscal officer, as prescribed by division (A) of 53116
this section, so long as the school's sponsor also approves the 53117
resolution. The resolution shall be valid for one year. A new 53118
resolution shall be adopted for each year that the governing 53119
authority wishes to waive this requirement, so long as the 53120
school's sponsor also approves the resolution. 53121

No resolution adopted pursuant to this division may waive 53122
the requirement for a community school to have a designated 53123
fiscal officer. 53124

(2) If the governing authority adopts a resolution 53125
pursuant to division (D) (1) of this section, the school's 53126
designated fiscal officer annually shall meet with the governing 53127
authority to review the school's financial status. 53128

(3) The governing authority shall submit to the department 53129
of education and workforce a copy of each resolution adopted 53130
pursuant to division (D) (1) of this section. 53131

Sec. 3314.013. (A) Until May 22, 2013, no internet- or 53132
computer-based community school shall operate unless the school 53133
was open for instruction as of May 1, 2005. No entity described 53134
in division (C) (1) of section 3314.02 of the Revised Code shall 53135
enter into a contract to sponsor an internet- or computer-based 53136
community school, including a conversion school, between May 1, 53137

2005, and May 22, 2013, except as follows: 53138

(1) The entity may renew a contract that the entity 53139
entered into with an internet- or computer-based community 53140
school prior to May 1, 2005, if the school was open for 53141
operation as of that date. 53142

(2) The entity may assume sponsorship of an existing 53143
internet- or computer-based community school that was formerly 53144
sponsored by another entity and may enter into a contract with 53145
that community school in accordance with section 3314.03 of the 53146
Revised Code. 53147

If a sponsor entered into a contract with an internet- or 53148
computer-based community school, including a conversion school, 53149
but the school was not open for operation as of May 1, 2005, the 53150
contract shall be void and the entity shall not enter into 53151
another contract with the school until May 22, 2013. 53152

(B) (1) Beginning on July 1, 2013, up to five new internet- 53153
or computer-based community schools may open each year, subject 53154
to approval of the director of education and workforce under 53155
division (B) (2) of this section. 53156

(2) The director shall approve applications for new 53157
internet- or computer-based community schools from only those 53158
applicants demonstrating experience and quality. 53159

The department of education and workforce shall adopt 53160
rules prescribing measures to determine experience and quality 53161
of applicants in accordance with Chapter 119. of the Revised 53162
Code. The measures shall include, but not be limited to, the 53163
following considerations: 53164

(a) The sponsor's experience with online schools; 53165

(b) The operator's experience with online schools;	53166
(c) The sponsor's and operator's previous record for student performance;	53167 53168
(d) A preference for operators with previous experience in Ohio.	53169 53170
(3) The department shall notify any new internet- or computer-based community school governed by division (B) of this section of whether the director has approved or disapproved the school's application to open for the 2013-2014 school year not later than July 1, 2013. Notwithstanding the dates prescribed for adoption and signing on sponsor contracts in division (D) of section 3314.02 of the Revised Code, or the date for opening a school for instruction required by division (A) (25) of section 3314.03 of the Revised Code, a new internet- or computer-based community school approved for opening for the 2013-2014 school year under division (B) of this section may open and operate in that school year regardless of whether it has complied with those contract and opening dates. For each school year thereafter, the school shall comply with all applicable provisions of this chapter.	53171 53172 53173 53174 53175 53176 53177 53178 53179 53180 53181 53182 53183 53184 53185
(4) Notwithstanding divisions (B) (1) and (2) of this section, a sponsor rated "exemplary" on its most recent evaluation conducted under section 3314.016 of the Revised Code is permitted to open up to two new internet- or computer-based community schools that will primarily serve students enrolled in a <u>are dropout prevention and recovery program</u> community schools each year, not to exceed six new schools in a five-year period.	53186 53187 53188 53189 53190 53191 53192
(C) Nothing in division (A) or (B) of this section prohibits an internet- or computer-based community school from	53193 53194

increasing the number of grade levels it offers. 53195

Sec. 3314.015. (A) The department of education and 53196
workforce shall be responsible for the oversight of any and all 53197
sponsors of the community schools established under this chapter 53198
and shall provide technical assistance to schools and sponsors 53199
in their compliance with applicable laws and the terms of the 53200
contracts entered into under section 3314.03 of the Revised Code 53201
and in the development and start-up activities of those schools. 53202
In carrying out its duties under this section, the department 53203
shall do all of the following: 53204

(1) In providing technical assistance to proposing 53205
parties, governing authorities, and sponsors, conduct training 53206
sessions and distribute informational materials; 53207

(2) Approve entities to be sponsors of community schools; 53208

(3) Monitor and evaluate, as required under section 53209
3314.016 of the Revised Code, the effectiveness of any and all 53210
sponsors in their oversight of the schools with which they have 53211
contracted; 53212

(4) By December thirty-first of each year, issue a report 53213
to the governor, the speaker of the house of representatives, 53214
the president of the senate, and the chairpersons of the house 53215
and senate committees principally responsible for education 53216
matters regarding the effectiveness of academic programs, 53217
operations, and legal compliance and of the financial condition 53218
of all community schools established under this chapter and on 53219
the performance of community school sponsors; 53220

(5) From time to time, make legislative recommendations to 53221
the general assembly designed to enhance the operation and 53222
performance of community schools. 53223

(B) (1) Except as provided in sections 3314.021 and 53224
3314.027 of the Revised Code, no entity shall enter into a 53225
preliminary agreement under division (C) (2) of section 3314.02 53226
of the Revised Code or renew an existing contract to sponsor a 53227
community school until it has received approval from the 53228
department to sponsor community schools under this chapter and 53229
has entered into a written agreement with the department 53230
regarding the manner in which the entity will conduct such 53231
sponsorship. 53232

On and after July 1, 2017, each entity that sponsors a 53233
community school in this state, except for an entity described 53234
in sections 3314.021 and 3314.027 of the Revised Code, shall 53235
attain approval from the department in order to continue 53236
sponsoring schools regardless of whether that entity intends to 53237
enter into a preliminary agreement or renew an existing 53238
contract. 53239

All new and renewed agreements between the department and 53240
a sponsor shall contain specific language addressing the 53241
parameters under which the department can intervene and 53242
potentially revoke sponsorship authority in the event that the 53243
sponsor is unwilling or unable to fulfill its obligations. 53244
Additionally, each agreement shall set forth any territorial 53245
restrictions and limits on the number of schools that entity may 53246
sponsor, provide for an annual evaluation process, and include a 53247
stipulation permitting the department to modify the agreement 53248
under the following circumstances: 53249

(a) Poor fiscal management; 53250

(b) Lack of academic progress. 53251

(2) The initial term of a sponsor's agreement with the 53252

department shall be for up to five years. 53253

(a) An agreement entered into with the department pursuant 53254
to this section may be renewed for a term of up to ten years 53255
using the following criteria: 53256

(i) The academic performance of students enrolled in each 53257
community school the entity sponsors, as determined by the 53258
department pursuant to division (B) (1) (a) of section 3314.016 of 53259
the Revised Code; 53260

(ii) The sponsor's adherence to quality practices, as 53261
determined by the department pursuant to division (B) (1) (b) of 53262
section 3314.016 of the Revised Code; 53263

(iii) The sponsor's compliance with all applicable laws 53264
and administrative rules. 53265

(b) Each agreement between the department and a sponsor 53266
shall specify that entities with an overall rating of 53267
"exemplary" for at least two consecutive years shall not be 53268
subject to the limit on the number of community schools the 53269
entity may sponsor or any territorial restrictions on 53270
sponsorship, for so long as that entity continues to be rated 53271
"exemplary." 53272

(c) The department shall adopt in accordance with Chapter 53273
119. of the Revised Code rules containing criteria, procedures, 53274
and deadlines for processing applications for approval of 53275
sponsors, for oversight of sponsors, for notifying a sponsor of 53276
noncompliance with applicable laws and administrative rules 53277
under division (F) of this section, for revocation of the 53278
approval of sponsors under division (C) of this section, and for 53279
entering into written agreements with sponsors. The rules shall 53280
require an entity to submit evidence of the entity's ability and 53281

willingness to comply with the provisions of division ~~(D)~~(C) of 53282
section 3314.03 of the Revised Code. The rules also shall 53283
require all entities approved as sponsors to demonstrate a 53284
record of financial responsibility and successful implementation 53285
of educational programs. If an entity seeking approval to 53286
sponsor community schools in this state sponsors or operates 53287
schools in another state, at least one of the schools sponsored 53288
or operated by the entity must be comparable to or better than 53289
the performance of Ohio schools in need of continuous 53290
improvement under section 3302.03 of the Revised Code, as 53291
determined by the department. 53292

Subject to section 3314.016 of the Revised Code, an entity 53293
that sponsors community schools may enter into preliminary 53294
agreements and sponsor up to one hundred schools, provided each 53295
school and the contract for sponsorship meets the requirements 53296
of this chapter. A sponsor that was rated "exemplary" on its 53297
most recent rating under section 3314.016 of the Revised Code 53298
may sponsor up to two hundred such schools. 53299

(3) The department shall determine, pursuant to criteria 53300
specified in rules adopted in accordance with Chapter 119. of 53301
the Revised Code, whether the mission proposed to be specified 53302
in the contract of a community school to be sponsored by a state 53303
university board of trustees or the board's designee under 53304
division (C)(1)(e) of section 3314.02 of the Revised Code 53305
complies with the requirements of that division. Such 53306
determination of the department is final. 53307

(4) The department shall determine, pursuant to criteria 53308
specified in rules adopted in accordance with Chapter 119. of 53309
the Revised Code, if any tax-exempt entity under section 501(c) 53310
(3) of the Internal Revenue Code that is proposed to be a 53311

sponsor of a community school is an education-oriented entity 53312
for purpose of satisfying the condition prescribed in division 53313
(C) (1) (f) (iii) of section 3314.02 of the Revised Code. Such 53314
determination of the department is final. 53315

(C) If at any time the department finds that a sponsor is 53316
not in compliance or is no longer willing to comply with its 53317
contract with any community school or with the department's 53318
rules for sponsorship, the department shall conduct a hearing in 53319
accordance with Chapter 119. of the Revised Code on that matter. 53320
If after the hearing, the department has confirmed the original 53321
finding, it may revoke the sponsor's approval to sponsor 53322
community schools. In that case, the department's office of Ohio 53323
school sponsorship, established under section 3314.029 of the 53324
Revised Code, may assume the sponsorship of any schools with 53325
which the sponsor has contracted until the earlier of the 53326
expiration of two school years or until a new sponsor as 53327
described in division (C) (1) of section 3314.02 of the Revised 53328
Code is secured by the school's governing authority. The office 53329
of Ohio school sponsorship may extend the term of the contract 53330
in the case of a school for which it has assumed sponsorship 53331
under this division as necessary to accommodate the term of the 53332
department's authorization to sponsor the school specified in 53333
this division. Community schools sponsored under this division 53334
shall not apply to the limit on directly authorized community 53335
schools under division (A) (3) of section 3314.029 of the Revised 53336
Code. However, nothing in this division shall preclude a 53337
community school affected by this division from applying for 53338
sponsorship under that section. 53339

(D) The decision of the department to disapprove an entity 53340
for sponsorship of a community school or to revoke approval for 53341
such sponsorship under division (C) of this section, may be 53342

appealed by the entity in accordance with section 119.12 of the Revised Code. 53343
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(E) The department shall adopt procedures for use by a community school governing authority and sponsor when the school permanently closes and ceases operation, which shall include at least procedures for data reporting to the department, handling of student records, distribution of assets in accordance with section 3314.074 of the Revised Code, and other matters related to ceasing operation of the school. 53345
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(F) (1) In lieu of revoking a sponsor's authority to sponsor community schools under division (C) of this section, if the department finds that a sponsor is not in compliance with applicable laws and administrative rules, the department shall declare in a written notice to the sponsor the specific laws or rules, or both, for which the sponsor is noncompliant. A sponsor notified under division (F) (1) of this section shall respond to the department not later than fourteen days after the notification with a proposed plan to remedy the conditions for which the sponsor was found to be noncompliant. The department shall approve or disapprove the plan not later than fourteen days after receiving it. If the plan is disapproved, the sponsor may submit a revised plan to the department not later than fourteen days after receiving notification of disapproval from the department or not later than sixty days after the date the sponsor received notification of noncompliance from the department, whichever is earlier. The department shall approve or disapprove the revised plan not later than fourteen days after receiving it or not later than sixty days after the date the sponsor received notification of noncompliance from the department, whichever is earlier. A sponsor may continue to make revisions by the deadlines prescribed in division (F) (1) of this 53352
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section to any revised plan that is disapproved by the 53374
department until the sixtieth day after the date the sponsor 53375
received notification of noncompliance from the department. 53376

If a plan or a revised plan is approved, the sponsor shall 53377
implement it not later than sixty days after the date the 53378
sponsor received notification of noncompliance from the 53379
department or not later than thirty days after the plan is 53380
approved, whichever is later. If a sponsor does not respond to 53381
the department or implement an approved compliance plan by the 53382
deadlines prescribed by division (F) (1) of this section, or if a 53383
sponsor does not receive approval of a compliance plan on or 53384
before the sixtieth day after the date the sponsor received 53385
notification of noncompliance from the department, the 53386
department shall declare in written notice to the sponsor that 53387
the sponsor is in probationary status, and may limit the 53388
sponsor's ability to sponsor additional schools. 53389

(2) A sponsor that has been placed on probationary status 53390
under division (F) (1) of this section may apply to the 53391
department for its probationary status to be lifted. The 53392
application for a sponsor's probationary status to be lifted 53393
shall include evidence, occurring after the initial notification 53394
of noncompliance, of the sponsor's compliance with applicable 53395
laws and administrative rules. Not later than fourteen days 53396
after receiving an application from the sponsor, the department 53397
shall decide whether or not to remove the sponsor's probationary 53398
status. 53399

(G) In carrying out its duties under this chapter, the 53400
department shall not impose requirements on community schools or 53401
their sponsors that are not permitted by law or duly adopted 53402
rules. 53403

(H) This section applies to entities that sponsor 53404
conversion community schools and new start-up schools. 53405

(I) Nothing in divisions (C) to (F) of this section 53406
prohibits the department from taking any action permitted or 53407
required under the written agreement between the department and 53408
a sponsoring entity without a hearing on the matter, in the 53409
event that the sponsor is unwilling or unable to fulfill its 53410
obligations. 53411

Sec. 3314.016. This section applies to any entity that 53412
sponsors a community school, regardless of whether section 53413
3314.021 or 3314.027 of the Revised Code exempts the entity from 53414
the requirement to be approved for sponsorship under divisions 53415
(A) (2) and (B) (1) of section 3314.015 of the Revised Code. The 53416
office of Ohio school sponsorship established under section 53417
3314.029 of the Revised Code shall be rated under division (B) 53418
of this section, but divisions (A) and (C) of this section do 53419
not apply to the office. 53420

(A) An entity that sponsors a community school shall be 53421
permitted to enter into contracts under section 3314.03 of the 53422
Revised Code to sponsor additional community schools only if the 53423
entity meets all of the following criteria: 53424

(1) The entity is in compliance with all provisions of 53425
this chapter requiring sponsors of community schools to report 53426
data or information to the department of education and 53427
workforce. 53428

(2) The entity is not rated as "ineffective" under 53429
division ~~(B) (6)~~ (B) (5) of this section. 53430

(3) Except as set forth in sections 3314.021 and 3314.027 53431
of the Revised Code, the entity has received approval from and 53432

entered into an agreement with the department pursuant to 53433
section 3314.015 of the Revised Code. 53434

(B) (1) The department shall develop and implement an 53435
evaluation system that annually rates and assigns an overall 53436
rating to each entity that sponsors a community school. The 53437
department, not later than the first day of February of each 53438
year, shall post on the department's web site the framework for 53439
the evaluation system, including technical documentation that 53440
the department intends to use to rate sponsors for the next 53441
school year. The department shall solicit public comment on the 53442
evaluation system for thirty consecutive days. Not later than 53443
the first day of April of each year, the department shall 53444
compile and post on the department's web site all public 53445
comments that were received during the public comment period. 53446
The evaluation system shall be posted on the department's web 53447
site by the fifteenth day of July of each school year. Any 53448
changes to the evaluation system after that date shall take 53449
effect the following year. The evaluation system shall be based 53450
on the following components: 53451

(a) Academic performance of students enrolled in community 53452
schools sponsored by the same entity. The academic performance 53453
component shall be derived from the performance measures 53454
prescribed for the state report cards under section 3302.03 or 53455
3314.017 of the Revised Code, and shall be based on the 53456
performance of the schools for the school year for which the 53457
evaluation is conducted. In addition to the academic performance 53458
for a specific school year, the academic performance component 53459
shall also include year-to-year changes in the overall sponsor 53460
portfolio. For a community school for which no graded 53461
performance measures are applicable or available, the department 53462
shall use nonreport card performance measures specified in the 53463

contract between the community school and the sponsor under 53464
division (A) (4) of section 3314.03 of the Revised Code. 53465

(b) Adherence by a sponsor to the quality practices 53466
prescribed by the department under division (B) (3) of this 53467
section. ~~For a sponsor that was rated "effective" or "exemplary"~~ 53468
~~on its most recent rating, the department may evaluate that~~ 53469
~~sponsor's adherence to quality practices once over a period of~~ 53470
~~three years. If the department elects to evaluate a sponsor once~~ 53471
~~over a period of three years, the most recent rating for a~~ 53472
~~sponsor's adherence to quality practices shall be used when~~ 53473
~~determining an annual overall rating conducted under this~~ 53474
~~section.~~ 53475

(c) Compliance with all applicable laws and administrative 53476
rules by an entity that sponsors a community school. 53477

Under the evaluation system prescribed under division (B) 53478
(1) of this section, the department shall not assign an overall 53479
rating of "ineffective" or lower to an entity that sponsors a 53480
community school solely because that entity received no points 53481
on one of the components prescribed under that division. 53482

(2) In calculating an academic performance component, the 53483
department shall exclude all community schools that have been in 53484
operation for not more than two full school years, all community 53485
schools whose contracts were not renewed or terminated by the 53486
sponsor pursuant to section 3314.07 of the Revised Code before 53487
the evaluation, and all community schools described in division 53488
(B) (2) of section 3314.35 of the Revised Code. However, the 53489
academic performance of the community schools described in 53490
division (B) (2) of section 3314.35 of the Revised Code shall be 53491
reported, but shall not be used as a factor when determining a 53492
sponsoring entity's rating under this section. 53493

(3) The department, in consultation with entities that sponsor community schools, shall prescribe quality practices for community school sponsors and develop an instrument to measure adherence to those quality practices. The quality practices shall be based on standards developed by the national association of charter school authorizers or any other nationally organized community school organization.

~~(4) (a) The department may permit peer review of a sponsor's adherence to the quality practices prescribed under division (B) (3) of this section. Peer reviewers shall be limited to individuals employed by sponsors rated "effective" or "exemplary" on the most recent ratings conducted under this section.~~

~~(b) The department shall require individuals participating in peer review under division (B) (4) (a) of this section to complete training approved or established by the department.~~

~~(c) The department may enter into an agreement with another entity to provide training to individuals conducting peer review of sponsors. Prior to entering into an agreement with an entity, the department shall review and approve of the entity's training program.~~

~~(5)~~ (4) The director of education and workforce shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing standards for measuring compliance with applicable laws and rules under division (B) (1) (c) of this section.

~~(6)~~ (5) The department annually shall rate all entities that sponsor community schools as either "exemplary," "effective," "ineffective," or "poor," based on the components prescribed by division (B) of this section, where each component

is weighted equally. A separate rating shall be given by the 53523
department for each component of the evaluation system. 53524

The department shall publish the ratings between the first 53525
day of October and the fifteenth day of November. 53526

Prior to the publication of the final ratings, the 53527
department shall designate and provide notice of a period of at 53528
least ten business days during which each sponsor may review the 53529
information used by the department to determine the sponsor's 53530
rating on the components prescribed by division (B)(1) of this 53531
section. If the sponsor believes there is an error in the 53532
department's evaluation, the sponsor may request adjustments to 53533
the rating of any of those components based on documentation 53534
previously submitted as part of an evaluation. The sponsor shall 53535
provide to the department any necessary evidence or information 53536
to support the requested adjustments. The department shall 53537
review the evidence and information, determine whether an 53538
adjustment is valid, and promptly notify the sponsor of its 53539
determination and reasons. If any adjustments to the data could 53540
result in a change to the rating on the applicable component or 53541
to the overall rating, the department shall recalculate the 53542
ratings prior to publication. 53543

The department shall provide training on an annual basis 53544
regarding the evaluation system prescribed under this section. 53545
The training shall, at a minimum, describe methodology, 53546
timelines, and data required for the evaluation system. The 53547
first training session shall occur not later than March 2, 2016. 53548
Beginning in 2018, the training shall be made available to each 53549
entity that sponsors a community school by the fifteenth day of 53550
July of each year and shall include guidance on any changes made 53551
to the evaluation system. 53552

~~(7) (a)~~ (6) (a) Entities with an overall rating of 53553
"exemplary" ~~for the two most recent years in which the entity~~ 53554
~~was evaluated~~ may take advantage of the following incentives: 53555

(i) Renewal of the written agreement with the department, 53556
not to exceed ten years, provided that the entity consents to 53557
continued evaluation of adherence to quality practices as 53558
described in division (B) (1) (b) of this section; 53559

(ii) The ability to extend the term of the contract 53560
between the sponsoring entity and the community school beyond 53561
the term described in the written agreement with the department; 53562

(iii) An exemption from the preliminary agreement and 53563
contract adoption and execution deadline requirements prescribed 53564
in division (D) of section 3314.02 of the Revised Code; 53565

(iv) An exemption from the automatic contract expiration 53566
requirement, should a new community school fail to open by the 53567
thirtieth day of September of the calendar year in which the 53568
community school contract is executed; 53569

(v) No limit on the number of community schools the entity 53570
may sponsor; 53571

(vi) No territorial restrictions on sponsorship. 53572

An entity may continue to sponsor any community schools 53573
with which it entered into agreements under division ~~(B) (7) (a)~~ 53574
(B) (6) (a) (v) or (vi) of this section while rated "exemplary," 53575
notwithstanding the fact that the entity later receives a lower 53576
overall rating. 53577

(b) Entities with an overall rating of "exemplary" shall 53578
not be evaluated by the department for five full school years 53579
following the school year for which the entity received the 53580

"exemplary" rating. Entities with an overall rating of 53581
~~"exemplary" or "effective" for the three most recent years in~~ 53582
~~which the entity was evaluated shall~~ not be evaluated by the 53583
department ~~once every~~ for three full school years following the 53584
school year for which the entity received the "effective" 53585
rating. 53586

(c) (i) Entities that receive an overall rating of 53587
"ineffective" shall be prohibited from sponsoring any new or 53588
additional community schools during the time in which the 53589
sponsor is rated as "ineffective" and shall be subject to a 53590
quality improvement plan based on correcting the deficiencies 53591
that led to the "ineffective" rating, with timelines and 53592
benchmarks that have been established by the department. 53593

(ii) Entities that receive an overall rating of 53594
"ineffective" on their three most recent ratings shall have all 53595
sponsorship authority revoked. Within thirty days after 53596
receiving its third rating of "ineffective," the entity may 53597
appeal the revocation of its sponsorship authority to the 53598
director, who shall appoint an independent hearing officer to 53599
conduct a hearing in accordance with Chapter 119. of the Revised 53600
Code. The hearing shall be conducted within thirty days after 53601
receipt of the notice of appeal. Within forty-five days after 53602
the hearing is completed, the director shall determine whether 53603
the revocation is appropriate based on the hearing conducted by 53604
the independent hearing officer, and if determined appropriate, 53605
the revocation shall be confirmed. 53606

(d) Entities that receive an overall rating of "poor" 53607
shall have all sponsorship authority revoked. Within thirty days 53608
after receiving a rating of "poor," the entity may appeal the 53609
revocation of its sponsorship authority to the director, who 53610

shall appoint an independent hearing officer to conduct a 53611
hearing in accordance with Chapter 119. of the Revised Code. The 53612
hearing shall be conducted within thirty days after receipt of 53613
the notice of appeal. Within forty-five days after the hearing 53614
is completed, the director shall determine whether the 53615
revocation is appropriate based on the hearing conducted by the 53616
independent hearing officer, and if determined appropriate, the 53617
revocation shall be confirmed. 53618

~~(8)~~ (7) For the 2014-2015 school year and each school year 53619
thereafter, student academic performance prescribed under 53620
division (B) (1) (a) of this section shall include student 53621
academic performance data from dropout prevention and recovery 53622
~~community schools that primarily serve students enrolled in a~~ 53623
~~dropout prevention and recovery program.~~ 53624

(8) The department shall publish annually academic 53625
performance data for each sponsor in accordance with division 53626
(B) (1) (a) of this section, regardless of whether the sponsor is 53627
being evaluated under this section for that school year. 53628

(C) If the governing authority of a community school 53629
enters into a contract with a sponsor prior to the date on which 53630
the sponsor is prohibited from sponsoring additional schools 53631
under division (A) of this section and the school has not opened 53632
for operation as of that date, that contract shall be void and 53633
the school shall not open until the governing authority secures 53634
a new sponsor by entering into a contract with the new sponsor 53635
under section 3314.03 of the Revised Code. However, the 53636
department's office of Ohio school sponsorship, established 53637
under section 3314.029 of the Revised Code, may assume the 53638
sponsorship of the school until the earlier of the expiration of 53639
two school years or until a new sponsor is secured by the 53640

school's governing authority. A community school sponsored by 53641
the department under this division shall not be included when 53642
calculating the maximum number of directly authorized community 53643
schools permitted under division (A) (3) of section 3314.029 of 53644
the Revised Code. 53645

(D) When an entity's authority to sponsor schools is 53646
revoked pursuant to division ~~(B) (7) (e)~~ (B) (6) (c) or (d) of this 53647
section, the office of Ohio school sponsorship shall assume 53648
sponsorship of any schools with which the original sponsor has 53649
contracted for the remainder of that school year. The office may 53650
continue sponsoring those schools until the earlier of: 53651

(1) The expiration of two school years from the time that 53652
sponsorship is revoked; 53653

(2) When a new sponsor is secured by the governing 53654
authority pursuant to division (C) (1) of section 3314.02 of the 53655
Revised Code. 53656

Any community school sponsored under this division shall 53657
not be counted for purposes of directly authorized community 53658
schools under division (A) (3) of section 3314.029 of the Revised 53659
Code. 53660

(E) The department shall recalculate the rating for the 53661
2017-2018 school year for each sponsor of a community school 53662
that receives recalculated ratings pursuant to division (I) of 53663
section 3314.017 of the Revised Code. 53664

Sec. 3314.017. (A) The department of education and 53665
workforce shall prescribe by rules, adopted in accordance with 53666
Chapter 119. of the Revised Code, an academic performance rating 53667
and report card system that satisfies the requirements of this 53668
section for dropout prevention and recovery community schools 53669

~~that primarily serve students enrolled in dropout prevention and recovery programs as described in division (B) (1) of section 3314.35 of the Revised Code, to be used in lieu of the system prescribed under sections 3302.03 and 3314.012 of the Revised Code beginning with the 2012-2013 school year. Each such school shall comply with the testing and reporting requirements of the system as prescribed by the department.~~

(B) Nothing in this section shall at any time relieve a school from its obligations under the "No Child Left Behind Act of 2001" to make "adequate yearly progress," as both that act and that term are defined in section 3302.01 of the Revised Code, or a school's amenability to the provisions of section 3302.04 or 3302.041 of the Revised Code. The department shall continue to report each school's performance as required by the act and to enforce applicable sanctions under section 3302.04 or 3302.041 of the Revised Code.

(C) The rules adopted by the department shall prescribe the following performance indicators for the rating and report card system required by this section:

(1) Graduation rate for each of the following student cohorts:

(a) The number of students who graduate in four years or less with a regular high school diploma divided by the number of students who form the adjusted cohort for the graduating class;

(b) The number of students who graduate in five years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;

(c) The number of students who graduate in six years with a regular high school diploma divided by the number of students

who form the adjusted cohort for the four-year graduation rate;	53699
(d) The number of students who graduate in seven years	53700
with a regular high school diploma divided by the number of	53701
students who form the adjusted cohort for the four-year	53702
graduation rate;	53703
(e) The number of students who graduate in eight years	53704
with a regular high school diploma divided by the number of	53705
students who form the adjusted cohort for the four-year	53706
graduation rate.	53707
(2) The percentage of twelfth-grade students currently	53708
enrolled in the school who have attained the designated passing	53709
score on all of the state high school achievement assessments	53710
required under division (B) (1) of section 3301.0710 of the	53711
Revised Code or the cumulative performance score on the end-of-	53712
course examinations prescribed under division (B) (2) of section	53713
3301.0712 of the Revised Code, whichever applies, and other	53714
students enrolled in the school, regardless of grade level, who	53715
are within three months of their twenty-second birthday and have	53716
attained the designated passing score on all of the state high	53717
school achievement assessments or the cumulative performance	53718
score on the end-of-course examinations, whichever applies, by	53719
their twenty-second birthday;	53720
(3) Annual measurable objectives as defined in section	53721
3302.01 of the Revised Code;	53722
(4) Growth in student achievement in reading, or	53723
mathematics, or both as measured by separate nationally norm-	53724
referenced assessments that have developed appropriate standards	53725
for students enrolled in dropout prevention and recovery	53726
programs, adopted or approved by the department.	53727

(D) (1) The department's rules shall prescribe the expected performance levels and benchmarks for each of the indicators prescribed by division (C) of this section based on the data gathered by the department under division (G) of this section and simulations created by the department. Based on a school's level of attainment or nonattainment of the expected performance levels and benchmarks for each of the indicators, the department shall rate each school in one of the following categories:

(a) Exceeds standards;

(b) Meets standards;

(c) Does not meet standards.

(2) The department's rules shall establish all of the following:

(a) Performance levels and benchmarks for the indicators described in divisions (C) (1) to (3) of this section;

(b) Both of the following:

(i) Performance levels and benchmarks for the indicator described in division (C) (4) of this section;

(ii) Standards for awarding a dropout prevention and recovery community school ~~described in division (B) (1) of section 3314.35 of the Revised Code~~ an overall designation, which shall be calculated as follows:

(I) Thirty per cent of the score shall be based on the indicators described in division (C) (1) of this section that are applicable to the school year for which the overall designation is granted.

(II) Thirty per cent of the score shall be based on the

indicators described in division (C)(4) of this section. 53755

(III) Twenty per cent of the score shall be based on the 53756
indicators described in division (C)(2) of this section. 53757

(IV) Twenty per cent of the score shall be based on the 53758
indicators described in division (C)(3) of this section. 53759

(3) If both of the indicators described in divisions (C) 53760
(1) and (2) of this section improve by ten per cent for two 53761
consecutive years, a school shall be rated not less than "meets 53762
standards." 53763

The rating and the relevant performance data for each 53764
school shall be posted on the department's web site, and a copy 53765
of the rating and data shall be provided to the governing 53766
authority of the community school. 53767

~~(E) (1) For the 2012-2013 school year, the department shall 53768
issue a report card including the following performance- 53769
measures, but without a performance rating as described in- 53770
divisions (D)(1)(a) to (c) of this section, for each community- 53771
school described in division (B)(1) of section 3314.35 of the- 53772
Revised Code:- 53773~~

~~(a) The graduation rates as described in divisions (C)(1)- 53774
(a) to (c) of this section;- 53775~~

~~(b) The percentage of twelfth-grade students and other- 53776
students who have attained a designated passing score on high- 53777
school achievement assessments as described in division (C)(2)- 53778
of this section;- 53779~~

~~(c) The statewide average for the graduation rates and- 53780
assessment passage rates described in divisions (C)(1)(a) to (c)- 53781
and (C)(2) of this section;- 53782~~

(d) Annual measurable objectives described in division (C)	53783
(3) of this section.	53784
(2) For the 2013-2014 school year, the department shall	53785
issue a report card including the following performance measures	53786
for each community school described in division (B) (1) of	53787
section 3314.35 of the Revised Code:	53788
(a) The graduation rates described in divisions (C) (1) (a)	53789
to (d) of this section, including a performance rating as	53790
described in divisions (D) (1) (a) to (c) of this section;	53791
(b) The percentage of twelfth-grade students and other	53792
students who have attained a designated passing score on high	53793
school achievement assessments as described in division (C) (2)	53794
of this section, including a performance rating as described in	53795
divisions (D) (1) (a) to (c) of this section;	53796
(c) Annual measurable objectives described in division (C)	53797
(3) of this section, including a performance rating as described	53798
in divisions (D) (1) (a) to (c) of this section;	53799
(d) Both of the following without an assigned rating:	53800
(i) Growth in annual student achievement in reading and	53801
mathematics described in division (C) (4) of this section, if	53802
available;	53803
(ii) Student outcome data, including postsecondary credit	53804
earned, nationally recognized career or technical certification,	53805
military enlistment, job placement, and attendance rate.	53806
(3) Beginning with the 2014-2015 school year, and annually	53807
thereafter, the (E) The department annually shall issue a report	53808
card for each dropout prevention and recovery community school	53809
described in division (B) (1) of section 3314.35 of the Revised	53810

~~Code~~ that includes all of the following performance measures, 53811
including a performance rating for each measure as described in 53812
divisions (D) (1) (a) to (c) of this section: 53813

~~(a)~~ (1) The graduation rates as described in division (C) 53814
(1) of this section; 53815

~~(b)~~ (2) The percentage of twelfth-grade students and other 53816
students who have attained a designated passing score on high 53817
school achievement assessments as described in division (C) (2) 53818
of this section; 53819

~~(c)~~ (3) Annual measurable objectives described in division 53820
(C) (3) of this section, including a performance rating as 53821
described in divisions (D) (1) (a) to (c) of this section; 53822

~~(d)~~ (4) Growth in annual student achievement in reading and 53823
mathematics as described in division (C) (4) of this section; 53824

~~(e)~~ (5) An overall performance designation for the school 53825
calculated under rules adopted under division (D) (2) of this 53826
section. 53827

The department shall also include student outcome data, 53828
including postsecondary credit earned, nationally recognized 53829
career or technical certification, military enlistment, job 53830
placement, attendance rate, and progress on closing achievement 53831
gaps for each school. This information shall not be included in 53832
the calculation of a school's performance rating. 53833

(F) Not later than the thirty-first day of July of each 53834
year, the department shall submit preliminary report card data 53835
for overall academic performance for each performance measure 53836
prescribed in division ~~(E) (3)~~ (E) of this section for each 53837
community school to which this section applies. 53838

(G) For the purposes of prescribing performance levels and benchmarks under division (D) of this section, the department shall gather and analyze data from prior school years for each ~~dropout prevention and recovery community school described in~~ ~~division (B) (1) of section 3314.35 of the Revised Code.~~ Each such school shall cooperate with the department. The department shall consult with stakeholder groups in performing its duties under this division.

(H) The department shall review the performance levels and benchmarks for performance indicators in the report card issued under this section and may revise them based on the data collected under division (G) of this section.

(I) For the purposes of division (F) of section 3314.351 of the Revised Code, the department shall recalculate the ratings for each school under division (E) (3) of this section for the 2017-2018 school year and calculate the ratings under that division for the 2018-2019 school year using the indicators prescribed by division (C) of this section, as it exists on and after July 18, 2019.

Sec. 3314.02. (A) As used in this chapter:

(1) "Sponsor" means the board of education of a school district or the governing board of an educational service center that agrees to the conversion of all or part of a school or building under division (B) of this section, or an entity listed in division (C) (1) of this section, which has been approved by the department of education and workforce to sponsor community schools or is exempted by section 3314.021 or 3314.027 of the Revised Code from obtaining approval, and with which the governing authority of a community school enters into a contract under section 3314.03 of the Revised Code.

(2) "Pilot project area" means the school districts 53869
included in the territory of the former community school pilot 53870
project established by former Section 50.52 of Am. Sub. H.B. No. 53871
215 of the 122nd general assembly. 53872

(3) "Challenged school district" means any of the 53873
following: 53874

(a) A school district that is part of the pilot project 53875
area; 53876

(b) A school district that meets one of the following 53877
conditions: 53878

(i) On March 22, 2013, the district was in a state of 53879
academic emergency or in a state of academic watch under section 53880
3302.03 of the Revised Code, as that section existed prior to 53881
March 22, 2013; 53882

(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 53883
2015-2016 school years, the district received a grade of "D" or 53884
"F" for the performance index score and a grade of "F" for the 53885
value-added progress dimension under section 3302.03 of the 53886
Revised Code; 53887

(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 53888
and 2020-2021 school years, the district has received an overall 53889
grade of "D" or "F" under division (C) (3) of section 3302.03 of 53890
the Revised Code, or, for at least two of the three most recent 53891
school years, the district received a grade of "F" for the 53892
value-added progress dimension under division (C) (1) (e) of that 53893
section; 53894

(iv) For the 2021-2022 school year and for any school year 53895
thereafter, the district has received an overall performance 53896
rating of less than three stars under division (D) (3) of section 53897

3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received one star for progress under division (D) (3) (c) of that section. 53898
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(c) A big eight school district; 53901

(d) A school district ranked in the lowest five per cent of school districts according to performance index score under section 3302.21 of the Revised Code. 53902
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(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following: 53905
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(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code; 53907
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(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code. 53911
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(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school or educational service center building, as designated in the school's contract pursuant to division (A) (17) of section 3314.03 of the Revised Code. 53914
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(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998. 53919
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(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on 53923
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assignments in nonclassroom-based learning opportunities 53926
provided via an internet- or other computer-based instructional 53927
method that does not rely on regular classroom instruction or 53928
via comprehensive instructional methods that include internet- 53929
based, other computer-based, and noncomputer-based learning 53930
opportunities unless a student receives career-technical 53931
education under section 3314.086 of the Revised Code. 53932

A community school that operates mainly as an internet- or 53933
computer-based community school and provides career-technical 53934
education under section 3314.086 of the Revised Code shall be 53935
considered an internet- or computer-based community school, even 53936
if it provides some classroom-based instruction, so long as it 53937
provides instruction via the methods described in this division. 53938

(8) "Operator" or "management company" means either of the 53939
following: 53940

(a) An individual or organization that manages the daily 53941
operations of a community school pursuant to a contract between 53942
the operator or management company and the school's governing 53943
authority; 53944

(b) A nonprofit organization that provides programmatic 53945
oversight and support to a community school under a contract 53946
with the school's governing authority and that retains the right 53947
to terminate its affiliation with the school if the school fails 53948
to meet the organization's quality standards. 53949

(9) "Alliance municipal school district" has the same 53950
meaning as in section 3311.86 of the Revised Code. 53951

(10) "Dropout prevention and recovery community school" 53952
means a community school that enrolls only students who are at 53953
least fourteen years of age and not older than twenty-one years 53954

of age and who, at the time of their initial enrollment, are at 53955
least one grade level behind their cohort age groups or 53956
experience crises that significantly interfere with their 53957
academic progress such that they are prevented from continuing 53958
their traditional educational programs. 53959

(B) (1) Any person or group of individuals may initially 53960
propose under this division the conversion of all or a portion 53961
of a public school to a community school. The proposal shall be 53962
made to the board of education of the city, local, exempted 53963
village, or joint vocational school district in which the public 53964
school is proposed to be converted. 53965

(2) Any person or group of individuals may initially 53966
propose under this division the conversion of all or a portion 53967
of a building operated by an educational service center to a 53968
community school. The proposal shall be made to the governing 53969
board of the service center. 53970

On or after July 1, 2017, except as provided in section 53971
3314.027 of the Revised Code, any educational service center 53972
that sponsors a community school shall be approved by and enter 53973
into a written agreement with the department as described in 53974
section 3314.015 of the Revised Code. 53975

(3) Upon receipt of a proposal, and after an agreement has 53976
been entered into pursuant to section 3314.015 of the Revised 53977
Code, a board may enter into a preliminary agreement with the 53978
person or group proposing the conversion of the public school or 53979
service center building, indicating the intention of the board 53980
to support the conversion to a community school. A proposing 53981
person or group that has a preliminary agreement under this 53982
division may proceed to finalize plans for the school, establish 53983
a governing authority for the school, and negotiate a contract 53984

with the board. Provided the proposing person or group adheres 53985
to the preliminary agreement and all provisions of this chapter, 53986
the board shall negotiate in good faith to enter into a contract 53987
in accordance with section 3314.03 of the Revised Code and 53988
division (C) of this section. 53989

(4) The sponsor of a conversion community school proposed 53990
to open in an alliance municipal school district shall be 53991
subject to approval by the department of education and workforce 53992
for sponsorship of that school using the criteria established 53993
under division (A) of section 3311.87 of the Revised Code. 53994

Division (B) (4) of this section does not apply to a 53995
sponsor that, on or before September 29, 2015, was exempted 53996
under section 3314.021 or 3314.027 of the Revised Code from the 53997
requirement to be approved for sponsorship under divisions (A) 53998
(2) and (B) (1) of section 3314.015 of the Revised Code. 53999

(5) A school established in accordance with division (B) 54000
of this section that later enters into a sponsorship contract 54001
with an entity that is not a school district or educational 54002
service center shall, at the time of entering into the new 54003
contract, be deemed a community school established in accordance 54004
with division (C) of this section. 54005

(C) (1) Provided all other conditions of sponsorship and 54006
governance are satisfied, any person or group of individuals may 54007
propose under this division the establishment of a new start-up 54008
school regardless of the school's proposed location. The 54009
proposal may be made to any of the following entities: 54010

(a) The board of education of the district in which the 54011
school is proposed to be located; 54012

(b) The board of education of any joint vocational school 54013

district with territory in the county in which is located the 54014
majority of the territory of the district in which the school is 54015
proposed to be located; 54016

(c) The board of education of any other city, local, or 54017
exempted village school district having territory in the same 54018
county where the district in which the school is proposed to be 54019
located has the major portion of its territory; 54020

(d) The governing board of any educational service center, 54021
regardless of the location of the proposed school, may sponsor a 54022
new start-up school if all of the following are satisfied: 54023

(i) If applicable, it satisfies the requirements of 54024
division (E) of section 3311.86 of the Revised Code; 54025

(ii) It is approved to do so by the department; 54026

(iii) It enters into an agreement with the department 54027
under section 3314.015 of the Revised Code. 54028

(e) A sponsoring authority designated by the board of 54029
trustees of any of the thirteen state universities listed in 54030
section 3345.011 of the Revised Code or the board of trustees 54031
itself as long as a mission of the proposed school to be 54032
specified in the contract under division (A) (2) of section 54033
3314.03 of the Revised Code and as approved by the department 54034
under division (B) (3) of section 3314.015 of the Revised Code 54035
will be the practical demonstration of teaching methods, 54036
educational technology, or other teaching practices that are 54037
included in the curriculum of the university's teacher 54038
preparation program approved by the chancellor of higher 54039
education; 54040

(f) Any qualified tax-exempt entity under section 501(c) 54041
(3) of the Internal Revenue Code as long as all of the following 54042

conditions are satisfied: 54043

(i) The entity has been in operation for at least five 54044
years prior to applying to be a community school sponsor. 54045

(ii) The entity has assets of at least five hundred 54046
thousand dollars and a demonstrated record of financial 54047
responsibility. 54048

(iii) The department has determined that the entity is an 54049
education-oriented entity under division (B)(4) of section 54050
3314.015 of the Revised Code and the entity has a demonstrated 54051
record of successful implementation of educational programs. 54052

(iv) The entity is not a community school. 54053

(g) The mayor of a city in which the majority of the 54054
territory of a school district to which section 3311.60 of the 54055
Revised Code applies is located, regardless of whether that 54056
district has created the position of independent auditor as 54057
prescribed by that section. The mayor's sponsorship authority 54058
under this division is limited to community schools that are 54059
located in that school district. Such mayor may sponsor 54060
community schools only with the approval of the city council of 54061
that city, after establishing standards with which community 54062
schools sponsored by the mayor must comply, and after entering 54063
into a sponsor agreement with the department as prescribed under 54064
section 3314.015 of the Revised Code. The mayor shall establish 54065
the standards for community schools sponsored by the mayor not 54066
later than one hundred eighty days after July 15, 2013, and 54067
shall submit them to the department upon their establishment. 54068
The department shall approve the mayor to sponsor community 54069
schools in the district, upon receipt of an application by the 54070
mayor to do so. Not later than ninety days after the 54071

department's approval of the mayor as a community school 54072
sponsor, the department shall enter into the sponsor agreement 54073
with the mayor. 54074

Any entity described in division (C) (1) of this section 54075
may enter into a preliminary agreement pursuant to division (C) 54076
(2) of this section with the proposing person or group, provided 54077
that entity has been approved by and entered into a written 54078
agreement with the department pursuant to section 3314.015 of 54079
the Revised Code. 54080

(2) A preliminary agreement indicates the intention of an 54081
entity described in division (C) (1) of this section to sponsor 54082
the community school. A proposing person or group that has such 54083
a preliminary agreement may proceed to finalize plans for the 54084
school, establish a governing authority as described in division 54085
(E) of this section for the school, and negotiate a contract 54086
with the entity. Provided the proposing person or group adheres 54087
to the preliminary agreement and all provisions of this chapter, 54088
the entity shall negotiate in good faith to enter into a 54089
contract in accordance with section 3314.03 of the Revised Code. 54090

(3) A new start-up school that is established in a school 54091
district described in either division (A) (3) (b) or (d) of this 54092
section may continue in existence once the school district no 54093
longer meets the conditions described in either division, 54094
provided there is a valid contract between the school and a 54095
sponsor. 54096

(4) A copy of every preliminary agreement entered into 54097
under this division shall be filed with the director of 54098
education and workforce. 54099

(D) A majority vote of the board of a sponsoring entity 54100

and a majority vote of the members of the governing authority of 54101
a community school shall be required to adopt a contract and 54102
convert the public school or educational service center building 54103
to a community school or establish the new start-up school. 54104
Beginning September 29, 2005, adoption of the contract shall 54105
occur not later than the fifteenth day of March, and signing of 54106
the contract shall occur not later than the fifteenth day of 54107
May, prior to the school year in which the school will open. The 54108
governing authority shall notify the department of education and 54109
workforce when the contract has been signed. Subject to sections 54110
3314.013 and 3314.016 of the Revised Code, an unlimited number 54111
of community schools may be established in any school district 54112
provided that a contract is entered into for each community 54113
school pursuant to this chapter. 54114

(E) (1) As used in this division, "immediate relatives" are 54115
limited to spouses, children, parents, grandparents, and 54116
siblings, as well as in-laws residing in the same household as 54117
the person serving on the governing authority. 54118

Each new start-up community school established under this 54119
chapter shall be under the direction of a governing authority 54120
which shall consist of a board of not less than five 54121
individuals. 54122

(2) (a) No person shall serve on the governing authority or 54123
operate the community school under contract with the governing 54124
authority under any of the following circumstances: 54125

(i) The person owes the state any money or is in a dispute 54126
over whether the person owes the state any money concerning the 54127
operation of a community school that has closed. 54128

(ii) The person would otherwise be subject to division (B) 54129

of section 3319.31 of the Revised Code with respect to refusal, 54130
limitation, or revocation of a license to teach, if the person 54131
were a licensed educator. 54132

(iii) The person has pleaded guilty to or been convicted 54133
of theft in office under section 2921.41 of the Revised Code, or 54134
has pleaded guilty to or been convicted of a substantially 54135
similar offense in another state. 54136

(b) No person shall serve on the governing authority or 54137
engage in the financial day-to-day management of the community 54138
school under contract with the governing authority unless and 54139
until that person has submitted to a criminal records check in 54140
the manner prescribed by section 3319.39 of the Revised Code. 54141

(c) Each sponsor of a community school shall annually 54142
verify that a finding for recovery has not been issued by the 54143
auditor of state against any individual or individuals who 54144
propose to create a community school or any member of the 54145
governing authority, the operator, or any employee of each 54146
community school with responsibility for fiscal operations or 54147
authorization to expend money on behalf of the school. 54148

(3) No person shall serve on the governing authorities of 54149
more than five start-up community schools at the same time 54150
unless both of the following apply: 54151

(a) The person serves in a volunteer capacity and receives 54152
no compensation under division (E) (5) of this section from any 54153
governing authority on which the person serves. 54154

(b) For any school that has an operator, the operator is a 54155
nonprofit organization. 54156

(4) (a) For a community school established under this 54157
chapter that is not sponsored by a school district or an 54158

educational service center, no present or former member, or 54159
immediate relative of a present or former member, of the 54160
governing authority shall be an owner, employee, or consultant 54161
of the community school's sponsor or operator, unless at least 54162
one year has elapsed since the conclusion of the person's 54163
membership on the governing authority. 54164

(b) For a community school established under this chapter 54165
that is sponsored by a school district or an educational service 54166
center, no present or former member, or immediate relative of a 54167
present or former member, of the governing authority shall: 54168

(i) Be an officer of the district board or service center 54169
governing board that serves as the community school's sponsor, 54170
unless at least one year has elapsed since the conclusion of the 54171
person's membership on the governing authority; 54172

(ii) Serve as an employee of, or a consultant for, the 54173
department, division, or section of the sponsoring district or 54174
service center that is directly responsible for sponsoring 54175
community schools, or have supervisory authority over such a 54176
department, division, or section, unless at least one year has 54177
elapsed since the conclusion of the person's membership on the 54178
governing authority. 54179

(5) The governing authority of a start-up or conversion 54180
community school may provide by resolution for the compensation 54181
of its members. However, no individual who serves on the 54182
governing authority of a start-up or conversion community school 54183
shall be compensated more than one hundred twenty-five dollars 54184
per meeting of that governing authority and no such individual 54185
shall be compensated more than a total amount of five thousand 54186
dollars per year for all governing authorities upon which the 54187
individual serves. Each member of the governing authority may be 54188

paid compensation for attendance at an approved training 54189
program, provided that such compensation shall not exceed sixty 54190
dollars a day for attendance at a training program three hours 54191
or less in length and one hundred twenty-five dollars a day for 54192
attendance at a training program longer than three hours in 54193
length. 54194

(6) No person who is the employee of a school district or 54195
educational service center shall serve on the governing 54196
authority of any community school sponsored by that school 54197
district or service center. 54198

(7) Each member of the governing authority of a community 54199
school shall annually file a disclosure statement setting forth 54200
the names of any immediate relatives or business associates 54201
employed by any of the following within the previous three 54202
years: 54203

(a) The sponsor or operator of that community school; 54204

(b) A school district or educational service center that 54205
has contracted with that community school; 54206

(c) A vendor that is or has engaged in business with that 54207
community school. 54208

(8) No person who is a member of a school district board 54209
of education shall serve on the governing authority of any 54210
community school. 54211

(F) (1) A new start-up school that is established prior to 54212
August 15, 2003, in an urban school district that is not also a 54213
big-eight school district may continue to operate after that 54214
date and the contract between the school's governing authority 54215
and the school's sponsor may be renewed, as provided under this 54216
chapter, after that date. 54217

(2) A community school that was established prior to June 29, 1999, and is located in a county contiguous to the pilot project area and in a school district that was not a challenged school district may continue to operate after that date, provided the school complies with all provisions of this chapter. The contract between the school's governing authority and the school's sponsor may be renewed.

(3) Any educational service center that, on June 30, 2007, sponsors a community school that is not located in a county within the territory of the service center or in a county contiguous to such county may continue to sponsor that community school on and after June 30, 2007, and may renew its contract with the school.

(4) The department of education and workforce shall not restrict the establishment of a new start-up community school to those located in a challenged school district as was required by this section prior to September 30, 2021.

Sec. 3314.021. (A) This section applies to any entity that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code and that satisfies the conditions specified in divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the Revised Code but does not satisfy the condition specified in division (C)(1)(f)(i) of that section.

(B) Notwithstanding division (C)(1)(f)(i) of section 3314.02 of the Revised Code, and subject to division (D)(2) of this section, an entity described in division (A) of this section may do both of the following without obtaining the department of education and workforce's initial approval of its sponsorship under divisions (A)(2) and (B)(1) of section 3314.015 of the Revised Code:

(1) Succeed the board of trustees of a state university 54248
located in the pilot project area or that board's designee as 54249
the sponsor of a community school established under this 54250
chapter; 54251

(2) Continue to sponsor that school in conformance with 54252
the terms of the contract between the board of trustees or its 54253
designee and the governing authority of the community school and 54254
renew that contract as provided in division ~~(E)~~ (D) of section 54255
3314.03 of the Revised Code. 54256

(C) The entity that succeeds the board of trustees or the 54257
board's designee as sponsor of a community school under division 54258
(B) of this section also may enter into contracts to sponsor 54259
other community schools regardless of the proposed school's 54260
location, without obtaining the department's initial approval of 54261
its sponsorship of those schools under divisions (A) (2) and (B) 54262
(1) of section 3314.015 of the Revised Code as long as the 54263
contracts conform with and the entity complies with all other 54264
requirements of this chapter. 54265

(D) (1) Regardless of the entity's authority to sponsor 54266
community schools without the initial approval of the 54267
department, the entity is under the continuing oversight of the 54268
department in accordance with rules adopted under section 54269
3314.015 of the Revised Code. 54270

(2) If an entity described in division (A) of this section 54271
receives a rating below "effective" under division (B) of 54272
section 3314.016 of the Revised Code for two or more consecutive 54273
years, that entity shall receive approval from the department to 54274
sponsor community schools and enter into a written agreement 54275
with the department in accordance with division (B) (1) of 54276
section 3314.015 of the Revised Code prior to entering into any 54277

further preliminary agreements under division (C) (2) of section 3314.02 of the Revised Code or renewing any existing contract to sponsor a community school. 54278
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(E) (1) As used in division (E) of this section: 54281

(a) "Board of trustees" means a board of trustees of a state university located in the pilot project area. 54282
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(b) "Rating" means a sponsor rating under section 3314.016 of the Revised Code. 54284
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(2) Notwithstanding anything to the contrary in division ~~(B) (7) (b)~~ (B) (6) (b) of section 3314.016 of the Revised Code, for the purposes of that division, the department shall consider an entity that succeeded a board of trustees as the sponsor of a community school in accordance with division (B) (1) of this section to have received the same rating for the 2016-2017 school year as the board of trustees, provided all of the following apply: 54286
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(a) The department assigned the board of trustees a rating of either "effective" or "exemplary" for the 2016-2017 school year. 54294
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(b) The department did not assign the entity its own rating for the 2016-2017 school year. 54297
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(c) The department assigned the entity its own rating for the 2017-2018 school year. 54299
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Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the director of education and workforce. The department of education and workforce shall make available on its web site a copy of every approved, executed contract filed with the director under this section. 54301
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(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:	54306 54307 54308
(1) That the school shall be established as either of the following:	54309 54310
(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	54311 54312 54313
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	54314 54315
(2) The education program of the school, including the school's <u>mission and educational philosophy</u> , the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	54316 54317 54318 54319
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	54320 54321 54322 54323
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	54324 54325 54326 54327
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	54328 54329 54330
(6) (a) Dismissal procedures;	54331
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically	54332 54333

withdrawing a student from the school if the student without a 54334
legitimate excuse fails to participate in seventy-two 54335
consecutive hours of the learning opportunities offered to the 54336
student. 54337

(7) The ways by which the school will achieve racial and 54338
ethnic balance reflective of the community it serves; 54339

(8) Requirements for financial audits by the auditor of 54340
state. The contract shall require financial records of the 54341
school to be maintained in the same manner as are financial 54342
records of school districts, pursuant to rules of the auditor of 54343
state. Audits shall be conducted in accordance with section 54344
117.10 of the Revised Code. 54345

(9) An addendum to the contract outlining the facilities 54346
to be used that contains at least the following information: 54347

(a) A detailed description of each facility used for 54348
instructional purposes; 54349

(b) The annual costs associated with leasing each facility 54350
that are paid by or on behalf of the school; 54351

(c) The annual mortgage principal and interest payments 54352
that are paid by the school; 54353

(d) The name of the lender or landlord, identified as 54354
such, and the lender's or landlord's relationship to the 54355
operator, if any. 54356

(10) Qualifications of employees, including both of the 54357
following: 54358

(a) A requirement that the school's classroom teachers be 54359
licensed in accordance with sections 3319.22 to 3319.31 of the 54360
Revised Code, except that a community school may engage 54361

noncertificated persons to teach up to twelve hours or forty 54362
hours per week pursuant to section 3319.301 of the Revised Code; 54363

(b) A prohibition against the school employing an 54364
individual described in section 3314.104 of the Revised Code in 54365
any position. 54366

(11) That the school will comply with the following 54367
requirements: 54368

(a) The school will provide learning opportunities to a 54369
minimum of twenty-five students for a minimum of nine hundred 54370
twenty hours per school year. 54371

(b) The governing authority will purchase liability 54372
insurance, or otherwise provide for the potential liability of 54373
the school. 54374

(c) The school will be nonsectarian in its programs, 54375
admission policies, employment practices, and all other 54376
operations, and will not be operated by a sectarian school or 54377
religious institution. 54378

(d) The school will comply with sections 9.90, 9.91, 54379
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 54380
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.24, 3301.948, 54381
3302.037, 3302.131, 3302.132, 3313.472, 3313.473, 3313.474, 54382
3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 3313.608, 54383
3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 3313.6024, 54384
3313.6026, 3313.6028, 3313.6029, 3313.6031, 3313.6035, 3313.643, 54385
3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 54386
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 54387
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 54388
3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 3313.753, 54389
3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 54390

3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 54391
3319.0812, 3319.238, 3319.318, 3319.321, 3319.324, 3319.39, 54392
3319.391, 3319.393, 3319.41, 3319.46, 3319.90, 3319.614, 54393
3320.01, 3320.02, 3320.03, 3320.04, 3321.01, 3321.041, 3321.13, 54394
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 54395
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 54396
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 54397
4123., 4141., and 4167. of the Revised Code as if it were a 54398
school district and will comply with section 3301.0714 of the 54399
Revised Code in the manner specified in section 3314.17 of the 54400
Revised Code. 54401

(e) The school shall comply with Chapter 102. and section 54402
2921.42 of the Revised Code. 54403

(f) The school will comply with sections 3313.61, 54404
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 54405
Revised Code, except that for students who enter ninth grade for 54406
the first time before July 1, 2010, the requirement in sections 54407
3313.61 and 3313.611 of the Revised Code that a person must 54408
successfully complete the curriculum in any high school prior to 54409
receiving a high school diploma may be met by completing the 54410
curriculum adopted by the governing authority of the community 54411
school rather than the curriculum specified in Title XXXIII of 54412
the Revised Code or any rules of the department. Beginning with 54413
students who enter ninth grade for the first time on or after 54414
July 1, 2010, the requirement in sections 3313.61 and 3313.611 54415
of the Revised Code that a person must successfully complete the 54416
curriculum of a high school prior to receiving a high school 54417
diploma shall be met by completing the requirements prescribed 54418
in section 3313.6027 and division (C) of section 3313.603 of the 54419
Revised Code, unless the person qualifies under division (D) or 54420
(F) of that section. Each school shall comply with the plan for 54421

awarding high school credit based on demonstration of subject 54422
area competency, and beginning with the 2017-2018 school year, 54423
with the updated plan that permits students enrolled in seventh 54424
and eighth grade to meet curriculum requirements based on 54425
subject area competency adopted by the department under 54426
divisions (J) (1) and (2) of section 3313.603 of the Revised 54427
Code. Beginning with the 2018-2019 school year, the school shall 54428
comply with the framework for granting units of high school 54429
credit to students who demonstrate subject area competency 54430
through work-based learning experiences, internships, or 54431
cooperative education developed by the department under division 54432
(J) (3) of section 3313.603 of the Revised Code. 54433

(g) The school governing authority will submit within four 54434
months after the end of each school year a report of its 54435
activities and progress in meeting the goals and standards of 54436
divisions (A) (3) and (4) of this section and its financial 54437
status to the sponsor and the parents of all students enrolled 54438
in the school. 54439

(h) The school, unless it is an internet- or computer- 54440
based community school, will comply with section 3313.801 of the 54441
Revised Code as if it were a school district. 54442

(i) If the school is the recipient of moneys from a grant 54443
awarded under the federal race to the top program, Division (A), 54444
Title XIV, Sections 14005 and 14006 of the "American Recovery 54445
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 54446
the school will pay teachers based upon performance in 54447
accordance with section 3317.141 and will comply with section 54448
3319.111 of the Revised Code as if it were a school district. 54449

(j) If the school operates a preschool program that is 54450
licensed by the department under sections 3301.52 to 3301.59 of 54451

the Revised Code, the school shall comply with sections 3301.50 54452
to 3301.59 of the Revised Code and the minimum standards for 54453
preschool programs prescribed in rules adopted by the department 54454
of children and youth under section 3301.53 of the Revised Code. 54455

(k) The school will comply with sections 3313.6021 and 54456
3313.6023 of the Revised Code as if it were a school district 54457
unless it is either of the following: 54458

(i) An internet- or computer-based community school; 54459

(ii) A community school in which a majority of the 54460
enrolled students are children with disabilities as described in 54461
division (B) (2) of section 3314.35 of the Revised Code. 54462

(l) The school will comply with section 3321.191 of the 54463
Revised Code, unless it is an internet- or computer-based 54464
community school that is subject to section 3314.261 of the 54465
Revised Code. 54466

(12) Arrangements for providing health and other benefits 54467
to employees; 54468

(13) The length of the contract, which shall begin at the 54469
beginning of an academic year. No contract shall exceed five 54470
years unless such contract has been renewed pursuant to division 54471
~~(E)~~ (D) of this section. 54472

(14) The governing authority of the school, which shall be 54473
responsible for carrying out the provisions of the contract; 54474

(15) A financial plan detailing an estimated school budget 54475
for each year of the period of the contract and specifying the 54476
total estimated per pupil expenditure amount for each such year. 54477

(16) Requirements and procedures regarding the disposition 54478
of employees of the school in the event the contract is 54479

terminated or not renewed pursuant to section 3314.07 of the Revised Code; 54480
54481

(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, ~~specification~~ both of the following: 54482
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(a) Specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees; 54487
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(b) Alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion. 54494
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(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school; 54498
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(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following: 54501
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(a) Prohibit the enrollment of students who reside outside the district in which the school is located; 54507
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(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located; 54509
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(c) Permit the enrollment of students who reside in any other district in the state. 54512
54513

(20) A provision recognizing the authority of the department to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code; 54514
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(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code; 54518
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(22) A provision recognizing both of the following: 54521

(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations; 54522
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(b) The authority of the department as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action. 54526
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(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H) (2) of section 3314.08 of the 54533
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Revised Code; 54538

(24) The school will comply with sections 3302.04 and 54539
3302.041 of the Revised Code, except that any action required to 54540
be taken by a school district pursuant to those sections shall 54541
be taken by the sponsor of the school. 54542

(25) Beginning in the 2006-2007 school year, the school 54543
will open for operation not later than the thirtieth day of 54544
September each school year, unless the mission of the school as 54545
specified under division (A) (2) of this section is solely to 54546
serve dropouts. In its initial year of operation, if the school 54547
fails to open by the thirtieth day of September, or within one 54548
year after the adoption of the contract pursuant to division (D) 54549
of section 3314.02 of the Revised Code if the mission of the 54550
school is solely to serve dropouts, the contract shall be void. 54551

(26) Whether the school's governing authority is planning 54552
to seek designation for the school as a STEM school equivalent 54553
under section 3326.032 of the Revised Code; 54554

(27) That the school's attendance and participation 54555
policies will be available for public inspection; 54556

(28) That the school's attendance and participation 54557
records shall be made available to the department, auditor of 54558
state, and school's sponsor to the extent permitted under and in 54559
accordance with the "Family Educational Rights and Privacy Act 54560
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 54561
regulations promulgated under that act, and section 3319.321 of 54562
the Revised Code; 54563

(29) If a school operates using the blended learning 54564
model, as defined in section 3301.079 of the Revised Code, all 54565
of the following information: 54566

(a) An indication of what blended learning model or models will be used;	54567 54568
(b) A description of how student instructional needs will be determined and documented;	54569 54570
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	54571 54572
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	54573 54574 54575
(e) A statement describing how student progress will be monitored;	54576 54577
(f) A statement describing how private student data will be protected;	54578 54579
(g) A description of the professional development activities that will be offered to teachers.	54580 54581
(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;	54582 54583 54584 54585
(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.	54586 54587 54588 54589 54590
(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of	54591 54592 54593 54594

the parent's or student's primary residence. 54595

(33) A provision requiring the governing authority to 54596
adopt a student residence and address verification policy for 54597
students enrolling in or attending the school. 54598

(34) A provision establishing the process by which the 54599
governing authority of the school will be selected in the 54600
future. 54601

(35) A description of the management and administration of 54602
the school. 54603

(36) A provision requiring the governing authority to 54604
adopt policies and procedures to establish internal financial 54605
controls for the school. 54606

~~(B) The community school shall also submit to the sponsor-~~ 54607
~~a comprehensive plan for the school. The plan shall specify the~~ 54608
~~following:~~ 54609

~~(1) The process by which the governing authority of the~~ 54610
~~school will be selected in the future;~~ 54611

~~(2) The management and administration of the school;~~ 54612

~~(3) If the community school is a currently existing public~~ 54613
~~school or educational service center building, alternative-~~ 54614
~~arrangements for current public school students who choose not-~~ 54615
~~to attend the converted school and for teachers who choose not-~~ 54616
~~to teach in the school or building after conversion;~~ 54617

~~(4) The instructional program and educational philosophy-~~ 54618
~~of the school;~~ 54619

~~(5) Internal financial controls.~~ 54620

~~When submitting the plan under this division, the school-~~ 54621

~~shall also submit copies of all policies and procedures~~ 54622
~~regarding internal financial controls adopted by the governing~~ 54623
~~authority of the school.~~ 54624

~~(C)~~ A contract entered into under section 3314.02 of the 54625
Revised Code between a sponsor and the governing authority of a 54626
community school may provide for the community school governing 54627
authority to make payments to the sponsor, which is hereby 54628
authorized to receive such payments as set forth in the contract 54629
between the governing authority and the sponsor. The total 54630
amount of such payments for monitoring, oversight, and technical 54631
assistance of the school shall not exceed three per cent of the 54632
total amount of payments for operating expenses that the school 54633
receives from the state. 54634

~~(D)~~ (C) The contract shall specify the duties of the 54635
sponsor which shall be in accordance with the written agreement 54636
entered into with the department under division (B) of section 54637
3314.015 of the Revised Code and shall include the following: 54638

(1) Monitor the community school's compliance with all 54639
laws applicable to the school and with the terms of the 54640
contract; 54641

(2) Monitor and evaluate the academic and fiscal 54642
performance and the organization and operation of the community 54643
school on at least an annual basis; 54644

(3) Provide technical assistance to the community school 54645
in complying with laws applicable to the school and terms of the 54646
contract; 54647

(4) Take steps to intervene in the school's operation to 54648
correct problems in the school's overall performance, declare 54649
the school to be on probationary status pursuant to section 54650

3314.073 of the Revised Code, suspend the operation of the 54651
school pursuant to section 3314.072 of the Revised Code, or 54652
terminate the contract of the school pursuant to section 3314.07 54653
of the Revised Code as determined necessary by the sponsor; 54654

(5) Have in place a plan of action to be undertaken in the 54655
event the community school experiences financial difficulties or 54656
closes prior to the end of a school year. 54657

~~(E)~~ (D) Upon the expiration of a contract entered into 54658
under this section, the sponsor of a community school may, with 54659
the approval of the governing authority of the school, renew 54660
that contract for a period of time determined by the sponsor, 54661
but not ending earlier than the end of any school year, if the 54662
sponsor finds that the school's compliance with applicable laws 54663
and terms of the contract and the school's progress in meeting 54664
the academic goals prescribed in the contract have been 54665
satisfactory. Any contract that is renewed under this division 54666
remains subject to the provisions of sections 3314.07, 3314.072, 54667
and 3314.073 of the Revised Code. 54668

~~(F)~~ (E) If a community school fails to open for operation 54669
within one year after the contract entered into under this 54670
section is adopted pursuant to division (D) of section 3314.02 54671
of the Revised Code or permanently closes prior to the 54672
expiration of the contract, the contract shall be void and the 54673
school shall not enter into a contract with any other sponsor. A 54674
school shall not be considered permanently closed because the 54675
operations of the school have been suspended pursuant to section 54676
3314.072 of the Revised Code. 54677

Sec. 3314.034. (A) Subject to division (B) of this 54678
section, and except as described in division (E) of this 54679
section, any community school to which either of the following 54680

conditions apply shall be prohibited from entering into a 54681
contract with a new sponsor: 54682

(1) The community school has received, on the most recent 54683
report card issued for that school under section 3302.03 of the 54684
Revised Code, either of the following: 54685

(a) A grade of "D" or "F" for the performance index score, 54686
under division (C) (1) (b) of section 3302.03 of the Revised Code, 54687
and an overall grade of "D" or "F" for the value-added progress 54688
dimension or another measure of student academic progress if 54689
adopted by the department of education and workforce, under 54690
division (C) (1) (e) of that section; 54691

(b) A performance rating of less than three stars for 54692
achievement under division (D) (3) (b) of section 3302.03 of the 54693
Revised Code and a performance rating of less than three stars 54694
for progress under division (D) (3) (c) of that section. 54695

(2) The community school is ~~one in which a majority of the~~ 54696
~~students are enrolled in a dropout prevention and recovery-~~ 54697
~~program~~ community school, and it has received a rating of "does 54698
not meet standards" for the annual student growth measure and 54699
combined graduation rates on the most recent report card issued 54700
for the school under section 3314.017 of the Revised Code. 54701

(B) A community school to which division (A) of this 54702
section applies may enter into a contract with a new sponsor if 54703
all of the following conditions are satisfied: 54704

(1) The proposed sponsor received a rating of "effective" 54705
or higher pursuant to division ~~(B) (6)~~ (B) (5) of section 3314.016 54706
of the Revised Code on its most recent evaluation conducted 54707
according to that section, or the proposed sponsor is the office 54708
of Ohio school sponsorship established in section 3314.029 of 54709

the Revised Code. 54710

(2) The community school submits a request to enter into a 54711
new contract with a sponsor. 54712

(3) The community school has not submitted a prior request 54713
that was granted. 54714

(4) The department grants the school's request pursuant to 54715
division (C) of this section. 54716

(C) (1) A school shall submit a request to change sponsors 54717
under this section not later than on the fifteenth day of 54718
February of the year in which the school wishes to do so. If a 54719
community school to which division (A) (1) of this section 54720
applies submits a request to the department to enter into a 54721
contract with a new sponsor and a majority of the school's 54722
students are children with disabilities receiving special 54723
education and related services under Chapter 3323. of the 54724
Revised Code, the department shall at least consider the 54725
school's performance as measured against the average performance 54726
of all other community schools that primarily serve children 54727
with disabilities. 54728

(2) The department shall grant or deny the request not 54729
later than thirty days after the department receives it. If the 54730
department denies the request, the community school may submit 54731
an appeal to the director of education and workforce who shall 54732
hold a hearing in accordance with Chapter 119. of the Revised 54733
Code. The community school shall file its notice of appeal to 54734
the director not later than ten days after receiving the 54735
decision from the department. The director shall conduct the 54736
hearing not later than thirty days after receiving the school's 54737
notice of appeal and act upon the determination of the hearing 54738

officer not later than the twenty-fifth day of June of the year	54739
in which the school wishes to change sponsors.	54740
(D) Factors to be considered during a hearing held	54741
pursuant to division (C) of this section include, but are not	54742
limited to, the following:	54743
(1) The school's impact on the students and the community	54744
or communities it serves;	54745
(2) The quality and quantity of academic and	54746
administrative support the school receives from its current	54747
sponsor to help the school to improve;	54748
(3) The sponsor's annual evaluations of the community	54749
school under division (D) (2) <u>(c) (2)</u> of section 3314.03 of the	54750
Revised Code for the previous three years;	54751
(4) The academic performance of the school, taking into	54752
account the demographic information of the students enrolled in	54753
the school;	54754
(5) The academic performance of alternative schools that	54755
serve comparable populations of students as those served by the	54756
community school;	54757
(6) The fiscal stability of the school;	54758
(7) The results of any audits of the school by the auditor	54759
of state;	54760
(8) The length of time the school has been under the	54761
oversight of its current sponsor;	54762
(9) The number of times the school has changed sponsors	54763
prior to the current request;	54764
(10) Parent and student satisfaction rates as demonstrated	54765

by surveys, if available. 54766

(E) Notwithstanding anything to the contrary in this 54767
section, if a community school in which a majority of the 54768
enrolled students are children with disabilities receiving 54769
special education and related services in accordance with 54770
Chapter 3323. of the Revised Code meets both of the following 54771
criteria, the school may enter into a contract with a new 54772
sponsor, provided that the new sponsor satisfies the criteria in 54773
division (B) (1) of this section: 54774

(1) The school received, on its most recent report card 54775
issued under section 3302.03 of the Revised Code, a performance 54776
rating of at least three stars for progress under division (D) 54777
(3) (c) of that section. 54778

(2) As calculated for the most recent school year under 54779
section 3302.035 of the Revised Code, the school's performance 54780
index score for students with disabilities was higher than the 54781
performance index score for students with disabilities of the 54782
school district in which the school is located. 54783

Sec. 3314.038. Each community school shall annually submit 54784
to the department of education and workforce ~~and auditor of~~ 54785
~~state~~ a report of each instance under which a student who is 54786
enrolled in that community school resides in a children's 54787
residential center as defined under section 5103.05 of the 54788
Revised Code. 54789

Sec. 3314.0311. The governing authority of each community 54790
school established under this chapter annually shall provide 54791
instruction to students in the grade levels the school serves 54792
about how short-term or chronic substance use, as defined in 54793
section 3313.6034 of the Revised Code, to alter one's mood is 54794

harmful to an individual's health. Each governing authority 54795
shall do all of the following with regard to the instruction: 54796

(A) Determine the manner in which the instruction is 54797
provided to students; 54798

(B) Ensure the instruction is age and developmentally 54799
appropriate; 54800

(C) Conform the instruction to prevention best-practice 54801
frameworks; 54802

(D) Focus the instruction on addressing changes in 54803
knowledge, attitude, and skills as a child develops. 54804

Sec. 3314.05. (A) The contract between the community 54805
school and the sponsor shall specify the facilities to be used 54806
for the community school and the method of acquisition. ~~Except~~ 54807
~~as provided in divisions (B) (3) and (4) of this section, no~~ 54808
~~community school shall be established in more than one school-~~ 54809
~~district under the same contract.~~ 54810

(B) Division (B) of this section shall not apply to 54811
internet- or computer-based community schools. 54812

(1) A community school may be located in multiple 54813
facilities under the same contract ~~only if the limitations on~~ 54814
~~availability of space prohibit serving all the grade levels~~ 54815
~~specified in the contract in a single facility or division (B)~~ 54816
~~(2), (3), or (4) of this section applies to the school. The~~ 54817
~~school shall not offer the same grade level classrooms in more-~~ 54818
~~than one facility.~~ 54819

~~(2) A community school may be located in multiple~~ 54820
~~facilities under the same contract and, notwithstanding division~~ 54821
~~(B) (1) of this section, may assign students in the same grade-~~ 54822

~~level to multiple facilities, as long as all of the following apply:~~ 54823
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~~(a) The governing authority has entered into and maintains a contract with an operator of the type described in division (A) (8) (b) of section 3314.02 of the Revised Code.~~ 54825
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~~(b) The contract with that operator qualified the school to be established pursuant to division (A) of former section 3314.016 of the Revised Code.~~ 54828
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~~(c) The school's rating under section 3302.03 of the Revised Code does not fall below a combination of any of the following for two or more consecutive years:—~~ 54831
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~~(i) A rating of "in need of continuous improvement" under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;—~~ 54834
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~~(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, a rating of "C" for both the performance index score under division (A) (1) (b) or (B) (1) (b) and the value-added dimension under division (A) (1) (c) or (B) (1) (c) of section 3302.03 of the Revised Code; or if the building serves only grades ten through twelve, the building received a grade of "C" for the performance index score under division (A) (1) (b) or (B) (1) (b) of section 3302.03 of the Revised Code;—~~ 54837
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~~(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021 school years, an overall grade of "C" under division (C) (3) of section 3302.03 of the Revised Code or an overall performance designation of "meets standards" under division (E) (3) (e) of section 3314.017 of the Revised Code;—~~ 54845
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~~(iv) For the 2021-2022 school year and any school year thereafter, an overall performance rating of three stars under~~ 54850
54851

~~division (D) (3) of section 3302.03 of the Revised Code or an overall performance designation of "meets standards" under division (E) (3) (e) of section 3314.017 of the Revised Code.~~ 54852
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~~(3) On and after September 30, 2021, a new start-up community school may be established in two school districts under the same contract regardless of the proposed location of either district if both of the following apply:~~ 54855
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~~(a) The school operates not more than one facility in each school district and, in accordance with division (B) (1) of this section, the school does not offer the same grade level classrooms in both facilities; and~~ 54859
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~~(b) Transportation between the two facilities does not require more than thirty minutes of direct travel time as measured by school bus.~~ 54863
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~~(4) A community school may be located in multiple facilities under the same contract and, notwithstanding division (B) (1) of this section, may assign students in the same grade level to multiple facilities, as long as both of the following apply:~~ 54866
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~~(a) The facilities are all located in the same county or in any county adjacent to the county in which the community school's primary facility is located.~~ 54871
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~~(b) Either of the following conditions are satisfied:~~ 54874

~~(i) The community school is sponsored by a board of education of a city, local, or exempted village school district having territory in the same county where the facilities of the community school are located or in any county adjacent to the county in which the community school's primary facility is located;~~ 54875
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~~(ii) The community school is managed by an operator.~~ 54881

(2) In the case of a community school ~~to which division~~ 54882
~~(B) (4) of this section applies and~~ that maintains facilities in 54883
more than one school district, the school's governing authority 54884
shall designate one of those districts to be considered the 54885
school's primary location and the district in which the school 54886
is located for the purposes of division (A) (19) of section 54887
3314.03 and divisions (C) and (H) of section 3314.06 of the 54888
Revised Code and for all other purposes of this chapter and 54889
shall notify the department of that designation. 54890

A community school governing authority that elects to 54891
modify a community school's primary location shall notify the 54892
department of that modification. 54893

~~(5)~~ (3) Any facility used for a community school shall 54894
meet all health and safety standards established by law for 54895
school buildings. 54896

(C) In the case where a community school is proposed to be 54897
located in a facility owned by a school district or educational 54898
service center, the facility may not be used for such community 54899
school unless the district or service center board owning the 54900
facility enters into an agreement for the community school to 54901
utilize the facility. Use of the facility may be under any terms 54902
and conditions agreed to by the district or service center board 54903
and the school. 54904

(D) Two or more separate community schools may be located 54905
in the same facility. 54906

(E) In the case of a community school that is located in 54907
multiple facilities, beginning July 1, 2012, the department 54908
shall assign a unique identification number to the school and to 54909

each facility maintained by the school. Each number shall be 54910
used for identification purposes only. Nothing in this division 54911
shall be construed to require the department to calculate the 54912
amount of funds paid under this chapter, or to compute any data 54913
required for the report cards issued under section 3314.012 of 54914
the Revised Code, for each facility separately. The department 54915
shall make all such calculations or computations for the school 54916
as a whole. 54917

~~(F)(1) In the case of a community school that exists prior 54918
to September 30, 2021, to which division (B)(3) of this section 54919
applies, if only one of the school districts in which the school 54920
is established was located in a challenged school district prior 54921
to September 30, 2021, that district continues to be considered 54922
the school's primary location and the district in which the 54923
school is located for the purposes of division (A)(19) of 54924
section 3314.03 and divisions (C) and (H) of section 3314.06 of 54925
the Revised Code and for all other purposes of this chapter 54926
unless and until the school's governing authority designates a 54927
different school district as the school's primary location in 54928
accordance with division (F)(2) of this section. If both of the 54929
school districts in which the school is established were 54930
challenged school districts on that date, and the primary 54931
location was already designated by the school's governing 54932
authority pursuant to the requirements of this section as it 54933
existed prior to September 30, 2021, that designation remains 54934
unless and until the school's governing authority designates a 54935
different primary location. 54936~~

~~(2)(a) On and after September 30, 2021, when a new start- 54937
up community school is established in two school districts under 54938
the same contract, the school's governing authority shall 54939
designate one of those districts to be considered the school's 54940~~

~~primary location and the district in which the school is located 54941
for the purposes of division (A) (19) of section 3314.03 and 54942
divisions (C) and (H) of section 3314.06 of the Revised Code and 54943
for all other purposes of this chapter and shall notify the 54944
department of education and workforce of that designation. 54945~~

~~(b) A community school governing authority that elects to 54946
modify a community school's primary location, whether in 54947
accordance with division (F) (1) of this section or otherwise, 54948
shall notify the department of that modification. 54949~~

Sec. 3314.07. (A) The expiration of the contract for a 54950
community school between a sponsor and a school shall be the 54951
date provided in the contract. A successor contract may be 54952
entered into pursuant to division ~~(E)~~(D) of section 3314.03 of 54953
the Revised Code unless the contract is terminated or not 54954
renewed pursuant to this section. 54955

(B) (1) A sponsor may choose not to renew a contract at its 54956
expiration or may choose to terminate a contract prior to its 54957
expiration for any of the following reasons: 54958

(a) Failure to meet student performance requirements 54959
stated in the contract; 54960

(b) Failure to meet generally accepted standards of fiscal 54961
management; 54962

(c) Violation of any provision of the contract or 54963
applicable state or federal law; 54964

(d) Other good cause. 54965

(2) A sponsor may choose to terminate a contract prior to 54966
its expiration if the sponsor has suspended the operation of the 54967
contract under section 3314.072 of the Revised Code. 54968

(3) Not later than the fifteenth day of January in the 54969
year in which the sponsor intends to terminate or take actions 54970
not to renew the community school's contract, the sponsor shall 54971
notify the school of the proposed action in writing. The notice 54972
shall include the reasons for the proposed action in detail, the 54973
effective date of the termination or nonrenewal, and a statement 54974
that the school may, within fourteen days of receiving the 54975
notice, request an informal hearing before the sponsor. Such 54976
request must be in writing. The informal hearing shall be held 54977
within fourteen days of the receipt of a request for the 54978
hearing. Not later than fourteen days after the informal 54979
hearing, the sponsor shall issue a written decision either 54980
affirming or rescinding the decision to terminate or not renew 54981
the contract. 54982

(4) The termination of a contract under this section shall 54983
be effective upon the occurrence of the later of the following 54984
events: 54985

(a) The date the sponsor notifies the school of its 54986
decision to terminate the contract as prescribed in division (B) 54987
(3) of this section; 54988

(b) If an informal hearing is requested under division (B) 54989
(3) of this section and as a result of that hearing the sponsor 54990
affirms its decision to terminate the contract, the effective 54991
date of the termination specified in the notice issued under 54992
division (B) (3) of this section. 54993

(5) Any community school whose contract is terminated or 54994
not renewed under division (B) (1) (a) or (b) of this section 54995
shall close permanently at the end of the current school year or 54996
on a date specified in the notification of termination or 54997
nonrenewal under division (B) (3) of this section. Any community 54998

school whose contract is terminated or not renewed for failure 54999
to meet student performance requirements stated in the contract, 55000
or for failure to meet generally accepted standards of fiscal 55001
management under this division shall not enter into a contract 55002
with any other sponsor. 55003

(C) A child attending a community school whose contract 55004
has been terminated, nonrenewed, or suspended or that closes for 55005
any reason shall be admitted to the schools of the district in 55006
which the child is entitled to attend under section 3313.64 or 55007
3313.65 of the Revised Code. Any deadlines established for the 55008
purpose of admitting students under section 3313.97 or 3313.98 55009
of the Revised Code shall be waived for students to whom this 55010
division pertains. 55011

(D) If a community school does not intend to renew a 55012
contract with its sponsor, the community school shall notify its 55013
sponsor in writing of that fact at least one hundred eighty days 55014
prior to the expiration of the contract. Such a community school 55015
may enter into a contract with a new sponsor in accordance with 55016
section 3314.03 of the Revised Code upon the expiration of the 55017
previous contract. 55018

(E) A sponsor of a community school and the officers, 55019
directors, or employees of such a sponsor are immune from civil 55020
liability for any action authorized under this chapter or the 55021
contract entered into with the school under section 3314.03 of 55022
the Revised Code that is taken to fulfill the sponsor's 55023
responsibility to oversee and monitor the school. The sponsor 55024
and its officers, directors, or employees are not liable in 55025
damages in a tort or other civil action for harm allegedly 55026
arising from any of the following: 55027

(1) A failure of the community school or any of its 55028

officers, directors, or employees to perform any statutory or 55029
common law duty or responsibility or any other legal obligation; 55030

(2) An action or omission of the community school or any 55031
of its officers, directors, or employees that results in harm. 55032

(3) A failure of the community school or any of its 55033
officers, directors, or employees to meet the obligations of any 55034
contract or other obligation entered into on behalf of the 55035
community school and another party. 55036

(F) As used in this section: 55037

(1) "Harm" means injury, death, or loss to person or 55038
property. 55039

(2) "Tort action" means a civil action for damages for 55040
injury, death, or loss to person or property other than a civil 55041
action for damages for a breach of contract or another agreement 55042
between persons. 55043

Sec. 3314.08. (A) As used in this section: 55044

(1) "IEP" has the same meaning as in section 3323.01 of 55045
the Revised Code. 55046

(2) "Resident district" means the school district in which 55047
a student is entitled to attend school under section 3313.64 or 55048
3313.65 of the Revised Code. 55049

(B) The department of education and workforce shall adopt 55050
rules requiring the governing authority of each community school 55051
established under this chapter to annually report all of the 55052
following: 55053

(1) The number of students enrolled in grades one through 55054
twelve and the full-time equivalent number of students enrolled 55055

in kindergarten in the school who are not receiving special	55056
education and related services pursuant to an IEP;	55057
(2) The number of enrolled students in grades one through	55058
twelve and the full-time equivalent number of enrolled students	55059
in kindergarten, who are receiving special education and related	55060
services pursuant to an IEP;	55061
(3) The number of students reported under division (B) (2)	55062
of this section receiving special education and related services	55063
pursuant to an IEP for a disability described in each of	55064
divisions (A) to (F) of section 3317.013 of the Revised Code;	55065
(4) The full-time equivalent number of students reported	55066
under divisions (B) (1) and (2) of this section who are enrolled	55067
in career-technical education programs or classes described in	55068
each of divisions (A) (1) to (5) of section 3317.014 of the	55069
Revised Code that are provided by the community school;	55070
(5) The number of students reported under divisions (B) (1)	55071
and (2) of this section who are not reported under division (B)	55072
(4) of this section but who are enrolled in career-technical	55073
education programs or classes described in each of divisions (A)	55074
(1) to (5) of section 3317.014 of the Revised Code at a joint	55075
vocational school district or another district in the career-	55076
technical planning district to which the school is assigned;	55077
(6) The number of students reported under divisions (B) (1)	55078
and (2) of this section who are category one to three English	55079
learners described in each of divisions (A) to (C) of section	55080
3317.016 of the Revised Code;	55081
(7) The number of students reported under divisions (B) (1)	55082
and (2) of this section who are economically disadvantaged, as	55083
defined by the department. A student shall not be categorically	55084

excluded from the number reported under division (B) (7) of this section based on anything other than family income. 55085
55086

(8) For each student, the city, exempted village, or local school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 55087
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55089

(9) The number of students enrolled in a preschool program operated by the school that is licensed under sections 3301.52 to 3301.59 of the Revised Code who are not receiving special education and related services pursuant to an IEP. 55090
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A school district board and a community school governing authority shall include in their respective reports under division (B) of this section any child admitted in accordance with division (A) (2) of section 3321.01 of the Revised Code. 55094
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A governing authority of a community school shall not include in its report under divisions (B) (1) to (9) of this section any student for whom tuition is charged under division (F) of this section. 55098
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(C) (1) (a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the school may submit to the director of education and workforce documentation, as prescribed by the director, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold costs. 55102
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(b) The community school shall report under division (C) 55114
(1) (a) of this section, and the department shall pay for, only 55115
the costs of educational expenses and the related services 55116
provided to the student in accordance with the student's 55117
individualized education program. Any legal fees, court costs, 55118
or other costs associated with any cause of action relating to 55119
the student may not be included in the amount. 55120

(2) In any fiscal year, a community school receiving funds 55121
under division (A) (7) of section 3317.022 of the Revised Code 55122
shall spend those funds only for the purposes that the 55123
department designates as approved for career-technical education 55124
expenses. Career-technical education expenses approved by the 55125
department shall include only expenses connected to the delivery 55126
of career-technical programming to career-technical students. 55127
The department shall require the school to report data annually 55128
so that the department may monitor the school's compliance with 55129
the requirements regarding the manner in which funding received 55130
under division (A) (7) of section 3317.022 of the Revised Code 55131
may be spent. 55132

(3) Notwithstanding anything to the contrary in section 55133
3313.90 of the Revised Code, except as provided in division (C) 55134
(5) of this section, all funds received under division (A) (7) of 55135
section 3317.022 of the Revised Code shall be spent in the 55136
following manner: 55137

(a) At least seventy-five per cent of the funds shall be 55138
spent on curriculum development, purchase, and implementation; 55139
instructional resources and supplies; industry-based program 55140
certification; student assessment, credentialing, and placement; 55141
curriculum specific equipment purchases and leases; career- 55142
technical student organization fees and expenses; home and 55143

agency linkages; work-based learning experiences; professional 55144
development; and other costs directly associated with career- 55145
technical education programs including development of new 55146
programs. 55147

(b) Not more than twenty-five per cent of the funds shall 55148
be used for personnel expenditures. 55149

(4) A community school shall spend the funds it receives 55150
under division (A) (4) of section 3317.022 of the Revised Code in 55151
accordance with section 3317.25 of the Revised Code. 55152

(5) The department may waive the requirement in division 55153
(C) (3) of this section for any community school that exclusively 55154
provides one or more career-technical workforce development 55155
programs in arts and communications that are not equipment- 55156
intensive, as determined by the department. 55157

(6) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a community 55158
school shall spend the funds it receives under division (A) (5) 55159
of section 3317.022 of the Revised Code only for services for 55160
English learners. 55161

(D) A board of education sponsoring a community school may 55162
utilize local funds to make enhancement grants to the school or 55163
may agree, either as part of the contract or separately, to 55164
provide any specific services to the community school at no cost 55165
to the school. 55166

(E) A community school may not levy taxes or issue bonds 55167
secured by tax revenues. 55168

(F) No community school shall charge tuition for the 55169
enrollment of any student who is a resident of this state. A 55170
community school may charge tuition for the enrollment of any 55171
student who is not a resident of this state. 55172

(G) (1) (a) A community school may borrow money to pay any necessary and actual expenses of the school in anticipation of the receipt of any portion of the payments to be received by the school pursuant to section 3317.022 of the Revised Code. The school may issue notes to evidence such borrowing. The proceeds of the notes shall be used only for the purposes for which the anticipated receipts may be lawfully expended by the school.

(b) A school may also borrow money for a term not to exceed fifteen years for the purpose of acquiring facilities.

(2) The state is not liable for debt incurred by the governing authority of a community school.

(H) The department shall adjust the amounts paid under section 3317.022 of the Revised Code to reflect any enrollment of students in community schools for less than the equivalent of a full school year. The department shall adopt in accordance with Chapter 119. of the Revised Code rules governing the payments to community schools under section 3317.022 of the Revised Code including initial payments in a school year and adjustments and reductions made in subsequent periodic payments to community schools as provided under section 3317.022 of the Revised Code. For purposes of this division:

(1) A student shall be considered enrolled in the community school for any portion of the school year the student is participating at a college under Chapter 3365. of the Revised Code.

(2) A student shall be considered to be enrolled in a community school for the period of time beginning on the later of the date on which the school both has received documentation of the student's enrollment from a parent and the student has

commenced participation in learning opportunities as defined in 55202
the contract with the sponsor, or thirty days prior to the date 55203
on which the student is entered into the education management 55204
information system established under section 3301.0714 of the 55205
Revised Code. For purposes of applying this division and 55206
divisions (H) (3) and (4) of this section to a community school 55207
student, "learning opportunities" shall be defined in the 55208
contract, which shall describe both classroom-based and non- 55209
classroom-based learning opportunities and shall be in 55210
compliance with criteria and documentation requirements for 55211
student participation which shall be established by the 55212
department. Any student's instruction time in non-classroom- 55213
based learning opportunities shall be certified by an employee 55214
of the community school. A student's enrollment shall be 55215
considered to cease on the date on which any of the following 55216
occur: 55217

(a) The community school receives documentation from a 55218
parent terminating enrollment of the student. 55219

(b) The community school is provided documentation of a 55220
student's enrollment in another public or private school. 55221

(c) The community school ceases to offer learning 55222
opportunities to the student pursuant to the terms of the 55223
contract with the sponsor or the operation of any provision of 55224
this chapter. 55225

Except as otherwise specified in this paragraph, beginning 55226
in the 2011-2012 school year, any student who completed the 55227
prior school year in an internet- or computer-based community 55228
school shall be considered to be enrolled in the same school in 55229
the subsequent school year until the student's enrollment has 55230
ceased as specified in division (H) (2) of this section. The 55231

department shall continue paying amounts for the student under 55232
section 3317.022 of the Revised Code without interruption at the 55233
start of the subsequent school year. However, if the student 55234
without a legitimate excuse fails to participate in the first 55235
seventy-two consecutive hours of learning opportunities offered 55236
to the student in that subsequent school year, the student shall 55237
be considered not to have re-enrolled in the school for that 55238
school year and the department shall recalculate the payments to 55239
the school for that school year to account for the fact that the 55240
student is not enrolled. 55241

(3) The department shall determine each community school 55242
student's percentage of full-time equivalency based on the 55243
percentage of learning opportunities offered by the community 55244
school to that student, reported either as number of hours or 55245
number of days, is of the total learning opportunities offered 55246
by the community school to a student who attends for the 55247
school's entire school year. However, no internet- or computer- 55248
based community school shall be credited for any time a student 55249
spends participating in learning opportunities beyond ten hours 55250
within any period of twenty-four consecutive hours. Whether it 55251
reports hours or days of learning opportunities, each community 55252
school shall offer not less than nine hundred twenty hours of 55253
learning opportunities during the school year. 55254

(4) With respect to the calculation of full-time 55255
equivalency under division (H) (3) of this section, the 55256
department shall waive the number of hours or days of learning 55257
opportunities not offered to a student because the community 55258
school was closed during the school year due to disease 55259
epidemic, hazardous weather conditions, law enforcement 55260
emergencies, inoperability of school buses or other equipment 55261
necessary to the school's operation, damage to a school 55262

building, or other temporary circumstances due to utility 55263
failure rendering the school building unfit for school use, so 55264
long as the school was actually open for instruction with 55265
students in attendance during that school year for not less than 55266
the minimum number of hours required by this chapter. The 55267
department shall treat the school as if it were open for 55268
instruction with students in attendance during the hours or days 55269
waived under this division. 55270

(I) The department of education and workforce shall reduce 55271
the amounts paid under section 3317.022 of the Revised Code to 55272
reflect payments made to colleges under section 3365.07 of the 55273
Revised Code. 55274

(J) (1) No student shall be considered enrolled in any 55275
internet- or computer-based community school or, if applicable 55276
to the student, in any community school that is required to 55277
provide the student with a computer pursuant to division (C) of 55278
section 3314.22 of the Revised Code, unless both of the 55279
following conditions are satisfied: 55280

(a) The student possesses or has been provided with all 55281
required hardware and software materials and all such materials 55282
are operational so that the student is capable of fully 55283
participating in the learning opportunities specified in the 55284
contract between the school and the school's sponsor as required 55285
by division (A) (23) of section 3314.03 of the Revised Code; 55286

(b) The school is in compliance with division (A) of 55287
section 3314.22 of the Revised Code, relative to such student. 55288

(2) In accordance with policies adopted by the department 55289
of education and workforce, ~~in consultation with the auditor of~~ 55290
~~state~~, the department shall reduce the amounts otherwise payable 55291

under section 3317.022 of the Revised Code to any community 55292
school that includes in its program the provision of computer 55293
hardware and software materials to any student, if such hardware 55294
and software materials have not been delivered, installed, and 55295
activated for each such student in a timely manner or other 55296
educational materials or services have not been provided 55297
according to the contract between the individual community 55298
school and its sponsor. 55299

~~The director and the auditor of state shall jointly 55300
establish a method for auditing any community school to which 55301
this division pertains to ensure compliance with this section. 55302~~

~~The director, auditor of state, and the governor shall 55303
jointly make recommendations to the general assembly for 55304
legislative changes that may be required to assure fiscal and 55305
academic accountability for such schools. 55306~~

(K) (1) If the department determines that a review of a 55307
community school's enrollment is necessary, such review shall be 55308
completed and written notice of the findings shall be provided 55309
to the governing authority of the community school and its 55310
sponsor within ninety days of the end of the community school's 55311
fiscal year, unless extended for a period not to exceed thirty 55312
additional days for one of the following reasons: 55313

(a) The department and the community school mutually agree 55314
to the extension. 55315

(b) Delays in data submission caused by either a community 55316
school or its sponsor. 55317

(2) If the review results in a finding that additional 55318
funding is owed to the school, such payment shall be made within 55319
thirty days of the written notice. If the review results in a 55320

finding that the community school owes moneys to the state, the 55321
following procedure shall apply: 55322

(a) Within ten business days of the receipt of the notice 55323
of findings, the community school may appeal the department's 55324
determination to the director. 55325

(b) The director shall conduct an informal hearing on the 55326
matter within thirty days of receipt of such an appeal and shall 55327
issue a decision within fifteen days of the conclusion of the 55328
hearing. 55329

(c) Any decision made by the director under this division 55330
is final. 55331

(3) If it is decided that the community school owes moneys 55332
to the state, the department shall deduct such amount from the 55333
school's future payments in accordance with guidelines issued by 55334
the director. 55335

(L) The department shall not pay to a community school 55336
under section 3317.022 of the Revised Code any amount for any of 55337
the following: 55338

(1) Any student who has graduated from the twelfth grade 55339
of a public or nonpublic high school; 55340

(2) Any student who is not a resident of the state; 55341

(3) Any student who was enrolled in the community school 55342
during the previous school year when assessments were 55343
administered under section 3301.0711 of the Revised Code but did 55344
not take one or more of the assessments required by that section 55345
and was not excused pursuant to division (C)(1) or (3) of that 55346
section, unless the director grants the student a waiver from 55347
the requirement to take the assessment and a parent is not 55348

paying tuition for the student pursuant to section 3314.26 of 55349
the Revised Code. The director may grant a waiver only for good 55350
cause in accordance with rules adopted by the department. 55351

(4) Any student who has attained the age of twenty-two 55352
years, except for veterans of the armed services whose 55353
attendance was interrupted before completing the recognized 55354
twelve-year course of the public schools by reason of induction 55355
or enlistment in the armed forces and who apply for enrollment 55356
in a community school not later than four years after 55357
termination of war or their honorable discharge. If, however, 55358
any such veteran elects to enroll in special courses organized 55359
for veterans for whom tuition is paid under federal law, or 55360
otherwise, the department shall not pay to a community school 55361
under section 3317.022 of the Revised Code any amount for that 55362
veteran. 55363

Sec. 3314.093. (A) The governing authorities of two or 55364
more community schools may enter into an agreement to establish 55365
a consortium to provide or arrange transportation to and from 55366
school for students enrolled in participating schools. A 55367
consortium shall act on behalf of each participating school with 55368
regard to student transportation and shall comply with any law 55369
regarding student transportation in the same manner as a 55370
community school, including sections 3314.091 and 3327.02 of the 55371
Revised Code. Each consortium shall designate one of its 55372
participating schools as its fiscal agent. 55373

(B) A consortium may do both of the following as if it 55374
were a community school: 55375

(1) Enter into an agreement under division (A) of section 55376
3314.091 of the Revised Code with a school district that has 55377
native students, as defined in section 3314.09 of the Revised 55378

Code, enrolled in a community school participating in the 55379
consortium; 55380

(2) Unilaterally accept responsibility for the 55381
transportation of students enrolled in participating schools 55382
under division (B) of section 3314.091 of the Revised Code. 55383

(C) The department of education and workforce shall 55384
calculate and make payments to a consortium under division (I) 55385
of section 3317.0212 of the Revised Code as if it were a 55386
community school. 55387

(D) The consortium's fiscal agent shall report to the 55388
department, on behalf of all of the consortium's participating 55389
schools, the combined data necessary for the department to 55390
calculate payments under section 3317.0212 of the Revised Code. 55391
The fiscal agent shall report that data using the department's 55392
data collection system. 55393

Sec. 3314.19. The sponsor of each community school shall 55394
provide the ~~following~~ assurances required under this section in 55395
writing to the department of education and workforce not later 55396
than ~~ten~~ five business days prior to the opening of the school's 55397
first year of operation or, if the school is not an internet- or 55398
computer-based community school and it ~~changes the~~ relocates to 55399
a different building from which it operates or opens a satellite 55400
location, not later than five business days prior to the opening 55401
of the first year it operates from the new ~~building~~ facility. 55402
In cases where a school adds a facility to the existing school 55403
location or the school is an internet or computer-based 55404
community school and changes its location or adds a satellite 55405
location, the sponsor shall provide the assurances not later 55406
than one day prior to the operation in the new facility. The 55407
assurances shall include the following statements: 55408

(A) That a current copy of the contract between the sponsor and the governing authority of the school entered into under section 3314.03 of the Revised Code has been filed with the department and that any subsequent modifications to that contract will be filed with the department;

(B) That the school has submitted to the sponsor a plan for providing special education and related services to students with disabilities and has demonstrated the capacity to provide those services in accordance with Chapter 3323. of the Revised Code and federal law;

(C) That the school has a plan and procedures for administering the achievement and diagnostic assessments prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the Revised Code;

(D) That school personnel have the necessary training, knowledge, and resources to properly use and submit information to all databases maintained by the department for the collection of education data, including the education management information system established under section 3301.0714 of the Revised Code in accordance with methods and timelines established under section 3314.17 of the Revised Code;

(E) That all required information about the school has been submitted to the Ohio education directory system or any successor system;

(F) That the school will enroll at least the minimum number of students required by division (A)(11)(a) of section 3314.03 of the Revised Code in the school year for which the assurances are provided;

(G) That all classroom teachers are licensed in accordance

with sections 3319.22 to 3319.31 of the Revised Code, except for 55438
noncertificated persons engaged to teach up to twelve hours or 55439
forty hours per week pursuant to section 3319.301 of the Revised 55440
Code; 55441

(H) That the school's fiscal officer is in compliance with 55442
section 3314.011 of the Revised Code; 55443

(I) That the school has complied with sections 3319.39 and 55444
3319.391 of the Revised Code with respect to all employees and 55445
that the school has conducted a criminal records check of each 55446
of its governing authority members; 55447

(J) That the school holds all of the following: 55448

(1) Proof of property ownership or a lease for the 55449
facilities used by the school; 55450

(2) A certificate of occupancy; 55451

(3) Liability insurance for the school, as required by 55452
division (A) (11) (b) of section 3314.03 of the Revised Code, that 55453
the sponsor considers sufficient to indemnify the school's 55454
facilities, staff, and governing authority against risk; 55455

(4) A satisfactory health and safety inspection; 55456

(5) A satisfactory fire inspection; 55457

(6) A valid food permit, if applicable. 55458

(K) That the sponsor has conducted a pre-opening site 55459
visit to the school for the school year for which the assurances 55460
are provided; 55461

(L) That the school has designated a date it will open for 55462
the school year for which the assurances are provided that is in 55463
compliance with division (A) (25) of section 3314.03 of the 55464

Revised Code; 55465

(M) That the school has met all of the sponsor's 55466
requirements for opening and any other requirements of the 55467
sponsor. 55468

(N) That, for any school that operates using the blended 55469
learning model, as defined in section 3301.079 of the Revised 55470
Code, the sponsor has reviewed the following information, 55471
submitted by the school: 55472

(1) An indication of what blended learning model or models 55473
will be used; 55474

(2) A description of how student instructional needs will 55475
be determined and documented; 55476

(3) The method to be used for determining competency, 55477
granting credit, and promoting students to a higher grade level; 55478

(4) The school's attendance requirements, including how 55479
the school will document participation in learning 55480
opportunities; 55481

(5) A statement describing how student progress will be 55482
monitored; 55483

(6) A statement describing how private student data will 55484
be protected; 55485

(7) A description of the professional development 55486
activities that will be offered to teachers. 55487

Sec. 3314.191. Notwithstanding any provision to the 55488
contrary in the Revised Code, the department of education and 55489
workforce shall make no payment under section 3317.022 of the 55490
Revised Code to a community school opening for its first year of 55491

operation until the sponsor of that school confirms all of the 55492
following: 55493

(A) The school is in compliance with the provisions 55494
described in divisions (A), (H), (I), and (J) (3) of section 55495
3314.19 of the Revised Code. 55496

(B) The sponsor has approved the financial controls 55497
required by the ~~comprehensive plan for the school contract the~~ 55498
sponsor enters into with the governing authority of the 55499
community school under ~~division (B) (5) of~~ section 3314.03 of the 55500
Revised Code. 55501

(C) The school facilities will be ready and open for use 55502
by the date prescribed in the contract entered into under 55503
section 3314.03 of the Revised Code, and the sponsor has 55504
reviewed any lease, purchase agreement, permits required by 55505
statute or contract, and construction plans. 55506

(D) The chief administrator of the community school 55507
actively is managing daily operations at the school. 55508

(E) The projected enrollment reported to the department is 55509
accurate. 55510

Sec. 3314.261. This section shall not apply to an 55511
internet- or computer-based community school ~~in which a majority~~ 55512
~~of the students are enrolled in a dropout prevention and~~ 55513
~~recovery program~~ that is a dropout prevention and recovery 55514
community school. 55515

(A) For purposes of this section, "instructional 55516
activities" means the following classroom-based or nonclassroom- 55517
based activities that a student is expected to complete, 55518
participate in, or attend during any given school day: 55519

(1) Online logins to curriculum or programs;	55520
(2) Offline activities;	55521
(3) Completed assignments within a particular program, curriculum, or class;	55522 55523
(4) Testing;	55524
(5) Face-to-face communications or meetings with school staff or service providers;	55525 55526
(6) Telephone or video conferences with school staff or service providers;	55527 55528
(7) Other documented communication with school staff or service providers related to school curriculum or programs.	55529 55530
(B) (1) Each internet- or computer-based community school's attendance policy adopted in accordance with division (A) (6) (b) of section 3314.03 of the Revised Code shall specify that a student is considered in attendance at the school when the student satisfies either of the following conditions:	55531 55532 55533 55534 55535
(a) The student participates in at least ninety per cent of the hours of instructional activities offered by the school in that school year;	55536 55537 55538
(b) The student is on pace for on-time completion of any course in which the student is enrolled. The school's attendance policy shall define "on pace for on-time completion" for purposes of division (B) (1) (b) of this section.	55539 55540 55541 55542
(2) If a student is not considered in attendance under division (B) (1) of this section, the student shall be considered absent for those hours of instructional activities offered by the school in that school year in which the student does not	55543 55544 55545 55546

participate. 55547

(3) In the event that a student has thirty or more hours 55548
of unexcused absences in any semester, the internet- or 55549
computer-based community school in which the student is enrolled 55550
shall submit a written report to the student's parent, guardian, 55551
or custodian. 55552

(C) Notwithstanding section 3321.191 of the Revised Code, 55553
each internet- or computer-based community school shall develop 55554
and adopt a policy regarding failure to participate in 55555
instructional activities. The policy shall state that a student 55556
shall become subject to certain consequences, including 55557
disenrollment from the school, if both of the following 55558
conditions are satisfied: 55559

(1) After the student's parent, guardian, or custodian 55560
receives a written report under division (B)(2) of this section, 55561
the student fails to comply with the policy adopted under 55562
division (C) of this section within a reasonable period of time 55563
specified by the school; 55564

(2) Other intervention strategies contained in the policy 55565
adopted under division (C) of this section fail to cause a 55566
student's attendance to comply with the policy. 55567

(D) If an internet- or computer-based community school 55568
disenrolled a student pursuant to a policy adopted under 55569
division (C) of this section, the student shall not be eligible 55570
to re-enroll in that school for the remainder of the school year 55571
in which the student is disenrolled. This division does not 55572
prohibit a disenrolled student from enrolling in another 55573
internet- or computer-based community school. 55574

(E) If an internet- or computer-based community school 55575

disenrolls a student pursuant to a policy adopted under division 55576
(C) of this section, the school shall do both of the following: 55577

(1) Provide the student's parent, guardian, or custodian 55578
with a list of alternative educational options available to the 55579
student; 55580

(2) Within forty-eight hours of the student's 55581
disenrollment, notify the student's resident school district in 55582
writing. 55583

(F) Nothing in this section shall be construed to affect 55584
the procedure for automatically withdrawing a student from 55585
school that must be adopted as part of a school's attendance 55586
policy in accordance with division (A) (6) (b) of section 3314.03 55587
of the Revised Code. 55588

Sec. 3314.29. (A) This section applies to any internet- or 55589
computer-based community school that meets all of the following 55590
conditions: 55591

(1) Serves all of grades kindergarten through twelve; 55592

(2) Has an enrollment of at least two thousand students; 55593

(3) Has a sponsor that was not rated ineffective or poor 55594
on its most recent evaluation under section 3314.016 of the 55595
Revised Code. 55596

(B) Beginning with the 2018-2019 school year, the 55597
governing authority of a community school to which this section 55598
applies may adopt a resolution to divide the school into two or 55599
three separate schools as follows: 55600

(1) If the school is divided into two schools, one school 55601
shall serve grades kindergarten through eight and one school 55602
shall serve grades nine through twelve. 55603

(2) If the school is divided into three schools, one 55604
school shall serve grades kindergarten through five, one school 55605
shall serve grades six through eight, and one school shall serve 55606
grades nine through twelve. 55607

(C) The resolution adopted by the governing authority 55608
shall not be effective unless approved by the school's sponsor. 55609
Following approval of the resolution by the sponsor, and by the 55610
fifteenth day of March prior to the school year in which it will 55611
take effect, the governing authority shall file the resolution 55612
with the department of education and workforce. The division of 55613
the schools shall be effective on the first day of July 55614
succeeding the date the resolution is filed with the department. 55615

(D) All of the following shall apply to each new school 55616
created as a result of the resolution authorized by this section 55617
and to the school that is divided as a result of the resolution: 55618

(1) Each school shall have the same governing authority. 55619

(2) The sponsor and governing authority shall enter into a 55620
separate contract under section 3314.03 of the Revised Code for 55621
each school. 55622

(3) No school shall ~~primarily serve students enrolled in-~~ 55623
~~be a dropout prevention and recovery program operated by the~~ 55624
~~school~~ community school. 55625

(4) No school shall be permitted to divide again under 55626
this section. 55627

(5) Notwithstanding anything to the contrary in division 55628
(B) (2) of section 3314.016 of the Revised Code, each school 55629
shall be included in the calculation of the academic performance 55630
component for purposes of rating the schools' sponsor under the 55631
evaluation system prescribed by that section. 55632

(6) Each school shall be subject to the laws contained in Chapter 3314. of the Revised Code, except as otherwise specified in this section.

(E) The department shall issue a report card under section 3314.012 of the Revised Code for each new school created as a result of the resolution authorized by this section and for the school that is divided as a result of the resolution. For purposes of the report cards and other reporting requirements under this chapter, the department shall assign the school that serves the highest grades the same internal retrieval number previously used by the school that is divided under this section. The department shall assign a new internal retrieval number to each other school resulting from the division.

Notwithstanding division (A) of section 3314.012 of the Revised Code, the ratings a school receives on its report card for the first two full school years after the division under this section shall count toward closure of the school under section 3314.35 of the Revised Code and any other matter that is based on report card ratings or measures.

Sec. 3314.35. (A) Except as provided in division (B) of this section and section 3314.355 of the Revised Code, this section applies to any community school that meets one of the following criteria:

(1) The school does not offer a grade level higher than three and, for the three most recent school years, satisfies either of the following criteria:

(a) The school has received a performance rating of one star for early literacy under division (D) (3) (e) of section 3302.03 of the Revised Code;

(b) The school has received an overall performance rating of less than two stars under division (D) (3) of section 3302.03 of the Revised Code. 55662
55663
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(2) The school offers any of grade levels four to eight but does not offer a grade level higher than nine and, for the three most recent school years, satisfies either of the following criteria: 55665
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55667
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(a) The school has received a performance rating of one star for both achievement under division (D) (3) (b) of section 3302.03 of the Revised Code and progress under division (D) (3) (c) of that section; 55669
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55672

(b) The school has received an overall performance rating of less than two stars under division (D) of section 3302.03 of the Revised Code and a performance rating of one star for progress under division (D) (3) (c) of that section. 55673
55674
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(3) The school offers any of grade levels ten to twelve and, for the three most recent school years, satisfies either of the following criteria: 55677
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55679

(a) The school has received a performance rating of "one star" for achievement under division (D) (3) (b) of section 3302.03 of the Revised Code and has not met annual measurable objectives for gap closing under division (D) (3) (a) of that section, as determined by the department of education and workforce; 55680
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(b) The school has received an overall performance rating of less than two stars under division (D) of section 3302.03 of the Revised Code and a performance rating of one star for progress under division (D) (1) (b) of that section. 55686
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For purposes of division (A) of this section only, the 55690

department shall calculate the value-added progress dimension 55691
for a community school using assessment scores for only those 55692
students to whom the school has administered the achievement 55693
assessments prescribed by section 3301.0710 of the Revised Code 55694
for at least the two most recent school years but using value- 55695
added data from only the most recent school year. 55696

(B) This section does not apply to either of the 55697
following: 55698

(1) Any dropout prevention and recovery community school 55699
~~in which a majority of the students are enrolled in a dropout-~~ 55700
~~prevention and recovery program that is operated by the school.~~ 55701
Rather, such schools shall be subject to closure only as 55702
provided in section 3314.351 of the Revised Code. However, prior 55703
to July 1, 2014, a community school in which a majority of the 55704
students are enrolled in a dropout prevention and recovery 55705
program shall be exempt from this section only if it has been 55706
granted a waiver under section 3314.36 of the Revised Code. 55707

(2) Any community school in which a majority of the 55708
enrolled students are children with disabilities receiving 55709
special education and related services in accordance with 55710
Chapter 3323. of the Revised Code. 55711

(C) Any community school to which this section applies 55712
shall permanently close at the conclusion of the school year in 55713
which the school first becomes subject to this section. The 55714
sponsor and governing authority of the school shall comply with 55715
all procedures for closing a community school adopted by the 55716
department under division (E) of section 3314.015 of the Revised 55717
Code. The governing authority of the school shall not enter into 55718
a contract with any other sponsor under section 3314.03 of the 55719
Revised Code after the school closes. 55720

(D) Nothing in this section or in any other provision of the Revised Code prohibits the sponsor of a community school from exercising its option not to renew a contract for any reason or from terminating a contract prior to its expiration for any of the reasons set forth in section 3314.07 of the Revised Code.

Sec. 3314.351. (A) This section applies to any dropout prevention and recovery community school ~~in which a majority of the students are enrolled in a dropout prevention and recovery program.~~ Except as provided in division (F) of this section, any such community school that has received a designation of "does not meet standards," as described in division (D)(1) of section 3314.017 of the Revised Code on the report card issued under that section, for the three most recent school years shall be subject to closure in accordance with this section.

(B) Not later than the first day of September in each school year, the department of education and workforce shall notify each school subject to closure under this section that the school must close not later than the thirtieth day of the following June.

A school so notified shall close as required.

(C) A school that opens on or after July 1, 2014, shall not be subject to closure under this section for its first two years of operation. A school that is in operation prior to July 1, 2014, shall not be subject to closure under this section until after August 31, 2016.

(D) The sponsor and governing authority of the school shall comply with all procedures for closing a community school adopted by the department under division (E) of section 3314.015

of the Revised Code. The governing authority of the school shall 55750
not enter into a contract with any other sponsor under section 55751
3314.03 of the Revised Code after the school closes. 55752

(E) Nothing in this section or in any other provision of 55753
the Revised Code prohibits the sponsor of a community school 55754
from exercising its option not to renew a contract for any 55755
reason or from terminating a contract prior to its expiration 55756
for any of the reasons set forth in section 3314.07 of the 55757
Revised Code. 55758

(F) Beginning in the 2019-2020 school year, no school 55759
shall be subject to closure under this section based on the 55760
report card issued for that school for the 2017-2018 or 2018- 55761
2019 school year if the school received an overall rating of 55762
"meets standards" or "exceeds standards" for the 2017-2018 or 55763
2018-2019 school year pursuant to division (I) of section 55764
3314.017 of the Revised Code. However, no school permanently 55765
closed under this section prior to the 2019-2020 school year 55766
shall be eligible to reopen based on the calculated or 55767
recalculated ratings under division (I) of section 3314.017 of 55768
the Revised Code. 55769

Sec. 3314.36. (A) Section 3314.35 of the Revised Code does 55770
not apply to any dropout prevention and recovery community 55771
school ~~in which a majority of the students are enrolled in a~~ 55772
~~dropout prevention and recovery program that is operated by the~~ 55773
~~school and that has been granted a waiver by the former~~ 55774
department of education prior to July 1, 2014. 55775

(B) All dropout prevention and recovery community schools 55776
~~in which a majority of the students are enrolled in a dropout~~ 55777
~~prevention and recovery program~~ are subject to the provisions of 55778
section 3314.351 of the Revised Code, regardless of whether a 55779

waiver has been granted under this section prior to July 1, 55780
2014. Thereafter, no waivers shall be granted under this 55781
section. 55782

Sec. 3314.361. ~~Notwithstanding anything to the contrary in~~ 55783
~~this chapter, a~~ A community school that operates a drug recovery 55784
program in cooperation with a court shall be considered a 55785
dropout prevention and recovery ~~program~~ community school for 55786
purposes of this chapter, ~~regardless of the ages of students or~~ 55787
~~grade levels served by the school~~ and shall comply with all 55788
enrollment restrictions applicable to such a school. 55789

Sec. 3314.362. Notwithstanding division (A) (10) of section 55790
3314.02 of the Revised Code, a community school that primarily 55791
serves students enrolled in a dropout prevention and recovery 55792
program may continue to operate in the 2025-2026 and 2026-2027 55793
school years without complying with that division and shall be 55794
considered a dropout prevention and recovery community school 55795
for the purposes of Title XXXIII of the Revised Code for those 55796
school years. 55797

Notwithstanding anything in the Revised Code to the 55798
contrary, beginning July 1, 2027, any community school that 55799
primarily serves students enrolled in a dropout prevention and 55800
recovery program is a dropout prevention and recovery community 55801
school, as defined in division (A) (10) of section 3314.02 of the 55802
Revised Code. Prior to that date, the school, upon approval of 55803
the school's sponsor, shall do one or both of the following with 55804
any grades that do not comply with division (A) (10) of section 55805
3314.02 of the Revised Code: 55806

(A) Transfer those grades to a separate community school. 55807
The department of education and workforce shall assign the 55808
separate community school its own internal retrieval number. 55809

<u>(B) Cease offering those grades.</u>	55810
<u>The school shall assist students who are not eligible to</u>	55811
<u>enroll in the dropout prevention and recovery community school</u>	55812
<u>to transfer to a separate community school or enroll in a</u>	55813
<u>different school, as applicable.</u>	55814
<u>Sec. 3314.38.</u> (A) <u>As used in this section:</u>	55815
<u>(1) "Competency-based educational program" and "eligible</u>	55816
<u>individual" have the same meanings as in section 3313.902 of the</u>	55817
<u>Revised Code.</u>	55818
<u>(2) "Eligible provider" means a community school that</u>	55819
<u>operates a dropout prevention and recovery program.</u>	55820
<u>(B) An eligible provider may establish a competency-based</u>	55821
<u>educational program that complies with standards adopted by the</u>	55822
<u>department of education and workforce and may enroll eligible</u>	55823
<u>individuals in the program for up to three consecutive school</u>	55824
<u>years for the purpose of earning a high school diploma. The</u>	55825
<u>provider shall establish a career plan for each individual</u>	55826
<u>enrolled in the program that specifies the individual's career</u>	55827
<u>goals and describes how the individual will demonstrate</u>	55828
<u>competency or earn course credits under division (C) of section</u>	55829
<u>3313.902 of the Revised Code to earn a diploma and attain the</u>	55830
<u>individual's career goals. Notwithstanding sections 3313.61,</u>	55831
<u>3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the</u>	55832
<u>Revised Code, the department shall award a high school diploma</u>	55833
<u>to an individual enrolled in a program who satisfies one of the</u>	55834
<u>conditions specified in division (C) of section 3313.902 of the</u>	55835
<u>Revised Code.</u>	55836
<u>(C) An eligible provider shall report each individual</u>	55837
<u>enrolled in a program under division (B) of this section to the</u>	55838

department. This report shall be in addition to the report 55839
required under division (B) of section 3314.08 of the Revised 55840
Code. The department annually shall certify the enrollment and 55841
attendance of each individual reported under this division and 55842
shall pay the provider up to \$7,500 per school year, as 55843
determined by the department based on the extent of the 55844
individual's successful completion of the diploma requirements 55845
prescribed in division (C) of section 3313.902 of the Revised 55846
Code. 55847

(D) An eligible provider that enrolls individuals under 55848
division (B) of this section is subject to the requirements of 55849
section 3313.902 of the Revised Code, as applicable. 55850

Sec. 3314.381. ~~(A) As used in this section, "dropout~~ 55851
~~recovery community school" has the same meaning as in section~~ 55852
~~3319.301 of the Revised Code.~~ 55853

~~(B)~~ The department of education and workforce shall 55854
establish the dropout prevention and recovery advisory council. 55855
The council shall provide a forum for communication and 55856
collaboration between the department and parties involved in the 55857
establishment and operation of dropout prevention and recovery 55858
community schools, including sponsors and operators. 55859

~~(C)~~ (B) The advisory council shall consist of the following 55860
members appointed by the director of education and workforce: 55861

(1) Two members of the state board of education; 55862

(2) One employee of the department who works directly with 55863
dropout prevention and recovery community schools, including any 55864
employee who works as a liaison with such schools; 55865

(3) Seven individuals with experience in dropout 55866
prevention and recovery community schools, their operators, and 55867

their sponsors. In appointing these individuals, the director 55868
shall ensure they represent a diverse array of schools in terms 55869
of enrollment, programs, learning models, and methods of 55870
instruction. 55871

~~(D)~~(C) The advisory council shall, in collaboration with 55872
the director, review all existing rules and guidance previously 55873
developed or adopted by the department pursuant to division ~~(D)~~ 55874
(C) of section 3314.382 of the Revised Code. 55875

Sec. 3314.382. (A) ~~As used in this section, "dropout~~ 55876
~~recovery community school" has the same meaning as in section~~ 55877
~~3319.301 of the Revised Code.~~ 55878

~~(B)~~ Notwithstanding anything to the contrary in the 55879
Revised Code, the department of education and workforce shall 55880
only adopt rules in accordance with Chapter 119. of the Revised 55881
Code for any requirement to be imposed on a dropout prevention 55882
and recovery community school. The department shall not develop 55883
guidelines that impose requirements on the general and uniform 55884
operation of a dropout prevention and recovery community school. 55885

~~(C)~~(B) Pursuant to section 119.035 of the Revised Code, 55886
prior to adoption, the dropout prevention and recovery advisory 55887
council established under section 3314.381 of the Revised Code 55888
shall review any proposed rule described in division ~~(B)~~(A) of 55889
this section. 55890

~~(D)~~(C) Any guidance document previously developed by the 55891
department that establishes general and uniform operations 55892
regarding a dropout recovery community school in effect on ~~the~~ 55893
~~effective date of this section~~ October 3, 2023, is void after 55894
that date. 55895

Sec. 3315.063. No board of education of any school 55896

district shall expend more than fifteen per cent of the board's 55897
annual operating budget on administrative salaries and benefits 55898
and other costs associated with the district's administrative 55899
offices. 55900

Sec. 3315.18. (A) The board of education of each city, 55901
exempted village, local, and joint vocational school district 55902
shall establish a capital and maintenance fund. Each board 55903
annually shall deposit into that fund an amount derived from 55904
revenues received by the district that would otherwise have been 55905
deposited in the general fund that is equal to three per cent of 55906
the statewide average base cost per pupil for the preceding 55907
fiscal year, as defined in section 3317.02 of the Revised Code, 55908
~~or another percentage if established by the auditor of state~~ 55909
~~under division (B) of this section,~~ multiplied by the district's 55910
student population for the preceding fiscal year, except that 55911
money received from a permanent improvement levy authorized by 55912
section 5705.21 of the Revised Code may replace general revenue 55913
moneys in meeting the requirements of this section. Money in the 55914
fund shall be used solely for acquisition, replacement, 55915
enhancement, maintenance, or repair of permanent improvements, 55916
as that term is defined in section 5705.01 of the Revised Code. 55917
Any money in the fund that is not used in any fiscal year shall 55918
carry forward to the next fiscal year. 55919

(B) The director of education and workforce and the 55920
auditor of state jointly shall adopt rules in accordance with 55921
Chapter 119. of the Revised Code defining what constitutes 55922
expenditures permitted by division (A) of this section. ~~The~~ 55923
~~auditor of state may designate a percentage, other than three-~~ 55924
~~per cent, of the statewide average base cost per pupil-~~ 55925
~~multiplied by the district's student population that must be~~ 55926
~~deposited into the fund.~~ 55927

(C) Within its capital and maintenance fund, a school district board of education may establish a separate account solely for the purpose of depositing funds transferred from the district's reserve balance account established under former division (H) of section 5705.29 of the Revised Code. After April 10, 2001, a board may deposit all or part of the funds formerly included in such reserve balance account in the separate account established under this section. Funds deposited in this separate account and interest on such funds shall be utilized solely for the purpose of providing the district's portion of the basic project costs of any project undertaken in accordance with Chapter 3318. of the Revised Code.

(D) (1) Notwithstanding division (A) of this section, in any year a district is in fiscal emergency status as declared pursuant to section 3316.03 of the Revised Code, the district may deposit an amount less than required by division (A) of this section, or make no deposit, into the district capital and maintenance fund for that year.

(2) Notwithstanding division (A) of this section, in any fiscal year that a school district is either in fiscal watch status, as declared pursuant to section 3316.03 of the Revised Code, or in fiscal caution status, as declared pursuant to section 3316.031 of the Revised Code, the district may apply to the director of education and workforce for a waiver from the requirements of division (A) of this section, under which the district may be permitted to deposit an amount less than required by that division or permitted to make no deposit into the district capital and maintenance fund for that year. The director may grant a waiver under division (D) (2) of this section if the district demonstrates to the satisfaction of the director that compliance with division (A) of this section that

year will create an undue financial hardship on the district. 55959

(3) Notwithstanding division (A) of this section, not more 55960
often than one fiscal year in every three consecutive fiscal 55961
years, any school district that does not satisfy the conditions 55962
for the exemption described in division (D) (1) of this section 55963
or the conditions to apply for the waiver described in division 55964
(D) (2) of this section may apply to the director for a waiver 55965
from the requirements of division (A) of this section, under 55966
which the district may be permitted to deposit an amount less 55967
than required by that division or permitted to make no deposit 55968
into the district capital and maintenance fund for that year. 55969
The director may grant a waiver under division (D) (3) of this 55970
section if the district demonstrates to the satisfaction of the 55971
director that compliance with division (A) of this section that 55972
year will necessitate the reduction or elimination of a program 55973
currently offered by the district that is critical to the 55974
academic success of students of the district and that no 55975
reasonable alternatives exist for spending reductions in other 55976
areas of operation within the district that negate the necessity 55977
of the reduction or elimination of that program. 55978

(E) Notwithstanding any provision to the contrary in 55979
Chapter 4117. of the Revised Code, the requirements of this 55980
section prevail over any conflicting provisions of agreements 55981
between employee organizations and public employers entered into 55982
after November 21, 1997. 55983

(F) As used in this section, "student population" means 55984
the average, daily, full-time equivalent number of students in 55985
kindergarten through twelfth grade receiving any educational 55986
services from the school district during the first full school 55987
week in October, excluding students enrolled in adult education 55988

classes, but including all of the following: 55989

(1) Adjacent or other district students enrolled in the 55990
district under an open enrollment policy pursuant to section 55991
3313.98 of the Revised Code; 55992

(2) Students receiving services in the district pursuant 55993
to a compact, cooperative education agreement, or a contract, 55994
but who are entitled to attend school in another district 55995
pursuant to section 3313.64 or 3313.65 of the Revised Code; 55996

(3) Students for whom tuition is payable pursuant to 55997
sections 3317.081 and 3323.141 of the Revised Code. 55998

The department of education and workforce shall determine 55999
a district's student population using data reported to it under 56000
section 3317.03 of the Revised Code for the applicable fiscal 56001
year. 56002

Sec. 3315.181. As used in this section, "securities" has 56003
the same meaning as in section 133.01 of the Revised Code. 56004

Notwithstanding division (A) of section 3315.18 of the 56005
Revised Code, the board of education of a city, exempted 56006
village, local, or joint vocational school district, in meeting 56007
the amount required by that division to be deposited in the 56008
district's capital and maintenance fund, may replace general 56009
fund revenues with proceeds received from a permanent 56010
improvement levy authorized by section 5705.21 of the Revised 56011
Code only to the extent the proceeds are available to be used 56012
for the acquisition, replacement, enhancement, maintenance, or 56013
repair of permanent improvements as defined in section 5705.01 56014
of the Revised Code. In addition, the board may replace general 56015
fund revenues with proceeds received from any of the following 56016
sources in meeting the amount required by that division to be 56017

deposited in the fund:	56018
(A) Proceeds received from any securities whose use is limited to the acquisition, replacement, enhancement, maintenance, or repair of permanent improvements;	56019 56020 56021
(B) Insurance proceeds received as a result of the damage to or theft or destruction of a permanent improvement to the extent a board of education places the proceeds in a separate fund for the acquisition, replacement, enhancement, maintenance, or repair of permanent improvements;	56022 56023 56024 56025 56026
(C) Proceeds received from the sale of a permanent improvement to the extent the proceeds are paid into a separate fund for the construction or acquisition of permanent improvements;	56027 56028 56029 56030
(D) Proceeds received from a tax levy authorized by section 3318.06 of the Revised Code to the extent the proceeds are available to be used for the maintenance of capital facilities;	56031 56032 56033 56034
(E) Proceeds of certificates of participation issued as part of a lease-purchase agreement entered into under section 3313.375 of the Revised Code;	56035 56036 56037
(F) Proceeds of any school district income tax levied under Chapter 5748. of the Revised Code for permanent improvements, to the extent the proceeds are available for the acquisition, replacement, enhancement, maintenance, or repair of permanent improvements;	56038 56039 56040 56041 56042
(G) Any other revenue source identified by the auditor of state, in consultation with the department of education and workforce, in rules adopted by the auditor of state.	56043 56044 56045

Sec. 3316.031. (A) The director of education and 56046
workforce, in consultation with the auditor of state, shall 56047
develop guidelines for identifying fiscal practices and 56048
budgetary conditions that, if uncorrected, could result in a 56049
future declaration of a fiscal watch or fiscal emergency within 56050
a school district. 56051

The guidelines shall not include a requirement that a 56052
school district submit financial statements according to 56053
generally accepted accounting principles. 56054

(B) (1) If the director determines from a school district's 56055
five-year current budget information and three-year forecast 56056
submitted under section 5705.391 of the Revised Code that a 56057
district is engaging in any of those practices or that any of 56058
those conditions exist within the district, after consulting 56059
with the district board of education concerning the practices or 56060
conditions, the director may declare the district to be under a 56061
fiscal caution. 56062

(2) If the auditor of state finds that a district is 56063
engaging in any of those practices or that any of those 56064
conditions exist within the district, the auditor of state shall 56065
report that finding to the director and, after consulting with 56066
the district board of education concerning the practices or 56067
conditions, the director may declare the district to be under a 56068
fiscal caution. 56069

(3) Unless the auditor of state has elected to declare a 56070
state of fiscal watch under division (A) (4) of section 3316.03 56071
of the Revised Code, the director shall declare a school 56072
district to be under a fiscal caution if the conditions 56073
described in divisions (A) (4) (a) and (b) of that section are 56074
both satisfied with respect to the school district. 56075

(C) When the director declares a district to be under fiscal caution, the director shall promptly notify the district board of education of that declaration and shall request the board to provide written proposals for discontinuing or correcting the fiscal practices or budgetary conditions that prompted the declaration and for preventing the district from experiencing further fiscal difficulties that could result in the district being declared to be in a state of fiscal watch or fiscal emergency.

(D) The director, or a designee, may visit and inspect any district that is declared to be under a fiscal caution. The department of education and workforce shall provide technical assistance to the district board in implementing proposals to eliminate the practices or budgetary conditions that prompted the declaration of fiscal caution and may make recommendations concerning the board's proposals.

(E) If the director finds that a school district declared to be under a fiscal caution has not made reasonable proposals or otherwise taken action to discontinue or correct the fiscal practices or budgetary conditions that prompted the declaration of fiscal caution, and if the director considers it necessary to prevent further fiscal decline, the director may determine that the district should be in a state of fiscal watch. As provided in division (A) (3) of section 3316.03 of the Revised Code, the auditor of state shall declare the district to be in a state of fiscal watch if the auditor of state finds the director's determination to be reasonable.

Sec. 3316.041. (A) Notwithstanding any provision of Chapter 133. or sections 3313.483 to 3313.4810 of the Revised Code, and subject to the approval of the director of education

and workforce, a school district that is in a state of fiscal watch declared under section 3316.03 of the Revised Code may restructure or refinance loans obtained or in the process of being obtained under section 3313.483 of the Revised Code if all of the following requirements are met:

(1) The operating deficit certified for the school district for the current or preceding fiscal year under section 3313.483 of the Revised Code exceeds fifteen per cent of the district's general revenue fund for the fiscal year preceding the year for which the certification of the operating deficit is made.

(2) The school district voters have, during the period of the fiscal watch, approved the levy of a tax under section 718.09, 718.10, 5705.194, 5705.21, 5748.02, or 5748.09 of the Revised Code that is not a renewal ~~or replacement~~ levy, or a levy under section 5705.199 of the Revised Code, and that will provide new operating revenue.

(3) The board of education of the school district has adopted or amended the financial plan required by section 3316.04 of the Revised Code to reflect the restructured or refinanced loans, and sets forth the means by which the district will bring projected operating revenues and expenditures, and projected debt service obligations, into balance for the life of any such loan.

(B) Subject to the approval of the director, the school district may issue securities to evidence the restructuring or refinancing authorized by this section. Such securities may extend the original period for repayment not to exceed ten years, and may alter the frequency and amount of repayments, interest or other financing charges, and other terms or

agreements under which the loans were originally contracted, 56136
provided the loans received under sections 3313.483 of the 56137
Revised Code are repaid from funds the district would otherwise 56138
receive under Chapter 3317. of the Revised Code, as required 56139
under division (E) (3) of section 3313.483 of the Revised Code. 56140
Securities issued for the purpose of restructuring or 56141
refinancing under this section shall be repaid in equal payments 56142
and at equal intervals over the term of the debt and are not 56143
eligible to be included in any subsequent proposal to 56144
restructure or refinance. 56145

(C) Unless the district is declared to be in a state of 56146
fiscal emergency under division (D) of section 3316.04 of the 56147
Revised Code, a school district shall remain in a state of 56148
fiscal watch for the duration of the repayment period of any 56149
loan restructured or refinanced under this section. 56150

Sec. 3316.043. Upon the approval by the director of 56151
education and workforce of an initial financial plan under 56152
section 3316.04 of the Revised Code or a financial recovery plan 56153
under section 3316.06 of the Revised Code, the board of 56154
education of the school district for which the plan was approved 56155
shall revise the district's five-year-current budget information 56156
and three-year projection of revenues and expenditures in 56157
accordance with rules adopted under section 5705.391 of the 56158
Revised Code so that the five-year-current budget information and 56159
three-year projection ~~is~~ are consistent with the financial plan 56160
or financial recovery plan. In the case of a school district 56161
declared to be in a state of fiscal emergency, the ~~five-~~ 56162
~~year-current budget information and~~ -three-year projection shall 56163
be revised by the financial planning and supervision commission 56164
for that district. 56165

Sec. 3316.06. (A) Within one hundred twenty days after the 56166
first meeting of a school district financial planning and 56167
supervision commission, the commission shall adopt a financial 56168
recovery plan regarding the school district for which the 56169
commission was created. During the formulation of the plan, the 56170
commission shall seek appropriate input from the school district 56171
board and from the community. This plan shall contain the 56172
following: 56173

(1) Actions to be taken to: 56174

(a) Eliminate all fiscal emergency conditions declared to 56175
exist pursuant to division (B) of section 3316.03 of the Revised 56176
Code; 56177

(b) Satisfy any judgments, past-due accounts payable, and 56178
all past-due and payable payroll and fringe benefits; 56179

(c) Eliminate the deficits in all deficit funds, except 56180
that any prior year deficits in the capital and maintenance fund 56181
established pursuant to section 3315.18 of the Revised Code 56182
shall be forgiven; 56183

(d) Restore to special funds any moneys from such funds 56184
that were used for purposes not within the purposes of such 56185
funds, or borrowed from such funds by the purchase of debt 56186
obligations of the school district with the moneys of such 56187
funds, or missing from the special funds and not accounted for, 56188
if any; 56189

(e) Balance the budget, avoid future deficits in any 56190
funds, and maintain on a current basis payments of payroll, 56191
fringe benefits, and all accounts; 56192

(f) Avoid any fiscal emergency condition in the future; 56193

(g) Restore the ability of the school district to market long-term general obligation bonds under provisions of law applicable to school districts generally.

(2) The management structure that will enable the school district to take the actions enumerated in division (A) (1) of this section. The plan shall specify the level of fiscal and management control that the commission will exercise within the school district during the period of fiscal emergency, and shall enumerate respectively, the powers and duties of the commission and the powers and duties of the school board during that period. The commission may elect to assume any of the powers and duties of the school board it considers necessary, including all powers related to personnel, curriculum, and legal issues in order to successfully implement the actions described in division (A) (1) of this section.

(3) The target dates for the commencement, progress upon, and completion of the actions enumerated in division (A) (1) of this section and a reasonable period of time expected to be required to implement the plan. The commission shall prepare a reasonable time schedule for progress toward and achievement of the requirements for the plan, and the plan shall be consistent with that time schedule.

(4) The amount and purpose of any issue of debt obligations that will be issued, together with assurances that any such debt obligations that will be issued will not exceed debt limits supported by appropriate certifications by the fiscal officer of the school district and the county auditor. If the commission considers it necessary in order to maintain or improve educational opportunities of pupils in the school district, the plan may include a proposal to restructure or

refinance outstanding debt obligations incurred by the board 56224
under section 3313.483 of the Revised Code contingent upon the 56225
approval, during the period of the fiscal emergency, by district 56226
voters of a tax levied under section 718.09, 718.10, 5705.194, 56227
5705.21, 5748.02, 5748.08, or 5748.09 of the Revised Code that 56228
is not a renewal ~~or replacement~~ levy, or a levy under section 56229
5705.199 of the Revised Code, and that will provide new 56230
operating revenue. Notwithstanding any provision of Chapter 133. 56231
or sections 3313.483 to 3313.4810 of the Revised Code, following 56232
the required approval of the district voters and with the 56233
approval of the commission, the school district may issue 56234
securities to evidence the restructuring or refinancing. Those 56235
securities may extend the original period for repayment, not to 56236
exceed ten years, and may alter the frequency and amount of 56237
repayments, interest or other financing charges, and other terms 56238
of agreements under which the debt originally was contracted, at 56239
the discretion of the commission, provided that any loans 56240
received pursuant to section 3313.483 of the Revised Code shall 56241
be paid from funds the district would otherwise receive under 56242
Chapter 3317. of the Revised Code, as required under division 56243
(E) (3) of section 3313.483 of the Revised Code. The securities 56244
issued for the purpose of restructuring or refinancing the debt 56245
shall be repaid in equal payments and at equal intervals over 56246
the term of the debt and are not eligible to be included in any 56247
subsequent proposal for the purpose of restructuring or 56248
refinancing debt under this section. 56249

(5) An evaluation of the feasibility of entering into 56250
shared services agreements with other political subdivisions for 56251
the joint exercise of any power, performance of any function, or 56252
rendering of any service, if so authorized by statute. 56253

(B) Any financial recovery plan may be amended subsequent 56254

to its adoption. Each financial recovery plan shall be updated 56255
annually. 56256

(C) Each school district financial planning and 56257
supervision commission shall submit the financial recovery plan 56258
it adopts or updates under this section to the director of 56259
education and workforce for approval immediately following its 56260
adoption or updating. The director shall evaluate the plan and 56261
either approve or disapprove it within thirty calendar days from 56262
the date of its submission. If the plan is disapproved, the 56263
director shall recommend modifications that will render it 56264
acceptable. No financial planning and supervision commission 56265
shall implement a financial recovery plan that is adopted or 56266
updated on or after April 10, 2001, unless the director has 56267
approved it. 56268

Sec. 3316.08. During a school district's fiscal emergency 56269
period, the auditor of state shall determine annually, or at any 56270
other time upon request of the financial planning and 56271
supervision commission, whether the school district will incur 56272
an operating deficit. If the auditor of state determines that a 56273
school district will incur an operating deficit, the auditor of 56274
state shall certify that determination to the director of 56275
education and workforce, the financial planning and supervision 56276
commission, and the board of education of the school district. 56277
Upon receiving the auditor of state's certification, the 56278
commission shall adopt a resolution requesting that the board of 56279
education work with the county auditor or tax commissioner to 56280
estimate the amount and rate of a tax levy that is needed under 56281
section 5705.194, 5705.199, or 5705.21 or Chapter 5748. of the 56282
Revised Code to produce a positive fund balance not later than 56283
the fifth-third year of the five-year-three-year forecast 56284
submitted under section 5705.391 of the Revised Code. 56285

The board of education shall recommend to the commission 56286
whether the board supports or opposes a tax levy under section 56287
5705.194, 5705.199, or 5705.21 or Chapter 5748. of the Revised 56288
Code and shall provide supporting documentation to the 56289
commission of its recommendation. 56290

After considering the board of education's recommendation 56291
and supporting documentation, the commission shall adopt a 56292
resolution to either submit a ballot question proposing a tax 56293
levy or not to submit such a question. 56294

Except as otherwise provided in this division, the tax 56295
shall be levied in the manner prescribed for a tax levied under 56296
section 5705.194, 5705.199, or 5705.21 or under Chapter 5748. of 56297
the Revised Code. If the commission decides that a tax should be 56298
levied, the tax shall be levied for the purpose of paying 56299
current operating expenses of the school district. The rate of a 56300
property tax levied under section 5705.194, 5705.199, 5705.21, 56301
or 5748.09 of the Revised Code shall be determined by the county 56302
auditor, and the rate of an income tax levied under section 56303
5748.02, 5748.08, or 5748.09 of the Revised Code shall be 56304
determined by the tax commissioner, upon the request of the 56305
commission. The commission, in consultation with the board of 56306
education, shall determine the election at which the question of 56307
the tax shall appear on the ballot, and the commission shall 56308
submit a copy of its resolution to the board of elections not 56309
later than ninety days prior to the day of that election. The 56310
board of elections conducting the election shall certify the 56311
results of the election to the board of education and to the 56312
financial planning and supervision commission. 56313

Sec. 3316.16. (A) A school district financial planning and 56314
supervision commission, with respect to its functions under this 56315

chapter, shall continue in existence until such time as a 56316
determination is made under division (B) of this section that 56317
all of the following have occurred: 56318

(1) An effective financial accounting and reporting system 56319
in accordance with section 3316.10 of the Revised Code is in the 56320
process of being implemented, and it is reasonably expected that 56321
this implementation will be completed within two years. 56322

(2) All of the fiscal emergency conditions determined 56323
pursuant to division (B) of section 3316.03 of the Revised Code 56324
have been corrected or eliminated, and no new fiscal emergency 56325
conditions have occurred. 56326

(3) The objectives of the financial recovery plan 56327
described in section 3316.06 of the Revised Code are being met. 56328

(4) The school district board has prepared current budget 56329
information and a financial forecast for a ~~five-year~~ three-year 56330
period in accordance with the standards issued by the auditor of 56331
state and an opinion has been rendered by the auditor of state 56332
that the financial forecast is considered to be nonadverse. The 56333
forecast shall display the district's projected compliance with 56334
section 3315.18 of the Revised Code beginning in the year the 56335
commission is proposed for termination. 56336

(B) The determination that all conditions listed in 56337
division (A) of this section for the termination of the 56338
existence of the commission and its functions exist may be made 56339
either by the auditor of state or by the commission and shall be 56340
certified to the commission, the auditor of state, the governor, 56341
the director of budget and management, and the budget 56342
commission, whereupon such commission and its functions under 56343
this chapter shall terminate. This determination shall be made 56344

by the auditor of state upon the filing with the auditor of 56345
state of a written request for such a determination by the 56346
school district board, the governor, or the commission, or may 56347
be made by the auditor of state upon the auditor of state's own 56348
initiative. 56349

(C) The commission shall prepare and submit at the time of 56350
such certification a final report of its activities, in such 56351
form as is appropriate for the purpose of providing a record of 56352
its activities and assisting other commissions created under 56353
this chapter in the conduct of their functions. All of the books 56354
and records of the commission shall be delivered to the auditor 56355
of state for retention and safekeeping. 56356

(D) Upon receipt of the certification provided for in 56357
division (B) of this section, the director of budget and 56358
management shall follow the procedures set forth in section 56359
126.29 of the Revised Code. 56360

(E) If, at the time of termination of the commission, an 56361
effective financial accounting and reporting system has not been 56362
fully implemented, the auditor of state shall monitor the 56363
progress of implementation and shall exercise authority under 56364
this section and Chapter 117. of the Revised Code to secure full 56365
implementation at the earliest time feasible but within two 56366
years after such termination. 56367

Sec. 3317.01. As used in this section, "school district," 56368
unless otherwise specified, means any city, local, exempted 56369
village, joint vocational, or cooperative education school 56370
district and any educational service center. 56371

This chapter shall be administered by the department of 56372
education and workforce. The department of education and 56373

workforce shall calculate the amounts payable to each school 56374
district and shall certify the amounts payable to each eligible 56375
district to the treasurer of the district as provided by this 56376
chapter. Certification of moneys pursuant to this section shall 56377
include the amounts payable to each school building, at a 56378
frequency determined by the department, for each subgroup of 56379
students, as defined in section 3317.40 of the Revised Code, 56380
receiving services, provided for by state funding, from the 56381
district or school. No moneys shall be distributed pursuant to 56382
this chapter without the approval of the controlling board. 56383

The department shall, in accordance with appropriations 56384
made by the general assembly, meet the financial obligations of 56385
this chapter. 56386

Moneys distributed to school districts pursuant to this 56387
chapter shall be calculated based on the annual enrollment 56388
calculated from the three reports required under ~~sections~~ 56389
section 3317.03 and ~~3317.036~~ of the Revised Code and paid on a 56390
fiscal year basis, beginning with the first day of July and 56391
extending through the thirtieth day of June. In any given fiscal 56392
year, prior to school districts submitting the first report 56393
required under section 3317.03 of the Revised Code, enrollment 56394
for the districts shall be calculated based on the third report 56395
submitted by the districts for the previous fiscal year. The 56396
moneys appropriated for each fiscal year shall be distributed 56397
periodically to each school district unless otherwise provided 56398
for. The department, in June of each year, shall submit to the 56399
controlling board the department's year-end distributions 56400
pursuant to this chapter. 56401

Except as otherwise provided, payments under this chapter 56402
shall be made only to those school districts in which: 56403

(A) The school district, except for any educational 56404
service center and any joint vocational or cooperative education 56405
school district, levies for current operating expenses at least 56406
twenty mills, unless the school district is levying less than 56407
that amount due solely to the operation of section 5705.316 of 56408
the Revised Code. Levies for joint vocational or cooperative 56409
education school districts or county school financing districts, 56410
limited to or to the extent apportioned to current expenses, 56411
shall be included in this qualification requirement. School 56412
district income tax levies under Chapter 5748. of the Revised 56413
Code, limited to or to the extent apportioned to current 56414
operating expenses, shall be included in this qualification 56415
requirement to the extent determined by the tax commissioner 56416
under division (C) of section 3317.021 of the Revised Code. 56417

(B) The school year next preceding the fiscal year for 56418
which such payments are authorized meets the requirement of 56419
section 3313.48 of the Revised Code, with regard to the minimum 56420
number of hours school must be open for instruction with pupils 56421
in attendance, for individualized parent-teacher conference and 56422
reporting periods, and for professional meetings of teachers. 56423

A school district shall not be considered to have failed 56424
to comply with this division because schools were open for 56425
instruction but either twelfth grade students were excused from 56426
attendance for up to the equivalent of three school days or only 56427
a portion of the kindergarten students were in attendance for up 56428
to the equivalent of three school days in order to allow for the 56429
gradual orientation to school of such students. 56430

A board of education or governing board of an educational 56431
service center which has not conformed with other law and the 56432
rules pursuant thereto, shall not participate in the 56433

distribution of funds authorized by this chapter, except for 56434
good and sufficient reason established to the satisfaction of 56435
the department and the state controlling board. 56436

All funds allocated to school districts under this 56437
chapter, except those specifically allocated for other purposes, 56438
shall be used to pay current operating expenses only. 56439

Sec. 3317.011. This section shall apply only for fiscal 56440
years ~~2024~~2026 and ~~2025~~2027. 56441

(A) As used in this section: 56442

(1) "Average administrative assistant salary" means the 56443
average salary of administrative assistants employed by city, 56444
local, and exempted village school districts in this state with 56445
salaries greater than \$20,000 but less than \$65,000, using 56446
fiscal year 2022 data, as determined by the department of 56447
education and workforce. 56448

(2) "Average bookkeeping and accounting employee salary" 56449
means the average salary of bookkeeping employees and accounting 56450
employees employed by city, local, and exempted village school 56451
districts in this state with salaries greater than \$20,000 but 56452
less than \$80,000, using fiscal year 2022 data, as determined by 56453
the department. 56454

(3) "Average clerical staff salary" means the average 56455
salary of clerical staff employed by city, local, and exempted 56456
village school districts in this state with salaries greater 56457
than \$15,000 but less than \$50,000, using fiscal year 2022 data, 56458
as determined by the department. 56459

(4) "Average counselor salary" means the average salary of 56460
counselors employed by city, local, and exempted village school 56461
districts in this state with salaries greater than \$30,000 but 56462

less than \$95,000, using fiscal year 2022 data, as determined by 56463
the department. 56464

(5) "Average education management information system 56465
support employee salary" means the average salary of accounting 56466
employees employed by city, local, and exempted village school 56467
districts in this state with salaries greater than \$30,000 but 56468
less than \$90,000, using fiscal year 2022 data, as determined by 56469
the department. 56470

(6) "Average librarian and media staff salary" means the 56471
average salary of librarians and media staff employed by city, 56472
local, and exempted village school districts in this state with 56473
salaries greater than \$30,000 but less than \$95,000, using 56474
fiscal year 2022 data, as determined by the department. 56475

(7) "Average other district administrator salary" means 56476
the average salary of all assistant superintendents and 56477
directors employed by city, local, and exempted village school 56478
districts in this state with salaries greater than \$50,000 but 56479
less than \$135,000, using fiscal year 2022 data, as determined 56480
by the department. 56481

(8) "Average principal salary" means the average salary of 56482
all principals employed by city, local, and exempted village 56483
school districts in this state with salaries greater than 56484
\$50,000 but less than \$120,000, using fiscal year 2022 data, as 56485
determined by the department. 56486

(9) "Average superintendent salary" means the average 56487
salary of all superintendents employed by city, local, and 56488
exempted village school districts in this state with salaries 56489
greater than \$60,000 but less than \$180,000, using fiscal year 56490
2022 data, as determined by the department. 56491

(10) "Average teacher cost" for a fiscal year is equal to 56492
the sum of the following: 56493

(a) The average salary of teachers employed by city, 56494
local, and exempted village school districts in this state with 56495
salaries greater than \$30,000 but less than \$95,000, using 56496
fiscal year 2022 data, as determined by the department; 56497

(b) An amount for teacher benefits equal to 0.16 times the 56498
average salary calculated under division (A) (10) (a) of this 56499
section; 56500

(c) An amount for district-paid insurance costs equal to 56501
the following product: 56502

The statewide weighted average employer-paid monthly premium 56503
based on data reported by city, local, and exempted village 56504
school districts to the state employment relations board for the 56505
health insurance survey conducted in accordance with divisions 56506
(K) (5) and (6) of section 4117.02 of the Revised Code using 56507
fiscal year 2022 data X 12 56508

(11) "Eligible school district" means a city, local, or 56509
exempted village school district that satisfies one of the 56510
following: 56511

(a) The district is a member of an organization that 56512
regulates interscholastic athletics. 56513

(b) The district has teams in at least three different 56514
sports that participate in an interscholastic league. 56515

(B) When calculating a district's aggregate base cost 56516
under this section, the department shall use data from fiscal 56517
year 2022 for all of the following: 56518

(1) The average salaries determined under divisions (A) 56519

(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) (a) of this section;	56520 56521
(2) The amount for teacher benefits determined under division (A) (10) (b) of this section;	56522 56523
(3) The district-paid insurance costs determined under division (A) (10) (c) of this section;	56524 56525
(4) The spending determined under divisions (E) (4) (a), (E) (5) (a), (E) (6) (a), and (H) (1) of this section and the corresponding student counts determined under divisions (E) (4) (b), (E) (5) (b), (E) (6) (b), and (H) (2) of this section;	56526 56527 56528 56529
(5) The information determined under division (G) (3) of this section.	56530 56531
(C) A city, local, or exempted village school district's aggregate base cost for a fiscal year shall be equal to the following sum:	56532 56533 56534
(The district's teacher base cost for that fiscal year computed under division (D) of this section) + (the district's student support base cost for that fiscal year computed under division (E) of this section) + (the district's leadership and accountability base cost for that fiscal year computed under division (F) of this section) + (the district's building leadership and operations base cost for that fiscal year computed under division (G) of this section) + (the athletic co-curricular activities base cost for that fiscal year computed under division (H) of this section, if the district is an eligible school district)	56535 56536 56537 56538 56539 56540 56541 56542 56543 56544 56545
(D) The department shall compute a district's teacher base cost for a fiscal year as follows:	56546 56547

(1) Calculate the district's classroom teacher cost for that fiscal year as follows:	56548 56549
(a) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in kindergarten and divide that number by 20;	56550 56551 56552
(b) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades one through three and divide that number by 23;	56553 56554 56555 56556
(c) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades four through eight but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 25;	56557 56558 56559 56560 56561 56562
(d) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 27;	56563 56564 56565 56566 56567 56568
(e) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in a career-technical education program or class, as certified under divisions (B) (11), (12), (13), (14), and (15) of section 3317.03 of the Revised Code, and divide that number by 18;	56569 56570 56571 56572 56573 56574
(f) Compute the sum of the quotients obtained under divisions (D) (1) (a), (b), (c), (d), and (e) of this section;	56575 56576

(g) Compute the classroom teacher cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D) (1) (f) of this section.

(2) Calculate the district's special teacher cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 150;

(b) If the quotient obtained under division (D) (2) (a) of this section is greater than 6, the special teacher cost shall be equal to that quotient multiplied by the average teacher cost for that fiscal year.

(c) If the quotient obtained under division (D) (2) (a) of this section is less than or equal to 6, the special teacher cost shall be equal to 6 multiplied by the average teacher cost for that fiscal year.

(3) Calculate the district's substitute teacher cost for that fiscal year in accordance with the following formula:

(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16;

(b) Compute the substitute teacher cost in accordance with the following formula:

[The sum computed under division (D) (1) (f) of this section + (the greater of the quotient obtained under division (D) (2) (a) of this section and 6)] X the amount computed under division (D) (3) (a) of this section X 5

(4) Calculate the district's professional development cost for that fiscal year in accordance with the following formula:

[The sum computed under division (D) (1) (f) of this section + 56605
(the greater of the quotient obtained under division (D) (2) (a) 56606
of this section and 6)] X [(the sum of divisions (A) (10) (a) and 56607
(b) of this section for that fiscal year)/180] X 4 56608

(5) Calculate the district's teacher base cost for that 56609
fiscal year, which equals the sum of divisions (D) (1), (2), (3), 56610
and (4) of this section. 56611

(E) The department shall compute a district's student 56612
support base cost for a fiscal year as follows: 56613

(1) Calculate the district's guidance counselor cost for 56614
that fiscal year as follows: 56615

(a) Determine the number of students in the district's 56616
base cost enrolled ADM for that fiscal year that are enrolled in 56617
grades nine through twelve and divide that number by 360; 56618

(b) Compute the counselor cost in accordance with the 56619
following formula: 56620

(The greater of the quotient obtained under division (E) (1) (a) 56621
of this section and 1) X [(the average counselor salary for that 56622
fiscal year X 1.16) + the amount specified under division (A) 56623
(10) (c) of this section for that fiscal year] 56624

(2) Calculate the district's librarian and media staff 56625
cost for that fiscal year as follows: 56626

(a) Divide the district's base cost enrolled ADM for that 56627
fiscal year by 1,000; 56628

(b) Compute the librarian and media staff cost in 56629
accordance with the following formula: 56630

The quotient obtained under division (E) (2) (a) of this section X 56631

[(the average librarian and media staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year] 56632
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56634

(3) Calculate the district's staffing cost for student wellness and success for that fiscal year as follows: 56635
56636

(a) Divide the district's base cost enrolled ADM for that fiscal year by 250; 56637
56638

(b) Compute the staffing cost for student wellness and success in accordance with the following formula: 56639
56640

(The greater of the quotient obtained under division (E) (3) (a) of this section and 5) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year] 56641
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(4) Calculate the district's academic co-curricular activities cost for that fiscal year as follows: 56645
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(a) Determine the total amount of spending for academic co-curricular activities reported by city, local, and exempted village school districts to the department using fiscal year 2022 data; 56647
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(b) Determine the sum of the enrolled ADM of every school district in the state using fiscal year 2022 data as specified under division (E) (4) (a) of this section; 56651
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56653

(c) Compute the academic co-curricular activities cost in accordance with the following formula: 56654
56655

(The amount determined under division (E) (4) (a) of this section / the sum determined under division (E) (4) (b) of this section) X the district's base cost enrolled ADM for the fiscal year for which the academic co-curricular activities cost is computed 56656
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(5) Calculate the district's building safety and security cost for that fiscal year as follows:	56660 56661
(a) Determine the total amount of spending for building safety and security reported by city, local, and exempted village school districts to the department using fiscal year 2022 data;	56662 56663 56664 56665
(b) Determine the sum of the enrolled ADM of every school district in the state that reported the data specified under division (E) (5) (a) of this section using fiscal year 2022 data;	56666 56667 56668
(c) Compute the building safety and security cost in accordance with the following formula:	56669 56670
(The amount determined under division (E) (5) (a) of this section / the sum determined under division (E) (5) (a) of this section) X the district's base cost enrolled ADM for the fiscal year for which the building safety and security cost is computed	56671 56672 56673 56674
(6) Calculate the district's supplies and academic content cost for that fiscal year as follows:	56675 56676
(a) Determine the total amount of spending for supplies and academic content, excluding supplies for transportation and maintenance, reported by city, local, and exempted village school districts to the department using fiscal year 2022 data;	56677 56678 56679 56680
(b) Determine the sum of the enrolled ADM of every school district in the state using fiscal year 2022 data as specified under division (E) (6) (a) of this section;	56681 56682 56683
(c) Compute the supplies and academic content cost in accordance with the following formula:	56684 56685
(The amount determined under division (E) (6) (a) of this section / the sum determined under division (E) (6) (b) of this section) X	56686 56687

the district's base cost enrolled ADM for the fiscal year for 56688
which the supplies and academic content cost is computed 56689

(7) Calculate the district's technology cost for that 56690
fiscal year in accordance with the following formula: 56691

\$37.50 X the district's base cost enrolled ADM for that fiscal 56692
year 56693

(8) Calculate the district's student support base cost for 56694
that fiscal year, which equals the sum of divisions (E) (1), (2), 56695
(3), (4), (5), (6), and (7) of this section. 56696

(F) The department shall compute a district's leadership 56697
and accountability base cost for a fiscal year as follows: 56698

(1) Calculate the district's superintendent cost for that 56699
fiscal year as follows: 56700

(a) If the district's base cost enrolled ADM for that 56701
fiscal year is greater than 4,000, then the district's 56702
superintendent cost shall be equal to [(\$160,000 X 1.16) + the 56703
amount specified under division (A) (10) (c) of this section for 56704
that fiscal year]. 56705

(b) If the district's base cost enrolled ADM for that 56706
fiscal year is less than or equal to 4,000 but greater than or 56707
equal to 500, the district's superintendent cost shall be equal 56708
to the sum of the following: 56709

(i) (The district's base cost enrolled ADM for that fiscal 56710
year - 500) X {[((\$160,000 X 1.16) - (\$80,000 X 1.16)]/3500}; 56711

(ii) (\$80,000 X 1.16) + the amount specified under 56712
division (A) (10) (c) of this section for that fiscal year. 56713

(c) If the district's base cost enrolled ADM is less than 56714

500, then the district's superintendent cost shall be equal to 56715
[(\$80,000 X 1.16) + the amount specified under division (A) (10) 56716
(c) of this section for that fiscal year]. 56717

(2) Calculate the district's treasurer cost for that 56718
fiscal year as follows: 56719

(a) If the district's base cost enrolled ADM for that 56720
fiscal year is greater than 4,000, then the district's treasurer 56721
cost shall be equal to [(\$130,000 X 1.16) + the amount specified 56722
under division (A) (10) (c) of this section for that fiscal year]. 56723

(b) If the district's base cost enrolled ADM for that 56724
fiscal year is less than or equal to 4,000 but greater than or 56725
equal to 500, the district's treasurer cost shall be equal to 56726
the sum of the following: 56727

(i) (The district's base cost enrolled ADM for that fiscal 56728
year - 500) X {[((\$130,000 X 1.16) - (\$60,000 X 1.16)]/3500}; 56729

(ii) (\$60,000 X 1.16) + the amount specified under 56730
division (A) (10) (c) of this section for that fiscal year. 56731

(c) If the district's base cost enrolled ADM is less than 56732
500, then the district's treasurer cost shall be equal to 56733
[(\$60,000 X 1.16) + the amount specified under division (A) (10) 56734
(c) of this section for that fiscal year]. 56735

(3) Calculate the district's other district administrator 56736
cost for that fiscal year as follows: 56737

(a) Divide the average other district administrator salary 56738
for that fiscal year by the average superintendent salary for 56739
that fiscal year; 56740

(b) Divide the district's base cost enrolled ADM for that 56741
fiscal year by 750; 56742

(c) Compute the other district administrator cost in accordance with the following formula:	56743 56744
{[(The district's superintendent cost for that fiscal year calculated under division (F) (1) of this section - the amount specified under division (A) (10) (c) of this section for that fiscal year) X the quotient obtained under division (F) (3) (a) of this section] + the amount specified under division (A) (10) (c) of this section} X (the greater of the quotient obtained under division (F) (3) (b) of this section and 2)	56745 56746 56747 56748 56749 56750 56751
(4) Calculate the district's fiscal support cost for that fiscal year as follows:	56752 56753
(a) Divide the district's base cost enrolled ADM for that fiscal year by 850;	56754 56755
(b) Determine the lesser of the following:	56756
(i) The maximum of the quotient obtained under division (F) (4) (a) of this section and 2;	56757 56758
(ii) 35.	56759
(c) Compute the fiscal support cost in accordance with the following formula:	56760 56761
The number obtained under division (F) (4) (b) of this section X [(the average bookkeeping and accounting employee salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]	56762 56763 56764 56765
(5) Calculate the district's education management information system support cost for that fiscal year as follows:	56766 56767
(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000;	56768 56769

(b) Compute the education management information system support cost in accordance with the following formula:	56770 56771
(The greater of the quotient obtained under division (F) (5) (a) of this section and 1) X [(the average education management information system support employee salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]	56772 56773 56774 56775 56776
(6) Calculate the district's leadership support cost for that fiscal year as follows:	56777 56778
(a) Determine the greater of the quotient obtained under division (F) (3) (b) of this section and 2, and add 1 to that number;	56779 56780 56781
(b) Divide the number obtained under division (F) (6) (a) of this section by 3;	56782 56783
(c) Compute the leadership support cost in accordance with the following formula:	56784 56785
(The greater of the quotient obtained under division (F) (6) (b) of this section and 1) X [(the average administrative assistant salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]	56786 56787 56788 56789
(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula:	56790 56791 56792
\$31 X the district's base cost enrolled ADM for that fiscal year	56793
(8) Calculate the district's district leadership and accountability base cost for that fiscal year, which equals the sum of divisions (F) (1), (2), (3), (4), (5), (6), and (7) of this section.	56794 56795 56796 56797

(G) The department shall compute a district's building leadership and operations base cost for a fiscal year as follows: 56798
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(1) Calculate the district's building leadership cost for that fiscal year as follows: 56801
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(a) Divide the average principal salary for that fiscal year by the average superintendent salary for that fiscal year; 56803
56804

(b) Divide the district's base cost enrolled ADM for that fiscal year by 450; 56805
56806

(c) Compute the building leadership cost in accordance with the following formula: 56807
56808

{[(The district's superintendent cost for that fiscal year calculated under division (F) (1) of this section - the amount specified under division (A) (10) (c) of this section for that fiscal year) X the quotient obtained under division (G) (1) (a) of this section] + the amount specified under division (A) (10) (c) of this section for that fiscal year} X the quotient obtained under division (G) (1) (b) of this section 56809
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(2) Calculate the district's building leadership support cost for that fiscal year as follows: 56816
56817

(a) Divide the district's base cost enrolled ADM for that fiscal year by 400; 56818
56819

(b) Determine the number of school buildings in the district for ~~that~~ the preceding fiscal year; 56820
56821

(c) Compute the building leadership support cost in accordance with the following formula: 56822
56823

(i) If the quotient obtained under division (G) (2) (a) of 56824

this section is less than the number obtained under division (G) 56825
(2) (b) of this section, then the district's building leadership 56826
support cost shall be equal to {the number obtained under 56827
division (G) (2) (b) of this section for that fiscal year X [(the 56828
average clerical staff salary for that fiscal year X 1.16) + the 56829
amount specified under division (A) (10) (c) of this section for 56830
that fiscal year}}. 56831

(ii) If the quotient obtained under division (G) (2) (a) of 56832
this section is greater than or equal to the number obtained 56833
under division (G) (2) (b) of this section, then the district's 56834
building leadership support cost shall be equal to {[the lesser 56835
of (the number obtained under division (G) (2) (b) of this section 56836
X 3) and the quotient obtained under division (G) (2) (a) of this 56837
section] X [(the average clerical staff salary for that fiscal 56838
year X 1.16) + the amount specified under division (A) (10) (c) of 56839
this section for that fiscal year}}. 56840

(3) Calculate the district's building operations cost for 56841
that fiscal year as follows: 56842

(a) Determine both of the following: 56843

(i) The average building square feet per pupil for all 56844
city, local, and exempted village school district buildings in 56845
the state; 56846

(ii) The average cost per square foot for all city, local, 56847
and exempted village school district buildings in the state. 56848

(b) Compute the building operations cost in accordance 56849
with the following formula: 56850

The district's base cost enrolled ADM for that fiscal year X 56851
[(the number determined under division (G) (3) (a) (i) of this 56852
section X the number determined under division (G) (3) (a) (ii) of 56853

this section) - (the amount determined under division (E) (5) (a) 56854
of this section for that fiscal year/ the sum determined under 56855
division (E) (5) (b) of this section for that fiscal year)] 56856

(4) Calculate the district's building leadership and 56857
operations base cost for that fiscal year, which equals the sum 56858
of divisions (G) (1), (2), and (3) of this section. 56859

(H) If a district is an eligible school district, the 56860
department shall compute the district's athletic co-curricular 56861
activities base cost for a fiscal year as follows: 56862

(1) Determine the total amount of spending for athletic 56863
co-curricular activities reported by city, local, and exempted 56864
village school districts to the department for that fiscal year; 56865

(2) Determine the sum of the enrolled ADM of every school 56866
district in the state for that fiscal year; 56867

(3) Compute the district's athletic co-curricular 56868
activities base cost in accordance with the following formula: 56869

(The amount determined under division (H) (1) of this section / 56870
the sum determined under division (H) (2) of this section) X the 56871
district's base cost enrolled ADM for the fiscal year for which 56872
the funds for athletic co-curricular activities are computed 56873

Sec. 3317.012. This section shall apply only for fiscal 56874
years ~~2024-2026~~ and ~~2025~~2027. 56875

(A) As used in this section, "average administrative 56876
assistant salary," "average bookkeeping and accounting employee 56877
salary," "average clerical staff salary," "average counselor 56878
salary," "average education management information system 56879
support employee salary," "average librarian and media staff 56880
salary," "average other district administrator salary," "average 56881

principal salary," "average superintendent salary," and "average
teacher cost" have the same meanings as in section 3317.011 of
the Revised Code.

(B) When calculating a district's aggregate base cost
under this section, the department shall use data from fiscal
year 2022 for all of the following:

(1) The average salaries determined under divisions (A)
(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) (a) of
section 3317.011 of the Revised Code;

(2) The amount for teacher benefits determined under
division (A) (10) (b) of section 3317.011 of the Revised Code;

(3) The district-paid insurance costs determined under
division (A) (10) (c) of section 3317.011 of the Revised Code;

(4) Spending determined under divisions (E) (4) (a), (E) (5)
(a), and (H) (1) of section 3317.011 of the Revised Code and the
corresponding student counts determined under divisions (E) (4)
(b), (E) (5) (b), and (H) (2) of that section;

(5) The information determined under division (G) (3) of
section 3317.011 of the Revised Code.

(C) A joint vocational school district's aggregate base
cost for a fiscal year shall be equal to the following sum:

The district's teacher base cost for that fiscal year computed
under division (D) of this section + the district's student
support base cost for that fiscal year computed under division
(E) of this section + the district's leadership and
accountability base cost for that fiscal year computed under
division (F) of this section + the district's building
leadership and operations base cost for that fiscal year

computed under division (G) of this section	56910
(D) The department of education and workforce shall	56911
compute a district's teacher base cost for a fiscal year as	56912
follows:	56913
(1) Calculate the district's classroom teacher cost for	56914
that fiscal year as follows:	56915
(a) Determine the full-time equivalency of students in the	56916
district's base cost enrolled ADM for that fiscal year that are	56917
enrolled in a career-technical education program or class, as	56918
certified under divisions (D) (2) (h), (i), (j), (k), and (l) of	56919
section 3317.03 of the Revised Code, and divide that number by	56920
18;	56921
(b) Determine the full-time equivalency of students in the	56922
district's base cost enrolled ADM for that fiscal year that are	56923
enrolled in grades six through eight but are not enrolled in a	56924
career-technical education program or class described under	56925
section 3317.014 of the Revised Code and divide that number by	56926
25;	56927
(c) Determine the full-time equivalency of students in the	56928
district's base cost enrolled ADM for that fiscal year that are	56929
enrolled in grades nine through twelve but are not enrolled in a	56930
career-technical education program or class described under	56931
section 3317.014 of the Revised Code and divide that number by	56932
27;	56933
(d) Compute the sum of the quotients obtained under	56934
divisions (D) (1) (a), (b), and (c) of this section;	56935
(e) Compute the classroom teacher base cost by multiplying	56936
the average teacher cost for that fiscal year by the sum	56937
computed under division (D) (1) (d) of this section.	56938

(2) Calculate the district's cost for that fiscal year for teachers providing health and physical education, instruction regarding employability and soft skills, development and coordination of internships and job placements, career-technical student organization activities, pre-apprenticeship and apprenticeship coordination, and any assessment related to career-technical education, including any nationally recognized job skills or end-of-course assessment, as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 150;

(b) If the quotient obtained under division (D) (2) (a) of this section is greater than 6, the teacher cost shall be equal to that quotient multiplied by the average teacher cost for that fiscal year.

(c) If the quotient obtained under division (D) (2) (a) of this section is less than or equal to 6, the teacher cost shall be equal to 6 multiplied by the average teacher cost for that fiscal year.

(3) Calculate the district's substitute teacher cost for that fiscal year in accordance with the following formula:

(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16;

(b) Compute the substitute teacher cost in accordance with the following formula:

[The sum computed under division (D) (1) (d) of this section + (the greater of the quotient obtained under division (D) (2) (a) of this section and 6)] X the amount computed under division (D)

(3) (a) of this section X 5

(4) Calculate the district's professional development cost for that fiscal year in accordance with the following formula:	56967 56968
[The sum computed under division (D) (1) (d) of this section + (the greater of the quotient obtained under division (D) (2) (a) of this section and 6)] X [(the sum of divisions (A) (10) (a) and (b) of section 3317.011 of the Revised Code for that fiscal year)/180] X 4	56969 56970 56971 56972 56973
(5) Calculate the district's teacher base cost for that fiscal year, which equals the sum of divisions (D) (1), (2), (3), and (4) of this section.	56974 56975 56976
(E) The department shall compute a district's student support base cost for a fiscal year as follows:	56977 56978
(1) Calculate the district's guidance counselor cost for that fiscal year as follows:	56979 56980
(a) Determine the number of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve and divide that number by 360;	56981 56982 56983
(b) Compute the counselor cost in accordance with the following formula:	56984 56985
(The greater of the quotient obtained under division (E) (1) (a) of this section and 1) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]	56986 56987 56988 56989 56990
(2) Calculate the district's librarian and media staff cost for that fiscal year as follows:	56991 56992
(a) Divide the district's base cost enrolled ADM for that fiscal year by 1,000;	56993 56994

(b) Compute the librarian and media staff cost in accordance with the following formula:	56995 56996
The quotient obtained under division (E) (2) (a) of this section X [(the average librarian and media staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]	56997 56998 56999 57000
(3) Calculate the district's staffing cost for student wellness and success for that fiscal year as follows:	57001 57002
(a) Divide the district's base cost enrolled ADM for that fiscal year by 250;	57003 57004
(b) Compute the staffing cost for student wellness and success in accordance with the following formula:	57005 57006
The quotient obtained under division (E) (3) (a) of this section X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]	57007 57008 57009 57010
(4) Calculate the district's cost for that fiscal year for career-technical curriculum specialists and coordinators, career assessment and program placement, recruitment and orientation, student success coordination, analysis of test results, development of intervention and remediation plans and monitoring of those plans, and satellite program coordination in accordance with the following formula:	57011 57012 57013 57014 57015 57016 57017
[(The amount determined under division (E) (4) (a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E) (4) (b) of section 3317.011 of the Revised Code) + (the amount determined under division (H) (1) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (H) (2) of section 3317.011 of the	57018 57019 57020 57021 57022 57023

Revised Code)] X the district's base cost enrolled ADM for the 57024
fiscal year for which the district's cost under this division is 57025
computed 57026

(5) Compute the district's building safety and security 57027
cost for that fiscal year in accordance with the following 57028
formula: 57029

(The amount determined under division (E) (5) (a) of section 57030
3317.011 of the Revised Code for that fiscal year / the sum 57031
determined under division (E) (5) (b) of section 3317.011 of the 57032
Revised Code) X the district's base cost enrolled ADM for the 57033
fiscal year for which the building safety and security cost is 57034
computed 57035

(6) Compute the district's supplies and academic content 57036
cost for that fiscal year in accordance with the following 57037
formula: 57038

(The amount determined under division (E) (6) (a) of section 57039
3317.011 of the Revised Code for that fiscal year / the sum 57040
determined under division (E) (6) (b) of section 3317.011 of the 57041
Revised Code) X the district's base cost enrolled ADM for the 57042
fiscal year for which the supplies and academic content cost is 57043
computed 57044

(7) Calculate the district's technology cost for that 57045
fiscal year in accordance with the following formula: 57046

\$37.50 X the district's base cost enrolled ADM for that fiscal 57047
year 57048

(8) Calculate the district's student support base cost for 57049
that fiscal year, which equals the sum of divisions (E) (1), (2), 57050
(3), (4), (5), (6), and (7) of this section. 57051

(F) The department shall compute a district's leadership and accountability base cost for a fiscal year as follows: 57052
57053

(1) Calculate the district's superintendent cost for that fiscal year as follows: 57054
57055

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's superintendent cost shall be equal to [(\$160,000 X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]. 57056
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(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's superintendent cost shall be equal to the sum of the following: 57061
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(i) (The district's base cost enrolled ADM for that fiscal year - 500) X {[((\$160,000 X 1.16) - (\$80,000 X 1.16)]/3500}; 57065
57066

(ii) (\$80,000 X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year. 57067
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(c) If the district's base cost enrolled ADM is less than 500, then the district's superintendent cost shall be equal to [(\$80,000 X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]. 57070
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(2) Calculate the district's treasurer cost for that fiscal year as follows: 57075
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(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's treasurer cost shall be equal to [(\$130,000 X 1.16) + the amount specified 57077
57078
57079

under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]. 57080
57081

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's treasurer cost shall be equal to the sum of the following: 57082
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57085

(i) (The district's base cost enrolled ADM for that fiscal year - 500) X $\{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\}$; 57086
57087

(ii) $(\$60,000 \times 1.16)$ + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year. 57088
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(c) If the district's base cost enrolled ADM is less than 500, then the district's treasurer cost shall be equal to $(\$60,000 \times 1.16)$ + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]. 57091
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(3) Calculate the district's other district administrator cost for that fiscal year as follows: 57096
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(a) Divide the average other district administrator salary for that fiscal year by the average superintendent salary for that fiscal year; 57098
57099
57100

(b) Divide the district's base cost enrolled ADM for that fiscal year by 750; 57101
57102

(c) Compute the other district administrator cost in accordance with the following formula: 57103
57104

$\{[(\text{The district's superintendent cost for that fiscal year calculated under division (F) (1) of this section} - \text{the amount specified under division (A) (10) (c) of section 3317.011 of the$ 57105
57106
57107

Revised Code for that fiscal year) X the quotient obtained under 57108
division (F) (3) (a) of this section] + the amount specified under 57109
division (A) (10) (c) of section 3317.011 of the Revised Code} X 57110
(the greater of the quotient obtained under division (F) (3) (b) 57111
of this section and 2) 57112

(4) Calculate the district's fiscal support cost for that 57113
fiscal year as follows: 57114

(a) Divide the district's base cost enrolled ADM for that 57115
fiscal year by 850; 57116

(b) Determine the lesser of the following: 57117

(i) The maximum of the quotient obtained under division 57118
(F) (4) (a) of this section and 2; 57119

(ii) 35. 57120

(c) Compute the fiscal support cost in accordance with the 57121
following formula: 57122

The number obtained under division (F) (4) (b) of this section X 57123
[(the average bookkeeping and accounting employee salary for 57124
that fiscal year X 1.16) + the amount specified under division 57125
(A) (10) (c) of section 3317.011 of the Revised Code for that 57126
fiscal year] 57127

(5) Calculate the district's education management 57128
information system support cost for that fiscal year as follows: 57129

(a) Divide the district's base cost enrolled ADM for that 57130
fiscal year by 5,000; 57131

(b) Compute the education management information system 57132
support cost in accordance with the following formula: 57133

(The greater of the quotient obtained under division (F) (5) (a) 57134

of this section and 1) X [(the average education management 57135
information system support employee salary for that fiscal year 57136
X 1.16) + the amount specified under division (A) (10) (c) of 57137
section 3317.011 of the Revised Code for that fiscal year] 57138

(6) Calculate the district's leadership support cost for 57139
that fiscal year as follows: 57140

(a) Determine the greater of the quotient obtained under 57141
division (F) (3) (b) of this section and 2 and add 1 to that 57142
number; 57143

(b) Divide the number obtained under division (F) (6) (a) of 57144
this section by 3; 57145

(c) Compute the leadership support cost in accordance with 57146
the following formula: 57147

(The greater of the quotient obtained under division (F) (6) (b) 57148
of this section and 1) X [(the average administrative assistant 57149
salary for that fiscal year X 1.16) + the amount specified under 57150
division (A) (10) (c) of section 3317.011 of the Revised Code for 57151
that fiscal year] 57152

(7) Calculate the district's information technology center 57153
support cost for that fiscal year in accordance with the 57154
following formula: 57155

\$31 X the district's base cost enrolled ADM for that fiscal year 57156

(8) Calculate the district's district leadership and 57157
accountability base cost for that fiscal year, which equals the 57158
sum of divisions (F) (1), (2), (3), (4), (5), (6), and (7) of 57159
this section; 57160

(G) The department shall compute a district's building 57161
leadership and operations base cost for a fiscal year as 57162

follows:	57163
(1) Calculate the district's building leadership cost for that fiscal year as follows:	57164 57165
(a) Divide the average principal salary for that fiscal year by the average superintendent salary for that fiscal year;	57166 57167
(b) Divide the district's base cost enrolled ADM for that fiscal year by 450;	57168 57169
(c) Compute the building leadership cost in accordance with the following formula:	57170 57171
{[(The district's superintendent cost for that fiscal year calculated under division (F) (1) of this section - the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year) X the quotient obtained under division (G) (1) (a) of this section] + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year} X the quotient obtained under division (G) (1) (b) of this section	57172 57173 57174 57175 57176 57177 57178 57179
(2) Calculate the district's building leadership support cost for that fiscal year as follows:	57180 57181
(a) Divide the district's base cost enrolled ADM for that fiscal year by 400;	57182 57183
(b) Determine the number of school buildings in the district for that <u>the preceding</u> fiscal year;	57184 57185
(c) Compute the building leadership support cost in accordance with the following formula:	57186 57187
(i) If the quotient obtained under division (G) (2) (a) of this section is less than the number obtained under division (G)	57188 57189

(2) (b) of this section, then the district's building leadership support cost shall be equal to {the number obtained under division (G) (2) (b) of this section X [(the average clerical staff salary X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]}.

(ii) If the quotient obtained under division (G) (2) (a) of this section is greater than or equal to the number obtained under division (G) (2) (b) of this section, then the district's building leadership support cost shall be equal to {[the lesser of (the number obtained under division (G) (2) (b) of this section X 3) and the quotient obtained under division (G) (2) (a) of this section] X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]}.

(3) Compute the district's building operations cost for that fiscal year in accordance with the following formula:

The district's base cost enrolled ADM for that fiscal year X [(the number determined under division (G) (3) (a) (i) of section 3317.011 of the Revised Code X the number determined under division (G) (3) (a) (ii) of section 3317.011 of the Revised Code) - (the amount determined under division (E) (5) (a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E) (5) (b) of section 3317.011 of the Revised Code for that fiscal year)]

(4) Calculate the district's building leadership and operations base cost for that fiscal year, which equals the sum of divisions (G) (1), (2), and (3) of this section.

Sec. 3317.014. (A) The multiples for the following

categories of career-technical education programs approved by 57219
the department of education and workforce under section 3317.161 57220
of the Revised Code shall be as follows: 57221

(1) A multiple of 0.6230 for students enrolled in career- 57222
technical education workforce development programs in 57223
agricultural and environmental systems, construction 57224
technologies, engineering and science technologies, finance, 57225
health science, information technology, and manufacturing 57226
technologies, each of which shall be defined by the department 57227
in consultation with the governor's office of workforce 57228
transformation; 57229

(2) A multiple of 0.5905 for students enrolled in 57230
workforce development programs in business and administration, 57231
hospitality and tourism, human services, law and public safety, 57232
transportation systems, and arts and communications, each of 57233
which shall be defined by the department in consultation with 57234
the governor's office of workforce transformation; 57235

(3) A multiple of 0.2154 for students enrolled in career- 57236
based intervention programs, which shall be defined by the 57237
department in consultation with the governor's office of 57238
workforce transformation; 57239

(4) A multiple of 0.1830 for students enrolled in 57240
workforce development programs in education and training, 57241
marketing, workforce development academics, public 57242
administration, and career development, each of which shall be 57243
defined by the department in consultation with the governor's 57244
office of workforce transformation; 57245

(5) A multiple of 0.1570 for students enrolled in family 57246
and consumer science programs, which shall be defined by the 57247

department in consultation with the governor's office of 57248
workforce transformation. 57249

(B) The multiple for career-technical education associated 57250
services, as defined by the department, shall be 0.0294. 57251

(C) The department shall calculate career-technical 57252
education funds for each funding unit that is a city, local, 57253
exempted village, or joint vocational school district or the 57254
community and STEM school unit as follows: 57255

(1) For fiscal years ~~2024–2026~~ and ~~2025~~2027, the sum of 57256
the following: 57257

(a) The funding unit's category one career-technical 57258
education ADM X the multiple specified in division (A) (1) of 57259
this section X the statewide average career-technical base cost 57260
per pupil for that fiscal year X if the funding unit is a city, 57261
local, exempted village, or joint vocational school district, 57262
the district's state share percentage; 57263

(b) The funding unit's category two career-technical 57264
education ADM X the multiple specified in division (A) (2) of 57265
this section X the statewide average career-technical base cost 57266
per pupil for that fiscal year X if the funding unit is a city, 57267
local, exempted village, or joint vocational school district, 57268
the district's state share percentage; 57269

(c) The funding unit's category three career-technical 57270
education ADM X the multiple specified in division (A) (3) of 57271
this section X the statewide average career-technical base cost 57272
per pupil for that fiscal year X if the funding unit is a city, 57273
local, exempted village, or joint vocational school district, 57274
the district's state share percentage; 57275

(d) The funding unit's category four career-technical 57276

education ADM X the multiple specified in division (A) (4) of 57277
this section X the statewide average career-technical base cost 57278
per pupil for that fiscal year X if the funding unit is a city, 57279
local, exempted village, or joint vocational school district, 57280
the district's state share percentage; 57281

(e) The funding unit's category five career-technical 57282
education ADM X the multiple specified in division (A) (5) of 57283
this section X the statewide average career-technical base cost 57284
per pupil for that fiscal year X if the funding unit is a city, 57285
local, exempted village, or joint vocational school district, 57286
the district's state share percentage. 57287

(2) For fiscal year ~~2026~~–2028 and each fiscal year 57288
thereafter, the sum of the following: 57289

(a) An amount calculated in a manner determined by the 57290
general assembly times the funding unit's category one career- 57291
technical education ADM; 57292

(b) An amount calculated in a manner determined by the 57293
general assembly times the funding unit's category two career- 57294
technical education ADM; 57295

(c) An amount calculated in a manner determined by the 57296
general assembly times the funding unit's category three career- 57297
technical education ADM; 57298

(d) An amount calculated in a manner determined by the 57299
general assembly times the funding unit's category four career- 57300
technical education ADM; 57301

(e) An amount calculated in a manner determined by the 57302
general assembly times the funding unit's category five career- 57303
technical education ADM. 57304

(3) Payment of funds calculated under division (C) of this section is subject to approval under section 3317.161 of the Revised Code.

(D) Subject to division (I) of section 3317.023 of the Revised Code, the department shall calculate career-technical associated services funds for each funding unit that is a city, local, exempted village, or joint vocational school district or the community and STEM school unit as follows:

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the following product:

(If the funding unit is a city, local, exempted village, or joint vocational school district, the funding unit's state share percentage) X the multiple for career-technical education associated services specified under division (B) of this section X the statewide average career-technical base cost per pupil for that fiscal year X the sum of the funding unit's categories one through five career-technical education ADM

(2) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly times the funding unit's categories one through five career-technical education ADM.

(E) (1) In accordance with division (I) of section 3317.023 of the Revised Code, the department shall compute career awareness and exploration funds for each city, local, exempted village, and joint vocational school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code that is part of a career technical planning district. The department shall pay the lead district in each career technical planning

district as follows: 57334

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, an amount 57335
equal to the following product: 57336

The sum of enrolled ADM for all districts and schools within the 57337
career technical planning district X ~~\$7.50, for fiscal year~~ 57338
~~2024, or \$10, for fiscal year 2025~~ \$3 57339

(b) For fiscal year ~~2026~~2028 and each fiscal year 57340
thereafter, an amount calculated in a manner determined by the 57341
general assembly, if the general assembly authorizes such a 57342
payment to city, local, exempted village, and joint vocational 57343
school districts, community schools, and STEM schools. 57344

(2) The lead district of a career technical planning 57345
district shall use career awareness and exploration funds in 57346
accordance with division (H) of this section. 57347

(F) (1) In any fiscal year, a school district receiving 57348
funds calculated under division (C) of this section shall spend 57349
those funds only for the purposes that the department designates 57350
as approved for career-technical education expenses. Career- 57351
technical education expenses approved by the department shall 57352
include only expenses connected to the delivery of career- 57353
technical programming to career-technical students. The 57354
department shall require the school district to report data 57355
annually so that the department may monitor the district's 57356
compliance with the requirements regarding the manner in which 57357
funding calculated under division (C) of this section may be 57358
spent. 57359

(2) All funds received under division (C) of this section 57360
shall be spent in the following manner: 57361

(a) At least seventy-five per cent of the funds shall be 57362

spent on curriculum development, purchase, and implementation; 57363
instructional resources and supplies; industry-based program 57364
certification; student assessment, credentialing, and placement; 57365
curriculum specific equipment purchases and leases; career- 57366
technical student organization fees and expenses; home and 57367
agency linkages; work-based learning experiences; professional 57368
development; and other costs directly associated with career- 57369
technical education programs including development of new 57370
programs. 57371

(b) Not more than twenty-five per cent of the funds shall 57372
be used for personnel expenditures. 57373

(G) In any fiscal year, a school district receiving funds 57374
calculated under division (D) of this section, or through a 57375
transfer of funds pursuant to division (I) of section 3317.023 57376
of the Revised Code, shall spend those funds only for the 57377
purposes that the department designates as approved for career- 57378
technical education associated services expenses, which may 57379
include ~~such~~ all of the following purposes as apprenticeship- 57380
~~coordinators, coordinators for other career-technical education-~~ 57381
~~services, career-technical evaluation, and other purposes-~~ 57382
~~designated by the department.:~~ 57383

(1) Engaging and collaborating with education and 57384
workforce stakeholders in the service area; 57385

(2) Developing and maintaining a comprehensive plan to 57386
increase career-focused education activities; 57387

(3) Ensuring that plans are informed by quality data and 57388
using data to expand access to career-focused activities for all 57389
students; 57390

(4) Planning and allocating resources for the growth, 57391

<u>sustainability, and enhancement of career-focused activities in</u>	57392
<u>the long term;</u>	57393
<u>(5) Establishing continuous improvement and program</u>	57394
<u>approval processes.</u>	57395
The department may deny payment of funds calculated under	57396
division (D) of this section to any district that the department	57397
determines is not operating those services or is using funds	57398
calculated under division (D) of this section, or through a	57399
transfer of funds pursuant to division (I) of section 3317.023	57400
of the Revised Code, for other purposes.	57401
(H) In any fiscal year, a lead district of a career-	57402
technical planning district receiving funds under division (E)	57403
of this section, shall utilize those funds to deliver relevant	57404
career awareness and exploration programs to all students within	57405
its career technical planning district in a manner that is	57406
consistent with the career-technical planning district's plan	57407
that is on file with the department. The lead district that	57408
receives funds under this division shall spend those funds only	57409
for the following purposes:	57410
(1) Delivery of career awareness programs to students	57411
enrolled in grades kindergarten through twelve;	57412
(2) Provision of a common, consistent curriculum to	57413
students throughout their primary and secondary education;	57414
(3) Assistance to teachers in providing a career	57415
development curriculum to students;	57416
(4) Development of a career development plan for each	57417
student that stays with that student for the duration of the	57418
student's primary and secondary education;	57419

(5) Provision of opportunities for students to engage in activities, such as career fairs, hands-on experiences, and job shadowing, across all career pathways at each grade level; 57420
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57422

(6) Provision of mentorship opportunities through which students may learn about careers and workforce skills. 57423
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The lead district that receives funds under division (E) of this section shall report on the use of those funds to the department in a manner prescribed by the department. 57425
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The department may deny payment under this division to any district or school that the department determines is using funds paid under this division for other purposes. 57428
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Sec. 3317.016. As used in this section, "English learner" has the same meaning as in section 3301.0731 of the Revised Code. 57431
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The multiples for English learners shall be as follows: 57434

(A) A multiple of 0.2104 for each student who has been identified as an English learner following the state's standardized identification process enrolled in schools in the United States for 180 school days or less. 57435
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(B) A multiple of 0.1577 for each student who, for fiscal years ~~2024-2026~~ and ~~2025-2027~~ has been identified as an English learner following the state's standardized identification process and enrolled in schools in the United States for more than 180 school days until the student achieves a proficient score on the spring administration of the state's English language proficiency assessments prescribed by division (C) (3) of section 3301.0711 of the Revised Code or who, for fiscal year ~~2026-2028~~ and each fiscal year thereafter, satisfies criteria specified by the general assembly for purposes of this division. 57439
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(C) A multiple of 0.1053 for each student who, for fiscal years ~~2024-2026~~ and ~~2025-2027~~, achieves a score of proficient on the spring administration of the state's English language proficiency assessments prescribed by division (C) (3) of section 3301.0711 of the Revised Code for the two school years following the school year in which the student achieved that level of achievement or who, for fiscal year ~~2026-2028~~ and each fiscal year thereafter, satisfies criteria specified by the general assembly for purposes of this division.

Sec. 3317.017. This section shall apply only for fiscal years ~~2024-2026~~ and ~~2025-2027~~.

(A) The department of education and workforce shall compute a city, local, or exempted village school district's per-pupil local capacity amount for a fiscal year as follows:

(1) Calculate the district's valuation per pupil for that fiscal year as follows:

(a) Determine the minimum of the district's three-year average valuation for the fiscal year for which the calculation is made and the district's taxable value for the most recent tax year for which data is available;

(b) Divide the amount determined under division (A) (1) (a) of this section by the district's base cost enrolled ADM for the fiscal year for which the calculation is made.

(2) Calculate the district's local share federal adjusted gross income per pupil for that fiscal year as follows:

(a) Determine the minimum of the following:

(i) The average of the total federal adjusted gross income of the district's residents for the three most recent tax years

for which data is available, as certified under section 3317.021 57477
of the Revised Code; 57478

(ii) The total federal adjusted gross income of the 57479
district's residents for the most recent tax year for which data 57480
is available, as certified under section 3317.021 of the Revised 57481
Code. 57482

(b) Divide the amount determined under division (A) (2) (a) 57483
of this section by the district's base cost enrolled ADM for the 57484
fiscal year for which the calculation is made. 57485

(3) Calculate the district's adjusted local share federal 57486
adjusted gross income per pupil for that fiscal year as follows: 57487

(a) Determine both of the following: 57488

(i) The median federal adjusted gross income of the 57489
district's residents for the most recent tax year for which data 57490
is available, as certified under section 3317.021 of the Revised 57491
Code; 57492

(ii) The number of state tax returns filed by taxpayers 57493
residing in the district for the most recent tax year for which 57494
data is available, as certified under section 3317.021 of the 57495
Revised Code. 57496

(b) Compute the product of divisions (A) (3) (a) (i) and (ii) 57497
of this section; 57498

(c) Divide the amount determined under division (A) (3) (b) 57499
of this section by the district's base cost enrolled ADM for the 57500
fiscal year for which the calculation is made. 57501

(4) Calculate the district's per-pupil local capacity 57502
percentage as follows: 57503

(a) Determine the median of the median federal adjusted gross incomes determined for all districts statewide under division (A) (3) (a) (i) of this section for that fiscal year;

(b) Divide the district's median federal adjusted gross income for that fiscal year determined under division (A) (3) (a) (i) of this section by the median federal adjusted gross income for all districts statewide determined under division (A) (4) (a) of this section;

(c) Rank all school districts in order of the ratios calculated under division (A) (4) (b) of this section, from the district with the highest ratio calculated under division (A) (4) (b) of this section to the district with the lowest ratio calculated under division (A) (4) (b) of this section;

(d) Determine the district's per-pupil local capacity percentage as follows:

(i) If the ratio calculated for the district under division (A) (4) (b) of this section is greater than or equal to the ratio calculated under division (A) (4) (b) of this section for the district with the fortieth highest ratio as determined under division (A) (4) (c) of this section, the district's per-pupil local capacity percentage shall be equal to 0.025.

(ii) If the ratio calculated for the district under division (A) (4) (b) of this section is less than the ratio calculated under division (A) (4) (b) of this section for the district with the fortieth highest ratio as determined under division (A) (4) (c) of this section but greater than 1.0, the district's per-pupil local capacity percentage shall be equal to an amount calculated as follows:

{[(The ratio calculated for the district under division (A) (4)

(b) of this section - 1) X 0.0025]/ (the ratio calculated under 57533
division (A) (4) (b) of this section for the district with the 57534
fortieth highest ratio as determined under division (A) (4) (c) of 57535
this section - 1)} + 0.0225 57536

(iii) If the ratio calculated for the district under 57537
division (A) (4) (b) of this section is less than or equal to 1.0, 57538
the district's per-pupil local capacity percentage shall be 57539
equal to the amount calculated under division (A) (4) (b) of this 57540
section times 0.0225. 57541

(5) Calculate the district's per-pupil local capacity 57542
amount for that fiscal year as follows: 57543

(The district's valuation per pupil calculated under division 57544
(A) (1) of this section for that fiscal year X the district's 57545
per-pupil local capacity percentage calculated under division 57546
(A) (4) of this section X 0.60) + (the district's local share 57547
federal adjusted gross income per pupil calculated under 57548
division (A) (2) of this section for that fiscal year X the 57549
district's per-pupil local capacity percentage calculated under 57550
division (A) (4) of this section X 0.20) + (the district's 57551
adjusted local share federal adjusted gross income per pupil 57552
calculated under division (A) (3) of this section for that fiscal 57553
year X the district's per-pupil local capacity percentage 57554
calculated under division (A) (4) of this section X 0.20) 57555

(B) The department shall compute a city, local, or 57556
exempted village school district's state share for a fiscal year 57557
as follows: 57558

(1) If the district's per-pupil local capacity amount for 57559
that fiscal year divided by the district's base cost per pupil 57560
for that fiscal year is greater than 0.90, then the district's 57561

state share shall be equal to (the district's base cost per pupil for that fiscal year X 0.10 X the district's enrolled ADM for that fiscal year). 57562
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(2) If the district's per-pupil local capacity amount for that fiscal year divided by the district's base cost per pupil for that fiscal year is less than or equal to 0.90, then the district's state share for that fiscal year shall be equal to [(the district's base cost per pupil for that fiscal year - the district's per-pupil local capacity amount for that fiscal year) X the district's enrolled ADM for that fiscal year]. 57565
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(C) The department shall compute a city, local, or exempted village school district's state share percentage for a fiscal year as follows: 57572
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(the district's base cost per pupil amount for that fiscal year - the district's per pupil local capacity amount for that fiscal year)/(the district's base cost per pupil amount for that fiscal year). 57575
57576
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If the result is less than 0.10, the state share percentage shall be 0.10. 57579
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Sec. 3317.018. (A) The statewide average base cost per pupil shall be determined as follows: 57581
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(1) For fiscal year 2024, the statewide average base cost per pupil shall be equal to the sum of the aggregate base cost calculated for all city, local, and exempted village school districts in the state for that fiscal year under section 3317.011 of the Revised Code divided by the sum of the base cost enrolled ADMs of all of the city, local, and exempted village school districts in the state for that fiscal year. 57583
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(2) For fiscal ~~year~~years 2025, 2026, and 2027, the 57590

statewide average base cost per pupil shall be equal to the 57591
amount calculated under division (A) (1) of this section. 57592

(B) The statewide average career-technical base cost per 57593
pupil shall be determined as follows: 57594

(1) For fiscal year 2024, the statewide average career- 57595
technical base cost per pupil shall be equal to the sum of the 57596
aggregate base cost calculated for all joint vocational school 57597
districts in the state for that fiscal year under section 57598
3317.012 of the Revised Code divided by the sum of the base cost 57599
enrolled ADMs of all of the joint vocational school districts in 57600
the state for that fiscal year. 57601

(2) For fiscal ~~year~~years 2025, 2026, and 2027, the 57602
statewide average career-technical base cost per pupil shall be 57603
equal to the amount calculated under division (B) (1) of this 57604
section. 57605

Sec. 3317.019. (A) (1) Subject to division (C) of this 57606
section, for fiscal years ~~2024-2026~~ and ~~2025~~2027, the department 57607
of education and workforce shall pay temporary transitional aid 57608
to each city, local, and exempted village school district 57609
according to the following formula: 57610

(The district's funding base, as that term is defined in section 57611
3317.02 of the Revised Code) - (the district's payment under 57612
section 3317.022 of the Revised Code ~~- the district's payment~~ 57613
~~for supplemental targeted assistance under section 3317.0218 of~~ 57614
~~the Revised Code for the fiscal year for which each payment is~~ 57615
~~computed~~) 57616

If the computation made under division (A) (1) of this 57617
section results in a negative number, the district's funding 57618
under division (A) (1) of this section shall be zero. 57619

(2) For fiscal years ~~2024-2026~~ and ~~2025-2027~~, the 57620
department shall pay temporary transitional transportation aid 57621
to that district according to the following formula: 57622

(The amount calculated for the district for fiscal year 2020 57623
under division (A) (2) of Section 265.220 of H.B. 166 of the 57624
133rd general assembly, prior to any funding reductions 57625
authorized by Executive Order 2020-19D, "Implementing Additional 57626
Spending Controls to Balance the State Budget" issued on May 7, 57627
2020) - (the district's payment for fiscal year 2019 under 57628
division (D) (2) of section 3314.091 of the Revised Code as that 57629
division existed prior to September 30, 2021) - (the district's 57630
payment under section 3317.0212 of the Revised Code for the 57631
fiscal year for which the payment is computed) 57632

If the computation made under division (A) (2) of this 57633
section results in a negative number, the district's funding 57634
under division (A) (2) of this section shall be zero. 57635

(B) If a local school district participates in the 57636
establishment of a joint vocational school district that begins 57637
receiving payments under section 3317.16 of the Revised Code for 57638
fiscal year ~~2024-2026~~ or fiscal year ~~2025-2027~~, but does not 57639
receive payments for the fiscal year immediately preceding that 57640
fiscal year, the department shall adjust, as necessary, the 57641
district's funding base, as that term is defined in section 57642
3317.02 of the Revised Code, according to the amounts received 57643
by the district in the immediately preceding fiscal year for 57644
career-technical education students who attend the newly 57645
established joint vocational school district. 57646

(C) (1) For purposes of division (C) of this section, a 57647
district's "decrease threshold" for a fiscal year is the greater 57648
of the following: 57649

(a) Twenty; 57650

(b) Ten per cent of the number of the district's students 57651
counted under division (A) (1) (b) of section 3317.03 of the 57652
Revised Code for the previous fiscal year. 57653

(2) For fiscal years ~~2024~~2026 and ~~2025~~2027, if a district 57654
has fewer students counted under division (A) (1) (b) of section 57655
3317.03 of the Revised Code for that fiscal year than for the 57656
previous fiscal year and the positive difference between those 57657
two student counts is greater than or equal to the district's 57658
decrease threshold for that fiscal year, the amount paid to the 57659
district under division (A) of this section shall be reduced by 57660
the following amount: 57661

The statewide average base cost per pupil X [(the positive 57662
difference between the number of the district's students counted 57663
under division (A) (1) (b) of section 3317.03 of the Revised Code 57664
for that fiscal year and the number of the district's students 57665
counted under that division for the previous fiscal year) - the 57666
district's decrease threshold for that fiscal year] 57667

At no time, however, shall the amount paid to a district 57668
under division (A) of this section be less than zero. 57669

Sec. 3317.0110. This section shall apply only for fiscal 57670
years ~~2024~~2026 and ~~2025~~2027. 57671

(A) As used in this section: 57672

(1) "Average teacher cost" for a fiscal year has the same 57673
meaning as in section 3317.011 of the Revised Code. 57674

(2) "Eligible community or STEM school" means a community 57675
or STEM school that satisfies one of the following: 57676

(a) The school is a member of an organization that 57677

regulates interscholastic athletics. 57678

(b) The school has teams in at least three different 57679
sports that participate in an interscholastic league. 57680

(B) When calculating a community or STEM school's 57681
aggregate base cost under this section, the department of 57682
education and workforce shall use data from fiscal year 2022 for 57683
the average teacher cost. 57684

(C) A community or STEM school's aggregate base cost for a 57685
fiscal year shall be equal to the following sum: 57686

(The school's teacher base cost for that fiscal year computed 57687
under division (D) of this section) + (the school's student 57688
support base cost for that fiscal year computed under division 57689
(E) of this section) + (the school's leadership and 57690
accountability base cost for that fiscal year computed under 57691
division (F) of this section) + (the school's building 57692
leadership and operations base cost for that fiscal year 57693
computed under division (G) of this section) + (the school's 57694
athletic co-curricular activities base cost for that fiscal year 57695
computed under division (H) of this section, if the school is an 57696
eligible community or STEM school) 57697

(D) The department ~~of education~~ shall compute a community 57698
or STEM school's teacher base cost for a fiscal year as follows: 57699

(1) Calculate the school's classroom teacher cost for that 57700
fiscal year as follows: 57701

(a) Determine the full-time equivalency of students 57702
enrolled in the school for that fiscal year that are enrolled in 57703
kindergarten and divide that number by 20; 57704

(b) Determine the full-time equivalency of students 57705

enrolled in the school for that fiscal year that are enrolled in grades one through three and divide that number by 23;	57706 57707
(c) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in grades four through eight but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 25;	57708 57709 57710 57711 57712
(d) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in grades nine through twelve but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 27;	57713 57714 57715 57716 57717
(e) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in a career-technical education program or class, as reported under division (B) (4) of section 3314.08 of the Revised Code, and divide that number by 18;	57718 57719 57720 57721 57722
(f) Compute the sum of the quotients obtained under divisions (D) (1) (a), (b), (c), (d), and (e) of this section;	57723 57724
(g) Compute the classroom teacher cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D) (1) (f) of this section.	57725 57726 57727
(2) Calculate the school's special teacher cost for that fiscal year as follows:	57728 57729
(a) Divide the number of students enrolled in the school for that fiscal year by 150;	57730 57731
(b) Compute the special teacher cost by multiplying the quotient obtained under division (D) (2) (a) of this section by	57732 57733

the average teacher cost for that fiscal year. 57734

(3) Calculate the school's substitute teacher cost for 57735
that fiscal year in accordance with the following formula: 57736

(a) Compute the substitute teacher daily rate with 57737
benefits by multiplying the substitute teacher daily rate of \$90 57738
by 1.16; 57739

(b) Compute the substitute teacher cost in accordance with 57740
the following formula: 57741

(The sum computed under division (D) (1) (f) of this section + the 57742
quotient obtained under division (D) (2) (a) of this section) X 57743
the amount computed under division (D) (3) (a) of this section X 5 57744

(4) Calculate the school's professional development cost 57745
for that fiscal year in accordance with the following formula: 57746

(The sum computed under division (D) (1) (f) of this section + the 57747
quotient obtained under division (D) (2) (a) of this section) X 57748
[(the sum of divisions (A) (10) (a) and (b) of section 3317.011 of 57749
the Revised Code for that fiscal year)/180] X 4 57750

(5) Calculate the school's teacher base cost for that 57751
fiscal year, which equals the sum of divisions (D) (1), (2), (3), 57752
and (4) of this section. 57753

(E) The department shall compute a community or STEM 57754
school's student support base cost for a fiscal year as follows: 57755

The number of students enrolled in the school for that fiscal 57756
year X [(the sum of the student support base cost calculated for 57757
all city, local, and exempted village school districts in the 57758
state for that fiscal year under division (E) of section 57759
3317.011 of the Revised Code) / the sum of the base cost 57760
enrolled ADMs of all of the city, local, and exempted village 57761

school districts in the state for that fiscal year]	57762
(F) The department shall compute a community or STEM	57763
school's leadership and accountability base cost for a fiscal	57764
year as follows:	57765
The number of students enrolled in the school for that fiscal	57766
year X (the sum of the leadership and accountability base cost	57767
calculated for all city, local, and exempted village school	57768
districts in the state for that fiscal year under division (F)	57769
of section 3317.011 of the Revised Code / the sum of the base	57770
cost enrolled ADMs of all of the city, local, and exempted	57771
village school districts in the state for that fiscal year)	57772
(G) The department shall compute a community or STEM	57773
school's building leadership and operations base cost for a	57774
fiscal year as follows:	57775
The number of students enrolled in the school for that fiscal	57776
year X (the sum of the building leadership and accountability	57777
base cost calculated for all city, local, and exempted village	57778
school districts in the state for that fiscal year under	57779
division (G) of section 3317.011 of the Revised Code / the sum	57780
of the base cost enrolled ADMs of all of the city, local, and	57781
exempted village school districts in the state for that fiscal	57782
year)	57783
(H) If a community or STEM school is an eligible community	57784
or STEM school, the department shall compute the school's	57785
athletic co-curricular activities base cost for a fiscal year as	57786
follows:	57787
The number of students enrolled in the school for that fiscal	57788
year X (the amount determined under division (H) (1) of section	57789
3317.011 of the Revised Code / the sum determined under division	57790

(H) (2) of section 3317.011 of the Revised Code)	57791
Sec. 3317.02. As used in this chapter:	57792
(A) "Alternative school" has the same meaning as in section 3313.974 of the Revised Code.	57793 57794
(B) "Autism scholarship unit" means a unit that consists of all of the students for whom autism scholarships are awarded under section 3310.41 of the Revised Code.	57795 57796 57797
(C) For fiscal years 2024-2026 and 2025 <u>2027</u> , a district's "base cost enrolled ADM" for a fiscal year means the greater of the following:	57798 57799 57800
(1) The district's enrolled ADM for the previous fiscal year;	57801 57802
(2) The average of the district's enrolled ADM for the previous three fiscal years.	57803 57804
(D) (1) "Base cost per pupil" means the following for a city, local, or exempted village school district:	57805 57806
(a) For fiscal years 2024-2026 and 2025 <u>2027</u> , the aggregate base cost calculated for that district for that fiscal year under section 3317.011 of the Revised Code divided by the district's base cost enrolled ADM for that fiscal year;	57807 57808 57809 57810
(b) For fiscal year 2026-2028 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	57811 57812 57813
(2) "Base cost per pupil" means the following for a joint vocational school district:	57814 57815
(a) For fiscal years 2024-2026 and 2025 <u>2027</u> , the aggregate base cost calculated for that district for that fiscal year	57816 57817

under section 3317.012 of the Revised Code divided by the 57818
district's base cost enrolled ADM for that fiscal year; 57819

(b) For fiscal year ~~2026~~2028 and each fiscal year 57820
thereafter, an amount calculated in a manner determined by the 57821
general assembly. 57822

(E) (1) "Category one career-technical education ADM" means 57823
the enrollment of students during the school year on a full-time 57824
equivalency basis in career-technical education programs 57825
described in division (A) (1) of section 3317.014 of the Revised 57826
Code and, in the case of a funding unit that is a city, local, 57827
exempted village, or joint vocational school district, certified 57828
under division (B) (11) or (D) (2) (h) of section 3317.03 of the 57829
Revised Code or, in the case of the community and STEM school 57830
unit, reported by all community and STEM schools statewide under 57831
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 57832
and division (D) of section 3326.32 of the Revised Code. 57833

(2) "Category two career-technical education ADM" means 57834
the enrollment of students during the school year on a full-time 57835
equivalency basis in career-technical education programs 57836
described in division (A) (2) of section 3317.014 of the Revised 57837
Code and, in the case of a funding unit that is a city, local, 57838
exempted village, or joint vocational school district, certified 57839
under division (B) (12) or (D) (2) (i) of section 3317.03 of the 57840
Revised Code or, in the case of the community and STEM school 57841
unit, reported by all community and STEM schools statewide under 57842
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 57843
and division (D) of section 3326.32 of the Revised Code. 57844

(3) "Category three career-technical education ADM" means 57845
the enrollment of students during the school year on a full-time 57846
equivalency basis in career-technical education programs 57847

described in division (A) (3) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (13) or (D) (2) (j) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B) (4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

(4) "Category four career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A) (4) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (14) or (D) (2) (k) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B) (4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

(5) "Category five career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A) (5) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (15) or (D) (2) (l) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B) (4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

(F) (1) "Category one English learner ADM" means the full-time equivalent number of English learners described in division (A) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (16) or (D) (2) (m) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B) (6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code.

(2) "Category two English learner ADM" means the full-time equivalent number of English learners described in division (B) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (17) or (D) (2) (n) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B) (6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code.

(3) "Category three English learner ADM" means the full-time equivalent number of English learners described in division (C) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (18) or (D) (2) (o) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B) (6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code.

(G) (1) "Category one special education ADM" means the 57908
full-time equivalent number of children with disabilities 57909
receiving special education services for the disability 57910
specified in division (A) of section 3317.013 of the Revised 57911
Code and, in the case of a funding unit that is a city, local, 57912
exempted village, or joint vocational school district, certified 57913
under division (B) (5) or (D) (2) (b) of section 3317.03 of the 57914
Revised Code or, in the case of the community and STEM school 57915
unit, reported by all community and STEM schools statewide under 57916
division (B) (3) of section 3314.08 of the Revised Code and 57917
division (C) of section 3326.32 of the Revised Code. 57918

(2) "Category two special education ADM" means the full- 57919
time equivalent number of children with disabilities receiving 57920
special education services for those disabilities specified in 57921
division (B) of section 3317.013 of the Revised Code and, in the 57922
case of a funding unit that is a city, local, exempted village, 57923
or joint vocational school district, certified under division 57924
(B) (6) or (D) (2) (c) of section 3317.03 of the Revised Code or, 57925
in the case of the community and STEM school unit, reported by 57926
all community and STEM schools statewide under division (B) (3) 57927
of section 3314.08 of the Revised Code and division (C) of 57928
section 3326.32 of the Revised Code. 57929

(3) "Category three special education ADM" means the full- 57930
time equivalent number of students receiving special education 57931
services for those disabilities specified in division (C) of 57932
section 3317.013 of the Revised Code, and, in the case of a 57933
funding unit that is a city, local, exempted village, or joint 57934
vocational school district, certified under division (B) (7) or 57935
(D) (2) (d) of section 3317.03 of the Revised Code or, in the case 57936
of the community and STEM school unit, reported by all community 57937
and STEM schools statewide under division (B) (3) of section 57938

3314.08 of the Revised Code and division (C) of section 3326.32 57939
of the Revised Code. 57940

(4) "Category four special education ADM" means the full- 57941
time equivalent number of students receiving special education 57942
services for those disabilities specified in division (D) of 57943
section 3317.013 of the Revised Code and, in the case of a 57944
funding unit that is a city, local, exempted village, or joint 57945
vocational school district, certified under division (B) (8) or 57946
(D) (2) (e) of section 3317.03 of the Revised Code or, in the case 57947
of the community and STEM school unit, reported by all community 57948
and STEM schools statewide under division (B) (3) of section 57949
3314.08 of the Revised Code and division (C) of section 3326.32 57950
of the Revised Code. 57951

(5) "Category five special education ADM" means the full- 57952
time equivalent number of students receiving special education 57953
services for the disabilities specified in division (E) of 57954
section 3317.013 of the Revised Code and, in the case of a 57955
funding unit that is a city, local, exempted village, or joint 57956
vocational school district, certified under division (B) (9) or 57957
(D) (2) (f) of section 3317.03 of the Revised Code or, in the case 57958
of the community and STEM school unit, reported by all community 57959
and STEM schools statewide under division (B) (3) of section 57960
3314.08 of the Revised Code and division (C) of section 3326.32 57961
of the Revised Code. 57962

(6) "Category six special education ADM" means the full- 57963
time equivalent number of students receiving special education 57964
services for the disabilities specified in division (F) of 57965
section 3317.013 of the Revised Code and, in the case of a 57966
funding unit that is a city, local, exempted village, or joint 57967
vocational school district certified under division (B) (10) or 57968

(D) (2) (g) of section 3317.03 of the Revised Code or, in the case 57969
of the community and STEM school unit, reported by all community 57970
and STEM schools statewide under division (B) (3) of section 57971
3314.08 of the Revised Code and division (C) of section 3326.32 57972
of the Revised Code. 57973

(H) "Community and STEM school unit" means a unit that 57974
consists of all of the students enrolled in community schools 57975
established under Chapter 3314. of the Revised Code and science, 57976
technology, engineering, and mathematics schools established 57977
under Chapter 3326. of the Revised Code. 57978

(I) (1) "Economically disadvantaged index for a school 57979
district" means the following: 57980

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the square of 57981
the quotient of that district's percentage of students in its 57982
enrolled ADM who are identified as economically disadvantaged as 57983
defined by the department of education and workforce, divided by 57984
the percentage of students in the statewide ADM identified as 57985
economically disadvantaged. For purposes of this calculation: 57986

(i) For a city, local, or exempted village school 57987
district, the "statewide ADM" equals the sum of the following: 57988

(I) The enrolled ADM for all city, local, and exempted 57989
village school districts combined; 57990

(II) The statewide enrollment of students in community 57991
schools established under Chapter 3314. of the Revised Code; 57992

(III) The statewide enrollment of students in science, 57993
technology, engineering, and mathematics schools established 57994
under Chapter 3326. of the Revised Code. 57995

(ii) For a joint vocational school district, the 57996

"statewide ADM" equals the sum of the enrolled ADM for all joint vocational school districts combined. 57997
57998

(b) For fiscal year ~~2026~~2028 and each fiscal year thereafter, an index calculated in a manner determined by the general assembly. 57999
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58001

(2) "Economically disadvantaged index for a community or STEM school" means the following: 58002
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(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, the square of the quotient of the percentage of students enrolled in the school who are identified as economically disadvantaged as defined by the department, divided by the percentage of students in the statewide ADM identified as economically disadvantaged. For purposes of this calculation, the "statewide ADM" equals the "statewide ADM" for city, local, and exempted village school districts described in division (I) (1) (a) (i) of this section. 58004
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(b) For fiscal year ~~2026~~2028 and each fiscal year thereafter, an index calculated in a manner determined by the general assembly. 58012
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58014

(J) "Educational choice scholarship unit" means a unit that consists of all of the students for whom educational choice scholarships are awarded under sections 3310.03 and 3310.032 of the Revised Code. 58015
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58018

(K) "Enrolled ADM" means the following: 58019

(1) For a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the department and adjusted if so ordered under division (K) of that section, and as further adjusted by the department, as follows: 58020
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(a) Add the students described in division (A) (1) (b) of section 3317.03 of the Revised Code;	58025 58026
(b) Subtract the students counted under divisions (A) (2) (a), (b), (d), (g), (h), (i), and (j) of section 3317.03 of the Revised Code;	58027 58028 58029
(c) Count only twenty per cent of the number of joint vocational school district students counted under division (A) (3) of section 3317.03 of the Revised Code;	58030 58031 58032
(d) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical education compact;	58033 58034 58035 58036
(e) Add twenty per cent of the number of students described in division (A) (1) (b) of section 3317.03 of the Revised Code who enroll in a joint vocational school district or under a career-technical education compact.	58037 58038 58039 58040
(2) For a joint vocational school district, the final number verified by the department, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section, and as further adjusted by the department by adding the students described in division (D) (1) (b) of section 3317.03 of the Revised Code;	58041 58042 58043 58044 58045 58046 58047
(3) For the community and STEM school unit, the sum of the number of students reported as enrolled in community schools under divisions (B) (1) and (2) of section 3314.08 of the Revised Code and the number of students reported as enrolled in STEM schools under division (A) of section 3326.32 of the Revised Code;	58048 58049 58050 58051 58052 58053

(4) For the educational choice scholarship unit, the 58054
number of students for whom educational choice scholarships are 58055
awarded under sections 3310.03 and 3310.032 of the Revised Code 58056
as reported under division (A) (2) (g) of section 3317.03 of the 58057
Revised Code; 58058

(5) For the pilot project scholarship unit, the number of 58059
students for whom pilot project scholarships are awarded under 58060
sections 3313.974 to 3313.979 of the Revised Code as reported 58061
under division (A) (2) (b) of section 3317.03 of the Revised Code; 58062

(6) For the autism scholarship unit, the number of 58063
students for whom autism scholarships are awarded under section 58064
3310.41 of the Revised Code as reported under division (A) (2) (h) 58065
of section 3317.03 of the Revised Code; 58066

(7) For the Jon Peterson special needs scholarship unit, 58067
the number of students for whom Jon Peterson special needs 58068
scholarships are awarded under sections 3310.51 to 3310.64 of 58069
the Revised Code as reported under division (A) (2) (h) of section 58070
3317.03 of the Revised Code. 58071

(L) (1) "Formula ADM" means, for a city, local, or exempted 58072
village school district, the enrollment reported under division 58073
(A) of section 3317.03 of the Revised Code, as verified by the 58074
department and adjusted if so ordered under division (K) of that 58075
section, and as further adjusted by the department, as follows: 58076

(a) Count only twenty per cent of the number of joint 58077
vocational school district students counted under division (A) 58078
(3) of section 3317.03 of the Revised Code; 58079

(b) Add twenty per cent of the number of students who are 58080
entitled to attend school in the district under section 3313.64 58081
or 3313.65 of the Revised Code and are enrolled in another 58082

school district under a career-technical education compact. 58083

(2) "Formula ADM" means, for a joint vocational school 58084
district, the final number verified by the department, based on 58085
the enrollment reported and certified under division (D) of 58086
section 3317.03 of the Revised Code, as adjusted, if so ordered, 58087
under division (K) of that section. 58088

(M) "FTE basis" means a count of students based on full- 58089
time equivalency, in accordance with rules adopted by the 58090
department pursuant to section 3317.03 of the Revised Code. In 58091
adopting its rules under this division, the department shall 58092
provide for counting any student in category one, two, three, 58093
four, five, or six special education ADM or in category one, 58094
two, three, four, or five career-technical education ADM in the 58095
same proportion the student is counted in enrolled ADM and 58096
formula ADM. 58097

(N) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding 58098
base" means, for a city, local, or exempted village school 58099
district, the sum of the following as calculated by the 58100
department: 58101

(1) The district's "general funding base," which equals 58102
the amount calculated as follows: 58103

(a) Compute the sum of the following: 58104

(i) The amount calculated for the district for fiscal year 58105
2020 under division (A)(1) of Section 265.220 of H.B. 166 of the 58106
133rd general assembly after any adjustments required under 58107
Section 265.227 of H.B. 166 of the 133rd general assembly and 58108
prior to any funding reductions authorized by Executive Order 58109
2020-19D, "Implementing Additional Spending Controls to Balance 58110
the State Budget" issued on May 7, 2020; 58111

(ii) For fiscal years ~~2024-2026~~ and ~~2025-2027~~, the 58112
district's payments for fiscal year 2020 under divisions (C) (1), 58113
(3), and (4) of section 3313.981 of the Revised Code as those 58114
divisions existed prior to September 30, 2021. 58115

(b) Subtract from the amount calculated in division (N) (1) 58116
(a) of this section the sum of the following: 58117

(i) The following difference: 58118

(The amount paid to the district under division (A) (5) of 58119
section 3317.022 of the Revised Code, as that division existed 58120
prior to September 30, 2021, for fiscal year 2019) - (the 58121
amounts deducted from the district and paid to a community 58122
school under division (C) (1) (e) of section 3314.08 of the 58123
Revised Code or a science, technology, engineering, and 58124
mathematics school under division (E) of section 3326.33 of the 58125
Revised Code as those divisions existed prior to September 30, 58126
2021, for fiscal year 2020 in accordance with division (A) of 58127
Section 265.235 of H.B. 166 of the 133rd general assembly) 58128

(ii) The payments deducted from the district and paid to a 58129
community school for fiscal year 2020 under divisions (C) (1) (a), 58130
(b), (c), (d), (e), (f), and (g) of section 3314.08 of the 58131
Revised Code as those divisions existed prior to September 30, 58132
2021, in accordance with division (A) of Section 265.230 of H.B. 58133
166 of the 133rd general assembly; 58134

(iii) The payments deducted from the district and paid to 58135
a science, technology, engineering, and mathematics school for 58136
fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), 58137
and (G) of section 3326.33 of the Revised Code as those 58138
divisions existed prior to September 30, 2021, in accordance 58139
with division (A) of Section 265.235 of H.B. 166 of the 133rd 58140

general assembly; 58141

(iv) The payments deducted from the district under 58142
division (C) of section 3310.08 of the Revised Code as that 58143
division existed prior to September 30, 2021, division (C) (2) of 58144
section 3310.41 of the Revised Code as that division existed 58145
prior to September 30, 2021, and former section 3310.55 of the 58146
Revised Code for fiscal year 2020 and, in the case of a pilot 58147
project school district as defined in section 3313.975 of the 58148
Revised Code, the funds deducted from the district under Section 58149
265.210 of H.B. 166 of the 133rd general assembly to operate the 58150
pilot project scholarship program for fiscal year 2020 under 58151
sections 3313.974 to 3313.979 of the Revised Code; 58152

(v) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the payments 58153
subtracted from the district for fiscal year 2020 under 58154
divisions (B) (1) and (3) of section 3313.981 of the Revised Code 58155
as those divisions existed prior to September 30, 2021. 58156

(2) The district's "disadvantaged pupil impact aid funding 58157
base," which equals the following difference: 58158

(The amount paid to the district under division (A) (5) of 58159
section 3317.022 of the Revised Code, as that division existed 58160
prior to September 30, 2021, for fiscal year 2019) - (the 58161
amounts deducted from the district and paid to a community 58162
school under division (C) (1) (e) of section 3314.08 of the 58163
Revised Code or a science, technology, engineering, and 58164
mathematics school under division (E) of section 3326.33 of the 58165
Revised Code as those divisions existed prior to September 30, 58166
2021, for fiscal year 2020 in accordance with division (A) of 58167
Section 265.235 of H.B. 166 of the 133rd general assembly) 58168

(O) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding 58169

base" means, for a joint vocational school district, the sum of 58170
the following as calculated by the department: 58171

(1) The district's "general funding base," which equals 58172
the amount calculated as follows: 58173

(a) Compute the sum of the following: 58174

(i) The district's payments for fiscal year 2020 under 58175
Section 265.225 of H.B. 166 of the 133rd general assembly after 58176
any adjustments required under Section 265.227 of H.B. 166 of 58177
the 133rd general assembly; 58178

(ii) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the 58179
district's payments for fiscal year 2020 under divisions (D) (1) 58180
and (2) of section 3313.981 of the Revised Code as those 58181
divisions existed prior to September 30, 2021. 58182

(b) Subtract from the amount paid to the district under 58183
division (A) (3) of section 3317.16 of the Revised Code, as that 58184
division existed prior to September 30, 2021, for fiscal year 58185
2019. 58186

(2) The district's "disadvantaged pupil impact aid funding 58187
base," which equals the amount paid to the district under 58188
division (A) (3) of section 3317.16 of the Revised Code, as that 58189
division existed prior to September 30, 2021, for fiscal year 58190
2019. 58191

(P) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding 58192
base" for a community school means the following: 58193

(1) For a community school that was in operation for the 58194
entirety of fiscal year 2020, the amount paid to the school for 58195
that fiscal year under division (C) (1) of section 3314.08 of the 58196
Revised Code as that division existed prior to September 30, 58197

2021, in accordance with division (A) of Section 265.230 of H.B. 58198
166 of the 133rd general assembly and the amount, if any, paid 58199
to the school for that fiscal year under section 3314.085 of the 58200
Revised Code in accordance with division (B) of Section 265.230 58201
of H.B. 166 of the 133rd general assembly; 58202

(2) For a community school that was in operation for part 58203
of fiscal year 2020, the amount that would have been paid to the 58204
school for that fiscal year under division (C)(1) of section 58205
3314.08 of the Revised Code as that division existed prior to 58206
September 30, 2021, in accordance with division (A) of Section 58207
265.230 of H.B. 166 of the 133rd general assembly if the school 58208
had been in operation for the entirety of that fiscal year, as 58209
calculated by the department, and the amount that would have 58210
been paid to the school for that fiscal year under section 58211
3314.085 of the Revised Code in accordance with division (B) of 58212
Section 265.230 of H.B. 166 of the 133rd general assembly, if 58213
any, if the school had been in operation for the entirety of 58214
that fiscal year, as calculated by the department; 58215

(3) For a community school that was not in operation for 58216
fiscal year 2020, the amount that would have been paid to the 58217
school if it was in operation for that school year under 58218
division (C)(1) of section 3314.08 of the Revised Code as that 58219
division existed prior to September 30, 2021, in accordance with 58220
division (A) of Section 265.230 of H.B. 166 of the 133rd general 58221
assembly if the school had been in operation for the entirety of 58222
that fiscal year, as calculated by the department, and the 58223
amount that would have been paid to the school for that fiscal 58224
year under section 3314.085 of the Revised Code in accordance 58225
with division (B) of Section 265.230 of H.B. 166 of the 133rd 58226
general assembly, if any, if the school had been in operation 58227
for the entirety of that fiscal year, as calculated by the 58228

department. 58229

(Q) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding 58230
base" for a STEM school means the following: 58231

(1) For a science, technology, engineering, and 58232
mathematics school that was in operation for the entirety of 58233
fiscal year 2020, the amount paid to the school for that fiscal 58234
year under section 3326.33 of the Revised Code as that section 58235
existed prior to September 30, 2021, in accordance with division 58236
(A) of Section 265.235 of H.B. 166 of the 133rd general assembly 58237
and the amount, if any, paid to the school for that fiscal year 58238
under section 3326.41 of the Revised Code in accordance with 58239
division (B) of Section 265.235 of H.B. 166 of the 133rd general 58240
assembly; 58241

(2) For a science, technology, engineering, and 58242
mathematics school that was in operation for part of fiscal year 58243
2020, the amount that would have been paid to the school for 58244
that fiscal year under section 3326.33 of the Revised Code as 58245
that section existed prior to September 30, 2021, in accordance 58246
with division (A) of Section 265.235 of H.B. 166 of the 133rd 58247
general assembly if the school had been in operation for the 58248
entirety of that fiscal year, as calculated by the department, 58249
and the amount that would have been paid to the school for that 58250
fiscal year under section 3326.41 of the Revised Code in 58251
accordance with division (B) of Section 265.235 of H.B. 166 of 58252
the 133rd general assembly, if any, if the school had been in 58253
operation for the entirety of that fiscal year, as calculated by 58254
the department; 58255

(3) For a science, technology, engineering, and 58256
mathematics school that was not in operation for fiscal year 58257
2020, the amount that would have been paid to the school if it 58258

was in operation for that school year under section 3326.33 of 58259
the Revised Code as that section existed prior to September 30, 58260
2021, in accordance with division (A) of Section 265.235 of H.B. 58261
166 of the 133rd general assembly if the school had been in 58262
operation for the entirety of that fiscal year, as calculated by 58263
the department, and the amount that would have been paid to the 58264
school for that fiscal year under section 3326.41 of the Revised 58265
Code in accordance with division (B) of Section 265.235 of H.B. 58266
166 of the 133rd general assembly, if any, if the school had 58267
been in operation for the entirety of that fiscal year, as 58268
calculated by the department. 58269

(R) "Funding unit" means any of the following: 58270

(1) A city, local, exempted village, or joint vocational 58271
school district; 58272

(2) The community and STEM school unit; 58273

(3) The educational choice scholarship unit; 58274

(4) The pilot project scholarship unit; 58275

(5) The autism scholarship unit; 58276

(6) The Jon Peterson special needs scholarship unit. 58277

(S) "Jon Peterson special needs scholarship unit" means a 58278
unit that consists of all of the students for whom Jon Peterson 58279
scholarships are awarded under sections 3310.51 to 3310.64 of 58280
the Revised Code. 58281

(T) "Internet- or computer-based community school" has the 58282
same meaning as in section 3314.02 of the Revised Code. 58283

(U) "LRE student with a disability" means a child with a 58284
disability who has an individualized education program providing 58285

for the student to spend more than half of each school day in a 58286
regular school setting with nondisabled students. For purposes 58287
of this division, "individualized education program" and "child 58288
with a disability" have the same meanings as in section 3323.01 58289
of the Revised Code, and "LRE" is an abbreviation for "least 58290
restrictive environment." 58291

(V) "Medically fragile child" means a child to whom all of 58292
the following apply: 58293

(1) The child requires the services of a doctor of 58294
medicine or osteopathic medicine at least once a week due to the 58295
instability of the child's medical condition. 58296

(2) The child requires the services of a registered nurse 58297
on a daily basis. 58298

(3) The child is at risk of institutionalization in a 58299
hospital, skilled nursing facility, or intermediate care 58300
facility for individuals with intellectual disabilities. 58301

(W) (1) A child may be identified as having an "other 58302
health impairment-major" if the child's condition meets the 58303
definition of "other health impaired" established in rules 58304
previously adopted by the department and if either of the 58305
following apply: 58306

(a) The child is identified as having a medical condition 58307
that is among those listed by the department as conditions where 58308
a substantial majority of cases fall within the definition of 58309
"medically fragile child." 58310

(b) The child is determined by the department to be a 58311
medically fragile child. A school district superintendent may 58312
petition the department for a determination that a child is a 58313
medically fragile child. 58314

(2) A child may be identified as having an "other health impairment-minor" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the department but the child's condition does not meet either of the conditions specified in division (W) (1) (a) or (b) of this section.

(X) (1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a city, local, exempted village, or joint vocational school district's, community school's, or STEM school's "general phase-in percentage" is equal to the percentage for that fiscal year that is determined by the general assembly.

(2) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a city, local, exempted village, or joint vocational school district's "phase-in percentage for disadvantaged pupil impact aid" is equal to the percentage for that fiscal year that is determined by the general assembly.

(Y) "Pilot project scholarship unit" means a unit that consists of all of the students for whom pilot project scholarships are awarded under sections 3313.974 to 3313.979 of the Revised Code.

(Z) "Preschool child with a disability" means a child with a disability, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(AA) "Related services" includes:

(1) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher

assistants for children with disabilities whose disabilities are 58344
described in division (B) of section 3317.013 or division (G) (3) 58345
of this section, behavioral intervention, interpreter services, 58346
work study, nursing services, and specialized integrative 58347
services as those terms are defined by the department; 58348

(2) Speech and language services provided to any student 58349
with a disability, including any student whose primary or only 58350
disability is a speech and language disability; 58351

(3) Any related service not specifically covered by other 58352
state funds but specified in federal law, including but not 58353
limited to, audiology and school psychological services; 58354

(4) Any service included in units funded under former 58355
division (O) (1) of section 3317.024 of the Revised Code; 58356

(5) Any other related service needed by children with 58357
disabilities in accordance with their individualized education 58358
programs. 58359

(BB) "School district," unless otherwise specified, means 58360
city, local, and exempted village school districts. 58361

(CC) "Separately educated student with a disability" has 58362
the same meaning as in section 3313.974 of the Revised Code. 58363

(DD) "State education aid" has the same meaning as in 58364
section 5751.20 of the Revised Code. 58365

(EE) (1) "State share percentage" means the following for a 58366
city, local, or exempted village school district: 58367

(a) For fiscal years 2024-2026 and 2025-2027, the state 58368
share percentage calculated under section 3317.017 of the 58369
Revised Code; 58370

(b) For fiscal year ~~2026~~2028 and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly. 58371
58372
58373

(2) "State share percentage" means ~~the following~~, for a joint vocational school district:— 58374
58375

~~(a) For fiscal years 2024 and 2025, the percentage calculated in accordance with the following formula:—~~ 58376
58377

~~The amount computed for the district under division (A) (1) of section 3317.16 of the Revised Code for that fiscal year / the aggregate base cost calculated for the district for that fiscal year under section 3317.012 of the Revised Code—~~ 58378
58379
58380
58381

~~(b) For fiscal year 2026 and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly, the district's state share percentage calculated under section 3317.165 of the Revised Code.~~ 58382
58383
58384
58385

(FF) "Statewide average base cost per pupil" means the following: 58386
58387

(1) For fiscal years ~~2024~~2026 and ~~2025~~2027, the statewide average base cost per pupil calculated under division (A) of section 3317.018 of the Revised Code; 58388
58389
58390

(2) For fiscal year ~~2026~~2028 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 58391
58392
58393

(GG) "Statewide average career-technical base cost per pupil" means the following: 58394
58395

(1) For fiscal years ~~2024~~2026 and ~~2025~~2027, the statewide average career-technical base cost per pupil calculated under division (B) of section 3317.018 of the Revised Code; 58396
58397
58398

(2) For fiscal year ~~2026~~2028 and each fiscal year 58399
thereafter, an amount calculated in a manner determined by the 58400
general assembly. 58401

(HH) "STEM school" means a science, technology, 58402
engineering, and mathematics school established under Chapter 58403
3326. of the Revised Code. 58404

(II) "Taxes charged and payable" means the taxes charged 58405
and payable against real and public utility property after 58406
making the reduction required by section 319.301 of the Revised 58407
Code, plus the taxes levied against tangible personal property. 58408

(JJ) For purposes of sections 3317.017 and ~~3317.16~~ 58409
3317.165 of the Revised Code, "three-year average valuation" for 58410
a fiscal year means the average of total taxable value for the 58411
three most recent tax years for which data is available, as 58412
certified under section 3317.021 of the Revised Code. 58413

(KK) "Total ADM" means, for a city, local, or exempted 58414
village school district, the enrollment reported under division 58415
(A) of section 3317.03 of the Revised Code minus the enrollment 58416
reported under divisions (A)(2)(a), (b), (g), (h), and (i) of 58417
that section, as verified by the department and adjusted if so 58418
ordered under division (K) of that section. 58419

(LL) "Total special education ADM" means the sum of 58420
categories one through six special education ADM. 58421

(MM) "Total taxable value" means the sum of the amounts 58422
certified for a city, local, exempted village, or joint 58423
vocational school district under divisions (A)(1) and (2) of 58424
section 3317.021 of the Revised Code. 58425

(NN) "Tuition discount" means any deduction from the base 58426
tuition amount per student charged by a chartered nonpublic 58427

school, to which the student's family is entitled due to one or more of the following conditions:	58428 58429
(1) The student's family has multiple children enrolled in the same school.	58430 58431
(2) The student's family is a member of or affiliated with a religious or secular organization that provides oversight of the school or from which the school has agreed to enroll students.	58432 58433 58434 58435
(3) The student's parent is an employee of the school.	58436
(4) Some other qualification not based on the income of the student's family or the student's athletic or academic ability and for which all students in the school may qualify.	58437 58438 58439
Sec. 3317.021. (A) On or before the first day of June of each year, the tax commissioner shall certify to the department of education and workforce and the office of budget and management the information described in divisions (A) (1) to (5) of this section for each city, exempted village, and local school district, and the information required by divisions (A) (1) and (2) of this section for each joint vocational school district, and it shall be used, along with the information certified under division (B) of this section, in making the computations for the district under this chapter.	58440 58441 58442 58443 58444 58445 58446 58447 58448 58449
(1) The taxable value of real and public utility real property in the school district subject to taxation in the preceding tax year, by class and by county of location.	58450 58451 58452
(2) The taxable value of tangible personal property, including public utility personal property, subject to taxation by the district for the preceding tax year.	58453 58454 58455

(3) (a) The total property tax rate and total taxes charged and payable for the current expenses for the preceding tax year and the total property tax rate and the total taxes charged and payable to a joint vocational district for the preceding tax year that are limited to or to the extent apportioned to current expenses.	58456 58457 58458 58459 58460 58461
(b) The portion of the amount of taxes charged and payable reported for each city, local, and exempted village school district under division (A) (3) (a) of this section attributable to a joint vocational school district.	58462 58463 58464 58465
(4) The value of all real and public utility real property in the school district exempted from taxation minus both of the following:	58466 58467 58468
(a) The value of real and public utility real property in the district owned by the United States government and used exclusively for a public purpose;	58469 58470 58471
(b) The value of real and public utility real property in the district exempted from taxation under Chapter 725. or 1728. or section 3735.67, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code.	58472 58473 58474 58475
(5) The total <u>median</u> federal adjusted gross income of the residents of the school district, based on tax returns filed by the residents of the district, for the most recent year for which this information is available, and the median Ohio adjusted gross income of the residents of the school district determined on the basis of tax returns filed for the second preceding tax year by the residents of the district.	58476 58477 58478 58479 58480 58481 58482
(6) For fiscal years 2024-2026 and 2025 <u>2027</u> , the number of state tax returns filed by the residents of the district for the	58483 58484

most recent year for which this information is available. 58485

(B) On or before the first day of May each year, the tax 58486
commissioner shall certify to the department of education and 58487
workforce and the office of budget and management the total 58488
taxable real property value of railroads and, separately, the 58489
total taxable tangible personal property value of all public 58490
utilities for the preceding tax year, by school district and by 58491
county of location. 58492

(C) If on the basis of the information certified under 58493
division (A) of this section, the department determines that any 58494
district fails in any year to meet the qualification requirement 58495
specified in division (A) of section 3317.01 of the Revised 58496
Code, the department shall immediately request the tax 58497
commissioner to determine the extent to which any school 58498
district income tax levied by the district under Chapter 5748. 58499
of the Revised Code shall be included in meeting that 58500
requirement. Within five days of receiving such a request from 58501
the department, the tax commissioner shall make the 58502
determination required by this division and report the quotient 58503
obtained under division (C) (3) of this section to the department 58504
and the office of budget and management. This quotient 58505
represents the number of mills that the department shall include 58506
in determining whether the district meets the qualification 58507
requirement of division (A) of section 3317.01 of the Revised 58508
Code. 58509

The tax commissioner shall make the determination required 58510
by this division as follows: 58511

(1) Multiply one mill times the total taxable value of the 58512
district as determined in divisions (A) (1) and (2) of this 58513
section; 58514

(2) Estimate the total amount of tax liability for the 58515
current tax year under taxes levied by Chapter 5748. of the 58516
Revised Code that are apportioned to current operating expenses 58517
of the district, excluding any income tax receipts allocated for 58518
the project cost, debt service, or maintenance set-aside 58519
associated with a state-assisted classroom facilities project as 58520
authorized by section 3318.052 of the Revised Code; 58521

(3) Divide the amount estimated under division (C) (2) of 58522
this section by the product obtained under division (C) (1) of 58523
this section. 58524

Sec. 3317.022. The department of education and workforce 58525
shall compute and distribute state core foundation funding to 58526
each eligible funding unit that is a city, local, or exempted 58527
village school district, the community and STEM school unit, the 58528
educational choice scholarship unit, the pilot project 58529
scholarship unit, the autism scholarship unit, and the Jon 58530
Peterson special needs scholarship unit for the fiscal year, 58531
using the information obtained under section 3317.021 of the 58532
Revised Code in the calendar year in which the fiscal year 58533
begins in accordance with the following: 58534

For fiscal years ~~2024-2026~~ and ~~2025~~2027, for a funding 58535
unit that is a city, local, or exempted village school district: 58536

The district's funding base + [(the district's state core 58537
foundation funding components for that fiscal year calculated 58538
under divisions (A) (1), (2), (3), (5), (6), (7), and (8) of this 58539
section - the district's general funding base calculated in 58540
accordance with division (N) (1) of section 3317.02 of the 58541
Revised Code) X the district's general phase-in percentage for 58542
that fiscal year] + [(the district's disadvantaged pupil impact 58543
aid for that fiscal year calculated under division (A) (4) of 58544

this section - the district's disadvantaged pupil impact aid funding base calculated in accordance with division (N) (2) of section 3317.02 of the Revised Code) X the district's phase-in percentage for disadvantaged pupil impact aid for that fiscal year] + the district's supplemental targeted assistance funds calculated under section 3317.0218 of the Revised Code

For fiscal year ~~2026~~2028 and each fiscal year thereafter, for a funding unit that is a city, local, or exempted village school district, the sum of the district's state core foundation funding components for that fiscal year calculated under divisions (A) (1), (2), (3), (4), (5), (6), (7), and (8) of this section ~~and the district's supplemental targeted assistance funds calculated under section 3317.0218 of the Revised Code~~, if the general assembly authorizes such payments to these funding units.

For fiscal years ~~2024~~2026 and ~~2025~~2027, for the community and STEM school unit, an amount calculated in accordance with section 3317.026 of the Revised Code.

For fiscal ~~years 2026~~year 2028 and each fiscal year thereafter, for the community and STEM school unit, an amount calculated in accordance with divisions (A) (1), (3), (4), (5), (7), (8), ~~and (9)~~, and (14) of this section, if the general assembly authorizes such payments to these funding units.

For the educational choice scholarship unit, the amount calculated under division (A) (10) of this section.

For the pilot project scholarship unit, the amount calculated under division (A) (11) of this section.

For the autism scholarship unit, the amount calculated under division (A) (12) of this section.

For the Jon Peterson special needs scholarship unit, the amount calculated under division (A) (13) of this section. 58574
58575

(A) A funding unit's state core foundation funding components shall be the following: 58576
58577

(1) (a) If the funding unit is a city, local, or exempted village school district, the district's state share, which is equal to the following: 58578
58579
58580

(i) For fiscal years ~~2024-2026~~ and ~~2025-2027~~, the amount calculated under division (B) of section 3317.017 of the Revised Code; 58581
58582
58583

(ii) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 58584
58585
58586

(b) If the funding unit is the community and STEM school unit, the aggregate base cost for all schools in that unit, which is equal to the following: 58587
58588
58589

(i) For fiscal years ~~2024-2026~~ and ~~2025-2027~~, the amount calculated under section 3317.0110 of the Revised Code; 58590
58591

(ii) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 58592
58593
58594

(2) If the funding unit is a city, local, or exempted village school district, targeted assistance funds equal to the following: 58595
58596
58597

(a) For fiscal years ~~2024-2026~~ and ~~2025-2027~~, an amount calculated under section 3317.0217 of the Revised Code; 58598
58599

(b) For fiscal year ~~2026-2028~~ and each fiscal year 58600

thereafter, an amount calculated in a manner determined by the
general assembly.

(3) If the funding unit is a city, local, or exempted
village school district or the community and STEM school unit,
additional state aid for special education and related services
provided under Chapter 3323. of the Revised Code calculated as
follows:

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the sum of
the following:

(i) The funding unit's category one special education ADM
X the multiple specified in division (A) of section 3317.013 of
the Revised Code X the statewide average base cost per pupil for
that fiscal year X if the funding unit is a city, local, or
exempted village school district, the district's state share
percentage;

(ii) The funding unit's category two special education ADM
X the multiple specified in division (B) of section 3317.013 of
the Revised Code X the statewide average base cost per pupil for
that fiscal year X if the funding unit is a city, local, or
exempted village school district, the district's state share
percentage;

(iii) The funding unit's category three special education
ADM X the multiple specified in division (C) of section 3317.013
of the Revised Code X the statewide average base cost per pupil
for that fiscal year X if the funding unit is a city, local, or
exempted village school district, the district's state share
percentage;

(iv) The funding unit's category four special education
ADM X the multiple specified in division (D) of section 3317.013

of the Revised Code X the statewide average base cost per pupil 58630
for that fiscal year X if the funding unit is a city, local, or 58631
exempted village school district, the district's state share 58632
percentage; 58633

(v) The funding unit's category five special education ADM 58634
X the multiple specified in division (E) of section 3317.013 of 58635
the Revised Code X the statewide average base cost per pupil for 58636
that fiscal year X if the funding unit is a city, local, or 58637
exempted village school district, the district's state share 58638
percentage; 58639

(vi) The funding unit's category six special education ADM 58640
X the multiple specified in division (F) of section 3317.013 of 58641
the Revised Code X the statewide average base cost per pupil for 58642
that fiscal year X if the funding unit is a city, local, or 58643
exempted village school district, the district's state share 58644
percentage. 58645

(b) For fiscal year ~~2026~~2028 and each fiscal year 58646
thereafter, the sum of the following: 58647

(i) An amount calculated in a manner determined by the 58648
general assembly times the funding unit's category one special 58649
education ADM; 58650

(ii) An amount calculated in a manner determined by the 58651
general assembly times the funding unit's category two special 58652
education ADM; 58653

(iii) An amount calculated in a manner determined by the 58654
general assembly times the funding unit's category three special 58655
education ADM; 58656

(iv) An amount calculated in a manner determined by the 58657
general assembly times the funding unit's category four special 58658

education ADM;	58659
(v) An amount calculated in a manner determined by the general assembly times the funding unit's category five special education ADM;	58660 58661 58662
(vi) An amount calculated in a manner determined by the general assembly times the funding unit's category six special education ADM.	58663 58664 58665
(4) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, disadvantaged pupil impact aid calculated according to the following formula:	58666 58667 58668 58669
(a) If the funding unit is a city, local, or exempted village school district, an amount equal to the following:	58670 58671
(i) For fiscal years 2024-2026 and 2025 <u>2027</u> , the following product:	58672 58673
\$422 X (the district's economically disadvantaged index) X the number of students who are economically disadvantaged as certified under division (B) (21) of section 3317.03 of the Revised Code	58674 58675 58676 58677
(ii) For fiscal year 2026-2028 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	58678 58679 58680
(b) If the funding unit is the community and STEM school unit, an amount equal to the following:	58681 58682
(i) For fiscal years 2024-2026 and 2025 <u>2027</u> , an amount calculated as follows:	58683 58684
(I) For each student in the funding unit's enrolled ADM	58685

who is economically disadvantaged and is not enrolled in an internet- or computer-based community school, multiply \$422 by the economically disadvantaged index of the school in which the student is enrolled;

(II) Compute the funding unit's disadvantaged pupil impact aid by calculating the sum of the amounts determined under division (A) (4) (b) (i) (I) of this section.

(ii) For fiscal year ~~2026~~2028 and each fiscal year thereafter, an amount calculated as follows:

(I) For each student in the funding unit's enrolled ADM who is economically disadvantaged and is not enrolled in an internet- or computer-based community school, calculate an amount in the manner determined by the general assembly;

(II) Compute the funding unit's disadvantaged pupil impact aid by calculating the sum of the amounts determined under division (A) (4) (b) (ii) (I) of this section.

(5) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, English learner funds calculated as follows:

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, the sum of the following:

(i) The funding unit's category one English learner ADM X the multiple specified in division (A) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;

(ii) The funding unit's category two English learner ADM X

the multiple specified in division (B) of section 3317.016 of 58714
the Revised Code X the statewide average base cost per pupil for 58715
that fiscal year X if the funding unit is a city, local, or 58716
exempted village school district, the district's state share 58717
percentage; 58718

(iii) The funding unit's category three English learner 58719
ADM X the multiple specified in division (C) of section 3317.016 58720
of the Revised Code X the statewide average base cost per pupil 58721
for that fiscal year X if the funding unit is a city, local, or 58722
exempted village school district, the district's state share 58723
percentage. 58724

(b) For fiscal year ~~2026~~2028 and each fiscal year 58725
thereafter, the sum of the following: 58726

(i) An amount calculated in a manner determined by the 58727
general assembly times the funding unit's category one English 58728
learner ADM; 58729

(ii) An amount calculated in a manner determined by the 58730
general assembly times the funding unit's category two English 58731
learner ADM; 58732

(iii) An amount calculated in a manner determined by the 58733
general assembly times the funding unit's category three English 58734
learner ADM. 58735

(6) (a) For fiscal years ~~2024~~2026 and ~~2025~~2027, if the 58736
funding unit is a city, local, or exempted village school 58737
district, all of the following: 58738

(i) Gifted identification funds calculated according to 58739
the following formula: 58740

\$24 X the district's enrolled ADM for grades kindergarten 58741

through six X the district's state share percentage	58742
(ii) Gifted referral funds calculated according to the following formula:	58743
	58744
\$2.50 X the district's enrolled ADM X the district's state share percentage	58745
	58746
(iii) Gifted professional development funds calculated according to the following formula:	58747
	58748
(The greater of the number of gifted students enrolled in the district as certified under division (B) (22) of section 3317.03 of the Revised Code and ten per cent of the district's enrolled ADM) X the district's state share percentage X \$21, for fiscal year 2024, or \$28, for fiscal year 2025	58749
	58750
	58751
	58752
	58753
(iv) Gifted unit funding calculated under section 3317.051 of the Revised Code.	58754
	58755
(b) For fiscal year 2026-2028 and each fiscal year thereafter, all of the following:	58756
	58757
(i) Gifted identification funds calculated in a manner determined by the general assembly;	58758
	58759
(ii) Gifted referral funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment;	58760
	58761
	58762
(iii) Gifted professional development funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment;	58763
	58764
	58765
(iv) Gifted unit funding calculated in an amount determined by the general assembly.	58766
	58767
(7) If the funding unit is a city, local, or exempted	58768

village school district or the community and STEM school unit, 58769
career-technical education funds calculated under division (C) 58770
of section 3317.014 of the Revised Code. 58771

(8) If the funding unit is a city, local, or exempted 58772
village school district or the community and STEM school unit, 58773
career-technical education associated services funds calculated 58774
under division (D) of section 3317.014 of the Revised Code. 58775

(9) If the funding unit is the community and STEM school 58776
unit, an amount calculated as follows: 58777

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, an amount 58778
equal to the following: 58779

[The number of students in the funding unit's enrolled ADM who 58780
are reported under division (B) (5) of section 3314.08 of the 58781
Revised Code X (the aggregate base cost calculated for all 58782
schools in the funding unit for that fiscal year under section 58783
3317.0110 of the Revised Code / the funding unit's enrolled ADM) 58784
X.20] 58785

(b) For fiscal year ~~2026~~2028 and each fiscal year 58786
thereafter, an amount calculated in a manner determined by the 58787
general assembly. 58788

(10) If the funding unit is the educational choice 58789
scholarship unit, an amount calculated as follows: 58790

(a) For each student in the funding unit's enrolled ADM, 58791
determine the lesser of the following: 58792

(i) The base tuition of the chartered nonpublic school in 58793
which the student is enrolled minus the total amount of any 58794
applicable tuition discounts for which the student qualifies; 58795

(ii) (I) If the student receives a scholarship under 58796

section 3310.03 of the Revised Code, or received a scholarship 58797
for the first time under section 3310.032 of the Revised Code 58798
prior to ~~the effective date of this amendment~~ October 3, 2023, 58799
and the student's parent does not elect to receive a scholarship 58800
amount under division (A) (10) (a) (ii) (II) of this section, 58801
\$5,500, if the student is in grades kindergarten through eight, 58802
or \$7,500, if the student is in grades nine through twelve. 58803

(II) If the student receives a scholarship for the first 58804
time under section 3310.032 of the Revised Code on and after ~~the~~ 58805
~~effective date of this amendment~~ October 3, 2023, or if a 58806
student who received a scholarship for the first time under that 58807
section prior to that date and the student's parent elects to 58808
receive a scholarship amount under division (A) (10) (a) (ii) (II) 58809
of this section, an amount calculated in accordance with section 58810
3310.08 of the Revised Code. The department shall provide an 58811
opportunity each fiscal year for a parent to elect to receive a 58812
scholarship amount under division (A) (10) (a) (ii) (II) of this 58813
section. 58814

The amounts specified in division (A) (10) (a) (ii) (I) of 58815
this section shall increase in future fiscal years by the same 58816
percentage that the statewide average base cost per pupil 58817
increases in future fiscal years. 58818

(b) Compute the sum of the amounts calculated under 58819
division (A) (10) (a) of this section. 58820

(11) If the funding unit is the pilot project scholarship 58821
unit, an amount calculated as follows: 58822

(a) For each student in the funding unit's enrolled ADM, 58823
determine the lesser of the following: 58824

(i) The net tuition charges of the student's alternative 58825

school; 58826

(ii) \$5,500, if the student is in grades kindergarten 58827
through eight, or \$7,500, if the student is in grades nine 58828
through twelve. 58829

The amounts specified in division (A) (11) (a) (ii) of this 58830
section shall increase in future fiscal years by the same 58831
percentage that the statewide average base cost per pupil 58832
increases in future fiscal years. 58833

For purposes of division (A) (11) (a) of this section, the 58834
net tuition and fees charged to a student shall be the tuition 58835
amount specified by the alternative school minus all other 58836
financial aid, discounts, and adjustments received for the 58837
student. In cases where discounts are offered for multiple 58838
students from the same family, and not all students in the same 58839
family are scholarship recipients, the net tuition amount 58840
attributable to the scholarship recipient shall be the lowest 58841
net tuition to which the family is entitled. 58842

The department shall provide for an increase in the amount 58843
determined for any student who is an LRE student with a 58844
disability and shall further increase such amount in the case of 58845
any separately educated student with a disability, as that term 58846
is defined in section 3313.974 of the Revised Code. Such 58847
increases shall take into account the instruction, related 58848
services, and transportation costs of educating such students. 58849

(b) Compute the sum of the amounts calculated under 58850
division (A) (17) (a) of this section. 58851

(12) If the funding unit is the autism scholarship unit, 58852
an amount calculated as follows: 58853

(a) For each student in the funding unit's enrolled ADM, 58854

determine the lesser of the following: 58855

(i) The tuition charged for the student's special 58856
education program, as that term is defined in section 3310.41 of 58857
the Revised Code; 58858

(ii) ~~\$32,445~~\$34,000. 58859

(b) Compute the sum of the amounts calculated under 58860
division (A)(12)(a) of this section. 58861

(13) If the funding unit is the Jon Peterson special needs 58862
scholarship unit, an amount calculated as follows: 58863

(a) For each student in the funding unit's enrolled ADM, 58864
determine the least of the following: 58865

(i) The amount of fees charged for that school year by the 58866
student's alternative public provider or registered private 58867
provider, as those terms are defined in section 3310.51 of the 58868
Revised Code; 58869

(ii) \$7,190 plus an amount determined as follows: 58870

(I) If the student is receiving special education services 58871
for a disability specified in division (A) of section 3317.013 58872
of the Revised Code, ~~\$1,751, for fiscal year 2024, and \$2,395-~~ 58873
~~for fiscal year 2025~~\$2,855; 58874

(II) If the student is receiving special education 58875
services for a disability specified in division (B) of section 58876
3317.013 of the Revised Code, ~~\$4,442, for fiscal year 2024, and-~~ 58877
~~\$5,280 for fiscal year 2025~~\$5,879; 58878

(III) If the student is receiving special education 58879
services for a disability specified in division (C) of section 58880
3317.013 of the Revised Code, ~~\$10,673, for fiscal year 2024, and~~ 58881

~~\$11,960 for fiscal year 2025~~\$12,879; 58882

(IV) If the student is receiving special education 58883
services for a disability specified in division (D) of section 58884
3317.013 of the Revised Code, ~~\$14,243, for fiscal year 2024,~~ and 58885
~~\$15,787 for fiscal year 2025~~\$16,890; 58886

(V) If the student is receiving special education services 58887
for a disability specified in division (E) of section 3317.013 58888
of the Revised Code, ~~\$19,290, for fiscal year 2024,~~ and ~~\$21,197~~ 58889
~~for fiscal year 2025~~\$22,560; 58890

(VI) If the student is receiving special education 58891
services for a disability specified in division (F) of section 58892
3317.013 of the Revised Code, ~~\$28,438, for fiscal year 2024,~~ and 58893
~~\$30,469 for fiscal year 2025~~\$31,932. 58894

(iii) ~~\$30,000, for fiscal year 2024,~~ and ~~\$32,445 for~~ 58895
~~fiscal year 2025~~\$34,000. 58896

The amount specified in division (A) (13) (a) (ii) of this 58897
section shall increase in future fiscal years by the same 58898
percentage that the statewide average base cost per pupil 58899
increases in future fiscal years. 58900

The amounts specified in divisions (A) (13) (a) (ii) (I) to 58901
(VI) of this section shall increase in future fiscal years by 58902
the same percentage that the amounts calculated by the general 58903
assembly for those categories of special education services 58904
under division (A) (3) of this section increase in future fiscal 58905
years. 58906

(b) Compute the sum of the amounts calculated under 58907
division (A) (13) (a) of this section. 58908

(14) If the funding unit is the community and STEM school 58909

unit, an equity supplement calculated as follows: 58910

\$500 in fiscal year 2026 and \$400 in fiscal year 2027 X each 58911

student in the funding unit's enrolled ADM who is enrolled in a 58912

community school that is not an internet- or computer-based 58913

community school. 58914

(B) In any fiscal year, a funding unit that is a city, local, or 58915

exempted village school district shall spend for purposes that 58916

the department designates as approved for special education and 58917

related services expenses at least the amount calculated as 58918

follows: 58919

(The base cost per pupil calculated for the district for that 58920

fiscal year X the total special education ADM) + (the district's 58921

category one special education ADM X the multiple specified in 58922

division (A) of section 3317.013 of the Revised Code X the 58923

statewide average base cost per pupil) + (the district's 58924

category two special education ADM X the multiple specified in 58925

division (B) of section 3317.013 of the Revised Code X the 58926

statewide average base cost per pupil) + (the district's 58927

category three special education ADM X the multiple specified in 58928

division (C) of section 3317.013 of the Revised Code X the 58929

statewide average base cost per pupil) + (the district's 58930

category four special education ADM X the multiple specified in 58931

division (D) of section 3317.013 of the Revised Code X the 58932

statewide average base cost per pupil) + (the district's 58933

category five special education ADM X the multiple specified in 58934

division (E) of section 3317.013 of the Revised Code X the 58935

statewide average base cost per pupil) + (the district's 58936

category six special education ADM X the multiple specified in 58937

division (F) of section 3317.013 of the Revised Code X the 58938

statewide average base cost per pupil) 58939

The purposes approved by the department for special education expenses shall include, but shall not be limited to, identification of children with disabilities, compliance with state rules governing the education of children with disabilities and prescribing the continuum of program options for children with disabilities, provision of speech language pathology services, and the portion of the school district's overall administrative and overhead costs that are attributable to the district's special education student population.

(C) A funding unit that is a city, local, or exempted village school district shall spend the funds it receives under division (A) (4) of this section in accordance with section 3317.25 of the Revised Code.

(D) (1) Except as provided in division (B) of section 3317.026 of the Revised Code, the department shall distribute to each community school established under Chapter 3314. of the Revised Code and to each STEM school established under Chapter 3326. of the Revised Code, from the funds paid to the community and STEM school unit under this section, an amount for each student enrolled in the school equal to the sum of the following:

(a) The school's base cost per pupil for that fiscal year, calculated as follows:

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027:

The aggregate base cost calculated for the school for that fiscal year under section 3317.0110 of the Revised Code / the number of students enrolled in the school for that fiscal year

(ii) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, an amount determined by the general assembly under

division (A) (1) (b) (ii) of this section divided by the number of	58969
students enrolled in the school for that fiscal year.	58970
(b) If the student is a special education student:	58971
(i) For fiscal years 2024-2026 and 2025 <u>2027</u> , the multiple	58972
specified for the student's special education category under	58973
section 3317.013 of the Revised Code times the statewide average	58974
base cost per pupil;	58975
(ii) For fiscal year 2026-2028 and each fiscal year	58976
thereafter, the amount calculated for the student's special	58977
education category in a manner determined by the general	58978
assembly under division (A) (3) (b) of this section.	58979
(c) If the school is not an internet- or computer-based	58980
community school and the student is economically disadvantaged:	58981
(i) For fiscal years 2024-2026 and 2025 <u>2027</u> , the amount	58982
calculated for the student under division (A) (4) (b) (i) (I) of	58983
this section;	58984
(ii) For fiscal year 2026-2028 and each fiscal year	58985
thereafter, an amount calculated for the student in the manner	58986
determined by the general assembly under division (A) (4) (b) (ii)	58987
(I) of this section.	58988
(d) If the student is an English learner:	58989
(i) For fiscal years 2024-2026 and 2025 <u>2027</u> , the multiple	58990
specified for the student's English learner category under	58991
section 3317.016 of the Revised Code times the statewide average	58992
base cost per pupil;	58993
(ii) For fiscal year 2026-2028 and each fiscal year	58994
thereafter, the amount calculated for the student's special	58995
education category in a manner determined by the general	58996

assembly under division (A) (5) (b) of this section.	58997
(e) If the student is a career-technical education student:	58998
	58999
(i) For fiscal years 2024-2026 and 2025 2027, the multiple specified for the student's career-technical education category under section 3317.014 of the Revised Code times the statewide average career-technical base cost per pupil;	59000
	59001
	59002
	59003
(ii) For fiscal year 2026-2028 and each fiscal year thereafter, the amount calculated for the student's career-technical education category in a manner determined by the general assembly under section 3317.014 of the Revised Code.	59004
	59005
	59006
	59007
(f) If the student is a career-technical education student:	59008
	59009
(i) For fiscal years 2024-2026 and 2025 2027, the multiple for career-technical associated services specified under section 3317.014 of the Revised Code times the statewide average career-technical base cost per pupil;	59010
	59011
	59012
	59013
(ii) For fiscal year 2026-2028 and each fiscal year thereafter, the amount calculated for career-technical associated services in a manner determined by the general assembly under section 3317.014 of the Revised Code.	59014
	59015
	59016
	59017
<u>(g) If the school is a community school that is not an internet- or computer-based community school, an equity supplement equal to \$500 for fiscal year 2026 and \$400 for fiscal year 2027 for each student enrolled in the school.</u>	59018
	59019
	59020
	59021
(2) The department shall distribute to each community school established under Chapter 3314. of the Revised Code and to each STEM school established under Chapter 3326. of the	59022
	59023
	59024

Revised Code, from the funds paid to the community and STEM 59025
school unit under this section, an amount equal to the amount 59026
calculated for the school under division (A) (9) of this section. 59027

(E) The department shall distribute to the parent of each 59028
student for whom an educational choice scholarship is awarded 59029
under section 3310.03 or 3310.032 of the Revised Code, or to the 59030
student if at least eighteen years of age, from the funds paid 59031
to the educational choice scholarship unit under this section, a 59032
scholarship equal to the amount calculated for the student under 59033
division (A) (10) (a) of this section. The scholarship shall be 59034
distributed in monthly partial payments, and the department 59035
shall proportionately reduce or terminate the payments for any 59036
student who withdraws from a chartered nonpublic school prior to 59037
the end of the school year. 59038

For purposes of divisions (E) and (F) of this section, in 59039
the case of a student who is not living with the student's 59040
parent, the department shall distribute the scholarship payments 59041
to the student's guardian, legal custodian, kinship caregiver, 59042
foster caregiver, or caretaker. For the purposes of this 59043
division, "caretaker" has the same meaning as in section 59044
3310.033 of the Revised Code, "kinship caregiver" has the same 59045
meaning as in section ~~5101.85~~ 5180.50 of the Revised Code, and 59046
"foster caregiver" has the same meaning as in section 5103.02 of 59047
the Revised Code. 59048

(F) If a student is awarded a pilot project scholarship 59049
under sections 3313.974 to 3313.979 of the Revised Code, the 59050
department shall distribute to the parent of the student, if the 59051
student is attending a registered private school as defined in 59052
section 3313.974 of the Revised Code, or the student's school 59053
district of attendance, if the scholarship is to be used for 59054

payments to a public school in a school district adjacent to the 59055
pilot project school district pursuant to section 3327.06 of the 59056
Revised Code, a scholarship from the funds paid to the pilot 59057
project scholarship unit under this section that is equal to the 59058
amount calculated for the student under division (A) (11) (a) of 59059
this section. 59060

In the case of a scholarship distributed to a student's 59061
parent, the scholarship shall be distributed in monthly partial 59062
payments. The scholarship amount shall be proportionately 59063
reduced in the case of any such student who is not enrolled in a 59064
registered private school, as that term is defined in section 59065
3313.974 of the Revised Code, for the entire school year. 59066

In the case of a scholarship distributed to a student's 59067
school district of attendance, the department shall, on behalf 59068
of the student's parents, use the scholarship to make the 59069
tuition payments required by section 3327.06 of the Revised Code 59070
to the student's school district of attendance, except that, 59071
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 59072
Revised Code, the total payments in any school year shall not 59073
exceed the scholarship amount calculated for the student under 59074
division (A) (11) (a) of this section. 59075

(G) The department shall distribute to the parent of each 59076
student for whom an autism scholarship is awarded under section 59077
3310.41 of the Revised Code, from the funds paid to the autism 59078
scholarship unit under this section, a scholarship equal to the 59079
amount calculated for the student under division (A) (12) (a) of 59080
this section. The scholarship shall be distributed from time to 59081
time in partial payments. The scholarship amount shall be 59082
proportionately reduced in the case of any student who is not 59083
enrolled in the special education program for which a 59084

scholarship was awarded under section 3310.41 of the Revised Code for the entire school year. The department shall make no payments to the parent of a student while any administrative or judicial mediation or proceedings with respect to the content of the student's individualized education program are pending.

(H) The department shall distribute to the parent of each student for whom a Jon Peterson special needs scholarship is awarded under sections 3310.51 to 3310.64 of the Revised Code, from the funds paid to the Jon Peterson special needs scholarship unit under this section, a scholarship equal to the amount calculated for the student under division (A) (13) (a) of this section. The scholarship shall be distributed in periodic payments, and the department shall proportionately reduce or terminate the payments for any student who is not enrolled in the special education program of an alternative public provider or a registered private provider, as those terms are defined in section 3310.51 of the Revised Code, for the entire school year.

(I) For fiscal years ~~2024-2026~~ and ~~2025-2027~~, a school district shall spend the funds it receives under division (A) (5) of this section only for services for English learners.

(J) For ~~fiscal year 2024 and each fiscal year thereafter~~, a school district shall spend the funds it receives under division (A) (6) of this section only for the identification of gifted students, gifted coordinator services, and gifted intervention specialist services, ~~and gifted professional development~~. For ~~fiscal year 2024 and each fiscal year thereafter~~, if the department determines that a district is not in compliance with this division, it shall reduce the district's payments for that fiscal year under this chapter by an amount equal to the amount paid to the district for that fiscal year

under division (A) (6) of this section that was not spent in 59115
accordance with this division. The department shall reduce the 59116
payment within ninety days of data finalization. 59117

Sec. 3317.024. The following shall be distributed monthly, 59118
quarterly, or annually as may be determined by the department of 59119
education and workforce: 59120

(A) An amount for each island school district and each 59121
joint state school district for the operation of each high 59122
school and each elementary school maintained within such 59123
district and for capital improvements for such schools. Such 59124
amounts shall be determined on the basis of standards adopted by 59125
the department. However, for fiscal years 2012 and 2013, an 59126
island district shall receive the lesser of its actual cost of 59127
operation, as certified to the department, or ninety-three per 59128
cent of the amount the district received in state operating 59129
funding for fiscal year 2011. If an island district received no 59130
funding for fiscal year 2011, it shall receive no funding for 59131
either of fiscal year 2012 or 2013. 59132

(B) An amount for each school district required to pay 59133
tuition for a child in an institution maintained by the 59134
department of youth services pursuant to section 3317.082 of the 59135
Revised Code, provided the child was not included in the 59136
calculation of the district's formula ADM, as that term is 59137
defined in section 3317.02 of the Revised Code, for the 59138
preceding school year. 59139

(C) (1) An amount for the approved cost of transporting 59140
eligible pupils with disabilities attending a special education 59141
program approved by the department of education and workforce 59142
whom it is impossible or impractical to transport by regular 59143
school bus in the course of regular route transportation 59144

provided by the school district or educational service center. 59145
For fiscal years ~~2024-2026~~ and ~~2025~~2027, this amount shall be 59146
equal to the actual costs incurred in the prior fiscal year by 59147
the district or service center when transporting those students, 59148
as reported to the department, multiplied by one of the 59149
following: 59150

(a) For a district, the percentage determined for the 59151
district for that fiscal year under divisions (E) (1) (c) (i) and 59152
(ii) of section 3317.0212 of the Revised Code; 59153

(b) For a service center, ~~thirty-seven-forty-five~~ and ~~one-~~ 59154
~~half-eighty-three~~ hundredths per cent for fiscal year ~~2024-2026~~ 59155
and ~~forty-one and two-thirds-fifty~~ per cent for fiscal year 59156
~~2025~~2027. 59157

(2) No district or service center is eligible to receive a 59158
payment under division (C) of this section for the cost of 59159
transporting any pupil whom it transports by regular school bus 59160
and who is included in the district's transportation ADM. 59161

(3) For fiscal years ~~2024-2026~~ and ~~2025~~2027, both of the 59162
following apply: 59163

(a) The department of education and workforce shall also 59164
establish the deadline for each district and service center to 59165
report its actual costs for transporting students described in 59166
division (C) (1) of this section. 59167

(b) The costs reported by each district and service center 59168
under division (C) of this section shall be subject to periodic, 59169
random audits by the department of education and workforce. 59170

(D) An amount to each school district, including each 59171
cooperative education school district, pursuant to section 59172
3313.81 of the Revised Code to assist in providing free lunches 59173

to needy children. The amounts shall be determined on the basis 59174
of rules adopted by the department of education and workforce. 59175

(E) (1) An amount for auxiliary services to each school 59176
district, for each pupil attending a chartered nonpublic 59177
elementary or high school within the district that has not 59178
elected to receive funds under division (E) (2) of this section. 59179

(2) (a) An amount for auxiliary services paid directly to 59180
each chartered nonpublic school that has elected to receive 59181
funds under division (E) (2) of this section for each pupil 59182
attending the school. To elect to receive funds under division 59183
(E) (2) of this section, a school, by the first day of April of 59184
each odd-numbered year, shall notify the department of education 59185
and workforce and the school district in which the school is 59186
located of the election and shall submit to the department an 59187
affidavit certifying that the school shall expend the funds in 59188
the manner outlined in section 3317.062 of the Revised Code. The 59189
election shall take effect the following first day of July. The 59190
school subsequently may rescind its election, but it may do so 59191
only in an odd-numbered year by notifying the department and the 59192
school district in which the school is located of the rescission 59193
not later than the first day of April of that year. Beginning 59194
the following first day of July after the rescission, the school 59195
shall receive funds under division (E) (1) of this section. 59196

(b) Not later later than ten days after the notification 59197
of approval and issuance of a charter to a nonpublic school, 59198
that school may elect to receive funds under division (E) (2) of 59199
this section. If no election is made, the chartered nonpublic 59200
school shall receive funds under division (E) (1) of this 59201
section. The school may subsequently change its election in 59202
accordance with division (E) (2) (a) of this section. 59203

(c) A chartered nonpublic school that elects to receive auxiliary services funds under division (E) (2) of this section may designate an organization that oversees one or more nonpublic schools to receive those funds on its behalf.

(i) Each chartered nonpublic school that designates an organization to receive auxiliary services funds on its behalf shall notify the department of education and workforce of the organization's name not later than the first day of April of each odd-numbered year.

(ii) A school may rescind its decision, but may do so only in each odd-numbered year by notifying the department of that rescission not later than the first day of April of that year. A rescission submitted in compliance with this division takes effect on the following first day of July, and the school district may elect to then begin receiving auxiliary services funds directly or as specified under division (E) (1) of this section.

(iii) An organization shall disburse the auxiliary services funds of all chartered nonpublic schools that have designated the organization to receive funds on their behalf in accordance with division (E) (2) (c) of this section. If multiple chartered nonpublic schools designate the same organization to receive auxiliary services funds on their behalf, that organization may use one or more accounts for the purposes of managing the funds. The organization shall maintain appropriate accounting and reporting standards and ensure that each chartered nonpublic school receives the auxiliary services funds to which the school is entitled.

(iv) Each chartered nonpublic school that elects to receive funds directly in accordance with division (E) (2) of

this section or the organization designated to receive and 59234
disburse auxiliary services funds on behalf of a chartered 59235
nonpublic school shall maintain records of receipt and 59236
expenditures of the funds in a manner that conforms with 59237
generally accepted accounting principles. 59238

(v) The department of education and workforce shall create 59239
and disseminate a standardized reporting form that chartered 59240
nonpublic schools and organizations designated to receive funds 59241
in accordance with division (E) (2) (c) of this section may use to 59242
comply with division (E) (2) (c) (iv) of this section. However, the 59243
department shall not require schools to use that form. 59244

(vi) An organization that manages a school's auxiliary 59245
services funds pursuant to a designation made in accordance with 59246
division (E) (2) (c) of this section may require the school's 59247
governing authority to pay a fee for that service that does not 59248
exceed four per cent of the total amount of payments for 59249
auxiliary services that the school receives from the state. A 59250
school may pay any fee assessed pursuant to division (E) (2) (c) 59251
(vi) of this section using auxiliary services funds. 59252

(d) The amount paid under divisions (E) (1) and (2) of this 59253
section shall equal the total amount appropriated for the 59254
implementation of sections 3317.06 and 3317.062 of the Revised 59255
Code divided by the average daily membership in grades 59256
kindergarten through twelve in chartered nonpublic elementary 59257
and high schools within the state as determined as of the last 59258
day of October of each school year. 59259

(F) An amount for each county board of developmental 59260
disabilities for the approved cost of transportation required 59261
for children attending special education programs operated by 59262
the county board under section 3323.09 of the Revised Code. For 59263

fiscal years ~~2024-2026~~ and ~~2025~~2027, this amount shall be equal 59264
to the actual costs incurred in the prior fiscal year by the 59265
county board when transporting those students multiplied by 59266
~~thirty-seven~~ forty-five and ~~one-half~~ eighty-three hundredths per 59267
cent for fiscal year ~~2024-2026~~ and ~~forty-one and two-thirds~~ 59268
fifty per cent for fiscal year ~~2025~~2027. 59269

(G) An amount to each institution defined under section 59270
3317.082 of the Revised Code providing elementary or secondary 59271
education to children other than children receiving special 59272
education under section 3323.091 of the Revised Code. This 59273
amount for any institution in any fiscal year shall equal the 59274
total of all tuition amounts required to be paid to the 59275
institution under division (A) (1) of section 3317.082 of the 59276
Revised Code. 59277

The department of education and workforce or any board of 59278
education or governing board may provide for any resident of a 59279
district or educational service center territory any educational 59280
service for which funds are made available to the board by the 59281
United States under the authority of public law, whether such 59282
funds come directly or indirectly from the United States or any 59283
agency or department thereof or through the state or any agency, 59284
department, or political subdivision thereof. 59285

Sec. 3317.026. This section shall apply only for fiscal 59286
years ~~2024-2026~~ and ~~2025~~2027. 59287

(A) For each fiscal year, the department of education and 59288
workforce shall calculate an amount for the community and STEM 59289
school unit as follows: 59290

(1) For each community school and STEM school, determine 59291
the sum of the following: 59292

(a) The aggregate base cost calculated for the school for that fiscal year under section 3317.0110 of the Revised Code;	59293 59294
(b) The sum of the following:	59295
(i) The school's category one special education ADM X the multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	59296 59297 59298 59299
(ii) The school's category two special education ADM X the multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	59300 59301 59302 59303
(iii) The school's category three special education ADM X the multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	59304 59305 59306 59307
(iv) The school's category four special education ADM X the multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	59308 59309 59310 59311
(v) The school's category five special education ADM X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	59312 59313 59314 59315
(vi) The school's category six special education ADM X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year.	59316 59317 59318 59319
(c) If the school is not an internet- or computer-based	59320

community school, an amount of disadvantaged pupil impact aid	59321
equal to the following:	59322
\$422 X the school's economically disadvantaged index X the	59323
number of students in the school's enrolled ADM who are	59324
economically disadvantaged	59325
(d) The sum of the following:	59326
(i) The school's category one English learner ADM X the	59327
multiple specified in division (A) of section 3317.016 of the	59328
Revised Code X the statewide average base cost per pupil for	59329
that fiscal year;	59330
(ii) The school's category two English learner ADM X the	59331
multiple specified in division (B) of section 3317.016 of the	59332
Revised Code X the statewide average base cost per pupil for	59333
that fiscal year;	59334
(iii) The school's category three English learner ADM X	59335
the multiple specified in division (C) of section 3317.016 of	59336
the Revised Code X the statewide average base cost per pupil for	59337
that fiscal year.	59338
(e) The sum of the following:	59339
(i) The school's category one career-technical education	59340
ADM X the multiple specified under division (A)(1) of section	59341
3317.014 of the Revised Code X the statewide average career-	59342
technical base cost per pupil for that fiscal year;	59343
(ii) The school's category two career-technical education	59344
ADM X the multiple specified under division (A)(2) of section	59345
3317.014 of the Revised Code X the statewide average career-	59346
technical base cost per pupil for that fiscal year;	59347
(iii) The school's category three career-technical	59348

education ADM X the multiple specified under division (A) (3) of 59349
section 3317.014 of the Revised Code X the statewide average 59350
career-technical base cost per pupil for that fiscal year; 59351

(iv) The school's category four career-technical education 59352
ADM X the multiple specified under division (A) (4) of section 59353
3317.014 of the Revised Code X the statewide average career- 59354
technical base cost per pupil for that fiscal year; 59355

(v) The school's category five career-technical education 59356
ADM X the multiple specified under division (A) (5) of section 59357
3317.014 of the Revised Code X the statewide average career- 59358
technical base cost per pupil for that fiscal year. 59359

(f) An amount equal to the following: 59360

The multiple for career-technical associated services 59361
specified under division (B) of section 3317.014 of the Revised 59362
Code X the statewide average career-technical base cost per 59363
pupil for that fiscal year X the sum of the school's categories 59364
one through five career-technical education ADM 59365

(g) If the school is a community school, an amount equal 59366
to the following: 59367

The number of students reported by the community school 59368
under division (B) (5) of section 3314.08 of the Revised Code X 59369
(the aggregate base cost calculated for the school for that 59370
fiscal year under section 3317.0110 of the Revised Code / the 59371
school's enrolled ADM) X 0.20 59372

(h) If the school is a community school that is not an 59373
internet- or computer-based community school, an equity 59374
supplement calculated as follows: 59375

The number of students in the school's enrolled ADM X \$500 for 59376

<u>fiscal year 2026 and \$400 for fiscal year 2027</u>	59377
(2) For each community and STEM school, determine the lesser of the following:	59378 59379
(a) The following sum:	59380
The school's funding base + {[the sum calculated for the school under division (A) of this section) - the school's funding base] X the school's general phase-in percentage for that fiscal year}	59381 59382 59383 59384
(b) The sum of the amounts calculated for the school for that fiscal year under division (A) of this section.	59385 59386
(3) Compute the sum of the amounts determined under division (B) of this section to determine the amount calculated for the community and STEM school unit.	59387 59388 59389
(B) Notwithstanding division (D) of section 3317.022 of the Revised Code, for each fiscal year, the department shall distribute to each community school and each STEM school, from the funds paid to the community and STEM school unit under section 3317.022 of the Revised Code, an amount equal to the amount determined for that school under division (A)(2) of this section.	59390 59391 59392 59393 59394 59395 59396
Sec. 3317.0212. (A) As used in this section:	59397
(1) For fiscal years 2024-2026 and 2025 <u>2027</u> , "assigned bus" means a school bus used to transport qualifying riders.	59398 59399
(2) For fiscal years 2024-2026 and 2025 <u>2027</u> , "density" means the total riders per square mile of a school district.	59400 59401
(3) For fiscal years 2024-2026 and 2025 <u>2027</u> , "nontraditional ridership" means the average number of	59402 59403

qualifying riders who are enrolled in a community school 59404
established under Chapter 3314. of the Revised Code, in a STEM 59405
school established under Chapter 3326. of the Revised Code, or 59406
in a nonpublic school and are provided school bus service by a 59407
school district during the first full week of October. 59408

(4) "Qualifying riders" means the following: 59409

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, resident 59410
students enrolled in preschool and regular education in grades 59411
kindergarten to twelve who are provided school bus service by a 59412
school district, including students with dual enrollment in a 59413
joint vocational school district or a cooperative education 59414
school district, and students enrolled in a community school, 59415
STEM school, or nonpublic school; 59416

(b) For fiscal year ~~2026-2028~~ and each fiscal year 59417
thereafter, students specified by the general assembly. 59418

(5) "Qualifying ridership" means the following: 59419

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the greater 59420
of the average number of qualifying riders counted in the 59421
morning or counted in the afternoon who are provided school bus 59422
service by a school district during the first full week of 59423
October; 59424

(b) For fiscal year ~~2026-2028~~ and each fiscal year 59425
thereafter, a ridership determined in a manner specified by the 59426
general assembly. 59427

(6) "Rider density" means the following: 59428

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the following 59429
quotient: 59430

A school district's total number of qualifying riders/ the 59431

number of square miles in the district 59432

(b) For fiscal year ~~2026~~2028 and each fiscal year 59433
thereafter, a number calculated in a manner determined by the 59434
general assembly. 59435

(7) For fiscal years ~~2024~~2026 and ~~2025~~2027, "riders" 59436
means students enrolled in regular and special education in 59437
grades kindergarten through twelve who are provided school bus 59438
service by a school district, including students with dual 59439
enrollment in a joint vocational school district or a 59440
cooperative education school district, and students enrolled in 59441
a community school, STEM school, or nonpublic school. 59442

(8) "School bus service" means a school district's 59443
transportation of qualifying riders in any of the following 59444
types of vehicles: 59445

(a) School buses owned or leased by the district; 59446

(b) School buses operated by a private contractor hired by 59447
the district; 59448

(c) School buses operated by another school district or 59449
entity with which the district has contracted, either as part of 59450
a consortium for the provision of transportation or otherwise. 59451

(B) Not later than the first day of November, for fiscal 59452
years ~~2024~~2026 and ~~2025~~2027, or a date determined by the 59453
general assembly, for fiscal year ~~2026~~2028 and each fiscal year 59454
thereafter, of each year, each city, local, and exempted village 59455
school district shall report to the department of education and 59456
workforce its qualifying ridership and any other information 59457
requested by the department. Subsequent adjustments to the 59458
reported numbers shall be made only in accordance with rules 59459
adopted by the department. 59460

(C) The department shall calculate the statewide transportation cost per student as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per student by dividing the district's total costs for school bus service in the previous fiscal year by its qualifying ridership in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per student and the ten districts with the lowest transportation costs per student, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate qualifying ridership of those districts in the previous fiscal year.

(D) The department shall calculate the statewide transportation cost per mile as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per mile by dividing the district's total costs for school bus service in the previous fiscal year by its total number of miles driven for school bus service in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per mile and the ten districts with the lowest transportation costs per mile, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate miles driven for school bus service in those districts in the previous fiscal year.

(E) The department shall calculate each city, local, and

exempted village school district's transportation base payment	59490
as follows:	59491
(1) For fiscal years 2024-2026 and 2025 <u>2027</u> :	59492
(a) Calculate the sum of the following:	59493
(i) The product of the statewide transportation cost per	59494
student and the number of students counted in the district's	59495
qualifying ridership for the current fiscal year who are	59496
enrolled in the district;	59497
(ii) 1.5 times the statewide transportation cost per	59498
student times the number of students counted in the district's	59499
qualifying ridership for the current fiscal year who are	59500
enrolled in community schools established under Chapter 3314. of	59501
the Revised Code or STEM schools established under Chapter 3326.	59502
of the Revised Code;	59503
(iii) 2.0 times the statewide transportation cost per	59504
student times the number of students counted in the district's	59505
qualifying ridership for the current fiscal year who are	59506
enrolled in nonpublic schools.	59507
(b) Calculate the sum of the following:	59508
(i) The product of the statewide transportation cost per	59509
mile and the number of miles driven for school bus service as	59510
reported for qualifying riders for the current fiscal year who	59511
are enrolled in the district;	59512
(ii) 1.5 times the statewide transportation cost per mile	59513
times the number of miles driven for school bus service as	59514
reported for qualifying riders for the current fiscal year who	59515
are enrolled in community schools or STEM schools;	59516
(iii) 2.0 times the statewide transportation cost per mile	59517

times the number of miles driven for school bus service as 59518
reported for qualifying riders for the current fiscal year who 59519
are enrolled in nonpublic schools. 59520

(c) Multiply the greater of the amounts calculated under 59521
divisions (E) (1) (a) and (b) of this section by the following: 59522

(i) For fiscal year ~~2024~~2026, the greater of ~~thirty-seven-~~ 59523
~~forty-five~~ and ~~one-half~~ eighty-three hundredths per cent or the 59524
district's state share percentage, as defined in section 3317.02 59525
of the Revised Code; 59526

(ii) For fiscal year ~~2025~~2027, the greater of ~~forty-one-~~ 59527
~~and two-thirds~~ fifty per cent or the district's state share 59528
percentage. 59529

(2) For fiscal year ~~2026-2028~~ and each fiscal year 59530
thereafter, an amount determined by the general assembly. 59531

(F) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the 59532
department shall pay a district's efficiency adjustment payment 59533
in accordance with divisions (F) (1) to (3) of this section. For 59534
fiscal year ~~2026-2028~~ and each fiscal year thereafter, the 59535
department shall pay a district's efficiency adjustment payment 59536
in a manner determined by the general assembly, if the general 59537
assembly authorizes such a payment to districts. 59538

(1) The department annually shall establish a target 59539
number of qualifying riders per assigned bus for each city, 59540
local, and exempted village school district. The department 59541
shall use the ~~most recently available~~ data from the previous 59542
fiscal year in establishing the target number. The target number 59543
shall be based on the statewide median number of riders per 59544
assigned bus as adjusted to reflect the district's density in 59545
comparison to the density of all other districts. The department 59546

shall post on the department's web site each district's target number of riders per assigned bus and a description of how the target number was determined.

(2) The department shall determine each school district's efficiency index by dividing the district's number of riders per assigned bus by its target number of riders per assigned bus.

(3) The department shall determine each city, local, and exempted village school district's efficiency adjustment payment as follows:

(a) If the district's efficiency index is equal to or greater than 1.5, the efficiency adjustment payment shall be calculated according to the following formula:

0.15 X the district's transportation base payment calculated under division (E) of this section

(b) If the district's efficiency index is less than 1.5 but greater than or equal to 1.0, the efficiency adjustment payment shall be calculated according to the following formula:

$\{[(\text{The district's efficiency index} - 1) \times 0.15] / 0.5\} \times \text{the district's transportation base payment calculated under division (E) of this section}$

(c) If the district's efficiency index is less than 1.0, the efficiency adjustment payment shall be zero.

(G) In addition to funds paid under divisions (E), (F), and (H) of this section, each city, local, and exempted village district shall receive in accordance with rules adopted by the department a payment for students transported by means other than school bus service and whose transportation is not funded under division (C) of section 3317.024 of the Revised Code. The

rules shall include provisions for school district reporting of 59575
such students. 59576

(H) (1) For purposes of division (H) of this section, a 59577
school district's "transportation supplement percentage" means 59578
the following: 59579

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the following 59580
quotient: 59581

(28 - the district's rider density) / 100 59582

If the result of the calculation for a district under 59583
division (H) (1) (a) of this section is less than zero, the 59584
district's transportation supplement percentage shall be zero. 59585

(b) For fiscal year ~~2026-2028~~ and each fiscal year 59586
thereafter, a percentage calculated in a manner determined by 59587
the general assembly. 59588

(2) The department shall pay each district a 59589
transportation supplement calculated according to the following 59590
formula: 59591

The district's transportation supplement percentage X the amount 59592
calculated for the district under division (E) (1) (b) of this 59593
section X 0.55 59594

(I) (1) If a school district board and a community school 59595
governing authority elect to enter into an agreement under 59596
division (A) of section 3314.091 of the Revised Code, the 59597
department shall make payments to the community school according 59598
to the terms of the agreement for each student actually 59599
transported under division (C) (1) of that section. If a 59600
community school governing authority accepts transportation 59601
responsibility under division (B) of that section, the 59602

department shall make payments to the community school for each 59603
student actually transported or for whom transportation is 59604
arranged by the community school under division (C) (1) of that 59605
section, calculated as follows: 59606

(a) For any fiscal year which the general assembly has 59607
specified that transportation payments to school districts be 59608
based on an across-the-board percentage of the district's 59609
payment for the previous school year, the per pupil payment to 59610
the community school shall be the following quotient: 59611

(i) The total amount calculated for the school district in 59612
which the child is entitled to attend school for student 59613
transportation other than transportation of children with 59614
disabilities; divided by 59615

(ii) The number of students included in the district's 59616
transportation ADM for the current fiscal year, as calculated 59617
under section 3317.03 of the Revised Code, plus the number of 59618
students enrolled in the community school not counted in the 59619
district's transportation ADM who are transported under division 59620
(B) (1) or (2) of section 3314.091 of the Revised Code. 59621

(b) For any fiscal year which the general assembly has 59622
specified that the transportation payments to school districts 59623
be calculated in accordance with this section and any rules of 59624
the department implementing this section, the payment to the 59625
community school shall be the following: 59626

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, either of the 59627
following: 59628

(I) If the school district in which the student is 59629
entitled to attend school would have used a method of 59630
transportation for the student for which payments are computed 59631

and paid under division (E) of this section, 1.0 times the 59632
statewide transportation cost per student, as calculated in 59633
division (C) of this section; 59634

(II) If the school district in which the student is 59635
entitled to attend school would have used a method of 59636
transportation for the student for which payments are computed 59637
and paid in a manner described in division (G) of this section, 59638
the amount that would otherwise be computed for and paid to the 59639
district. 59640

(ii) For fiscal year ~~2026~~2028 and each fiscal year 59641
thereafter, an amount calculated in a manner determined by the 59642
general assembly. 59643

The community school, however, is not required to use the 59644
same method to transport the student. 59645

As used in this division, "entitled to attend school" 59646
means entitled to attend school under section 3313.64 or 3313.65 59647
of the Revised Code. 59648

(2) A community school shall be paid under division (I) (2) 59649
of this section only for students who are eligible as specified 59650
in section 3327.01 of the Revised Code and division (C) (1) of 59651
section 3314.091 of the Revised Code, and whose transportation 59652
to and from school is actually provided, who actually utilized 59653
transportation arranged, or for whom a payment in lieu of 59654
transportation is made by the community school's governing 59655
authority. To qualify for the payments, the community school 59656
shall report to the department, in the form and manner required 59657
by the department, data on the number of students transported or 59658
whose transportation is arranged, the number of miles traveled, 59659
cost to transport, and any other information requested by the 59660

department. 59661

Sec. 3317.0213. (A) The department of education and 59662
workforce shall compute and pay in accordance with this section 59663
additional state aid for preschool children with disabilities to 59664
each city, local, and exempted village school district and to 59665
each institution, as defined in section 3323.091 of the Revised 59666
Code. Funding shall be provided for children who are not 59667
enrolled in kindergarten and who are under age six on the 59668
thirtieth day of September of the academic year, or on the first 59669
day of August of the academic year if the school district in 59670
which the child is enrolled has adopted a resolution under 59671
division (A) (3) of section 3321.01 of the Revised Code, but not 59672
less than age three on the first day of December of the academic 59673
year. 59674

For fiscal years ~~2024-2026~~ and ~~2025~~2027, the additional 59675
state aid shall be calculated under the following formula: 59676

(\$4,000 X the number of students who are preschool 59677
children with disabilities) + the sum of the following: 59678

(1) The district's or institution's category one special 59679
education students who are preschool children with disabilities 59680
X the multiple specified in division (A) of section 3317.013 of 59681
the Revised Code X the statewide average base cost per pupil for 59682
that fiscal year X the district's state share percentage X 0.50; 59683

(2) The district's or institution's category two special 59684
education students who are preschool children with disabilities 59685
X the multiple specified in division (B) of section 3317.013 of 59686
the Revised Code X the statewide average base cost per pupil for 59687
that fiscal year X the district's state share percentage X 0.50; 59688

(3) The district's or institution's category three special 59689

education students who are preschool children with disabilities 59690
X the multiple specified in division (C) of section 3317.013 of 59691
the Revised Code X the statewide average base cost per pupil for 59692
that fiscal year X the district's state share percentage X 0.50; 59693

(4) The district's or institution's category four special 59694
education students who are preschool children with disabilities 59695
X the multiple specified in division (D) of section 3317.013 of 59696
the Revised Code X the statewide average base cost per pupil for 59697
that fiscal year X the district's state share percentage X 0.50; 59698

(5) The district's or institution's category five special 59699
education students who are preschool children with disabilities 59700
X the multiple specified in division (E) of section 3317.013 of 59701
the Revised Code X the statewide average base cost per pupil for 59702
that fiscal year X the district's state share percentage X 0.50; 59703

(6) The district's or institution's category six special 59704
education students who are preschool children with disabilities 59705
X the multiple specified in division (F) of section 3317.013 of 59706
the Revised Code X the statewide average base cost per pupil for 59707
that fiscal year X the district's state share percentage X 0.50. 59708

For fiscal year ~~2026~~2028 and each fiscal year thereafter, 59709
the additional state aid shall be calculated for each category 59710
of special education students who are preschool children with 59711
disabilities using a formula specified by the general assembly. 59712

The special education disability categories for preschool 59713
children used in this section are the same categories prescribed 59714
in section 3317.013 of the Revised Code. 59715

As used in division (A) of this section, the state share 59716
percentage of a student enrolled in an institution is the state 59717
share percentage of the school district in which the student is 59718

entitled to attend school under section 3313.64 or 3313.65 of 59719
the Revised Code. 59720

(B) If an educational service center is providing services 59721
to students who are preschool children with disabilities under 59722
agreement with the city, local, or exempted village school 59723
district in which the students are entitled to attend school, 59724
that district may authorize the department to transfer funds 59725
computed under this section to the service center providing 59726
those services. 59727

(C) If a county DD board is providing services to students 59728
who are preschool children with disabilities under agreement 59729
with the city, local, or exempted village school district in 59730
which the students are entitled to attend school, the department 59731
shall deduct from the district's payment computed under division 59732
(A) of this section the total amount of those funds that are 59733
attributable to the students served by the county DD board and 59734
pay that amount to that board. 59735

Sec. 3317.0215. (A) (1) For fiscal years ~~2024-2026~~ and 59736
~~2025-2027~~, the department of education and workforce shall 59737
withhold from the aggregate amount paid for a fiscal year to 59738
each city, local, exempted village, and joint vocational school 59739
district, ~~community school established under Chapter 3314. of~~ 59740
~~the Revised Code, and science, technology, engineering, and~~ 59741
~~mathematics school established under Chapter 3326. of the~~ 59742
~~Revised Code~~ an amount equal to the following: 59743

(a) In the case of a city, local, or exempted village 59744
school district, the aggregate amount of special education 59745
funding paid to the district under division (A) (3) of section 59746
3317.022 of the Revised Code times 0.10, subject to any funding 59747
limitations enacted by the general assembly to the computation. 59748

~~(b) In the case of a community school or STEM school, the aggregate amount of special education funding paid to the school under division (A) (1) (b) of section 3317.026 of the Revised Code times 0.10, subject to any funding limitations enacted by the general assembly to the computation.~~ 59749
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~~(c) In the case of a joint vocational school district, the aggregate amount of special education funding paid to the school under division (A) (2) of section 3317.16 of the Revised Code times 0.10, subject to any funding limitations enacted by the general assembly to the computation.~~ 59754
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(2) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, the department shall withhold from the aggregate amount paid for a fiscal year to each city, local, exempted village, and joint vocational school district, ~~community school, and science, technology, engineering, and mathematics school~~ an amount determined by the general assembly, if any, for purposes of this section. 59759
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(B) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the department shall use the amount of funds withheld under division (A) of this section for purposes of ~~division (C) (1) of section 3314.08 of the Revised Code,~~ section 3317.0214 of the Revised Code, and division (B) of section 3317.16 of the Revised Code, ~~and section 3326.34 of the Revised Code.~~ 59766
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For fiscal year ~~2026-2028~~ and each fiscal year thereafter, the department shall use the amount of funds withheld under division (A) of this section, if any, for purposes determined by the general assembly. 59772
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(C) (1) For fiscal years 2026 and 2027, the department shall withhold from the aggregate amount paid for a fiscal year 59776
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to each community school established under Chapter 3314. of the 59778
Revised Code and STEM school established under Chapter 3326. of 59779
the Revised Code an amount equal to the aggregate amount of 59780
special education funding paid to the school under division (A) 59781
(1)(b) of section 3317.026 of the Revised Code times 0.05, 59782
subject to any funding limitations enacted by the general 59783
assembly to the computation. 59784

(2) For fiscal year 2028 and each fiscal year thereafter, 59785
the department shall withhold from the aggregate amount paid for 59786
a fiscal year to each community school and STEM school an amount 59787
determined by the general assembly, if any, for purposes of this 59788
section. 59789

(D) For fiscal years 2026 and 2027, the department shall 59790
use the amount of funds withheld under division (C) of this 59791
section for purposes of division (C)(1) of section 3314.08 of 59792
the Revised Code and section 3326.34 of the Revised Code. 59793

For fiscal year 2028 and each fiscal year thereafter, the 59794
department shall use the amount of funds withheld under division 59795
(C) of this section, if any, for purposes determined by the 59796
general assembly. 59797

Sec. 3317.0217. This section shall apply only for fiscal 59798
years 2024–2026 and 2025~~2027~~. 59799

Payment of the amount calculated for a school district 59800
under this section shall be made under division (A) of section 59801
3317.022 of the Revised Code. 59802

(A) For each fiscal year, the department of education and 59803
workforce shall compute targeted assistance funds for city, 59804
local, and exempted village school districts, in accordance with 59805
the following formula: 59806

A district's capacity amount for that fiscal year 59807
calculated under division (B) of this section + a district's 59808
wealth amount for that fiscal year calculated under division (C) 59809
of this section 59810

(B) The department shall calculate each district's 59811
capacity amount for a fiscal year as follows: 59812

(1) Calculate each district's weighted wealth for that 59813
fiscal year, which equals the following sum: 59814

(The amount determined for the district for that fiscal year 59815
under division (A) (1) (a) of section 3317.017 of the Revised Code 59816
X 0.6) + (the amount determined for the district for that fiscal 59817
year under division (A) (2) (a) of section 3317.017 of the Revised 59818
Code X 0.4) 59819

(2) Determine the median weighted wealth of all school 59820
districts in this state for that fiscal year; 59821

(3) Compute each district's capacity index for that fiscal 59822
year by dividing the median weighted wealth of all school 59823
districts in this state for that fiscal year by the district's 59824
weighted wealth for that fiscal year; 59825

(4) Compute each district's capacity amount for that 59826
fiscal year as follows: 59827

(a) The district's capacity amount shall be zero if the 59828
district satisfies either of the following criteria for that 59829
fiscal year: 59830

(i) The district's capacity index is less than 1. 59831

(ii) The district's enrolled ADM is less than 200. 59832

(b) If the district does not satisfy either of the 59833

criteria specified in division (B) (4) (a) of this section for 59834
that fiscal year, the district's capacity amount for that fiscal 59835
year shall be calculated as follows: 59836

(i) Compute the following amount for the district: 59837

(The median weighted wealth of all school districts in this 59838
state for that fiscal year X 0.008) - (the district's weighted 59839
wealth for that fiscal year X 0.008) 59840

(ii) If the district's enrolled ADM for that fiscal year 59841
is greater than or equal to 200 but less than or equal to 400, 59842
the district's capacity amount for that fiscal year shall be 59843
equal to 0.05 X the amount computed under division (B) (4) (b) (i) 59844
of this section. 59845

(iii) If the district's enrolled ADM for that fiscal year 59846
is greater than 400 and less than 600, the district's capacity 59847
amount for that fiscal year shall be calculated in accordance 59848
with the following formula: 59849

{[0.95 X (the district's enrolled ADM for that fiscal year - 59850
400)/200] + 0.05} X the amount computed under division (B) (4) (b) 59851
(i) of this section 59852

(iv) If the district's enrolled ADM for that fiscal year 59853
is greater than or equal to 600, the district's capacity amount 59854
for that fiscal year shall be equal to the amount computed under 59855
division (B) (4) (b) (i) of this section. 59856

(C) The department shall calculate each district's wealth 59857
amount for a fiscal year as follows: 59858

(1) Calculate each district's weighted wealth per pupil 59859
for that fiscal year, which equals the following quotient: 59860

The district's weighted wealth for that fiscal year 59861

calculated under division (B) (1) of this section/ (the 59862
district's enrolled ADM for that fiscal year - the students 59863
described in division (A) (1) (b) of section 3317.03 of the 59864
Revised Code + the students described in division (A) (2) (d) of 59865
section 3317.03 of the Revised Code) 59866

(2) Determine the median weighted wealth per pupil of all 59867
school districts in this state for that fiscal year; 59868

(3) Compute each district's wealth index for that fiscal 59869
year by dividing the median weighted wealth per pupil of all 59870
school districts in this state for that fiscal year by the 59871
district's weighted wealth per pupil for that fiscal year; 59872

(4) Compute each district's wealth amount for that fiscal 59873
year, as follows: 59874

(a) If the district's wealth index computed under division 59875
(C) (3) of this section for that fiscal year is less than 0.8, 59876
the district's wealth amount for that fiscal year shall be zero. 59877

(b) If the district's wealth index computed under division 59878
(C) (3) of this section for that fiscal year is greater than or 59879
equal to 0.8, the district's wealth amount for that fiscal year 59880
shall be calculated in accordance with the following formula: 59881

[(The median weighted wealth per pupil of all school districts 59882
in this state for that fiscal year X 0.014) - (the district's 59883
weighted wealth per pupil for that fiscal year X 0.0112)] X the 59884
district's enrolled ADM for that fiscal year 59885

Sec. 3317.035. The auditor of state may conduct annual 59886
audits of the information certified under section 3317.03 of the 59887
Revised Code ~~by a number of school districts determined by the~~ 59888
~~auditor of state and selected at random.~~ 59889

Sec. 3317.051. (A) The department of education and workforce shall compute and pay to a school district funds based on units for services to students identified as gifted under Chapter 3324. of the Revised Code as prescribed by this section.

(B) The department shall allocate gifted units for a school district as follows:

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027:

(a) One gifted coordinator unit shall be allocated for every 3,300 students in a district's enrolled ADM, with a minimum of 0.5 units and a maximum of 8 units allocated for the district.

(b) One kindergarten through eighth grade gifted intervention specialist unit shall be allocated for every 140 gifted students enrolled in grades kindergarten through eight in the district, as certified under division (B) (22) of section 3317.03 of the Revised Code, with a minimum of 0.3 units allocated for the district.

(c) One ninth through twelfth grade gifted intervention specialist unit shall be allocated for every 140 gifted students enrolled in grades nine through twelve in the district, as certified under division (B) (22) of section 3317.03 of the Revised Code, with a minimum of 0.3 units allocated for the district.

(2) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, in the manner prescribed by the general assembly.

(C) The department shall pay an amount to a school district for gifted units as follows:

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, an amount

equal to the following sum: 59918

($\$85,776 \times$ the number of units allocated to a school district under division (B) (1) (a) of this section \times the district's state share percentage) + ($\$89,378 \times$ the number of units allocated to a school district under division (B) (1) (b) of this section \times the district's state share percentage) + ($\$80,974 \times$ the number of units allocated to a school district under division (B) (1) (c) of this section \times the district's state share percentage) 59919
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(2) For fiscal year ~~2026~~–2028 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 59926
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(D) A school district may assign gifted unit funding that it receives under division (C) of this section to another school district, an educational service center, a community school, or a STEM school as part of an arrangement to provide services to the district. 59929
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Sec. 3317.06. Moneys paid to school districts under division (E) (1) of section 3317.024 of the Revised Code shall be used for the following independent and fully severable purposes: 59934
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(A) To purchase such secular textbooks or digital texts as have been approved by the department of education and workforce for use in public schools in the state and to loan such textbooks or digital texts to pupils attending nonpublic schools within the district described in division (E) (1) of section 3317.024 of the Revised Code or to their parents and to hire clerical personnel to administer such lending program. Such loans shall be based upon individual requests submitted by such nonpublic school pupils or parents. Such requests shall be submitted to the school district in which the nonpublic school 59937
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is located. Such individual requests for the loan of textbooks 59947
or digital texts shall, for administrative convenience, be 59948
submitted by the nonpublic school pupil or the pupil's parent to 59949
the nonpublic school, which shall prepare and submit collective 59950
summaries of the individual requests to the school district. As 59951
used in this section: 59952

(1) "Textbook" means any book or book substitute that a 59953
pupil uses as a consumable or nonconsumable text, text 59954
substitute, or text supplement in a particular class or program 59955
in the school the pupil regularly attends. 59956

(2) "Digital text" means a consumable book or book 59957
substitute that a student accesses through the use of a computer 59958
or other electronic medium or that is available through an 59959
internet-based provider of course content, or any other material 59960
that contributes to the learning process through electronic 59961
means. 59962

(B) To provide speech and hearing diagnostic services to 59963
pupils attending nonpublic schools within the district described 59964
in division (E) (1) of section 3317.024 of the Revised Code. Such 59965
service shall be provided in the nonpublic school attended by 59966
the pupil receiving the service. 59967

(C) To provide physician, nursing, dental, and optometric 59968
services to pupils attending nonpublic schools within the 59969
district described in division (E) (1) of section 3317.024 of the 59970
Revised Code. Such services shall be provided in the school 59971
attended by the nonpublic school pupil receiving the service. 59972

(D) To provide diagnostic mental health or psychological 59973
services to pupils attending nonpublic schools within the 59974
district described in division (E) (1) of section 3317.024 of the 59975

Revised Code. Such services shall be provided in the school 59976
attended by the pupil receiving the service. 59977

(E) To provide therapeutic mental health, psychological, 59978
and speech and hearing services to pupils attending nonpublic 59979
schools within the district described in division (E) (1) of 59980
section 3317.024 of the Revised Code. Such services shall be 59981
provided in the public school, in nonpublic schools, in public 59982
centers, or in mobile units located on or off of the nonpublic 59983
premises. If such services are provided in the public school or 59984
in public centers, transportation to and from such facilities 59985
shall be provided by the school district in which the nonpublic 59986
school is located. 59987

(F) To provide guidance, counseling, and social work 59988
services to pupils attending nonpublic schools within the 59989
district described in division (E) (1) of section 3317.024 of the 59990
Revised Code. Such services shall be provided in the public 59991
school, in nonpublic schools, in public centers, or in mobile 59992
units located on or off of the nonpublic premises. If such 59993
services are provided in the public school or in public centers, 59994
transportation to and from such facilities shall be provided by 59995
the school district in which the nonpublic school is located. 59996

(G) To provide remedial services to pupils attending 59997
nonpublic schools within the district described in division (E) 59998
(1) of section 3317.024 of the Revised Code. Such services shall 59999
be provided in the public school, in nonpublic schools, in 60000
public centers, or in mobile units located on or off of the 60001
nonpublic premises. If such services are provided in the public 60002
school or in public centers, transportation to and from such 60003
facilities shall be provided by the school district in which the 60004
nonpublic school is located. 60005

(H) To supply for use by pupils attending nonpublic schools within the district described in division (E) (1) of section 3317.024 of the Revised Code such standardized tests and scoring services as are in use in the public schools of the state;

(I) To provide programs for children who attend nonpublic schools within the district described in division (E) (1) of section 3317.024 of the Revised Code and are children with disabilities as defined in section 3323.01 of the Revised Code or gifted children. Such programs shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such programs are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(J) To hire clerical personnel to assist in the administration of programs pursuant to divisions (B), (C), (D), (E), (F), (G), and (I) of this section and to hire supervisory personnel to supervise the providing of services and textbooks pursuant to this section.

(K) To purchase or lease any secular, neutral, and nonideological computer application software designed to assist students in performing a single task or multiple related tasks, device management software, learning management software, site-licensing, digital video on demand (DVD), wide area connectivity and related technology as it relates to internet access, mathematics or science equipment and materials, instructional materials, and school library materials that are in general use in the public schools of the state and loan such items to pupils

attending nonpublic schools within the district described in 60036
division (E) (1) of section 3317.024 of the Revised Code or to 60037
their parents, and to hire clerical personnel to administer the 60038
lending program. Only such items that are incapable of diversion 60039
to religious use and that are susceptible of loan to individual 60040
pupils and are furnished for the use of individual pupils shall 60041
be purchased and loaned under this division. As used in this 60042
section, "instructional materials" means prepared learning 60043
materials that are secular, neutral, and nonideological in 60044
character and are of benefit to the instruction of school 60045
children. "Instructional materials" includes media content that 60046
a student may access through the use of a computer or electronic 60047
device. 60048

Mobile applications that are secular, neutral, and 60049
nonideological in character and that are purchased for less than 60050
twenty dollars for instructional use shall be considered to be 60051
consumable and shall be distributed to students without the 60052
expectation that the applications must be returned. 60053

(L) To purchase or lease instructional equipment, 60054
including computer hardware and related equipment in general use 60055
in the public schools of the state, for use by pupils attending 60056
nonpublic schools within the district described in division (E) 60057
(1) of section 3317.024 of the Revised Code and to loan such 60058
items to pupils attending such nonpublic schools within the 60059
district or to their parents, and to hire clerical personnel to 60060
administer the lending program. "Computer hardware and related 60061
equipment" includes desktop computers and workstations; laptop 60062
computers, computer tablets, and other mobile handheld devices; 60063
their operating systems and accessories; and any equipment 60064
designed to make accessible the environment of a classroom to a 60065
student, who is physically unable to attend classroom activities 60066

due to hospitalization or other circumstances, by allowing real- 60067
time interaction with other students both one-on-one and in 60068
group discussion. 60069

(M) To purchase mobile units to be used for the provision 60070
of services pursuant to divisions (E), (F), (G), and (I) of this 60071
section and to pay for necessary repairs and operating costs 60072
associated with these units. 60073

(N) To reimburse costs the district incurred to store the 60074
records of a chartered nonpublic school that closes. 60075
Reimbursements under this division shall be made one time only 60076
for each chartered nonpublic school described in division (E) (1) 60077
of section 3317.024 of the Revised Code that closes. 60078

(O) To purchase life-saving medical or other emergency 60079
equipment for placement in nonpublic schools within the district 60080
described in division (E) (1) of section 3317.024 of the Revised 60081
Code or to maintain such equipment. 60082

(P) To procure and pay for security services from a county 60083
sheriff or a township or municipal police force, from a retired 60084
Ohio peace officer, or from a person certified through the Ohio 60085
peace officer training commission, in accordance with section 60086
109.78 of the Revised Code, as a special police, security guard, 60087
or as a privately employed person serving in a police capacity 60088
for nonpublic schools in the district described in division (E) 60089
(1) of section 3317.024 of the Revised Code. 60090

(Q) To provide language and academic support services and 60091
other accommodations for English learners attending nonpublic 60092
schools within the district described in division (E) (1) of 60093
section 3317.024 of the Revised Code. 60094

Clerical and supervisory personnel hired pursuant to 60095

division (J) of this section shall perform their services in the public schools, in nonpublic schools, public centers, or mobile units where the services are provided to the nonpublic school pupil, except that such personnel may accompany pupils to and from the service sites when necessary to ensure the safety of the children receiving the services.

All services provided pursuant to this section may be provided under contract with educational service centers, the department of health, city or general health districts, or private agencies whose personnel are properly licensed by an appropriate state board or agency. School districts shall not deny a nonpublic school's request for personnel who are properly licensed by a state board or agency.

Transportation of pupils provided pursuant to divisions (E), (F), (G), and (I) of this section shall be provided by the school district from its general funds and not from moneys paid to it under division (E)(1) of section 3317.024 of the Revised Code unless a special transportation request is submitted by the parent of the child receiving service pursuant to such divisions. If such an application is presented to the school district, it may pay for the transportation from moneys paid to it under division (E)(1) of section 3317.024 of the Revised Code.

No school district shall provide health or remedial services to nonpublic school pupils as authorized by this section unless such services are available to pupils attending the public schools within the district.

Materials, equipment, computer hardware or software, textbooks, digital texts, and health and remedial services provided for the benefit of nonpublic school pupils pursuant to

this section and the admission of pupils to such nonpublic 60126
schools shall be provided without distinction as to race, creed, 60127
color, or national origin of such pupils or of their teachers. 60128

No school district shall provide services, materials, or 60129
equipment that contain religious content for use in religious 60130
courses, devotional exercises, religious training, or any other 60131
religious activity. 60132

As used in this section, "parent" includes a person 60133
standing in loco parentis to a child. 60134

Notwithstanding section 3317.01 of the Revised Code, 60135
payments shall be made under this section to any city, local, or 60136
exempted village school district within which is located one or 60137
more nonpublic elementary or high schools described in division 60138
(E) (1) of section 3317.024 of the Revised Code and any payments 60139
made to school districts under division (E) (1) of section 60140
3317.024 of the Revised Code for purposes of this section may be 60141
disbursed without submission to and approval of the controlling 60142
board. 60143

The allocation of payments for materials, equipment, 60144
textbooks, digital texts, health services, and remedial services 60145
to city, local, and exempted village school districts shall be 60146
on the basis of the department's estimated annual average daily 60147
membership in nonpublic elementary and high schools located in 60148
the district described in division (E) (1) of section 3317.024 of 60149
the Revised Code. 60150

Payments made to city, local, and exempted village school 60151
districts under this section shall be equal to specific 60152
appropriations made for the purpose. All interest earned by a 60153
school district on such payments shall be used by the district 60154

for the same purposes and in the same manner as the payments may 60155
be used. 60156

The department shall adopt guidelines and procedures under 60157
which such programs and services shall be provided, under which 60158
districts and educational service centers with which districts 60159
contract to provide auxiliary services shall be reimbursed for 60160
administrative costs incurred in providing such programs and 60161
services, and under which any unexpended balance of the amounts 60162
appropriated by the general assembly to implement this section 60163
may be transferred to the auxiliary services personnel 60164
unemployment compensation fund established pursuant to section 60165
4141.47 of the Revised Code. If a district contracts with an 60166
educational service center to provide auxiliary services, only 60167
the service center shall be reimbursed for administrative costs. 60168
The department shall also adopt guidelines and procedures 60169
limiting the purchase and loan of the items described in 60170
division (K) of this section to items that are in general use in 60171
the public schools of the state, that are incapable of diversion 60172
to religious use, and that are susceptible to individual use 60173
rather than classroom use. Within thirty days after the end of 60174
each biennium, each board of education shall remit to the 60175
department all moneys paid to it under division (E) (1) of 60176
section 3317.024 of the Revised Code and any interest earned on 60177
those moneys that are not required to pay expenses incurred 60178
under this section during the biennium for which the money was 60179
appropriated and during which the interest was earned. If a 60180
board of education subsequently determines that the remittal of 60181
moneys leaves the board with insufficient money to pay all valid 60182
expenses incurred under this section during the biennium for 60183
which the remitted money was appropriated, the board may apply 60184
to the department for a refund of money, not to exceed the 60185

amount of the insufficiency. If the department determines the 60186
expenses were lawfully incurred and would have been lawful 60187
expenditures of the refunded money, it shall certify its 60188
determination and the amount of the refund to be made to the 60189
director of job and family services who shall make a refund as 60190
provided in section 4141.47 of the Revised Code. 60191

Each school district shall label materials, equipment, 60192
computer hardware or software, textbooks, and digital texts 60193
purchased or leased for loan to a nonpublic school under this 60194
section, acknowledging that they were purchased or leased with 60195
state funds under this section. However, a district need not 60196
label materials, equipment, computer hardware or software, 60197
textbooks, or digital texts that the district determines are 60198
consumable in nature or have a value of less than two hundred 60199
dollars. 60200

Sec. 3317.11. (A) As used in this section: 60201

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "base amount" 60202
is equal to \$356,250. 60203

(2) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding 60204
base" means an amount calculated by the department of education 60205
and workforce that is equal to the amount an educational service 60206
center would have received under Section 265.360 of H.B. 166 of 60207
the 133rd general assembly for fiscal year 2020 using the 60208
student counts of the school districts with which the service 60209
center has service agreements for the fiscal year for which 60210
payments under this section are being made. 60211

(3) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "general 60212
phase-in percentage" for an educational service center means the 60213
"general phase-in percentage" for school districts as defined in 60214

section 3317.02 of the Revised Code. 60215

(4) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "student
count" means the count calculated under division (G)(1) of
section 3313.843 of the Revised Code. 60216
60217
60218

(B)(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the
department of education and workforce shall pay the governing
board of each educational service center an amount equal to the
following: 60219
60220
60221
60222

The educational service center's funding base + [(the
amount calculated for the educational service center for that
fiscal year under division (C) of this section - the educational
service center's funding base) X the educational service
center's general phase-in percentage for that fiscal year] 60223
60224
60225
60226
60227

(2) For fiscal year ~~2026-2028~~ and each fiscal year
thereafter, the department shall pay the governing board of each
educational service center an amount calculated in a manner
determined by the general assembly. 60228
60229
60230
60231

(C) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the
department shall calculate an amount for each educational
service center as follows: 60232
60233
60234

(1) If the educational service center has a student count
of 5,000 students or less, the base amount. 60235
60236

(2) If the educational service center has a student count
greater than 5,000 students but less than or equal to 35,000
students, the following sum: 60237
60238
60239

The base amount + [(the educational service center's student
count - 5,000) X \$24.72] 60240
60241

(3) If the educational service center has a student count 60242

greater than 35,000 students, the following sum: 60243

The base amount + (30,000 X \$24.72) + [(the educational service 60244
center's student count - 35,000) X \$30.90] 60245

Sec. 3317.16. The department of education and workforce 60246
shall compute and distribute state core foundation funding to 60247
each funding unit that is a joint vocational school district for 60248
the fiscal year as follows: 60249

For fiscal years ~~2024-2026~~ and ~~2025~~2027: 60250

The district's funding base + [(the district's state core 60251
foundation funding components for that fiscal year calculated 60252
under divisions (A) (1), (2), (4), (5), and (6) of this section - 60253
the district's general funding base) X the district's general 60254
phase-in percentage for that fiscal year] + [(the district's 60255
disadvantaged pupil impact aid for that fiscal year calculated 60256
under division (A) (3) of this section - the district's 60257
disadvantaged pupil impact aid funding base) X the district's 60258
phase-in percentage for disadvantaged pupil impact aid for that 60259
fiscal year] 60260

For fiscal year ~~2026-2028~~ and each fiscal year thereafter, 60261
the sum of the district's state core foundation funding 60262
components for that fiscal year calculated under divisions (A) 60263
(1), (2), (3), (4), (5), and (6) of this section. 60264

(A) A district's state core foundation funding components 60265
shall be all of the following: 60266

(1) The district's state share of the base cost, which is 60267
equal to the following: 60268

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, an amount 60269
calculated according to the following formula: 60270

(The district's ~~base cost calculated under section 3317.012 of~~ 60271
~~the Revised Code) - (0.0005 X the lesser of the district's~~ 60272
~~three-year average valuation or the district's most recent~~ 60273
~~valuation)-~~ 60274

~~However, no district shall receive an amount under division (A)~~ 60275
~~(1) of this section that is less than 0.10 times the base cost~~ 60276
~~calculated for the district under section 3317.012 of the~~ 60277
~~Revised Code.~~ enrolled ADM for the fiscal year) X (the 60278
district's state share percentage for the fiscal year) X (the 60279
district's base cost per pupil for the fiscal year) 60280

(b) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, 60281
an amount calculated in a manner determined by the general 60282
assembly. 60283

(2) Additional state aid for special education and related 60284
services provided under Chapter 3323. of the Revised Code 60285
calculated as follows: 60286

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the sum of 60287
the following: 60288

(i) The district's category one special education ADM X 60289
the multiple specified in division (A) of section 3317.013 of 60290
the Revised Code X the statewide average base cost per pupil for 60291
that fiscal year X the district's state share percentage; 60292

(ii) The district's category two special education ADM X 60293
the multiple specified in division (B) of section 3317.013 of 60294
the Revised Code X the statewide average base cost per pupil for 60295
that fiscal year X the district's state share percentage; 60296

(iii) The district's category three special education ADM 60297
X the multiple specified in division (C) of section 3317.013 of 60298
the Revised Code X the statewide average base cost per pupil for 60299

that fiscal year X the district's state share percentage; 60300

(iv) The district's category four special education ADM X 60301
the multiple specified in division (D) of section 3317.013 of 60302
the Revised Code X the statewide average base cost per pupil for 60303
that fiscal year X the district's state share percentage; 60304

(v) The district's category five special education ADM X 60305
the multiple specified in division (E) of section 3317.013 of 60306
the Revised Code X the statewide average base cost per pupil for 60307
that fiscal year X the district's state share percentage; 60308

(vi) The district's category six special education ADM X 60309
the multiple specified in division (F) of section 3317.013 of 60310
the Revised Code X the statewide average base cost per pupil for 60311
that fiscal year X the district's state share percentage. 60312

(b) For fiscal year ~~2026~~2028 and each fiscal year 60313
thereafter, the sum of the following: 60314

(i) An amount calculated in a manner determined by the 60315
general assembly times the funding unit's category one special 60316
education ADM; 60317

(ii) An amount calculated in a manner determined by the 60318
general assembly times the funding unit's category two special 60319
education ADM; 60320

(iii) An amount calculated in a manner determined by the 60321
general assembly times the funding unit's category three special 60322
education ADM; 60323

(iv) An amount calculated in a manner determined by the 60324
general assembly times the funding unit's category four special 60325
education ADM; 60326

(v) An amount calculated in a manner determined by the 60327

general assembly times the funding unit's category five special 60328
education ADM; 60329

(vi) An amount calculated in a manner determined by the 60330
general assembly times the funding unit's category six special 60331
education ADM. 60332

(3) Disadvantaged pupil impact aid calculated as follows: 60333

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, an amount 60334
calculated according to the following formula: 60335

\$422 X the district's economically disadvantaged index X the 60336
number of students who are economically disadvantaged as 60337
certified under division (D) (2) (p) of section 3317.03 of the 60338
Revised Code 60339

(b) For fiscal year ~~2026-2028~~ and each fiscal year 60340
thereafter, an amount calculated in a manner determined by the 60341
general assembly. 60342

(4) English learner funds calculated as follows: 60343

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the sum of 60344
the following: 60345

(i) The district's category one English learner ADM X the 60346
multiple specified in division (A) of section 3317.016 of the 60347
Revised Code X the statewide average base cost per pupil for 60348
that fiscal year X the district's state share percentage; 60349

(ii) The district's category two English learner ADM X the 60350
multiple specified in division (B) of section 3317.016 of the 60351
Revised Code X the statewide average base cost per pupil for 60352
that fiscal year X the district's state share percentage; 60353

(iii) The district's category three English learner ADM X 60354

the multiple specified in division (C) of section 3317.016 of 60355
the Revised Code X the statewide average base cost per pupil for 60356
that fiscal year X the district's state share percentage. 60357

(b) For fiscal year ~~2026~~–2028 and each fiscal year 60358
thereafter, the sum of the following: 60359

(i) An amount calculated in a manner determined by the 60360
general assembly times the funding unit's category one English 60361
learner ADM; 60362

(ii) An amount calculated in a manner determined by the 60363
general assembly times the funding unit's category two English 60364
learner ADM; 60365

(iii) An amount calculated in a manner determined by the 60366
general assembly times the funding unit's category three English 60367
learner ADM. 60368

(5) Career-technical education funds calculated under 60369
division (C) of section 3317.014 of the Revised Code. 60370

(6) Career-technical education associated services funds 60371
calculated under division (D) of section 3317.014 of the Revised 60372
Code. 60373

(B)(1) If a joint vocational school district's costs for a 60374
fiscal year for a student in its categories two through six 60375
special education ADM exceed the threshold cost for serving the 60376
student, as specified in division (B) of section 3317.0214 of 60377
the Revised Code, the district may submit to the department 60378
documentation, as prescribed by the department, of all of its 60379
costs for that student. Upon submission of documentation for a 60380
student of the type and in the manner prescribed, the department 60381
shall pay to the district an amount equal to the sum of the 60382
following: 60383

(a) One-half of the district's costs for the student in excess of the threshold cost; 60384
60385

(b) The product of one-half of the district's costs for the student in excess of the threshold cost multiplied by the district's state share percentage. 60386
60387
60388

(2) The district shall report under division (B) (1) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount. 60389
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(C) (1) For each student with a disability receiving special education and related services under an individualized education program, as defined in section 3323.01 of the Revised Code, at a joint vocational school district, the resident district or, if the student is enrolled in a community school, the community school shall be responsible for the amount of any costs of providing those special education and related services to that student that exceed the sum of the amount calculated for those services attributable to that student under division (A) of this section. 60396
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Those excess costs shall be calculated using a formula approved by the department. 60406
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(2) The board of education of the joint vocational school district may report the excess costs calculated under division (C) (1) of this section to the department. 60408
60409
60410

(3) If the board of education of the joint vocational school district reports excess costs under division (C) (2) of 60411
60412

this section, the department shall pay the amount of excess cost 60413
calculated under division (C) (2) of this section to the joint 60414
vocational school district and shall deduct that amount as 60415
provided in division (C) (3) (a) or (b) of this section, as 60416
applicable: 60417

(a) If the student is not enrolled in a community school, 60418
the department shall deduct the amount from the account of the 60419
student's resident district pursuant to division (J) of section 60420
3317.023 of the Revised Code. 60421

(b) If the student is enrolled in a community school, the 60422
department shall deduct the amount from the account of the 60423
community school pursuant to section 3314.083 of the Revised 60424
Code. 60425

(D) A joint vocational school district shall spend the 60426
funds it receives under division (A) (3) of this section in 60427
accordance with section 3317.25 of the Revised Code. 60428

(E) For fiscal years ~~2024~~–2026 and ~~2025~~2027, a school 60429
district shall spend the funds it receives under division (A) (4) 60430
of this section only for services for English learners. 60431

(F) As used in this section: 60432

(1) "Community school" means a community school 60433
established under Chapter 3314. of the Revised Code. 60434

(2) "Resident district" means the city, local, or exempted 60435
village school district in which a student is entitled to attend 60436
school under section 3313.64 or 3313.65 of the Revised Code. 60437

Sec. 3317.161. (A) As used in this section, "lead 60438
district" has the same meaning as in section 3317.023 of the 60439
Revised Code. 60440

(B) (1) A career-technical education program or a dropout prevention and recovery program of a city, local, or exempted village school district, community school, or STEM school shall be subject to approval under this section in order for the district or school to qualify for state funding for the program. Approval granted under this section shall be valid for the five fiscal years following the fiscal year in which the program is approved and may be renewed. Approval shall be subject to annual review under division (E) of this section.

(2) If a district or school becomes a new member of a career-technical planning district, its career-technical education programs shall be approved or disapproved by the lead district of the career-technical planning district during the fiscal year in which the district or school becomes a member of the career-technical planning district. Any program of the district or school that was approved by the department of education and workforce for an approval period that includes the fiscal year in which the district or school becomes a new member of the career-technical planning district shall retain its approved status during that fiscal year.

(3) If an existing member of a career-technical planning district develops a new career-technical education program, that program shall be approved or disapproved by the lead district of the career-technical planning district prior to the first fiscal year for which the district or school is seeking funding for the program.

(4) Except as provided in division (B) (2) of this section, if a career-technical education program was approved by the department prior to September 29, 2013, that approval remains valid for the unexpired remainder of the approval period

specified by the department. Approval of that program may then 60471
be renewed in accordance with this section on a date prior to 60472
the expiration of the approval period. 60473

(C) (1) The lead district of a career-technical planning 60474
district shall approve or disapprove for a five-year period each 60475
career-technical education program of the city, local, and 60476
exempted village school districts, community schools, and STEM 60477
schools that are assigned by the department to the career- 60478
technical planning district. The lead district's decision to 60479
approve or disapprove a program shall be based on requirements 60480
for career-technical education programs that are specified in 60481
rules adopted by the department. These requirements shall 60482
include, but are not limited to, all of the following: 60483

(a) Demand for the career-technical education program by 60484
industries in the state; 60485

(b) Quality of the program; 60486

(c) Potential for a student enrolled in the program to 60487
receive the training that will qualify the student for industry 60488
credentials or post-secondary education; 60489

(d) Admission requirements of the lead district; 60490

(e) Past performance of the district or school that is 60491
offering the program; 60492

(f) Traveling distance; 60493

(g) Sustainability; 60494

(h) Capacity; 60495

(i) Availability of the program within the career- 60496
technical planning district; 60497

(j) In the case of a new program, the cost to begin the program. 60498
60499

~~(2) The lead district shall approve or disapprove each program not later than the first day of March prior to the first fiscal year for which the district or school is seeking funding for the program.~~ 60500
60501
60502
If a program is approved, the lead district 60503
shall notify the department of its decision. If a program is 60504
disapproved, the lead district shall notify the district or 60505
school of its decision. 60506

If the lead district disapproves the program or does not 60507
take any action to approve or disapprove the program ~~by the~~ 60508
~~first day of March,~~ the district or school may appeal the lead 60509
district's decision or failure to take action to the department ~~by the~~ 60510
~~fifteenth day of March.~~ 60511

(D) (1) Upon receiving notification of a lead district's 60512
approval of a district's or school's career-technical education 60513
program, the department shall review the lead district's 60514
decision and determine whether to approve or disapprove the 60515
program ~~not later than the fifteenth day of May prior to the~~ 60516
~~first fiscal year for which the district or school is seeking~~ 60517
~~funding for the program.~~ The department shall notify the 60518
district or school and the lead district of the district's or 60519
school's career-technical planning district of its 60520
determination. 60521

(2) Upon receiving an appeal from a district or school of 60522
a lead district's disapproval of a career-technical education 60523
program or failure to take action to approve or disapprove the 60524
program, the department shall review the lead district's 60525
disapproval or failure to take action. The department shall 60526
decide whether to approve or disapprove the program as a result 60527

of this review ~~not later than the fifteenth day of May prior to~~ 60528
~~the first fiscal year for which the district or school is~~ 60529
~~seeking funding for the program.~~ The department shall notify the 60530
lead district and the appealing district or school of its 60531
determination. 60532

(3) In conducting a review under division (D) (1) or (2) of 60533
this section, the department shall consider the criteria 60534
prescribed under division (C) (1) of this section. 60535

(4) If the department approves a program under division 60536
(D) (1) or (2) of this section, it shall authorize the payment to 60537
the district or school of the funds attributed to the career- 60538
technical students enrolled in that program in the next fiscal 60539
year according to a payment schedule prescribed by the 60540
department. 60541

(5) The department's decisions under divisions (D) (1) and 60542
(2) of this section shall be final and not appealable. 60543

~~(6) The director of education and workforce may adopt~~ 60544
~~guidelines identifying circumstances in which the department~~ 60545
~~may, after consulting with a lead district, approve or~~ 60546
~~disapprove a program that has been approved or disapproved by~~ 60547
~~the lead district after the deadline prescribed in division (D)~~ 60548
~~(1) or (2) of this section has passed.~~ 60549

The department shall authorize a payment for any dropout 60550
prevention and recovery program offering career-technical 60551
education that is in its first year of operation and that 60552
submits an application ~~during the additional application period~~ 60553
~~described in division (D) (6) of this section~~ in the fiscal year 60554
for which the application was submitted. 60555

(E) The department and the lead district of each career- 60556

technical planning district shall conduct an annual review of 60557
each career-technical education program in the lead district's 60558
career-technical planning district that receives approval under 60559
this section. Continued funding of the program during the five- 60560
year approval period shall be subject to the school's compliance 60561
with any directives for performance improvement that are issued 60562
by the department or the lead district as a result of any review 60563
conducted under this section. 60564

Sec. 3317.162. (A) For fiscal years 2024-2026 and 60565
2025-2027, the department of education and workforce shall pay 60566
temporary transitional aid to each joint vocational school 60567
district according to the following formula: 60568

(The district's funding base, as that term is defined in 60569
section 3317.02 of the Revised Code) - (the district's payment 60570
under section 3317.16 of the Revised Code for the fiscal year 60571
for which the payment is computed) 60572

If the computation made under division (A) of this section 60573
results in a negative number, the district's funding under 60574
division (A) of this section shall be zero. 60575

(B) If a joint vocational school district begins receiving 60576
payments under section 3317.16 of the Revised Code for fiscal 60577
year 2024-2026 or fiscal year 2025-2027 but does not receive 60578
payments for the fiscal year immediately preceding that fiscal 60579
year, the department shall establish the district's funding 60580
base, as that term is defined in section 3317.02 of the Revised 60581
Code, as an amount equal to the absolute value of the sum of the 60582
associated adjustments of any local school district's funding 60583
base under division (C) of section 3317.019 of the Revised Code. 60584

Sec. 3317.163. (A) As used in this section: 60585

(1) "Credential-only program" means an industry-approved credentialing program, or a series of such programs, offered by a dropout prevention and recovery community school in which students enrolled in grades eleven and twelve may earn an industry-recognized credential approved under section 3313.6113 of the Revised Code. The program, or programs, shall align with a career-technical education program approved under section 3317.161 of the Revised Code. The dropout prevention and recovery community school shall offer the program, or programs, using classroom teachers employed by the school.

(2) "Dropout prevention and recovery community school" has the same meaning as in section ~~3319.301~~3314.02 of the Revised Code.

(B) Notwithstanding any provision of Chapter 3317. of the Revised Code to the contrary, all of the following shall apply:

(1) For the purposes of sections 3317.014, 3317.022, and 3317.026 of the Revised Code, the department of education and workforce shall adjust the career-technical education ADM of a dropout prevention and recovery community school that offers a credential-only program so that each student enrolled in that program is included only in the school's category one career-technical education ADM, regardless of whether the credential-only program includes programs described in division (A)(1) of section 3317.014 of the Revised Code.

(2) For funding purposes, the department shall count each student enrolled in a credential-only program as a full-time student.

(3) A dropout prevention and recovery community school that offers a credential-only program may provide support

services to students who graduate from the school to assist them 60615
in securing post-secondary placement opportunities, including 60616
careers with state, regional, or local labor organizations. For 60617
that purpose, the school may use a portion of the career- 60618
technical education funds received under section 3317.022 of the 60619
Revised Code to provide recent graduates, in the year following 60620
their graduation from the school, with short-term, emergency 60621
financial assistance for expenses related to child care, 60622
housing, food insecurity, transportation, and services including 60623
but not limited to health care, dental care, mental health care, 60624
and addiction treatment services. 60625

Sec. 3317.165. (A) (1) For fiscal years 2026 and 2027, the 60626
department of education and workforce shall calculate a joint 60627
vocational school district's per-pupil local capacity amount 60628
according to the following formula: 60629

(0.0005 X the lesser of the district's three-year average 60630
valuation or the district's most recent valuation) / (the 60631
district's base cost enrolled ADM) 60632

(2) For fiscal year 2028 and each fiscal year thereafter, 60633
the department shall calculate a district's per-pupil local 60634
capacity amount in a manner determined by the general assembly. 60635

(B) (1) For fiscal years 2026 and 2027, the department 60636
shall calculate a joint vocational school district's state share 60637
percentage according to the following formula: 60638

(The district's base cost per pupil for the fiscal year - the 60639
district's per-pupil local capacity amount for the fiscal year) 60640
/ (the district's base cost per pupil for the fiscal year) 60641

If the result is less than 0.10, the state share 60642
percentage shall be 0.10. 60643

(2) For fiscal year 2028 and each fiscal year thereafter, 60644
the department shall calculate the state share percentage for a 60645
joint vocational school district in a manner determined by the 60646
general assembly. 60647

Sec. 3317.20. This section does not apply to preschool 60648
children with disabilities. 60649

(A) As used in this section: 60650

(1) "Applicable special education amount" means the amount 60651
specified in section 3317.013 of the Revised Code for a 60652
disability described in that section. 60653

(2) "Child's school district" means the school district in 60654
which a child is entitled to attend school pursuant to section 60655
3313.64 or 3313.65 of the Revised Code. 60656

(3) "State share percentage" means the state share 60657
percentage of the child's school district. 60658

(B) The department shall annually pay each county board of 60659
developmental disabilities for each child with a disability, 60660
other than a preschool child with a disability, for whom the 60661
county board provides special education and related services an 60662
amount equal to the following: 60663

(1) For fiscal years ~~2024-2026~~ and ~~2025-2027~~, the statewide 60664
average base cost per pupil + (state share percentage X the 60665
applicable special education multiple X the statewide average 60666
base cost per pupil); 60667

(2) For fiscal year ~~2026-2028~~ and each fiscal year 60668
thereafter, an amount determined by the general assembly. 60669

(C) Each county board of developmental disabilities shall 60670
report to the department, in the manner specified by the 60671

department, the name of each child for whom the county board of 60672
developmental disabilities provides special education and 60673
related services and the child's school district. 60674

(D) (1) For the purpose of verifying the accuracy of the 60675
payments under this section, the department may request from 60676
either of the following entities the data verification code 60677
assigned under division (D) (2) of section 3301.0714 of the 60678
Revised Code to any child who is placed with a county board of 60679
developmental disabilities: 60680

(a) The child's school district; 60681

(b) The independent contractor engaged to create and 60682
maintain data verification codes. 60683

(2) Upon a request by the department under division (D) (1) 60684
of this section for the data verification code of a child, the 60685
child's school district shall submit that code to the department 60686
in the manner specified by the department. If the child has not 60687
been assigned a code, the district shall assign a code to that 60688
child and submit the code to the department by a date specified 60689
by the department. If the district does not assign a code to the 60690
child by the specified date, the department shall assign a code 60691
to the child. 60692

The department annually shall submit to each school 60693
district the name and data verification code of each child 60694
residing in the district for whom the department has assigned a 60695
code under this division. 60696

(3) The department shall not release any data verification 60697
code that it receives under division (D) of this section to any 60698
person except as provided by law. 60699

(E) Any document relative to special education and related 60700

services provided by a county board of developmental 60701
disabilities that the department holds in its files that 60702
contains both a student's name or other personally identifiable 60703
information and the student's data verification code shall not 60704
be a public record under section 149.43 of the Revised Code. 60705

Sec. 3317.201. This section does not apply to preschool 60706
children with disabilities. 60707

(A) As used in this section, the "total special education 60708
amount" for an institution means the following: 60709

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the sum of 60710
the following amounts: 60711

(a) The number of children certified by the institution 60712
under division (G) (1) (a) (i) of section 3317.03 of the Revised 60713
Code as receiving services for a disability described in 60714
division (A) of section 3317.013 of the Revised Code multiplied 60715
by the multiple specified in that division multiplied by the 60716
statewide average base cost per pupil; 60717

(b) The number of children certified by the institution 60718
under division (G) (1) (a) (i) of section 3317.03 of the Revised 60719
Code as receiving services for a disability described in 60720
division (B) of section 3317.013 of the Revised Code multiplied 60721
by the multiple specified in that division multiplied by the 60722
statewide average base cost per pupil; 60723

(c) The number of children certified by the institution 60724
under division (G) (1) (a) (i) of section 3317.03 of the Revised 60725
Code as receiving services for a disability described in 60726
division (C) of section 3317.013 of the Revised Code multiplied 60727
by the multiple specified in that division multiplied by the 60728
statewide average base cost per pupil; 60729

(d) The number of children certified by the institution 60730
under division (G) (1) (a) (i) of section 3317.03 of the Revised 60731
Code as receiving services for a disability described in 60732
division (D) of section 3317.013 of the Revised Code multiplied 60733
by the multiple specified in that division multiplied by the 60734
statewide average base cost per pupil; 60735

(e) The number of children certified by the institution 60736
under division (G) (1) (a) (i) of section 3317.03 of the Revised 60737
Code as receiving services for a disability described in 60738
division (E) of section 3317.013 of the Revised Code multiplied 60739
by the multiple specified in that division multiplied by the 60740
statewide average base cost per pupil; 60741

(f) The number of children certified by the institution 60742
under division (G) (1) (a) (i) of section 3317.03 of the Revised 60743
Code as receiving services for a disability described in 60744
division (F) of section 3317.013 of the Revised Code multiplied 60745
by the multiple specified in that division multiplied by the 60746
statewide average base cost per pupil. 60747

(2) For fiscal year ~~2026~~ 2028 and each fiscal year 60748
thereafter, the sum of the following amounts: 60749

(a) An amount calculated in a manner determined by the 60750
general assembly times the number of children certified by the 60751
institution under division (G) (1) (a) (i) of section 3317.03 of 60752
the Revised Code as receiving services for a disability 60753
described in division (A) of section 3317.013 of the Revised 60754
Code; 60755

(b) An amount calculated in a manner determined by the 60756
general assembly times the number of children certified by the 60757
institution under division (G) (1) (a) (i) of section 3317.03 of 60758

the Revised Code as receiving services for a disability 60759
described in division (B) of section 3317.013 of the Revised 60760
Code; 60761

(c) An amount calculated in a manner determined by the 60762
general assembly times the number of children certified by the 60763
institution under division (G) (1) (a) (i) of section 3317.03 of 60764
the Revised Code as receiving services for a disability 60765
described in division (C) of section 3317.013 of the Revised 60766
Code; 60767

(d) An amount calculated in a manner determined by the 60768
general assembly times the number of children certified by the 60769
institution under division (G) (1) (a) (i) of section 3317.03 of 60770
the Revised Code as receiving services for a disability 60771
described in division (D) of section 3317.013 of the Revised 60772
Code; 60773

(e) An amount calculated in a manner determined by the 60774
general assembly times the number of children certified by the 60775
institution under division (G) (1) (a) (i) of section 3317.03 of 60776
the Revised Code as receiving services for a disability 60777
described in division (E) of section 3317.013 of the Revised 60778
Code; 60779

(f) An amount calculated in a manner determined by the 60780
general assembly times the number of children certified by the 60781
institution under division (G) (1) (a) (i) of section 3317.03 of 60782
the Revised Code as receiving services for a disability 60783
described in division (F) of section 3317.013 of the Revised 60784
Code. 60785

(B) For each fiscal year, the department of education and 60786
workforce shall pay each state institution required to provide 60787

special education services under division (A) of section 60788
3323.091 of the Revised Code an amount equal to the 60789
institution's total special education amount. 60790

Sec. 3317.22. (A) As used in this section: 60791

(1) "Eligible internet- or computer-based community 60792
school" means an internet- or computer-based community school ~~in~~ 60793
~~which a majority of the students were enrolled in that is a~~ 60794
~~dropout prevention and recovery program~~ community school, as 60795
defined in section 3314.02 of the Revised Code. 60796

(2) "Statewide average base cost per-pupil" has the same 60797
meaning as in section 3317.02 of the Revised Code. 60798

~~(3) "Internet- or computer-based community school" has the 60799
same meaning as in section 3314.02 of the Revised Code.~~ 60800

(B) The department of education and workforce shall 60801
establish a program to provide additional funding for students 60802
enrolled in grades eight through twelve in eligible internet- or 60803
computer-based community schools. An eligible internet- or 60804
computer-based community school may choose to participate in the 60805
program by notifying the department not later than the first day 60806
of February of the school year in which the school will 60807
participate in the program in a form and manner determined by 60808
the department. 60809

(C) The department shall require each eligible internet- 60810
or computer-based community school that chooses to participate 60811
in the program to report all information that is necessary to 60812
make payments under division (D) of this section. 60813

(D) The department shall calculate an additional payment 60814
for each eligible internet- or computer-based community school 60815
that chooses to participate in the program, as follows: 60816

- (1) Compute the lesser of the following for each student enrolled in grades eight through twelve:
- (a) The statewide average base cost per-pupil X the maximum full-time equivalency for the portion of the school year for which the student is enrolled in the school;
 - (b) The sum of the following:
 - (i) A one-time payment of \$1,750. In the case of a student enrolled in the school for the first time for the school year for which the payment is being made, payment shall be made under division (D) (1) (b) (i) of this section at least thirty days after the student is considered to be enrolled in the school in accordance with division (H) (2) of section 3314.08 of the Revised Code, provided the student has been continuously enrolled in the school during that time, as determined by the department. In the case of a student that was enrolled in the school for the prior school year, payment shall be made under division (D) (1) (b) (i) of this section at least thirty days after the student has started to participate in learning opportunities for the school year for which the payment is being made, provided the student has been continuously enrolled in the school during that time, as determined by the department.
 - (ii) The statewide average base cost per-pupil X (1/920) X the lesser of the number of hours the student participates in learning opportunities in that fiscal year or 920;
 - (iii) The lesser of (\$500 X either the number of courses completed by the student in that fiscal year, in the case of a student enrolled in grade eight, or the number of credits earned by the student in that fiscal year, in the case of a student enrolled in grades nine through twelve) or \$2,500.

(2) Compute the sum of the amounts calculated under 60846
division (D) (1) of this section for all students enrolled in 60847
grades eight through twelve. 60848

(3) Compute the school's payment in accordance with the 60849
following formula: 60850

(The amount determined under division (D) (2) of this 60851
section) - (the number of full-time equivalent students enrolled 60852
in grades eight through twelve in the school X the statewide 60853
average base cost per-pupil) 60854

If the amount computed under division (D) (3) is a negative 60855
number, the school shall not receive a payment under this 60856
section. 60857

(E) (1) The department may complete a review of the 60858
enrollment of each eligible internet- or computer-based 60859
community school that chooses to participate in the program in 60860
accordance with division (K) of section 3314.08 of the Revised 60861
Code. If the department determines a school has been overpaid 60862
based on a review completed under division (E) (1) of this 60863
section, the department shall require a repayment of the 60864
overpaid funds and may require the school to establish a plan to 60865
improve the reporting of enrollment. 60866

(2) To the extent that an eligible internet- or computer- 60867
based community school that chooses to participate in the 60868
program had, for the prior school year, a percentage of student 60869
engagement in learning opportunities that was less than sixty- 60870
five per cent, the school shall provide to the department a 60871
meaningful plan for increasing student engagement. 60872

(3) All eligible internet- or computer-based community 60873
schools that choose to participate in the program shall 60874

implement programming or protocol which documents enrollment and 60875
participation in learning opportunities in order to participate 60876
in the program. 60877

Sec. 3317.25. (A) As used in this section, "disadvantaged 60878
pupil impact aid" means the following: 60879

(1) For a city, local, or exempted village school 60880
district, the funds received under division (A) (4) (a) of section 60881
3317.022 of the Revised Code; 60882

(2) For a joint vocational school district, the funds 60883
received under division (A) (3) of section 3317.16 of the Revised 60884
Code; 60885

(3) For a community school established under Chapter 3314. 60886
of the Revised Code, the funds received under division (A) (4) (b) 60887
of section 3317.022 of the Revised Code; 60888

(4) For a STEM school established under Chapter 3326. of 60889
the Revised Code, the funds received under division (A) (4) (b) of 60890
section 3317.022 of the Revised Code. 60891

(B) (1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a city, 60892
local, exempted village, or joint vocational school district, 60893
community school, or STEM school shall spend the disadvantaged 60894
pupil impact aid it receives for any of the following 60895
initiatives or a combination of any of the following 60896
initiatives: 60897

(a) Extended school day and school year; 60898

(b) Reading improvement and intervention that is aligned 60899
with the science of reading and evidence-based strategies for 60900
effective literacy instruction; 60901

(c) Instructional technology or blended learning; 60902

(d) Professional development in the science of reading and evidence-based strategies for effective literacy instruction for teachers of students in kindergarten through third grade;	60903 60904 60905
(e) Dropout prevention;	60906
(f) School safety and security measures;	60907
(g) Community learning centers that address barriers to learning;	60908 60909
(h) Academic interventions for students in any of grades six through twelve;	60910 60911
(i) Employment of an individual who has successfully completed the bright new leaders for Ohio schools program as a principal or an assistant principal under section 3319.272 of the Revised Code;	60912 60913 60914 60915
(j) Mental health services, including telehealth services, community-based behavioral health services, and recovery supports;	60916 60917 60918
(k) Culturally appropriate, evidence-based or evidence-informed prevention services, including youth-led programming and curricula to promote mental health and prevent substance use and suicide, and trauma-informed services;	60919 60920 60921 60922
(l) Services for homeless youth;	60923
(m) Services for child welfare involved youth;	60924
(n) Community liaisons or programs that connect students to community resources, including behavioral wellness coordinators and city connects, communities in schools, and other similar programs;	60925 60926 60927 60928
(o) Physical health care services, including telehealth	60929

services and community-based health services;	60930
(p) Family engagement and support services;	60931
(q) Student services provided prior to or after the	60932
regularly scheduled school day or any time school is not in	60933
session, including mentoring programs.	60934
(2) For fiscal year 2026 <u>2028</u> and each fiscal year	60935
thereafter, each city, local, exempted village, and joint	60936
vocational school district, community school, and STEM school	60937
shall spend the disadvantaged pupil impact aid it receives for	60938
one or more initiatives specified by the general assembly.	60939
(C) (1) For fiscal years 2024 <u>2026</u> and 2025 <u>2027</u> , each city,	60940
local, exempted village, and joint vocational school district,	60941
community school, and STEM school that is subject to the	60942
requirements of this section shall develop a plan for utilizing	60943
the disadvantaged pupil impact aid it receives in coordination	60944
with at least one of the following community partners:	60945
(a) A board of alcohol, drug addiction, and mental health	60946
services established under Chapter 340. of the Revised Code;	60947
(b) An educational service center;	60948
(c) A county board of developmental disabilities;	60949
(d) A community-based <u>community</u> mental health <u>prevention</u>	60950
<u>or</u> treatment provider;	60951
(e) A board of health of a city or general health	60952
district;	60953
(f) A county department of job and family services;	60954
(g) A nonprofit organization with experience serving	60955
children;	60956

(h) A public hospital agency. 60957

(2) For fiscal year ~~2026~~2028 and each fiscal year 60958
thereafter, each city, local, exempted village, and joint 60959
vocational school district, community school, and STEM school 60960
that is subject to the requirements of this section shall 60961
develop a plan for utilizing the disadvantaged pupil impact aid 60962
it receives in the manner specified by the general assembly, if 60963
the general assembly requires city, local, exempted village, and 60964
joint vocational school districts, community schools, and STEM 60965
schools to develop such a plan. 60966

(D) After the end of each fiscal year, each city, local, 60967
exempted village, or joint vocational school district, community 60968
school, and STEM school shall submit a report to the department 60969
of education and workforce describing the initiative or 60970
initiatives on which the district's or school's disadvantaged 60971
pupil impact aid were spent during that fiscal year. For fiscal 60972
years ~~2024~~2026 and ~~2025~~2027, this report shall be submitted in 60973
a manner prescribed by the department and shall also describe 60974
the amount of money that was spent on each initiative. 60975

(E) Starting in 2015, the department shall submit a report 60976
of the information it receives under division (C) of this 60977
section to the general assembly not later than the first day of 60978
December of each odd-numbered year in accordance with section 60979
101.68 of the Revised Code. 60980

Sec. 3317.27. The quality community school support program 60981
is established. Under the program, the department of education 60982
and workforce shall pay each community school established under 60983
Chapter 3314. of the Revised Code and designated as a community 60984
school of quality under section 3317.28 of the Revised Code an 60985
amount up to three thousand dollars in each fiscal year for each 60986

student identified as economically disadvantaged and up to two 60987
thousand two hundred fifty dollars in each fiscal year for each 60988
student that is not identified as economically disadvantaged. 60989
The payment for a fiscal year shall be calculated using the 60990
adjusted full-time equivalent number of students enrolled in the 60991
school for that fiscal year as of the date the payment is made, 60992
as reported by the school under section 3314.08 of the Revised 60993
Code. The department shall make periodic payments to each 60994
designated school beginning in January of that fiscal year. 60995

Sec. 3317.28. Not later than the thirty-first day of 60996
December of each fiscal year, the department of education and 60997
workforce shall designate as a community school of quality each 60998
community school established under Chapter 3314. of the Revised 60999
Code that meets the criteria established in division (A), (B), 61000
(C), (D), or (E) of this section. 61001

(A) A community school qualifies as a community school of 61002
quality if the school meets all of the following criteria: 61003

(1) The school's sponsor was rated "exemplary" or 61004
"effective" on the sponsor's most recent evaluation conducted 61005
under section 3314.016 of the Revised Code. 61006

(2) The school received a higher performance index score 61007
than the school district in which the school is located on the 61008
two most recent report cards issued for the school under section 61009
3302.03 of the Revised Code. 61010

(3) The school received a performance rating of four stars 61011
or higher for the progress component on the most recent report 61012
card issued for the school under section 3302.03 of the Revised 61013
Code or is a school described under division (B) of section 61014
3314.35 of the Revised Code and did not receive a rating for the 61015

progress component on the most recent report card. 61016

(4) At least fifty per cent of the students enrolled in 61017
the school in the prior fiscal year were economically 61018
disadvantaged, as determined by the department. 61019

(B) A community school qualifies as a community school of 61020
quality if the school meets all of the following criteria: 61021

(1) The school's sponsor was rated "exemplary" or 61022
"effective" on the sponsor's most recent evaluation conducted 61023
under section 3314.016 of the Revised Code. 61024

(2) The school received a higher performance index score 61025
than the school district in which the school is located on the 61026
most recent report card issued for the school under section 61027
3302.03 of the Revised Code. 61028

(3) The school received a performance rating of three 61029
stars or higher for the progress component on the most recent 61030
report card issued for the school under section 3302.03 of the 61031
Revised Code. 61032

(4) The school received a performance rating of three 61033
stars or higher for the achievement component on the most recent 61034
report card issued for the school under section 3302.03 of the 61035
Revised Code. 61036

(C) A community school qualifies as a community school of 61037
quality if the school meets all of the following criteria: 61038

(1) The school's sponsor was rated "exemplary" or 61039
"effective" on the sponsor's most recent evaluation conducted 61040
under section 3314.016 of the Revised Code. 61041

(2) The school is in its first year of operation or the 61042
school opened as a kindergarten school and has added one grade 61043

<u>per year and has been in operation for less than four school</u>	61044
<u>years.</u>	61045
<u>(3) The school is replicating an operational and</u>	61046
<u>instructional model used by a community school described in</u>	61047
<u>division (A) of this section.</u>	61048
<u>(4) If the school has an operator, the operator received a</u>	61049
<u>rating of three stars or better on its most recent performance</u>	61050
<u>report published under section 3314.031 of the Revised Code.</u>	61051
<u>(D) A community school qualifies as a community school of</u>	61052
<u>quality if the school meets all of the following criteria:</u>	61053
<u>(1) The school's sponsor was rated "exemplary" or</u>	61054
<u>"effective" on the sponsor's most recent evaluation conducted</u>	61055
<u>under section 3314.016 of the Revised Code.</u>	61056
<u>(2) The school satisfies either of the following:</u>	61057
<u>(a) The school contracts with an operator that operates</u>	61058
<u>schools in other states and meets at least one of the following</u>	61059
<u>criteria:</u>	61060
<u>(i) Has operated a school that received a grant funded</u>	61061
<u>through the federal charter school program established under 20</u>	61062
<u>U.S.C. 7221 within the five years prior to the date of</u>	61063
<u>application or received funding from the charter school growth</u>	61064
<u>fund;</u>	61065
<u>(ii) Meets all of the following criteria:</u>	61066
<u>(I) One of the operator's schools in another state</u>	61067
<u>performed better than the school district in which the school is</u>	61068
<u>located, as determined by the department.</u>	61069
<u>(II) At least fifty per cent of the total number of</u>	61070

students enrolled in all of the operator's schools are 61071
economically disadvantaged, as determined by the department. 61072

(III) The operator is in good standing in all states where 61073
it operates schools, as determined by the department. 61074

(IV) The department has determined that the operator does 61075
not have any financial viability issues that would prevent it 61076
from effectively operating a community school in Ohio. 61077

(b) The school is replicating an operational and 61078
instructional model through an agreement with a college or 61079
university used by a community school or its equivalent in 61080
another state that performed better than the school district in 61081
which the school is located, as determined by the department. 61082

(3) The school is in its first year of operation or, if 61083
not in its first year of operation and qualifying under division 61084
(D) (2) (b) of this section, opened on July 1, 2022, and has not 61085
previously been designated as a community school of quality 61086
under this section, in which case the first payment under 61087
section 3317.27 of the Revised Code shall be made on or before 61088
January 31, 2024, and shall be calculated based on the adjusted 61089
full-time equivalent number of students enrolled in the school 61090
for fiscal year 2024. 61091

(E) A community school qualifies as a community school of 61092
quality if it meets all of the following criteria: 61093

(1) The school is a dropout prevention and recovery school 61094
as defined under section 3314.02 of the Revised Code. 61095

(2) The school's sponsor was rated "exemplary" or 61096
"effective" on the sponsor's most recent evaluation conducted 61097
under section 3314.016 of the Revised Code. 61098

(3) The school received an "exceeds standards" on the performance indicator prescribed under division (C) (2) of section 3314.017 of the Revised Code on the two most recent report cards issued for the school under section 3314.017 of the Revised Code. 61099
61100
61101
61102
61103

(4) The school is not an internet- or computer-based community school. 61104
61105

(F) A school designated as a community school of quality under division (A), (B), (C), or (E) of this section shall maintain that designation for the two fiscal years following the fiscal year in which the school was initially designated as a community school of quality. A school designated as a community school of quality under division (D) of this section shall maintain that designation for the four fiscal years following the fiscal year in which the school was initially designated as a community school of quality. 61106
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(G) A school designated a community school of quality may renew its designation each year that it satisfies the criteria under division (A) or (B) of this section. The school shall maintain that designation for the two fiscal years following each fiscal year in which the criteria under division (A) or (B) of this section are satisfied. 61115
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(H) A school that was designated as a community school of quality for the first time under division (C) of this section for the 2022-2023 school year shall be considered to have maintained that designation for the 2022-2023 school year, shall maintain that designation through the 2027-2028 school year, and may renew its designation under division (G) of this section after that year. 61121
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(I) If two or more community schools have merged or merge in accordance with division (B) of section 3314.0211 of the Revised Code on or after June 30, 2022, the surviving community school is eligible to receive funds under this program, provided it otherwise qualifies as a community school of quality under division (A), (B), (C), (D), or (E) of this section. In such a case, the payment for a fiscal year shall be calculated using the adjusted full-time equivalent number of students enrolled in the school for that fiscal year as of the date the payments are made, as reported by the surviving community school under section 3314.08 of the Revised Code, regardless of whether those students were previously enrolled in a community school that was dissolved as part of the merger. A community school qualified to receive funds under the program prior to merging on or after June 30, 2022, and was dissolved due to the merger, shall be considered to have been eligible for funds under the program prior to the effective date of this section and shall not be required to return any funds received prior to that date.

Sec. 3317.29. (A) The quality independent STEM school support program is established. Under the program, the department of education and workforce shall pay each STEM school established under Chapter 3326. of the Revised Code and designated as an independent STEM school of quality under this section an amount up to three thousand dollars in each fiscal year for each student identified as economically disadvantaged and up to two thousand two hundred fifty dollars in each fiscal year for each student that is not identified as economically disadvantaged. The payment for a fiscal year shall be calculated using the adjusted full-time equivalent number of students enrolled in the school for that fiscal year as of the date the payment is made, as reported by the school under section 3326.32

of the Revised Code. The department shall make periodic payments 61159
to each designated school beginning in January of a fiscal year. 61160

(B) Not later than the thirty-first day of December each 61161
fiscal year, the department shall designate a STEM school as an 61162
independent STEM school of quality if the school satisfies all 61163
of the following criteria: 61164

(1) The STEM school operates autonomously under section 61165
3326.031 of the Revised Code. 61166

(2) The STEM school does not have a STEM school equivalent 61167
designation under section 3326.032 of the Revised Code. 61168

(3) The STEM school is not governed by a school district 61169
under section 3326.51 of the Revised Code. 61170

(4) The STEM school is not a community school established 61171
under Chapter 3314. of the Revised Code. 61172

(5) The STEM school cannot levy taxes or issue tax-secured 61173
bonds in accordance with section 3326.49 of the Revised Code. 61174

(6) The STEM school satisfies the requirements prescribed 61175
by section 3326.03 of the Revised Code. 61176

(7) The STEM school satisfies the requirements described 61177
in the quality model for STEM and STEAM schools established by 61178
the department of education and workforce in accordance with 61179
Chapter 3326. of the Revised Code. 61180

(C) A school designated as an independent STEM school of 61181
quality under this section shall maintain that designation for 61182
the two fiscal years following the fiscal year in which the 61183
school was initially designated as an independent STEM school of 61184
quality. 61185

(D) A school designated as an independent STEM school of quality may renew its designation each year that it satisfies the criteria under division (B) of this section. The school shall maintain that designation for the two fiscal years following each fiscal year in which the criteria under division (B) of this section are satisfied. This division applies to schools designated as an independent STEM school of quality based on the report cards issued in accordance with sections 3302.03 and 3326.17 of the Revised Code for the 2017-2018 and 2018-2019 school years.

Sec. 3317.31. The department of education and workforce shall pay each community school established under Chapter 3314. of the Revised Code and each STEM school established under Chapter 3326. of the Revised Code an amount equal to twenty-five dollars in each fiscal year for each full-time equivalent student in an internet- or computer-based community school and one thousand one hundred dollars in fiscal year 2026 and one thousand two hundred dollars in fiscal year 2027 for each full-time equivalent student in all other community or STEM schools for assistance with the cost associated with facilities.

Sec. 3318.01. As used in sections 3318.01 to 3318.20 of the Revised Code:

(A) "Ohio facilities construction commission" means the commission created pursuant to section 123.20 of the Revised Code.

(B) "Classroom facilities" means rooms in which pupils regularly assemble in public school buildings to receive instruction and education and such facilities and building improvements for the operation and use of such rooms as may be needed in order to provide a complete educational program, and

may include space within which a child care facility or a 61216
community resource center is housed. "Classroom facilities" 61217
includes any space necessary for the operation of a vocational 61218
education program for secondary students in any school district 61219
that operates such a program. 61220

(C) "Project" means a project to construct or acquire 61221
classroom facilities, or to reconstruct or make additions to 61222
existing classroom facilities, to be used for housing the 61223
applicable school district and its functions. 61224

(D) "School district" means a local, exempted village, or 61225
city school district as such districts are defined in Chapter 61226
3311. of the Revised Code, acting as an agency of state 61227
government, performing essential governmental functions of state 61228
government pursuant to sections 3318.01 to 3318.20 of the 61229
Revised Code. 61230

For purposes of assistance provided under sections 3318.40 61231
to 3318.45 of the Revised Code, the term "school district" as 61232
used in this section and in divisions (A), (C), and (D) of 61233
section 3318.03 and in sections 3318.031, 3318.042, 3318.07, 61234
3318.08, 3318.083, 3318.084, 3318.085, 3318.086, 3318.10, 61235
3318.11, 3318.12, 3318.13, 3318.14, 3318.15, 3318.16, and 61236
3318.20 of the Revised Code means a joint vocational school 61237
district established pursuant to section 3311.18 of the Revised 61238
Code. 61239

(E) "School district board" means the board of education 61240
of a school district. 61241

(F) "Net bonded indebtedness" means the difference between 61242
the sum of the par value of all outstanding and unpaid bonds and 61243
notes which a school district board is obligated to pay and any 61244

amounts the school district is obligated to pay under lease- 61245
purchase agreements entered into under section 3313.375 of the 61246
Revised Code, and the amount held in the sinking fund and other 61247
indebtedness retirement funds for their redemption. Notes issued 61248
for school buses in accordance with section 3327.08 of the 61249
Revised Code, notes issued in anticipation of the collection of 61250
current revenues, and bonds issued to pay final judgments shall 61251
not be considered in calculating the net bonded indebtedness. 61252

"Net bonded indebtedness" does not include indebtedness 61253
arising from the acquisition of land to provide a site for 61254
classroom facilities constructed, acquired, or added to pursuant 61255
to sections 3318.01 to 3318.20 of the Revised Code or the par 61256
value of bonds that have been authorized by the electors and the 61257
proceeds of which will be used by the district to provide any 61258
part of its portion of the basic project cost. 61259

(G) "Board of elections" means the board of elections of 61260
the county containing the most populous portion of the school 61261
district. 61262

(H) "County auditor" means the auditor of the county in 61263
which the greatest value of taxable property of such school 61264
district is located. 61265

(I) "Tax duplicates" means the general tax lists and 61266
duplicates prescribed by sections 319.28 and 319.29 of the 61267
Revised Code. 61268

(J) "Required level of indebtedness" means: 61269

(1) In the case of school districts in the first 61270
percentile, five per cent of the district's valuation for the 61271
year preceding the year in which the controlling board approved 61272
the project under section 3318.04 of the Revised Code. 61273

(2) In the case of school districts ranked in a subsequent percentile, five per cent of the district's valuation for the year preceding the year in which the controlling board approved the project under section 3318.04 of the Revised Code, plus [two one-hundredths of one per cent multiplied by (the percentile in which the district ranks for the fiscal year preceding the fiscal year in which the controlling board approved the district's project minus one)].

(K) "Required percentage of the basic project costs" means one per cent of the basic project costs times the percentile in which the school district ranks for the fiscal year preceding the fiscal year in which the controlling board approved the district's project.

(L) "Basic project cost" means a cost amount determined in accordance with rules adopted under section 111.15 of the Revised Code by the Ohio facilities construction commission. The basic project cost calculation shall take into consideration the square footage and cost per square foot necessary for the grade levels to be housed in the classroom facilities, the variation across the state in construction and related costs, the cost of the installation of site utilities and site preparation, the cost of demolition of all or part of any existing classroom facilities that are abandoned under the project, the cost of insuring the project until it is completed, any contingency reserve amount prescribed by the commission under section 3318.086 of the Revised Code, and the professional planning, administration, and design fees that a school district may have to pay to undertake a classroom facilities project.

For a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised

Code, the basic project cost calculation for a project under 61304
those sections shall also take into account the types of 61305
laboratory spaces and program square footages needed for the 61306
vocational education programs for high school students offered 61307
by the school district. 61308

For a district that opts to divide its entire classroom 61309
facilities needs into segments, as authorized by section 61310
3318.034 of the Revised Code, "basic project cost" means the 61311
cost determined in accordance with this division of a segment. 61312

(M) (1) Except for a joint vocational school district that 61313
receives assistance under sections 3318.40 to 3318.45 of the 61314
Revised Code, a "school district's portion of the basic project 61315
cost" means the amount determined under section 3318.032 of the 61316
Revised Code. 61317

(2) For a joint vocational school district that receives 61318
assistance under sections 3318.40 to 3318.45 of the Revised 61319
Code, a "school district's portion of the basic project cost" 61320
means the amount determined under division (C) of section 61321
3318.42 of the Revised Code. 61322

(N) "Child care facility" means space within a classroom 61323
facility in which the needs of infants, toddlers, preschool 61324
children, and school children are provided for by persons other 61325
than the parent or guardian of such children for any part of the 61326
day, including persons not employed by the school district 61327
operating such classroom facility. 61328

(O) "Community resource center" means space within a 61329
classroom facility in which comprehensive services that support 61330
the needs of families and children are provided by community- 61331
based social service providers. 61332

(P) "Valuation" means the total value of all property in the school district as listed and assessed for taxation on the tax duplicates.

(Q) "Percentile" means the percentile in which the school district is ranked pursuant to section 3318.011 of the Revised Code.

(R) "Installation of site utilities" means the installation of a site domestic water system, site fire protection system, site gas distribution system, site sanitary system, site storm drainage system, and site telephone and data system.

(S) "Site preparation" means the earthwork necessary for preparation of the building foundation system, the paved pedestrian and vehicular circulation system, playgrounds on the project site, and lawn and planting on the project site.

(T) "~~The county auditor's appraised~~ Market value" and "effective rate" have the same meanings as in section 5705.01 of the Revised Code.

Sec. 3318.051. (A) Any city, exempted village, or local school district that commences a project under sections 3318.01 to 3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on or after September 5, 2006, need not levy the tax otherwise required under division (B) of section 3318.05 of the Revised Code, if the district board of education adopts a resolution petitioning the Ohio facilities construction commission to approve the transfer of money in accordance with this section and the commission approves that transfer. If so approved, the commission and the district board shall enter into an agreement under which the board, in each of twenty-three consecutive years

beginning in the year in which the board and the commission 61362
enter into the project agreement under section 3318.08 of the 61363
Revised Code, shall transfer into the maintenance fund required 61364
by division (D) of section 3318.05 of the Revised Code not less 61365
than an amount equal to one-half mill for each dollar of the 61366
district's valuation unless and until the agreement to make 61367
those transfers is rescinded by the district board pursuant to 61368
division (F) of this section. 61369

(B) On the first day of July each year, or on an 61370
alternative date prescribed by the commission, the district 61371
treasurer shall certify to the commission and the auditor of 61372
state that the amount required for the year has been 61373
transferred. The auditor of state shall include verification of 61374
the transfer as part of any audit of the district under section 61375
117.11 of the Revised Code. If the auditor of state finds that 61376
less than the required amount has been deposited into a 61377
district's maintenance fund, the auditor of state shall notify 61378
the district board of education in writing of that fact and 61379
require the board to deposit into the fund, within ninety days 61380
after the date of the notice, the amount by which the fund is 61381
deficient for the year. If the district board fails to 61382
demonstrate to the auditor of state's satisfaction that the 61383
board has made the deposit required in the notice, the auditor 61384
of state shall notify the department of education and workforce. 61385
At that time, the department shall withhold an amount equal to 61386
ten per cent of the district's funds calculated for the current 61387
fiscal year under Chapter 3317. of the Revised Code until the 61388
~~auditor of state~~ district notifies the department that the 61389
~~auditor of state is satisfied that the~~ board has made the 61390
required transfer. 61391

(C) Money transferred to the maintenance fund shall be 61392

used for the maintenance or, upon approval of the Ohio 61393
facilities construction commission, upgrade of the facilities 61394
acquired under the district's project. 61395

(D) The transfers to the maintenance fund under this 61396
section does not affect a district's obligation to establish and 61397
maintain a capital and maintenance fund under section 3315.18 of 61398
the Revised Code. 61399

(E) Any decision by the commission to approve or not 61400
approve the transfer of money under this section is final and 61401
not subject to appeal. The commission shall not be responsible 61402
for errors or miscalculations made in deciding whether to 61403
approve a petition to make transfers under this section. 61404

(F) If the district board determines that it no longer can 61405
continue making the transfers agreed to under this section, the 61406
board may rescind the agreement only so long as the electors of 61407
the district have approved, in accordance with section 3318.063 61408
of the Revised Code, the levy of a tax for the maintenance of 61409
the classroom facilities acquired under the district's project 61410
and that levy continues to be collected as approved by the 61411
electors. That levy shall be for a number of years that is equal 61412
to the difference between twenty-three years and the number of 61413
years that the district made transfers under this section and 61414
shall be at the rate of not less than one-half mill for each 61415
dollar of the district's valuation. The district board shall 61416
continue to make the transfers agreed to under this section 61417
until that levy has been approved by the electors. 61418

Sec. 3318.06. (A) After receipt of the conditional 61419
approval of the Ohio facilities construction commission, the 61420
school district board by a ~~majority~~ vote of two-thirds of all of 61421
its members shall, if it desires to proceed with the project, 61422

declare all of the following by resolution: 61423

(1) That by issuing bonds in an amount equal to the school 61424
district's portion of the basic project cost the district is 61425
unable to provide adequate classroom facilities without 61426
assistance from the state; 61427

(2) Unless the school district board has resolved to 61428
transfer money in accordance with section 3318.051 of the 61429
Revised Code or to apply the proceeds of a property tax or the 61430
proceeds of an income tax, or a combination of proceeds from 61431
such taxes, as authorized under section 3318.052 of the Revised 61432
Code, that to qualify for such state assistance it is necessary 61433
to do either of the following: 61434

(a) Levy a tax outside the ten-mill limitation the 61435
proceeds of which shall be used to pay the cost of maintaining 61436
and upgrading the classroom facilities included in the project. 61437
The use of the proceeds for upgrades is subject to the approval 61438
by the commission under division (E) of section 3318.05 of the 61439
Revised Code. 61440

(b) Earmark for maintenance of classroom facilities from 61441
the proceeds of an existing permanent improvement tax levied 61442
under section 5705.21 of the Revised Code, if such tax can be 61443
used for maintenance, an amount equivalent to the amount of the 61444
additional tax otherwise required under this section and 61445
sections 3318.05 and 3318.08 of the Revised Code. 61446

(3) That the question of any tax levy specified in a 61447
resolution described in division (A) (2) (a) of this section, if 61448
required, shall be submitted to the electors of the school 61449
district at the next general or primary election, if there be a 61450
general or primary election not less than ninety and not more 61451

than one hundred ten days after the day of the adoption of such 61452
resolution or, if not, at a special election to be held at a 61453
time specified in the resolution which shall be not less than 61454
ninety days after the day of the adoption of the resolution and 61455
which shall be in accordance with the requirements of section 61456
3501.01 of the Revised Code. 61457

Such resolution shall also state that the question of 61458
issuing bonds of the board shall be combined in a single 61459
proposal with the question of such tax levy. More than one 61460
election under this section may be held in any one calendar 61461
year. Such resolution shall specify both of the following: 61462

(a) That the rate which it is necessary to levy shall be 61463
at the rate of not less than one-half mill for each one dollar 61464
of taxable value, and that such tax shall be levied for a period 61465
of twenty-three years; 61466

(b) That the proceeds of the tax shall be used to pay the 61467
cost of maintaining the classroom facilities included in the 61468
project or upgrading those facilities if approved by the 61469
commission. 61470

(B) A copy of a resolution adopted under division (A) of 61471
this section shall after its passage and not less than ninety 61472
days prior to the date set therein for the election be certified 61473
to the county board of elections. 61474

The resolution of the school district board, in addition 61475
to meeting other applicable requirements of section 133.18 of 61476
the Revised Code, shall state that the amount of bonds to be 61477
issued will be an amount equal to the school district's portion 61478
of the basic project cost, and state the maximum maturity of the 61479
bonds which may be any number of years not exceeding the term 61480

calculated under section 133.20 of the Revised Code as 61481
determined by the board. In estimating the amount of bonds to be 61482
issued, the board shall take into consideration the amount of 61483
moneys then in the bond retirement fund and the amount of moneys 61484
to be collected for and disbursed from the bond retirement fund 61485
during the remainder of the year in which the resolution of 61486
necessity is adopted. 61487

If the bonds are to be issued in more than one series, the 61488
resolution may state, in addition to the information required to 61489
be stated under division (B) (3) of section 133.18 of the Revised 61490
Code, the number of series, which shall not exceed five, the 61491
principal amount of each series, and the approximate date each 61492
series will be issued, and may provide that no series, or any 61493
portion thereof, may be issued before such date. Upon such a 61494
resolution being certified to the county auditor as required by 61495
division (C) of section 133.18 of the Revised Code, the county 61496
auditor, in calculating, advising, and confirming the estimated 61497
average annual property tax levy under that division, shall also 61498
calculate, advise, and confirm by certification the estimated 61499
average property tax levy for each series of bonds to be issued. 61500

Notice of the election shall include the fact that the tax 61501
levy shall be at the rate of not less than one-half mill for 61502
each one dollar of taxable value for a period of twenty-three 61503
years, and that the proceeds of the tax shall be used to pay the 61504
cost of maintaining or upgrading the classroom facilities 61505
included in the project. The notice shall also express the rate 61506
in dollars for each one hundred thousand dollars of ~~the county-~~ 61507
~~auditor's appraised market~~ value and the county auditor's 61508
estimate of the amount the tax levy is estimated to collect for 61509
each tax year it is levied, as certified pursuant to section 61510
5705.03 of the Revised Code. 61511

If the bonds are to be issued in more than one series, the board of education, when filing copies of the resolution with the board of elections as required by division (D) of section 133.18 of the Revised Code, may direct the board of elections to include in the notice of election the principal amount and approximate date of each series, the maximum number of years over which the principal of each series may be paid, the estimated additional average property tax levy for each series, and the first calendar year in which the tax is expected to be due for each series, in addition to the information required to be stated in the notice under divisions (E) (3) (a), (b), (c), (e), and (f) of section 133.18 of the Revised Code.

(C) (1) Except as otherwise provided in division (C) (2) of this section, the form of the ballot to be used at such election shall be:

"A majority affirmative vote is necessary for passage.

Shall bonds be issued by the _____ (here insert name of school district) school district to pay the local share of school construction under the State of Ohio Classroom Facilities Assistance Program in the principal amount of \$_____ (here insert principal amount of the bond issue), to be repaid annually over a maximum period of _____ (here insert the maximum number of years over which the principal of the bonds may be paid) years, and an annual levy of property taxes be made outside the ten-mill limitation, estimated by the county auditor to average over the repayment period of the bond issue _____ mills for each \$1 of taxable value, which amounts to \$_____ for each \$100,000 of ~~the county auditor's appraised~~ market value to pay the annual debt charges on the bonds and to pay debt charges on any notes

issued in anticipation of the bonds?" 61542

and, unless the additional levy 61543

of taxes is not required pursuant 61544

to division (C) of section 61545

3318.05 of the Revised Code, 61546

"Shall an additional levy of taxes be made for a period of 61547

twenty-three years to benefit the _____ (here insert name 61548

of school district) school district, the proceeds of which shall 61549

be used to pay the cost of maintaining (or upgrading if approved 61550

by the commission) the classroom facilities included in the 61551

project, that the county auditor estimates will collect \$_____ 61552

annually, at the rate of _____ (here insert the number of 61553

mills, which shall not be less than one-half mill) mills for 61554

each \$1 of taxable value, which amounts to \$_____ for each 61555

\$100,000 of ~~the county auditor's appraised~~ market value? 61556

61557

	FOR THE BOND ISSUE AND TAX LEVY	
	AGAINST THE BOND ISSUE AND TAX LEVY	"

(2) If authority is sought to issue bonds in more than one 61558

series and the board of education so elects, the form of the 61559

ballot shall be as prescribed in section 3318.062 of the Revised 61560

Code. If the board of education elects the form of the ballot 61561

prescribed in that section, it shall so state in the resolution 61562

adopted under this section. 61563

(D) If it is necessary for the school district to acquire 61564

a site for the classroom facilities to be acquired pursuant to 61565

sections 3318.01 to 3318.20 of the Revised Code, the district 61566

board may propose either to issue bonds of the board or to levy a tax to pay for the acquisition of such site, and may combine the question of doing so with the questions specified in division (B) of this section. Bonds issued under this division for the purpose of acquiring a site are a general obligation of the school district and are Chapter 133. securities.

The form of that portion of the ballot to include the question of either issuing bonds or levying a tax for site acquisition purposes shall be one of the following:

(1) "Shall bonds be issued by the _____ (here insert name of the school district) school district to pay costs of acquiring a site for classroom facilities under the State of Ohio Classroom Facilities Assistance Program in the principal amount of \$_____ (here insert principal amount of the bond issue), to be repaid annually over a maximum period of _____ (here insert maximum number of years over which the principal of the bonds may be paid) years, and an annual levy of property taxes be made outside the ten-mill limitation, estimated by the county auditor to average over the repayment period of the bond issue _____ mills for each \$1 of taxable value, which amounts to \$_____ for each \$100,000 of ~~the county auditor's appraised market~~ value to pay the annual debt charges on the bonds and to pay debt charges on any notes issued in anticipation of the bonds?"

(2) "Shall an additional levy of taxes outside the ten-mill limitation be made for the benefit of the _____ (here insert name of the school district) school district for the purpose of acquiring a site for classroom facilities in the sum of \$_____ (here insert annual amount the levy is to produce) estimated by the county auditor to average _____ mills for

each \$1 of taxable value, which amounts to \$_____ for each 61597
\$100,000 of ~~the county auditor's appraised market~~ value, for a 61598
period of _____ (here insert number of years the millage is 61599
to be imposed) years?" 61600

Where it is necessary to combine the question of issuing 61601
bonds of the school district and levying a tax as described in 61602
division (B) of this section with the question of issuing bonds 61603
of the school district for acquisition of a site, the question 61604
specified in that division to be voted on shall be "For the Bond 61605
Issues and the Tax Levy" and "Against the Bond Issues and the 61606
Tax Levy." 61607

Where it is necessary to combine the question of issuing 61608
bonds of the school district and levying a tax as described in 61609
division (B) of this section with the question of levying a tax 61610
for the acquisition of a site, the question specified in that 61611
division to be voted on shall be "For the Bond Issue and the Tax 61612
Levies" and "Against the Bond Issue and the Tax Levies." 61613

Where the school district board chooses to combine the 61614
question in division (B) of this section with any of the 61615
additional questions described in divisions (A) to (D) of 61616
section 3318.056 of the Revised Code, the question specified in 61617
division (B) of this section to be voted on shall be "For the 61618
Bond Issues and the Tax Levies" and "Against the Bond Issues and 61619
the Tax Levies." 61620

If a majority of those voting upon a proposition hereunder 61621
which includes the question of issuing bonds vote in favor 61622
thereof, and if the agreement provided for by section 3318.08 of 61623
the Revised Code has been entered into, the school district 61624
board may proceed under Chapter 133. of the Revised Code, with 61625
the issuance of bonds or bond anticipation notes in accordance 61626

with the terms of the agreement. 61627

Sec. 3318.061. This section applies only to school 61628
districts eligible to receive additional assistance under 61629
division (B) (2) of section 3318.04 of the Revised Code. 61630

The board of education of a school district in which a tax 61631
described by division (B) of section 3318.05 and levied under 61632
section 3318.06 of the Revised Code is in effect, may adopt a 61633
resolution by vote of ~~a majority~~ two-thirds of all of its 61634
members to extend the term of that tax beyond the expiration of 61635
that tax as originally approved under that section. The school 61636
district board may include in the resolution a proposal to 61637
extend the term of that tax at the rate of not less than one- 61638
half mill for each dollar of taxable value for a period of 61639
twenty-three years from the year in which the school district 61640
board and the Ohio facilities construction commission enter into 61641
an agreement under division (B) (2) of section 3318.04 of the 61642
Revised Code or in the following year, as specified in the 61643
resolution. Such a resolution may be adopted at any time before 61644
such an agreement is entered into and before the tax levied 61645
pursuant to section 3318.06 of the Revised Code expires. If the 61646
resolution is combined with a resolution to issue bonds to pay 61647
the school district's portion of the basic project cost, it 61648
shall conform with the requirements of divisions (A) (1), (2), 61649
and (3) of section 3318.06 of the Revised Code, except that the 61650
resolution also shall state that the tax levy proposed in the 61651
resolution is an extension of an existing tax levied under that 61652
section. A resolution proposing an extension adopted under this 61653
section does not take effect until it is approved by a majority 61654
of electors voting in favor of the resolution at a general, 61655
primary, or special election as provided in this section. 61656

A tax levy extended under this section is subject to the same terms and limitations to which the original tax levied under section 3318.06 of the Revised Code is subject under that section, except the term of the extension shall be as specified in this section.

The school district board and the county auditor shall proceed in the same manner as required for a tax levy under section 5705.03 of the Revised Code. The board shall certify a copy of the resolution adopted under this section and the auditor's certification to the proper county board of elections not later than ninety days before the date set in the resolution as the date of the election at which the question will be submitted to electors. The notice of the election shall conform with the requirements of division (A) (3) of section 3318.06 of the Revised Code, except that the notice also shall state that the maintenance tax levy is an extension of an existing tax levy, the levy's estimated annual collections, and the levy's effective rate, expressed in dollars for each one hundred thousand dollars of ~~the county auditor's appraised~~ market value.

The form of the ballot shall be as follows:

"Shall the existing tax levied to pay the cost of maintaining (or upgrading if approved by the Ohio facilities construction commission) classroom facilities constructed with the proceeds of the previously issued bonds, that the county auditor estimates will collect \$_____ annually, at the rate of _____ (here insert the number of mills, which shall not be less than one-half mill) mills for each \$1 of taxable value, which amounts to \$_____ (effective rate) for each \$100,000 of ~~the county auditor's appraised~~ market value, be extended until _____ (here insert the year that is twenty-three years after

the year in which the district and commission will enter into an agreement under division (B) (2) of section 3318.04 of the Revised Code or the following year)?

	FOR EXTENDING THE EXISTING TAX LEVY
	AGAINST EXTENDING THE EXISTING TAX LEVY

"

Section 3318.07 of the Revised Code applies to ballot questions under this section.

Sec. 3318.062. (A) If authority is sought to issue bonds in more than one series to pay the school district's portion of the basic project cost under sections 3318.01 to 3318.20 of the Revised Code, the form of the ballot shall be:

"Shall bonds be issued by the _____ (here insert name of school district) school district to pay the local share of school construction under the State of Ohio Classroom Facilities Assistance Program in the total principal amount of \$_____ (total principal amount of the bond issue), to be issued in _____ (number of series) series, each series to be repaid annually over not more than _____ (maximum number of years over which the principal of each series may be paid) years, and an annual levy of property taxes be made outside the ten-mill limitation to pay the annual debt charges on the bonds and on any notes issued in anticipation of the bonds, at a rate estimated by the county auditor to average over the repayment period of each series as follows: _____ (insert the following for each series: "the _____ series, in a principal amount of \$_____, that the county auditor estimates will require _____ mills for each \$1 of taxable value, which amounts to \$_____ for each \$100,000 of ~~the county~~

~~auditor's appraised market value~~, commencing in _____ and 61714
first payable in _____)?" 61715

and, unless the additional levy 61716

of taxes is not required pursuant 61717

to division (C) of section 61718

3318.05 of the Revised Code, 61719

"Shall an additional levy of taxes be made for a period of 61720
twenty-three years to benefit the _____ (here insert name 61721
of school district) school district, the proceeds of which shall 61722
be used to pay the cost of maintaining (or upgrading if approved 61723
by the Ohio facilities construction commission) the classroom 61724
facilities included in the project, that the county auditor 61725
estimates will collect \$_____ annually, at the rate of 61726
_____ (here insert the number of mills, which shall not be 61727
less than one-half mill) mills for each \$1 of taxable value, 61728
which amounts to \$_____ for each \$100,000 of ~~the county-~~ 61729
~~auditor's appraised market value~~? 61730

	For the bond issue	"
	Against the bond issue	

(B) If it is necessary for the school district to acquire 61732
a site for the classroom facilities to be acquired pursuant to 61733
sections 3318.01 to 3318.20 of the Revised Code, the district 61734
board may propose, by a vote of two-thirds of all members of the 61735
board of education, either to issue bonds of the board or to 61736
levy a tax to pay for the acquisition of such site, and may 61737
combine the question of doing so with the questions specified in 61738
division (A) of this section. Bonds issued under this division 61739

for the purpose of acquiring a site are a general obligation of 61740
the school district and are Chapter 133. securities. 61741

The form of that portion of the ballot to include the 61742
question of either issuing bonds or levying a tax for site 61743
acquisition purposes shall be one of the forms prescribed in 61744
division (D) of section 3318.06 of the Revised Code. 61745

(C) Where the school district board chooses to combine the 61746
question in division (A) of this section with any of the 61747
additional questions described in divisions (A) to (D) of 61748
section 3318.056 of the Revised Code, the question specified in 61749
division (A) of this section to be voted on shall be "For the 61750
Bond Issues and the Tax Levies" and "Against the Bond Issues and 61751
the Tax Levies." 61752

(D) If a majority of those voting upon a proposition 61753
prescribed in this section which includes the question of 61754
issuing bonds vote in favor of that issuance, and if the 61755
agreement prescribed in section 3318.08 of the Revised Code has 61756
been entered into, the school district board may proceed under 61757
Chapter 133. of the Revised Code with the issuance of bonds or 61758
bond anticipation notes in accordance with the terms of the 61759
agreement. 61760

Sec. 3318.063. If the board of education of a city, 61761
exempted village, or local school district that has entered into 61762
an agreement under section 3318.051 of the Revised Code to make 61763
transfers of money in lieu of levying the tax for maintenance or 61764
upgrade of the classroom facilities included in the district's 61765
project determines that it no longer can continue making the 61766
transfers so agreed to and desires to rescind that agreement, 61767
the board shall adopt the resolution, by a vote of two-thirds of 61768
all of its members, to submit the question of the tax levy 61769

prescribed in this section. 61770

The resolution shall declare that the question of a tax 61771
levy specified in division (F) of section 3318.051 of the 61772
Revised Code shall be submitted to the electors of the school 61773
district at the next general or primary election, if there be a 61774
general or primary election not less than seventy-five and not 61775
more than ninety-five days after the day of the adoption of such 61776
resolution or, if not, at a special election to be held at a 61777
time specified in the resolution which shall be not less than 61778
seventy-five days after the day of the adoption of the 61779
resolution and which shall be in accordance with the 61780
requirements of section 3501.01 of the Revised Code. Such 61781
resolution shall specify both of the following: 61782

(A) That the rate which it is necessary to levy shall be 61783
at the rate of not less than one-half mill for each one dollar 61784
of taxable value, and that such tax shall be levied for the 61785
number of years required by division (F) of section 3318.051 of 61786
the Revised Code; 61787

(B) That the proceeds of the tax shall be used to pay the 61788
cost of maintaining the classroom facilities included in the 61789
project. 61790

A copy of such resolution shall after its passage and not 61791
less than seventy-five days prior to the date set therein for 61792
the election be certified to the county board of elections. 61793

Notice of the election shall include the levy's estimated 61794
annual collections, the fact that the tax levy shall be at the 61795
rate of not less than one-half mill for each one dollar of 61796
taxable value for the number of years required by division (F) 61797
of section 3318.051 of the Revised Code, and that the proceeds 61798

of the tax shall be used to pay the cost of maintaining the 61799
classroom facilities included in the project. The notice shall 61800
also express the rate in dollars for each one hundred thousand 61801
dollars of ~~the county auditor's appraised~~ market value. 61802

The form of the ballot to be used at such election shall 61803
be: 61804

"Shall a levy of taxes be made for a period of 61805
_____ (here insert the number of years, which shall not 61806
be less than the number required by division (F) of section 61807
3318.051 of the Revised Code) years to benefit the _____ 61808
(here insert name of school district) school district, the 61809
proceeds of which shall be used to pay the cost of maintaining 61810
(or upgrading if approved by the Ohio facilities construction 61811
commission) the classroom facilities included in the project, 61812
that the county auditor estimates will collect \$_____ annually, 61813
at the rate of _____ (here insert the number of mills, 61814
which shall not be less than one-half mill) mills for each \$1 of 61815
taxable value, which amounts to \$_____ for each \$100,000 of 61816
~~the county auditor's appraised~~ market value? 61817
61818

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

Sec. 3318.12. (A) The Ohio facilities construction 61819
commission shall cause to be transferred to the school 61820
district's project construction fund the necessary amounts from 61821
amounts appropriated by the general assembly and set aside for 61822
such purpose, from time to time as may be necessary to pay 61823
obligations chargeable to such fund when due. All investment 61824
earnings of a school district's project construction fund shall 61825

be credited to the fund. 61826

(B) (1) The treasurer of the school district board shall 61827
disburse funds from the school district's project construction 61828
fund, including investment earnings credited to the fund, only 61829
upon the approval of the commission or the commission's 61830
designated representative. The commission or the commission's 61831
designated representative shall issue vouchers against such 61832
fund, in such amounts, and at such times as required by the 61833
contracts for construction of the project. 61834

(2) Notwithstanding anything to the contrary in division 61835
(B) (1) of this section, the school district board may, by a duly 61836
adopted resolution, choose to use all or part of the investment 61837
earnings of the district's project construction fund that are 61838
attributable to the district's contribution to the fund to pay 61839
the cost of classroom facilities or portions or components of 61840
classroom facilities that are not included in the district's 61841
basic project cost but that are related to the district's 61842
project. If the district board adopts a resolution in favor of 61843
using those investment earnings as authorized under division (B) 61844
(2) of this section, the treasurer shall disburse the amount as 61845
designated and directed by the board. However, if the district 61846
board chooses to use any part of the investment earnings for 61847
classroom facilities or portions or components of classroom 61848
facilities that are not included in the basic project cost, as 61849
authorized under division (B) (2) of this section, and, 61850
subsequently, the cost of the project exceeds the amount in the 61851
project construction fund, the district board shall restore to 61852
the project construction fund the full amount of the investment 61853
earnings used under division (B) (2) of this section before any 61854
additional state moneys shall be released for the project. 61855

(C) After a certificate of completion has been issued for a project under section 3318.48 of the Revised Code: 61856
61857

(1) At the discretion of the school district board, any investment earnings remaining in the project construction fund that are attributable to the school district's contribution to the fund shall be: 61858
61859
61860
61861

(a) Retained in the project construction fund for future projects; 61862
61863

(b) Transferred to the district's maintenance fund required by division (B) of section 3318.05 or section 3318.43 of the Revised Code, and the money so transferred shall be used solely for maintaining the classroom facilities included in the project; 61864
61865
61866
61867
61868

(c) Transferred to the district's permanent improvement fund. 61869
61870

(2) Any investment earnings remaining in the project construction fund that are attributable to the state's contribution to the fund shall be transferred to the commission for expenditure pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code. 61871
61872
61873
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(3) Any other surplus remaining in the school district's project construction fund shall be transferred to the commission and the school district board in proportion to their respective contributions to the fund. The commission shall use the money transferred to it under this division for expenditure pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code. 61876
61877
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(D) Pursuant to appropriations of the general assembly, any moneys transferred to the commission under division (C) (2) 61883
61884

or (3) of this section from a project construction fund for a 61885
project under sections 3318.40 to 3318.45 of the Revised Code 61886
may be used for future expenditures for projects under sections 61887
3318.40 to 3318.45 of the Revised Code, ~~notwithstanding the two-~~ 61888
~~per cent annual limit specified in accordance with~~ division (B) 61889
of section 3318.40 of the Revised Code. 61890

Sec. 3318.36. (A) (1) As used in this section: 61891

(a) "Ohio facilities construction commission," "classroom 61892
facilities," "school district," "school district board," "net 61893
bonded indebtedness," "required percentage of the basic project 61894
costs," "basic project cost," "valuation," and "percentile" have 61895
the same meanings as in section 3318.01 of the Revised Code. 61896

(b) "Required level of indebtedness" means five per cent 61897
of the school district's valuation for the year preceding the 61898
year in which the commission and school district enter into an 61899
agreement under division (B) of this section, plus [two one- 61900
hundredths of one per cent multiplied by (the percentile in 61901
which the district ranks minus one)]. 61902

(c) "Local resources" means any moneys generated in any 61903
manner permitted for a school district board to raise the school 61904
district portion of a project undertaken with assistance under 61905
sections 3318.01 to 3318.20 of the Revised Code. 61906

(2) For purposes of determining the required level of 61907
indebtedness, the required percentage of the basic project costs 61908
under division (C) (1) of this section, and priority for 61909
assistance under sections 3318.01 to 3318.20 of the Revised 61910
Code, the percentile ranking of a school district with which the 61911
commission has entered into an agreement under this section 61912
between the first day of July and the thirty-first day of August 61913

in each fiscal year is the percentile ranking calculated for 61914
that district for the immediately preceding fiscal year, and the 61915
percentile ranking of a school district with which the 61916
commission has entered into such agreement between the first day 61917
of September and the thirtieth day of June in each fiscal year 61918
is the percentile ranking calculated for that district for the 61919
current fiscal year. 61920

(B) (1) There is hereby established the school building 61921
assistance expedited local partnership program. Under the 61922
program, the Ohio facilities construction commission may enter 61923
into an agreement with the board of any school district under 61924
which the board may proceed with the new construction or major 61925
repairs of a part of the district's classroom facilities needs, 61926
as determined under sections 3318.01 to 3318.20 of the Revised 61927
Code, through the expenditure of local resources prior to the 61928
school district's eligibility for state assistance under those 61929
sections, and may apply that expenditure toward meeting the 61930
school district's portion of the basic project cost of the total 61931
of the district's classroom facilities needs, as recalculated 61932
under division (E) of this section, when the district becomes 61933
eligible for state assistance under sections 3318.01 to 3318.20 61934
or section 3318.364 of the Revised Code. 61935

Any school district that is reasonably expected to receive 61936
assistance under sections 3318.01 to 3318.20 of the Revised Code 61937
within two fiscal years from the date the school district adopts 61938
its resolution under division (B) of this section shall not be 61939
eligible to participate in the program established under this 61940
section unless that school district divides its project under 61941
those sections into segments as authorized by section 3318.034 61942
of the Revised Code. In the case of a school district that has 61943
segmented its project as authorized in section 3318.034 of the 61944

Revised Code, the district shall select a discrete portion of 61945
one or more future segments of its project, to which the 61946
district may apply local resources under an agreement under this 61947
section prior to further state assistance for those future 61948
segments under sections 3318.01 to 3318.20 of the Revised Code. 61949

(2) To participate in the program, a school district board 61950
shall first adopt a resolution, by a vote of two-thirds of all 61951
of its members, certifying to the commission the board's intent 61952
to participate in the program. 61953

The resolution shall specify the approximate date that the 61954
board intends to seek elector approval of any bond or tax 61955
measures or to apply other local resources to use to pay the 61956
cost of classroom facilities to be constructed under this 61957
section. The resolution may specify the application of local 61958
resources or elector-approved bond or tax measures after the 61959
resolution is adopted by the board, and in such case the board 61960
may proceed with a discrete portion of its project under this 61961
section as soon as the commission and the controlling board have 61962
approved the basic project cost of the district's classroom 61963
facilities needs as specified in division (D) of this section. 61964
The board shall submit its resolution to the commission not 61965
later than ten days after the date the resolution is adopted by 61966
the board. 61967

The commission shall not consider any resolution that is 61968
submitted pursuant to division (B)(2) of this section, as 61969
amended by this amendment, sooner than September 14, 2000. 61970

(3) For purposes of determining when a district that 61971
enters into an agreement under this section becomes eligible for 61972
assistance under sections 3318.01 to 3318.20 of the Revised Code 61973
or priority for assistance under section 3318.364 of the Revised 61974

Code, the commission shall use the district's percentile ranking 61975
determined at the time the district entered into the agreement 61976
under this section, as prescribed by division (A)(2) of this 61977
section. 61978

(4) Any project under this section shall comply with 61979
section 3318.03 of the Revised Code and with any specifications 61980
for plans and materials for classroom facilities adopted by the 61981
commission under section 3318.04 of the Revised Code. 61982

(5) If a school district that enters into an agreement 61983
under this section has not begun a project applying local 61984
resources as provided for under that agreement at the time the 61985
district is notified by the commission that it is eligible to 61986
receive state assistance for its project under sections 3318.01 61987
to 3318.20 of the Revised Code or for a segment of its project, 61988
if the district previously segmented its project as authorized 61989
in section 3318.034 of the Revised Code, all assessment and 61990
agreement documents entered into under this section are void. 61991

(6) Only construction of or repairs to classroom 61992
facilities that have been approved by the commission and have 61993
been therefore included as part of a district's basic project 61994
cost qualify for application of local resources under this 61995
section. 61996

(C) Based on the results of on-site visits and assessment, 61997
the commission shall determine the basic project cost of the 61998
school district's classroom facilities needs. The commission 61999
shall determine the school district's portion of such basic 62000
project cost, which shall be the greater of: 62001

(1) The required percentage of the basic project costs, 62002
determined based on the school district's percentile ranking; 62003

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

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

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

(2) Unless the school district board exercises its option under division (D) (3) of this section, for a school district to qualify for participation in the program authorized under this

section, one of the following conditions shall be satisfied: 62034

(a) The electors of the school district by a majority vote 62035
shall approve the levy of taxes outside the ten-mill limitation 62036
for a period of twenty-three years at the rate of not less than 62037
one-half mill for each dollar of valuation to be used to pay the 62038
cost of maintaining or upgrading, if approved by the commission, 62039
the classroom facilities included in the basic project cost as 62040
determined by the commission. The form of the ballot to be used 62041
to submit the question whether to approve the tax required under 62042
this division to the electors of the school district shall be 62043
the form for an additional levy of taxes prescribed in section 62044
3318.361 of the Revised Code, which may be combined in a single 62045
ballot question with the questions prescribed under section 62046
5705.218 of the Revised Code. 62047

(b) As authorized under division (C) of section 3318.05 of 62048
the Revised Code, the school district board shall earmark from 62049
the proceeds of a permanent improvement tax levied under section 62050
5705.21 of the Revised Code, an amount equivalent to the 62051
additional tax otherwise required under division (D) (2) (a) of 62052
this section for the maintenance of the classroom facilities 62053
included in the basic project cost as determined by the 62054
commission. 62055

(c) As authorized under section 3318.051 of the Revised 62056
Code, the school district board shall, if approved by the 62057
commission, annually transfer into the maintenance fund required 62058
under section 3318.05 of the Revised Code the amount prescribed 62059
in section 3318.051 of the Revised Code in lieu of the tax 62060
otherwise required under division (D) (2) (a) of this section for 62061
the maintenance of the classroom facilities included in the 62062
basic project cost as determined by the commission. 62063

(d) If the school district board has rescinded the agreement to make transfers under section 3318.051 of the Revised Code, as provided under division (F) of that section, the electors of the school district, in accordance with section 3318.063 of the Revised Code, first shall approve the levy of taxes outside the ten-mill limitation for the period specified in that section at a rate of not less than one-half mill for each dollar of valuation.

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

(3) A school district board may opt to delay taking any of the actions described in division (D)(2) of this section until the school district becomes eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code. In order to exercise this option, the board shall certify to the commission a resolution indicating the board's intent to do so prior to entering into an agreement under division (B) of this section.

(4) If pursuant to division (D)(3) of this section a district board opts to delay levying an additional tax until the district becomes eligible for state assistance, it shall submit the question of levying that tax to the district electors as follows:

(a) In accordance with section 3318.06 of the Revised Code if it will also be necessary pursuant to division (E) of this

section to submit a proposal for approval of a bond issue; 62094

(b) In accordance with section 3318.361 of the Revised 62095
Code if it is not necessary to also submit a proposal for 62096
approval of a bond issue pursuant to division (E) of this 62097
section. 62098

(5) No state assistance under sections 3318.01 to 3318.20 62099
of the Revised Code shall be released until a school district 62100
board that adopts and certifies a resolution under division (D) 62101
of this section also demonstrates to the satisfaction of the 62102
commission compliance with the provisions of division (D) (2) of 62103
this section. 62104

Any amount required for maintenance under division (D) (2) 62105
of this section shall be deposited into a separate fund as 62106
specified in division (D) of section 3318.05 of the Revised 62107
Code. 62108

(E) (1) If the school district becomes eligible for state 62109
assistance under sections 3318.01 to 3318.20 of the Revised Code 62110
for its entire project or for future segments, if the district 62111
previously segmented its project as authorized in section 62112
3318.034 of the Revised Code, based on its percentile ranking 62113
under division (B) (3) of this section or is offered assistance 62114
under section 3318.364 of the Revised Code, the commission shall 62115
conduct a new assessment of the school district's classroom 62116
facilities needs and shall recalculate the basic project cost 62117
based on this new assessment. The basic project cost 62118
recalculated under this division shall include the amount of 62119
expenditures made by the school district board under division 62120
(D) (1) of this section. The commission shall then recalculate 62121
the school district's portion of the new basic project cost, 62122
which shall be the percentage of the original basic project cost 62123

assigned to the school district as its portion under division 62124
(C) of this section. The commission shall deduct the expenditure 62125
of school district moneys made under division (D) (1) of this 62126
section from the school district's portion of the basic project 62127
cost as recalculated under this division. If the amount of 62128
school district resources applied by the school district board 62129
to the school district's portion of the basic project cost under 62130
this section is less than the total amount of such portion as 62131
recalculated under this division, the school district board by a 62132
majority vote of all of its members shall, if it desires to seek 62133
state assistance under sections 3318.01 to 3318.20 of the 62134
Revised Code, adopt a resolution as specified in section 3318.06 62135
of the Revised Code to submit to the electors of the school 62136
district the question of approval of a bond issue in order to 62137
pay any additional amount of school district portion required 62138
for state assistance. Any tax levy approved under division (D) 62139
of this section satisfies the requirements to levy the 62140
additional tax under section 3318.06 of the Revised Code. 62141

(2) If the amount of school district resources applied by 62142
the school district board to the school district's portion of 62143
the basic project cost under this section is more than the total 62144
amount of such portion as recalculated under this division, 62145
within two years after the school district's portion is 62146
recalculated under division (E) (1) of this section the 62147
commission may grant to the school district the difference 62148
between the two calculated portions, but at no time shall the 62149
commission expend any state funds on a project in an amount 62150
greater than the state's portion of the basic project cost as 62151
recalculated under this division. 62152

Any reimbursement under this division shall be only for 62153
local resources the school district has applied toward 62154

construction cost expenditures for the classroom facilities 62155
approved by the commission, which shall not include any 62156
financing costs associated with that construction. 62157

The school district board shall use any moneys reimbursed 62158
to the district under this division to pay off any debt service 62159
the district owes for classroom facilities constructed under its 62160
project under this section before such moneys are applied to any 62161
other purpose. However, the district board first may deposit 62162
moneys reimbursed under this division into the district's 62163
general fund or a permanent improvement fund to replace local 62164
resources the district withdrew from those funds, as long as, 62165
and to the extent that, those local resources were used by the 62166
district for constructing classroom facilities included in the 62167
district's basic project cost. 62168

Sec. 3318.361. A school district board opting to qualify 62169
for state assistance pursuant to section 3318.36 of the Revised 62170
Code through levying the tax specified in division (D) (2) (a) or 62171
(D) (4) of that section shall declare by resolution that the 62172
question of a tax levy specified in division (D) (2) (a) or (4), 62173
as applicable, of section 3318.36 of the Revised Code shall be 62174
submitted to the electors of the school district at the next 62175
general or primary election, if there be a general or primary 62176
election not less than ninety and not more than one hundred ten 62177
days after the day of the adoption of such resolution or, if 62178
not, at a special election to be held at a time specified in the 62179
resolution which shall be not less than ninety days after the 62180
day of the adoption of the resolution and which shall be in 62181
accordance with the requirements of section 3501.01 of the 62182
Revised Code. Such resolution shall specify both of the 62183
following: 62184

(A) That the rate which it is necessary to levy shall be 62185
at the rate of not less than one-half mill for each one dollar 62186
of taxable value, and that such tax shall be levied for a period 62187
of twenty-three years; 62188

(B) That the proceeds of the tax shall be used to pay the 62189
cost of maintaining the classroom facilities included in the 62190
project or upgrading those facilities if approved by the Ohio 62191
facilities construction commission. 62192

A copy of such resolution shall after its passage and not 62193
less than ninety days prior to the date set therein for the 62194
election be certified to the county board of elections. 62195

Notice of the election shall include the levy's estimated 62196
annual collections, the fact that the tax levy shall be at the 62197
rate of not less than one-half mill for each one dollar of 62198
taxable value for a period of twenty-three years, and that the 62199
proceeds of the tax shall be used to pay the cost of maintaining 62200
or upgrading the classroom facilities included in the project. 62201
The notice shall also express the rate in dollars for each one 62202
hundred thousand dollars of ~~the county auditor's appraised~~ 62203
market value. 62204

The form of the ballot to be used at such election shall 62205
be: 62206

"Shall a levy of taxes be made for a period of twenty- 62207
three years to benefit the _____ (here insert name of 62208
school district) school district, the proceeds of which shall be 62209
used to pay the cost of maintaining (or upgrading if approved by 62210
the Ohio facilities construction commission) the classroom 62211
facilities included in the project, that the county auditor 62212
estimates will collect \$_____ annually, at the rate of 62213

_____ (here insert the number of mills, which shall not be 62214
less than one-half mill) mills for each \$1 of taxable value, 62215
which amounts to \$_____ for each \$100,000 of ~~the county~~ 62216
~~auditor's appraised~~ market value? 62217
62218

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

Sec. 3318.40. (A) (1) Sections 3318.40 to 3318.45 of the 62219
Revised Code apply only to joint vocational school districts. 62220

(2) As used in sections 3318.40 to 3318.45 of the Revised 62221
Code: 62222

(a) "Ohio facilities construction commission," "classroom 62223
facilities," "project," and "basic project cost" have the same 62224
meanings as in section 3318.01 of the Revised Code. 62225

(b) "Acquisition of classroom facilities" means 62226
constructing, reconstructing, repairing, or making additions to 62227
classroom facilities. 62228

(B) There is hereby established the vocational school 62229
facilities assistance program. Under the program, the Ohio 62230
facilities construction commission shall provide assistance to 62231
joint vocational school districts for the acquisition of 62232
classroom facilities suitable to the vocational education 62233
programs of the districts in accordance with sections 3318.40 to 62234
3318.45 of the Revised Code. ~~For purposes of the program,~~ 62235
~~beginning July 1, 2003, the~~ The commission ~~annually~~ may set 62236
aside ~~up to two per cent~~ a portion of the aggregate amount 62237
appropriated to it for classroom facilities assistance projects 62238
in the public school building fund, established under section 62239

3318.15 of the Revised Code, and the school building program 62240
assistance fund, established under section 3318.25 of the 62241
Revised Code, to provide assistance to at least two joint 62242
vocational school districts per biennium. The amount set aside 62243
for this purpose shall be determined by the commission. 62244

(C) The commission shall not provide assistance for any 62245
distinct part of a project under sections 3318.40 to 3318.45 of 62246
the Revised Code that when completed will be used exclusively 62247
for an adult education program or exclusively for operation of a 62248
driver training school for instruction leading to the issuance 62249
of a commercial driver's license under Chapter 4506. of the 62250
Revised Code, except for life safety items and basic building 62251
components necessary for complete and continuous construction or 62252
renovation of a classroom facility as determined by the 62253
commission. 62254

(D) The commission shall not provide assistance under 62255
sections 3318.40 to 3318.45 of the Revised Code to acquire 62256
classroom facilities for vocational educational instruction at a 62257
location under the control of a school district that is a member 62258
of a joint vocational school district. Any assistance to acquire 62259
classroom facilities for vocational educational instruction at 62260
such location shall be provided to the school district that is a 62261
member of the joint vocational school district through other 62262
provisions of this chapter when that member school district is 62263
eligible for assistance under those provisions. 62264

(E) By September 1, 2003, the commission shall assess the 62265
classroom facilities needs of at least five joint vocational 62266
school districts, according to the order of priority prescribed 62267
in division (B) of section 3318.42 of the Revised Code, and 62268
based on the results of those assessments shall determine the 62269

extent to which amendments to the specifications adopted under 62270
section 3318.311 of the Revised Code are warranted. The 62271
commission, thereafter, may amend the specifications as provided 62272
in that section. 62273

(F) After the commission has conducted the assessments 62274
prescribed in division (E) of this section, the commission shall 62275
establish, by rule adopted in accordance with section 111.15 of 62276
the Revised Code, guidelines for the commission to use in 62277
deciding whether to waive compliance with the design 62278
specifications adopted under section 3318.311 of the Revised 62279
Code when determining the number of facilities and the basic 62280
project cost of projects as prescribed in division (A) (1) (a) of 62281
section 3318.41 of the Revised Code. The guidelines shall 62282
address the following situations: 62283

(1) Under what circumstances, if any, particular classroom 62284
facilities are adequate to meet the needs of the school district 62285
even though the facilities do not comply with the specifications 62286
adopted under section 3318.311 of the Revised Code; 62287

(2) Under what circumstances, if any, particular classroom 62288
facilities will be renovated or repaired rather than replaced by 62289
construction of new facilities. 62290

Sec. 3318.45. (A) Unless division (B) of section 3318.44 62291
of the Revised Code applies, if a joint vocational school 62292
district board of education proposes to issue securities to 62293
generate all or part of the school district's portion of the 62294
basic project cost of the school district's project under 62295
sections 3318.40 to 3318.45 of the Revised Code, the school 62296
district board shall adopt a resolution, by a vote of two-thirds 62297
of all of its members, in accordance with Chapter 133. and 62298
section 3311.20 of the Revised Code. Unless the school district 62299

board seeks authority to issue securities in more than one 62300
series, the school district board shall adopt the form of the 62301
ballot prescribed in section 133.18 of the Revised Code. 62302

(B) If authority is sought to issue bonds in more than one 62303
series, the form of the ballot shall be: 62304

"Shall bonds be issued by the _____ (here insert name 62305
of joint vocational school district) joint vocational school 62306
district to pay the local share of school construction under the 62307
State of Ohio Joint Vocational School Facilities Assistance 62308
Program in the total principal amount of \$_____ (total 62309
principal amount of the bond issue), to be issued in _____ 62310
(number of series) series, each series to be repaid annually 62311
over not more than _____ (maximum number of years over which 62312
the principal of each series may be paid) years, and an annual 62313
levy of property taxes be made outside the ten-mill limitation 62314
to pay the annual debt charges on the bonds and on any notes 62315
issued in anticipation of the bonds, at a rate estimated by the 62316
county auditor to average over the repayment period of each 62317
series as follows: _____ [insert the following for each 62318
series: "the _____ series, in a principal amount of 62319
\$_____, that the county auditor estimates will require 62320
_____ mills for each \$1 of taxable value, which amounts to 62321
\$_____ for each \$100,000 of ~~the county auditor's appraised-~~ 62322
~~market~~ value, commencing in _____ and first payable in 62323
_____"]? 62324
_____"]? 62325

	For the bond issue	
	Against the bond issue	"

(C) If it is necessary for the school district to acquire 62326

a site for the classroom facilities to be acquired pursuant to 62327
sections 3318.40 to 3318.45 of the Revised Code, the district 62328
board may propose either to issue bonds of the board or to levy 62329
a tax to pay for the acquisition of such site and may combine 62330
the question of doing so with the question specified by 62331
reference in division (A) of this section or the question 62332
specified in division (B) of this section. Bonds issued under 62333
this division for the purpose of acquiring a site are a general 62334
obligation of the school district and are Chapter 133. 62335
securities. 62336

The form of that portion of the ballot to include the 62337
question of either issuing bonds or levying a tax for site 62338
acquisition purposes shall be one of the following: 62339

(1) "Shall bonds be issued by the _____ (here 62340
insert name of the joint vocational school district) joint 62341
vocational school district to pay costs of acquiring a site for 62342
classroom facilities under the State of Ohio Joint Vocational 62343
School Facilities Assistance Program in the principal amount of 62344
\$_____ (here insert principal amount of the bond issue), to 62345
be repaid annually over a maximum period of _____ (here 62346
insert maximum number of years over which the principal of the 62347
bonds may be paid) years, and an annual levy of property taxes 62348
be made outside the ten-mill limitation, estimated by the county 62349
auditor to average over the repayment period of the bond issue 62350
_____ mills for each \$1 of taxable value, which amounts to 62351
\$_____ for each \$100,000 of ~~the county auditor's appraised~~ 62352
~~market~~ value, to pay the annual debt charges on the bonds and to 62353
pay debt charges on any notes issued in anticipation of the 62354
bonds?" 62355

(2) "Shall an additional levy of taxes outside the ten- 62356

mill limitation be made for the benefit of the _____ (here 62357
insert name of the joint vocational school district) joint 62358
vocational school district for the purpose of acquiring a site 62359
for classroom facilities in the sum of \$_____ (here insert 62360
annual amount the levy is to produce) estimated by the county 62361
auditor to collect \$_____ annually and to average _____ mills 62362
for each \$1 of taxable value, which amounts to \$_____ for 62363
each \$100,000 of ~~the county auditor's appraised market value,~~ 62364
for a period of _____ (here insert number of years the 62365
millage is to be imposed) years?" 62366

Where it is necessary to combine the question of issuing 62367
bonds of the joint vocational school district as described in 62368
division (A) of this section with the question of issuing bonds 62369
of the school district for acquisition of a site, the question 62370
specified in that division to be voted on shall be "For the bond 62371
issues" and "Against the bond issues." 62372

Where it is necessary to combine the question of issuing 62373
bonds of the joint vocational school district as described in 62374
division (A) of this section with the question of levying a tax 62375
for the acquisition of a site, the question specified in that 62376
division to be voted on shall be "For the bond issue and the tax 62377
levy" and "Against the bond issue and the tax levy." 62378

(D) Where the school district board chooses to combine a 62379
question specified in this section with any of the additional 62380
questions described in division (C) of section 3318.44 of the 62381
Revised Code, the question to be voted on shall be "For the bond 62382
issues and the tax levies" and "Against the bond issues and the 62383
tax levies." 62384

(E) If a majority of those voting upon a proposition 62385
prescribed in this section which includes the question of 62386

issuing bonds vote in favor of that issuance and if the 62387
agreement prescribed in section 3318.08 of the Revised Code has 62388
been entered into, the school district board may proceed under 62389
Chapter 133. of the Revised Code with the issuance of bonds or 62390
bond anticipation notes in accordance with the terms of the 62391
agreement. 62392

Sec. 3318.48. (A) When all of the following have occurred, 62393
a project undertaken by a school district pursuant to this 62394
chapter shall be considered complete and the Ohio facilities 62395
construction commission shall issue a certificate of completion 62396
to the district board of education: 62397

(1) All facilities to be constructed under the project, as 62398
specified in the project agreement entered into under section 62399
3318.08 of the Revised Code, have been completed and the board 62400
has received a permanent certificate of occupancy for each of 62401
those facilities. 62402

(2) The commission has issued certificates of contract 62403
completion on all prime construction contracts entered into by 62404
the board under section 3318.10 of the Revised Code. 62405

(3) The commission has completed a final accounting of the 62406
district's project construction fund and has determined that all 62407
payments from the fund were made in compliance with all policies 62408
of the commission. 62409

(4) Any litigation concerning the project has been finally 62410
resolved with no chance of appeal. 62411

(5) All construction management services typically 62412
provided by the commission to school districts have been 62413
delivered and the commission has canceled any remaining 62414
encumbrance of funds for those services. 62415

(B) The commission may issue a certificate of completion 62416
to a district board prior to all of the conditions described in 62417
division (A) of this section being satisfied, if the commission 62418
determines that the circumstances preventing the conditions from 62419
being satisfied are so minor in nature that the project should 62420
be considered complete. When issuing a certificate of completion 62421
under this division, the commission may specify any of the 62422
following: 62423

(1) Any construction or work that has yet to be completed 62424
and the manner in which the board shall oversee its completion, 62425
which may include procedures for reporting progress to the 62426
commission and for accounting of expenditures; 62427

(2) Terms and conditions for the resolution of any pending 62428
litigation; 62429

(3) Any remaining responsibilities of the construction 62430
manager regarding the project. 62431

(C) The commission may issue a certificate of completion 62432
to a district board that does not voluntarily participate in the 62433
process of closing out the district's project, if the 62434
construction manager for the project verifies that all 62435
facilities to be constructed under the project, as specified in 62436
the project agreement entered into under section 3318.08 of the 62437
Revised Code, have been completed and the commission determines 62438
that those facilities have been occupied for at least one year. 62439
In that case, all funds due to the commission under division (C) 62440
of section 3318.12 of the Revised Code shall be returned to the 62441
commission not later than thirty days after receipt of the 62442
certificate of completion. If the funds due to the commission 62443
have not been returned within sixty days after receipt of the 62444
certificate of completion, the ~~auditor of state~~ commission shall 62445

~~issue a finding for recovery against the school district and~~ 62446
~~shall request legal action certify a claim to the attorney~~ 62447
~~general for collection under section ~~117.42~~ 131.02 of the~~ 62448
Revised Code. 62449

(D) Upon issuance of a certificate of completion under 62450
this section, the commission's ownership of and interest in the 62451
project, as specified in division (F) of section 3318.08 of the 62452
Revised Code, shall cease. This cessation shall not alter or 62453
otherwise affect the state's or commission's interest in the 62454
project or any limitations on the use of the project as 62455
specified in the project agreement pursuant to divisions (G), 62456
(M), and (N) of that section or as specified in section 3318.16 62457
of the Revised Code. 62458

Sec. 3319.073. (A) The board of education of each city and 62459
exempted village school district and the governing board of each 62460
educational service center shall adopt or adapt the curriculum 62461
developed by the department of education and workforce for, or 62462
shall develop in consultation with public or private agencies or 62463
persons involved in child abuse prevention or intervention 62464
programs, a program of in-service training in the prevention of 62465
child abuse, violence, and substance abuse and the promotion of 62466
positive youth development. Each person employed by any school 62467
district or service center to work in a school as a nurse, 62468
teacher, counselor, school psychologist, or administrator shall 62469
complete at least four hours of the in-service training within 62470
two years of commencing employment with the district or center, 62471
and every five years thereafter. A person who is employed by any 62472
school district or service center to work in an elementary 62473
school as a nurse, teacher, counselor, school psychologist, or 62474
administrator on March 30, 2007, shall complete at least four 62475
hours of the in-service training not later than March 30, 2009, 62476

and every five years thereafter. A person who is employed by any school district or service center to work in a middle or high school as a nurse, teacher, counselor, school psychologist, or administrator on October 16, 2009, shall complete at least four hours of the in-service training not later than October 16, 2011, and every five years thereafter.

(B) Each board shall incorporate training in school safety and violence prevention, including human trafficking content, into the in-service training required by division (A) of this section. For this purpose, the board shall adopt or adapt the curriculum developed by the department or shall develop its own curriculum in consultation with public or private agencies or persons involved in school safety and violence prevention programs.

(C) Each board shall incorporate training on the board's harassment, intimidation, or bullying policy adopted under section 3313.666 of the Revised Code into the in-service training required by division (A) of this section. Each board also shall incorporate training in the prevention of dating violence into the in-service training required by that division for middle and high school employees. The board shall develop its own curricula for these purposes.

(D) Each board shall incorporate training in youth suicide awareness and prevention into the in-service training required by division (A) of this section for each person employed by a school district or service center to work in a school as a nurse, teacher, counselor, school psychologist, or administrator, and any other personnel that the board determines appropriate. The board shall require each such person to undergo training in youth suicide awareness and prevention programs once

every two years. For this purpose, the board ~~shall adopt or~~ 62507
~~adapt the curriculum developed by the department under section~~ 62508
~~3301.221 of the Revised Code or~~ shall develop its own curriculum 62509
in consultation with public or private agencies or persons 62510
involved in youth suicide awareness and prevention programs. 62511

The training completed under this division shall count 62512
toward the satisfaction of requirements for professional 62513
development required by the school district or service center 62514
board, ~~and the training may be accomplished through self-review~~ 62515
~~of suitable suicide prevention materials approved by the board.~~ 62516

(E) Each board shall incorporate training on child sexual 62517
abuse into the in-service training required by division (A) of 62518
this section. The training completed under this division shall 62519
count toward the satisfaction of requirements for professional 62520
development required by the school district or service center 62521
board. ~~Any training provided under this section may be presented~~ 62522
~~by either of the following, at their own discretion, so long as~~ 62523
~~they have experience in handling cases involving child sexual~~ 62524
~~abuse or child sexual violence:—~~ 62525

~~(1) Law enforcement officers;—~~ 62526

~~(2) Prosecutors~~For this purpose, the board shall develop 62527
its own curriculum in consultation with public or private 62528
agencies or persons involved in child sexual abuse prevention or 62529
child sexual violence prevention. 62530

Sec. 3319.088. As used in this section, "educational 62531
assistant" means any nonteaching employee in a school district 62532
who directly assists a teacher as defined in section 3319.09 of 62533
the Revised Code, by performing duties for which a license 62534
issued pursuant to sections 3319.22 to 3319.30 of the Revised 62535

Code is not required. 62536

(A) Except as provided in division (G) of this section, 62537
the state board of education shall issue educational aide 62538
permits and educational paraprofessional licenses for 62539
educational assistants and shall adopt rules for the issuance 62540
and renewal of such permits and licenses which shall be 62541
consistent with the provisions of this section. Educational aide 62542
permits and educational paraprofessional licenses may be of 62543
several types and the rules shall prescribe the minimum 62544
qualifications of education and health for the service to be 62545
authorized under each type. The prescribed minimum 62546
qualifications may require special training or educational 62547
courses designed to qualify a person to perform effectively the 62548
duties authorized under an educational aide permit or 62549
educational paraprofessional license. 62550

(B) (1) Except as provided in division (G) of this section, 62551
any application for a permit or license, or a renewal or 62552
duplicate of a permit or license, under this section shall be 62553
accompanied by the payment of a fee in the amount established 62554
under division ~~(A)~~(B) of section 3319.51 of the Revised Code. 62555
Any fees received under this division shall be paid into the 62556
state treasury to the credit of the ~~state board of education~~ 62557
~~licensure fund established under division (B) of section 3319.51~~ 62558
occupational licensing and regulatory fund established in 62559
section 4743.05 of the Revised Code. 62560

(2) Any person applying for or holding a permit or license 62561
pursuant to this section is subject to sections 3123.41 to 62562
3123.50 of the Revised Code and any applicable rules adopted 62563
under section 3123.63 of the Revised Code and sections 3319.31 62564
and 3319.311 of the Revised Code. 62565

(C) Educational assistants shall at all times while in the performance of their duties be under the supervision and direction of a teacher as defined in section 3319.09 of the Revised Code. Educational assistants may assist a teacher to whom assigned in the supervision of pupils, in assisting with instructional tasks, and in the performance of duties which, in the judgment of the teacher to whom the assistant is assigned, may be performed by a person not licensed pursuant to sections 3319.22 to 3319.30 of the Revised Code and for which a teaching license, issued pursuant to sections 3319.22 to 3319.30 of the Revised Code is not required. The duties of an educational assistant shall not include the assignment of grades to pupils. The duties of an educational assistant need not be performed in the physical presence of the teacher to whom assigned, but the activity of an educational assistant shall at all times be under the direction of the teacher to whom assigned. The assignment of an educational assistant need not be limited to assisting a single teacher. In the event an educational assistant is assigned to assist more than one teacher the assignments shall be clearly delineated and so arranged that the educational assistant shall never be subject to simultaneous supervision or direction by more than one teacher.

Educational assistants assigned to supervise children shall, when the teacher to whom assigned is not physically present, maintain the degree of control and discipline that would be maintained by the teacher.

Educational assistants may not be used in place of classroom teachers or other employees and any payment of compensation by boards of education to educational assistants for such services is prohibited. The ratio between the number of licensed teachers and the pupils in a school district may not be

decreased by utilization of educational assistants and no 62597
grouping, or other organization of pupils, for utilization of 62598
educational assistants shall be established which is 62599
inconsistent with sound educational practices and procedures. A 62600
school district may employ up to one full time equivalent 62601
educational assistant for each six full time equivalent licensed 62602
employees of the district. Educational assistants shall not be 62603
counted as licensed employees for purposes of state support in 62604
the school foundation program and no grouping or regrouping of 62605
pupils with educational assistants may be counted as a class or 62606
unit for school foundation program purposes. Neither special 62607
courses required by the regulations of the state board of 62608
education, prescribing minimum qualifications of education for 62609
an educational assistant, nor years of service as an educational 62610
assistant shall be counted in any way toward qualifying for a 62611
teacher license, for a teacher contract of any type, or for 62612
determining placement on a salary schedule in a school district 62613
as a teacher. 62614

(D) Educational assistants employed by a board of 62615
education shall have all rights, benefits, and legal protection 62616
available to other nonteaching employees in the school district, 62617
except that provisions of Chapter 124. of the Revised Code shall 62618
not apply to any person employed as an educational assistant, 62619
and shall be members of the school employees retirement system. 62620
Educational assistants shall be compensated according to a 62621
salary plan adopted annually by the board. 62622

Except as provided in this section nonteaching employees 62623
shall not serve as educational assistants without first 62624
obtaining an appropriate educational aide permit or educational 62625
paraprofessional license from the state board of education. A 62626
nonteaching employee who is the holder of a valid educational 62627

aide permit or educational paraprofessional license shall 62628
neither render nor be required to render services inconsistent 62629
with the type of services authorized by the permit or license 62630
held. No person shall receive compensation from a board of 62631
education for services rendered as an educational assistant in 62632
violation of this provision. 62633

Nonteaching employees whose functions are solely 62634
secretarial-clerical and who do not perform any other duties as 62635
educational assistants, even though they assist a teacher and 62636
work under the direction of a teacher shall not be required to 62637
hold a permit or license issued pursuant to this section. 62638

Following the determination of the assignment and general 62639
job description of an educational assistant and subject to 62640
supervision by the teacher's immediate administrative officer, a 62641
teacher to whom an educational assistant is assigned shall make 62642
all final determinations of the duties to be assigned to such 62643
assistant. Teachers shall not be required to hold a license 62644
designated for being a supervisor or administrator in order to 62645
perform the necessary supervision of educational assistants. 62646

(E) No person who is, or who has been employed as an 62647
educational assistant shall divulge, except to the teacher to 62648
whom assigned, or the administrator of the school in the absence 62649
of the teacher to whom assigned, or when required to testify in 62650
a court or proceedings, any personal information concerning any 62651
pupil in the school district which was obtained or obtainable by 62652
the educational assistant while so employed. Violation of this 62653
provision is grounds for disciplinary action or dismissal, or 62654
both. 62655

(F) Notwithstanding anything to the contrary in this 62656
section, the superintendent of a school district may allow an 62657

employee who does not hold a permit or license issued under this section to work as a substitute for an educational assistant who is absent on account of illness or on a leave of absence, or to fill a temporary position created by an emergency, provided that the superintendent believes the employee's application materials indicate that the employee is qualified to obtain a permit or license under this section.

An employee shall begin work as a substitute under this division not earlier than on the date on which the employee files an application with the state board for a permit or license under this section. An employee shall cease working as a substitute under this division on the earliest of the following:

(1) The date on which the employee files a valid permit or license issued under this section with the superintendent;

(2) The date on which the employee is denied a permit or license under this section;

(3) Sixty days following the date on which the employee began work as a substitute under this division.

The superintendent shall ensure that an employee assigned to work as a substitute under division (F) of this section has undergone a criminal records check in accordance with section 3319.391 of the Revised Code.

(G) The state board shall issue an educational aide permit or educational paraprofessional license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a permit or license in another state.

(2) The applicant has satisfactory work experience, a 62686
government certification, or a private certification as 62687
described in that chapter as an educational aide or educational 62688
paraprofessional in a state that does not issue that permit or 62689
license or both. 62690

Sec. 3319.111. Notwithstanding section 3319.09 of the 62691
Revised Code, this section applies to any person who is employed 62692
under a teacher license issued under this chapter, or under a 62693
professional or permanent teacher's certificate issued under 62694
former section 3319.222 of the Revised Code, and who spends at 62695
least fifty per cent of the time employed providing student 62696
instruction. However, this section does not apply to any person 62697
who is employed as a substitute teacher or as an instructor of 62698
adult education. 62699

(A) The board of education of each school district, in 62700
consultation with teachers employed by the board, shall update 62701
its standards-based teacher evaluation policy to conform with 62702
either the framework for evaluation of teachers adopted under 62703
section 3319.112 of the Revised Code or a framework created or 62704
adopted by the board. The policy shall become operative at the 62705
expiration of any collective bargaining agreement covering 62706
teachers employed by the board that is in effect on November 2, 62707
2018, and shall be included in any renewal or extension of such 62708
an agreement. 62709

(B) When using measures of student performance as evidence 62710
in a teacher's evaluation, those measures shall be high-quality 62711
student data. The board of education of each school district may 62712
use data from the assessments on the list developed under 62713
division (B) (2) of section 3319.112 of the Revised Code as high- 62714
quality student data. 62715

(C) (1) The board shall conduct an evaluation of each teacher employed by the board at least once each school year, except as provided in division (C) (2) of this section. The evaluation shall be completed by the first day of May and the teacher shall receive a written report of the results of the evaluation by the tenth day of May.

(2) (a) The board may evaluate each teacher who received a rating of accomplished on the teacher's most recent evaluation conducted under this section once every three school years, so long as the teacher submits a self-directed professional growth plan to the evaluator that focuses on specific areas identified in the observations and evaluation and the evaluator determines that the teacher is making progress on that plan.

(b) The board may evaluate each teacher who received a rating of skilled on the teacher's most recent evaluation conducted under this section once every two years, so long as the teacher and evaluator jointly develop a professional growth plan for the teacher that focuses on specific areas identified in the observations and evaluation and the evaluator determines that the teacher is making progress on that plan.

(c) For each teacher who is evaluated pursuant to division (C) (2) of this section, the evaluation shall be completed by the first day of May of the applicable school year, and the teacher shall receive a written report of the results of the evaluation by the tenth day of May of that school year.

(d) The board may elect not to conduct an evaluation of a teacher who meets one of the following requirements:

(i) The teacher was on leave from the school district for fifty per cent or more of the school year, as calculated by the

board. 62745

(ii) The teacher has submitted notice of retirement and 62746
that notice has been accepted by the board not later than the 62747
first day of December of the school year in which the evaluation 62748
is otherwise scheduled to be conducted. 62749

~~(c) The board may elect not to conduct an evaluation of a 62750
teacher who is participating in the teacher residency program 62751
established under section 3319.223 of the Revised Code for the 62752
year during which that teacher takes, for the first time, at 62753
least half of the performance-based assessment prescribed by the 62754
state board of education for resident educators. 62755~~

(3) In any year that a teacher is not formally evaluated 62756
pursuant to division (C) of this section as a result of 62757
receiving a rating of accomplished or skilled on the teacher's 62758
most recent evaluation, an individual qualified to evaluate a 62759
teacher under division (D) of this section shall conduct at 62760
least one observation of the teacher and hold at least one 62761
conference with the teacher. The conference shall include a 62762
discussion of progress on the teacher's professional growth 62763
plan. 62764

(D) Each evaluation conducted pursuant to this section 62765
shall be conducted by one or more of the following persons who 62766
hold a credential established by the state board of education 62767
for being an evaluator: 62768

(1) A person who is under contract with the board pursuant 62769
to section 3319.01 or 3319.02 of the Revised Code and holds a 62770
license designated for being a superintendent, assistant 62771
superintendent, or principal issued under section 3319.22 of the 62772
Revised Code; 62773

(2) A person who is under contract with the board pursuant to section 3319.02 of the Revised Code and holds a license designated for being a vocational director, administrative specialist, or supervisor in any educational area issued under section 3319.22 of the Revised Code;

(3) A person designated to conduct evaluations under an agreement entered into by the board, including an agreement providing for peer review entered into by the board and representatives of teachers employed by the board;

(4) A person who is employed by an entity contracted by the board to conduct evaluations and who holds a license designated for being a superintendent, assistant superintendent, principal, vocational director, administrative specialist, or supervisor in any educational area issued under section 3319.22 of the Revised Code or is qualified to conduct evaluations.

(E) Notwithstanding division (A) (3) of section 3319.112 of the Revised Code, the board shall require at least three formal observations of each teacher who is under consideration for nonrenewal and with whom the board has entered into a limited contract or an extended limited contract under section 3319.11 of the Revised Code.

(F) The board shall include in its evaluation policy procedures for using the evaluation results for retention and promotion decisions and for removal of poorly performing teachers. Seniority shall not be the basis for a decision to retain a teacher, except when making a decision between teachers who have comparable evaluations.

(G) For purposes of section 3333.0411 of the Revised Code, the board annually shall report to the state board the number of

teachers for whom an evaluation was conducted under this section 62803
and the number of teachers assigned each rating prescribed under 62804
division (B) (1) of section 3319.112 of the Revised Code or the 62805
equivalent framework created or adopted by the board, aggregated 62806
by the teacher preparation programs from which and the years in 62807
which the teachers graduated. The state board shall establish 62808
guidelines for reporting the information required by this 62809
division. The guidelines shall not permit or require that the 62810
name of, or any other personally identifiable information about, 62811
any teacher be reported under this division. 62812

(H) Notwithstanding any provision to the contrary in 62813
Chapter 4117. of the Revised Code, the requirements of this 62814
section prevail over any conflicting provisions of a collective 62815
bargaining agreement entered into on or after November 2, 2018. 62816

Sec. 3319.173. (A) The superintendent of each school 62817
district shall assign teachers to positions based on the best 62818
interests of the students enrolled in the district. In 62819
assigning, reassigning, or transferring a teacher, whether 62820
voluntary or involuntary on the part of the teacher, the 62821
superintendent shall not use seniority or continuing contract 62822
status as the primary factor in determining the teacher's 62823
assignment. 62824

(B) Notwithstanding any provision to the contrary in 62825
section 4117.10 of the Revised Code, the requirements of this 62826
section prevail over any conflicting provisions of agreements 62827
between employee organizations and public employers entered into 62828
on or after the effective date of this section. 62829

Sec. 3319.223. (A) The superintendent of public 62830
instruction and the chancellor of higher education jointly shall 62831
establish the Ohio teacher residency program, which shall be a 62832

two-year, entry-level program for classroom teachers. Except as 62833
provided in division (B) of this section, the teacher residency 62834
program shall include at least the following components: 62835

(1) Mentoring by teachers, which may be provided online or 62836
in person. The state superintendent shall provide participants 62837
and mentors with access to online professional development 62838
~~resources and sample videos of Ohio classroom lessons submitted~~ 62839
~~for the assessment prescribed under division (A) (3) of this~~ 62840
~~section at no cost.~~ 62841

(2) Counseling, as determined necessary by the school 62842
district or school, to ensure that program participants receive 62843
needed professional development. ~~The state superintendent shall~~ 62844
~~provide to each participant who does not receive a passing score~~ 62845
~~on the assessment under division (A) (3) of this section, at no~~ 62846
~~cost, the opportunity to meet online with an instructional coach~~ 62847
~~who is a certified assessor of the assessment to review the~~ 62848
~~participant's assessment score results and discuss improvement~~ 62849
~~strategies and professional development.~~ 62850

~~Participants who choose to meet with an instructional~~ 62851
~~coach shall select from an online pool of instructional coaches~~ 62852
~~who have completed training and are approved by the state~~ 62853
~~superintendent. The characteristics of each coach's school or~~ 62854
~~district, including its size, typology, and demographics, shall~~ 62855
~~be made available. However, participants shall not be required~~ 62856
~~to choose an instructional coach from a similar district or~~ 62857
~~school.~~ 62858

~~Participants who have not taken the assessment under~~ 62859
~~division (A) (3) of this section may meet online with~~ 62860
~~instructional coaches approved by the state superintendent if~~ 62861
~~the participant's school district or school pays the costs~~ 62862

~~associated with the meetings.~~ 62863

(3) Measures of appropriate progression through the 62864
program, ~~which shall include the performance-based assessment~~ 62865
~~prescribed by the state board of education for resident~~ 62866
educators. The state board shall not limit the number of 62867
attempts to successfully complete the performance-based 62868
assessment. 62869

~~An individual may submit the assessment between the first~~ 62870
~~Tuesday of October and the first Friday of April of the~~ 62871
~~individual's second year of the program. The results of the~~ 62872
~~assessment shall be returned within thirty days unless a new~~ 62873
~~assessor is contracted, in which case the results shall be~~ 62874
~~returned in forty-five days. The teacher evaluation system~~ 62875
~~adopted under section 3319.111 of the Revised Code may be used~~ 62876
~~to assess an individual participating in the teacher residency~~ 62877
~~program.~~ 62878

(B) No individual who is teaching career-technical courses 62879
under an alternative resident educator license issued under 62880
section 3319.26 of the Revised Code or rule of the state board 62881
shall be required to ~~do either of the following:~~ 62882

~~(1) Complete complete the conditions of the Ohio teacher~~ 62883
residency program that a participant, as of September 29, 2015, 62884
would have been required to complete during the participant's 62885
first and second year of teaching under an alternative resident 62886
educator license. 62887

~~(2) Take a performance-based assessment.~~ 62888

(C) The teacher residency program shall be aligned with 62889
the standards for teachers adopted by the state board under 62890
section 3319.61 of the Revised Code and best practices 62891

identified by the superintendent of public instruction. 62892

(D) Each person who holds a resident educator license 62893
issued under section 3319.22 or 3319.227 of the Revised Code or 62894
an alternative resident educator license issued under section 62895
3319.26 of the Revised Code shall participate in the teacher 62896
residency program. Successful completion of the program shall be 62897
required to qualify any such person for a professional educator 62898
license issued under section 3319.22 of the Revised Code. 62899

Sec. 3319.236. (A) Except as provided in section 3313.6033 62900
of the Revised Code or in division (B) or (E) of this section, a 62901
school district shall require an individual to hold a valid 62902
educator license in computer science, or have a license 62903
endorsement in computer technology and a passing score on a 62904
content examination in the area of computer science, to teach 62905
computer science courses. 62906

(B) A school district may employ an individual, for the 62907
purpose of teaching computer science courses, who holds a valid 62908
educator license, provided the individual meets the requirements 62909
established by rules of the state board of education to qualify 62910
for a supplemental teaching license for teaching computer 62911
science. The rules shall require an applicant for a supplemental 62912
teaching license to pass a content examination in the area of 62913
computer science. The rules also shall permit an individual, 62914
after at least two years of successfully teaching computer 62915
science courses under the supplemental teaching license, to 62916
advance to a standard educator license in computer science by 62917
completing a pedagogy course applicable to the grade levels in 62918
which the individual is teaching. However, the rules may exempt 62919
an individual teaching computer science from the requirement to 62920
complete a pedagogy course if the individual previously 62921

completed a pedagogy course applicable to the grade levels in 62922
which the individual is teaching. 62923

(C) In order for an individual to teach advanced placement 62924
computer science courses, a school district shall require the 62925
individual to also complete a professional development program 62926
endorsed or provided by the organization that creates and 62927
administers national advanced placement examinations. For this 62928
purpose, the individual may complete the program at any time 62929
during the calendar year. 62930

(D) Notwithstanding section 3301.012 of the Revised Code, 62931
as used in this section, "computer science courses" means any 62932
courses that are reported in the education management 62933
information system established under section 3301.0714 of the 62934
Revised Code as computer science courses and which are aligned 62935
to computer science standards adopted by the department of 62936
education and workforce. 62937

(E) The state board of education shall adopt rules to 62938
create a computer science teaching license for industry 62939
professionals to teach computer science to specific grades. The 62940
holder of a computer science teaching license for industry 62941
professionals shall be limited to teaching forty hours in a week 62942
in the subject area of computer science. The superintendent of 62943
public instruction shall consult with the chancellor of higher 62944
education in creating and revising the requirements for computer 62945
science teacher licensure. 62946

(F) Licenses issued under this section shall specify 62947
whether the educator is licensed to teach grades kindergarten 62948
through twelve, pre-kindergarten through five, grades four 62949
through nine, or grades seven through twelve. 62950

Sec. 3319.2310. (A) As used in this section, "other public school" has the same meaning as in section 3301.0711 of the Revised Code. 62951
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62953

(B) The department of education and workforce shall do both of the following: 62954
62955

(1) Maintain a training course for licensed educators that serves as an introduction to the science of reading; 62956
62957

(2) Develop a competency-based training course for licensed educators that updates and reinforces educators' knowledge and skills in the science of reading. 62958
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62960

(C) Each individual employed by a school district or other public school as a teacher, administrator, school psychologist, or speech-language pathologist shall complete training in the science of reading in accordance with division (C) of this section. 62961
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(1) An individual hired by the district or other public school as a teacher or administrator prior to July 1, 2025, shall complete the training described in division (B) (2) of this section by June 30, 2030, and every five years thereafter. 62966
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(2) An individual hired by the district or other public school as a teacher or administrator on or after July 1, 2025, shall complete the training described in division (B) (1) of this section within one year after the date of hire and shall complete the training described in division (B) (2) of this section every five years thereafter. However, an individual shall not be required to complete the training described in division (B) (1) of this section if the district superintendent or head administrator of the other public school has verified that the individual did either of the following within five 62970
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years prior to the date of hire: 62980

(a) Completed that training or a similar training, as 62981
determined by the department; 62982

(b) Completed appropriate coursework in the science of 62983
reading as part of the individual's educator or licensure 62984
preparation program. 62985

(3) An individual employed by the district or other public 62986
school as a school psychologist or speech-language pathologist 62987
shall complete the training described in division (B) (1) of this 62988
section by June 30, 2027, and shall complete the training 62989
described in division (B) (2) of this section every five years 62990
thereafter. 62991

(D) A professional development committee established under 62992
section 3319.22 of the Revised Code shall count training 62993
described in division (B) of this section toward professional 62994
development requirements for educator licensure renewal. The 62995
committee shall permit an individual to apply any hours earned 62996
over the minimum amount of hours required for professional 62997
development coursework for licensure renewal to the next renewal 62998
period for that license. 62999

Sec. 3319.263. ~~Until July 1, 2028,~~ 63000
~~notwithstanding~~Notwithstanding anything to the contrary in 63001
section 3319.26 of the Revised Code or any rule of the state 63002
board of education adopted under that section, the state board 63003
shall not limit the subject areas for which an individual may 63004
receive an alternative resident educator license issued under 63005
that section. 63006

Sec. 3319.29. Each application for any license, 63007
certificate, or permit under this chapter, or renewal or 63008

duplicate of such a license, certificate, or permit, shall be 63009
accompanied by the payment of a fee in the amount established 63010
under division ~~(A)~~(B) of section 3319.51 of the Revised Code. 63011
Any fees received under this section shall be paid into the 63012
state treasury to the credit of the ~~state board of education~~ 63013
~~licensure fund established under division (B) of section 3319.51~~ 63014
occupational licensing and regulatory fund established in 63015
section 4743.05 of the Revised Code. 63016

Any person applying for or holding a license, certificate, 63017
or permit under this chapter is subject to sections 3123.41 to 63018
3123.50 of the Revised Code and any applicable rules adopted 63019
under section 3123.63 of the Revised Code and sections 3319.31 63020
and 3319.311 of the Revised Code. 63021

Sec. 3319.301. (A) As used in this section: 63022

(1) "Dropout prevention and recovery community school"- 63023
~~means a community school established under Chapter 3314. of the~~ 63024
~~Revised Code in which a majority of the students are enrolled in~~ 63025
~~a dropout prevention and recovery program that is operated by~~ 63026
~~the school~~ has the same meaning as in section 3314.02 of the 63027
Revised Code. 63028

(2) "Industry-recognized credential program" means a 63029
career-technical course in which a student may earn an industry- 63030
recognized credential approved under section 3313.6113 of the 63031
Revised Code. 63032

(3) "STEM school" means a science, technology, 63033
engineering, and mathematics school established under Chapter 63034
3326. of the Revised Code. 63035

(B) The state board of education shall issue permits to 63036
individuals who are not licensed as required by sections 3319.22 63037

to 3319.30 of the Revised Code, but who are otherwise qualified, 63038
to teach classes for not more than a total of twelve hours a 63039
week, except that an individual teaching in a STEM school or an 63040
individual teaching an industry-recognized credential program 63041
offered at a dropout prevention and recovery community school 63042
may teach classes for not more than a total of forty hours a 63043
week. The state board, by rule, shall set forth the 63044
qualifications, other than licensure under sections 3319.22 to 63045
3319.30 of the Revised Code, to be met by individuals in order 63046
to be issued a permit as provided in this section. Such 63047
qualifications shall include the possession of a baccalaureate, 63048
master's, or doctoral degree in, or significant experience 63049
related to, the subject the individual is to teach. For an 63050
individual assigned to teach a career-technical class, 63051
significant experience related to a subject shall include 63052
career-technical experience. Applications for permits pursuant 63053
to this section shall be made in accordance with section 3319.29 63054
of the Revised Code. A permit issued under this section shall be 63055
renewable. 63056

The state board, by rule, shall authorize the board of 63057
education of each school district and each STEM school to engage 63058
individuals holding permits issued under this section to teach 63059
classes for not more than the total number of hours a week 63060
specified in the permit. The rules shall include provisions with 63061
regard to each of the following: 63062

(1) That a board of education or STEM school shall engage 63063
a nonlicensed individual to teach pursuant to this section on a 63064
volunteer basis, or by entering into a contract with the 63065
individual or the individual's employer on such terms and 63066
conditions as are agreed to between the board or school and the 63067
individual or the individual's employer; 63068

(2) That an employee of the board of education or STEM school who is licensed under sections 3319.22 to 3319.30 of the Revised Code shall directly supervise a nonlicensed individual who is engaged to teach pursuant to this section until the superintendent of the school district or the chief administrative officer of the STEM school is satisfied that the nonlicensed individual has sufficient understanding of, and experience in, effective teaching methods to teach without supervision.

(C) A nonlicensed individual engaged to teach pursuant to this section is a teacher for the purposes of Title XXXIII of the Revised Code except for the purposes of Chapters 3307. and 3317. and sections 3319.07 to 3319.31 of the Revised Code. Such an individual is not an employee of the board of education or STEM school for the purpose of Titles I or XLI or Chapter 3309. of the Revised Code.

(D) Students enrolled in a class taught by a nonlicensed individual pursuant to this section and rules adopted thereunder shall receive the same credit as if the class had been taught by an employee licensed pursuant to sections 3319.22 to 3319.30 of the Revised Code.

(E) No board of education of any school district shall engage any one or more nonlicensed individuals if such employment displaces from employment an existing licensed employee of the district.

(F) Chapter 4796. of the Revised Code does not apply to permits issued under this section.

Sec. 3319.311. (A) (1) The state board of education, or the superintendent of public instruction on behalf of the board, may

investigate any information received about a person that 63098
reasonably appears to be a basis for action under section 63099
3319.31 of the Revised Code, including information received 63100
pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 63101
3328.19, 5126.253, or 5153.176 of the Revised Code. Except as 63102
provided in division (A) (2) of this section, the board shall 63103
contract with the office of the Ohio attorney general to conduct 63104
any investigation of that nature. The board shall pay for the 63105
costs of the contract only from moneys in the ~~state board of~~ 63106
~~education licensure fund established under section 3319.51 of~~ 63107
occupational licensing and regulatory fund established in 63108
section 4743.05 of the Revised Code. Except as provided in 63109
division (A) (2) of this section, all information received 63110
pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 63111
3328.19, 5126.253, or 5153.176 of the Revised Code, and all 63112
information obtained during an investigation is confidential and 63113
is not a public record under section 149.43 of the Revised Code. 63114
If an investigation is conducted under this division regarding 63115
information received about a person and no action is taken 63116
against the person under this section or section 3319.31 of the 63117
Revised Code within two years of the completion of the 63118
investigation, all records of the investigation shall be 63119
expunged. 63120

(2) In the case of a person about whom the board has 63121
learned of a plea of guilty to, finding of guilt by a jury or 63122
court of, or a conviction of an offense listed in division (C) 63123
of section 3319.31 of the Revised Code, or substantially 63124
comparable conduct occurring in a jurisdiction outside this 63125
state, the board or the superintendent of public instruction 63126
need not conduct any further investigation and shall take the 63127
action required by division (C) or (F) of that section. Except 63128

as provided in division (G) of this section, all information 63129
obtained by the board or the superintendent of public 63130
instruction pertaining to the action is a public record under 63131
section 149.43 of the Revised Code. 63132

(B) The superintendent of public instruction shall review 63133
the results of each investigation of a person conducted under 63134
division (A)(1) of this section and shall determine, on behalf 63135
of the state board, whether the results warrant initiating 63136
action under division (B) of section 3319.31 of the Revised 63137
Code. The superintendent shall advise the board of such 63138
determination at a meeting of the board. Within fourteen days of 63139
the next meeting of the board, any member of the board may ask 63140
that the question of initiating action under section 3319.31 of 63141
the Revised Code be placed on the board's agenda for that next 63142
meeting. Prior to initiating that action against any person, the 63143
person's name and any other personally identifiable information 63144
shall remain confidential. 63145

(C) The board shall take no action against a person under 63146
division (B) of section 3319.31 of the Revised Code without 63147
providing the person with written notice of the charges and with 63148
an opportunity for a hearing in accordance with Chapter 119. of 63149
the Revised Code. 63150

(D) For purposes of an investigation under division (A)(1) 63151
of this section or a hearing under division (C) of this section 63152
or under division (E)(2) of section 3319.31 of the Revised Code, 63153
the board, or the superintendent on behalf of the board, may 63154
administer oaths, order the taking of depositions, issue 63155
subpoenas, and compel the attendance of witnesses and the 63156
production of books, accounts, papers, records, documents, and 63157
testimony. The issuance of subpoenas under this division may be 63158

by certified mail, regular mail with a certificate of mailing, 63159
or other form of delivery with proof of delivery, including 63160
electronic delivery with electronic proof of delivery, or 63161
personal delivery to the person. 63162

(E) The superintendent, on behalf of the board, may enter 63163
into a consent agreement with a person against whom action is 63164
being taken under division (B) of section 3319.31 of the Revised 63165
Code. The board may adopt rules governing the superintendent's 63166
action under this division. 63167

(F) No surrender of a license shall be effective until the 63168
board takes action to accept the surrender unless the surrender 63169
is pursuant to a consent agreement entered into under division 63170
(E) of this section. 63171

(G) The name of any person who is not required to report 63172
information under section 3314.40, 3319.313, 3326.24, 3328.19, 63173
5126.253, or 5153.176 of the Revised Code, but who in good faith 63174
provides information to the state board or superintendent of 63175
public instruction about alleged misconduct committed by a 63176
person who holds a license or has applied for issuance or 63177
renewal of a license, shall be confidential and shall not be 63178
released. Any such person shall be immune from any civil 63179
liability that otherwise might be incurred or imposed for 63180
injury, death, or loss to person or property as a result of the 63181
provision of that information. 63182

(H) (1) No person shall knowingly make a false report to 63183
the superintendent of public instruction or the state board of 63184
education alleging misconduct by an employee of a public or 63185
chartered nonpublic school or an employee of the operator of a 63186
community school established under Chapter 3314. or a college- 63187
preparatory boarding school established under Chapter 3328. of 63188

the Revised Code. 63189

(2) (a) In any civil action brought against a person in 63190
which it is alleged and proved that the person violated division 63191
(H) (1) of this section, the court shall award the prevailing 63192
party reasonable attorney's fees and costs that the prevailing 63193
party incurred in the civil action or as a result of the false 63194
report that was the basis of the violation. 63195

(b) If a person is convicted of or pleads guilty to a 63196
violation of division (H) (1) of this section, if the subject of 63197
the false report that was the basis of the violation was charged 63198
with any violation of a law or ordinance as a result of the 63199
false report, and if the subject of the false report is found 63200
not to be guilty of the charges brought against the subject as a 63201
result of the false report or those charges are dismissed, the 63202
court that sentences the person for the violation of division 63203
(H) (1) of this section, as part of the sentence, shall order the 63204
person to pay restitution to the subject of the false report, in 63205
an amount equal to reasonable attorney's fees and costs that the 63206
subject of the false report incurred as a result of or in 63207
relation to the charges. 63208

Sec. 3319.51. ~~(A) (1)~~ (A) As used in this section, 63209
"operating expenses" includes the cost of administering 63210
requirements related to the issuance and renewal of licenses, 63211
certificates, or permits described in this chapter and sections 63212
3301.071 and 3301.074 of the Revised Code and any other cost 63213
incurred by the state board of education to perform a duty 63214
prescribed by law. 63215

(B) The state board of education shall annually establish 63216
the amount of the fees required to be paid for any license, 63217
certificate, or permit issued under this chapter or division (B) 63218

of section 3301.071 or section 3301.074 of the Revised Code. 63219
Except as provided in division ~~(A)(2)~~ (C) of this section, the 63220
amount of these fees shall be such that they, along with any 63221
appropriation made ~~to the fund established under division (B) of~~ 63222
~~this section~~ by the general assembly, will be sufficient to 63223
cover the annual estimated ~~cost of administering the~~ 63224
~~requirements related to the issuance and renewal of licenses,~~ 63225
~~certificates, and permits described in this chapter and sections~~ 63226
~~3301.071 and 3301.074 of the Revised Code~~ operating expenses of 63227
the state board. 63228

~~(2)(C)~~ (C) The state board shall not require any fee to be 63229
paid under division ~~(A)(1)~~ (B) of this section for a license, 63230
certificate, or permit issued for the purpose of teaching in a 63231
junior reserve officer training corps (JROTC) program approved 63232
by the congress of the United States under title 10 of the 63233
United States Code.- 63234

~~(B)~~ There is hereby established in the state treasury the 63235
state board of education licensure fund, which shall be used by 63236
the state board of education to pay the state board's operating 63237
expenses, including any cost incurred to perform a duty 63238
~~prescribed by law and the cost of administering requirements~~ 63239
~~related to the issuance and renewal of licenses, certificates,~~ 63240
~~and permits described in this chapter and sections 3301.071 and~~ 63241
~~3301.074 of the Revised Code. The fund shall consist of the~~ 63242
~~amounts paid into the fund pursuant to division (B) of section~~ 63243
~~3301.071 and sections 3301.074 and 3319.29 of the Revised Code~~ 63244
~~and any appropriations to the fund by the general assembly.~~ 63245

(D) The operating expenses of the state board shall be 63246
paid primarily from, and all license, certificate, or permit 63247
fees received by the state board shall be deposited in, the 63248

state treasury to the credit of the occupational licensing and 63249
regulatory fund established in section 4743.05 of the Revised 63250
Code. 63251

Sec. 3320.04. Each school district board of education 63252
shall adopt a policy that reasonably accommodates the sincerely 63253
held religious beliefs and practices of individual students with 63254
regard to all examinations or other academic requirements and 63255
absences for reasons of faith or religious or spiritual belief 63256
system. The policy shall satisfy all of the following 63257
conditions: 63258

(A) The policy shall permit a student in any of grades 63259
kindergarten through twelve to be absent for up to three 63260
religious expression days each school year to take holidays for 63261
reasons of faith or religious or spiritual belief system or 63262
participate in organized activities conducted under the auspices 63263
of a religious denomination, church, or other religious or 63264
spiritual organization. The district shall not impose an 63265
academic penalty as a result of a student being absent as 63266
permitted in the policy. The policy shall also permit students 63267
to participate in interscholastic athletics or other 63268
extracurricular activities on days in which the student was 63269
otherwise absent for a religious expression day. 63270

(B) (1) The policy shall require that students be provided 63271
with alternative accommodations with regard to examinations and 63272
other academic requirements missed due to an absence described 63273
in division (A) of this section if not later than fourteen 63274
school days after the first day of school, or fourteen school 63275
days after the date of enrollment for a student who transfers to 63276
or enrolls in the district after the first day of school, the 63277
parent or guardian of a student provides the school principal 63278

with written notice of up to three specific dates for which 63279
alternative accommodations are requested, if an absence approved 63280
under division (B) (2) of this section conflicts with an 63281
examination or other academic requirement on that date. 63282

(2) The school principal shall approve not more than three 63283
written requests per school year from a student's parent or 63284
guardian for an excused absence under division (A) of this 63285
section. The school principal shall approve such requests 63286
without inquiry into the sincerity of a student's religious or 63287
spiritual belief system. However, the school principal may 63288
verify a request received under division (A) of this section by 63289
contacting the parent or guardian whose signature appears on the 63290
request. If a parent or guardian disputes having signed such a 63291
request, the school principal may deny the request. Upon 63292
approval of a request that satisfies division (B) (1) of this 63293
section, a school principal shall require the appropriate 63294
classroom teacher or teachers to schedule a time and date for an 63295
alternative examination or other academic requirement if the 63296
approved student absence creates a conflict, which may be before 63297
or after the time and date the examination or other academic 63298
requirement was originally scheduled. 63299

(C) The policy shall require the district board to post 63300
both of the following in a prominent location on the district's 63301
web site: 63302

(1) A copy of the policy adopted under this section, which 63303
shall include the contact information of an individual who can 63304
provide further information about the policy; 63305

(2) A nonexhaustive list of major religious holidays, 63306
festivals, and religious observations, which may include, Eid, 63307
Good Friday, Rosh Hashanah, Yom Kippur, and Passover, for which 63308

an excused absence under this section shall not be unreasonably withheld or denied. 63309
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The director of education and workforce shall provide each district with a nonexhaustive list of major religious holidays or festivals for the next two school years, including Eid, Good Friday, Rosh Hashanah, Yom Kippur, and Passover, at the beginning of each school year. Each district may adopt the director's list in its entirety or choose which holidays to include on its list. 63311
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Each time a district's policy is posted, printed, or published, including as described in divisions (C) and (D) of this section, the district shall include a statement that the list is nonexhaustive, and the list may not be used to deny accommodation to a student for a holiday or festival of the student's faith or religious or spiritual belief system that does not appear on the list. 63318
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Nothing in this section, and no inclusion or exclusion of a religious holiday or festival on the list posted by a district, shall preclude a student from full and reasonable accommodations for any sincerely held religious beliefs and practices with regard to all examinations or other academic requirements and absences for reasons of faith or religious or spiritual belief system provided under this section. 63325
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(D) The policy shall require school districts annually to convey to parents and guardians the policy adopted under this section, including a description of the general procedure for requesting accommodations. The manner in which the school district conveys the information shall be determined at the discretion of the district. 63332
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(E) The policy shall include a procedure under which a student, parent, or guardian may notify the district of any grievance with regard to the implementation of the policy required under this section.

(F) Any days excused under this section shall not be considered in determining absence hours for the purposes of parental notification under ~~division (C)(1) of~~ section 3321.191 of the Revised Code.

Sec. 3321.16. (A) An attendance officer or assistant provided for by section 3321.14 or 3321.15 of the Revised Code may investigate any case of nonattendance at school or part-time school of a child under eighteen years of age or supposed to be under eighteen years of age resident in the district for which such attendance officer or assistant is employed, or of any such child found in the district or enrolled in any school within the district and of any child above eighteen years of age if enrolled in any school within the district, and may take such action as the superintendent of schools directs or as such attendance officer or assistant deems proper in the absence of specific direction.

(B) (1) Subject to divisions (B) (2) and (3) of this section, the attendance officer shall file a complaint in the juvenile court against ~~a student on the sixty-first day after the implementation of an absence intervention plan or other intervention strategies, provided that all~~ any student to which any of the following apply:

(a) The student was absent without legitimate excuse from the public school the child is supposed to attend for thirty or more consecutive hours.

(b) The student was absent without legitimate excuse from the public school the child is supposed to attend for forty-two or more hours in one school month, ~~or~~. 63367
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(c) The student was absent without legitimate excuse from the public school the child is supposed to attend for seventy-two or more hours in a school year. 63370
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~~(b) The school district or school has made meaningful attempts to re-engage the student through the absence intervention plan, other intervention strategies, and any offered alternatives to adjudication described under division (C) (2) (b) of section 3321.191 of the Revised Code.~~ 63373
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~~(c) The student has refused to participate in or failed to make satisfactory progress on the plan, as determined by the absence intervention team, or any offered intervention strategies or alternative to adjudication.~~ 63378
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~~(2) If the student, at any time during the implementation phase of the absence intervention plan or other intervention strategies, is absent without legitimate excuse for thirty or more consecutive hours or forty-two or more hours in one school month, the attendance officer shall file a complaint in juvenile court against that student, unless the absence intervention team has determined that the student has made substantial progress on the absence intervention plan student's district or school determines that the student and the student's family are making satisfactory progress in improving the student's attendance at school, the attendance officer shall not file a complaint.~~ 63382
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~~(3) In the event that the sixty-first day after the implementation of the absence intervention plan or other intervention strategies falls on a day during the summer months,~~ 63393
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~~in the school district's discretion, the absence intervention-~~ 63396
~~team or the attendance officer may extend the implementation of-~~ 63397
~~the plan and delay the filing of the complaint for an additional~~ 63398
~~thirty days from the first day of instruction of the next school~~ 63399
~~year.~~ If no determination of progress under division (B) (2) of 63400
this section is made, or if the student and the student's family 63401
cease to continue making progress in improving the student's 63402
attendance, the attendance officer shall file a complaint in the 63403
juvenile court against the student. 63404

A complaint filed in the juvenile court under division 63405
(B) (3) of this section shall allege that the child is an unruly 63406
child for being a habitual truant and that the parent, guardian, 63407
or other person having care of the child has violated section 63408
3321.38 of the Revised Code. 63409

Sec. 3321.19. (A) As used in this section and section 63410
~~3321.191~~ 3321.16 of the Revised Code, "habitual truant" has the 63411
same meaning as in section 2151.011 of the Revised Code. 63412

(B) When a board of education of any city, exempted 63413
village, local, joint vocational, or cooperative education 63414
school district or the governing board of any educational 63415
service center determines that a student in its district has 63416
been truant and the parent, guardian, or other person having 63417
care of the child has failed to cause the student's attendance 63418
at school, the board may require the parent, guardian, or other 63419
person having care of the child pursuant to division (B) of this 63420
section to attend an educational program established pursuant to 63421
rules adopted by the department of education and workforce for 63422
the purpose of encouraging parental involvement in compelling 63423
the attendance of the child at school. 63424

No parent, guardian, or other person having care of a 63425

child shall fail without good cause to attend an educational 63426
program described in this division if the parent, guardian, or 63427
other person has been served notice pursuant to division (C) of 63428
this section. 63429

(C) On the request of the superintendent of schools, the 63430
superintendent of any educational service center, the board of 63431
education of any city, exempted village, local, joint 63432
vocational, or cooperative education school district, or the 63433
governing board of any educational service center or when it 63434
otherwise comes to the notice of the attendance officer or other 63435
appropriate officer of the school district, the attendance 63436
officer or other appropriate officer shall examine into any case 63437
of supposed truancy within the district and shall warn the 63438
child, if found truant, and the child's parent, guardian, or 63439
other person having care of the child, in writing, of the legal 63440
consequences of being truant. When any child of compulsory 63441
school age, in violation of law, is not attending school, the 63442
attendance or other appropriate officer shall notify the parent, 63443
guardian, or other person having care of that child of the fact, 63444
and require the parent, guardian, or other person to cause the 63445
child to attend school immediately. The parent, guardian, or 63446
other person having care of the child shall cause the child's 63447
attendance at school. Upon the failure of the parent, guardian, 63448
or other person having care of the child to do so, the 63449
attendance officer or other appropriate officer, if so directed 63450
by the superintendent, the district board, or the educational 63451
service center governing board, shall send notice requiring the 63452
attendance of that parent, guardian, or other person at a 63453
parental education program established pursuant to division (B) 63454
of this section and, ~~subject to divisions (D) and (E) of this~~ 63455
~~section,~~ may file a complaint against the parent, guardian, or 63456

other person having care of the child in any court of competent jurisdiction. 63457
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~~(D) (1) Upon the failure of the parent, guardian, or other person having care of the child to cause the child's attendance at school, if the child is considered an habitual truant, the board of education of the school district or the governing board of the educational service center, within ten days, subject to division (E) of this section, shall assign the student to an absence intervention team as described in division (C) of section 3321.191 of the Revised Code.~~ 63459
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~~(2) The attendance officer shall file a complaint in the juvenile court of the county in which the child has a residence or legal settlement or in which the child is supposed to attend school jointly against the child and the parent, guardian, or other person having care of the child, in accordance with the timelines and conditions set forth in division (B) of section 3321.16 of the Revised Code. A complaint filed in the juvenile court under this division shall allege that the child is an unruly child for being an habitual truant and that the parent, guardian, or other person having care of the child has violated section 3321.38 of the Revised Code.~~ 63467
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~~(E) A school district with a chronic absenteeism percentage that is less than five per cent, as displayed on the district's most recent report card issued under section 3302.03 of the Revised Code, and the school buildings within that district, shall be exempt from the requirement to assign habitually truant students to an absence intervention team for the following school year and shall instead take any appropriate action as an intervention strategy contained in the policy developed by the district board pursuant to divisions (A) and~~ 63478
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~~(B) of section 3321.191 of the Revised Code. In the event that
those intervention strategies fail, within sixty-one days after
their implementation, the attendance officer shall file a
complaint, provided that the conditions described in division
(B) of section 3321.16 of the Revised Code are satisfied.~~

Sec. 3321.191. (A) As used in this section, "chronically
absent" means missing at least ten per cent of the minimum
number of hours required in the school year under section
3313.48 of the Revised Code for the school a student attends.

(B) Not later than August 1, 2026, the board of education
of each school district shall adopt a policy to address student
absences. In developing the policy, the board shall consult with
the juvenile court of the county or counties in which the
district is located; the parents, guardians, or other persons
having care of a student attending school in the district; and
appropriate state and local agencies.

(C) The policy adopted under division (B) of this section
shall do all of the following:

(1) Acknowledge that student absences from school for any
reason, whether excused or unexcused, take away from
instructional time and have an adverse effect on student
learning;

(2) Identify strategies to prevent students from becoming
chronically absent;

(3) Include procedures for notifying a student's parent,
guardian, or custodian when the student has been absent from
school for a number of hours determined by the board, which
number shall not exceed five per cent of the minimum number of
hours required in the school year under section 3313.48 of the

Revised Code for the school the student attends; 63516

(4) Establish a tiered system that provides more intensive interventions and supports for students with greater numbers of absences and includes resources to help students and their families address the root causes of the absences; 63517
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(5) Provide for one or more absence intervention teams to work with students at risk of becoming chronically absent and their families to improve the students' attendance at school; 63521
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(6) Prohibit suspending, expelling, or otherwise preventing a student from attending school based on the student's absences as prescribed by section 3313.668 of the Revised Code. 63524
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(D) The policy shall align with any other district or school improvement plan developed pursuant to state or federal law. 63528
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(E) A district or school may consult or partner with public, nonprofit, or private entities to provide assistance as appropriate to students and their families in reducing absences. 63531
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Sec. 3321.22. ~~(A) Except as provided in division (B) of this section, if~~ If a complaint is filed against the parent, guardian, or other person in charge of a child for a failure to cause the child to attend school or a part-time school or class and if the parent, guardian, or other person proves an inability to do so, then the parent, guardian, or other person in charge of a child shall be discharged. Upon the discharge, the attendance officer shall file a complaint before the judge of the juvenile court of the county alleging that the child is a delinquent child, unruly child, or dependent child within the meaning of section 2151.022, 2151.04, or 2152.02 of the Revised 63534
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Code. The judge shall hear the complaint and if the judge 63545
determines that the child is a delinquent, unruly, or dependent 63546
child within one of those sections the judge shall deal with the 63547
child according to section 2151.35 or 2151.36 of the Revised 63548
Code. 63549

~~(B) Division (A) of this section does not apply regarding 63550
a complaint filed under division (D) or (E) of section 3321.19 63551
of the Revised Code or otherwise filed and alleging that a child 63552
is an habitual truant. 63553~~

Sec. 3323.32. ~~(A)~~The department of education and 63554
workforce shall contract with an entity to administer programs 63555
and coordinate services for infants, preschool and school-age 63556
children, and adults with autism and low incidence disabilities. 63557
The entity shall be selected by the director of education and 63558
workforce in consultation with the director of children and 63559
youth and the advisory board established under section 3323.33 63560
of the Revised Code. 63561

When applicable, the department of children and youth 63562
shall contract with an entity to administer programs and 63563
coordinate services for infants, preschool and school-age 63564
children, and adults with autism and low incidence disabilities. 63565
The entity shall be selected by the director of children and 63566
youth in consultation with the director of education and 63567
workforce and the advisory board established under section 63568
3323.33 of the Revised Code. 63569

~~The contract with the entity selected~~ Any contract entered 63570
into under this section shall include, but not be limited to, 63571
the following provisions: 63572

~~(1)~~ (A) A description of the programs to be administered 63573

and services to be provided or coordinated by the entity, which 63574
shall include at least the duties prescribed by sections 3323.34 63575
and 3323.35 of the Revised Code; 63576

~~(2)~~ (B) A description of the expected outcomes from the 63577
programs administered and services provided or coordinated by 63578
the entity; 63579

~~(3)~~ (C) A stipulation that the entity's performance is 63580
subject to evaluation by the contracting department and renewal 63581
of the entity's contract is subject to the department's 63582
satisfaction with the entity's performance; 63583

~~(4)~~ (D) A description of the measures and milestones the 63584
contracting department will use to determine whether the 63585
performance of the entity is satisfactory; 63586

~~(5)~~ (E) Any other provision the contracting department 63587
determines is necessary to ensure the quality of services to 63588
individuals with autism and low incidence disabilities. 63589

~~(B) In selecting the entity under division (A) of this 63590
section, the director of education and workforce, the director 63591
of children and youth, and the advisory board shall give primary 63592
consideration to the Ohio Center for Autism and Low Incidence, 63593
established under section 3323.31 of the Revised Code, as long 63594
as the principal goals and mission of the Center, as determined 63595
by the director, the director, and the advisory board, are 63596
consistent with the requirements of divisions (A) (1) to (5) of 63597
this section. 63598~~

Sec. 3325.08. (A) A diploma shall be granted by the 63599
superintendent of Ohio deaf and blind education services to any 63600
student enrolled in the state school for the blind or the state 63601
school for the deaf to whom all of the following apply: 63602

- (1) The student has successfully completed the curriculum in any high school or the individualized education program developed for the student for the student's high school education pursuant to section 3323.08 of the Revised Code;
- (2) Subject to section 3313.614 of the Revised Code, the student has met the assessment requirements of division (A) (2) (a) or (b) of this section, as applicable.
- (a) If the student entered the ninth grade prior to July 1, 2014, the student either:
- (i) Has attained at least the applicable scores designated under division (B) (1) of section 3301.0710 of the Revised Code on all the assessments prescribed by that division unless division (L) of section 3313.61 of the Revised Code applies to the student;
- (ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.
- (b) If the student entered the ninth grade on or after July 1, 2014, the student has met the requirement prescribed by section 3313.618 of the Revised Code, except to the extent that division (L) of section 3313.61 of the Revised Code applies to the student.
- (3) The student is not eligible to receive an honors diploma granted pursuant to division (B) of this section.
- No diploma shall be granted under this division to anyone except as provided under this division.
- (B) In lieu of a diploma granted under division (A) of this section, the superintendent of Ohio deaf and blind education services shall grant an honors diploma, in the same

manner that the boards of education of school districts grant 63631
such diplomas under division (B) of section 3313.61 of the 63632
Revised Code, to any student enrolled in the state school for 63633
the blind or the state school for the deaf who accomplishes all 63634
of the following: 63635

(1) Successfully completes the curriculum in any high 63636
school or the individualized education program developed for the 63637
student for the student's high school education pursuant to 63638
section 3323.08 of the Revised Code; 63639

(2) Subject to section 3313.614 of the Revised Code, has 63640
met the assessment requirements of division (B) (2) (a) or (b) of 63641
this section, as applicable. 63642

(a) If the student entered the ninth grade prior to July 63643
1, 2014, the student either: 63644

(i) Has attained at least the applicable scores designated 63645
under division (B) (1) of section 3301.0710 of the Revised Code 63646
on all the assessments prescribed under that division; 63647

(ii) Has satisfied the alternative conditions prescribed 63648
in section 3313.615 of the Revised Code. 63649

(b) If the student entered the ninth grade on or after 63650
July 1, 2014, the student has met the requirement prescribed by 63651
section 3313.618 of the Revised Code. 63652

(3) Has met additional criteria for granting an honors 63653
diploma. 63654

These additional criteria shall be the same as those 63655
prescribed by the ~~state board~~ department of education and 63656
workforce under division (B) of section 3313.61 of the Revised 63657
Code for the granting of such diplomas by school districts. No 63658

honors diploma shall be granted to anyone failing to comply with 63659
this division and not more than one honors diploma shall be 63660
granted to any student under this division. 63661

(C) A diploma or honors diploma awarded under this section 63662
shall be signed by the director of education and workforce and 63663
the superintendent of Ohio deaf and blind education services. 63664
Each diploma shall bear the date of its issue and be in such 63665
form as the superintendent of Ohio deaf and blind education 63666
services prescribes. 63667

(D) Upon granting a diploma to a student under this 63668
section, the superintendent of Ohio deaf and blind education 63669
services shall provide notice of receipt of the diploma to the 63670
board of education of the school district where the student is 63671
entitled to attend school under section 3313.64 or 3313.65 of 63672
the Revised Code when not residing at the state school for the 63673
blind or the state school for the deaf. The notice shall 63674
indicate the type of diploma granted. 63675

Sec. 3325.16. There is hereby created in the state 63676
treasury the state school for the deaf educational program 63677
expenses fund. Moneys received by Ohio deaf and blind education 63678
services for the state school for the deaf from donations, 63679
bequests, student fundraising activities, fees charged for camps 63680
and workshops, gate receipts from athletic contests, and the 63681
student work experience program operated by the school, and any 63682
other moneys designated for deposit in the fund by the 63683
superintendent of Ohio deaf and blind education services, shall 63684
be credited to the fund. All investment earnings on money in the 63685
fund shall be credited to the fund. Notwithstanding section 63686
3325.01 of the Revised Code, the approval of the department of 63687
education and workforce is not required to designate money for 63688

deposit into the fund. Ohio deaf and blind education services 63689
shall use moneys in the fund for educational programs, after- 63690
school activities, and expenses associated with student 63691
activities and clubs at the state school for the deaf. 63692

Sec. 3325.17. There is hereby created in the state 63693
treasury the state school for the blind educational program 63694
expense fund. Moneys received by Ohio deaf and blind education 63695
services for the state school for the blind from donations, 63696
bequests, student fundraising activities, fees charged for 63697
camps, workshops, and summer work and learn cooperative 63698
programs, gate receipts from school activities, and any other 63699
moneys designated for deposit in the fund by the superintendent 63700
of Ohio deaf and blind education services, shall be credited to 63701
the fund. All investment earnings on money in the fund shall be 63702
credited to the fund. Notwithstanding section 3325.01 of the 63703
Revised Code, the approval of the department of education and 63704
workforce is not required to designate money for deposit into 63705
the fund. Ohio deaf and blind education services shall use 63706
moneys in the fund for educational programs, after-school 63707
activities, and expenses associated with student activities at 63708
the state school for the blind. 63709

Sec. 3326.092. The governing body of each each science, 63710
technology, engineering, and mathematics school established 63711
under this chapter annually shall provide instruction to 63712
students in the grade levels the school serves about how short- 63713
term or chronic substance use, as defined in section 3313.6034 63714
of the Revised Code, to alter one's mood is harmful to an 63715
individual's health. Each governing body shall do all of the 63716
following with regard to the instruction: 63717

(A) Determine the manner in which the instruction is 63718

<u>provided to students;</u>	63719
<u>(B) Ensure the instruction is age and developmentally appropriate;</u>	63720
<u>(C) Conform the instruction to prevention best-practice frameworks;</u>	63721
<u>(D) Focus the instruction on addressing changes in knowledge, attitude, and skills as a child develops.</u>	63722
<u>(D) Focus the instruction on addressing changes in knowledge, attitude, and skills as a child develops.</u>	63723
<u>(D) Focus the instruction on addressing changes in knowledge, attitude, and skills as a child develops.</u>	63724
<u>(D) Focus the instruction on addressing changes in knowledge, attitude, and skills as a child develops.</u>	63725
Sec. 3326.11. Each science, technology, engineering, and mathematics school established under this chapter and its governing body shall comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 3301.0714, 3301.0715, 3301.0729, <u>3301.24</u> , 3301.948, 3302.037, <u>3302.131</u> , <u>3302.132</u> , 3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.473, 3313.474, 3313.48, 3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 3313.6021, 3313.6023, 3313.6024, 3313.6026, 3313.6028, 3313.6029, <u>3313.6031</u> , <u>3313.6035</u> , 3313.61, 3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.717, 3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 3313.753, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 3319.21, 3319.238, 3319.318, 3319.32, 3319.321, 3319.324, 3319.35, 3319.39, 3319.391, 3319.393, 3319.41, 3319.45, 3319.46, 3319.90, 3319.614, 3320.01, 3320.02, 3320.03, 3320.04, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3322.20, 3322.24,	63726
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3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 63749
5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 63750
3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code 63751
as if it were a school district. 63752

Sec. 3326.44. For fiscal years ~~2024~~2026 and ~~2025~~2027, a 63753
STEM school shall spend the funding it receives under division 63754
(A) (5) of section 3317.022 of the Revised Code only for services 63755
for English learners. 63756

Sec. 3326.51. (A) As used in this section: 63757

(1) "Resident district" has the same meaning as in section 63758
3326.31 of the Revised Code. 63759

(2) "STEM school sponsoring district" means a municipal, 63760
city, local, or exempted village school district that governs 63761
and controls a STEM school pursuant to this section. 63762

(B) Notwithstanding any other provision of this chapter to 63763
the contrary: 63764

(1) If a proposal for a STEM school submitted under 63765
section 3326.03 of the Revised Code proposes that the governing 63766
body of the school be the board of education of a municipal, 63767
city, local, or exempted village school district that is one of 63768
the partners submitting the proposal, and the STEM committee 63769
approves that proposal, that school district board shall govern 63770
and control the STEM school as one of the schools of its 63771
district. 63772

(2) The STEM school sponsoring district shall maintain a 63773
separate accounting for the STEM school as a separate and 63774
distinct operational unit within the district's finances. ~~The~~ 63775
~~auditor of state, in the course of an annual or biennial audit~~ 63776
~~of the school district serving as the STEM school sponsoring~~ 63777

~~district, shall audit that school district for compliance with-~~ 63778
~~the financing requirements of this section.~~ 63779

(3) With respect to students enrolled in a STEM school 63780
whose resident district is the STEM school sponsoring district: 63781

(a) The department of education and workforce shall make 63782
payments to the school in accordance with section 3317.022 of 63783
the Revised Code from the STEM school sponsoring district's 63784
state payments. 63785

(b) The STEM school sponsoring district is responsible for 63786
providing children with disabilities with a free appropriate 63787
public education under Chapter 3323. of the Revised Code. 63788

(c) The STEM school sponsoring district shall provide 63789
student transportation in accordance with laws and policies 63790
generally applicable to the district. 63791

(4) With respect to students enrolled in the STEM school 63792
whose resident district is another school district, the 63793
department shall consider the students as open enrollment 63794
students and shall make payments to the school in accordance 63795
with section 3317.022 of the Revised Code. 63796

(5) A STEM school sponsoring district and its board may 63797
assign its district employees to the STEM school, in which case 63798
section 3326.18 of the Revised Code shall not apply. The 63799
district and board may apply any other resources of the district 63800
to the STEM school in the same manner that it applies district 63801
resources to other district schools. 63802

(6) Provisions of this chapter requiring a STEM school and 63803
its governing body to comply with specified laws as if it were a 63804
school district and in the same manner as a board of education 63805
shall instead require such compliance by the STEM school 63806

sponsoring district and its board of education, respectively, 63807
with respect to the STEM school. Where a STEM school or its 63808
governing body is required to perform a specific duty or 63809
permitted to take a specific action under this chapter, that 63810
duty is required to be performed or that action is permitted to 63811
be taken by the STEM school sponsoring district or its board of 63812
education, respectively, with respect to the STEM school. 63813

(7) No provision of this chapter limits the authority, as 63814
provided otherwise by law, of a school district and its board of 63815
education to levy taxes and issue bonds secured by tax revenues. 63816

(8) The treasurer of the STEM school sponsoring district 63817
or, if the STEM school sponsoring district is a municipal school 63818
district, the chief financial officer of the district, shall 63819
have all of the respective rights, authority, exemptions, and 63820
duties otherwise conferred upon the treasurer or chief financial 63821
officer by the Revised Code. 63822

Sec. 3327.08. Boards of education of city school 63823
districts, local school districts, exempted village school 63824
districts, cooperative education school districts, and joint 63825
vocational school districts and governing boards of educational 63826
service centers may purchase on individual contract school 63827
buses, including multifunction school activity buses, and other 63828
equipment used in transporting children to and from school and 63829
to other functions as authorized by the boards, or the boards, 63830
at their discretion, may purchase the buses and equipment 63831
through any system of centralized purchasing established by the 63832
department of education and workforce for that purpose, provided 63833
that state subsidy payments shall be based on the amount of the 63834
lowest price available to the boards by either method of 63835
purchase. No board shall be deprived of any form of state 63836

assistance in the purchase of buses and equipment by reason of 63837
purchases of buses and equipment on an individual contract. 63838

The purchase of school buses and multifunction school 63839
activity buses shall be made only after competitive bidding in 63840
accordance with section 3313.46 of the Revised Code. All bids 63841
shall state that the buses, prior to delivery, will comply with 63842
the safety rules of the department of public safety adopted 63843
pursuant to section 4511.76 of the Revised Code and all other 63844
pertinent provisions of law. 63845

At no time shall bid bonds be required for the purchase of 63846
school buses and multifunction school activity buses, unless the 63847
district board or educational service center governing board 63848
requests that bid bonds be part of the competitive bidding 63849
process for a specified purchase. 63850

Sec. 3327.10. (A) Except as provided in division (L) of 63851
this section, no person shall be employed as driver of a school 63852
bus or motor van, owned and operated by any school district or 63853
educational service center or privately owned and operated under 63854
contract with any school district or service center in this 63855
state, who has not received a certificate from either the 63856
educational service center governing board that has entered into 63857
an agreement with the school district under section 3313.843 or 63858
3313.845 of the Revised Code or the superintendent of the school 63859
district, certifying that such person is at least eighteen years 63860
of age and is qualified physically and otherwise for such 63861
position. The service center governing board or the 63862
superintendent, as the case may be, shall provide for an annual 63863
physical examination that conforms with rules adopted by the 63864
department of education and workforce of each driver to 63865
ascertain the driver's physical fitness for such employment. The 63866

examination shall be performed by one of the following: 63867

(1) A person licensed under Chapter 4731. or 4734. of the 63868
Revised Code or by another state to practice medicine and 63869
surgery, osteopathic medicine and surgery, or chiropractic; 63870

(2) A physician assistant; 63871

(3) A certified nurse practitioner; 63872

(4) A clinical nurse specialist; 63873

(5) A certified nurse-midwife; 63874

(6) A medical examiner who is listed on the national 63875
registry of certified medical examiners established by the 63876
federal motor carrier safety administration in accordance with 63877
49 C.F.R. part 390. 63878

Any certificate may be revoked by the authority granting 63879
the same on proof that the holder has been guilty of failing to 63880
comply with division (D) (1) of this section, or upon a 63881
conviction or a guilty plea for a violation, or any other 63882
action, that results in a loss or suspension of driving rights. 63883
Failure to comply with such division may be cause for 63884
disciplinary action or termination of employment under division 63885
(C) of section 3319.081, or section 124.34 of the Revised Code. 63886

(B) Except as provided in division (L) of this section, no 63887
person shall be employed as driver of a school bus or motor van 63888
not subject to the rules of the department pursuant to division 63889
(A) of this section who has not received a certificate from the 63890
school administrator or contractor certifying that such person 63891
is at least eighteen years of age and is qualified physically 63892
and otherwise for such position. Each driver shall have an 63893
annual physical examination which conforms to the state highway 63894

patrol rules, ascertaining the driver's physical fitness for 63895
such employment. The examination shall be performed by one of 63896
the following: 63897

(1) A person licensed under Chapter 4731. or 4734. of the 63898
Revised Code or by another state to practice medicine and 63899
surgery, osteopathic medicine and surgery, or chiropractic; 63900

(2) A physician assistant; 63901

(3) A certified nurse practitioner; 63902

(4) A clinical nurse specialist; 63903

(5) A certified nurse-midwife; 63904

(6) A medical examiner who is listed on the national 63905
registry of certified medical examiners established by the 63906
federal motor carrier safety administration in accordance with 63907
49 C.F.R. part 390. 63908

Any written documentation of the physical examination 63909
shall be completed by the individual who performed the 63910
examination. 63911

Any certificate may be revoked by the authority granting 63912
the same on proof that the holder has been guilty of failing to 63913
comply with division (D) (2) of this section. 63914

(C) Any person who drives a school bus or motor van must 63915
give satisfactory and sufficient bond except a driver who is an 63916
employee of a school district and who drives a bus or motor van 63917
owned by the school district. 63918

(D) No person employed as driver of a school bus or motor 63919
van under this section who is convicted of a traffic violation 63920
or who has had the person's commercial driver's license 63921

suspended shall drive a school bus or motor van until the person 63922
has filed a written notice of the conviction or suspension, as 63923
follows: 63924

(1) If the person is employed under division (A) of this 63925
section, the person shall file the notice with the 63926
superintendent, or a person designated by the superintendent, of 63927
the school district for which the person drives a school bus or 63928
motor van as an employee or drives a privately owned and 63929
operated school bus or motor van under contract. 63930

(2) If employed under division (B) of this section, the 63931
person shall file the notice with the employing school 63932
administrator or contractor, or a person designated by the 63933
administrator or contractor. 63934

(E) In addition to resulting in possible revocation of a 63935
certificate as authorized by divisions (A) and (B) of this 63936
section, violation of division (D) of this section is a minor 63937
misdemeanor. 63938

(F) (1) Not later than thirty days after June 30, 2007, 63939
each owner of a school bus or motor van shall obtain the 63940
complete driving record for each person who is currently 63941
employed or otherwise authorized to drive the school bus or 63942
motor van. An owner of a school bus or motor van shall not 63943
permit a person to operate the school bus or motor van for the 63944
first time before the owner has obtained the person's complete 63945
driving record. Thereafter, the owner of a school bus or motor 63946
van shall obtain the person's driving record not less frequently 63947
than semiannually if the person remains employed or otherwise 63948
authorized to drive the school bus or motor van. An owner of a 63949
school bus or motor van shall not permit a person to resume 63950
operating a school bus or motor van, after an interruption of 63951

one year or longer, before the owner has obtained the person's complete driving record. 63952
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(2) The owner of a school bus or motor van shall not permit a person to operate the school bus or motor van for ten years after the date on which the person pleads guilty to or is convicted of a violation of section 4511.19 of the Revised Code or a substantially equivalent municipal ordinance. 63954
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(3) An owner of a school bus or motor van shall not permit any person to operate such a vehicle unless the person meets all other requirements contained in rules adopted by the department prescribing qualifications of drivers of school buses and other student transportation. 63959
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(G) No superintendent of a school district, educational service center, community school, or public or private employer shall permit the operation of a vehicle used for pupil transportation within this state by an individual unless both of the following apply: 63964
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(1) Information pertaining to that driver has been submitted to the department, pursuant to procedures adopted by that department. Information to be reported shall include the name of the employer or school district, name of the driver, driver license number, date of birth, date of hire, status of physical evaluation, and status of training. 63969
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(2) The most recent criminal records check required by division (J) of this section has been completed and received by the superintendent or public or private employer. 63975
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(H) A person, school district, educational service center, community school, nonpublic school, or other public or nonpublic entity that owns a school bus or motor van, or that contracts 63978
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with another entity to operate a school bus or motor van, may 63981
impose more stringent restrictions on drivers than those 63982
prescribed in this section, in any other section of the Revised 63983
Code, and in rules adopted by the department. 63984

(I) For qualified drivers who, on July 1, 2007, are 63985
employed by the owner of a school bus or motor van to drive the 63986
school bus or motor van, any instance in which the driver was 63987
convicted of or pleaded guilty to a violation of section 4511.19 63988
of the Revised Code or a substantially equivalent municipal 63989
ordinance prior to two years prior to July 1, 2007, shall not be 63990
considered a disqualifying event with respect to division (F) of 63991
this section. 63992

(J) (1) This division applies to persons hired by a school 63993
district, educational service center, community school, 63994
chartered nonpublic school, or science, technology, engineering, 63995
and mathematics school established under Chapter 3326. of the 63996
Revised Code to operate a vehicle used for pupil transportation. 63997

(a) For each person to whom this division applies who is 63998
hired on or after November 14, 2007, the employer shall request 63999
a criminal records check in accordance with section 3319.39 of 64000
the Revised Code and every six years thereafter. 64001

(b) For each person to whom this division applies who is 64002
hired prior to November 14, 2007, the employer shall request a 64003
criminal records check by a date prescribed by the department 64004
and every six years thereafter. 64005

(c) If, on ~~the effective date of this amendment~~ October 3, 64006
2023, the most recent criminal records check requested for a 64007
person to whom division (J) (1) of this section applies was 64008
completed more than one year prior to that date or does not 64009

include information gathered pursuant to division (A) of section 64010
109.57 of the Revised Code, the employer shall request a new 64011
criminal records check that includes information gathered 64012
pursuant to division (A) of section 109.57 of the Revised Code 64013
by a date prescribed by the state board of education and every 64014
six years thereafter. 64015

(2) This division applies to persons hired by a public or 64016
private employer not described in division (J)(1) of this 64017
section to operate a vehicle used for pupil transportation. 64018

(a) For each person to whom this division applies who is 64019
hired on or after November 14, 2007, the employer shall request 64020
a criminal records check prior to the person's hiring and every 64021
six years thereafter. 64022

(b) For each person to whom this division applies who is 64023
hired prior to November 14, 2007, the employer shall request a 64024
criminal records check by a date prescribed by the department 64025
and every six years thereafter. 64026

(c) If, on ~~the effective date of this amendment~~ October 3, 64027
2023, the most recent criminal records check requested for a 64028
person to whom division (J)(2) of this section applies was 64029
completed more than one year prior to that date or does not 64030
include information gathered pursuant to division (A) of section 64031
109.57 of the Revised Code, the employer shall request a new 64032
criminal records check that includes information gathered 64033
pursuant to division (A) of section 109.57 of the Revised Code 64034
by a date prescribed by the state board and every six years 64035
thereafter. 64036

(3) Each request for a criminal records check under 64037
division (J) of this section shall be made to the superintendent 64038

of the bureau of criminal identification and investigation in 64039
the manner prescribed in section 3319.39 of the Revised Code, 64040
except that if both of the following conditions apply to the 64041
person subject to the records check, the employer shall request 64042
the superintendent only to obtain any criminal records that the 64043
federal bureau of investigation has on the person: 64044

(a) The employer previously requested the superintendent 64045
to determine whether the bureau of criminal identification and 64046
investigation has any information, gathered pursuant to division 64047
(A) of section 109.57 of the Revised Code, on the person in 64048
conjunction with a criminal records check requested under 64049
section 3319.39 of the Revised Code or under division (J) of 64050
this section. 64051

(b) The person presents proof that the person has been a 64052
resident of this state for the five-year period immediately 64053
prior to the date upon which the person becomes subject to a 64054
criminal records check under this section. 64055

Upon receipt of a request, the superintendent shall 64056
conduct the criminal records check in accordance with section 64057
109.572 of the Revised Code as if the request had been made 64058
under section 3319.39 of the Revised Code. However, as specified 64059
in division (B) (2) of section 109.572 of the Revised Code, if 64060
the employer requests the superintendent only to obtain any 64061
criminal records that the federal bureau of investigation has on 64062
the person for whom the request is made, the superintendent 64063
shall not conduct the review prescribed by division (B) (1) of 64064
that section. 64065

(4) Notwithstanding anything in the Revised Code to the 64066
contrary, the bureau of criminal identification and 64067
investigation shall make the initial criminal records check 64068

requested of a person by an employer under division (J) (1) or 64069
(2) of this section on or after ~~the effective date of this~~ 64070
~~amendment~~ October 3, 2023, available to the state board of 64071
education. The state board shall use the information received to 64072
enroll the person in the retained applicant fingerprint 64073
database, established under section 109.5721 of the Revised 64074
Code, in the same manner as any teacher licensed under sections 64075
3319.22 to 3319.31 of the Revised Code. If the state board is 64076
unable to enroll the person in the retained applicant 64077
fingerprint database because the person has not satisfied the 64078
requirements for enrollment, the state board shall notify the 64079
employer that the person has not satisfied the requirements for 64080
enrollment. However, the bureau shall not be required to make 64081
available to the state board the criminal records check of any 64082
person who is already enrolled in the retained applicant 64083
fingerprint database on the date the person's employer requests 64084
a records check of the person under division (J) (1) or (2) of 64085
this section. 64086

If the state board receives notification of the arrest, 64087
guilty plea, or conviction of a person who is subject to this 64088
section, the state board shall promptly notify the person's 64089
employer in accordance with division (B) of section 3319.316 of 64090
the Revised Code. 64091

(K) (1) Until the effective date of the amendments to rule 64092
3301-83-23 of the Ohio Administrative Code required by the 64093
second paragraph of division (E) of section 3319.39 of the 64094
Revised Code, any person who is the subject of a criminal 64095
records check under division (J) of this section and has been 64096
convicted of or pleaded guilty to any offense described in 64097
division (B) (1) of section 3319.39 of the Revised Code shall not 64098
be hired or shall be released from employment, as applicable, 64099

unless the person meets the rehabilitation standards prescribed 64100
for nonlicensed school personnel by rule 3301-20-03 of the Ohio 64101
Administrative Code. 64102

(2) Beginning on the effective date of the amendments to 64103
rule 3301-83-23 of the Ohio Administrative Code required by the 64104
second paragraph of division (E) of section 3319.39 of the 64105
Revised Code, any person who is the subject of a criminal 64106
records check under division (J) of this section and has been 64107
convicted of or pleaded guilty to any offense that, under the 64108
rule, disqualifies a person for employment to operate a vehicle 64109
used for pupil transportation shall not be hired or shall be 64110
released from employment, as applicable, unless the person meets 64111
the rehabilitation standards prescribed by the rule. 64112

(L) The superintendent of a school district or an 64113
educational service center governing board shall issue a 64114
certificate as a driver of a school bus or motor van or a 64115
certificate to operate a vehicle used for pupil transportation 64116
in accordance with Chapter 4796. of the Revised Code to an 64117
applicant if either of the following applies: 64118

(1) The applicant holds a certificate in another state. 64119

(2) The applicant has satisfactory work experience, a 64120
government certification, or a private certification as 64121
described in that chapter as a school bus or motor van driver or 64122
a pupil transportation vehicle operator in a state that does not 64123
issue one or both of those certificates. 64124

(M) As used in this section, "school bus" includes a 64125
multifunction school activity bus, as defined in section 4511.01 64126
of the Revised Code. 64127

Sec. 3328.16. (A) Each college-preparatory boarding school 64128

established under this chapter shall have a designated fiscal 64129
officer. The ~~auditor of state~~ department of education and 64130
workforce may require by rule that the fiscal officer of any 64131
college-preparatory boarding school, before entering upon duties 64132
as fiscal officer, execute a bond in an amount and with surety 64133
to be approved by the school's board of trustees, payable to the 64134
state, conditioned for the faithful performance of all the 64135
official duties required of the fiscal officer. Any such bond 64136
shall be deposited with the school's board of trustees, and a 64137
copy of the bond shall be certified by the board and filed with 64138
the county auditor. 64139

(B) Before assuming the duties of fiscal officer, the 64140
fiscal officer designated under this section shall be licensed 64141
as a treasurer under section 3301.074 of the Revised Code. No 64142
college-preparatory boarding school shall allow a person to 64143
serve as fiscal officer who is not licensed as required by this 64144
division. 64145

Sec. 3328.24. A college-preparatory boarding school 64146
established under this chapter and its board of trustees shall 64147
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 64148
3301.0714, 3301.0729, 3301.948, 3302.037, 3302.131, 3302.132, 64149
3313.474, 3313.5318, 3313.5319, 3313.6013, 3313.6021, 3313.6023, 64150
3313.6024, 3313.6026, 3313.6029, 3313.6031, 3313.6035, 3313.617, 64151
3313.618, 3313.6114, 3313.6411, 3313.6413, 3313.668, 3313.669, 64152
3313.6610, 3313.717, 3313.7112, 3313.7117, 3313.721, 3313.753, 64153
3313.89, 3319.073, 3319.077, 3319.078, 3319.318, 3319.324, 64154
3319.39, 3319.391, 3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 64155
3320.04, 3323.251, and 5502.262, and Chapter 3365. of the 64156
Revised Code as if the school were a school district and the 64157
school's board of trustees were a district board of education. 64158

Sec. 3328.60. The board of trustees of each college-preparatory boarding school established under this chapter annually shall provide instruction to students in the grade levels the school serves about how the short-term or chronic substance use, as defined in section 3313.6034 of the Revised Code, to alter one's mood is harmful to an individual's health. Each board of trustees shall do all of the following with regard to the instruction:

(A) Determine the manner in which the instruction is provided to students;

(B) Ensure the instruction is age and developmentally appropriate;

(C) Conform the instruction to prevention best-practice frameworks;

(D) Focus the instruction on addressing changes in knowledge, attitude, and skills as a child develops.

Sec. 3332.081. The student tuition recovery authority is created as a body corporate and politic of this state. The purpose of the authority is to protect students of any school registered by the state board of career colleges and schools from prepaid tuition loss for the academic term due to a school closure.

The authority shall consist of five members as follows: the executive director of the state board of career colleges and schools, the executive director of the Ohio association of career colleges and schools, the treasurer of state or the treasurer of state's designee, the chairperson a member of the senate committee that primarily deals with education appointed by the president of the senate, and ~~the chairperson of the~~

~~committee a member of the house of representatives that~~ 64188
~~primarily deals with education~~appointed by the speaker of the 64189
~~house of representatives.~~ The ~~chairpersons of the legislative~~ 64190
~~committees that primarily deal with education~~ general assembly 64191
~~members~~ shall be nonvoting ~~ex officio~~ members. Each voting 64192
member of the authority, before entering upon the member's 64193
official duties, shall take an oath as provided by Section 7 of 64194
Article XV, Ohio Constitution. The authority shall elect one of 64195
its voting members as chairperson and another as vice- 64196
chairperson, and shall appoint a secretary-treasurer who need 64197
not be a member of the authority. 64198

All meetings of the authority shall be public. All final 64199
actions of the authority shall be journalized and such journal 64200
and the records of the authority shall be open to public 64201
inspection at all reasonable times. 64202

Sec. 3332.17. Each college or school that holds a 64203
certificate of registration under this chapter annually shall 64204
certify to state board of career colleges and schools, on a date 64205
and in the form and manner determined by the state board, a plan 64206
to preserve student records indefinitely if the college or 64207
school is to cease operations. The plan shall include the 64208
designation and signed confirmation of an official custodian of 64209
student records. If the state board determines it necessary, the 64210
the state board may require a college or school to produce an 64211
executed agreement with the designated custodian of student 64212
records, paid in full, to ensure the college or school's plan 64213
can be implemented. 64214

The director of the state board of career colleges and 64215
schools may consult with the chancellor of higher education, 64216
higher learning commission, and other appropriate entities to 64217

establish plans, processes, and procedures for colleges and 64218
schools to provide indefinite access to student records. 64219

Sec. 3332.21. (A) Each school that holds a certificate of 64220
registration from or is authorized to offer a certificate, 64221
diploma, or degree under a certificate of authorization issued 64222
by the state board of career colleges under this chapter 64223
annually shall provide to the state board and the chancellor of 64224
higher education all of the following: 64225

(1) Verification of current accreditation status and a 64226
copy of the most recent institutional report from the school's 64227
accrediting organization; 64228

(2) A plan to preserve student records indefinitely in the 64229
event of closure of the school or discontinuation of service. 64230
The plan shall include a method by which students and alumni of 64231
the school may retrieve student records by request. The plan 64232
also shall include a designation and signed confirmation of an 64233
official custodian of student records. Student records preserved 64234
under the plan shall include, but not be limited to: 64235

(a) Academic transcripts; 64236

(b) Financial aid documents; 64237

(c) International student forms; 64238

(d) Tax information. 64239

(3) The following program information: 64240

(a) A list of current degree programs offered by the 64241
school in this state; 64242

(b) The results of any external degree program evaluations 64243
conducted in the last year; 64244

<u>(c) A list of any degree programs that have been</u>	64245
<u>eliminated in the last year;</u>	64246
<u>(4) The latest financial statement for the most recent</u>	64247
<u>fiscal year compiled and audited by an independent certified</u>	64248
<u>public accountant, including any management letters provided by</u>	64249
<u>the independent auditor;</u>	64250
<u>(5) Any other information requested by the state board or</u>	64251
<u>the chancellor.</u>	64252
<u>(B) If a school fails to submit the information required</u>	64253
<u>under division (A) of this section or if the state board or the</u>	64254
<u>chancellor finds that the information submitted under that</u>	64255
<u>division is insufficient, the state board may suspend, withdraw,</u>	64256
<u>or revoke a school's certificate of registration or program</u>	64257
<u>authorization.</u>	64258
<u>(C) Each school subject to this chapter that is authorized</u>	64259
<u>to offer courses or degrees under a certificate of authorization</u>	64260
<u>shall immediately notify the state board and the chancellor if</u>	64261
<u>the school does any of the following:</u>	64262
<u>(1) Receives notice from the federal government or an</u>	64263
<u>institutional accrediting organization that the school is</u>	64264
<u>subject to heightened reporting standards or special monitoring</u>	64265
<u>status, such as the United States department of education's</u>	64266
<u>heightened cash monitoring process;</u>	64267
<u>(2) Receives preliminary or final accreditation findings;</u>	64268
<u>(3) Becomes the subject of an investigation by a</u>	64269
<u>government agency related to the school's academic quality,</u>	64270
<u>financial stability, or student consumer protection;</u>	64271
<u>(4) Fails to make any payments to applicable retirement</u>	64272

<u>systems;</u>	64273
<u>(5) Fails to make any scheduled payroll payments;</u>	64274
<u>(6) Fails to make any payments to vendors when due as a result of a cash deficiency or a substantial deficiency in the payment processing system of the school;</u>	64275 64276 64277
<u>(7) Fails to make any scheduled payment of principal or interest for short- or long-term debt;</u>	64278 64279
<u>(8) Makes budget revisions resulting in a substantially reduced ending fund balance or larger deficit;</u>	64280 64281
<u>(9) Becomes aware of significant negative variance between the most recently adopted annual budget and actual revenues or expenses as projected at the end of the fiscal year.</u>	64282 64283 64284
<u>Sec. 3332.22.</u> (A) As used in this section:	64285
<u>(1) "Online program manager" means an entity that is not an institution of higher education as defined under "The Higher Education Act of 1965," 20 U.S.C. 1001 that enters into an agreement with a career college or school to provide marketing and recruitment services and at least one additional service, including course design, technology, or faculty training, to support an accredited online degree program.</u>	64286 64287 64288 64289 64290 64291 64292
<u>(2) "Career college or school" means a school subject to this chapter and a private institution exempt from regulation under this chapter as prescribed in section 3333.046 of the Revised Code, if the institution has a program with a certificate of authorization pursuant to Chapter 1713. of the Revised Code.</u>	64293 64294 64295 64296 64297 64298
<u>(B) If a career college or school enters into a contract with an online program manager, the career college or school</u>	64299 64300

shall ensure the contract is in compliance with relevant program standards and requirements. 64301
64302

(C) A career college or school that enters into a contract with an online program manager shall post on each online degree program web site it maintains that it utilizes an online program manager for services. The career college or school shall require the online program manager to identify itself when providing services to students. 64303
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(D) A career college or school shall not permit an online program manager to control, make decisions regarding, administer, or disburse student financial aid. 64309
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Sec. 3333.04. The chancellor of higher education shall: 64312

(A) Make studies of state policy in the field of higher education and formulate a master plan for higher education for the state, considering the needs of the people, the needs of the state, and the role of individual public and private institutions within the state in fulfilling these needs; 64313
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(B) (1) Report annually to the governor and the general assembly on the findings from the chancellor's studies and the master plan for higher education for the state; 64318
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(2) Report at least semiannually to the general assembly and the governor the enrollment numbers at each state-assisted institution of higher education. 64321
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(C) Approve or disapprove the establishment of new branches or academic centers of state colleges and universities; 64324
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(D) Approve or disapprove the establishment of state technical colleges or any other state institution of higher education; 64326
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(E) Recommend the nature of the programs, undergraduate, 64329
graduate, professional, state-financed research, and public 64330
services which should be offered by the state colleges, 64331
universities, and other state-assisted institutions of higher 64332
education in order to utilize to the best advantage their 64333
facilities and personnel; 64334

(F) Recommend to the state colleges, universities, and 64335
other state-assisted institutions of higher education graduate 64336
or professional programs, including, but not limited to, doctor 64337
of philosophy, doctor of education, and juris doctor programs, 64338
that could be eliminated because they constitute unnecessary 64339
duplication, as shall be determined using the process developed 64340
pursuant to this division, or for other good and sufficient 64341
cause. Prior to recommending a program for elimination, the 64342
chancellor shall hold at least one public hearing on the matter 64343
to determine whether the program should be recommended for 64344
elimination. The chancellor shall provide notice of each hearing 64345
within a reasonable amount of time prior to its scheduled date. 64346

For purposes of determining the amounts of any state 64347
instructional subsidies paid to state colleges, universities, 64348
and other state-assisted institutions of higher education, the 64349
chancellor may exclude students enrolled in any program that the 64350
chancellor has recommended for elimination pursuant to this 64351
division except that the chancellor shall not exclude any such 64352
student who enrolled in the program prior to the date on which 64353
the chancellor initially commences to exclude students under 64354
this division. 64355

The chancellor and state colleges, universities, and other 64356
state-assisted institutions of higher education shall jointly 64357
develop a process for determining which existing graduate or 64358

professional programs constitute unnecessary duplication. 64359

(G) Recommend to the state colleges, universities, and 64360
other state-assisted institutions of higher education programs 64361
which should be added to their present programs; 64362

(H) Conduct studies for the state colleges, universities, 64363
and other state-assisted institutions of higher education to 64364
assist them in making the best and most efficient use of their 64365
existing facilities and personnel; 64366

(I) Make recommendations to the governor and general 64367
assembly concerning the development of state-financed capital 64368
plans for higher education; the establishment of new state 64369
colleges, universities, and other state-assisted institutions of 64370
higher education; and the establishment of new programs at the 64371
existing state colleges, universities, and other institutions of 64372
higher education; 64373

(J) Review the appropriation requests of the public 64374
community colleges and the state colleges and universities and 64375
submit to the office of budget and management and to the 64376
chairpersons of the finance committees of the house of 64377
representatives and of the senate the chancellor's 64378
recommendations in regard to the biennial higher education 64379
appropriation for the state, including appropriations for the 64380
individual state colleges and universities and public community 64381
colleges. For the purpose of determining the amounts of 64382
instructional subsidies to be paid to state-assisted colleges 64383
and universities, the chancellor shall define "full-time 64384
equivalent student" by program per academic year. The definition 64385
may take into account the establishment of minimum enrollment 64386
levels in technical education programs below which support 64387
allowances will not be paid. Except as otherwise provided in 64388

this section, the chancellor shall make no change in the 64389
definition of "full-time equivalent student" in effect on 64390
November 15, 1981, which would increase or decrease the number 64391
of subsidy-eligible full-time equivalent students, without first 64392
submitting a fiscal impact statement to the president of the 64393
senate, the speaker of the house of representatives, the 64394
legislative service commission, and the director of budget and 64395
management. The chancellor shall work in close cooperation with 64396
the director of budget and management in this respect and in all 64397
other matters concerning the expenditures of appropriated funds 64398
by state colleges, universities, and other institutions of 64399
higher education. 64400

(K) Seek the cooperation and advice of the officers and 64401
trustees of both public and private colleges, universities, and 64402
other institutions of higher education in the state in 64403
performing the chancellor's duties and making the chancellor's 64404
plans, studies, and recommendations; 64405

(L) Appoint advisory committees consisting of persons 64406
associated with public or private secondary schools, members of 64407
the state board of education, or personnel of the department of 64408
education and workforce; 64409

(M) Appoint advisory committees consisting of college and 64410
university personnel, or other persons knowledgeable in the 64411
field of higher education, or both, in order to obtain their 64412
advice and assistance in defining and suggesting solutions for 64413
the problems and needs of higher education in this state; 64414

(N) Approve or disapprove all new degrees and new degree 64415
programs at all state colleges, universities, and other state- 64416
assisted institutions of higher education. 64417

When considering approval of a new degree or degree program for a state institution of higher education, as defined in section 3345.011 of the Revised Code, the chancellor shall take into account the extent to which the degree or degree program aligns with the state's workforce development priorities.

(O) Adopt such rules as are necessary to carry out the chancellor's duties and responsibilities. The rules shall prescribe procedures for the chancellor to follow when taking actions associated with the chancellor's duties and responsibilities and shall indicate which types of actions are subject to those procedures. The procedures adopted under this division shall be in addition to any other procedures prescribed by law for such actions. However, if any other provision of the Revised Code or rule adopted by the chancellor prescribes different procedures for such an action, the procedures adopted under this division shall not apply to that action to the extent they conflict with the procedures otherwise prescribed by law. The procedures adopted under this division shall include at least the following:

(1) Provision for public notice of the proposed action;

(2) An opportunity for public comment on the proposed action, which may include a public hearing on the action by the chancellor;

(3) Methods for parties that may be affected by the proposed action to submit comments during the public comment period;

(4) Written publication of the final action taken by the chancellor and the chancellor's rationale for the action;

(5) A timeline for the process described in divisions (O) 64447
(1) to (4) of this section. 64448

(P) Make recommendations to the governor and the general 64449
assembly regarding the design and funding of the student 64450
financial aid programs specified in sections 3333.122, 3333.21 64451
to 3333.26, and 5910.02 of the Revised Code; 64452

(Q) Participate in education-related state or federal 64453
programs on behalf of the state and assume responsibility for 64454
the administration of such programs in accordance with 64455
applicable state or federal law; 64456

(R) Adopt rules for student financial aid programs as 64457
required by sections 3333.122, 3333.21 to 3333.26, 3333.28, and 64458
5910.02 of the Revised Code, and perform any other 64459
administrative functions assigned to the chancellor by those 64460
sections; 64461

(S) Conduct enrollment audits of state-supported 64462
institutions of higher education; 64463

(T) Appoint consortia of college and university personnel 64464
to advise or participate in the development and operation of 64465
statewide collaborative efforts, including the Ohio 64466
supercomputer center, the Ohio academic resources network, 64467
OhioLink, and the Ohio learning network. For each consortium, 64468
the chancellor shall designate a college or university to serve 64469
as that consortium's fiscal agent, financial officer, and 64470
employer. Any funds appropriated for the consortia shall be 64471
distributed to the fiscal agents for the operation of the 64472
consortia. ~~A consortium shall follow the rules of the college or~~ 64473
~~university that serves as its fiscal agent.~~ The chancellor may 64474
restructure existing consortia, appointed under this division, 64475

in accordance with procedures adopted under divisions (O)(1) to 64476
(5) of this section. 64477

A consortium shall follow the rules of the college or 64478
university that serves as its fiscal agent, except that when 64479
making a purchase with appropriated funds of any product that 64480
includes semiconductors, a consortium shall conduct the purchase 64481
in accordance with rules adopted by the director of 64482
administrative services under division (B) of section 125.09 of 64483
the Revised Code for giving preference to Buy Ohio products. 64484

(U) Adopt rules establishing advisory duties and 64485
responsibilities of the department of higher education not 64486
otherwise prescribed by law; 64487

(V) Respond to requests for information about higher 64488
education from members of the general assembly and direct staff 64489
to conduct research or analysis as needed for this purpose. 64490

Notwithstanding any provision of law to the contrary, and 64491
to reduce duplicative reporting, the chancellor may use data or 64492
information submitted to the higher education information system 64493
and other public data exchanges, as determined appropriate, to 64494
fulfill reporting requirements, provided the information is 64495
materially consistent. 64496

Sec. 3333.048. (A) The chancellor of higher education, in 64497
consultation with the director of education and workforce, 64498
shall, in accordance with Chapter 119. of the Revised Code, 64499
establish metrics for the preparation of educators and other 64500
school personnel and the institutions of higher education that 64501
are engaged in their preparation. The metrics to be used in 64502
educator preparation programs shall do all of the following: 64503

(1) Be aligned with the standards and qualifications for 64504

educator licenses adopted by the state board of education under 64505
section 3319.22 of the Revised Code and the requirements of the 64506
Ohio teacher residency program established under section 64507
3319.223 of the Revised Code; 64508

(2) Ensure that educators and other school personnel are 64509
adequately prepared to use the value-added progress dimension 64510
prescribed by section 3302.021 of the Revised Code or the 64511
alternative student academic progress measure if adopted under 64512
division (C) (1) (e) of section 3302.03 of the Revised Code; 64513

(3) Ensure that all educators complete coursework in 64514
evidence-based strategies for effective literacy instruction 64515
aligned to the science of reading, which includes phonics, 64516
phonemic awareness, fluency comprehension, and vocabulary 64517
development, and is part of a structured literacy program~~—~~. The 64518
coursework shall be aligned with the international dyslexia 64519
association's, or its successor organization's, knowledge and 64520
practice standards for teachers of reading. 64521

(4) Ensure that clinical preparation for all educators who 64522
are responsible for teaching reading occurs only ~~occur in the~~ 64523
~~classrooms~~ educational learning environments where the local 64524
education agency has verified that the cooperating practicing 64525
teachers have completed training that adheres to the Ohio 64526
dyslexia guidebook in literacy instruction strategies aligned to 64527
the science of reading, use instructional materials aligned to 64528
the science of reading from the list established under section 64529
3313.6028 of the Revised Code, as part of a complete structured 64530
literacy program, and actively implement a structured literacy 64531
approach. 64532

(B) The chancellor shall do all of the following: 64533

(1) Develop an auditing process that clearly documents the degree to which every educator preparation program at an institution of higher education is effectively teaching the science of reading as follows:

(a) By December 31, 2023, complete an initial survey of educator preparation programs, establish metrics for the audits, and update standards to reflect new requirements;

(b) Grant a one-year grace period for all institutions to meet new standards and requirements under this section to begin on January 1, 2024;

(c) On January 1, 2025, begin conducting audits of each institution that offers educator preparation programs.

The chancellor shall revoke approval for programs that are found to be not in alignment and do not address the findings of the audit within a year. All programs shall be reviewed every four years thereafter to ensure continued alignment.

(2) Annually create a summary of literacy instruction strategies and practices in place for all educator preparation programs based on the program audits, including institution-level summaries, until all programs reach the required alignment specified in division (A)(3) of this section;

(3) In conjunction with the department of education and workforce, do all of the following:

(a) Publicly release the summaries with local education agencies not later than the thirty-first day of March of each year and post them on the chancellor's publicly accessible web site;

(b) Identify a list of approved vendors who can provide

professional development experiences that are consistent with 64562
the science of reading to educators who are responsible for 64563
teaching reading, including faculty in educator preparation 64564
programs; 64565

(c) Develop a public dashboard that reports the first-time 64566
passage rates of students, by institution, on the foundations of 64567
reading licensure test. 64568

(C) If the metrics established under division (A) of this 64569
section require an institution of higher education that prepares 64570
teachers to satisfy the standards of an independent 64571
accreditation organization, the chancellor shall permit each 64572
institution to satisfy the standards of any applicable national 64573
educator preparation accrediting agency recognized by the United 64574
States department of education. 64575

(D) The metrics and educator preparation programs 64576
established under division (A) of this section may require an 64577
institution of higher education, as a condition of approval by 64578
the chancellor, to make changes in the curricula of its 64579
preparation programs for educators and other school personnel. 64580

Notwithstanding division (E) of section 119.03 and 64581
division (A)(1) of section 119.04 of the Revised Code, any 64582
metrics, educator preparation programs, rules, and regulations, 64583
or any amendment or rescission of such metrics, educator 64584
preparation programs, rules, and regulations, adopted under this 64585
section that necessitate institutions offering preparation 64586
programs for educators and other school personnel approved by 64587
the chancellor to revise the curricula of those programs shall 64588
not be effective for at least one year after the first day of 64589
January next succeeding the publication of the said change. 64590

Each institution shall allocate money from its existing revenue sources to pay the cost of making the curricular changes.

(E) The chancellor shall notify the state board of the metrics and educator preparation programs established under division (A) of this section. The state board shall publish the metrics and educator preparation programs with the standards and qualifications for each type of educator license.

(F) The graduates of educator preparation programs approved by the chancellor shall be licensed by the state board in accordance with the standards and qualifications adopted under section 3319.22 of the Revised Code.

Sec. 3333.0415. Not later than December 31, 2025, the chancellor of higher education, in collaboration with the department of education and workforce and the governor's office of workforce transformation, shall establish the level of attainment necessary to achieve identified performance targets across a range of degrees and credentials.

Sec. 3333.0420. (A) As used in this section:

(1) "Online program manager" means an entity that is not an institution of higher education as defined under "The Higher Education Act of 1965," 20 U.S.C. 1001 that enters into an agreement with a state institution of higher education to provide marketing and recruitment services and at least one additional service, including course design, technology, or faculty training, to support an accredited online degree program.

(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) If a state institution of higher education enters into a contract with an online program manager, the institution shall ensure the contract is in compliance with relevant program standards and requirements. 64620
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(C) A state institution of higher education that enters into a contract with an online program manager shall post on each online degree program web site it maintains that it utilizes an online program manager for services. The institution shall require the online program manager to identify itself when providing services to students. 64624
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(D) A state institution of higher education shall not permit an online program manager to control, make decisions regarding, administer, or disburse student financial aid. 64630
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Sec. 3333.053. The chancellor of higher education shall serve indefinitely as the records custodian for the eastern gateway community college upon that college ceasing operations. 64633
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Sec. 3333.074. (A) Each state institution of higher education, as defined in section 3345.011 of the Revised Code, annually shall submit, in a form and manner determined by the chancellor of higher education, the following information to assess the performance and compliance of the state institution: 64636
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(1) Verification of current accreditation status and a copy of the state institution's most recent higher learning commission institutional update report; 64641
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(2) A plan to preserve student records indefinitely in the event of closure of the state institution or discontinuation of service. The plan shall include a method by which students and alumni of the state institution may retrieve student records by request. The plan shall also include a designation and signed 64644
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<u>confirmation of an official custodian of student records.</u>	64649
<u>Student records preserved under the plan shall include, but not</u>	64650
<u>be limited to:</u>	64651
<u>(a) Academic transcripts;</u>	64652
<u>(b) Financial aid documents;</u>	64653
<u>(c) International student forms;</u>	64654
<u>(d) Tax information.</u>	64655
<u>(3) The results of any external degree program evaluations</u>	64656
<u>conducted in the last year;</u>	64657
<u>(4) A list of any degree programs that have been</u>	64658
<u>eliminated in the last year;</u>	64659
<u>(5) Any other information requested by the chancellor.</u>	64660
<u>(B) The chancellor may rescind program approval if a state</u>	64661
<u>institution of higher education fails to submit the information</u>	64662
<u>required under division (A) of this section or if the chancellor</u>	64663
<u>finds that the information submitted under that division is</u>	64664
<u>insufficient.</u>	64665
<u>(C) Each state institution of higher education shall</u>	64666
<u>immediately inform the chancellor if the state institution does</u>	64667
<u>any of the following:</u>	64668
<u>(1) Receives notice from the federal government or an</u>	64669
<u>institutional accrediting organization that the state</u>	64670
<u>institution is subject to heightened reporting standards or</u>	64671
<u>special monitoring status, such as the United States department</u>	64672
<u>of education's heightened cash monitoring process;</u>	64673
<u>(2) Receives preliminary or final accreditation findings;</u>	64674
<u>(3) Becomes the subject of an investigation by a</u>	64675

<u>government agency related to the institution's academic quality,</u>	64676
<u>financial stability, or student consumer protection;</u>	64677
<u>(4) Requests an advance of a state subsidy;</u>	64678
<u>(5) Fails to make any payments to applicable retirement</u>	64679
<u>systems, such as the public employees retirement system or the</u>	64680
<u>state teachers retirement system;</u>	64681
<u>(6) Fails to make any scheduled payroll payments;</u>	64682
<u>(7) Fails to make any payments to vendors when due as a</u>	64683
<u>result of a cash deficiency or a substantial deficiency in the</u>	64684
<u>payment processing system of the state institution;</u>	64685
<u>(8) Fails to make any scheduled payment of principal or</u>	64686
<u>interest for short- or long-term debt;</u>	64687
<u>(9) Makes budget revisions resulting in a substantially</u>	64688
<u>reduced ending fund balance or larger deficit;</u>	64689
<u>(10) Becomes aware of significant negative variance</u>	64690
<u>between the most recently adopted annual budget and actual</u>	64691
<u>revenues or expenses as projected at the end of the fiscal year.</u>	64692
Sec. 3333.129. (A) The "Teach CS" grant program is	64693
established to fund coursework, materials, and exams to support	64694
the increasing <u>the number of existing</u> Ohio teachers who qualify	64695
to teach computer science, <u>or expand the knowledge of existing</u>	64696
<u>teachers,</u> through all of the following:	64697
(1) A supplemental license that involves a mentorship-	64698
based pathway for existing teachers;	64699
(2) A university endorsement program that involves a	64700
coursework-based path for existing teachers;	64701
(3) An alternative resident educator licensure pathway for	64702

industry experts and other nonteachers; 64703

(4) A continuing education program that offers 64704
professional development to existing teachers, including those 64705
that teach pre-kindergarten to twelve who are generalists and 64706
those seeking advanced content knowledge. 64707

The chancellor of higher education shall administer the 64708
program. Funds may be spent on coursework, materials, exams, 64709
teacher stipends, performance-based incentives, and for other 64710
purposes as determined by the chancellor to support the 64711
expansion of computer science education. 64712

(B) The chancellor, in consultation with the department of 64713
education and workforce, shall develop an application process 64714
and criteria for awards. Priority may be given to education 64715
consortia that include economically disadvantaged schools in 64716
which there are limited computer science courses offered or 64717
where there is an unmet need for teachers credentialed to teach 64718
computer science courses, as determined by the chancellor. 64719

Sec. 3333.1210. (A) Beginning with first-time scholarships 64720
awarded for fiscal year 2027, each student who accepts a 64721
scholarship under the governor's merit scholarship program shall 64722
commit to residing in this state for the three years immediately 64723
following the individual's graduation from an institution of 64724
higher education in this state except as provided in division 64725
(C) of this section. 64726

(B) Each student who accepts a scholarship under the 64727
governor's merit scholarship program shall sign a promissory 64728
note payable to the state. The amount payable under the note 64729
shall be the amount of total scholarship funds accepted by the 64730
individual under the program. The chancellor of higher education 64731

shall determine the period of repayment under the note. The 64732
chancellor shall not charge an interest rate on such payments. 64733
If either of the following apply, the promissory takes immediate 64734
effect: 64735

(1) The individual does not satisfy the residency 64736
requirement under this section. 64737

(2) The individual disenrolls from an institution of 64738
higher education in this state without graduating or transfers 64739
to an institution of higher education in another state. 64740

(C) A promissory note under this section shall not take 64741
immediate effect if a student does not complete the residency 64742
requirement because the student pursues a graduate degree at an 64743
institution of higher education that is not located in this 64744
state. In that event, the individual shall complete the 64745
residency requirement under this section after receiving that 64746
graduate degree. 64747

(D) The note shall stipulate that the obligation to make 64748
payments under the note is canceled if either of the following 64749
apply: 64750

(1) The student meets the residency requirement under this 64751
section. 64752

(2) The student dies or becomes totally and permanently 64753
disabled. 64754

Sec. 3333.13. As used in sections 3333.13 to 3333.137 of 64755
the Revised Code, "employed as a service attorney" means ~~either~~ 64756
any of the following: 64757

(A) An attorney who works a minimum of thirty-five hours 64758
per week for a minimum of forty-five weeks each service year and 64759

who is employed by any of the following: 64760

- (1) The state public defender; 64761
- (2) The prosecuting attorney of a county; 64762
- (3) A county public defender commission; 64763
- (4) A joint county public defender commission to represent 64764
indigent persons. 64765

(B) Counsel appointed by the court or selected by an 64766
indigent person under division (E) of section 120.16 or division 64767
(E) of section 120.26 of the Revised Code, who works in an area 64768
designated as an underserved community under section 3333.132 of 64769
the Revised Code for a minimum of five hundred twenty hours each 64770
service year. 64771

(C) An attorney engaged in the private practice of law, 64772
who practices civil law, and who works in an area designated as 64773
an underserved community under section 3333.132 of the Revised 64774
Code for a minimum of five hundred twenty hours each service 64775
year. 64776

Sec. 3333.131. There is hereby created the rural practice 64777
incentive program, which shall be administered by the chancellor 64778
of higher education. The purpose of the program is to provide 64779
loan repayment on behalf of attorneys who agree to employment or 64780
practice as service attorneys in areas designated as underserved 64781
communities by the chancellor pursuant to section 3333.132 of 64782
the Revised Code. 64783

Under the program, the chancellor, ~~by means of a contract~~ 64784
~~entered into under section 3333.135 of the Revised Code,~~ may 64785
agree to repay up to the amount set pursuant to section 3333.135 64786
of the Revised Code of the principal and interest of a 64787

government or other educational loan taken by an individual for 64788
the following expenses, ~~so long as the expenses were incurred~~ 64789
~~while the individual was enrolled in a law school in the United~~ 64790
~~States that was, during the time enrolled, accredited by the~~ 64791
~~American bar association, or a law school located outside the~~ 64792
~~United States for which the individual received a foreign~~ 64793
~~equivalency evaluation:~~ 64794

(A) Tuition; 64795

(B) Other educational expenses, such as fees, books, and 64796
expenses, for specific purposes and in amounts determined to be 64797
reasonable by the chancellor; 64798

(C) Room and board, in an amount determined reasonable by 64799
the chancellor. 64800

Sec. 3333.132. Each biennium, the chancellor of higher 64801
education shall designate by rule any county with a ratio of 64802
attorneys maintaining interest-bearing trust accounts pursuant 64803
to section 4705.09 of the Revised Code to the population in the 64804
county equal to or less than one to ~~seven~~ fifteen hundred as an 64805
underserved community. The Ohio access to justice foundation, 64806
pursuant to division (A) of section 120.521 of the Revised Code, 64807
shall assist the chancellor by determining the ratio described 64808
in this section. 64809

Sec. 3333.133. (A) An individual who meets all of the 64810
following requirements may apply for participation in the rural 64811
practice incentive program: 64812

(1) The individual is a citizen of the United States, a 64813
national of the United States, or a permanent resident of the 64814
United States. 64815

(2) The individual either: 64816

- (a) Is a student enrolled in the final year of law school; 64817
or 64818
- (b) Has been admitted to the practice of law in this state 64819
by the Ohio supreme court for less than ~~eight~~ twelve years and 64820
remains in good standing. 64821
- (3) The individual is not enrolled in ~~any other state or~~ 64822
~~federally funded student loan repayment or debt forgiveness~~ 64823
~~program, including under the public service loan forgiveness~~ 64824
program, 34 C.F.R. 685.219, or the "John R. Justice Prosecutors 64825
and Defenders Incentive Act of 2008," 34 U.S.C. 10671 et seq. 64826
- (B) An application for participation in the rural practice 64827
incentive program shall be submitted to the chancellor of higher 64828
education on a form that the chancellor shall prescribe. The 64829
individual shall submit the following information with an 64830
application: 64831
- (1) The individual's name, permanent address or address at 64832
which the individual is currently residing if different from the 64833
permanent address, and telephone number; 64834
- (2) The law school the individual is attending or 64835
attended, the dates of attendance, and verification of 64836
attendance; 64837
- (3) The individual's employer, as applicable; 64838
- (4) A summary and verification of the educational expenses 64839
for which the individual seeks reimbursement under the program; 64840
- (5) Verification that the individual has been admitted to 64841
the practice of law in this state for less than eight years by 64842
the Ohio supreme court and remains in good standing, unless the 64843
individual is a student; 64844

(6) Verification the individual is a citizen of the United States, a national of the United States, or a permanent resident of the United States. 64845
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Sec. 3333.134. If funds are available in the rural practice incentive fund created under section 3333.136 of the Revised Code and the general assembly has appropriated funds for the rural practice incentive program, the chancellor of higher education shall approve an individual for participation in the program, for reimbursement up to fifty thousand dollars, if the chancellor finds that the individual is eligible for participation in the program. 64848
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Upon approval, the chancellor shall notify and enter into discussions with the individual. The object of the discussions is to facilitate the recruitment of the individual to become or remain employed as a service attorney within an underserved community. 64856
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If the chancellor and individual agree on the individual's employment as a service attorney within an underserved community, the individual shall prepare, sign, and deliver to the chancellor a letter of intent agreeing to that placement. 64861
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~~The chancellor shall approve individuals for participation in the rural practice incentive program in a manner proportionate to the number of each of the following types of attorneys who apply to the program, with an aim toward disbursing loan repayments equitably among each type:~~ 64865
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~~(A) Attorneys employed by the prosecuting attorney of a county;~~ 64870
64871

~~(B) Attorneys employed by the state public defender, a county public defender commission, or a joint county public~~ 64872
64873

~~defender commission to represent indigent persons;~~ 64874

~~(C) Attorneys described in division (B) of section 3333.13
of the Revised Code.~~ 64875
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Sec. 3333.135. (A) After signing a letter of intent under 64877
section 3333.134 of the Revised Code, an individual ~~and the~~ 64878
~~chancellor of higher education may enter into a contract for the~~ 64879
~~individual's participation in the rural practice incentive~~ 64880
~~program. The individual's employer also may be a party to the~~ 64881
~~contract shall sign a promissory note payable to the state in the~~ 64882
~~event that the individual does not satisfy the service~~ 64883
~~obligation of division (B) of this section and as outlined in~~ 64884
~~the note. The amount payable under the note shall be the amount~~ 64885
~~corresponding to the agreed upon service obligation as outlined~~ 64886
~~in division (C) of this section.~~ 64887

(B) The ~~contract individual~~ shall include all of the 64888
~~following obligations:~~ 64889

~~(1) The individual agrees to remain employed as a service~~ 64890
~~attorney within the underserved community identified in the~~ 64891
~~letter of intent for the number of hours and duration specified~~ 64892
~~in the contract promissory note;~~ 64893

~~(2)(C)~~ The chancellor ~~agrees shall agree~~, as provided in 64894
section 3333.131 of the Revised Code, to repay, so long as the 64895
individual satisfies the service obligation agreed to under 64896
division ~~(B)(1)~~ (B) of this section, the following amount of the 64897
principal and interest of a government or other educational loan 64898
taken by the individual for expenses described in section 64899
3333.131 of the Revised Code: 64900

~~(a)(1)~~ For a three-year service obligation, up to thirty 64901
thousand dollars; 64902

~~(b)~~(2) For an additional fourth or fifth year of service, 64903
up to an additional twenty thousand dollars. 64904

~~(3)~~ The individual agrees to pay the chancellor an amount 64905
established by rules adopted under section 3333.137 of the 64906
Revised Code if the individual fails to complete the service- 64907
obligation agreed to under division (B)(1) of this section. 64908

~~(C)~~(D) The ~~contract~~ promissory note shall include ~~the~~ 64909
following terms as agreed upon by the parties prescribed by the 64910
chancellor, including: 64911

(1) The individual's required length of service in the 64912
underserved community, which must be at least three years with 64913
an optional fourth year and optional fifth year; 64914

~~(2)(a)~~ In the case of an attorney employed by the state 64915
public defender, the prosecuting attorney of a county, a county- 64916
public defender commission, or a joint county public defender- 64917
commission, the number of weekly hours the individual will be 64918
engaged in practice in the underserved community; 64919

~~(b)~~ In the case of private counsel appointed by the court 64920
or selected by an indigent person pursuant to Chapter 120. of 64921
the Revised Code, the number of hours over the service year the 64922
individual will be engaged in practice in the underserved- 64923
community. 64924

~~(3)~~ The maximum amount that the chancellor will repay on 64925
behalf of the individual. 64926

~~(D)~~(E) If the amount specified in division ~~(C)~~(3)(D)(2) of 64927
this section includes federal funds, the amount of state funds 64928
repaid on the individual's behalf shall be the same as the 64929
amount of those federal funds. 64930

Sec. 3333.164. (A) As used in this section, "state":	64931
(1) <u>"Armed forces" has the same meaning as in section</u>	64932
<u>3313.471 of the Revised Code.</u>	64933
(2) <u>"Private institution of higher education" has the same</u>	64934
<u>meaning as in section 5919.34 of the Revised Code.</u>	64935
(3) <u>"State institution of higher education" has the same</u>	64936
<u>meaning as in section 3345.011 of the Revised Code.</u>	64937
(B) Not later than December 31, 2014, the <u>The</u> chancellor	64938
of higher education shall do all of the following with regard to	64939
the awarding of college credit for military training,	64940
experience, and coursework:	64941
(1) Develop a set of standards and procedures for state	64942
institutions of higher education to utilize in the granting of	64943
college credit for military training, experience, and	64944
coursework;	64945
(2) Create a military articulation and transfer assurance	64946
guide for college credit that is earned through military	64947
training, experience, and coursework. The chancellor shall use	64948
the current articulation and transfer policy adopted pursuant to	64949
section 3333.16 of the Revised Code as a model in developing	64950
this guide.	64951
(3) Create a web site that contains information related to	64952
the awarding of college credit for military training,	64953
experience, and coursework. The web site shall include both of	64954
the following:	64955
(a) Standardized resources that address frequently asked	64956
questions regarding the awarding of such credit and related	64957
issues;	64958

(b) A statewide database that shows how specified military training, experience, and coursework translates to college credit. 64959
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(4) Develop a statewide training program that prepares faculty and staff of state institutions of higher education to evaluate various military training, experience, and coursework and to award appropriate equivalent credit. The training program shall incorporate the best practices of awarding credit for military experiences, including both the recommendations of the American council on education and the standards developed by the council for adult and experiential learning. 64962
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(C) ~~Beginning on July 1, 2015, state~~ State institutions of higher education shall ensure that appropriate equivalent credit is awarded for military training, experience, and coursework that meet the standards developed by the chancellor pursuant to this section. 64970
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(D) Notwithstanding any provision of law to the contrary, the chancellor may require a state institution of higher education or a private institution of higher education to establish a process to systematically evaluate military training, experience, and coursework and to award appropriate equivalent college credit to a student who is a veteran of the armed forces. The chancellor may adopt rules to implement this division. 64975
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Sec. 3333.24. (A) As used in this section: 64983

(1) "Eligible student" means a student to whom all of the following apply: 64984
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(a) The student is a resident of this state under rules adopted by the chancellor of higher education under section 64986
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3333.31 of the Revised Code. 64988

(b) The student has completed a free application for federal student aid for the year for which the grant is to be awarded. 64989
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(c) The student enrolls in a qualified program at a community, state community, or technical college, an Ohio technical center, or a state university branch campus. 64992
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(2) "Qualified program" means either of the following: 64995

(a) For a student who received a first-time grant under this section prior to the effective date of this amendment, a credit or noncredit program that leads to an industry-recognized credential, certificate, or degree and prepares the student for a job that meets either of the following criteria: 64996
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~~(a)~~ (i) It is identified as an "in-demand" or "critical" job as determined by the office of workforce transformation. 65001
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~~(b)~~ (ii) It is submitted by a community, state community, or technical college, an Ohio technical center, or a state university branch campus and will meet regional workforce needs, as approved by the chancellor. 65003
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(b) For a student who receives a first-time grant under this section on or after the effective date of this amendment, a program that meets alternative criteria established by the chancellor of higher education, in consultation with the office of workforce transformation, based on the emerging workforce needs of the state. 65007
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(B) The chancellor of higher education shall establish the Ohio work ready grant program. Under the program, the chancellor shall award a grant of up to three thousand dollars to eligible 65013
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students enrolled in a qualified program. Grant award amounts 65016
made to eligible students enrolled on either a full-time or 65017
part-time basis shall be computed in accordance with rules 65018
adopted by the chancellor. No student shall be eligible to 65019
receive a grant for more than six semesters or the equivalent of 65020
three academic years. 65021

(C) Eligible students shall apply to participate in the 65022
program in a form and manner prescribed by the chancellor. The 65023
chancellor shall determine the form and manner of payments. 65024

(D) (1) The program shall be funded in the sums and manner 65025
designated for such purpose by the general assembly, but the 65026
chancellor also may receive funds from other sources to support 65027
the program. 65028

(2) If, for any academic year, the amounts available for 65029
support of the program are inadequate to provide grants to all 65030
eligible students, the chancellor may establish different grant 65031
amounts based on the number of applicants and the total amount 65032
of funds set aside for that purpose. 65033

(E) The chancellor, in consultation with the providers of 65034
qualified programs, shall collect and report program metrics 65035
that include all of the following: 65036

(1) Demographics of recipients, including: 65037

(a) Age, disaggregated as follows: 65038

(i) Twenty-four years and younger; 65039

(ii) Twenty-five to thirty-four years; 65040

(iii) Thirty-five to forty-nine years; 65041

(iv) Fifty years and older. 65042

(b) Gender;	65043
(c) Race and ethnicity;	65044
(d) Enrollment status as full- or part-time;	65045
(e) Pell grant status.	65046
(2) Success rates of recipients, including program retention and completion;	65047 65048
(3) Total number of industry-recognized credentials, <u>including technician-aligned associate degrees</u> , awarded, disaggregated by subject or program area.	65049 65050 65051
Sec. 3333.374. (A) After receipt of recommendations from the scholarship rules advisory committee or if no recommendations are received, the <u>The</u> chancellor of higher education, with the approval of the treasurer of state, shall adopt rules, in accordance with Chapter 119. of the Revised Code, establishing policy guidelines for the implementation of the scholarship and fellowship programs.	65052 65053 65054 65055 65056 65057 65058
(B) Nothing in this section or section 3333.373 of the Revised Code shall prevent the chancellor, with the approval of the treasurer of state, from amending or rescinding rules adopted pursuant to division (A) of this section, or from adopting new rules, in accordance with Chapter 119. of the Revised Code, from time to time as are necessary to further the purposes of sections 3333.37 to 3333.375 of the Revised Code.	65059 65060 65061 65062 65063 65064 65065
Sec. 3333.96. (A) <u>The strategic square footage reduction fund is created in the state treasury. The fund shall consist of money credited or transferred to it and grants, gifts, and contributions made directly to it. In addition to any such money, gift, or contribution, funds may be transferred from the</u>	65066 65067 65068 65069 65070

Ohio tuition trust reserve fund to the strategic square footage 65071
reduction fund, in accordance with section 3334.11 of the 65072
Revised Code. 65073

(B) The strategic square footage reduction fund shall be 65074
used to make revolving loans to state institutions of higher 65075
education, as defined in section 3345.011 of the Revised Code, 65076
that enable the voluntary reduction of physical square footage. 65077

(C) The chancellor of higher education shall administer 65078
and award, in consultation with the Ohio facilities construction 65079
commission, the revolving loans described in division (B) of 65080
this section. The chancellor, in consultation with the 65081
commission, shall establish all of the following: 65082

(1) Procedures and forms by which state institutions of 65083
higher education may apply for a loan; 65084

(2) A competitive process for ranking applicants and 65085
awarding the loans, with priority consideration given to state 65086
institutions of higher education that have experienced a 65087
decrease in their general student populations, as determined by 65088
the chancellor; 65089

(3) Procedures and timelines for distributing loans and 65090
collecting payments for the strategic square footage reduction 65091
fund. 65092

(D) Each state institution of higher education shall 65093
include in its application all of the following: 65094

(1) The extent to which the square footage may have value 65095
if sold or reallocated to serve other purposes, which may 65096
include kindergarten through twelve, career-technical, or adult 65097
educational purposes, community interests, or business and 65098
industry partnerships; 65099

<u>(2) The relative age and condition of the facilities to be deconstructed;</u>	65100 65101
<u>(3) Historical enrollment patterns as well as future enrollment projections;</u>	65102 65103
<u>(4) The composition of classes offered in person versus in an online format;</u>	65104 65105
<u>(5) The level of deferred maintenance;</u>	65106
<u>(6) The prior level of state investment;</u>	65107
<u>(7) The amount of annual operating expenses defrayed by eliminating the square footage;</u>	65108 65109
<u>(8) A report from the office of budget and management detailing the extent and the status of past capital budget appropriations supporting the project and the existence of any outstanding bonded debt derived from such support.</u>	65110 65111 65112 65113
<u>The chancellor and the Ohio facilities construction commission shall consider the information supplied under this division in making final awards.</u>	65114 65115 65116
<u>(E) Each state institution of higher education that receives a loan under this section annually shall certify to the chancellor, on a date and in such form and manner as prescribed by the chancellor, a summary of financial information regarding the loan.</u>	65117 65118 65119 65120 65121
<u>(F) Prior to a state institution using the loan to pay the demolition costs of a facility, the following shall occur:</u>	65122 65123
<u>(1) The board of trustees of that institution shall adopt a resolution approving the demolition.</u>	65124 65125
<u>(2) Notwithstanding anything to the contrary in the</u>	65126

Revised Code, any net proceeds received from any demolition of 65127
real property made pursuant to this section shall, at the 65128
direction of the director of budget and management, be credited 65129
to the strategic square footage reduction fund. 65130

(G) Each state institution of higher education receiving 65131
loans under this section shall not construct any new facility 65132
during the time period in which demolition is occurring. 65133

Sec. 3334.11. (A) The assets of the Ohio tuition trust 65134
authority reserved for payment of the obligations of the 65135
authority pursuant to tuition payment contracts shall be placed 65136
in a fund, which is hereby created and shall be known as the 65137
Ohio tuition trust fund. The fund shall be in the custody of the 65138
treasurer of state, but shall not be part of the state treasury. 65139
That portion of payments received by the authority or the 65140
treasurer of state from persons purchasing tuition units under 65141
tuition payment contracts that the authority determines is 65142
actuarially necessary for the payment of obligations of the 65143
authority pursuant to tuition payment contracts, all interest 65144
and investment income earned by the fund, and all other receipts 65145
of the authority from any other source that the authority 65146
determines appropriate, shall be deposited in the fund. No 65147
purchaser or beneficiary of tuition units shall have any claim 65148
against the funds of any state institution of higher education. 65149
All investment fees and other costs incurred in connection with 65150
the exercise of the investment powers of the authority pursuant 65151
to divisions (D) and (E) of this section shall be paid from the 65152
assets of the fund. 65153

(B) Unless otherwise provided by the authority, the assets 65154
of the Ohio tuition trust fund shall be expended in the 65155
following order: 65156

(1) To make payments to beneficiaries, or institutions of higher education on behalf of beneficiaries, under division (B) of section 3334.09 of the Revised Code; 65157
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(2) To make refunds as provided in divisions (A) and (C) of section 3334.10 of the Revised Code; 65160
65161

(3) To pay the investment fees and other costs of administering the fund. 65162
65163

(C) (1) Except as may be provided in an agreement under division (A) (19) of section 3334.08 of the Revised Code, all disbursements from the Ohio tuition trust fund shall be made by the treasurer of state on order of a designee of the authority. 65164
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(2) The treasurer of state shall deposit any portion of the Ohio tuition trust fund not needed for immediate use in the same manner as state funds are deposited. 65168
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(D) The authority is the trustee of the Ohio tuition trust fund. The authority shall have full power to invest the assets of the fund and in exercising this power shall be subject to the limitations and requirements contained in divisions (K) to (M) of this section and sections 145.112 and 145.113 of the Revised Code. The evidences of title of all investments shall be delivered to the treasurer of state or to a qualified trustee designated by the treasurer of state as provided in section 135.18 of the Revised Code. Assets of the fund shall be administered by the authority in a manner designed to be actuarially sound so that the assets of the fund will be sufficient to satisfy the obligations of the authority pursuant to tuition payment contracts and defray the reasonable expenses of administering the fund. 65171
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(E) The authority may enter into an agreement with any 65185

business, entity, or governmental agency to perform the 65186
investment duties of the authority as set forth in division (D) 65187
of this section. The investment powers shall be exercised by the 65188
business, entity, or governmental agency that entered into an 65189
agreement with the authority in a manner agreed upon by the 65190
authority that maximizes the return on investment and minimizes 65191
the administrative expenses. 65192

(F) (1) The authority shall maintain a separate account for 65193
each tuition payment contract entered into pursuant to division 65194
(A) of section 3334.09 of the Revised Code for the purchase of 65195
tuition units on behalf of a beneficiary or beneficiaries 65196
showing the beneficiary or beneficiaries of that contract and 65197
the number of tuition units purchased pursuant to that contract. 65198
Upon request of any beneficiary or person who has entered into a 65199
tuition payment contract, the authority shall provide a 65200
statement indicating, in the case of a beneficiary, the number 65201
of tuition units purchased on behalf of the beneficiary, or in 65202
the case of a person who has entered into a tuition payment 65203
contract, the number of tuition units purchased, used, or 65204
refunded pursuant to that contract. A beneficiary and person 65205
that have entered into a tuition payment contract each may file 65206
only one request under this division in any year. 65207

(2) The authority shall maintain an account for each 65208
scholarship program showing the number of tuition units that 65209
have been purchased for or donated to the program and the number 65210
of tuition units that have been used. Upon the request of the 65211
entity that established the scholarship program, the authority 65212
shall provide a statement indicating these numbers. 65213

(G) (1) In addition to the Ohio tuition trust fund, there 65214
is hereby established a reserve fund that shall be in the 65215

custody of the treasurer of state but shall not be part of the 65216
state treasury, and shall be known as the Ohio tuition trust 65217
reserve fund, and an operating fund that shall be part of the 65218
state treasury, and shall be known as the Ohio tuition trust 65219
operating fund. That portion of payments received by the 65220
authority or the treasurer of state from persons purchasing 65221
tuition units under tuition payment contracts that the authority 65222
determines is not actuarially necessary for the payment of 65223
obligations of the authority pursuant to tuition payment 65224
contracts, any interest and investment income earned by the 65225
reserve fund, any administrative charges and fees imposed by the 65226
authority on transactions under this chapter or on purchasers or 65227
beneficiaries of tuition units, and all other receipts from any 65228
other source that the authority determines appropriate, shall be 65229
deposited in the reserve fund to pay the operating expenses of 65230
the authority and the costs of administering the program. The 65231
assets of the reserve fund may be invested in the same manner 65232
and subject to the same limitations set forth in divisions (D), 65233
(E), and (K) to (M) of this section and sections 145.112 and 65234
145.113 of the Revised Code. All investment fees and other costs 65235
incurred in connection with the exercise of the investment 65236
powers shall be paid from the assets of the reserve fund. Except 65237
as otherwise provided for in this chapter, all operating 65238
expenses of the authority and costs of administering the program 65239
shall be paid from the operating fund. 65240

(2) The treasurer of state shall, upon request of the 65241
authority, transfer funds from the reserve fund to the operating 65242
fund as the authority determines appropriate to pay those 65243
current operating expenses of the authority and costs of 65244
administering the program as the authority designates. Any 65245
interest or investment income earned on the assets of the 65246

operating fund shall be deposited in the operating fund. 65247

(3) The treasurer of state shall, upon request by the 65248
chancellor of higher education and approval by the director of 65249
budget and management, transfer funds from the reserve fund to 65250
the strategic square footage reduction fund created under 65251
section 3333.96 of the Revised Code. 65252

(H) In January of each year the authority shall report to 65253
each person who received any payments or refunds from the 65254
authority during the preceding year information relative to the 65255
value of the payments or refunds to assist in determining that 65256
person's tax liability. 65257

(I) The authority shall report to the tax commissioner any 65258
information, and at the times, as the tax commissioner requires 65259
to determine any tax liability that a person may have incurred 65260
during the preceding year as a result of having received any 65261
payments or refunds from the authority. 65262

(J) All records of the authority indicating the identity 65263
of purchasers and beneficiaries of tuition units or college 65264
savings bonds, the number of tuition units purchased, used, or 65265
refunded under a tuition payment contract, and the number of 65266
college savings bonds purchased, held, or redeemed are not 65267
public records within the meaning of section 149.43 of the 65268
Revised Code. 65269

(K) (1) The authority and other fiduciaries shall discharge 65270
their duties with respect to the funds with care, skill, 65271
prudence, and diligence under the circumstances then prevailing 65272
that a prudent person acting in a like capacity and familiar 65273
with such matters would use in the conduct of an enterprise of a 65274
like character and with like aims; and by diversifying the 65275

investments of the assets of the funds so as to minimize the 65276
risk of large losses, unless under the circumstances it is 65277
clearly prudent not to do so. 65278

(2) To facilitate investment of the funds, the authority 65279
may establish a partnership, trust, limited liability company, 65280
corporation, including a corporation exempt from taxation under 65281
the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as 65282
amended, or any other legal entity authorized to transact 65283
business in this state. 65284

(L) In exercising its fiduciary responsibility with 65285
respect to the investment of the assets of the funds, it shall 65286
be the intent of the authority to give consideration to 65287
investments that enhance the general welfare of the state and 65288
its citizens where the investments offer quality, return, and 65289
safety comparable to other investments currently available to 65290
the authority. In fulfilling this intent, equal consideration 65291
shall also be given to investments otherwise qualifying under 65292
this section that involve minority owned and controlled firms 65293
and firms owned and controlled by women, either alone or in 65294
joint venture with other firms. 65295

The authority shall adopt, in regular meeting, policies, 65296
objectives, or criteria for the operation of the investment 65297
program that include asset allocation targets and ranges, risk 65298
factors, asset class benchmarks, time horizons, total return 65299
objectives, and performance evaluation guidelines. In adopting 65300
policies and criteria for the selection of agents with whom the 65301
authority may contract for the administration of the assets of 65302
the funds, the authority shall give equal consideration to 65303
minority owned and controlled firms, firms owned and controlled 65304
by women, and ventures involving minority owned and controlled 65305

firms and firms owned and controlled by women that otherwise 65306
meet the policies and criteria established by the authority. 65307
Amendments and additions to the policies and criteria shall be 65308
adopted in regular meeting. The authority shall publish its 65309
policies, objectives, and criteria under this provision no less 65310
often than annually and shall make copies available to 65311
interested parties. 65312

When reporting on the performance of investments, the 65313
authority shall comply with the performance presentation 65314
standards established by the association for investment 65315
management and research. 65316

(M) All investments shall be purchased at current market 65317
prices and the evidences of title of the investments shall be 65318
placed in the hands of the treasurer of state, who is hereby 65319
designated as custodian thereof, or in the hands of the 65320
treasurer of state's authorized agent. The treasurer of state or 65321
the agent shall collect the principal, dividends, distributions, 65322
and interest thereon as they become due and payable and place 65323
them when so collected into the custodial funds. 65324

The treasurer of state shall pay for investments purchased 65325
by the authority on receipt of written or electronic 65326
instructions from the authority or the authority's designated 65327
agent authorizing the purchase and pending receipt of the 65328
evidence of title of the investment by the treasurer of state or 65329
the treasurer of state's authorized agent. The authority may 65330
sell investments held by the authority, and the treasurer of 65331
state or the treasurer of state's authorized agent shall accept 65332
payment from the purchaser and deliver evidence of title of the 65333
investment to the purchaser on receipt of written or electronic 65334
instructions from the authority or the authority's designated 65335

agent authorizing the sale, and pending receipt of the moneys 65336
for the investments. The amount received shall be placed in the 65337
custodial funds. The authority and the treasurer of state may 65338
enter into agreements to establish procedures for the purchase 65339
and sale of investments under this division and the custody of 65340
the investments. 65341

No purchase or sale of any investment shall be made under 65342
this section except as authorized by the authority. 65343

Any statement of financial position distributed by the 65344
authority shall include fair value, as of the statement date, of 65345
all investments held by the authority under this section. 65346

Sec. 3335.39. (A) (1) The Salmon P. Chase center for 65347
civics, culture, and society is established as an independent 65348
academic unit within the Ohio state university, ~~physically~~ 65349
~~located in the college of public affairs.~~ The center shall 65350
conduct teaching and research in the historical ideas, 65351
traditions, and texts that have shaped the American 65352
constitutional order and society. 65353

(2) The center shall establish bylaws requiring the center 65354
to do all of the following: 65355

(a) Educate students by means of free, open, and rigorous 65356
intellectual inquiry to seek the truth; 65357

(b) Affirm its duty to equip students with the skills, 65358
habits, and dispositions of mind they need to reach their own 65359
informed conclusions on matters of social and political 65360
importance; 65361

(c) Affirm the value of intellectual diversity in higher 65362
education and aspire to enhance the intellectual diversity of 65363
the university; 65364

(d) Affirm a commitment to create a community dedicated to an ethic of civil and free inquiry, which respects the intellectual freedom of each member, supports individual capacities for growth, and welcomes the differences of opinion that shall naturally exist in a public university community.

The requirements prescribed under divisions (A) (2) (a) to (d) of this section shall take priority over any other bylaws adopted by the center.

(3) The board of trustees of the university may change the name of the center in accordance with the philanthropic naming policies and practices of the university.

~~(B)~~ (B) (1) The center shall be an independent academic unit physically located at the college of public affairs with the authority to house tenure-track faculty who hold their appointments within the center. Faculty appointed to the center shall not be required, but may, hold joint appointments within any other division of the university. Not fewer than fifteen tenure-track faculty positions shall be allotted to teach under the center. No faculty outside of the center shall have the authority to block faculty hires into the center.

(2) The university shall provide adequate and appropriate space for the center as jointly determined by the director and either the president or provost of the university. The university shall not charge or assess overhead or indirect fees, costs, expenses, or charges to the center.

(C) (1) The center shall offer instruction in all of the following:

(a) The books and major debates which form the intellectual foundation of free societies, especially that of

the United States; 65394

(b) The principles, ideals, and institutions of the 65395
American constitutional order; 65396

(c) The foundations of responsible leadership and informed 65397
citizenship. 65398

(2) The center also shall focus on both of the following: 65399

(a) Offering university-wide programming related to the 65400
values of free speech and civil discourse; 65401

(b) Expanding the intellectual diversity of the 65402
university's academic community. 65403

(D) (1) ~~Not later than November 20, 2023, the~~ The board of 65404
trustees of the university shall appoint, with the advice and 65405
consent of the senate, a seven-member Chase center academic 65406
council. An initial member shall not begin service until 65407
confirmed by the senate. Four members shall form a quorum. 65408

(2) The academic council shall be comprised of scholars 65409
with relevant expertise and experience. Not more than one member 65410
of the council may be an employee of the university. Best 65411
efforts shall be made to have not fewer than three members of 65412
the advisory board be from Ohio. 65413

(3) Three members of the academic council shall serve 65414
initial terms of two years and four members shall serve initial 65415
terms of four years, which the members shall determine at their 65416
first meeting, and select replacements for vacant seats. 65417

(E) (1) The academic council established under division (D) 65418
of this section shall conduct a nationwide search for candidates 65419
for the director of the center and shall strictly adhere to all 65420
relevant state and federal laws. The academic council shall 65421

submit to the president of the university a list of finalists 65422
from which the president shall select and appoint a director, 65423
subject to approval by the board of trustees. Future directors 65424
shall be chosen in the same manner. 65425

(2) The director shall have the protection of tenure or 65426
tenure eligibility. The director shall ~~consult with the dean of~~ 65427
~~the college of public affairs; however, the director shall~~ 65428
report directly to the provost or the president of the 65429
university. 65430

(3) The director shall have the sole and exclusive 65431
authority to manage the recruitment and hiring process and to 65432
extend offers for employment for all faculty and staff, and to 65433
terminate employment of all staff. The director shall oversee, 65434
develop, and approve the center's curriculum, including approval 65435
of the center's courses that meet the university's general 65436
education requirements. The center shall be granted the 65437
authority to offer courses and develop certificate, minor, and 65438
major programs as well as graduate programs, and offer degrees. 65439

(F) The director of the center shall submit an annual 65440
report to the board of trustees of the university and the 65441
general assembly in accordance with section 101.68 of the 65442
Revised Code. The report shall provide a full account of the 65443
center's achievements, opportunities, challenges, and obstacles 65444
in the development of this academic unit. 65445

Sec. 3339.06. (A) (1) The Miami university center for 65446
civics, culture, and society is established as an independent 65447
academic unit within Miami university, ~~physically located in the~~ 65448
~~college of arts and sciences~~. The center shall conduct teaching 65449
and research in the historical ideas, traditions, and texts that 65450
have shaped the American constitutional order and society. 65451

(2) The center shall establish bylaws requiring the center 65452
to do all of the following: 65453

(a) Educate students by means of free, open, and rigorous 65454
intellectual inquiry to seek the truth; 65455

(b) Affirm its duty to equip students with the skills, 65456
habits, and dispositions of mind they need to reach their own 65457
informed conclusions on matters of social and political 65458
importance; 65459

(c) Affirm the value of intellectual diversity in higher 65460
education and aspire to enhance the intellectual diversity of 65461
the university; 65462

(d) Affirm a commitment to create a community dedicated to 65463
an ethic of civil and free inquiry, which respects the 65464
intellectual freedom of each member, supports individual 65465
capacities for growth, and welcomes the differences of opinion 65466
that shall naturally exist in a public university community. 65467

The requirements prescribed under divisions (A) (2) (a) to 65468
(d) of this section shall take priority over any other bylaws 65469
adopted by the center. 65470

(3) The board of trustees of the university may name the 65471
center in accordance with the philanthropic naming policies and 65472
practices of the university. 65473

~~(B)~~ (B) (1) The center shall be an independent academic unit 65474
physically located at the college of arts and sciences with the 65475
authority to house tenure-track faculty who hold their 65476
appointments within the center. Faculty appointed to the center 65477
shall not be required, but may, hold joint appointments within 65478
any other division of the university. Not fewer than ten tenure- 65479
track faculty positions shall be allotted to teach under the 65480

center. No faculty outside of the center shall have the 65481
authority to block faculty hires into the center. 65482

(2) The university shall provide adequate and appropriate 65483
space for the center as jointly determined by the director and 65484
either the president or provost of the university. The 65485
university shall not charge or assess overhead or indirect fees, 65486
costs, expenses, or charges to the center. 65487

(C) (1) The center shall offer instruction in all of the 65488
following: 65489

(a) The books and major debates which form the 65490
intellectual foundation of free societies, especially that of 65491
the United States; 65492

(b) The principles, ideals, and institutions of the 65493
American constitutional order; 65494

(c) The foundations of responsible leadership and informed 65495
citizenship. 65496

(2) The center also shall focus on both of the following: 65497

(a) Offering university-wide programming related to the 65498
values of free speech and civil discourse; 65499

(b) Expanding the intellectual diversity of the 65500
university's academic community. 65501

(D) (1) ~~Not later than December 31, 2023, the~~ The board of 65502
trustees of the university shall appoint, with the advice and 65503
consent of the senate, a seven-member center academic council. 65504
An initial member shall not begin service until confirmed by the 65505
senate. Four members shall form a quorum. 65506

(2) The academic council shall be comprised of scholars 65507

with relevant expertise and experience. Not more than one member 65508
of the council may be an employee of the university. Best 65509
efforts shall be made to have not fewer than three members of 65510
the advisory board be from Ohio. 65511

(3) Three members of the academic council shall serve 65512
initial terms of two years and four members shall serve initial 65513
terms of four years, which the members shall determine at their 65514
first meeting, and select replacements for vacant seats. 65515

(E) (1) The academic council established under division (D) 65516
of this section shall conduct a nationwide search for candidates 65517
for the director of the center and shall strictly adhere to all 65518
relevant state and federal laws. The academic council shall 65519
submit to the president of the university a list of finalists 65520
from which the president shall select and appoint a director, 65521
subject to approval by the board of trustees. Future directors 65522
shall be chosen in the same manner. 65523

(2) The director shall have the protection of tenure or 65524
tenure eligibility. The director shall ~~consult with the dean of~~ 65525
~~the college of arts and sciences; however, the director shall~~ 65526
report directly to the provost or the president of the 65527
university. 65528

(3) The director shall have the sole and exclusive 65529
authority to manage the recruitment and hiring process and to 65530
extend offers for employment for all faculty and staff of the 65531
center, and to terminate employment of all staff. The director 65532
shall oversee, develop, and approve the center's curriculum, 65533
including approval of the center's courses that meet the 65534
university's general education requirements. The center shall be 65535
granted the authority to offer courses and develop certificate, 65536
minor, and major programs as well as graduate programs, and 65537

offer degrees. 65538

(F) The director of the center shall submit an annual 65539
report to the board of trustees of the university and the 65540
general assembly in accordance with section 101.68 of the 65541
Revised Code. The report shall provide a full account of the 65542
center's achievements, opportunities, challenges, and obstacles 65543
in the development of this academic unit. 65544

Sec. 3344.07. (A) (1) The Cleveland state university center 65545
for civics, culture, and society is established as an 65546
independent academic unit within Cleveland state university,~~—~~ 65547
~~physically located in the Levin college of public affairs and~~ 65548
~~education.~~ The center shall conduct teaching and research in the 65549
historical ideas, traditions, and texts that have shaped the 65550
American constitutional order and society. 65551

(2) The center shall establish bylaws requiring the center 65552
to do all of the following: 65553

(a) Educate students by means of free, open, and rigorous 65554
intellectual inquiry to seek the truth; 65555

(b) Affirm its duty to equip students with the skills, 65556
habits, and dispositions of mind they need to reach their own 65557
informed conclusions on matters of social and political 65558
importance; 65559

(c) Affirm the value of intellectual diversity in higher 65560
education and aspire to enhance the intellectual diversity of 65561
the university; 65562

(d) Affirm a commitment to create a community dedicated to 65563
an ethic of civil and free inquiry, which respects the 65564
intellectual freedom of each member, supports individual 65565
capacities for growth, and welcomes the differences of opinion 65566

that shall naturally exist in a public university community. 65567

The requirements prescribed under divisions (A) (2) (a) to 65568
(d) of this section shall take priority over any other bylaws 65569
adopted by the center. 65570

(3) The board of trustees of the university may name the 65571
center in accordance with the philanthropic naming policies and 65572
practices of the university. 65573

~~(B)~~ (B) (1) The center shall be an independent academic unit 65574
physically located at the college of public affairs and 65575
education with the authority to house tenure-track faculty who 65576
hold their appointments within the center. Faculty appointed to 65577
the center shall not be required, but may, hold joint 65578
appointments within any other division of the university. Not 65579
fewer than ten tenure-track faculty positions shall be allotted 65580
to teach under the center. No faculty outside of the center 65581
shall have the authority to block faculty hires into the center. 65582

(2) The university shall provide adequate and appropriate 65583
space for the center as jointly determined by the director and 65584
either the president or provost of the university. The 65585
university shall not charge or assess overhead or indirect fees, 65586
costs, expenses, or charges to the center. 65587

(C) (1) The center shall offer instruction in all of the 65588
following: 65589

(a) The books and major debates which form the 65590
intellectual foundation of free societies, especially that of 65591
the United States; 65592

(b) The principles, ideals, and institutions of the 65593
American constitutional order; 65594

(c) The foundations of responsible leadership and informed citizenship. 65595
65596

(2) The center also shall focus on both of the following: 65597

(a) Offering university-wide programming related to the values of free speech and civil discourse; 65598
65599

(b) Expanding the intellectual diversity of the university's academic community. 65600
65601

(D) (1) ~~Not later than December 31, 2023, the~~ The board of trustees of the university shall appoint, with the advice and consent of the senate, a seven-member center academic council. 65602
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An initial member shall not begin service until confirmed by the senate. Four members shall form a quorum. 65604
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(2) The academic council shall be comprised of scholars with relevant expertise and experience. Not more than one member of the council may be an employee of the university. Best efforts shall be made to have not fewer than three members of the advisory board be from Ohio. 65607
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(3) Three members of the academic council shall serve initial terms of two years and four members shall serve initial terms of four years, which the members shall determine at their first meeting, and select replacements for vacant seats. 65612
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(E) (1) The academic council established under division (D) of this section shall conduct a nationwide search for candidates for the director of the center and shall strictly adhere to all relevant state and federal laws. The academic council shall submit to the president of the university a list of finalists from which the president shall select and appoint a director, subject to approval by the board of trustees. Future directors shall be chosen in the same manner. 65616
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(2) The director shall have the protection of tenure or 65624
tenure eligibility. The director shall ~~consult with the dean of~~ 65625
~~the college of public affairs and education; however, the~~ 65626
~~director shall~~ report directly to the provost or the president 65627
of the university. 65628

(3) The director shall have the sole and exclusive 65629
authority to manage the recruitment and hiring process and to 65630
extend offers for employment for all faculty and staff of the 65631
center, and to terminate employment of all staff. The director 65632
shall oversee, develop, and approve the center's curriculum, 65633
including approval of the center's courses that meet the 65634
university's general education requirements. The center shall be 65635
granted the authority to offer courses and develop certificate, 65636
minor, and major programs as well as graduate programs, and 65637
offer degrees. 65638

(F) The director of the center shall submit an annual 65639
report to the board of trustees of the university and the 65640
general assembly in accordance with section 101.68 of the 65641
Revised Code. The report shall provide a full account of the 65642
center's achievements, opportunities, challenges, and obstacles 65643
in the development of this academic unit. 65644

Sec. 3345.06. As used in this section, "state institution 65645
of higher education" and "state university" have the same 65646
meanings as in section 3345.011 of the Revised Code. 65647

~~(A)~~ (A) (1) Subject to divisions (B) and (C) of this 65648
section, a graduate of the twelfth grade shall be entitled to 65649
admission without examination to any ~~college or university which~~ 65650
~~is supported wholly or in part by the state~~ state institution of 65651
higher education, but for unconditional admission may be 65652
required to complete such units not included in the graduate's 65653

high school course as may be prescribed, not less than two years 65654
prior to the graduate's entrance, by the faculty of the 65655
institution. 65656

(2) Subject to divisions (B) and (C) of this section, each 65657
graduate of the twelfth grade who is in the top ten per cent of 65658
a graduating class as determined by the chancellor of higher 65659
education shall be entitled to admission to any state 65660
institution of higher education. If the student does not meet 65661
the standards for unconditional admission under division (A) of 65662
this section, a state university may delay main campus admission 65663
and admit the student to a university branch campus. 65664

(3) Subject to divisions (B) and (C) of this section, each 65665
graduate who is in the top five per cent of a graduating class 65666
as determined by the chancellor shall be entitled to admission 65667
to the main campus of a state institution of higher education, 65668
provided the recipient meets the application and acceptance 65669
deadlines for admission to the main campus. 65670

(4) The chancellor of higher education, in consultation 65671
with the director of education and workforce, shall identify a 65672
process to provide each state institution of higher education 65673
with information on students who are eligible for admission 65674
under divisions (A) (2) and (3) of this section. 65675

(B) Beginning with the 2014-2015 academic year, each state 65676
university ~~listed in section 3345.011 of the Revised Code,~~ 65677
except for Central state university, Shawnee state university, 65678
and Youngstown state university, shall permit a resident of this 65679
state who entered ninth grade for the first time on or after 65680
July 1, 2010, to begin undergraduate coursework at the 65681
university only if the person has successfully completed the 65682
requirements for high school graduation prescribed in division 65683

(C) of section 3313.603 of the Revised Code, unless one of the following applies:

(1) The person has earned at least ten semester hours, or the equivalent, at a community college, state community college, university branch, technical college, or another post-secondary institution except a state university to which division (B) of this section applies, in courses that are college-credit-bearing and may be applied toward the requirements for a degree. The university shall grant credit for successful completion of those courses pursuant to any applicable articulation and transfer policy of the chancellor of higher education or any agreements the university has entered into in accordance with policies and procedures adopted under section 3333.16, 3333.161, or 3333.162 of the Revised Code. The university may count college credit that the student earned while in high school through the college credit plus program under Chapter 3365. of the Revised Code, or through other advanced standing programs, toward the requirements of division (B) (1) of this section if the credit may be applied toward a degree.

(2) The person qualified to graduate from high school under division (D) or (F) of section 3313.603 of the Revised Code and has successfully completed the topics or courses that the person lacked to graduate under division (C) of that section at any post-secondary institution or at a summer program at the state university. A state university may admit a person for enrollment contingent upon completion of such topics or courses or summer program.

(3) The person met the high school graduation requirements by successfully completing the person's individualized education program developed under section 3323.08 of the Revised Code.

(4) The person is receiving or has completed the final year of education at home as authorized under section 3321.042 of the Revised Code, or has graduated from a nonchartered, nonpublic school in Ohio, and demonstrates mastery of the academic content and skills in reading, writing, and mathematics needed to successfully complete introductory level coursework at an institution of higher education and to avoid remedial coursework.

(5) The person is a high school student participating in the college credit plus program under Chapter 3365. of the Revised Code or another advanced standing program.

(C) A state university subject to division (B) of this section may delay admission for or admit conditionally an undergraduate student who has successfully completed the requirements prescribed in division (C) of section 3313.603 of the Revised Code if the university determines the student requires academic remedial or developmental coursework. The university may delay admission pending, or make admission conditional upon, the student's successful completion of the academic remedial or developmental coursework at a university branch, community college, state community college, or technical college.

(D) This section does not deny the right of a college of law, medicine, or other specialized education to require college training for admission, or the right of a department of music or other art to require particular preliminary training or talent.

Sec. 3345.382. (A) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) Each state institution of higher education shall 65743
develop a course with not fewer than three credit hours in the 65744
subject area of American civic literacy. The course shall 65745
include a study of the American economic system and capitalism. 65746
The course shall comply with the criteria, policies, and 65747
procedures established under section 3333.16 of the Revised 65748
Code. The course may be offered under the college credit plus 65749
program established under Chapter 3365. of the Revised Code. The 65750
course shall, at a minimum, require each student to read all the 65751
following: 65752

(1) The entire Constitution of the United States; 65753

(2) The entire Declaration of Independence; 65754

(3) A minimum of five essays in their entirety from the 65755
Federalist Papers. The essays shall be selected by the 65756
department chair. 65757

(4) The entire Emancipation Proclamation; 65758

(5) The entire Gettysburg Address; 65759

(6) The entire Letter from Birmingham Jail written by Dr. 65760
Martin Luther King Jr; 65761

(7) The writings of Adam Smith, including a study of the 65762
principles written in The Wealth of Nations. 65763

Any student who takes the course shall be required to pass 65764
a cumulative final examination at the conclusion of the course 65765
that assesses student proficiency about the documents described 65766
in divisions (B) (1) to (7) of this section. 65767

Each state institution of higher education board of 65768
trustees shall adopt a resolution approving a plan to offer the 65769
course developed under this section. Each state institution 65770

shall submit that plan to the chancellor of higher education. 65771
The chancellor shall review and approve each plan. Prior to 65772
approving a plan, the chancellor may require a state institution 65773
to revise the plan and the course. 65774

Each state institution of higher education board of 65775
trustees also shall adopt a resolution specifying the conditions 65776
under which the state institution's president or designee may 65777
exempt a student under division (D) (3) of this section. 65778

(C) Beginning with students who graduate from a state 65779
institution of higher education in the spring semester, or 65780
equivalent quarter, of the 2029-2030 academic year, no state 65781
institution of higher education shall grant a bachelor's degree 65782
to any student unless the student completes a course described 65783
in division (B) of this section. A state institution may require 65784
students to complete the course as part of the institution's 65785
general education courses of study. 65786

(D) The president of a state institution of higher 65787
education, or the president's designee, may exempt a student 65788
from the requirement to complete a course described in division 65789
(B) of this section, if the president or designee determines 65790
that the student has completed at least one of the following: 65791

(1) A course offered under the college credit plus program 65792
established under Chapter 3365. of the Revised Code that 65793
satisfies the content requirements described in division (B) of 65794
this section and is approved by the chancellor; 65795

(2) An advanced placement course and examination that 65796
satisfy the content requirements described in division (B) of 65797
this section and are approved by the chancellor, and the student 65798
receives a score of three or higher on that examination; 65799

(3) At least three credit hours, or the equivalent, in a course in the subject area of American history or American government which includes the study of the documents described in divisions (B) (1) to (7) of this section.

Division (D) (3) of this section does not apply after the 2030-2031 academic year.

(E) This section does not apply to associate's degree programs.

Sec. 3345.48. (A) As used in this section:

(1) "Cohort" means a group of students who will complete their bachelor's degree requirements and graduate from a state university at the same time. A cohort may include transfer students and other selected undergraduate student academic programs as determined by the board of trustees of a state university.

(2) "Eligible student" means an undergraduate student who:

(a) Is enrolled full-time in a bachelor's degree program at a state university;

(b) Is a resident of this state, as defined by the chancellor of higher education under section 3333.31 of the Revised Code.

(3) "State university" has the same meaning as in section 3345.011 of the Revised Code.

(B) The board of trustees of each state university shall establish an undergraduate tuition guarantee program that allows eligible students in the same cohort to pay a fixed rate for general and instructional fees for four years. A board of trustees may include room and board and any additional fees in

the program. 65828

The board shall adopt rules for the program that include, 65829
but are not limited to, all of the following: 65830

(1) The number of credit hours required to earn an 65831
undergraduate degree in each major; 65832

(2) A guarantee that the general and instructional fees 65833
for each student in the cohort shall remain constant for four 65834
years so long as the student complies with the requirements of 65835
the program, except that, notwithstanding any law to the 65836
contrary, the board may increase the guaranteed amount by up to 65837
six per cent above what has been charged in the previous 65838
academic year one time for the first cohort enrolled under the 65839
tuition guarantee program. If the board of trustees determines 65840
that economic conditions or other circumstances require an 65841
increase for the first cohort of above six per cent, the board 65842
shall submit a request to increase the amount by a specified 65843
percentage to the chancellor. The chancellor, based on 65844
information the chancellor requires from the board of trustees, 65845
shall approve or disapprove such a request. Thereafter, except 65846
as provided in division (F) of this section, the board of 65847
trustees may increase the guaranteed amount by up to ~~the sum~~ 65848
either of the following amounts above what has been charged in 65849
the previous academic year one time per subsequent cohort: 65850

~~(a) The average rate of inflation, as measured by the 65851
consumer price index prepared by the bureau of labor statistics 65852
of the United States department of labor (all urban consumers, 65853
all items), for the previous thirty-six-month period; and 65854~~

~~(b) The percentage amount the general assembly restrains 65855
increases on in-state undergraduate instructional and general 65856~~

fees for the applicable fiscal year. ~~If the general assembly
does not enact a limit on the increase of in-state undergraduate
instructional and general fees, then no limit shall apply under
this division for the cohort that first enrolls in any academic
year for which the general assembly does not prescribe a limit.~~

(b) If the general assembly does not enact a limit on the
increase as described in division (B)(2)(a) of this section, the
average rate of inflation, as measured by the consumer price
index prepared by the bureau of labor statistics of the United
States department of labor (all urban consumers, all items), for
the previous thirty-six-month period.

If, beginning with the academic year that starts four
years after September 29, 2013, the board of trustees determines
that the general and instructional fees charged under the
tuition guarantee have fallen significantly lower than those of
other state universities, the board of trustees may submit a
request to increase the amount charged to a cohort by a
specified percentage to the chancellor, who shall approve or
disapprove such a request.

(3) A benchmark by which the board sets annual increases
in general and instructional fees. This benchmark and any
subsequent change to the benchmark shall be subject to approval
of the chancellor.

(4) Eligibility requirements for students to participate
in the program;

(5) Student rights and privileges under the program;

(6) Consequences to the university for students unable to
complete a degree program within four years, as follows:

(a) For a student who could not complete the program in

four years due to a lack of available classes or space in 65886
classes provided by the university, the university shall provide 65887
the necessary course or courses for completion to the student 65888
free of charge. 65889

(b) For a student who could not complete the program in 65890
four years due to military service or other circumstances beyond 65891
a student's control, as determined by the board of trustees, the 65892
university shall provide the necessary course or courses for 65893
completion to the student at the student's initial cohort rate. 65894

(c) For a student who did not complete the program in four 65895
years for any other reason, as determined by the board of 65896
trustees, the university shall provide the necessary course or 65897
courses for completion to the student at a rate determined 65898
through a method established by the board under division (B) (7) 65899
of this section. 65900

(7) Guidelines for adjusting a student's annual charges if 65901
the student, due to circumstances under the student's control, 65902
is unable to complete a degree program within four years; 65903

(8) A requirement that the rules adopted under division 65904
(B) of this section be published or posted in the university 65905
handbook, course catalog, and web site. 65906

(C) The board shall submit the rules adopted under 65907
division (B) of this section to the chancellor for approval 65908
before beginning implementation of the program. 65909

The chancellor shall not unreasonably withhold approval of 65910
a program if the program conforms in principle with the 65911
parameters and guidelines of this section. 65912

(D) A board of trustees of a state university may 65913
establish an undergraduate tuition guarantee program for 65914

nonresident students. 65915

(E) Except as provided in this section, no other 65916
limitation on the increase of in-state undergraduate 65917
instructional and general fees shall apply to a state university 65918
that has established an undergraduate tuition guarantee program 65919
under this section. 65920

(F) Notwithstanding anything in this section to the 65921
contrary, the board of trustees of a state university shall not 65922
~~charge~~ do either of the following: 65923

(1) Charge the cohort entering in the 2023-2024 or 2024- 65924
2025 academic year a guaranteed amount of general and 65925
instructional fees that is more than three per cent above what 65926
was charged to the cohort that entered the university in the 65927
previous academic year. 65928

(2) Charge the cohort entering in the 2025-2026 or 2026- 65929
2027 academic year a guaranteed amount of general and 65930
instructional fees that is more than four per cent above what 65931
was charged to the cohort that entered the university in the 65932
previous academic year. 65933

Sec. 3345.58. (A) As used in this section: 65934

(1) "Academic civics centers" means the following 65935
institutes or centers: 65936

(a) The center at the Ohio state university established 65937
under section 3335.39 of the Revised Code; 65938

(b) The center at Miami university established under 65939
section 3339.06 of the Revised Code; 65940

(c) The center at Cleveland state university established 65941
under section 3344.07 of the Revised Code; 65942

- (d) The center at Wright state university established 65943
under section 3352.16 of the Revised Code; 65944
- (e) The institute at the university of Toledo established 65945
under section 3364.07 of the Revised Code. 65946
- (2) "State institution of higher education" has the same 65947
meaning as in section 3345.011 of the Revised Code. 65948
- (B) The Ohio civics board is established. The board shall 65949
consist of the directors of the academic civics centers, who 65950
shall serve as ex officio members. If an academic civics center 65951
does not have a director, then the center's acting or interim 65952
director shall serve on behalf of that center until a director 65953
is selected. No additional appointment or confirmation by any 65954
authority is required for membership. 65955
- (C) The board shall do all of the following: 65956
- (1) Support the academic civics centers to more 65957
effectively pursue their mission of teaching and research in the 65958
historical ideas, traditions, and texts that have shaped the 65959
American and Ohio constitutional order and society; 65960
- (2) Aid voluntary cooperation and coordination between the 65961
academic civics centers, including coordinating intercollegiate 65962
efforts and initiatives among the centers to promote 65963
collaboration and serve the entire state of Ohio; 65964
- (3) Advise the general assembly and chancellor of higher 65965
education on matters pertaining to civic education, including 65966
best practices, program development, and statewide initiatives 65967
to enhance civic literacy and engagement; 65968
- (4) Advise the general assembly and chancellor on 65969
curriculum development and standards in state institutions of 65970

higher education and primary and secondary public education 65971
providers, and on the operations of the academic civics centers; 65972

(5) Assist the academic councils of the academic civics 65973
centers in fulfilling their statutory duties, including 65974
facilitating the selection process for directors of each center. 65975

(D) The board shall annually elect a chairperson and vice- 65976
chairperson from among its members. The chairperson shall 65977
preside over meetings and serve as the primary liaison to the 65978
chancellor and the general assembly. The vice-chairperson shall 65979
perform the duties of the chairperson in the absence of the 65980
chairperson. 65981

The board shall meet as necessary at the call of the 65982
chairperson or on the written request of three or more members 65983
of the board. The board shall meet at least twice annually. 65984

A majority of the members of the board constitutes a 65985
quorum, and the votes of a majority of the quorum present are 65986
required to validate any action of the board, including 65987
recommendations. 65988

The members of the board shall serve without compensation, 65989
but each member shall be reimbursed for the member's actual and 65990
necessary expenses incurred in the performance of the member's 65991
official duties on the board. 65992

(E) The board shall submit an annual report to the general 65993
assembly and the chancellor not later than the first day of 65994
December each year. The report shall detail the board's 65995
activities, recommendations, and findings related to civic 65996
education, higher education curricula, primary and secondary 65997
public education curricula, and the operations of the academic 65998
civics centers. 65999

(F) The board, in consultation with the chancellor, may 66000
adopt rules under Chapter 119. of the Revised Code as necessary 66001
to implement this section. 66002

Sec. 3345.591. (A) As used in this section: 66003

(1) "People's Republic of China" means the government of 66004
China, the Chinese Communist Party, the People's Liberation 66005
Army, or any other extension of, or entity affiliated with, the 66006
government of China. 66007

(2) "State institution of higher education" has the same 66008
meaning as in section 3345.011 of the Revised Code. 66009

(B) No state institution of higher education shall accept 66010
gifts, donations, or contributions from the People's Republic of 66011
China or any organization the institution reasonably suspects is 66012
acting on behalf of the People's Republic of China. 66013

Nothing in this section prohibits a state institution of 66014
higher education from accepting payments from Chinese citizens 66015
related to instructional fees, general fees, special fees, cost 66016
of instruction, or educational expenses or donations from the 66017
institution's alumni. 66018

Nothing in this section prohibits a state institution of 66019
higher education from receiving philanthropic or unrestricted 66020
grants so long as it maintains the structural safeguard 66021
requirements provided for in division (E) of this section. 66022

(C) Each state institution shall submit to the chancellor 66023
of higher education a copy of the report it submits to the 66024
United States department of education pursuant to 20 U.S.C. 66025
1011(f). 66026

(D) Upon request, the chancellor shall make any 66027

information reported under division (C) of this section 66028
available to any member of the general assembly. 66029

(E) A state institution shall notify the chancellor of any 66030
new or renewed academic partnership with an academic or research 66031
institution located in China. A state institution shall only 66032
enter into a new or renewed academic partnership with an 66033
academic or research institution located in China if the state 66034
institution maintains sufficient structural safeguards to 66035
protect the state institution's intellectual property, the 66036
security of the state of Ohio, and the national security 66037
interests of the United States. The safeguards shall include, at 66038
a minimum, all of the following: 66039

(1) Compliance with all federal requirements, including 66040
the requirements of federal research sponsors and federal export 66041
control agencies, including regulations regarding international 66042
traffic in arms and export administration regulations, and 66043
economic and trade sanctions administered by the federal office 66044
of foreign assets control; 66045

(2) Annual formal institution-level programs for faculty 66046
on conflicts of interest and conflicts of commitment; 66047

(3) A formalized foreign visitor process and uniform 66048
visiting scholar agreement. 66049

(F) The auditor of state shall audit the safeguards 66050
implemented by state institutions of higher education under 66051
division (E) of this section in the course of a normal audit 66052
conducted under section ~~117.46~~117.11 of the Revised Code. 66053

Sec. 3345.601. Each state institution of higher education, 66054
as defined in section 3345.011 of the Revised Code, annually 66055
shall certify to the chancellor of higher education, on a date 66056

and in the form and manner determined by the chancellor, a plan 66057
to preserve student records indefinitely if the state 66058
institution was to cease operations. The plan shall include the 66059
designation and signed confirmation of an official custodian of 66060
student records. If the chancellor determines it necessary, the 66061
chancellor may require a state institution to produce an 66062
executed agreement with the designated custodian of student 66063
records, paid in full, to ensure the state institution's plan 66064
can be implemented. 66065

The chancellor may consult with the higher learning 66066
commission, the state board of career colleges and schools, and 66067
other appropriate entities to establish plans, processes, and 66068
procedures for state institutions to provide indefinite access 66069
to student records. 66070

Sec. 3345.71. As used in sections 3345.72 to 3345.77 of 66071
the Revised Code: 66072

(A) "State university or college" means any state 66073
university listed in section 3345.011 of the Revised Code, the 66074
northeast Ohio medical university, any community college under 66075
Chapter 3354. of the Revised Code, any technical college under 66076
Chapter 3357. of the Revised Code, and any state community 66077
college under Chapter 3358. of the Revised Code. 66078

(B) "Fiscal caution" means the existence of a fiscal 66079
caution declared under section 3345.721 of the Revised Code. 66080

(C) "Fiscal watch" means the existence of a fiscal watch 66081
declared under section 3345.72 of the Revised Code. 66082

Sec. 3345.721. (A) The chancellor of higher education, in 66083
consultation with the office of budget and management, shall 66084
adopt rules in accordance with section 111.15 of the Revised 66085

<u>Code that include all of the following:</u>	66086
<u>(1) Criteria for determining when to review and, if</u>	66087
<u>necessary, declare a state university or college under fiscal</u>	66088
<u>caution. The criteria may include, but not be limited to,</u>	66089
<u>consideration of the following:</u>	66090
<u>(a) A significant drop in enrollment from the prior year;</u>	66091
<u>(b) A decline in enrollment for consecutive years;</u>	66092
<u>(c) A significant increase in enrollment;</u>	66093
<u>(d) A significant increase in adjunct faculty;</u>	66094
<u>(e) An increase in student complaints;</u>	66095
<u>(f) A substantial increase in the number of third-party</u>	66096
<u>service providers who are paid based on success;</u>	66097
<u>(g) Federal financial aid processing delays;</u>	66098
<u>(h) Reduced or increased reliance on state share of</u>	66099
<u>instruction;</u>	66100
<u>(i) Receipt of substantial nonrecurring revenue, from any</u>	66101
<u>source, that could signify a structural budget deficit;</u>	66102
<u>(j) Failure to reconcile or file annual reports promptly,</u>	66103
<u>which may cause a delay in completing a yearly audit even if</u>	66104
<u>granted an extension;</u>	66105
<u>(k) A lack of proper institutional segregation of critical</u>	66106
<u>duties, functions, or responsibilities;</u>	66107
<u>(l) Significant turnover of faculty, staff, or</u>	66108
<u>administrators;</u>	66109
<u>(m) A significant amount of past due student receivables;</u>	66110

<u>(n) A significant increase in tuition or fee waivers;</u>	66111
<u>(o) Change in accreditation status by a nationally</u>	66112
<u>recognized accrediting agency;</u>	66113
<u>(p) A significant increase in indebtedness;</u>	66114
<u>(q) A federal program review or actions taken by a federal</u>	66115
<u>agency that adversely affects the state university's or</u>	66116
<u>college's finances, cash management, or educational program</u>	66117
<u>offerings;</u>	66118
<u>(r) Significant changes in a state university's or</u>	66119
<u>college's educational program eligibility or compliance with</u>	66120
<u>satisfactory academic progress requirements in 34 C.F.R. 668.34,</u>	66121
<u>including an increase in the use of correspondence or</u>	66122
<u>asynchronous learning materials.</u>	66123
<u>(2) A requirement that a state university or college</u>	66124
<u>declared to be on fiscal caution shall submit a financial</u>	66125
<u>recovery plan, within a defined period of time after the</u>	66126
<u>declaration as determined by the chancellor, that may include,</u>	66127
<u>but is not limited to, any of the following:</u>	66128
<u>(a) Projections of revenues and expenditures over a three-</u>	66129
<u>year time horizon and on such other time horizons as may be</u>	66130
<u>requested by the chancellor;</u>	66131
<u>(b) A comprehensive review of current staffing levels, a</u>	66132
<u>comparison of staffing levels to the number of enrolled</u>	66133
<u>students, and a five-year historical summary of staffing levels;</u>	66134
<u>(c) A review of the most recent submission of</u>	66135
<u>institutional recommendations for courses and programs based on</u>	66136
<u>enrollment and duplication with other state institutions of</u>	66137
<u>higher education, as required by section 3345.35 of the Revised</u>	66138

Code, and submission of revised recommendations as determined to 66139
be necessary; 66140

(d) A review of any approved tuition waivers, tuition 66141
guarantees, reciprocity agreements, or scholarship programs; 66142

(e) A plan to reduce expenditures over a six-month, 66143
twelve-month, eighteen-month, and twenty-four-month period, as 66144
necessary, to align ongoing revenue with ongoing expenses; 66145

(f) A review of contracts that are the largest portion of 66146
the state university's or college's expenditures; 66147

(g) A program viability analysis, or analyses, as 66148
determined by the chancellor to be necessary in accordance with 66149
section 3333.073 of the Revised Code. 66150

(3) A requirement that a state university or college 66151
declared to be on fiscal caution shall submit a three-year 66152
forecast of revenues and expenditures, approved in a resolution 66153
adopted by the board of trustees of the state university or 66154
college. The three-year forecast shall be structurally balanced 66155
based on a set of underlying assumptions, including enrollment 66156
projections, tuition revenue, and state funding levels, that are 66157
evidence-based and practicable; 66158

(4) A requirement that a state university or college 66159
declared to be on fiscal caution shall consult with the auditor 66160
of state regarding any necessary or appropriate steps to bring 66161
the books of account, accounting systems, and financial 66162
procedures and reports of the state university or college into 66163
compliance with requirements prescribed by the auditor of state 66164
regarding desirable modifications and supplementary systems and 66165
procedures pertinent to the university or college. The auditor 66166
of state shall provide a written report to the board of trustees 66167

of the state university or college outlining the nature of the 66168
financial accounting and reporting problems of the university or 66169
college and recommendations for actions to be undertaken to 66170
correct the financial accounting and reporting problems. If 66171
requested by the state university or college or recommended by 66172
the chancellor, the auditor of state may additionally perform a 66173
performance audit of the state university or college. 66174

(5) A requirement that for the duration of a fiscal 66175
caution, a state university or college shall submit regular 66176
reports on any of the above matters or new matters identified by 66177
the auditor of state or the chancellor as contributing to the 66178
reason for the declaration, preventing the recovery of the state 66179
university or college, or the inability to be removed from 66180
fiscal caution. 66181

(6) Criteria for determining when to declare the 66182
termination of the fiscal caution of a state university or 66183
college. 66184

(B) A state university or college shall provide the 66185
chancellor with all information requested under this section in 66186
the time and manner determined by the chancellor. 66187
Notwithstanding any law to the contrary, failure to comply in a 66188
satisfactory manner, as determined by the chancellor, may result 66189
in a declaration of fiscal watch under section 3345.72 of the 66190
Revised Code. 66191

(C) Notwithstanding any law to the contrary, the 66192
chancellor may impose limitations on a state university or 66193
college that fails to comply with this section or the rules 66194
adopted pursuant to this section or fails to take decisive 66195
action to improve the state university's or college's financial 66196
condition. Such limitations may include, but are not limited to, 66197

<u>the following:</u>	66198
<u>(1) Limitations on eligibility to participate in grants and programs administered by the chancellor;</u>	66199 66200
<u>(2) Limitations on approval of a new degree program or associated certificates;</u>	66201 66202
<u>(3) Suspension of additional enrollment in an educational program;</u>	66203 66204
<u>(4) Restriction of an increase in any special fee or a creation of a new fee;</u>	66205 66206
<u>(5) Limitations on the power of the board of trustees to enter into new or renewed contracts without prior approval from the chancellor;</u>	66207 66208 66209
<u>(6) Withholding approval of any controlling board request for capital projects.</u>	66210 66211
<u>(D) The chancellor, the office of budget and management, or the auditor of state may conduct any audit or analysis necessary to assess the fiscal condition of any state university or college.</u>	66212 66213 66214 66215
Sec. 3345.74. (A) The chancellor of higher education at least annually shall apply the indicators and standards adopted under division (A) of section 3345.73 of the Revised Code to determine whether a state university or college under a fiscal watch is experiencing sufficient fiscal difficulties to warrant the appointment of a conservator under this section <u>or if the board of trustees of a state university or college has taken any action related to pausing or stopping enrollment, submitted a withdrawal of accreditation, or taken any other action indicating it will no longer offer educational activity or will</u>	66216 66217 66218 66219 66220 66221 66222 66223 66224 66225

undergo a wind down and dissolution of existence. Upon making a 66226
determination that appointment of a conservator is warranted, 66227
the chancellor shall request from the office of budget and 66228
management, which shall provide, certification that sufficient 66229
fiscal difficulties exist to warrant appointment of a 66230
conservator. The chancellor shall then certify this 66231
determination to the governor. 66232

Notwithstanding section 3333.021 of the Revised Code, that 66233
section does not apply to certification by the chancellor under 66234
this section or to the declaration of a fiscal watch under 66235
section 3345.72 of the Revised Code. 66236

A determination by the chancellor under this division that 66237
sufficient fiscal difficulties exist or do not exist to warrant 66238
appointing a conservator is final and conclusive and not 66239
appealable. 66240

(B) The governor may appoint a conservator for any state 66241
university or college under a fiscal watch, upon certification 66242
by the chancellor under division (A) of this section that the 66243
appointment is warranted. The governor shall consult with the 66244
speaker and minority leader of the house of representatives and 66245
the president and minority leader of the senate before making 66246
the appointment. From the time a conservator is appointed until 66247
the time the governor issues an order terminating the governance 66248
authority under division (B) of section 3345.76 of the Revised 66249
Code, the governor may remove any member of the board of 66250
trustees of the state university or college from office and not 66251
fill the vacancy. 66252

(C) Upon appointment of a conservator under this section 66253
for a state university or college, all of the following shall 66254
occur effective immediately: 66255

- (1) All duties, responsibilities, and powers of the board of trustees of the university or college are suspended; 66256
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- (2) The management and control of the state university or college is assumed by the conservator; 66258
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- (3) Notwithstanding any section of the Revised Code, all duties, responsibilities, and powers assigned by law to the board of trustees are assigned to the conservator, and the conservator becomes the successor to, assumes the lawful obligations of, and otherwise constitutes the continuation of the board of trustees for purposes of all pending legal actions, contracts or other agreements, and obligations of the university or college; 66260
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- (4) Wherever the board of trustees is referred to in any contract or legal document, the reference is deemed to refer to the conservator. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the assumption of the board's authority by the conservator under this section and any such validation, cure, right, privilege, remedy, obligation, or liability shall be administered by the conservator. No action or proceeding pending on the effective date of the assumption by the conservator of the board's authority is affected by that assumption and any such action or proceeding shall be prosecuted or defended in the name of the conservator. 66268
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- (5) The conservator assumes custody of all equipment, records, files, effects, and all other property real or personal of the state university or college; 66280
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- (6) All authority and duties of the president or chief executive officer, and the pay of the president or chief 66283
66284

executive officer, are suspended. 66285

(D) The conservator for a state university or college 66286
shall conduct a preliminary performance evaluation of the 66287
president or chief executive officer of the university or 66288
college and provide a copy of findings and any recommendations 66289
to the governance authority established for the university or 66290
college under section 3345.75 of the Revised Code. 66291

(E) A conservator appointed under this section shall be 66292
immune, indemnified, and held harmless from civil liability, 66293
including any cause of action, legal, equitable, or otherwise, 66294
for any action taken or duties performed by the conservator in 66295
good faith and in furtherance of the performance of the duties 66296
of the conservator under this section. 66297

(F) The governor shall set the compensation for a 66298
conservator appointed for a state university or college. The 66299
expenses and compensation of the conservator and others employed 66300
by the conservator shall be paid out of the operating funds and 66301
revenues of that university or college. 66302

Sec. 3345.75. (A) Not later than thirty days after the 66303
date of the appointment of a conservator for a state university 66304
or college under section 3345.74 of the Revised Code, the 66305
governor shall appoint, with the advice and consent of the 66306
senate, a governance authority for the university or college 66307
consisting of five members, of which one shall have expertise in 66308
academic affairs and accreditation and one shall have expertise 66309
in either state agency budgets or state university or college 66310
finances. The members shall serve at the pleasure of the 66311
governor and any vacancies shall be filled in the same manner as 66312
an original appointment. 66313

The governor shall designate one of the members of the 66314
governance authority as the chairperson and shall call the first 66315
meeting of the authority. A majority of the members of a 66316
governance authority constitutes a quorum and the affirmative 66317
vote of a majority of the members shall be necessary for any 66318
action taken by an authority. Meetings of a governance authority 66319
shall be called in the manner and at the times prescribed by the 66320
authority, but the authority shall meet at least four times 66321
annually and at other times necessary for the best interest of 66322
the university or college. A governance authority may adopt 66323
procedures for the conduct of its business. 66324

The members of a governance authority shall not receive 66325
compensation for their services, but shall be paid their 66326
reasonable and necessary expenses while engaged in the discharge 66327
of their official duties. 66328

(B) (1) A governance authority established under this 66329
section shall appoint an executive director who shall serve at 66330
the pleasure of the authority and with the compensation and 66331
other terms and conditions established by it. With the approval 66332
of the chairperson of the authority, the executive director may 66333
appoint additional personnel as the director considers 66334
appropriate. The executive director shall oversee the day-to-day 66335
operation of the university or college under the direction and 66336
supervision of the authority. 66337

(2) The governance authority shall conduct a final 66338
performance evaluation of the president or chief executive 66339
officer of the university or college. Following the evaluation, 66340
the governance authority may reinstate any duties, authority, or 66341
pay previously suspended under division (C) (6) of section 66342
3345.74 of the Revised Code, or may terminate the president or 66343

chief executive officer in accordance with the terms of the 66344
person's employment contract. 66345

(C) Upon appointment of all members of a governance 66346
authority under this section and upon the effective date for the 66347
commencement of the duties of the executive director appointed 66348
by that authority under this section, all authority, 66349
responsibilities, duties, and references assumed by or conferred 66350
upon the conservator under divisions (C) (2) to (6) of section 66351
3345.74 of the Revised Code terminate and all of the following 66352
shall occur, effective immediately: 66353

(1) The management and control of the state university or 66354
college is assumed by the governance authority; 66355

(2) Notwithstanding any section of the Revised Code, all 66356
duties, responsibilities, and powers assigned by law to the 66357
board of trustees or to the conservator are assigned to the 66358
governance authority and the governance authority becomes the 66359
successor to, assumes the lawful obligations of, and otherwise 66360
constitutes the continuation of the board of trustees and the 66361
conservator for purposes of all pending legal actions, contracts 66362
or other agreements, and obligations of the university or 66363
college; 66364

(3) Wherever the board of trustees or conservator is 66365
referred to in any contract or legal document, the reference is 66366
deemed to refer to the governance authority. No validation, 66367
cure, right, privilege, remedy, obligation, or liability is lost 66368
or impaired by reason of the assumption of the authority of the 66369
board of trustees and the conservator by the governance 66370
authority under this section and any such validation, cure, 66371
right, privilege, remedy, obligation, or liability shall be 66372
administered by the governance authority. No action or 66373

proceeding pending on the effective date of the assumption by 66374
the governance authority of the authority of the board of 66375
trustees and the conservator is affected by that assumption and 66376
any such action or proceeding shall be prosecuted or defended in 66377
the name of the governance authority. 66378

(4) The governance authority assumes custody of all 66379
equipment, records, files, effects, and all other property real 66380
or personal of the state university or college. 66381

(D) A governance authority and executive director 66382
appointed under this section shall be immune, indemnified, and 66383
held harmless from civil liability, including any cause of 66384
action, legal, equitable, or otherwise, for any action taken or 66385
duties performed by the governance authority and executive 66386
director in good faith and in furtherance of the performance of 66387
the duties of the governance authority and executive director 66388
under this section. 66389

(E) The expenses of a governance authority and the 66390
expenses and compensation of an executive director appointed for 66391
a state university or college under this section and others 66392
employed by the executive director under this section shall be 66393
paid out of the operating funds and revenues of that university 66394
or college. 66395

(F) A governance authority appointed under this section 66396
shall prepare, in accordance with rules adopted by the office of 66397
budget and management, and submit to the chancellor of higher 66398
education, the governor, the speaker and minority leader of the 66399
house of representatives, and the president and minority leader 66400
of the senate a quarterly report setting forth all of the 66401
following: 66402

- (1) The general condition of the university or college; 66403
- (2) The amounts of receipts and disbursements and the items for which the disbursements were made; 66404
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- (3) The numbers of professors, officers, teachers, and other employees and the position and compensation of each and the numbers of students by courses of instruction; 66406
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- (4) An estimate of expenses for the ensuing quarter; 66409
- (5) A statement of the general progress of the university or college with indication of any improvements and specification of any experiments with institutional reform and the costs and results of those experiments; 66410
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- (6) If the governance authority determines closure is necessary or is appointed to facilitate an orderly closure as determined to be necessary by the board of trustees prior to the governance authority's appointment, all matters related to compliance with the requirements of a closure of an institution of higher education as specified by the chancellor; 66414
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- (7) Any other matters the governance authority considers useful to report. 66420
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- (G) The attorney general shall be the legal adviser to the conservator and the governance authority, and the attorney general may employ special counsel to aid the conservator or governance authority with respect to any legal matter on behalf of the institution. The conservator and the governance authority may as otherwise provided by law request the attorney general to bring or defend suits or proceedings in the name of the institution. 66422
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- Sec. 3345.83. (A) Beginning not later than the 2027-2028 66430

academic year, each state institution of higher education, as 66431
defined in section 3345.011 of the Revised Code, shall develop 66432
and implement a co-op internship program that aligns with 66433
JobsOhio's target economic sectors and connects students with 66434
Ohio-based employers to facilitate work-based learning 66435
opportunities, which may include apprenticeships, internships, 66436
externships, and co-ops, related to the student's course of 66437
study. Institutions shall work with JobsOhio to develop and 66438
implement their program, which shall include identifying 66439
industry and employer partners. 66440

(B) The chancellor of higher education shall consult with 66441
JobsOhio and any other appropriate stakeholders to develop the 66442
goals, structure, and parameters of the program. The chancellor 66443
may consult with other stakeholders. 66444

(C) Beginning on the thirtieth day of June following the 66445
academic year in which the co-op internship program under 66446
division (A) of this section is implemented and annually 66447
thereafter, each institution shall issue a report to the 66448
chancellor on the status of the institution's program, including 66449
the number of participating students, which employers are 66450
partnering with the institution, and how many participating 66451
students have received or accepted offers of employment after 66452
graduation as a direct result of their participation in the 66453
program. 66454

Sec. 3345.86. (A) As used in this section: 66455

(1) "Competency-based educational program" and "eligible 66456
individual" have the same meanings as in section 3313.902 of the 66457
Revised Code. 66458

(2) "Eligible provider" means a community college 66459

established under Chapter 3354. of the Revised Code, a 66460
university branch established under Chapter 3355. of the Revised 66461
Code, a technical college established under Chapter 3357. of the 66462
Revised Code, a state community college established under 66463
Chapter 3358. of the Revised Code, or an Ohio technical center 66464
as defined in section 3333.94 of the Revised Code. 66465

(B) An eligible provider may establish a competency-based 66466
educational program that complies with standards adopted by the 66467
department of education and workforce and may enroll eligible 66468
individuals in the program for up to three consecutive school 66469
years for the purpose of earning a high school diploma. The 66470
provider shall establish a career plan for each individual 66471
enrolled in the program that specifies the individual's career 66472
goals and describes how the individual will demonstrate 66473
competency or earn course credits under division (C) of section 66474
3313.902 of the Revised Code to earn a diploma and attain the 66475
individual's career goals. Notwithstanding sections 3313.61, 66476
3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the 66477
Revised Code, the department shall award a high school diploma 66478
to an individual enrolled in a program who satisfies one of the 66479
conditions specified in division (C) of section 3313.902 of the 66480
Revised Code. 66481

(C) An eligible provider shall report each individual 66482
enrolled in a program under division (B) of this section to the 66483
department. The department annually shall certify the enrollment 66484
and attendance of each individual reported under this division 66485
and shall pay the provider up to \$7,500 per school year, as 66486
determined by the department based on the extent of the 66487
individual's successful completion of the diploma requirements 66488
prescribed in division (C) of section 3313.902 of the Revised 66489
Code. 66490

(D) An eligible provider that enrolls individuals under 66491
division (B) of this section is subject to the requirements of 66492
section 3313.902 of the Revised Code, as applicable. 66493

Sec. 3352.16. (A) (1) The Wright state university center 66494
for civics, culture, and workforce development is established as 66495
an independent academic division within Wright state university, 66496
physically located on the Dayton campus of Wright state 66497
university. The center shall conduct teaching and research in 66498
the historical ideas, traditions, and texts that have shaped the 66499
American constitutional order and society and the United States 66500
armed forces. 66501

(2) The center shall establish bylaws requiring the center 66502
to do all of the following: 66503

(a) Educate students by means of free, open, and rigorous 66504
intellectual inquiry to seek the truth; 66505

(b) Affirm its duty to equip students with the skills, 66506
habits, and dispositions of mind they need to reach their own 66507
informed conclusions on matters of social and political 66508
importance; 66509

(c) Affirm the value of intellectual diversity in higher 66510
education and aspire to enhance the intellectual diversity of 66511
the university; 66512

(d) Affirm a commitment to create a community dedicated to 66513
an ethic of civil and free inquiry, which respects the 66514
intellectual freedom of each member, supports individual 66515
capacities for growth, and welcomes the differences of opinion 66516
that shall naturally exist in a public university community. 66517

The requirements prescribed under divisions (A) (2) (a) to 66518
(d) of this section shall take priority over any other bylaws 66519

adopted by the center. 66520

(3) The board of trustees of the university may name the 66521
center in accordance with the philanthropic naming policies and 66522
practices of the university. 66523

~~(B)~~ (B) (1) The center shall be an independent academic 66524
division, physically located on the Dayton campus of Wright 66525
state university, with the authority to house faculty who hold 66526
their appointments within the center. Faculty appointed to the 66527
center shall not be required, but may, hold joint appointments 66528
within any other division of the university. No faculty outside 66529
of the center shall have the authority to block faculty hires 66530
into the center. No university policy shall govern the 66531
development and approval of curriculum within the center. 66532

(2) The university shall provide adequate and appropriate 66533
space for the center as jointly determined by the director and 66534
either the president or provost of the university. The 66535
university shall not charge or assess overhead or indirect fees, 66536
costs, expenses, or charges to the center. 66537

(C) (1) The center shall offer instruction in all of the 66538
following: 66539

(a) The books and major debates which form the 66540
intellectual foundation of free societies, especially that of 66541
the United States; 66542

(b) The principles, ideals, and institutions of the 66543
American constitutional order, including the United States armed 66544
forces; 66545

(c) The foundations of responsible leadership and informed 66546
citizenship; 66547

(d) The origins, purpose, and role of Wright-Patterson air force base and surrounding defense-related industries in supporting the United States;

(e) The workforce needs of Wright-Patterson air force base and industries that support the base.

(2) The center also shall focus on all of the following:

(a) Offering university-wide programming related to the values of free speech and civil discourse;

(b) Expanding the intellectual diversity of the university's academic community;

(c) Increasing the awareness of Wright-Patterson air force base and supporting workforce needs to sustain and attract missions at the base.

~~(D) (1) Not later than ninety days after the effective date of this section, the~~ The board of trustees of the university shall appoint, with the advice and consent of the senate, a seven-member center academic council. An initial member shall not begin service until confirmed by the senate. Four members shall form a quorum.

(2) The academic council shall be comprised of scholars with relevant expertise and experience. Not more than three members of the council may be employees of the university. Best efforts shall be made to have not fewer than three members of the advisory board be from Ohio.

(3) Three members of the academic council shall serve initial terms of two years and four members shall serve initial terms of four years, which the members shall determine at their first meeting, and select replacements for vacant seats.

(E) (1) The academic council established under division (D) 66576
of this section shall conduct a nationwide search for candidates 66577
for the director of the center and shall strictly adhere to all 66578
relevant state and federal laws. The academic council shall 66579
submit to the president of the university a list of finalists 66580
from which the president shall select and appoint a director, 66581
subject to approval by the board of trustees. Future directors 66582
shall be chosen in the same manner. 66583

(2) The director shall consult with the provost; however, 66584
the director shall report directly to the president of the 66585
university. 66586

(3) The director shall have the sole and exclusive 66587
authority to manage the recruitment and hiring process and to 66588
extend offers for employment for all faculty and staff of the 66589
center, and to terminate employment of all staff, subject to the 66590
approval of the board of trustees of the university. The 66591
director shall oversee, develop, and approve the center's 66592
curriculum, including approval of the center's courses that meet 66593
the university's general education requirements. The center 66594
shall be granted the authority to offer courses independently 66595
and develop certificate, minor, and major programs as well as 66596
graduate programs, and offer degrees. 66597

(4) Notwithstanding section 3333.164 of the Revised Code, 66598
the center shall develop a set of standards and procedures to 66599
maximize the granting of academic credit for military training, 66600
experience, and coursework. 66601

(5) Notwithstanding section 3333.31 of the Revised Code, 66602
Wright state university shall not charge more than its in-state 66603
instructional and general fees to any current or honorably 66604
discharged member of the United States armed forces, or the 66605

spouse or dependents of such a member, who enrolls in a program 66606
offered by the center, regardless of whether that member, 66607
spouse, or dependent is a resident of this state under rules 66608
adopted under section 3333.31 of the Revised Code. 66609

(F) The director of the center shall submit an annual 66610
report to the board of trustees of the university and the 66611
general assembly in accordance with section 101.68 of the 66612
Revised Code. The report shall provide a full account of the 66613
center's achievements, opportunities, challenges, and obstacles 66614
in the development of this academic division. 66615

Sec. 3354.19. ~~(A)~~ As used in sections 3354.19 to 66616
~~3354.24~~3354.21 of the Revised Code, "displaced homemaker" means 66617
an individual who: 66618

(A) Is twenty-seven years of age or older; 66619

(B) Has worked without pay as a homemaker for his or her 66620
family; 66621

(C) Is not gainfully employed and has had, or would be 66622
likely to have, difficulty in securing employment; and 66623

(D) Has either been deprived of the support of a person on 66624
whom he or she was dependent, or has become ineligible for 66625
public assistance as the parent of a needy child. 66626

Sec. 3358.08. The board of trustees of a state community 66627
college district may: 66628

(A) Own and operate a state community college; 66629

(B) Hold, encumber, control, acquire by donation, purchase 66630
or condemn, construct, own, lease, use, and sell, real and 66631
personal property as necessary for the conduct of the program of 66632
the state community college on whatever terms and for whatever 66633

consideration may be appropriate for the purpose of the 66634
institution; 66635

(C) Accept gifts, grants, bequests, and devises absolute 66636
or in trust for support of the state community college; 66637

(D) Employ a president, and appoint or approve the 66638
appointment of other necessary administrative officers, full- 66639
time faculty members, and operating staff. The board may 66640
delegate the appointment of operating staff and part-time 66641
faculty members to the college president. The board shall fix 66642
the rate of compensation of the president and all officers and 66643
full-time employees as are necessary and proper for state 66644
community colleges. 66645

(E) Provide for the state community college necessary 66646
lands, buildings, or other structures, equipment, means, and 66647
appliances; 66648

(F) Establish within the maximum amounts permitted by law, 66649
schedules of fees and tuition for students who are Ohio 66650
residents and students who are not ~~r~~. If electors approve a levy 66651
under section 3358.11 of the Revised Code for current operating 66652
expenses, the board shall charge students who reside in the 66653
county in which the tax is levied a lower tuition rate than the 66654
rate charged to students who are residents of other counties in 66655
the state. 66656

(G) Grant appropriate degrees to students successfully 66657
completing the state community college's programs, and 66658
certificates of achievement to students who complete other 66659
programs; 66660

(H) Prescribe policies for the effective operation of the 66661
state community college and exercise such other powers as are 66662

necessary for the efficient management of the college; 66663

(I) Enter into contracts with neighboring colleges and 66664
universities for the conduct of state community college programs 66665
or technical courses outside the state community college 66666
district; 66667

(J) Purchase: 66668

(1) A policy or policies of insurance insuring the 66669
district against loss or damage to property, whether real, 66670
personal, or mixed, which is owned by the district or leased by 66671
it as lessee or which is in the process of construction by or 66672
for the district; 66673

(2) A policy or policies of fidelity insurance in such 66674
amounts and covering such trustees, officers, and employees of 66675
the district as the board may consider necessary or desirable; 66676

(3) A policy or policies of liability insurance from an 66677
insurer or insurers licensed to do business in this state 66678
insuring its members, officers, and employees against all civil 66679
liability arising from an act or omission by the member, 66680
officer, or employee, when the member, officer, or employee is 66681
not acting manifestly outside the scope of employment or 66682
official responsibilities with the institution, with malicious 66683
purpose or bad faith, or in a wanton or reckless manner, or may 66684
otherwise provide for the indemnification of such persons 66685
against such liability. All or any portion of the cost, premium, 66686
or charge for such a policy or policies or indemnification 66687
payment may be paid from any funds under the institution's 66688
control. The policy or policies of liability insurance or the 66689
indemnification policy of the institution may cover any risks 66690
including, but not limited to, damages resulting from injury to 66691

property or person, professional liability, and other special 66692
risks, including legal fees and expenses incurred in the defense 66693
or settlement claims of such damages. 66694

(4) A policy or policies of insurance insuring the 66695
district against any liabilities to which it may be subject on 66696
account of damage or injury to persons or property, including 66697
liability for wrongful death. 66698

Any instrument by which real property is acquired pursuant 66699
to this section shall identify the agency of the state that has 66700
the use and benefit of the real property as specified in section 66701
5301.012 of the Revised Code. 66702

Sec. 3358.11. (A) In the same manner as a tax may be 66703
proposed by a board of trustees of a community college district 66704
under section 3354.12 of the Revised Code, the board of trustees 66705
of a state community college district may adopt and certify a 66706
resolution to the board of elections of one or more of the 66707
counties comprising the state community college district 66708
directing the board of elections to place on the ballot at any 66709
general or special election the question of levying a tax in 66710
excess of the ten-mill limitation on all the taxable property in 66711
that county or those counties. The tax may be for any of the 66712
following purposes, as stated in the resolution: 66713

(1) The acquisition of sites in that county or those 66714
counties; 66715

(2) The erection, furnishing, and equipment of buildings 66716
in that county or those counties; 66717

(3) The acquisition, construction, or improvement of any 66718
property in that county or those counties which the board of 66719
trustees of a state community college is authorized to acquire, 66720

construct, or improve and which has an estimated life or 66721
usefulness of five years or more as certified by the treasurer 66722
of the board of trustees; 66723

(4) The payment of current expenses of the state community 66724
college district. This tax may only be levied in the county in 66725
which the main campus of the state community college is located. 66726

The resolution shall declare that, if the levy is for one 66727
or more of the purposes described in divisions (A) (1) to (3) of 66728
this section, the proceeds of the levy or issue may be used 66729
solely within the county or counties in which the tax is levied- 66730
and. If the levy is for the purpose described in division (A) 66731
(4) of this section, the resolution shall declare that the 66732
proceeds of the levy shall be used for costs associated with 66733
operations in the county in which the tax is levied. The 66734
resolution shall also state, regardless of the purposes for 66735
which the tax is levied, the term of the tax, which may be for 66736
any term authorized for a tax levied under section 3354.12 of 66737
the Revised Code. The question of such a tax may not be 66738
submitted at more than two special elections held in any one 66739
calendar year. Levies for a continuing period of time adopted 66740
under this section may be reduced in accordance with section 66741
5705.261 of the Revised Code. 66742

The election shall be held, canvassed, and certified in 66743
the manner provided for the submission of a tax levy under 66744
section 3354.12 of the Revised Code. A tax levied under this 66745
section may be renewed in the same manner as a tax levied under 66746
section 3354.12 of the Revised Code ~~or replaced in accordance 66747
with section 5705.192 of the Revised Code. 66748~~

If electors approve the levy, the board of trustees may 66749
anticipate a fraction of the proceeds of the levy and may, from 66750

time to time, issue anticipation notes in the same manner and 66751
subject to the same limitations provided under section 3354.12 66752
of the Revised Code. 66753

(B) In accordance with Chapter 133. of the Revised Code, 66754
the board of trustees of a state community college district may 66755
adopt and certify a resolution to the board of elections of one 66756
or more of the counties comprising the district directing the 66757
board of elections to place on the ballot at any election 66758
authorized under section 133.18 of the Revised Code both of the 66759
following questions: 66760

(1) The question of issuing bonds for paying all or part 66761
of the cost of the following: 66762

(a) The purchase of sites in that county or those 66763
counties; 66764

(b) The erection, furnishings, and equipment of buildings 66765
in that county or those counties; 66766

(c) The acquisition or construction of any property in 66767
that county or those counties which the board of trustees is 66768
authorized to acquire or construct and which has an estimated 66769
life or usefulness of five years or more as certified by the 66770
treasurer of the board of trustees. 66771

(2) The question of levying a tax in excess of the ten- 66772
mill limitation on all the taxable property in that county or 66773
those counties to pay the interest on and retire any bonds 66774
approved by the electors under division (B) (1) of this section. 66775

The election shall be held, canvassed, and certified in 66776
the manner provided for the submission of a bond issuance and 66777
tax levy under section 3354.11 of the Revised Code. Bonds 66778
approved by electors under division (B) (1) of this section may 66779

be issued for one or more improvements which the district is 66780
authorized to acquire or construct, notwithstanding the fact 66781
that such improvements may not be for more than one purpose 66782
under Chapter 133. of the Revised Code. 66783

Notes may be issued in anticipation of any bonds that may 66784
be approved by the electors under division (B)(1) of this 66785
section in the manner provided under section 133.22 of the 66786
Revised Code. 66787

For the purpose of applying Chapter 133. of the Revised 66788
Code to division (B) of this section, the treasurer of the state 66789
community college district shall be considered to be the 66790
district's fiscal officer, and the board of trustees of the 66791
state community college district shall be considered to be the 66792
taxing authority. 66793

(C) The board of trustees of a state community college 66794
district that levies a tax or proposes to levy a tax under 66795
division (A) or (B) of this section shall be considered to be a 66796
taxing authority, the county or counties in which the tax is 66797
levied shall be considered to be a subdivision, and the 66798
treasurer of the board of trustees shall be considered to be a 66799
fiscal officer for the purposes of Chapter 5705. of the Revised 66800
Code, except for section 5705.19 of the Revised Code. 66801

Sec. 3364.07. ~~(A)~~ (A) (1) The institute of American 66802
constitutional thought and leadership is established for the 66803
purpose of creating and disseminating knowledge about American 66804
constitutional thought and to form future leaders of the legal 66805
profession through research, scholarship, teaching, 66806
collaboration, and mentorship. The institute shall be an 66807
independent academic unit within the university of Toledo, ~~—~~ 66808
~~initially physically located at the college of law. The~~ 66809

~~university shall require the college of law to provide adequate
administrative space for the institute.~~ 66810
66811

(2) The university shall provide adequate and appropriate
space for the institute as jointly determined by the director
and either the president or provost of the university. The
university shall not charge or assess overhead or indirect fees,
costs, expenses, or charges to the institute. 66812
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(B) The institute shall pursue all of the following goals: 66817

(1) To enrich the curriculum in American constitutional 66818
studies, including the core texts and great debates of western 66819
civilization; 66820

(2) To educate university students in the principles, 66821
ideals, and institutions of the American and Ohio constitutional 66822
order; 66823

(3) To educate university students in the foundations of 66824
responsible leadership and informed citizenship and to cultivate 66825
the next generation of leaders in the legal profession; 66826

(4) To offer university-wide programming related to the 66827
values of open inquiry and civil discourse; 66828

(5) To expand the intellectual diversity of the 66829
university's academic community and to create a rich forum for 66830
the development of ideas across the political and ideological 66831
spectrum; 66832

(6) To support faculty and graduate student scholarship 66833
that advances understanding of American constitutional thought 66834
and institutions; 66835

(7) To promote scholarly collaboration within the 66836
university and beyond; 66837

(8) To host lectures, debates, and symposia, and sponsor 66838
visiting scholars, jurists, and teachers. 66839

(C) The institute shall adhere to the following policies: 66840

(1) The institute shall educate students by means of free, 66841
open, and rigorous intellectual inquiry to seek the truth. 66842

(2) The institute shall equip students with the skills, 66843
habits, and dispositions of mind they need to reach their own 66844
informed conclusions on matters of legal, social, and political 66845
importance. 66846

(3) The institute shall value intellectual diversity in 66847
higher education, including in faculty recruitment, hiring, and 66848
appointment, and aspire to enhance the intellectual diversity of 66849
academic life at the university. 66850

(4) The institute shall create a community dedicated to an 66851
ethic of civil and free inquiry, which respects the intellectual 66852
freedom of each member, supports individual capacities for 66853
growth, and welcomes the differences of opinion that naturally 66854
occur in a public university community. 66855

(D) (1) ~~Not later than sixty days after the effective date~~ 66856
~~of this section, the~~ The talent, compensation, and governance 66857
committee of the board of trustees of the university, if such a 66858
committee exists, shall appoint, with the advice and consent of 66859
the senate, a seven-member institute academic council. If no 66860
such committee exists, the board of trustees shall appoint 66861
members under this division. An initial member shall not begin 66862
service until confirmed by the senate. Four members shall form a 66863
quorum. 66864

(2) The academic council shall be comprised of scholars 66865
with relevant expertise and experience. Not more than one member 66866

of the council may be an employee of the university. Best 66867
efforts shall be made to have not fewer than three members of 66868
the council be from Ohio. 66869

(3) Three members of the academic council shall serve 66870
initial terms of two years and four members shall serve initial 66871
terms of four years, which the members shall determine at their 66872
first meeting, and select replacements for vacant seats. 66873

(4) To fill a vacancy for the institute director after the 66874
initial director, following a national search, the academic 66875
council shall transmit to the president a list of finalists from 66876
which the president shall select a director, subject to the 66877
approval of the talent, compensation, and governance committee 66878
of the board of trustees. 66879

(E) (1) The institute shall be led by a director who shall 66880
report directly to the president and provost of the university- 66881
~~and consult with the dean of the college of law.~~ The president 66882
of the university shall appoint ~~an initial~~ the director ~~not~~ 66883
~~later than thirty days after the effective date of this section~~ 66884
. The director shall be an expert of the western tradition, the 66885
American founding, and American constitutional thought, and 66886
shall have shown a commitment to the purposes, goals, and 66887
policies of the institute. The director's term shall be for five 66888
years and shall be renewable. 66889

(2) The director shall have the protection of tenure or 66890
tenure eligibility. Any existing tenure with the university held 66891
by a director shall be maintained with the university. 66892

(F) The institute shall be an independent academic unit of 66893
the university with the authority to house tenure-track faculty 66894
who hold their appointments within the institute. Not fewer than 66895

five tenure-track faculty positions shall be allotted to the 66896
institute. Faculty appointed within the institute shall not be 66897
required, but may be permitted, to hold joint or courtesy 66898
appointments within any other division of the university. No 66899
faculty from outside the institute shall have the authority to 66900
block faculty hires into the institute. 66901

(G) (1) The director shall have the sole and exclusive 66902
authority to manage the recruitment and hiring process and to 66903
extend offers for employment for all faculty and staff, and to 66904
terminate employment of all staff. The director shall oversee, 66905
develop, and approve the institute's curriculum, including 66906
approval of the institute's courses that meet the university's 66907
general education requirements. The institute shall be granted 66908
the authority to offer courses and develop certificate, minor, 66909
major, and graduate programs, and offer degrees. 66910

(2) Employment contracts offered under division (G) (1) of 66911
this section to tenure-track faculty appointed to the institute 66912
shall guarantee reappointment elsewhere in the university, at 66913
the same rank and compensation, in the event the institute is 66914
discontinued. 66915

(H) The director of the institute shall submit an annual 66916
report to the board of trustees of the university and the 66917
general assembly in accordance with section 101.68 of the 66918
Revised Code. The report shall provide a full account of the 66919
institute's achievements, opportunities, challenges, and 66920
obstacles in the development of this academic unit. 66921

(I) The board of trustees of the university may change the 66922
name of the institute in accordance with the philanthropic 66923
naming policies and practices of the university. 66924

Sec. 3365.15. The chancellor of higher education and the 66925
department of education and workforce jointly shall do all of 66926
the following: 66927

(A) Adopt data reporting guidelines specifying the types 66928
of data that public and participating nonpublic secondary 66929
schools and public and participating private colleges, including 66930
eligible out-of-state colleges participating in the program, 66931
must annually collect, report, and track under division (G) of 66932
section 3365.04 and division (H) of section 3365.05 of the 66933
Revised Code. The types of data shall include all of the 66934
following: 66935

(1) For each secondary school and college: 66936

(a) The number of participants disaggregated by grade 66937
level, socioeconomic status, race, gender, and disability; 66938

(b) The number of completed courses and credit hours, 66939
disaggregated by the college in which participants were 66940
enrolled; 66941

(c) The number of courses in which participants enrolled, 66942
disaggregated by subject area and level of difficulty. 66943

(2) For each secondary school, the number of students who 66944
were denied participation in the program under division (A) (1) 66945
(a) or (C) of section 3365.03 or section 3365.031 or 3365.032 of 66946
the Revised Code. Each participating nonpublic secondary school 66947
shall also include the number of students who were denied 66948
participation due to the student not being awarded funding by 66949
the department pursuant to section 3365.071 of the Revised Code. 66950

(3) For each college: 66951

(a) The number of students who applied to enroll in the 66952

college under the program but were not granted admission; 66953

(b) The average number of completed courses per 66954
participant; 66955

(c) The average grade point average for participants in 66956
college courses under the program. 66957

The guidelines adopted under this division shall also 66958
include policies and procedures for the collection, reporting, 66959
and tracking of such data. 66960

(B) Annually compile the data required under division (A) 66961
of this section. Not later than the thirty-first day of December 66962
of each year, the data from the previous school year shall be 66963
posted in a prominent location on both the chancellor of higher 66964
education's and the department's web sites. 66965

(C) Submit an annual report on outcomes of the college 66966
credit plus program that are supported by empirical evidence to 66967
the governor, the president of the senate, the speaker of the 66968
house of representatives, and the chairpersons of the education 66969
committees of the senate and house of representatives not later 66970
than the thirty-first day of December each year. The report 66971
shall include all of the following, disaggregated by cohort: 66972

(1) Number of degrees attained; 66973

(2) Level and type of degrees attained; 66974

(3) Number of students who receive a degree in two 66975
different subject areas; 66976

(4) Time to completion of a degree, disaggregated by level 66977
and type of degree attained; 66978

(5) Time to enrollment in a graduate or doctoral degree 66979

program; 66980

(6) The number of students who participate in a study 66981
abroad course; 66982

(7) How all of the measures described in division (C) of 66983
this section compare to both: 66984

(a) The overall student population who did not participate 66985
in the college credit plus program; 66986

(b) Any similar measures compiled under the former 66987
postsecondary enrollment options program, to the extent that 66988
such data is available. 66989

The first report shall be submitted not later than 66990
December 31, 2018, and each subsequent report shall be submitted 66991
not later than the thirty-first day of December each year 66992
thereafter ~~until December 2023~~. 66993

(D) Establish a college credit plus advisory committee to 66994
assist in the development of performance metrics and the 66995
monitoring of the program's progress. At least one member of the 66996
advisory committee shall be a school guidance counselor. 66997

The chancellor shall also, in consultation with the 66998
department, create a standard packet of information for the 66999
college credit plus program directed toward students and parents 67000
that are interested in the program. 67001

(E) The chancellor and the department also may submit a 67002
biennial report detailing the status of the college credit plus 67003
program, including an analysis of quality assurance measures 67004
related to the program, to the governor, the president of the 67005
senate, the speaker of the house of representatives, and the 67006
chairpersons of the education committees of the senate and house 67007

of representatives. If the chancellor and the department choose 67008
to jointly submit the biennial report, both of the following 67009
shall apply: 67010

(1) The report shall include only data available through 67011
the higher education information system administered by the 67012
chancellor. 67013

(2) The first report shall be submitted not later than 67014
December 31, 2017, and each subsequent report shall be submitted 67015
not later than the thirty-first day of December every two years 67016
thereafter. 67017

(F) For purposes of this section, "cohort" means a group 67018
of students who participated in the college credit plus program 67019
and who, upon graduation from high school, enroll in an Ohio 67020
institution of higher education during the same academic year. 67021

Sec. 3375.15. (A) In any school district in which a free 67022
public library has been established by resolution adopted by the 67023
board of education of such school district prior to September 4, 67024
1947, or by resolution adopted by the board of education of such 67025
school district under section 3375.151 of the Revised Code after 67026
the effective date of this amendment but prior to January 1, 67027
2014, such library shall be under the control and management of 67028
a board of library trustees consisting of seven members. No one 67029
is eligible to membership on such board of library trustees who 67030
is or has been for a year previous to appointment a member of a 67031
board of education making such appointment. A majority of the 67032
trustees shall be qualified electors of the school district, but 67033
a minority may be qualified electors of the county who reside 67034
outside the school district, and all shall be appointed by the 67035
board of education of the school district. 67036

(B) The trustees shall serve ~~for a term of seven years and~~ 67037
without compensation. Trustees appointed prior to the effective 67038
date of this amendment shall serve for a term of seven years. 67039
Trustees appointed on or after that date shall serve for a term 67040
of four years. Except as otherwise provided in this section, all 67041
vacancies on the board of library trustees shall be filled by 67042
the board of education by appointment for the unexpired term. 67043
The board of library trustees shall organize in accordance with 67044
section 3375.32 of the Revised Code. The board of library 67045
trustees shall have the control and management of the school 67046
district free public library and in the exercise of such control 67047
and management shall be governed by sections 3375.33 to 3375.41 67048
of the Revised Code. This section does not affect the term of 67049
any member of a board of library trustees of a school district 67050
free public library appointed prior to September 4, 1947. 67051

(C) The board of education shall make appointments to the 67052
board of library trustees not later than forty-five days after 67053
the date a member's term expires or after the date a vacancy 67054
occurs, whichever is applicable. If the board of education does 67055
not make an appointment by that time, the appointment shall be 67056
made within the next fourteen days by the probate court of the 67057
county in which the library is situated. 67058

Sec. 3375.22. In any county in which there has been 67059
created a county library district, the free public library of 67060
said district shall be under the control and management of a 67061
board of library trustees consisting of seven members. Such 67062
trustees shall be qualified electors of the library district or 67063
county. Three shall be appointed by the judges of the court of 67064
common pleas and four shall be appointed by the board of county 67065
commissioners of the county in which said district is situated. 67066
The term of office of said trustees, if appointed prior to the 67067

effective date of this amendment, shall be seven years, except 67068
that at the first appointment the terms of those appointed by 67069
the judges shall expire in two, four, and six years 67070
respectively, and the terms of those appointed by the board of 67071
county commissioners shall expire in one, three, five, and seven 67072
years respectively. The term of office of trustees appointed on 67073
or after the effective date of this amendment shall be four 67074
years, except that at the first appointment the terms of those 67075
appointed by the judges shall expire in two, three, and four 67076
years respectively, and the terms of those appointed by the 67077
board of county commissioners shall expire in one, two, three, 67078
and four years respectively. Any appointment made to fill a 67079
vacancy shall be made by the same body which appointed the 67080
trustee whose place has become vacant and shall be for his the 67081
remainder of the unexpired term. The successor of any trustee of 67082
any county library district shall be appointed by the same board 67083
or officers which appointed his the trustee's predecessor and 67084
all subsequent appointments shall be for seven years. The 67085
members of such board of library trustees shall serve without 67086
compensation but shall be reimbursed for their actual and 67087
necessary expenses incurred in the performance of their duties. 67088
Such board of library trustees shall organize in accordance with 67089
section 3375.32 of the Revised Code. Such board of library 67090
trustees shall have the control and management of the county 67091
district free public library and in the exercise of such control 67092
and management shall be governed by sections 3375.33 to 3375.41~~7~~ 67093
~~inclusive,~~ of the Revised Code. 67094

Sec. 3375.30. In any two or more contiguous counties in 67095
which there has been created a regional library district, there 67096
shall be a board of library trustees consisting of seven 67097
members. Such trustees shall be qualified electors of the 67098

district. The first appointments to such board of library 67099
trustees shall be made by the boards of county commissioners of 67100
such counties in joint meeting. Thereafter each appointment to 67101
fill an expiring term shall be made by the board of county 67102
commissioners of a participating county in the rotating order 67103
represented by the alphabetical arrangement of the names of the 67104
counties. The term of office of said trustees, if appointed 67105
prior to the effective date of this amendment, shall be seven 67106
years, or, if appointed on or after that date, shall be four 67107
years, except that at the first appointment the terms must be 67108
such that one member retires each year. Any appointment made to 67109
fill a vacancy shall be made by the same body which appointed 67110
the trustee whose place has become vacant and shall be for ~~his~~ 67111
the remainder of the unexpired term. The members of such board 67112
of library trustees shall serve without compensation but shall 67113
be reimbursed for their actual and necessary expenses incurred 67114
in the performance of their duties. Such board of library 67115
trustees shall organize in accordance with section 3375.32 of 67116
the Revised Code. Such board of library trustees shall have the 67117
control and management of the regional district free public 67118
library and in exercise of such control and management shall be 67119
governed by sections 3375.33 to 3375.41, ~~inclusive,~~ and section 67120
3375.19 of the Revised Code. 67121

Sec. 3375.39. At the expiration of the term of a fiscal 67122
officer of a board of library trustees of a free public library 67123
or before such board approves the surety of any fiscal officer, 67124
such board shall require the fiscal officer to produce all 67125
money, bonds, or other securities in the fiscal officer's hands, 67126
which shall then be counted by the board or a committee of the 67127
board, ~~or by a representative of the auditor of state.~~ A 67128
certificate setting forth the exact amount of such money, bonds, 67129

or other securities and signed by the representatives making 67130
such count shall be entered upon the records of the board and 67131
shall be prima-facie evidence that the amount stated in such 67132
certificate is actually in the treasury at that date. 67133

Sec. 3375.47. A public library created under Chapter 3375. 67134
of the Revised Code shall place material related to sexual 67135
orientation or gender identity or expression in a portion of the 67136
public library that is not primarily open to the view of persons 67137
under the age of eighteen. 67138

Sec. 3375.92. The fiscal officer of the board of trustees 67139
of the regional library system is the treasurer of the 67140
organization's funds. Before entering upon their duties, the 67141
fiscal officer and the deputy fiscal officer shall execute a 67142
bond in an amount and with surety to be approved by the board, 67143
and conditioned for the faithful performance of the official 67144
duties required of them. 67145

All moneys received by the fiscal officer shall be 67146
immediately placed by the fiscal officer in a depository 67147
designated by the board. The fiscal officer shall keep an 67148
account of the funds credited to the board. 67149

The fiscal officer shall render a monthly statement to the 67150
board showing the revenues and receipts from whatever sources 67151
derived, the disbursements and the purposes for such 67152
disbursements, and the assets and liabilities of the board. At 67153
the end of each fiscal year the fiscal officer shall submit to 67154
the board, to the state library board and, if requested, to any 67155
granting authority, a complete financial statement showing the 67156
receipts and expenditures in detail for the entire fiscal year. 67157
Such financial records shall be open to public inspection at all 67158
reasonable times. 67159

At the expiration of the term of the fiscal officer or 67160
before the board of trustees approves the surety of any fiscal 67161
officer, the board shall require the fiscal officer to produce 67162
all moneys, bonds, or other securities in the fiscal officer's 67163
hands, which shall then be counted by the board or a committee 67164
of the board, ~~or by a representative of the auditor of state.~~ A 67165
certificate setting forth the exact amount of such money, bonds, 67166
or other securities and signed by the persons making such count 67167
shall be entered upon the records of the board and shall be 67168
prima-facie evidence that the amount stated in such certificate 67169
is actually in the treasury at that date. 67170

Sec. 3379.03. The Ohio arts council shall: 67171

(A) Conduct a survey of the cultural and artistic 67172
resources and needs of the state and maintain a continuing 67173
inventory of such resources; 67174

(B) Develop a plan for better and fuller use and enjoyment 67175
of the state's cultural and artistic resources by all the people 67176
of the state; 67177

(C) Assess the role of the arts in the growth and 67178
development of the state; 67179

(D) Report at least biennially to the governor and the 67180
general assembly on the state of the arts. Such report may 67181
include recommendations based on the council's surveys. 67182

~~(E) Administer the per cent for arts program pursuant to~~ 67183
~~section 3379.10 of the Revised Code;~~ 67184

~~(F)~~ Establish guidelines for the administration of the 67185
council's duties that pertain to the position of Ohio poet 67186
laureate pursuant to section 3379.12 of the Revised Code and for 67187
the qualifications of the Ohio poet laureate appointed under 67188

that section.

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Sec. 3379.12. (A) The position of Ohio poet laureate is hereby created. The Ohio poet laureate shall be appointed by the governor from a list of not less than three candidates recommended by the Ohio arts council based on qualifications developed by the arts council under division ~~(F)~~(E) of section 3379.03 of the Revised Code. The arts council shall submit its list of candidates to the governor not less than ninety days prior to the beginning of the Ohio poet laureate's term of office.

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(B) The term of office for the Ohio poet laureate shall be for two years. The initial term shall begin on January 1, 2016.

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(C) In the event of the death, resignation, or any other vacancy or inability to perform the duties of Ohio poet laureate during an individual's unexpired term of office, not later than sixty days after the vacancy occurs, the Ohio arts council shall recommend a candidate to the governor to serve as poet laureate for the remainder of that unexpired term of office.

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(D) An individual may be reappointed to subsequent terms of office, at the discretion of the governor.

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Sec. 3381.03. Any county, or any two or more counties, municipal corporations, or townships, or any combination of these may create a regional arts and cultural district by the adoption of a resolution or ordinance by the board of county commissioners of each county, the legislative authority of each municipal corporation, and the board of township trustees of each township that desires to create or to join in the creation of the district. The resolution or ordinance shall state all of the following:

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- (A) The purposes for the creation of the district; 67218
- (B) The counties, municipal corporations, or townships
that are to be included in the district; 67219
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- (C) The official name by which the district shall be
known; 67221
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- (D) The location of the principal office of the district
or the manner in which the location shall be selected; 67223
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- (E) Subject to section 3381.05 of the Revised Code, the
number, term, and compensation, which shall not exceed the sum
of fifty dollars for each board and committee meeting attended
by a member, of the members of the board of trustees of the
district; 67225
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- (F) Subject to section 3381.05 of the Revised Code, the
manner in which members of the board of trustees of the district
shall be appointed; the method of filling vacancies; and the
period, if any, for which a trustee continues in office after
expiration of the trustee's term pending the appointment of the
trustee's successor; 67230
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- (G) The manner of apportioning expenses of the district
among the participating counties, municipal corporations, and
townships. 67236
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- The resolution or ordinance may also provide that the
authority of the districts to make grants under section 3381.20
of the Revised Code may be totally or partially delegated to one
or more area arts councils, as defined in section 757.03 of the
Revised Code, located within the district. 67239
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- The district provided for in the resolution or ordinance
shall be created upon the adoption of the resolution or 67244
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ordinance by the board of county commissioners of each county, 67246
the legislative authority of each municipal corporation, and the 67247
board of township trustees of each township enumerated in the 67248
resolution or ordinance. The resolution or ordinance may be 67249
amended to include additional counties, municipal corporations, 67250
or townships or for any other purpose by the adoption of an 67251
amendment by the board of county commissioners of each county, 67252
the legislative authority of each municipal corporation, and the 67253
board of township trustees of each township that has created or 67254
joined or proposes to join the district. 67255

After each county, municipal corporation, and township has 67256
adopted a resolution or ordinance approving inclusion of 67257
additional counties, municipal corporations, or townships in the 67258
district, a copy of the resolution or ordinance shall be filed 67259
with the clerk of the board of the county commissioners of each 67260
county, the clerk of the legislative authority of each municipal 67261
corporation, and the fiscal officer of the board of trustees of 67262
each township proposed to be included in the district. The 67263
inclusion is effective when all such filing is completed unless 67264
the district to which territory is to be added has authority to 67265
levy an ad valorem tax on property within its territory, in 67266
which event the inclusion shall become effective upon voter 67267
approval of the joinder and the tax. 67268

If a tax on property is to be levied, the board and the 67269
county auditor shall proceed in the same manner as required for 67270
a tax levy under section 5705.03 of the Revised Code, except 67271
that the levy's annual collections shall be estimated assuming 67272
that the additional territory has been added to the district. 67273
The board of trustees shall promptly certify the proposal and 67274
the auditor's certification to the board or boards of elections 67275
for the purpose of having the proposal placed on the ballot at 67276

the next general or primary election that occurs not less than 67277
sixty days after the date of the meeting of the board of 67278
trustees, or at a special election held on a date specified in 67279
the certification that is not less than sixty days after the 67280
date of the meeting of the board. If territory of more than one 67281
county, municipal corporation, or township is to be added to the 67282
regional arts and cultural district, the electors of the 67283
territories of the counties, municipal corporations, or 67284
townships which are to be added shall vote as a district, and 67285
the outcome of the election shall be determined by the vote cast 67286
in the entire district. Upon certification of a proposal to the 67287
board or boards of elections pursuant to this section, the board 67288
or boards of elections shall make the necessary arrangements for 67289
the submission of the questions to the electors of the territory 67290
to be added to the district, and the election shall be held, 67291
canvassed, and certified in the manner provided for the 67292
submission of tax levies under section 5705.19 of the Revised 67293
Code, except that the question appearing on the ballot shall 67294
read: 67295

"Shall the territory within the _____ (name 67296
or names of political subdivisions to be joined) be added to 67297
_____ (name) regional arts and 67298
cultural district? And shall a property tax that the county 67299
auditor estimates will collect \$_____ annually at a rate not 67300
exceeding _____ mills for each \$1 of taxable value, which 67301
amounts to \$_____ (effective rate) for each \$100,000 of ~~the~~ 67302
~~county auditor's appraised market~~ value, be levied for purposes 67303
of such district?" 67304

If the question is approved by a majority of the electors 67305
voting on the question, the joinder is effective immediately, 67306
and the district may extend the levy of the tax against all the 67307

taxable property within the territory that has been added. If 67308
the question is approved at a general election or at a special 67309
election occurring prior to a general election but after the 67310
fifteenth day of July in any calendar year, the district may 67311
amend its budget and resolution adopted pursuant to section 67312
5705.34 of the Revised Code, and the levy shall be placed on the 67313
current tax list and duplicate and collected as other taxes are 67314
collected from all taxable property within the territory of the 67315
district, including the territory added as a result of the 67316
election. 67317

The territory of a district shall be coextensive with the 67318
territory of the counties, municipal corporations, and townships 67319
included within the district, provided that the same territory 67320
may not be included in more than one regional arts and cultural 67321
district, and provided, that if a district includes only a 67322
portion of an entire county, a district may be created in the 67323
remaining portion of the same county by resolution of the board 67324
of county commissioners acting alone or in conjunction with 67325
municipal corporations and townships as provided in this 67326
section. 67327

As used in this section, "~~the county auditor's appraised~~ 67328
market value" and "effective rate" have the same meanings as in 67329
section 5705.01 of the Revised Code. 67330

Sec. 3381.11. The board of trustees of a regional arts and 67331
cultural district or any officer or employee designated by such 67332
board may make any contract for the purchase of supplies or 67333
material or for labor for any work, under the supervision of the 67334
board, the cost of which shall not exceed ten thousand dollars. 67335
When an expenditure, other than for the acquisition of real 67336
estate, the discharge of noncontractual claims, personal 67337

services, or for the product or services of public utilities, 67338
exceeds ten thousand dollars, such expenditure shall be made 67339
only after a notice calling for bids has been published once a 67340
week for two consecutive weeks in one newspaper of general 67341
circulation within the territory of the district or as provided 67342
in section 7.16 of the Revised Code. The board may then let said 67343
contract to the lowest and best bidder, who shall give a good 67344
and approved bond with ample security conditioned on the 67345
carrying out of the contract. Such contract shall be in writing 67346
and shall be accompanied by or shall refer to plans and 67347
specifications for the work to be done, approved by the board. 67348
The plans and specifications shall at all times be made and 67349
considered part of the contract. The contract shall be approved 67350
by the board and signed on behalf of the district and by the 67351
contractor. No sale of any real or personal property or a lease 67352
thereof having a term thereof in excess of five years shall be 67353
made except with the highest and best bidder after publication 67354
of notice for bids in the manner above provided. 67355

Competitive bidding under this section is not required 67356
when: 67357

(A) The board, by a two-thirds affirmative vote of its 67358
members, determines that a real and present emergency exists and 67359
such determination and the reasons therefor are entered in the 67360
proceedings of the board, when: 67361

(1) The estimated cost is less than fifteen thousand 67362
dollars; or 67363

(2) There is actual physical damage to structures or 67364
equipment. 67365

(B) Such purchase consists of supplies or a replacement or 67366

supplemental part or parts for a product or equipment owned or 67367
leased by the district and the only source of supply for such 67368
supplies, part, or parts is limited to a single supplier; 67369

(C) The lease is a renewal of a lease for electronic data 67370
processing equipment, services, or systems; 67371

(D) Services or supplies are available from a qualified 67372
nonprofit agency pursuant to ~~sections 4115.31 to 4115.35~~ section 67373
125.601 of the Revised Code; 67374

(E) With respect to any contract, agreement, or lease by a 67375
district with any arts or cultural organization or any 67376
governmental body or agency. 67377

Sec. 3381.17. From the funds available therefor from a tax 67378
levy authorized under section 3381.16 or, if applicable, 67379
sections 5743.021, and 5743.321, ~~5743.511, 5743.621, and~~ 67380
~~5743.631~~ of the Revised Code, a regional arts and cultural 67381
district by action of its board of trustees shall make annual 67382
grants to support the operating or capital expenses of such of 67383
the arts or cultural organizations located within the territory 67384
of the district as the board of trustees shall determine; 67385
provided, however, that not more than ten per cent of the amount 67386
granted in any calendar year shall be granted to arts and 67387
cultural organizations that are not qualifying arts or cultural 67388
organizations; and further provided that prior to making any 67389
grants in any calendar year, the board of trustees shall afford 67390
an opportunity for the presentation, either in person or in 67391
writing, of the suggestions of any area arts council, as defined 67392
in section 757.03 of the Revised Code, located within the 67393
district. Any such grant to an arts or cultural organization 67394
shall be on such terms and conditions as the board considers 67395
advisable. 67396

Sec. 3501.01. As used in the sections of the Revised Code 67397
relating to elections and political communications: 67398

(A) "General election" means the election held on the 67399
first Tuesday after the first Monday in each November. 67400

(B) "Regular municipal election" means the election held 67401
on the first Tuesday after the first Monday in November in each 67402
odd-numbered year. 67403

(C) "Regular state election" means the election held on 67404
the first Tuesday after the first Monday in November in each 67405
even-numbered year. 67406

(D) "Special election" means any election other than those 67407
elections defined in other divisions of this section. A special 67408
election may be held only on the first Tuesday after the first 67409
Monday in May or November, on the first Tuesday after the first 67410
Monday in August in accordance with section 3501.022 of the 67411
Revised Code, or on the day authorized by a particular municipal 67412
or county charter for the holding of a primary election, except 67413
that in any year in which a presidential primary election is 67414
held, no special election shall be held in May, except as 67415
authorized by a municipal or county charter, but may be held on 67416
the third Tuesday after the first Monday in March. 67417

(E) (1) "Primary" or "primary election" means an election 67418
held for the purpose of nominating persons as candidates of 67419
political parties for election to offices, and for the purpose 67420
of electing persons as members of the controlling committees of 67421
political parties and as delegates and alternates to the 67422
conventions of political parties. Primary elections shall be 67423
held on the first Tuesday after the first Monday in May of each 67424
year except in years in which a presidential primary election is 67425

held. 67426

(2) "Presidential primary election" means a primary 67427
election as defined by division (E)(1) of this section at which 67428
an election is held for the purpose of choosing delegates and 67429
alternates to the national conventions of the major political 67430
parties pursuant to section 3513.12 of the Revised Code. Unless 67431
otherwise specified, presidential primary elections are included 67432
in references to primary elections. In years in which a 67433
presidential primary election is held, all primary elections 67434
shall be held on the third Tuesday after the first Monday in 67435
March except as otherwise authorized by a municipal or county 67436
charter. 67437

(F) "Political party" means any group of voters meeting 67438
the requirements set forth in section 3517.01 of the Revised 67439
Code for the formation and existence of a political party. 67440

(1) "Major political party" means any political party 67441
organized under the laws of this state whose candidate for 67442
governor or nominees for presidential electors received not less 67443
than twenty per cent of the total vote cast for such office at 67444
the most recent regular state election. 67445

(2) "Minor political party" means any political party 67446
organized under the laws of this state that meets either of the 67447
following requirements: 67448

(a) Except as otherwise provided in this division, the 67449
political party's candidate for governor or nominees for 67450
presidential electors received less than twenty per cent but not 67451
less than three per cent of the total vote cast for such office 67452
at the most recent regular state election. A political party 67453
that meets the requirements of this division remains a political 67454

party for a period of four years after meeting those requirements. 67455
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(b) The political party has filed with the secretary of state, subsequent to its failure to meet the requirements of division (F)(2)(a) of this section, a petition that meets the requirements of section 3517.01 of the Revised Code. 67457
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A newly formed political party shall be known as a minor political party until the time of the first election for governor or president which occurs not less than twelve months subsequent to the formation of such party, after which election the status of such party shall be determined by the vote for the office of governor or president. 67461
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(G) "Dominant party in a precinct" or "dominant political party in a precinct" means that political party whose candidate for election to the office of governor at the most recent regular state election at which a governor was elected received more votes than any other person received for election to that office in such precinct at such election. 67467
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(H) "Candidate" means any qualified person certified in accordance with the provisions of the Revised Code for placement on the official ballot of a primary, general, or special election to be held in this state, or any qualified person who claims to be a write-in candidate, or who knowingly assents to being represented as a write-in candidate by another at either a primary, general, or special election to be held in this state. 67473
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(I) "Independent candidate" means any candidate who claims not to be affiliated with a political party, and whose name has been certified on the office-type ballot at a general or special election through the filing of a statement of candidacy and 67480
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nominating petition, as prescribed in section 3513.257 of the Revised Code. 67484
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(J) "Nonpartisan candidate" means any candidate whose name is required, pursuant to section 3505.04 of the Revised Code, to be listed on the nonpartisan ballot, including all candidates for judge of a municipal court, county court, or court of common pleas, ~~for member of any board of education,~~ for municipal or township offices in which primary elections are not held for nominating candidates by political parties, and for offices of municipal corporations having charters that provide for separate ballots for elections for these offices. 67486
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(K) "Party candidate" means any candidate who claims to be a member of a political party and who has been certified to appear on the office-type ballot at a general or special election as the nominee of a political party because the candidate has won the primary election of the candidate's party for the public office the candidate seeks, has been nominated under section 3517.012, or is selected by party committee in accordance with section 3513.31 of the Revised Code. 67495
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(L) "Officer of a political party" includes, but is not limited to, any member, elected or appointed, of a controlling committee, whether representing the territory of the state, a district therein, a county, township, a city, a ward, a precinct, or other territory, of a major or minor political party. 67503
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(M) "Question or issue" means any question or issue certified in accordance with the Revised Code for placement on an official ballot at a general or special election to be held in this state. 67509
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- (N) "Elector" or "qualified elector" means a person having the qualifications provided by law to be entitled to vote. 67513
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- (O) "Voter" means an elector who votes at an election. 67515
- (P) "Voting residence" means that place of residence of an elector which shall determine the precinct in which the elector may vote. 67516
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- (Q) "Precinct" means a district within a county established by the board of elections of such county within which all qualified electors having a voting residence therein may vote at the same polling place. 67519
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- (R) "Polling place" means that place provided for each precinct at which the electors having a voting residence in such precinct may vote. 67523
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- (S) "Board" or "board of elections" means the board of elections appointed in a county pursuant to section 3501.06 of the Revised Code. 67526
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- (T) "Political subdivision" means a county, township, city, village, or school district. 67529
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- (U) "Election officer" or "election official" means any of the following: 67531
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- (1) Secretary of state; 67533
- (2) Employees of the secretary of state serving the division of elections in the capacity of attorney, administrative officer, administrative assistant, elections administrator, office manager, or clerical supervisor; 67534
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- (3) Director of a board of elections; 67538
- (4) Deputy director of a board of elections; 67539

- (5) Member of a board of elections; 67540
- (6) Employees of a board of elections; 67541
- (7) Precinct election officials; 67542
- (8) Employees appointed by the boards of elections on a temporary or part-time basis. 67543
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- (V) "Acknowledgment notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, informing a voter registration applicant or an applicant who wishes to change the applicant's residence or name of the status of the application; the information necessary to complete or update the application, if any; and if the application is complete, the precinct in which the applicant is to vote. 67545
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- (W) "Confirmation notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, to a registered elector to confirm the registered elector's current address. 67552
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- (X) "Designated agency" means an office or agency in the state that provides public assistance or that provides state-funded programs primarily engaged in providing services to persons with disabilities and that is required by the National Voter Registration Act of 1993 to implement a program designed and administered by the secretary of state for registering voters, or any other public or government office or agency that implements a program designed and administered by the secretary of state for registering voters, including the department of job and family services, the program administered under section 3701.132 of the Revised Code by the department of health, the department of mental health and addiction services, the department of developmental disabilities, the opportunities for 67556
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Ohioans with disabilities agency, and any other agency the secretary of state designates. "Designated agency" does not include public high schools and vocational schools, public libraries, or the office of a county treasurer.

(Y) "National Voter Registration Act of 1993" means the "National Voter Registration Act of 1993," 107 Stat. 77, 42 U.S.C.A. 1973gg.

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended.

(AA) (1) "Photo identification" means one of the following documents that includes the individual's name and photograph and is not expired:

(a) An Ohio driver's license, state identification card, or interim identification form issued by the registrar of motor vehicles or a deputy registrar under Chapter 4506. or 4507. of the Revised Code;

(b) A United States passport or passport card;

(c) A United States military identification card, Ohio national guard identification card, or United States department of veterans affairs identification card.

(2) A "copy" of an individual's photo identification means images of both the front and back of a document described in division (AA) (1) of this section, except that if the document is a United States passport, a copy of the photo identification means an image of the passport's identification page that includes the individual's name, photograph, and other identifying information and the passport's expiration date.

(BB) "Driver's license" means a license or permit issued

by the registrar or a deputy registrar under Chapter 4506. or 67597
4507. of the Revised Code that authorizes an individual to 67598
drive. "Driver's license" includes a driver's license, 67599
commercial driver's license, probationary license, restricted 67600
license, motorcycle operator's license, or temporary instruction 67601
permit identification card. "Driver's license" does not include 67602
a limited term license issued under section 4506.14 or 4507.09 67603
of the Revised Code. 67604

(CC) "State identification card" means a card issued by 67605
the registrar or a deputy registrar under sections 4507.50 to 67606
4507.52 of the Revised Code. 67607

(DD) "Interim identification form" means the document 67608
issued by the registrar or a deputy registrar to an applicant 67609
for a driver's license or state identification card that 67610
contains all of the information otherwise found on the license 67611
or card and that an applicant may use as a form of 67612
identification until the physical license or card arrives in the 67613
mail. 67614

Sec. 3501.05. The secretary of state shall do all of the 67615
following: 67616

(A) Appoint all members of boards of elections; 67617

(B) Issue instructions by directives and advisories in 67618
accordance with section 3501.053 of the Revised Code to members 67619
of the boards as to the proper methods of conducting elections. 67620

(C) Prepare rules and instructions for the conduct of 67621
elections; 67622

(D) Publish and furnish to the boards from time to time a 67623
sufficient number of indexed copies of all election laws then in 67624
force; 67625

(E) Edit and issue all pamphlets concerning proposed laws	67626
or amendments required by law to be submitted to the voters;	67627
(F) Prescribe the form of registration cards, blanks, and	67628
records;	67629
(G) Determine and prescribe the forms of ballots and the	67630
forms of all blanks, cards of instructions, pollbooks, tally	67631
sheets, certificates of election, and forms and blanks required	67632
by law for use by candidates, committees, and boards;	67633
(H) Prepare the ballot title or statement to be placed on	67634
the ballot for any proposed law or amendment to the constitution	67635
to be submitted to the voters of the state;	67636
(I) Except as otherwise provided in section 3519.08 of the	67637
Revised Code, certify to the several boards the forms of ballots	67638
and names of candidates for state offices, and the form and	67639
wording of state referendum questions and issues, as they shall	67640
appear on the ballot;	67641
(J) Except as otherwise provided in division (I) (2) (b) of	67642
section 3501.38 of the Revised Code, give final approval to	67643
ballot language for any local question or issue approved and	67644
transmitted by boards of elections under section 3501.11 of the	67645
Revised Code;	67646
(K) Receive all initiative and referendum petitions on	67647
state questions and issues and determine and certify to the	67648
sufficiency of those petitions;	67649
(L) Require such reports from the several boards as are	67650
provided by law, or as the secretary of state considers	67651
necessary;	67652
(M) Compel the observance by election officers in the	67653

several counties of the requirements of the election laws; 67654

(N) (1) Except as otherwise provided in division (N) (2) of 67655
this section, through the election integrity unit created under 67656
section 3501.055 of the Revised Code, investigate the 67657
administration of election laws, frauds, and irregularities in 67658
elections in any county, and report violations of election laws 67659
to the attorney general or prosecuting attorney, or both, for 67660
prosecution; 67661

~~(2) On and after August 24, 1995, report a failure to~~ 67662
~~comply with or a~~ Receive and process complaints regarding any 67663
alleged violation of a provision in sections 3517.08 to 3517.13, 67664
3517.20 to 3517.22, 3599.03, or 3599.031 of the Revised Code, 67665
~~whenever the secretary of state has or should have knowledge of~~ 67666
~~a failure to comply with or a violation of a provision in one of~~ 67667
~~those sections, by filing a complaint with the Ohio elections~~ 67668
~~commission under section 3517.153 of law over which the Ohio~~ 67669
election integrity commission has jurisdiction, in accordance 67670
with sections 3517.14 to 3517.18 of the Revised Code. 67671

(O) Make an annual report to the governor containing the 67672
results of elections, the cost of elections in the various 67673
counties, a tabulation of the votes in the several political 67674
subdivisions, and other information and recommendations relative 67675
to elections the secretary of state considers desirable; 67676

(P) Prescribe and distribute to boards of elections a list 67677
of instructions indicating all legal steps necessary to petition 67678
successfully for local option elections under sections 4301.32 67679
to 4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code; 67680

(Q) Adopt rules pursuant to Chapter 119. of the Revised 67681
Code for the removal by boards of elections of ineligible voters 67682

from the statewide voter registration database and, if 67683
applicable, from the poll list or signature pollbook used in 67684
each precinct, which rules shall provide for all of the 67685
following: 67686

(1) A process for the removal of voters who have changed 67687
residence, which shall be uniform, nondiscriminatory, and in 67688
compliance with the Voting Rights Act of 1965 and the National 67689
Voter Registration Act of 1993, including a program that uses 67690
the national change of address service provided by the United 67691
States postal system through its licensees; 67692

(2) A process for the removal of ineligible voters under 67693
section 3503.21 of the Revised Code; 67694

(3) A uniform system for marking or removing the name of a 67695
voter who is ineligible to vote from the statewide voter 67696
registration database and, if applicable, from the poll list or 67697
signature pollbook used in each precinct and noting the reason 67698
for that mark or removal. 67699

(R) (1) Prescribe a general program for registering voters 67700
or updating voter registration information, such as name and 67701
residence changes, by boards of elections, designated agencies, 67702
public high schools and vocational schools, public libraries, 67703
and offices of county treasurers consistent with the 67704
requirements of section 3503.09 of the Revised Code; 67705

(2) Prescribe a general program for registering voters or 67706
updating voter registration information through the registrar of 67707
motor vehicles and deputy registrars, consistent with the 67708
requirements of section 3503.11 of the Revised Code. 67709

(S) Prescribe a program of distribution of voter 67710
registration forms through boards of elections, designated 67711

agencies, offices of the registrar and deputy registrars of 67712
motor vehicles, public high schools and vocational schools, 67713
public libraries, and offices of county treasurers; 67714

(T) To the extent feasible, provide copies, at no cost and 67715
upon request, of the voter registration form in post offices in 67716
this state; 67717

(U) Adopt rules pursuant to section 111.15 of the Revised 67718
Code for the purpose of implementing the programs for 67719
registering voters through boards of elections, designated 67720
agencies, and the offices of the registrar and deputy registrars 67721
of motor vehicles consistent with this chapter; 67722

(V) Establish the full-time position of Americans with 67723
Disabilities Act coordinator within the office of the secretary 67724
of state to do all of the following: 67725

(1) Assist the secretary of state with ensuring that there 67726
is equal access to polling places for persons with disabilities; 67727

(2) Assist the secretary of state with ensuring that each 67728
voter may cast the voter's ballot in a manner that provides the 67729
same opportunity for access and participation, including privacy 67730
and independence, as for other voters; 67731

(3) Advise the secretary of state in the development of 67732
standards for the certification of voting machines, marking 67733
devices, and automatic tabulating equipment. 67734

(W) Establish and maintain a computerized statewide 67735
database of all legally registered voters under section 3503.15 67736
of the Revised Code that complies with the requirements of the 67737
"Help America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 67738
1666, and provide training in the operation of that system; 67739

(X) Ensure that all directives, advisories, other 67740
instructions, or decisions issued or made during or as a result 67741
of any conference or teleconference call with a board of 67742
elections to discuss the proper methods and procedures for 67743
conducting elections, to answer questions regarding elections, 67744
or to discuss the interpretation of directives, advisories, or 67745
other instructions issued by the secretary of state are posted 67746
on a web site of the office of the secretary of state as soon as 67747
is practicable after the completion of the conference or 67748
teleconference call, but not later than the close of business on 67749
the same day as the conference or teleconference call takes 67750
place. 67751

(Y) Publish a report on a web site of the office of the 67752
secretary of state not later than one month after the completion 67753
of the canvass of the election returns for each primary and 67754
general election, identifying, by county, the number of absent 67755
voter's ballots cast and the number of those ballots that were 67756
counted, and the number of provisional ballots cast and the 67757
number of those ballots that were counted, for that election. 67758
The secretary of state shall maintain the information on the web 67759
site in an archive format for each subsequent election. 67760

(Z) Conduct voter education outlining voter 67761
identification, absent voters ballot, provisional ballot, and 67762
other voting requirements; 67763

(AA) Establish a procedure by which a registered elector 67764
may make available to a board of elections a more recent 67765
signature to be used in the poll list or signature pollbook 67766
produced by the board of elections of the county in which the 67767
elector resides; 67768

(BB) Disseminate information, which may include all or 67769

part of the official explanations and arguments, by means of 67770
direct mail or other written publication, broadcast, or other 67771
means or combination of means, as directed by the Ohio ballot 67772
board under division (F) of section 3505.062 of the Revised 67773
Code, in order to inform the voters as fully as possible 67774
concerning each proposed constitutional amendment, proposed law, 67775
or referendum; 67776

(CC) Be the single state office responsible for the 67777
implementation of the "Uniformed and Overseas Citizens Absentee 67778
Voting Act," Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 67779
1973ff, et seq., as amended, in this state. The secretary of 67780
state may delegate to the boards of elections responsibilities 67781
for the implementation of that act, including responsibilities 67782
arising from amendments to that act made by the "Military and 67783
Overseas Voter Empowerment Act," Subtitle H of the "National 67784
Defense Authorization Act for Fiscal Year 2010," Pub. L. No. 67785
111-84, 123 Stat. 3190. 67786

(DD) Adopt rules, under Chapter 119. of the Revised Code, 67787
to establish procedures and standards for determining when a 67788
board of elections shall be placed under the official oversight 67789
of the secretary of state, placing a board of elections under 67790
the official oversight of the secretary of state, a board that 67791
is under official oversight to transition out of official 67792
oversight, and the secretary of state to supervise a board of 67793
elections that is under official oversight of the secretary of 67794
state. 67795

(EE) Perform other duties required by law. 67796

Whenever a primary election is held under section 3513.32 67797
of the Revised Code or a special election is held under section 67798
3521.03 of the Revised Code to fill a vacancy in the office of 67799

representative to congress, the secretary of state shall 67800
establish a deadline, notwithstanding any other deadline 67801
required under the Revised Code, by which any or all of the 67802
following shall occur: the filing of a declaration of candidacy 67803
and petitions or a statement of candidacy and nominating 67804
petition together with the applicable filing fee; the filing of 67805
protests against the candidacy of any person filing a 67806
declaration of candidacy or nominating petition; the filing of a 67807
declaration of intent to be a write-in candidate; the filing of 67808
campaign finance reports; the preparation of, and the making of 67809
corrections or challenges to, precinct voter registration lists; 67810
the receipt of applications for absent voter's ballots or 67811
uniformed services or overseas absent voter's ballots; the 67812
supplying of election materials to precincts by boards of 67813
elections; the holding of hearings by boards of elections to 67814
consider challenges to the right of a person to appear on a 67815
voter registration list; and the scheduling of programs to 67816
instruct or reinstruct election officers. 67817

In the performance of the secretary of state's duties as 67818
the chief election officer, the secretary of state may 67819
administer oaths, issue subpoenas, summon witnesses, compel the 67820
production of books, papers, records, and other evidence, and 67821
fix the time and place for hearing any matters relating to the 67822
administration and enforcement of the election laws, including 67823
for the purposes described in division (N) (2) of this section. 67824

In any controversy involving or arising out of the 67825
adoption of registration or the appropriation of funds for 67826
registration, the secretary of state may, through the attorney 67827
general, bring an action in the name of the state in the court 67828
of common pleas of the county where the cause of action arose or 67829
in an adjoining county, to adjudicate the question. 67830

In any action involving the laws in Title XXXV of the Revised Code wherein the interpretation of those laws is in issue in such a manner that the result of the action will affect the lawful duties of the secretary of state or of any board of elections, the secretary of state may, on the secretary of state's motion, be made a party.

The secretary of state may apply to any court that is hearing a case in which the secretary of state is a party, for a change of venue as a substantive right, and the change of venue shall be allowed, and the case removed to the court of common pleas of an adjoining county named in the application or, if there are cases pending in more than one jurisdiction that involve the same or similar issues, the court of common pleas of Franklin county.

Public high schools and vocational schools, public libraries, and the office of a county treasurer shall implement voter registration programs as directed by the secretary of state pursuant to this section.

Sec. 3501.055. (A) There is in the office of the secretary of state the election integrity unit.

(B) Under the direction of the secretary of state, the election integrity unit shall do all of the following:

(1) Investigate allegations of election fraud and voter suppression, including any alleged violation of Chapter 3599. of the Revised Code, other than an alleged violation of section 3599.03 or 3599.031 of the Revised Code, on the unit's own initiative or upon receiving a complaint;

(2) Allow the public to submit allegations of election fraud and voter suppression to the unit;

(3) Submit a report to the governor and the general assembly not later than the fifteenth day of January of each year. The report shall include all of the following with respect to the previous calendar year: 67860
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(a) The number of allegations the unit received from members of the public; 67864
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(b) The number of allegations the unit investigated on its own initiative; 67866
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(c) The number of allegations the unit referred to another agency for further investigation or prosecution; 67868
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(d) All of the following concerning each allegation: 67870

(i) The general nature of the allegation; 67871

(ii) The county in which the violation is alleged to have occurred; 67872
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(iii) Whether the allegation has been referred to another agency for further investigation or prosecution, and if so, to which agency; 67874
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(iv) The current status of the investigation or any resulting criminal or civil proceeding. 67877
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(C) In performing its duties, the election integrity unit may administer oaths, issue subpoenas, summon witnesses, compel the production of books, papers, records, and other evidence, and hold hearings. 67879
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(D) Within one year after receiving a referral for further investigation or prosecution from the election integrity unit, the prosecuting attorney shall either prosecute the violation or provide to the election integrity unit a written statement 67883
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explaining the reason for declining to prosecute the referral or 67887
requesting any additional evidence needed to meet the prima 67888
facie standard established under section 3599.42 of the Revised 67889
Code. If the prosecuting attorney declines to prosecute the 67890
violation within one year after receiving the referral, the 67891
election integrity unit may refer the violation to the attorney 67892
general for further investigation or prosecution. If the 67893
prosecuting attorney or the attorney general requests additional 67894
evidence, the election integrity unit shall provide such 67895
evidence, if available, within ninety days after receiving the 67896
request. Within one hundred eighty days after receiving the 67897
additional evidence, the prosecuting attorney either shall 67898
prosecute the violation or provide a written statement to the 67899
election integrity unit explaining a reason for declining to 67900
prosecute. If the prosecuting attorney fails to provide this 67901
statement or prosecute within one hundred eighty days after 67902
receiving the additional evidence, the election integrity unit 67903
may refer the violation to the attorney general for further 67904
investigation or prosecution. 67905

Sec. 3501.12. (A) The annual compensation of members of 67906
the board of elections shall be determined on the basis of the 67907
population of the county according to the next preceding federal 67908
census, and shall be paid monthly out of the appropriations made 67909
to the board and upon vouchers or payrolls certified by the 67910
chairperson, or a member of the board designated by it, and 67911
countersigned by the director or in the director's absence by 67912
the deputy director. Upon presentation of any such voucher or 67913
payroll, the county auditor shall issue a warrant upon the 67914
county treasurer for the amount thereof as in the case of 67915
vouchers or payrolls for county offices and the treasurer shall 67916
pay such warrant. 67917

(B) In calendar year 2018, the amount of annual compensation of each member of the board of elections shall be the greater of the following:

(1) The sum of the following:

(a) One hundred two dollars and forty-one cents for each full one thousand of the first one hundred thousand population;

(b) Forty-eight dollars and seventy-nine cents for each full one thousand of the second one hundred thousand population;

(c) Twenty-six dollars and fifty cents for each full one thousand of the third one hundred thousand population;

(d) Eight dollars and thirteen cents for each full one thousand above three hundred thousand population.

(2) Six thousand dollars.

(C) The annual compensation of each member of the board shall be computed after increasing the dollar amounts specified in divisions (B) (1) and (2) of this section as follows:

(1) In calendar year 2019 and in each calendar year thereafter through calendar year 2025, the annual compensation of each member of the board shall be computed after increasing the dollar amounts specified in divisions (B) (1) and (2) of this section by one and three-quarters per cent;

(2) In calendar year 2026 and in each calendar year thereafter through calendar year 2029, by five per cent.

(D) For the purposes of this section, members of boards of elections shall be deemed to be appointed and not elected, and therefore not subject to Section 20 of Article II of the Ohio Constitution.

Sec. 3501.17. (A) The expenses of the board of elections 67945
shall be paid from the county treasury, in pursuance of 67946
appropriations by the board of county commissioners, in the same 67947
manner as other county expenses are paid. If the board of county 67948
commissioners fails to appropriate an amount sufficient to 67949
provide for the necessary and proper expenses of the board of 67950
elections pertaining to the conduct of elections, the board of 67951
elections may apply to the court of common pleas within the 67952
county, which shall fix the amount necessary to be appropriated 67953
and the amount shall be appropriated. Payments shall be made 67954
upon vouchers of the board of elections certified to by its 67955
chairperson or acting chairperson and the director or deputy 67956
director, upon warrants of the county auditor. 67957

The board of elections shall not incur any obligation 67958
involving the expenditure of money unless there are moneys 67959
sufficient in the funds appropriated therefor to meet the 67960
obligation. If the board of elections requests a transfer of 67961
funds from one of its appropriation items to another, the board 67962
of county commissioners shall adopt a resolution providing for 67963
the transfer except as otherwise provided in section 5705.40 of 67964
the Revised Code. The expenses of the board of elections shall 67965
be apportioned among the county and the various subdivisions as 67966
provided in this section, and the amount chargeable to each 67967
subdivision shall be paid as provided in division (J) of this 67968
section or withheld by the county auditor from the moneys 67969
payable thereto at the time of the next tax settlement. At the 67970
time of submitting budget estimates in each year, the board of 67971
elections shall submit to the taxing authority of each 67972
subdivision, upon the request of the subdivision, an estimate of 67973
the amount to be paid or withheld from the subdivision during 67974
the current or next fiscal year. 67975

A board of township trustees may, by resolution, request 67976
that the county auditor withhold expenses charged to the 67977
township from a specified township fund that is to be credited 67978
with revenue at a tax settlement. The resolution shall specify 67979
the tax levy ballot issue, the date of the election on the levy 67980
issue, and the township fund from which the expenses the board 67981
of elections incurs related to that ballot issue shall be 67982
withheld. 67983

(B) Except as otherwise provided in division (F) of this 67984
section, the compensation of the members of the board of 67985
elections and of the director, deputy director, and regular 67986
employees in the board's offices, other than compensation for 67987
overtime worked; the expenditures for the rental, furnishing, 67988
and equipping of the office of the board and for the necessary 67989
office supplies for the use of the board; the expenditures for 67990
the acquisition, repair, care, and custody of the polling 67991
places, booths, guardrails, and other equipment for polling 67992
places; the cost of tally sheets, maps, flags, ballot boxes, and 67993
all other permanent records and equipment; the cost of all 67994
elections held in and for the state and county; and all other 67995
expenses of the board which are not chargeable to a political 67996
subdivision in accordance with this section shall be paid in the 67997
same manner as other county expenses are paid. 67998

(C) The compensation of precinct election officials and 67999
intermittent employees in the board's offices; the cost of 68000
renting, moving, heating, and lighting polling places and of 68001
placing and removing ballot boxes and other fixtures and 68002
equipment thereof, including voting machines, marking devices, 68003
and automatic tabulating equipment; the cost of printing and 68004
delivering ballots, cards of instructions, registration lists 68005
required under section 3503.23 of the Revised Code, and other 68006

election supplies, including the supplies required to comply 68007
with division (H) of section 3506.01 of the Revised Code; the 68008
cost of contractors engaged by the board to prepare, program, 68009
test, and operate voting machines, marking devices, and 68010
automatic tabulating equipment; and all other expenses of 68011
conducting primaries and elections in the odd-numbered years 68012
shall be charged to the subdivisions in and for which such 68013
primaries or elections are held. The charge for each primary or 68014
general election in odd-numbered years for each subdivision 68015
shall be determined in the following manner: first, the total 68016
cost of all chargeable items used in conducting such elections 68017
shall be ascertained; second, the total charge shall be divided 68018
by the number of precincts participating in such election, in 68019
order to fix the cost per precinct; third, the cost per precinct 68020
shall be prorated by the board of elections to the subdivisions 68021
conducting elections for the nomination or election of offices 68022
in such precinct; fourth, the total cost for each subdivision 68023
shall be determined by adding the charges prorated to it in each 68024
precinct within the subdivision. 68025

~~(D) The~~ (D) (1) Except as otherwise provided in division 68026
(D) (2) of this section, the entire cost of special elections 68027
held on a day other than the day of a primary or general 68028
election, both in odd-numbered or in even-numbered years, shall 68029
be charged to the subdivision. Where a special election is held 68030
on the same day as a primary or general election in an even- 68031
numbered year, the subdivision submitting the special election 68032
shall be charged only for the cost of ballots and advertising. 68033
Where a special election is held on the same day as a primary or 68034
general election in an odd-numbered year, the subdivision 68035
submitting the special election shall be charged for the cost of 68036
ballots and advertising for such special election, in addition 68037

to the charges prorated to such subdivision for the election or 68038
nomination of candidates in each precinct within the 68039
subdivision, as set forth in the preceding paragraph. 68040

(2) The entire cost of a local option election held 68041
pursuant to sections 4301.32 to 4301.391 of the Revised Code on 68042
a day other than the day of a primary or general election, both 68043
in odd-numbered or in even-numbered years, or on a day other 68044
than the day of a special election of a political subdivision 68045
seeking to submit a question or issue, a nomination for office, 68046
or an election to office, shall be charged to the petitioner. 68047

(E) Where a special election is held on the day specified 68048
by division (E) of section 3501.01 of the Revised Code for the 68049
holding of a primary election, for the purpose of submitting to 68050
the voters of the state constitutional amendments proposed by 68051
the general assembly, and a subdivision conducts a special 68052
election on the same day, the entire cost of the special 68053
election shall be divided proportionally between the state and 68054
the subdivision based upon a ratio determined by the number of 68055
issues placed on the ballot by each, except as otherwise 68056
provided in division (G) of this section. Such proportional 68057
division of cost shall be made only to the extent funds are 68058
available for such purpose from amounts appropriated by the 68059
general assembly to the secretary of state. If a primary 68060
election is also being conducted in the subdivision, the costs 68061
shall be apportioned as otherwise provided in this section. 68062

(F) When a precinct is open during a general, primary, or 68063
special election solely for the purpose of submitting to the 68064
voters a statewide ballot issue, the state shall bear the entire 68065
cost of the election in that precinct and shall reimburse the 68066
county for all expenses incurred in opening the precinct. 68067

(G) (1) The state shall bear the entire cost of advertising 68068
in newspapers statewide ballot issues, explanations of those 68069
issues, and arguments for or against those issues, as required 68070
by Section 1g of Article II and Section 1 of Article XVI, Ohio 68071
Constitution, and any other section of law. Appropriations made 68072
to the controlling board shall be used to reimburse the 68073
secretary of state for all expenses the secretary of state 68074
incurs for such advertising under division (G) of section 68075
3505.062 of the Revised Code. 68076

(2) There is hereby created in the state treasury the 68077
statewide ballot advertising fund. The fund shall receive 68078
transfers approved by the controlling board, and shall be used 68079
by the secretary of state to pay the costs of advertising state 68080
ballot issues as required under division (G) (1) of this section. 68081
Any such transfers may be requested from and approved by the 68082
controlling board prior to placing the advertising, in order to 68083
facilitate timely provision of the required advertising. 68084

(H) The cost of renting, heating, and lighting 68085
registration places; the cost of the necessary books, forms, and 68086
supplies for the conduct of registration; and the cost of 68087
printing and posting precinct registration lists shall be 68088
charged to the subdivision in which such registration is held. 68089

(I) (1) (a) At the request of a majority of the members of 68090
the board of elections, the board of county commissioners may, 68091
by resolution, establish an elections revenue fund. Except as 68092
otherwise provided in this division and in division (I) (2) of 68093
this section, the purpose of the fund shall be to accumulate 68094
revenue withheld by or paid to the county under this section for 68095
the payment of any expense related to the duties of the board of 68096
elections specified in section 3501.11 of the Revised Code, upon 68097

approval of a majority of the members of the board of elections. 68098
The fund shall not accumulate any revenue withheld by or paid to 68099
the county under this section for the compensation of the 68100
members of the board of elections or of the director, deputy 68101
director, or other regular employees in the board's offices, 68102
other than compensation for overtime worked. 68103

(b) Notwithstanding sections 5705.14, 5705.15, and 5705.16 68104
of the Revised Code, the board of county commissioners may, by 68105
resolution, transfer money to the elections revenue fund from 68106
any other fund of the political subdivision from which such 68107
payments lawfully may be made. Following an affirmative vote of 68108
a majority of the members of the board of elections, the board 68109
of county commissioners may, by resolution, rescind an elections 68110
revenue fund established under this division. If an elections 68111
revenue fund is rescinded, money that has accumulated in the 68112
fund shall be transferred to the county general fund. 68113

(2) (a) The board of county commissioners of a county that 68114
receives a payment from a political subdivision under division 68115
(J) of this section shall, by resolution, establish a special 68116
elections fund. The purpose of the fund shall be to accumulate 68117
revenue paid to the county by political subdivisions under 68118
division (J) of this section for the cost of preparing for and 68119
conducting special elections. 68120

(b) If both of the following apply, the board of county 68121
commissioners may, by resolution, rescind the special elections 68122
fund and transfer any remaining money in the fund to the county 68123
general fund or to the elections revenue fund: 68124

(i) All notifications and payments required under division 68125
(J) (3) of this section have been made. 68126

(ii) The county has not received any payments from 68127
political subdivisions under division (J) (2) of this section for 68128
a future special election. 68129

(J) (1) Not less than fifteen business days before the 68130
deadline for submitting a question or issue for placement on the 68131
ballot at a special election, the board of elections shall 68132
prepare and file with the board of county commissioners and the 68133
office of the secretary of state the estimated cost, based on 68134
the factors enumerated in this section, for preparing for and 68135
conducting an election on one question or issue, one nomination 68136
for office, or one election to office in each precinct in the 68137
county at that special election and shall divide that cost by 68138
the number of registered voters in the county. 68139

(2) The board of elections shall provide to a political 68140
subdivision seeking to submit a question or issue, a nomination 68141
for office, or an election to office for placement on the ballot 68142
at a special election with the estimated cost for preparing for 68143
and conducting that election, which shall be calculated either 68144
by multiplying the number of registered voters in the political 68145
subdivision with the cost calculated under division (J) (1) of 68146
this section or by multiplying the cost per precinct with the 68147
number or precincts in the political subdivision. A political 68148
subdivision submitting a question or issue, a nomination for 68149
office, or an election to office for placement on the ballot at 68150
that special election shall pay to the county special elections 68151
fund sixty-five per cent of the estimated cost of the election 68152
not less than ten business days after the deadline for 68153
submitting a question or issue for placement on the ballot for 68154
that special election. 68155

(3) Not later than sixty days after the date of a special 68156

election, the board of elections shall provide to each political 68157
subdivision the true and accurate cost for the question or 68158
issue, nomination for office, or election to office that the 68159
subdivision submitted to the voters on the special election 68160
ballots. If the board of elections determines that a subdivision 68161
paid less for the cost of preparing and conducting a special 68162
election under division (J) (2) of this section than the actual 68163
cost calculated under this division, the subdivision shall remit 68164
to the county special elections fund the difference between the 68165
payment made under division (J) (2) of this section and the final 68166
cost calculated under this division within thirty days after 68167
being notified of the final cost. If the board of elections 68168
determines that a subdivision paid more for the cost of 68169
preparing and conducting a special election under division (J) 68170
(2) of this section than the actual cost calculated under this 68171
division, the board of elections promptly shall notify the board 68172
of county commissioners of that difference. The board of county 68173
commissioners shall remit from the county special elections fund 68174
to the political subdivision the difference between the payment 68175
made under division (J) (2) of this section and the final cost 68176
calculated under this division within thirty days after 68177
receiving that notification. 68178

(K) As used in this section: 68179

(1) "Political subdivision" and "subdivision" mean any 68180
board of county commissioners, board of township trustees, 68181
legislative authority of a municipal corporation, board of 68182
education, or any other board, commission, district, or 68183
authority that is empowered to levy taxes or permitted to 68184
receive the proceeds of a tax levy, regardless of whether the 68185
entity receives tax settlement moneys as described in division 68186
(A) of this section; 68187

(2) "Statewide ballot issue" means any ballot issue, 68188
whether proposed by the general assembly or by initiative or 68189
referendum, that is submitted to the voters throughout the 68190
state. 68191

Sec. 3501.28. (A) As used in this section: 68192

(1) "Fair Labor Standards Act" or "Act" means the "Fair 68193
Labor Standards Act of 1938," 52 Stat. 1062, 29 U.S.C.A. 201, as 68194
amended. 68195

(2) "Full election day" means the period of time between 68196
the opening of the polls and the completion of the procedures 68197
contained in section 3501.26 of the Revised Code. 68198

(3) "Services" means services at each general, primary, or 68199
special election. 68200

(B) Beginning with calendar year 2004, each precinct 68201
election official in a county shall be paid for the official's 68202
services at the same hourly rate, which shall be not less than 68203
the minimum hourly rate established by the Fair Labor Standards 68204
Act and not more than ninety-five dollars per diem. 68205

(C) The secretary of state shall establish, by rule 68206
adopted under section 111.15 of the Revised Code, the maximum 68207
amount of per diem compensation that may be paid to precinct 68208
election officials under this section each time the Fair Labor 68209
Standards Act is amended to increase the minimum hourly rate 68210
established by the act. Upon learning of such an increase, the 68211
secretary of state shall determine by what percentage the 68212
minimum hourly rate has been increased under the act and 68213
establish a new maximum amount of per diem compensation that 68214
precinct election officials may be paid under this section that 68215
is increased by the same percentage that the minimum hourly rate 68216

has been increased under the act. 68217

(D) (1) (a) No board of elections shall increase the pay of 68218
a precinct election official under this section during a 68219
calendar year unless the board has given written notice of the 68220
proposed increase to the board of county commissioners not later 68221
than the first day of October of the preceding calendar year. 68222

(b) Except as otherwise provided in division (D) (2) of 68223
this section, a board of elections may increase the pay of a 68224
precinct election official during a calendar year by up to, but 68225
not exceeding, nine per cent over the compensation paid to a 68226
precinct election official in the county where the board is 68227
located during the previous calendar year, if the compensation 68228
so paid during the previous calendar year was eighty-five 68229
dollars or less per diem. 68230

(c) Except as otherwise provided in division (D) (2) of 68231
this section, a board of elections may increase the pay of a 68232
precinct election official during a calendar year by up to, but 68233
not exceeding, four and one-half per cent over the compensation 68234
paid to a precinct election official in the county where the 68235
board is located during the previous calendar year, if the 68236
compensation so paid during the previous calendar year was more 68237
than eighty-five but less than ninety-five dollars per diem. 68238

(2) The board of county commissioners may review and 68239
comment upon a proposed increase and may enter into a written 68240
agreement with a board of elections to permit an increase in the 68241
compensation paid to precinct election officials for their 68242
services during a calendar year that is greater than the 68243
applicable percentage limitation described in division ~~(E) (1) (b)~~ 68244
(D) (1) (b) or (c) of this section. 68245

(E) No precinct election official who works less than the full election day shall be paid the maximum amount allowed under this section or the maximum amount as set by the board of elections, whichever is less.

(F) (1) Except as otherwise provided in divisions (F) (4) to (6) of this section, any employee of the state or of any political subdivision of the state may serve as a precinct election official on the day of an election without loss of the employee's regular compensation for that day as follows:

(a) For employees of a county office, department, commission, board, or other entity, or of a court of common pleas, county court, or county-operated municipal court, as defined in section 1901.03 of the Revised Code, the employee's appointing authority may permit leave with pay for this service in accordance with a resolution setting forth the terms and conditions for that leave passed by the board of county commissioners.

(b) For all other employees of a political subdivision of the state, leave with pay for this service shall be subject to the terms and conditions set forth in an ordinance or a resolution passed by the legislative authority of the applicable political subdivision.

(c) For state employees, leave with pay for this service shall be subject to the terms and conditions set forth by the head of the state agency, as defined in section 1.60 of the Revised Code, by which the person is employed.

(2) Any terms and conditions set forth by a board of county commissioners, legislative authority of a political subdivision, or head of a state agency under division ~~(G) (1)~~ (F)

(1) of this section shall include a standard procedure for 68275
deciding which employees are permitted to receive leave with pay 68276
if multiple employees of an entity or court described in 68277
division ~~(G) (1) (a)~~ (F) (1) (a) of this section, of an entity of a 68278
political subdivision described in division ~~(G) (1) (b)~~ (F) (1) (b) 68279
of this section, or of a state agency as defined in section 1.60 68280
of the Revised Code apply to serve as a precinct election 68281
official on the day of an election. This procedure shall be 68282
applied uniformly to all similarly situated employees. 68283

(3) Any employee who is eligible for leave with pay under 68284
division ~~(G) (1)~~ (F) (1) of this section shall receive, in addition 68285
to the employee's regular compensation, the compensation paid to 68286
the precinct election official under division (B) or (C) of this 68287
section. 68288

(4) Division (F) (1) of this section does not apply to 68289
either of the following: 68290

(a) Election officials; 68291

(b) Public school teachers. 68292

(5) Nothing in division (F) (1) of this section supersedes 68293
or negates any provision of a collective bargaining agreement in 68294
effect under Chapter 4117. of the Revised Code. 68295

(6) If a board of county commissioners, legislative 68296
authority of a political subdivision, or head of a state agency 68297
fails to set forth any terms and conditions under division (F) 68298
(1) of this section, an employee of an entity or court described 68299
in division (F) (1) (a) of this section, of an entity of a 68300
political subdivision described in division (F) (1) (b) of this 68301
section, or of a state agency as defined in section 1.60 of the 68302
Revised Code may use personal leave, vacation leave, or 68303

compensatory time, or take unpaid leave, to serve as a precinct
election official on the day of an election. 68304
68305

(G) The board of elections may withhold the compensation 68306
of any precinct election official for failure to obey the 68307
instructions of the board or to comply with the law relating to 68308
the duties of a precinct election official. Any payment a 68309
precinct election official is entitled to receive under section 68310
3501.36 of the Revised Code is in addition to the compensation 68311
the official is entitled to receive under this section. 68312

Sec. 3505.03. (A) On the office type ballot shall be 68313
printed the names of all candidates for election to offices, 68314
except the office of judge of a municipal court, county court, 68315
or court of common pleas, who were nominated at the most recent 68316
primary election as candidates of a political party or who were 68317
nominated in accordance with section 3513.02 of the Revised 68318
Code, and the names of all candidates for election to offices 68319
who were nominated by nominating petitions, except candidates 68320
for the office of judge of a municipal court, county court, or 68321
court of common pleas, ~~for member of the state board of~~ 68322
~~education, for member of a board of education,~~ for municipal 68323
offices, and for township offices. 68324

(B) The face of the ballot below the stub shall be 68325
substantially in the following form: 68326

"OFFICIAL OFFICE TYPE BALLOT 68327

(1) To vote for a candidate record your vote in the manner 68328
provided next to the name of such candidate. 68329

(2) If you tear, soil, deface, or erroneously mark this 68330
ballot, return it to the precinct election officers or, if you 68331
cannot return it, notify the precinct election officers, and 68332

obtain another ballot." 68333

(C) The order in which the offices shall be listed on the 68334
ballot shall be prescribed by, and certified to each board of 68335
elections by, the secretary of state; provided that for state, 68336
district, and county offices the order from top to bottom shall 68337
be as follows: governor and lieutenant governor, attorney 68338
general, auditor of state, secretary of state, treasurer of 68339
state, chief justice of the supreme court, justice of the 68340
supreme court, United States senator, representative to 68341
congress, state senator, state representative, judge of a court 68342
of appeals, member of the state board of education, member of a 68343
board of education, county commissioner, county auditor, 68344
prosecuting attorney, clerk of the court of common pleas, 68345
sheriff, county recorder, county treasurer, county engineer, and 68346
coroner. The offices of governor and lieutenant governor shall 68347
be printed on the ballot in a manner that requires a voter to 68348
cast one vote jointly for the candidates who have been nominated 68349
by the same political party or petition. 68350

(D) Within the rectangular space within which the title of 68351
each judicial office listed in division (C) of this section is 68352
printed on the ballot and immediately below the title shall be 68353
printed the date of the commencement of the term of the office, 68354
if it is a full term, as follows: "Full term commencing 68355
_____ (Date) _____," or the date of the end of the term of the 68356
office, if it is an unexpired term, as follows: "Unexpired term 68357
ending _____ (Date) _____" 68358

(E) (1) The names of all candidates for an office shall be 68359
arranged in a group under the title of that office, and, except 68360
for absentee ballots or when the number of candidates for a 68361
particular office is the same as the number of candidates to be 68362

elected for that office, shall be rotated from one precinct to 68363
another. On absentee ballots, the names of all candidates for an 68364
office shall be arranged in a group under the title of that 68365
office and shall be so alternated that each name shall appear, 68366
insofar as may be reasonably possible, substantially an equal 68367
number of times at the beginning, at the end, and in each 68368
intermediate place, if any, of the group in which such name 68369
belongs, unless the number of candidates for a particular office 68370
is the same as the number of candidates to be elected for that 68371
office. 68372

(2) The secretary of state shall prescribe the information 68373
and directions to the voter to be printed on the ballot within 68374
the rectangular space in which the title of office of member of 68375
the state board of education appears. 68376

(3) Within the rectangular space within which the title of 68377
each office for member of a board of education is printed on the 68378
ballot shall be printed "For Member of Board of Education," and 68379
the number to be elected, directions to the voter as to voting 68380
for one, two, or more, and, if the office to be voted for is 68381
member of a board of education of a city school district, words 68382
shall be printed in said space on the ballot to indicate whether 68383
candidates are to be elected from subdistricts or at large. 68384

(4) The method of printing the ballots to meet the 68385
rotation requirement of this section shall be as follows: the 68386
least common multiple of the number of names in each of the 68387
several groups of candidates shall be used, and the number of 68388
changes made in the printer's forms in printing the ballots 68389
shall correspond with that multiple. The board of elections 68390
shall number all precincts in regular serial sequence. In the 68391
first precinct, the names of the candidates in each group shall 68392

be listed in alphabetical order. In each succeeding precinct, 68393
the name in each group that is listed first in the preceding 68394
precinct shall be listed last, and the name of each candidate 68395
shall be moved up one place. In each precinct using paper 68396
ballots, the printed ballots shall then be assembled in tablets. 68397

(F) Under the name of each candidate nominated at a 68398
primary election, nominated by petition under section 3517.012 68399
of the Revised Code, or certified by a party committee to fill a 68400
vacancy under section 3513.31 of the Revised Code shall be 68401
printed, in less prominent type face than that in which the 68402
candidate's name is printed, the name of the political party by 68403
which the candidate was nominated or certified. Under the name 68404
of each candidate appearing on the ballot who filed a nominating 68405
petition and requested a ballot designation as a nonparty 68406
candidate under section 3513.257 of the Revised Code shall be 68407
printed, in less prominent type face than that in which the 68408
candidate's name is printed, the designation of "nonparty 68409
candidate." Under the name of each candidate appearing on the 68410
ballot who filed a nominating petition and requested a ballot 68411
designation as an other-party candidate under section 3513.257 68412
of the Revised Code shall be printed, in less prominent type 68413
face than that in which the candidate's name is printed, the 68414
designation of "other-party candidate." No designation shall 68415
appear under the name of a candidate appearing on the ballot who 68416
filed a nominating petition and requested that no ballot 68417
designation appear under the candidate's name under section 68418
3513.257 of the Revised Code, or who filed a nominating petition 68419
and failed to request a ballot designation either as a nonparty 68420
candidate or as an other-party candidate under that section. 68421

(G) Except as provided in this section, no words, 68422
designations, or emblems descriptive of a candidate or the 68423

candidate's political affiliation, or indicative of the method 68424
by which the candidate was nominated or certified, shall be 68425
printed under or after a candidate's name that is printed on the 68426
ballot. 68427

Sec. 3505.04. On the nonpartisan ballot shall be printed 68428
the names of all nonpartisan candidates for election to the 68429
office of judge of a municipal court, county court, or court of 68430
common pleas, ~~the office of member of the state board of~~ 68431
~~education, the office of member of a board of education,~~ 68432
municipal or township offices for municipal corporations and 68433
townships in which primary elections are not held for nomination 68434
of candidates by political parties, and municipal offices of 68435
municipal corporations having charters which provide for 68436
separate ballots for elections for such municipal offices. 68437

Such ballots shall have printed across the top, and below 68438
the stubs, "Official Nonpartisan Ballot." 68439

The order in which the offices are listed on the ballot 68440
shall be prescribed by, and certified to each board of elections 68441
by, the secretary of state; provided that ~~the office of member~~ 68442
~~of the state board of education~~ county judicial offices shall be 68443
listed first on the ballot, ~~then county judicial offices,~~ 68444
followed by municipal and township offices, ~~and by offices of~~ 68445
~~member of a board of education,~~ in the order stated. 68446

Within the rectangular space within which the title of 68447
each judicial office is printed on the ballot and immediately 68448
below such title shall be printed the date of the commencement 68449
of the term of the office, if a full term, as follows: "Full 68450
term commencing _____ (Date) _____," or the date of the end of 68451
the term of the office, if an unexpired term, as follows: 68452
"Unexpired term ending _____ (Date) _____" 68453

~~The secretary of state shall prescribe the information and directions to the voter to be printed on the ballot within the rectangular space in which the title of office of member of the state board of education appears.~~ 68454
68455
68456
68457

~~Within the rectangular space within which the title of each office for member of a board of education is printed on the ballot shall be printed "For Member of Board of Education," and the number to be elected, directions to the voter as to voting for one, two, or more, and, if the office to be voted for is member of a board of education of a city school district, words shall be printed in said space on the ballot to indicate whether candidates are to be elected from subdistricts or at large.~~ 68458
68459
68460
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The names of all nonpartisan candidates for an office shall be arranged in a group under the title of that office, and shall be rotated and printed on the ballot as provided in section 3505.03 of the Revised Code. 68466
68467
68468
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No name or designation of any political party nor any words, designations, or emblems descriptive of a candidate or the candidate's political affiliation, or indicative of the method by which such candidate was nominated or certified, shall be printed under or after any nonpartisan candidate's name which is printed on the ballot. 68470
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Sec. 3505.06. (A) On the questions and issues ballot shall be printed all questions and issues to be submitted at any one election together with the percentage of affirmative votes necessary for passage as required by law. Such ballot shall have printed across the top thereof, and below the stubs, "Official Questions and Issues Ballot." 68476
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68478
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(B) (1) Questions and issues shall be grouped together on 68482

the ballot from top to bottom as provided in division (B) (1) of 68483
this section, except as otherwise provided in division (B) (2) of 68484
this section. State questions and issues shall always appear as 68485
the top group of questions and issues. In calendar year 1997, 68486
the following questions and issues shall be grouped together on 68487
the ballot, in the following order from top to bottom, after the 68488
state questions and issues: 68489

(a) County questions and issues; 68490

(b) Municipal questions and issues; 68491

(c) Township questions and issues; 68492

(d) School or other district questions and issues. 68493

In each succeeding calendar year after 1997, each group of 68494
questions and issues described in division (B) (1) (a) to (d) of 68495
this section shall be moved down one place on the ballot except 68496
that the group that was last on the ballot during the 68497
immediately preceding calendar year shall appear at the top of 68498
the ballot after the state questions and issues. The rotation 68499
shall be performed only once each calendar year, beginning with 68500
the first election held during the calendar year. The rotation 68501
of groups of questions and issues shall be performed during each 68502
calendar year as required by division (B) (1) of this section, 68503
even if no questions and issues from any one or more such groups 68504
appear on the ballot at any particular election held during that 68505
calendar year. 68506

(2) Questions and issues shall be grouped together on the 68507
ballot, from top to bottom, in the following order when it is 68508
not practicable to group them together as required by division 68509
(B) (1) of this section because of the type of voting machines 68510
used by the board of elections: state questions and issues, 68511

county questions and issues, municipal questions and issues, 68512
township questions and issues, and school or other district 68513
questions and issues. The particular order in which each of a 68514
group of state questions or issues is placed on the ballot shall 68515
be determined by, and certified to each board of elections by, 68516
the secretary of state. 68517

(3) Failure of the board of elections to rotate questions 68518
and issues as required by division (B) (1) of this section does 68519
not affect the validity of the election at which the failure 68520
occurred, and is not grounds for contesting an election under 68521
section 3515.08 of the Revised Code. 68522

(C) The particular order in which each of a group of 68523
county, municipal, township, or school district questions or 68524
issues is placed on the ballot shall be determined by the board 68525
providing the ballots. 68526

(D) The printed matter pertaining to each question or 68527
issue on the ballot shall be enclosed at the top and bottom 68528
thereof by a heavy horizontal line across the width of the 68529
ballot. Immediately below such top line shall be printed a brief 68530
title descriptive of the question or issue below it, such as 68531
"Proposed Constitutional Amendment," "Proposed Bond Issue," 68532
"Proposed Annexation of Territory," "Proposed Increase in Tax 68533
Rate," or such other brief title as will be descriptive of the 68534
question or issue to which it pertains, together with a brief 68535
statement of the percentage of affirmative votes necessary for 68536
passage, such as "A sixty-five per cent affirmative vote is 68537
necessary for passage," "A majority vote is necessary for 68538
passage," or such other brief statement as will be descriptive 68539
of the percentage of affirmative votes required. 68540

(E) The questions and issues ballot need not contain the 68541

full text of the proposal to be voted upon. A condensed text 68542
that will properly describe the question, issue, or an amendment 68543
proposed by other than the general assembly shall be used as 68544
prepared and certified by the secretary of state for state-wide 68545
questions or issues or by the board for local questions or 68546
issues. If other than a full text is used, the full text of the 68547
proposed question, issue, or amendment together with the 68548
percentage of affirmative votes necessary for passage as 68549
required by law shall be posted in each polling place in some 68550
spot that is easily accessible to the voters. 68551

(F) (1) Except as otherwise provided in division (F) (2) of 68552
this section, each question and issue appearing on the questions 68553
and issues ballot may be consecutively numbered. The question or 68554
issue determined to appear at the top of the ballot may be 68555
designated on the face thereof by the Arabic numeral "1" and all 68556
questions and issues placed below on the ballot shall be 68557
consecutively numbered. Such numeral shall be placed below the 68558
heavy top horizontal line enclosing such question or issue and 68559
to the left of the brief title thereof. 68560

(2) Beginning with the general election to be held on 68561
November 5, 2024, a state question or issue determined to appear 68562
at the top of the ballot shall be designated on the face thereof 68563
by the Arabic numeral "1" and all state questions and issues 68564
placed below on the ballot shall be consecutively numbered. For 68565
elections occurring after the general election held on November 68566
5, 2024, a state question or issue determined to appear at the 68567
top of the ballot shall be designated on the face thereof by the 68568
Arabic numeral that is consecutive to the Arabic numeral of the 68569
last state question or issue that appeared on the ballot at the 68570
immediately preceding election at which a state question or 68571
issue appeared on the ballot and all state questions or issues 68572

placed below on the ballot shall be consecutively numbered. Such 68573
numeral shall be placed below the heavy top horizontal line 68574
enclosing such question or issue and to the left of the brief 68575
title thereof. Once a state question or issue appears on the 68576
ballot designated by the Arabic numeral "500," the state 68577
question or issue appearing at the top of the ballot at the 68578
immediately following election at which a state question or 68579
issue appears on the ballot shall be designated by the Arabic 68580
numeral "1." 68581

(G) No portion of a ballot question proposing to levy a 68582
property tax in excess of the ten-mill limitation under any 68583
section of the Revised Code, including the renewal ~~or~~ 68584
~~replacement~~ of such a levy, may be printed in boldface type or 68585
in a font size that is different from the font size of other 68586
text in the ballot question. The prohibitions in division (G) of 68587
this section do not apply to printed matter either described in 68588
division (D) of this section related to such a ballot question 68589
or located in the area of the ballot in which votes are 68590
indicated for or against that question. 68591

Sec. 3513.04. Candidates for party nominations to state, 68592
district, county, and municipal offices or positions, for which 68593
party nominations are provided by law, and for election as 68594
members of party controlling committees shall have their names 68595
printed on the official primary ballot by filing a declaration 68596
of candidacy and paying the fees specified for the office under 68597
divisions (A) and (B) of section 3513.10 of the Revised Code, 68598
except that the joint candidates for party nomination to the 68599
offices of governor and lieutenant governor shall, for the two 68600
of them, file one declaration of candidacy. The joint candidates 68601
also shall pay the fees specified for the joint candidates under 68602
divisions (A) and (B) of section 3513.10 of the Revised Code. 68603

The secretary of state shall not accept for filing the 68604
declaration of candidacy of a candidate for party nomination to 68605
the office of governor unless the declaration of candidacy also 68606
shows a joint candidate for the same party's nomination to the 68607
office of lieutenant governor, shall not accept for filing the 68608
declaration of candidacy of a candidate for party nomination to 68609
the office of lieutenant governor unless the declaration of 68610
candidacy also shows a joint candidate for the same party's 68611
nomination to the office of governor, and shall not accept for 68612
filing a declaration of candidacy that shows a candidate for 68613
party nomination to the office of governor or lieutenant 68614
governor who, for the same election, has already filed a 68615
declaration of candidacy or a declaration of intent to be a 68616
write-in candidate, or has become a candidate by the filling of 68617
a vacancy under section 3513.30 of the Revised Code for any 68618
other state office or any federal or county office. 68619

No person who seeks party nomination for an office or 68620
position at a primary election by declaration of candidacy or by 68621
declaration of intent to be a write-in candidate and no person 68622
who is a first choice for president of candidates seeking 68623
election as delegates and alternates to the national conventions 68624
of the different major political parties who are chosen by 68625
direct vote of the electors as provided in this chapter shall be 68626
permitted to become a candidate by nominating petition, 68627
including a nominating petition filed under section 3517.012 of 68628
the Revised Code, by declaration of intent to be a write-in 68629
candidate, or by filling a vacancy under section 3513.31 of the 68630
Revised Code at the following general election for any office 68631
other than the ~~office of member of the state board of education,~~ 68632
~~office of member of a city, local, or exempted village board of~~ 68633
~~education, office of member of a governing board of an~~ 68634

~~educational service center, or office of township trustee.~~ 68635

Sec. 3513.05. (A) Each person desiring to become a 68636
candidate for a party nomination at a primary election or for 68637
election to an office or position to be voted for at a primary 68638
election, except persons desiring to become joint candidates for 68639
the offices of governor and lieutenant governor and except as 68640
otherwise provided in section 3513.051 of the Revised Code, 68641
shall, not later than four p.m. of the ninetieth day before the 68642
day of the primary election, file a declaration of candidacy and 68643
petition and pay the fees required under divisions (A) and (B) 68644
of section 3513.10 of the Revised Code. The declaration of 68645
candidacy and all separate petition papers shall be filed at the 68646
same time as one instrument. When the offices are to be voted 68647
for at a primary election, persons desiring to become joint 68648
candidates for the offices of governor and lieutenant governor 68649
shall, not later than four p.m. of the ninetieth day before the 68650
day of the primary election, comply with section 3513.04 of the 68651
Revised Code. The prospective joint candidates' declaration of 68652
candidacy and all separate petition papers of candidacies shall 68653
be filed at the same time as one instrument. The secretary of 68654
state or a board of elections shall not accept for filing a 68655
declaration of candidacy and petition of a person seeking to 68656
become a candidate if that person, for the same election, has 68657
already filed a declaration of candidacy or a declaration of 68658
intent to be a write-in candidate, or has become a candidate by 68659
the filling of a vacancy under section 3513.30 of the Revised 68660
Code for any federal, state, or county office, if the 68661
declaration of candidacy is for a state or county office, or for 68662
any municipal or township office, if the declaration of 68663
candidacy is for a municipal or township office. 68664

(B) If the declaration of candidacy declares a candidacy 68665

which is to be submitted to electors throughout the entire state, the petition, including a petition for joint candidates for the offices of governor and lieutenant governor, shall be signed by at least one thousand qualified electors who are members of the same political party as the candidate or joint candidates, and the declaration of candidacy and petition shall be filed with the secretary of state; provided that the secretary of state shall not accept or file any such petition appearing on its face to contain signatures of more than three thousand electors.

(C) (1) Except as otherwise provided in this ~~paragraph~~ section, if the declaration of candidacy is of one that is to be submitted only to electors within a district, political subdivision, or portion thereof, the petition shall be signed by not less than fifty qualified electors who are members of the same political party as the political party of which the candidate is a member. ~~If~~

(2) If the declaration of candidacy is for party nomination as a candidate for ~~member of the legislative authority of a municipal corporation elected by ward~~ any of the following, the petition shall be signed by not less than twenty-five qualified electors who are members of the political party of which the candidate is a member:

(a) Member of the legislative authority of a municipal corporation elected by ward;

(b) Member of a local or exempted village board of education;

(c) Member of a board of education of a city school district having a population of less than twenty thousand, as

determined by the most recent federal decennial census. 68695

(D) No such petition, except the petition for a candidacy 68696
that is to be submitted to electors throughout the entire state, 68697
shall be accepted for filing if it appears to contain on its 68698
face signatures of more than three times the minimum number of 68699
signatures. When a petition of a candidate has been accepted for 68700
filing by a board of elections, the petition shall not be deemed 68701
invalid if, upon verification of signatures contained in the 68702
petition, the board of elections finds the number of signatures 68703
accepted exceeds three times the minimum number of signatures 68704
required. A board of elections may discontinue verifying 68705
signatures on petitions when the number of verified signatures 68706
equals the minimum required number of qualified signatures. 68707

(E) If the declaration of candidacy declares a candidacy 68708
for party nomination or for election as a candidate of a minor 68709
party, the minimum number of signatures on such petition is one- 68710
half the minimum number provided in this section, except that, 68711
when the candidacy is one for election as a member of the state 68712
central committee or the county central committee of a political 68713
party, the minimum number shall be the same for a minor party as 68714
for a major party. 68715

(F) If a declaration of candidacy is one for election as a 68716
member of the state central committee or the county central 68717
committee of a political party, the petition shall be signed by 68718
five qualified electors of the district, county, ward, township, 68719
or precinct within which electors may vote for such candidate. 68720
The electors signing such petition shall be members of the same 68721
political party as the political party of which the candidate is 68722
a member. 68723

(G) For purposes of signing or circulating a petition of 68724

candidacy for party nomination or election, an elector is 68725
considered to be a member of a political party if the elector 68726
voted in that party's primary election within the preceding two 68727
calendar years, or if the elector did not vote in any other 68728
party's primary election within the preceding two calendar 68729
years. 68730

(H) If the declaration of candidacy is of one that is to 68731
be submitted only to electors within a county, or within a 68732
district or subdivision or part thereof smaller than a county, 68733
the petition shall be filed with the board of elections of the 68734
county. If the declaration of candidacy is of one that is to be 68735
submitted only to electors of a district or subdivision or part 68736
thereof that is situated in more than one county, the petition 68737
shall be filed with the board of elections of the county within 68738
which the major portion of the population thereof, as 68739
ascertained by the next preceding federal census, is located. 68740

(I) A petition shall consist of separate petition papers, 68741
each of which shall contain signatures of electors of only one 68742
county. Petitions or separate petition papers containing 68743
signatures of electors of more than one county shall not thereby 68744
be declared invalid. In case petitions or separate petition 68745
papers containing signatures of electors of more than one county 68746
are filed, the board shall determine the county from which the 68747
majority of signatures came, and only signatures from such 68748
county shall be counted. Signatures from any other county shall 68749
be invalid. 68750

(J) Each separate petition paper shall be circulated by 68751
one person only, who shall be the candidate or a joint candidate 68752
or a member of the same political party as the candidate or 68753
joint candidates, and each separate petition paper shall be 68754

governed by the rules set forth in section 3501.38 of the Revised Code.

(K) The secretary of state shall promptly transmit to each board such separate petition papers of each petition accompanying a declaration of candidacy filed with the secretary of state as purport to contain signatures of electors of the county of such board. The board of the most populous county of a district shall promptly transmit to each board within such district such separate petition papers of each petition accompanying a declaration of candidacy filed with it as purport to contain signatures of electors of the county of each such board. The board of a county within which the major portion of the population of a subdivision, situated in more than one county, is located, shall promptly transmit to the board of each other county within which a portion of such subdivision is located such separate petition papers of each petition accompanying a declaration of candidacy filed with it as purport to contain signatures of electors of the portion of such subdivision in the county of each such board.

(L) All petition papers so transmitted to a board and all petitions accompanying declarations of candidacy filed with a board shall, under proper regulations, be open to public inspection until four p.m. of the eightieth day before the day of the next primary election. Each board shall, not later than the seventy-eighth day before the day of that primary election, examine and determine the validity or invalidity of the signatures on the petition papers so transmitted to or filed with it and shall return to the secretary of state all petition papers transmitted to it by the secretary of state, together with its certification of its determination as to the validity or invalidity of signatures thereon, and shall return to each

other board all petition papers transmitted to it by such board, 68786
together with its certification of its determination as to the 68787
validity or invalidity of the signatures thereon. All other 68788
matters affecting the validity or invalidity of such petition 68789
papers shall be determined by the secretary of state or the 68790
board with whom such petition papers were filed. 68791

(M) (1) Protests against the candidacy of any person filing 68792
a declaration of candidacy for party nomination or for election 68793
to an office or position, as provided in this section, may be 68794
filed by any qualified elector who is a member of the same 68795
political party as the candidate and who is eligible to vote at 68796
the primary election for the candidate whose declaration of 68797
candidacy the elector objects to, or by the controlling 68798
committee of that political party. The protest shall be in 68799
writing, and shall be filed not later than four p.m. of the 68800
seventy-fourth day before the day of the primary election. The 68801
protest shall be filed with the election officials with whom the 68802
declaration of candidacy and petition was filed. Upon the filing 68803
of the protest, the election officials with whom it is filed 68804
shall promptly fix the time for hearing it, and shall forthwith 68805
mail notice of the filing of the protest and the time fixed for 68806
hearing to the person whose candidacy is so protested. They 68807
shall also forthwith mail notice of the time fixed for such 68808
hearing to the person who filed the protest. At the time fixed, 68809
such election officials shall hear the protest and determine the 68810
validity or invalidity of the declaration of candidacy and 68811
petition. If they find that such candidate is not an elector of 68812
the state, district, county, or political subdivision in which 68813
the candidate seeks a party nomination or election to an office 68814
or position, or has not fully complied with this chapter, the 68815
candidate's declaration of candidacy and petition shall be 68816

determined to be invalid and shall be rejected; otherwise, it shall be determined to be valid. That determination shall be final.

(2) A protest against the candidacy of any persons filing a declaration of candidacy for joint party nomination to the offices of governor and lieutenant governor shall be filed, heard, and determined in the same manner as a protest against the candidacy of any person filing a declaration of candidacy singly.

(N) (1) The secretary of state shall, on the seventieth day before the day of a primary election, certify to each board in the state the forms of the official ballots to be used at the primary election, together with the names of the candidates to be printed on the ballots whose nomination or election is to be determined by electors throughout the entire state and who filed valid declarations of candidacy and petitions.

(2) The board of the most populous county in a district comprised of more than one county but less than all of the counties of the state shall, on the seventieth day before the day of a primary election, certify to the board of each county in the district the names of the candidates to be printed on the official ballots to be used at the primary election, whose nomination or election is to be determined only by electors within the district and who filed valid declarations of candidacy and petitions.

(3) The board of a county within which the major portion of the population of a subdivision smaller than the county and situated in more than one county is located shall, on the seventieth day before the day of a primary election, certify to the board of each county in which a portion of that subdivision

is located the names of the candidates to be printed on the 68847
official ballots to be used at the primary election, whose 68848
nomination or election is to be determined only by electors 68849
within that subdivision and who filed valid declarations of 68850
candidacy and petitions. 68851

Sec. 3513.052. (A) No person shall seek nomination or 68852
election to any of the following offices or positions at the 68853
same election by filing a declaration of candidacy and petition, 68854
a declaration of intent to be a write-in candidate, or a 68855
nominating petition, or by becoming a candidate through party 68856
nomination in a primary election, or by the filling of a vacancy 68857
under section 3513.30 or 3513.31 of the Revised Code: 68858

(1) Two or more state offices; 68859

(2) Two or more county offices; 68860

(3) A state office and a county office; 68861

(4) A federal office and a state or county office; 68862

(5) Any combination of two or more municipal or township 68863
offices, positions as a member of a city, local, or exempted 68864
village board of education, or positions as a member of a 68865
governing board of an educational service center. 68866

(B) The secretary of state or a board of elections shall 68867
not accept for filing a declaration of candidacy and petition, a 68868
declaration of intent to be a write-in candidate, or a 68869
nominating petition of a person seeking to become a candidate if 68870
that person, for the same election, has already filed a 68871
declaration of candidacy, a declaration of intent to be a write- 68872
in candidate, or a nominating petition, or has become a 68873
candidate through party nomination at a primary election or by 68874
the filling of a vacancy under section 3513.30 or 3513.31 of the 68875

Revised Code for: 68876

(1) Any federal, state, or county office, if the 68877
declaration of candidacy, declaration of intent to be a write-in 68878
candidate, or nominating petition is for a state or county 68879
office; 68880

(2) Any municipal or township office, or for member of a 68881
city, local, or exempted village board of education, or for 68882
member of a governing board of an educational service center, if 68883
the declaration of candidacy, declaration of intent to be a 68884
write-in candidate, or nominating petition is for a municipal or 68885
township office, or for member of a city, local, or exempted 68886
village board of education, or for member of a governing board 68887
of an educational service center. 68888

(C) (1) If the secretary of state determines, before the 68889
day of the primary election, that a person is seeking nomination 68890
to more than one office at that election in violation of 68891
division (A) of this section, the secretary of state shall do 68892
one of the following: 68893

(a) If each office or the district for each office for 68894
which the person is seeking nomination is wholly within a single 68895
county and none of those offices is a federal office, the 68896
secretary of state shall notify the board of elections of that 68897
county. The board then shall determine the date on which the 68898
person first sought to become a candidate for each of those 68899
offices by filing a declaration of candidacy or a declaration of 68900
intent to be a write-in candidate or by the filling of a vacancy 68901
under section 3513.30 of the Revised Code. The board shall vote 68902
promptly to disqualify that person as a candidate for each 68903
office for which the person sought to become a candidate after 68904
the date on which the person first sought to become a candidate 68905

for any of those offices. If the board determines that the person sought to become a candidate for more than one of those offices on the same date, the board shall vote promptly to disqualify that person as a candidate for each office that would be listed on the ballot below the highest office for which that person seeks nomination, according to the ballot order prescribed under section 3505.03 of the Revised Code.

(b) If one or more of the offices for which the person is seeking nomination is a state office or an office with a district larger than a single county and none of the offices for which the person is seeking nomination is a federal office, the secretary of state shall determine the date on which the person first sought to become a candidate for each of those offices by filing a declaration of candidacy or a declaration of intent to be a write-in candidate or by the filling of a vacancy under section 3513.30 of the Revised Code. The secretary of state shall order the board of elections of each county in which the person is seeking to appear on the ballot to disqualify that person as a candidate for each office for which the person sought to become a candidate after the date on which the person first sought to become a candidate for any of those offices. If the secretary of state determines that the person sought to become a candidate for more than one of those offices on the same date, the secretary of state shall order the board of elections of each county in which the person is seeking to appear on the ballot to disqualify that person as a candidate for each office that would be listed on the ballot below the highest office for which that person seeks nomination, according to the ballot order prescribed under section 3505.03 of the Revised Code. Each board of elections so notified shall vote promptly to disqualify the person as a candidate in accordance

with the order of the secretary of state. 68937

(c) If each office or the district for each office for 68938
which the person is seeking nomination is wholly within a single 68939
county and any of those offices is a federal office, the 68940
secretary of state shall notify the board of elections of that 68941
county. The board then shall vote promptly to disqualify that 68942
person as a candidate for each office that is not a federal 68943
office. 68944

(d) If one or more of the offices for which the person is 68945
seeking nomination is a state office and any of the offices for 68946
which the person is seeking nomination is a federal office, the 68947
secretary of state shall order the board of elections of each 68948
county in which the person is seeking to appear on the ballot to 68949
disqualify that person as a candidate for each office that is 68950
not a federal office. Each board of elections so notified shall 68951
vote promptly to disqualify the person as a candidate in 68952
accordance with the order of the secretary of state. 68953

(2) If a board of elections determines, before the day of 68954
the primary election, that a person is seeking nomination to 68955
more than one office at that election in violation of division 68956
(A) of this section, the board shall do one of the following: 68957

(a) If each office or the district for each office for 68958
which the person is seeking nomination is wholly within that 68959
county and none of those offices is a federal office, the board 68960
shall determine the date on which the person first sought to 68961
become a candidate for each of those offices by filing a 68962
declaration of candidacy or a declaration of intent to be a 68963
write-in candidate or by the filling of a vacancy under section 68964
3513.30 of the Revised Code. The board shall vote promptly to 68965
disqualify that person as a candidate for each office for which 68966

the person sought to become a candidate after the date on which 68967
the person first sought to become a candidate for any of those 68968
offices. If the board determines that the person sought to 68969
become a candidate for more than one of those offices on the 68970
same date, the board shall vote promptly to disqualify that 68971
person as a candidate for each office that would be listed on 68972
the ballot below the highest office for which that person seeks 68973
nomination, according to the ballot order prescribed under 68974
section 3505.03 of the Revised Code. 68975

(b) If one or more of the offices for which the person is 68976
seeking nomination is a state office or an office with a 68977
district larger than a single county and none of the offices for 68978
which the person is seeking nomination is a federal office, the 68979
board shall notify the secretary of state. The secretary of 68980
state then shall determine the date on which the person first 68981
sought to become a candidate for each of those offices by filing 68982
a declaration of candidacy or a declaration of intent to be a 68983
write-in candidate or by the filling of a vacancy under section 68984
3513.30 of the Revised Code. The secretary of state shall order 68985
the board of elections of each county in which the person is 68986
seeking to appear on the ballot to disqualify that person as a 68987
candidate for each office for which the person sought to become 68988
a candidate after the date on which the person first sought to 68989
become a candidate for any of those offices. If the secretary of 68990
state determines that the person sought to become a candidate 68991
for more than one of those offices on the same date, the 68992
secretary of state shall order the board of elections of each 68993
county in which the person is seeking to appear on the ballot to 68994
disqualify that person as a candidate for each office that would 68995
be listed on the ballot below the highest office for which that 68996
person seeks nomination, according to the ballot order 68997

prescribed under section 3505.03 of the Revised Code. Each board 68998
of elections so notified shall vote promptly to disqualify the 68999
person as a candidate in accordance with the order of the 69000
secretary of state. 69001

(c) If each office or the district for each office for 69002
which the person is seeking nomination is wholly within a single 69003
county and any of those offices is a federal office, the board 69004
shall vote promptly to disqualify that person as a candidate for 69005
each office that is not a federal office. 69006

(d) If one or more of the offices for which the person is 69007
seeking nomination is a state office and any of the offices for 69008
which the person is seeking nomination is a federal office, the 69009
board shall notify the secretary of state. The secretary of 69010
state then shall order the board of elections of each county in 69011
which the person is seeking to appear on the ballot to 69012
disqualify that person as a candidate for each office that is 69013
not a federal office. Each board of elections so notified shall 69014
vote promptly to disqualify the person as a candidate in 69015
accordance with the order of the secretary of state. 69016

(D) (1) If the secretary of state determines, after the day 69017
of the primary election and before the day of the general 69018
election, that a person is seeking election to more than one 69019
office at that election in violation of division (A) of this 69020
section, the secretary of state shall do one of the following: 69021

(a) If each office or the district for each office for 69022
which the person is seeking election is wholly within a single 69023
county and none of those offices is a federal office, the 69024
secretary of state shall notify the board of elections of that 69025
county. The board then shall determine the offices for which the 69026
person seeks to appear as a candidate on the ballot. The board 69027

shall vote promptly to disqualify that person as a candidate for 69028
each office that would be listed on the ballot below the highest 69029
office for which that person seeks election, according to the 69030
ballot order prescribed under section 3505.03 of the Revised 69031
Code. If the person sought nomination at a primary election and 69032
has not yet been issued a certificate of nomination, the board 69033
shall not issue that certificate for that person for any office 69034
that would be listed on the ballot below the highest office for 69035
which that person seeks election, according to the ballot order 69036
prescribed under section 3505.03 of the Revised Code. 69037

(b) If one or more of the offices for which the person is 69038
seeking election is a state office or an office with a district 69039
larger than a single county and none of the offices for which 69040
the person is seeking election is a federal office, the 69041
secretary of state shall promptly investigate and determine the 69042
offices for which the person seeks to appear as a candidate on 69043
the ballot. The secretary of state shall order the board of 69044
elections of each county in which the person is seeking to 69045
appear on the ballot to disqualify that person as a candidate 69046
for each office that would be listed on the ballot below the 69047
highest office for which that person seeks election, according 69048
to the ballot order prescribed under section 3505.03 of the 69049
Revised Code. Each board of elections so notified shall vote 69050
promptly to disqualify the person as a candidate in accordance 69051
with the order of the secretary of state. If the person sought 69052
nomination at a primary election and has not yet been issued a 69053
certificate of nomination, the board shall not issue that 69054
certificate for that person for any office that would be listed 69055
on the ballot below the highest office for which that person 69056
seeks election, according to the ballot order prescribed under 69057
section 3505.03 of the Revised Code. 69058

(c) If each office or the district for each office for which the person is seeking election is wholly within a single county and any of those offices is a federal office, the secretary of state shall notify the board of elections of that county. The board then shall vote promptly to disqualify that person as a candidate for each office that is not a federal office. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that person for any office that is not a federal office.

(d) If one or more of the offices for which the person is seeking election is a state office and any of the offices for which the person is seeking election is a federal office, the secretary of state shall order the board of elections of each county in which the person is seeking to appear on the ballot to disqualify that person as a candidate for each office that is not a federal office. Each board of elections so notified shall vote promptly to disqualify the person as a candidate in accordance with the order of the secretary of state. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that person for any office that is not a federal office.

(2) If a board of elections determines, after the day of the primary election and before the day of the general election, that a person is seeking election to more than one office at that election in violation of division (A) of this section, the board of elections shall do one of the following:

(a) If each office or the district for each office for which the person is seeking election is wholly within that

county and none of those offices is a federal office, the board shall determine the offices for which the person seeks to appear as a candidate on the ballot. The board shall vote promptly to disqualify that person as a candidate for each office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that person for any office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code.

(b) If one or more of the offices for which the person is seeking election is a state office or an office with a district larger than a single county and none of the offices for which the person is seeking election is a federal office, the board shall notify the secretary of state. The secretary of state promptly shall investigate and determine the offices for which the person seeks to appear as a candidate on the ballot. The secretary of state shall order the board of elections of each county in which the person is seeking to appear on the ballot to disqualify that person as a candidate for each office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code. Each board of elections so notified shall vote promptly to disqualify the person as a candidate in accordance with the order of the secretary of state. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that

person for any office that would be listed on the ballot below 69120
the highest office for which that person seeks election, 69121
according to the ballot order prescribed under section 3505.03 69122
of the Revised Code. 69123

(c) If each office or the district for each office for 69124
which the person is seeking election is wholly within that 69125
county and any of those offices is a federal office, the board 69126
shall vote promptly to disqualify that person as a candidate for 69127
each office that is not a federal office. If the person sought 69128
nomination at a primary election and has not yet been issued a 69129
certificate of nomination, the board shall not issue that 69130
certificate for that person for any office that is not a federal 69131
office. 69132

(d) If one or more of the offices for which the person is 69133
seeking election is a state office and any of the offices for 69134
which the person is seeking election is a federal office, the 69135
board shall notify the secretary of state. The secretary of 69136
state shall order the board of elections of each county in which 69137
the person is seeking to appear on the ballot to disqualify that 69138
person as a candidate for each office that is not a federal 69139
office. Each board of elections so notified shall vote promptly 69140
to disqualify the person as a candidate in accordance with the 69141
order of the secretary of state. If the person sought nomination 69142
at a primary election and has not yet been issued a certificate 69143
of nomination, the board shall not issue that certificate for 69144
that person for any office that is not a federal office. 69145

(E) When a person is disqualified as a candidate under 69146
division (C) or (D) of this section, on or before the seventieth 69147
day before the day of the applicable election, the board of 69148
elections shall remove the person's name from the ballot for any 69149

office for which that person has been disqualified as a 69150
candidate according to the directions of the secretary of state. 69151
When a person is disqualified as a candidate under division (C) 69152
or (D) of this section after the seventieth day before the day 69153
of the applicable election, the board of elections shall not 69154
remove the person's name from the ballot for any office for 69155
which that person has been disqualified as a candidate. The 69156
board of elections shall post a notice at each polling location 69157
on the day of the applicable election, and shall enclose with 69158
each absent voter's ballot given or mailed after the candidate 69159
is disqualified, a notice that votes for the person for the 69160
office for which the person has been disqualified as a candidate 69161
will be void and will not be counted. If the name is not removed 69162
from the ballots before the day of the election, the votes for 69163
the disqualified candidate are void and shall not be counted. 69164

(F) Any vacancy created by the disqualification of a 69165
person as a candidate under division (C) or (D) of this section 69166
may be filled in the manner provided for in sections 3513.30 and 69167
3513.31 of the Revised Code. 69168

(G) Nothing in this section or section 3513.04, 3513.041, 69169
3513.05, 3513.251, 3513.253, ~~3513.254~~, ~~3513.255~~, 3513.257, 69170
~~3513.259~~, or 3513.261 of the Revised Code prohibits, and the 69171
secretary of state or a board of elections shall not disqualify, 69172
a person from being a candidate for an office, if that person 69173
timely withdraws as a candidate for any offices specified in 69174
division (A) of this section for which that person first sought 69175
to become a candidate by filing a declaration of candidacy and 69176
petition, a declaration of intent to be a write-in candidate, or 69177
a nominating petition, by party nomination in a primary 69178
election, or by the filling of a vacancy under section 3513.30 69179
or 3513.31 of the Revised Code. 69180

(H) As used in this section: 69181

(1) "State office" means the offices of governor, 69182
lieutenant governor, secretary of state, auditor of state, 69183
treasurer of state, attorney general, member of the state board 69184
of education, member of the general assembly, chief justice of 69185
the supreme court, and justice of the supreme court. 69186

(2) "Timely withdraws" means either of the following: 69187

(a) Withdrawing as a candidate before the applicable 69188
deadline for filing a declaration of candidacy, declaration of 69189
intent to be a write-in candidate, or nominating petition for 69190
the subsequent office for which the person is seeking to become 69191
a candidate at the same election; 69192

(b) Withdrawing as a candidate before the applicable 69193
deadline for the filling of a vacancy under section 3513.30 or 69194
3513.31 of the Revised Code, if the person is seeking to become 69195
a candidate for a subsequent office at the same election under 69196
either of those sections. 69197

Sec. 3513.10. (A) At the time of filing a declaration of 69198
candidacy for nomination for any office, or a declaration of 69199
intent to be a write-in candidate, each candidate, except joint 69200
candidates for governor and lieutenant governor, shall pay a fee 69201
as follows: 69202
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A	For statewide office	\$100
B	For court of appeals judge	\$50
C	For court of common pleas judge	\$50

D	For county court judge	\$50
E	For municipal court judge	\$50
F	For district office, including member of the United States house of representatives and member of the general assembly	\$50
G	For county office	\$50
H	For city office	\$20
I	For village office	\$10
J	For township office	\$10
K	For member of state board of education	\$20
L	For member of local, city, or exempted village board of education or educational service center governing board	\$10

At the time of filing a declaration of candidacy or a declaration of intent to be a write-in candidate for the offices of governor and lieutenant governor, the joint candidates shall jointly pay to the secretary of state a fee of one hundred dollars.

(B) (1) At the same time the fee required under division (A) of this section is paid, each candidate shall pay an additional fee as follows:

A	For the joint candidates for governor and lieutenant governor	\$50
B	For statewide office	\$50
C	For district office, including member of the United States house of representatives and member of the general assembly	\$35
D	For member of state board of education	\$35
E	For court of appeals judge	\$30
F	For court of common pleas judge	\$30
G	For county court judge	\$30
H	For municipal court judge	\$30
I	For county office	\$30
J	For city office	\$25
K	For village office	\$20
L	For township office	\$20
M	For member of local, city, or exempted village board of education or educational service center governing board	\$20

(2) Whoever seeks to propose a ballot question or issue to	69213
be submitted to the electors shall pay the following fee at the	69214
time the petition proposing the question or issue is filed:	69215

- (a) If the question or issue is to be submitted to the electors throughout the entire state, twenty-five dollars; 69216
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- (b) If the question or issue is to be submitted to the electors of a county or of a district that consists of all or part of two or more counties but less than the entire state, fifteen dollars; 69218
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- (c) If the question or issue is to be submitted to the electors of a city, twelve dollars and fifty cents; 69222
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- (d) If the question or issue is to be submitted to the electors of a village, a township, a local, city, county, or exempted village school district, a precinct, or another district consisting of less than an entire county, ten dollars. 69224
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- (C) No fee shall be required of candidates filing for the office of delegate or alternate to the national convention of political parties, member of the state central committee of a political party, or member of the county central committee of a political party. 69228
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- (D) All fees required under division (A) of this section immediately shall be paid by the officer receiving them into the state treasury to the credit of the general revenue fund, in the case of fees received by the secretary of state, and into the county treasury to the credit of the county general fund, in the case of fees received by a board of elections. 69233
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- (E) The officer who receives a fee required under division (B) of this section immediately shall pay the fee to the credit of the Ohio ~~elections~~ election integrity commission fund created ~~by division (I) of under section 3517.152-111.29~~ of the Revised Code. 69239
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- (F) (1) In no case shall a fee paid under this section be 69244

returned to a candidate. 69245

(2) Whenever a section of law refers to a filing fee to be 69246
paid by a candidate or by a committee proposing a ballot 69247
question or issue to be submitted to the electors, that fee 69248
includes the fees required under divisions (A) and (B) of this 69249
section. 69250

(G) As used in divisions (A) and (B) of this section, 69251
"statewide office" means the office of secretary of state, 69252
auditor of state, treasurer of state, attorney general, justice 69253
and chief justice of the supreme court, and member of the United 69254
States senate. 69255

Sec. 3513.19. (A) It is the duty of any precinct election 69256
official, whenever any such official doubts that a person 69257
attempting to vote at a primary election is legally entitled to 69258
vote at that election, to challenge the right of that person to 69259
vote. The right of a person to vote at a primary election may be 69260
challenged upon the following grounds: 69261

(1) That the person whose right to vote is challenged is 69262
not a legally qualified elector; 69263

(2) That the person has received or has been promised some 69264
valuable reward or consideration for the person's vote; 69265

(3) That the person is not affiliated with or is not a 69266
member of the political party whose ballot the person desires to 69267
vote. Such party affiliation shall be determined by examining 69268
the elector's voting record for the current year and the 69269
immediately preceding two calendar years as shown on the voter's 69270
registration card, using the standards of affiliation specified 69271
in ~~the seventh paragraph~~ division (G) of section 3513.05 of the 69272
Revised Code. Division (A) (3) of this section and ~~the seventh~~ 69273

~~paragraph~~ division (G) of section 3513.05 of the Revised Code do 69274
not prohibit a person who holds an elective office for which 69275
candidates are nominated at a party primary election from doing 69276
any of the following: 69277

(a) If the person voted as a member of a different 69278
political party at any primary election within the current year 69279
and the immediately preceding two calendar years, being a 69280
candidate for nomination at a party primary held during the 69281
times specified in division (C) (2) of section 3513.191 of the 69282
Revised Code provided that the person complies with the 69283
requirements of that section; 69284

(b) Circulating the person's own petition of candidacy for 69285
party nomination in the primary election. 69286

(B) When the right of a person to vote is challenged upon 69287
the ground set forth in division (A) (3) of this section, 69288
membership in or political affiliation with a political party 69289
shall be determined by the person's statement, made under 69290
penalty of election falsification, that the person desires to be 69291
affiliated with and supports the principles of the political 69292
party whose primary ballot the person desires to vote. 69293

Sec. 3517.01. (A) (1) A political party within the meaning 69294
of Title XXXV of the Revised Code is any group of voters that 69295
meets either of the following requirements: 69296

(a) Except as otherwise provided in this division, at the 69297
most recent regular state election, the group polled for its 69298
candidate for governor in the state or nominees for presidential 69299
electors at least three per cent of the entire vote cast for 69300
that office. A group that meets the requirements of this 69301
division remains a political party for a period of four years 69302

after meeting those requirements. 69303

(b) The group filed with the secretary of state, 69304
subsequent to its failure to meet the requirements of division 69305
(A) (1) (a) of this section, a party formation petition that meets 69306
all of the following requirements: 69307

(i) The petition is signed by qualified electors equal in 69308
number to at least one per cent of the total vote for governor 69309
or nominees for presidential electors at the most recent 69310
election for such office. 69311

(ii) The petition is signed by not fewer than five hundred 69312
qualified electors from each of at least a minimum of one-half 69313
of the congressional districts in this state. If an odd number 69314
of congressional districts exists in this state, the number of 69315
districts that results from dividing the number of congressional 69316
districts by two shall be rounded up to the next whole number. 69317

(iii) The petition declares the petitioners' intention of 69318
organizing a political party, the name of which shall be stated 69319
in the declaration, and of participating in the succeeding 69320
general election, held in even-numbered years, that occurs more 69321
than one hundred twenty-five days after the date of filing. 69322

(iv) The petition designates a committee of not less than 69323
three nor more than five individuals of the petitioners, who 69324
shall represent the petitioners in all matters relating to the 69325
petition. Notice of all matters or proceedings pertaining to the 69326
petition may be served on the committee, or any of them, either 69327
personally or by registered mail, or by leaving such notice at 69328
the usual place of residence of each of them. 69329

(2) No such group of electors shall assume a name or 69330
designation that is similar, in the opinion of the secretary of 69331

state, to that of an existing political party as to confuse or 69332
mislead the voters at an election. 69333

(B) A campaign committee shall be legally liable for any 69334
debts, contracts, or expenditures incurred or executed in its 69335
name. 69336

(C) Notwithstanding the definitions found in section 69337
3501.01 of the Revised Code, as used in this section and 69338
sections 3517.08 to ~~3517.14, 3517.99, and 3517.992~~ 3517.991 of 69339
the Revised Code: 69340

(1) "Campaign committee" means a candidate or a 69341
combination of two or more persons authorized by a candidate 69342
under section 3517.081 of the Revised Code to receive 69343
contributions and make expenditures. 69344

(2) "Campaign treasurer" means an individual appointed by 69345
a candidate under section 3517.081 of the Revised Code. 69346

(3) "Candidate" has the same meaning as in division (H) of 69347
section 3501.01 of the Revised Code and also includes any person 69348
who, at any time before or after an election, receives 69349
contributions or makes expenditures or other use of 69350
contributions, has given consent for another to receive 69351
contributions or make expenditures or other use of 69352
contributions, or appoints a campaign treasurer, for the purpose 69353
of bringing about the person's nomination or election to public 69354
office. When two persons jointly seek the offices of governor 69355
and lieutenant governor, "candidate" means the pair of 69356
candidates jointly. "Candidate" does not include candidates for 69357
election to the offices of member of a county or state central 69358
committee, presidential elector, and delegate to a national 69359
convention or conference of a political party. 69360

~~(4) "Continuing association" means an association, other than a campaign committee, political party, legislative campaign fund, political contributing entity, or labor organization, that is intended to be a permanent organization that has a primary purpose other than supporting or opposing specific candidates, political parties, or ballot issues, and that functions on a regular basis throughout the year. "Continuing association" includes organizations that are determined to be not organized for profit under subsection 501 and that are described in subsection 501(c)(3), 501(c)(4), or 501(c)(6) of the Internal Revenue Code.~~

~~(5) "Contribution" means a loan, gift, deposit, forgiveness of indebtedness, donation, advance, payment, or transfer of funds or anything of value, including a transfer of funds from an inter vivos or testamentary trust or decedent's estate, and the payment by any person other than the person to whom the services are rendered for the personal services of another person, which contribution is made, received, or used for the purpose of influencing the results of an election. Any loan, gift, deposit, forgiveness of indebtedness, donation, advance, payment, or transfer of funds or of anything of value, including a transfer of funds from an inter vivos or testamentary trust or decedent's estate, and the payment by any campaign committee, political action committee, legislative campaign fund, political party, political contributing entity, or person other than the person to whom the services are rendered for the personal services of another person, that is made, received, or used by a state or county political party, other than the moneys an entity may receive under sections 3517.101, 3517.1012, and 3517.1013 of the Revised Code, shall be considered to be a "contribution" for the purpose of section~~

3517.10 of the Revised Code and shall be included on a statement of contributions filed under that section.	69392 69393
"Contribution" does not include any of the following:	69394
(a) Services provided without compensation by individuals volunteering a portion or all of their time on behalf of a person;	69395 69396 69397
(b) Ordinary home hospitality;	69398
(c) The personal expenses of a volunteer paid for by that volunteer campaign worker;	69399 69400
(d) Any gift given to an entity pursuant to section 3517.101 of the Revised Code;	69401 69402
(e) Any contribution as defined in section 3517.1011 of the Revised Code that is made, received, or used to pay the direct costs of producing or airing an electioneering communication;	69403 69404 69405 69406
(f) Any gift given to a state or county political party for the party's restricted fund under division (A)(2) of section 3517.1012 of the Revised Code;	69407 69408 69409
(g) Any gift given to a state political party for deposit in a Levin account pursuant to section 3517.1013 of the Revised Code. As used in this division, "Levin account" has the same meaning as in that section.	69410 69411 69412 69413
(h) Any donation given to a transition fund under section 3517.1014 of the Revised Code.	69414 69415
(6) <u>(5)</u> "Expenditure" means the disbursement or use of a contribution for the purpose of influencing the results of an election or of making a charitable donation under division (G)	69416 69417 69418

of section 3517.08 of the Revised Code. Any disbursement or use 69419
of a contribution by a state or county political party is an 69420
expenditure and shall be considered either to be made for the 69421
purpose of influencing the results of an election or to be made 69422
as a charitable donation under division (G) of section 3517.08 69423
of the Revised Code and shall be reported on a statement of 69424
expenditures filed under section 3517.10 of the Revised Code. 69425
During the thirty days preceding a primary or general election, 69426
any disbursement to pay the direct costs of producing or airing 69427
a broadcast, cable, or satellite communication that refers to a 69428
clearly identified candidate shall be considered to be made for 69429
the purpose of influencing the results of that election and 69430
shall be reported as an expenditure or as an independent 69431
expenditure under section 3517.10 or 3517.105 of the Revised 69432
Code, as applicable, except that the information required to be 69433
reported regarding contributors for those expenditures or 69434
independent expenditures shall be the same as the information 69435
required to be reported under divisions (D) (1) and (2) of 69436
section 3517.1011 of the Revised Code. 69437

As used in this division, "broadcast, cable, or satellite 69438
communication" and "refers to a clearly identified candidate" 69439
have the same meanings as in section 3517.1011 of the Revised 69440
Code. 69441

~~(7)~~ (6) "Personal expenses" includes, but is not limited 69442
to, ordinary expenses for accommodations, clothing, food, 69443
personal motor vehicle or airplane, and home telephone. 69444

~~(8)~~ (7) "Political action committee" means a combination 69445
of two or more persons, the primary or major purpose of which is 69446
to support or oppose any candidate, political party, or issue, 69447
or to influence the result of any election through express 69448

advocacy, and that is not a political party, a campaign
committee, ~~a political contributing entity,~~ or a legislative
campaign fund. "Political action committee" does not include
~~either of the following:~~

~~(a) A continuing association that makes disbursements for
the direct costs of producing or airing electioneering
communications and that does not engage in express advocacy;~~

~~(b) A~~ a political club that is formed primarily for social
purposes and that consists of one hundred members or less, has
officers and periodic meetings, has less than two thousand five
hundred dollars in its treasury at all times, and makes an
aggregate total contribution of one thousand dollars or less per
calendar year.

~~(9)~~ (8) "Public office" means any state, county,
municipal, township, or district office, except an office of a
political party, that is filled by an election and the offices
of United States senator and representative.

~~(10)~~ (9) "Anything of value" has the same meaning as in
section 1.03 of the Revised Code.

~~(11)~~ (10) "Beneficiary of a campaign fund" means a
candidate, a public official or employee for whose benefit a
campaign fund exists, and any other person who has ever been a
candidate or public official or employee and for whose benefit a
campaign fund exists.

~~(12)~~ (11) "Campaign fund" means money or other property,
including contributions.

~~(13)~~ (12) "Public official or employee" has the same
meaning as in section 102.01 of the Revised Code.

~~(14)~~ (13) "Caucus" means all of the members of the house 69477
of representatives or all of the members of the senate of the 69478
general assembly who are members of the same political party. 69479

~~(15)~~ (14) "Legislative campaign fund" means a fund that is 69480
established as an auxiliary of a state political party and 69481
associated with one of the houses of the general assembly. 69482

~~(16)~~ (15) "In-kind contribution" means anything of value 69483
other than money that is used to influence the results of an 69484
election or is transferred to or used in support of or in 69485
opposition to a candidate, campaign committee, legislative 69486
campaign fund, political party, political action committee, or 69487
political contributing entity and that is made with the consent 69488
of, in coordination, cooperation, or consultation with, or at 69489
the request or suggestion of the benefited candidate, committee, 69490
fund, party, or entity. The financing of the dissemination, 69491
distribution, or republication, in whole or part, of any 69492
broadcast or of any written, graphic, or other form of campaign 69493
materials prepared by the candidate, the candidate's campaign 69494
committee, or their authorized agents is an in-kind contribution 69495
to the candidate and an expenditure by the candidate. 69496

~~(17)~~ (16) "Independent expenditure" means an expenditure 69497
or other use of funds or anything of value by a person 69498
advocating in support of or opposition to an identified ballot 69499
issue or question or to advocate the election or defeat of an 69500
identified candidate or candidates, that is not made with the 69501
consent of, in coordination, cooperation, or consultation with, 69502
or at the request or suggestion of any candidate or candidates 69503
or of the campaign committee or agent of the candidate or 69504
candidates. As used in division ~~(C) (17)~~ (C) (16) of this section: 69505

(a) "Person" means an individual, ~~partnership,~~ 69506

~~unincorporated business organization or association, political~~ 69507
~~action committee, political contributing entity, separate~~ 69508
~~segregated fund, association, or other organization or group of~~ 69509
~~persons, but not a labor organization or a corporation unless~~ 69510
~~the labor organization or corporation is a political~~ 69511
~~contributing entity.~~ 69512

(b) ~~"Advocating"~~ "Advocate" means to make any 69513
communication containing a message advocating the election or 69514
defeat of an identified candidate or candidates. 69515

(c) "Identified candidate" means that the name of the 69516
candidate appears, a photograph or drawing of the candidate 69517
appears, or the identity of the candidate is otherwise apparent 69518
by unambiguous reference. 69519

(d) "Made in coordination, cooperation, or consultation 69520
with, or at the request or suggestion of, any candidate or the 69521
campaign committee or agent of the candidate" means made 69522
pursuant to any arrangement, coordination, or direction by the 69523
candidate, the candidate's campaign committee, or the 69524
candidate's agent prior to the publication, distribution, 69525
display, or broadcast of the communication. An expenditure is 69526
presumed to be so made when it is any of the following: 69527

(i) Based on information about the candidate's plans, 69528
projects, or needs provided to the person making the expenditure 69529
by the candidate, or by the candidate's campaign committee or 69530
agent, with a view toward having an expenditure made; 69531

(ii) Made by or through any person who is, or has been, 69532
authorized to raise or expend funds, who is, or has been, an 69533
officer of the candidate's campaign committee, or who is, or has 69534
been, receiving any form of compensation or reimbursement from 69535

the candidate or the candidate's campaign committee or agent; 69536

(iii) Except as otherwise provided in division (D) of 69537
section 3517.105 of the Revised Code, made by a political party 69538
in support of a candidate, unless the expenditure is made by a 69539
political party to conduct voter registration or voter education 69540
efforts. 69541

(e) "Agent" means any person who has actual oral or 69542
written authority, either express or implied, to make or to 69543
authorize the making of expenditures on behalf of a candidate, 69544
or means any person who has been placed in a position with the 69545
candidate's campaign committee or organization such that it 69546
would reasonably appear that in the ordinary course of campaign- 69547
related activities the person may authorize expenditures. 69548

~~(18)~~ (17) "Labor organization" means a labor union; an 69549
employee organization; a federation of labor unions, groups, 69550
locals, or other employee organizations; an auxiliary of a labor 69551
union, employee organization, or federation of labor unions, 69552
groups, locals, or other employee organizations; or any other 69553
bona fide organization in which employees participate and that 69554
exists for the purpose, in whole or in part, of dealing with 69555
employers concerning grievances, labor disputes, wages, hours, 69556
and other terms and conditions of employment. 69557

~~(19)~~ (18) "Separate segregated fund" means a separate 69558
segregated fund established pursuant to the Federal Election 69559
Campaign Act. 69560

~~(20)~~ (19) "Federal Election Campaign Act" means the 69561
"Federal Election Campaign Act of 1971," 86 Stat. 11, 2 U.S.C.A. 69562
431, et seq., as amended. 69563

~~(21)~~ (20) "Restricted fund" means the fund a state or 69564

county political party must establish under division (A) (1) of 69565
section 3517.1012 of the Revised Code. 69566

~~(22)~~ (21) "Electioneering communication" has the same 69567
meaning as in section 3517.1011 of the Revised Code. 69568

~~(23)~~ (22) "Express advocacy" means a communication that 69569
contains express words advocating the nomination, election, or 69570
defeat of a candidate or that contains express words advocating 69571
the adoption or defeat of a question or issue, as determined by 69572
a final judgment of a court of competent jurisdiction. 69573

~~(24)~~ (23) "Political committee" has the same meaning as in 69574
section 3517.1011 of the Revised Code. 69575

~~(25)~~ "Political ~~(24) (a) Except as otherwise provided in~~ 69576
division (C) (24) (b) of this section, "political contributing 69577
entity" means any entity, including a corporation ~~or,~~ labor 69578
organization, partnership or other unincorporated business, or 69579
unincorporated association, that may lawfully make makes 69580
contributions and or expenditures and that is not an individual 69581
or a political action committee, continuing association, 69582
campaign committee, political party, legislative campaign fund, 69583
designated state campaign committee, or state candidate fund. 69584
~~For purposes of this division, "lawfully" means not prohibited~~ 69585
~~by any section of the Revised Code, or authorized by a final~~ 69586
~~judgment of a court of competent jurisdiction.~~ 69587

~~(26)~~ (b) A partnership or other unincorporated business 69588
that makes contributions only in the manner permitted under 69589
division (I) (1) (b) of section 3517.10 of the Revised Code, makes 69590
no other contributions or expenditures, and receives no 69591
contributions is not considered a political contributing entity. 69592

(25) "Internet identifier of record" has the same meaning 69593

as in section 9.312 of the Revised Code. 69594

(26) "Partnership or other unincorporated business" 69595
includes a cooperative, a sole proprietorship, a general 69596
partnership, a limited partnership, a limited partnership 69597
association, a limited liability partnership, and a limited 69598
liability company. 69599

Sec. 3517.08. (A) The personal expenses of a candidate 69600
paid for by the candidate, from the candidate's personal funds, 69601
shall not be considered as a contribution by or an expenditure 69602
by the candidate and shall not be reported under section 3517.10 69603
of the Revised Code. 69604

(B) (1) An expenditure by a political action committee or a 69605
political contributing entity shall not be considered a 69606
contribution by the political action committee or the political 69607
contributing entity or an expenditure by or on behalf of the 69608
candidate if the purpose of the expenditure is to inform only 69609
its members by means of mailed publications of its activities or 69610
endorsements. 69611

(2) An expenditure by a political party shall not be 69612
considered a contribution by the political party or an 69613
expenditure by or on behalf of the candidate if the purpose of 69614
the expenditure is to inform predominantly the party's members 69615
by means of mailed publications or other direct communication of 69616
its activities or endorsements, or for voter contact such as 69617
sample ballots, absent voter's ballots application mailings, 69618
voter registration, or get-out-the-vote activities. 69619

(C) An expenditure by a ~~continuing association,~~ political 69620
contributing entity, or political party shall not be considered 69621
a contribution to any campaign committee or an expenditure by or 69622

on behalf of any campaign committee if the purpose of the 69623
expenditure is for the staff and maintenance of the ~~continuing-~~ 69624
~~association's,~~ political contributing entity's, or political 69625
party's headquarters, or for a political poll, survey, index, or 69626
other type of measurement not on behalf of a specific candidate. 69627

(D) The expenses of maintaining a constituent office paid 69628
for, from the candidate's personal funds, by a candidate who is 69629
a member of the general assembly at the time of the election 69630
shall not be considered a contribution by or an expenditure by 69631
or on behalf of the candidate, and shall not be reported, if the 69632
constituent office is not used for any candidate's campaign 69633
activities. 69634

(E) The net contribution of each social or fund-raising 69635
activity shall be calculated by totaling all contributions to 69636
the activity minus the expenditures made for the activity. 69637

(F) An expenditure that purchases goods or services shall 69638
be attributed to an election when the disbursement of funds is 69639
made, rather than at the time the goods or services are used. 69640
The secretary of state, under the procedures of Chapter 119. of 69641
the Revised Code, shall establish rules for the attribution of 69642
expenditures to a candidate when the candidate is a candidate 69643
for more than one office during a reporting period and for 69644
expenditures made in a year in which no election is held. The 69645
secretary of state shall further define by rule those 69646
expenditures that are or are not by or on behalf of a candidate. 69647

(G) An expenditure for the purpose of a charitable 69648
donation may be made if it is made to an organization that is 69649
exempt from federal income taxation under subsection 501(a) and 69650
described in subsection 501(c) (3), 501(c) (4), 501(c) (8), 501(c) 69651
(10), or 501(c) (19) of the Internal Revenue Code or is approved 69652

by advisory opinion of the Ohio ~~elections~~election integrity commission as a legitimate charitable organization. Each expenditure under this division shall be separately itemized on statements made pursuant to section 3517.10 of the Revised Code.

Sec. 3517.081. (A) Each candidate shall have no more than one campaign committee for purposes of receiving contributions and making expenditures. No campaign committee shall receive any contribution or make any expenditure other than through the campaign treasurer. The campaign treasurer shall file all statements required of a candidate or campaign committee under section 3517.10 of the Revised Code.

The candidate shall designate the candidate or a member of the candidate's campaign committee as the candidate's campaign treasurer as required by division (D) of section 3517.10 of the Revised Code. The campaign treasurer may appoint deputy campaign treasurers as required. Deputy campaign treasurers may exercise any of the powers and duties of a campaign treasurer when specifically authorized to do so by the campaign treasurer or the candidate.

Each candidate shall file a written statement, as required by division (D) of section 3517.10 of the Revised Code, setting forth the full name and address of the campaign treasurer and also of each deputy treasurer. Each candidate shall file supplemental statements giving the full name and address of each deputy treasurer at the time of appointment.

A candidate may remove the campaign treasurer or any deputy campaign treasurer at any time. In the case of death, resignation, or removal of the treasurer or deputy treasurer before compliance with all obligations of a campaign treasurer, the candidate shall fill the vacancy thus created in the same

manner as provided in the case of an original appointment. 69683

(B) (1) Two or more candidates may be the beneficiaries of 69684
a single campaign committee if all of the following apply: 69685

(a) Each candidate is seeking nomination or election to 69686
the same office at the same election. 69687

(b) The office for which each candidate is seeking 69688
nomination or election is the office of member of a board, 69689
commission, or other similar body of elected officials to which 69690
multiple members are nominated or elected at the same election. 69691

(c) The number of candidates who will be the beneficiaries 69692
of the campaign committee does not exceed the number of open 69693
positions on the board, commission, or other similar body of 69694
elected officials to which the candidates are seeking nomination 69695
or election. 69696

(d) The candidates jointly designate one of the candidates 69697
or one member of the campaign committee as the treasurer of that 69698
campaign committee as required under division (A) of this 69699
section. 69700

(e) The candidates jointly file the written statements 69701
required under division (A) of this section. 69702

(2) Except as otherwise provided in this division, any 69703
penalty that may be imposed on a candidate ~~under section~~ 69704
~~3517.992 of the Revised Code~~ for a violation of this chapter 69705
shall be imposed jointly and severally on each beneficiary of a 69706
multi-beneficiary campaign committee. If the ~~Ohio elections~~ 69707
~~commission or the appropriate prosecutor~~ trier of fact is able 69708
to determine that a specific beneficiary of a multi-beneficiary 69709
campaign committee violated this chapter, the applicable penalty 69710
~~under section 3517.992 of the Revised Code~~ shall be imposed only 69711

on that candidate and not on the other beneficiaries of that multi-beneficiary campaign committee.

(3) (a) If any of the following occur after a multi-beneficiary campaign committee is established, that campaign committee shall be terminated:

(i) The beneficiaries of the campaign committee disagree as to the designation or removal of a campaign treasurer.

(ii) Any beneficiary of the campaign committee desires to end the beneficiary's candidacy for the office for which the beneficiaries are seeking nomination or election.

(iii) Any beneficiary of the campaign committee desires to form an individual campaign committee.

(b) Prior to the termination of a multi-beneficiary campaign committee in accordance with division (B) (3) (a) of this section, any contributions received by that campaign committee that have not been expended shall be disposed of in the manner provided in division (C) of section 3517.109 of the Revised Code. No contributions from the multi-beneficiary campaign committee shall be contributed or transferred into any candidate's individual campaign committee.

(4) No candidate who has a campaign committee for which that candidate is the sole beneficiary shall become the beneficiary of a campaign committee with multiple beneficiaries under division (B) (1) of this section unless the candidate first terminates the candidate's individual campaign committee. Prior to the termination of that individual campaign committee, any contributions received by that campaign committee that have not been expended shall be disposed of in the manner provided in division (C) of section 3517.109 of the Revised Code. No

contributions from the candidate's individual campaign committee 69741
shall be contributed or transferred into the multi-beneficiary 69742
campaign committee. 69743

Sec. 3517.10. (A) Except as otherwise provided in this 69744
division, every campaign committee, political action committee, 69745
legislative campaign fund, political party, and political 69746
contributing entity that made or received a contribution or made 69747
an expenditure in connection with the nomination or election of 69748
any candidate or in connection with any ballot issue or question 69749
at any election held or to be held in this state shall file, on 69750
a form prescribed under this section or by electronic means of 69751
transmission as provided in this section and section 3517.106 of 69752
the Revised Code, a full, true, and itemized statement, made 69753
under penalty of election falsification, setting forth in detail 69754
the contributions and expenditures, not later than four p.m. of 69755
the following dates: 69756

(1) The twelfth day before the election to reflect 69757
contributions received and expenditures made from the close of 69758
business on the last day reflected in the last previously filed 69759
statement, if any, to the close of business on the twentieth day 69760
before the election; 69761

(2) The thirty-eighth day after the election to reflect 69762
the contributions received and expenditures made from the close 69763
of business on the last day reflected in the last previously 69764
filed statement, if any, to the close of business on the seventh 69765
day before the filing of the statement; 69766

(3) The last business day of January of every year to 69767
reflect the contributions received and expenditures made from 69768
the close of business on the last day reflected in the last 69769
previously filed statement, if any, to the close of business on 69770

the last day of December of the previous year; 69771

(4) The last business day of July of every year to reflect 69772
the contributions received and expenditures made from the close 69773
of business on the last day reflected in the last previously 69774
filed statement, if any, to the close of business on the last 69775
day of June of that year. 69776

A campaign committee shall only be required to file the 69777
statements prescribed under divisions (A) (1) and (2) of this 69778
section in connection with the nomination or election of the 69779
committee's candidate. 69780

The statement required under division (A) (1) of this 69781
section shall not be required of any campaign committee, 69782
political action committee, legislative campaign fund, political 69783
party, or political contributing entity that has received 69784
contributions of less than one thousand dollars and has made 69785
expenditures of less than one thousand dollars at the close of 69786
business on the twentieth day before the election. Those 69787
contributions and expenditures shall be reported in the 69788
statement required under division (A) (2) of this section. 69789

If an election to select candidates to appear on the 69790
general election ballot is held within sixty days before a 69791
general election, the campaign committee of a successful 69792
candidate in the earlier election may file the statement 69793
required by division (A) (1) of this section for the general 69794
election instead of the statement required by division (A) (2) of 69795
this section for the earlier election if the pregeneral election 69796
statement reflects the status of contributions and expenditures 69797
for the period twenty days before the earlier election to twenty 69798
days before the general election. 69799

If a person becomes a candidate less than twenty days before an election, the candidate's campaign committee is not required to file the statement required by division (A) (1) of this section.

No statement under division (A) (3) of this section shall be required for any year in which a campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity is required to file a postgeneral election statement under division (A) (2) of this section. However, a statement under division (A) (3) of this section may be filed, at the option of the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity.

No campaign committee of a candidate for the office of chief justice or justice of the supreme court, and no campaign committee of a candidate for the office of judge of any court in this state, shall be required to file a statement under division (A) (4) of this section.

Except as otherwise provided in this paragraph and in the next paragraph of this section, the only campaign committees required to file a statement under division (A) (4) of this section are the campaign committee of a statewide candidate and the campaign committee of a candidate for county office. The campaign committee of a candidate for any other nonjudicial office is required to file a statement under division (A) (4) of this section if that campaign committee receives, during that period, contributions exceeding ten thousand dollars.

No statement under division (A) (4) of this section shall be required of a campaign committee, a political action committee, a legislative campaign fund, a political party, or a

political contributing entity for any year in which the campaign 69830
committee, political action committee, legislative campaign 69831
fund, political party, or political contributing entity is 69832
required to file a postprimary election statement under division 69833
(A) (2) of this section. However, a statement under division (A) 69834
(4) of this section may be filed at the option of the campaign 69835
committee, political action committee, legislative campaign 69836
fund, political party, or political contributing entity. 69837

No statement under division (A) (3) or (4) of this section 69838
shall be required if the campaign committee, political action 69839
committee, legislative campaign fund, political party, or 69840
political contributing entity has no contributions that it has 69841
received and no expenditures that it has made since the last 69842
date reflected in its last previously filed statement. However, 69843
the campaign committee, political action committee, legislative 69844
campaign fund, political party, or political contributing entity 69845
shall file a statement to that effect, on a form prescribed 69846
under this section and made under penalty of election 69847
falsification, on the date required in division (A) (3) or (4) of 69848
this section, as applicable. 69849

The campaign committee of a statewide candidate shall file 69850
a monthly statement of contributions received during each of the 69851
months of July, August, and September in the year of the general 69852
election in which the candidate seeks office. The campaign 69853
committee of a statewide candidate shall file the monthly 69854
statement not later than three business days after the last day 69855
of the month covered by the statement. During the period 69856
beginning on the nineteenth day before the general election in 69857
which a statewide candidate seeks election to office and 69858
extending through the day of that general election, each time 69859
the campaign committee of the joint candidates for the offices 69860

of governor and lieutenant governor or of a candidate for the 69861
office of secretary of state, auditor of state, treasurer of 69862
state, or attorney general receives a contribution from a 69863
contributor that causes the aggregate amount of contributions 69864
received from that contributor during that period to equal or 69865
exceed ten thousand dollars and each time the campaign committee 69866
of a candidate for the office of chief justice or justice of the 69867
supreme court receives a contribution from a contributor that 69868
causes the aggregate amount of contributions received from that 69869
contributor during that period to exceed ten thousand dollars, 69870
the campaign committee shall file a two-business-day statement 69871
reflecting that contribution. Contributions reported on a two- 69872
business-day statement required to be filed by a campaign 69873
committee of a statewide candidate in a primary election shall 69874
also be included in the postprimary election statement required 69875
to be filed by that campaign committee under division (A) (2) of 69876
this section. A two-business-day statement required by this 69877
paragraph shall be filed not later than two business days after 69878
receipt of the contribution. The statements required by this 69879
paragraph shall be filed in addition to any other statements 69880
required by this section. 69881

Subject to the secretary of state having implemented, 69882
tested, and verified the successful operation of any system the 69883
secretary of state prescribes pursuant to divisions (C) (6) (b) 69884
and (D) (6) of this section and division (F) (1) of section 69885
3517.106 of the Revised Code for the filing of campaign finance 69886
statements by electronic means of transmission, a campaign 69887
committee of a statewide candidate shall file a two-business-day 69888
statement under the preceding paragraph by electronic means of 69889
transmission if the campaign committee is required to file a 69890
pre-election, postelection, or monthly statement of 69891

contributions and expenditures by electronic means of 69892
transmission under this section or section 3517.106 of the 69893
Revised Code. 69894

If a campaign committee or political action committee has 69895
no balance on hand and no outstanding obligations and desires to 69896
terminate itself, it shall file a statement to that effect, on a 69897
form prescribed under this section and made under penalty of 69898
election falsification, with the official with whom it files a 69899
statement under division (A) of this section after filing a 69900
final statement of contributions and a final statement of 69901
expenditures, if contributions have been received or 69902
expenditures made since the period reflected in its last 69903
previously filed statement. 69904

(B) Except as otherwise provided in division (C) (7) of 69905
this section, each statement required by division (A) of this 69906
section shall contain the following information: 69907

(1) The full name and address of each campaign committee, 69908
political action committee, legislative campaign fund, political 69909
party, or political contributing entity, including any treasurer 69910
of the committee, fund, party, or entity, filing a contribution 69911
and expenditure statement; 69912

(2) (a) In the case of a campaign committee, the 69913
candidate's full name and address; 69914

(b) In the case of a political action committee, the 69915
registration number assigned to the committee under division (D) 69916
(1) of this section. 69917

(3) The date of the election and whether it was or will be 69918
a general, primary, or special election; 69919

(4) A statement of contributions received, which shall 69920

include the following information: 69921

(a) The month, day, and year of the contribution; 69922

(b) (i) The full name and address of each person, political 69923
party, campaign committee, legislative campaign fund, political 69924
action committee, or political contributing entity from whom 69925
contributions are received and the registration number assigned 69926
to the political action committee under division (D) (1) of this 69927
section. The requirement of filing the full address does not 69928
apply to any statement filed by a state or local committee of a 69929
political party, to a finance committee of such committee, or to 69930
a committee recognized by a state or local committee as its 69931
fund-raising auxiliary. Notwithstanding division (F) of this 69932
section, the requirement of filing the full address shall be 69933
considered as being met if the address filed is the same address 69934
the contributor provided under division (E) (1) of this section. 69935

(ii) If a political action committee, political 69936
contributing entity, legislative campaign fund, or political 69937
party that is required to file campaign finance statements by 69938
electronic means of transmission under section 3517.106 of the 69939
Revised Code or a campaign committee of a statewide candidate or 69940
candidate for the office of member of the general assembly 69941
receives a contribution from an individual that exceeds one 69942
hundred dollars, the name of the individual's current employer, 69943
if any, or, if the individual is self-employed, the individual's 69944
occupation and the name of the individual's business, if any; 69945

(iii) If a campaign committee of a statewide candidate or 69946
candidate for the office of member of the general assembly 69947
receives a contribution transmitted pursuant to section 3599.031 69948
of the Revised Code from amounts deducted from the wages and 69949
salaries of two or more employees that exceeds in the aggregate 69950

one hundred dollars during any one filing period under division 69951
(A) (1), (2), (3), or (4) of this section, the full name of the 69952
employees' employer and the full name of the labor organization 69953
of which the employees are members, if any. 69954

(c) A description of the contribution received, if other 69955
than money; 69956

(d) The value in dollars and cents of the contribution; 69957

(e) A separately itemized account of all contributions and 69958
expenditures regardless of the amount, except a receipt of a 69959
contribution from a person in the sum of twenty-five dollars or 69960
less at one social or fund-raising activity and a receipt of a 69961
contribution transmitted pursuant to section 3599.031 of the 69962
Revised Code from amounts deducted from the wages and salaries 69963
of employees if the contribution from the amount deducted from 69964
the wages and salary of any one employee is twenty-five dollars 69965
or less aggregated in a calendar year. An account of the total 69966
contributions from each social or fund-raising activity shall 69967
include a description of and the value of each in-kind 69968
contribution received at that activity from any person who made 69969
one or more such contributions whose aggregate value exceeded 69970
two hundred fifty dollars and shall be listed separately, 69971
together with the expenses incurred and paid in connection with 69972
that activity. A campaign committee, political action committee, 69973
legislative campaign fund, political party, or political 69974
contributing entity shall keep records of contributions from 69975
each person in the amount of twenty-five dollars or less at one 69976
social or fund-raising activity and contributions from amounts 69977
deducted under section 3599.031 of the Revised Code from the 69978
wages and salary of each employee in the amount of twenty-five 69979
dollars or less aggregated in a calendar year. No ~~continuing~~ 69980

~~association~~ political action committee or political contributing 69981
entity that is recognized by a state or local committee of a 69982
political party as an auxiliary of the party and that makes a 69983
contribution from funds derived solely from regular dues paid by 69984
members of the auxiliary shall be required to list the name or 69985
address of any members who paid those dues. 69986

Contributions that are other income shall be itemized 69987
separately from all other contributions. The information 69988
required under division (B) (4) of this section shall be provided 69989
for all other income itemized. As used in this paragraph, "other 69990
income" means a loan, investment income, or interest income. 69991

(f) In the case of a campaign committee of a state elected 69992
officer, if a person doing business with the state elected 69993
officer in the officer's official capacity makes a contribution 69994
to the campaign committee of that officer, the information 69995
required under division (B) (4) of this section in regard to that 69996
contribution, which shall be filed together with and considered 69997
a part of the committee's statement of contributions as required 69998
under division (A) of this section but shall be filed on a 69999
separate form provided by the secretary of state. As used in 70000
this division: 70001

(i) "State elected officer" has the same meaning as in 70002
section 3517.092 of the Revised Code. 70003

(ii) "Person doing business" means a person or an officer 70004
of an entity who enters into one or more contracts with a state 70005
elected officer or anyone authorized to enter into contracts on 70006
behalf of that officer to receive payments for goods or 70007
services, if the payments total, in the aggregate, more than 70008
five thousand dollars during a calendar year. 70009

(5) A statement of expenditures which shall include the following information:	70010 70011
(a) The month, day, and year of the expenditure;	70012
(b) The full name and address of each person, political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity to whom the expenditure was made and the registration number assigned to the political action committee under division (D) (1) of this section;	70013 70014 70015 70016 70017 70018
(c) The object or purpose for which the expenditure was made;	70019 70020
(d) The amount of each expenditure.	70021
(C) (1) The statement of contributions and expenditures shall be signed by the person completing the form. If a statement of contributions and expenditures is filed by electronic means of transmission pursuant to this section or section 3517.106 of the Revised Code, the electronic signature of the person who executes the statement and transmits the statement by electronic means of transmission, as provided in division (F) of section 3517.106 of the Revised Code, shall be attached to or associated with the statement and shall be binding on all persons and for all purposes under the campaign finance reporting law as if the signature had been handwritten in ink on a printed form.	70022 70023 70024 70025 70026 70027 70028 70029 70030 70031 70032 70033
(2) The person filing the statement, under penalty of election falsification, shall include with it a list of each anonymous contribution, the circumstances under which it was received, and the reason it cannot be attributed to a specific donor.	70034 70035 70036 70037 70038

(3) Each statement of a campaign committee of a candidate who holds public office shall contain a designation of each contributor who is an employee in any unit or department under the candidate's direct supervision and control. In a space provided in the statement, the person filing the statement shall affirm that each such contribution was voluntarily made.

(4) A campaign committee that did not receive contributions or make expenditures in connection with the nomination or election of its candidate shall file a statement to that effect, on a form prescribed under this section and made under penalty of election falsification, on the date required in division (A) (2) of this section.

(5) The campaign committee of any person who attempts to become a candidate and who, for any reason, does not become certified in accordance with Title XXXV of the Revised Code for placement on the official ballot of a primary, general, or special election to be held in this state, and who, at any time prior to or after an election, receives contributions or makes expenditures, or has given consent for another to receive contributions or make expenditures, for the purpose of bringing about the person's nomination or election to public office, shall file the statement or statements prescribed by this section and a termination statement, if applicable. Division (C) (5) of this section does not apply to any person with respect to an election to the offices of member of a county or state central committee, presidential elector, or delegate to a national convention or conference of a political party.

(6) (a) The statements required to be filed under this section shall specify the balance in the hands of the campaign committee, political action committee, legislative campaign

fund, political party, or political contributing entity and the 70069
disposition intended to be made of that balance. 70070

(b) The secretary of state shall prescribe the form for 70071
all statements required to be filed under this section and shall 70072
furnish the forms to the boards of elections in the several 70073
counties. The boards of elections shall supply printed copies of 70074
those forms without charge. The secretary of state shall 70075
prescribe the appropriate methodology, protocol, and data file 70076
structure for statements required or permitted to be filed by 70077
electronic means of transmission to the secretary of state or a 70078
board of elections under division (A) of this section, division 70079
(E) of section 3517.106, division (D) of section 3517.1011, 70080
division (B) of section 3517.1012, division (C) of section 70081
3517.1013, and divisions (D) and (I) of section 3517.1014 of the 70082
Revised Code. Subject to division (A) of this section, division 70083
(E) of section 3517.106, division (D) of section 3517.1011, 70084
division (B) of section 3517.1012, division (C) of section 70085
3517.1013, and divisions (D) and (I) of section 3517.1014 of the 70086
Revised Code, the statements required to be stored on computer 70087
by the secretary of state under division (B) of section 3517.106 70088
of the Revised Code shall be filed in whatever format the 70089
secretary of state considers necessary to enable the secretary 70090
of state to store the information contained in the statements on 70091
computer. Any such format shall be of a type and nature that is 70092
readily available to whoever is required to file the statements 70093
in that format. 70094

(c) The secretary of state shall assess the need for 70095
training regarding the filing of campaign finance statements by 70096
electronic means of transmission and regarding associated 70097
technologies for candidates, campaign committees, political 70098
action committees, legislative campaign funds, political 70099

parties, ~~or~~ political contributing entities, ~~for~~ individuals, 70100
~~partnerships,~~ or other entities, for persons making 70101
disbursements to pay the direct costs of producing or airing 70102
electioneering communications, or for treasurers of transition 70103
funds, required or permitted to file statements by electronic 70104
means of transmission under this section or section 3517.105, 70105
3517.106, 3517.1011, 3517.1012, 3517.1013, or 3517.1014 of the 70106
Revised Code. If, in the opinion of the secretary of state, 70107
training in these areas is necessary, the secretary of state 70108
shall arrange for the provision of voluntary training programs 70109
for candidates, campaign committees, political action 70110
committees, legislative campaign funds, political parties, ~~or~~ 70111
political contributing entities, ~~for~~ individuals, ~~partnerships,~~ 70112
~~and~~ other entities, ~~for~~ persons making disbursements to pay the 70113
direct costs of producing or airing electioneering 70114
communications, or ~~for~~ treasurers of transition funds, as 70115
appropriate. 70116

(7) Each monthly statement and each two-business-day 70117
statement required by division (A) of this section shall contain 70118
the information required by divisions (B) (1) to (4), (C) (2), 70119
and, if appropriate, (C) (3) of this section. Each statement 70120
shall be signed as required by division (C) (1) of this section. 70121

(D) (1) (a) Prior to receiving a contribution or making an 70122
expenditure, every campaign committee, political action 70123
committee, legislative campaign fund, political party, or 70124
political contributing entity shall appoint a treasurer and 70125
shall file, on a form prescribed by the secretary of state, a 70126
designation of that appointment, including the full name and 70127
address of the treasurer and of the campaign committee, 70128
political action committee, legislative campaign fund, political 70129
party, or political contributing entity. That designation shall 70130

be filed with the official with whom the campaign committee, 70131
political action committee, legislative campaign fund, political 70132
party, or political contributing entity is required to file 70133
statements under section 3517.11 of the Revised Code. The name 70134
of a campaign committee shall include at least the last name of 70135
the campaign committee's candidate. If two or more candidates 70136
are the beneficiaries of a single campaign committee under 70137
division (B) of section 3517.081 of the Revised Code, the name 70138
of the campaign committee shall include at least the last name 70139
of each candidate who is a beneficiary of that campaign 70140
committee. The secretary of state shall assign a registration 70141
number to each political action committee that files a 70142
designation of the appointment of a treasurer under this 70143
division if the political action committee is required by 70144
division (A)(1) of section 3517.11 of the Revised Code to file 70145
the statements prescribed by this section with the secretary of 70146
state. 70147

(b) The secretary of state shall not accept for filing a 70148
designation of treasurer of a political action committee or 70149
political contributing entity if, in the opinion of the 70150
secretary of state, the name of the political action committee 70151
or political contributing entity would lead a reasonable person 70152
to believe that the political action committee or political 70153
contributing entity acts on behalf of or represents a county 70154
political party, unless the designation is accompanied by a 70155
written statement, signed by the chairperson of the county 70156
political party's executive committee, granting the political 70157
action committee or political contributing entity permission to 70158
act on behalf of or represent the county political party. 70159

(2) The treasurer appointed under division (D)(1) of this 70160
section shall keep a strict account of all contributions, from 70161

whom received and the purpose for which they were disbursed. 70162

(3) (a) Except as otherwise provided in section 3517.108 of 70163
the Revised Code, a campaign committee shall deposit all 70164
monetary contributions received by the committee into an account 70165
separate from a personal or business account of the candidate or 70166
campaign committee. 70167

(b) A political action committee shall deposit all 70168
monetary contributions received by the committee into an account 70169
separate from all other funds. 70170

(c) A state or county political party may establish a 70171
state candidate fund that is separate from all other funds. A 70172
state or county political party may deposit into its state 70173
candidate fund any amounts of monetary contributions that are 70174
made to or accepted by the political party subject to the 70175
applicable limitations, if any, prescribed in section 3517.102 70176
of the Revised Code. A state or county political party shall 70177
deposit all other monetary contributions received by the party 70178
into one or more accounts that are separate from its state 70179
candidate fund. 70180

(d) Each state political party shall have only one 70181
legislative campaign fund for each house of the general 70182
assembly. Each such fund shall be separate from any other funds 70183
or accounts of that state party. A legislative campaign fund is 70184
authorized to receive contributions and make expenditures for 70185
the primary purpose of furthering the election of candidates who 70186
are members of that political party to the house of the general 70187
assembly with which that legislative campaign fund is 70188
associated. Each legislative campaign fund shall be administered 70189
and controlled in a manner designated by the caucus. As used in 70190
this division, "caucus" has the same meaning as in section 70191

3517.01 of the Revised Code and includes, as an ex officio 70192
member, the chairperson of the state political party with which 70193
the caucus is associated or that chairperson's designee. 70194

(4) Every expenditure in excess of twenty-five dollars 70195
shall be vouched for by a receipted bill, stating the purpose of 70196
the expenditure, that shall be filed with the statement of 70197
expenditures. A canceled check with a notation of the purpose of 70198
the expenditure is a receipted bill for purposes of division (D) 70199
(4) of this section. 70200

(5) The secretary of state or the board of elections, as 70201
the case may be, shall issue a receipt for each statement filed 70202
under this section and shall preserve a copy of the receipt for 70203
a period of at least six years. All statements filed under this 70204
section shall be open to public inspection in the office where 70205
they are filed and shall be carefully preserved for a period of 70206
at least six years after the year in which they are filed. 70207

(6) The secretary of state, by rule adopted pursuant to 70208
section 3517.23 of the Revised Code, shall prescribe both of the 70209
following: 70210

(a) The manner of immediately acknowledging, with date and 70211
time received, and preserving the receipt of statements that are 70212
transmitted by electronic means of transmission to the secretary 70213
of state or a board of elections pursuant to this section or 70214
section 3517.106, 3517.1011, 3517.1012, 3517.1013, or 3517.1014 70215
of the Revised Code; 70216

(b) The manner of preserving the contribution and 70217
expenditure, contribution and disbursement, deposit and 70218
disbursement, gift and disbursement, or donation and 70219
disbursement information in the statements described in division 70220

(D) (6) (a) of this section. The secretary of state shall preserve 70221
the contribution and expenditure, contribution and disbursement, 70222
deposit and disbursement, gift and disbursement, or donation and 70223
disbursement information in those statements for at least ten 70224
years after the year in which they are filed by electronic means 70225
of transmission. 70226

(7) (a) The secretary of state, pursuant to division (G) of 70227
section 3517.106 of the Revised Code, shall make available 70228
online to the public through the internet the contribution and 70229
expenditure, contribution and disbursement, deposit and 70230
disbursement, gift and disbursement, or donation and 70231
disbursement information in all of the following documents: 70232

(i) All statements, all addenda, amendments, or other 70233
corrections to statements, and all amended statements filed with 70234
the secretary of state by electronic or other means of 70235
transmission under this section, division (B) (2) (b) or (C) (2) (b) 70236
of section 3517.105, or section 3517.106, 3517.1011, 3517.1012, 70237
3517.1013, 3517.1014, or 3517.11 of the Revised Code; 70238

(ii) All statements filed with a board of elections by 70239
electronic means of transmission, and all addenda, amendments, 70240
corrections, and amended versions of those statements, filed 70241
with the board under this section, division (B) (2) (b) or (C) (2) 70242
(b) of section 3517.105, or section 3517.106, 3517.1012, or 70243
3517.11 of the Revised Code. 70244

(b) The secretary of state may remove the information from 70245
the internet after a reasonable period of time. 70246

(E) (1) Any person, political party, campaign committee, 70247
legislative campaign fund, political action committee, or 70248
political contributing entity that makes a contribution in 70249

connection with the nomination or election of any candidate or 70250
in connection with any ballot issue or question at any election 70251
held or to be held in this state shall provide its full name and 70252
address to the recipient of the contribution at the time the 70253
contribution is made. The political action committee also shall 70254
provide the registration number assigned to the committee under 70255
division (D) (1) of this section to the recipient of the 70256
contribution at the time the contribution is made. 70257

(2) Any individual who makes a contribution that exceeds 70258
one hundred dollars to a political action committee, political 70259
contributing entity, legislative campaign fund, or political 70260
party or to a campaign committee of a statewide candidate or 70261
candidate for the office of member of the general assembly shall 70262
provide the name of the individual's current employer, if any, 70263
or, if the individual is self-employed, the individual's 70264
occupation and the name of the individual's business, if any, to 70265
the recipient of the contribution at the time the contribution 70266
is made. Sections 3599.39 and 3599.40 of the Revised Code do not 70267
apply to division (E) (2) of this section. 70268

(3) If a campaign committee shows that it has exercised 70269
its best efforts to obtain, maintain, and submit the information 70270
required under divisions (B) (4) (b) (ii) and (iii) of this 70271
section, that committee is considered to have met the 70272
requirements of those divisions. A campaign committee shall not 70273
be considered to have exercised its best efforts unless, in 70274
connection with written solicitations, it regularly includes a 70275
written request for the information required under division (B) 70276
(4) (b) (ii) of this section from the contributor or the 70277
information required under division (B) (4) (b) (iii) of this 70278
section from whoever transmits the contribution. 70279

(4) Any check that a political action committee uses to make a contribution or an expenditure shall contain the full name and address of the committee and the registration number assigned to the committee under division (D)(1) of this section.

(F) As used in this section:

(1)(a) Except as otherwise provided in division (F)(1) of this section, "address" means all of the following if they exist: apartment number, street, road, or highway name and number, rural delivery route number, city or village, state, and zip code as used in a person's post-office address, but not post-office box.

(b) Except as otherwise provided in division (F)(1) of this section, if an address is required in this section, a post-office box and office, room, or suite number may be included in addition to, but not in lieu of, an apartment, street, road, or highway name and number.

(c) If an address is required in this section, a campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity may use the business or residence address of its treasurer or deputy treasurer. The post-office box number of the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity may be used in addition to that address.

(d) For the sole purpose of a campaign committee's reporting of contributions on a statement of contributions received under division (B)(4) of this section, "address" has one of the following meanings at the option of the campaign committee:

- (i) The same meaning as in division (F)(1)(a) of this section; 70309
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- (ii) All of the following, if they exist: the contributor's post-office box number and city or village, state, and zip code as used in the contributor's post-office address. 70311
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- (e) As used with regard to the reporting under this section of any expenditure, "address" means all of the following if they exist: apartment number, street, road, or highway name and number, rural delivery route number, city or village, state, and zip code as used in a person's post-office address, or post-office box. If an address concerning any expenditure is required in this section, a campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity may use the business or residence address of its treasurer or deputy treasurer or its post-office box number. 70314
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- (2) "Statewide candidate" means the joint candidates for the offices of governor and lieutenant governor or a candidate for the office of secretary of state, auditor of state, treasurer of state, attorney general, member of the state board of education, chief justice of the supreme court, or justice of the supreme court. 70325
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- (3) "Candidate for county office" means a candidate for the office of county auditor, county treasurer, clerk of the court of common pleas, judge of the court of common pleas, sheriff, county recorder, county engineer, county commissioner, prosecuting attorney, or coroner. 70331
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- (G) An independent expenditure shall be reported whenever and in the same manner that an expenditure is required to be 70336
70337

reported under this section and shall be reported pursuant to 70338
division (B) (2) (a) or (C) (2) (a) of section 3517.105 of the 70339
Revised Code. 70340

(H) (1) Except as otherwise provided in division (H) (2) of 70341
this section, if, during the combined pre-election and 70342
postelection reporting periods for an election, a campaign 70343
committee has received contributions of five hundred dollars or 70344
less and has made expenditures in the total amount of five 70345
hundred dollars or less, it may file a statement to that effect, 70346
under penalty of election falsification, in lieu of the 70347
statement required by division (A) (2) of this section. The 70348
statement shall indicate the total amount of contributions 70349
received and the total amount of expenditures made during those 70350
combined reporting periods. 70351

(2) In the case of a successful candidate at a primary 70352
election, if either the total contributions received by or the 70353
total expenditures made by the candidate's campaign committee 70354
during the preprimary, postprimary, pregeneral, and postgeneral 70355
election periods combined equal more than five hundred dollars, 70356
the campaign committee may file the statement under division (H) 70357
(1) of this section only for the primary election. The first 70358
statement that the campaign committee files in regard to the 70359
general election shall reflect all contributions received and 70360
all expenditures made during the preprimary and postprimary 70361
election periods. 70362

(3) Divisions (H) (1) and (2) of this section do not apply 70363
if a campaign committee receives contributions or makes 70364
expenditures prior to the first day of January of the year of 70365
the election at which the candidate seeks nomination or election 70366
to office or if the campaign committee does not file a 70367

termination statement with its postprimary election statement in 70368
the case of an unsuccessful primary election candidate or with 70369
its postgeneral election statement in the case of other 70370
candidates. 70371

~~(I) In the case of a contribution made by~~ (I) (1) If a 70372
partner, owner, or member of a partnership or ~~an owner or a~~ 70373
~~member of another other~~ unincorporated business makes a 70374
contribution from any funds of the partnership or other 70375
unincorporated business, ~~all the partner, owner, or member may~~ 70376
do either of the following apply: 70377

~~(1) The recipient of~~ (a) Make the contribution shall 70378
report in the contribution by listing both name of the 70379
partnership or other unincorporated business as a political 70380
contributing entity; 70381

(b) Make the contribution in the name of both the 70382
partnership or other unincorporated business and the name of ~~the~~ 70383
each individual who is a partner, owner, or member making 70384
participating in the contribution and attribute the contribution 70385
to each participating partner, owner, or member as an individual 70386
for purposes of section 3517.102 of the Revised Code. 70387

(2) In ~~reporting the making a~~ contribution as described in 70388
division (I) (1) (b) of this section, the partner, owner, or 70389
member making the contribution shall include one of the 70390
following along with all other required information, and the 70391
recipient of the contribution shall be entitled to conclusively 70392
rely upon ~~the that~~ information provided by the partnership or 70393
~~other unincorporated business, provided that the information~~ 70394
~~includes one of the following:~~ 70395

(a) The name of each individual who is a partner, owner, 70396

or member as of the date of the contribution or contributions, 70397
and a statement that the total contributions are to be ~~allocated~~ 70398
attributed equally among all to each of the partners, owners, or 70399
members; or 70400

(b) The name of each individual who is a partner, owner, 70401
or member as of the date of the contribution or contributions 70402
who is participating in the contribution or contributions, and a 70403
statement that the contribution or contributions are to be 70404
~~allocated~~ attributed to those individuals in accordance with the 70405
information provided by the partnership or other unincorporated 70406
business to the recipient of the contribution. 70407

~~(3) For purposes of section 3517.102 of the Revised Code,~~ 70408
~~the contribution shall be considered to have been made by the~~ 70409
~~partner, owner, or member reported under division (I) (1) of this~~ 70410
~~section.~~ 70411

~~(4) No contribution from a partner of a partnership or an~~ 70412
~~owner or a member of another unincorporated business shall be~~ 70413
~~accepted from any funds of the partnership or other~~ 70414
~~unincorporated business unless the recipient reports the~~ 70415
~~contribution under division (I) (1) of this section together with~~ 70416
~~the information provided under division (I) (2) of this section.~~ 70417

~~(5) No partnership or other unincorporated business shall~~ 70418
~~make a contribution or contributions solely in the name of the~~ 70419
~~partnership or other unincorporated business.~~ 70420

~~(6) As used in division (I) of this section, "partnership~~ 70421
~~or other unincorporated business" includes, but is not limited~~ 70422
~~to, a cooperative, a sole proprietorship, a general partnership,~~ 70423
~~a limited partnership, a limited partnership association, a~~ 70424
~~limited liability partnership, and a limited liability company.~~ 70425

(J) A candidate shall have only one campaign committee at 70426
any given time for all of the offices for which the person is a 70427
candidate or holds office. 70428

(K) (1) In addition to filing a designation of appointment 70429
of a treasurer under division (D) (1) of this section, the 70430
campaign committee of any candidate for an elected municipal 70431
office that pays an annual amount of compensation of five 70432
thousand dollars or less, the campaign committee of any 70433
candidate for member of a board of education except member of 70434
the state board of education, or the campaign committee of any 70435
candidate for township trustee or township fiscal officer may 70436
sign, under penalty of election falsification, a certificate 70437
attesting that the committee will not accept contributions 70438
during an election period that exceed in the aggregate two 70439
thousand dollars from all contributors and one hundred dollars 70440
from any one individual, and that the campaign committee will 70441
not make expenditures during an election period that exceed in 70442
the aggregate two thousand dollars. 70443

The certificate shall be on a form prescribed by the 70444
secretary of state and shall be filed not later than ten days 70445
after the candidate files a declaration of candidacy and 70446
petition, a nominating petition, or a declaration of intent to 70447
be a write-in candidate. 70448

(2) Except as otherwise provided in division (K) (3) of 70449
this section, a campaign committee that files a certificate 70450
under division (K) (1) of this section is not required to file 70451
the statements required by division (A) of this section. 70452

(3) If, after filing a certificate under division (K) (1) 70453
of this section, a campaign committee exceeds any of the 70454
limitations described in that division during an election 70455

period, the certificate is void and thereafter the campaign 70456
committee shall file the statements required by division (A) of 70457
this section. If the campaign committee has not previously filed 70458
a statement, then on the first statement the campaign committee 70459
is required to file under division (A) of this section after the 70460
committee's certificate is void, the committee shall report all 70461
contributions received and expenditures made from the time the 70462
candidate filed the candidate's declaration of candidacy and 70463
petition, nominating petition, or declaration of intent to be a 70464
write-in candidate. 70465

(4) As used in division (K) of this section, "election 70466
period" means the period of time beginning on the day a person 70467
files a declaration of candidacy and petition, nominating 70468
petition, or declaration of intent to be a write-in candidate 70469
through the day of the election at which the person seeks 70470
nomination to office if the person is not elected to office, or, 70471
if the candidate was nominated in a primary election, the day of 70472
the election at which the candidate seeks office. 70473

(L) A political contributing entity that receives 70474
contributions from the dues, membership fees, or other 70475
assessments of its members or from its officers, shareholders, 70476
and employees may report the aggregate amount of contributions 70477
received from those contributors and the number of individuals 70478
making those contributions, for each filing period under 70479
divisions (A) (1), (2), (3), and (4) of this section, rather than 70480
reporting information as required under division (B) (4) of this 70481
section, including, when applicable, the name of the current 70482
employer, if any, of a contributor whose contribution exceeds 70483
one hundred dollars or, if such a contributor is self-employed, 70484
the contributor's occupation and the name of the contributor's 70485
business, if any. Division (B) (4) of this section applies to a 70486

political contributing entity with regard to contributions it 70487
receives from all other contributors. 70488

Sec. 3517.102. (A) Except as otherwise provided in section 70489
3517.103 of the Revised Code, as used in this section and 70490
sections 3517.103 and 3517.104 of the Revised Code: 70491

(1) "Candidate" has the same meaning as in section 3517.01 70492
of the Revised Code but includes only candidates for the offices 70493
of governor, lieutenant governor, secretary of state, auditor of 70494
state, treasurer of state, attorney general, member of the state 70495
board of education, member of the general assembly, chief 70496
justice of the supreme court, and justice of the supreme court. 70497

(2) "Statewide candidate" or "any one statewide candidate" 70498
means the joint candidates for the offices of governor and 70499
lieutenant governor or a candidate for the office of secretary 70500
of state, auditor of state, treasurer of state, attorney 70501
general, member of the state board of education, chief justice 70502
of the supreme court, or justice of the supreme court. 70503

(3) "Senate candidate" means a candidate for the office of 70504
state senator. 70505

(4) "House candidate" means a candidate for the office of 70506
state representative. 70507

(5) (a) "Primary election period" for a candidate begins on 70508
the beginning date of the candidate's pre-filing period 70509
specified in division (A) (9) of section 3517.109 of the Revised 70510
Code and ends on the day of the primary election. 70511

(b) In regard to any candidate, the "general election 70512
period" begins on the day after the primary election immediately 70513
preceding the general election at which the candidate seeks an 70514
office specified in division (A) (1) of this section and ends on 70515

the thirty-first day of December following that general 70516
election. 70517

(6) "State candidate fund" means the state candidate fund 70518
established by a state or county political party under division 70519
(D) (3) (c) of section 3517.10 of the Revised Code. 70520

(7) "Postgeneral election statement" means the statement 70521
filed under division (A) (2) of section 3517.10 of the Revised 70522
Code by the campaign committee of a candidate after the general 70523
election in which the candidate ran for office or filed by 70524
legislative campaign fund after the general election in an even- 70525
numbered year. 70526

(8) "Contribution" means any contribution that is required 70527
to be reported in the statement of contributions under section 70528
3517.10 of the Revised Code. 70529

(9) (a) Except as otherwise provided in division (A) (9) (b) 70530
of this section, "designated state campaign committee" means: 70531

(i) In the case of contributions to or from a state 70532
political party, a campaign committee of a statewide candidate, 70533
statewide officeholder, senate candidate, house candidate, or 70534
member of the general assembly. 70535

(ii) In the case of contributions to or from a county 70536
political party, a campaign committee of a senate candidate or 70537
house candidate whose candidacy is to be submitted to some or 70538
all of the electors in that county, or member of the general 70539
assembly whose district contains all or part of that county. 70540

(iii) In the case of contributions to or from a 70541
legislative campaign fund, a campaign committee of any of the 70542
following: 70543

(I) A senate or house candidate who, if elected, will be a member of the same party that established the legislative campaign fund and the same house with which the legislative campaign fund is associated;

(II) A state senator or state representative who is a member of the same party that established the legislative campaign fund and the same house with which the legislative campaign fund is associated.

(b) A campaign committee is no longer a "designated state campaign committee" after the campaign committee's candidate changes the designation of treasurer required to be filed under division (D) (1) of section 3517.10 of the Revised Code to indicate that the person intends to be a candidate for, or becomes a candidate for nomination or election to, any office that, if elected, would not qualify that candidate's campaign committee as a "designated state campaign committee" under division (A) (9) (a) of this section.

(B) (1) (a) No individual who is seven years of age or older shall make a contribution or contributions aggregating more than:

(i) Ten thousand dollars to the campaign committee of any one statewide candidate in a primary election period or in a general election period;

(ii) Ten thousand dollars to the campaign committee of any one senate candidate in a primary election period or in a general election period;

(iii) Ten thousand dollars to the campaign committee of any one house candidate in a primary election period or in a general election period;

(iv) Ten thousand dollars to a county political party of the county in which the individual's designated Ohio residence is located for the party's state candidate fund in a calendar year;	70573 70574 70575 70576
(v) Fifteen thousand dollars to any one legislative campaign fund in a calendar year;	70577 70578
(vi) Thirty thousand dollars to any one state political party for the party's state candidate fund in a calendar year;	70579 70580
(vii) Ten thousand dollars to any one political action committee in a calendar year;	70581 70582
(viii) Ten thousand dollars to any one political contributing entity in a calendar year.	70583 70584
(b) No individual shall make a contribution or contributions to the state candidate fund of a county political party of any county other than the county in which the individual's designated Ohio residence is located.	70585 70586 70587 70588
(c) No individual who is under seven years of age shall make any contribution.	70589 70590
(2) (a) Subject to division (D) (1) of this section, no political action committee shall make a contribution or contributions aggregating more than:	70591 70592 70593
(i) Ten thousand dollars to the campaign committee of any one statewide candidate in a primary election period or in a general election period;	70594 70595 70596
(ii) Ten thousand dollars to the campaign committee of any one senate candidate in a primary election period or in a general election period;	70597 70598 70599

(iii) Ten thousand dollars to the campaign committee of any one house candidate in a primary election period or in a general election period;

(iv) Fifteen thousand dollars to any one legislative campaign fund in a calendar year;

(v) Thirty thousand dollars to any one state political party for the party's state candidate fund in a calendar year;

(vi) Ten thousand dollars to another political action committee or to a political contributing entity in a calendar year. This division does not apply to a political action committee that makes a contribution to a political action committee or a political contributing entity affiliated with it. For purposes of this division, a political action committee is affiliated with another political action committee or with a political contributing entity if they are both established, financed, maintained, or controlled by, or if they are, the same corporation, organization, labor organization, ~~continuing association,~~ or other person, including any parent, subsidiary, division, or department of that corporation, organization, labor organization, ~~continuing association,~~ or other person.

(b) No political action committee shall make a contribution or contributions to a county political party for the party's state candidate fund.

(3) No campaign committee shall make a contribution or contributions aggregating more than:

(a) Ten thousand dollars to the campaign committee of any one statewide candidate in a primary election period or in a general election period;

(b) Ten thousand dollars to the campaign committee of any

one senate candidate in a primary election period or in a
general election period; 70629
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(c) Ten thousand dollars to the campaign committee of any
one house candidate in a primary election period or in a general
election period; 70631
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(d) Ten thousand dollars to any one political action
committee in a calendar year; 70634
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(e) Ten thousand dollars to any one political contributing
entity in a calendar year. 70636
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(4) (a) Subject to division (D) (3) of this section, no
political party shall make a contribution or contributions
aggregating more than ten thousand dollars to any one political
action committee or to any one political contributing entity in
a calendar year. 70638
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(b) No county political party shall make a contribution or
contributions to another county political party. 70643
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(5) (a) Subject to division (B) (5) (b) of this section, no
campaign committee, other than a designated state campaign
committee, shall make a contribution or contributions
aggregating in a calendar year more than: 70645
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(i) Thirty thousand dollars to any one state political
party for the party's state candidate fund; 70649
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(ii) Fifteen thousand dollars to any one legislative
campaign fund; 70651
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(iii) Ten thousand dollars to any one county political
party for the party's state candidate fund. 70653
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(b) No campaign committee shall make a contribution or 70655

contributions to a county political party for the party's state 70656
candidate fund unless one of the following applies: 70657

(i) The campaign committee's candidate will appear on a 70658
ballot in that county. 70659

(ii) The campaign committee's candidate is the holder of 70660
an elected public office that represents all or part of the 70661
population of that county at the time the contribution is made. 70662

(6) (a) No state candidate fund of a county political party 70663
shall make a contribution or contributions, except a 70664
contribution or contributions to a designated state campaign 70665
committee, in a primary election period or a general election 70666
period, aggregating more than: 70667

(i) Two hundred fifty thousand dollars to the campaign 70668
committee of any one statewide candidate; 70669

(ii) Ten thousand dollars to the campaign committee of any 70670
one senate candidate; 70671

(iii) Ten thousand dollars to the campaign committee of 70672
any one house candidate. 70673

(b) (i) No state candidate fund of a state or county 70674
political party shall make a transfer or a contribution or 70675
transfers or contributions of cash or cash equivalents to a 70676
designated state campaign committee in a primary election period 70677
or in a general election period aggregating more than: 70678

(I) Five hundred thousand dollars to the campaign 70679
committee of any one statewide candidate; 70680

(II) One hundred thousand dollars to the campaign 70681
committee of any one senate candidate; 70682

(III) Fifty thousand dollars to the campaign committee of any one house candidate. 70683
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(ii) No legislative campaign fund shall make a transfer or a contribution or transfers or contributions of cash or cash equivalents to a designated state campaign committee aggregating more than: 70685
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(I) Fifty thousand dollars in a primary election period or one hundred thousand dollars in a general election period to the campaign committee of any one senate candidate; 70689
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(II) Twenty-five thousand dollars in a primary election period or fifty thousand dollars in a general election period to the campaign committee of any one house candidate. 70692
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(iii) As used in divisions (B) (6) (b) and (C) (6) of this section, "transfer or contribution of cash or cash equivalents" does not include any in-kind contributions. 70695
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(c) A county political party that has no state candidate fund and that is located in a county having a population of less than one hundred fifty thousand may make one or more contributions from other accounts to any one statewide candidate or to any one designated state campaign committee that do not exceed, in the aggregate, two thousand five hundred dollars in any primary election period or general election period. 70698
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(d) No legislative campaign fund shall make a contribution, other than to a designated state campaign committee or to the state candidate fund of a political party. 70705
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(7) (a) Subject to division (D) (1) of this section, no political contributing entity shall make a contribution or contributions aggregating more than: 70708
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- (i) Ten thousand dollars to the campaign committee of any one statewide candidate in a primary election period or in a general election period; 70711
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- (ii) Ten thousand dollars to the campaign committee of any one senate candidate in a primary election period or in a general election period; 70714
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- (iii) Ten thousand dollars to the campaign committee of any one house candidate in a primary election period or in a general election period; 70717
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- (iv) Fifteen thousand dollars to any one legislative campaign fund in a calendar year; 70720
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- (v) Thirty thousand dollars to any one state political party for the party's state candidate fund in a calendar year; 70722
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- (vi) Ten thousand dollars to another political contributing entity or to a political action committee in a calendar year. This division does not apply to a political contributing entity that makes a contribution to a political contributing entity or a political action committee affiliated with it. For purposes of this division, a political contributing entity is affiliated with another political contributing entity or with a political action committee if they are both established, financed, maintained, or controlled by, or if they are, the same corporation, organization, labor organization, ~~continuing association,~~ or other person, including any parent, subsidiary, division, or department of that corporation, organization, labor organization, ~~continuing association,~~ or other person. 70724
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- (b) No political contributing entity shall make a contribution or contributions to a county political party for 70738
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the party's state candidate fund. 70740

(C) (1) (a) Subject to division (D) (1) of this section, no 70741
campaign committee of a statewide candidate shall do any of the 70742
following: 70743

(i) Knowingly accept a contribution or contributions from 70744
any individual who is under seven years of age; 70745

(ii) Accept a contribution or contributions aggregating 70746
more than ten thousand dollars from any one individual who is 70747
seven years of age or older, from any one political action 70748
committee, from any one political contributing entity, or from 70749
any one other campaign committee in a primary election period or 70750
in a general election period; 70751

(iii) Accept a contribution or contributions aggregating 70752
more than two hundred fifty thousand dollars from any one or 70753
combination of state candidate funds of county political parties 70754
in a primary election period or in a general election period. 70755

(b) No campaign committee of a statewide candidate shall 70756
accept a contribution or contributions aggregating more than two 70757
thousand five hundred dollars in a primary election period or in 70758
a general election period from a county political party that has 70759
no state candidate fund and that is located in a county having a 70760
population of less than one hundred fifty thousand. 70761

(2) (a) Subject to division (D) (1) of this section and 70762
except for a designated state campaign committee, no campaign 70763
committee of a senate candidate shall do either of the 70764
following: 70765

(i) Knowingly accept a contribution or contributions from 70766
any individual who is under seven years of age; 70767

(ii) Accept a contribution or contributions aggregating more than ten thousand dollars from any one individual who is seven years of age or older, from any one political action committee, from any one political contributing entity, from any one state candidate fund of a county political party, or from any one other campaign committee in a primary election period or in a general election period. 70768
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(b) No campaign committee of a senate candidate shall accept a contribution or contributions aggregating more than two thousand five hundred dollars in a primary election period or in a general election period from a county political party that has no state candidate fund and that is located in a county having a population of less than one hundred fifty thousand. 70775
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(3) (a) Subject to division (D) (1) of this section and except for a designated state campaign committee, no campaign committee of a house candidate shall do either of the following: 70781
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(i) Knowingly accept a contribution or contributions from any individual who is under seven years of age; 70784
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(ii) Accept a contribution or contributions aggregating more than ten thousand dollars from any one individual who is seven years of age or older, from any one political action committee, from any one political contributing entity, from any one state candidate fund of a county political party, or from any one other campaign committee in a primary election period or in a general election period. 70786
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(b) No campaign committee of a house candidate shall accept a contribution or contributions aggregating more than two thousand five hundred dollars in a primary election period or in a general election period from a county political party that has 70793
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no state candidate fund and that is located in a county having a population of less than one hundred fifty thousand. 70797
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(4) (a) (i) Subject to division (C) (4) (a) (ii) of this section and except for a designated state campaign committee, no county political party shall knowingly accept a contribution or contributions from any individual who is under seven years of age, or accept a contribution or contributions for the party's state candidate fund aggregating more than ten thousand dollars from any one individual whose designated Ohio residence is located within that county and who is seven years of age or older or from any one campaign committee in a calendar year. 70799
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(ii) Subject to division (D) (1) of this section, no county political party shall accept a contribution or contributions for the party's state candidate fund from any individual whose designated Ohio residence is located outside of that county and who is seven years of age or older, from any campaign committee unless the campaign committee's candidate will appear on a ballot in that county or unless the campaign committee's candidate is the holder of an elected public office that represents all or part of the population of that county at the time the contribution is accepted, or from any political action committee or any political contributing entity. 70808
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(iii) No county political party shall accept a contribution or contributions from any other county political party. 70819
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(b) Subject to division (D) (1) of this section, no state political party shall do either of the following: 70822
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(i) Knowingly accept a contribution or contributions from any individual who is under seven years of age; 70824
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(ii) Accept a contribution or contributions for the party's state candidate fund aggregating more than thirty thousand dollars from any one individual who is seven years of age or older, from any one political action committee, from any one political contributing entity, or from any one campaign committee, other than a designated state campaign committee, in a calendar year.

(5) Subject to division (D)(1) of this section, no legislative campaign fund shall do either of the following:

(a) Knowingly accept a contribution or contributions from any individual who is under seven years of age;

(b) Accept a contribution or contributions aggregating more than fifteen thousand dollars from any one individual who is seven years of age or older, from any one political action committee, from any one political contributing entity, or from any one campaign committee, other than a designated state campaign committee, in a calendar year.

(6) (a) No designated state campaign committee shall accept a transfer or contribution of cash or cash equivalents from a state candidate fund of a state political party aggregating in a primary election period or a general election period more than:

(i) Five hundred thousand dollars, in the case of a campaign committee of a statewide candidate;

(ii) One hundred thousand dollars, in the case of a campaign committee of a senate candidate;

(iii) Fifty thousand dollars, in the case of a campaign committee of a house candidate.

(b) No designated state campaign committee shall accept a

transfer or contribution of cash or cash equivalents from a legislative campaign fund aggregating more than: 70854
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(i) Fifty thousand dollars in a primary election period or one hundred thousand dollars in a general election period, in the case of a campaign committee of a senate candidate; 70856
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(ii) Twenty-five thousand dollars in a primary election period or fifty thousand dollars in a general election period, in the case of a campaign committee of a house candidate. 70859
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(c) No campaign committee of a candidate for the office of member of the general assembly, including a designated state campaign committee, shall accept a transfer or contribution of cash or cash equivalents from any one or combination of state candidate funds of county political parties aggregating in a primary election period or a general election period more than: 70862
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(i) One hundred thousand dollars, in the case of a campaign committee of a senate candidate; 70868
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(ii) Fifty thousand dollars, in the case of a campaign committee of a house candidate. 70870
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(7) (a) Subject to division (D) (3) of this section, no political action committee and no political contributing entity shall do either of the following: 70872
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(i) Knowingly accept a contribution or contributions from any individual who is under seven years of age; 70875
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(ii) Accept a contribution or contributions aggregating more than ten thousand dollars from any one individual who is seven years of age or older, from any one campaign committee, or from any one political party in a calendar year. 70877
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(b) Subject to division (D) (1) of this section, no 70881

political action committee shall accept a contribution or 70882
contributions aggregating more than ten thousand dollars from 70883
another political action committee or from a political 70884
contributing entity in a calendar year. Subject to division (D) 70885
(1) of this section, no political contributing entity shall 70886
accept a contribution or contributions aggregating more than ten 70887
thousand dollars from another political contributing entity or 70888
from a political action committee in a calendar year. This 70889
division does not apply to a political action committee or 70890
political contributing entity that accepts a contribution from a 70891
political action committee or political contributing entity 70892
affiliated with it. For purposes of this division, a political 70893
action committee is affiliated with another political action 70894
committee or with a political contributing entity if they are 70895
both established, financed, maintained, or controlled by the 70896
same corporation, organization, labor organization, ~~continuing~~ 70897
~~association,~~ or other person, including any parent, subsidiary, 70898
division, or department of that corporation, organization, labor 70899
organization, ~~continuing association,~~ or other person. 70900

(D) (1) (a) For purposes of the limitations prescribed in 70901
division (B) (2) of this section and the limitations prescribed 70902
in divisions (C) (1), (2), (3), (4), (5), and (7) (b) of this 70903
section, whichever is applicable, all contributions made by and 70904
all contributions accepted from political action committees that 70905
are established, financed, maintained, or controlled by, or that 70906
are, the same corporation, organization, labor organization, 70907
~~continuing association,~~ or other person, including any parent, 70908
subsidiary, division, or department of that corporation, 70909
organization, labor organization, ~~continuing association,~~ or 70910
other person, are considered to have been made by or accepted 70911
from a single political action committee. 70912

(b) For purposes of the limitations prescribed in division 70913
(B) (7) of this section and the limitations prescribed in 70914
divisions (C) (1), (2), (3), (4), (5), and (7) (b) of this 70915
section, whichever is applicable, all contributions made by and 70916
all contributions accepted from political contributing entities 70917
that are established, financed, maintained, or controlled by, or 70918
that are, the same corporation, organization, labor 70919
organization, ~~continuing association,~~ or other person, including 70920
any parent, subsidiary, division, or department of that 70921
corporation, organization, labor organization, ~~continuing~~ 70922
~~association,~~ or other person, are considered to have been made 70923
by or accepted from a single political contributing entity. 70924

(2) As used in divisions (B) (1) (a) (vii), (B) (3) (d), (B) (4) 70925
(a), and (C) (7) of this section, "political action committee" 70926
does not include a political action committee that ~~is organized~~ 70927
~~to support or oppose a ballot issue or question and that makes~~ 70928
~~no contributions to or only independent expenditures on behalf~~ 70929
~~of a political party, campaign committee, legislative campaign~~ 70930
~~fund, or contributions to political action committee, committees~~ 70931
or political contributing ~~entity~~ entities that make only 70932
independent expenditures. As used in divisions (B) (1) (a) (viii), 70933
(B) (3) (e), (B) (4) (a), and (C) (7) of this section, "political 70934
contributing entity" does not include a political contributing 70935
entity that ~~is organized to support or oppose a ballot issue or~~ 70936
~~question and that makes no contributions to or only independent~~ 70937
~~expenditures on behalf of a political party, campaign committee,~~ 70938
~~legislative campaign fund, or contributions to political action~~ 70939
~~committee, committees~~ or political contributing ~~entity~~ entities 70940
that make only independent expenditures. 70941

(3) For purposes of the limitations prescribed in 70942
divisions (B) (4) and (C) (7) (a) of this section, all 70943

contributions made by and all contributions accepted from a 70944
national political party, a state political party, and a county 70945
political party are considered to have been made by or accepted 70946
from a single political party and shall be combined with each 70947
other to determine whether the limitations have been exceeded. 70948

(E) (1) If a legislative campaign fund has kept a total 70949
amount of contributions exceeding one hundred fifty thousand 70950
dollars at the close of business on the seventh day before the 70951
postgeneral election statement is required to be filed under 70952
section 3517.10 of the Revised Code, the legislative campaign 70953
fund shall comply with division (E) (2) of this section. 70954

(2) (a) Any legislative campaign fund that has kept a total 70955
amount of contributions in excess of the amount specified in 70956
division (E) (1) of this section at the close of business on the 70957
seventh day before the postgeneral election statement is 70958
required to be filed under section 3517.10 of the Revised Code 70959
shall dispose of the excess amount in the manner prescribed in 70960
division (E) (2) (b) (i), (ii), or (iii) of this section not later 70961
than ninety days after the day the postgeneral election 70962
statement is required to be filed under section 3517.10 of the 70963
Revised Code. Any legislative campaign fund that is required to 70964
dispose of an excess amount of contributions under this division 70965
shall file a statement on the ninetieth day after the 70966
postgeneral election statement is required to be filed under 70967
section 3517.10 of the Revised Code indicating the total amount 70968
of contributions the fund has at the close of business on the 70969
seventh day before the postgeneral election statement is 70970
required to be filed under section 3517.10 of the Revised Code 70971
and that the excess contributions were disposed of pursuant to 70972
this division and division (E) (2) (b) of this section. The 70973
statement shall be on a form prescribed by the secretary of 70974

state and shall contain any additional information the secretary 70975
of state considers necessary. 70976

(b) Any legislative campaign fund that is required to 70977
dispose of an excess amount of contributions under division (E) 70978
(2) of this section shall dispose of that excess amount by doing 70979
any of the following: 70980

(i) Giving the amount to the treasurer of state for 70981
deposit into the state treasury to the credit of the Ohio 70982
~~elections~~ election integrity commission fund created by ~~division~~ 70983
~~(I) of section 3517.152-111.29~~ of the Revised Code; 70984

(ii) Giving the amount to individuals who made 70985
contributions to that legislative campaign fund as a refund of 70986
all or part of their contributions; 70987

(iii) Giving the amount to a corporation that is exempt 70988
from federal income taxation under subsection 501(a) and 70989
described in subsection 501(c) of the Internal Revenue Code. 70990

(F) (1) No legislative campaign fund shall fail to file a 70991
statement required by division (E) of this section. 70992

(2) No legislative campaign fund shall fail to dispose of 70993
excess contributions as required by division (E) of this 70994
section. 70995

(G) Nothing in this section shall affect, be used in 70996
determining, or supersede a limitation on campaign contributions 70997
as provided for in the Federal Election Campaign Act. 70998

Sec. 3517.105. (A) (1) As used in this section, "public 70999
political advertising" means advertising to the general public 71000
through a broadcasting station, newspaper, magazine, poster, 71001
yard sign, or outdoor advertising facility, by direct mail, or 71002

by any other means of advertising to the general public. 71003

(2) For purposes of this section and section 3517.20 of 71004
the Revised Code, a person is a member of a political action 71005
committee if the person makes one or more contributions to that 71006
political action committee, and a person is a member of a 71007
political contributing entity if the person makes one or more 71008
contributions to, or pays dues, membership fees, or other 71009
assessments to, that political contributing entity. 71010

(B) (1) Whenever a candidate, a campaign committee, a 71011
political action committee or political contributing entity with 71012
ten or more members, or a legislative campaign fund makes an 71013
independent expenditure, or whenever a political action 71014
committee or political contributing entity with fewer than ten 71015
members makes an independent expenditure in excess of one 71016
hundred dollars for a local candidate, in excess of two hundred 71017
fifty dollars for a candidate for the office of member of the 71018
general assembly, or in excess of five hundred dollars for a 71019
statewide candidate, for the purpose of financing communications 71020
advocating the election or defeat of an identified candidate or 71021
solicits without the candidate's express consent a contribution 71022
for or against an identified candidate through public political 71023
advertising, a statement shall appear or be presented in a clear 71024
and conspicuous manner in the advertising that does both of the 71025
following: 71026

(a) Clearly indicates that the communication or public 71027
political advertising is not authorized by the candidate or the 71028
candidate's campaign committee; 71029

(b) Clearly identifies the candidate, campaign committee, 71030
political action committee, political contributing entity, or 71031
legislative campaign fund that has paid for the communication or 71032

public political advertising in accordance with section 3517.20 71033
of the Revised Code. 71034

(2) (a) Whenever any campaign committee, legislative 71035
campaign fund, political action committee, political 71036
contributing entity, or political party makes an independent 71037
expenditure in support of or opposition to any candidate, the 71038
committee, entity, fund, or party shall report the independent 71039
expenditure and identify the candidate on a statement prescribed 71040
by the secretary of state and filed by the committee, entity, 71041
fund, or party as part of its statement of contributions and 71042
expenditures pursuant to division (A) of section 3517.10 and 71043
division (A) of section 3517.11 of the Revised Code. 71044

(b) Whenever any individual, ~~partnership~~, or ~~other~~ entity, 71045
except a ~~corporation~~, ~~labor organization~~, campaign committee, 71046
legislative campaign fund, political action committee, political 71047
contributing entity, or political party, makes one or more 71048
independent expenditures in support of or opposition to any 71049
candidate, the individual, ~~partnership~~, or ~~other~~ entity shall 71050
file with the secretary of state in the case of a statewide 71051
candidate, or with the board of elections in the county in which 71052
the candidate files the candidate's petitions for nomination or 71053
election for district or local office, not later than the dates 71054
specified in divisions (A) (1), (2), (3), and (4) of section 71055
3517.10 of the Revised Code, and, except as otherwise provided 71056
in that section, a statement itemizing all independent 71057
expenditures made during the period since the close of business 71058
on the last day reflected in the last previously filed such 71059
statement, if any. The statement shall be made on a form 71060
prescribed by the secretary of state or shall be filed by 71061
electronic means of transmission pursuant to division (E) of 71062
section 3517.106 of the Revised Code as authorized or required 71063

by that division. The statement shall indicate the date and the amount of each independent expenditure and the candidate on whose behalf it was made and shall be made under penalty of election falsification.

(C) (1) Whenever a ~~corporation, labor organization,~~ campaign committee, political action committee or political contributing entity with ten or more members, or legislative campaign fund makes an independent expenditure, or whenever a political action committee or political contributing entity with fewer than ten members makes an independent expenditure in excess of one hundred dollars for a local ballot issue or question, or in excess of five hundred dollars for a statewide ballot issue or question, for the purpose of financing communications advocating support of or opposition to an identified ballot issue or question or solicits without the express consent of the ballot issue committee a contribution for or against an identified ballot issue or question through public political advertising, a statement shall appear or be presented in a clear and conspicuous manner in the advertising that does both of the following:

(a) Clearly indicates that the communication or public political advertising is not authorized by the identified ballot issue committee;

(b) Clearly identifies the ~~corporation, labor organization,~~ campaign committee, legislative campaign fund, ~~or~~ political action committee, or political contributing entity that has paid for the communication or public political advertising in accordance with section 3517.20 of the Revised Code.

(2) (a) Whenever any ~~corporation, labor organization,~~

campaign committee, legislative campaign fund, political party, 71094
~~or~~ political action committee, or political contributing entity 71095
makes an independent expenditure in support of or opposition to 71096
any ballot issue or question, ~~the corporation or labor~~ 71097
~~organization shall report the independent expenditure in~~ 71098
~~accordance with division (C) of section 3599.03 of the Revised~~ 71099
~~Code, and the~~ campaign committee, legislative campaign fund, 71100
political party, ~~or~~ political action committee, or political 71101
contributing entity shall report the independent expenditure and 71102
identify the ballot issue or question on a statement prescribed 71103
by the secretary of state and filed by the committee, fund, or 71104
party as part of its statement of contributions and expenditures 71105
pursuant to division (A) of section 3517.10 and division (A) of 71106
section 3517.11 of the Revised Code. 71107

(b) Whenever any individual, ~~partnership,~~ or other entity, 71108
except a ~~corporation, labor organization,~~ campaign committee, 71109
legislative campaign fund, political action committee, political 71110
contributing entity, or political party, makes one or more 71111
independent expenditures in excess of one hundred dollars in 71112
support of or opposition to any ballot issue or question, the 71113
individual, ~~partnership,~~ or other entity shall file with the 71114
secretary of state in the case of a statewide ballot issue or 71115
question, or with the board of elections in the county that 71116
certifies the issue or question for placement on the ballot in 71117
the case of a district or local issue or question, not later 71118
than the dates specified in divisions (A) (1), (2), (3), and (4) 71119
of section 3517.10 of the Revised Code, and, except as otherwise 71120
provided in that section, a statement itemizing all independent 71121
expenditures made during the period since the close of business 71122
on the last day reflected in the last previously filed such 71123
statement, if any. The statement shall be made on a form 71124

prescribed by the secretary of state or shall be filed by 71125
electronic means of transmission pursuant to division (E) of 71126
section 3517.106 of the Revised Code as authorized or required 71127
by that division. The statement shall indicate the date and the 71128
amount of each independent expenditure and the ballot issue or 71129
question in support of or opposition to which it was made and 71130
shall be made under penalty of election falsification. 71131

(3) No person, campaign committee, legislative campaign 71132
fund, political action committee, ~~corporation, labor~~ 71133
~~organization, political contributing entity,~~ or other 71134
organization or association shall use or cause to be used a 71135
false or fictitious name in making an independent expenditure in 71136
support of or opposition to any candidate or any ballot issue or 71137
question. A name is false or fictitious if the person, campaign 71138
committee, legislative campaign fund, political action 71139
committee, ~~corporation, labor organization, political~~ 71140
contributing entity, or other organization or association does 71141
not actually exist or operate, if the ~~corporation, labor~~ 71142
~~organization, or other~~ organization or association has failed to 71143
file a fictitious name or other registration with the secretary 71144
of state, if it is required to do so, or if the person, campaign 71145
committee, legislative campaign fund, ~~or~~ political action 71146
committee, or political contributing entity has failed to file a 71147
designation of the appointment of a treasurer, if it is required 71148
to do so by division (D) (1) of section 3517.10 of the Revised 71149
Code. 71150

(D) Any expenditure by a political party for the purpose 71151
of financing communications advocating the election or defeat of 71152
a candidate for judicial office shall be deemed to be an 71153
independent expenditure subject to the provisions of this 71154
section. 71155

Sec. 3517.106. (A) As used in this section:	71156
(1) "Statewide office" means any of the offices of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, chief justice of the supreme court, and justice of the supreme court.	71157 71158 71159 71160
(2) "Addendum to a statement" includes an amendment or other correction to that statement.	71161 71162
(B) The secretary of state shall store all of the following information on computer:	71163 71164
(1) The information contained in statements of contributions and expenditures and monthly statements required to be filed under section 3517.10 of the Revised Code and in statements of independent expenditures required to be filed under section 3517.105 of the Revised Code with the secretary of state and the information transmitted to the secretary of state by boards of elections under division (E) (2) of this section;	71165 71166 71167 71168 71169 71170 71171
(2) The information contained in disclosure of electioneering communications statements required to be filed under section 3517.1011 of the Revised Code;	71172 71173 71174
(3) The information contained in deposit and disbursement statements required to be filed with the office of the secretary of state under section 3517.1012 of the Revised Code;	71175 71176 71177
(4) The gift and disbursement information contained in statements required to be filed with the office of the secretary of state under section 3517.1013 of the Revised Code;	71178 71179 71180
(5) The information contained in donation and disbursement statements required to be filed with the office of the secretary of state under section 3517.1014 of the Revised Code.	71181 71182 71183

(C) (1) The secretary of state shall make available to the 71184
campaign committees, political action committees, political 71185
contributing entities, legislative campaign funds, political 71186
parties, individuals, ~~partnerships, corporations, labor~~ 71187
~~organizations,~~ treasurers of transition funds, and other 71188
entities that are permitted or required to file statements by 71189
electronic means of transmission, and to members of the news 71190
media and other interested persons, for a reasonable fee, 71191
computer programs that are compatible with the secretary of 71192
state's method of storing the information contained in the 71193
statements. 71194

(2) The secretary of state shall make the information 71195
required to be stored under division (B) of this section 71196
available on computer at the secretary of state's office so 71197
that, to the maximum extent feasible, individuals may obtain at 71198
the secretary of state's office any part or all of that 71199
information for any given year, subject to the limitation 71200
expressed in division (D) of this section. 71201

(D) The secretary of state shall keep the information 71202
stored on computer under division (B) of this section for at 71203
least six years. 71204

(E) (1) Subject to division (J) of this section and subject 71205
to the secretary of state having implemented, tested, and 71206
verified the successful operation of any system the secretary of 71207
state prescribes pursuant to division (F) (1) of this section and 71208
divisions (C) (6) (b) and (D) (6) of section 3517.10 of the Revised 71209
Code for the filing of campaign finance statements by electronic 71210
means of transmission, each of the following entities shall be 71211
permitted or required to file statements by electronic means of 71212
transmission, as applicable: 71213

(a) The campaign committee of each candidate for statewide office may file the statements prescribed by section 3517.10 of the Revised Code by electronic means of transmission or, if the total amount of the contributions received or the total amount of the expenditures made by the campaign committee for the applicable reporting period as specified in division (A) of section 3517.10 of the Revised Code exceeds ten thousand dollars, shall file those statements by electronic means of transmission.

(b) A campaign committee of a candidate for the office of member of the general assembly or a campaign committee of a candidate for the office of judge of a court of appeals may file the statements prescribed by section 3517.10 of the Revised Code in accordance with division (A) (2) of section 3517.11 of the Revised Code or by electronic means of transmission to the office of the secretary of state or, if the total amount of the contributions received by the campaign committee for the applicable reporting period as specified in division (A) of section 3517.10 of the Revised Code exceeds ten thousand dollars, shall file those statements by electronic means of transmission to the office of the secretary of state.

(c) A campaign committee of a candidate for an office other than a statewide office, the office of member of the general assembly, or the office of judge of a court of appeals may file the statements prescribed by section 3517.10 of the Revised Code by electronic means of transmission to the secretary of state or the board of elections, as applicable.

(d) A political action committee and a political contributing entity described in division (A) (1) of section 3517.11 of the Revised Code, a legislative campaign fund, and a

state political party may file the statements prescribed by 71244
section 3517.10 of the Revised Code by electronic means of 71245
transmission to the office of the secretary of state or, if the 71246
total amount of the contributions received or the total amount 71247
of the expenditures made by the political action committee, 71248
political contributing entity, legislative campaign fund, or 71249
state political party for the applicable reporting period as 71250
specified in division (A) of section 3517.10 of the Revised Code 71251
exceeds ten thousand dollars, shall file those statements by 71252
electronic means of transmission. 71253

(e) A county political party shall file the statements 71254
prescribed by section 3517.10 of the Revised Code with respect 71255
to its state candidate fund by electronic means of transmission 71256
to the office of the secretary of state. 71257

(f) A county political party may file all other statements 71258
prescribed by section 3517.10 of the Revised Code by electronic 71259
means of transmission to the board of elections. 71260

(g) A political action committee or political contributing 71261
entity described in division (A) (3) of section 3517.11 of the 71262
Revised Code may file the statements prescribed by section 71263
3517.10 of the Revised Code by electronic means of transmission 71264
to the board of elections. 71265

(h) Any individual, ~~partnership~~, or ~~other~~ entity that 71266
makes independent expenditures in support of or opposition to a 71267
statewide candidate or a statewide ballot issue or question as 71268
provided in division (B) (2) (b) or (C) (2) (b) of section 3517.105 71269
of the Revised Code may file the statement specified in that 71270
division by electronic means of transmission to the office of 71271
the secretary of state or, if the total amount of independent 71272
expenditures made during the reporting period under that 71273

division exceeds ten thousand dollars, shall file the statement 71274
specified in that division by electronic means of transmission. 71275

(i) Any individual, ~~partnership,~~ or ~~other~~ entity that 71276
makes independent expenditures in support of or opposition to a 71277
candidate or ballot issue other than a statewide candidate or a 71278
statewide ballot issue as provided in division (B) (2) (b) or (C) 71279
(2) (b) of section 3517.105 of the Revised Code may file the 71280
statement specified in that division by electronic means of 71281
transmission to the board of elections. 71282

(2) A board of elections that receives a statement by 71283
electronic means of transmission shall transmit that statement 71284
to the secretary of state within five business days after 71285
receiving the statement. If the board receives an addendum or an 71286
amended statement from an entity that filed a statement with the 71287
board by electronic means of transmission, the board shall 71288
transmit the addendum or amended statement to the secretary of 71289
state not later than the close of business on the day the board 71290
received the addendum or amended statement. 71291

(3) (a) Except as otherwise provided in division (E) (3) (b) 71292
of this section, within five business days after a statement 71293
filed under division (E) (1) of this section is received by the 71294
secretary of state by electronic or other means of transmission, 71295
the secretary of state shall make available online to the public 71296
through the internet, as provided in division (G) of this 71297
section, the contribution and expenditure information in that 71298
statement. 71299

(b) The secretary of state shall not make available online 71300
to the public through the internet any contribution or 71301
expenditure information contained in a statement for any 71302
candidate until the secretary of state is able to make available 71303

online to the public through the internet the contribution and 71304
expenditure information for all candidates for a particular 71305
office, or until the applicable filing deadline for that 71306
statement has passed, whichever is sooner. As soon as the 71307
secretary of state has available all of the contribution and 71308
expenditure information for all candidates for a particular 71309
office, or as soon as the applicable filing deadline for a 71310
statement has passed, whichever is sooner, the secretary of 71311
state shall simultaneously make available online to the public 71312
through the internet the information for all candidates for that 71313
office. 71314

(4) (a) If a statement filed by electronic means of 71315
transmission is found to be incomplete or inaccurate after the 71316
examination of the statement for completeness and accuracy 71317
pursuant to division (B) (3) (a) of section 3517.11 of the Revised 71318
Code, the entity that filed the statement shall file by 71319
electronic means of transmission any addendum to the statement 71320
that provides the information necessary to complete or correct 71321
the statement or, if required under that division, an amended 71322
statement. 71323

(b) Within five business days after the secretary of state 71324
receives an addendum to the statement or an amended statement by 71325
electronic or other means of transmission, the secretary of 71326
state shall make the contribution and expenditure information in 71327
the addendum or amended statement available online to the public 71328
through the internet as provided in division (G) of this 71329
section. 71330

(5) If a campaign committee for the office of member of 71331
the general assembly or a campaign committee of a candidate for 71332
the office of judge of a court of appeals files a statement, 71333

addendum, or amended statement by printed version only with the 71334
appropriate board of elections, the campaign committee shall 71335
file two copies of the printed version of the statement, 71336
addendum, or amended statement with the board of elections. The 71337
board of elections shall send one of those copies by certified 71338
mail or an electronic copy to the secretary of state before the 71339
close of business on the day the board of elections receives the 71340
statement, addendum, or amended statement. 71341

(F) (1) The secretary of state, by rule adopted pursuant to 71342
section 3517.23 of the Revised Code, shall prescribe one or more 71343
techniques by which a person who executes and transmits to the 71344
secretary of state or a board of elections by electronic means a 71345
statement of contributions and expenditures, a statement of 71346
independent expenditures, a disclosure of electioneering 71347
communications statement, a deposit and disbursement statement, 71348
a gift and disbursement statement, or a donation and 71349
disbursement statement, an addendum to any of those statements, 71350
an amended statement of contributions and expenditures, an 71351
amended statement of independent expenditures, an amended 71352
disclosure of electioneering communications statement, an 71353
amended deposit and disbursement statement, an amended gift and 71354
disbursement statement, or an amended donation and disbursement 71355
statement, under this section or section 3517.10, 3517.105, 71356
3517.1011, 3517.1012, 3517.1013, or 3517.1014 of the Revised 71357
Code shall electronically sign the statement, addendum, or 71358
amended statement. Any technique prescribed by the secretary of 71359
state pursuant to this division shall create an electronic 71360
signature that satisfies all of the following: 71361

(a) It is unique to the signer. 71362

(b) It objectively identifies the signer. 71363

(c) It involves the use of a signature device or other means or method that is under the sole control of the signer and that cannot be readily duplicated or compromised.

(d) It is created and linked to the electronic record to which it relates in a manner that, if the record or signature is intentionally or unintentionally changed after signing, the electronic signature is invalidated.

(2) An electronic signature prescribed by the secretary of state under division (F)(1) of this section shall be attached to or associated with the statement of contributions and expenditures, the statement of independent expenditures, the disclosure of electioneering communications statement, the deposit and disbursement statement, the gift and disbursement statement, or the donation and disbursement statement, the addendum to any of those statements, the amended statement of contributions and expenditures, the amended statement of independent expenditures, the amended disclosure of electioneering communications statement, the amended deposit and disbursement statement, the amended gift and disbursement statement, or the amended donation and disbursement statement that is executed and transmitted by electronic means by the person to whom the electronic signature is attributed. The electronic signature that is attached to or associated with the statement, addendum, or amended statement under this division shall be binding on all persons and for all purposes under the campaign finance reporting law as if the signature had been handwritten in ink on a printed form.

(G) The secretary of state shall make all of the following information available online to the public by any means that are searchable, viewable, and accessible through the internet:

(1) The contribution and expenditure, the contribution and disbursement, the deposit and disbursement, the gift and disbursement, or the donation and disbursement information in all statements, all addenda to the statements, and all amended statements that are filed with the secretary of state by electronic or other means of transmission under this section or section 3517.10, 3517.105, 3517.1011, 3517.1012, 3517.1013, 3517.1014, or 3517.11 of the Revised Code;

(2) The contribution and expenditure or the deposit and disbursement information in all statements that are filed with a board of elections by electronic means of transmission, and in all addenda to those statements and all amended versions of those statements, under this section or section 3517.10, 3517.105, 3517.1012, or 3517.11 of the Revised Code.

(H) (1) As used in this division, "library" means a library that is open to the public and that is one of the following:

(a) A library that is maintained and regulated under section 715.13 of the Revised Code;

(b) A library that is created, maintained, and regulated under Chapter 3375. of the Revised Code.

(2) The secretary of state shall notify all libraries of the location on the internet at which the contribution and expenditure, contribution and disbursement, deposit and disbursement, gift and disbursement, or donation and disbursement information in campaign finance statements required to be made available online to the public through the internet pursuant to division (G) of this section may be accessed.

If that location is part of the world wide web and if the secretary of state has notified a library of that world wide web

location as required by this division, the library shall include 71423
a link to that world wide web location on each internet- 71424
connected computer it maintains that is accessible to the 71425
public. 71426

(3) If the system the secretary of state prescribes for 71427
the filing of campaign finance statements by electronic means of 71428
transmission pursuant to division (F)(1) of this section and 71429
divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised 71430
Code includes filing those statements through the internet via 71431
the world wide web, the secretary of state shall notify all 71432
libraries of the world wide web location at which those 71433
statements may be filed. 71434

If those statements may be filed through the internet via 71435
the world wide web and if the secretary of state has notified a 71436
library of that world wide web location as required by this 71437
division, the library shall include a link to that world wide 71438
web location on each internet-connected computer it maintains 71439
that is accessible to the public. 71440

(I) It is an affirmative defense to a complaint or charge 71441
brought against any campaign committee, political action 71442
committee, political contributing entity, legislative campaign 71443
fund, ~~or~~ political party, ~~any~~ individual, ~~partnership~~, or other 71444
entity, any person making disbursements to pay the direct costs 71445
of producing or airing electioneering communications, or any 71446
treasurer of a transition fund, for the failure to file by 71447
electronic means of transmission a campaign finance statement as 71448
required by this section or section 3517.10, 3517.105, 71449
3517.1011, 3517.1012, 3517.1013, or 3517.1014 of the Revised 71450
Code that all of the following apply to the campaign committee, 71451
political action committee, political contributing entity, 71452

legislative campaign fund, ~~or~~ political party, ~~the~~ individual, ~~partnership,~~ or other entity, the person making disbursements to pay the direct costs of producing or airing electioneering communications, or the treasurer of a transition fund that failed to so file:

(1) The campaign committee, political action committee, political contributing entity, legislative campaign fund, ~~or~~ political party, ~~the~~ individual, ~~partnership,~~ or other entity, the person making disbursements to pay the direct costs of producing or airing electioneering communications, or the treasurer of a transition fund attempted to file by electronic means of transmission the required statement prior to the deadline set forth in the applicable section.

(2) The campaign committee, political action committee, political contributing entity, legislative campaign fund, ~~or~~ political party, ~~the~~ individual, ~~partnership,~~ or other entity, the person making disbursements to pay the direct costs of producing or airing electioneering communications, or the treasurer of a transition fund was unable to file by electronic means of transmission due to an expected or unexpected shutdown of the whole or part of the electronic campaign finance statement-filing system, such as for maintenance or because of hardware, software, or network connection failure.

(3) The campaign committee, political action committee, political contributing entity, legislative campaign fund, ~~or~~ political party, ~~the~~ individual, ~~partnership,~~ or other entity, the person making disbursements to pay the direct costs of producing or airing electioneering communications, or the treasurer of a transition fund filed by electronic means of transmission the required statement within a reasonable period

of time after being unable to so file it under the circumstance 71483
described in division (I) (2) of this section. 71484

(J) (1) The secretary of state shall adopt rules pursuant 71485
to Chapter 119. of the Revised Code to permit a campaign 71486
committee of a candidate for statewide office that makes 71487
expenditures of less than twenty-five thousand dollars during 71488
the filing period or a campaign committee for the office of 71489
member of the general assembly or the office of judge of a court 71490
of appeals that would otherwise be required to file campaign 71491
finance statements by electronic means of transmission under 71492
division (E) of this section to file those statements by paper 71493
with the office of the secretary of state. Those rules shall 71494
provide for all of the following: 71495

(a) An eligible campaign committee that wishes to file a 71496
campaign finance statement by paper instead of by electronic 71497
means of transmission shall file the statement on paper with the 71498
office of the secretary of state not sooner than twenty-four 71499
hours after the end of the filing period set forth in section 71500
3517.10 of the Revised Code that is covered by the applicable 71501
statement. 71502

(b) The statement shall be accompanied by a fee, the 71503
amount of which the secretary of state shall determine by rule. 71504
The amount of the fee established under this division shall not 71505
exceed the data entry and data verification costs the secretary 71506
of state will incur to convert the information on the statement 71507
to an electronic format as required under division (G) of this 71508
section. 71509

(c) The secretary of state shall arrange for the 71510
information in campaign finance statements filed pursuant to 71511
division (J) of this section to be made available online to the 71512

public through the internet in the same manner, and at the same times, as information is made available under divisions (E) and (G) of this section for candidates whose campaign committees file those statements by electronic means of transmission.

(d) The candidate of an eligible campaign committee that intends to file a campaign finance statement pursuant to division (J) of this section shall file a notice indicating that the candidate's campaign committee intends to so file and stating that filing the statement by electronic means of transmission would constitute a hardship for the candidate or for the eligible campaign committee.

(e) An eligible campaign committee that files a campaign finance statement on paper pursuant to division (J) of this section shall review the contribution and information made available online by the secretary of state with respect to that paper filing and shall notify the secretary of state of any errors with respect to that filing that appear in the data made available on that web site.

(f) If an eligible campaign committee whose candidate has filed a notice in accordance with rules adopted under division (J) (1) (d) of this section subsequently fails to file that statement on paper by the applicable deadline established in rules adopted under division (J) (1) (a) of this section, penalties for the late filing of the campaign finance statement shall apply to that campaign committee for each day after that paper filing deadline, as if the campaign committee had filed the statement after the applicable deadline set forth in division (A) of section 3517.10 of the Revised Code.

(2) The process for permitting campaign committees that would otherwise be required to file campaign finance statements

by electronic means of transmission to file those statements on 71543
paper with the office of the secretary of state that is required 71544
to be developed under division (J) (1) of this section shall be 71545
in effect and available for use by eligible campaign committees 71546
for all campaign finance statements that are required to be 71547
filed on or after June 30, 2005. Notwithstanding any provision 71548
of the Revised Code to the contrary, if the process the 71549
secretary of state is required to develop under division (L) (1) 71550
of this section is not in effect and available for use on and 71551
after June 30, 2005, all penalties for the failure of campaign 71552
committees to file campaign finance statements by electronic 71553
means of transmission shall be suspended until such time as that 71554
process is in effect and available for use. 71555

(3) Notwithstanding any provision of the Revised Code to 71556
the contrary, any eligible campaign committee that files 71557
campaign finance statements on paper with the office of the 71558
secretary of state pursuant to division (J) (1) of this section 71559
shall be deemed to have filed those campaign finance statements 71560
by electronic means of transmission to the office of the 71561
secretary of state. 71562

Sec. 3517.107. (A) As used in this section, "federal 71563
political committee" means a political committee, as defined in 71564
the Federal Election Campaign Act, that is registered with the 71565
federal election commission under that act. 71566

(B) Any federal political committee may make 71567
contributions, expenditures, or independent expenditures from 71568
its federal account in connection with any state or local 71569
election in Ohio. Prior to making any such contribution, 71570
expenditure, or independent expenditure, the federal political 71571
committee shall register with the secretary of state by filing a 71572

copy of its most recent federal statement of organization. A 71573
federal political committee registered with the secretary of 71574
state under this division shall file with the secretary of state 71575
any amendment to its statement of organization that is required 71576
under the Federal Election Campaign Act to be reported to the 71577
federal election commission. 71578

(C) When, during any federal reporting period under the 71579
Federal Election Campaign Act, a federal political committee 71580
makes a contribution, expenditure, or independent expenditure 71581
from its federal account in connection with a state or local 71582
election in Ohio, the committee shall file with the secretary of 71583
state not later than the date on which its report is required to 71584
be filed with the appropriate federal office or officer under 71585
the Federal Election Campaign Act, copies of the following pages 71586
from that report: 71587

(1) The summary page; 71588

(2) The detailed summary page; 71589

(3) The page or pages that contain an itemized list of the 71590
contributions, expenditures, and independent expenditures made 71591
in connection with state and local elections in Ohio. 71592

The total amount of contributions, expenditures, and 71593
independent expenditures made in connection with state and local 71594
elections in Ohio shall be reflected on the summary page or on a 71595
form that the secretary of state shall prescribe. 71596

(D) When, during any calendar year, a federal political 71597
committee makes a contribution from its federal account in 71598
connection with a state or local election in Ohio to a state or 71599
local political action committee that is required under section 71600
3517.11 of the Revised Code to file any statement prescribed by 71601

section 3517.10 of the Revised Code, and the federal political committee and state or local political action committee are established, financed, maintained, or controlled by the same corporation, organization, ~~continuing association,~~ or other person, including any parent, subsidiary, division, department, or unit of that corporation, organization, ~~continuing association,~~ or other person, the federal political committee shall file a statement with the secretary of state not later than the last business day of January of the next calendar year. The statement shall be on a form prescribed by the secretary of state and shall include a list of the names and addresses of contributors that are residents of Ohio that made contributions to the federal political committee during the calendar year covered by the statement and, for each name listed, the aggregate total amount contributed by each contributor during the reporting period.

Sec. 3517.109. (A) As used in this section:

(1) "Candidate" has the same meaning as in section 3517.01 of the Revised Code but includes only candidates for the offices of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, member of the state board of education, and member of the general assembly.

(2) "Statewide candidate" means the joint candidates for the offices of governor and lieutenant governor or a candidate for the office of secretary of state, auditor of state, treasurer of state, attorney general, and member of the state board of education.

(3) "Senate candidate" means a candidate for the office of state senator.

- (4) "House candidate" means a candidate for the office of state representative. 71631
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- (5) "State office" means the offices of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, member of the state board of education, and member of the general assembly. 71633
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- (6) "Aggregate contribution" means the total of all contributions from a contributor during the pre-filing period. 71637
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- (7) "Allowable aggregate contribution" means all of the following: 71639
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- (a) In the case of a contribution from a contributor whose contributions are subject to the contribution limits described in division (B) (1), (2), (3), (6) (a), or (7) of section 3517.102 of the Revised Code, that portion of the amount of the contributor's aggregate contribution that does not exceed the preprimary contribution limit applicable to that contributor. 71641
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- (b) In the case of a contribution or contributions from a contributor whose contributions are not subject to the contribution limits described in divisions (B) (1), (2), (3), (6) (a), or (7) of section 3517.102 of the Revised Code, the total of the following: 71647
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- (i) That portion of the aggregate contribution that was received as in-kind services; 71652
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- (ii) That portion of the aggregate contribution that was received as cash and does not exceed the applicable preprimary cash transfer or contribution limits described in division (B) (6) (b) of section 3517.102 of the Revised Code. 71654
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- (8) "Excess aggregate contribution" means, for each 71658

contributor, the amount by which that contributor's aggregate 71659
contribution exceeds that contributor's allowable aggregate 71660
contribution. 71661

(9) "Pre-filing period" means the period of time ending on 71662
the day that the candidacy petitions are due for the state 71663
office for which the candidate has filed and beginning on the 71664
latest date of the following: 71665

(a) The first day of January of the year following the 71666
general election in which that state office was last on the 71667
ballot; 71668

(b) The first day of January of the year following the 71669
general election in which the candidate was last a candidate for 71670
any office; 71671

(c) The first day of the month following the primary 71672
election in which the candidate was last a candidate for any 71673
office. 71674

(10) "Filing date" means the last date on which a 71675
candidacy petition may be filed for an office. 71676

(11) "Applicable carry-in limit" means thirty-five 71677
thousand dollars if the candidate is a house candidate or a 71678
candidate for the state board of education, one hundred thousand 71679
dollars if the candidate is a senate candidate, and two hundred 71680
thousand dollars if the candidate is a statewide candidate other 71681
than a candidate for the state board of education. 71682

(12) "Campaign asset" means prepaid, purchased, or donated 71683
assets available to the candidate on the date of the filing 71684
deadline for the office the candidate is seeking that will be 71685
consumed or depleted in the course of the candidate's election 71686
campaign, including, but not limited to, postage, prepaid rent 71687

for campaign headquarters, prepaid radio, television, and 71688
newspaper advertising, and other prepaid consulting and personal 71689
services. 71690

(13) "Permitted funds" means the sum of the following: 71691

(a) The total of the allowable aggregate contribution of 71692
each contributor; 71693

(b) The applicable carry-in limit. 71694

(14) "Excess funds" means the amount by which the sum of 71695
the total cash on hand and total reported campaign assets 71696
exceeds permitted funds. 71697

(15) "Covered candidate" means both of the following: 71698

(a) A candidate who, during the pre-filing period, accepts 71699
or has a campaign committee that accepts contributions on the 71700
candidate's behalf for the purpose of nominating or electing the 71701
candidate to any office not subject to the contribution limits 71702
prescribed in section 3517.102 of the Revised Code; 71703

(b) A person who, during the pre-filing period, accepts or 71704
has a campaign committee that accepts contributions on the 71705
person's behalf prior to the person deciding upon or announcing 71706
the office for which the person will become a candidate for 71707
nomination or election. 71708

(B) Each candidate who files for state office, not later 71709
than the filing date for that office, shall dispose of any 71710
excess funds. Each covered candidate who files for state office, 71711
not later than the filing date for that office, shall dispose of 71712
any excess aggregate contributions. 71713

(C) Any campaign committee that is required to dispose of 71714
excess funds or excess aggregate contributions under division 71715

(B) of this section shall dispose of that excess amount or 71716
amounts by doing any of the following: 71717

(1) Giving the amount to the treasurer of state for 71718
deposit into the state treasury to the credit of the Ohio 71719
~~elections~~ election integrity commission fund created ~~by division~~ 71720
~~(I) of under~~ section 3517.152-111.29 of the Revised Code; 71721

(2) Giving the amount to individuals who made 71722
contributions to that campaign committee as a refund of all or 71723
part of their contributions; 71724

(3) Giving the amount to a corporation that is exempt from 71725
federal income taxation under subsection 501(a) and described in 71726
subsection 501(c) of the Internal Revenue Code. 71727

(D) (1) Subject to division (D) (2) of this section, no 71728
candidate or covered candidate shall appear on the ballot, even 71729
if certified to appear on the ballot, unless the candidate's or 71730
covered candidate's campaign committee has disposed of excess 71731
funds, excess aggregate contributions, or both as required by 71732
divisions (B) and (C) of this section. 71733

(2) If the excess aggregate contributions accepted by a 71734
covered candidate or a covered candidate's campaign committee 71735
aggregate a total of less than five thousand dollars from all 71736
contributors, that candidate shall not be prohibited from 71737
appearing on the ballot under division (D) (1) of this section. 71738

(E) (1) The campaign committee of each candidate required 71739
to dispose of excess funds under this section shall file a 71740
report, on a form prescribed by the secretary of state, with the 71741
official or board with which the candidate is required to file 71742
statements under section 3517.11 of the Revised Code. The report 71743
shall be filed by the seventh day following the filing deadline 71744

for the office the candidate is seeking, shall indicate the 71745
amount of excess funds disposed of, and shall describe the 71746
manner in which the campaign committee disposed of the excess 71747
amount. 71748

(2) In addition to the information required to be included 71749
in a report filed under division (E)(1) of this section, the 71750
campaign committee of each covered candidate required to dispose 71751
of excess aggregate contributions under this section shall 71752
include in that report the source and amount of each excess 71753
aggregate contribution disposed of and shall describe the manner 71754
in which the campaign committee disposed of the excess amount. 71755

(F)(1) Each campaign committee of a candidate who has 71756
filed a declaration of candidacy or a nominating petition for a 71757
state office, not later than seven days after the filing date 71758
for the office the candidate is seeking, shall file a 71759
declaration of filing-day finances, on a form prescribed by the 71760
secretary of state, with the official or board with which the 71761
candidate is required to file statements under section 3517.11 71762
of the Revised Code. 71763

(2) A declaration of filing-day finances shall list all of 71764
the following: 71765

(a) The amount of cash on hand in the candidate's campaign 71766
fund on the filing date for the office the candidate is seeking. 71767

(b) The value and description of all campaign assets worth 71768
five hundred dollars or more available to the candidate on the 71769
filing date. Assets purchased by the campaign shall be valued at 71770
actual cost, and in-kind contributions shall be valued at market 71771
value. 71772

(c) The total of all aggregate contributions; 71773

(d) The total of all allowable aggregate contributions;	71774
(e) The applicable carry-in limit, if any.	71775
(3) In addition to the information required to be included	71776
in a report of filing-day finances filed under division (F) (1)	71777
of this section, the campaign committee of each covered	71778
candidate shall include both of the following in that report:	71779
(a) The total of all excess aggregate contributions;	71780
(b) For each contributor, if any, for whom there is an	71781
excess aggregate contribution, the name, address, aggregate	71782
contribution, and excess aggregate contribution.	71783
(G) A campaign committee of a candidate is not required to	71784
file a declaration of filing-day finances under division (F) of	71785
this section if all of the following apply:	71786
(1) The campaign committee has not accepted, during the	71787
pre-filing period, any aggregate contribution greater than the	71788
applicable amount.	71789
(2) The campaign committee had less than the carry-in	71790
amount in cash on hand at the beginning of the pre-filing	71791
period.	71792
(3) The candidate files a declaration, on a form	71793
prescribed by the secretary of state, with the official or board	71794
with which the candidate is required to file statements under	71795
section 3517.11 of the Revised Code not later than seven days	71796
after the filing date for the office that candidate is seeking,	71797
stating that the candidate's campaign committee has not accepted	71798
aggregate contributions as described in division (G) (1) of this	71799
section and has less than the carry-in amount in cash on hand as	71800
described in division (G) (2) of this section.	71801

Sec. 3517.1011. (A) As used in this section:	71802
(1) "Address" has the same meaning as in section 3517.10 of the Revised Code.	71803 71804
(2) "Broadcast, cable, or satellite communication" means a communication that is publicly distributed by a television station, radio station, cable television system, or satellite system.	71805 71806 71807 71808
(3) "Candidate" has the same meaning as in section 3501.01 of the Revised Code.	71809 71810
(4) "Contribution" means any loan, gift, deposit, forgiveness of indebtedness, donation, advance, payment, or transfer of funds or of anything of value, including a transfer of funds from an inter vivos or testamentary trust or decedent's estate, and the payment by any person other than the person to whom the services are rendered for the personal services of another person, that is made, received, or used to pay the direct costs of producing or airing electioneering communications.	71811 71812 71813 71814 71815 71816 71817 71818 71819
(5) (a) "Coordinated electioneering communication" means any electioneering communication that is made pursuant to any arrangement, coordination, or direction by a candidate or a candidate's campaign committee, by an officer, agent, employee, or consultant of a candidate or a candidate's campaign committee, or by a former officer, former agent, former employee, or former consultant of a candidate or a candidate's campaign committee prior to the airing, broadcasting, or cablecasting of the communication. An electioneering communication is presumed to be a "coordinated electioneering communication" when it is either of the following:	71820 71821 71822 71823 71824 71825 71826 71827 71828 71829 71830

(i) Based on information about a candidate's plans, 71831
projects, or needs provided to the person making the 71832
disbursement by the candidate or the candidate's campaign 71833
committee, by an officer, agent, employee, or consultant of the 71834
candidate or the candidate's campaign committee, or by a former 71835
officer, former agent, former employee, or former consultant of 71836
the candidate or the candidate's campaign committee, with a view 71837
toward having the communication made; 71838

(ii) Made by or through any person who is, or has been, 71839
authorized to raise or expend funds on behalf of a candidate or 71840
the candidate's campaign committee, who is, or has been, an 71841
officer, agent, employee, or consultant of the candidate or of 71842
the candidate's campaign committee, or who is, or has been, 71843
receiving any form of compensation or reimbursement from the 71844
candidate or the candidate's campaign committee or from an 71845
officer, agent, employee, or consultant of the candidate or of 71846
the candidate's campaign committee. 71847

(b) An electioneering communication shall not be presumed 71848
to be a "coordinated electioneering communication" under 71849
division (A) (5) (a) (ii) of this section if the communication is 71850
made through any person who provides a service that does not 71851
affect the content of the communication, such as communications 71852
placed through the efforts of a media buyer, unless that person 71853
also affects the content of the communication. 71854

(6) "Disclosure date" means both of the following: 71855

(a) The first date during any calendar year by which a 71856
person makes disbursements for the direct costs of producing or 71857
airing electioneering communications aggregating in excess of 71858
ten thousand dollars; 71859

(b) The same day of the week of each remaining week in the 71860
same calendar year as the day of the week of the initial 71861
disclosure date established under division (A)(6)(a) of this 71862
section, if, during that remaining week, the person makes 71863
disbursements for the direct costs of producing or airing 71864
electioneering communications aggregating in excess of one 71865
dollar. 71866

(7) (a) "Electioneering communication" means any broadcast, 71867
cable, or satellite communication that refers to a clearly 71868
identified candidate and that is made during either of the 71869
following periods of time: 71870

(i) If the person becomes a candidate before the day of 71871
the primary election at which candidates will be nominated for 71872
election to that office, between the date that the person 71873
becomes a candidate and the thirtieth day prior to that primary 71874
election, and between the date of the primary election and the 71875
thirtieth day prior to the general election at which a candidate 71876
will be elected to that office; 71877

(ii) If the person becomes a candidate after the day of 71878
the primary election at which candidates were nominated for 71879
election to that office, between the date of the primary 71880
election and the thirtieth day prior to the general election at 71881
which a candidate will be elected to that office. 71882

(b) "Electioneering communication" does not include any of 71883
the following: 71884

(i) A communication that is publicly disseminated through 71885
a means of communication other than a broadcast, cable, or 71886
satellite television or radio station. For example, 71887
"electioneering communication" does not include communications 71888

appearing in print media, including a newspaper or magazine, 71889
handbill, brochure, bumper sticker, yard sign, poster, 71890
billboard, and other written materials, including mailings; 71891
communications over the internet, including electronic mail; or 71892
telephone communications. 71893

(ii) A communication that appears in a news story, 71894
commentary, public service announcement, bona fide news 71895
programming, or editorial distributed through the facilities of 71896
any broadcast, cable, or satellite television or radio station, 71897
unless those facilities are owned or controlled by any political 71898
party, political committee, or candidate; 71899

(iii) A communication that constitutes an expenditure or 71900
an independent expenditure under section 3517.01 of the Revised 71901
Code; 71902

(iv) A communication that constitutes a candidate debate 71903
or forum or that solely promotes a candidate debate or forum and 71904
is made by or on behalf of the person sponsoring the debate or 71905
forum. 71906

(8) "Filing date" has the same meaning as in section 71907
3517.109 of the Revised Code. 71908

(9) "Immigration and Nationality Act" means the 71909
Immigration and Nationality Act, 110 Stat. 309 (1996), 8 U.S.C. 71910
1101 et seq., as amended. 71911

(10) "Person" has the same meaning as in section 1.59 of 71912
the Revised Code and includes any political organization 71913
considered exempt from income taxation under section 527 of the 71914
Internal Revenue Code. 71915

(11) "Political committee" means any of the following: 71916

- (a) Any committee, club, association, or other group of persons that receives contributions aggregating in excess of one thousand dollars during a calendar year or that makes expenditures aggregating in excess of one thousand dollars during a calendar year; 71917
71918
71919
71920
71921
- (b) Any separate segregated fund; 71922
- (c) Any state, county, or local committee of a political party that does any of the following: 71923
71924
- (i) Receives contributions aggregating in excess of five thousand dollars during a calendar year; 71925
71926
- (ii) Makes payments that do not constitute contributions or expenditures aggregating in excess of five thousand dollars during a calendar year; 71927
71928
71929
- (iii) Makes contributions or expenditures aggregating in excess of one thousand dollars during a calendar year. 71930
71931
- (12) "Publicly distributed" means aired, broadcast, cablecast, or otherwise disseminated for a fee. 71932
71933
- (13) "Refers to a clearly identified candidate" means that the candidate's name, nickname, photograph, or drawing appears, or the identity of the candidate is otherwise apparent through an unambiguous reference to the person such as "the chief justice," "the governor," "member of the Ohio senate," "member of the Ohio house of representatives," "county auditor," "mayor," or "township trustee" or through an unambiguous reference to the person's status as a candidate. 71934
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- (B) For the purposes of this section, a person shall be considered to have made a disbursement if the person has entered into a contract to make the disbursement. 71942
71943
71944

(C) Any person intending to make a disbursement or 71945
disbursements for the direct costs of producing or airing 71946
electioneering communications, prior to making the first 71947
disbursement for the direct costs of producing or airing an 71948
electioneering communication, shall file a notice with the 71949
office of the secretary of state that the person is intending to 71950
make such disbursements. 71951

(D) (1) Every person that makes a disbursement or 71952
disbursements for the direct costs of producing and airing 71953
electioneering communications aggregating in excess of ten 71954
thousand dollars during any calendar year shall file, within 71955
twenty-four hours of each disclosure date, a disclosure of 71956
electioneering communications statement containing the following 71957
information: 71958

(a) The full name and address of the person making the 71959
disbursement, of any person sharing or exercising direction or 71960
control over the activities of the person making the 71961
disbursement, and of the custodian of the books and accounts of 71962
the person making the disbursement; 71963

(b) The principal place of business of the person making 71964
the disbursement, if not an individual; 71965

(c) The amount of each disbursement of more than one 71966
dollar during the period covered by the statement and the 71967
identity of the person to whom the disbursement was made; 71968

(d) The nominations or elections to which the 71969
electioneering communications pertain and the names, if known, 71970
of the candidates identified or to be identified; 71971

(e) If the disbursements were paid out of a segregated 71972
bank account that consists of funds contributed solely by 71973

individuals who are United States citizens or nationals or 71974
lawfully admitted for permanent residence as defined in section 71975
101(a) (20) of the Immigration and Nationality Act directly to 71976
the account for electioneering communications, the information 71977
specified in division (D) (2) of this section for all 71978
contributors who contributed an aggregate amount of two hundred 71979
dollars or more to the segregated bank account and whose 71980
contributions were used for making the disbursement or 71981
disbursements required to be reported under division (D) of this 71982
section during the period covered by the statement. Nothing in 71983
this division prohibits or shall be construed to prohibit the 71984
use of funds in such a segregated bank account for a purpose 71985
other than electioneering communications. 71986

(f) If the disbursements were paid out of funds not 71987
described in division (D) (1) (e) of this section, the information 71988
specified in division (D) (2) of this section for all 71989
contributors who contributed an aggregate amount of two hundred 71990
dollars or more to the person making the disbursement and whose 71991
contributions were used for making the disbursement or 71992
disbursements required to be reported under division (D) of this 71993
section during the period covered by the statement. 71994

(2) For each contributor for which information is required 71995
to be reported under division (D) (1) (e) or (f) of this section, 71996
all of the following shall be reported: 71997

(a) The month, day, and year that the contributor made the 71998
contribution or contributions aggregating two hundred dollars or 71999
more; 72000

(b) (i) The full name and address of the contributor, and, 72001
if the contributor is a political action committee, the 72002
registration number assigned to the political action committee 72003

under division (D) (1) of section 3517.10 of the Revised Code; 72004

(ii) If the contributor is an individual, the name of the 72005
individual's current employer, if any, or, if the individual is 72006
self-employed, the individual's occupation and the name of the 72007
individual's business, if any; 72008

(iii) If the contribution is transmitted pursuant to 72009
section 3599.031 of the Revised Code from amounts deducted from 72010
the wages and salaries of two or more employees that exceed in 72011
the aggregate one hundred dollars during the period specified in 72012
division (D) (1) (e) or (f) of this section, as applicable, the 72013
full name of the employees' employer and the full name of the 72014
labor organization of which the employees are members, if any. 72015

(c) A description of the contribution, if other than 72016
money; 72017

(d) The value in dollars and cents of the contribution. 72018

(3) Subject to the secretary of state having implemented, 72019
tested, and verified the successful operation of any system the 72020
secretary of state prescribes pursuant to divisions (C) (6) (b) 72021
and (D) (6) of section 3517.10 and division (F) (1) of section 72022
3517.106 of the Revised Code for the filing of campaign finance 72023
statements by electronic means of transmission, a person shall 72024
file the disclosure of electioneering communications statement 72025
prescribed under divisions (D) (1) and (2) of this section by 72026
electronic means of transmission to the office of the secretary 72027
of state. 72028

Within five business days after the secretary of state 72029
receives a disclosure of electioneering communications statement 72030
under this division, the secretary of state shall make available 72031
online to the public through the internet, as provided in 72032

division (G) of section 3517.106 of the Revised Code, the 72033
contribution and disbursement information in that statement. 72034

If a filed disclosure of electioneering communications 72035
statement is found to be incomplete or inaccurate after its 72036
examination for completeness and accuracy pursuant to division 72037
(B) (3) (a) of section 3517.11 of the Revised Code, the person 72038
shall file by electronic means of transmission to the office of 72039
the secretary of state any addendum, amendment, or other 72040
correction to the statement that provides the information 72041
necessary to complete or correct the statement or, if required 72042
by the secretary of state under that division, an amended 72043
statement. 72044

Within five business days after the secretary of state 72045
receives an addendum, amendment, or other correction to a 72046
disclosure of electioneering communications statement or an 72047
amended statement by electronic means of transmission under this 72048
division or division (B) (3) (a) of section 3517.11 of the Revised 72049
Code, the secretary of state shall make the contribution and 72050
disbursement information in the addendum, amendment, or other 72051
correction to the statement or amended statement available 72052
online to the public through the internet as provided in 72053
division (G) of section 3517.106 of the Revised Code. 72054

(E) (1) Any person who makes a contribution for the purpose 72055
of funding the direct costs of producing or airing an 72056
electioneering communication under this section shall provide 72057
the person's full name and address to the recipient of the 72058
contribution at the time the contribution is made. 72059

(2) Any individual who makes a contribution or 72060
contributions aggregating two hundred dollars or more for the 72061
purpose of funding the direct costs of producing or airing an 72062

electioneering communication under this section shall provide 72063
the name of the individual's current employer, if any, or, if 72064
the individual is self-employed, the individual's occupation and 72065
the name of the individual's business, if any, to the recipient 72066
of the contribution at the time the contribution is made. 72067

(F) In each electioneering communication, a statement 72068
shall appear or be presented in a clear and conspicuous manner 72069
that does both of the following: 72070

(1) Clearly indicates that the electioneering 72071
communication is not authorized by the candidate or the 72072
candidate's campaign committee; 72073

(2) Clearly identifies the person making the disbursement 72074
for the electioneering communication in accordance with section 72075
3517.20 of the Revised Code. 72076

(G) Any coordinated electioneering communication is an in- 72077
kind contribution, subject to the applicable contribution limits 72078
prescribed in section 3517.102 of the Revised Code, to the 72079
candidate by the person making disbursements to pay the direct 72080
costs of producing or airing the communication. 72081

~~(H) No person shall make, during the thirty days preceding 72082
a primary election or during the thirty days preceding a general 72083
election, any broadcast, cable, or satellite communication that 72084
refers to a clearly identified candidate using any contributions 72085
received from a corporation or labor organization. 72086~~

Sec. 3517.1012. (A) (1) Each state and county political 72087
party shall establish a restricted fund that is separate from 72088
all other accounts of the political party. 72089

(2) A state or county political party shall deposit into 72090
its restricted fund all gifts that are made to or accepted by 72091

the political party from a corporation or labor organization 72092
subject to the applicable limitations prescribed in division (X) 72093
of section 3517.13 of the Revised Code. A state or county 72094
political party may deposit into its restricted fund any gifts 72095
that are made to or accepted by the political party from a 72096
source other than a corporation or labor organization. 72097

(3) Moneys in a state or county political party's 72098
restricted fund may be disbursed to pay costs incurred for any 72099
of the following purposes specified in division (A) of section 72100
3517.18 of the Revised Code: 72101

(a) The defraying of operating and maintenance costs 72102
associated with political party headquarters, including rental 72103
or leasing costs, staff salaries, office equipment and supplies, 72104
postage, and the purchase, lease, or maintenance of computer 72105
hardware and software; 72106

(b) The organization of voter registration programs and 72107
get-out-the-vote campaigns and the costs associated with voter 72108
registration and get-out-the-vote activities, including, but not 72109
limited to, rental costs for booth spaces at fairs, festivals, 72110
or similar events if voter registration forms are available at 72111
those booths, printing costs for registration forms, mailing 72112
costs for communications soliciting voter registration, and 72113
payments for the services of persons conducting voter 72114
registration and get-out-the-vote activities; 72115

(c) The administration of party fund-raising drives; 72116

(d) Direct mail campaigns or other communications with the 72117
registered voters of a party that are not related to any 72118
particular candidate or election; 72119

(e) The preparation of reports required by law. 72120

(B) Except as otherwise provided in this division, a state or county political party shall file deposit and disbursement statements, in the same manner as the party is required to file statements of contributions and expenditures under section 3517.10 of the Revised Code, regarding all deposits made into, and all disbursements made from, the party's restricted fund. Deposit and disbursement statements filed in accordance with this division by a county political party shall be filed by electronic means of transmission to the office of the secretary of state at the times specified in division (A) of section 3517.10 of the Revised Code for the filing of statements of contributions and expenditures if the county political party accepts gifts from a corporation or labor organization under division (A)(2) of this section.

Sec. 3517.11. (A)(1) Campaign committees of candidates for statewide office or the state board of education, political action committees or political contributing entities that make contributions to campaign committees of candidates that are required to file the statements prescribed by section 3517.10 of the Revised Code with the secretary of state, political action committees or political contributing entities that make contributions to campaign committees of candidates for member of the general assembly, political action committees or political contributing entities that make contributions to state and national political parties and to legislative campaign funds, political action committees or political contributing entities that receive contributions or make expenditures in connection with a statewide ballot issue, political action committees or political contributing entities that make contributions to other political action committees or political contributing entities, political parties, and campaign committees, except as set forth

in division (A) (3) of this section, legislative campaign funds, 72152
and state and national political parties shall file the 72153
statements prescribed by section 3517.10 of the Revised Code 72154
with the secretary of state. 72155

(2) (a) Except as otherwise provided in division (E) of 72156
section 3517.106 of the Revised Code, campaign committees of 72157
candidates for all other offices shall file the statements 72158
prescribed by section 3517.10 of the Revised Code with the board 72159
of elections where their candidates are required to file their 72160
petitions or other papers for nomination or election. 72161

(b) A campaign committee of a candidate for office of 72162
member of the general assembly or a campaign committee of a 72163
candidate for the office of judge of a court of appeals shall 72164
file two copies of the printed version of any statement, 72165
addendum, or amended statement if the committee does not file 72166
pursuant to division (E) or (J) of section 3517.106 of the 72167
Revised Code but files by printed version only with the 72168
appropriate board of elections. The board of elections shall 72169
send one of those copies by certified mail or an electronic copy 72170
to the secretary of state before the close of business on the 72171
day the board of elections receives the statement, addendum, or 72172
amended statement. 72173

(3) Political action committees or political contributing 72174
entities that only contribute to a county political party, 72175
contribute to campaign committees of candidates whose nomination 72176
or election is to be submitted only to electors within a county, 72177
subdivision, or district, excluding candidates for member of the 72178
general assembly, and receive contributions or make expenditures 72179
in connection with ballot questions or issues to be submitted 72180
only to electors within a county, subdivision, or district shall 72181

file the statements prescribed by section 3517.10 of the Revised Code with the board of elections in that county or in the county contained in whole or part within the subdivision or district having a population greater than that of any other county contained in whole or part within that subdivision or district, as the case may be.

(4) Except as otherwise provided in division (E) (1) (e) of section 3517.106 of the Revised Code with respect to state candidate funds, county political parties shall file the statements prescribed by section 3517.10 of the Revised Code with the board of elections of their respective counties.

(B) (1) The official with whom petitions and other papers for nomination or election to public office are filed shall furnish each candidate at the time of that filing a copy of sections 3517.01, 3517.08 to 3517.11, 3517.13 to ~~3517.993~~3517.991, 3599.03, and 3599.031 of the Revised Code and any other materials that the secretary of state may require. Each candidate receiving the materials shall acknowledge their receipt in writing.

(2) On or before the tenth day before the dates on which statements are required to be filed by section 3517.10 of the Revised Code, the secretary of state shall notify every candidate subject to the provisions of this section and sections 3517.10 and 3517.106 of the Revised Code of the requirements and applicable penalties of those sections. The secretary of state shall notify all candidates required to file those statements with the secretary of state's office either by certified mail, or, if the secretary of state has record of an internet identifier of record associated with the candidate, by ordinary mail and by that internet identifier of record. The board of

elections of every county shall notify by first class mail any 72212
candidate who has personally appeared at the office of the board 72213
on or before the tenth day before the statements are required to 72214
be filed and signed a form, to be provided by the secretary of 72215
state, attesting that the candidate has been notified of the 72216
candidate's obligations under the campaign finance law. The 72217
board shall forward the completed form to the secretary of 72218
state. The board shall notify all other candidates required to 72219
file those statements with it either by certified mail, or, if 72220
the secretary of state has record of an internet identifier of 72221
record associated with the candidate, by ordinary mail and by 72222
that internet identifier of record. 72223

(3) (a) Any statement required to be filed under sections 72224
3517.081 to ~~3517.14~~3517.13 of the Revised Code that is found to 72225
be incomplete or inaccurate by the officer to whom it is 72226
submitted shall be accepted on a conditional basis, and the 72227
person who filed it shall be notified by certified mail as to 72228
the incomplete or inaccurate nature of the statement. The 72229
secretary of state may examine statements filed for candidates 72230
for the office of member of the general assembly and candidates 72231
for the office of judge of a court of appeals for completeness 72232
and accuracy. The secretary of state shall examine for 72233
completeness and accuracy statements that campaign committees of 72234
candidates for the office of member of the general assembly and 72235
campaign committees of candidates for the office of judge of a 72236
court of appeals file pursuant to division (E) or (J) of section 72237
3517.106 of the Revised Code. If an officer at the board of 72238
elections where a statement filed for a candidate for the office 72239
of member of the general assembly or for a candidate for the 72240
office of judge of a court of appeals was submitted finds the 72241
statement to be incomplete or inaccurate, the officer shall 72242

immediately notify the secretary of state of its incomplete or 72243
inaccurate nature. If either an officer at the board of 72244
elections or the secretary of state finds a statement filed for 72245
a candidate for the office of member of the general assembly or 72246
for a candidate for the office of judge of a court of appeals to 72247
be incomplete or inaccurate, only the secretary of state shall 72248
send the notification as to the incomplete or inaccurate nature 72249
of the statement. 72250

Within twenty-one days after receipt of the notice, in the 72251
case of a pre-election statement, a postelection statement, a 72252
monthly statement, an annual statement, or a semiannual 72253
statement prescribed by section 3517.10, an annual statement 72254
prescribed by section 3517.101, or a statement prescribed by 72255
division (B) (2) (b) or (C) (2) (b) of section 3517.105 or section 72256
3517.107 of the Revised Code, the recipient shall file an 72257
addendum, amendment, or other correction to the statement 72258
providing the information necessary to complete or correct the 72259
statement. The secretary of state may require that, in lieu of 72260
filing an addendum, amendment, or other correction to a 72261
statement that is filed by electronic means of transmission to 72262
the office of the secretary of state or a board of elections 72263
pursuant to section 3517.106 of the Revised Code, the recipient 72264
of the notice described in this division file by electronic 72265
means of transmission an amended statement that incorporates the 72266
information necessary to complete or correct the statement. 72267

The secretary of state shall determine by rule when an 72268
addendum, amendment, or other correction to any of the following 72269
or when an amended statement of any of the following shall be 72270
filed: 72271

(i) A two-business-day statement prescribed by section 72272

3517.10 of the Revised Code;	72273
(ii) A disclosure of electioneering communications statement prescribed by division (D) of section 3517.1011 of the Revised Code;	72274 72275 72276
(iii) A deposit and disbursement statement prescribed under division (B) of section 3517.1012 of the Revised Code;	72277 72278
(iv) A gift and disbursement statement prescribed under section 3517.1013 of the Revised Code;	72279 72280
(v) A donation and disbursement statement prescribed under section 3517.1014 of the Revised Code.	72281 72282
An addendum, amendment, or other correction to a statement that is filed by electronic means of transmission pursuant to section 3517.106 of the Revised Code shall be filed in the same manner as the statement.	72283 72284 72285 72286
The provisions of sections 3517.10, 3517.106, 3517.1011, 3517.1012, 3517.1013, and 3517.1014 of the Revised Code pertaining to the filing of statements of contributions and expenditures, statements of independent expenditures, disclosure of electioneering communications statements, deposit and disbursement statements, gift and disbursement statements, and donation and disbursement statements by electronic means of transmission apply to the filing of addenda, amendments, or other corrections to those statements by electronic means of transmission and the filing of amended statements by electronic means of transmission.	72287 72288 72289 72290 72291 72292 72293 72294 72295 72296 72297
(b) Within five business days after the secretary of state receives, by electronic or other means of transmission, an addendum, amendment, or other correction to a statement or an amended statement under division (B) (3) (a) of this section, the	72298 72299 72300 72301

secretary of state, pursuant to divisions (E) and (G) of section 72302
3517.106 or division (D) of section 3517.1011 of the Revised 72303
Code, shall make the contribution and expenditure, contribution 72304
and disbursement, deposit and disbursement, gift and 72305
disbursement, or donation and disbursement information in that 72306
addendum, amendment, correction, or amended statement available 72307
online to the public through the internet. 72308

(4) (a) The secretary of state or the board of elections 72309
shall examine all statements for compliance with sections 72310
3517.08 to ~~3517.14~~ 3517.13 of the Revised Code. 72311

(b) The secretary of state may contract with an individual 72312
or entity not associated with the secretary of state and 72313
experienced in interpreting the campaign finance law of this 72314
state to conduct examinations of statements filed by any 72315
statewide candidate, as defined in section 3517.103 of the 72316
Revised Code. 72317

(c) The examination shall be conducted by a person or 72318
entity qualified to conduct it. The results of the examination 72319
shall be available to the public, and, when the examination is 72320
conducted by an individual or entity not associated with the 72321
secretary of state, the results of the examination shall be 72322
reported to the secretary of state. 72323

(C) (1) In the event of a failure to file or a late filing 72324
of a statement required to be filed under sections 3517.081 to 72325
~~3517.14~~ 3517.13 of the Revised Code, or if a filed statement or 72326
any addendum, amendment, or other correction to a statement or 72327
any amended statement, if an addendum, amendment, or other 72328
correction or an amended statement is required to be filed, is 72329
incomplete or inaccurate or appears to disclose a failure to 72330
comply with or a violation of law, the official whose duty it is 72331

to examine the statement shall promptly file a complaint with 72332
~~the Ohio elections commission~~ under section ~~3517.153~~ 3517.16 of 72333
the Revised Code if the law is ~~one over which the commission has~~ 72334
~~jurisdiction to hear complaints~~ listed in division (A) of section 72335
3517.15 of the Revised Code, or the official shall promptly 72336
report the failure or violation to the board of elections and 72337
the board shall promptly report it to the prosecuting attorney 72338
in accordance with division (J) of section 3501.11 of the 72339
Revised Code. ~~If the official files a complaint with the~~ 72340
~~commission, the commission shall proceed in accordance with~~ 72341
~~sections 3517.154 to 3517.157 of the Revised Code.~~ 72342

(2) For purposes of division (C)(1) of this section, a 72343
statement or an addendum, amendment, or other correction to a 72344
statement or an amended statement required to be filed under 72345
sections 3517.081 to ~~3517.14~~ 3517.13 of the Revised Code is 72346
incomplete or inaccurate under this section if the statement, 72347
addendum, amendment, other correction, or amended statement 72348
fails to disclose substantially all contributions, gifts, or 72349
donations that are received or deposits that are made that are 72350
required to be reported under sections 3517.10, 3517.107, 72351
3517.108, 3517.1011, 3517.1012, 3517.1013, and 3517.1014 of the 72352
Revised Code or if the statement, addendum, amendment, other 72353
correction, or amended statement fails to disclose at least 72354
ninety per cent of the total contributions, gifts, or donations 72355
received or deposits made or of the total expenditures or 72356
disbursements made during the reporting period. 72357

(D) No certificate of nomination or election shall be 72358
issued to a person, and no person elected to an office shall 72359
enter upon the performance of the duties of that office, until 72360
that person or that person's campaign committee, as appropriate, 72361
has fully complied with this section and sections 3517.08, 72362

3517.081, 3517.10, and 3517.13 of the Revised Code. 72363

Sec. 3517.121. Notwithstanding any contrary provision of 72364
the Revised Code: 72365

(A) As used in this section: 72366

(1) "Electioneering communication" has the same meaning as 72367
in section 3517.1011 of the Revised Code. 72368

(2) "Foreign national" means any of the following, as 72369
applicable: 72370

(a) In the case of an individual, an individual who is not 72371
a United States citizen or national; 72372

(b) A government of a foreign country or of a political 72373
subdivision of a foreign country; 72374

(c) A foreign political party; 72375

(d) A person, other than an individual, that is organized 72376
under the laws of, or has its principal place of business in, a 72377
foreign country. 72378

~~(B)~~ (B) (1) No foreign national, other than an individual 72379
who is lawfully admitted for permanent residence, as defined by 72380
8 U.S.C. 1101(a) (20), shall, directly or indirectly through any 72381
person or entity, do any of the following: 72382

~~(1) Make~~ make a contribution, expenditure, or independent 72383
expenditure in support of or opposition to a candidate for any 72384
elective office in this state, including an office of a 72385
political party, ~~or~~ promise, either expressly or implicitly, to 72386
make such a contribution, expenditure, or independent 72387
expenditure. 72388

(2) ~~Make~~ No foreign national shall, directly or indirectly 72389

through any person or entity, do any of the following: 72390

(a) Make a contribution, expenditure, or independent 72391
expenditure in support of or opposition to a statewide ballot 72392
issue or question, regardless of whether the ballot issue or 72393
question has yet been certified to appear on the ballot; 72394

~~(3)~~ (b) Make a disbursement for the direct cost of 72395
producing or airing an electioneering communication; 72396

~~(4)~~ (c) Make a contribution to a candidate, campaign 72397
committee, political action committee, ~~political contributing~~ 72398
~~entity,~~ legislative campaign fund, state candidate fund, 72399
political party, or separate segregated fund, to any committee 72400
created to support or oppose a ballot issue or question, or, to 72401
the maximum extent permitted by law and by the constitutions of 72402
the United States and of this state, to a ~~continuing association~~ 72403
political contributing entity; 72404

~~(5)~~ (d) Promise, either expressly or implicitly, to make a 72405
contribution, expenditure, independent expenditure, or 72406
disbursement described in division ~~(B) (1), (2), (3), or (4)~~ (B) 72407
(2) (a), (b), or (c) of this section. 72408

(C) No individual, candidate, campaign committee, 72409
political action committee, ~~political contributing entity,~~ 72410
legislative campaign fund, state candidate fund, political 72411
party, separate segregated fund, or committee created to support 72412
or oppose a ballot issue or question and, to the maximum extent 72413
permitted by law and by the constitutions of the United States 72414
and of this state, no ~~continuing association~~ political 72415
contributing entity shall, directly or indirectly through any 72416
other person or entity, knowingly do either of the following: 72417

(1) Solicit, accept, or receive any funds ~~from a foreign~~ 72418

~~national for any purpose described~~ contributed or expended in 72419
violation of division (B) of this section; 72420

(2) Make a contribution, expenditure, or independent 72421
expenditure using any funds the person knows were ~~received from~~ 72422
~~a foreign national for any purpose described~~ contributed or 72423
expended in violation of division (B) of this section. 72424

(D) No person shall knowingly aid or facilitate a 72425
violation of division (B) or (C) of this section. 72426

(E) Any complaint that alleges a violation of division (W) 72427
of section 3517.13 of the Revised Code shall be treated as 72428
instead alleging a violation of this section. 72429

(F) (1) Whoever knowingly violates division (B) of this 72430
section is guilty of a misdemeanor of the first degree on a 72431
first offense and is guilty of a felony of the fifth degree on a 72432
second or subsequent offense. The violator also shall be fined 72433
an amount equal to three times the amount involved in the 72434
violation or ten thousand dollars, whichever amount is greater. 72435

(2) Whoever knowingly violates division (C) of this 72436
section is guilty of a misdemeanor of the first degree on a 72437
first offense and is guilty of a felony of the fifth degree on a 72438
second or subsequent offense. The violator also shall be fined 72439
an amount equal to three times the amount involved in the 72440
violation or ten thousand dollars, whichever amount is greater, 72441
and shall be required to return the total amount accepted in 72442
violation of that division to the foreign national from whom it 72443
was accepted. 72444

(3) Whoever knowingly violates division (D) of this 72445
section is guilty of a misdemeanor of the first degree and shall 72446
be fined one thousand dollars. 72447

(G) (1) (a) Except as otherwise provided in division (G) (1) 72448
(b) of this section, the attorney general has exclusive 72449
authority to prosecute a violation of this section and has 72450
exclusive supervision and control of all investigations, 72451
prosecutions, and enforcement proceedings under this section. 72452

(b) If the attorney general is a victim or witness or 72453
otherwise involved in an alleged violation of this section, the 72454
attorney general shall refer the matter to the appropriate 72455
prosecutor, as determined under division ~~(A) (2)~~ (C) of section 72456
~~3517.155~~ 3517.17 of the Revised Code, except that if applicable, 72457
the attorney general shall make the determination described in 72458
division ~~(A) (2) (b)~~ (B) (2) of that section instead of the Ohio 72459
~~elections~~ election integrity commission. 72460

(2) Upon the occurrence of either of the following, the 72461
attorney general shall investigate an alleged violation of this 72462
section in consultation with the secretary of state: 72463

(a) The submission of a written request to the attorney 72464
general by the governor, the secretary of state, the general 72465
assembly, or the Ohio ~~elections~~ election integrity commission, 72466
alleging a violation of this section; 72467

(b) The filing of a complaint with the attorney general by 72468
an elector of this state, alleging a violation of this section. 72469

(3) If it appears to the attorney general, after 72470
conducting an investigation under division (G) (2) of this 72471
section, that there is probable cause to believe that a 72472
violation of this section has occurred, the attorney general may 72473
prosecute the violation in a court of competent jurisdiction. 72474

(H) When proceeding under this section, the attorney 72475
general and any assistant or special counsel designated by the 72476

attorney general for that purpose have all the rights, 72477
privileges, and powers conferred by law on prosecuting 72478
attorneys, including the power to appear before grand juries and 72479
to interrogate witnesses before such grand juries. These powers 72480
of the attorney general are in addition to any other applicable 72481
powers of the attorney general. 72482

Sec. 3517.13. (A) (1) No campaign committee of a statewide 72483
candidate shall fail to file a complete and accurate statement 72484
required under division (A) (1) of section 3517.10 of the Revised 72485
Code. 72486

(2) No campaign committee of a statewide candidate shall 72487
fail to file a complete and accurate monthly statement, and no 72488
campaign committee of a statewide candidate or a candidate for 72489
the office of chief justice or justice of the supreme court 72490
shall fail to file a complete and accurate two-business-day 72491
statement, as required under section 3517.10 of the Revised 72492
Code. 72493

As used in this division, "statewide candidate" has the 72494
same meaning as in division (F) (2) of section 3517.10 of the 72495
Revised Code. 72496

(B) No campaign committee shall fail to file a complete 72497
and accurate statement required under division (A) (1) of section 72498
3517.10 of the Revised Code. 72499

(C) No campaign committee shall fail to file a complete 72500
and accurate statement required under division (A) (2) of section 72501
3517.10 of the Revised Code. 72502

(D) No campaign committee shall fail to file a complete 72503
and accurate statement required under division (A) (3) or (4) of 72504
section 3517.10 of the Revised Code. 72505

(E) No person other than a campaign committee shall 72506
knowingly fail to file a statement required under section 72507
3517.10 or 3517.107 of the Revised Code. 72508

(F) No person shall make cash contributions to any person 72509
totaling more than one hundred dollars in each primary, special, 72510
or general election. 72511

(G) (1) No person shall knowingly conceal or misrepresent 72512
contributions given or received, expenditures made, or any other 72513
information required to be reported by a provision in sections 72514
3517.08 to 3517.13 of the Revised Code. 72515

(2) (a) No person shall make a contribution to a campaign 72516
committee, political action committee, political contributing 72517
entity, legislative campaign fund, political party, or person 72518
making disbursements to pay the direct costs of producing or 72519
airing electioneering communications in the name of another 72520
person. 72521

(b) A person does not make a contribution in the name of 72522
another when either of the following applies: 72523

(i) An individual makes a contribution from a partnership 72524
or other unincorporated business account, ~~if the contribution is~~ 72525
~~reported by listing both the name of the partnership or other~~ 72526
~~unincorporated business and the name of the partner or owner~~ 72527
~~making the contribution as required~~ permitted under division ~~(I)~~ 72528
(I) (1) (b) of section 3517.10 of the Revised Code. 72529

(ii) A person makes a contribution in that person's 72530
spouse's name or in both of their names. 72531

(H) No person within this state, publishing a newspaper or 72532
other periodical, shall charge a campaign committee for 72533
political advertising a rate in excess of the rate such person 72534

would charge if the campaign committee were a general rate advertiser whose advertising was directed to promoting its business within the same area as that encompassed by the particular office that the candidate of the campaign committee is seeking. The rate shall take into account the amount of space used, as well as the type of advertising copy submitted by or on behalf of the campaign committee. All discount privileges otherwise offered by a newspaper or periodical to general rate advertisers shall be available upon equal terms to all campaign committees.

No person within this state, operating a radio or television station or network of stations in this state, shall charge a campaign committee for political broadcasts a rate that exceeds:

(1) During the forty-five days preceding the date of a primary election and during the sixty days preceding the date of a general or special election in which the candidate of the campaign committee is seeking office, the lowest unit charge of the station for the same class and amount of time for the same period;

(2) At any other time, the charges made for comparable use of that station by its other users.

(I) Subject to divisions (K), (L), (M), and (N) of this section, no agency or department of this state or any political subdivision shall award any contract, other than one let by competitive bidding or a contract incidental to such contract or which is by force account, for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars to any individual, partnership, association, including, without limitation, a professional

association organized under Chapter 1785. of the Revised Code, 72565
estate, or trust if the individual has made or the individual's 72566
spouse has made, or any partner, shareholder, administrator, 72567
executor, or trustee or the spouse of any of them has made, as 72568
an individual, within the two previous calendar years, one or 72569
more contributions totaling in excess of one thousand dollars to 72570
the holder of the public office having ultimate responsibility 72571
for the award of the contract or to the public officer's 72572
campaign committee. 72573

(J) Subject to divisions (K), (L), (M), and (N) of this 72574
section, no agency or department of this state or any political 72575
subdivision shall award any contract, other than one let by 72576
competitive bidding or a contract incidental to such contract or 72577
which is by force account, for the purchase of goods costing 72578
more than five hundred dollars or services costing more than 72579
five hundred dollars to a corporation or business trust, except 72580
a professional association organized under Chapter 1785. of the 72581
Revised Code, if an owner of more than twenty per cent of the 72582
corporation or business trust or the spouse of that person has 72583
made, as an individual, within the two previous calendar years, 72584
taking into consideration only owners for all of that period, 72585
one or more contributions totaling in excess of one thousand 72586
dollars to the holder of a public office having ultimate 72587
responsibility for the award of the contract or to the public 72588
officer's campaign committee. 72589

(K) For purposes of divisions (I) and (J) of this section, 72590
if a public officer who is responsible for the award of a 72591
contract is appointed by the governor, whether or not the 72592
appointment is subject to the advice and consent of the senate, 72593
excluding members of boards, commissions, committees, 72594
authorities, councils, boards of trustees, task forces, and 72595

other such entities appointed by the governor, the office of the 72596
governor is considered to have ultimate responsibility for the 72597
award of the contract. 72598

(L) For purposes of divisions (I) and (J) of this section, 72599
if a public officer who is responsible for the award of a 72600
contract is appointed by the elected chief executive officer of 72601
a municipal corporation, or appointed by the elected chief 72602
executive officer of a county operating under an alternative 72603
form of county government or county charter, excluding members 72604
of boards, commissions, committees, authorities, councils, 72605
boards of trustees, task forces, and other such entities 72606
appointed by the chief executive officer, the office of the 72607
chief executive officer is considered to have ultimate 72608
responsibility for the award of the contract. 72609

(M) (1) Divisions (I) and (J) of this section do not apply 72610
to contracts awarded by the board of commissioners of the 72611
sinking fund, municipal legislative authorities, boards of 72612
education, boards of county commissioners, boards of township 72613
trustees, or other boards, commissions, committees, authorities, 72614
councils, boards of trustees, task forces, and other such 72615
entities created by law, by the supreme court or courts of 72616
appeals, by county courts consisting of more than one judge, 72617
courts of common pleas consisting of more than one judge, or 72618
municipal courts consisting of more than one judge, or by a 72619
division of any court if the division consists of more than one 72620
judge. This division shall apply to the specified entity only if 72621
the members of the entity act collectively in the award of a 72622
contract for goods or services. 72623

(2) Divisions (I) and (J) of this section do not apply to 72624
actions of the controlling board. 72625

(N) (1) Divisions (I) and (J) of this section apply to 72626
contributions made to the holder of a public office having 72627
ultimate responsibility for the award of a contract, or to the 72628
public officer's campaign committee, during the time the person 72629
holds the office and during any time such person was a candidate 72630
for the office. Those divisions do not apply to contributions 72631
made to, or to the campaign committee of, a candidate for or 72632
holder of the office other than the holder of the office at the 72633
time of the award of the contract. 72634

(2) Divisions (I) and (J) of this section do not apply to 72635
contributions of a partner, shareholder, administrator, 72636
executor, trustee, or owner of more than twenty per cent of a 72637
corporation or business trust made before the person held any of 72638
those positions or after the person ceased to hold any of those 72639
positions in the partnership, association, estate, trust, 72640
corporation, or business trust whose eligibility to be awarded a 72641
contract is being determined, nor to contributions of the 72642
person's spouse made before the person held any of those 72643
positions, after the person ceased to hold any of those 72644
positions, before the two were married, after the granting of a 72645
decree of divorce, dissolution of marriage, or annulment, or 72646
after the granting of an order in an action brought solely for 72647
legal separation. Those divisions do not apply to contributions 72648
of the spouse of an individual whose eligibility to be awarded a 72649
contract is being determined made before the two were married, 72650
after the granting of a decree of divorce, dissolution of 72651
marriage, or annulment, or after the granting of an order in an 72652
action brought solely for legal separation. 72653

(O) No beneficiary of a campaign fund or other person 72654
shall convert for personal use, and no person shall knowingly 72655
give to a beneficiary of a campaign fund or any other person, 72656

for the beneficiary's or any other person's personal use, 72657
anything of value from the beneficiary's campaign fund, 72658
including, without limitation, payments to a beneficiary for 72659
services the beneficiary personally performs, except as 72660
reimbursement for any of the following: 72661

(1) Legitimate and verifiable prior campaign expenses 72662
incurred by the beneficiary; 72663

(2) Legitimate and verifiable ordinary and necessary prior 72664
expenses incurred by the beneficiary in connection with duties 72665
as the holder of a public office, including, without limitation, 72666
expenses incurred through participation in nonpartisan or 72667
bipartisan events if the participation of the holder of a public 72668
office would normally be expected; 72669

(3) Legitimate and verifiable ordinary and necessary prior 72670
expenses incurred by the beneficiary while doing any of the 72671
following: 72672

(a) Engaging in activities in support of or opposition to 72673
a candidate other than the beneficiary, political party, or 72674
ballot issue; 72675

(b) Raising funds for a political party, political action 72676
committee, political contributing entity, legislative campaign 72677
fund, campaign committee, or other candidate; 72678

(c) Participating in the activities of a political party, 72679
political action committee, political contributing entity, 72680
legislative campaign fund, or campaign committee; 72681

(d) Attending a political party convention or other 72682
political meeting. 72683

For purposes of this division, an expense is incurred 72684

whenever a beneficiary has either made payment or is obligated 72685
to make payment, as by the use of a credit card or other credit 72686
procedure or by the use of goods or services received on 72687
account. 72688

(P) No beneficiary of a campaign fund shall knowingly 72689
accept, and no person shall knowingly give to the beneficiary of 72690
a campaign fund, reimbursement for an expense under division (O) 72691
of this section to the extent that the expense previously was 72692
reimbursed or paid from another source of funds. If an expense 72693
is reimbursed under division (O) of this section and is later 72694
paid or reimbursed, wholly or in part, from another source of 72695
funds, the beneficiary shall repay the reimbursement received 72696
under division (O) of this section to the extent of the payment 72697
made or reimbursement received from the other source. 72698

(Q) No candidate or public official or employee shall 72699
accept for personal or business use anything of value from a 72700
political party, political action committee, political 72701
contributing entity, legislative campaign fund, or campaign 72702
committee other than the candidate's or public official's or 72703
employee's own campaign committee, and no person shall knowingly 72704
give to a candidate or public official or employee anything of 72705
value from a political party, political action committee, 72706
political contributing entity, legislative campaign fund, or 72707
such a campaign committee, except for the following: 72708

(1) Reimbursement for legitimate and verifiable ordinary 72709
and necessary prior expenses not otherwise prohibited by law 72710
incurred by the candidate or public official or employee while 72711
engaged in any legitimate activity of the political party, 72712
political action committee, political contributing entity, 72713
legislative campaign fund, or such campaign committee. Without 72714

limitation, reimbursable expenses under this division include 72715
those incurred while doing any of the following: 72716

(a) Engaging in activities in support of or opposition to 72717
another candidate, political party, or ballot issue; 72718

(b) Raising funds for a political party, legislative 72719
campaign fund, campaign committee, or another candidate; 72720

(c) Attending a political party convention or other 72721
political meeting. 72722

(2) Compensation not otherwise prohibited by law for 72723
actual and valuable personal services rendered under a written 72724
contract to the political party, political action committee, 72725
political contributing entity, legislative campaign fund, or 72726
such campaign committee for any legitimate activity of the 72727
political party, political action committee, political 72728
contributing entity, legislative campaign fund, or such campaign 72729
committee. 72730

Reimbursable expenses under this division do not include, 72731
and it is a violation of this division for a candidate or public 72732
official or employee to accept, or for any person to knowingly 72733
give to a candidate or public official or employee from a 72734
political party, political action committee, political 72735
contributing entity, legislative campaign fund, or campaign 72736
committee other than the candidate's or public official's or 72737
employee's own campaign committee, anything of value for 72738
activities primarily related to the candidate's or public 72739
official's or employee's own campaign for election, except for 72740
contributions to the candidate's or public official's or 72741
employee's campaign committee. 72742

For purposes of this division, an expense is incurred 72743

whenever a candidate or public official or employee has either
made payment or is obligated to make payment, as by the use of a
credit card or other credit procedure, or by the use of goods or
services on account.

(R) (1) Division (O) or (P) of this section does not
prohibit a campaign committee from making direct advance or post
payment from contributions to vendors for goods and services for
which reimbursement is permitted under division (O) of this
section, except that no campaign committee shall pay its
candidate or other beneficiary for services personally performed
by the candidate or other beneficiary.

(2) If any expense that may be reimbursed under division
(O), (P), or (Q) of this section is part of other expenses that
may not be paid or reimbursed, the separation of the two types
of expenses for the purpose of allocating for payment or
reimbursement those expenses that may be paid or reimbursed may
be by any reasonable accounting method, considering all of the
surrounding circumstances.

(3) For purposes of divisions (O), (P), and (Q) of this
section, mileage allowance at a rate not greater than that
allowed by the internal revenue service at the time the travel
occurs may be paid instead of reimbursement for actual travel
expenses allowable.

(S) (1) As used in division (S) of this section:

(a) "State elective office" has the same meaning as in
section 3517.092 of the Revised Code.

(b) "Federal office" means a federal office as defined in
the Federal Election Campaign Act.

(c) "Federal campaign committee" means a principal

campaign committee or authorized committee as defined in the 72773
Federal Election Campaign Act. 72774

(2) No person who is a candidate for state elective office 72775
and who previously sought nomination or election to a federal 72776
office shall transfer any funds or assets from that person's 72777
federal campaign committee for nomination or election to the 72778
federal office to that person's campaign committee as a 72779
candidate for state elective office. 72780

(3) No campaign committee of a person who is a candidate 72781
for state elective office and who previously sought nomination 72782
or election to a federal office shall accept any funds or assets 72783
from that person's federal campaign committee for that person's 72784
nomination or election to the federal office. 72785

(T) (1) Except as otherwise provided in division (B) (6) (c) 72786
of section 3517.102 of the Revised Code, a state or county 72787
political party shall not disburse moneys from any account other 72788
than a state candidate fund to make contributions to any of the 72789
following: 72790

(a) A state candidate fund; 72791

(b) A legislative campaign fund; 72792

(c) A campaign committee of a candidate for the office of 72793
governor, lieutenant governor, secretary of state, auditor of 72794
state, treasurer of state, attorney general, member of the state 72795
board of education, or member of the general assembly. 72796

(2) No state candidate fund, legislative campaign fund, or 72797
campaign committee of a candidate for any office described in 72798
division (T) (1) (c) of this section shall knowingly accept a 72799
contribution in violation of division (T) (1) of this section. 72800

(U) No person shall fail to file a statement required 72801
under section 3517.12 of the Revised Code. 72802

(V) No campaign committee shall fail to file a statement 72803
required under division (K) (3) of section 3517.10 of the Revised 72804
Code. 72805

(W) (1) No foreign national shall, directly or indirectly 72806
through any other person or entity, make a contribution, 72807
expenditure, or independent expenditure or promise, either 72808
expressly or implicitly, to make a contribution, expenditure, or 72809
independent expenditure in support of or opposition to a 72810
candidate for any elective office in this state, including an 72811
office of a political party. 72812

(2) No candidate, campaign committee, political action 72813
committee, political contributing entity, legislative campaign 72814
fund, state candidate fund, political party, or separate 72815
segregated fund shall solicit or accept a contribution, 72816
expenditure, or independent expenditure from a foreign national. 72817
The secretary of state may direct any candidate, committee, 72818
entity, fund, or party that accepts a contribution, expenditure, 72819
or independent expenditure in violation of this division to 72820
return the contribution, expenditure, or independent expenditure 72821
or, if it is not possible to return the contribution, 72822
expenditure, or independent expenditure, then to return instead 72823
the value of it, to the contributor. 72824

(3) As used in division (W) of this section, 72825
"foreignnational" has the same meaning as in section 441e(b) of 72826
the Federal Election Campaign Act. 72827

(X) (1) No state or county political party shall transfer 72828
any moneys from its restricted fund to any account of the 72829

political party into which contributions may be made or from 72830
which contributions or expenditures may be made. 72831

(2) (a) No state or county political party shall deposit a 72832
contribution or contributions that it receives into its 72833
restricted fund. 72834

(b) No state or county political party shall make a 72835
contribution or an expenditure from its restricted fund. 72836

(3) (a) No corporation or labor organization shall make a 72837
gift or gifts from the corporation's or labor organization's 72838
money or property aggregating more than ten thousand dollars to 72839
any one state or county political party for the party's 72840
restricted fund in a calendar year. 72841

(b) No state or county political party shall accept a gift 72842
or gifts for the party's restricted fund aggregating more than 72843
ten thousand dollars from any one corporation or labor 72844
organization in a calendar year. 72845

(4) No state or county political party shall transfer any 72846
moneys in the party's restricted fund to any other state or 72847
county political party. 72848

(5) No state or county political party shall knowingly 72849
fail to file a statement required under section 3517.1012 of the 72850
Revised Code. 72851

~~(Y)~~(Y) (1) No political action committee or political 72852
contributing entity that accepts a contribution from a 72853
corporation or labor organization shall knowingly make a 72854
contribution to a candidate, campaign committee, political 72855
party, or legislative campaign fund. 72856

(2) No political action committee or political 72857

contributing entity that accepts a contribution from a 72858
corporation or labor organization shall knowingly make a 72859
contribution to a political action committee or political 72860
contributing entity, other than to a political action committee 72861
or political contributing entity that makes only independent 72862
expenditures and contributions to political action committees or 72863
political contributing entities that make only independent 72864
expenditures. 72865

(3) No candidate, campaign committee, political party, 72866
legislative campaign fund, political action committee, or 72867
political contributing entity shall knowingly accept a 72868
contribution in violation of division (Y)(1) or (2) of this 72869
section. 72870

(Z) The administrator of workers' compensation and the 72871
employees of the bureau of workers' compensation shall not 72872
conduct any business with or award any contract, other than one 72873
awarded by competitive bidding, for the purchase of goods 72874
costing more than five hundred dollars or services costing more 72875
than five hundred dollars to any individual, partnership, 72876
association, including, without limitation, a professional 72877
association organized under Chapter 1785. of the Revised Code, 72878
estate, or trust, if the individual has made, or the 72879
individual's spouse has made, or any partner, shareholder, 72880
administrator, executor, or trustee, or the spouses of any of 72881
those individuals has made, as an individual, within the two 72882
previous calendar years, one or more contributions totaling in 72883
excess of one thousand dollars to the campaign committee of the 72884
governor or lieutenant governor or to the campaign committee of 72885
any candidate for the office of governor or lieutenant governor. 72886

~~(Z)~~ (AA) The administrator of workers' compensation and 72887

the employees of the bureau of workers' compensation shall not 72888
conduct business with or award any contract, other than one 72889
awarded by competitive bidding, for the purchase of goods 72890
costing more than five hundred dollars or services costing more 72891
than five hundred dollars to a corporation or business trust, 72892
except a professional association organized under Chapter 1785. 72893
of the Revised Code, if an owner of more than twenty per cent of 72894
the corporation or business trust, or the spouse of the owner, 72895
has made, as an individual, within the two previous calendar 72896
years, taking into consideration only owners for all of such 72897
period, one or more contributions totaling in excess of one 72898
thousand dollars to the campaign committee of the governor or 72899
lieutenant governor or to the campaign committee of any 72900
candidate for the office of governor or lieutenant governor. 72901

Sec. ~~3517.152~~ 3517.14. (A) (1) There is ~~hereby created in~~ 72902
the office of the secretary of state the Ohio elections-election 72903
integrity commission, consisting of ~~seven~~ the following five 72904
members: 72905

(a) A chairperson appointed by the secretary of state; 72906

(b) One member appointed by the speaker of the house of 72907
representatives; 72908

(c) One member appointed by the minority leader of the 72909
house of representatives; 72910

(d) One member appointed by the president of the senate; 72911

(e) One member appointed by the senate minority leader. 72912

~~Not later than forty-five days after August 24, 1995, the~~ 72913
~~speaker of the house of representatives and the leader in the~~ 72914
~~senate of the political party of which the speaker is a member~~ 72915
~~shall jointly submit to the governor a list of five persons who~~ 72916

~~are affiliated with that political party. Not later than forty-~~ 72917
~~five days after August 24, 1995, the two legislative leaders in-~~ 72918
~~the two houses of the general assembly of the major political-~~ 72919
~~party of which the speaker is not a member shall jointly submit-~~ 72920
~~to the governor a list of five persons who are affiliated with-~~ 72921
~~the major political party of which the speaker is not a member.~~ 72922
~~Not later than fifteen days after receiving each list, the-~~ 72923
~~governor shall appoint three persons from each list to the-~~ 72924
~~commission. The governor shall appoint one person from each list~~ 72925
~~to a term that ends on December 31, 1996, one person from each-~~ 72926
~~list to a term that ends on December 31, 1997, and one person-~~ 72927
~~from each list to a term that ends on December 31, 1998.~~ 72928

~~Not later than thirty days after the governor appoints-~~ 72929
~~these six members, they shall, by a majority vote, appoint to-~~ 72930
~~the commission a seventh member, who shall not be affiliated-~~ 72931
~~with a political party. If the six members fail to appoint the-~~ 72932
~~seventh member within this thirty-day period, the chief justice-~~ 72933
~~of the supreme court, not later than thirty days after the end-~~ 72934
~~of the period during which the six members were required to-~~ 72935
~~appoint a member, shall appoint the seventh member, who shall-~~ 72936
~~not be affiliated with a political party. The seventh member-~~ 72937
~~shall be appointed to a term that ends on December 31, 2001.-~~ 72938
~~Terms of the initial members appointed under this division begin~~ 72939
~~on January 1, 1996.~~ 72940

~~(2) (a) If a vacancy occurs in the position of the seventh-~~ 72941
~~member, who is not affiliated with a political party, the six-~~ 72942
~~remaining members by a majority vote shall appoint, not later-~~ 72943
~~than forty-five days after the date of the vacancy, the seventh-~~ 72944
~~member of the commission, who shall not be affiliated with a-~~ 72945
~~political party. If these members fail to appoint the seventh-~~ 72946
~~member within this forty-five-day period, the chief justice of-~~ 72947

~~the supreme court, within fifteen days after the end of this period, shall appoint the seventh member, who shall not be affiliated with a political party.~~ 72948
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~~(b) If a vacancy occurs in any of the other six positions on the commission, the legislative leaders of the political party from whose list of persons the member being replaced was appointed shall submit to the governor, not later than thirty days after the date of the vacancy, a list of three persons who are affiliated with that political party. Not later than fifteen days after receiving the list, the governor, with the advice and consent of the senate, shall appoint one person from the list to the commission.~~ 72951
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~~(3) (a) For the purpose of appointing alternates to the commission, not later than forty-five days after the effective date of this section, the speaker of the house of representatives and the leader in the senate of the political party of which the speaker is a member shall jointly submit to the governor a list of three persons who are affiliated with that political party. Not later than forty-five days after the effective date of this section, the two legislative leaders in the two houses of the general assembly of the major political party of which the speaker is not a member shall jointly submit to the governor a list of three persons who are affiliated with the major political party of which the speaker is not a member. Not later than fifteen days after receiving each list, the governor shall appoint one person from each list as an alternate to the commission to a term that ends on December 31, 2026. The initial term described in this division begins upon appointment by the governor. If a vacancy occurs in the position of alternate under this division, the vacancy shall be filled in the same manner as described in division (A) (2) (b) of this~~ 72960
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~~section.~~ 72979

~~(b) For the purpose of appointing an alternate for the seventh member who is not affiliated with a political party, the six members who are affiliated with a political party by a majority vote shall appoint, not later than forty-five days after the effective date of this amendment, the alternate for the seventh member of the commission, who shall not be affiliated with a political party. If these members fail to appoint the alternate for the seventh member within this forty-five-day period, the chief justice of the supreme court, within fifteen days after the end of that period, shall appoint the alternate for the seventh member, who shall not be affiliated with a political party. The seventh member shall be appointed to a term that ends on December 31, 2026. The initial term described in this division begins upon the appointment of the alternate. If a vacancy occurs in the position of alternate for the seventh member who is not affiliated with a political party, the vacancy shall be filled in the same manner as described in division (A) (2) (a) of this section.~~ 72980
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~~(4) At no time shall more than six members of the commission be affiliated with a political party, and, of these six members, not more than three shall be affiliated with the same political party.~~ 72998
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~~(5) In making appointments to the commission, including alternates, the governor shall take into consideration the various geographic areas of this state and shall appoint members and alternates so that those areas are represented on the commission in a balanced manner, to the extent feasible.~~ 73002
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~~(6) Members and alternates~~ (2) (a) The chairperson of the commission shall be a registered elector to whom at least one of 73007
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the following applies: 73009

(i) The person is an attorney in good standing before the
supreme court of Ohio. 73010
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(ii) The person has at least four years of work experience
in election administration. 73012
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(b) Each member of the commission appointed by a member of
the general assembly shall be a registered electors and shall be
of good moral character elector to whom at least one of the
following applies: 73014
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(i) The person is an attorney in good standing before the
supreme court of Ohio. 73018
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(ii) The person has at least four years of work experience
in election administration. 73020
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(iii) The person has appeared on the ballot at a general
election as a candidate for election to an office, other than
the office of presidential elector. 73022
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~~(7) Alternates shall serve on the commission when a member
of the commission is recused from hearing a complaint or is
otherwise unable to hear a complaint. Alternates shall serve on
the commission during a vacancy until the vacancy is filled. An
alternate may only serve in lieu of a member affiliated with the
same political party as the alternate. The alternate for the
unaffiliated seventh member of the commission may only serve in
lieu of the unaffiliated seventh member of the commission. When
serving in this capacity, alternates count as members of the
commission for the purpose of constituting a quorum under
division (C) (3) of this section.~~ 73025
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(3) The members of the commission appointed under 73036

divisions (A) (1) (a), (c), and (d) of this section shall serve 73037
initial terms of four years beginning on January 1, 2026, and 73038
the members appointed under divisions (A) (1) (b) and (e) of this 73039
section shall serve initial terms of two years beginning on 73040
January 1, 2026. Thereafter, all terms shall be four years. 73041

(B) Each member ~~and alternate~~ of the ~~Ohio elections~~-
commission shall hold office from the date of the member's 73042
appointment until the end of the term for which the member was 73043
appointed. A member appointed to fill a vacancy occurring prior 73044
to the expiration of the term for which the member's predecessor 73045
was appointed shall hold office for the remainder of that term. 73046
A member shall continue in office subsequent to the expiration 73047
date of the member's term until the member's successor takes 73048
office or until a period of sixty days has elapsed, whichever 73049
occurs first. ~~After the initial terms of office provided for in~~ 73050
~~divisions (A) (1) and (3) of this section, terms of office shall~~ 73051
~~be for five years.~~ 73052
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(C) A vacancy ~~in on~~ the ~~Ohio elections~~-commission may be 73054
caused by death, or resignation, ~~or three absences from~~ 73055
~~commission meetings in a calendar year if those absences are~~ 73056
~~caused by reasons declared invalid by a vote of five members of~~ 73057
~~the remaining members of the commission~~ by removal under division 73058
(I) of this section. Any vacancy shall be filled in the same 73059
manner as for the original appointment. 73060

(D) Each member of the ~~Ohio elections~~-commission while in 73061
the performance of the business of the commission shall be 73062
entitled to receive compensation at the rate of ~~twenty-five~~ five 73063
thousand dollars per year. Members shall be reimbursed for 73064
expenses actually and necessarily incurred in the performance of 73065
their duties. 73066

~~Each alternate of the Ohio elections commission, when
serving on the commission as described in division (A) (7) of
this section, shall be paid at the per diem rate of one hundred
fifty dollars, and shall be reimbursed for expenses actually and
necessarily incurred in the performance of the alternate's
duties.~~

(E) ~~No member of the Ohio elections commission shall serve
for more than one full term unless the terms served are served
noneconsecutively~~ two successive terms of four years. Terms are
considered successive unless separated by a period of at least
four years. In determining a person's eligibility to be a member
of the commission, all of the following apply:

(1) Time spent as a member in fulfillment of a term to
which another person was first appointed shall not be
considered, provided that a period of at least four years has
passed between the time, if any, when the person previously was
a member and the time the person is appointed to fulfill the
unexpired term.

(2) A person who is appointed to serve a full term and
resigns before completing the term is considered to have served
the full term.

(3) A two year term served under division (A) (3) of this
section is considered a full term of four years.

(F) (1) ~~No member or alternate of the Ohio elections
election integrity commission shall do or be any of the
following:~~

(a) Hold, or be a candidate for, a public office;

(b) Serve on a committee supporting or opposing a
candidate or ballot question or issue;

(c) Be an officer of the state central committee, a county central committee, or a district, city, township, or other committee of a political party or an officer of the executive committee of the state central committee, a county central committee, or a district, city, township, or other committee of a political party; 73096
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(d) Be a legislative agent as defined in section 101.70 of the Revised Code or an executive agency lobbyist as defined in section 121.60 of the Revised Code; 73102
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(e) Solicit or be involved in soliciting contributions on behalf of a candidate, campaign committee, political party, political action committee, or political contributing entity; 73105
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(f) Be in the unclassified service under section 124.11 of the Revised Code; 73108
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(g) Be a person or employee who is excluded from the definition of public employee pursuant to division (C) of section 4117.01 of the Revised Code. 73110
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(2) No member, alternate, or employee of the commission shall make a contribution to, or for the benefit of, a campaign committee or committee in support of or opposition to a ballot question or issue, a political party, a legislative campaign fund, a political action committee, or a political contributing entity. 73113
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~~(G) (1) The members of the Ohio elections commission shall elect a chairperson and a vice-chairperson. At no time shall the chairperson and vice-chairperson be affiliated with the same political party. The chairperson shall serve in that capacity for one year and shall not serve as chairperson more than twice during a term as a member of the commission. No two successive~~ 73119
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~~chairpersons shall be affiliated with the same political party.~~ 73125

~~(2)~~ The commission shall meet at the call of the 73126
chairperson or upon the written request of a majority of the 73127
members. The meetings and hearings of the commission ~~or a panel~~ 73128
~~of the commission~~ under sections ~~3517.153 to 3517.157~~ 3517.15 to 73129
3517.18 of the Revised Code are subject to section 121.22 of the 73130
Revised Code. 73131

~~(3)~~ (2) The commission shall adopt rules for its 73132
procedures in accordance with Chapter 119. of the Revised Code. 73133
~~Five~~ Four of the ~~seven~~ five members constitute a quorum. Except 73134
as otherwise provided in this section and in sections ~~3517.154-~~ 73135
~~to 3517.157~~ 3517.15 to 3517.18 of the Revised Code, no action 73136
shall be taken without the concurrence of a majority of the 73137
members. 73138

~~(H)(1)~~ (H) The Ohio elections commission secretary of 73139
state shall employ the technical, professional, and clerical 73140
employees that are necessary for ~~it~~ the commission to carry out 73141
its duties, and the attorney general shall provide legal counsel 73142
to the commission upon the commission's request. 73143

~~(2)(a)~~ Notwithstanding ~~section 109.02~~ of the Revised Code, 73144
the commission shall employ a full-time attorney, and, as 73145
needed, one or more investigatory attorneys to conduct 73146
investigations for the commission ~~or a panel of the commission.~~ 73147
The commission may employ or contract for the services of 73148
additional attorneys, as needed. The full-time attorney shall do 73149
all of the following: 73150

~~(i)~~ Serve as the commission's attorney in regard to all 73151
legal matters, including representing the commission at appeals 73152
from a final determination of the commission, except that the 73153

~~full-time attorney shall not perform the duties that an
investigatory attorney is required or requested to perform or
that another attorney the commission employs or contracts with
for services is required or requested to perform, and shall not
represent the commission in any legal proceeding in which the
commission is a named party;~~ 73154
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~~(ii) At the request of the commission or a panel of the
commission, be present at a hearing held under sections 3517.154
to 3517.156 of the Revised Code to rule on the admissibility of
evidence and to advise on the conduct of procedure;~~ 73160
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~~(iii) Perform other duties as required by rule of the
commission.~~ 73164
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~~(b) An attorney employed by or under contract with the
commission shall be licensed to practice law in this state.~~ 73166
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~~(3) (a) Except as otherwise provided in division (H) (3) (b)
of this section, at least five members of the commission shall
agree on the employment of a person, a majority of the members
shall agree on the discharge of an employee, and a person
employed by the commission shall serve at the pleasure of the
commission.~~ 73168
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~~(b) At least five of the seven members shall agree on the
discharge of an investigatory attorney.~~ 73174
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~~(I) There is hereby created in the state treasury the Ohio
elections commission fund. All moneys credited to the fund shall
be used solely for the purpose of paying expenses related to the
operation of the Ohio elections commission.~~ (I) (1) The secretary
of state, the speaker or minority leader of the house of
representatives, or the president or minority leader of the
senate may file a complaint in the supreme court of Ohio, 73176
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seeking the removal of a member of the commission on any of the 73183
following grounds: 73184

(a) That the member does not meet the applicable 73185
requirements of division (A) (2) of this section; 73186

(b) That the member has violated division (F) of this 73187
section; 73188

(c) That the member has been absent from three or more 73189
meetings of the commission in a calendar year; 73190

(d) That the member is guilty of misconduct in office, as 73191
described in section 3.07 of the Revised Code. 73192

(2) The court shall hear a complaint filed with it under 73193
division (I) (1) of this section on an expedited basis. If the 73194
court determines that the charges in the complaint are true, the 73195
court shall order the member removed from the commission, and 73196
the seat shall be considered vacant. 73197

Sec. ~~3517.153~~ 3517.15. ~~(A) Upon the filing of a complaint~~ 73198
~~with the Ohio elections commission, which shall be made by~~ 73199
~~affidavit of any person, on personal knowledge, and subject to~~ 73200
~~the penalties for perjury, or upon the filing of a complaint~~ 73201
~~made by the secretary of state or an official at the board of~~ 73202
~~elections, setting forth a failure to comply with or a violation~~ 73203
~~of any provision in sections 3517.08 to 3517.13, 3517.20 to~~ 73204
~~3517.22, 3599.03, or 3599.031 of the Revised Code, the~~ 73205
~~commission shall proceed in accordance with sections 3517.154 to~~ 73206
~~3517.157 of the Revised Code.~~ 73207

~~(B) The commission shall prescribe the form for complaints~~ 73208
~~made under division (A) of this section. The secretary of state~~ 73209
~~and boards of elections shall furnish the information that the~~ 73210
~~commission requests. The commission or a member of the~~ 73211

~~commission may administer oaths, and the commission may issue
subpoenas to any person in the state compelling the attendance
of witnesses and the production of relevant papers, books,
accounts, and reports. Section 101.42 of the Revised Code
governs the issuance of subpoenas insofar as applicable. Upon
the refusal of any person to obey a subpoena or to be sworn or
to answer as a witness, the commission may apply to the court of
common pleas of Franklin county under section 2705.03 of the
Revised Code. The court shall hold proceedings in accordance
with Chapter 2705. of the Revised Code.~~

~~(C)~~ No prosecution shall commence for a violation of a
provision in sections 145.054, 742.043, 3307.073, 3309.073,
3501.35, 3517.08 to 3517.12, 3517.13, 3517.17, 3517.18, 3517.20
to 3517.22, 3599.03, ~~or~~ 3599.031, 3599.13, 3599.14, 3599.21, or
5505.045, division (A) of section 3599.11, or division (A) (1) or
(2) of section 3599.12 of the Revised Code unless a complaint
has been filed with the ~~commission~~ secretary of state under ~~this~~
section 3517.16 of the Revised Code and all proceedings ~~of the~~
~~commission or a panel of the commission, as appropriate,~~ under
sections ~~3517.154 to 3517.157~~ 3517.16 to 3517.18 of the Revised
Code are completed.

~~(D)~~ (B) (1) The Ohio election integrity commission shall
hear all matters referred to the commission by the secretary of
state under division (E) (3) of section 3517.16 of the Revised
Code.

(2) The commission may recommend legislation and render
advisory opinions concerning ~~sections 3517.08, 3517.082,~~
~~3517.092, 3517.102, 3517.105, 3517.1014, 3517.13, 3517.20 to~~
~~3517.22, 3599.03, and 3599.031~~ the provisions of the Revised
Code listed in division (A) of this section for persons over

whose acts ~~it~~ the commission has or may have jurisdiction. When 73242
the commission renders an advisory opinion relating to a 73243
specific set of circumstances involving any of those sections 73244
stating that there is no violation of a provision in those 73245
sections, the person to whom the opinion is directed or a person 73246
who is similarly situated may reasonably rely on the opinion and 73247
is immune from criminal prosecution and a civil action, 73248
including, without limitation, a civil action for removal from 73249
public office or employment, based on facts and circumstances 73250
covered by the opinion. An advisory opinion issued by the Ohio 73251
elections commission that is in effect as of the effective date 73252
of this amendment is considered an advisory opinion of the Ohio 73253
election integrity commission, unless and until the Ohio 73254
election integrity commission amends or rescinds the advisory 73255
opinion. 73256

~~(E)~~ 73257

(C) The secretary of state and the boards of elections 73258
shall furnish the information that the commission requests. The 73259
commission or a member of the commission may administer oaths, 73260
and the commission may issue subpoenas to any person in the 73261
state compelling the attendance of witnesses and the production 73262
of relevant papers, books, accounts, and reports. Section 101.42 73263
of the Revised Code governs the issuance of subpoenas insofar as 73264
applicable. Upon the refusal of any person to obey a subpoena or 73265
to be sworn or to answer as a witness, the commission may apply 73266
to the court of common pleas of Franklin county under section 73267
2705.03 of the Revised Code. The court shall hold proceedings in 73268
accordance with Chapter 2705. of the Revised Code. 73269

(D) The Ohio election integrity commission shall establish 73270
a web site on which it shall post, at a minimum, all decisions 73271

and advisory opinions issued by the commission, all decisions 73272
and advisory opinions issued by the Ohio elections commission 73273
before the effective date of this amendment, and copies of each 73274
election law as it is amended by the general assembly. The Ohio 73275
election integrity commission shall update the web site 73276
regularly to reflect any changes to those decisions and advisory 73277
opinions and any new decisions and advisory opinions. 73278

Sec. ~~3517.154~~ 3517.16. (A) (1) 73279

~~The full-time~~ Any person who has personal knowledge of a 73280
violation of a provision of the Revised Code listed in division 73281
(A) of section 3517.15 of the Revised Code may file a complaint 73282
with the secretary of state, on a form prescribed by the 73283
secretary of state and signed under penalty of perjury. 73284

(2) The secretary of state or an official at a board of 73285
elections may file a complaint with the secretary of state, on a 73286
form prescribed by the secretary of state and signed under 73287
penalty of perjury, alleging a violation of a provision of the 73288
Revised Code listed in division (A) of section 3517.15 of the 73289
Revised Code. 73290

(B) Subject to division (G) of this section, the secretary 73291
of state shall designate an attorney for in good standing before 73292
the supreme court of Ohio elections commission shall to review 73293
each complaint filed with the commission secretary of state 73294
under division (A) of this section ~~3517.153~~ of the Revised Code, 73295
shall determine the nature of the complaint, and, unless 73296
division (A) (2) (a) of this section requires that the complaint 73297
receive an automatic expedited hearing, shall make a 73298
recommendation to the commission for its disposition, in 73299
accordance with this section. The attorney shall make the 73300
determination and the recommendation, if required, not later 73301

~~than one business day after the complaint is filed.~~ 73302

~~(2) (a) If the attorney determines that the complaint sets forth a violation of division (B) of section 3517.21 or division (B) of section 3517.22 of the Revised Code and that the complaint is filed during one of the periods of time specified in division (B) (1) of section 3517.156 of the Revised Code, the complaint shall receive an automatic expedited hearing under section 3517.156 of the Revised Code.~~ 73303
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~~(b) If the attorney determines that the complaint sets forth a failure to comply with or a violation of division (C), (I), (J), (O), (P), or (Q) of section 3517.13, division (A) of section 3517.21, or division (A) of section 3517.22 of the Revised Code and that the complaint is filed during one of the periods of time specified in division (B) (1) of section 3517.156 of the Revised Code, the attorney shall recommend to the commission that the complaint receive an expedited hearing under section 3517.156 of the Revised Code, and the complaint shall receive such a hearing.~~ 73310
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~~(c) If the attorney determines that the complaint sets forth a failure to comply with or a violation of a section of the Revised Code over which the commission has jurisdiction to hear complaints other than the sections described in divisions (A) (2) (a) and (b) of this section, and unless the attorney makes a determination as provided for in division (A) (3) of this section, the attorney shall recommend to the commission that the complaint be submitted to the commission under section 3517.155 of the Revised Code. After the attorney makes that recommendation, the attorney shall notify all parties to the complaint of the attorney's recommendation.~~ 73320
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~~(3) (a) If a complaint sets forth a failure to comply with~~ 73331

~~or a violation of a section of the Revised Code over which the
commission has jurisdiction to hear complaints other than the
sections described in divisions (A) (2) (a) and (b) of this
section and if the complaint is filed during one of the periods
of time specified in division (B) (1) of section 3517.156 of the
Revised Code, the attorney may determine that the complaint
should receive an expedited hearing under that section. The
attorney shall make that determination by considering one or
more of the following:~~

~~(i) The number of prior failures to comply with or
violations of Title XXXV of the Revised Code that the person or
entity against whom the complaint has been brought has committed
and any prior penalties the commission has imposed on the person
or entity;~~

~~(ii) If the complaint involves a statement required to be
filed under section 3517.10, division (E) of section 3517.102,
or section 3517.105, 3517.107, 3517.108, 3517.109, 3517.1011,
3517.1012, or 3517.1014 of the Revised Code or an addendum
required to be filed under section 3517.11 of the Revised Code
that is filed late, how late the filing is and how much time has
elapsed between the deadline for filing the statement or
addendum and the filing of the complaint;~~

~~(iii) If the complaint involves contributions and
expenditures, contributions and disbursements, deposits and
disbursements, gifts and disbursements, or donations and
disbursements required to be reported under section 3517.10,
division (E) of section 3517.102, or section 3517.105, 3517.107,
3517.108, 3517.109, 3517.1011, 3517.1012, 3517.1013, or
3517.1014 of the Revised Code that are either not reported or
reported late, the number of contributions and expenditures,~~

~~contributions and disbursements, deposits and disbursements, 73362
gifts and disbursements, or donations and disbursements not 73363
reported or how late they were reported; 73364~~

~~(iv) If the complaint involves contributions required to 73365
be reported by a campaign committee under section 3517.10, 73366
division (E) of section 3517.102, or section 3517.105, 3517.107, 73367
3517.108, or 3517.109 of the Revised Code that are not reported, 73368
whether any of the contributors of the contributions not 73369
reported have a personal or professional relationship with the 73370
campaign committee's candidate; 73371~~

~~(v) If the complaint involves a statement required to be 73372
filed under section 3517.10, division (E) of section 3517.102, 73373
or section 3517.105, 3517.107, 3517.108, 3517.109, 3517.1011, 73374
3517.1012, 3517.1013, or 3517.1014 of the Revised Code that is 73375
incomplete, the degree to which it is incomplete; 73376~~

~~(vi) If the complaint involves the receipt of 73377
contributions in violation of section 3599.03 of the Revised 73378
Code, the dollar amount and number of contributions received in 73379
violation of that section; 73380~~

~~(vii) If the complaint involves a failure to make the 73381
identification or a misstatement of the identification required 73382
under section 3517.105 or 3517.20 of the Revised Code, whether 73383
the failure or misstatement was purposely made; 73384~~

~~(viii) If the complaint sets forth a failure to comply 73385
with or a violation of a section of the Revised Code described 73386
in division (A) (2) (c) of this section, whether the person or 73387
entity against whom the complaint has been made has committed 73388
more than one such failure or violation within a reasonable 73389
amount of time, or whether the cumulative nature of the failures 73390~~

~~or violations indicates a systematic disregard for the law.~~ 73391

~~(b) Prior to making a determination under division (A) (3) 73392
(a) of this section that the complaint should receive an 73393
expedited hearing under section 3517.156 of the Revised Code, 73394
the attorney shall take into consideration the number of panels 73395
of the commission that have cases pending before them and the 73396
number of cases pending before the panels and shall not make a 73397
determination that will place an undue burden on a panel of the 73398
commission. 73399~~

~~(c) If the attorney determines that the complaint should 73400
receive an expedited hearing under section 3517.156 of the 73401
Revised Code, the attorney shall recommend to the commission 73402
that the complaint receive an expedited hearing, and, if a 73403
majority of the members of the commission agrees with the 73404
recommendation, the complaint shall receive an expedited hearing 73405
under that section. 73406~~

~~(4) (C) (1) Upon the filing of a complaint, the attorney 73407
shall review the complaint. If the complaint does not allege a 73408
violation of a provision of the Revised Code listed in division 73409
(A) of section 3517.15 of the Revised Code or, in the case of a 73410
complaint filed under division (A) (1) of this section, is not 73411
based on personal knowledge, the secretary of state shall 73412
dismiss the complaint. Except as otherwise provided in division 73413
(C) (2) of this section, a dismissal under this division is 73414
without prejudice. 73415~~

~~(2) After a complaint is dismissed under division (C) (1) 73416
of this section on the ground that the complaint is not based on 73417
personal knowledge, if the same person files another complaint 73418
alleging the same or a substantially similar violation and the 73419
complaint is not based on personal knowledge, the secretary of 73420~~

state shall dismiss the complaint with prejudice. 73421

(D) If the complaint is not dismissed under division (C) 73422
of this section, the attorney shall notify the person who is 73423
alleged to have committed the violation of the complaint and 73424
afford the person an opportunity for a hearing in accordance 73425
with Chapter 119. of the Revised Code. After holding any 73426
hearing, the attorney shall draft a report and recommend that 73427
the secretary of state make a finding and, if applicable, impose 73428
a fine or refer the matter for prosecution, in accordance with 73429
section 3517.17 of the Revised Code. 73430

(E) The attorney may join two or more complaints if the 73431
attorney determines that the allegations in each complaint are 73432
of the same or similar character, are based on the same act or 73433
failure to act, or are based on two or more acts or failures to 73434
act constituting parts of a common scheme or plan. If one 73435
complaint contains two or more allegations, the attorney may 73436
separate the allegations if they are not of the same or similar 73437
character, if they are not based on the same act or failure to 73438
act, or if they are not based on two or more acts or failures to 73439
act constituting parts of a common scheme or plan. If the 73440
attorney separates the allegations in a complaint, the attorney 73441
may make separate recommendations under division (A) (2) or (3) 73442
(D) of this section for each allegation. 73443

~~(B) Whenever a person or other entity files a complaint~~ 73444
~~with the commission setting forth a failure to comply with or a~~ 73445
~~violation of a section of the Revised Code as described in~~ 73446
~~division (A) (2) (c) of this section and the complaint is filed~~ 73447
~~during one of the periods of time specified in division (B) (1)~~ 73448
~~of section 3517.156 of the Revised Code, the person or entity~~ 73449
~~may request an expedited hearing under that section at the time~~ 73450

~~the complaint is filed. The attorney for the commission shall~~ 73451
~~inform the members of the commission of that request at the time~~ 73452
~~the attorney makes a recommendation under division (A) of this~~ 73453
~~section. The commission may grant the request for an expedited~~ 73454
~~hearing under this division if it determines that an expedited~~ 73455
~~hearing is practicable.~~ (F) (1) Upon receiving the recommendation 73456
of the attorney under division (D) of this section, the 73457
secretary of state shall review the report and recommendation 73458
and shall do one of the following: 73459

(a) Refer the matter back to the attorney for further 73460
investigation and a revised recommendation under division (D) of 73461
this section; 73462

(b) Make a finding in accordance with section 3517.17 of 73463
the Revised Code, and, if applicable, impose a fine or refer the 73464
matter for prosecution. 73465

(2) The secretary of state shall send notice of the 73466
secretary of state's decision under division (F) (1) (b) of this 73467
section to the person who is alleged to have committed the 73468
violation by certified mail. 73469

(3) If, within fourteen days after receiving the notice, 73470
the person objects to the secretary of state's decision, the 73471
secretary of state shall not impose a fine or refer the matter 73472
for prosecution, and shall refer the matter to the Ohio election 73473
integrity commission for its determination under section 3517.17 73474
of the Revised Code. 73475

(4) If the person does not object to the secretary of 73476
state's decision within fourteen days after receiving the 73477
notice, the secretary of state's decision is final and, if 73478
applicable, the secretary of state shall impose a fine or refer 73479

the matter for prosecution as determined under division (F) (1) 73480
(b) of this section. 73481

(G) (1) If any of the following apply to a complaint, the 73482
secretary of state shall proceed under division (G) (2) of this 73483
section: 73484

(a) The secretary of state is a party to the complaint. 73485

(b) A candidate for an office for which the secretary of 73486
state is also a candidate is a party to the complaint or is 73487
otherwise involved in the complaint. 73488

(c) The complaint involves a contribution, expenditure, or 73489
independent expenditure made to advocate the election or defeat 73490
of the secretary of state or a candidate for an office for which 73491
the secretary of state is also a candidate. 73492

(d) The secretary of state determines that the secretary 73493
of state otherwise has a conflict of interest with respect to 73494
the complaint or that the secretary of state should proceed 73495
under division (G) (2) of this section to avoid any appearance of 73496
impropriety. 73497

(2) Notwithstanding any contrary provision of divisions 73498
(B) to (F) of this section, when division (G) (1) of this section 73499
applies to a complaint, the secretary of state shall request the 73500
attorney general to appoint an attorney who is in good standing 73501
before the supreme court of Ohio to fulfill the duties of the 73502
attorney described in divisions (B) to (F) of this section. The 73503
attorney general shall appoint the attorney and shall fulfill 73504
the duties of the secretary of state under divisions (B) to (F) 73505
of this section. 73506

Sec. ~~3517.155~~ 3517.17. (A) (1) Except as otherwise provided 73507
in division ~~(B)~~ (A) (2) of this section, upon the referral of a 73508

matter for a hearing under division (F) (3) of section 3517.16 of 73509
the Revised Code, the Ohio ~~elections~~ election integrity 73510
commission shall ~~hold its first hearing on a~~ appoint an attorney 73511
in good standing before the supreme court of Ohio to review and 73512
hear the ~~complaint filed in~~ accordance with it, other than a 73513
~~complaint that receives an expedited hearing under section~~ 73514
~~3517.156 of the Revised Code, not later than ninety business~~ 73515
~~days after the complaint is filed unless the commission has good~~ 73516
~~cause to hold the hearing after that time, in which case it~~ 73517
~~shall hold the hearing not later than one hundred eighty~~ 73518
~~business days after the complaint is filed~~Chapter 119. of the 73519
Revised Code. ~~At the hearing, the commission~~ The attorney shall 73520
draft a report and recommend that the commission make a finding 73521
and, if applicable, impose a fine or refer the matter for 73522
prosecution, in accordance with division (B) of this section. 73523

(2) Upon receiving the recommendation of the attorney 73524
under division (A) (1) of this section, the commission shall 73525
review the report and recommendation and shall do one of the 73526
following: 73527

(a) Refer the matter back to the attorney for further 73528
investigation and a revised recommendation under division (A) (1) 73529
of this section; 73530

(b) Make a finding in accordance with division (B) of this 73531
section and, if applicable, impose a fine or refer the matter 73532
for prosecution. 73533

(B) (1) Except as otherwise provided in division (B) (2) of 73534
this section, the secretary of state or the commission, as 73535
applicable, shall determine by a preponderance of the evidence 73536
whether or not ~~the failure to act or the~~ a violation alleged in 73537
~~the~~ a complaint has occurred and shall do only one of the 73538

following, ~~except as otherwise provided in division (B) of this~~ 73539
~~section or in division (B) of section 3517.151 of the Revised~~ 73540
Code: 73541

(a) ~~Enter a finding that good cause has been shown not to~~ 73542
~~impose a fine or not to refer the matter to the appropriate~~ 73543
~~prosecutor~~Find that no violation has occurred; 73544

(b) ~~Impose~~Find that a violation has occurred and impose a 73545
fine under section ~~3517.993~~3517.171 of the Revised Code; 73546

(c) ~~Refer~~Find that a significant violation has occurred 73547
or that repeated violations have occurred and refer the matter 73548
to the appropriate prosecutor, ~~as determined under division (C)~~ 73549
of this section. 73550

(2) ~~As used in~~In the case of a complaint that alleges a 73551
violation of division (A) or (B) of section 3517.21 or division 73552
(A) or (B) of section 3517.22 of the Revised Code, the secretary 73553
of state or the commission, as applicable, shall determine by 73554
clear and convincing evidence whether or not the violation has 73555
occurred and shall do only one of the following: 73556

(a) Find that no violation has occurred; 73557

(b) Find that a violation has occurred and refer the 73558
matter to the appropriate prosecutor, as determined under 73559
division (C) of this section. 73560

(C) For purposes of division ~~(A)~~(B) of this section, "the 73561
appropriate prosecutor" means is a prosecutor as defined in 73562
section 2935.01 of the Revised Code and either of the following: 73563

~~(a)~~(1) In the case of a failure to comply with or a 73564
violation of law involving a campaign committee or the 73565
committee's candidate, a political party, a legislative campaign 73566

fund, a political action committee, or a political contributing
entity, that is required to file a statement of contributions
and expenditures with the secretary of state under division (A)
of section 3517.11 of the Revised Code, the prosecutor of
Franklin county;

~~(b) (2) In the case of a failure to comply with or a
violation of law involving any other campaign committee or
committee's candidate, or any other political party, political
action committee, or political contributing entity either
person, one of the following as determined by the secretary of
state or the commission, as applicable:~~

(i) The prosecutor of Franklin county;

(ii) The prosecutor of the county in which the candidacy
or ballot question or issue, if applicable, is submitted to the
electors or, if it is submitted in more than one county, the
most populous of those counties;

(iii) The prosecutor of the county in which the person
resides.

~~(B) If the commission decides that the evidence is
insufficient for it to determine whether or not the failure to
act or the violation alleged in the complaint has occurred, the
commission, by the affirmative vote of five members, may request
that an investigatory attorney investigate the complaint. Upon
that request, an investigatory attorney shall make an
investigation in order to produce sufficient evidence for the
commission to decide the matter. If the commission requests an
investigation under this division, for good cause shown by the
investigatory attorney, the commission may extend by sixty days
the deadline for holding its first hearing on the complaint as~~

~~required in division (A) of this section.~~ 73596

~~(C) The commission shall take one of the actions required under division (A) of this section not later than thirty days after the close of all the evidence presented.~~ 73597
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~~(D) (1) The commission shall make any finding of a failure to comply with or a violation of law in regard to a complaint that alleges a violation of division (A) or (B) of section 3517.21, or division (A) or (B) of section 3517.22 of the Revised Code by clear and convincing evidence. The commission shall make any finding of a failure to comply with or a violation of law in regard to any other complaint by a preponderance of the evidence.~~ 73600
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~~(2) If the commission finds a violation of division (B) of section 3517.21 or division (B) of section 3517.22 of the Revised Code, it shall refer the matter to the appropriate prosecutor under division (A) (1) (c) of this section and shall not impose a fine under division (A) (1) (b) of this section or section 3517.993 of the Revised Code.~~ 73608
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~~(E) In an action before the commission or a panel of the commission, if (D) If the allegations of the complainant are not proved, and the secretary of state or the commission takes the action described in division (A) (1) (a) of this section or a panel of the commission takes the action described in division (C) (1) of section 3517.156 of the Revised Code, as applicable, determines that no violation has occurred, the secretary of state or the commission or a panel of the commission, as applicable, may find that the complaint is frivolous, and, if the commission or panel so finds, the commission shall order the complainant to pay reasonable attorney's fees and to pay the costs of the secretary of state or the commission or panel as~~ 73614
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~~determined by a majority of the members of the commission, as~~ 73626
~~applicable. The costs paid to the commission or panel under this~~ 73627
~~division shall be deposited into the Ohio elections election~~ 73628
~~integrity commission fund.~~ 73629

Sec. ~~3517.993~~ 3517.171. ~~This section authorizes the~~ 73630
~~establishment of fines that may be imposed only with respect to~~ 73631
~~acts or failures to act that occur on and after August 24, 1995.~~ 73632

(A) ~~Except as otherwise provided in division (D)(2) (D) of~~ 73633
~~this section 3517.155 of the Revised Code, when section 3517.17~~ 73634
~~of the Revised Code authorizes the imposition of an~~ 73635
~~administrative fine, the secretary of state or the Ohio~~ 73636
~~elections election integrity commission-, as applicable, may~~ 73637
~~impose an administrative fines under division (A)(1)(b) of~~ 73638
~~section 3517.155 of the Revised Code in accordance with the~~ 73639
~~amounts set forth under sections 3517.992, 3599.03, and 3599.031~~ 73640
~~of the Revised Code~~ fine of up to one thousand dollars for each 73641
violation. 73642

~~(B) The commission may suspend all or part of a fine it~~ 73643
~~imposes under this section upon whatever terms and conditions~~ 73644
~~the commission considers just.~~ 73645

~~(C)(1) (B)(1) The secretary of state or the commission-,~~ 73646
as applicable, shall consider any of the following circumstances 73647
in determining whether to impose a maximum fine under division 73648
(A) of this section: 73649

(a) Whether the violator has been found guilty of any 73650
other violation of section 145.054, 742.043, 3307.073, 3309.073, 73651
or 5505.045 or Title XXXV of the Revised Code; 73652

(b) Whether the violation was made knowingly or purposely; 73653

(c) Whether any relevant statements, addenda, or 73654

affidavits required to be filed have not been filed; 73655

(d) Whether the violator has any outstanding fines imposed 73656
for a violation of section 145.054, 742.043, 3307.073, 3309.073, 73657
or 5505.045 or Title XXXV of the Revised Code; 73658

(e) Whether the violation occurred during the course of a 73659
campaign. 73660

(2) The secretary of state or the commission-, as 73661
applicable, shall consider any of the following circumstances in 73662
determining whether to impose a ~~minimal~~-lesser fine ~~or no fine-~~ 73663
under division (A) of this section: 73664

(a) Whether the violator previously has not been found 73665
guilty of any other violation of section 145.054, 742.043, 73666
3307.073, 3309.073, or 5505.045 or Title XXXV of the Revised 73667
Code; 73668

(b) Whether the violator has promptly corrected the 73669
violator's violation; 73670

(c) Whether the nature and circumstances of the violation 73671
merit a ~~minimum~~-lesser fine; 73672

(d) Whether there are substantial grounds tending to 73673
excuse or justify the violation, although failing to establish a 73674
defense to the violation; 73675

(e) Whether the violation was not purposely committed. 73676

(3) The circumstances set forth in divisions ~~(C)(1)~~-(B)(1) 73677
and (2) of this section shall be considered by, but shall not 73678
control the decision of, the secretary of state or the 73679
commission-, as applicable, in imposing a fine. 73680

(D) Notwithstanding divisions (A), (B), and (C) of this 73681

section, when section 3517.17 of the Revised Code authorizes the 73682
imposition of an administrative fine with respect to an act or 73683
failure to act that occurred before the effective date of this 73684
section, the secretary of state or the commission, as 73685
applicable, shall impose the fine authorized under the Revised 73686
Code and, if applicable, under the rules of the Ohio elections 73687
commission, as they existed at the time of the violation. 73688

(E) (1) Fines imposed by the ~~commission~~ under this section 73689
shall be ~~paid~~ deposited into the Ohio ~~elections~~ election 73690
integrity commission fund created by section 111.29 of the 73691
Revised Code. 73692

(2) The secretary of state shall certify to the attorney 73693
general for collection under section 131.02 of the Revised Code 73694
the amount of any fine imposed by the secretary of state, by the 73695
Ohio election integrity commission, or by the Ohio elections 73696
commission under this section or under a former version of this 73697
section that is not paid within forty-five days after it is 73698
imposed. 73699

Sec. ~~3517.157~~ 3517.18. (A) A complaint shall be filed with 73700
the ~~Ohio elections commission~~ secretary of state under section 73701
3517.16 of the Revised Code within two years after the 73702
occurrence of the act or failure to act that is the subject of 73703
the complaint, except that if the act or failure to act involves 73704
fraud, concealment, or misrepresentation and was not discovered 73705
during that two-year period, a complaint may be filed within one 73706
year after discovery of such act or failure to act. 73707

(B) Whoever files a complaint with the ~~commission~~ 73708
secretary of state under section ~~3517.153~~ 3517.16 of the Revised 73709
Code may withdraw it at ~~the following times:~~ 73710

~~(1) If the complaint receives an expedited hearing under section 3517.156 of the Revised Code, at any time prior to the hearing without the permission of the commission, or at any time after the hearing begins but only with the permission of the commission;~~ 73711
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~~(2) If the complaint does not receive an expedited hearing, at any time.~~ 73716
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~~(C) The commission may dismiss a complaint pending before it or before a panel of the commission.~~ 73718
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~~(D) The commission or a panel of the commission shall conduct hearings in accordance with Chapter 119. of the Revised Code and the Rules of Civil Procedure, except as they are inconsistent with rules adopted by the commission. A party adversely affected by a final determination of the commission, including the secretary of state, may appeal from the determination under section 119.12 of the Revised Code.~~ 73720
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~~(E) The privilege granted to an attorney under section 2317.02 of the Revised Code shall be granted to the full-time attorney employed by the commission under division (H) (2) of section 3517.152 of the Revised Code, and the commission or a panel of the commission shall be considered the client of that attorney for purposes of that privilege.~~ 73727
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~~(F) (D) The members of the commission shall not do either of the following except at a meeting of the commission subject to section 121.22 of the Revised Code:~~ 73733
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(1) Discuss among themselves a complaint pending before the commission ~~or a panel of the commission;~~ 73736
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(2) Discuss a complaint pending before the commission ~~or a panel of the commission~~ with a party to the complaint, an 73738
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attorney representing a party to the complaint, or an 73740
~~investigatory attorney of the commission~~ appointed to hear the 73741
complaint. 73742

Sec. 3517.20. (A) As used in this section: 73743

(1) "Political publication for or against a candidate" 73744
means a notice, placard, advertisement, sample ballot, brochure, 73745
flyer, direct mailer, or other form of general publication that 73746
is designed to promote the nomination, election, or defeat of a 73747
candidate. 73748

(2) "Political publication for or against an issue" means 73749
a notice, placard, advertisement, sample ballot, brochure, 73750
flyer, direct mailer, or other form of general publication that 73751
is designed to promote the adoption or defeat of a ballot issue 73752
or question or to influence the voters in an election. 73753

(3) "Public political advertising" means newspapers, 73754
magazines, outdoor advertising facilities, direct mailings, or 73755
other similar types of general public political advertising, or 73756
flyers, handbills, or other nonperiodical printed matter. 73757

(4) "Statewide candidate" has the same meaning as in 73758
section 3517.102 of the Revised Code. 73759

(5) "Legislative candidate" means a candidate for the 73760
office of member of the general assembly. 73761

(6) "Local candidate" means a candidate for an elective 73762
office of a political subdivision of this state. 73763

(7) "Legislative campaign fund" has the same meaning as in 73764
section 3517.01 of the Revised Code. 73765

(8) "Limited political action committee" means a political 73766
action committee of fewer than ten members. 73767

- (9) "Limited political contributing entity" means a political contributing entity of fewer than ten members. 73768
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- (10) "Designated amount" means one hundred dollars in the case of a local candidate or a local ballot issue, two hundred fifty dollars in the case of a legislative candidate, or five hundred dollars in the case of a statewide candidate or a statewide ballot issue. 73770
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- (11) "To issue" includes to print, post, distribute, reproduce for distribution, or cause to be issued, printed, posted, distributed, or reproduced for distribution. 73775
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- (12) "Telephone bank" means more than five hundred telephone calls of an identical or substantially similar nature within any thirty-day period, whether those telephone calls are made by individual callers or by recording. 73778
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- (B) (1) Except as otherwise provided in division (B) (2) of this section, no entity shall do any of the following unless the name of the entity appears in a conspicuous place on or is contained or included within the publication, communication, or telephone call: 73782
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- (a) Issue a form of political publication in support of or opposition to a candidate or a ballot issue or question; 73787
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- (b) Make an expenditure for the purpose of financing political communications in support of or opposition to a candidate or a ballot issue or question through public political advertising; 73789
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- (c) Utter or cause to be uttered, over the broadcasting facilities of any radio or television station within this state, any communication in support of or opposition to a candidate or a ballot issue or question or any communication that is designed 73793
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to influence the voters in an election; 73797

(d) Conduct a telephone bank for the purpose of supporting 73798
or opposing a candidate or a ballot issue or question or for the 73799
purpose of influencing the voters in an election. 73800

(2) A limited political action committee or limited 73801
political contributing entity may do any of the following 73802
without including its name in the publication or communication: 73803

(a) Issue a form of political publication in support of or 73804
opposition to a candidate or a ballot issue or question that 73805
does not cost in excess of the designated amount or that is not 73806
issued in cooperation, consultation, or concert with, or at the 73807
request or suggestion of, a candidate, a campaign committee, a 73808
legislative campaign fund, a political party, a political action 73809
committee with ten or more members, a political contributing 73810
entity with ten or more members, or a limited political action 73811
committee or limited political contributing entity that spends 73812
in excess of the designated amount on a related or the same or 73813
similar political publication in support of or opposition to a 73814
candidate or a ballot issue or question; 73815

(b) Make an expenditure that is not in excess of the 73816
designated amount in support of or opposition to a candidate or 73817
a ballot issue or question or make an expenditure that is not 73818
made in cooperation, consultation, or concert with, or at the 73819
request or suggestion of, a candidate, a campaign committee, a 73820
legislative campaign fund, a political party, a political action 73821
committee with ten or more members, a political contributing 73822
entity with ten or more members, or a limited political action 73823
committee or limited political contributing entity that spends 73824
in excess of the designated amount in support of or opposition 73825
to the same candidate or a ballot issue or question, for the 73826

purpose of financing political communications in support of or 73827
opposition to that candidate or a ballot issue or question 73828
through public political advertising. 73829

(C) If more than one piece of printed matter or printed 73830
political communications are mailed as a single packet, the 73831
requirements of division (B) of this section are met if one of 73832
the pieces of printed matter or printed political communications 73833
in the packet contains the name of the organization or entity 73834
that issues or is responsible for the printed matter or other 73835
printed political communications. 73836

(D) This section does not apply to the transmittal of 73837
personal correspondence that is not reproduced by machine for 73838
general distribution. 73839

(E) The secretary of state, by rule, may exempt from the 73840
requirements of this section, printed matter and certain other 73841
kinds of printed communications such as campaign buttons, 73842
balloons, pencils, or similar items, the size or nature of which 73843
makes it unreasonable to add an identification or disclaimer. 73844

(F) The disclaimer or identification described in division 73845
(B) of this section, when paid for by a candidate, legislative 73846
campaign fund, or campaign committee, shall be identified by the 73847
words "paid for by" followed by the name of the entity. The 73848
identification or disclaimer may use reasonable abbreviations 73849
for common terms such as "committee." 73850

The disclaimer "paid political advertisement" is not 73851
sufficient to meet the requirements of this section. 73852

(G) (1) No person operating a broadcast station or an organ 73853
of printed media shall broadcast or print a paid political 73854
communication that does not contain the identification required 73855

by this section. 73856

(2) Division (B) (1) (c) of this section does not apply to 73857
any communications made on behalf of a radio or television 73858
station or network by any employee of such radio or television 73859
station or network while acting in the course of the employee's 73860
employment. 73861

(H) (1) No candidate or entity shall use or cause to be 73862
used a false, fictitious, or fraudulent name or address in the 73863
making or issuing of a publication or communication included 73864
within the provisions of this section. 73865

(2) No political action committee or political 73866
contributing entity shall use or cause to be used, in the making 73867
or issuing of a publication or communication included within the 73868
provisions of this section, a name or address that would lead a 73869
reasonable person to believe that the publication or 73870
communication is made by or on behalf of a county political 73871
party, unless the political action committee or political 73872
contributing ~~committee~~ entity has obtained a written statement, 73873
signed by the chairperson of the county political party's 73874
executive committee, granting the political action committee or 73875
political contributing entity permission to act on behalf of or 73876
represent the county political party. 73877

~~(I) Before a prosecution may commence under this section, 73878
a complaint shall be filed with the Ohio elections commission 73879
under section 3517.153 of the Revised Code. After the complaint 73880
is filed, the commission shall proceed in accordance with 73881
sections 3517.154 to 3517.157 of the Revised Code. 73882~~

Sec. 3517.21. (A) No person, during the course of any 73883
campaign for nomination or election to public office or office 73884

of a political party, shall knowingly and with intent to affect 73885
the outcome of such campaign do any of the following: 73886

(1) Serve, or place another person to serve, as an agent 73887
or employee in the election campaign organization of a candidate 73888
for the purpose of acting to impede the conduct of the 73889
candidate's campaign for nomination or election or of reporting 73890
information to the employee's employer or the agent's principal 73891
without the knowledge of the candidate or the candidate's 73892
organization; 73893

(2) Promise, offer, or give any valuable thing or valuable 73894
benefit to any person who is employed by or is an agent of a 73895
candidate or a candidate's election campaign organization for 73896
the purpose of influencing the employee or agent with respect to 73897
the improper discharge of the employee's or agent's campaign 73898
duties or to obtain information about the candidate or the 73899
candidate's campaign organization. 73900

(B) No person, during the course of any campaign for 73901
nomination or election to public office or office of a political 73902
party, by means of campaign materials, including sample ballots, 73903
an advertisement on radio or television or in a newspaper or 73904
periodical, a public speech, press release, or otherwise, shall 73905
knowingly and with intent to affect the outcome of such campaign 73906
do any of the following: 73907

(1) Use the title of an office not currently held by a 73908
candidate in a manner that implies that the candidate does 73909
currently hold that office or use the term "re-elect" when the 73910
candidate has never been elected at a primary, general, or 73911
special election to the office for which he or she is a 73912
candidate; 73913

(2) Make a false statement concerning the formal schooling or training completed or attempted by a candidate; a degree, diploma, certificate, scholarship, grant, award, prize, or honor received, earned, or held by a candidate; or the period of time during which a candidate attended any school, college, community technical school, or institution;

(3) Make a false statement concerning the professional, occupational, or vocational licenses held by a candidate, or concerning any position the candidate held for which the candidate received a salary or wages;

(4) Make a false statement that a candidate or public official has been indicted or convicted of a theft offense, extortion, or other crime involving financial corruption or moral turpitude;

(5) Make a statement that a candidate has been indicted for any crime or has been the subject of a finding by the Ohio elections commission, the secretary of state, or the Ohio election integrity commission without disclosing the outcome of any legal proceedings resulting from the indictment or finding;

(6) Make a false statement that a candidate or official has a record of treatment or confinement for mental disorder;

(7) Make a false statement that a candidate or official has been subjected to military discipline for criminal misconduct or dishonorably discharged from the armed services;

(8) Falsely identify the source of a statement, issue statements under the name of another person without authorization, or falsely state the endorsement of or opposition to a candidate by a person or publication;

(9) Make a false statement concerning the voting record of

a candidate or public official; 73943

(10) Post, publish, circulate, distribute, or otherwise 73944
disseminate a false statement concerning a candidate, either 73945
knowing the same to be false or with reckless disregard of 73946
whether it was false or not, if the statement is designed to 73947
promote the election, nomination, or defeat of the candidate. 73948

As used in this section, "voting record" means the 73949
recorded "yes" or "no" vote on a bill, ordinance, resolution, 73950
motion, amendment, or confirmation. 73951

~~(C) Before a prosecution may commence under this section,~~ 73952
~~a complaint shall be filed with the Ohio elections commission~~ 73953
~~under section 3517.153 of the Revised Code. After the complaint~~ 73954
~~is filed, the commission shall proceed in accordance with~~ 73955
~~sections 3517.154 to 3517.157 of the Revised Code.~~ 73956

Sec. 3517.22. (A) No person during the course of any 73957
campaign in advocacy of or in opposition to the adoption of any 73958
proposition or issue submitted to the voters shall knowingly and 73959
with intent to affect the outcome of such campaign do any of the 73960
following: 73961

(1) Serve, or place another person to serve, as an agent 73962
or employee in the election campaign organization of a committee 73963
which advocates or is in opposition to the adoption of any 73964
ballot proposition or issue for the purpose of acting to impede 73965
the conduct of the campaign on the proposition or issue or of 73966
reporting information to the employee's employer or the agent's 73967
principal without the knowledge of the committee; 73968

(2) Promise, offer, or give any valuable thing or valuable 73969
benefit to any person who is employed by or is an agent of a 73970
committee in advocacy of or in opposition to the adoption of any 73971

ballot proposition or issue, for the purpose of influencing the 73972
employee or agent with respect to the improper discharge of the 73973
employee's or agent's campaign duties or to obtain information 73974
about the committee's campaign organization. 73975

(B) No person, during the course of any campaign in 73976
advocacy of or in opposition to the adoption of any ballot 73977
proposition or issue, by means of campaign material, including 73978
sample ballots, an advertisement on radio or television or in a 73979
newspaper or periodical, a public speech, a press release, or 73980
otherwise, shall knowingly and with intent to affect the outcome 73981
of such campaign do any of the following: 73982

(1) Falsely identify the source of a statement, issue 73983
statements under the name of another person without 73984
authorization, or falsely state the endorsement of or opposition 73985
to a ballot proposition or issue by a person or publication; 73986

(2) Post, publish, circulate, distribute, or otherwise 73987
disseminate, a false statement, either knowing the same to be 73988
false or acting with reckless disregard of whether it was false 73989
or not, that is designed to promote the adoption or defeat of 73990
any ballot proposition or issue. 73991

~~(C) Before a prosecution may commence under this section, 73992
a complaint shall be filed with the Ohio elections commission 73993
under section 3517.153 of the Revised Code. After the complaint 73994
is filed, the commission shall proceed in accordance with 73995
sections 3517.154 to 3517.157 of the Revised Code. 73996~~

Sec. 3517.23. The secretary of state shall adopt rules in 73997
accordance with Chapter 119. of the Revised Code that are 73998
necessary for the administration and enforcement of sections 73999
3517.08 to 3517.13, ~~3517.18,~~ 3517.20 to 3517.22, 3599.03, and 74000

3599.031 of the Revised Code and shall provide each candidate, 74001
political action committee, political contributing entity, 74002
legislative campaign fund, political party, and person making 74003
disbursements to pay the direct costs of producing or airing 74004
electioneering communications with written instructions and 74005
explanations in order to ensure compliance with sections 3517.08 74006
to 3517.13, 3517.20 to 3517.22, 3599.03, and 3599.031 of the 74007
Revised Code. 74008

~~Sec. 3517.992 3517.99. This section establishes penalties~~ 74009
~~only with respect to acts or failures to act that occur on and~~ 74010
~~after August 24, 1995. Except as otherwise provided in section~~ 74011
~~3517.991 of the Revised Code:~~ 74012

(A) (1) A candidate whose campaign committee violates 74013
division (A), (B), (C), (D), or (V) of section 3517.13 of the 74014
Revised Code, or a treasurer of a campaign committee who 74015
violates any of those divisions, shall be fined not more than 74016
one hundred dollars for each day of violation. 74017

(2) Whoever violates division (E) or (X) (5) of section 74018
3517.13 or division (E) (1) of section 3517.1014 of the Revised 74019
Code shall be fined not more than one hundred dollars for each 74020
day of violation. 74021

(B) An entity that violates division (G) (1) of section 74022
3517.101 of the Revised Code shall be fined not more than one 74023
hundred dollars for each day of violation. 74024

(C) Whoever violates division (G) (2) of section 3517.101, 74025
division (G) of section 3517.13, or division (E) (2) or (3) of 74026
section 3517.1014 of the Revised Code shall be fined not more 74027
than ten thousand dollars or, if the offender is a person who 74028
was nominated or elected to public office, shall forfeit the 74029

nomination or the office to which the offender was elected, or 74030
both. 74031

(D) Whoever violates division (F) or (Y) of section 74032
3517.13 of the Revised Code shall be fined not more than three 74033
times the amount contributed. 74034

(E) Whoever violates division (H) of section 3517.13 of 74035
the Revised Code shall be fined not more than one hundred 74036
dollars. 74037

(F) Whoever violates division (O), (P), or (Q) of section 74038
3517.13 of the Revised Code is guilty of a misdemeanor of the 74039
first degree. 74040

(G) A state or county committee of a political party that 74041
violates division (B)(1) of section 3517.18 of the Revised Code 74042
as that section existed before its repeal by H.B. 166 of the 74043
133rd general assembly shall be fined not more than twice the 74044
amount of the improper expenditure. 74045

(H) An entity that violates division (H) of section 74046
3517.101 of the Revised Code shall be fined not more than twice 74047
the amount of the improper expenditure or use. 74048

(I) (1) Any individual who violates division (B)(1) of 74049
section 3517.102 of the Revised Code and knows that the 74050
contribution the individual makes violates that division shall 74051
be fined an amount equal to three times the amount contributed 74052
in excess of the amount permitted by that division. 74053

(2) Any political action committee that violates division 74054
(B)(2) of section 3517.102 of the Revised Code shall be fined an 74055
amount equal to three times the amount contributed in excess of 74056
the amount permitted by that division. 74057

(3) Any campaign committee that violates division (B) (3) 74058
or (5) of section 3517.102 of the Revised Code shall be fined an 74059
amount equal to three times the amount contributed in excess of 74060
the amount permitted by that division. 74061

(4) (a) Any legislative campaign fund that violates 74062
division (B) (6) of section 3517.102 of the Revised Code shall be 74063
fined an amount equal to three times the amount transferred or 74064
contributed in excess of the amount permitted by that division, 74065
as applicable. 74066

(b) Any state political party, county political party, or 74067
state candidate fund of a state political party or county 74068
political party that violates division (B) (6) of section 74069
3517.102 of the Revised Code shall be fined an amount equal to 74070
three times the amount transferred or contributed in excess of 74071
the amount permitted by that division, as applicable. 74072

(c) Any political contributing entity that violates 74073
division (B) (7) of section 3517.102 of the Revised Code shall be 74074
fined an amount equal to three times the amount contributed in 74075
excess of the amount permitted by that division. 74076

(5) Any political party that violates division (B) (4) of 74077
section 3517.102 of the Revised Code shall be fined an amount 74078
equal to three times the amount contributed in excess of the 74079
amount permitted by that division. 74080

(6) Notwithstanding divisions (I) (1), (2), (3), (4), and 74081
(5) of this section, no violation of division (B) of section 74082
3517.102 of the Revised Code occurs, and the secretary of state 74083
shall not ~~refer parties to the Ohio elections commission~~ file a 74084
complaint under section 3517.16 of the Revised Code, if the 74085
amount transferred or contributed in excess of the amount 74086

permitted by that division meets either of the following 74087
conditions: 74088

(a) It is completely refunded within five business days 74089
after it is accepted. 74090

(b) It is completely refunded on or before the tenth 74091
business day after notification to the recipient of the excess 74092
transfer or contribution by the board of elections or the 74093
secretary of state that a transfer or contribution in excess of 74094
the permitted amount has been received. 74095

(J) (1) Any campaign committee that violates division (C) 74096
(1), (2), (3), or (6) of section 3517.102 of the Revised Code 74097
shall be fined an amount equal to three times the amount 74098
accepted in excess of the amount permitted by that division. 74099

(2) (a) Any county political party that violates division 74100
(C) (4) (a) (ii) or (iii) of section 3517.102 of the Revised Code 74101
shall be fined an amount equal to three times the amount 74102
accepted. 74103

(b) Any county political party that violates division (C) 74104
(4) (a) (i) of section 3517.102 of the Revised Code shall be fined 74105
an amount from its state candidate fund equal to three times the 74106
amount accepted in excess of the amount permitted by that 74107
division. 74108

(c) Any state political party that violates division (C) 74109
(4) (b) of section 3517.102 of the Revised Code shall be fined an 74110
amount from its state candidate fund equal to three times the 74111
amount accepted in excess of the amount permitted by that 74112
division. 74113

(3) Any legislative campaign fund that violates division 74114
(C) (5) of section 3517.102 of the Revised Code shall be fined an 74115

amount equal to three times the amount accepted in excess of the 74116
amount permitted by that division. 74117

(4) Any political action committee or political 74118
contributing entity that violates division (C) (7) of section 74119
3517.102 of the Revised Code shall be fined an amount equal to 74120
three times the amount accepted in excess of the amount 74121
permitted by that division. 74122

(5) Notwithstanding divisions (J) (1), (2), (3), and (4) of 74123
this section, no violation of division (C) of section 3517.102 74124
of the Revised Code occurs, and the secretary of state shall not 74125
~~refer parties to the Ohio elections commission~~ file a complaint 74126
under section 3517.16 of the Revised Code, if the amount 74127
transferred or contributed in excess of the amount permitted to 74128
be accepted by that division meets either of the following 74129
conditions: 74130

(a) It is completely refunded within five business days 74131
after its acceptance. 74132

(b) It is completely refunded on or before the tenth 74133
business day after notification to the recipient of the excess 74134
transfer or contribution by the board of elections or the 74135
secretary of state that a transfer or contribution in excess of 74136
the permitted amount has been received. 74137

(K) (1) Any legislative campaign fund that violates 74138
division (F) (1) of section 3517.102 of the Revised Code shall be 74139
fined twenty-five dollars for each day of violation. 74140

(2) Any legislative campaign fund that violates division 74141
(F) (2) of section 3517.102 of the Revised Code shall give to the 74142
treasurer of state for deposit into the state treasury to the 74143
credit of the Ohio ~~elections~~ election integrity commission fund 74144

all excess contributions not disposed of as required by division 74145
(E) of section 3517.102 of the Revised Code. 74146

(L) Whoever violates section 3517.105 of the Revised Code 74147
shall be fined one thousand dollars. 74148

(M) (1) Whoever solicits a contribution in violation of 74149
section 3517.092 or violates division (B) of section 3517.09 of 74150
the Revised Code is guilty of a misdemeanor of the first degree. 74151

(2) Whoever knowingly accepts a contribution in violation 74152
of division (B) or (C) of section 3517.092 of the Revised Code 74153
shall be fined an amount equal to three times the amount 74154
accepted in violation of either of those divisions and shall 74155
return to the contributor any amount so accepted. Whoever 74156
unknowingly accepts a contribution in violation of division (B) 74157
or (C) of section 3517.092 of the Revised Code shall return to 74158
the contributor any amount so accepted. 74159

(N) Whoever violates division (S) of section 3517.13 of 74160
the Revised Code shall be fined an amount equal to three times 74161
the amount of funds transferred or three times the value of the 74162
assets transferred in violation of that division. 74163

(O) Any campaign committee that accepts a contribution or 74164
contributions in violation of section 3517.108 of the Revised 74165
Code, uses a contribution in violation of that section, or fails 74166
to dispose of excess contributions in violation of that section 74167
shall be fined an amount equal to three times the amount 74168
accepted, used, or kept in violation of that section. 74169

(P) Any political party, state candidate fund, legislative 74170
candidate fund, or campaign committee that violates division (T) 74171
of section 3517.13 of the Revised Code shall be fined an amount 74172
equal to three times the amount contributed or accepted in 74173

violation of that section. 74174

(Q) A treasurer of a committee or another person who 74175
violates division (U) of section 3517.13 of the Revised Code 74176
shall be fined not more than two hundred fifty dollars. 74177

(R) Whoever violates division (I) or (J) of section 74178
3517.13 of the Revised Code shall be fined not more than one 74179
thousand dollars. Whenever a person is found guilty of violating 74180
division (I) or (J) of section 3517.13 of the Revised Code, the 74181
contract awarded in violation of either of those divisions shall 74182
be rescinded if its terms have not yet been performed. 74183

(S) A candidate whose campaign committee violates or a 74184
treasurer of a campaign committee who violates section 3517.081 74185
of the Revised Code, and a candidate whose campaign committee 74186
violates or a treasurer of a campaign committee or another 74187
person who violates division (C) of section 3517.10 of the 74188
Revised Code, shall be fined not more than five hundred dollars. 74189

(T) A candidate whose campaign committee violates or a 74190
treasurer of a committee who violates division (B) of section 74191
3517.09 of the Revised Code, or a candidate whose campaign 74192
committee violates or a treasurer of a campaign committee or 74193
another person who violates division (C) of section 3517.09 of 74194
the Revised Code shall be fined not more than one thousand 74195
dollars. 74196

(U) Whoever violates section 3517.20 of the Revised Code 74197
shall be fined not more than five hundred dollars. 74198

(V) Whoever violates section 3517.21 or 3517.22 of the 74199
Revised Code shall be imprisoned for not more than six months or 74200
fined not more than five thousand dollars, or both. 74201

(W) ~~A campaign committee that is required to file a~~ 74202

~~declaration of no limits under division (D) (2) of section 3517.103 of the Revised Code that, before filing that declaration, accepts a contribution or contributions that exceed the limitations prescribed in section 3517.102 of the Revised Code, shall return that contribution or those contributions to the contributor.~~

~~(X)~~ Any campaign committee that fails to file the declaration of filing-day finances required by division (F) of section 3517.109 of the Revised Code shall be fined twenty-five dollars for each day of violation.

~~(Y) (1)~~ (X) (1) Any campaign committee that fails to dispose of excess funds or excess aggregate contributions under division (B) of section 3517.109 of the Revised Code in the manner required by division (C) of that section shall give to the treasurer of state for deposit into the Ohio ~~elections~~ election integrity commission fund created under ~~division (I) of section 3517.152~~ 111.29 of the Revised Code all funds not disposed of pursuant to that division.

(2) Any treasurer of a transition fund that fails to dispose of assets remaining in the transition fund as required under division (H) (1) or (2) of section 3517.1014 of the Revised Code shall give to the treasurer of state for deposit into the Ohio ~~elections~~ election integrity commission fund all assets not disposed of pursuant to that division.

~~(Z)~~ (Y) Any individual, campaign committee, political action committee, political contributing entity, legislative campaign fund, political party, treasurer of a transition fund, or other entity that violates any provision of sections 3517.09 to 3517.12 of the Revised Code for which no penalty is provided for under any other division of this section shall be fined not

more than one thousand dollars. 74233

~~(AA) (1)~~ (Z) (1) Whoever knowingly violates division (W) (1) 74234
of section 3517.13 of the Revised Code shall be fined an amount 74235
equal to three times the amount contributed, expended, or 74236
promised in violation of that division or ten thousand dollars, 74237
whichever amount is greater. 74238

(2) Whoever knowingly violates division (W) (2) of section 74239
3517.13 of the Revised Code shall be fined an amount equal to 74240
three times the amount solicited or accepted in violation of 74241
that division or ten thousand dollars, whichever amount is 74242
greater. 74243

~~(BB)~~ (AA) Whoever knowingly violates division (C) or (D) 74244
of section 3517.1011 of the Revised Code shall be fined not more 74245
than ten thousand dollars plus not more than one thousand 74246
dollars for each day of violation. 74247

~~(CC) (1) Subject to division (CC) (2) of this section,~~ 74248
~~whoever violates division (H) of section 3517.1011 of the~~ 74249
~~Revised Code shall be fined an amount up to three times the~~ 74250
~~amount disbursed for the direct costs of airing the~~ 74251
~~communication made in violation of that division.~~ 74252

~~(2) Whoever has been ordered by the Ohio elections~~ 74253
~~commission or by a court of competent jurisdiction to cease~~ 74254
~~making communications in violation of division (H) of section~~ 74255
~~3517.1011 of the Revised Code who again violates that division~~ 74256
~~shall be fined an amount equal to three times the amount~~ 74257
~~disbursed for the direct costs of airing the communication made~~ 74258
~~in violation of that division.~~ 74259

~~(DD) (1)~~ (BB) (1) Any corporation or labor organization that 74260
violates division (X) (3) (a) of section 3517.13 of the Revised 74261

Code shall be fined an amount equal to three times the amount 74262
given in excess of the amount permitted by that division. 74263

(2) Any state or county political party that violates 74264
division (X) (3) (b) of section 3517.13 of the Revised Code shall 74265
be fined an amount equal to three times the amount accepted in 74266
excess of the amount permitted by that division. 74267

~~(EE) (1)~~ (CC) (1) Any campaign committee or person who 74268
violates division (C) (1) (b) or (c) of section 3517.1014 of the 74269
Revised Code shall be fined an amount equal to three times the 74270
amount donated in excess of the amount permitted by that 74271
division. 74272

(2) Any officeholder or treasurer of a transition fund who 74273
violates division (C) (3) (a) or (b) of section 3517.1014 of the 74274
Revised Code shall be fined an amount equal to three times the 74275
amount accepted in excess of the amount permitted by that 74276
division. 74277

Sec. 3517.991. A person who is convicted of a violation of 74278
this chapter or section 145.054, 742.043, 3307.073, 3309.073, 74279
3599.03, 3599.031, or 5505.045 of the Revised Code shall be 74280
sentenced under the law as it existed at the time the violation 74281
occurred. 74282

Sec. 3599.03. (A) (1) Except to carry on activities 74283
specified in sections 3517.082, 3517.101, 3517.105, and 74284
3517.1011, division (A) (2) of section 3517.1012, division (B) of 74285
section 3517.1013, division (C) (1) of section 3517.1014, and 74286
section 3599.031 of the Revised Code and except as otherwise 74287
provided in ~~divisions (D), (E), and (F) of this section,~~ no 74288
corporation, no nonprofit corporation, and no labor 74289
organization, directly or indirectly, shall pay or use, or 74290

offer, advise, consent, or agree to pay or use, the 74291
corporation's money or property, or the labor organization's 74292
money, including dues, initiation fees, or other assessments 74293
paid by members, or property, for or in aid of or opposition to 74294
a political party, a candidate for election or nomination to 74295
public office, a political action committee including a 74296
political action committee of the corporation or labor 74297
organization, a legislative campaign fund, or any organization 74298
that supports or opposes any such candidate, or for any partisan 74299
political purpose, shall violate any law requiring the filing of 74300
an affidavit or statement respecting such use of those funds, or 74301
shall pay or use the corporation's or labor organization's money 74302
for the expenses of a social fund-raising event for its 74303
political action committee if an employee's or labor 74304
organization member's right to attend such an event is 74305
predicated on the employee's or member's contribution to the 74306
corporation's or labor organization's political action 74307
committee. 74308

(2) Whoever violates division (A) (1) of this section shall 74309
be fined not less than five hundred nor more than five thousand 74310
dollars. 74311

(B) (1) No officer, stockholder, attorney, or agent of a 74312
corporation or nonprofit corporation, no member, including an 74313
officer, attorney, or agent, of a labor organization, and no 74314
candidate, political party official, or other individual shall 74315
knowingly aid, advise, solicit, or receive money or other 74316
property in violation of division (A) (1) of this section. 74317

(2) Whoever violates division (B) (1) of this section shall 74318
be fined not more than one thousand dollars, or imprisoned not 74319
more than one year, or both. 74320

(C) ~~A~~ Except as otherwise provided in section 3517.121 of 74321
the Revised Code, a corporation, a nonprofit corporation, or a 74322
labor organization may use its funds or property ~~for or in aid~~ 74323
~~of or opposition to a proposed or certified ballot issue~~ to make 74324
an independent expenditure or to make a contribution to a 74325
political action committee or a political contributing entity 74326
that makes only independent expenditures. A corporation, 74327
nonprofit corporation, or labor organization that makes a 74328
contribution or expenditure is considered a political 74329
contributing entity. Such use of funds or property shall be 74330
reported on a ~~form prescribed by the secretary of state. Reports~~ 74331
~~of contributions in connection with statewide ballot issues~~ 74332
~~shall be filed with the secretary of state. Reports of~~ 74333
~~contributions in connection with local issues shall be filed~~ 74334
~~with the board of elections of the most populous county of the~~ 74335
~~district in which the issue is submitted or to be submitted to~~ 74336
~~the electors. Reports made pursuant to this division shall be~~ 74337
~~filed by the times specified in divisions (A) (1) and (2) of~~ 74338
~~section~~ accordance with sections 3517.10 and 3517.105 of the 74339
Revised Code. 74340

(D) A nonprofit corporation that is a membership 74341
association and that is exempt from taxation under subsection 74342
501(c) (6) of the Internal Revenue Code may transfer 74343
contributions received as part of a regular dues payment from 74344
member partnerships and other unincorporated businesses ~~as~~ 74345
~~defined in division (I) (6) of section 3517.10 of the Revised~~ 74346
~~Code to its political action committee. Contributions received~~ 74347
~~under this division shall be itemized and allocated to~~ 74348
~~individuals subject to contribution limits. The political action~~ 74349
committee shall itemize and report those contributions in 74350
accordance with division (I) (1) (a) or (b) of section 3517.10 of 74351

the Revised Code, as indicated by each partnership or other 74352
unincorporated business. 74353

(E) (1) Any gift made pursuant to section 3517.101 of the 74354
Revised Code does not constitute a violation of this section or 74355
of any other section of the Revised Code. 74356

(2) Any gift made pursuant to division (A) (2) of section 74357
3517.1012 of the Revised Code does not constitute a violation of 74358
this section. 74359

(3) Any gift made pursuant to division (B) of section 74360
3517.1013 of the Revised Code does not constitute a violation of 74361
this section. 74362

(4) Any donation made pursuant to division (C) (1) of 74363
section 3517.1014 of the Revised Code does not constitute a 74364
violation of this section. 74365

(F) Any compensation or fees paid by a financial 74366
institution to a state political party for services rendered 74367
pursuant to division (B) of section 3517.19 of the Revised Code 74368
do not constitute a violation of this section or of any other 74369
section of the Revised Code. 74370

(G) (1) The use by a nonprofit corporation of its money or 74371
property for communicating information for a purpose specified 74372
in division (A) of this section is not a violation of that 74373
division if the stockholders, members, donors, trustees, or 74374
officers of the nonprofit corporation are the predominant 74375
recipients of the communication. The nonprofit corporation is 74376
not required to report that use of its money or property as an 74377
independent expenditure. 74378

(2) The placement of a campaign sign on the property of a 74379
corporation, nonprofit corporation, or labor organization is not 74380

a use of property in violation of division (A) of this section 74381
by that corporation, nonprofit corporation, or labor 74382
organization. 74383

(3) The use by a corporation or labor organization of its 74384
money or property for communicating information for a purpose 74385
specified in division (A) of this section is not a violation of 74386
that division if it is not a communication made by mass 74387
broadcast such as radio or television or made by advertising in 74388
a newspaper of general circulation but is a communication sent 74389
exclusively to members, employees, officers, or trustees of that 74390
labor organization or shareholders, employees, officers, or 74391
directors of that corporation or to members of the immediate 74392
families of any such individuals or if the communication 74393
intended to be so sent exclusively is unintentionally sent as 74394
well to a de minimis number of other individuals. The 74395
corporation or labor organization is not required to report that 74396
use of its money or property as an independent expenditure. 74397

(H) In addition to the laws listed in division (A) of 74398
section 4117.10 of the Revised Code that prevail over 74399
conflicting agreements between employee organizations and public 74400
employers, this section prevails over any conflicting provisions 74401
of agreements between labor organizations and public employers 74402
that are entered into on or after March 31, 2005, pursuant to 74403
Chapter 4117. of the Revised Code. 74404

(I) As used in this section, "contribution," 74405
"expenditure," "independent expenditure," "labor organization," 74406
~~has~~ "political action committee," and "political contributing 74407
entity" have the same meaning-meanings as in section 3517.01 of 74408
the Revised Code. 74409

Sec. 3701.021. (A) The director of health shall adopt, in 74410

accordance with Chapter 119. of the Revised Code, such rules as	74411
are necessary to carry out sections 3701.021 to 3701.0210 of the	74412
Revised Code, including, but not limited to, rules to establish	74413
the following:	74414
(1) Subject to division (D) of this section, medical and	74415
financial eligibility requirements for the program for children	74416
and youth with special health care needs;	74417
(2) Subject to division (C) of this section, eligibility	74418
requirements for providers who provide goods and services for	74419
the program for children and youth with special health care	74420
needs;	74421
(3) Procedures to be followed by the department of health	74422
in disqualifying providers for violating requirements adopted	74423
under division (A) (2) of this section;	74424
(4) Procedures to be used by the department regarding	74425
application for diagnostic services under division (B) of	74426
section 3701.023 of the Revised Code and payment for those	74427
services under division (E) of that section;	74428
(5) Standards for the provision of service coordination by	74429
the department of health and city and general health districts;	74430
(6) Procedures for the department to use to determine the	74431
amount to be paid annually by each county for services for	74432
children and youth with special health care needs and to allow	74433
counties to retain funds under divisions (A) (2) and (3) of	74434
section 3701.024 of the Revised Code;	74435
(7) Financial eligibility requirements for services for	74436
Ohio residents twenty-one years of age or older who have cystic	74437
fibrosis;	74438

(8) Criteria for payment of approved providers who provide goods and services for children and youth with special health care needs;	74439 74440 74441
(9) Criteria for the department to use in determining whether the payment of health insurance premiums of participants in the program for children and youth with special health care needs is cost-effective;	74442 74443 74444 74445
(10) Procedures for appeal of denials of applications under divisions (A) and (D) of section 3701.023 of the Revised Code, disqualification of providers, and amounts paid for services;	74446 74447 74448 74449
(11) Terms of appointment for members of the children and youth with special health care needs medical advisory council created in section 3701.025 of the Revised Code;	74450 74451 74452
(12) Eligibility requirements for the hemophilia program, including income and hardship requirements;	74453 74454
(13) If a manufacturer discount program is established under division (J) (1) of section 3701.023 of the Revised Code, procedures for administering the program, including criteria and other requirements for participation in the program by manufacturers of drugs and nutritional formulas.	74455 74456 74457 74458 74459
(B) The department of health shall develop a manual of operational procedures and guidelines for the program for children and youth with special health care needs to implement sections 3701.021 to 3701.0210 of the Revised Code.	74460 74461 74462 74463
(C) A medicaid provider, as defined in section 5164.01 of the Revised Code, is eligible to be a provider of the same goods and services for the program for children and youth with special health care needs that the provider is approved to provide for	74464 74465 74466 74467

the medicaid program and the director shall approve such a 74468
provider for participation in the program for children and youth 74469
with special health care needs. 74470

(D) In establishing medical and financial eligibility 74471
requirements for the program for children and youth with special 74472
health care needs, the director of health shall not specify an 74473
age restriction that excludes from eligibility an individual who 74474
is ~~either of the following:~~ 74475

~~(1) Beginning on July 1, 2021, less than twenty-two years~~ 74476
~~of age;~~ 74477

~~(2) Beginning on July 1, 2022, less than twenty-three~~ 74478
~~years of age;~~ 74479

~~(3) Beginning on July 1, 2023, less than twenty-four years~~ 74480
~~of age;~~ 74481

~~(4) Beginning on July 1, 2024, less than twenty-five years~~ 74482
~~of age~~ less than twenty-six years of age. 74483

Sec. 3701.033. (A) This section establishes the order of 74484
priority to be followed by the department of health when 74485
distributing funds for the purpose of providing family planning 74486
services, including funds the department receives through the 74487
"Maternal and Child Health Block Grant," Title V of the "Social 74488
Security Act," 95 Stat. 818 (1981), 42 U.S.C. 701, as amended, 74489
and funds the department receives through Title X of the "Public 74490
Health Service Act," 84 Stat. 1504 (1970), 42 U.S.C. 300a, as 74491
amended. This section does not apply to grants awarded by the 74492
department under section 3701.046 of the Revised Code. 74493

(B) With respect to each period during which funds from a 74494
particular source are distributed for the purpose of providing 74495
family planning services, the department is subject to both of 74496

the following when distributing the funds to applicants seeking 74497
those funds: 74498

(1) Foremost priority shall be given to public entities 74499
that are operated by state or local government entities and that 74500
provide or are able to provide family planning services. 74501

(2) If any funds remain after the department distributes 74502
funds to public entities under division (B) (1) of this section, 74503
the department may distribute funds to nonpublic entities. If 74504
funds are distributed to nonpublic entities, the department 74505
shall distribute the funds in the following order of descending 74506
priority: 74507

(a) Nonpublic entities that are federally qualified health 74508
centers or federally qualified health center look-alikes, both 74509
as defined in section 3701.047 of the Revised Code, or community 74510
action agencies, as defined in section ~~122.66~~ 5101.311 of the 74511
Revised Code; 74512

(b) Nonpublic entities that provide comprehensive primary 74513
and preventive care services in addition to family planning 74514
services; 74515

(c) Nonpublic entities that provide family planning 74516
services, but do not provide comprehensive primary and 74517
preventive care services. 74518

Sec. 3701.045. (A) The department of health, in 74519
consultation with the ~~children's trust fund board established~~ 74520
~~under section 3109.15 of the Revised Code~~ department of children 74521
and youth and any bodies acting as child fatality review boards 74522
on October 5, 2000, shall adopt rules in accordance with Chapter 74523
119. of the Revised Code that establish a procedure for county 74524
or regional child fatality review boards to follow in conducting 74525

a review of the death of a child. The rules shall do all of the following: 74526
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(1) Establish the format for the annual reports required by section 307.626 of the Revised Code; 74528
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(2) Establish guidelines for a county or regional child fatality review board to follow in compiling statistics for annual reports so that the reports do not contain any information that would permit any person's identity to be ascertained from a report; 74530
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(3) Establish guidelines for a county or regional child fatality review board to follow in creating and maintaining the comprehensive database of child deaths required by section 307.623 of the Revised Code, including provisions establishing uniform record-keeping procedures; 74535
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(4) Establish guidelines for reporting child fatality review data to the department of health or a national child death review database, either of which must maintain the confidentiality of information that would permit a person's identity to be ascertained; 74540
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(5) Establish guidelines, materials, and training to help educate members of county or regional child fatality review boards about the purpose of the review process and the confidentiality of the information described in section 307.629 of the Revised Code and to make them aware that such information is not a public record under section 149.43 of the Revised Code. 74545
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(B) On or before the thirtieth day of September of each year, the department of health and the ~~children's trust fund board~~ department of children and youth jointly shall prepare and publish a report organizing and setting forth the data from the 74551
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department of health child death review database or the national 74555
child death review database, data in all the reports provided by 74556
county or regional child fatality review boards in their annual 74557
reports for the previous calendar year, and recommendations for 74558
any changes to law and policy that might prevent future deaths. 74559
The department of health and the ~~children's trust fund board~~ 74560
department of children and youth jointly shall provide a copy of 74561
the report to the governor, the speaker of the house of 74562
representatives, the president of the senate, the minority 74563
leaders of the house of representatives and the senate, each 74564
county or regional child fatality review board, and each county 74565
or regional family and children first council. 74566

Sec. 3701.511. None of the funds appropriated to 74567
administer the programs authorized by sections 3701.501 and 74568
3701.502 of the Revised Code shall be used to counsel or refer 74569
for abortion, ~~except in the case of a medical emergency.~~ 74570

Sec. 3701.79. (A) As used in this section and in sections 74571
3701.791 and 3701.792 of the Revised Code: 74572

(1) "Abortion" has the same meaning as in section 2919.11 74573
of the Revised Code. 74574

(2) "Abortion report" means a form completed pursuant to 74575
division (C) of this section. 74576

(3) "Ambulatory surgical facility" has the same meaning as 74577
in section 3702.30 of the Revised Code. 74578

(4) "Department" means the department of health. 74579

(5) "Hospital" means any building, structure, institution, 74580
or place devoted primarily to the maintenance and operation of 74581
facilities for the diagnosis, treatment, and medical or surgical 74582
care for three or more unrelated individuals having illness, 74583

disease, injury, or deformity, and regularly making available at 74584
least clinical laboratory services, diagnostic x-ray services, 74585
treatment facilities for surgery or obstetrical care, or other 74586
definitive medical treatment. "Hospital" does not include a 74587
"home" as defined in section 3721.01 of the Revised Code. 74588

(6) "Physician's office" means an office or portion of an 74589
office that is used to provide medical or surgical services to 74590
the physician's patients. "Physician's office" does not mean an 74591
ambulatory surgical facility, a hospital, or a hospital 74592
emergency department. 74593

(7) "Postabortion care" means care given after the uterus 74594
has been evacuated by abortion. 74595

(B) The department shall be responsible for collecting and 74596
collating abortion data reported to the department as required 74597
by this section. 74598

(C) The attending physician shall complete an individual 74599
abortion report for the abortion, by surgical procedure or by 74600
abortion-inducing drugs, of each zygote, blastocyte, embryo, or 74601
fetus the physician performs. The report shall be confidential 74602
and shall not contain the woman's name. The report shall 74603
include, but is not limited to, all of the following, insofar as 74604
the patient makes the data available that is not within the 74605
physician's knowledge: 74606

(1) Patient number; 74607

(2) The name and address of the facility in which the 74608
abortion was performed, and whether the facility is a hospital, 74609
ambulatory surgical facility, physician's office, or other 74610
facility; 74611

(3) The date of the abortion; 74612

- (4) If a surgical abortion, the method of final disposition of the fetal remains under Chapter 3726. of the Revised Code;
- (5) All of the following regarding the woman on whom the abortion was performed:
- (a) ~~Zip~~ State and zip code of residence;
 - (b) Age;
 - (c) Race;
 - (d) Marital status;
 - (e) Number of previous pregnancies;
 - (f) Years of education;
 - (g) Number of living children;
 - (h) Number of zygotes, blastocytes, embryos, or fetuses previously aborted;
 - (i) Date of last induced abortion;
 - (j) Date of last live birth;
 - (k) Method of contraception at the time of conception;
 - (l) Date of the first day of the last menstrual period;
 - (m) Medical condition at the time of the abortion;
 - (n) Rh-type;
 - (o) The number of weeks of gestation at the time of the abortion.
- (6) The type of abortion procedure performed;
- (7) Complications by type;

- (8) Written acknowledgment by the attending physician that the pregnant woman is not seeking the abortion, in whole or in part, because of any of the following:
- (a) A test result indicating Down syndrome in an unborn child;
 - (b) A prenatal diagnosis of Down syndrome in an unborn child;
 - (c) Any other reason to believe that an unborn child has Down syndrome.
- (9) Type of procedure performed after the abortion;
- (10) Type of family planning recommended;
- (11) Type of additional counseling given;
- (12) Signature of attending physician.
- (D) The physician who completed the abortion report under division (C) of this section shall submit the abortion report to the department within fifteen days after the woman is discharged.
- (E) The appropriate vital records report or certificate shall be made out after the twentieth week of gestation.
- (F) A copy of the abortion report shall be made part of the medical record of the patient of the facility in which the abortion was performed.
- (G) Each hospital shall file monthly and annual reports listing the total number of women who have undergone a post-twelve-week-gestation abortion and received postabortion care. The reports also shall include the total number of Ohio residents and the total number of non-Ohio residents who have
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undergone a post-twelve-week gestation abortion and received 74664
postabortion care. The annual report shall be filed following 74665
the conclusion of the state's fiscal year. Each report shall be 74666
filed within thirty days after the end of the applicable 74667
reporting period. 74668

(H) Each case in which a physician treats a post abortion 74669
complication shall be reported on a postabortion complication 74670
form. The report shall be made upon a form prescribed by the 74671
department, shall be signed by the attending physician, and 74672
shall be confidential. 74673

(I) (1) Not later than the first day of ~~October~~ March of 74674
each year, the department shall issue an annual report of the 74675
abortion data reported to the department for the previous 74676
calendar year as required by this section. The department shall 74677
develop a public electronic dashboard to publish on a monthly 74678
basis the abortion data reported to the department. The annual 74679
report and monthly dashboard update shall include at least the 74680
following information: 74681

(a) The total number of zygotes, blastocytes, embryos, or 74682
fetuses that were aborted; 74683

(b) The number of abortions performed on Ohio residents 74684
and the number performed on out-of-state residents, sorted by 74685
the age of the woman on whom the abortion was performed, using 74686
the following categories: under sixteen years of age, sixteen to 74687
seventeen years of age, eighteen to twenty-four years of age, 74688
twenty-five to twenty-nine years of age, thirty to thirty-four 74689
years of age, thirty-five to thirty-nine years of age, forty to 74690
forty-four years of age, forty-five years of age or older; 74691

(c) The number of abortions performed, sorted by each of 74692

the following: 74693

(i) The age of the woman on whom the abortion was 74694
performed, using the following categories: under ~~fifteen~~sixteen 74695
years of age, ~~fifteen~~sixteen to ~~nineteen~~seventeen years of 74696
age, ~~twenty~~eighteen to twenty-four years of age, twenty-five to 74697
twenty-nine years of age, thirty to thirty-four years of age, 74698
thirty-five to thirty-nine years of age, forty to forty-four 74699
years of age, forty-five years of age or older; 74700

(ii) The race and Hispanic ethnicity of the woman on whom 74701
the abortion was performed; 74702

(iii) The education level of the woman on whom the 74703
abortion was performed, using the following categories or their 74704
equivalents: less than ninth grade, ninth through twelfth grade, 74705
one or more years of college; 74706

(iv) The marital status of the woman on whom the abortion 74707
was performed; 74708

(v) The number of living children of the woman on whom the 74709
abortion was performed, using the following categories: none, 74710
one, or two or more; 74711

(vi) The number of weeks of gestation of the woman at the 74712
time the abortion was performed, using the following categories: 74713
less than nine weeks, nine to twelve weeks, thirteen to nineteen 74714
weeks, or twenty weeks or more; 74715

(vii) The county in which the abortion was performed; 74716

(viii) The type of abortion procedure performed; 74717

(ix) The number of zygotes, blastocytes, embryos, or 74718
fetuses previously aborted by the woman on whom the abortion was 74719
performed, sorted by the age of the woman on whom the abortion 74720

was performed, using the following categories: under sixteen 74721
years of age, sixteen to seventeen years of age, eighteen to 74722
twenty-four years of age, twenty-five to twenty-nine years of 74723
age, thirty to thirty-four years of age, thirty-five to thirty- 74724
nine years of age, forty to forty-four years of age, forty-five 74725
years of age or older; 74726

(x) The type of facility in which the abortion was 74727
performed; 74728

(xi) For Ohio residents, the county of residence of the 74729
woman on whom the abortion was performed; 74730

(xii) The total number of abortions performed on minors by 74731
each facility in the categories of under sixteen years of age 74732
and sixteen to seventeen years of age. 74733

(2) The report also shall indicate the number and type of 74734
the abortion complications reported to the department either on 74735
the abortion report required under division (C) of this section 74736
or the postabortion complication report required under division 74737
(H) of this section. 74738

(3) In addition to the annual report required under 74739
division (I)(1) of this section, the department shall make 74740
available, on request, the number of abortions performed by zip 74741
code of residence. 74742

(J) The director of health shall implement this section 74743
and shall apply to the court of common pleas for temporary or 74744
permanent injunctions restraining a violation or threatened 74745
violation of its requirements. This action is an additional 74746
remedy not dependent on the adequacy of the remedy at law. 74747

Sec. 3701.841. The tobacco use prevention fund is hereby 74748
created in the state treasury. The fund shall consist of money 74749

deposited by the treasurer of state into the fund from the 74750
liquidation, pursuant to Sub. H.B. 544 of the 127th general 74751
assembly, of the former tobacco use prevention and control 74752
endowment fund and any gifts, grants, or donations received by 74753
the director of health for the purposes of the tobacco use 74754
prevention fund. ~~All investment earnings of the fund shall be~~ 74755
~~credited to the fund.~~ The treasurer, in consultation with the 74756
director, may invest moneys in the fund in accordance with 74757
section 135.143 of the Revised Code. Moneys in the fund shall be 74758
used to pay outstanding expenses of the former tobacco use 74759
prevention and control foundation at the discretion of the 74760
director of health pursuant to Sub. H.B. 544 of the 127th 74761
general assembly and shall be used in accordance with section 74762
3701.84 of the Revised Code. 74763

Sec. 3701.88. (A) As used in this section: 74764

"340B covered entity" means an entity described in section 74765
340B(a) (4) of the "Public Health Service Act," 42 U.S.C. 256b(a) 74766
(4). 74767

"340B drug" means a covered outpatient drug that has been 74768
subject to discount pricing under the 340B drug pricing program 74769
and is purchased by a 340B covered entity. 74770

"340B drug pricing program" means the federal drug pricing 74771
program established under 42 U.S.C. 256b. 74772

"Charity care" means free or discounted health care items 74773
and services provided to an individual who meets the hospital's 74774
financial assistance criteria and is unable to pay for the items 74775
or services, as reported on the hospital's medicare cost report. 74776

"Contract pharmacy" means a retail pharmacy under contract 74777
with a 340B covered entity to provide 340B drugs to patients on 74778

behalf of that covered entity under the 340B drug discount 74779
program or contract pharmacy on behalf of the covered entity. 74780

"Hospital" has the same meaning as in section 3722.01 of 74781
the Revised Code. 74782

"Low-income patient" means a patient with a household 74783
income below two hundred per cent of the federal poverty line. 74784

"Nonprofit hospital" means a hospital that meets the 74785
definition of covered entity in 42 U.S.C. 256b(a) (4) (L), (M), 74786
(N), or (O). 74787

(B) Not later than July 1, 2026, and not later than the 74788
first day of July in each year thereafter, each nonprofit 74789
hospital participating as a covered entity in the 340B drug 74790
pricing program shall submit a report to the department of 74791
health. The report shall be submitted in the form and manner 74792
specified by the department, in consultation with any other 74793
agency the department of health determines appropriate. The 74794
report shall contain all of the following information, for the 74795
hospital and each offsite facility associated with it, from the 74796
previous calendar year: 74797

(1) All of the following data, delineated by patient payor 74798
type, including private insurance, medicare, medicaid, other 74799
third-party payor, uninsured, or self-pay: 74800

(a) The aggregate acquisition cost for all 340B drugs 74801
dispensed or administered by the nonprofit hospital, associated 74802
facility, or contract pharmacy; 74803

(b) The aggregate payments received from third-party 74804
payors, including insurers, for all 340B drugs dispensed or 74805
administered by the nonprofit hospital, associated facility, or 74806
contract pharmacy; 74807

(c) The total number of prescriptions dispensed or administered by the nonprofit hospital, associated facility, or contract pharmacy, and the percentage of that total number that were 340B drugs; 74808
74809
74810
74811

(d) The percentage of patients served on a sliding fee scale for 340B drugs that were dispensed or administered at the nonprofit hospital, associated facility, or contract pharmacy. 74812
74813
74814

(2) The total operating cost of the nonprofit hospital, including an itemized cost report of all of the following: 74815
74816

(a) Implementing a direct pass through of 340B profits to patients, in the form of lower cost-sharing for 340B drugs that are dispensed or administered by the nonprofit hospital, associated facility, or contracted pharmacy; 74817
74818
74819
74820

(b) Implementing a sliding fee scale for low-income patients for 340B drugs that are dispensed or administered by the nonprofit hospital, associated facility, or contract pharmacy; 74821
74822
74823
74824

(c) The nonprofit hospital's charity care costs. 74825

(3) In connection with administering and providing services under the 340B drug pricing program, the total payments made by the nonprofit hospital to contract pharmacies, third-party administrators, or any other party or entity. 74826
74827
74828
74829

(4) Information regarding the nonprofit hospital's contract pharmacies, including all of the following: 74830
74831

(a) The nonprofit hospital's total number of contract pharmacies; 74832
74833

(b) The number of those contract pharmacies that are located outside of this state, including the state where each of 74834
74835

those pharmacies are located; 74836

(c) The total number of the nonprofit hospital's 74837
prescriptions that were filled at a contract pharmacy, the 74838
percentage of that number that are contract pharmacies located 74839
outside of this state, and the percentage of all of the 74840
nonprofit hospital's prescriptions that were filled by contract 74841
pharmacies; 74842

(d) The total reimbursements paid by the nonprofit 74843
hospital to contract pharmacies or their affiliates for any 340B 74844
drugs dispensed or administered on behalf of the nonprofit 74845
hospital, and the percentage change in that amount compared to 74846
the previous year. 74847

(5) A detailed, itemized accounting of the nonprofit 74848
hospital's expenditures from 340B drug pricing program profits, 74849
including all programs, services, and equipment funded or 74850
purchased with those profits. 74851

(C) The department of health shall post the information in 74852
the reports required under this section on its public web site. 74853

Sec. 3704.0310. (A) As used in this section: 74854

(1) "Air nuisance rule" means a rule adopted by the 74855
director of environmental protection that declares any of the 74856
following to be a public nuisance: 74857

(a) The emission or escape into the open air from any 74858
source or sources whatsoever, of smoke, ashes, dust, dirt, 74859
grime, acids, fumes, gases, vapors, or any other substances or 74860
combinations of substances, in such manner or in such amounts as 74861
to endanger the health, safety, or welfare of the public, or 74862
cause unreasonable injury or damage to property; 74863

(b) The emission or escape into the open air from any 74864
source or sources of odors whatsoever that is subject to 74865
regulation under Chapter 3704. of the Revised Code and is 74866
operated in such a manner to emit such amounts of odor as to 74867
endanger the health, safety, or welfare of the public, or cause 74868
unreasonable injury or damage to property; 74869

(c) Activities that are substantially similar to those 74870
described in divisions (A) (1) (a) and (b) of this section. 74871

(2) "State implementation plan" means the state 74872
implementation plan regarding national ambient air quality 74873
standards required to be submitted under section 110 of the 74874
"Clean Air Act," 42 U.S.C. 7410. 74875

(B) If the state implementation plan includes an air 74876
nuisance rule, the director of environmental protection shall 74877
remove the air nuisance rule from the plan and take such steps 74878
as are necessary to do so. 74879

On and after the effective date of this section, the 74880
director shall not include an air nuisance rule in the state 74881
implementation plan or rely upon an air nuisance rule to 74882
implement or enforce ambient air quality standards adopted 74883
pursuant to the federal Clean Air Act. 74884

Sec. 3704.14. (A) (1) If the director of environmental 74885
protection determines that implementation of a motor vehicle 74886
inspection and maintenance program is necessary for the state to 74887
effectively comply with the federal Clean Air Act after June 30, 74888
~~2023~~2025, the director may provide for the implementation of the 74889
program in those counties in this state in which such a program 74890
is federally mandated. Upon making such a determination, the 74891
director of environmental protection may request the director of 74892

administrative services to extend the terms of the contract that 74893
was entered into under the authority of ~~Am. Sub. H.B. 64~~33 of 74894
the ~~131st~~135th general assembly. Upon receiving the request, 74895
the director of administrative services shall extend the 74896
contract, beginning on July 1, ~~2023~~2025, in accordance with this 74897
section. The contract shall be extended for a period of up to 74898
twenty-four months with the contractor who conducted the motor 74899
vehicle inspection and maintenance program under that contract. 74900

(2) Prior to the expiration of the contract extension that 74901
~~is~~was authorized by division (A) (1) of this section under the 74902
authority of H.B. 33 of the 135th general assembly, the director 74903
of environmental protection shall request the director of 74904
administrative services to enter into a contract with a vendor 74905
to operate a decentralized motor vehicle inspection and 74906
maintenance program in each county in this state in which such a 74907
program is federally mandated through June 30, 2027, ~~with an~~ 74908
~~option for the state to renew the contract for a period of up to~~ 74909
~~twenty-four months through June 30, 2029~~. The contract shall 74910
ensure that the decentralized motor vehicle inspection and 74911
maintenance program achieves ~~at least the same~~ an equivalent 74912
amount of emission reductions as achieved by the program 74913
operated under the authority of the contract that was extended 74914
under division (A) (1) of this section under the authority of 74915
H.B. 33 of the 135th general assembly. The director of 74916
administrative services shall select a vendor through a 74917
competitive selection process in compliance with Chapter 125. of 74918
the Revised Code. 74919

(3) Notwithstanding any law to the contrary, the director 74920
of administrative services shall ensure that a competitive 74921
selection process regarding a contract to operate a 74922
decentralized motor vehicle inspection and maintenance program 74923

in this state incorporates the following, which shall be 74924
included in the contract: 74925

(a) For purposes of expanding the number of testing 74926
locations for consumer convenience, a requirement that the 74927
vendor utilize established local businesses, auto repair 74928
facilities, or leased properties to operate state-approved 74929
inspection and maintenance testing facilities; 74930

(b) A requirement that the vendor selected to operate the 74931
program provide notification of the program's requirements to 74932
each owner of a motor vehicle that is required to be inspected 74933
under the program. The contract shall require the notification 74934
to be provided not later than sixty days prior to the date by 74935
which the owner of the motor vehicle is required to have the 74936
motor vehicle inspected. The director of environmental 74937
protection and the vendor shall jointly agree on the content of 74938
the notice. However, the notice shall include at a minimum the 74939
locations of all inspection facilities within a specified 74940
distance of the address that is listed on the owner's motor 74941
vehicle registration. 74942

(c) A requirement that the vendor comply with testing 74943
methodology and supply the required equipment approved by the 74944
director of environmental protection as specified in the 74945
competitive selection process in compliance with Chapter 125. of 74946
the Revised Code. 74947

(4) A decentralized motor vehicle inspection and 74948
maintenance program operated under this section shall comply 74949
with division (B) of this section. The director of environmental 74950
protection shall administer the decentralized motor vehicle 74951
inspection and maintenance program operated under this section. 74952

(B) The director shall establish a decentralized motor vehicle inspection and maintenance program as authorized by this section and, at a minimum, the director shall ensure that the program does all of the following:

(1) Complies with the federal Clean Air Act;

(2) Provides for the issuance of inspection certificates and alternative emissions certificates as specified in rules adopted under division (C) (2) of this section;

(3) Provides for a new car exemption for motor vehicles six years old or newer and provides that a new motor vehicle is exempt for six years regardless of whether legal title to the motor vehicle is transferred during that period;

(4) Provides for an exemption for battery electric motor vehicles;

(5) Provides for an exemption for hybrid motor vehicles seven years old or newer and provides that a hybrid motor vehicle is exempt for seven years regardless of whether legal title to the motor vehicle is transferred during that period.

(C) (1) The director of environmental protection shall adopt rules in accordance with Chapter 119. of the Revised Code that the director determines are necessary to implement this section. The director may continue to implement and enforce rules pertaining to the motor vehicle inspection and maintenance program previously implemented under former section 3704.14 of the Revised Code as that section existed prior to its repeal and reenactment by Am. Sub. H.B. 66 of the 126th general assembly, provided that the rules do not conflict with this section.

(2) The rules adopted under division (C) (1) of this section shall provide for the issuance of inspections

certificates and alternative emissions certificates. Under the 74982
rules, an inspection certificate shall be issued to the owner or 74983
lessee of a motor vehicle when the motor vehicle passes an 74984
emissions inspection conducted in accordance with the motor 74985
vehicle inspection and maintenance program established under 74986
this section. In lieu of obtaining an inspection certificate, 74987
the rules shall establish a system by which the owner or lessee 74988
of a motor vehicle may request an alternative emissions 74989
certificate from the director. 74990

(a) The rules providing for the issuance of alternative 74991
emissions certificates shall require an owner or lessee of a 74992
motor vehicle to do the following in order to receive the 74993
certificate: 74994

(i) Complete and submit an attestation form created by the 74995
director that includes a statement that reads substantially as 74996
follows: 74997

"I, _____, attest that, to the best of my knowledge, the 74998
motor vehicle concerning which I am the owner or lessee complies 74999
with all laws of Ohio and the United States governing motor 75000
vehicle emissions. I, _____, am aware that a false statement on 75001
this form is not permitted." 75002

(ii) Sign and date the form either manually or 75003
electronically; 75004

(iii) Submit the form to the director either by regular 75005
mail, certified mail, or electronically. 75006

(b) The rules shall require the director to include both 75007
of the following additional information on the attestation form: 75008

(i) A provision that allows the owner or lessee of a motor 75009
vehicle to specify one of the following methods by which the 75010

owner or lessee may request delivery of the alternative 75011
emissions certificate: certified mail, noncertified mail, or 75012
electronically; 75013

(ii) A provision that allows the owner or lessee of a 75014
motor vehicle to specify the vehicle identification number, 75015
make, model, and year of the relevant motor vehicle and the date 75016
the attestation form is submitted to the director. 75017

(c) Subject to division (C)(2)(d) of this section, the 75018
rules shall require the director to deliver an alternative 75019
emission certificate to the owner or lessee of a motor vehicle 75020
who complies with rules adopted under division (C)(2)(a) of this 75021
section. The director shall deliver the certificate within 75022
thirty business days after the director's receipt of the 75023
attestation form or, if the owner or lessee submits the form 75024
electronically, within five business days after receipt of the 75025
form. The director shall confirm the receipt of the attestation 75026
form if the director receives it by electronic means. 75027

(d) The rules shall require the director to reject an 75028
attestation form for any of the following reasons: 75029

(i) The motor vehicle that is the subject of the 75030
attestation form was in an accident or collision within the two 75031
years prior to the date of submission of the form, and the 75032
accident or collision caused substantial damage to the internal 75033
structure of the motor vehicle. 75034

(ii) The owner or lessee of the motor vehicle that is the 75035
subject of the attestation form has received a ticket, citation, 75036
or summons with regard to that motor vehicle within the two 75037
years prior to the date of submission of the form for a 75038
violation of section 4513.22 of the Revised Code or 75039

substantially equivalent municipal ordinance. 75040

(iii) The information in the attestation form is 75041
determined by the director to be false. 75042

If the director rejects an attestation form under division 75043
(C) (2) (d) (iii) of this section, the director shall provide 75044
notice to the owner or lessee that the attestation form was 75045
determined to be false. The notice shall inform the owner or 75046
lessee that the owner or lessee may submit a corrected form to 75047
the director within thirty days of the receipt of the notice. If 75048
the owner or lessee submits a corrected attestation form that 75049
complies with rules adopted under division (C) (2) of this 75050
section within that thirty-day period, the director shall issue 75051
an alternative emissions certificate to the owner or lessee. If 75052
the owner or lessee fails to correct the attestation form, the 75053
director shall require the owner or lessee to complete an 75054
emissions inspection and obtain an inspection certificate in 75055
accordance with rules adopted under this section. 75056

If the director rejects an attestation form under division 75057
(C) (2) (d) (i) or (ii) of this section, the director shall require 75058
the owner or lessee to complete an emissions inspection and 75059
obtain an inspection certificate in accordance with rules 75060
adopted under this section. 75061

(e) In adopting rules under division (C) (2) of this 75062
section, the director shall ensure that the owner or lessee of a 75063
motor vehicle who falsifies an attestation form receives a 75064
notice that includes a statement that reads substantially as 75065
follows: "You have falsified an attestation form for your 75066
vehicle under the E-Check/motor vehicle emissions testing 75067
program. Your vehicle is registered in one of [insert the number 75068
of counties] counties in this state that has federal emission 75069

mandates imposed on it that the State of Ohio is required, under 75070
threat of penalty, to enforce. This letter serves as Ohio's only 75071
penalty for falsification of an attestation form. You have 75072
thirty days from the date of this notice to amend your 75073
attestation form and submit the amended form to the 75074
Environmental Protection Agency. However, if you choose not to 75075
submit an amended attestation form, you must have a motor 75076
vehicle emissions inspection conducted for your vehicle in 75077
accordance with section 3704.14 of the Revised Code and rules 75078
adopted under it." 75079

(f) No penalties apply to a person who the director has 75080
determined to have falsified an attestation form, other than the 75081
issuance of the notice required under division (C) (2) (e) of this 75082
section. 75083

(D) There is hereby created in the state treasury the auto 75084
emissions test fund, which shall consist of money received by 75085
the director from any cash transfers, state and local grants, 75086
and other contributions that are received for the purpose of 75087
funding the program established under this section. The director 75088
of environmental protection shall use money in the fund solely 75089
for the implementation, supervision, administration, operation, 75090
and enforcement of the motor vehicle inspection and maintenance 75091
program established under this section. Money in the fund shall 75092
not be used for either of the following: 75093

(1) To pay for the inspection costs incurred by a motor 75094
vehicle dealer so that the dealer may provide inspection 75095
certificates to an individual purchasing a motor vehicle from 75096
the dealer when that individual resides in a county that is 75097
subject to the motor vehicle inspection and maintenance program; 75098

(2) To provide payment for more than one free passing 75099

emissions inspection or a total of three emissions inspections 75100
for a motor vehicle in any three-hundred-sixty-five-day period. 75101
The owner or lessee of a motor vehicle is responsible for 75102
inspection fees that are related to emissions inspections beyond 75103
one free passing emissions inspection or three total emissions 75104
inspections in any three-hundred-sixty-five-day period. 75105
Inspection fees that are charged by a contractor conducting 75106
emissions inspections under a motor vehicle inspection and 75107
maintenance program shall be approved by the director of 75108
environmental protection. 75109

(E) The motor vehicle inspection and maintenance program 75110
established under this section expires upon the termination of 75111
all contracts entered into under this section and shall not be 75112
implemented beyond the final date on which termination occurs. 75113

(F) As used in this section "battery electric motor 75114
vehicle" and "hybrid motor vehicle" have the same meanings as in 75115
section 4501.01 of the Revised Code. 75116

(G) On ~~the effective date of this amendment~~ June 30, 2025, 75117
the director shall immediately begin procedures to submit to the 75118
United States environmental protection agency the alternative 75119
emissions certification program for approval as part of the Ohio 75120
state implementation plan. If the United States environmental 75121
protection agency approves the modification of the decentralized 75122
motor vehicle inspection and maintenance program as providing 75123
sufficient air pollution reductions to meet the federal Clean 75124
Air Act requirements for a vehicle inspection and maintenance 75125
program and modifies the Ohio state implementation plan, the 75126
director shall immediately begin to modify the Ohio 75127
environmental protection agency rules to implement the 75128
alternative emissions certification program. Nothing in this 75129

division requires the Ohio environmental protection agency to 75130
take action to implement the alternative emissions certification 75131
program until the United States environmental protection agency 75132
approves the alternative program as part of the Ohio state 75133
implementation plan. 75134

(H) If the United States environmental protection agency 75135
determines that the motor vehicle inspection and maintenance 75136
program implemented in accordance with this section is not 75137
necessary for the state or any area of the state to comply with 75138
the federal Clean Air Act, the director shall immediately 75139
discontinue the program and take any actions necessary to 75140
effectuate the termination of the program. 75141

Sec. 3705.126. The department of health shall neither open 75142
an adoption file nor make its contents available except as 75143
follows: 75144

(A) The department shall inspect the file to determine the 75145
court involved for the purpose of division (D) of section 75146
3107.09 or section 3107.091 or 3107.171 of the Revised Code. 75147

(B) The department shall make the file's contents 75148
available to an adopted person or lineal descendant of an 75149
adopted person in accordance with section 3107.38 of the Revised 75150
Code. 75151

(C) The department shall open the file to transfer 75152
releases to the file in accordance with section 3107.381 of the 75153
Revised Code. 75154

(D) The department shall open the file to file a contact 75155
preference form from a biological parent pursuant to section 75156
3107.39 of the Revised Code and remove any previously filed 75157
contact preference form from the biological parent. 75158

(E) The department shall open the file to ~~file a~~ 75159
~~biological parent's name redaction request form pursuant to~~ 75160
~~division (C) of section 3107.391 of the Revised Code or to~~ 75161
remove and destroy the a name redaction request form pursuant to 75162
division ~~(D)~~ (A) of that section 3107.391 of the Revised Code. 75163

(F) The department shall open the file to file a denial of 75164
release form under division (A) of section 3107.46 of the 75165
Revised Code or an authorization of release form under division 75166
(B) of that section. 75167

(G) The department shall make the file's contents 75168
available to an adopted person or adoptive parent in accordance 75169
with section 3107.47 of the Revised Code. 75170

(H) The department shall open the file to file a request 75171
from an adopted person under division (A) of section 3107.48 of 75172
the Revised Code or to remove and destroy the request pursuant 75173
to division (B) of that section. 75174

(I) The department shall inspect the file to assist a 75175
birth parent or birth sibling in finding the adopted person's 75176
name by adoption in accordance with section 3107.49 of the 75177
Revised Code. 75178

(J) The court that decreed the adoption may order that the 75179
contents be made open for inspection or available for copying. 75180

Sec. 3705.16. (A) For purposes of this section 75181
notwithstanding section 3705.01 of the Revised Code, "fetal 75182
death" does not include death of the product of human conception 75183
prior to twenty weeks of gestation. 75184

(B) Each death or fetal death that occurs in this state 75185
shall be registered with the local registrar of vital statistics 75186
of the district in which the death or fetal death occurred, by 75187

the funeral director or other person in charge of the final 75188
disposition of the remains. The personal and statistical 75189
information in the death or fetal death certificate shall be 75190
obtained from the best qualified persons or sources available, 75191
by the funeral director or other person in charge of the final 75192
disposition of the remains. The statement of facts relating to 75193
the disposition of the body and information relative to the 75194
armed services referred to in section 3705.19 of the Revised 75195
Code shall be signed by the funeral director or other person in 75196
charge of the final disposition of the remains. 75197

(C) ~~The~~ (1) For certification of the cause of death, the 75198
funeral director or other person in charge of the final 75199
disposition of the remains shall present the death or fetal 75200
death certificate to one of the attending physician of the 75201
decedent, the coroner, or the medical examiner, as appropriate 75202
for certification of the cause of death. If following 75203
individuals: 75204

(a) If a death or fetal death occurs under any 75205
circumstances mentioned circumstance described in section 313.12 75206
of the Revised Code, the coroner in the county in which the 75207
death occurs, ~~or a deputy coroner,~~ the medical examiner, ~~or~~ 75208
~~deputy medical examiner serving in an equivalent capacity,~~ shall 75209
certify the cause of death unless that death was reported to the 75210
coroner, deputy coroner, medical examiner, or deputy medical 75211
examiner and that person, after a preliminary examination, 75212
declined to assert jurisdiction with respect to the death or 75213
fetal death. A physician other than the coroner in the county in 75214
which a death or fetal death occurs, ~~or a deputy coroner,~~ 75215
~~medical examiner, or deputy medical examiner serving in an~~ 75216
~~equivalent capacity, may certify only those deaths that occur~~ 75217
~~under natural circumstances;~~ 75218

(b) If a death or fetal death occurs under a circumstance 75219
other than as described in section 313.12 of the Revised Code, 75220
the attending physician of the decedent, except that, in the 75221
case of decedent who did not have an attending physician, the 75222
physician who, either in person or through a means of 75223
telehealth, last examined or treated the decedent for any 75224
illness or condition. 75225

(2) After the death or fetal death certificate is 75226
presented, the cause of death shall be certified and the medical 75227
certificate of death shall be completed and signed as follows: 75228

(a) If the death or fetal death certificate is presented 75229
to the coroner or medical examiner, the coroner, or a deputy 75230
coroner, medical examiner, or deputy medical examiner serving in 75231
an equivalent capacity, shall certify the cause of death. 75232

(b) If the death or fetal death certificate is presented 75233
to the physician described in division (C) (1) (b) of this 75234
section, that physician shall certify the cause of death. 75235

(3) The medical certificate of death shall be completed 75236
and signed by the ~~physician who attended the decedent or by the~~ 75237
coroner or medical examiner, physician who attended the 75238
decedent, or physician who last examined or treated the 75239
decedent, as appropriate, within forty-eight hours after 75240
notification of the death or fetal death.-A- 75241

A coroner or medical examiner may satisfy the requirement 75242
of signing a medical certificate showing the cause of death or 75243
fetal death as pending ~~either by stamping it with a stamp of the~~ 75244
~~coroner's or medical examiner's signature or by signing it in-~~ 75245
~~the coroner's or medical examiner's own hand, but within forty-~~ 75246
~~eight hours after notification of the death or fetal death,~~ 75247

provided that the coroner or medical examiner shall sign any 75248
other medical certificate of death or supplementary medical 75249
certification ~~in the coroner's or medical examiner's own~~ 75250
~~hand~~ within forty-eight hours after the cause of death has been 75251
determined. 75252

A physician described in division (C) (1) (b) of this 75253
section may satisfy the requirement of signing a medical 75254
certificate by signing with an electronic signature. 75255

(D) A coroner, medical examiner, or physician who acts in 75256
good faith in accordance with this section, without fraud or 75257
malice, and upon reasonable belief of the cause of death or 75258
fetal death based on the information, if any, presented is not 75259
subject to civil liability or professional disciplinary action 75260
for any act or omission in certifying the cause of death or in 75261
completing and signing the medical certificate of death. 75262

(E) Any death certificate registered pursuant to this 75263
section shall contain the social security number of the 75264
decedent, if available. A social security number obtained under 75265
this section is a public record under section 149.43 of the 75266
Revised Code. 75267

Sec. 3705.17. The body of a person whose death occurs in 75268
this state shall not be interred, deposited in a vault or tomb, 75269
cremated, or otherwise disposed of by a funeral director until a 75270
burial permit is issued by a local registrar or sub-registrar of 75271
vital statistics. No such permit shall be issued by a local 75272
registrar or sub-registrar until a satisfactory death, fetal 75273
death, or provisional death certificate is filed with the local 75274
registrar or sub-registrar. When the medical certification as to 75275
the cause of death cannot be provided by the attending physician 75276
or coroner prior to burial, for sufficient cause, as determined 75277

by rule of the director of health, the funeral director may file 75278
a provisional death certificate with the local registrar or sub- 75279
registrar for the purpose of securing a burial or burial-transit 75280
permit. When the funeral director files a provisional death 75281
certificate to secure a burial or burial-transit permit, the 75282
funeral director shall file a satisfactory and complete death 75283
certificate within five days after the date of death. The 75284
director of health, by rule, may provide additional time for 75285
filing a satisfactory death certificate. A burial permit 75286
authorizing cremation shall not be issued upon the filing of a 75287
provisional certificate of death. 75288

When a funeral director or other person obtains a burial 75289
permit from a local registrar or sub-registrar, the registrar or 75290
sub-registrar shall charge a fee of ~~three~~ten dollars for the 75291
issuance of the burial permit. ~~Two~~Nine dollars and fifty cents 75292
of each fee collected for a burial permit shall be paid into the 75293
state treasury to the credit of the cemetery registration fund 75294
created under section 4767.03 of the Revised Code to be used by 75295
the division of real estate and professional licensing in the 75296
department of commerce in discharging its duties prescribed in 75297
Chapter 4767. of the Revised Code and the Ohio cemetery dispute 75298
resolution commission created by section 4767.05 of the Revised 75299
Code. A local registrar or sub-registrar shall transmit payments 75300
of that portion of the amount of each fee collected under this 75301
section to the treasurer of state on a quarterly basis or more 75302
frequently, if possible. The director of health, by rule, shall 75303
provide for the issuance of a burial permit without the payment 75304
of the fee required by this section if the total cost of the 75305
burial will be paid by an agency or instrumentality of the 75306
United States, the state or a state agency, or a political 75307
subdivision of the state. 75308

The director of commerce may by rule adopted in accordance with Chapter 119. of the Revised Code reduce the total amount of the fee required by this section and that portion of the amount of the fee required to be paid to the credit of the division of real estate and professional licensing for the use of the division and the Ohio cemetery dispute resolution commission, if the director determines that the total amount of funds the fee is generating at the amount required by this section exceeds the amount of funds the division of real estate and professional licensing and the commission need to carry out their powers and duties prescribed in Chapter 4767. of the Revised Code.

No person in charge of any premises in which interments or cremations are made shall inter or cremate or otherwise dispose of a body, unless it is accompanied by a burial permit. Each person in charge of a cemetery, crematory, or other place of disposal shall indorse upon a burial permit the date of interment, cremation, or other disposal and shall retain such permits for a period of at least five years. The person in charge shall keep an accurate record of all interments, cremations, or other disposal of dead bodies, made in the premises under the person's charge, stating the name of the deceased person, place of death, date of burial, cremation, or other disposal, and name and address of the funeral director. Such record shall at all times be open to public inspection.

Sec. 3706.01. As used in this chapter:

(A) "Governmental agency" means a department, division, or other unit of state government, a municipal corporation, county, township, and other political subdivision, or any other public corporation or agency having the power to acquire, construct, or operate air quality facilities, the United States or any agency

thereof, and any agency, commission, or authority established 75339
pursuant to an interstate compact or agreement. 75340

(B) "Person" means any individual, firm, partnership, 75341
association, or corporation, or any combination thereof. 75342

(C) "Air contaminant" means particulate matter, dust, 75343
fumes, gas, mist, smoke, noise, vapor, heat, radioactivity, 75344
radiation, or odorous substance, or any combination thereof. 75345

(D) "Air pollution" means the presence in the ambient air 75346
of one or more air contaminants in sufficient quantity and of 75347
such characteristics and duration as to injure human health or 75348
welfare, plant or animal life, or property, or that unreasonably 75349
interferes with the comfortable enjoyment of life or property. 75350

(E) "Ambient air" means that portion of the atmosphere 75351
outside of buildings and other enclosures, stacks, or ducts that 75352
surrounds human, plant, or animal life, or property. 75353

(F) "Emission" means the release into the outdoor 75354
atmosphere of an air contaminant. 75355

(G) "Air quality facility" means any of the following: 75356

(1) Any method, modification or replacement of property, 75357
process, device, structure, or equipment that removes, reduces, 75358
prevents, contains, alters, conveys, stores, disperses, or 75359
disposes of air contaminants or substances containing air 75360
contaminants, or that renders less noxious or reduces the 75361
concentration of air contaminants in the ambient air, including, 75362
without limitation, facilities and expenditures that qualify as 75363
air pollution control facilities under section 103 (C) (4) (F) of 75364
the Internal Revenue Code of 1954, as amended, and regulations 75365
adopted thereunder; 75366

- (2) Motor vehicle inspection stations operated in accordance with, and any equipment used for motor vehicle inspections conducted under, section 3704.14 of the Revised Code and rules adopted under it; 75367
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- (3) Ethanol or other biofuel facilities, including any equipment used at the ethanol or other biofuel facility for the production of ethanol or other biofuels; 75371
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- (4) Any property or portion thereof used for the collection, storage, treatment, utilization, processing, or final disposal of a by-product or solid waste resulting from any method, process, device, structure, or equipment that removes, reduces, prevents, contains, alters, conveys, stores, disperses, or disposes of air contaminants, or that renders less noxious or reduces the concentration of air contaminants in the ambient air; 75374
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- (5) Any property, device, or equipment that promotes the reduction of emissions of air contaminants into the ambient air through improvements in the efficiency of energy utilization or energy conservation; 75382
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- (6) Any coal research and development project conducted under Chapter 1555. of the Revised Code; 75386
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- (7) As determined by the director of the Ohio coal development office, any property or portion thereof that is used for the collection, storage, treatment, utilization, processing, or final disposal of a by-product resulting from a coal research and development project as defined in section 1555.01 of the Revised Code or from the use of clean coal technology, excluding any property or portion thereof that is used primarily for other subsequent commercial purposes; 75388
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~~(8) Any property or portion thereof that is part of the FutureGen project of the United States department of energy or related to the siting of the FutureGen project~~ Any property, device, or equipment comprising a facility generating green energy;

(9) Any property, device, or equipment that promotes the reduction of emissions of air contaminants into the ambient air through the generation of clean, renewable energy with renewable energy resources or advanced energy resources as defined in section 3706.25 of the Revised Code;

(10) Any property, device, structure, or equipment necessary for the manufacture and production of equipment described as an air quality facility under this chapter;

(11) Any property, device, or equipment related to the recharging or refueling of vehicles that promotes the reduction of emissions of air contaminants into the ambient air through the use of an alternative fuel as defined in section 125.831 of the Revised Code or the use of a renewable energy resource as defined in section 3706.25 of the Revised Code;

(12) Any special energy improvement project, as defined in section 1710.01 of the Revised Code, that promotes the reduction of emissions of air contaminants into the ambient air.

"Air quality facility" further includes any property or system to be used in whole or in part for any of the purposes in divisions (G) (1) to (12) of this section, whether another purpose is also served, and any property or system incidental to or that has to do with, or the end purpose of which is, any of the foregoing. Air quality facilities that are defined in this division for industry, commerce, distribution, or research,

including public utility companies, are hereby determined to be 75425
those that qualify as facilities for the control of air 75426
pollution and thermal pollution related to air under Section 13 75427
of Article VIII, Ohio Constitution. 75428

(H) "Project" or "air quality project" means any air 75429
quality facility, including undivided or other interests 75430
therein, acquired or to be acquired or constructed or to be 75431
constructed by the Ohio air quality development authority under 75432
this chapter, or acquired or to be acquired or constructed or to 75433
be constructed by a governmental agency or person with all or a 75434
part of the cost thereof being paid from a loan or grant from 75435
the authority under this chapter or otherwise paid from the 75436
proceeds of air quality revenue bonds, including all buildings 75437
and facilities that the authority determines necessary for the 75438
operation of the project, together with all property, rights, 75439
easements, and interests that may be required for the operation 75440
of the project. 75441

(I) "Cost" as applied to an air quality project means the 75442
cost of acquisition and construction, the cost of acquisition of 75443
all land, rights-of-way, property rights, easements, franchise 75444
rights, and interests required for such acquisition and 75445
construction, the cost of demolishing or removing any buildings 75446
or structures on land so acquired, including the cost of 75447
acquiring any lands to which such buildings or structures may be 75448
moved, the cost of acquiring or constructing and equipping a 75449
principal office and sub-offices of the authority, the cost of 75450
diverting highways, interchange of highways, and access roads to 75451
private property, including the cost of land or easements for 75452
such access roads, the cost of public utility and common carrier 75453
relocation or duplication, the cost of all machinery, 75454
furnishings, and equipment, financing charges, interest prior to 75455

and during construction and for no more than eighteen months 75456
after completion of construction, engineering, expenses of 75457
research and development with respect to air quality facilities, 75458
the cost of any commodity contract, including fees and expenses 75459
related thereto, legal expenses, plans, specifications, surveys, 75460
studies, estimates of cost and revenues, working capital, other 75461
expenses necessary or incident to determining the feasibility or 75462
practicability of acquiring or constructing such project, 75463
administrative expense, and such other expense as may be 75464
necessary or incident to the acquisition or construction of the 75465
project, the financing of such acquisition or construction, 75466
including the amount authorized in the resolution of the 75467
authority providing for the issuance of air quality revenue 75468
bonds to be paid into any special funds from the proceeds of 75469
such bonds, and the financing of the placing of such project in 75470
operation. Any obligation, cost, or expense incurred by any 75471
governmental agency or person for surveys, borings, preparation 75472
of plans and specifications, and other engineering services, or 75473
any other cost described above, in connection with the 75474
acquisition or construction of a project may be regarded as a 75475
part of the cost of that project and may be reimbursed out of 75476
the proceeds of air quality revenue bonds as authorized by this 75477
chapter. 75478

(J) "Owner" includes an individual, copartnership, 75479
association, or corporation having any title or interest in any 75480
property, rights, easements, or interests authorized to be 75481
acquired by this chapter. 75482

(K) "Revenues" means all rentals and other charges 75483
received by the authority for the use or services of any air 75484
quality project, any gift or grant received with respect to any 75485
air quality project, any moneys received with respect to the 75486

lease, sublease, sale, including installment sale or conditional 75487
sale, or other disposition of an air quality project, moneys 75488
received in repayment of and for interest on any loans made by 75489
the authority to a person or governmental agency, whether from 75490
the United States or any department, administration, or agency 75491
thereof, or otherwise, proceeds of such bonds to the extent that 75492
use thereof for payment of principal of, premium, if any, or 75493
interest on the bonds is authorized by the authority, amounts 75494
received or otherwise derived from a commodity contract or from 75495
the sale of the related commodity under such a contract, 75496
proceeds from any insurance, condemnation, or guaranty 75497
pertaining to a project or property mortgaged to secure bonds or 75498
pertaining to the financing of the project, and income and 75499
profit from the investment of the proceeds of air quality 75500
revenue bonds or of any revenues. 75501

(L) "Public roads" includes all public highways, roads, 75502
and streets in the state, whether maintained by the state, 75503
county, city, township, or other political subdivision. 75504

(M) "Public utility facilities" includes tracks, pipes, 75505
mains, conduits, cables, wires, towers, poles, and other 75506
equipment and appliances of any public utility. 75507

(N) "Construction," unless the context indicates a 75508
different meaning or intent, includes reconstruction, 75509
enlargement, improvement, or providing furnishings or equipment. 75510

(O) "Air quality revenue bonds," unless the context 75511
indicates a different meaning or intent, includes air quality 75512
revenue notes, air quality revenue renewal notes, and air 75513
quality revenue refunding bonds, except that notes issued in 75514
anticipation of the issuance of bonds shall have a maximum 75515
maturity of five years as provided in section 3706.05 of the 75516

Revised Code and notes or renewal notes issued as the definitive obligation may be issued maturing at such time or times with a maximum maturity of forty years from the date of issuance of the original note.

(P) "Solid waste" means any garbage; refuse; sludge from a waste water treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but not including solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges that are point sources subject to permits under section 402 of the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 880, 33 U.S.C.A. 1342, as amended, or source, special nuclear, or byproduct material as defined by the "Atomic Energy Act of 1954," 68 Stat. 921, 42 U.S.C.A. 2011, as amended.

(Q) "Sludge" means any solid, semisolid, or liquid waste, other than a recyclable by-product, generated from a municipal, commercial, or industrial waste water treatment plant, water supply plant, or air pollution control facility or any other such wastes having similar characteristics and effects.

(R) "Ethanol or other biofuel facility" means a plant at which ethanol or other biofuel is produced.

(S) "Ethanol" means fermentation ethyl alcohol derived from agricultural products, including potatoes, cereal, grains, cheese whey, and sugar beets; forest products; or other renewable or biomass resources, including residue and waste generated from the production, processing, and marketing of

agricultural products, forest products, and other renewable or biomass resources, that meets all of the specifications in the American society for testing and materials (ASTM) specification D 4806-88 and is denatured as specified in Parts 20 and 21 of Title 27 of the Code of Federal Regulations.

(T) "Biofuel" means any fuel that is made from cellulosic biomass resources, including renewable organic matter, crop waste residue, wood, aquatic plants and other crops, animal waste, solid waste, or sludge, and that is used for the production of energy for transportation or other purposes.

(U) "FutureGen project" means the buildings, equipment, and real property and functionally related buildings, equipment, and real property, including related research projects that support the development and operation of the buildings, equipment, and real property, designated by the United States department of energy and the FutureGen industrial alliance, inc., as the coal-fueled, zero-emissions power plant designed to prove the technical and economic feasibility of producing electricity and hydrogen from coal and nearly eliminating carbon dioxide emissions through capture and permanent storage.

(V) "Commodity contract" means a contract or series of contracts entered into in connection with the acquisition or construction of air quality facilities for the purchase or sale of a commodity that is eligible for prepayment with the proceeds of federally tax exempt bonds under sections 103, 141, and 148 of the Internal Revenue Code of 1986, as amended, and regulations adopted under it.

(W) "Green energy" has the same meaning as in section 4928.01 of the Revised Code.

Sec. 3709.15. The board of health of a city or general health district may appoint as many persons for sanitary duty as the public health and sanitary conditions of the district require, and such persons shall have general police powers and be known as "sanitarians." The board may also appoint as many registered nurses for public health nurse duty as the public health and sanitary conditions of the district require, who shall be known as "public health nurses," and where such are appointed, the board may appoint licensed practical nurses as defined by section ~~4723.15~~ 4723.02 of the Revised Code. The legislative authority of the city may determine the maximum number of sanitarians and public health nurses and licensed practical nurses to be appointed.

The board of health of a city or general health district may provide nursing care and other therapeutic and supportive care services to maintain an ill or infirm person in a place of residence used as such person's home or elsewhere. The board shall charge and collect reasonable fees not to exceed the cost of service for such care from patients financially able to pay, or may accept payment for such services from persons or public or private agencies on behalf of the recipient, either directly or by contract with such persons or agencies. The fees shall be retained by the board and placed in a special fund to be known as the home health services fund, and shall be used by the board only for defraying the cost of personnel, equipment, supplies, rental of physical facilities including real property, utilities, and administrative costs in providing services under this section. ~~The approval of the auditor of state referred to in section 5705.12 of the Revised Code shall not be required for the establishment of the fund.~~

The board, in addition, may contract with any individual

or a public or private agency to furnish services authorized by 75607
this section on behalf of a city or general health district for 75608
such time and for such compensation as may be agreed upon by the 75609
board and the individual or agency. The compensation shall be 75610
paid by the board from the home health services fund, or from 75611
any other available fund of the board. 75612

Sec. 3717.071. (A) The director of agriculture and 75613
director of health shall prescribe forms for use in calculating 75614
the licensing fees that may be charged under sections 3717.25 75615
and 3717.45 of the Revised Code. Each licensor that charges 75616
licensing fees shall use the forms in calculating its costs 75617
according to the uniform methodologies established in rules 75618
adopted under section 3717.07 of the Revised Code. 75619

(B) (1) If the licensor is a board of health, the board 75620
shall submit the form to the director of agriculture in the case 75621
of fees being charged for retail food establishment licenses, 75622
and to the director of health in the case of fees being charged 75623
for food service operation licenses. The board shall submit the 75624
form to the appropriate director not later than the first day of 75625
the fiscal year in which the fees will apply. A form that is 75626
mailed to the director shall be considered to have been 75627
submitted on its postmark date. 75628

(2) On receipt of a form from a board of health, the 75629
director of agriculture or director of health shall review the 75630
form to determine if the board has calculated its fees in 75631
accordance with the uniform methodologies. ~~The director may~~ 75632
~~request that the auditor of state conduct an audit of the board~~ 75633
~~to determine if the fees it established are appropriate. The~~ 75634
~~audit is in addition to the annual or biennial audit conducted~~ 75635
~~pursuant to division (A) of section 117.11 of the Revised Code,~~ 75636

~~and the cost of the audit is the responsibility of the board of~~ 75637
~~health.~~ If at any time the director of agriculture or director 75638
of health has reasonable cause to believe that ~~a different~~ an 75639
audit of a board of health, in addition to the annual or 75640
biennial audit conducted pursuant to division (A) of section 75641
117.11 of the Revised Code, is in the public interest, the 75642
director may request that the auditor of state conduct the 75643
audit. If the audit is conducted, the cost of the audit is the 75644
responsibility of the board of health. 75645

(C) (1) If a board of health fails to submit the forms as 75646
required under division (B) (1) of this section and the failure 75647
has occurred not more than twice in the immediately preceding 75648
five-year period, the board is subject to the following 75649
penalties: 75650

(a) If the form is late by one but not more than five 75651
working days, a fine of fifty dollars for each working day the 75652
form is late; 75653

(b) If the form is late by six working days but not more 75654
than ten working days, a fine of one hundred dollars for each 75655
working day the form is late; 75656

(c) If the form is late by more than ten working days, the 75657
board shall reduce by twenty per cent the fees it charges under 75658
section 3717.25 or 3717.45 of the Revised Code during the next 75659
succeeding fiscal year. 75660

(2) If a board fails to submit the forms and the failure 75661
has occurred more than twice in the immediately preceding five- 75662
year period, the board shall reduce by twenty per cent the fees 75663
it charges under section 3717.25 or 3717.45 of the Revised Code 75664
during the next succeeding fiscal year. 75665

(3) A board of health that is required to pay a fine or
reduce its licensing fees shall not include any part of the cost
of the penalty in the fees it charges under section 3717.25 or
3717.45 of the Revised Code or the fees it charges in operating
any other licensing program.

Sec. 3718.02. (A) The director of health, in accordance
with Chapter 119. of the Revised Code, shall adopt, and
subsequently may amend and rescind, rules of general application
throughout the state to administer this chapter. Rules adopted
under division (A) of this section shall do at least all of the
following:

(1) Require that the appropriate board of health approve
or disapprove the installation, operation, and alteration of a
sewage treatment system if it is not connected to a sanitary
sewerage system;

(2) Require a board of health, or other person as
established by rule, to conduct a site evaluation for any
proposed installation of a sewage treatment system;

(3) Prescribe standards for the siting, design,
installation, operation, monitoring, maintenance, and
abandonment of sewage treatment systems that may be used in this
state and for the progressive or incremental alteration or
repair of an existing sewage treatment system or the progressive
or incremental installation of a new system to replace an
existing sewage treatment system. The rules shall be adopted so
as to establish a preference for the repair of an existing
sewage treatment system, when technically and economically
feasible, rather than its replacement with a new system. The
standards shall include at a minimum all of the following:

(a) Soil absorption specifications and vertical separation distances. 75695
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(i) Soil absorption specifications established in rules shall include standards regarding the sizing of sewage treatment systems in use in the state. 75697
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(ii) In establishing soil absorption specifications and vertical separation distances, the rules shall identify those soil conditions that present a low or moderate risk of inadequate treatment or dispersal of sewage from sewage treatment systems. For low and moderate risk conditions, the required vertical separation distance shall not exceed eighteen inches except as authorized pursuant to rules adopted under divisions (A) (3) (a) (iii) and (iv) of this section. 75700
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In addition, the rules shall identify those soil conditions that present a high risk of inadequate treatment or dispersal of sewage. For such high risk conditions, the vertical separation distance shall be set at a depth from twenty-four to thirty-six inches and shall not be lowered unless a reduction of vertical separation is granted in accordance with rules adopted under division (A) (3) (a) (iii) of this section. 75708
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(iii) The rules shall establish options to be utilized by a board of health when approving the reductions of or compliance with vertical separation distances that are established in rules adopted under division (A) (3) (a) (ii) of this section. The options for a board of health in providing such approval shall include, but not be limited to: the use where deemed appropriate for a particular site of subsurface interceptor drains, perimeter drains, or engineered drainage; pretreatment of sewage; or soil elevation. 75715
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(iv) The rules shall provide that a board of health may petition the director to increase the vertical separation distances required for sewage treatment systems in the applicable health district or a portion of the district when conditions present a high risk of inadequate treatment or dispersal of sewage. The rules also shall provide that the director may approve such a request upon a demonstration by the board of health that unusual or unique local conditions relating to terrain, bedrock, water table, soil fragments, or soil textures require the establishment of greater vertical separation distances within the jurisdiction of the board of health or a portion thereof. If, under the rules, the director of health approves a greater vertical separation distance, a board of health still may approve a reduction of that vertical separation distance for an individual sewage treatment system pursuant to rules adopted under division (A) (3) (a) (iii) of this section. Further, if, under the rules, the director approves a greater vertical separation distance, a person who is denied permission by a board of health to install or replace a sewage treatment system as a result of the director's approval may request a hearing in accordance with section 3718.11 of the Revised Code.

(b) Specifications for the quality of treated sewage effluent from household sewage treatment systems that is applied to soil on the property where a household sewage treatment system is located. The specifications established in the rules for the quality of effluent from discharging systems shall comply with discharge requirements imposed by the national pollutant discharge elimination system permit program established under section 6111.03 of the Revised Code and rules adopted under it.

(c) Requirements for the reasonable maintenance of a 75755
system according to maintenance requirements approved by the 75756
director of health as recommended by the sewage treatment system 75757
technical advisory committee or according to accepted standards 75758
and practices established in rules, as applicable. The 75759
requirements may include standards for service contracts or 75760
other arrangements that assure regular maintenance and upkeep of 75761
the system. In determining the reasonableness of a maintenance 75762
requirement, the director shall consider a manufacturer's 75763
maintenance requirements as well as all other maintenance 75764
alternatives. 75765

(4) Prescribe procedures for notification to boards of 75766
health of the approval of a sewage treatment system or 75767
components of a system by the director of health under section 75768
3718.04 of the Revised Code; 75769

(5) Prescribe criteria and procedures under which boards 75770
of health shall issue installation permits, operation permits, 75771
and alteration permits for sewage treatment systems. The rules 75772
shall require as a condition of an installation permit that the 75773
installer of a system must warrant that the system was installed 75774
in accordance with all applicable rules and design requirements. 75775
In addition, the rules shall require a board of health, not 75776
later than sixty days after the issuance of an installation, 75777
operation, or alteration permit, to notify the director that the 75778
permit was issued. The rules shall require the notification to 75779
be in a format prescribed by the director and to include 75780
information related to the issuance of the permit. With the 75781
assistance of the department of health, a board of health, to 75782
the extent practicable, shall computerize the process of the 75783
issuance of permits for sewage treatment systems. 75784

(6) Require a board of health to inspect a sewage treatment system not later than twelve months after its installation to ensure that the system is operating properly. The rules shall require a board of health, not later than sixty days after the inspection, to certify to the director on a form provided by the director that the inspection was performed.

(7) Require each board of health to develop a program for the administration of maintenance requirements established in rules adopted under division (A) (3) (c) of this section. The rules shall include requirements and procedures under which a person may demonstrate the required maintenance of a system in lieu of having an inspection conducted when an inspection otherwise is required. The rules shall require a board of health to provide written notice to a person that is demonstrating maintenance of a system in lieu of an inspection that if proof of the required maintenance of the system is not provided as required by rules, the system is subject to inspection by the board and the reasonable cost of the inspection must be paid by the person. The rules shall authorize a board of health to inspect any sewage treatment system if there is a good-faith complaint regarding the system, there is probable cause for the inspection, or proof of the required maintenance of the system has not been provided as required by rules. In addition, the rules shall authorize a board of health to inspect a sewage treatment system without prior notice in any instance in which the board has probable cause to believe that the system is endangering or threatening to endanger public health. The rules shall require that the reasonable costs for sewage effluent testing or evaluation be paid by the owner of a sewage treatment system that is being investigated. Further, the rules shall establish a methodology for determining the reasonable costs of

an inspection in accordance with section 3709.09 of the Revised Code. The rules shall allow, but shall not require, a board of health to continue an inspection program that was established by the board prior to the effective date of the rules, provided that the program authorizes a person to demonstrate the required maintenance of a system in lieu of an inspection.

(8) Require a board of health to register installers, service providers, and septage haulers that perform work within the health district; prescribe criteria and procedures for the registration; and prescribe criteria for a demonstration of competency as a part of the registration. The rules shall establish uniform statewide bonding requirements or other financial security requirements for installers, service providers, and septage haulers as a condition of registration within any health district. The rules shall establish a methodology by which the required amount of a bond or other security may be calculated for each installer, service provider, and septage hauler. The methodology, at a minimum, shall consider the number of systems installed or serviced and the type of system installed or serviced by an installer, service provider, or septage hauler on an annual basis. The rules shall provide that no board of health shall require an additional or different bond or security requirement as a condition of registration beyond the bonding and security requirements established in the rules adopted under division (A) (8) of this section.

The rules shall establish a cost methodology for determining the fee for the registration of an installer, service provider, or septage hauler in any health district.

(9) Prescribe requirements for the collection,

transportation, disposal, and land application of domestic 75846
septage in this state from a sewage treatment system; 75847

(10) Require boards of health to maintain records that are 75848
determined necessary to ascertain compliance with this chapter 75849
and the rules adopted under it; 75850

(11) Require the manufacturer of a sewage treatment system 75851
that is authorized for use in this state in rules adopted under 75852
this section or that is approved for use in this state under 75853
section 3718.04 of the Revised Code to provide instructions for 75854
the operation and maintenance of the system. The rules shall 75855
provide that a board of health may require a copy of a 75856
manufacturer's instructions for the operation and maintenance of 75857
a system to be filed with the board prior to the installation 75858
and use of the system in the health district in which the board 75859
has jurisdiction. In addition, the rules shall require a board 75860
of health and a manufacturer to provide a copy of the operation 75861
and maintenance instructions, if available, when a board of 75862
health or a manufacturer receives a written request for 75863
instructions. 75864

(12) Prescribe criteria for the provision of written 75865
evidence of compliance with rules pertaining to sewage treatment 75866
for purposes of sections 711.05 and 711.10 of the Revised Code; 75867

(13) Pursuant to divisions (A) (1) and (3) of this section, 75868
prescribe standards for the siting, design, installation, 75869
operation, monitoring, maintenance, and abandonment of small 75870
flow on-site sewage treatment systems that may be used in this 75871
state; 75872

(14) Prescribe minimum criteria and procedures under which 75873
boards of health may establish household sewage treatment 75874

district management programs for the purpose of providing a 75875
responsive approach toward preventing or solving sewage 75876
treatment problems resulting from household sewage treatment 75877
systems within the districts established under the program. For 75878
purposes of division (A) (14) of this section, a board of health 75879
may enter into a contract with any entity to administer a 75880
household sewage treatment district management program. 75881

(15) Prescribe standards for the use of subsurface 75882
interceptor drains, perimeter drains, and engineered drainage to 75883
remove or divert any subsurface water from an area to be used 75884
for soil absorption of sewage in the soil of a sewage treatment 75885
system; 75886

(16) Prescribe standards for the inspection of septage 75887
hauling truck tanks by boards of health, including, but not 75888
limited to, tank seal safety specifications; 75889

(17) Establish standards and testing methods to ensure 75890
that all septic tanks, other disposal component tanks, dosing 75891
tanks, pump vaults, household sewage treatment disposal system 75892
holding tanks and privy vaults, or other applicable sewage 75893
disposal system components manufactured after September 17, 75894
2010, and used in this state are watertight and structurally 75895
sound; 75896

(18) Require a board of health to give notice and an 75897
opportunity for a hearing, pursuant to section 3718.11 of the 75898
Revised Code, to an affected property owner regarding any of the 75899
following: 75900

(a) The denial of an installation, operation, or 75901
alteration permit for a sewage treatment system; 75902

(b) The imposition of a condition on the installation of a 75903

sewage treatment system;	75904
(c) The required replacement of a sewage treatment system;	75905
(d) Any other final order or decision of a board of health that is made under this chapter concerning which a property owner is claiming to be aggrieved or adversely affected.	75906 75907 75908
The rules also shall establish procedures for giving such notice and for conducting the hearing required in rules adopted under division (A) (18) of this section.	75909 75910 75911
(19) Prescribe standards for the regulation of gray water recycling systems;	75912 75913
(20) Prohibit a sewage treatment system from causing a public health nuisance;	75914 75915
(21) Define economic impact for purposes of division (B) of this section and section 3718.022 of the Revised Code;	75916 75917
<u>(22) Establish statistical methods for evaluating sewage treatment system compliance for a twelve inch soil depth credit relative to bacterial parameters, such as fecal coliform and E. coli., that are derived from a minimum of one hundred forty-four consecutive data points. Such statistical methods shall include one of the following:</u>	75918 75919 75920 75921 75922 75923
<u>(a) The upper confidence limit of the mean method using log-transformed data, with the upper confidence limit derived from one of the following:</u>	75924 75925 75926
<u>(i) A two-sided ninety-five per cent confidence interval for the mean and the maximum number of individual data points exceeding the treatment standard being five per cent;</u>	75927 75928 75929
<u>(ii) A two-sided ninety-nine per cent confidence interval</u>	75930

for the mean and the maximum number of individual data points 75931
exceeding the treatment standard being ten per cent. 75932

(b) Any other statistical method that is equally 75933
protective of public health and welfare. 75934

The rule also shall specify that a soil depth credit shall 75935
be approved when the upper confidence limit of the mean using 75936
log-transformed data is less than the applicable fecal coliform 75937
or E. coli. treatment standard set forth in rules adopted in 75938
accordance with this division. 75939

The director may adopt other rules under division (A) of 75940
this section that the director determines are necessary to 75941
implement this chapter and to protect the public health and 75942
welfare. 75943

At least sixty days prior to adopting a rule under 75944
division (A) of this section, the director shall provide boards 75945
of health and any other interested parties an opportunity to 75946
comment on the rule. 75947

(B) (1) In accordance with section 3709.20 or 3709.21 of 75948
the Revised Code, as applicable, and subject to review by and 75949
approval of the director under division (C) of section 3718.05 75950
of the Revised Code, a board of health may adopt rules necessary 75951
for the public health providing for more stringent standards 75952
than those established in rules adopted by the director under 75953
division (A) of this section. In proposing or adopting the 75954
rules, a board of health shall consider and document the 75955
economic impact of the rules on property owners within the 75956
applicable health district. 75957

(2) A board that intends to adopt rules shall notify the 75958
department of health of the proposed rules and submit a copy of 75959

the proposed rules and the documentation of the economic impact 75960
of the rules at least ninety days prior to the proposed date of 75961
adoption. The director shall approve or disapprove any such 75962
proposed rule within ninety days after receiving a copy of the 75963
proposed rule from the board of health. 75964

(3) In reviewing a proposed rule, the director shall 75965
approve the rule if all of the following apply: 75966

(a) The proposed rule is not in conflict with this chapter 75967
or rules adopted under it. 75968

(b) The proposed rule is authorized by division (B) of 75969
this section. 75970

(c) The proposed rule is no less stringent than rules 75971
adopted by the director. 75972

(d) Unless otherwise authorized by this chapter or rules 75973
adopted under it, the proposed rule does not require design 75974
changes to a sewage treatment system, or component thereof, that 75975
differ from a design authorized in rules adopted under division 75976
(A) of this section, including rules adopted under division (A) 75977
(1) or (A) (3) (a) (iii) or (iv) of this section, or approved by 75978
the director under section 3718.04 of the Revised Code. 75979

(e) The proposed rule does not require operation or 75980
maintenance procedures for a sewage treatment system that 75981
conflict with operation or maintenance procedures authorized in 75982
rules adopted under division (A) of this section, including 75983
rules adopted under division (A) (1) or (A) (3) (a) (iii) or (iv) of 75984
this section, or approved by the director under section 3718.04 75985
of the Revised Code. 75986

(4) If a board of health fails to submit a proposed rule 75987
to the director or fails to demonstrate that the board has 75988

considered the economic impact of the proposed rule, the rule 75989
shall have no force or effect and is not enforceable. 75990

Sec. 3718.04. (A) A manufacturer seeking approval for the 75991
installation and use of a sewage treatment system or a component 75992
of a system in this state that differs in design or function 75993
from systems or components of systems the use of which is 75994
authorized in rules adopted under section 3718.02 of the Revised 75995
Code shall request an application form from the department of 75996
health. The applicant shall complete the form and include with 75997
it all of the information that is required by the department and 75998
the sewage treatment system technical advisory committee. The 75999
applicant shall submit a completed application and all required 76000
information to the director of health. 76001

(B) Upon receipt of an application, the director shall 76002
examine the application and all accompanying information to 76003
determine if the application is complete. If the director 76004
determines that the application is not complete, the director 76005
shall notify the applicant not later than sixty days after 76006
submission of the application that the application is not 76007
complete, provide a description of the information that is 76008
missing from the application, and return the application and all 76009
accompanying information to the applicant. The applicant may 76010
resubmit the application to the director if the application 76011
includes the information that was identified by the director. 76012
Not later than thirty days after receipt of a complete 76013
application, the director shall notify the committee of the 76014
complete application and send a copy of the complete application 76015
and all accompanying information to the committee together with 76016
a request that the committee recommend that the director approve 76017
or disapprove the system. 76018

Not later than ninety days after receipt of a complete application, the committee shall recommend approval or disapproval of the application and submit its recommendation in writing to the director. The director shall approve or disapprove the application not later than sixty days after the committee submits its recommendation to the director or, if the committee fails to recommend approval or disapproval within the required time, not later than one hundred twenty days after the submission of a complete application. If the director fails to approve or disapprove an application within the required time, the application shall be deemed approved.

(C) In approving or disapproving an application, the director shall use the standards, guidelines, and protocols that the committee developed with the department for that purpose. The director shall not approve an application that fails to comply with those standards, guidelines, and protocols. If the committee recommends approval or disapproval of an application, the director shall consider the committee's recommendation before approving or disapproving the application. If the committee fails to provide advice or if the committee fails to recommend approval or disapproval of the application within the required time, the director may approve or disapprove the application without considering the advice of the committee. The director shall establish and include any appropriate terms and conditions with the approval of a sewage treatment system or component of a system for use in this state. For purposes of establishing soil absorption specifications for a sewage treatment system, the terms and conditions shall include standards regarding the sizing of the system.

(D) If the director approves an application under this section, the director shall notify the applicant in writing. The

director also shall notify boards of health in accordance with 76050
the procedures established in rules adopted under section 76051
3718.02 of the Revised Code that the sewage treatment system or 76052
component of a system that is the subject of the application is 76053
approved for statewide use. If the director disapproves an 76054
application under this section, the director shall notify the 76055
applicant in writing and provide a brief explanation for the 76056
disapproval. 76057

(E) Decisions of the director approving or disapproving 76058
applications under this section may be appealed in accordance 76059
with Chapter 119. of the Revised Code. 76060

(F) No approval shall be required under this section with 76061
respect to a sewage treatment system or component of a system 76062
that has been approved by the director prior to ~~the effective~~ 76063
~~date of this amendment~~ September 17, 2010, unless the 76064
manufacturer of the system or component changes the design or 76065
seeks modifications to any terms and conditions of the prior 76066
approval. 76067

(G) The director may revoke the approval of a sewage 76068
treatment system or component of a system if the director finds, 76069
based on substantial evidence, that the system or component 76070
fails to comply with applicable standards for the system or 76071
component. The revocation of an approval under this division may 76072
be appealed in accordance with Chapter 119. of the Revised Code. 76073

(H) (1) The director shall not implement or enforce any 76074
special device approval or similar policy imposing additional 76075
requirements or restrictions on a sewage treatment system or 76076
component of a system that combines the treatment of effluent 76077
with subsurface dispersal of treated effluent directly to the 76078
soil, sand bed, or gravel for any approval in effect as of 76079

December 31, 2020. 76080

(2) If the director issued an approval for such a system 76081
and the approval was in effect as of December 31, 2020, the 76082
system may be modified upon request by the manufacturer if the 76083
system meets the intent of applicable standards, guidelines, and 76084
protocols. However, the system's approval otherwise remains 76085
valid under the original terms and conditions and may not be 76086
revoked or subjected to any new application or monitoring 76087
requirements unless clear, independent statistically significant 76088
evidence demonstrates that the system design consistently 76089
underperforms relative to gravel distribution trenches. 76090

(3) Divisions (H) (1) and (2) of this section apply only to 76091
subsurface dispersal systems or components of a system and do 76092
not apply to effluent discharged into waters of the state. 76093

Sec. 3719.04. (A) A person ~~identified in division (B) (1)~~ 76094
~~(a) of section 4729.52 of the Revised Code who holds a category~~ 76095
~~III license issued under that section 4729.52 of the Revised~~ 76096
Code granting authority with respect to controlled substances 76097
may sell at wholesale controlled substances to any of the 76098
following persons and is subject to the following conditions: 76099

(1) To another person who holds a ~~category III license~~ 76100
issued under section 4729.52 of the Revised Code granting 76101
authority with respect to controlled substances or to a terminal 76102
distributor of dangerous drugs with a ~~category III license~~ 76103
issued under section 4729.54 of the Revised Code granting 76104
authority with respect to controlled substances; 76105

(2) To a person in the employ of the United States 76106
government or of any state, territorial, district, county, 76107
municipal, or insular government, purchasing, receiving, 76108

possessing, or dispensing controlled substances by reason of 76109
official duties; 76110

(3) To a master of a ship or a person in charge of any 76111
aircraft upon which no physician is regularly employed, for the 76112
actual medical needs of persons on board the ship or aircraft, 76113
when not in port; provided such controlled substances shall be 76114
sold to the master of the ship or person in charge of the 76115
aircraft only in pursuance of a special official written order 76116
approved by a commissioned medical officer or acting assistant 76117
surgeon of the United States public health service; 76118

(4) To a person in a foreign country, if the federal drug 76119
abuse control laws are complied with. 76120

(B) An official written order for any schedule II 76121
controlled substances shall comply with all requirements of the 76122
federal drug abuse control laws and rules adopted by the state 76123
board of pharmacy. Except as provided in section 3719.05 of the 76124
Revised Code or as otherwise specified in rules adopted by the 76125
board, each party engaged in the sale of schedule II controlled 76126
substances shall maintain all records relating to the order for 76127
a period of five years in such a way as to be readily accessible 76128
for inspection by any public officer or employee engaged in the 76129
enforcement of this chapter. 76130

Sec. 3721.074. (A) As used in this section: 76131

(1) "Independent living facility" has the same meaning as 76132
in section 5709.12 of the Revised Code. 76133

(2) "Residential facility" has the same meaning as in 76134
section 5119.34 of the Revised Code. 76135

(B) (1) Notwithstanding any provision of the Revised Code 76136
to the contrary, an independent living facility or residential 76137

facility that applies to the director of health pursuant to 76138
section 3721.07 of the Revised Code for a license as a 76139
residential care facility may continue to operate as an 76140
independent living facility or residential facility in 76141
accordance with this section during the period of time that the 76142
application is under consideration by the director. 76143

(2) An independent living facility or residential facility 76144
shall not provide care to more than two residents while its 76145
application under section 3721.07 of the Revised Code is 76146
pending. 76147

Sec. 3721.32. (A) The director of health shall establish a 76148
state nurse aide registry listing all individuals who have done 76149
any of the following: 76150

(1) Were used by a long-term care facility as nurse aides 76151
on a full-time, temporary, per diem, or other basis at any time 76152
during the period commencing July 1, 1989, and ending January 1, 76153
1990, and successfully completed, not later than October 1, 76154
1990, a competency evaluation program approved by the director 76155
under division (A) of section 3721.31 of the Revised Code or 76156
conducted by the director under division (C) of that section; 76157

(2) Successfully completed a training and competency 76158
evaluation program approved by the director under division (A) 76159
of section 3721.31 of the Revised Code or met the conditions 76160
specified in division (F) (1) or (2) of section 3721.28 of the 76161
Revised Code, and, if the training and competency evaluation 76162
program or the training, instruction, or education the 76163
individual completed in meeting the conditions specified in 76164
division (F) (1) of section 3721.28 of the Revised Code was 76165
conducted in or by a long-term care facility, has successfully 76166
completed a competency evaluation program conducted by the 76167

director; 76168

(3) Successfully completed a training and competency 76169
evaluation program conducted by the director under division (C) 76170
of section 3721.31 of the Revised Code; 76171

(4) Successfully completed, prior to July 1, 1989, a 76172
program that the director has determined under division (B) (3) 76173
of section 3721.28 of the Revised Code included a competency 76174
evaluation component no less stringent than the competency 76175
evaluation programs approved or conducted by the director under 76176
section 3721.31 of the Revised Code, and was otherwise 76177
comparable to the training and competency evaluation program 76178
being approved by the director under section 3721.31 of the 76179
Revised Code; 76180

(5) Are listed in a nurse aide registry maintained by 76181
another state that certifies that its program for training and 76182
evaluation of competency of nurse aides complies with Titles 76183
XVIII and XIX of the "Social Security Act," 49 Stat. 620 (1935), 76184
42 U.S.C.A. 301, as amended, or regulations adopted thereunder; 76185

(6) Were found competent, as provided in division (B) (5) 76186
of section 3721.28 of the Revised Code, prior to July 1, 1989, 76187
after the completion of a course of nurse aide training of at 76188
least one hundred hours' duration; 76189

(7) Are enrolled in a prelicensure program of nursing 76190
education approved by the board of nursing or by an agency of 76191
another state that regulates nursing education, have provided 76192
the long-term care facility with a certificate from the program 76193
indicating that the individual has successfully completed the 76194
courses that teach basic nursing skills including infection 76195
control, safety and emergency procedures, and personal care, and 76196

have successfully completed a competency evaluation program 76197
conducted by the director under division (A) of section 3721.31 76198
of the Revised Code; 76199

(8) Have the equivalent of twelve months or more of full- 76200
time employment in the five years preceding listing in the 76201
registry as a hospital aide or orderly and have successfully 76202
completed a competency evaluation program conducted by the 76203
director under division (C) of section 3721.31 of the Revised 76204
Code; 76205

(9) Successfully completed a prelicensure program of 76206
nursing education approved by the board of nursing under section 76207
4723.06 of the Revised Code or by an agency of another state 76208
that regulates nursing education and passed the examination 76209
accepted by the board of nursing under section 4723.10 of the 76210
Revised Code, which shall be deemed as successfully completing a 76211
competency evaluation program conducted by the director under 76212
division (C) of section 3721.31 of the Revised Code; 76213

(10) Successfully completed both of the following: 76214

(a) A training course provided by the United States 76215
department of veterans affairs in a community living center 76216
operated by the department of veterans affairs that the director 76217
of health determines is similar to a training and competency 76218
evaluation program conducted by the director under division (C) 76219
of section 3721.31 of the Revised Code; 76220

(b) A competency evaluation program conducted by the 76221
director of health under division (C) of section 3721.31 of the 76222
Revised Code. 76223

(B) In addition to the list of individuals required by 76224
division (A) of this section, the registry shall include both of 76225

the following: 76226

(1) The statement required by section 3721.23 of the Revised Code detailing findings by the director under that section regarding alleged abuse, neglect, or exploitation of a resident or misappropriation of resident property; 76227
76228
76229
76230

(2) Any statement provided by an individual under section 3721.23 of the Revised Code disputing the director's findings. 76231
76232

Whenever an inquiry is received as to the information contained in the registry concerning an individual about whom a statement required by section 3721.23 of the Revised Code is included in the registry, the director shall disclose the statement or a summary of the statement together with any statement provided by the individual under section 3721.23 or a clear and accurate summary of that statement. 76233
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(C) The director may by rule specify additional information that must be provided to the registry by long-term care facilities and persons or government agencies conducting approved training and competency evaluation programs. 76240
76241
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76243

(D) Information contained in the registry is a public record for the purposes of section 149.43 of the Revised Code, and is subject to inspection and copying under section 1347.08 of the Revised Code. 76244
76245
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76247

(E) An individual who is listed on the registry in good standing shall be referred to as a certified nurse aide. Only individuals listed on the registry shall use the designation "certified nurse aide" or "CNA." 76248
76249
76250
76251

Sec. 3727.46. (A) As used in this section: 76252

(1) "Facility fee" means the portion of a bill for health 76253

care treatment that covers all the costs of delivering patient 76254
care, except for those that are billed by one or more physicians 76255
and other professionals. 76256

(2) "Governmental health plan" means a plan established or 76257
maintained for its beneficiaries by the government of the United 76258
States, the government of any state or political subdivision 76259
thereof, or by any agency or instrumentality of the government 76260
of the United States or the government of any state or political 76261
subdivision thereof, including medicare and medicaid managed 76262
care organization plans. 76263

(3) "Hospital" means an institution or facility licensed 76264
under Chapter 3722. of the Revised Code. 76265

(4) "Physician" means an individual authorized under 76266
Chapter 4731. of the Revised Code to practice medicine and 76267
surgery, osteopathic medicine and surgery, or podiatric medicine 76268
and surgery. 76269

(5) "Primary care services" means professional 76270
comprehensive personal health services, which may include health 76271
education and disease prevention, treatment of uncomplicated 76272
health problems, diagnosis of chronic health problems, and 76273
management of health care services for an individual. "Primary 76274
care services" does not include imaging services or diagnostic 76275
testing performed in a primary care setting. 76276

(6) "Third-party payor" means an entity, excluding any 76277
governmental health plan, that is, by statute, contract, or 76278
agreement, legally responsible for payment of a claim for a 76279
health care service. 76280

(7) "Self-pay individual" means an individual who does not 76281
have benefits for a health care service under a health plan 76282

offered by a third-party payor or who does not seek to have a 76283
claim for that service submitted to the third-party payer for 76284
payment. 76285

(B) (1) Beginning January 1, 2028, and subject to division 76286
(B) (2) of this section, a medical practice specializing in 76287
primary care that is owned or operated by a hospital or hospital 76288
system shall not require a self-pay individual or third-party 76289
payor to pay a facility fee in connection with any primary care 76290
service provided to a patient at the practice. 76291

(2) The prohibition described in division (B) (1) of this 76292
section applies only if both of the following are the case: 76293

(a) The medical practice was owned or operated solely by a 76294
physician or group of physicians at the time of its purchase by 76295
the hospital or hospital system; 76296

(b) The hospital or hospital system purchased the medical 76297
practice after January 1, 2010. 76298

(C) This section shall not be construed to apply to a 76299
medical practice specializing in primary care that is 76300
established by a hospital or hospital system. 76301

Sec. 3728.01. As used in this chapter: 76302

(A) "Administer epinephrine" means to inject an individual 76303
with epinephrine using an autoinjector in a manufactured dosage 76304
form. 76305

(B) "Peace officer" has the same meaning as in section 76306
109.71 of the Revised Code and also includes a sheriff. 76307

(C) "Prescriber" means an individual who is authorized by 76308
law to prescribe drugs or dangerous drugs or drug therapy 76309
related devices in the course of the individual's professional 76310

practice, including only the following: 76311

(1) A clinical nurse specialist, certified nurse-midwife, 76312
or certified nurse practitioner who holds a certificate to 76313
prescribe issued under section 4723.48 of the Revised Code; 76314

(2) A physician authorized under Chapter 4731. of the 76315
Revised Code to practice medicine and surgery, osteopathic 76316
medicine and surgery, or podiatric medicine and surgery; 76317

(3) A physician assistant who is licensed under Chapter 76318
4730. of the Revised Code, holds a valid prescriber number 76319
issued by the state medical board, and has been granted 76320
physician-delegated prescriptive authority. 76321

(D) "Qualified entity" means either of the following: 76322

(1) Any public or private entity that is associated with a 76323
location where allergens capable of causing anaphylaxis may be 76324
present, including child care centers, colleges and 76325
universities, places of employment, restaurants, amusement 76326
parks, recreation camps, sports playing fields and arenas, and 76327
other similar locations, except that "qualified entity" does not 76328
include either of the following: 76329

(a) A chartered or nonchartered nonpublic school; 76330
community school; science, technology, engineering, and 76331
mathematics school; college-preparatory boarding school; or a 76332
school operated by the board of education of a city, local, 76333
exempted village, or joint vocational school district, as those 76334
entities are otherwise authorized to procure epinephrine 76335
autoinjectors pursuant to sections 3313.7110, 3313.7111, 76336
3314.143, 3326.28, or 3328.29 of the Revised Code; 76337

(b) A camp described in section ~~5101.76~~5180.26 of the 76338
Revised Code that is authorized to procure epinephrine 76339

autoinjectors pursuant to that section; 76340

(2) Either of the following served by a peace officer: a 76341
law enforcement agency or other entity described in division (A) 76342
of section 109.71 of the Revised Code. 76343

Sec. 3734.021. (A) Infectious wastes shall be segregated, 76344
managed, treated, and disposed of in accordance with rules 76345
adopted under this section. 76346

(B) The director of environmental protection, in 76347
accordance with Chapter 119. of the Revised Code, shall adopt 76348
rules necessary or appropriate to protect human health or safety 76349
or the environment that do both of the following: 76350

(1) Establish standards for generators of infectious 76351
wastes that include, without limitation, the following 76352
requirements and authorizations that: 76353

(a) All generators of infectious wastes: 76354

(i) Either treat all specimen cultures and cultures of 76355
viable infectious agents on the premises where they are 76356
generated to render them noninfectious by methods, techniques, 76357
or practices prescribed by rules adopted under division (B) (2) 76358
(a) of this section before they are transported off that 76359
premises for disposal or ensure that such wastes are treated to 76360
render them noninfectious at an infectious waste treatment 76361
facility off that premises prior to disposal of the wastes; 76362

(ii) Transport and dispose of infectious wastes, if a 76363
generator produces fewer than fifty pounds of infectious wastes 76364
during any one month that are subject to and packaged and 76365
labeled in accordance with federal requirements, in the same 76366
manner as solid wastes. Such generators who treat specimen 76367
cultures and cultures of viable infectious agents on the 76368

premises where they are generated shall not be considered 76369
treatment facilities as "treatment" and "facility" are defined 76370
in section 3734.01 of the Revised Code. 76371

(iii) Dispose of infectious wastes subject to and treated 76372
in accordance with rules adopted under division (B) (1) (a) (i) of 76373
this section in the same manner as solid wastes; 76374

(iv) May take wastes generated in providing care to a 76375
patient by an emergency medical services organization, as 76376
defined in section 4765.01 of the Revised Code, to and leave 76377
them at a hospital, as defined in section 3727.01 of the Revised 76378
Code, for treatment at a treatment facility owned or operated by 76379
the hospital or, in conjunction with infectious wastes generated 76380
by the hospital, at another treatment facility regardless of 76381
whether the wastes were generated in providing care to the 76382
patient at the scene of an emergency or during the 76383
transportation of the patient to a hospital; 76384

(v) May take wastes generated by an individual for 76385
purposes of the individual's own care or treatment to and leave 76386
them at a hospital, as defined in section 3727.01 of the Revised 76387
Code, for treatment at a treatment facility owned or operated by 76388
the hospital or, in conjunction with infectious wastes generated 76389
by the hospital, at another treatment facility. 76390

(b) Each generator of fifty pounds or more of infectious 76391
wastes during any one month: 76392

(i) Register with the environmental protection agency as a 76393
generator of infectious wastes and obtain a registration 76394
certificate. ~~The fee for issuance of a generator registration-~~ 76395
~~certificate is one hundred forty dollars payable at the time of-~~ 76396
~~application.~~ The registration certificate applies to all the 76397

premises owned or operated by the generator in this state where 76398
infectious wastes are generated and shall list the address of 76399
each such premises. If a generator owns or operates facilities 76400
for the treatment of infectious wastes it generates, the 76401
certificate shall list the address and method of treatment used 76402
at each such facility. 76403

A generator registration certificate is valid for three 76404
years from the date of issuance and shall be renewed for a term 76405
of three years upon the generator's submission of an application 76406
for renewal ~~and payment of a one hundred forty dollar renewal~~ 76407
~~fee.~~ 76408

The rules may establish a system of staggered renewal 76409
dates with approximately one-third of such certificates subject 76410
to renewal each year. The applicable renewal date shall be 76411
prescribed on each registration certificate. ~~Registration fees~~ 76412
~~shall be prorated according to the time remaining in the~~ 76413
~~registration cycle to the nearest year.~~ 76414

~~The registration and renewal fees collected under division~~ 76415
~~(B) (1) (b) (i) of this section shall be deposited in the state~~ 76416
~~treasury to the credit of the waste management fund created in~~ 76417
~~section 3734.061 of the Revised Code.~~ 76418

(ii) Segregate infectious wastes from other wastes at the 76419
point of generation. Nothing in this section and rules adopted 76420
under it prohibits a generator of infectious wastes from 76421
designating and managing any wastes, in addition to those 76422
defined as infectious wastes under section 3734.01 of the 76423
Revised Code, as infectious wastes. After designating any such 76424
other wastes as infectious, the generator shall manage those 76425
wastes in compliance with the requirements of this chapter and 76426
rules adopted under it applicable to the management of 76427

infectious wastes. 76428

(iii) Either treat the infectious wastes that it generates 76429
at a facility owned or operated by the generator by methods, 76430
techniques, or practices prescribed by rules adopted under 76431
division (B) (2) (a) of this section to render them noninfectious, 76432
or designate the wastes for treatment off that premises at an 76433
infectious waste treatment facility holding a license issued 76434
under division (B) of section 3734.05 of the Revised Code, at an 76435
infectious waste treatment facility that is located in another 76436
state that is in compliance with applicable state and federal 76437
laws, or at a treatment facility authorized by rules adopted 76438
under division (B) (2) (d) of this section, prior to disposal of 76439
the wastes. After being treated to render them noninfectious, 76440
the wastes shall be disposed of at a solid waste disposal 76441
facility holding a license issued under division (A) of section 76442
3734.05 of the Revised Code or at a disposal facility in another 76443
state that is in compliance with applicable state and federal 76444
laws. 76445

(iv) Not compact or grind any type of infectious wastes 76446
prior to treatment in accordance with rules adopted under 76447
division (B) (2) (a) of this section; 76448

(v) May discharge untreated liquid or semiliquid 76449
infectious wastes consisting of blood, blood products, body 76450
fluids, and excreta into a disposal system, as defined in 76451
section 6111.01 of the Revised Code, unless the discharge of 76452
those wastes into a disposal system is inconsistent with the 76453
terms and conditions of the permit for the system issued under 76454
Chapter 6111. of the Revised Code; 76455

(vi) May transport or cause to be transported infectious 76456
wastes that have been treated to render them noninfectious in 76457

the same manner as solid wastes are transported. 76458

(2) Establish standards for owners and operators of 76459
infectious waste treatment facilities that include, without 76460
limitation, the following requirements and authorizations that: 76461

(a) Require treatment of all wastes received to be 76462
performed in accordance with methods, techniques, and practices 76463
approved by the director; 76464

(b) Govern the location, design, construction, and 76465
operation of infectious waste treatment facilities. The rules 76466
adopted under division (B) (2) (b) of this section shall require 76467
that a new infectious waste incineration facility be located so 76468
that the incinerator unit and all areas where infectious wastes 76469
are handled on the premises where the facility is proposed to be 76470
located are at least three hundred feet inside the property line 76471
of the tract of land on which the facility is proposed to be 76472
located and are at least one thousand feet from any domicile, 76473
school, prison, or jail that is in existence on the date on 76474
which the application for the permit to establish the 76475
incinerator is submitted under division (B) (2) (b) of section 76476
3734.05 of the Revised Code. 76477

(c) Establish quality control and testing procedures to 76478
ensure compliance with the rules adopted under division (B) (2) 76479
(b) of this section; 76480

(d) Authorize infectious wastes to be treated at a 76481
facility that holds a license or renewal of a license to operate 76482
a crematory facility issued under Chapter 4717., and a permit 76483
issued under Chapter 3704., of the Revised Code to the extent 76484
that the treatment of those wastes is consistent with that 76485
permit and its terms and conditions. The rules adopted under 76486

divisions (B) (2) (b) and (c) of this section do not apply to a 76487
facility holding such a license and permit. 76488

In adopting the rules required by divisions (B) (2) (a) to 76489
(d) of this section, the director shall consider and, to the 76490
maximum feasible extent, utilize existing standards and 76491
guidelines established by professional and governmental 76492
organizations having expertise in the fields of infection 76493
control and infectious wastes management. 76494

(e) Require shipping papers to accompany shipments of 76495
wastes that have been treated to render them noninfectious. The 76496
shipping papers shall include only the following elements: 76497

(i) The name of the owner or operator of the facility 76498
where the wastes were treated and the address of the treatment 76499
facility; 76500

(ii) A certification by the owner or operator of the 76501
treatment facility where the wastes were treated indicating that 76502
the wastes have been treated by the methods, techniques, and 76503
practices prescribed in rules adopted under division (B) (2) (a) 76504
of this section. 76505

(C) This section and rules adopted under it do not apply 76506
to the treatment or disposal of wastes consisting of dead 76507
animals or parts thereof, or the blood of animals: 76508

(1) By the owner of the animal after slaughter by the 76509
owner on the owner's premises to obtain meat for consumption by 76510
the owner and the members of the owner's household; 76511

(2) In accordance with Chapter 941. of the Revised Code; 76512
or 76513

(3) By persons who are subject to any of the following: 76514

(a) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 76515
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(b) Chapter 918. of the Revised Code; 76517

(c) Chapter 953. of the Revised Code. 76518

(D) As used in this section, "generator" means a person who produces infectious wastes at a specific premises. 76519
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(E) Rules adopted under this section shall not concern or relate to personnel policies, salaries, wages, fringe benefits, or other conditions of employment of employees of persons owning or operating infectious waste treatment facilities. 76521
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(F) (1) The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules governing the issuance, modification, revocation, suspension, and denial of variances from the rules adopted under division (B) of this section. Variances shall be issued, modified, revoked, suspended, or denied in accordance with division (F) of this section, rules adopted under it, and Chapter 3745. of the Revised Code. 76525
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(2) A person who desires to obtain a variance or renew a variance from the rules adopted under division (B) of this section shall submit to the director an application as prescribed by the director. The application shall contain detail plans, specifications, and information regarding objectives, procedures, controls, and any other information that the director may require. The director shall issue, renew, or deny a variance or renewal of a variance within six months of the date on which the director receives a complete application with all required information and data. 76532
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(3) The director may hold a public hearing on an application submitted under division (F) of this section for a 76542
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variance at a location in the county in which the operations 76544
that are the subject of the application for a variance or 76545
renewal of variance are conducted. Not less than twenty days 76546
before the hearing, the director shall provide to the applicant 76547
notice of the hearing by certified mail or by another type of 76548
mail that is accompanied by a receipt and shall publish notice 76549
of the hearing at least one time in a newspaper of general 76550
circulation in the county in which the hearing is to be held or 76551
may instead provide public notice by publication on the 76552
environmental protection agency's web site. The director shall 76553
make a complete stenographic record or electronic record of 76554
testimony and other evidence submitted at the hearing. Not later 76555
than ten days after the hearing, the director shall make a 76556
written determination to issue, renew, or deny the variance and 76557
shall enter the determination and the basis for it into the 76558
record of the hearing. 76559

(4) A variance shall not be issued, modified, revoked, or 76560
denied under division (F) of this section until the director has 76561
considered the relative interests of the applicant, other 76562
persons and property that will be affected by the variance, and 76563
the general public. The director shall grant a variance only if 76564
the applicant demonstrates to the director's satisfaction that 76565
the requested action will not create a nuisance or a hazard to 76566
the health or safety of the public or to the environment. In 76567
granting a variance, the director shall state the specific 76568
provision or provisions whose terms are to be varied and also 76569
shall state specific terms or conditions imposed on the 76570
applicant in place of the provision or provisions. 76571

(5) A variance granted under division (F) of this section 76572
shall be for a period specified by the director and may be 76573
renewed from time to time on terms and for periods that the 76574

director determines to be appropriate. The director may order 76575
the person to whom a variance has been issued to take action 76576
within the time that the director determines to be appropriate 76577
and reasonable to prevent the creation of a nuisance or a hazard 76578
to the health or safety of the public or to the environment. 76579

(6) An application submitted under division (F) of this 76580
section shall not be denied and a variance shall not be revoked 76581
or modified under that division without a written order of the 76582
director stating the findings on which the denial, revocation, 76583
or modification is based. A copy of the order shall be sent to 76584
the applicant or holder of a variance by certified mail or by 76585
another type of mail that is accompanied by a receipt. 76586

(7) The director shall make available for public 76587
inspection at the principal office of the environmental 76588
protection agency a current list of pending applications for 76589
variances submitted under division (F) of this section and a 76590
current schedule of pending variance hearings under it. 76591

Sec. 3734.05. (A) (1) Except as provided in divisions (A) 76592
(6) and (7) of this section, no person shall operate or maintain 76593
a solid waste facility without a license issued under this 76594
division by the board of health of the health district in which 76595
the facility is located or by the director of environmental 76596
protection when the health district in which the facility is 76597
located is not on the approved list under section 3734.08 of the 76598
Revised Code. 76599

During the month of December, but before the first day of 76600
January of the next year, every person proposing to continue to 76601
operate an existing solid waste facility shall procure a license 76602
under this division to operate the facility for that year from 76603
the board of health of the health district in which the facility 76604

is located or, if the health district is not on the approved 76605
list under section 3734.08 of the Revised Code, from the 76606
director. The application for such a license shall be submitted 76607
to the board of health or to the director, as appropriate, on or 76608
before the last day of September of the year preceding that for 76609
which the license is sought. In addition to the application fee 76610
prescribed in division (A) (2) of this section, a person who 76611
submits an application after that date shall pay an additional 76612
ten per cent of the amount of the application fee for each week 76613
that the application is late. Late payment fees accompanying an 76614
application submitted to the board of health shall be credited 76615
to the special fund of the health district created in division 76616
(B) of section 3734.06 of the Revised Code, and late payment 76617
fees accompanying an application submitted to the director shall 76618
be credited to the general revenue fund. A person who has 76619
received a license, upon sale or disposition of a solid waste 76620
facility, and upon consent of the board of health and the 76621
director, may have the license transferred to another person. 76622
The board of health or the director may include such terms and 76623
conditions in a license or revision to a license as are 76624
appropriate to ensure compliance with this chapter and rules 76625
adopted under it. The terms and conditions may establish the 76626
authorized maximum daily waste receipts for the facility. 76627
Limitations on maximum daily waste receipts shall be specified 76628
in cubic yards of volume for the purpose of regulating the 76629
design, construction, and operation of solid waste facilities. 76630
Terms and conditions included in a license or revision to a 76631
license by a board of health shall be consistent with, and 76632
pertain only to the subjects addressed in, the rules adopted 76633
under division (A) of section 3734.02 and division (D) of 76634
section 3734.12 of the Revised Code. 76635

(2) (a) Except as provided in divisions (A) (2) (b), (6), and 76636
(7) of this section, each person proposing to open a new solid 76637
waste facility or to modify an existing solid waste facility 76638
shall submit an application for a permit with accompanying 76639
detail plans and specifications to the environmental protection 76640
agency for required approval under the rules adopted by the 76641
director pursuant to division (A) of section 3734.02 of the 76642
Revised Code and applicable rules adopted under division (D) of 76643
section 3734.12 of the Revised Code at least two hundred seventy 76644
days before proposed operation of the facility and shall 76645
concurrently make application for the issuance of a license 76646
under division (A) (1) of this section with the board of health 76647
of the health district in which the proposed facility is to be 76648
located. 76649

(b) On and after the effective date of the rules adopted 76650
under division (A) of section 3734.02 of the Revised Code and 76651
division (D) of section 3734.12 of the Revised Code governing 76652
solid waste transfer facilities, each person proposing to open a 76653
new solid waste transfer facility or to modify an existing solid 76654
waste transfer facility shall submit an application for a permit 76655
with accompanying engineering detail plans, specifications, and 76656
information regarding the facility and its method of operation 76657
to the environmental protection agency for required approval 76658
under those rules at least two hundred seventy days before 76659
commencing proposed operation of the facility and concurrently 76660
shall make application for the issuance of a license under 76661
division (A) (1) of this section with the board of health of the 76662
health district in which the facility is located or proposed. 76663

(c) Each application for a permit under division (A) (2) (a) 76664
or (b) of this section shall be accompanied by a nonrefundable 76665
application fee of four hundred dollars that shall be credited 76666

to the general revenue fund. Each application for an annual license under division (A) (1) or (2) of this section shall be accompanied by a nonrefundable application fee of one hundred dollars. If the application for an annual license is submitted to a board of health on the approved list under section 3734.08 of the Revised Code, the application fee shall be credited to the special fund of the health district created in division (B) of section 3734.06 of the Revised Code. If the application for an annual license is submitted to the director, the application fee shall be credited to the general revenue fund. If a permit or license is issued, the amount of the application fee paid shall be deducted from the amount of the permit fee due under division ~~(Q)~~(P) of section 3745.11 of the Revised Code or the amount of the license fee due under division (A) (1), (2), (3), (4), or (5) of section 3734.06 of the Revised Code.

(d) As used in divisions (A) (2) (d), (e), and (f) of this section, "modify" means any of the following:

(i) Any increase of more than ten per cent in the total capacity of a solid waste facility;

(ii) Any expansion of the limits of solid waste placement at a solid waste facility;

(iii) Any increase in the depth of excavation at a solid waste facility;

(iv) Any change in the technique of waste receipt or type of waste received at a solid waste facility that may endanger human health, as determined by the director by rules adopted in accordance with Chapter 119. of the Revised Code.

Not later than forty-five days after submitting an application under division (A) (2) (a) or (b) of this section for

a permit to open a new or modify an existing solid waste 76696
facility, the applicant, in conjunction with an officer or 76697
employee of the environmental protection agency, shall hold a 76698
public meeting on the application within the county in which the 76699
new or modified solid waste facility is or is proposed to be 76700
located or within a contiguous county. ~~Not~~ 76701

Not less than thirty days before holding the public 76702
meeting on the application, the applicant shall publish notice 76703
of the meeting in each newspaper of general circulation that is 76704
published in the county in which the facility is or is proposed 76705
to be located. If no newspaper of general circulation is 76706
published in the county, the applicant shall publish the notice 76707
in a newspaper of general circulation in the county. The notice 76708
shall contain the date, time, and location of the public meeting 76709
and a general description of the proposed new or modified 76710
facility. ~~Not~~ 76711

Not later than five days after publishing the notice, the 76712
applicant shall send by certified mail a copy of the notice and 76713
the date the notice was published to the director and the 76714
legislative authority of each municipal corporation, township, 76715
and county, and to the chief executive officer of each municipal 76716
corporation, in which the facility is or is proposed to be 76717
located. ~~At~~ 76718

At the public meeting, the applicant shall provide 76719
information and describe the application and respond to comments 76720
or questions concerning the application, and the officer or 76721
employee of the agency shall describe the permit application 76722
process. At the public meeting, any person may submit written or 76723
oral comments on or objections to the application. ~~Not~~ 76724

Not more than thirty days after the public meeting, the 76725

applicant shall provide the director with a copy of a transcript 76726
of the full meeting, copies of any exhibits, displays, or other 76727
materials presented by the applicant at the meeting, and the 76728
original copy of any written comments submitted at the meeting. 76729

(e) Except as provided in division (A) (2) (f) of this 76730
section, prior to taking an action, other than a proposed or 76731
final denial, upon an application submitted under division (A) 76732
(2) (a) of this section for a permit to open a new or modify an 76733
existing solid waste facility, the director shall hold a public 76734
information session and a public hearing on the application 76735
within the county in which the new or modified solid waste 76736
facility is or is proposed to be located or within a contiguous 76737
county. If the application is for a permit to open a new solid 76738
waste facility, the director shall hold the hearing not less 76739
than fourteen days after the information session. If the 76740
application is for a permit to modify an existing solid waste 76741
facility, the director may hold both the information session and 76742
the hearing on the same day unless any individual affected by 76743
the application requests in writing that the information session 76744
and the hearing not be held on the same day, in which case the 76745
director shall hold the hearing not less than fourteen days 76746
after the information session. The director shall publish notice 76747
of the public information session or public hearing not less 76748
than thirty days before holding the information session or 76749
hearing, as applicable. The notice shall be published in each 76750
newspaper of general circulation that is published in the county 76751
in which the facility is or is proposed to be located. ~~If no~~ 76752
~~newspaper of general circulation is published in the county, the~~ 76753
~~director shall publish the notice in a newspaper of general~~ 76754
~~circulation in the county or by publication on the environmental~~ 76755
protection agency's official web site. The notice shall contain 76756

the date, time, and location of the information session or 76757
hearing, as applicable, and a general description of the 76758
proposed new or modified facility. At the public information 76759
session, an officer or employee of the environmental protection 76760
agency shall describe the status of the permit application and 76761
be available to respond to comments or questions concerning the 76762
application. At the public hearing, any person may submit 76763
written or oral comments on or objections to the approval of the 76764
application. The applicant, or a representative of the applicant 76765
who has knowledge of the location, construction, and operation 76766
of the facility, shall attend the information session and public 76767
hearing to respond to comments or questions concerning the 76768
facility directed to the applicant or representative by the 76769
officer or employee of the environmental protection agency 76770
presiding at the information session and hearing. 76771

(f) The solid waste management policy committee of a 76772
county or joint solid waste management district may adopt a 76773
resolution requesting expeditious consideration of a specific 76774
application submitted under division (A) (2) (a) of this section 76775
for a permit to modify an existing solid waste facility within 76776
the district. The resolution shall make the finding that 76777
expedited consideration of the application without the public 76778
information session and public hearing under division (A) (2) (e) 76779
of this section is in the public interest and will not endanger 76780
human health, as determined by the director by rules adopted in 76781
accordance with Chapter 119. of the Revised Code. Upon receiving 76782
such a resolution, the director, at the director's discretion, 76783
may issue a final action upon the application without holding a 76784
public information session or public hearing pursuant to 76785
division (A) (2) (e) of this section. 76786

(3) The director may issue an order in accordance with 76787

Chapter 3745. of the Revised Code to the owner or operator of a 76788
solid waste facility requiring the person to submit to the 76789
director updated engineering detail plans, specifications, and 76790
information regarding the facility and its method of operation 76791
for approval under rules adopted under division (A) of section 76792
3734.02 of the Revised Code and applicable rules adopted under 76793
division (D) of section 3734.12 of the Revised Code if, in the 76794
director's judgment, conditions at the facility constitute a 76795
substantial threat to public health or safety or are causing or 76796
contributing to or threatening to cause or contribute to air or 76797
water pollution or soil contamination. Any person who receives 76798
such an order shall submit the updated engineering detail plans, 76799
specifications, and information to the director within one 76800
hundred eighty days after the effective date of the order. 76801

(4) The director shall act upon any updated engineering 76802
plans, specifications, and information submitted under division 76803
(A) (3) of this section within one hundred eighty days after 76804
receiving them. If the director issues an order disapproving the 76805
plans, specifications, and information submitted under division 76806
(A) (3) of this section, the order shall include all of the 76807
following requirements: 76808

(a) That the owner or operator submit a plan for closure 76809
and post-closure care of the facility to the director for 76810
approval within six months after issuance of the order; 76811

(b) That the owner or operator cease accepting solid 76812
wastes for disposal or transfer at the facility; and 76813

(c) The owner or operator commence closure of the facility 76814
not later than one year after issuance of the order. 76815

If the director determines that closure of the facility 76816

within that one-year period would result in the unavailability 76817
of sufficient solid waste management facility capacity within 76818
the county or joint solid waste management district in which the 76819
facility is located to dispose of or transfer the solid waste 76820
generated within the district, the director in the order of 76821
disapproval may postpone commencement of closure of the facility 76822
for such period of time as the director finds necessary for the 76823
board of county commissioners or directors of the district to 76824
secure access to or for there to be constructed within the 76825
district sufficient solid waste management facility capacity to 76826
meet the needs of the district, provided that the director shall 76827
certify in the director's order that postponing the date for 76828
commencement of closure will not endanger ground water or any 76829
property surrounding the facility, allow methane gas migration 76830
to occur, or cause or contribute to any other type of 76831
environmental damage. 76832

If an emergency need for disposal capacity that may affect 76833
public health and safety exists as a result of closure of a 76834
facility under division (A)(4) of this section, the director may 76835
issue an order designating another solid waste facility to 76836
accept the wastes that would have been disposed of at the 76837
facility to be closed. 76838

(5) If the director determines that standards more 76839
stringent than those applicable in rules adopted under division 76840
(A) of section 3734.02 of the Revised Code and division (D) of 76841
section 3734.12 of the Revised Code, or standards pertaining to 76842
subjects not specifically addressed by those rules, are 76843
necessary to ensure that a solid waste facility constructed at 76844
the proposed location will not cause a nuisance, cause or 76845
contribute to water pollution, or endanger public health or 76846
safety, the director may issue a permit for the facility with 76847

such terms and conditions as the director finds necessary to 76848
protect public health and safety and the environment. If a 76849
permit is issued, the director shall state in the order issuing 76850
it the specific findings supporting each such term or condition. 76851

(6) Divisions (A) (1) and (2) (a) of this section do not 76852
apply to a solid waste compost facility that accepts exclusively 76853
source separated yard wastes and that is registered under 76854
division (C) of section 3734.02 of the Revised Code or, unless 76855
otherwise provided in rules adopted under division (N) (3) of 76856
section 3734.02 of the Revised Code, to a solid waste compost 76857
facility if the director has adopted rules establishing an 76858
alternative system for authorizing the establishment, operation, 76859
or modification of a solid waste compost facility under that 76860
division. 76861

(7) Divisions (A) (1) to (5) of this section do not apply 76862
to scrap tire collection, storage, monocell, monofill, and 76863
recovery facilities. The approval of plans and specifications, 76864
as applicable, and the issuance of registration certificates, 76865
permits, and licenses for those facilities are subject to 76866
sections 3734.75 to 3734.78 of the Revised Code, as applicable, 76867
and section 3734.81 of the Revised Code. 76868

(B) (1) No person shall operate or maintain an infectious 76869
waste treatment facility without a license issued by the board 76870
of health of the health district in which the facility is 76871
located or by the director when the health district in which the 76872
facility is located is not on the approved list under section 76873
3734.08 of the Revised Code. 76874

(2) (a) During the month of December, but before the first 76875
day of January of the next year, every person proposing to 76876
continue to operate an existing infectious waste treatment 76877

facility shall procure a license to operate the facility for 76878
that year from the board of health of the health district in 76879
which the facility is located or, if the health district is not 76880
on the approved list under section 3734.08 of the Revised Code, 76881
from the director. The application for such a license shall be 76882
submitted to the board of health or to the director, as 76883
appropriate, on or before the last day of September of the year 76884
preceding that for which the license is sought. In addition to 76885
the application fee prescribed in division (B) (2) (c) of this 76886
section, a person who submits an application after that date 76887
shall pay an additional ten per cent of the amount of the 76888
application fee for each week that the application is late. Late 76889
payment fees accompanying an application submitted to the board 76890
of health shall be credited to the special infectious waste fund 76891
of the health district created in division (C) of section 76892
3734.06 of the Revised Code, and late payment fees accompanying 76893
an application submitted to the director shall be credited to 76894
the general revenue fund. A person who has received a license, 76895
upon sale or disposition of an infectious waste treatment 76896
facility and upon consent of the board of health and the 76897
director, may have the license transferred to another person. 76898
The board of health or the director may include such terms and 76899
conditions in a license or revision to a license as are 76900
appropriate to ensure compliance with the infectious waste 76901
provisions of this chapter and rules adopted under them. 76902

(b) Each person proposing to open a new infectious waste 76903
treatment facility or to modify an existing infectious waste 76904
treatment facility shall submit an application for a permit with 76905
accompanying detail plans and specifications to the 76906
environmental protection agency for required approval under the 76907
rules adopted by the director pursuant to section 3734.021 of 76908

the Revised Code two hundred seventy days before proposed 76909
operation of the facility and concurrently shall make 76910
application for a license with the board of health of the health 76911
district in which the facility is or is proposed to be located. 76912
Not later than ninety days after receiving a complete 76913
application under division (B) (2) (b) of this section for a 76914
permit to open a new infectious waste treatment facility or 76915
modify an existing infectious waste treatment facility to expand 76916
its treatment capacity, or receiving a complete application 76917
under division (A) (2) (a) of this section for a permit to open a 76918
new solid waste incineration facility, or modify an existing 76919
solid waste incineration facility to also treat infectious 76920
wastes or to increase its infectious waste treatment capacity, 76921
that pertains to a facility for which a notation authorizing 76922
infectious waste treatment is included or proposed to be 76923
included in the solid waste incineration facility's license 76924
pursuant to division (B) (3) of this section, the director shall 76925
hold a public hearing on the application within the county in 76926
which the new or modified infectious waste or solid waste 76927
facility is or is proposed to be located or within a contiguous 76928
county. Not less than thirty days before holding the public 76929
hearing on the application, the director shall publish notice of 76930
the hearing in each newspaper that has general circulation and 76931
that is published in the county in which the facility is or is 76932
proposed to be located. ~~If there is no newspaper that has~~ 76933
~~general circulation and that is published in the county, the~~ 76934
~~director shall publish the notice in a newspaper of general~~ 76935
~~circulation in the county~~ or by publication on the environmental 76936
protection agency's official web site. The notice shall contain 76937
the date, time, and location of the public hearing and a general 76938
description of the proposed new or modified facility. At the 76939
public hearing, any person may submit written or oral comments 76940

on or objections to the approval or disapproval of the 76941
application. The applicant, or a representative of the applicant 76942
who has knowledge of the location, construction, and operation 76943
of the facility, shall attend the public hearing to respond to 76944
comments or questions concerning the facility directed to the 76945
applicant or representative by the officer or employee of the 76946
environmental protection agency presiding at the hearing. 76947

(c) Each application for a permit under division (B) (2) (b) 76948
of this section shall be accompanied by a nonrefundable 76949
application fee of four hundred dollars that shall be credited 76950
to the general revenue fund. Each application for an annual 76951
license under division (B) (2) (a) of this section shall be 76952
accompanied by a nonrefundable application fee of one hundred 76953
dollars. If the application for an annual license is submitted 76954
to a board of health on the approved list under section 3734.08 76955
of the Revised Code, the application fee shall be credited to 76956
the special infectious waste fund of the health district created 76957
in division (C) of section 3734.06 of the Revised Code. If the 76958
application for an annual license is submitted to the director, 76959
the application fee shall be credited to the general revenue 76960
fund. If a permit or license is issued, the amount of the 76961
application fee paid shall be deducted from the amount of the 76962
permit fee due under division ~~(Q)~~ (P) of section 3745.11 of the 76963
Revised Code or the amount of the license fee due under division 76964
(C) of section 3734.06 of the Revised Code. 76965

(d) The director may issue an order in accordance with 76966
Chapter 3745. of the Revised Code to the owner or operator of an 76967
infectious waste treatment facility requiring the person to 76968
submit to the director updated engineering detail plans, 76969
specifications, and information regarding the facility and its 76970
method of operation for approval under rules adopted under 76971

section 3734.021 of the Revised Code if, in the director's 76972
judgment, conditions at the facility constitute a substantial 76973
threat to public health or safety or are causing or contributing 76974
to or threatening to cause or contribute to air or water 76975
pollution or soil contamination. Any person who receives such an 76976
order shall submit the updated engineering detail plans, 76977
specifications, and information to the director within one 76978
hundred eighty days after the effective date of the order. 76979

(e) The director shall act on any updated engineering 76980
plans, specifications, and information submitted under division 76981
(B) (2) (d) of this section within one hundred eighty days after 76982
receiving them. If the director disapproves any such updated 76983
engineering plans, specifications, and information, the director 76984
shall include in the order disapproving the plans the 76985
requirement that the owner or operator cease accepting 76986
infectious wastes for treatment at the facility. 76987

(3) Division (B) of this section does not apply to a 76988
generator of infectious wastes that meets any of the following 76989
conditions: 76990

(a) Treats, by methods, techniques, and practices 76991
established by rules adopted under division (B) (2) (a) of section 76992
3734.021 of the Revised Code, any of the following wastes: 76993

(i) Infectious wastes that are generated on any premises 76994
that are owned or operated by the generator; 76995

(ii) Infectious wastes that are generated by a generator 76996
who has staff privileges at a hospital as defined in section 76997
3727.01 of the Revised Code; 76998

(iii) Infectious wastes that are generated in providing 76999
care to a patient by an emergency medical services organization 77000

as defined in section 4765.01 of the Revised Code. 77001

(b) Holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717. and a permit issued under Chapter 3704. of the Revised Code; 77002
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(c) Treats or disposes of dead animals or parts thereof, or the blood of animals, and is subject to any of the following: 77005
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(i) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 77007
77008

(ii) Chapter 918. of the Revised Code; 77009

(iii) Chapter 953. of the Revised Code. 77010

Nothing in division (B) of this section requires a facility that holds a license issued under division (A) of this section as a solid waste facility and that also treats infectious wastes by the same method, technique, or process to obtain a license under division (B) of this section as an infectious waste treatment facility. However, the solid waste facility license for the facility shall include the notation that the facility also treats infectious wastes. 77011
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The director shall not issue a permit to open a new solid waste incineration facility unless the proposed facility complies with the requirements for the location of new infectious waste incineration facilities established in rules adopted under division (B) (2) (b) of section 3734.021 of the Revised Code. 77019
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(C) Except for a facility or activity described in division (E) (3) of section 3734.02 of the Revised Code, a person who proposes to establish or operate a hazardous waste facility shall submit a complete application for a hazardous waste 77025
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facility installation and operation permit and accompanying 77029
detail plans, specifications, and such information as the 77030
director may require to the environmental protection agency at 77031
least one hundred eighty days before the proposed beginning of 77032
operation of the facility. The applicant shall notify by 77033
certified mail the legislative authority of each municipal 77034
corporation, township, and county in which the facility is 77035
proposed to be located of the submission of the application 77036
within ten days after the submission or at such earlier time as 77037
the director may establish by rule. If the application is for a 77038
proposed new hazardous waste disposal or thermal treatment 77039
facility, the applicant also shall give actual notice of the 77040
general design and purpose of the facility to the legislative 77041
authority of each municipal corporation, township, and county in 77042
which the facility is proposed to be located at least ninety 77043
days before the permit application is submitted to the 77044
environmental protection agency. 77045

In accordance with rules adopted under section 3734.12 of 77046
the Revised Code, prior to the submission of a complete 77047
application for a hazardous waste facility installation and 77048
operation permit, the applicant shall hold at least one meeting 77049
in the township or municipal corporation in which the facility 77050
is proposed to be located, whichever is geographically closer to 77051
the proposed location of the facility. The meeting shall be open 77052
to the public and shall be held to inform the community of the 77053
proposed hazardous waste management activities and to solicit 77054
questions from the community concerning the activities. 77055

(D) (1) Except as provided in section 3734.123 of the 77056
Revised Code, upon receipt of a complete application for a 77057
hazardous waste facility installation and operation permit under 77058
division (C) of this section, the director shall consider the 77059

application and accompanying information to determine whether 77060
the application complies with agency rules and the requirements 77061
of division (D) (2) of this section. After making a 77062
determination, the director shall issue either a draft permit or 77063
a notice of intent to deny the permit. The director, in 77064
accordance with rules adopted under section 3734.12 of the 77065
Revised Code or with rules adopted to implement Chapter 3745. of 77066
the Revised Code, shall provide public notice of the application 77067
and the draft permit or the notice of intent to deny the permit, 77068
provide an opportunity for public comments, and, if significant 77069
interest is shown, schedule a public meeting in the county in 77070
which the facility is proposed to be located and give public 77071
notice of the date, time, and location of the public meeting in 77072
a newspaper of general circulation in that county. 77073

(2) The director shall not approve an application for a 77074
hazardous waste facility installation and operation permit or an 77075
application for a modification under division (I) (3) of this 77076
section unless the director finds and determines as follows: 77077

(a) The nature and volume of the waste to be treated, 77078
stored, or disposed of at the facility; 77079

(b) That the facility complies with the director's 77080
hazardous waste standards adopted pursuant to section 3734.12 of 77081
the Revised Code; 77082

(c) That the facility represents the minimum adverse 77083
environmental impact, considering the state of available 77084
technology and the nature and economics of various alternatives, 77085
and other pertinent considerations; 77086

(d) That the facility represents the minimum risk of all 77087
of the following: 77088

(i) Fires or explosions from treatment, storage, or disposal methods;	77089 77090
(ii) Release of hazardous waste during transportation of hazardous waste to or from the facility;	77091 77092
(iii) Adverse impact on the public health and safety.	77093
(e) That the facility will comply with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them;	77094 77095 77096
(f) That if the owner of the facility, the operator of the facility, or any other person in a position with the facility from which the person may influence the installation and operation of the facility has been involved in any prior activity involving transportation, treatment, storage, or disposal of hazardous waste, that person has a history of compliance with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them, the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and all regulations adopted under it, and similar laws and rules of other states if any such prior operation was located in another state that demonstrates sufficient reliability, expertise, and competency to operate a hazardous waste facility under the applicable provisions of this chapter and Chapters 3704. and 6111. of the Revised Code, the applicable rules and standards adopted under them, and terms and conditions of a hazardous waste facility installation and operation permit, given the potential for harm to the public health and safety and the environment that could result from the irresponsible operation of the facility. For off-site facilities, as defined in section 3734.41 of the Revised Code, the director may use the investigative reports of the attorney	77097 77098 77099 77100 77101 77102 77103 77104 77105 77106 77107 77108 77109 77110 77111 77112 77113 77114 77115 77116 77117 77118

general prepared pursuant to section 3734.42 of the Revised Code 77119
as a basis for making a finding and determination under division 77120
(D) (2) (f) of this section. 77121

(g) That the active areas within a new hazardous waste 77122
facility where acute hazardous waste as listed in 40 C.F.R. 77123
261.33 (e), as amended, or organic waste that is toxic and is 77124
listed under 40 C.F.R. 261, as amended, is being stored, 77125
treated, or disposed of and where the aggregate of the storage 77126
design capacity and the disposal design capacity of all 77127
hazardous waste in those areas is greater than two hundred fifty 77128
thousand gallons, are not located or operated within any of the 77129
following: 77130

(i) Two thousand feet of any residence, school, hospital, 77131
jail, or prison; 77132

(ii) Any naturally occurring wetland; 77133

(iii) Any flood hazard area if the applicant cannot show 77134
that the facility will be designed, constructed, operated, and 77135
maintained to prevent washout by a one-hundred-year flood. 77136

Division (D) (2) (g) of this section does not apply to the 77137
facility of any applicant who demonstrates to the director that 77138
the limitations specified in that division are not necessary 77139
because of the nature or volume of the waste and the manner of 77140
management applied, the facility will impose no substantial 77141
danger to the health and safety of persons occupying the 77142
structures listed in division (D) (2) (g) (i) of this section, and 77143
the facility is to be located or operated in an area where the 77144
proposed hazardous waste activities will not be incompatible 77145
with existing land uses in the area. 77146

(h) That the facility will not be located within the 77147

boundaries of a state park established or dedicated under 77148
Chapter 1546. of the Revised Code, a state park purchase area 77149
established under section 1546.06 of the Revised Code, any unit 77150
of the national park system, or any property that lies within 77151
the boundaries of a national park or recreation area, but that 77152
has not been acquired or is not administered by the secretary of 77153
the United States department of the interior, located in this 77154
state, or any candidate area located in this state identified 77155
for potential inclusion in the national park system in the 77156
edition of the "national park system plan" submitted under 77157
paragraph (b) of section 8 of "The Act of August 18, 1970," 84 77158
Stat. 825, 16 U.S.C.A. 1a-5, as amended, current at the time of 77159
filing of the application for the permit, unless the facility 77160
will be used exclusively for the storage of hazardous waste 77161
generated within the park or recreation area in conjunction with 77162
the operation of the park or recreation area. Division (D) (2) (h) 77163
of this section does not apply to the facility of any applicant 77164
for modification of a permit unless the modification application 77165
proposes to increase the land area included in the facility or 77166
to increase the quantity of hazardous waste that will be 77167
treated, stored, or disposed of at the facility. 77168

(3) Not later than one hundred eighty days after the end 77169
of the public comment period, the director, without prior 77170
hearing, shall issue or deny the permit in accordance with 77171
Chapter 3745. of the Revised Code. If the director approves an 77172
application for a hazardous waste facility installation and 77173
operation permit, the director shall issue the permit, upon such 77174
terms and conditions as the director finds are necessary to 77175
ensure the construction and operation of the hazardous waste 77176
facility in accordance with the standards of this section. 77177

(E) No political subdivision of this state shall require 77178

any additional zoning or other approval, consent, permit, 77179
certificate, or condition for the construction or operation of a 77180
hazardous waste facility authorized by a hazardous waste 77181
facility installation and operation permit issued pursuant to 77182
this chapter, nor shall any political subdivision adopt or 77183
enforce any law, ordinance, or rule that in any way alters, 77184
impairs, or limits the authority granted in the permit. 77185

(F) The director may issue a single hazardous waste 77186
facility installation and operation permit to a person who 77187
operates two or more adjoining facilities where hazardous waste 77188
is stored, treated, or disposed of if the application includes 77189
detail plans, specifications, and information on all facilities. 77190
For the purposes of this section, "adjoining" means sharing a 77191
common boundary, separated only by a public road, or in such 77192
proximity that the director determines that the issuance of a 77193
single permit will not create a hazard to the public health or 77194
safety or the environment. 77195

(G) No person shall falsify or fail to keep or submit any 77196
plans, specifications, data, reports, records, manifests, or 77197
other information required to be kept or submitted to the 77198
director by this chapter or the rules adopted under it. 77199

(H) (1) Each person who holds an installation and operation 77200
permit issued under this section and who wishes to obtain a 77201
permit renewal shall submit a completed application for an 77202
installation and operation permit renewal and any necessary 77203
accompanying general plans, detail plans, specifications, and 77204
such information as the director may require to the director no 77205
later than one hundred eighty days prior to the expiration date 77206
of the existing permit or upon a later date prior to the 77207
expiration of the existing permit if the permittee can 77208

demonstrate good cause for the late submittal. The director 77209
shall consider the application and accompanying information, 77210
inspection reports of the facility, results of performance 77211
tests, a report regarding the facility's compliance or 77212
noncompliance with the terms and conditions of its permit and 77213
rules adopted by the director under this chapter, and such other 77214
information as is relevant to the operation of the facility and 77215
shall issue a draft renewal permit or a notice of intent to deny 77216
the renewal permit. The director, in accordance with rules 77217
adopted under this section or with rules adopted to implement 77218
Chapter 3745. of the Revised Code, shall give public notice of 77219
the application and draft renewal permit or notice of intent to 77220
deny the renewal permit, provide for the opportunity for public 77221
comments within a specified time period, schedule a public 77222
meeting in the county in which the facility is located if 77223
significant interest is shown, and give public notice of the 77224
public meeting. 77225

(2) Within sixty days after the public meeting or close of 77226
the public comment period, the director, without prior hearing, 77227
shall issue or deny the renewal permit in accordance with 77228
Chapter 3745. of the Revised Code. The director shall not issue 77229
a renewal permit unless the director determines that the 77230
facility under the existing permit has a history of compliance 77231
with this chapter, rules adopted under it, the existing permit, 77232
or orders entered to enforce such requirements that demonstrates 77233
sufficient reliability, expertise, and competency to operate the 77234
facility henceforth under this chapter, rules adopted under it, 77235
and the renewal permit. If the director approves an application 77236
for a renewal permit, the director shall issue the permit 77237
subject to the payment of the annual permit fee required under 77238
division (E) of section 3734.02 of the Revised Code and upon 77239

such terms and conditions as the director finds are reasonable 77240
to ensure that continued operation, maintenance, closure, and 77241
post-closure care of the hazardous waste facility are in 77242
accordance with the rules adopted under section 3734.12 of the 77243
Revised Code. 77244

(3) An installation and operation permit renewal 77245
application submitted to the director that also contains or 77246
would constitute an application for a modification shall be 77247
acted upon by the director in accordance with division (I) of 77248
this section in the same manner as an application for a 77249
modification. In approving or disapproving the renewal portion 77250
of a permit renewal application containing an application for a 77251
modification, the director shall apply the criteria established 77252
under division (H) (2) of this section. 77253

(4) An application for renewal or modification of a permit 77254
that does not contain an application for a modification as 77255
described in divisions (I) (3) (a) to (d) of this section shall 77256
not be subject to division (D) (2) of this section. 77257

(I) (1) As used in this section, "modification" means a 77258
change or alteration to a hazardous waste facility or its 77259
operations that is inconsistent with or not authorized by its 77260
existing permit or authorization to operate. Modifications shall 77261
be classified as Class 1, 2, or 3 modifications in accordance 77262
with rules adopted under division (K) of this section. 77263
Modifications classified as Class 3 modifications, in accordance 77264
with rules adopted under that division, shall be further 77265
classified by the director as either Class 3 modifications that 77266
are to be approved or disapproved by the director under 77267
divisions (I) (3) (a) to (d) of this section or as Class 3 77268
modifications that are to be approved or disapproved by the 77269

director under division (I) (5) of this section. Not later than 77270
thirty days after receiving a request for a modification under 77271
division (I) (4) of this section that is not listed in Appendix I 77272
to 40 C.F.R. 270.42 or in rules adopted under division (K) of 77273
this section, the director shall classify the modification and 77274
shall notify the owner or operator of the facility requesting 77275
the modification of the classification. Notwithstanding any 77276
other law to the contrary, a modification that involves the 77277
transfer of a hazardous waste facility installation and 77278
operation permit to a new owner or operator for any off-site 77279
facility as defined in section 3734.41 of the Revised Code shall 77280
be classified as a Class 3 modification. The transfer of a 77281
hazardous waste facility installation and operation permit to a 77282
new owner or operator for a facility that is not an off-site 77283
facility shall be classified as a Class 1 modification requiring 77284
prior approval of the director. 77285

(2) Except as provided in section 3734.123 of the Revised 77286
Code, a hazardous waste facility installation and operation 77287
permit may be modified at the request of the director or upon 77288
the written request of the permittee only if any of the 77289
following applies: 77290

(a) The permittee desires to accomplish alterations, 77291
additions, or deletions to the permitted facility or to 77292
undertake alterations, additions, deletions, or activities that 77293
are inconsistent with or not authorized by the existing permit; 77294

(b) New information or data justify permit conditions in 77295
addition to or different from those in the existing permit; 77296

(c) The standards, criteria, or rules upon which the 77297
existing permit is based have been changed by new, amended, or 77298
rescinded standards, criteria, or rules, or by judicial decision 77299

after the existing permit was issued, and the change justifies 77300
permit conditions in addition to or different from those in the 77301
existing permit; 77302

(d) The permittee proposes to transfer the permit to 77303
another person. 77304

(3) The director shall approve or disapprove an 77305
application for a modification in accordance with division (D) 77306
(2) of this section and rules adopted under division (K) of this 77307
section for all of the following categories of Class 3 77308
modifications: 77309

(a) Authority to conduct treatment, storage, or disposal 77310
at a site, location, or tract of land that has not been 77311
authorized for the proposed category of treatment, storage, or 77312
disposal activity by the facility's permit; 77313

(b) Modification or addition of a hazardous waste 77314
management unit, as defined in rules adopted under section 77315
3734.12 of the Revised Code, that results in an increase in a 77316
facility's storage capacity of more than twenty-five per cent 77317
over the capacity authorized by the facility's permit, an 77318
increase in a facility's treatment rate of more than twenty-five 77319
per cent over the rate so authorized, or an increase in a 77320
facility's disposal capacity over the capacity so authorized. 77321
The authorized disposal capacity for a facility shall be 77322
calculated from the approved design plans for the disposal units 77323
at that facility. In no case during a five-year period shall a 77324
facility's storage capacity or treatment rate be modified to 77325
increase by more than twenty-five per cent in the aggregate 77326
without the director's approval in accordance with division (D) 77327
(2) of this section. Notwithstanding any provision of division 77328
(I) of this section to the contrary, a request for modification 77329

of a facility's annual total waste receipt limit shall be 77330
classified and approved or disapproved by the director under 77331
division (I) (5) of this section. 77332

(c) Authority to add any of the following categories of 77333
regulated activities not previously authorized at a facility by 77334
the facility's permit: storage at a facility not previously 77335
authorized to store hazardous waste, treatment at a facility not 77336
previously authorized to treat hazardous waste, or disposal at a 77337
facility not previously authorized to dispose of hazardous 77338
waste; or authority to add a category of hazardous waste 77339
management unit not previously authorized at the facility by the 77340
facility's permit. Notwithstanding any provision of division (I) 77341
of this section to the contrary, a request for authority to add 77342
or to modify an activity or a hazardous waste management unit 77343
for the purposes of performing a corrective action shall be 77344
classified and approved or disapproved by the director under 77345
division (I) (5) of this section. 77346

(d) Authority to treat, store, or dispose of waste types 77347
listed or characterized as reactive or explosive, in rules 77348
adopted under section 3734.12 of the Revised Code, or any acute 77349
hazardous waste listed in 40 C.F.R. 261.33(e), as amended, at a 77350
facility not previously authorized to treat, store, or dispose 77351
of those types of wastes by the facility's permit unless the 77352
requested authority is limited to wastes that no longer exhibit 77353
characteristics meeting the criteria for listing or 77354
characterization as reactive or explosive wastes, or for listing 77355
as acute hazardous waste, but still are required to carry those 77356
waste codes as established in rules adopted under section 77357
3734.12 of the Revised Code because of the requirements 77358
established in 40 C.F.R. 261(a) and (e), as amended, that is, 77359
the "mixture," "derived-from," or "contained-in" regulations. 77360

(4) A written request for a modification from the permittee shall be submitted to the director and shall contain such information as is necessary to support the request. Requests for modifications shall be acted upon by the director in accordance with this section and rules adopted under it.

(5) Class 1 modification applications that require prior approval of the director, as provided in division (I)(1) of this section or as determined in accordance with rules adopted under division (K) of this section, Class 2 modification applications, and Class 3 modification applications that are not described in divisions (I)(3)(a) to (d) of this section shall be approved or disapproved by the director in accordance with rules adopted under division (K) of this section. The board of county commissioners of the county, the board of township trustees of the township, and the city manager or mayor of the municipal corporation in which a hazardous waste facility is located shall receive notification of any application for a modification for that facility and shall be considered as interested persons with respect to the director's consideration of the application.

As used in division (I) of this section:

(a) "Owner" means the person who owns a majority or controlling interest in a facility.

(b) "Operator" means the person who is responsible for the overall operation of a facility.

The director shall approve or disapprove an application for a Class 1 modification that requires the director's approval within sixty days after receiving the request for modification. The director shall approve or disapprove an application for a Class 2 modification within three hundred days after receiving

the request for modification. The director shall approve or 77390
disapprove an application for a Class 3 modification within 77391
three hundred sixty-five days after receiving the request for 77392
modification. 77393

(6) The approval or disapproval by the director of a Class 77394
1 modification application is not a final action that is 77395
appealable under Chapter 3745. of the Revised Code. The approval 77396
or disapproval by the director of a Class 2 modification or a 77397
Class 3 modification is a final action that is appealable under 77398
that chapter. In approving or disapproving a request for a 77399
modification, the director shall consider all comments 77400
pertaining to the request that are received during the public 77401
comment period and the public meetings. The administrative 77402
record for appeal of a final action by the director in approving 77403
or disapproving a request for a modification shall include all 77404
comments received during the public comment period relating to 77405
the request for modification, written materials submitted at the 77406
public meetings relating to the request, and any other documents 77407
related to the director's action. 77408

(7) Notwithstanding any other provision of law to the 77409
contrary, a change or alteration to a hazardous waste facility 77410
described in division (E)(3)(a) or (b) of section 3734.02 of the 77411
Revised Code, or its operations, is a modification for the 77412
purposes of this section. An application for a modification at 77413
such a facility shall be submitted, classified, and approved or 77414
disapproved in accordance with divisions (I)(1) to (6) of this 77415
section in the same manner as a modification to a hazardous 77416
waste facility installation and operation permit. 77417

(J)(1) Except as provided in division (J)(2) of this 77418
section, an owner or operator of a hazardous waste facility that 77419

is operating in accordance with a permit by rule under rules 77420
adopted by the director under division (E) (3) (b) of section 77421
3734.02 of the Revised Code shall submit either a hazardous 77422
waste facility installation and operation permit application for 77423
the facility or a modification application, whichever is 77424
required under division (J) (1) (a) or (b) of this section, within 77425
one hundred eighty days after the director has requested the 77426
application or upon a later date if the owner or operator 77427
demonstrates to the director good cause for the late submittal. 77428

(a) If the owner or operator does not have a hazardous 77429
waste facility installation and operation permit for any 77430
hazardous waste treatment, storage, or disposal activities at 77431
the facility, the owner or operator shall submit an application 77432
for such a permit to the director for the activities authorized 77433
by the permit by rule. Notwithstanding any other provision of 77434
law to the contrary, the director shall approve or disapprove 77435
the application for the permit in accordance with the procedures 77436
governing the approval or disapproval of permit renewals under 77437
division (H) of this section. 77438

(b) If the owner or operator has a hazardous waste 77439
facility installation and operation permit for hazardous waste 77440
treatment, storage, or disposal activities at the facility other 77441
than those authorized by the permit by rule, the owner or 77442
operator shall submit to the director a request for modification 77443
in accordance with division (I) of this section. Notwithstanding 77444
any other provision of law to the contrary, the director shall 77445
approve or disapprove the modification application in accordance 77446
with division (I) (5) of this section. 77447

(2) The owner or operator of a boiler or industrial 77448
furnace that is conducting thermal treatment activities in 77449

accordance with a permit by rule under rules adopted by the 77450
director under division (E) (3) (b) of section 3734.02 of the 77451
Revised Code shall submit a hazardous waste facility 77452
installation and operation permit application if the owner or 77453
operator does not have such a permit for any hazardous waste 77454
treatment, storage, or disposal activities at the facility or, 77455
if the owner or operator has such a permit for hazardous waste 77456
treatment, storage, or disposal activities at the facility other 77457
than thermal treatment activities authorized by the permit by 77458
rule, a modification application to add those activities 77459
authorized by the permit by rule, whichever is applicable, 77460
within one hundred eighty days after the director has requested 77461
the submission of the application or upon a later date if the 77462
owner or operator demonstrates to the director good cause for 77463
the late submittal. The application shall be accompanied by 77464
information necessary to support the request. The director shall 77465
approve or disapprove an application for a hazardous waste 77466
facility installation and operation permit in accordance with 77467
division (D) of this section and approve or disapprove an 77468
application for a modification in accordance with division (I) 77469
(3) of this section, except that the director shall not 77470
disapprove an application for the thermal treatment activities 77471
on the basis of the criteria set forth in division (D) (2) (g) or 77472
(h) of this section. 77473

(3) As used in division (J) of this section: 77474

(a) "Modification application" means a request for a 77475
modification submitted in accordance with division (I) of this 77476
section. 77477

(b) "Thermal treatment," "boiler," and "industrial 77478
furnace" have the same meanings as in rules adopted under 77479

section 3734.12 of the Revised Code. 77480

(K) The director shall adopt, and may amend, suspend, or 77481
rescind, rules in accordance with Chapter 119. of the Revised 77482
Code in order to implement divisions (H) and (I) of this 77483
section. Except when in actual conflict with this section, rules 77484
governing the classification of and procedures for the 77485
modification of hazardous waste facility installation and 77486
operation permits shall be substantively and procedurally 77487
identical to the regulations governing hazardous waste facility 77488
permitting and permit modifications adopted under the "Resource 77489
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 77490
U.S.C.A. 6921, as amended. 77491

Sec. 3734.57. (A) The following fees are hereby levied on 77492
the transfer or disposal of solid wastes in this state: 77493

(1) Seventy-one cents per ton through June 30, ~~2026~~2028, 77494
eleven cents of the proceeds of which shall be deposited in the 77495
state treasury to the credit of the hazardous waste facility 77496
management fund created in section 3734.18 of the Revised Code 77497
and sixty cents of the proceeds of which shall be deposited in 77498
the state treasury to the credit of the hazardous waste clean-up 77499
fund created in section 3734.28 of the Revised Code; 77500

(2) An additional ninety cents per ton through June 30, 77501
~~2026~~2028, the proceeds of which shall be deposited in the state 77502
treasury to the credit of the waste management fund created in 77503
section 3734.061 of the Revised Code; 77504

(3) An additional two dollars and eighty-one cents per ton 77505
through June 30, ~~2026~~2028, the proceeds of which shall be 77506
deposited in the state treasury to the credit of the 77507
environmental protection fund created in section 3745.015 of the 77508

Revised Code; 77509

(4) An additional twenty-five cents per ton through June 30, ~~2026~~2028, the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in section 940.15 of the Revised Code; 77510
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(5) An additional eight cents per ton through June 30, ~~2026~~2028, the proceeds of which shall be deposited in the state treasury to the credit of the national priority list remedial support fund created in section 3734.579 of the Revised Code. 77515
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In the case of solid wastes that are taken to a solid waste transfer facility located in this state prior to being transported for disposal at a solid waste disposal facility located in this state or outside of this state, the fees levied under this division shall be collected by the owner or operator of the transfer facility as a trustee for the state. The amount of fees required to be collected under this division at such a transfer facility shall equal the total tonnage of solid wastes received at the facility multiplied by the fees levied under this division. In the case of solid wastes that are not taken to a solid waste transfer facility located in this state prior to being transported to a solid waste disposal facility, the fees shall be collected by the owner or operator of the solid waste disposal facility as a trustee for the state. The amount of fees required to be collected under this division at such a disposal facility shall equal the total tonnage of solid wastes received at the facility that was not previously taken to a solid waste transfer facility located in this state multiplied by the fees levied under this division. Fees levied under this division do not apply to materials separated from a mixed waste stream for 77519
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recycling by a generator or materials removed from the solid 77539
waste stream through recycling, as "recycling" is defined in 77540
rules adopted under section 3734.02 of the Revised Code. 77541

The owner or operator of a solid waste transfer facility 77542
or disposal facility, as applicable, shall prepare and file with 77543
the director of environmental protection each month a return 77544
indicating the total tonnage of solid wastes received at the 77545
facility during that month and the total amount of the fees 77546
required to be collected under this division during that month. 77547
In addition, the owner or operator of a solid waste disposal 77548
facility shall indicate on the return the total tonnage of solid 77549
wastes received from transfer facilities located in this state 77550
during that month for which the fees were required to be 77551
collected by the transfer facilities. The monthly returns shall 77552
be filed on a form prescribed by the director. Not later than 77553
thirty days after the last day of the month to which a return 77554
applies, the owner or operator shall mail to the director the 77555
return for that month together with the fees required to be 77556
collected under this division during that month as indicated on 77557
the return or may submit the return and fees electronically in a 77558
manner approved by the director. If the return is filed and the 77559
amount of the fees due is paid in a timely manner as required in 77560
this division, the owner or operator may retain a discount of 77561
three-fourths of one per cent of the total amount of the fees 77562
that are required to be paid as indicated on the return. 77563

The owner or operator may request an extension of not more 77564
than thirty days for filing the return and remitting the fees, 77565
provided that the owner or operator has submitted such a request 77566
in writing to the director together with a detailed description 77567
of why the extension is requested, the director has received the 77568
request not later than the day on which the return is required 77569

to be filed, and the director has approved the request. If the 77570
fees are not remitted within thirty days after the last day of 77571
the month to which the return applies or are not remitted by the 77572
last day of an extension approved by the director, the owner or 77573
operator shall not retain the three-fourths of one per cent 77574
discount and shall pay an additional ten per cent of the amount 77575
of the fees for each month that they are late. For purposes of 77576
calculating the late fee, the first month in which fees are late 77577
begins on the first day after the deadline has passed for timely 77578
submitting the return and fees, and one additional month shall 77579
be counted every thirty days thereafter. 77580

The owner or operator of a solid waste facility may 77581
request a refund or credit of fees levied under this division 77582
and remitted to the director that have not been paid to the 77583
owner or operator. Such a request shall be made only if the fees 77584
have not been collected by the owner or operator, have become a 77585
debt that has become worthless or uncollectable for a period of 77586
six months or more, and may be claimed as a deduction, including 77587
a deduction claimed if the owner or operator keeps accounts on 77588
an accrual basis, under the "Internal Revenue Code of 1954," 68A 77589
Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted 77590
under it. Prior to making a request for a refund or credit, an 77591
owner or operator shall make reasonable efforts to collect the 77592
applicable fees. A request for a refund or credit shall not 77593
include any costs resulting from those efforts to collect unpaid 77594
fees. 77595

A request for a refund or credit of fees shall be made in 77596
writing, on a form prescribed by the director, and shall be 77597
supported by evidence that may be required in rules adopted by 77598
the director under this chapter. After reviewing the request, 77599
and if the request and evidence submitted with the request 77600

indicate that a refund or credit is warranted, the director 77601
shall grant a refund to the owner or operator or shall permit a 77602
credit to be taken by the owner or operator on a subsequent 77603
monthly return submitted by the owner or operator. The amount of 77604
a refund or credit shall not exceed an amount that is equal to 77605
ninety days' worth of fees owed to an owner or operator by a 77606
particular debtor of the owner or operator. A refund or credit 77607
shall not be granted by the director to an owner or operator 77608
more than once in any twelve-month period for fees owed to the 77609
owner or operator by a particular debtor. 77610

If, after receiving a refund or credit from the director, 77611
an owner or operator receives payment of all or part of the 77612
fees, the owner or operator shall remit the fees with the next 77613
monthly return submitted to the director together with a written 77614
explanation of the reason for the submittal. 77615

For purposes of computing the fees levied under this 77616
division or division (B) of this section, any solid waste 77617
transfer or disposal facility that does not use scales as a 77618
means of determining gate receipts shall use a conversion factor 77619
of three cubic yards per ton of solid waste or one cubic yard 77620
per ton for baled waste, as applicable. 77621

The fees levied under this division and divisions (B) and 77622
(C) of this section are in addition to all other applicable fees 77623
and taxes and shall be paid by the customer or a political 77624
subdivision to the owner or operator of a solid waste transfer 77625
or disposal facility. In the alternative, the fees shall be paid 77626
by a customer or political subdivision to a transporter of waste 77627
who subsequently transfers the fees to the owner or operator of 77628
such a facility. The fees shall be paid notwithstanding the 77629
existence of any provision in a contract that the customer or a 77630

political subdivision may have with the owner or operator or 77631
with a transporter of waste to the facility that would not 77632
require or allow such payment regardless of whether the contract 77633
was entered prior to or after October 16, 2009. For those 77634
purposes, "customer" means a person who contracts with, or 77635
utilizes the solid waste services of, the owner or operator of a 77636
solid waste transfer or disposal facility or a transporter of 77637
solid waste to such a facility. 77638

(B) For the purposes specified in division (G) of this 77639
section, the solid waste management policy committee of a county 77640
or joint solid waste management district may levy fees upon the 77641
following activities: 77642

(1) The disposal at a solid waste disposal facility 77643
located in the district of solid wastes generated within the 77644
district; 77645

(2) The disposal at a solid waste disposal facility within 77646
the district of solid wastes generated outside the boundaries of 77647
the district, but inside this state; 77648

(3) The disposal at a solid waste disposal facility within 77649
the district of solid wastes generated outside the boundaries of 77650
this state. 77651

The solid waste management plan of the county or joint 77652
district approved under section 3734.521 or 3734.55 of the 77653
Revised Code and any amendments to it, or the resolution adopted 77654
under this division, as appropriate, shall establish the rates 77655
of the fees levied under divisions (B) (1), (2), and (3) of this 77656
section, if any, and shall specify whether the fees are levied 77657
on the basis of tons or cubic yards as the unit of measurement. 77658
A solid waste management district that levies fees under this 77659

division on the basis of cubic yards shall do so in accordance 77660
with division (A) of this section. 77661

The fee levied under division (B) (1) of this section shall 77662
be not less than one dollar per ton nor more than two dollars 77663
per ton, the fee levied under division (B) (2) of this section 77664
shall be not less than two dollars per ton nor more than four 77665
dollars per ton, and the fee levied under division (B) (3) of 77666
this section shall be not more than the fee levied under 77667
division (B) (1) of this section. 77668

Prior to the approval of the solid waste management plan 77669
of a district under section 3734.55 of the Revised Code, the 77670
solid waste management policy committee of a district may levy 77671
fees under this division by adopting a resolution establishing 77672
the proposed amount of the fees. Upon adopting the resolution, 77673
the committee shall deliver a copy of the resolution to the 77674
board of county commissioners of each county forming the 77675
district and to the legislative authority of each municipal 77676
corporation and township under the jurisdiction of the district 77677
and shall prepare and publish the resolution and a notice of the 77678
time and location where a public hearing on the fees will be 77679
held. Upon adopting the resolution, the committee shall deliver 77680
written notice of the adoption of the resolution; of the amount 77681
of the proposed fees; and of the date, time, and location of the 77682
public hearing to the director and to the fifty industrial, 77683
commercial, or institutional generators of solid wastes within 77684
the district that generate the largest quantities of solid 77685
wastes, as determined by the committee, and to their local trade 77686
associations. The committee shall make good faith efforts to 77687
identify those generators within the district and their local 77688
trade associations, but the nonprovision of notice under this 77689
division to a particular generator or local trade association 77690

does not invalidate the proceedings under this division. The 77691
publication shall occur at least thirty days before the hearing. 77692
After the hearing, the committee may make such revisions to the 77693
proposed fees as it considers appropriate and thereafter, by 77694
resolution, shall adopt the revised fee schedule. Upon adopting 77695
the revised fee schedule, the committee shall deliver a copy of 77696
the resolution doing so to the board of county commissioners of 77697
each county forming the district and to the legislative 77698
authority of each municipal corporation and township under the 77699
jurisdiction of the district. Within sixty days after the 77700
delivery of a copy of the resolution adopting the proposed 77701
revised fees by the policy committee, each such board and 77702
legislative authority, by ordinance or resolution, shall approve 77703
or disapprove the revised fees and deliver a copy of the 77704
ordinance or resolution to the committee. If any such board or 77705
legislative authority fails to adopt and deliver to the policy 77706
committee an ordinance or resolution approving or disapproving 77707
the revised fees within sixty days after the policy committee 77708
delivered its resolution adopting the proposed revised fees, it 77709
shall be conclusively presumed that the board or legislative 77710
authority has approved the proposed revised fees. The committee 77711
shall determine if the resolution has been ratified in the same 77712
manner in which it determines if a draft solid waste management 77713
plan has been ratified under division (B) of section 3734.55 of 77714
the Revised Code. 77715

The committee may amend the schedule of fees levied 77716
pursuant to a resolution adopted and ratified under this 77717
division by adopting a resolution establishing the proposed 77718
amount of the amended fees. The committee may repeal the fees 77719
levied pursuant to such a resolution by adopting a resolution 77720
proposing to repeal them. Upon adopting such a resolution, the 77721

committee shall proceed to obtain ratification of the resolution 77722
in accordance with this division. 77723

Not later than fourteen days after declaring the new fees 77724
to be ratified or the fees to be repealed under this division, 77725
the committee shall notify by certified mail the owner or 77726
operator of each solid waste disposal facility that is required 77727
to collect the fees of the ratification and the amount of the 77728
fees or of the repeal of the fees. Collection of any fees shall 77729
commence or collection of repealed fees shall cease on the first 77730
day of the second month following the month in which 77731
notification is sent to the owner or operator. 77732

Fees levied under this division also may be established, 77733
amended, or repealed by a solid waste management policy 77734
committee through the adoption of a new district solid waste 77735
management plan, the adoption of an amended plan, or the 77736
amendment of the plan or amended plan in accordance with 77737
sections 3734.55 and 3734.56 of the Revised Code or the adoption 77738
or amendment of a district plan in connection with a change in 77739
district composition under section 3734.521 of the Revised Code. 77740

Not later than fourteen days after the director issues an 77741
order approving a district's solid waste management plan, 77742
amended plan, or amendment to a plan or amended plan that 77743
establishes, amends, or repeals a schedule of fees levied by the 77744
district, the committee shall notify by certified mail the owner 77745
or operator of each solid waste disposal facility that is 77746
required to collect the fees of the approval of the plan or 77747
amended plan, or the amendment to the plan, as appropriate, and 77748
the amount of the fees, if any. In the case of an initial or 77749
amended plan approved under section 3734.521 of the Revised Code 77750
in connection with a change in district composition, other than 77751

one involving the withdrawal of a county from a joint district, 77752
the committee, within fourteen days after the change takes 77753
effect pursuant to division (G) of that section, shall notify by 77754
certified mail the owner or operator of each solid waste 77755
disposal facility that is required to collect the fees that the 77756
change has taken effect and of the amount of the fees, if any. 77757
Collection of any fees shall commence or collection of repealed 77758
fees shall cease on the first day of the second month following 77759
the month in which notification is sent to the owner or 77760
operator. 77761

If, in the case of a change in district composition 77762
involving the withdrawal of a county from a joint district, the 77763
director completes the actions required under division (G)(1) or 77764
(3) of section 3734.521 of the Revised Code, as appropriate, 77765
forty-five days or more before the beginning of a calendar year, 77766
the policy committee of each of the districts resulting from the 77767
change that obtained the director's approval of an initial or 77768
amended plan in connection with the change, within fourteen days 77769
after the director's completion of the required actions, shall 77770
notify by certified mail the owner or operator of each solid 77771
waste disposal facility that is required to collect the 77772
district's fees that the change is to take effect on the first 77773
day of January immediately following the issuance of the notice 77774
and of the amount of the fees or amended fees levied under 77775
divisions (B)(1) to (3) of this section pursuant to the 77776
district's initial or amended plan as so approved or, if 77777
appropriate, the repeal of the district's fees by that initial 77778
or amended plan. Collection of any fees set forth in such a plan 77779
or amended plan shall commence on the first day of January 77780
immediately following the issuance of the notice. If such an 77781
initial or amended plan repeals a schedule of fees, collection 77782

of the fees shall cease on that first day of January. 77783

If, in the case of a change in district composition 77784
involving the withdrawal of a county from a joint district, the 77785
director completes the actions required under division (G)(1) or 77786
(3) of section 3734.521 of the Revised Code, as appropriate, 77787
less than forty-five days before the beginning of a calendar 77788
year, the director, on behalf of each of the districts resulting 77789
from the change that obtained the director's approval of an 77790
initial or amended plan in connection with the change 77791
proceedings, shall notify by certified mail the owner or 77792
operator of each solid waste disposal facility that is required 77793
to collect the district's fees that the change is to take effect 77794
on the first day of January immediately following the mailing of 77795
the notice and of the amount of the fees or amended fees levied 77796
under divisions (B)(1) to (3) of this section pursuant to the 77797
district's initial or amended plan as so approved or, if 77798
appropriate, the repeal of the district's fees by that initial 77799
or amended plan. Collection of any fees set forth in such a plan 77800
or amended plan shall commence on the first day of the second 77801
month following the month in which notification is sent to the 77802
owner or operator. If such an initial or amended plan repeals a 77803
schedule of fees, collection of the fees shall cease on the 77804
first day of the second month following the month in which 77805
notification is sent to the owner or operator. 77806

If the schedule of fees that a solid waste management 77807
district is levying under divisions (B)(1) to (3) of this 77808
section is amended or repealed, the fees in effect immediately 77809
prior to the amendment or repeal shall continue to be collected 77810
until collection of the amended fees commences or collection of 77811
the repealed fees ceases, as applicable, as specified in this 77812
division. In the case of a change in district composition, money 77813

so received from the collection of the fees of the former 77814
districts shall be divided among the resulting districts in 77815
accordance with division (B) of section 343.012 of the Revised 77816
Code and the agreements entered into under division (B) of 77817
section 343.01 of the Revised Code to establish the former and 77818
resulting districts and any amendments to those agreements. 77819

For the purposes of the provisions of division (B) of this 77820
section establishing the times when newly established or amended 77821
fees levied by a district are required to commence and the 77822
collection of fees that have been amended or repealed is 77823
required to cease, "fees" or "schedule of fees" includes, in 77824
addition to fees levied under divisions (B)(1) to (3) of this 77825
section, those levied under section 3734.573 or 3734.574 of the 77826
Revised Code. 77827

(C) For the purposes of defraying the added costs to a 77828
municipal corporation or township of maintaining roads and other 77829
public facilities and of providing emergency and other public 77830
services, and compensating a municipal corporation or township 77831
for reductions in real property tax revenues due to reductions 77832
in real property valuations resulting from the location and 77833
operation of a solid waste disposal facility within the 77834
municipal corporation or township, a municipal corporation or 77835
township in which such a solid waste disposal facility is 77836
located may levy a fee of not more than twenty-five cents per 77837
ton on the disposal of solid wastes at a solid waste disposal 77838
facility located within the boundaries of the municipal 77839
corporation or township regardless of where the wastes were 77840
generated. 77841

The legislative authority of a municipal corporation or 77842
township may levy fees under this division by enacting an 77843

ordinance or adopting a resolution establishing the amount of 77844
the fees. Upon so doing the legislative authority shall mail a 77845
certified copy of the ordinance or resolution to the board of 77846
county commissioners or directors of the county or joint solid 77847
waste management district in which the municipal corporation or 77848
township is located or, if a regional solid waste management 77849
authority has been formed under section 343.011 of the Revised 77850
Code, to the board of trustees of that regional authority, the 77851
owner or operator of each solid waste disposal facility in the 77852
municipal corporation or township that is required to collect 77853
the fee by the ordinance or resolution, and the director of 77854
environmental protection. Although the fees levied under this 77855
division are levied on the basis of tons as the unit of 77856
measurement, the legislative authority, in its ordinance or 77857
resolution levying the fees under this division, may direct that 77858
the fees be levied on the basis of cubic yards as the unit of 77859
measurement based upon a conversion factor of three cubic yards 77860
per ton generally or one cubic yard per ton for baled wastes. 77861

Not later than five days after enacting an ordinance or 77862
adopting a resolution under this division, the legislative 77863
authority shall so notify by certified mail the owner or 77864
operator of each solid waste disposal facility that is required 77865
to collect the fee. Collection of any fee levied on or after 77866
March 24, 1992, shall commence on the first day of the second 77867
month following the month in which notification is sent to the 77868
owner or operator. 77869

(D) (1) The fees levied under divisions (A), (B), and (C) 77870
of this section do not apply to the disposal of solid wastes 77871
that: 77872

(a) Are disposed of at a facility owned by the generator 77873

of the wastes when the solid waste facility exclusively disposes 77874
of solid wastes generated at one or more premises owned by the 77875
generator regardless of whether the facility is located on a 77876
premises where the wastes are generated; 77877

(b) Are generated from the combustion of coal, or from the 77878
combustion of primarily coal, regardless of whether the disposal 77879
facility is located on the premises where the wastes are 77880
generated; 77881

(c) Are asbestos or asbestos-containing materials or 77882
products disposed of at a construction and demolition debris 77883
facility that is licensed under Chapter 3714. of the Revised 77884
Code or at a solid waste facility that is licensed under this 77885
chapter. 77886

(2) Except as provided in section 3734.571 of the Revised 77887
Code, any fees levied under division (B)(1) of this section 77888
apply to solid wastes originating outside the boundaries of a 77889
county or joint district that are covered by an agreement for 77890
the joint use of solid waste facilities entered into under 77891
section 343.02 of the Revised Code by the board of county 77892
commissioners or board of directors of the county or joint 77893
district where the wastes are generated and disposed of. 77894

(3) When solid wastes, other than solid wastes that 77895
consist of scrap tires, are burned in a disposal facility that 77896
is an incinerator or energy recovery facility, the fees levied 77897
under divisions (A), (B), and (C) of this section shall be 77898
levied upon the disposal of the fly ash and bottom ash remaining 77899
after burning of the solid wastes and shall be collected by the 77900
owner or operator of the sanitary landfill where the ash is 77901
disposed of. 77902

(4) When solid wastes are delivered to a solid waste transfer facility, the fees levied under divisions (B) and (C) of this section shall be levied upon the disposal of solid wastes transported off the premises of the transfer facility for disposal and shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of.

(5) The fees levied under divisions (A), (B), and (C) of this section do not apply to sewage sludge that is generated by a waste water treatment facility holding a national pollutant discharge elimination system permit and that is disposed of through incineration, land application, or composting or at another resource recovery or disposal facility that is not a landfill.

(6) The fees levied under divisions (A), (B), and (C) of this section do not apply to solid wastes delivered to a solid waste composting facility for processing. When any unprocessed solid waste or compost product is transported off the premises of a composting facility and disposed of at a landfill, the fees levied under divisions (A), (B), and (C) of this section shall be collected by the owner or operator of the landfill where the unprocessed waste or compost product is disposed of.

(7) When solid wastes that consist of scrap tires are processed at a scrap tire recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash or other solid wastes remaining after the processing of the scrap tires and shall be collected by the owner or operator of the solid waste disposal facility where the ash or other solid wastes are disposed of.

(8) The director of environmental protection may issue an

order exempting from the fees levied under this section solid 77933
wastes, including, but not limited to, scrap tires, that are 77934
generated, transferred, or disposed of as a result of a contract 77935
providing for the expenditure of public funds entered into by 77936
the administrator or regional administrator of the United States 77937
environmental protection agency, the director of environmental 77938
protection, or the director of administrative services on behalf 77939
of the director of environmental protection for the purpose of 77940
remediating conditions at a hazardous waste facility, solid 77941
waste facility, or other location at which the administrator or 77942
regional administrator or the director of environmental 77943
protection has reason to believe that there is a substantial 77944
threat to public health or safety or the environment or that the 77945
conditions are causing or contributing to air or water pollution 77946
or soil contamination. An order issued by the director of 77947
environmental protection under division (D) (8) of this section 77948
shall include a determination that the amount of the fees not 77949
received by a solid waste management district as a result of the 77950
order will not adversely impact the implementation and financing 77951
of the district's approved solid waste management plan and any 77952
approved amendments to the plan. Such an order is a final action 77953
of the director of environmental protection. 77954

(E) The fees levied under divisions (B) and (C) of this 77955
section shall be collected by the owner or operator of the solid 77956
waste disposal facility where the wastes are disposed of as a 77957
trustee for the county or joint district and municipal 77958
corporation or township where the wastes are disposed of. Moneys 77959
from the fees levied under division (B) of this section shall be 77960
forwarded to the board of county commissioners or board of 77961
directors of the district in accordance with rules adopted under 77962
division (H) of this section. Moneys from the fees levied under 77963

division (C) of this section shall be forwarded to the treasurer 77964
or such other officer of the municipal corporation as, by virtue 77965
of the charter, has the duties of the treasurer or to the fiscal 77966
officer of the township, as appropriate, in accordance with 77967
those rules. 77968

(F) Moneys received by the treasurer or other officer of 77969
the municipal corporation under division (E) of this section 77970
shall be paid into the general fund of the municipal 77971
corporation. Moneys received by the fiscal officer of the 77972
township under that division shall be paid into the general fund 77973
of the township. The treasurer or other officer of the municipal 77974
corporation or the township fiscal officer, as appropriate, 77975
shall maintain separate records of the moneys received from the 77976
fees levied under division (C) of this section. 77977

(G) Moneys received by the board of county commissioners 77978
or board of directors under division (E) of this section or 77979
section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised 77980
Code shall be paid to the county treasurer, or other official 77981
acting in a similar capacity under a county charter, in a county 77982
district or to the county treasurer or other official designated 77983
by the board of directors in a joint district and kept in a 77984
separate and distinct fund to the credit of the district. If a 77985
regional solid waste management authority has been formed under 77986
section 343.011 of the Revised Code, moneys received by the 77987
board of trustees of that regional authority under division (E) 77988
of this section shall be kept by the board in a separate and 77989
distinct fund to the credit of the district. Moneys in the 77990
special fund of the county or joint district arising from the 77991
fees levied under division (B) of this section and the fee 77992
levied under division (A) of section 3734.573 of the Revised 77993
Code shall be expended by the board of county commissioners or 77994

directors of the district in accordance with the district's 77995
solid waste management plan or amended plan approved under 77996
section 3734.521, 3734.55, or 3734.56 of the Revised Code 77997
exclusively for the following purposes: 77998

(1) Preparation of the solid waste management plan of the 77999
district under section 3734.54 of the Revised Code, monitoring 78000
implementation of the plan, and conducting the periodic review 78001
and amendment of the plan required by section 3734.56 of the 78002
Revised Code by the solid waste management policy committee; 78003

(2) Implementation of the approved solid waste management 78004
plan or amended plan of the district, including, without 78005
limitation, the development and implementation of solid waste 78006
recycling or reduction programs; 78007

(3) Providing financial assistance to boards of health 78008
within the district, if solid waste facilities are located 78009
within the district, for enforcement of this chapter and rules, 78010
orders, and terms and conditions of permits, licenses, and 78011
variances adopted or issued under it, other than the hazardous 78012
waste provisions of this chapter and rules adopted and orders 78013
and terms and conditions of permits issued under those 78014
provisions; 78015

(4) Providing financial assistance to each county within 78016
the district to defray the added costs of maintaining roads and 78017
other public facilities and of providing emergency and other 78018
public services resulting from the location and operation of a 78019
solid waste facility within the county under the district's 78020
approved solid waste management plan or amended plan; 78021

(5) Pursuant to contracts entered into with boards of 78022
health within the district, if solid waste facilities contained 78023

in the district's approved plan or amended plan are located 78024
within the district, for paying the costs incurred by those 78025
boards of health for collecting and analyzing samples from 78026
public or private water wells on lands adjacent to those 78027
facilities; 78028

(6) Developing and implementing a program for the 78029
inspection of solid wastes generated outside the boundaries of 78030
this state that are disposed of at solid waste facilities 78031
included in the district's approved solid waste management plan 78032
or amended plan; 78033

(7) Providing financial assistance to boards of health 78034
within the district for the enforcement of section 3734.03 of 78035
the Revised Code or to local law enforcement agencies having 78036
jurisdiction within the district for enforcing anti-littering 78037
laws and ordinances; 78038

(8) Providing financial assistance to boards of health of 78039
health districts within the district that are on the approved 78040
list under section 3734.08 of the Revised Code to defray the 78041
costs to the health districts for the participation of their 78042
employees responsible for enforcement of the solid waste 78043
provisions of this chapter and rules adopted and orders and 78044
terms and conditions of permits, licenses, and variances issued 78045
under those provisions in the training and certification program 78046
as required by rules adopted under division (L) of section 78047
3734.02 of the Revised Code; 78048

(9) Providing financial assistance to individual municipal 78049
corporations and townships within the district to defray their 78050
added costs of maintaining roads and other public facilities and 78051
of providing emergency and other public services resulting from 78052
the location and operation within their boundaries of a 78053

composting, energy or resource recovery, incineration, or 78054
recycling facility that either is owned by the district or is 78055
furnishing solid waste management facility or recycling services 78056
to the district pursuant to a contract or agreement with the 78057
board of county commissioners or directors of the district; 78058

(10) Payment of any expenses that are agreed to, awarded, 78059
or ordered to be paid under section 3734.35 of the Revised Code 78060
and of any administrative costs incurred pursuant to that 78061
section. In the case of a joint solid waste management district, 78062
if the board of county commissioners of one of the counties in 78063
the district is negotiating on behalf of affected communities, 78064
as defined in that section, in that county, the board shall 78065
obtain the approval of the board of directors of the district in 78066
order to expend moneys for administrative costs incurred. 78067

Prior to the approval of the district's solid waste 78068
management plan under section 3734.55 of the Revised Code, 78069
moneys in the special fund of the district arising from the fees 78070
shall be expended for those purposes in the manner prescribed by 78071
the solid waste management policy committee by resolution. 78072

Notwithstanding division (G) (6) of this section as it 78073
existed prior to October 29, 1993, or any provision in a 78074
district's solid waste management plan prepared in accordance 78075
with division (B) (2) (e) of section 3734.53 of the Revised Code 78076
as it existed prior to that date, any moneys arising from the 78077
fees levied under division (B) (3) of this section prior to 78078
January 1, 1994, may be expended for any of the purposes 78079
authorized in divisions (G) (1) to (10) of this section. 78080

(H) The director shall adopt rules in accordance with 78081
Chapter 119. of the Revised Code prescribing procedures for 78082
collecting and forwarding the fees levied under divisions (B) 78083

and (C) of this section to the boards of county commissioners or 78084
directors of county or joint solid waste management districts 78085
and to the treasurers or other officers of municipal 78086
corporations and the fiscal officers of townships. The rules 78087
also shall prescribe the dates for forwarding the fees to the 78088
boards and officials and may prescribe any other requirements 78089
the director considers necessary or appropriate to implement and 78090
administer divisions (A), (B), and (C) of this section. 78091

Sec. 3734.79. (A) Except as provided in division (B) of 78092
this section, each application for a permit submitted under 78093
sections 3734.76 to 3734.78 of the Revised Code shall be 78094
accompanied by a nonrefundable application fee of four hundred 78095
dollars that shall be credited to the scrap tire management fund 78096
created in section 3734.82 of the Revised Code. If a permit is 78097
issued, the amount of the application fee paid shall be deducted 78098
from the amount of the applicable permit fee due under division 78099
~~(R)~~(Q) of section 3745.11 of the Revised Code. 78100

(B) Division (A) of this section does not apply to an 78101
application for a permit for a scrap tire storage facility 78102
submitted under section 3734.76 of the Revised Code if the owner 78103
or operator of the facility or proposed facility is a motor 78104
vehicle salvage dealer licensed under Chapter 4738. of the 78105
Revised Code. 78106

Sec. 3734.901. (A) (1) For the purpose of providing revenue 78107
to defray the cost of administering and enforcing the scrap tire 78108
provisions of this chapter, rules adopted under those 78109
provisions, and terms and conditions of orders, variances, and 78110
licenses issued under those provisions; to abate accumulations 78111
of scrap tires; to make grants supporting market development 78112
activities for scrap tires and synthetic rubber from tire 78113

manufacturing processes and tire recycling processes and to 78114
support scrap tire amnesty and cleanup events; to make loans to 78115
promote the recycling or recovery of energy from scrap tires; 78116
and to defray the costs of administering and enforcing sections 78117
3734.90 to 3734.9014 of the Revised Code, a fee of fifty cents 78118
per tire is hereby levied on the sale of tires. The proceeds of 78119
the fee shall be deposited in the state treasury to the credit 78120
of the scrap tire management fund created in section 3734.82 of 78121
the Revised Code. The fee is levied from the first day of the 78122
calendar month that begins next after thirty days from October 78123
29, 1993, through June 30, ~~2026~~2028. 78124

(2) Beginning on July 1, 2011, and ending on June 30, 78125
~~2026~~2028, there is hereby levied an additional fee of fifty 78126
cents per tire on the sale of tires the proceeds of which shall 78127
be deposited in the state treasury to the credit of the soil and 78128
water conservation district assistance fund created in section 78129
940.15 of the Revised Code. 78130

(B) Only one sale of the same article shall be used in 78131
computing the amount of the fee due. 78132

Sec. 3734.907. (A) Any person required to pay the fee 78133
imposed by section 3734.901 of the Revised Code is personally 78134
liable for the fee. The tax commissioner may make an assessment, 78135
based upon any information in the commissioner's possession, 78136
against any person who fails to file a return or pay any fee, 78137
interest, or additional charge as required by sections 3734.90 78138
to 3734.9014 of the Revised Code. The commissioner shall give 78139
the person assessed written notice of the assessment in the 78140
manner provided in section 5703.37 of the Revised Code. With the 78141
notice, the commissioner shall provide instructions on how to 78142
petition for reassessment and request a hearing on the petition. 78143

(B) When the information in the possession of the tax commissioner indicates that a person liable for the fee imposed by section 3734.901 of the Revised Code has not paid the full amount of fee due, the commissioner may audit a representative sample of the person's business and may issue an assessment based on the audit.

(C) A penalty of up to fifteen per cent may be added to all amounts assessed under this section. The commissioner may adopt rules providing for the imposition and remission of the penalties.

(D) Unless the person assessed files with the tax commissioner within sixty days after service of the notice of assessment, ~~either personally or by certified mail,~~ a written petition for reassessment signed by the person assessed or that person's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the person assessed to the treasurer of state. The petition shall indicate the objections of the person assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(E) After an assessment becomes final, if any portion of the assessment, including accrued interest, remains unpaid, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the person assessed resides or in which the person's business is conducted. If the person assessed maintains no place of business in this state and

is not a resident of this state, the certified copy of the entry 78174
may be filed in the office of the clerk of the court of common 78175
pleas of Franklin county. 78176

Immediately upon the filing of the entry, the clerk shall 78177
enter a judgment for the state against the person assessed in 78178
the amount shown on the entry. The judgment may be filed by the 78179
clerk in a loose-leaf book entitled "special judgments for state 78180
tire fee," and shall have the same effect as other judgments. 78181
Execution shall issue upon the judgment upon the request of the 78182
tax commissioner, and all laws applicable to sales on execution 78183
shall apply to sales made under the judgment. 78184

If the assessment is not paid in its entirety within sixty 78185
days after the day the assessment was issued, the portion of the 78186
assessment consisting of the fee due shall bear interest at the 78187
rate per annum prescribed by section 5703.47 of the Revised Code 78188
from the day the commissioner issues the assessment until the 78189
day the assessment is paid or until it is certified to the 78190
attorney general for collection under section 131.02 of the 78191
Revised Code, whichever comes first. If the unpaid portion of 78192
the assessment is certified to the attorney general for 78193
collection, the entire unpaid portion of the assessment shall 78194
bear interest at the rate per annum prescribed by section 78195
5703.47 of the Revised Code from the date of certification until 78196
the date it is paid in its entirety. Interest shall be paid in 78197
the same manner as the fee and may be collected by the issuance 78198
of an assessment under this section. 78199

(F) If the tax commissioner believes that collection of 78200
the fee will be jeopardized unless proceedings to collect or 78201
secure collection of the fee are instituted without delay, the 78202
commissioner may issue a jeopardy assessment against the person 78203

liable for the fee. Immediately upon the issuance of the 78204
jeopardy assessment, the commissioner shall file an entry with 78205
the clerk of the court of common pleas in the manner prescribed 78206
by division (E) of this section. Notice of the jeopardy 78207
assessment shall be served on the person assessed or the 78208
person's legal representative, as provided in section 5703.37 of 78209
the Revised Code, within five days of the filing of the entry 78210
with the clerk. The total amount assessed is immediately due and 78211
payable, unless the person assessed files a petition for 78212
reassessment in accordance with division (D) of this section and 78213
provides security in a form satisfactory to the commissioner and 78214
in an amount sufficient to satisfy the unpaid balance of the 78215
assessment. Full or partial payment of the assessment does not 78216
prejudice the commissioner's consideration of the petition for 78217
reassessment. 78218

(G) All money collected by the tax commissioner under this 78219
section shall be paid to the treasurer of state as revenue 78220
arising from the fee imposed by section 3734.901 of the Revised 78221
Code. 78222

Sec. 3735.67. (A) The owner of real property located in a 78223
community reinvestment area and eligible for exemption from 78224
taxation under a resolution adopted pursuant to section 3735.66 78225
of the Revised Code may file an application for an exemption 78226
from real property taxation of a percentage of the assessed 78227
valuation of a new structure, or of the increased assessed 78228
valuation of an existing structure after remodeling began, if 78229
the new structure or remodeling is completed after the effective 78230
date of the resolution adopted pursuant to section 3735.66 of 78231
the Revised Code. The application shall be filed with the 78232
housing officer designated for the community reinvestment area 78233
in which the property is located. If any part of the new 78234

structure or remodeled structure that would be exempted is of 78235
real property to be used for commercial or industrial purposes, 78236
the legislative authority and the owner of the property shall 78237
enter into a written agreement pursuant to section 3735.671 of 78238
the Revised Code prior to commencement of construction or 78239
remodeling; if such an agreement is subject to approval by the 78240
board of education of the school district within the territory 78241
of which the property is or will be located, the agreement shall 78242
not be formally approved by the legislative authority until the 78243
board of education approves the agreement in the manner 78244
prescribed by that section. If a structure is already subject to 78245
a written agreement pursuant to section 3735.671 of the Revised 78246
Code, is on the site of a proposed megaproject, and is expected 78247
to be owned or occupied by a megaproject operator as defined in 78248
division (A) (12) of section 122.17 of the Revised Code, or is 78249
not situated on the site of a proposed megaproject but is 78250
expected to be owned or occupied by a megaproject supplier that 78251
meets the requirements described in division (A) (13) (b) of 78252
section 122.17 of the Revised Code, the legislative authority 78253
may amend the agreement to cause the exemption for the structure 78254
to continue for a maximum amended term not exceeding thirty 78255
years by following the process for approving an agreement 78256
described in section 3735.671 of the Revised Code. 78257

(B) The housing officer shall verify the construction of 78258
the new structure or the cost of the remodeling of the existing 78259
structure and the facts asserted in the application. The housing 78260
officer shall determine whether the construction or remodeling 78261
meets the requirements for an exemption under this section. In 78262
cases involving a structure of historical or architectural 78263
significance, the housing officer shall not determine whether 78264
the remodeling meets the requirements for a tax exemption unless 78265

the appropriateness of the remodeling has been certified, in 78266
writing, by the society, association, agency, or legislative 78267
authority that has designated the structure or by any 78268
organization or person authorized, in writing, by such society, 78269
association, agency, or legislative authority to certify the 78270
appropriateness of the remodeling. 78271

(C) If the construction or remodeling meets the 78272
requirements for exemption, the housing officer shall forward 78273
the application to the county auditor with a certification as to 78274
the division of this section under which the exemption is 78275
granted, and the period and percentage of the exemption as 78276
determined by the legislative authority pursuant to that 78277
division. If the construction or remodeling is of commercial or 78278
industrial property and the legislative authority is not 78279
required to certify a copy of a resolution under section 78280
3735.671 of the Revised Code, the housing officer shall comply 78281
with the notice requirements prescribed under section 5709.83 of 78282
the Revised Code, unless the board has adopted a resolution 78283
under that section waiving its right to receive such a notice. 78284

(D) Except as provided in division (F) of this section, 78285
the tax exemption shall first apply in the year the construction 78286
or remodeling would first be taxable but for this section. In 78287
the case of remodeling that qualifies for exemption, a 78288
percentage, not to exceed one hundred per cent, of the increased 78289
assessed valuation of an existing structure after remodeling 78290
began shall be exempted from real property taxation. In the case 78291
of construction of a structure that qualifies for exemption, a 78292
percentage, not to exceed one hundred per cent, of the assessed 78293
value of the structure shall be exempted from real property 78294
taxation. In either case, the percentage shall be the percentage 78295
set forth in the agreement if the structure or remodeling is to 78296

be used for commercial or industrial purposes, or the percentage 78297
set forth in the resolution describing the community 78298
reinvestment area if the structure or remodeling is to be used 78299
for residential purposes. 78300

The construction of new structures and the remodeling of 78301
existing structures are hereby declared to be a public purpose 78302
for which exemptions from real property taxation may be granted 78303
for the following periods: 78304

(1) For every dwelling and commercial or industrial 78305
properties, located within the same community reinvestment area, 78306
upon which the cost of remodeling is at least two thousand five 78307
hundred dollars in the case of a dwelling containing not more 78308
than two family units or at least five thousand dollars in the 78309
case of all other property, a period to be determined by the 78310
legislative authority adopting the resolution, but not exceeding 78311
fifteen years. The period of exemption for a dwelling described 78312
in division (D) (1) of this section may be extended by a 78313
legislative authority for up to an additional ten years if the 78314
dwelling is a structure of historical or architectural 78315
significance, is a certified historic structure that has been 78316
subject to federal tax treatment under 26 U.S.C. 47 and 170(h), 78317
and units within the structure have been leased to individual 78318
tenants for five consecutive years; 78319

(2) Except as provided in division (F) of this section, 78320
for construction of every dwelling, and commercial or industrial 78321
structure located within the same community reinvestment area, a 78322
period to be determined by the legislative authority adopting 78323
the resolution, but not exceeding one of the following: 78324

(a) Thirty years, if the commercial or industrial 78325
structure is situated on the site of a megaproject and is owned 78326

~~and or~~ occupied by a megaproject operator as defined in division 78327
(A) (12) of section 122.17 of the Revised Code, or is not 78328
situated on the site of a megaproject but is owned ~~and or~~ 78329
occupied by a megaproject supplier that meets the requirements 78330
described in division (A) (13) (b) of section 122.17 of the 78331
Revised Code; 78332

(b) Fifteen years, for any other dwelling or commercial or 78333
industrial structure. 78334

(E) Any person, board, or officer authorized by section 78335
5715.19 of the Revised Code to file complaints with the county 78336
board of revision may file a complaint with the housing officer 78337
challenging the continued exemption of any property granted an 78338
exemption under this section. A complaint against exemption 78339
shall be filed prior to the thirty-first day of December of the 78340
tax year for which taxation of the property is requested. The 78341
housing officer shall determine whether the property continues 78342
to meet the requirements for exemption and shall certify the 78343
housing officer's findings to the complainant. If the housing 78344
officer determines that the property does not meet the 78345
requirements for exemption, the housing officer shall notify the 78346
county auditor, who shall correct the tax list and duplicate 78347
accordingly. 78348

(F) The owner of a dwelling constructed in a community 78349
reinvestment area may file an application for an exemption after 78350
the year the construction first became subject to taxation. The 78351
application shall be processed in accordance with the procedures 78352
prescribed under this section and shall be granted if the 78353
construction that is the subject of the application otherwise 78354
meets the requirements for an exemption under this section. If 78355
approved, the exemption sought in the application first applies 78356

in the year the application is filed. An exemption approved 78357
pursuant to this division continues only for those years 78358
remaining in the period described in division (D) (2) of this 78359
section. No exemption may be claimed for any year in that period 78360
that precedes the year in which the application is filed. 78361

Sec. 3735.671. (A) If construction or remodeling of 78362
commercial or industrial property is to be exempted from 78363
taxation pursuant to section 3735.67 of the Revised Code, the 78364
legislative authority and the owner of the property, prior to 78365
the commencement of construction or remodeling, shall enter into 78366
a written agreement, binding on both parties for a period of 78367
time that does not end prior to the end of the period of the 78368
exemption, that includes all of the information and statements 78369
described in divisions (B) (1) to (8) of this section. Agreements 78370
may include terms not described in those divisions or otherwise 78371
prescribed by the model agreement adopted by the director of 78372
development under division (B) of this section, but such terms 78373
shall in no way derogate from the information and statements 78374
described in divisions (B) (1) to (8) of this section. 78375

(1) Except as otherwise provided in division (A) (2) or (3) 78376
of this section, an agreement entered into under this section 78377
shall not be approved by the legislative authority unless the 78378
board of education of the city, local, or exempted village 78379
school district within the territory of which the property is or 78380
will be located approves the agreement. For the purpose of 78381
obtaining such approval, the legislative authority shall certify 78382
a copy of the agreement to the board of education not later than 78383
forty-five days prior to approving the agreement, excluding 78384
Saturday, Sunday, and a legal holiday as defined in section 1.14 78385
of the Revised Code. The board of education, by resolution 78386
adopted by a majority of the board, shall approve or disapprove 78387

the agreement and certify a copy of the resolution to the 78388
legislative authority not later than fourteen days prior to the 78389
date stipulated by the legislative authority as the date upon 78390
which approval of the agreement is to be formally considered by 78391
the legislative authority. The board of education may include in 78392
the resolution conditions under which the board would approve 78393
the agreement. The legislative authority may approve an 78394
agreement at any time after the board of education certifies its 78395
resolution approving the agreement to the legislative authority, 78396
or, if the board approves the agreement conditionally, at any 78397
time after the conditions are agreed to by the board and the 78398
legislative authority. 78399

(2) Approval of an agreement by the board of education is 78400
not required under division (A)(1) of this section if, for each 78401
tax year the real property is exempted from taxation, the sum of 78402
the following quantities, as estimated at or prior to the time 78403
the agreement is formally approved by the legislative authority, 78404
equals or exceeds twenty-five per cent of the amount of taxes, 78405
as estimated at or prior to that time, that would have been 78406
charged and payable that year upon the real property had that 78407
property not been exempted from taxation: 78408

(a) The amount of taxes charged and payable on any portion 78409
of the assessed valuation of the new structure or of the 78410
increased assessed valuation of an existing structure after 78411
remodeling began that will not be exempted from taxation under 78412
the agreement; 78413

(b) The amount of taxes charged and payable on tangible 78414
personal property located on the premises of the new structure 78415
or of the structure to be remodeled under the agreement, whether 78416
payable by the owner of the structure or by a related member, as 78417

defined in section 5733.042 of the Revised Code without regard 78418
to division (B) of that section. 78419

(c) The amount of any cash payment by the owner of the new 78420
structure or structure to be remodeled to the school district, 78421
the dollar value, as mutually agreed to by the owner and the 78422
board of education, of any property or services provided by the 78423
owner of the property to the school district, whether by gift, 78424
loan, or otherwise, and any payment by the legislative authority 78425
to the school district pursuant to section 5709.82 of the 78426
Revised Code. 78427

The estimates of quantities used for purposes of division 78428
(A) (2) of this section shall be estimated by the legislative 78429
authority. The legislative authority shall certify to the board 78430
of education that the estimates have been made in good faith. 78431
Departures of the actual quantities from the estimates 78432
subsequent to approval of the agreement by the board of 78433
education do not invalidate the agreement. 78434

(3) If a board of education has adopted a resolution 78435
waiving its right to approve agreements and the resolution 78436
remains in effect, approval of an agreement by the board is not 78437
required under division (A) (1) of this section. If a board of 78438
education has adopted a resolution allowing a legislative 78439
authority to deliver the notice required under this division 78440
fewer than forty-five business days prior to the legislative 78441
authority's execution of the agreement, the legislative 78442
authority shall deliver the notice to the board not later than 78443
the number of days prior to such execution as prescribed by the 78444
board in its resolution. If a board of education adopts a 78445
resolution waiving its right to approve agreements or shortening 78446
the notification period, the board shall certify a copy of the 78447

resolution to the legislative authority. If the board of 78448
education rescinds such a resolution, it shall certify notice of 78449
the rescission to the legislative authority. 78450

(4) If the owner of the property or the legislative 78451
authority agree to make any payment to the school district as 78452
described in division (A) (2) (c) of this section, the owner or 78453
legislative authority shall agree to make payments to the joint 78454
vocational school district within which the property is located 78455
at the same rate or amount and under the same terms received by 78456
the city, local, or exempted village school district. 78457

(B) The director of development shall adopt rules in 78458
accordance with Chapter 119. of the Revised Code prescribing the 78459
form of a model agreement that a legislative authority may, in 78460
its discretion, use as the basis for an agreement to be executed 78461
under this section. The model agreement may include any term 78462
necessary for the administration and enforcement of such 78463
agreements by the director and legislative authority, but must 78464
include all of the following: 78465

(1) A space to include the description of real property to 78466
be exempted from taxation under the agreement and to identify 78467
the property's owners; 78468

(2) A space to denote the percentage of the assessed 78469
valuation of real property exempted from taxation and the period 78470
for which the exemption is granted; 78471

(3) A statement requiring the owner to pay real property 78472
taxes not exempted under the agreement, as required by law, and 78473
requiring rescission of the agreement if the owner fails to pay 78474
those taxes beginning in and after the year any such taxes are 78475
charged; 78476

(4) A statement that the owner certifies, at the time the agreement is executed, that the owner does not owe any delinquent property taxes or taxes for which the owner is liable under Chapter 5735., 5739., 5741., 5743., 5747., or 5753. of the Revised Code, or, if such delinquent taxes are owed, that the owner is paying the delinquent taxes pursuant to an undertaking enforceable by the state or an agent or instrumentality thereof, has filed a petition in bankruptcy, or has had a bankruptcy petition filed against the owner;

(5) A statement requiring the owner to provide to the property tax incentive review council any information reasonably required by the council to evaluate the applicant's compliance with the agreement;

(6) A statement that the agreement is not transferable or assignable without the approval of the legislative authority;

(7) A statement describing the circumstances under which the legislative authority may revoke an agreement for noncompliance;

(8) A statement requiring the owner to provide an estimate of the following for each agreement:

(a) The number of employment opportunities created due to the remodeling or construction, as well as the payroll attributable to those opportunities;

(b) The number of employment opportunities retained due to the remodeling or construction, as well as the payroll attributable to those opportunities.

The model agreement shall also provide that a legislative authority may, but is not required to, include a statement describing the manner by which the legislative authority may

recover already-received benefits, which may include an action 78506
brought in law or equity, a lien on the exempted property in the 78507
amount to be recovered, or other means. In the case of a lien on 78508
the exempted property, the lien shall attach, and may be 78509
perfected, collected, and enforced, in the same manner as a 78510
mortgage lien on real property, and otherwise has the same force 78511
and effect as a mortgage lien on real property. 78512

Once the director adopts rules prescribing a model 78513
agreement under this division, the model agreement may not be 78514
changed unless the director adopts, amends, or rescinds those 78515
rules in accordance with Chapter 119. of the Revised Code. 78516

(C) If any person that is party to an agreement granting 78517
an exemption from taxation discontinues operations at the 78518
structure to which that exemption applies prior to the 78519
expiration of the term of the agreement, that person, any 78520
successor to that person, and any related member shall not enter 78521
into an agreement under this section or section 5709.62, 78522
5709.63, or 5709.632 of the Revised Code, and no legislative 78523
authority shall enter into such an agreement with such a person, 78524
successor, or related member prior to the expiration of three 78525
years after the person's discontinuation of operations. As used 78526
in this division, "successor" means a person to which the assets 78527
or equity of another person has been transferred, which transfer 78528
resulted in the full or partial nonrecognition of gain or loss, 78529
or resulted in a carryover basis, both as determined by rule 78530
adopted by the tax commissioner. "Related member" has the same 78531
meaning as defined in section 5733.042 of the Revised Code 78532
without regard to division (B) of that section. 78533

The director of development shall review all agreements 78534
submitted to the director under section 3735.672 of the Revised 78535

Code for the purpose of enforcing this division. If the director 78536
determines there has been a violation of this division, the 78537
director shall notify the legislative authority of such 78538
violation, and the legislative authority immediately shall 78539
revoke the exemption granted under the agreement. 78540

(D) A political subdivision other than the legislative 78541
authority is not required to be a party to an agreement 78542
authorized under this section unless the political subdivision 78543
is a fee simple owner of real property subject to an exemption 78544
pursuant to section 3735.67 of the Revised Code that would 78545
otherwise be obligated to pay real property taxes for such real 78546
property. 78547

Sec. 3737.83. The state fire marshal shall, as part of the 78548
state fire code, adopt rules to: 78549

(A) Establish minimum standards of performance for fire 78550
protection equipment and fire fighting equipment; 78551

(B) Establish minimum standards of training, fix minimum 78552
qualifications, and require certificates for all persons who 78553
engage in the business for profit of installing, testing, 78554
repairing, or maintaining fire protection equipment; 78555

(C) Provide for the issuance of certificates required 78556
under division (B) of this section and establish the fees to be 78557
charged for such certificates. A certificate shall be granted, 78558
renewed, or revoked according to rules the state fire marshal 78559
shall adopt, except that the state fire marshal shall grant a 78560
certificate in accordance with Chapter 4796. of the Revised Code 78561
to an applicant if either of the following applies: 78562

(1) The applicant holds a license or certificate in 78563
another state. 78564

(2) The applicant has satisfactory work experience, a 78565
government certification, or a private certification as 78566
described in that chapter as a person engaged in the business of 78567
installing, testing, repairing, or maintaining fire protection 78568
equipment in a state that does not issue that certificate. 78569

(D) Establish minimum standards of flammability for 78570
consumer goods in any case where the federal government or any 78571
department or agency thereof has established, or may from time 78572
to time establish standards of flammability for consumer goods. 78573
The standards established by the state fire marshal shall be 78574
identical to the minimum federal standards. 78575

In any case where the federal government or any department 78576
or agency thereof, establishes standards of flammability for 78577
consumer goods subsequent to the adoption of a flammability 78578
standard by the state fire marshal, standards previously adopted 78579
by the state fire marshal shall not continue in effect to the 78580
extent such standards are not identical to the minimum federal 78581
standards. 78582

With respect to the adoption of minimum standards of 78583
flammability, this division shall supersede any authority 78584
granted a political subdivision by any other section of the 78585
Revised Code. 78586

(E) Establish minimum standards pursuant to section 78587
5104.05 of the Revised Code for fire prevention and fire safety 78588
in child care centers and in type A family child care homes, as 78589
defined in section 5104.01 of the Revised Code. 78590

(F) Establish minimum standards for fire prevention and 78591
safety in a residential facility licensed under section 5119.34 78592
of the Revised Code that provides accommodations, supervision, 78593

and personal care services for three to sixteen unrelated 78594
adults. The state fire marshal shall adopt the rules under this 78595
division in consultation with the director of mental health and 78596
addiction services and interested parties designated by the 78597
director of mental health and addiction services. 78598

(G) (1) Establish that, for buildings and structures 78599
incident to the agricultural purposes of the land and determined 78600
to be exempt from the rules of the board of building standards 78601
pursuant to division (B) (1) of section 3781.06 or section 78602
3781.061 of the Revised Code, the occupant load of a covered 78603
patio and its area are not to be included in the fire area 78604
calculation of the building for the determination of sprinkler 78605
thresholds, if all the following apply: 78606

(a) The building or structure would be classified as an 78607
assembly occupancy. 78608

(b) The covered patio is completely open to the atmosphere 78609
without enclosing walls on at least three sides all year with 78610
accessible means of egress on each side. 78611

(c) The occupant load of the covered patio does not exceed 78612
one hundred occupants. 78613

(d) The floor area of the covered patio is at the level of 78614
exit discharge. 78615

(e) If the patio is constructed on or after the effective 78616
date of this amendment, the horizontal assembly or roof and 78617
columns are constructed of materials that are non-combustible, 78618
limited-combustible, or fire-retardant treated wood. 78619

(2) If a building or zoning official makes a determination 78620
pursuant to division (B) (1) of section 3781.06 or section 78621
3781.061 of the Revised Code that results in a building or 78622

structure being exempt from the rules of the board of building standards, such official shall provide a written notification to the affected party that the state fire code applies to the exempt location, including as specified in this section. 78623
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(3) Nothing in division (G) of this section shall be construed to limit or restrict the scope of application of the state fire code, except as expressly provided in division (G) (1) of this section, including the distinct hazard or serious hazard standards specified in the state fire code. 78627
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(4) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under division (G) (1) of this section is not subject to sections 121.95 to 121.953 of the Revised Code. 78632
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Sec. 3742.32. (A) The director of health shall appoint an advisory council to assist in the ongoing development and implementation of the child lead poisoning prevention program created under section 3742.31 of the Revised Code. The advisory council shall consist of the following members: 78636
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(1) A representative of the department of medicaid; 78641

~~(2) A representative of the bureau of child care in the department of job and family services;~~ 78642
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~~(3) A representative of the department of environmental protection;~~ 78644
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~~(4)~~ (3) A representative of the department of education and workforce; 78646
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~~(5)~~ (4) A representative of the department of development; 78648

~~(6)~~ (5) A representative of the department of children and youth; 78649
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~~(7)~~(6) A representative of the Ohio apartment owner's association; 78651
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~~(8)~~(7) A representative of the Ohio healthy homes network; 78653

~~(9)~~(8) A representative of the Ohio environmental health association; 78654
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~~(10)~~(9) An Ohio representative of the American coatings association; 78656
78657

~~(11)~~(10) A representative from Ohio realtors; 78658

~~(12)~~(11) A representative of the Ohio housing finance agency; 78659
78660

~~(13)~~(12) A physician knowledgeable in the field of lead poisoning prevention; 78661
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~~(14)~~(13) A certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner knowledgeable in the field of lead poisoning prevention; 78663
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~~(15)~~(14) A representative of the public. 78666

(B) The advisory council shall do both of the following: 78667

(1) Provide the director with advice regarding the policies the child lead poisoning prevention program should emphasize, preferred methods of financing the program, and any other matter relevant to the program's operation; 78668
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(2) Submit a report of the state's activities to the governor, president of the senate, and speaker of the house of representatives on or before the first day of March each year. 78672
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(C) The advisory council is not subject to sections 101.82 to 101.87 of the Revised Code. 78675
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Sec. 3743.04. (A) The license of a manufacturer of fireworks is effective for one year beginning on the first day of December, and the state fire marshal shall issue or renew a license only on that date and at no other time. If a manufacturer of fireworks wishes to continue manufacturing fireworks at the designated fireworks plant after its then effective license expires, it shall apply no later than the first day of October for a new license pursuant to section 3743.02 of the Revised Code. The state fire marshal shall send a written notice of the expiration of its license to a licensed manufacturer at least three months before the expiration date.

(B) If, during the effective period of its licensure, a licensed manufacturer of fireworks wishes to construct, locate, or relocate any buildings or other structures on the premises of its fireworks plant, to make any structural change or renovation in any building or other structure on the premises of its fireworks plant, to change the nature of its manufacturing of fireworks so as to include the processing of fireworks, or to relocate its fireworks plant to a new licensed premises, the manufacturer shall notify the state fire marshal in writing. The state fire marshal may require a licensed manufacturer also to submit documentation, including, but not limited to, plans covering the proposed construction, location, relocation, structural change or renovation, change in manufacturing of fireworks, or new licensed premises, if the state fire marshal determines the documentation is necessary for evaluation purposes in light of the proposed construction, location, relocation, structural change or renovation, change in manufacturing of fireworks, or new licensed premises.

Upon receipt of the notification and additional documentation required by the state fire marshal, the state fire

marshal shall inspect the existing premises of the fireworks 78708
plant, or proposed new licensed premises, to determine if the 78709
proposed construction, location, relocation, structural change 78710
or renovation, change in manufacturing of fireworks, or new 78711
licensed premises conform to sections 3743.02 to 3743.08 of the 78712
Revised Code and the rules adopted by the state fire marshal 78713
pursuant to section 3743.05 of the Revised Code. The state fire 78714
marshal shall issue a written authorization to the manufacturer 78715
for the construction, location, relocation, structural change or 78716
renovation, change in manufacturing of fireworks, or new 78717
licensed premises, if the state fire marshal determines, upon 78718
the inspection and a review of submitted documentation, that the 78719
construction, location, relocation, structural change or 78720
renovation, change in manufacturing of fireworks, or new 78721
licensed premises conform to those sections and rules. Upon 78722
authorizing a change in manufacturing of fireworks to include 78723
the processing of fireworks, the state fire marshal shall make 78724
notations on the manufacturer's license and in the list of 78725
licensed manufacturers in accordance with section 3743.03 of the 78726
Revised Code. 78727

On or before June 1, 1998, a licensed manufacturer shall 78728
install, in every licensed building in which fireworks are 78729
manufactured, stored, or displayed and to which the public has 78730
access, interlinked fire detection, smoke exhaust, and smoke 78731
evacuation systems that are approved by the superintendent of 78732
industrial compliance, and shall comply with floor plans showing 78733
occupancy load limits and internal circulation and egress 78734
patterns that are approved by the state fire marshal and 78735
superintendent, and that are submitted under seal as required by 78736
section 3791.04 of the Revised Code. Notwithstanding section 78737
3743.59 of the Revised Code, the construction and safety 78738

requirements established in this division are not subject to any 78739
variance, waiver, or exclusion. 78740

(C) The license of a manufacturer of fireworks authorizes 78741
the manufacturer to engage only in the following activities: 78742

(1) The manufacturing of fireworks on the premises of the 78743
fireworks plant as described in the application for licensure or 78744
in the notification submitted under division (B) of this 78745
section, except that a licensed manufacturer shall not engage in 78746
the processing of fireworks unless authorized to do so by its 78747
license. 78748

(2) To possess for sale at wholesale and sell at wholesale 78749
the fireworks manufactured by the manufacturer, to persons who 78750
are licensed wholesalers of fireworks, to persons in accordance 78751
with sections 3743.44 to 3743.46 of the Revised Code, or to 78752
persons located in another state provided the fireworks are 78753
shipped directly out of this state to them by the manufacturer. 78754
A person who is licensed as a manufacturer of fireworks on June 78755
14, 1988, also may possess for sale and sell pursuant to 78756
division (C)(2) of this section fireworks other than those the 78757
person manufactures. The possession for sale shall be on the 78758
premises of the fireworks plant described in the application for 78759
licensure or in the notification submitted under division (B) of 78760
this section, and the sale shall be from the inside of a 78761
licensed building and from no other structure or device outside 78762
a licensed building. At no time shall a licensed manufacturer 78763
sell any class of fireworks outside a licensed building. 78764

(3) Possess for sale at retail and sell at retail the 78765
fireworks manufactured by the manufacturer, other than 1.4G 78766
fireworks as designated by the state fire marshal in rules 78767
adopted pursuant to division (A) of section 3743.05 of the 78768

Revised Code, to licensed exhibitors in accordance with sections 78769
3743.50 to 3743.55 of the Revised Code, and possess for sale at 78770
retail and sell at retail the fireworks manufactured by the 78771
manufacturer, including 1.4G fireworks, to persons in accordance 78772
with sections 3743.44 to ~~3743.46~~ 3743.48 of the Revised Code, or 78773
to persons located in another state provided the fireworks are 78774
shipped directly out of this state to them by the manufacturer. 78775
A person who is licensed as a manufacturer of fireworks on June 78776
14, 1988, may also possess for sale and sell pursuant to 78777
division (C) (3) of this section fireworks other than those the 78778
person manufactures. The possession for sale shall be on the 78779
premises of the fireworks plant described in the application for 78780
licensure or in the notification submitted under division (B) of 78781
this section, and, except as otherwise provided in section 78782
3743.48 of the Revised Code, the sale shall be from the inside 78783
of a licensed building and from no other structure or device 78784
outside a licensed building. ~~At no time shall~~ Except as 78785
otherwise provided in section 3743.48 of the Revised Code, a 78786
licensed manufacturer shall not sell any class of fireworks 78787
outside a licensed building. 78788

A licensed manufacturer of fireworks shall sell under 78789
division (C) of this section only fireworks that meet the 78790
standards set by the consumer product safety commission or by 78791
the American fireworks standard laboratories or that have 78792
received an EX number from the United States department of 78793
transportation. 78794

(D) The license of a manufacturer of fireworks shall be 78795
protected under glass and posted in a conspicuous place on the 78796
premises of the fireworks plant. Except as otherwise provided in 78797
this division, the license is not transferable or assignable. 78798

(1) The ownership of a manufacturer of fireworks license 78799
may be transferred to another person for the same fireworks 78800
plant for which the license was issued, or approved pursuant to 78801
division (B) of this section, if the assets of the plant are 78802
transferred to that person by inheritance or by a sale approved 78803
by the state fire marshal. 78804

(2) The license of a manufacturer of fireworks may be 78805
geographically relocated in accordance with division (D) of 78806
section 3743.75 of the Revised Code. 78807

(3) The license is subject to revocation in accordance 78808
with section 3743.08 of the Revised Code. 78809

(E) The state fire marshal shall not place the license of 78810
a manufacturer of fireworks in a temporarily inactive status 78811
while the holder of the license is attempting to qualify to 78812
retain the license. 78813

(F) Each licensed manufacturer of fireworks that possesses 78814
fireworks for sale and sells fireworks under division (C) of 78815
section 3743.04 of the Revised Code, or a designee of the 78816
manufacturer, whose identity is provided to the state fire 78817
marshal by the manufacturer, annually shall attend a continuing 78818
education program. The state fire marshal shall develop the 78819
program and the state fire marshal or a person or public agency 78820
approved by the state fire marshal shall conduct it. A licensed 78821
manufacturer or the manufacturer's designee who attends a 78822
program as required under this division, within one year after 78823
attending the program, shall conduct in-service training as 78824
approved by the state fire marshal for other employees of the 78825
licensed manufacturer regarding the information obtained in the 78826
program. A licensed manufacturer shall provide the state fire 78827
marshal with notice of the date, time, and place of all in- 78828

service training. For any program conducted under this division, 78829
the state fire marshal shall, in accordance with rules adopted 78830
by the state fire marshal under Chapter 119. of the Revised 78831
Code, establish the subjects to be taught, the length of 78832
classes, the standards for approval, and time periods for 78833
notification by the licensee to the state fire marshal of any 78834
in-service training. 78835

(G) A licensed manufacturer shall maintain comprehensive 78836
general liability insurance coverage in the amount and type 78837
specified under division (B) (2) of section 3743.02 of the 78838
Revised Code at all times. Each policy of insurance required 78839
under this division shall contain a provision requiring the 78840
insurer to give not less than fifteen days' prior written notice 78841
to the state fire marshal before termination, lapse, or 78842
cancellation of the policy, or any change in the policy that 78843
reduces the coverage below the minimum required under this 78844
division. Prior to canceling or reducing the amount of coverage 78845
of any comprehensive general liability insurance coverage 78846
required under this division, a licensed manufacturer shall 78847
secure supplemental insurance in an amount and type that 78848
satisfies the requirements of this division so that no lapse in 78849
coverage occurs at any time. A licensed manufacturer who secures 78850
supplemental insurance shall file evidence of the supplemental 78851
insurance with the state fire marshal prior to canceling or 78852
reducing the amount of coverage of any comprehensive general 78853
liability insurance coverage required under this division. 78854

(H) The state fire marshal shall adopt rules for the 78855
expansion or contraction of a licensed premises and for approval 78856
of such expansions or contractions. The boundaries of a licensed 78857
premises, including any geographic expansion or contraction of 78858
those boundaries, shall be approved by the state fire marshal in 78859

accordance with rules the state fire marshal adopts. If the 78860
licensed premises consists of more than one parcel of real 78861
estate, those parcels shall be contiguous unless an exception is 78862
allowed pursuant to division (I) of this section. 78863

(I) (1) A licensed manufacturer may expand its licensed 78864
premises within this state to include not more than two storage 78865
locations that are located upon one or more real estate parcels 78866
that are noncontiguous to the licensed premises as that licensed 78867
premises exists on the date a licensee submits an application as 78868
described below, if all of the following apply: 78869

(a) The licensee submits an application to the state fire 78870
marshal and an application fee of one hundred dollars per 78871
storage location for which the licensee is requesting approval. 78872

(b) The identity of the holder of the license remains the 78873
same at the storage location. 78874

(c) The storage location has received a valid certificate 78875
of zoning compliance as applicable and a valid certificate of 78876
occupancy for each building or structure at the storage location 78877
issued by the authority having jurisdiction to issue the 78878
certificate for the storage location, and those certificates 78879
permit the distribution and storage of fireworks regulated under 78880
this chapter at the storage location and in the buildings or 78881
structures. The storage location shall be in compliance with all 78882
other applicable federal, state, and local laws and regulations. 78883

(d) Every building or structure located upon the storage 78884
location is separated from occupied residential and 78885
nonresidential buildings or structures, railroads, highways, or 78886
any other buildings or structures on the licensed premises in 78887
accordance with the distances specified in the rules adopted by 78888

the state fire marshal pursuant to section 3743.05 of the Revised Code. 78889
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(e) Neither the licensee nor any person holding, owning, or controlling a five per cent or greater beneficial or equity interest in the licensee has been convicted of or pleaded guilty to a felony under the laws of this state, any other state, or the United States, after September 29, 2005. 78891
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(f) The state fire marshal approves the application for expansion. 78896
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(2) The state fire marshal shall approve an application for expansion requested under division (I) (1) of this section if the state fire marshal receives the application fee and proof that the requirements of divisions (I) (1) (b) to (e) of this section are satisfied. The storage location shall be considered part of the original licensed premises and shall use the same distinct number assigned to the original licensed premises with any additional designations as the state fire marshal deems necessary in accordance with section 3743.03 of the Revised Code. 78898
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(J) (1) A licensee who obtains approval for the use of a storage location in accordance with division (I) of this section shall use the storage location exclusively for the following activities, in accordance with division (C) of this section: 78908
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(a) The packaging, assembling, or storing of fireworks, which shall only occur in buildings or structures approved for such hazardous uses by the building code official having jurisdiction for the storage location or, for 1.4G fireworks, in containers or trailers approved for such hazardous uses by the state fire marshal if such containers or trailers are not 78912
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subject to regulation by the building code adopted in accordance 78918
with Chapter 3781. of the Revised Code. All such storage shall 78919
be in accordance with the rules adopted by the state fire 78920
marshal under division (G) of section 3743.05 of the Revised 78921
Code for the packaging, assembling, and storage of fireworks. 78922

(b) Distributing fireworks to other parcels of real estate 78923
located on the manufacturer's licensed premises, to licensed 78924
wholesalers or other licensed manufacturers in this state or to 78925
similarly licensed persons located in another state or country; 78926

(c) Distributing fireworks to a licensed exhibitor of 78927
fireworks pursuant to a properly issued permit in accordance 78928
with section 3743.54 of the Revised Code. 78929

(2) A licensed manufacturer shall not engage in any sales 78930
activity, including the retail sale of fireworks otherwise 78931
permitted under division (C) (2) or (C) (3) of this section, or 78932
pursuant to section 3743.44 or 3743.45 of the Revised Code, at 78933
the storage location approved under this section. 78934

(3) A storage location may not be relocated for a minimum 78935
period of five years after the storage location is approved by 78936
the state fire marshal in accordance with division (I) of this 78937
section. 78938

(K) The licensee shall prohibit public access to the 78939
storage location. The state fire marshal shall adopt rules to 78940
describe the acceptable measures a manufacturer shall use to 78941
prohibit access to the storage site. 78942

Sec. 3743.06. In addition to conforming to the rules of 78943
the fire marshal adopted pursuant to section 3743.05 of the 78944
Revised Code, licensed manufacturers of fireworks shall operate 78945
their fireworks plants in accordance with the following: 78946

(A) Signs indicating that smoking is generally forbidden 78947
and trespassing is prohibited on the premises of a fireworks 78948
plant shall be posted on the premises in a manner determined by 78949
the fire marshal. 78950

(B) Reasonable precautions shall be taken to protect the 78951
premises of a fireworks plant from trespass, loss, theft, or 78952
destruction. Only persons employed by the manufacturer, 78953
authorized governmental personnel, and persons who have obtained 78954
permission from a member of the manufacturer's office to be on 78955
the premises, are to be allowed to enter and remain on the 78956
premises. 78957

(C) Smoking or the carrying of pipes, cigarettes, or 78958
cigars, matches, lighters, other flame-producing items, or open 78959
flame on, or the carrying of a concealed source of ignition 78960
into, the premises of a fireworks plant is prohibited, except 78961
that a manufacturer may permit smoking in specified lunchrooms 78962
or restrooms in buildings or other structures in which no 78963
manufacturing, handling, sales, or storage of fireworks takes 78964
place. "NO SMOKING" signs shall be posted on the premises as 78965
required by the fire marshal. 78966

(D) Fire and explosion prevention and other reasonable 78967
safety measures and precautions shall be implemented by a 78968
manufacturer. 78969

(E) Persons shall not be permitted to have in their 78970
possession or under their control, while they are on the 78971
premises of the fireworks plant, any intoxicating liquor, beer, 78972
or controlled substance, and they shall not be permitted to 78973
enter or remain on the premises if they are found to be under 78974
the influence of any intoxicating liquor, beer, or controlled 78975
substance. 78976

(F) A manufacturer shall conform to all building, safety, 78977
and zoning statutes, ordinances, rules, or other enactments that 78978
apply to the premises of its fireworks plant. 78979

(G) Each fireworks plant shall have at least one class 1 78980
magazine that is approved by the bureau of alcohol, tobacco, and 78981
firearms of the United States department of the treasury and 78982
that is otherwise in conformity with federal law. This division 78983
does not apply to fireworks plants existing on or before August 78984
3, 1931. 78985

(H) Awnings, tents, and canopies shall not be used as 78986
facilities for the sale or storage of fireworks, except as 78987
expressly permitted by section 3743.48 of the Revised Code. This 78988
division does not prohibit the use of an awning or canopy 78989
attached to a public access showroom for storing nonflammable 78990
shopping convenience items such as shopping carts or baskets or 78991
providing a shaded area for patrons waiting to enter the public 78992
sales area. 78993

(I) Fireworks may be stored in trailers if the trailers 78994
are properly enclosed, secured, and grounded and are separated 78995
from any structure to which the public is admitted by a distance 78996
that will, in the fire marshal's judgment, allow fire-fighting 78997
equipment to have full access to the structures on the licensed 78998
premises. Such trailers may be moved into closer proximity to 78999
any structure only to accept or discharge cargo for a period not 79000
to exceed forty-eight hours. Only two such trailers may be 79001
placed in such closer proximity at any one time. At no time may 79002
trailers be used for conducting sales of any class of fireworks, 79003
nor may members of the public have access to the trailers. 79004

Storage areas for fireworks that are in the same building 79005
where fireworks are displayed and sold to the public shall be 79006

separated from the areas to which the public has access by an 79007
appropriately rated fire wall. 79008

(J) A fire suppression system as defined in section 79009
3781.108 of the Revised Code may be turned off only for repair, 79010
drainage of the system to prevent damage by freezing during the 79011
period of time, approved by the fire marshal, that the facility 79012
is closed to all public access during winter months, or 79013
maintenance of the system. If any repair or maintenance is 79014
necessary during times when the facility is open for public 79015
access and business as approved by the fire marshal, the 79016
licensed manufacturer shall notify in advance the appropriate 79017
insurance company and fire chief or fire prevention officer 79018
regarding the nature of the maintenance or repair and the time 79019
when it will be performed. 79020

(K) If any fireworks item is removed from its original 79021
package or is manufactured with any fuse other than a safety 79022
fuse approved by the consumer product safety commission, then 79023
the item shall be covered completely by repackaging or bagging 79024
or it shall otherwise be covered so as to prevent ignition prior 79025
to sale. 79026

(L) A safety officer shall be present during regular 79027
business hours at a building open to the public during the 79028
period commencing fourteen days before, and ending two days 79029
after, each fourth day of July. The officer shall be highly 79030
visible, enforce this chapter and any applicable building codes 79031
to the extent the officer is authorized by law, and be one of 79032
the following: 79033

(1) A deputy sheriff; 79034

(2) A law enforcement officer of a municipal corporation, 79035

township, or township or joint police district; 79036

(3) A private uniformed security guard registered under 79037
section 4749.06 of the Revised Code. 79038

(M) All doors of all buildings on the licensed premises 79039
shall swing outward. 79040

(N) All wholesale and commercial sales of fireworks shall 79041
be packaged, shipped, placarded, and transported in accordance 79042
with United States department of transportation regulations 79043
applicable to the transportation, and the offering for 79044
transportation, of hazardous materials. For purposes of this 79045
division, "wholesale and commercial sales" includes all sales 79046
for resale and any nonretail sale made in furtherance of a 79047
commercial enterprise. For purposes of enforcement of these 79048
regulations under section 4923.99 of the Revised Code, any sales 79049
transaction exceeding one thousand pounds shall be rebuttably 79050
presumed to be a wholesale or commercial sale. 79051

Sec. 3743.17. (A) The license of a wholesaler of fireworks 79052
is effective for one year beginning on the first day of 79053
December, and the state fire marshal shall issue or renew a 79054
license only on that date and at no other time. If a wholesaler 79055
of fireworks wishes to continue engaging in the wholesale sale 79056
of fireworks at the particular location after its then effective 79057
license expires, it shall apply not later than the first day of 79058
October for a new license pursuant to section 3743.15 of the 79059
Revised Code. The state fire marshal shall send a written notice 79060
of the expiration of its license to a licensed wholesaler at 79061
least three months before the expiration date. 79062

(B) If, during the effective period of its licensure, a 79063
licensed wholesaler of fireworks wishes to perform any 79064

construction, or make any structural change or renovation, on 79065
the premises on which the fireworks are sold, or to relocate its 79066
sales operations to a new licensed premises, the wholesaler 79067
shall notify the state fire marshal in writing. The state fire 79068
marshal may require a licensed wholesaler also to submit 79069
documentation, including, but not limited to, plans covering the 79070
proposed construction or structural change or renovation, or 79071
proposed new licensed premises, if the state fire marshal 79072
determines the documentation is necessary for evaluation 79073
purposes in light of the proposed construction, structural 79074
change or renovation, or relocation. 79075

Upon receipt of the notification and additional 79076
documentation required by the state fire marshal, the state fire 79077
marshal shall inspect the premises on which the fireworks are 79078
sold, or the proposed new licensed premises, to determine if the 79079
proposed construction, structural change or renovation, or 79080
relocation conforms to sections 3743.15 to 3743.21 of the 79081
Revised Code, divisions (C) (1) and (2) of section 3743.25 of the 79082
Revised Code, and the rules adopted by the state fire marshal 79083
pursuant to section 3743.18 of the Revised Code. The state fire 79084
marshal shall issue a written authorization to the wholesaler 79085
for the construction, structural change or renovation, or new 79086
licensed premises if the state fire marshal determines, upon the 79087
inspection and a review of submitted documentation, that the 79088
construction, structural change or renovation, or new licensed 79089
premises conform to those sections and rules. 79090

(C) The license of a wholesaler of fireworks authorizes 79091
the wholesaler to engage only in the following activities: 79092

(1) Possess for sale at wholesale and sell at wholesale 79093
fireworks to persons who are licensed wholesalers of fireworks, 79094

to persons in accordance with sections 3743.44 to 3743.46 of the Revised Code, or to persons located in another state provided the fireworks are shipped directly out of this state to them by the wholesaler. The possession for sale shall be at the location described in the application for licensure or in the notification submitted under division (B) of this section, and the sale shall be from the inside of a licensed building and from no structure or device outside a licensed building. At no time shall a licensed wholesaler sell any class of fireworks outside a licensed building.

(2) Possess for sale at retail and sell at retail fireworks, other than 1.4G fireworks as designated by the state fire marshal in rules adopted pursuant to division (A) of section 3743.05 of the Revised Code, to licensed exhibitors in accordance with sections 3743.50 to 3743.55 of the Revised Code, and possess for sale at retail and sell at retail fireworks, including 1.4G fireworks, to persons in accordance with sections 3743.44 to ~~3743.46~~ 3743.48 of the Revised Code, or to persons located in another state provided the fireworks are shipped directly out of this state to them by the wholesaler. The possession for sale shall be at the location described in the application for licensure or in the notification submitted under division (B) of this section, and, except as otherwise provided in section 3743.48 of the Revised Code, the sale shall be from the inside of the licensed building and from no other structure or device outside this licensed building. ~~At no time shall~~ Except as otherwise provided in section 3743.48 of the Revised Code, a licensed wholesaler shall not sell any class of fireworks outside a licensed building.

A licensed wholesaler of fireworks shall sell under division (C) of this section only fireworks that meet the

standards set by the consumer product safety commission or by 79126
the American fireworks standard laboratories or that have 79127
received an EX number from the United States department of 79128
transportation. 79129

(D) The license of a wholesaler of fireworks shall be 79130
protected under glass and posted in a conspicuous place at the 79131
location described in the application for licensure or in the 79132
notification submitted under division (B) of this section. 79133
Except as otherwise provided in this section, the license is not 79134
transferable or assignable. 79135

(1) The ownership of a wholesaler of fireworks license may 79136
be transferred to another person for the same location for which 79137
the license was issued, or approved pursuant to division (B) of 79138
this section, if the assets of the wholesaler are transferred to 79139
that person by inheritance or by a sale approved by the state 79140
fire marshal. 79141

(2) The license of a wholesaler of fireworks may be 79142
geographically relocated in accordance with division (D) of 79143
section 3743.75 of the Revised Code. 79144

(3) The license is subject to revocation in accordance 79145
with section 3743.21 of the Revised Code. 79146

(E) The state fire marshal shall adopt rules for the 79147
expansion or contraction of a licensed premises and for the 79148
approval of an expansion or contraction. The boundaries of a 79149
licensed premises, including any geographic expansion or 79150
contraction of those boundaries, shall be approved by the state 79151
fire marshal in accordance with rules the state fire marshal 79152
adopts. If the licensed premises of a licensed wholesaler from 79153
which the wholesaler operates consists of more than one parcel 79154

of real estate, those parcels must be contiguous, unless an 79155
exception is allowed pursuant to division (F) of this section. 79156

(F) (1) A licensed wholesaler may expand its licensed 79157
premises within this state to include not more than two storage 79158
locations that are located upon one or more real estate parcels 79159
that are noncontiguous to the licensed premises as that licensed 79160
premises exists on the date a licensee submits an application as 79161
described below, if all of the following apply: 79162

(a) The licensee submits an application to the state fire 79163
marshal requesting the expansion and an application fee of one 79164
hundred dollars per storage location for which the licensee is 79165
requesting approval. 79166

(b) The identity of the holder of the license remains the 79167
same at the storage location. 79168

(c) The storage location has received a valid certificate 79169
of zoning compliance, as applicable, and a valid certificate of 79170
occupancy for each building or structure at the storage location 79171
issued by the authority having jurisdiction to issue the 79172
certificate for the storage location, and those certificates 79173
permit the distribution and storage of fireworks regulated under 79174
this chapter at the storage location and in the buildings or 79175
structures. The storage location shall be in compliance with all 79176
other applicable federal, state, and local laws and regulations. 79177

(d) Every building or structure located upon the storage 79178
location is separated from occupied residential and 79179
nonresidential buildings or structures, railroads, highways, and 79180
any other buildings or structures on the licensed premises in 79181
accordance with the distances specified in the rules adopted by 79182
the state fire marshal pursuant to section 3743.18 of the 79183

Revised Code. 79184

(e) Neither the licensee nor any person holding, owning, 79185
or controlling a five per cent or greater beneficial or equity 79186
interest in the licensee has been convicted of or pleaded guilty 79187
to a felony under the laws of this state, any other state, or 79188
the United States, after September 29, 2005. 79189

(f) The state fire marshal approves the application for 79190
expansion. 79191

(2) The state fire marshal shall approve an application 79192
for expansion requested under division (F) (1) of this section if 79193
the state fire marshal receives the application fee and proof 79194
that the requirements of divisions (F) (1) (b) to (e) of this 79195
section are satisfied. The storage location shall be considered 79196
part of the original licensed premises and shall use the same 79197
distinct number assigned to the original licensed premises with 79198
any additional designations as the state fire marshal deems 79199
necessary in accordance with section 3743.16 of the Revised 79200
Code. 79201

(G) (1) A licensee who obtains approval for use of a 79202
storage location in accordance with division (F) of this section 79203
shall use the site exclusively for the following activities, in 79204
accordance with division (C) (1) of this section: 79205

(a) Packaging, assembling, or storing fireworks, which 79206
shall occur only in buildings or structures approved for such 79207
hazardous uses by the building code official having jurisdiction 79208
for the storage location or, for 1.4G fireworks, in containers 79209
or trailers approved for such hazardous uses by the state fire 79210
marshal if such containers or trailers are not subject to 79211
regulation by the building code adopted in accordance with 79212

Chapter 3781. of the Revised Code. All such storage shall be in 79213
accordance with the rules adopted by the state fire marshal 79214
under division (B) (4) of section 3743.18 of the Revised Code for 79215
the packaging, assembling, and storage of fireworks. 79216

(b) Distributing fireworks to other parcels of real estate 79217
located on the wholesaler's licensed premises, to licensed 79218
manufacturers or other licensed wholesalers in this state or to 79219
similarly licensed persons located in another state or country; 79220

(c) Distributing fireworks to a licensed exhibitor of 79221
fireworks pursuant to a properly issued permit in accordance 79222
with section 3743.54 of the Revised Code. 79223

(2) A licensed wholesaler shall not engage in any sales 79224
activity, including the retail sale of fireworks otherwise 79225
permitted under division (C) (2) of this section or pursuant to 79226
section 3743.44 or 3743.45 of the Revised Code, at a storage 79227
location approved under this section. 79228

(3) A storage location may not be relocated for a minimum 79229
period of five years after the storage location is approved by 79230
the state fire marshal in accordance with division (F) of this 79231
section. 79232

(H) A licensee shall prohibit public access to all storage 79233
locations it uses. The state fire marshal shall adopt rules 79234
establishing acceptable measures a wholesaler shall use to 79235
prohibit access to storage sites. 79236

(I) The state fire marshal shall not place the license of 79237
a wholesaler of fireworks in temporarily inactive status while 79238
the holder of the license is attempting to qualify to retain the 79239
license. 79240

(J) Each licensed wholesaler of fireworks or a designee of 79241

the wholesaler, whose identity is provided to the state fire 79242
marshal by the wholesaler, annually shall attend a continuing 79243
education program. The state fire marshal shall develop the 79244
program and the state fire marshal or a person or public agency 79245
approved by the state fire marshal shall conduct it. A licensed 79246
wholesaler or the wholesaler's designee who attends a program as 79247
required under this division, within one year after attending 79248
the program, shall conduct in-service training as approved by 79249
the state fire marshal for other employees of the licensed 79250
wholesaler regarding the information obtained in the program. A 79251
licensed wholesaler shall provide the state fire marshal with 79252
notice of the date, time, and place of all in-service training. 79253
For any program conducted under this division, the state fire 79254
marshal shall, in accordance with rules adopted by the state 79255
fire marshal under Chapter 119. of the Revised Code, establish 79256
the subjects to be taught, the length of classes, the standards 79257
for approval, and time periods for notification by the licensee 79258
to the state fire marshal of any in-service training. 79259

(K) A licensed wholesaler shall maintain comprehensive 79260
general liability insurance coverage in the amount and type 79261
specified under division (B) (2) of section 3743.15 of the 79262
Revised Code at all times. Each policy of insurance required 79263
under this division shall contain a provision requiring the 79264
insurer to give not less than fifteen days' prior written notice 79265
to the state fire marshal before termination, lapse, or 79266
cancellation of the policy, or any change in the policy that 79267
reduces the coverage below the minimum required under this 79268
division. Prior to canceling or reducing the amount of coverage 79269
of any comprehensive general liability insurance coverage 79270
required under this division, a licensed wholesaler shall secure 79271
supplemental insurance in an amount and type that satisfies the 79272

requirements of this division so that no lapse in coverage 79273
occurs at any time. A licensed wholesaler who secures 79274
supplemental insurance shall file evidence of the supplemental 79275
insurance with the state fire marshal prior to canceling or 79276
reducing the amount of coverage of any comprehensive general 79277
liability insurance coverage required under this division. 79278

Sec. 3743.19. In addition to conforming to the rules of 79279
the fire marshal adopted pursuant to section 3743.18 of the 79280
Revised Code, licensed wholesalers of fireworks shall conduct 79281
their business operations in accordance with the following: 79282

(A) A-Except as otherwise provided in section 3743.48 of 79283
the Revised Code, a wholesaler shall conduct its business 79284
operations from the location described in its application for 79285
licensure or in a notification submitted under division (B) of 79286
section 3743.17 of the Revised Code. 79287

(B) Signs indicating that smoking is generally forbidden 79288
and trespassing is prohibited on the premises of a wholesaler 79289
shall be posted on the premises as determined by the fire 79290
marshal. 79291

(C) Reasonable precautions shall be taken to protect the 79292
premises of a wholesaler from trespass, loss, theft, or 79293
destruction. 79294

(D) Smoking or the carrying of pipes, cigarettes, or 79295
cigars, matches, lighters, other flame-producing items, or open 79296
flame on, or the carrying of a concealed source of ignition 79297
into, the premises of a wholesaler is prohibited, except that a 79298
wholesaler may permit smoking in specified lunchrooms or 79299
restrooms in buildings or other structures in which no sales, 79300
handling, or storage of fireworks takes place. "NO SMOKING" 79301

signs shall be posted on the premises as required by the fire marshal. 79302
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(E) Fire and explosion prevention and other reasonable safety measures and precautions shall be implemented by a wholesaler. 79304
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(F) Persons shall not be permitted to have in their possession or under their control, while they are on the premises of a wholesaler, any intoxicating liquor, beer, or controlled substance, and they shall not be permitted to enter or remain on the premises if they are found to be under the influence of any intoxicating liquor, beer, or controlled substance. 79307
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(G) A wholesaler shall conform to all building, safety, and zoning statutes, ordinances, rules, or other enactments that apply to its premises. 79314
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(H) Each building used in the sale of fireworks shall be kept open to the public for at least four hours each day between the hours of eight a.m. and five p.m., five days of each week, every week of the year. Upon application from a licensed wholesaler, the fire marshal may waive any of the requirements of this division. 79317
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(I) Awnings, tents, or canopies shall not be used as facilities for the storage or sale of fireworks, except as expressly permitted by section 3743.48 of the Revised Code. This division does not prohibit the use of an awning or canopy attached to a public access showroom for storing nonflammable shopping convenience items such as shopping carts or baskets or providing a shaded area for patrons waiting to enter the public sales area. 79323
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(J) 1.4G fireworks may be stored in trailers if the trailers are properly enclosed, secured, and grounded and are separated from any structure to which the public is admitted by a distance that will, in the fire marshal's judgment, allow fire-fighting equipment to have full access to the structures on the licensed premises. Such trailers may be moved into closer proximity to any structure only to accept or discharge cargo for a period not to exceed forty-eight hours. Only two such trailers may be placed in such closer proximity at any one time. At no time may trailers be used for conducting sales of any class of fireworks nor may members of the public have access to the trailers.

Storage areas for fireworks that are in the same building where fireworks are displayed and sold to the public shall be separated from the areas to which the public has access by an appropriately rated fire wall. If the licensee installs and properly maintains an early suppression fast response sprinkler system or equivalent fire suppression system as described in the fire code adopted by the fire marshal in accordance with section 3737.82 of the Revised Code throughout the structure, a fire barrier wall may be substituted for a fire wall between the areas to which the public has access and the storage portions of the structure.

(K) A fire suppression system as defined in section 3781.108 of the Revised Code may be turned off only for repair, drainage of the system to prevent damage by freezing during the period of time, approved by the fire marshal under division (I) of this section, that the facility is closed to public access during winter months, or maintenance of the system. If any repair or maintenance is necessary during times when the facility is open for public access and business, the licensed

wholesaler shall notify in advance the appropriate insurance 79362
company and fire chief or fire prevention officer regarding the 79363
nature of the maintenance or repair and the time when it will be 79364
performed. 79365

(L) If any fireworks item is removed from its original 79366
package or is manufactured with any fuse other than a fuse 79367
approved by the consumer product safety commission, then the 79368
item shall be covered completely by repackaging or bagging or it 79369
shall otherwise be covered so as to prevent ignition prior to 79370
sale. 79371

(M) A safety officer shall be present during regular 79372
business hours at a building open to the public during the 79373
period commencing fourteen days before, and ending two days 79374
after, each fourth day of July. The officer shall be highly 79375
visible, enforce this chapter and any applicable building codes 79376
to the extent the officer is authorized by law, and be one of 79377
the following: 79378

(1) A deputy sheriff; 79379

(2) A law enforcement officer of a municipal corporation, 79380
township, or township or joint police district; 79381

(3) A private uniformed security guard registered under 79382
section 4749.06 of the Revised Code. 79383

(N) All doors of all buildings on the licensed premises 79384
shall swing outward. 79385

(O) All wholesale and commercial sales of fireworks shall 79386
be packaged, shipped, placarded, and transported in accordance 79387
with United States department of transportation regulations 79388
applicable to the transportation, and the offering for 79389
transportation, of hazardous materials. For purposes of this 79390

division, "wholesale and commercial sales" includes all sales 79391
for resale and any nonretail sale made in furtherance of a 79392
commercial enterprise. For purposes of enforcement of these 79393
regulations under section 4923.99 of the Revised Code, any sales 79394
transaction exceeding one thousand pounds shall be rebuttably 79395
presumed to be a wholesale or commercial sale. 79396

Sec. 3743.25. (A) (1) Except as described in division (A) 79397
(2) of this section and in section 3743.48 of the Revised Code, 79398
all retail sales of 1.4G fireworks by a licensed manufacturer or 79399
wholesaler shall only occur from an approved retail sales 79400
showroom on a licensed premises or from a representative sample 79401
showroom as described in this section on a licensed premises. 79402
For the purposes of this section, a retail sale includes the 79403
transfer of the possession of the 1.4G fireworks from the 79404
licensed manufacturer or wholesaler to the purchaser of the 79405
fireworks. 79406

(2) Sales of 1.4G fireworks to a licensed exhibitor for a 79407
properly permitted exhibition shall occur in accordance with the 79408
provisions of the Revised Code and rules adopted by the state 79409
fire marshal under Chapter 119. of the Revised Code. Such rules 79410
shall specify, at a minimum, that the licensed exhibitor holds a 79411
license under section 3743.51 of the Revised Code, that the 79412
exhibitor possesses a valid exhibition permit issued in 79413
accordance with section 3743.54 of the Revised Code, and that 79414
the fireworks shipped are to be used at the specifically 79415
permitted exhibition. 79416

(B) All wholesale sales of fireworks by a licensed 79417
manufacturer or wholesaler shall only occur from a licensed 79418
premises to persons who intend to resell the fireworks purchased 79419
at wholesale. A wholesale sale by a licensed manufacturer or 79420

wholesaler may occur as follows: 79421

(1) The direct sale and shipment of fireworks to a person 79422
outside of this state; 79423

(2) From an approved retail sales showroom as described in 79424
this section; 79425

(3) From a representative sample showroom as described in 79426
this section; 79427

(4) By delivery of wholesale fireworks to a purchaser at a 79428
licensed premises outside of a structure or building on that 79429
premises. All other portions of the wholesale sales transaction 79430
may occur at any location on a licensed premises. 79431

(5) Any other method as described in rules adopted by the 79432
state fire marshal under Chapter 119. of the Revised Code. 79433

(C) A-Except as otherwise provided in section 3743.48 of 79434
the Revised Code, a licensed manufacturer or wholesaler shall 79435
only sell 1.4G fireworks from a representative sample showroom 79436
or a retail sales showroom. Each licensed premises shall only 79437
contain one sales structure. 79438

A representative sample showroom shall consist of a 79439
structure constructed and maintained in accordance with the 79440
nonresidential building code adopted under Chapter 3781. of the 79441
Revised Code and the fire code adopted under section 3737.82 of 79442
the Revised Code for a use and occupancy group that permits 79443
mercantile sales. A representative sample showroom shall not 79444
contain any pyrotechnics, pyrotechnic materials, fireworks, 79445
explosives, explosive materials, or any similar hazardous 79446
materials or substances. A representative sample showroom shall 79447
be used only for the public viewing of fireworks product 79448
representations, including paper materials, packaging materials, 79449

catalogs, photographs, or other similar product depictions. The 79450
delivery of product to a purchaser of fireworks at a licensed 79451
premises that has a representative sample structure shall not 79452
occur inside any structure on a licensed premises. Such product 79453
delivery shall occur on the licensed premises in a manner 79454
prescribed by rules adopted by the state fire marshal pursuant 79455
to Chapter 119. of the Revised Code. 79456

If a manufacturer or wholesaler elects to conduct sales 79457
from a retail sales showroom, the showroom structures, to which 79458
the public may have any access and in which employees are 79459
required to work, on all licensed premises, shall comply with 79460
the following safety requirements: 79461

(1) A fireworks showroom that is constructed or upon which 79462
expansion is undertaken on and after June 30, 1997, shall be 79463
equipped with interlinked fire detection, fire suppression, 79464
smoke exhaust, and smoke evacuation systems that are approved by 79465
the superintendent of industrial compliance in the department of 79466
commerce. 79467

(2) (a) A fireworks showroom that first begins to operate 79468
on or after June 30, 1997, or that resumes operations at any 79469
time after a period of inactive status of licensure greater than 79470
one year, and to which the public has access for retail purposes 79471
shall not exceed seven thousand five hundred square feet in 79472
floor area. 79473

(b) A fireworks showroom that, through construction of a 79474
new showroom, expansion of an existing showroom, or similar 79475
means, first exceeds five thousand square feet, to which the 79476
public has access for retail purposes, after ~~the effective date~~ 79477
~~of this amendment~~ February 7, 2022, shall be equipped with a 79478
sprinkler system that meets the criteria for sprinkler systems 79479

in extra hazard (group 2) occupancies under "NFPA 13, Standard for the Installation of Sprinkler Systems (2019 Edition)." 79480
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(c) Notwithstanding division (D) of this section, the state fire marshal may provide a variance to the requirements of division (C)(2)(b) of this section pursuant to section 3743.59 of the Revised Code for a sprinkler system that matches or exceeds the degree of safety provided by a sprinkler system that meets the criteria for sprinkler systems in extra hazard (group 2) occupancies under "NFPA 13, Standard for the Installation of Sprinkler Systems (2019 Edition)." 79482
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(3) A newly constructed or an existing fireworks showroom structure that exists on September 23, 2008, but that, on or after September 23, 2008, is altered or added to in a manner requiring the submission of plans, drawings, specifications, or data pursuant to section 3791.04 of the Revised Code, shall comply with a graphic floor plan layout that is approved by the state fire marshal and superintendent showing width of aisles, parallel arrangement of aisles to exits, number of exits per wall, maximum occupancy load, evacuation plan for occupants, height of storage or display of merchandise, and other information as may be required by the state fire marshal and superintendent. 79490
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(4) A fireworks showroom structure that exists on June 30, 1997, shall be in compliance on or after June 30, 1997, with floor plans showing occupancy load limits and internal circulation and egress patterns that are approved by the state fire marshal and superintendent, and that are submitted under seal as required by section 3791.04 of the Revised Code. 79502
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(D) The safety requirements established in division (C) of this section are not subject to any variance, waiver, or 79508
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exclusion pursuant to this chapter or any applicable building code. 79510
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Sec. 3743.48. (A) For the purposes of this section, 79512
"online sale" means a retail sale through an internet web site 79513
or other digital platform. 79514

(B) A licensed manufacturer or licensed wholesaler may 79515
conduct online sales of 1.4G fireworks in accordance with this 79516
section. A licensed manufacturer or licensed wholesaler shall 79517
ensure that all selection, ordering, payment, and delivery is 79518
carried out in accordance with the procedures and requirements 79519
of this chapter and all rules adopted thereunder, except to the 79520
extent that those procedures, requirements, and rules directly 79521
conflict with this section. 79522

(C) Each online sale of 1.4G fireworks shall be 79523
specifically associated with a single licensed manufacturer or 79524
licensed wholesaler, identified by license identification number 79525
and the address of the licensed premises. A licensed 79526
manufacturer or licensed wholesaler shall transfer possession of 79527
1.4G fireworks purchased in an online sale only in the retail 79528
showroom of the licensed premises or via curbside delivery made 79529
in accordance with all of the following: 79530

(1) The delivery is made to the verified purchaser of the 79531
1.4G fireworks. 79532

(2) The delivery occurs on the licensed premises 79533
associated with sale. 79534

(3) The delivery occurs in a designated customer pick-up 79535
zone which may be accessible by motor vehicles. 79536

(4) The purchaser is provided a safety pamphlet, in 79537
accordance with section 3743.47 of the Revised Code, at the 79538

point of delivery. 79539

(5) The purchaser is offered safety glasses for a nominal fee at the point of delivery in accordance section 3743.47 of the Revised Code. 79540
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(D) A licensed manufacturer or licensed wholesaler may construct a tent or other temporary structure on a licensed premises to provide shelter for employees and purchasers at the point of curbside delivery, provided that such structures are approved by the state fire marshal and are in compliance with all state and local laws, including the state building code, the state fire code, and any applicable zoning requirements. 79543
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(E) A licensed manufacturer or licensed wholesaler shall not transfer possession of 1.4G fireworks purchased in an online sale to any person other than the verified purchaser. Before transferring possession, the licensed manufacturer or licensed wholesaler shall verify all of the following: 79550
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(1) The number and types of items included in the order; 79555

(2) That the purchaser is at least eighteen years of age; 79556

(3) That the purchaser's name is the same name associated with the credit or debit card with which the order was placed; 79557
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(4) That the purchaser attests to understanding and agrees to comply with all applicable federal, state, and local laws regarding consumer fireworks storage and use; 79559
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(5) That the purchaser signs all forms required by law; 79562

(6) That the purchaser pays the fee imposed by section 3743.22 of the Revised Code. 79563
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(F) A licensed manufacturer or licensed wholesaler that 79565

conducts online sales of 1.4G fireworks shall do all of the 79566
following: 79567

(1) Comply with all applicable state and local laws, 79568
including the state building code, state fire code, and zoning 79569
requirements; 79570

(2) Implement reasonable traffic control measures for 79571
curbside deliveries; 79572

(3) Maintain all regular fireworks sales records, 79573
including any records necessary to demonstrate compliance with 79574
this section, and make those records available upon request of 79575
the state fire marshal or any law enforcement officer, fire code 79576
official, or building code official with jurisdiction. 79577

(G) A licensed manufacturer or licensed wholesaler shall 79578
not do any of the following: 79579

(1) Deliver fireworks via mail order, parcel service, or 79580
any other delivery process that occurs outside of the licensed 79581
premises; 79582

(2) Sell or offer for sale fireworks or other items 79583
outside of the licensed retail showroom except as expressly 79584
authorized by this section; 79585

(3) Display fireworks for sale outside of a retail 79586
showroom; 79587

(4) Permit any member of the public to access any areas on 79588
the licensed premises other than the retail showroom and the 79589
designated area for curbside delivery. 79590

(H) Nothing in this section shall be construed to do any 79591
of the following: 79592

<u>(1) Reduce, waive, or otherwise eliminate any licensure or safety requirements in this chapter or the rules adopted thereunder;</u>	79593
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<u>(2) Exempt any retail sales of 1.4G fireworks from the fee imposed by section 3743.22 of the Revised Code;</u>	79596
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<u>(3) Reduce, waive, or otherwise eliminate any of a licensed manufacturer's or licensed wholesaler's liability, insurance, workers compensation, or other legal obligations.</u>	79598
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<u>(I) (1) A licensed wholesaler or licensed manufacturer is not required to conduct online sales of fireworks.</u>	79601
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<u>(2) A licensed wholesaler or licensed manufacturer may implement a hybrid firework purchase and delivery system composed of one or more of the following:</u>	79603
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<u>(a) Standard retail showroom sales;</u>	79606
<u>(b) Online selection of, or payment for, 1.4G fireworks products and in-store showroom delivery of those products;</u>	79607
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<u>(c) Online selection of, or payment for, 1.4G fireworks products and curb-side delivery of those products;</u>	79609
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<u>(d) Retail showroom-based product selection and payment, and curb-side delivery of those products;</u>	79611
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<u>(e) Other similar purchase and delivery systems approved in writing by the state fire marshal in accordance with division (J) of this section.</u>	79613
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<u>(J) A licensed wholesaler or licensed manufacturer may submit to the state fire marshal proposals for alternative 1.4G firework purchase and delivery systems that satisfy the requirements of this section. The state fire marshal shall</u>	79616
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review each such proposal and, if the alternative firework 79620
purchase and delivery system satisfies the requirements of this 79621
section, may approve that firework purchase and delivery system 79622
for use by the licensed wholesaler or licensed manufacturer. 79623

(K) This section does not apply to 1.3G fireworks or 79624
wholesale sales. 79625

(L) The state fire marshal shall adopt rules and standards 79626
in accordance with Chapter 119. of the Revised Code as necessary 79627
to implement and enforce this section. 79628

Sec. 3743.60. (A) No person shall manufacture fireworks in 79629
this state unless it is a licensed manufacturer of fireworks, 79630
and no person shall operate a fireworks plant in this state 79631
unless it has been issued a license as a manufacturer of 79632
fireworks for the particular fireworks plant. 79633

(B) No person shall operate a fireworks plant in this 79634
state after its license as a manufacturer of fireworks for the 79635
particular fireworks plant has expired, is suspended, has been 79636
denied renewal, or has been revoked, unless a new license has 79637
been obtained or the suspension lifted. 79638

(C) No licensed manufacturer of fireworks, during the 79639
effective period of its licensure, shall construct, locate, or 79640
relocate any buildings or other structures on the premises of 79641
its fireworks plant, make any structural change or renovation in 79642
any building or other structure on the premises of its fireworks 79643
plant, or change the nature of its manufacturing of fireworks so 79644
as to include the processing of fireworks without first 79645
obtaining a written authorization from the state fire marshal 79646
pursuant to division (B) of section 3743.04 of the Revised Code. 79647

(D) No licensed manufacturer of fireworks shall 79648

manufacture fireworks, possess fireworks for sale at wholesale 79649
or retail, or sell fireworks at wholesale or retail, in a manner 79650
not authorized by division (C) of section 3743.04 of the Revised 79651
Code. 79652

(E) No licensed manufacturer of fireworks shall knowingly 79653
fail to comply with the rules adopted by the state fire marshal 79654
pursuant to ~~section~~ sections 3743.05 and 3743.48 of the Revised 79655
Code or the requirements of ~~section~~ sections 3743.06 and 3743.48 79656
of the Revised Code. 79657

(F) No licensed manufacturer of fireworks shall fail to 79658
maintain complete inventory, wholesale sale, and retail records 79659
as required by section 3743.07 of the Revised Code, or to permit 79660
inspection of these records or the premises of a fireworks plant 79661
pursuant to section 3743.08 of the Revised Code. 79662

(G) No licensed manufacturer of fireworks shall fail to 79663
comply with an order of the state fire marshal issued pursuant 79664
to division (B) (1) of section 3743.08 of the Revised Code, 79665
within the specified period of time. 79666

(H) No licensed manufacturer of fireworks shall fail to 79667
comply with an order of the state fire marshal issued pursuant 79668
to division (B) (2) of section 3743.08 of the Revised Code until 79669
the nonconformities are eliminated, corrected, or otherwise 79670
remedied or the seventy-two hour period specified in that 79671
division has expired, whichever first occurs. 79672

(I) No person shall smoke or shall carry a pipe, 79673
cigarette, or cigar, or a match, lighter, other flame-producing 79674
item, or open flame on, or shall carry a concealed source of 79675
ignition into, the premises of a fireworks plant, except as 79676
smoking is authorized in specified lunchrooms or restrooms by a 79677

manufacturer pursuant to division (C) of section 3743.06 of the Revised Code. 79678
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(J) No person shall have possession or control of, or be under the influence of, any intoxicating liquor, beer, or controlled substance, while on the premises of a fireworks plant. 79680
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(K) No licensed manufacturer of fireworks shall negligently fail to furnish a safety pamphlet to a purchaser of 1.4G fireworks as required by division (A) of section 3743.47 of the Revised Code. 79684
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(L) No licensed manufacturer of fireworks shall negligently fail to have safety glasses available for sale as required by division (B) of section 3743.47 of the Revised Code. 79688
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Sec. 3743.61. (A) No person, except a licensed manufacturer of fireworks engaging in the wholesale sale of fireworks as authorized by division (C) (2) of section 3743.04 of the Revised Code, shall operate as a wholesaler of fireworks in this state unless it is a licensed wholesaler of fireworks, or shall operate as a wholesaler of fireworks at any location in this state unless it has been issued a license as a wholesaler of fireworks for the particular location. 79691
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(B) No person shall operate as a wholesaler of fireworks at a particular location in this state after its license as a wholesaler of fireworks for the particular location has expired, is suspended, has been denied renewal, or has been revoked, unless a new license has been obtained or the suspension lifted. 79699
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(C) No licensed wholesaler of fireworks, during the effective period of its licensure, shall perform any construction, or make any structural change or renovation, on 79704
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the premises on which the fireworks are sold without first 79707
obtaining a written authorization from the state fire marshal 79708
pursuant to division (B) of section 3743.17 of the Revised Code. 79709

(D) No licensed wholesaler of fireworks shall possess 79710
fireworks for sale at wholesale or retail, or sell fireworks at 79711
wholesale or retail, in a manner not authorized by division (C) 79712
of section 3743.17 of the Revised Code. 79713

(E) No licensed wholesaler of fireworks shall knowingly 79714
fail to comply with the rules adopted by the state fire marshal 79715
pursuant to ~~section~~sections 3743.18 and 3743.48 or the 79716
requirements of ~~section~~sections 3743.19 and 3743.48 of the 79717
Revised Code. 79718

(F) No licensed wholesaler of fireworks shall fail to 79719
maintain complete inventory, wholesale sale, and retail records 79720
as required by section 3743.20 of the Revised Code, or to permit 79721
inspection of these records or the premises of the wholesaler 79722
pursuant to section 3743.21 of the Revised Code. 79723

(G) No licensed wholesaler of fireworks shall fail to 79724
comply with an order of the state fire marshal issued pursuant 79725
to division (B) (1) of section 3743.21 of the Revised Code, 79726
within the specified period of time. 79727

(H) No licensed wholesaler of fireworks shall fail to 79728
comply with an order of the state fire marshal issued pursuant 79729
to division (B) (2) of section 3743.21 of the Revised Code until 79730
the nonconformities are eliminated, corrected, or otherwise 79731
remedied or the seventy-two hour period specified in that 79732
division has expired, whichever first occurs. 79733

(I) No person shall smoke or shall carry a pipe, 79734
cigarette, or cigar, or a match, lighter, other flame-producing 79735

item, or open flame on, or shall carry a concealed source of 79736
ignition into, the premises of a wholesaler of fireworks, except 79737
as smoking is authorized in specified lunchrooms or restrooms by 79738
a wholesaler pursuant to division (D) of section 3743.19 of the 79739
Revised Code. 79740

(J) No person shall have possession or control of, or be 79741
under the influence of, any intoxicating liquor, beer, or 79742
controlled substance, while on the premises of a wholesaler of 79743
fireworks. 79744

(K) No licensed wholesaler of fireworks shall negligently 79745
fail to furnish a safety pamphlet to a purchaser of 1.4G 79746
fireworks as required by division (A) of section 3743.47 of the 79747
Revised Code. 79748

(L) No licensed wholesaler of fireworks shall negligently 79749
fail to have safety glasses available for sale as required by 79750
division (B) of section 3743.47 of the Revised Code. 79751

Sec. 3743.63. (A) No person who purchases fireworks in 79752
this state shall obtain possession of the fireworks in this 79753
state unless the person complies with sections 3743.44 to 79754
~~3743.46~~3743.48 of the Revised Code. 79755

(B) Except for the purchase of 1.4G fireworks made under 79756
section 3743.45 of the Revised Code, no person who resides in 79757
another state and who purchases fireworks in this state shall 79758
obtain possession of fireworks in this state other than from a 79759
licensed manufacturer or wholesaler, or fail, when transporting 79760
1.3G fireworks, to transport them directly out of this state 79761
within seventy-two hours after the time of their purchase. 79762

(C) No person who purchases fireworks in this state under 79763
section 3743.45 of the Revised Code shall give or sell to any 79764

other person in this state fireworks that the person has 79765
acquired in this state. 79766

Sec. 3743.65. (A) No person shall possess fireworks in 79767
this state or shall possess for sale or sell fireworks in this 79768
state, except a licensed manufacturer of fireworks as authorized 79769
by sections 3743.02 to 3743.08 and 3743.48 of the Revised Code, 79770
a licensed wholesaler of fireworks as authorized by sections 79771
3743.15 to 3743.21 and 3743.48 of the Revised Code, a shipping 79772
permit holder as authorized by section 3743.40 of the Revised 79773
Code, a licensed fountain device retailer as authorized by 79774
section 3743.27 of the Revised Code, a person as authorized by 79775
sections 3743.44~~and~~, 3743.45, and 3743.48 of the Revised Code, 79776
or a licensed exhibitor of fireworks as authorized by sections 79777
3743.50 to 3743.55 of the Revised Code, and except as provided 79778
in section 3743.80 of the Revised Code. 79779

(B) Except as provided in sections 3743.45 and 3743.80 of 79780
the Revised Code and except for licensed exhibitors of fireworks 79781
authorized to conduct a fireworks exhibition pursuant to 79782
sections 3743.50 to 3743.55 of the Revised Code, no person shall 79783
discharge, ignite, or explode any fireworks in this state. 79784

(C) No person shall use in a theater or public hall, what 79785
is technically known as fireworks showers, or a mixture 79786
containing potassium chlorate and sulphur. 79787

(D) No person shall sell fireworks of any kind to a person 79788
under eighteen years of age. No person under eighteen years of 79789
age shall enter a fireworks sales showroom unless that person is 79790
accompanied by a parent, legal guardian, or other responsible 79791
adult. No person under eighteen years of age shall touch or 79792
possess fireworks on a licensed premises without the consent of 79793
the licensee. A licensee may eject any person from a licensed 79794

premises that is in any way disruptive to the safe operation of 79795
the premises. 79796

(E) Except as otherwise provided in section 3743.44 of the 79797
Revised Code, no person, other than a licensed manufacturer, 79798
licensed wholesaler, licensed exhibitor, or shipping permit 79799
holder, shall possess 1.3G fireworks in this state. 79800

(F) Except as otherwise provided in division (J) of 79801
section 3743.06 and division (K) of section 3743.19 of the 79802
Revised Code, no person shall knowingly disable a fire 79803
suppression system as defined in section 3781.108 of the Revised 79804
Code on the premises of a fireworks plant of a licensed 79805
manufacturer of fireworks or on the premises of the business 79806
operations of a licensed wholesaler of fireworks. 79807

(G) No person shall negligently discharge, ignite, or 79808
explode fireworks while in possession or control of, or under 79809
the influence of, any intoxicating liquor, beer, or controlled 79810
substance. 79811

(H) No person shall negligently discharge, ignite, or 79812
explode fireworks on the property of another person without that 79813
person's permission to use fireworks on that property. 79814

Sec. 3745.11. (A) Applicants for and holders of permits, 79815
licenses, variances, plan approvals, and certifications issued 79816
by the director of environmental protection pursuant to Chapters 79817
3704., 3734., 6109., and 6111. of the Revised Code shall pay a 79818
fee to the environmental protection agency for each such 79819
issuance and each application for an issuance as provided by 79820
this section. No fee shall be charged for any issuance for which 79821
no application has been submitted to the director. 79822

(B) Except as otherwise provided in division (C) (2) of 79823

this section, beginning July 1, 1994, each person who owns or 79824
operates an air contaminant source and who is required to apply 79825
for and obtain a Title V permit under section 3704.036 of the 79826
Revised Code shall pay an annual fee of five thousand dollars in 79827
addition to the fees set forth in this division. For the 79828
purposes of this division, total emissions of air contaminants 79829
may be calculated using engineering calculations, emissions 79830
factors, material balance calculations, or performance testing 79831
procedures, as authorized by the director. 79832

The following fees shall be assessed on the total actual 79833
emissions from a source in tons per year of the regulated 79834
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 79835
organic compounds, and lead: 79836

(1) Fifteen dollars per ton on the total actual emissions 79837
of each such regulated pollutant during the period July through 79838
December 1993, to be collected no sooner than July 1, 1994; 79839

(2) Twenty dollars per ton on the total actual emissions 79840
of each such regulated pollutant during calendar year 1994, to 79841
be collected no sooner than April 15, 1995; 79842

(3) Twenty-five dollars per ton on the total actual 79843
emissions of each such regulated pollutant in calendar year 79844
1995, and each subsequent calendar year, to be collected no 79845
sooner than the fifteenth day of April of the year next 79846
succeeding the calendar year in which the emissions occurred. 79847

The fees levied under this division do not apply to that 79848
portion of the emissions of a regulated pollutant at a facility 79849
that exceed four thousand tons during a calendar year. 79850

(C) (1) The fees assessed under division (B) of this 79851
section are for the purpose of providing funding for the Title V 79852

permit program. 79853

(2) The fees assessed under division (B) of this section 79854
do not apply to emissions from any electric generating unit 79855
designated as a Phase I unit under Title IV of the federal Clean 79856
Air Act prior to calendar year 2000. Those fees shall be 79857
assessed on the emissions from such a generating unit commencing 79858
in calendar year 2001 based upon the total actual emissions from 79859
the generating unit during calendar year 2000 and shall continue 79860
to be assessed each subsequent calendar year based on the total 79861
actual emissions from the generating unit during the preceding 79862
calendar year. 79863

(3) The director shall issue invoices to owners or 79864
operators of air contaminant sources who are required to pay a 79865
fee assessed under division (B) or (D) of this section. Any such 79866
invoice shall be issued no sooner than the applicable date when 79867
the fee first may be collected in a year under the applicable 79868
division, shall identify the nature and amount of the fee 79869
assessed, and shall indicate that the fee is required to be paid 79870
within thirty days after the issuance of the invoice. 79871

(D) (1) Except as provided in division (D) (2) of this 79872
section, beginning January 1, 2004, each person who owns or 79873
operates an air contaminant source; who is required to apply for 79874
a permit to operate pursuant to rules adopted under division 79875
(G), or a variance pursuant to division (H), of section 3704.03 79876
of the Revised Code; and who is not required to apply for and 79877
obtain a Title V permit under section 3704.03 of the Revised 79878
Code shall pay a single fee based upon the sum of the actual 79879
annual emissions from the facility of the regulated pollutants 79880
particulate matter, sulfur dioxide, nitrogen oxides, organic 79881
compounds, and lead in accordance with the following schedule: 79882

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	1	2	
A	Total tons per year of regulated pollutants emitted	Annual fee per facility	
B	More than 0, but less than 10		\$100
C	10 or more, but less than 50	200	
D	50 or more, but less than 100	300	
E	100 or more	700	

(2) (a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) ~~Beginning January 1, 2000, through June 30, 2026, each~~
Each person who owns or operates a synthetic minor facility_ shall pay an annual fee of five thousand dollars in addition to a fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

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A	Combined total tons per year of all regulated pollutants emitted	Annual fee per facility
B	Less than 10	\$170 <u>\$255</u>
C	10 or more, but less than 20	340 <u>510</u>
D	20 or more, but less than 30	670 <u>1,005</u>
E	30 or more, but less than 40	1,010 <u>1,515</u>
F	40 or more, but less than 50	1,340 <u>2,010</u>
G	50 or more, but less than 60	1,680 <u>2,520</u>
H	60 or more, but less than 70	2,010 <u>3,015</u>
I	70 or more, but less than 80	2,350 <u>3,525</u>
J	80 or more, but less than 90	2,680 <u>4,020</u>
K	90 or more, but less than 100	3,020 <u>4,530</u>
L	100 or more	3,350 <u>5,025</u>

<p>(3) The fees assessed under division (D) (1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed under division (D) (2) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year</p>	<p>79899 79900 79901 79902 79903 79904</p>
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shall be based upon the sum of the actual emissions of those 79905
regulated pollutants during the preceding calendar year. For the 79906
purpose of division (D) of this section, emissions of air 79907
contaminants may be calculated using engineering calculations, 79908
emission factors, material balance calculations, or performance 79909
testing procedures, as authorized by the director. The director, 79910
by rule, may require persons who are required to pay the fees 79911
assessed under division (D) of this section to pay those fees 79912
biennially rather than annually. 79913

(E) (1) Consistent with the need to cover the reasonable 79914
costs of the Title V permit program, the director annually shall 79915
increase the fees assessed on emissions prescribed in division 79916
(B) of this section by the percentage, if any, by which the 79917
consumer price index for the most recent calendar year ending 79918
before the beginning of a year exceeds the consumer price index 79919
for calendar year 1989. Upon calculating an increase in fees 79920
authorized by division (E) (1) of this section, the director 79921
shall compile revised fee schedules for the purposes of division 79922
(B) of this section and shall make the revised schedules 79923
available to persons required to pay the fees assessed under 79924
that division and to the public. 79925

(2) For the purposes of division (E) (1) of this section: 79926

(a) The consumer price index for any year is the average 79927
of the consumer price index for all urban consumers published by 79928
the United States department of labor as of the close of the 79929
twelve-month period ending on the thirty-first day of August of 79930
that year. 79931

(b) If the 1989 consumer price index is revised, the 79932
director shall use the revision of the consumer price index that 79933
is most consistent with that for calendar year 1989. 79934

(F) Each person who is issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code on or after July 1, 2003, shall pay the fees specified in the following schedules:

(1) Fuel-burning equipment (boilers, furnaces, or process heaters used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer)

	1	2
A	Input capacity (maximum) (million British thermal units per hour)	Permit to install
B	Greater than 0, but less than 10	\$200 <u>\$300</u>
C	10 or more, but less than 100	400 <u>600</u>
D	100 or more, but less than 300	1000 <u>1,500</u>
E	300 or more, but less than 500	2250 <u>3,375</u>
F	500 or more, but less than 1000	3750 <u>5,625</u>
G	1000 or more, but less than 5000	6000 <u>9,000</u>
H	5000 or more	9000 <u>13,500</u>

Units burning exclusively natural gas, number two fuel oil, or both shall be assessed a fee that is one-half the applicable amount shown in division (F)(1) of this section.

(2) Combustion turbines and stationary internal combustion

engines designed to generate electricity 79947
79948

	1	2	
A	Generating capacity (mega watts)	Permit to install	
B	0 or more, but less than 10	\$25	
		<u>\$37.50</u>	
C	10 or more, but less than 25	150 <u>225</u>	
D	25 or more, but less than 50	300 <u>450</u>	
E	50 or more, but less than 100	500 <u>750</u>	
F	100 or more, but less than 250	1000 <u>1,500</u>	
G	250 or more	2000 <u>3,000</u>	
	(3) Incinerators		79949
			79950

	1	2	
A	Input capacity (pounds per hour)	Permit to install	
B	0 to 100	\$100	
		<u>\$150</u>	
C	101 to 500	500 <u>750</u>	
D	501 to 2000	1000 <u>1,500</u>	
E	2001 to 20,000	1500 <u>2,250</u>	

F	more than 20,000		3750 <u>5,625</u>	
	(4) (a) Process			79951
				79952

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A	Process weight rate (pounds per hour)	Permit to install	
B	0 to 1000		\$ 200 <u>\$300</u>
C	1001 to 5000		500 <u>750</u>
D	5001 to 10,000		750 <u>1,125</u>
E	10,001 to 50,000		1000 <u>1,500</u>
F	more than 50,000		1250 <u>1,875</u>

In any process where process weight rate cannot be ascertained, the minimum fee shall be assessed. A boiler, furnace, combustion turbine, stationary internal combustion engine, or process heater designed to provide direct heat or power to a process not designed to generate electricity shall be assessed a fee established in division (F) (4) (a) of this section. A combustion turbine or stationary internal combustion engine designed to generate electricity shall be assessed a fee established in division (F) (2) of this section.

(b) Notwithstanding division (F) (4) (a) of this section, any person issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay the fees set forth in division (F) (4) (c) of this section for

a process used in any of the following industries, as identified	79966
by the applicable two-digit, three-digit, or four-digit standard	79967
industrial classification code according to the Standard	79968
Industrial Classification Manual published by the United States	79969
office of management and budget in the executive office of the	79970
president, 1987, as revised:	79971
Major group 10, metal mining;	79972
Major group 12, coal mining;	79973
Major group 14, mining and quarrying of nonmetallic	79974
minerals;	79975
Industry group 204, grain mill products;	79976
2873 Nitrogen fertilizers;	79977
2874 Phosphatic fertilizers;	79978
3281 Cut stone and stone products;	79979
3295 Minerals and earth, ground or otherwise treated;	79980
4221 Grain elevators (storage only);	79981
5159 Farm related raw materials;	79982
5261 Retail nurseries and lawn and garden supply stores.	79983
(c) The fees set forth in the following schedule apply to	79984
the issuance of a permit to install pursuant to rules adopted	79985
under division (F) of section 3704.03 of the Revised Code for a	79986
process identified in division (F) (4) (b) of this section:	79987
	79988

B	0 to 10,000	\$200	
		<u>\$300</u>	
C	10,001 to 50,000	400 <u>600</u>	
D	50,001 to 100,000	500 <u>750</u>	
E	100,001 to 200,000	600 <u>900</u>	
F	200,001 to 400,000	750 <u>1,125</u>	
G	400,001 or more	900 <u>1,350</u>	
	(5) Storage tanks		79989
			79990

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2

A	Gallons (maximum useful capacity)	Permit to install	
B	0 to 20,000	\$100	
		<u>\$150</u>	
C	20,001 to 40,000	150 <u>225</u>	
D	40,001 to 100,000	250 <u>375</u>	
E	100,001 to 500,000	400 <u>600</u>	
F	500,001 or greater	750 <u>1,125</u>	
	(6) Gasoline/fuel dispensing facilities		79991
			79992

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A	For each gasoline/fuel dispensing facility (includes all units at the facility)	Permit to install \$100 <u>\$150</u>	
	(7) Dry cleaning facilities		79993 79994
	1	2	
A	For each dry cleaning facility (includes all units at the facility)	Permit to install \$100 <u>\$150</u>	
	(8) Registration status		79995 79996
	1	2	
A	For each source covered by registration status	Permit to install \$75 <u>\$112.50</u>	
	(G) An owner or operator who is responsible for an asbestos demolition or renovation project pursuant to rules adopted under section 3704.03 of the Revised Code shall pay, upon submitting a notification pursuant to rules adopted under that section, the fees set forth in the following schedule:		79997 79998 79999 80000 80001 80002
	1	2	
A	Action	Fee	
B	Each notification		\$75
C	Asbestos removal	\$3/unit	

division does not preclude the director from taking any 80031
administrative or judicial enforcement action under this 80032
chapter, Chapter 3704., 3714., 3734., or 6111. of the Revised 80033
Code, or a rule adopted under any of them, in connection with a 80034
violation of rules adopted under division (F) of section 3704.03 80035
of the Revised Code. 80036

As used in this division, "actual construction of the 80037
source" means the initiation of physical on-site construction 80038
activities in connection with improvements to the source that 80039
are permanent in nature, including, without limitation, the 80040
installation of building supports and foundations and the laying 80041
of underground pipework. 80042

(K) (1) Money received under division (B) of this section 80043
shall be deposited in the state treasury to the credit of the 80044
Title V clean air fund created in section 3704.035 of the 80045
Revised Code. Annually, not more than fifty cents per ton of 80046
each fee assessed under division (B) of this section on actual 80047
emissions from a source and received by the environmental 80048
protection agency pursuant to that division may be transferred 80049
by the director using an interstate transfer voucher to the 80050
state treasury to the credit of the small business assistance 80051
fund created in section 3706.19 of the Revised Code. In 80052
addition, annually, the amount of money necessary for the 80053
operation of the office of ombudsperson as determined under 80054
division (B) of that section shall be transferred to the state 80055
treasury to the credit of the small business ombudsperson fund 80056
created by that section. 80057

(2) Money received by the agency pursuant to divisions 80058
(D), (F), (G), (H), (I), and (J) of this section shall be 80059
deposited in the state treasury to the credit of the non-Title V 80060

clean air fund created in section 3704.035 of the Revised Code. 80061

(L) (1) A person applying for a plan approval for a 80062
wastewater treatment works pursuant to section 6111.44, 6111.45, 80063
or 6111.46 of the Revised Code shall pay a nonrefundable fee of 80064
one hundred dollars plus sixty-five one-hundredths of one per 80065
cent of the estimated project cost through June 30, ~~2026~~2028, 80066
and a nonrefundable application fee of one hundred dollars plus 80067
two-tenths of one per cent of the estimated project cost on and 80068
after July 1, ~~2026~~2028, except that the total fee shall not 80069
exceed fifteen thousand dollars through June 30, ~~2026~~2028, and 80070
five thousand dollars on and after July 1, ~~2026~~2028. The fee 80071
shall be paid at the time the application is submitted. 80072

(2) A person who has entered into an agreement with the 80073
director under section 6111.14 of the Revised Code shall pay an 80074
administrative service fee for each plan submitted under that 80075
section for approval that shall not exceed the minimum amount 80076
necessary to pay administrative costs directly attributable to 80077
processing plan approvals. The director annually shall calculate 80078
the fee and shall notify all persons who have entered into 80079
agreements under that section, or who have applied for 80080
agreements, of the amount of the fee. 80081

(3) (a) (i) Not later than January 30, ~~2024~~2026, and January 80082
30, ~~2025~~2027, a person holding an NPDES discharge permit issued 80083
pursuant to Chapter 6111. of the Revised Code with an average 80084
daily discharge flow of five thousand gallons or more shall pay 80085
a nonrefundable annual discharge fee. Any person who fails to 80086
pay the fee at that time shall pay an additional amount that 80087
equals ten per cent of the required annual discharge fee. 80088

(ii) The billing year for the annual discharge fee 80089
established in division (L) (3) (a) (i) of this section shall 80090

~~2024~~2026, and January
30, ~~2025~~2027

B	5,000 to 49,999		\$200
C	50,000 to 100,000	500	
D	100,001 to 250,000	1,050	
E	250,001 to 1,000,000	2,600	
F	1,000,001 to 5,000,000	5,200	
G	5,000,001 to 10,000,000	10,350	
H	10,000,001 to 20,000,000	15,550	
I	20,000,001 to 50,000,000	25,900	
J	50,000,001 to 100,000,000	41,400	
K	100,000,001 or more	62,100	

(ii) Public dischargers owning or operating two or more publicly owned treatment works serving the same political subdivision, as "treatment works" is defined in section 6111.01 of the Revised Code, and that serve exclusively political subdivisions having a population of fewer than one hundred thousand persons shall pay an annual discharge fee under division (L) (3) (b) (i) of this section that is based on the combined average daily discharge flow of the treatment works.

(c) (i) An NPDES permit holder that is an industrial discharger, other than a coal mining operator identified by P in the third character of the permittee's NPDES permit number,

shall pay the fee specified in the following schedule: 80130
80131

	1	2	
A	Average daily discharge flow	Fee due by January 30, 2024 <u>2026</u> , and January 30, 2025 <u>2027</u>	
B	5,000 to 49,999		\$250
C	50,000 to 250,000	1,200	
D	250,001 to 1,000,000	2,950	
E	1,000,001 to 5,000,000	5,850	
F	5,000,001 to 10,000,000	8,800	
G	10,000,001 to 20,000,000	11,700	
H	20,000,001 to 100,000,000	14,050	
I	100,000,001 to 250,000,000	16,400	
J	250,000,001 or more	18,700	

(ii) In addition to the fee specified in the above 80132
schedule, an NPDES permit holder that is an industrial 80133
discharger classified as a major discharger during all or part 80134
of the annual discharge fee billing year specified in division 80135
(L) (3) (a) (ii) of this section shall pay a nonrefundable annual 80136
surcharge of seven thousand five hundred dollars not later than 80137
January 30, ~~2024~~2026, and not later than January 30, ~~2025~~2027. 80138
Any person who fails to pay the surcharge at that time shall pay 80139
an additional amount that equals ten per cent of the amount of 80140

the surcharge. 80141

(d) Notwithstanding divisions (L) (3) (b) and (c) of this 80142
section, a public discharger, that is not a separate municipal 80143
storm sewer system, identified by I in the third character of 80144
the permittee's NPDES permit number and an industrial discharger 80145
identified by I, J, L, V, W, X, Y, or Z in the third character 80146
of the permittee's NPDES permit number shall pay a nonrefundable 80147
annual discharge fee of one hundred eighty dollars not later 80148
than January 30, ~~2024~~ 2026, and not later than January 30, 80149
~~2025~~ 2027. Any person who fails to pay the fee at that time shall 80150
pay an additional amount that equals ten per cent of the 80151
required fee. 80152

(4) Each person obtaining an NPDES permit for municipal 80153
storm water discharge shall pay a nonrefundable storm water 80154
annual discharge fee of ten dollars per one-tenth of a square 80155
mile of area permitted. The fee shall not exceed ten thousand 80156
dollars and shall be payable on or before January 30, 2004, and 80157
the thirtieth day of January of each year thereafter. Any person 80158
who fails to pay the fee on the date specified in division (L) 80159
(4) of this section shall pay an additional amount per year 80160
equal to ten per cent of the annual fee that is unpaid. 80161

(5) The director shall transmit all moneys collected under 80162
division (L) of this section to the treasurer of state for 80163
deposit into the state treasury to the credit of the surface 80164
water protection fund created in section 6111.038 of the Revised 80165
Code. 80166

(6) As used in this section: 80167

(a) "NPDES" means the federally approved national 80168
pollutant discharge elimination system individual and general 80169

program for issuing, modifying, revoking, reissuing, 80170
terminating, monitoring, and enforcing permits and imposing and 80171
enforcing pretreatment requirements under Chapter 6111. of the 80172
Revised Code and rules adopted under it. 80173

(b) "Public discharger" means any holder of an NPDES 80174
permit identified by P in the second character of the NPDES 80175
permit number assigned by the director. 80176

(c) "Industrial discharger" means any holder of an NPDES 80177
permit identified by I in the second character of the NPDES 80178
permit number assigned by the director. 80179

(d) "Major discharger" means any holder of an NPDES permit 80180
classified as major by the regional administrator of the United 80181
States environmental protection agency in conjunction with the 80182
director. 80183

(M) Through June 30, ~~2026~~2028, a person applying for a 80184
license or license renewal to operate a public water system 80185
under section 6109.21 of the Revised Code shall pay the 80186
appropriate fee established under this division at the time of 80187
application to the director. Any person who fails to pay the fee 80188
at that time shall pay an additional amount that equals ten per 80189
cent of the required fee. The director shall transmit all moneys 80190
collected under this division to the treasurer of state for 80191
deposit into the drinking water protection fund created in 80192
section 6109.30 of the Revised Code. 80193

Except as provided in divisions (M) (4) and (5) of this 80194
section, fees required under this division shall be calculated 80195
and paid in accordance with the following schedule: 80196

(1) For the initial license required under section 6109.21 80197
of the Revised Code for any public water system that is a 80198

community water system as defined in section 6109.01 of the	80199
Revised Code, and for each license renewal required for such a	80200
system prior to January 31, 2026 <u>2028</u> , the fee is:	80201
	80202

	1	2
A	Number of service connections	Fee amount
B	Not more than 49	\$112
C	50 to 99	176
D	Number of service connections	Average cost per connection
E	100 to 2,499	\$1.92
F	2,500 to 4,999	1.48
G	5,000 to 7,499	1.42
H	7,500 to 9,999	1.34
I	10,000 to 14,999	1.16
J	15,000 to 24,999	1.10
K	25,000 to 49,999	1.04
L	50,000 to 99,999	.92
M	100,000 to 149,999	.86
N	150,000 to 199,999	.80

H	7,500 to 14,999	5,510
I	15,000 to 22,499	9,048
J	22,500 to 29,999	12,430
K	30,000 or more	16,820

As used in division (M) (2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

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(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2026~~2028, the fee is:

	1	2
A	Number of wells or sources, other than surface water, supplying system	Fee amount
B	1	\$112
C	2	112
D	3	176
E	4	278

F	5	568
G	System designated as using a surface water source	792

As used in division (M) (3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M) (1) or (2) of this section, whichever is greater.

(5) An applicant for an initial license who is proposing to operate a new public water supply system shall submit a fee that equals a prorated amount of the appropriate fee for the remainder of the licensing year.

(N) (1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, ~~2026~~2028, and fifteen thousand dollars on and after July 1, ~~2026~~2028. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under division (A) (2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs

directly attributable to processing plan approvals. The director 80254
annually shall calculate the fee and shall notify all persons 80255
that have entered into agreements under that division, or who 80256
have applied for agreements, of the amount of the fee. 80257

(3) Through June 30, ~~2026~~2028, the following fee, on a per 80258
survey basis, shall be charged any person for services rendered 80259
by the state in the evaluation of laboratories and laboratory 80260
personnel for compliance with accepted analytical techniques and 80261
procedures established pursuant to Chapter 6109. of the Revised 80262
Code for determining the qualitative characteristics of water: 80263
80264

	1	2	
A	microbiological		
B	MMO-MUG		\$2,000
C	MF	2,100	
D	MMO-MUG and MF	2,550	
E	organic chemical	5,400	
F	trace metals	5,400	
G	standard chemistry	2,800	
H	limited chemistry	1,550	

On and after July 1, ~~2026~~2028, the following fee, on a per 80265
survey basis, shall be charged any such person: 80266
80267

A	microbiological		\$1,650
B	organic chemicals	3,500	
C	trace metals	3,500	
D	standard chemistry	1,800	
E	limited chemistry	1,000	

The fee for those services shall be paid at the time the request for the survey is made. Through June 30, ~~2026~~2028, an individual laboratory shall not be assessed a fee under this division more than once in any three-year period unless the person requests the addition of analytical methods or analysts, in which case the person shall pay five hundred dollars for each additional survey requested.

As used in division (N) (3) of this section:

- (a) "MF" means membrane filtration.
- (b) "MMO" means minimal medium ONPG.
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.
- (d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(O) Any person applying to the director to take an examination for certification as an operator of a water supply system or wastewater system under Chapter 6109. or 6111. of the Revised Code that is administered by the director, at the time

the application is submitted, shall pay a fee in accordance with 80288
the following schedule through November 30, ~~2026~~2028: 80289
80290

	1	2	
A	Class A operator		\$80
B	Class I operator	105	
C	Class II operator	120	
D	Class III operator	130	
E	Class IV operator	145	

On and after December 1, ~~2026~~2028, the applicant shall pay 80291
a fee in accordance with the following schedule: 80292
80293

	1	2	
A	Class A operator		\$50
B	Class I operator	70	
C	Class II operator	80	
D	Class III operator	90	
E	Class IV operator	100	

Any person applying to the director for certification as 80294
an operator of a water supply system or wastewater system who 80295
has passed an examination administered by an examination 80296
provider approved by the director shall pay a certification fee 80297
of forty-five dollars. 80298

A person shall pay a biennial certification renewal fee 80299
for each applicable class of certification in accordance with 80300
the following schedule: 80301
80302

	1	2	
A	Class A operator		\$25
B	Class I operator	35	
C	Class II operator	45	
D	Class III operator	55	
E	Class IV operator	65	

If a certification renewal fee is received by the director 80303
more than thirty days, but not more than one year, after the 80304
expiration date of the certification, the person shall pay a 80305
certification renewal fee in accordance with the following 80306
schedule: 80307
80308

	1	2	
A	Class A operator		\$45
B	Class I operator	55	
C	Class II operator	65	
D	Class III operator	75	
E	Class IV operator	85	

A person who requests a replacement certificate shall pay 80309

a fee of twenty-five dollars at the time the request is made. 80310

Any person applying to be a water supply system or 80311
wastewater treatment system examination provider shall pay an 80312
application fee of five hundred dollars. Any person approved by 80313
the director as a water supply system or wastewater treatment 80314
system examination provider shall pay an annual fee that is 80315
equal to ten per cent of the fees that the provider assesses and 80316
collects for administering water supply system or wastewater 80317
treatment system certification examinations in this state for 80318
the calendar year. The fee shall be paid not later than forty- 80319
five days after the end of a calendar year. 80320

The director shall transmit all moneys collected under 80321
this division to the treasurer of state for deposit into the 80322
drinking water protection fund created in section 6109.30 of the 80323
Revised Code. 80324

~~(P) Any person submitting an application for an industrial 80325
water pollution control certificate under section 6111.31 of the 80326
Revised Code, as that section existed before its repeal by H.B. 80327
95 of the 125th general assembly, shall pay a nonrefundable fee 80328
of five hundred dollars at the time the application is 80329
submitted. The director shall transmit all moneys collected 80330
under this division to the treasurer of state for deposit into 80331
the surface water protection fund created in section 6111.038 of 80332
the Revised Code. A person paying a certificate fee under this 80333
division shall not pay an application fee under division (S)(1) 80334
of this section. On and after June 26, 2003, persons shall file 80335
such applications and pay the fee as required under sections 80336
5709.20 to 5709.27 of the Revised Code, and proceeds from the 80337
fee shall be credited as provided in section 5709.212 of the 80338
Revised Code. 80339~~

~~(Q)~~—Except as otherwise provided in division ~~(R)~~ (Q) of 80340
this section, a person issued a permit by the director for a new 80341
solid waste disposal facility other than an incineration or 80342
composting facility, a new infectious waste treatment facility 80343
other than an incineration facility, or a modification of such 80344
an existing facility that includes an increase in the total 80345
disposal or treatment capacity of the facility pursuant to 80346
Chapter 3734. of the Revised Code shall pay a fee of ten dollars 80347
per thousand cubic yards of disposal or treatment capacity, or 80348
one thousand dollars, whichever is greater, except that the 80349
total fee for any such permit shall not exceed eighty thousand 80350
dollars. A person issued a modification of a permit for a solid 80351
waste disposal facility or an infectious waste treatment 80352
facility that does not involve an increase in the total disposal 80353
or treatment capacity of the facility shall pay a fee of one 80354
thousand dollars. A person issued a permit to install a new, or 80355
modify an existing, solid waste transfer facility under that 80356
chapter shall pay a fee of two thousand five hundred dollars. A 80357
person issued a permit to install a new or to modify an existing 80358
solid waste incineration or composting facility, or an existing 80359
infectious waste treatment facility using incineration as its 80360
principal method of treatment, under that chapter shall pay a 80361
fee of one thousand dollars. The increases in the permit fees 80362
under this division resulting from the amendments made by 80363
Amended Substitute House Bill 592 of the 117th general assembly 80364
do not apply to any person who submitted an application for a 80365
permit to install a new, or modify an existing, solid waste 80366
disposal facility under that chapter prior to September 1, 1987; 80367
any such person shall pay the permit fee established in this 80368
division as it existed prior to June 24, 1988. In addition to 80369
the applicable permit fee under this division, a person issued a 80370
permit to install or modify a solid waste facility or an 80371

infectious waste treatment facility under that chapter who fails 80372
to pay the permit fee to the director in compliance with 80373
division ~~(V)~~(U) of this section shall pay an additional ten per 80374
cent of the amount of the fee for each week that the permit fee 80375
is late. 80376

Permit and late payment fees paid to the director under 80377
this division shall be credited to the general revenue fund. 80378

~~(R)~~(1)(Q) (1) A person issued a registration certificate 80379
for a scrap tire collection facility under section 3734.75 of 80380
the Revised Code shall pay a fee of two hundred dollars, except 80381
that if the facility is owned or operated by a motor vehicle 80382
salvage dealer licensed under Chapter 4738. of the Revised Code, 80383
the person shall pay a fee of twenty-five dollars. 80384

(2) A person issued a registration certificate for a new 80385
scrap tire storage facility under section 3734.76 of the Revised 80386
Code shall pay a fee of three hundred dollars, except that if 80387
the facility is owned or operated by a motor vehicle salvage 80388
dealer licensed under Chapter 4738. of the Revised Code, the 80389
person shall pay a fee of twenty-five dollars. 80390

(3) A person issued a permit for a scrap tire storage 80391
facility under section 3734.76 of the Revised Code shall pay a 80392
fee of one thousand dollars, except that if the facility is 80393
owned or operated by a motor vehicle salvage dealer licensed 80394
under Chapter 4738. of the Revised Code, the person shall pay a 80395
fee of fifty dollars. 80396

(4) A person issued a permit for a scrap tire monocell or 80397
monofill facility under section 3734.77 of the Revised Code 80398
shall pay a fee of ten dollars per thousand cubic yards of 80399
disposal capacity or one thousand dollars, whichever is greater, 80400

except that the total fee for any such permit shall not exceed 80401
eighty thousand dollars. 80402

(5) A person issued a registration certificate for a scrap 80403
tire recovery facility under section 3734.78 of the Revised Code 80404
shall pay a fee of one hundred dollars. 80405

(6) A person issued a permit for a scrap tire recovery 80406
facility under section 3734.78 of the Revised Code shall pay a 80407
fee of one thousand dollars. 80408

(7) In addition to the applicable registration certificate 80409
or permit fee under divisions ~~(R) (1)~~ (Q) (1) to (6) of this 80410
section, a person issued a registration certificate or permit 80411
for any such scrap tire facility who fails to pay the 80412
registration certificate or permit fee to the director in 80413
compliance with division ~~(V)~~ (U) of this section shall pay an 80414
additional ten per cent of the amount of the fee for each week 80415
that the fee is late. 80416

(8) The registration certificate, permit, and late payment 80417
fees paid to the director under divisions ~~(R) (1)~~ (Q) (1) to (7) of 80418
this section shall be credited to the scrap tire management fund 80419
created in section 3734.82 of the Revised Code. 80420

~~(S) (1) (a)~~ (R) (1) (a) Except as otherwise provided, any 80421
person applying for a permit, variance, or plan approval under 80422
Chapter 6109. or 6111. of the Revised Code shall pay a 80423
nonrefundable application fee of one hundred dollars at the time 80424
the application is submitted through June 30, ~~2026~~ 2028, and a 80425
nonrefundable application fee of fifteen dollars at the time the 80426
application is submitted on and after July 1, ~~2026~~ 2028. 80427

(b) (i) Except as otherwise provided in divisions ~~(S) (1) (b)~~ 80428
~~(iii)~~ (R) (1) (b) (iii) and (iv) of this section, through June 30, 80429

~~2026~~2028, any person applying for an NPDES permit under Chapter 6111. of the Revised Code shall pay a nonrefundable application fee of two hundred dollars at the time of application for the permit. On and after July 1, ~~2026~~2028, such a person shall pay a nonrefundable application fee of fifteen dollars at the time of application.

(ii) In addition to the nonrefundable application fee, any person applying for an NPDES permit under Chapter 6111. of the Revised Code shall pay a design flow discharge fee based on each point source to which the issuance is applicable in accordance with the following schedule:

	1	2
A	Design flow discharge (gallons per day)	Fee
B	0 to 1,000	\$0
C	1,001 to 5,000	100
D	5,001 to 50,000	200
E	50,001 to 100,000	300
F	100,001 to 300,000	525
G	over 300,000	750

(iii) Notwithstanding divisions ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) and (ii) of this section, the application and design flow discharge fee for an NPDES permit for a public discharger identified by the letter I in the third character of the NPDES permit number shall not exceed nine hundred fifty dollars.

(iv) Notwithstanding divisions ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) 80447
and (ii) of this section, the application and design flow 80448
discharge fee for an NPDES permit for a coal mining operation 80449
regulated under Chapter 1513. of the Revised Code shall not 80450
exceed four hundred fifty dollars per mine. 80451

(v) A person issued a modification of an NPDES permit 80452
shall pay a nonrefundable modification fee equal to the 80453
application fee and one-half the design flow discharge fee based 80454
on each point source, if applicable, that would be charged for 80455
an NPDES permit, except that the modification fee shall not 80456
exceed six hundred dollars. 80457

(c) In addition to the application fee established under 80458
division ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) of this section, any person 80459
applying for an NPDES general storm water construction permit 80460
shall pay a nonrefundable fee of twenty dollars per acre for 80461
each acre that is permitted above five acres at the time the 80462
application is submitted. However, the per acreage fee shall not 80463
exceed three hundred dollars. In addition to the application fee 80464
established under division ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) of this 80465
section, any person applying for an NPDES general storm water 80466
industrial permit shall pay a nonrefundable fee of one hundred 80467
fifty dollars at the time the application is submitted. 80468

(d) The director shall transmit all moneys collected under 80469
division ~~(S) (1)~~ (R) (1) of this section pursuant to Chapter 6109. 80470
of the Revised Code to the treasurer of state for deposit into 80471
the drinking water protection fund created in section 6109.30 of 80472
the Revised Code. 80473

(e) The director shall transmit all moneys collected under 80474
division ~~(S) (1)~~ (R) (1) of this section pursuant to Chapter 6111. 80475
of the Revised Code and under division ~~(S) (2)~~ (R) (2) of this 80476

section to the treasurer of state for deposit into the surface 80477
water protection fund created in section 6111.038 of the Revised 80478
Code. 80479

(f) If a person submits an electronic application for a 80480
registration certificate, permit, variance, or plan approval for 80481
which an application fee is established under division ~~(S)(1)~~(R) 80482
(1) of this section, the person shall pay all applicable fees as 80483
expeditiously as possible after the submission of the electronic 80484
application. An application for a registration certificate, 80485
permit, variance, or plan approval for which an application fee 80486
is established under division ~~(S)(1)~~(R) (1) of this section shall 80487
not be reviewed or processed until the applicable application 80488
fee, and any other fees established under this division, are 80489
paid. 80490

(2) A person applying for coverage under an NPDES general 80491
discharge permit for household sewage treatment systems shall 80492
pay a nonrefundable fee of two hundred dollars at the time of 80493
application for initial permit coverage. No fee is required for 80494
an application for permit coverage renewal. 80495

~~(T)~~(S) The director may adopt, amend, and rescind rules in 80496
accordance with Chapter 119. of the Revised Code that do all of 80497
the following: 80498

(1) Prescribe fees to be paid by applicants for and 80499
holders of any license, permit, variance, plan approval, or 80500
certification required or authorized by Chapter 3704., 3734., 80501
6109., or 6111. of the Revised Code that are not specifically 80502
established in this section. The fees shall be designed to 80503
defray the cost of processing, issuing, revoking, modifying, 80504
denying, and enforcing the licenses, permits, variances, plan 80505
approvals, and certifications. 80506

The director shall transmit all moneys collected under 80507
rules adopted under division ~~(T) (1)~~ (S) (1) of this section 80508
pursuant to Chapter 6109. of the Revised Code to the treasurer 80509
of state for deposit into the drinking water protection fund 80510
created in section 6109.30 of the Revised Code. 80511

The director shall transmit all moneys collected under 80512
rules adopted under division ~~(T) (1)~~ (S) (1) of this section 80513
pursuant to Chapter 6111. of the Revised Code to the treasurer 80514
of state for deposit into the surface water protection fund 80515
created in section 6111.038 of the Revised Code. 80516

(2) Exempt the state and political subdivisions thereof, 80517
including education facilities or medical facilities owned by 80518
the state or a political subdivision, or any person exempted 80519
from taxation by section 5709.07 or 5709.12 of the Revised Code, 80520
from any fee required by this section; 80521

(3) Provide for the waiver of any fee, or any part 80522
thereof, otherwise required by this section whenever the 80523
director determines that the imposition of the fee would 80524
constitute an unreasonable cost of doing business for any 80525
applicant, class of applicants, or other person subject to the 80526
fee; 80527

(4) Prescribe measures that the director considers 80528
necessary to carry out this section. 80529

~~(U)~~ (T) When the director reasonably demonstrates that the 80530
direct cost to the state associated with the issuance of a 80531
permit, license, variance, plan approval, or certification 80532
exceeds the fee for the issuance or review specified by this 80533
section, the director may condition the issuance or review on 80534
the payment by the person receiving the issuance or review of, 80535

in addition to the fee specified by this section, the amount, or 80536
any portion thereof, in excess of the fee specified under this 80537
section. The director shall not so condition issuances for which 80538
a fee is prescribed in division ~~(S) (1) (b) (iii)~~ (R) (1) (b) (iii) of 80539
this section. 80540

~~(V)~~ (U) Except as provided in divisions (L), (M), ~~(P)~~, and 80541
~~(S)~~ (R) of this section or unless otherwise prescribed by a rule 80542
of the director adopted pursuant to Chapter 119. of the Revised 80543
Code, all fees required by this section are payable within 80544
thirty days after the issuance of an invoice for the fee by the 80545
director or the effective date of the issuance of the license, 80546
permit, variance, plan approval, or certification. If payment is 80547
late, the person responsible for payment of the fee shall pay an 80548
additional ten per cent of the amount due for each month that it 80549
is late. 80550

~~(W)~~ (V) As used in this section, "fuel-burning equipment," 80551
"fuel-burning equipment input capacity," "incinerator," 80552
"incinerator input capacity," "process," "process weight rate," 80553
"storage tank," "gasoline dispensing facility," "dry cleaning 80554
facility," "design flow discharge," and "new source treatment 80555
works" have the meanings ascribed to those terms by applicable 80556
rules or standards adopted by the director under Chapter 3704. 80557
or 6111. of the Revised Code. 80558

~~(X)~~ (W) As used in divisions (B), (D), (E), (F), (H), (I), 80559
and (J) of this section, and in any other provision of this 80560
section pertaining to fees paid pursuant to Chapter 3704. of the 80561
Revised Code: 80562

(1) "Facility," "federal Clean Air Act," "person," and 80563
"Title V permit" have the same meanings as in section 3704.01 of 80564
the Revised Code. 80565

(2) "Title V permit program" means the following 80566
activities as necessary to meet the requirements of Title V of 80567
the federal Clean Air Act and 40 C.F.R. part 70, including at 80568
least: 80569

(a) Preparing and adopting, if applicable, generally 80570
applicable rules or guidance regarding the permit program or its 80571
implementation or enforcement; 80572

(b) Reviewing and acting on any application for a Title V 80573
permit, permit revision, or permit renewal, including the 80574
development of an applicable requirement as part of the 80575
processing of a permit, permit revision, or permit renewal; 80576

(c) Administering the permit program, including the 80577
supporting and tracking of permit applications, compliance 80578
certification, and related data entry; 80579

(d) Determining which sources are subject to the program 80580
and implementing and enforcing the terms of any Title V permit, 80581
not including any court actions or other formal enforcement 80582
actions; 80583

(e) Emission and ambient monitoring; 80584

(f) Modeling, analyses, or demonstrations; 80585

(g) Preparing inventories and tracking emissions; 80586

(h) Providing direct and indirect support to small 80587
business stationary sources to determine and meet their 80588
obligations under the federal Clean Air Act pursuant to the 80589
small business stationary source technical and environmental 80590
compliance assistance program required by section 507 of that 80591
act and established in sections 3704.18, 3704.19, and 3706.19 of 80592
the Revised Code. 80593

(3) "Organic compound" means any chemical compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.

~~(Y) (1)~~ (X) (1) Except as provided in divisions ~~(Y) (2)~~ (X) (2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the sewage sludge facility treats or disposes of in this state. The annual volume of sewage sludge treated or disposed of by a sewage sludge facility shall be calculated using the first day of January through the thirty-first day of December of the calendar year preceding the date on which payment of the fee is due.

(2) (a) Except as provided in division ~~(Y) (2) (d)~~ (X) (2) (d) of this section, each sewage sludge facility shall pay a minimum annual sewage sludge fee of one hundred dollars.

(b) The annual sludge fee required to be paid by a sewage sludge facility that treats or disposes of exceptional quality sludge in this state shall be thirty-five per cent less per dry ton of exceptional quality sludge than the fee assessed under division ~~(Y) (1)~~ (X) (1) of this section, subject to the following exceptions:

(i) Except as provided in division ~~(Y) (2) (d)~~ (X) (2) (d) of this section, a sewage sludge facility that treats or disposes of exceptional quality sludge shall pay a minimum annual sewage sludge fee of one hundred dollars.

(ii) A sewage sludge facility that treats or disposes of exceptional quality sludge shall not be required to pay the

annual sludge fee for treatment or disposal in this state of 80623
exceptional quality sludge generated outside of this state and 80624
contained in bags or other containers not greater than one 80625
hundred pounds in capacity. 80626

A thirty-five per cent reduction for exceptional quality 80627
sludge applies to the maximum annual fees established under 80628
division ~~(Y)~~~~(3)~~(X) (3) of this section. 80629

(c) A sewage sludge facility that transfers sewage sludge 80630
to another sewage sludge facility in this state for further 80631
treatment prior to disposal in this state shall not be required 80632
to pay the annual sludge fee for the tons of sewage sludge that 80633
have been transferred. In such a case, the sewage sludge 80634
facility that disposes of the sewage sludge shall pay the annual 80635
sludge fee. However, the facility transferring the sewage sludge 80636
shall pay the one-hundred-dollar minimum fee required under 80637
division ~~(Y)~~~~(2)~~~~(a)~~(X) (2) (a) of this section. 80638

In the case of a sewage sludge facility that treats sewage 80639
sludge in this state and transfers it out of this state to 80640
another entity for disposal, the sewage sludge facility in this 80641
state shall be required to pay the annual sludge fee for the 80642
tons of sewage sludge that have been transferred. 80643

(d) A sewage sludge facility that generates sewage sludge 80644
resulting from an average daily discharge flow of less than five 80645
thousand gallons per day is not subject to the fees assessed 80646
under division ~~(Y)~~(X) of this section. 80647

(3) No sewage sludge facility required to pay the annual 80648
sludge fee shall be required to pay more than the maximum annual 80649
fee for each disposal method that the sewage sludge facility 80650
uses. The maximum annual fee does not include the additional 80651

amount that may be charged under division ~~(Y) (5)~~ (X) (5) of this 80652
section for late payment of the annual sludge fee. The maximum 80653
annual fee for the following methods of disposal of sewage 80654
sludge is as follows: 80655

(a) Incineration: five thousand dollars; 80656

(b) Preexisting land reclamation project or disposal in a 80657
landfill: five thousand dollars; 80658

(c) Land application, land reclamation, surface disposal, 80659
or any other disposal method not specified in division ~~(Y) (3) (a)~~ 80660
(X) (3) (a) or (b) of this section: twenty thousand dollars. 80661

(4) (a) In the case of an entity that generates sewage 80662
sludge or a sewage sludge facility that treats sewage sludge and 80663
transfers the sewage sludge to an incineration facility for 80664
disposal, the incineration facility, and not the entity 80665
generating the sewage sludge or the sewage sludge facility 80666
treating the sewage sludge, shall pay the annual sludge fee for 80667
the tons of sewage sludge that are transferred. However, the 80668
entity or facility generating or treating the sewage sludge 80669
shall pay the one-hundred-dollar minimum fee required under 80670
division ~~(Y) (2) (a)~~ (X) (2) (a) of this section. 80671

(b) In the case of an entity that generates sewage sludge 80672
and transfers the sewage sludge to a landfill for disposal or to 80673
a sewage sludge facility for land reclamation or surface 80674
disposal, the entity generating the sewage sludge, and not the 80675
landfill or sewage sludge facility, shall pay the annual sludge 80676
fee for the tons of sewage sludge that are transferred. 80677

(5) Not later than the first day of April of the calendar 80678
year following March 17, 2000, and each first day of April 80679
thereafter, the director shall issue invoices to persons who are 80680

required to pay the annual sludge fee. The invoice shall 80681
identify the nature and amount of the annual sludge fee assessed 80682
and state the first day of May as the deadline for receipt by 80683
the director of objections regarding the amount of the fee and 80684
the first day of July as the deadline for payment of the fee. 80685

Not later than the first day of May following receipt of 80686
an invoice, a person required to pay the annual sludge fee may 80687
submit objections to the director concerning the accuracy of 80688
information regarding the number of dry tons of sewage sludge 80689
used to calculate the amount of the annual sludge fee or 80690
regarding whether the sewage sludge qualifies for the 80691
exceptional quality sludge discount established in division ~~(Y)~~ 80692
~~(2) (b)~~ (X) (2) (b) of this section. The director may consider the 80693
objections and adjust the amount of the fee to ensure that it is 80694
accurate. 80695

If the director does not adjust the amount of the annual 80696
sludge fee in response to a person's objections, the person may 80697
appeal the director's determination in accordance with Chapter 80698
119. of the Revised Code. 80699

Not later than the first day of June, the director shall 80700
notify the objecting person regarding whether the director has 80701
found the objections to be valid and the reasons for the 80702
finding. If the director finds the objections to be valid and 80703
adjusts the amount of the annual sludge fee accordingly, the 80704
director shall issue with the notification a new invoice to the 80705
person identifying the amount of the annual sludge fee assessed 80706
and stating the first day of July as the deadline for payment. 80707

Not later than the first day of July, any person who is 80708
required to do so shall pay the annual sludge fee. Any person 80709
who is required to pay the fee, but who fails to do so on or 80710

before that date shall pay an additional amount that equals ten 80711
per cent of the required annual sludge fee. 80712

(6) The director shall transmit all moneys collected under 80713
division ~~(Y)~~(X) of this section to the treasurer of state for 80714
deposit into the surface water protection fund created in 80715
section 6111.038 of the Revised Code. The moneys shall be used 80716
to defray the costs of administering and enforcing provisions in 80717
Chapter 6111. of the Revised Code and rules adopted under it 80718
that govern the use, storage, treatment, or disposal of sewage 80719
sludge. 80720

(7) Beginning in fiscal year 2001, and every two years 80721
thereafter, the director shall review the total amount of moneys 80722
generated by the annual sludge fees to determine if that amount 80723
exceeded six hundred thousand dollars in either of the two 80724
preceding fiscal years. If the total amount of moneys in the 80725
fund exceeded six hundred thousand dollars in either fiscal 80726
year, the director, after review of the fee structure and 80727
consultation with affected persons, shall issue an order 80728
reducing the amount of the fees levied under division ~~(Y)~~(X) of 80729
this section so that the estimated amount of moneys resulting 80730
from the fees will not exceed six hundred thousand dollars in 80731
any fiscal year. 80732

If, upon review of the fees under division ~~(Y)~~(7)(X) (7) of 80733
this section and after the fees have been reduced, the director 80734
determines that the total amount of moneys collected and 80735
accumulated is less than six hundred thousand dollars, the 80736
director, after review of the fee structure and consultation 80737
with affected persons, may issue an order increasing the amount 80738
of the fees levied under division ~~(Y)~~(X) of this section so that 80739
the estimated amount of moneys resulting from the fees will be 80740

approximately six hundred thousand dollars. Fees shall never be 80741
increased to an amount exceeding the amount specified in 80742
division ~~(Y)~~ ~~(7)~~ (X) (7) of this section. 80743

Notwithstanding section 119.06 of the Revised Code, the 80744
director may issue an order under division ~~(Y)~~ ~~(7)~~ (X) (7) of this 80745
section without the necessity to hold an adjudicatory hearing in 80746
connection with the order. The issuance of an order under this 80747
division is not an act or action for purposes of section 3745.04 80748
of the Revised Code. 80749

(8) As used in division ~~(Y)~~ (X) of this section: 80750

(a) "Sewage sludge facility" means an entity that performs 80751
treatment on or is responsible for the disposal of sewage 80752
sludge. 80753

(b) "Sewage sludge" means a solid, semi-solid, or liquid 80754
residue generated during the treatment of domestic sewage in a 80755
treatment works as defined in section 6111.01 of the Revised 80756
Code. "Sewage sludge" includes, but is not limited to, scum or 80757
solids removed in primary, secondary, or advanced wastewater 80758
treatment processes. "Sewage sludge" does not include ash 80759
generated during the firing of sewage sludge in a sewage sludge 80760
incinerator, grit and screenings generated during preliminary 80761
treatment of domestic sewage in a treatment works, animal 80762
manure, residue generated during treatment of animal manure, or 80763
domestic septage. 80764

(c) "Exceptional quality sludge" means sewage sludge that 80765
meets all of the following qualifications: 80766

(i) Satisfies the class A pathogen standards in 40 C.F.R. 80767
503.32(a); 80768

(ii) Satisfies one of the vector attraction reduction 80769

requirements in 40 C.F.R. 503.33(b) (1) to (b) (8); 80770

(iii) Does not exceed the ceiling concentration 80771
limitations for metals listed in table one of 40 C.F.R. 503.13; 80772

(iv) Does not exceed the concentration limitations for 80773
metals listed in table three of 40 C.F.R. 503.13. 80774

(d) "Treatment" means the preparation of sewage sludge for 80775
final use or disposal and includes, but is not limited to, 80776
thickening, stabilization, and dewatering of sewage sludge. 80777

(e) "Disposal" means the final use of sewage sludge, 80778
including, but not limited to, land application, land 80779
reclamation, surface disposal, or disposal in a landfill or an 80780
incinerator. 80781

(f) "Land application" means the spraying or spreading of 80782
sewage sludge onto the land surface, the injection of sewage 80783
sludge below the land surface, or the incorporation of sewage 80784
sludge into the soil for the purposes of conditioning the soil 80785
or fertilizing crops or vegetation grown in the soil. 80786

(g) "Land reclamation" means the returning of disturbed 80787
land to productive use. 80788

(h) "Surface disposal" means the placement of sludge on an 80789
area of land for disposal, including, but not limited to, 80790
monofills, surface impoundments, lagoons, waste piles, or 80791
dedicated disposal sites. 80792

(i) "Incinerator" means an entity that disposes of sewage 80793
sludge through the combustion of organic matter and inorganic 80794
matter in sewage sludge by high temperatures in an enclosed 80795
device. 80796

(j) "Incineration facility" includes all incinerators 80797

owned or operated by the same entity and located on a contiguous tract of land. Areas of land are considered to be contiguous even if they are separated by a public road or highway.

(k) "Annual sludge fee" means the fee assessed under division ~~(Y)~~~~(1)~~(X) (1) of this section.

(l) "Landfill" means a sanitary landfill facility, as defined in rules adopted under section 3734.02 of the Revised Code, that is licensed under section 3734.05 of the Revised Code.

(m) "Preexisting land reclamation project" means a property-specific land reclamation project that has been in continuous operation for not less than five years pursuant to approval of the activity by the director and includes the implementation of a community outreach program concerning the activity.

Sec. 3745.21. (A) There is hereby created within the environmental protection agency the Ohio environmental education fund advisory council consisting of the directors of environmental protection, natural resources, and education and workforce, or their designees, as members ex officio, one member of the house of representatives to be appointed by the speaker of the house of representatives or the member's designee, ~~one member of the senate to be appointed by the president of the senate or the member's designee,~~ one member to be appointed by the chancellor of higher education who shall have experience in providing environmental education at the university or college level, and six members to be appointed by the governor with the advice and consent of the senate. Of the members appointed by the governor, two shall be from statewide environmental advocacy organizations, one shall represent the interests of the

industrial community in this state, one shall represent the 80828
interests of employers in this state with one hundred fifty or 80829
fewer employees, one shall represent municipal corporations, and 80830
one shall represent the interests of elementary and secondary 80831
school teachers in this state. Within thirty days after October 80832
1, 1990, the appointing authorities shall make their initial 80833
appointments to the council. The initial appointment to the 80834
council by the chancellor shall be for a term ending two years 80835
after October 1, 1990. Of the initial appointments made to the 80836
council by the governor, three shall be for a term ending one 80837
year after October 1, 1990, and three shall be for a term ending 80838
two years after October 1, 1990. Thereafter, the terms of office 80839
of the members appointed by the chancellor and the governor 80840
shall be for two years, with each term ending on the same day of 80841
the same month as the term that it succeeds. Each member shall 80842
hold office from the date of appointment until the end of the 80843
term for which the member was appointed. Members may be 80844
reappointed. Vacancies shall be filled in the manner provided 80845
for original appointments. Any member appointed to fill a 80846
vacancy occurring prior to the expiration date of the term for 80847
which the member's predecessor was appointed shall hold office 80848
as a member of the board of trustees for the remainder of that 80849
term. A member of the council appointed by the chancellor or the 80850
governor shall continue in office subsequent to the expiration 80851
date of the member's term until the member's successor takes 80852
office or until a period of sixty days has elapsed, whichever 80853
occurs first. 80854

The council shall hold at least two regular, semiannual 80855
meetings each year. Special meetings may be held at the behest 80856
of the chairperson or a majority of the members. The director of 80857
environmental protection shall serve as the chairperson of the 80858

council. The council annually shall select from among its 80859
members a vice-chairperson and a secretary to keep a record of 80860
its proceedings. A majority vote of the members of the council 80861
is necessary to take action on any matter. 80862

Serving as a member of the council does not constitute 80863
holding a public office or a position of employment under the 80864
laws of this state and does not constitute grounds for the 80865
removal of public officers or employees from their offices or 80866
positions of employment. The chancellor may at any time remove a 80867
member of the council appointed by the chancellor for 80868
misfeasance, malfeasance, or nonfeasance in office. The governor 80869
may at any time remove a member of the council appointed by the 80870
governor for misfeasance, malfeasance, or nonfeasance in office. 80871

Members of the council appointed by the chancellor and the 80872
governor shall serve without compensation. Members of the 80873
council shall be reimbursed for their actual and necessary 80874
expenses incurred in the performance of their duties as members 80875
of the council from moneys credited to the environmental 80876
education fund created in section 3745.22 of the Revised Code. 80877

(B) The council shall advise and assist the director of 80878
environmental protection in the implementation and 80879
administration of section 3745.22 of the Revised Code and shall 80880
review and comment on all expenditures from the fund proposed by 80881
the director. 80882

(C) The council may adopt bylaws for the regulation and 80883
conduct of the council's affairs and may propose to the director 80884
of environmental protection expenditures from the fund. 80885

Sec. 3748.13. (A) The director of health shall inspect 80886
sources of radiation for which licensure or registration by the 80887

handler is required, and the sources' shielding and 80888
surroundings, according to the schedule established in rules 80889
adopted under division (D) of section 3748.04 of the Revised 80890
Code. In accordance with rules adopted under section 3748.04 of 80891
the Revised Code, the director shall inspect all records and 80892
operating procedures of handlers that install or service sources 80893
of radiation and all sources of radiation for which licensure of 80894
radioactive material or registration of radiation-generating 80895
equipment by the handler is required. The director may make 80896
other inspections upon receiving complaints or other evidence of 80897
a violation of this chapter or rules adopted under it. 80898

The director shall require any hospital registered under 80899
division (A) of section 3701.07 of the Revised Code to develop 80900
and maintain a quality assurance program for all sources of 80901
radiation-generating equipment. A certified radiation expert 80902
shall conduct oversight and maintenance of the program and shall 80903
file a report of audits of the program with the director on 80904
forms prescribed by the director. The audit reports shall become 80905
part of the inspection record. 80906

(B) (1) Except as provided in division (B) (2) of this 80907
section, a facility shall pay inspection fees for radioactive 80908
material and radiation-generating equipment according to the 80909
schedule and categories established in rules adopted under 80910
division (A) (9) of section 3748.04 of the Revised Code. 80911

(2) A facility that is, or is operated by, a medical 80912
practitioner or medical-practitioner group shall pay inspection 80913
fees for radiation-generating equipment according to the 80914
following schedule and categories: 80915
80916

A	First dental x-ray tube	\$155.00
		<u>\$310.00</u>
B	Each additional dental x-ray tube at the same location	\$77.00
		<u>\$154.00</u>
C	First medical x-ray tube	\$307.00
		<u>\$614.00</u>
D	Each additional medical x-ray tube at the same location	\$163.00
		<u>\$326.00</u>
E	Each unit of ionizing radiation-generating equipment capable of operating at or above 250 kilovoltage peak	\$610.00
		<u>\$1,220.00</u>
F	First nonionizing radiation-generating equipment of any kind	\$307.00
		<u>\$614.00</u>
G	Each additional nonionizing radiation-generating equipment of any kind at the same location	\$163.00
		<u>\$326.00</u>

(C) (1) Except as provided in division (C) (2) of this	80917
section, the fee for the inspection of a facility that proposes	80918
to handle radioactive material or radiation-generating equipment	80919
and is not licensed or registered, and for which no license or	80920
registration application is pending at the time of inspection,	80921
is four hundred seventy-four dollars plus the applicable fee	80922
specified in rules adopted under division (A) (9) of section	80923
3748.04 of the Revised Code.	80924

(2) For a facility that is, or is operated by, a medical practitioner or medical-practitioner group and proposes to handle radiation-generating equipment, the fee for an inspection if the facility is not licensed or registered, and no license or registration is pending at the time of inspection, is four hundred seventy-four dollars plus the fee applicable under the schedule in division (B) (2) of this section.

(D) (1) Except as provided in division (D) (2) of this section, for a facility that handles radioactive material or radiation-generating equipment, the fee for an inspection to determine whether violations cited in a previous inspection have been corrected is the amount specified in rules adopted under division (A) (9) of section 3748.04 of the Revised Code.

(2) For a facility that is, or is operated by, a medical practitioner or medical-practitioner group and handles radiation-generating equipment, the fee for an inspection to determine whether violations cited in a previous inspection have been corrected is fifty per cent of the applicable fee under the schedule in division (B) (2) of this section.

(E) The director may conduct a review of shielding plans or the adequacy of shielding on the request of a licensee or registrant or an applicant for licensure or registration or during an inspection when the director considers a review to be necessary.

(1) Except as provided in division (E) (2) of this section, the fee for the review is the applicable amount specified in rules adopted under division (A) (9) of section 3748.04 of the Revised Code.

(2) For a facility that is, or is operated by, a medical

practitioner or medical-practitioner group and handles or 80954
proposes to handle radiation-generating equipment, the fee for 80955
the review is seven hundred sixty-two dollars for each room 80956
where a source of radiation is used and is in addition to any 80957
other fee applicable under the schedule in division (B) (2) of 80958
this section. 80959

(F) All fees shall be paid to the department of health no 80960
later than thirty days after the invoice for the fee is mailed. 80961
Fees shall be deposited in the general operations fund created 80962
in section 3701.83 of the Revised Code. The fees shall be used 80963
solely to administer and enforce this chapter and rules adopted 80964
under it. 80965

(G) Any fee required under this section that remains 80966
unpaid on the ninety-first day after the original invoice date 80967
shall be assessed an additional amount equal to ten per cent of 80968
the original fee. 80969

(H) If the director determines that a board of health of a 80970
city or general health district is qualified to conduct 80971
inspections of radiation-generating equipment, the director may 80972
delegate to the board, by contract, the authority to conduct 80973
such inspections. In making a determination of the 80974
qualifications of a board of health to conduct those 80975
inspections, the director shall evaluate the credentials of the 80976
individuals who are to conduct the inspections of radiation- 80977
generating equipment and the radiation detection and measuring 80978
equipment available to them for that purpose. If a contract is 80979
entered into, the board shall have the same authority to make 80980
inspections of radiation-generating equipment as the director 80981
has under this chapter and rules adopted under it. The contract 80982
shall stipulate that only individuals approved by the director 80983

as qualified shall be permitted to inspect radiation-generating 80984
equipment under the contract's provisions. The contract shall 80985
provide for such compensation for services as is agreed to by 80986
the director and the board of health of the contracting health 80987
district. The director may reevaluate the credentials of the 80988
inspection personnel and their radiation detecting and measuring 80989
equipment as often as the director considers necessary and may 80990
terminate any contract with the board of health of any health 80991
district that, in the director's opinion, is not satisfactorily 80992
performing the terms of the contract. 80993

(I) The director may enter at all reasonable times upon 80994
any public or private property to determine compliance with this 80995
chapter and rules adopted under it. 80996

Sec. 3750.02. (A) There is hereby created the emergency 80997
response commission consisting of the directors of environmental 80998
protection ~~and, health, and administrative services,~~ the 80999
chairperson of the public utilities commission, the fire 81000
marshal, the director of public safety, the director of 81001
transportation, the director of natural resources, the 81002
superintendent of the highway patrol, and the attorney general 81003
as members ex officio, or their designees; notwithstanding 81004
section 101.26 of the Revised Code, ~~the chairpersons of the~~ 81005
~~respective standing committees of the senate and house of~~ 81006
~~representatives that are primarily responsible for considering~~ 81007
~~environmental issues~~ a member of the house of representatives 81008
appointed by the speaker of the house of representatives and a 81009
member of the senate appointed by the president of the senate, 81010
who may participate fully in all the commission's deliberations 81011
and activities, except that they shall serve as nonvoting 81012
members; and ten members to be appointed by the governor with 81013
the advice and consent of the senate. The appointed members, to 81014

the extent practicable, shall have technical expertise in the 81015
field of emergency response. Of the appointed members, two shall 81016
represent environmental advocacy organizations, one shall 81017
represent the interests of petroleum refiners or marketers or 81018
chemical manufacturers, one shall represent the interests of 81019
another industry subject to this chapter, one shall represent 81020
the interests of municipal corporations, one shall represent the 81021
interests of counties, one shall represent the interests of 81022
chiefs of fire departments, one shall represent the interests of 81023
professional firefighters, one shall represent the interests of 81024
volunteer firefighters, and one shall represent the interests of 81025
local emergency management agencies. 81026

An appointed member of the commission also may serve as a 81027
member of the local emergency planning committee of an emergency 81028
planning district. An appointed member of the commission who is 81029
also a member of a local emergency planning committee shall not 81030
participate as a member of the commission in the appointment of 81031
members of the local emergency planning committee of which the 81032
member is a member, in the review of the chemical emergency 81033
response and preparedness plan submitted by the local emergency 81034
planning committee of which the member is a member, in any vote 81035
to approve a grant to the member's district, or in any vote of 81036
the commission on any motion or resolution pertaining 81037
specifically to the member's district or the local emergency 81038
planning committee on which the member serves. A commission 81039
member who is also a member of a local emergency planning 81040
committee shall not lobby or otherwise act as an advocate for 81041
the member's district to other members of the commission to 81042
obtain from the commission anything of value for the member's 81043
district or the local emergency planning committee of which the 81044
member is a member. A member of the commission who is also a 81045

member of a local emergency planning committee may vote on 81046
resolutions of the commission that apply uniformly to all local 81047
emergency planning committees and districts in the state and do 81048
not provide a grant or other pecuniary benefit to the member's 81049
district or the committee of which the member is a member. 81050

The governor shall make the initial appointments to the 81051
commission within thirty days after December 14, 1988. Of the 81052
initial appointments to the commission, five shall be for a term 81053
of two years and five shall be for a term of one year. 81054
Thereafter, terms of office of the appointed members of the 81055
commission shall be for two years, with each term ending on the 81056
same day of the same month as did the term that it succeeds. 81057
Each member shall hold office from the date of appointment until 81058
the end of the term for which the member was appointed. Members 81059
may be reappointed. Vacancies shall be filled in the manner 81060
provided for original appointments. Any member appointed to fill 81061
a vacancy occurring prior to the expiration of the term for 81062
which the member's predecessor was appointed shall hold office 81063
for the remainder of that term. A member shall continue in 81064
office subsequent to the expiration date of the member's term 81065
until the member's successor takes office or until a period of 81066
sixty days has elapsed, whichever occurs first. The commission 81067
may at any time by a vote of two-thirds of all the members 81068
remove any appointed member of the commission for misfeasance, 81069
nonfeasance, or malfeasance. Members of the commission shall 81070
serve without compensation, but shall be reimbursed for the 81071
reasonable expenses incurred by them in the discharge of their 81072
duties as members of the commission. 81073

The commission shall meet at least annually and shall hold 81074
such additional meetings as are necessary to implement and 81075
administer this chapter. Additional meetings may be held at the 81076

behest of either a co-chairperson or a majority of the members. 81077
The commission shall, by adoption of internal management rules 81078
under division (B) (9) of this section, establish an executive 81079
committee and delegate to it the performance of such of the 81080
commission's duties and powers under this chapter as are 81081
required or authorized to be so delegated by that division. The 81082
commission may organize itself into such additional committees 81083
as it considers necessary or convenient to implement and 81084
administer this chapter. The director of environmental 81085
protection and the director of public safety or their designees 81086
shall serve as co-chairpersons of the commission and the 81087
executive committee. Except as otherwise provided in this 81088
chapter, a majority of the voting members of the commission 81089
constitutes a quorum and the affirmative vote of a majority of 81090
the voting members of the commission is necessary for any action 81091
taken by the commission. Meetings of the executive committee 81092
conducted for the purpose of determining whether to issue an 81093
enforcement order or request that a civil action, civil penalty 81094
action, or criminal action be brought to enforce this chapter or 81095
rules adopted or orders issued under it are not subject to 81096
section 121.22 of the Revised Code pursuant to division (D) of 81097
that section. 81098

Except for the purposes of Chapters 102. and 2921. and 81099
sections 9.86 and 109.36 to 109.366 of the Revised Code, serving 81100
as an appointed member of the commission does not constitute 81101
holding a public office or position of employment under the laws 81102
of this state and does not constitute grounds for removal of 81103
public officers or employees from their offices or positions of 81104
employment. 81105

(B) The commission shall: 81106

(1) Adopt rules in accordance with Chapter 119. of the Revised Code that are consistent with and equivalent in scope, content, and coverage to the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and applicable regulations adopted under it:

(a) Identifying or listing extremely hazardous substances and establishing a threshold planning quantity for each such substance. To the extent consistent with that act and applicable regulations adopted under it, the rules may establish threshold planning quantities based upon classes of those substances or categories of facilities at which such substances are present.

(b) Listing hazardous chemicals, establishing threshold quantities for those chemicals, establishing categories of health and physical hazards of those chemicals, establishing criteria or procedures for identifying those chemicals and the appropriate hazard categories of those chemicals, and establishing ranges of quantities for those chemicals to be used in preparing emergency and hazardous chemical inventory forms under section 3750.08 of the Revised Code. To the extent consistent with that act and applicable regulations adopted under it, the rules may establish threshold quantities based upon classes of those chemicals or categories of facilities where those chemicals are present.

To the extent consistent with that act, the threshold quantities for purposes of the submission of lists of hazardous chemicals under section 3750.07 and the submission of emergency and hazardous chemical inventory forms under section 3750.08 of the Revised Code may differ.

(c) Identifying or listing hazardous substances and establishing reportable quantities of each of those substances

and each extremely hazardous substance. In addition to being 81137
consistent with and equivalent in scope, content, and coverage 81138
to that act and applicable regulations adopted under it, the 81139
rules shall be consistent with and equivalent in scope, content, 81140
and coverage to regulations identifying or listing hazardous 81141
substances and reportable quantities of those substances adopted 81142
under the "Comprehensive Environmental Response, Compensation, 81143
and Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as 81144
amended. 81145

(d) Prescribing the information to be included in the 81146
lists of hazardous chemicals required to be submitted under 81147
section 3750.07 of the Revised Code; 81148

(e) Prescribing the information to be included in the 81149
emergency and hazardous chemical inventory forms required to be 81150
submitted under section 3750.08 of the Revised Code. If the 81151
commission establishes its own emergency and hazardous chemical 81152
inventory form, the rules shall authorize owners and operators 81153
of facilities who also have one or more facilities located 81154
outside the state for which they are required to submit 81155
inventory forms under the federal act and regulations adopted 81156
under it to submit their annual inventories on forms prescribed 81157
by the administrator of the United States environmental 81158
protection agency under that act instead of on forms prescribed 81159
by the commission and shall require those owners or operators to 81160
submit any additional information required by the commission's 81161
inventory form on an attachment to the federal form. 81162

(f) Establishing procedures for giving verbal notice of 81163
releases under section 3750.06 of the Revised Code and 81164
prescribing the information to be provided in such a notice and 81165
in the follow-up written notice required by that section; 81166

(g) Establishing standards for determining valid needs for the release of tier II information under division (B) (4) of section 3750.10 of the Revised Code; 81167
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(h) Identifying the types or categories of information submitted or obtained under this chapter and rules adopted under it that constitute confidential business information; 81170
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(i) Establishing criteria and procedures to protect trade secret and confidential business information from unauthorized disclosure; 81173
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(j) Establishing other requirements or authorizations that the commission considers necessary or appropriate to implement, administer, and enforce this chapter. 81176
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81178

(2) Adopt rules in accordance with Chapter 119. of the Revised Code to implement and administer this chapter that may be more stringent than the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and regulations adopted under it. Rules adopted under division (B) (2) of this section shall not be inconsistent with that act or the regulations adopted under it. The rules shall: 81179
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(a) Prescribe the information to be included in the chemical emergency response and preparedness plans prepared and submitted by local emergency planning committees under section 3750.04 of the Revised Code; 81186
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(b) Establish criteria and procedures for reviewing the chemical emergency response and preparedness plans of local emergency planning committees required by section 3750.04 of the Revised Code and the annual exercise of those plans and for providing concurrence or requesting modifications in the plans and the exercise of those plans. The criteria shall include, 81190
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without limitation, the requirement that each exercise of a 81196
committee's plan involve, in addition to local emergency 81197
response and medical personnel, either a facility that is 81198
subject to the plan or a transporter of materials that are 81199
identified or listed as hazardous materials by regulations 81200
adopted under the "Hazardous Materials Transportation Act," 88 81201
Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended. 81202

(c) Establish policies and procedures for maintaining 81203
information submitted to the commission and local emergency 81204
planning committees under this chapter, and for receiving and 81205
fulfilling requests from the public for access to review and to 81206
obtain copies of that information. The criteria and procedures 81207
shall include the following requirements and authorizations 81208
regarding that information and access to it: 81209

(i) Information that is protected as trade secret 81210
information or confidential business information under this 81211
chapter and rules adopted under it shall be kept in files that 81212
are separate from those containing information that is not so 81213
protected. 81214

(ii) The original copies of information submitted to the 81215
commission or committee shall not be removed from the custody 81216
and control of the commission or committee. 81217

(iii) A person who, either in person or by mail, requests 81218
to obtain a copy of a material safety data sheet submitted under 81219
this chapter by a facility owner or operator shall submit a 81220
separate application for each facility for which a material 81221
safety data sheet is being requested. 81222

(iv) A person who requests to receive by mail a copy of 81223
information submitted under this chapter by a facility owner or 81224

operator shall submit a separate application for each facility 81225
for which information is being requested and shall specify both 81226
the facility for which information is being requested and the 81227
particular types of documents requested. 81228

(v) Only employees of the commission or committee shall 81229
copy information in the files of the commission or committee. 81230

(vi) The commission or committee may require any person 81231
who requests to review or obtain a copy of information in its 81232
files to schedule an appointment for that purpose with the 81233
information coordinator of the commission or committee at least 81234
twenty-four hours before arriving at the office of the 81235
commission or committee for the review or copy. 81236

(vii) Any person who seeks access to information in the 81237
files of the commission or a local emergency planning committee 81238
shall submit a written application, either in person or by mail, 81239
to the information coordinator on a form provided by the 81240
commission or committee. The person also shall provide the 81241
person's name and current mailing address on the application and 81242
may be requested by the commission or committee to provide basic 81243
demographic information on the form to assist in the evaluation 81244
of the information access provisions of this chapter and rules 81245
adopted under it. Application forms may be obtained by mail or 81246
in person or by request by telephone at the office of the 81247
commission or committee during regular business hours. Upon 81248
receipt of a request for an application by telephone or mail, 81249
the information coordinator shall promptly mail an application 81250
to the person who requested it. 81251

(viii) The application form shall provide the applicant 81252
with a means of indicating that the applicant's name and address 81253
are to be kept confidential. If the applicant so indicates, that 81254

information is not a public record under section 149.43 of the Revised Code and shall not be disclosed to any person who is not a member or employee of the commission or committee or an employee of the environmental protection agency. When a name and address are to be kept confidential, they also shall be deleted from the copy of the application required to be placed in the file of the facility under division (B)(2)(c)(xii) of this section and shall be withheld from any log of information requests kept by the commission or committee pursuant to that division.

(ix) Neither the commission nor a local emergency planning committee shall charge any fee for access to review information in its files when no copies or computer searches of that information are requested.

(x) An applicant shall be informed of the cost of copying, mailing, or conducting a computer search of information on file with the commission or committee before such a copy or search is made, and the commission or committee shall collect the appropriate fees as established under section 3750.13 of the Revised Code. Each applicant shall acknowledge on the application form that the applicant is aware that the applicant will be charged for copies and computer searches of that information the applicant requests and for the costs of mailing copies of the information to the applicant.

(xi) The commission or committee may require a person requesting copies of information on file with it to take delivery of them in the office of the commission or committee whenever it considers the volume of the information to be large enough to make mailing or delivery by a parcel or package delivery service impractical.

(xii) When the commission or committee receives a request 81285
for access to review or obtain copies of information in its 81286
files, it shall not routinely notify the owner or operator of 81287
the facility involved, but instead shall either keep a log or 81288
file of requests for the information or shall place a copy of 81289
each completed application form in the file for the facility to 81290
which the application pertains. Such a log or file shall be 81291
available for review by the public and by the owners and 81292
operators of facilities required to submit information to the 81293
commission or committee under this chapter and rules adopted 81294
under it. 81295

(d) Require that claims for the protection, as a trade 81296
secret, of information obtained under this chapter regarding 81297
extremely hazardous substances identified or listed in rules 81298
adopted under division (B) (1) (a) of this section and hazardous 81299
chemicals identified or listed in rules adopted under division 81300
(B) (1) (b) of this section be submitted to the administrator of 81301
the United States environmental protection agency for 81302
determination under section 322 of the the "Emergency Planning 81303
and Community Right-To-Know Act of 1986," 100 Stat. 1747, 42 81304
U.S.C.A. 11042, and regulations adopted under that section; 81305

(e) Establish criteria and procedures for the issuance of 81306
variances under divisions (B) and (C) of section 3750.11 of the 81307
Revised Code. The rules shall require that, before approval of 81308
an application for a variance, the commission or committee find 81309
by a preponderance of the scientific evidence based upon 81310
generally accepted scientific principles or laboratory tests 81311
that the extremely hazardous substances, hazardous chemicals, or 81312
hazardous substances that would be subject to the reporting 81313
requirement pose a substantial risk of catastrophic injury to 81314
public health or safety or to the environment, or pose an 81315

extraordinary risk of injury to emergency management personnel 81316
responding to a release of the chemicals or substances, when the 81317
substances or chemicals are present at a facility in an amount 81318
equal to or exceeding the quantity for which reporting would be 81319
required under the reporting requirement for which the variance 81320
is sought. The rules shall also require that before approval of 81321
an application for a variance, the commission or committee find 81322
by a preponderance of the evidence that the development and 81323
implementation of a local emergency response plan for releases 81324
of the substances or chemicals covered by the reporting 81325
requirement will reduce the risk of catastrophic injury to 81326
public health or safety or to the environment, or will reduce 81327
the extraordinary risk of injury to responding emergency 81328
management personnel, in the event of a release of the 81329
substances or chemicals and find by a preponderance of the 81330
evidence that the reporting requirement is necessary for the 81331
development of such a local emergency response plan. The rules 81332
shall require that when determining whether the substances or 81333
chemicals that would be subject to the reporting requirement 81334
pose a substantial risk of catastrophic injury to public health 81335
or safety or to the environment, or pose an extraordinary risk 81336
of injury to emergency management personnel responding to a 81337
release of the substance or chemical, the commission or 81338
committee consider all of the following factors: 81339

(i) The specific characteristics and degree and nature of 81340
the hazards posed by a release of the extremely hazardous 81341
substances, hazardous chemicals, or hazardous substances; 81342

(ii) The proximity of the facilities that would be subject 81343
to the reporting requirement to residential areas, to areas 81344
where significantly large numbers of people are employed or 81345
otherwise congregate, and to environmental resources that are 81346

subject to injury; 81347

(iii) The quantities of the extremely hazardous 81348
substances, hazardous chemicals, or hazardous substances that 81349
are routinely present at facilities that would be subject to the 81350
reporting requirement; 81351

(iv) The frequency with which the extremely hazardous 81352
substances, hazardous chemicals, or hazardous substances are 81353
present at the facilities that would be subject to the reporting 81354
requirement in quantities for which reporting would be required 81355
thereunder. 81356

(f) Establish criteria and procedures for the issuance of 81357
orders under division (D) of section 3750.11 of the Revised Code 81358
requiring the placement of emergency response lock box units. 81359
The rules shall require that before approval of an application 81360
for issuance of such an order, the commission or committee find 81361
by a preponderance of the scientific evidence based upon 81362
generally accepted scientific principles or laboratory tests 81363
that the presence of the extremely hazardous substances, 81364
hazardous chemicals, or hazardous substances in the quantities 81365
in which they are routinely or intermittently present at the 81366
facility for which the order is sought pose a substantial risk 81367
of catastrophic injury to public health or safety or to the 81368
environment, or pose an extraordinary risk of injury to 81369
responding emergency management personnel, in the event of a 81370
release of any of those substances or chemicals from the 81371
facility. The rules shall require that before approval of an 81372
application for issuance of such an order, the commission or 81373
committee also find by a preponderance of the evidence that the 81374
placement of an emergency response lock box unit at the facility 81375
is necessary to protect against the substantial risk of 81376

catastrophic injury to public health or safety or the 81377
environment, or to protect against an extraordinary risk of 81378
injury to responding emergency management personnel, in the 81379
event of a release of any of the extremely hazardous substances, 81380
hazardous chemicals, or hazardous substances routinely or 81381
intermittently present at the facility. The rules shall require 81382
that when determining whether the extremely hazardous 81383
substances, hazardous chemicals, or hazardous substances present 81384
at the facility pose a substantial risk of catastrophic injury 81385
to public health or safety or to the environment, or pose an 81386
extraordinary risk of injury to responding emergency management 81387
personnel, in the event of a release of any of those substances 81388
or chemicals from the facility, the commission or committee 81389
consider all of the following factors: 81390

(i) The specific characteristics and the degree and nature 81391
of the hazards posed by a release of the extremely hazardous 81392
substances, hazardous chemicals, or hazardous substances present 81393
at the facility; 81394

(ii) The proximity of the facility to residential areas, 81395
to areas where significantly large numbers of people are 81396
employed or otherwise congregate, and to environmental resources 81397
that are subject to injury; 81398

(iii) The quantities of the extremely hazardous 81399
substances, hazardous chemicals, or hazardous substances that 81400
are routinely present at the facility; 81401

(iv) The frequency with which the extremely hazardous 81402
substances, hazardous chemicals, or hazardous substances are 81403
present at the facility. 81404

(g) Establish procedures to be followed by the commission 81405

and the executive committee of the commission for the issuance 81406
of orders under this chapter. 81407

(3) In accordance with Chapter 119. of the Revised Code 81408
adopt rules establishing reportable quantities for releases of 81409
oil that are consistent with and equivalent in scope, content, 81410
and coverage to section 311 of the "Federal Water Pollution 81411
Control Act Amendments of 1972," 86 Stat. 862, 33 U.S.C.A. 1321, 81412
as amended, and applicable regulations adopted under it; 81413

(4) Adopt rules in accordance with Chapter 119. of the 81414
Revised Code establishing criteria and procedures for 81415
identifying or listing extremely hazardous substances in 81416
addition to those identified or listed in rules adopted under 81417
division (B)(1)(a) of this section and for establishing 81418
threshold planning quantities and reportable quantities for the 81419
added extremely hazardous substances; for identifying or listing 81420
hazardous chemicals in addition to those identified or listed in 81421
rules adopted under division (B)(1)(b) of this section and for 81422
establishing threshold quantities and categories of health and 81423
physical hazards for the added hazardous chemicals; and for 81424
identifying or listing hazardous substances in addition to those 81425
identified or listed in rules adopted under division (B)(1)(c) 81426
of this section and for establishing reportable quantities for 81427
the added hazardous substances. The criteria for identifying or 81428
listing additional extremely hazardous substances and 81429
establishing threshold planning quantities and reportable 81430
quantities therefor and for identifying or listing additional 81431
hazardous chemicals and establishing threshold quantities and 81432
categories of health and physical hazards for the added 81433
hazardous chemicals shall be consistent with and equivalent to 81434
applicable criteria therefor under the "Emergency Planning and 81435
Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 81436

U.S.C.A. 11001, and regulations adopted under it. The criteria 81437
for identifying additional hazardous substances and for 81438
establishing reportable quantities of the added hazardous 81439
substances shall be consistent with and equivalent to the 81440
applicable criteria for identifying or listing hazardous 81441
substances and establishing reportable quantities therefor under 81442
the "Comprehensive Environmental Response, Compensation, and 81443
Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as 81444
amended, and regulations adopted under it. 81445

The rules shall require that, before identifying or 81446
listing any such additional extremely hazardous substance, 81447
hazardous chemical, or hazardous substance and establishing a 81448
threshold planning quantity, threshold quantity, or reportable 81449
quantity therefor, the commission find by a preponderance of the 81450
scientific evidence based on generally accepted scientific 81451
principles or laboratory tests that the substance or chemical 81452
poses a substantial risk of catastrophic injury to public health 81453
or safety or to the environment, or poses an extraordinary risk 81454
of injury to emergency management personnel responding to a 81455
release of the chemical or substance, when the chemical or 81456
substance is present at a facility in an amount equal to the 81457
proposed threshold planning quantity or threshold quantity or, 81458
in the instance of a proposed additional extremely hazardous 81459
substance or hazardous substance, poses a substantial risk of 81460
catastrophic injury to public health or safety or to the 81461
environment if a release of the proposed reportable quantity of 81462
the substance occurs. The rules shall further require that, 81463
before so identifying or listing a substance or chemical, the 81464
commission find by a preponderance of the evidence that the 81465
development and implementation of state or local emergency 81466
response plans for releases of the substance or chemical will 81467

reduce the risk of a catastrophic injury to public health or 81468
safety or to the environment, or will reduce the extraordinary 81469
risk of injury to responding emergency response personnel, in 81470
the event of a release of the substance or chemical and find by 81471
a preponderance of the evidence that the identification or 81472
listing of the substance or chemical is necessary for the 81473
development of state or local emergency response plans for 81474
releases of the substance or chemical. The rules shall require 81475
that the commission consider the toxicity of the substance or 81476
chemical in terms of both the short-term and long-term health 81477
effects resulting from exposure to it and its reactivity, 81478
volatility, dispersibility, combustibility, and flammability 81479
when determining the risks posed by a release of the substance 81480
or chemical and, as appropriate, when establishing a threshold 81481
planning quantity, threshold quantity, reportable quantity, or 81482
category of health or physical hazard for it. 81483

(5) Adopt rules in accordance with Chapter 119. of the 81484
Revised Code establishing criteria and procedures for receiving 81485
and deciding claims for protection of information as a trade 81486
secret that are applicable only to extremely hazardous 81487
substances and hazardous chemicals identified or listed in rules 81488
adopted under division (C) (5) of this section. The rules shall 81489
be equivalent in scope, content, and coverage to section 322 of 81490
the "Emergency Planning and Community Right-To-Know Act of 81491
1986," 100 Stat. 1747, 42 U.S.C.A. 11042, and regulations 81492
adopted under it. 81493

(6) (a) After consultation with the fire marshal, adopt 81494
rules in accordance with Chapter 119. of the Revised Code 81495
establishing standards for the construction, placement, and use 81496
of emergency response lock box units at facilities that are 81497
subject to this chapter. The rules shall establish all of the 81498

following: 81499

(i) Specific standards of construction for lock box units; 81500

(ii) The specific types of information that shall be 81501
placed in the lock box units required to be placed at a facility 81502
by an order issued under division (D) of section 3750.11 of the 81503
Revised Code, which shall include the location of on-site 81504
emergency fire-fighting and spill cleanup equipment; a diagram 81505
of the public and private water supply and sewage systems 81506
serving the facility that are known to the owner or operator of 81507
the facility; a copy of the emergency and hazardous chemical 81508
inventory form for the facility most recently required to be 81509
submitted under section 3750.08 of the Revised Code from which 81510
the owner or operator may withhold information claimed or 81511
determined to be trade secret information pursuant to rules 81512
adopted under division (B) (2) (d) of this section, or pursuant to 81513
division (B) (14) of this section and rules adopted under 81514
division (B) (5) of this section, and confidential business 81515
information identified in rules adopted under division (B) (1) (h) 81516
of this section; a copy of the local fire department's and 81517
facility's emergency management plans for the facility, if any; 81518
a current list of the names, positions, addresses, and telephone 81519
numbers of all key facility personnel knowledgeable in facility 81520
safety procedures and the locations at the facility where 81521
extremely hazardous substances, hazardous chemicals, and 81522
hazardous substances are produced, used, or stored. The rules 81523
shall stipulate that, in the instance of lock box units placed 81524
voluntarily at facilities by the owners or operators of the 81525
facilities, such information shall be maintained in them as is 81526
prescribed by agreement by the owner or operator and the fire 81527
department having jurisdiction over the facility. 81528

(iii) The conditions that shall be met in order to provide 81529
safe and expedient access to a lock box unit during a release or 81530
threatened release of an extremely hazardous substance, 81531
hazardous chemical, or hazardous substance. 81532

(b) Unless the owner or operator of a facility is issued 81533
an order under division (D) of section 3750.11 of the Revised 81534
Code requiring the owner or operator to place a lock box unit at 81535
the facility, the owner or operator may place a lock box unit at 81536
the facility at the owner's or operator's discretion. If the 81537
owner or operator chooses to place a lock box unit at the 81538
facility, the responsibility to deposit information in the lock 81539
box unit is in addition to any other obligations established in 81540
this chapter. 81541

(c) Any costs associated with the purchase, construction, 81542
or placement of a lock box unit shall be paid by the owner or 81543
operator of the facility. 81544

(7) In accordance with Chapter 119. of the Revised Code, 81545
adopt rules governing the application for and awarding of grants 81546
under division (C) of section 3750.14 and division (B) of 81547
section 3750.15 of the Revised Code; 81548

(8) Adopt rules in accordance with Chapter 119. of the 81549
Revised Code establishing reasonable maximum fees that may be 81550
charged by the commission and local emergency planning 81551
committees for copying information in the commission's or 81552
committee's files to fulfill requests from the public for that 81553
information; 81554

(9) Adopt internal management rules governing the 81555
operations of the commission. The internal management rules 81556
shall establish an executive committee of the commission 81557

consisting of the director of environmental protection or the 81558
director's designee, the director of public safety or the 81559
director's designee, the attorney general or the attorney 81560
general's designee, one of the appointed members of the 81561
commission representing industries subject to this chapter to be 81562
appointed by the commission, one of the appointed members of the 81563
commission representing the interests of environmental advocacy 81564
organizations to be appointed by the commission, and one other 81565
appointed member or member ex officio of the commission to be 81566
appointed by the commission. The executive committee has 81567
exclusive authority to issue enforcement orders under section 81568
3750.18 of the Revised Code and to request the attorney general 81569
to bring a civil action, civil penalty action, or criminal 81570
action under section 3750.20 of the Revised Code in the name of 81571
the commission regarding violations of this chapter, rules 81572
adopted under it, or orders issued under it. The internal 81573
management rules may set forth the other specific powers and 81574
duties of the commission that the executive committee may 81575
exercise and carry out and the conditions under which the 81576
executive committee may do so. The internal management rules 81577
shall not authorize the executive committee to issue variances 81578
under division (B) or (C) of section 3750.11 of the Revised Code 81579
or orders under division (D) of that section. 81580

(10) Oversee and coordinate the implementation and 81581
enforcement of this chapter and make such recommendations to the 81582
director of environmental protection and the director of public 81583
safety as it considers necessary or appropriate to improve the 81584
implementation and enforcement of this chapter; 81585

(11) Make allocations of moneys under division (B) of 81586
section 3750.14 of the Revised Code and make grants under 81587
division (C) of section 3750.14 and division (B) of section 81588

3750.15 of the Revised Code; 81589

(12) Designate an officer of the environmental protection 81590
agency to serve as the commission's information coordinator 81591
under this chapter; 81592

(13) Not later than December 14, 1989, develop and 81593
distribute a state emergency response plan that defines the 81594
emergency response roles and responsibilities of the state 81595
agencies that are represented on the commission and that 81596
provides appropriate coordination with the national contingency 81597
plan and the regional contingency plan required by section 105 81598
of the "Comprehensive Environmental Response, Compensation, and 81599
Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 81600
amended. The plan shall ensure a well-coordinated response by 81601
state agencies that may be involved in assisting local emergency 81602
responders during a major release of oil or a major sudden and 81603
accidental release of a hazardous substance or extremely 81604
hazardous substance. The plan may incorporate existing state 81605
emergency response plans by reference. At least annually, the 81606
commission and the state agencies that are represented on it 81607
shall jointly exercise the state plan in conjunction with the 81608
exercise of a local emergency response plan by a local emergency 81609
planning committee under section 3750.04 of the Revised Code. 81610
After any such exercise, the commission shall review the state 81611
plan and make such revisions in it as the commission considers 81612
necessary or appropriate. 81613

(14) Receive and decide claims for the protection of 81614
information as a trade secret that pertain only to extremely 81615
hazardous substances and hazardous chemicals identified or 81616
listed by rules adopted under division (C)(5) of this section. 81617
If the commission determines that the claim meets the criteria 81618

established in rules adopted under division (B) (5) of this 81619
section, it shall issue an order to that effect in accordance 81620
with section 3750.18 of the Revised Code. If the commission 81621
determines that the claim does not meet the criteria established 81622
in those rules, it shall issue an order to that effect in 81623
accordance with section 3750.18 of the Revised Code. 81624

(15) Annually compile, make available to the public, and 81625
submit to the president of the senate and the speaker of the 81626
house of representatives a summary report on the number of 81627
facilities estimated to be subject to regulation under sections 81628
3750.05, 3750.07, and 3750.08 of the Revised Code, the number of 81629
facilities reporting to the commission, an estimate of the 81630
percentage of facilities in compliance with those sections, and 81631
recommendations regarding the types of activities the commission 81632
considers necessary to improve such compliance. The commission 81633
shall base its estimate of the number of facilities that are 81634
subject to regulation under those sections on the current 81635
estimates provided by the local emergency planning committees 81636
under division (D) (6) of section 3750.03 of the Revised Code. 81637

(C) The commission may: 81638

(1) Procure by contract the temporary or intermittent 81639
services of experts or consultants when those services are to be 81640
performed on a part-time or fee-for-service basis and do not 81641
involve the performance of administrative duties; 81642

(2) Enter into contracts or agreements with political 81643
subdivisions or emergency planning districts for the purposes of 81644
this chapter; 81645

(3) Accept on behalf of the state any gift, grant, or 81646
contribution from any governmental or private source for the 81647

purposes of this chapter; 81648

(4) Enter into contracts, agreements, or memoranda of 81649
understanding with any state department, agency, board, 81650
commission, or institution to obtain the services of personnel 81651
thereof or utilize resources thereof for the purposes of this 81652
chapter. Employees of a state department, agency, board, 81653
commission, or institution providing services to the commission 81654
under any such contract, agreement, or memorandum shall perform 81655
only those functions and provide only the services provided for 81656
in the contract, agreement, or memorandum. 81657

(5) Identify or list extremely hazardous substances in 81658
addition to those identified or listed in rules adopted under 81659
division (B)(1)(a) of this section and establish threshold 81660
planning quantities and reportable quantities for the additional 81661
extremely hazardous substances, identify or list hazardous 81662
chemicals in addition to those identified or listed in rules 81663
adopted under division (B)(1)(b) of this section and establish 81664
threshold quantities and categories or health and physical 81665
hazards for the added chemicals, and identify or list hazardous 81666
substances in addition to those identified or listed in rules 81667
adopted under division (B)(1)(c) of this section and establish 81668
reportable quantities for the added hazardous substances. The 81669
commission may establish threshold planning quantities for the 81670
additional extremely hazardous substances based upon classes of 81671
those substances or categories of facilities at which they are 81672
present and may establish threshold quantities for the 81673
additional hazardous chemicals based upon classes of those 81674
chemicals or categories of facilities where they are present. 81675
The commission shall identify or list such additional substances 81676
or chemicals and establish threshold planning quantities, 81677
threshold quantities, reportable quantities, and hazard 81678

categories therefor in accordance with the criteria and 81679
procedures established in rules adopted under division (B) (4) of 81680
this section and, after compliance with those criteria and 81681
procedures, by the adoption of rules in accordance with Chapter 81682
119. of the Revised Code. The commission shall not adopt rules 81683
under division (C) (5) of this section modifying any threshold 81684
planning quantity established in rules adopted under division 81685
(B) (1) (a) of this section, any threshold quantity established in 81686
rules adopted under division (B) (1) (b) of this section, or any 81687
reportable quantity established in rules adopted under division 81688
(B) (1) (c) of this section. 81689

If, after the commission has adopted rules under division 81690
(C) (5) of this section identifying or listing an extremely 81691
hazardous substance, hazardous chemical, or hazardous substance, 81692
the administrator of the United States environmental protection 81693
agency identifies or lists the substance or chemical as an 81694
extremely hazardous substance or hazardous chemical under the 81695
"Emergency Planning and Community Right-To-Know Act of 1986," 81696
100 Stat. 1729, 42 U.S.C.A. 11001, or identifies or lists a 81697
substance as a hazardous substance under the "Comprehensive 81698
Environmental Response, Compensation, and Liability Act of 81699
1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as amended, the 81700
commission shall rescind its rules adopted under division (C) (5) 81701
of this section pertaining to the substance or chemical and 81702
adopt the appropriate rules under division (B) (1) (a), (b), or 81703
(c) of this section. 81704

(6) From time to time, request the director of 81705
environmental protection and the executive director of the 81706
emergency management agency to review implementation, 81707
administration, and enforcement of the chemical emergency 81708
response planning and reporting programs created by this chapter 81709

and rules adopted under it regarding their effectiveness in 81710
preparing for response to releases of extremely hazardous 81711
substances, hazardous chemicals, and hazardous substances. After 81712
completion of any such review, the director of environmental 81713
protection and the director of public safety shall report their 81714
findings to the commission. Upon receipt of their findings, the 81715
commission may make such recommendations for legislative and 81716
administrative action as the commission finds necessary or 81717
appropriate to promote achievement of the purposes of this 81718
chapter. 81719

(D) Except as provided in section 3750.06 of the Revised 81720
Code, nothing in this chapter applies to the transportation, 81721
including the storage incident to transportation, of any 81722
substance or chemical subject to the requirements of this 81723
chapter, including the transportation and distribution of 81724
natural gas. 81725

(E) This chapter authorizes the state, through the 81726
emergency response commission, the department of public safety, 81727
and the environmental protection agency, to establish and 81728
maintain chemical emergency response planning and preparedness, 81729
community right-to-know, and hazardous substance and extremely 81730
hazardous substance release reporting programs that are 81731
consistent with and equivalent in scope, coverage, and content 81732
to the "Emergency Planning and Community Right-To-Know Act of 81733
1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and regulations 81734
adopted under it, except as otherwise specifically required or 81735
authorized in this chapter. The commission, department, and 81736
agencies may do all things necessary, incidental, or appropriate 81737
to implement, administer, and enforce this chapter and to 81738
perform the duties and exercise the powers of the state 81739
emergency response commission under that act and regulations 81740

adopted under it and under this chapter. 81741

Sec. 3769.088. (A) (1) If any permit holder required by 81742
this chapter to pay the taxes levied by sections 3769.08, 81743
3769.087, 3769.26, and 3769.28 of the Revised Code fails to pay 81744
the taxes as required, the tax commissioner may make an 81745
assessment against the permit holder based upon any information 81746
in the commissioner's possession. 81747

(2) If a permit holder required to remit taxes or file a 81748
report electronically in the manner prescribed under section 81749
3769.103 of the Revised Code fails to do so, the tax 81750
commissioner may impose an additional penalty of fifty dollars 81751
or ten per cent of the tax due as shown on the report, whichever 81752
is greater. 81753

(3) A penalty of up to fifteen per cent may be added to 81754
the amount of every assessment made under this section. 81755

(4) The commissioner may adopt rules providing for the 81756
imposition and remission of penalties added to assessments made 81757
under this section. 81758

(5) The commissioner shall give the party assessed written 81759
notice of the assessment in the manner provided in section 81760
5703.37 of the Revised Code. With the notice, the commissioner 81761
shall provide instructions on how to petition for reassessment 81762
and request a hearing on the petition. 81763

(B) Unless the party assessed files with the tax 81764
commissioner within sixty days after service of the notice of 81765
assessment, ~~either personally or by certified mail,~~ a written 81766
petition for reassessment signed by the party assessed or that 81767
party's authorized agent having knowledge of the facts, the 81768
assessment becomes final and the amount of the assessment is due 81769

and payable from the party assessed to the commissioner. The 81770
petition shall indicate the objections of the party assessed, 81771
but additional objections may be raised in writing if received 81772
by the commissioner prior to the date shown on the final 81773
determination. If the petition has been properly filed, the 81774
commissioner shall proceed under section 5703.60 of the Revised 81775
Code. 81776

(C) After an assessment becomes final, if any portion of 81777
the assessment remains unpaid, including accrued interest, a 81778
certified copy of the tax commissioner's entry making the 81779
assessment final may be filed in the office of the clerk of the 81780
court of common pleas in the county in which the place, track, 81781
or enclosure for which the permit was issued is located or the 81782
county in which the party assessed resides or has its principal 81783
place of business. If the party assessed maintains no place of 81784
business in this state and is not a resident of this state, the 81785
certified copy of the entry may be filed in the office of the 81786
clerk of the court of common pleas of Franklin county. 81787

Immediately upon the filing of the entry, the clerk shall 81788
enter a judgment for the state against the party assessed in the 81789
amount shown on the entry. The judgment may be filed by the 81790
clerk in a loose-leaf book entitled "special judgments for state 81791
horse racing tax," and shall have the same effect as other 81792
judgments. Execution shall issue upon the judgment upon the 81793
request of the tax commissioner, and all laws applicable to 81794
sales on execution shall apply to sales made under the judgment. 81795

If the assessment is not paid in its entirety within sixty 81796
days after the day the assessment was issued, the portion of the 81797
assessment consisting of tax due shall bear interest at the rate 81798
per annum prescribed by section 5703.47 of the Revised Code from 81799

the day the tax commissioner issues the assessment until the day 81800
the assessment is paid or until it is certified to the attorney 81801
general for collection under section 131.02 of the Revised Code, 81802
whichever comes first. If the unpaid portion of the assessment 81803
is certified to the attorney general for collection, the entire 81804
unpaid portion of the assessment shall bear interest at the rate 81805
per annum prescribed by section 5703.47 of the Revised Code from 81806
the date of certification until the date it is paid in its 81807
entirety. Interest shall be paid in the same manner as the tax 81808
and may be collected by the issuance of an assessment under this 81809
section. 81810

(D) All money collected by the tax commissioner under this 81811
section shall be treated as revenue arising from the taxes 81812
imposed by sections 3769.08, 3769.087, 3769.26, and 3769.28 of 81813
the Revised Code. 81814

Sec. 3770.06. (A) There is hereby created the state 81815
lottery gross revenue fund, which shall be in the custody of the 81816
treasurer of state but shall not be part of the state treasury. 81817
All gross revenues received from sales of lottery tickets, 81818
fines, fees, and related proceeds in connection with the 81819
statewide lottery, all gross proceeds of lottery sports gaming 81820
described in sections 3770.23 to 3770.25 of the Revised Code, 81821
and all gross proceeds from statewide joint lottery games shall 81822
be deposited into the fund. The treasurer of state shall invest 81823
any portion of the fund not needed for immediate use in the same 81824
manner as, and subject to all provisions of law with respect to 81825
the investment of, state funds. The treasurer of state shall 81826
disburse money from the fund on order of the director of the 81827
state lottery commission or the director's designee. 81828

Except for gross proceeds from statewide joint lottery 81829

games, all revenues of the state lottery gross revenue fund that 81830
are not paid to holders of winning lottery tickets, that are not 81831
required to meet short-term prize liabilities, that are not 81832
credited to lottery sales agents in the form of bonuses, 81833
commissions, or reimbursements, that are not paid to financial 81834
institutions to reimburse those institutions for sales agent 81835
nonsufficient funds, and that are collected from sales agents 81836
for remittance to insurers under contract to provide sales agent 81837
bonding services shall be transferred to the state lottery fund, 81838
which is hereby created in the state treasury. In addition, all 81839
revenues of the state lottery gross revenue fund that represent 81840
the gross proceeds from the statewide joint lottery games and 81841
that are not paid to holders of winning lottery tickets, that 81842
are not required to meet short-term prize liabilities, that are 81843
not credited to lottery sales agents in the form of bonuses, 81844
commissions, or reimbursements, and that are not necessary to 81845
cover operating expenses associated with those games or to 81846
otherwise comply with the agreements signed by the governor that 81847
the director enters into under division (J) of section 3770.02 81848
of the Revised Code or the rules the commission adopts under 81849
division (B) (5) of section 3770.03 of the Revised Code shall be 81850
transferred to the state lottery fund. All investment earnings 81851
of the fund shall be credited to the fund. Moneys shall be 81852
disbursed from the fund pursuant to vouchers approved by the 81853
director. Total disbursements for monetary prize awards to 81854
holders of winning lottery tickets in connection with the 81855
statewide lottery, other than lottery sports gaming, and 81856
purchases of goods and services awarded as prizes to holders of 81857
winning lottery tickets shall be of an amount equal to at least 81858
fifty per cent of the total revenue accruing from the sale of 81859
lottery tickets. 81860

(B) Pursuant to Section 6 of Article XV, Ohio 81861
Constitution, there is hereby established in the state treasury 81862
the lottery profits education fund. Whenever, in the judgment of 81863
the director of the state lottery commission, the amount to the 81864
credit of the state lottery fund that does not represent 81865
proceeds from statewide joint lottery games is in excess of that 81866
needed to meet the maturing obligations of the commission and as 81867
working capital for its further operations, the director of the 81868
state lottery commission shall recommend the amount of the 81869
excess to be transferred to the lottery profits education fund, 81870
and the director of budget and management may transfer the 81871
excess to the lottery profits education fund in connection with 81872
the statewide lottery. In addition, whenever, in the judgment of 81873
the director of the state lottery commission, the amount to the 81874
credit of the state lottery fund that represents proceeds from 81875
statewide joint lottery games equals the entire net proceeds of 81876
those games as described in division (B) (5) of section 3770.03 81877
of the Revised Code and the rules adopted under that division, 81878
the director of the state lottery commission shall recommend the 81879
amount of the proceeds to be transferred to the lottery profits 81880
education fund, and the director of budget and management may 81881
transfer those proceeds to the lottery profits education fund. 81882
~~Investment earnings of the lottery profits education fund shall~~ 81883
~~be credited to the fund.~~ 81884

The lottery profits education fund shall be used solely 81885
for the support of elementary, secondary, vocational, and 81886
special education programs as determined in appropriations made 81887
by the general assembly, or as provided in applicable bond 81888
proceedings for the payment of debt service on obligations 81889
issued to pay costs of capital facilities, including those for a 81890
system of common schools throughout the state pursuant to 81891

section 2n of Article VIII, Ohio Constitution. When determining 81892
the availability of money in the lottery profits education fund, 81893
the director of budget and management may consider all balances 81894
and estimated revenues of the fund. 81895

(C) There is hereby established in the state treasury the 81896
deferred prizes trust fund. With the approval of the director of 81897
budget and management, an amount sufficient to fund annuity 81898
prizes shall be transferred from the state lottery fund and 81899
credited to the trust fund. The treasurer of state shall credit 81900
all earnings arising from investments purchased under this 81901
division to the trust fund. Within sixty days after the end of 81902
each fiscal year, the treasurer of state shall certify to the 81903
director of budget and management whether the actuarial amount 81904
of the trust fund is sufficient over the fund's life for 81905
continued funding of all remaining deferred prize liabilities as 81906
of the last day of the fiscal year just ended. Also, within that 81907
sixty days, the director of budget and management shall certify 81908
the amount of investment earnings necessary to have been 81909
credited to the trust fund during the fiscal year just ending to 81910
provide for such continued funding of deferred prizes. Any 81911
earnings credited in excess of the latter certified amount shall 81912
be transferred to the lottery profits education fund. 81913

To provide all or a part of the amounts necessary to fund 81914
deferred prizes awarded by the commission in connection with the 81915
statewide lottery, the treasurer of state, in consultation with 81916
the commission, may invest moneys contained in the deferred 81917
prizes trust fund which represents proceeds from the statewide 81918
lottery in obligations of the type permitted for the investment 81919
of state funds but whose maturities are thirty years or less. 81920
Notwithstanding the requirements of any other section of the 81921
Revised Code, to provide all or part of the amounts necessary to 81922

fund deferred prizes awarded by the commission in connection 81923
with statewide joint lottery games, the treasurer of state, in 81924
consultation with the commission, may invest moneys in the trust 81925
fund which represent proceeds derived from the statewide joint 81926
lottery games in accordance with the rules the commission adopts 81927
under division (B) (5) of section 3770.03 of the Revised Code. 81928
Investments of the trust fund are not subject to the provisions 81929
of division (A) (11) of section 135.143 of the Revised Code 81930
limiting to twenty-five per cent the amount of the state's total 81931
average portfolio that may be invested in debt interests other 81932
than commercial paper and limiting to five per cent the amount 81933
that may be invested in debt interests, including commercial 81934
paper, of a single issuer. 81935

All purchases made under this division shall be effected 81936
on a delivery versus payment method and shall be in the custody 81937
of the treasurer of state. 81938

The treasurer of state may retain an investment advisor, 81939
if necessary. The commission shall pay any costs incurred by the 81940
treasurer of state in retaining an investment advisor. 81941

(D) The auditor of state shall conduct annual audits of 81942
all funds and any other audits as the auditor of state or the 81943
general assembly considers necessary. The auditor of state may 81944
examine all records, files, and other documents of the 81945
commission, and records of lottery sales agents that pertain to 81946
their activities as agents, for purposes of conducting 81947
authorized audits. 81948

(E) The state lottery commission shall establish an 81949
internal audit plan before the beginning of each fiscal year, 81950
subject to the approval of the office of internal audit in the 81951
office of budget and management. At the end of each fiscal year, 81952

the commission shall prepare and submit an annual report to the office of internal audit for the office's review and approval, specifying the internal audit work completed by the end of that fiscal year and reporting on compliance with the annual internal audit plan.

(F) Whenever, in the judgment of the director of budget and management, an amount of net state lottery proceeds is necessary to be applied to the payment of debt service on obligations, all as defined in sections 151.01 and 151.03 of the Revised Code, the director shall transfer that amount directly from the state lottery fund or from the lottery profits education fund to the bond service fund defined in those sections. The provisions of this division are subject to any prior pledges or obligation of those amounts to the payment of bond service charges as defined in division (C) of section 3318.21 of the Revised Code, as referred to in division (B) of this section.

Sec. 3770.071. (A) As used in this section, "lottery prize award" does not include a prize award from a video lottery terminal and does not include winnings from lottery sports gaming, except that "lottery prize award" includes winnings from lottery sports gaming wagers placed through a terminal described in division (B) (3) of section 3770.24 of the Revised Code.

(B) If the amount of the prize money or the cost of goods or services awarded as a lottery prize award meets or exceeds the reportable winnings amounts set by 26 U.S.C. 6041, or a subsequent analogous section of the Internal Revenue Code, the director of the state lottery commission or the director's designee shall consult the data match program established under section 3123.89 of the Revised Code to determine whether the

person is subject to a final and enforceable determination of 81983
default made under sections 3123.01 to 3123.07 of the Revised 81984
Code. If so, the director or the director's designee shall 81985
withhold an amount from the prize award in accordance with 81986
section 3123.89 of the Revised Code. 81987

Sec. 3770.072. (A) As used in this section, "prize 81988
winner," and "transferee," and "transferor" have the same 81989
meanings as in section 3770.10 of the Revised Code. 81990

(B) The state lottery commission shall deduct amounts from 81991
lottery prize awards and file returns in accordance with 81992
~~sections~~ section 5747.062 and ~~5747.064~~ of the Revised Code and 81993
any rules adopted by the tax commissioner pursuant to ~~those~~ 81994
~~sections~~ that section. This division also applies to lottery 81995
prize award payments the commission remits to transferees. 81996

~~(C) (1) (a)~~ (C) (1) Each transferee shall deduct and withhold 81997
from each gross amount payable to each prize winner four per 81998
cent of the gross amount payable prior to making any other 81999
reduction required by this chapter. 82000

~~(b) Subject to division (C) (1) (c) of this section, each~~ 82001
~~transferee, including any transferee that is a related member,~~ 82002
~~as defined in section 5733.042 of the Revised Code, to the~~ 82003
~~transferor, shall deduct and withhold from each amount payable~~ 82004
~~to a transferor that is not a prize winner four per cent of the~~ 82005
~~portion of the payment representing gain or income the~~ 82006
~~transferor will recognize in connection with the payment.~~ 82007

~~(c) For purposes of division (C) (1) (b) of this section,~~ 82008
~~the portion of any payment representing gain or income~~ 82009
~~recognized by the transferor shall be computed in accordance~~ 82010
~~with the Internal Revenue Code. The transferor shall prepare a~~ 82011

~~written statement setting forth that amount and sign the~~ 82012
~~statement under penalty of perjury. Within five days before the~~ 82013
~~date on which the payment is to be made, the transferor shall~~ 82014
~~deliver the written statement to the transferee and deliver a~~ 82015
~~copy of the written statement to the tax commissioner. If the~~ 82016
~~transferee does not receive the written statement by the time~~ 82017
~~the payment is made, the transferee shall withhold four per cent~~ 82018
~~of the entire amount of the payment. If the tax commissioner~~ 82019
~~notifies the transferee that the transferor has erroneously~~ 82020
~~computed the amount of gain or income recognized, the transferee~~ 82021
~~shall withhold four per cent of the entire amount of each~~ 82022
~~payment to be made after the transferee receives the notice.~~ 82023

~~(d) The tax commissioner may impose a penalty of up to one~~ 82024
~~thousand dollars for any person failing to timely deliver to the~~ 82025
~~tax commissioner the copy of the written statement as required~~ 82026
~~by division (C) (1) (c) of this section. Proceeds from the~~ 82027
~~imposition of the penalty shall be considered as revenue arising~~ 82028
~~from the tax imposed under section 5733.06 or 5747.02 of the~~ 82029
~~Revised Code, as applicable.~~ 82030

(2) With respect to amounts deducted and withheld pursuant 82031
to division (C) (1) of this section, each transferee shall comply 82032
with divisions (A) (2) to (4) of section 5747.062 of the Revised 82033
Code. 82034

(3) An employee of a corporation, limited liability 82035
company, or business trust having control or supervision of or 82036
charged with the responsibility of filing the report and making 82037
the payment required by division (C) of this section and section 82038
5747.062 of the Revised Code, or an officer, member, manager, or 82039
trustee of a corporation, limited liability company, or business 82040
trust who is responsible for the execution of the corporation's, 82041

limited liability company's, or business trust's fiscal 82042
responsibilities, shall be personally liable for failure to file 82043
the report or pay the amount due as required by division (C) of 82044
this section and section 5747.062 of the Revised Code. The 82045
dissolution, termination, or bankruptcy of a corporation, 82046
limited liability company, or business trust does not discharge 82047
a responsible officer's, member's, manager's, employee's, or 82048
trustee's liability for a failure of the corporation, limited 82049
liability company, or business trust to file returns or pay the 82050
amount due. 82051

(4) (a) The tax commissioner may make an assessment against 82052
any person listed in division (C) (1) or (3) of this section for 82053
any deficiency for any period. Section 5747.13 of the Revised 82054
Code shall apply with respect to issuing assessments, filing 82055
petitions for reassessments, conducting hearings, issuing final 82056
determinations, making the assessment final, and filing the 82057
entry that makes the assessment final. Section 5717.02 of the 82058
Revised Code shall apply to appeals of the commissioner's final 82059
decision in connection with assessments issued pursuant to 82060
division (C) (4) of this section. 82061

(b) An assessment issued against any person listed in 82062
division (C) (1) or (3) of this section shall not be considered 82063
an election of remedies or a bar to an assessment against any 82064
other person for the failure to comply with division (C) (1) of 82065
this section. No assessment shall be issued against any person 82066
who is so listed if the amount required to be withheld has been 82067
paid by another. 82068

(c) The assessment shall include interest at the rate per 82069
annum prescribed by section 5703.47 of the Revised Code on 82070
liability from the time the payment is due until the date of 82071

assessment. Interest shall continue to accrue from the date of 82072
assessment until the date the assessment is paid in full. Any 82073
interest accruing subsequent to the date of the issuance of the 82074
assessment shall be considered to be an additional deficiency 82075
for which the tax commissioner may issue subsequent assessments. 82076
The initial assessment and any subsequent assessments may 82077
include a penalty in an amount not to exceed twice the 82078
applicable interest charged under this division. 82079

Sec. 3770.073. (A) As used in this section, "lottery prize 82080
award" does not include a prize award from a video lottery 82081
terminal and does not include winnings from lottery sports 82082
gaming, except that "lottery prize award" includes winnings from 82083
lottery sports gaming wagers placed through a terminal described 82084
in division (B) (3) of section 3770.24 of the Revised Code. 82085

(B) The attorney general shall provide the state lottery 82086
commission or its designee with access to the real time data 82087
match program described in sections 3772.37 and 3775.16 of the 82088
Revised Code for the purpose of identifying prize winners who 82089
owe amounts to the state or a political subdivision. 82090

(C) If a person is entitled to a lottery prize award and 82091
is indebted to the state for the payment of any tax, workers' 82092
compensation premium, unemployment contribution, payment in lieu 82093
of unemployment contribution, or certified claim under section 82094
131.02 or 131.021 of the Revised Code, ~~or~~ is indebted to a 82095
political subdivision that has a certified claim under section 82096
131.02 of the Revised Code, owes lottery sales receipts held in 82097
trust on behalf of the state lottery commission as described in 82098
division (H) (4) of section 3770.05 of the Revised Code, or owes 82099
any charge, penalty, or interest arising from ~~these~~ any of those 82100
debts and if the amount of the prize money or the cost of goods 82101

or services awarded as a lottery prize award meets or exceeds 82102
the reportable winnings amount set by 26 U.S.C. 6041, the 82103
director of the state lottery commission, or the director's 82104
designee, shall do either of the following: 82105

(1) If the prize award will be paid in a lump sum, deduct 82106
from the prize award and pay to the attorney general an amount 82107
in satisfaction of the debt and pay any remainder to that 82108
person. If the amount of the prize award is less than the amount 82109
of the debt, the entire amount of the prize award shall be 82110
deducted and paid in partial satisfaction of the debt. 82111

(2) If the prize award will be paid in annual 82112
installments, on the date the initial installment payment is 82113
due, deduct from that installment and pay to the attorney 82114
general an amount in satisfaction of the debt and, if necessary 82115
to collect the full amount of the debt, do the same for any 82116
subsequent annual installments, at the time the installments 82117
become due and owing to the person, until the debt is fully 82118
satisfied. 82119

~~(B)~~ (D) If a person entitled to a lottery prize award owes 82120
more than one debt, any debt owed to the state shall be 82121
satisfied first, subject to both section 5739.33 and division 82122
(G) of section 5747.07 of the Revised Code having first 82123
priority, and subject to division ~~(C)~~ (E) of this section. 82124

~~(C)~~ (E) Any debt owed under section 3770.071 of the 82125
Revised Code shall be satisfied with first priority over debts 82126
owed under this section. 82127

~~(D)~~ (F) Except as provided in section 131.021 of the 82128
Revised Code, this section applies only to debts that have 82129
become final. 82130

Sec. 3770.074. If the amount of a prize award from a video lottery terminal meets or exceeds the reportable winnings amount set by 26 U.S.C. 6041, the video lottery sales agent shall consult the data match program established under section 3123.89 of the Revised Code to determine whether the person is subject to a final and enforceable determination of default made under sections 3123.01 to 3123.07 of the Revised Code. If so, the video lottery sales agent shall withhold an amount from the prize award in accordance with section 3123.89 of the Revised Code.

Sec. 3770.075. (A) The attorney general shall provide each video lottery sales agent with access to the real time data match program described in sections 3772.37 and 3775.16 of the Revised Code for the purpose of identifying prize winners who owe amounts to the state or a political subdivision.

(B) If a person is entitled to a prize award from a video lottery terminal that meets or exceeds the reportable winnings amount set by 26 U.S.C. 6041 and the person is indebted to the state for the payment of any tax, workers' compensation premium, unemployment contribution, payment in lieu of unemployment contribution, or certified claim under section 131.02 or 131.021 of the Revised Code, is indebted to a political subdivision that has a certified claim under section 131.02 of the Revised Code, owes lottery sales receipts held in trust on behalf of the state lottery commission as described in division (H) (4) of section 3770.05 of the Revised Code, or owes any charge, penalty, or interest arising from any of those debts, the video lottery sales agent shall deduct from the prize award and pay to the attorney general an amount in satisfaction of the debt and pay any remainder to that person. If the amount of the prize award is less than the amount of the debt, the entire amount of the

prize award shall be deducted and paid in partial satisfaction 82162
of the debt. 82163

(C) If a person entitled to a prize award from a video 82164
lottery terminal owes more than one debt, any debt owed to the 82165
state shall be satisfied first, subject to both section 5739.33 82166
and division (G) of section 5747.07 of the Revised Code having 82167
first priority, and subject to division (D) of this section. 82168

(D) Any debt owed under section 3770.074 of the Revised 82169
Code shall be satisfied with first priority over debts owed 82170
under this section. 82171

(E) Except as provided in section 131.021 of the Revised 82172
Code, this section applies only to debts that have become final. 82173

Sec. 3770.10. As used in sections 3770.07 to ~~3770.073~~ 82174
3770.075 and 3770.10 to 3770.14 of the Revised Code: 82175

(A) "Court of competent jurisdiction" means either the 82176
general division or the probate division of the court of common 82177
pleas of the county in which the prize winner ~~or transferor~~ 82178
resides, or, if the prize winner ~~or transferor~~ is not a resident 82179
of this state, either the general division or the probate 82180
division of the court of common pleas of Franklin county or a 82181
federal court having jurisdiction over the lottery prize award. 82182

(B) "Discounted present value" means the present value of 82183
the future payments of a lottery prize award that is determined 82184
by discounting those payments to the present, using the most 82185
recently published applicable federal rate for determining the 82186
present value of an annuity as issued by the United States 82187
internal revenue service and assuming daily compounding. 82188

(C) "Independent professional advice" means the advice of 82189
~~an attorney, a certified public accountant, an actuary, or any~~ 82190

~~either~~ a licensed professional adviser if all of the following 82191
apply: 82192

(1) The prize winner has engaged the services of the 82193
licensed professional adviser to render advice concerning the 82194
legal, financial, and other implications of a transfer of the 82195
lottery prize award. 82196

(2) The licensed professional adviser is not affiliated in 82197
any manner with or compensated in any manner by the transferee 82198
of the lottery prize award. 82199

(3) The compensation of the licensed professional adviser 82200
is not affected by whether or not a transfer of a lottery prize 82201
award occurs. 82202

(D) "Prize winner" means any person that holds the right 82203
to receive all or any part of a lottery prize award as a result 82204
of being any of the following: 82205

(1) A person who is a claimant under division (A) of 82206
section 3770.07 of the Revised Code; 82207

(2) A person who is entitled to a prize award and who is 82208
under a legal disability as described in division (B) of section 82209
3770.07 of the Revised Code; 82210

(3) A person who was awarded a prize award to which 82211
another has claimed title by a federal bankruptcy court order or 82212
other court order referred to in division (D) of section 3770.07 82213
of the Revised Code; 82214

(4) A person who is receiving payments upon the death of a 82215
prize winner as provided in division (D) of section 3770.07 of 82216
the Revised Code. 82217

(E) "Transfer" means any form of sale, assignment, or 82218

redirection of payment of ~~all or any part~~ the remainder of a lottery prize award for consideration. 82219
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(F) "Transfer agreement" means an agreement that is complete and valid, and that provides for the transfer of ~~all or any part~~ the remainder of a lottery prize award from a ~~transferor prize winner~~ to a transferee. A transfer agreement is incomplete and invalid unless the agreement contains both of the following: 82221
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(1) A statement, signed by the ~~transferor prize winner~~ under penalties of perjury, that the ~~transferor prize winner~~ irrevocably agrees that the ~~transferor prize winner~~ is subject to the tax imposed by Chapter 5733. or 5747. of the Revised Code with respect to gain or income which the ~~transferor prize winner~~ will recognize in connection with the transfer. ~~If the transferor is a pass-through entity, as defined in section 5733.04 of the Revised Code, each investor in the pass-through entity shall also sign under penalties of perjury a statement that the investor irrevocably agrees that the investor is subject to the tax imposed by Chapter 5733. or 5747. of the Revised Code with respect to gain or income which the transferor and the investor will recognize in connection with the transfer.~~ 82227
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(2) A statement, signed by the transferee, that the transferee irrevocably agrees that the transferee is subject to the withholding requirements imposed by division (C) of section 3770.072 of the Revised Code and that the transferee is subject to the tax imposed by Chapter 5733. or 5747. of the Revised Code with respect to gain or income which the transferee will recognize in connection with a lottery prize award ~~awards~~ award to be received as a result of the transfer. If the transferee is a pass-through entity, as defined in section 5733.04 of the 82240
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Revised Code, each investor in the pass-through entity shall 82249
also sign under penalties of perjury a statement setting forth 82250
that the investor irrevocably agrees that the investor is 82251
subject to the withholding requirements imposed by division (C) 82252
of section 3770.072 of the Revised Code and is subject to the 82253
tax imposed by Chapter 5733. or 5747. of the Revised Code with 82254
respect to gain or income which the transferee and the investor 82255
will recognize in connection with a lottery prize awards-award 82256
to be received as a result of the transfer. 82257

(G) "Transferee" means a party acquiring or proposing to 82258
acquire ~~all or any part~~ the remainder of a lottery prize award 82259
from a prize winner through a transfer. 82260

(H) ~~"Transferor" means either a prize winner or a~~ 82261
~~transferee in an earlier transfer whose interest is acquired by~~ 82262
~~or is sought to be acquired by a transferee or a new transferee~~ 82263
~~through a transfer.~~ "Licensed professional adviser" means any of 82264
the following: 82265

(1) An attorney; 82266

(2) A certified public accountant; 82267

(3) An actuary; 82268

(4) A financial planner who is accredited by a nationally 82269
recognized accreditation agency. 82270

(I) "Lottery prize award" includes winnings from lottery 82271
sports gaming, except as otherwise specified in the applicable 82272
section of the Revised Code. 82273

(J) "Video lottery terminal" has the same meaning as in 82274
section 3770.21 of the Revised Code. 82275

(K) "Video lottery sales agent" means an agent of the 82276

state lottery authorized to operate video lottery terminals 82277
under section 3770.21 of the Revised Code. 82278

Sec. 3770.12. A court of competent jurisdiction shall 82279
approve a transfer of a lottery prize award only in a final 82280
order that is based on express findings of the court. The court 82281
shall approve the transfer if each of the following conditions 82282
that applies is met and is included in the court's express 82283
findings: 82284

(A) ~~If the transferor is a prize winner, the~~ The 82285
transferee has provided to the prize winner a disclosure 82286
statement that complies with section 3770.11 of the Revised 82287
Code, and the prize winner has confirmed the prize winner's 82288
receipt of the disclosure statement, as evidenced by the prize 82289
winner's notarized signature on a copy of the disclosure 82290
statement. 82291

(B) ~~If the transferor is a~~ The prize winner, ~~the prize~~ 82292
~~winner~~ has received independent professional advice regarding 82293
the legal, financial, and other implications of the transfer, as 82294
evidenced by a statement signed under penalty of perjury by the 82295
prize winner and the licensed professional adviser. 82296

(C) The transferee has given written notice of the 82297
transferee's name, address, and taxpayer identification number 82298
to the state lottery commission and has filed a copy of that 82299
notice with the court in which the application for approval of 82300
the transfer was filed. 82301

(D) The transferee is a trust, limited partnership, 82302
general partnership, corporation, professional association, 82303
limited liability company, or other entity that is qualified to 82304
do business in this state and meets the registration 82305

requirements for that type of entity under Title XVII of the Revised Code. 82306
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(E) The transfer complies with all applicable requirements of the Revised Code and does not contravene any applicable statute or court order. 82308
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(F) The transfer does not include or cover the amounts of the lottery prize award that are required to be withheld or deducted pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, 3123.06, 3770.071, or 3770.072 of the Revised Code. 82311
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(G) Any amounts described in division (F) of this section that are required to be withheld or deducted, as of the date of the court order, will be offset by the commission first against remaining payments due the ~~transferor~~ prize winner and then against payments due the transferee. 82315
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(H) Except as provided in divisions (F) and (G) of this section, that the ~~transferor's~~ prize winner's interest in each and all of the future payments from a particular lottery prize award is to be paid to a single transferee, ~~or, if the payments from the lottery prize award are to be directed from the state lottery commission to multiple transferees, the commission has promulgated rules under section 3770.03 of the Revised Code permitting transfers to multiple transferees, and the transfer is consistent with those rules.~~ 82320
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~~(I) If the lottery prize award has been transferred within twelve months immediately preceding the effective date of the proposed transfer, the state lottery commission has not objected to the proposed transfer. The court shall presume that the requirements of this division are met unless the commission notifies the court in writing before the hearing on the~~ 82329
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~~application for transfer, or through counsel at that hearing,~~ 82335
~~that a transfer of the same lottery prize award has been made~~ 82336
~~within that twelve-month period and that the commission objects~~ 82337
~~to a subsequent transfer within that twelve-month period. The~~ 82338
~~court shall find that the requirements of this division are not~~ 82339
~~met if the commission provides notice of a prior transfer of the~~ 82340
~~same lottery prize award within that twelve-month period and its~~ 82341
~~objection to the proposed transfer, unless the transferor or~~ 82342
~~transferee shows by clear and convincing evidence that no~~ 82343
~~previous transfer of the same lottery prize award occurred~~ 82344
~~within that twelve-month period. For purposes of this division,~~ 82345
~~any of a series of transfers of a lottery prize award that occur~~ 82346
~~simultaneously as part of a single transaction shall not be~~ 82347
~~considered to be a prior transfer of the lottery prize award~~ 82348
~~within the twelve-month period immediately preceding the~~ 82349
~~effective date of the proposed transfer, provided that the~~ 82350
~~condition set forth in division (C) of this section is met.~~ 82351

If the court determines that all of the conditions in 82352
divisions (A) to ~~(I)~~ (H) of this section that apply are met, the 82353
transfer of the lottery prize award shall be presumed to be fair 82354
and reasonable and in the best interests of the prize winner. 82355

Sec. 3770.121. Any state lottery commission rules allowing 82356
lottery prize awards to be paid in installments also shall allow 82357
a prize winner who is being paid a prize award in that manner to 82358
transfer ~~all or a portion of~~ the remainder of the prize award, 82359
subject to each of the following conditions: 82360

(A) ~~If each transfer is for less than one hundred per cent~~ 82361
~~of the remainder of the prize award, the remainder of the prize~~ 82362
~~award for each transfer must be five hundred thousand dollars or~~ 82363
~~greater at the time of the transfer. If the lottery prize award~~ 82364

~~is a lifetime prize, for each transfer the remainder of the~~ 82365
~~minimum guaranteed prize to which the prize winner is entitled~~ 82366
~~must be five hundred thousand dollars or greater at the time of~~ 82367
~~the transfer.~~ 82368

~~(B)~~ Payments of the prize award transferred shall be 82369
subject to the withholding or deduction of any amounts that are 82370
required to be withheld or deducted under section 3119.80, 82371
3119.81, 3121.02, 3121.03, 3123.06, 3770.071, or 5747.062 of the 82372
Revised Code. 82373

~~(C) The maximum number of transfers~~ (B) Only one transfer 82374
is permitted under this section with respect to any single prize 82375
award ~~shall not exceed three unless a greater number of~~ 82376
permitted transfers has been specified by the commission in the 82377
rules. 82378

Sec. 3770.13. (A) A transferee shall file an application 82379
under sections 3770.10 to 3770.14 of the Revised Code for the 82380
approval in advance of a transfer of a lottery prize award in a 82381
court of competent jurisdiction. 82382

(B) The following procedures shall apply to an application 82383
for the approval in advance by a court of a transfer of a 82384
lottery prize award under division (A) of this section: 82385

(1) Upon the filing of the application, the court shall 82386
set a date, time, and place for a hearing on the application and 82387
shall notify the transferee and ~~transferor~~ the prize winner of 82388
the date, time, and place of the hearing. 82389

(2) Not less than thirty days prior to the date set by the 82390
court for the hearing on an application filed pursuant to this 82391
section, the transferee shall file with the court and shall 82392
serve on the state lottery commission, in the manner prescribed 82393

in the Rules of Civil Procedure for the service of process, a 82394
notice of the proposed transfer and the application for its 82395
approval in advance. The notice shall include all of the 82396
following: 82397

(a) A copy of the application; 82398

(b) A copy of the transfer agreement ~~or, if the transferor~~ 82399
~~is not a prize winner, a redacted copy of the transfer agreement~~ 82400
~~that discloses sufficient information to allow the commission~~ 82401
~~and the court to determine the validity of the transfer~~ 82402
~~agreement;~~ 82403

(c) ~~If the transferor is a prize winner, a~~ A copy of the 82404
disclosure statement provided by the transferee pursuant to 82405
section 3770.11 of the Revised Code and signed by the prize 82406
winner pursuant to division (A) of section 3770.12 of the 82407
Revised Code; 82408

(d) A statement, signed under penalty of perjury by the 82409
prize winner and a licensed professional adviser, that the prize 82410
winner has received independent professional advice regarding 82411
the legal, financial, and other implications of the transfer; 82412

(e) The amounts and due dates of the lottery prize award 82413
payments that will be transferred under the transfer agreement; 82414

~~(e)~~ (f) Notification of the date, time, and place of the 82415
hearing on the application; 82416

~~(f)~~ (g) The complete name, address, and taxpayer 82417
identification number of the transferee. 82418

(3) The commission shall not be required to appear in or 82419
be named as a party to a hearing on the application, but may 82420
intervene as of right in the proceeding. 82421

(4) At the conclusion of the hearing on an application 82422
under this section, the court may grant or deny the approval of 82423
the transfer. The court shall enter its order accordingly. If 82424
the court grants the approval of the transfer, it shall include 82425
in its order all of the express findings specified in section 82426
3770.12 of the Revised Code. If the court denies the approval of 82427
the transfer, it shall include in its order the reasons for the 82428
denial. 82429

(5) An order of the court made under division (B) (4) of 82430
this section is a final and appealable order. 82431

Sec. 3770.25. (A) The state lottery commission shall offer 82432
lottery sports gaming only at type C sports gaming hosts' 82433
facilities on self-service or clerk-operated terminals, and only 82434
to individuals who are at least twenty-one years of age and who 82435
are physically present on the premises of the facility. 82436

(B) All of the following apply concerning lottery sports 82437
gaming: 82438

(1) If a type C sports gaming proprietor intends to 82439
install more than two terminals in any type C sports gaming 82440
host's facility, the type C sports gaming proprietor shall 82441
notify the Ohio casino control commission of that fact not later 82442
than seven days before installing the additional terminals. The 82443
commission may disallow the installation of more than two 82444
terminals in the facility, in accordance with the commission's 82445
rules. 82446

(2) The self-service terminal or the clerk, as applicable, 82447
shall verify that the lottery sports gaming participant is at 82448
least twenty-one years of age. 82449

(3) A type C sports gaming proprietor may offer only the 82450

following types of wagers on sporting events, as approved by the Ohio casino control commission:

(a) Spread wagers;

(b) Over-under wagers;

(c) Moneyline wagers;

(d) Parlay wagers that are based on not more than four component wagers.

(4) A self-service terminal or clerk shall accept wagers only by cash, credit card, debit card, or electronic payment account. As used in this section, "electronic payment account" means an account maintained with a third party for purposes of making electronic payments, such as paypal, google pay, or apple pay, that is intended for general use and not only for sports gaming purposes.

(5) A self-service terminal or clerk shall not accept wagers aggregating more than seven hundred dollars in a calendar week from any one participant.

(6) The rules of the Ohio casino control commission and the state lottery commission concerning lottery sports gaming shall apply identically in all applicable respects to lottery sports gaming offered on a self-service terminal and to lottery sports gaming offered on a clerk-operated terminal.

(C) (1) A participant whose winnings from lottery sports gaming are of an amount that ~~is not subject to withholding under section 718.031, 3770.071, 3770.072, or 3770.073 of the Revised Code~~ does not meet or exceed the reportable winnings amount set by 26 U.S.C. 6041 may receive the participant's winnings by any of the following methods:

- (a) As a credit to the participant's credit card, debit card, or electronic payment account-; 82479
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- (b) In cash from any type C sports gaming host; 82481
- (c) By any additional method permitted by the state lottery commission by rule. 82482
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- (2) A participant whose winnings from lottery sports gaming are of an amount that ~~is subject to withholding under section 718.031, 3770.071, 3770.072, or 3770.073 of the Revised Code~~ meets or exceeds the reportable winnings amount set by 26 U.S.C. 6041 may receive the participant's winnings in the ~~same manner as any other determined by the state lottery prize award of an amount that is subject to~~ commission, subject to withholding by the sports gaming proprietor under these sections 718.031, 3123.90, 3775.16, and 5747.063 of the Revised Code or subject to withholding by the state lottery commission under sections 718.031, 3770.071, 3770.073, and 5747.062 of the Revised Code, as applicable. 82484
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- Sec. 3772.02.** (A) There is hereby created the Ohio casino control commission described in Section 6(C)(4) of Article XV, Ohio Constitution. 82496
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- (B) The commission shall consist of seven members appointed within one month of September 10, 2010, by the governor with the advice and consent of the senate. The governor shall forward all appointments to the senate within twenty-four hours. 82499
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- (1) Each commission member is eligible for reappointment at the discretion of the governor. No commission member shall be appointed for more than three terms in total. 82504
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- (2) Each commission member shall be a resident of Ohio. 82507

- (3) At least one commission member shall be experienced in law enforcement and criminal investigation. 82508
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- (4) At least one commission member shall be a certified public accountant experienced in accounting and auditing. 82510
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- (5) At least one commission member shall be an attorney admitted to the practice of law in Ohio. 82512
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- (6) At least one commission member shall be a resident of a county where one of the casino facilities is located. 82514
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- (7) Not more than four commission members shall be of the same political party. 82516
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- (8) No commission member shall have any affiliation with an Ohio casino operator or facility or with a sports gaming proprietor, mobile management services provider, or management services provider licensed under Chapter 3775. of the Revised Code. 82518
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- (C) Commission members shall serve four-year terms, except that when the governor makes initial appointments to the commission under this chapter, the governor shall appoint three members to serve four-year terms with not more than two such members from the same political party, two members to serve three-year terms with such members not being from the same political party, and two members to serve two-year terms with such members not being from the same political party. 82523
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- (D) Each commission member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the unexpired term. Any member shall continue in office after 82531
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the expiration date of the member's term until the member's 82537
successor takes office, or until a period of sixty days has 82538
elapsed, whichever occurs first. A vacancy in the commission 82539
membership shall be filled in the same manner as the original 82540
appointment. 82541

(E) The governor shall select one member to serve as 82542
chairperson and the commission members shall select one member 82543
from a different party than the chairperson to serve as vice- 82544
chairperson. The governor may remove and replace the chairperson 82545
at any time. No such member shall serve as chairperson for more 82546
than six successive years. The vice-chairperson shall assume the 82547
duties of the chairperson in the absence of the chairperson. The 82548
chairperson and vice-chairperson shall perform but shall not be 82549
limited to additional duties as are prescribed by commission 82550
rule. 82551

(F) A commission member is not required to devote the 82552
member's full time to membership on the commission. Beginning on 82553
September 29, 2015, each member of the commission shall receive 82554
compensation of fifty thousand dollars per year. Beginning July 82555
1, 2016, each member of the commission shall receive 82556
compensation of forty thousand dollars per year. Beginning July 82557
1, 2017, each member of the commission shall receive 82558
compensation of thirty thousand dollars per year. Each member 82559
shall receive the member's actual and necessary expenses 82560
incurred in the discharge of the member's official duties. 82561

(G) The governor shall not appoint an individual to the 82562
commission, and an individual shall not serve on the commission, 82563
if the individual is ineligible to be appointed or retained 82564
under section 3772.07 of the Revised Code. A member who comes 82565
under indictment or bill of information of an offense that, if 82566

the member were convicted of the offense, would make the member 82567
ineligible to be appointed or retained under that section shall 82568
resign from the commission immediately upon indictment. 82569

(H) At least five commission members shall be present for 82570
the commission to meet. The concurrence of four members is 82571
necessary for the commission to take any action. All members 82572
shall vote on the adoption of rules, and the approval of, and 82573
the suspension or revocation of, the licenses of casino 82574
operators or management companies, unless a member has a written 82575
leave of absence filed with and approved by the chairperson. 82576

(I) A commission member may be removed or suspended from 82577
office in accordance with section 3.04 of the Revised Code. 82578

(J) Each commission member, before entering upon the 82579
discharge of the member's official duties, shall make an oath to 82580
uphold the Ohio Constitution and laws of the state of Ohio and 82581
shall give a bond, payable by the commission, to the treasurer 82582
of state, in the sum of ten thousand dollars with sufficient 82583
sureties to be approved by the treasurer of state, which bond 82584
shall be filed with the secretary of state. 82585

(K) The commission shall hold one regular meeting each 82586
month and shall convene other meetings at the request of the 82587
chairperson or a majority of the members. A member who fails to 82588
attend at least three-fifths of the regular and special meetings 82589
of the commission during any two-year period forfeits membership 82590
on the commission. All meetings of the commission shall be open 82591
meetings under section 121.22 of the Revised Code except as 82592
otherwise allowed by law. 82593

(L) ~~Pursuant to divisions (A) (3) and (9) of section 101.82~~ 82594
~~of the Revised Code, the~~ The commission is exempt from the 82595

requirements of sections 101.82 to 101.87 of the Revised Code. 82596

Sec. 3775.16. (A) Pursuant to section 131.02 of the 82597
Revised Code, the attorney general shall develop and implement a 82598
real time data match program and make it available to each 82599
sports gaming proprietor to identify patrons who owe amounts to 82600
the state or a political subdivision. 82601

(B) (1) ~~Before~~ Subject to division (E) of this section, 82602
before disbursing any sports gaming winnings to a patron in an 82603
amount for which reporting to the internal revenue service of 82604
the amount is required by section 6041 of the Internal Revenue 82605
Code, as amended, a sports gaming proprietor shall consult the 82606
data match program to determine whether the patron owes any 82607
amounts to the state or a political subdivision. If the data 82608
match program indicates that the patron owes any amounts to the 82609
state or a political subdivision, the sports gaming proprietor 82610
shall withhold from the patron's winnings an amount sufficient 82611
to satisfy those amounts, up to the amount of the winnings. 82612

(2) If the data match program described in section 3123.90 82613
of the Revised Code indicates that the patron also is in default 82614
under a support order, the sports gaming proprietor shall 82615
transmit to the department of job and family services an amount 82616
sufficient to satisfy any past due support owed by the patron, 82617
up to the amount of the winnings, before transmitting any 82618
remaining amount to the attorney general under division (C) of 82619
this section. 82620

(C) (1) Not later than fourteen days after withholding an 82621
amount under division (B) of this section, the sports gaming 82622
proprietor shall transmit to the attorney general any amount 82623
withheld and not already disbursed to the department of job and 82624
family services under section 3123.90 of the Revised Code as 82625

payment on the amount owed. 82626

(2) If the patron owes more than one amount to the state 82627
or a political subdivision as identified by the data match 82628
program described in this section, the amount owed to the state 82629
shall be satisfied first, except that any amounts owed under 82630
section 5739.33 and division (G) of section 5747.07 of the 82631
Revised Code shall have first priority. 82632

(D) Except as otherwise provided in section 131.021 of the 82633
Revised Code, this section applies only to amounts owed that 82634
have become final. 82635

(E) A sports gaming proprietor that offers lottery sports 82636
gaming through a terminal described in division (B) (3) of 82637
section 3770.24 of the Revised Code shall not withhold amounts 82638
under this section from winnings from wagers placed through that 82639
terminal. The state lottery commission shall withhold amounts 82640
from those winnings under section 3770.073 of the Revised Code. 82641

(F) The attorney general, in consultation with the 82642
commission, may adopt rules under Chapter 119. of the Revised 82643
Code as necessary to implement this section. 82644

Sec. 3780.02. Authorization and purpose. 82645

(A) Controlled and regulated sales and use of adult use cannabis 82646
shall be permitted under this chapter for the following public 82647
purposes: 82648

(1) Reducing illegal marijuana sales and providing for a safer 82649
and regulated cannabis product; 82650

(2) Limiting the transportation of out-of-state cannabis into 82651
the state; 82652

(3) Providing key funding to ~~support social equity, job~~ 82653

~~creation, host communities that have adult use dispensaries,~~ 82654
~~cannabis research, and proper oversight and regulation of the~~ 82655
~~adult cannabis industry; and~~ 82656

~~(4) Improving social equity issues to address the state's~~ 82657
~~compelling interest to redress past and present effects of~~ 82658
~~discrimination and economic disadvantage for individuals in the~~ 82659
~~state~~fund the needs of the state. 82660

(B) Adult use cannabis shall only be sold to, or used by, an 82661
adult use consumer pursuant to this chapter unless otherwise 82662
authorized pursuant to the Revised Code. 82663

(C) Nothing in this chapter shall limit any sale, use, 82664
possession, or any other activity authorized by Chapter 3796. of 82665
the Revised Code. 82666

Sec. 3780.03. Establishment and authority of division of 82667
cannabis control; adoption of rules. 82668

(A) There is hereby established a division of cannabis control 82669
within the department of commerce. 82670

(B) To ensure the proper oversight and control of the adult use 82671
cannabis industry, the division of cannabis control shall have 82672
the authority to license, regulate, investigate, and penalize 82673
adult use cannabis operators, adult use testing laboratories, 82674
and individuals required to be licensed under this chapter. 82675

(C) The division of cannabis control shall adopt, and as 82676
advisable and necessary shall amend or repeal, rules on the 82677
following: 82678

(1) Prevention of practices detrimental to the public interest 82679
consistent with this chapter, and also ways to educate the 82680
public about this chapter; 82681

(2) Establishing application, licensure, and renewal standards 82682
and procedures for license applicants or license holders related 82683
to adult use cannabis operators, adult use testing laboratories, 82684
and individuals required to be licensed, including any 82685
additional background check requirements, the disqualifying 82686
offenses under section 3780.01 of the Revised Code that prohibit 82687
licensure, and any exemption criteria from licensing 82688
requirements for institutional or private investors who do not 82689
have significant control or influence over a license applicant 82690
or license holder, and whose ownership in a license is for 82691
investment purposes only; 82692

(3) Establishing reasonable application, licensure, and renewal 82693
fees amounts to ensure license applicants and license holders 82694
under this chapter pay for the actual costs for administration 82695
and licensure for the division of cannabis control; 82696

(4) Establishing standards for provisional licenses for an 82697
individual who is required to be licensed and who has exigent 82698
circumstances. Such standards for provisional licenses must 82699
include submission of a complete application and compliance with 82700
a required background check. A provisional license shall be 82701
valid not longer than three months. A provisional license may be 82702
renewed, at the division of cannabis control's discretion, for 82703
an additional three months. In establishing standards with 82704
regard to instant background checks the division of cannabis 82705
control may use all available resources. 82706

(5) Specifying the process and reasons for which a license 82707
holder may be fined, suspended either with or without a prior 82708
hearing, revoked, or not renewed or issued; 82709

(6) The process and requirements for division of cannabis 82710
control approval of any requested change in ownership or 82711

transfer of control of an adult use cannabis operator or adult use testing laboratory; 82712
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(7) Establishing ~~process~~ processes and standards for expanding the size of the cultivation area for a cultivation facility; 82714
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(8) Establishing standards and procedures for the testing of adult use cannabis by an adult use testing laboratory licensed under this chapter. When establishing standards and procedures for the testing of cannabis, the division of cannabis control shall do all of the following: 82716
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(a) Specify when testing must be conducted; 82721

(b) Determine the minimum amount of adult use cannabis that must be tested; 82722
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(c) Specify the manner in which testing is to be conducted in an effort to ensure uniformity of cannabis products processed ~~for~~ and dispensed; and 82724
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(d) Specify the manner in which test results are provided. 82727

(9) The minimum amount of insurance or surety bond that must be maintained by an adult use cannabis operator and adult use testing laboratory; 82728
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(10) Requiring the division of cannabis control to adopt reasonable standards for any adult use cannabis samples, and advertising as prescribed in section 3780.21 of the Revised Code; 82731
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(11) Requiring that the records, including financial statements, of an adult use cannabis operator or adult use testing laboratory be maintained in the manner up to two years as prescribed by the division of cannabis control and which shall be made available for inspection upon demand by the division of 82735
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cannabis control, but shall be subject to section 3780.31 of the Revised Code;	82740 82741
(12) Prescribing technical standards and requirements consistent with industry standards that must be met for security and surveillance equipment necessary for the provision of security and surveillance of adult use cannabis operators and adult use testing laboratories;	82742 82743 82744 82745 82746
(13) Prescribing requirements for a license holder's provision of security services for an adult use cannabis operator and adult use testing laboratories which shall include the license holder's option to use armed or unarmed services including through agents of the license holder;	82747 82748 82749 82750 82751
(14) Prescribing standards according to which license holders shall keep accounts and standards according to which adult use cannabis operators and adult use testing laboratories accounts shall be audited, and establish guidance for assisting the department of taxation in levying and collecting the adult use tax levied under section 3780.22 of the Revised Code;	82752 82753 82754 82755 82756 82757
(15) Determining penalties for violation of division of cannabis control rules or this chapter, and a process for imposing such penalties;	82758 82759 82760
(16) Training requirements for employees and agents of adult use cannabis operators and adult use laboratories;	82761 82762
(17) Prescribing standards and procedures to allow for adult use cannabis delivery to adult use consumers, and online and mobile ordering procedures, which may only be conducted by an adult use dispensary or their agent;	82763 82764 82765 82766
(18) Prescribing cannabis inventory requirements to be maintained in an electronic database consistent with section	82767 82768

3780.05 of the Revised Code; 82769

(19) Prescribing standards and procedures for product packaging 82770
and labeling of adult use cannabis products; 82771

~~(20) Prescribing standards and procedures in coordination with~~ 82772
~~the department of development to administer and enforce the~~ 82773
~~cannabis social equity and jobs program as prescribed under~~ 82774
~~3780.19 of the Revised Code;~~ 82775

~~(21)~~ Establishing a tetrahydrocannabinol content limit for adult 82776
use cannabis, which for plant material the content limit shall 82777
be ~~no~~ not less than thirty-five per cent and for extracts the 82778
content limit shall be ~~no~~ not less than ninety per cent, but 82779
that such content limits may be increased or eliminated by the 82780
division of cannabis control; and 82781

~~(22)~~ (21) Prescribing duty to update requirements for license 82782
holders. 82783

(D) All rules adopted under this section and chapter shall be 82784
adopted in accordance with Chapter 119. of the Revised Code. 82785

(E) In addition to the rules described in division (C) of this 82786
section, the division of cannabis control may adopt any other 82787
rules it considers necessary for the administration, 82788
implementation, and enforcement of this chapter consistent with 82789
this chapter. 82790

(F) When adopting rules under this section, the division of 82791
cannabis control shall consider standards and procedures that 82792
have been found to be best practices relative to the use and 82793
regulation of adult use cannabis and shall harmonize any rules 82794
with the rules adopted pursuant to sections 3796.03 and 3796.04 82795
of the Revised Code to minimize duplication of operational 82796
requirements and fees as much as possible. If there is a 82797

conflict with Chapter 3796. of the Revised Code and related 82798
rules, and ~~chapter~~Chapter 3780. of the Revised Code and related 82799
rules, then ~~chapter~~Chapter 3780. of the Revised Code and 82800
related rules shall govern. 82801

**Sec. 3780.06. Information provided by the department of 82802
taxation. 82803**

(A) (1) Notwithstanding section 149.43 of the Revised Code or any 82804
other public records law to the contrary or any law relating to 82805
the confidentiality of tax return information, upon the request 82806
of the division of cannabis control, the department of taxation 82807
shall provide to the division of cannabis control all of the 82808
following information: 82809

(a) Whether an applicant for license or licensee under this 82810
chapter follows the applicable tax laws of this state; 82811

(b) Any past or pending violation by the applicant or licensee 82812
of those tax laws, and any penalty imposed on the applicant or 82813
licensee for such a violation. 82814

(2) The division of cannabis control shall request the 82815
information only as it pertains to an application for license 82816
that the division of cannabis control is reviewing or a licensee 82817
operating under this chapter. 82818

(3) The department of taxation may charge the division of 82819
cannabis control a reasonable fee to cover the administrative 82820
cost of providing the information. 82821

(B) Information received under this section is confidential. 82822
Except as otherwise permitted by other state law or federal law, 82823
the division of cannabis control shall not make the information 82824
available to any person other than the applicant for licensure_ 82825
or the licensee to whom the information applies. 82826

Sec. 3780.10. Adult use cannabis operator and adult use testing laboratory licenses.	82827
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(A) No person shall operate as an adult use cannabis operator or adult use testing laboratory without a license issued pursuant to this chapter.	82829
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(B) The following licenses shall be issued by the division of cannabis control within nine months of the effective date of this section <u>December 7, 2023</u> , if the license applicant is in compliance with section 3780.11 of the Revised Code and this chapter, and the license applicant <u>has</u> , or the same owners of the license applicant have , <u>a</u> certificate of operation or medical provisional license issued as of the effective date of this section <u>December 7, 2023</u> :	82832
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(1) A dispensary issued a certificate of operation or medical provisional license shall be issued an adult use dispensary license under this chapter for the current location of the dispensary;	82840
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(2) A level I cultivator issued a certificate of operation or medical provisional license shall be issued under this chapter three adult use dispensary licenses at locations designated in a license application, and one level I adult use cultivator license for the current location of the level I cultivation facility;	82844
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(3) A level II cultivator issued a certificate of operation or medical provisional license shall be issued under this chapter one adult use dispensary license at a location designated in the license application, and one level II adult use cultivator license for the current location of the level II cultivation facility;	82850
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(4) A dispensary issued a certificate of operation or medical provisional license shall be issued under this chapter one adult use dispensary license at a different location as designated in the license application if the dispensary does not have any common ownership or control with any level I adult use cultivator, level II adult use cultivator, or adult use processor license applicant or licensee;

(5) A processor issued a certificate of operation or medical provisional license shall be issued under this chapter one adult use processor license for the current location of the processor; and

(6) A testing laboratory issued a certificate of operation shall be issued under this chapter one adult use testing laboratory license for the current location of the testing laboratory.

Notwithstanding anything in this section, a license shall not be issued pursuant to division (B) of this section to a license applicant holding only a related medical provisional license unless the medical provisional license holder is issued a certificate of operation within two years of ~~the effective date of this section~~ December 7, 2023.

(C) The division of cannabis control shall issue up to forty level III adult use cultivator licenses consistent with this chapter ~~with preference provided to applicants who have been certified as cannabis social equity and jobs program participants under the cannabis social equity and jobs program pursuant to 3780.19 of this chapter.~~ No person may have any ownership or control in more than one level III adult use cultivator license under this chapter. No adult use cultivator or adult use processor may have any ownership or control in a level III adult use cultivator license.

(D) The division of cannabis control shall issue up to fifty 82886
additional adult use dispensary licenses in conformity with this 82887
chapter ~~with preference provided to applicants who have been~~ 82888
~~certified as cannabis social equity and jobs program~~ 82889
~~participants under the cannabis social equity and jobs program.~~ 82890

(E) Following twenty-four months from the first date of issuance 82891
of an adult use operator license, the division of cannabis 82892
control shall review the number of adult use cannabis operator 82893
licenses on a biannual basis and may authorize additional 82894
licenses after considering: 82895

(1) The current and anticipated market growth and consumer 82896
demand, including the number of adult use consumers seeking 82897
adult use cannabis; 82898

(2) The current and projected supply of adult use cannabis 82899
produced by licensed adult use cultivators, level III adult use 82900
cultivators, and adult use processors; and 82901

(3) The geographic distribution of adult use dispensary sites in 82902
an effort to ensure adult use customer access to adult use 82903
cannabis. 82904

(F) (1) The division of cannabis control shall provide a report 82905
and recommendation within ninety days of the conclusion of the 82906
requirements in division (E) of this section to the director for 82907
consideration. 82908

(2) The division of cannabis control may adopt rules as 82909
necessary to implement this division. 82910

(3) The division of cannabis control shall adopt a rule 82911
regarding the number of licenses a license holder may hold for 82912
each type of license consistent with this chapter. As of ~~the~~ 82913
~~effective date of this section~~ December 7, 2023, and 82914

notwithstanding any other provision of this chapter, no person 82915
shall be issued more than eight adult use dispensary licenses, 82916
~~and~~ not more than one adult use cultivator license, and not more 82917
than one adult use processor license at any time, unless 82918
authorized by the division of cannabis control after an analysis 82919
supporting the licensing pursuant to rule. 82920

(G) The division of cannabis control may authorize additional 82921
adult use testing laboratory licenses at any time. 82922

Sec. 3780.22. (A) Terms used in this section have the same 82923
meanings as in section 5739.01 of the Revised Code. As used in 82924
this section, "adult use marijuana" means marijuana that is 82925
cultivated, processed, dispensed, or tested for, or possessed or 82926
used by, an adult use consumer, in accordance with this chapter. 82927

(B) For the purpose of funding the needs of the state and 82928
providing funding for certain dispensary host communities, an 82929
excise tax is levied on the retail sale of adult use marijuana. 82930
The rate of the tax shall equal ten per cent of the price of 82931
adult use marijuana and is in addition to other taxes levied 82932
under Chapters 5739. and 5741. of the Revised Code. 82933

(C) The tax shall be paid by the consumer to the vendor at 82934
the time of the sale, and the vendor shall report and remit the 82935
tax to the state in the same manner and at the same time the 82936
vendor reports and remits the tax levied under section 5739.02 82937
of the Revised Code. The return required under this division 82938
shall be filed on a form prescribed by the tax commissioner, 82939
which shall be separate from the return required to be filed 82940
under section 5739.12 of the Revised Code. A vendor with no 82941
sales of adult use marijuana for a reporting period is not 82942
required to file this separate return. For all purposes of the 82943
Revised Code, the tax levied under this section shall be 82944

considered a tax levied under section 5739.02 of the Revised Code. 82945
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(D) For the same purpose as the tax levied under division (B) of this section, a tax is levied on a vendor that sells any marijuana other than adult use marijuana or medical marijuana to a consumer. That tax equals ten per cent of the price of such marijuana, and the consumer and vendor are liable for any amounts, including tax, interest, and penalties, imposed under this section and chapter in the same manner as a vendor subject to the tax imposed under division (B) of this section. 82947
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(E) For the purpose of receiving and distributing, and accounting for, revenue received from the tax levied by this section, and any civil penalty paid under division (B)(4) of section 3780.26 of the Revised Code, the adult use tax fund and host community cannabis fund are created in the state treasury. All moneys collected from that tax and civil penalty shall be deposited into the adult use tax fund, which is created in the state treasury, to be distributed as follows: 82955
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(1) Beginning in fiscal year 2026, and for the following four fiscal years, the director of budget and management shall transfer twenty per cent of funds from the adult use tax fund to the host community cannabis fund, which is created in the state treasury, for the benefit of municipal corporations or townships that have, as of June 30, 2025, and at all times since, at least one adult use dispensary or location for which a provisional dispensary license has been issued under this chapter, and the municipal corporations or townships may use such funds for any approved purpose. Distributions to municipal corporations or townships shall be based on the percentage of adult use tax attributable to each municipal corporation or township. 82963
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(2) All other revenue shall be credited to the general revenue fund. 82975
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Sec. 3780.24. Tax administration and enforcement. 82977

The tax commissioner shall administer and enforce ~~sections~~ 82978
section 3780.22 through 3780.23 of this chapter the Revised 82979
Code. In addition to any other powers conferred upon the tax 82980
commissioner by law, the tax commissioner may: 82981

(A) Prescribe all forms that are required to be filed under 82982
~~sections~~ section 3780.22 through 3780.23 of this chapter the 82983
Revised Code; 82984

(B) Adopt rules that are necessary and proper to carry out 82985
section 3780.22 ~~through 3780.23 of this chapter~~ the Revised 82986
Code; and 82987

(C) Appoint professional, technical, and clerical employees as 82988
are necessary to carry out the tax commissioner's duties under 82989
~~sections~~ section 3780.22 through 3780.23 of this chapter the 82990
Revised Code. 82991

Sec. 3780.26. Enforcement authority of the division of 82992
cannabis control. 82993

(A) The division of cannabis control shall enforce, or cause to 82994
be enforced, all sections of this chapter and the rules adopted 82995
thereunder. If the division of cannabis control has information 82996
that any provision of this chapter or that any rule adopted 82997
thereunder has been violated, it may investigate the matter and 82998
take any reasonable action as it considers appropriate. 82999

(B) The division of cannabis control may do any of the following 83000
for any reason specified in rules adopted under section 3780.03 83001
of the Revised Code: 83002

(1) Suspend, suspend without prior hearing upon finding clear and convincing evidence that continued distribution of adult use cannabis presents a danger of immediate and serious harm to others, revoke, restrict, or refuse to renew a license it issued under this chapter;

(2) Refuse to issue a license unless a license is required in accordance with this chapter;

(3) Inspect the premises of an adult use cannabis operator or an adult use testing laboratory without prior notice; or

(4) Impose on a provisional license holder or license holder a civil penalty in an amount to be determined by the division of cannabis control through rule to be paid into the ~~division of cannabis control and tax commissioner fund~~ adult use tax fund created under section 3780.22 of the Revised Code.

(C) If the division of cannabis control suspends, revokes, or refuses to renew any license issued under this chapter or determines that there is clear and convincing evidence of a danger of immediate and serious harm to any individual, the division of cannabis control may place under seal all adult use cannabis owned by or in the possession, custody, or control of the affected license holder. Except as provided in this section, the division of cannabis control shall not dispose of the adult use cannabis sealed under this section until the license holder exhausts all of the license holder's appeal rights under Chapter 119. of the Revised Code. The court involved in such an appeal may order the division of cannabis control, during the pendency of the appeal, to sell cannabis that is perishable. The division of cannabis control shall deposit the proceeds of the sale with the court.

(D) The division of cannabis control's enforcement actions under this section shall be taken in accordance with Chapter 119. of the Revised Code.

(E) Nothing in this chapter shall be construed to require the division of cannabis control to enforce minor violations of this chapter if the division of cannabis control determines that the public interest is adequately served by a notice or warning to the alleged offender.

Sec. 3780.30. Cannabis addiction services; toll-free telephone numbers.

(A) The division of cannabis control shall enter into an agreement with the department of mental health and addiction services under which the department shall provide a program for cannabis addiction services to be implemented on behalf of the division of cannabis control, which includes best practices for education and treatment for individuals with addiction issues related to cannabis or other controlled substances, including opioids.

(B) The department of mental health and addiction services shall establish, operate, and publicize an in-state, toll-free telephone number Ohio residents may call to obtain basic information about addiction services available to ~~consumer~~ consumers, and options for an addicted consumer to obtain help. The telephone number shall be staffed twenty-four hours per day, seven days a week in order to respond to inquiries and provide that information. ~~The costs of establishing, operating, and publicizing the telephone number shall be paid for with money in the substance abuse and addiction fund.~~

~~(C) The director of mental health and addiction services shall~~

~~administer the substance abuse and addiction fund.~~ The director 83061
shall ~~use the money in the fund to~~ support addiction services or 83062
other services that relate to addiction and substance abuse, and 83063
research that relates to addiction and substance abuse. 83064
Treatment and prevention services supported ~~by money in the fund~~ 83065
~~under this section~~ shall be services that are certified by the 83066
department of mental health and addiction services. 83067

~~(D) The director mental health and addiction services shall~~ 83068
~~prepare an annual report describing the use of the fund for~~ 83069
~~these purposes. The director shall submit the report to the~~ 83070
~~director of the department of commerce, the speaker and minority~~ 83071
~~leader of the house of representatives, the president and~~ 83072
~~minority leader of the senate, and the governor.~~ 83073

~~(E)~~ License holders shall provide informational resources for 83074
patrons related to cannabis addiction issues and services. 83075

~~(F)~~ (E) License holders shall provide training for their 83076
employees regarding the cannabis addiction services resources 83077
for patrons related to this section. 83078

Sec. 3781.10. (A) (1) The board of building standards shall 83079
formulate and adopt rules governing the erection, construction, 83080
repair, alteration, and maintenance of all buildings or classes 83081
of buildings specified in section 3781.06 of the Revised Code, 83082
including land area incidental to those buildings, the 83083
construction of industrialized units, the installation of 83084
equipment, and the standards or requirements for materials used 83085
in connection with those buildings. The board shall incorporate 83086
those rules into separate residential and nonresidential 83087
building codes. The standards shall relate to the conservation 83088
of energy and the safety and sanitation of those buildings. 83089

~~(2)~~ (2) (a) The rules governing nonresidential buildings are 83090
the lawful minimum requirements specified for those buildings 83091
and industrialized units, except that no rule other than as 83092
provided in division (C) of section 3781.108 of the Revised Code 83093
that specifies a higher requirement than is imposed by any 83094
section of the Revised Code is enforceable. 83095

(b) The rules governing residential buildings are uniform 83096
requirements ~~for residential buildings~~ in any area with a 83097
building department certified to enforce the state residential 83098
building code in accordance with division (E) of this section, 83099
for both of the following: 83100

(i) The erection and construction of new residential 83101
buildings; 83102

(ii) The repair and alteration of existing residential 83103
buildings. 83104

(c) In no case shall any local code or regulation differ 83105
from the state residential building code for either the erection 83106
and construction of new residential buildings or for the repair 83107
and alteration of existing residential buildings unless that 83108
code or regulation addresses subject matter not addressed by the 83109
state residential building code or is adopted pursuant to 83110
section 3781.01 of the Revised Code. 83111

(3) The rules adopted pursuant to this section are 83112
complete, lawful alternatives to any requirements specified for 83113
buildings or industrialized units in any section of the Revised 83114
Code. Except as otherwise provided in division (I) of this 83115
section, the board shall, on its own motion or on application 83116
made under sections 3781.12 and 3781.13 of the Revised Code, 83117
formulate, propose, adopt, modify, amend, or repeal the rules to 83118

the extent necessary or desirable to effectuate the purposes of 83119
sections 3781.06 to 3781.18 of the Revised Code. 83120

(B) The board shall report to the general assembly 83121
proposals for amendments to existing statutes relating to the 83122
purposes declared in section 3781.06 of the Revised Code that 83123
public health and safety and the development of the arts require 83124
and shall recommend any additional legislation to assist in 83125
carrying out fully, in statutory form, the purposes declared in 83126
that section. The board shall prepare and submit to the general 83127
assembly a summary report of the number, nature, and disposition 83128
of the petitions filed under sections 3781.13 and 3781.14 of the 83129
Revised Code. 83130

(C) On its own motion or on application made under 83131
sections 3781.12 and 3781.13 of the Revised Code, and after 83132
thorough testing and evaluation, the board shall determine by 83133
rule that any particular fixture, device, material, process of 83134
manufacture, manufactured unit or component, method of 83135
manufacture, system, or method of construction complies with 83136
performance standards adopted pursuant to section 3781.11 of the 83137
Revised Code. The board shall make its determination with regard 83138
to adaptability for safe and sanitary erection, use, or 83139
construction, to that described in any section of the Revised 83140
Code, wherever the use of a fixture, device, material, method of 83141
manufacture, system, or method of construction described in that 83142
section of the Revised Code is permitted by law. The board shall 83143
amend or annul any rule or issue an authorization for the use of 83144
a new material or manufactured unit on any like application. No 83145
department, officer, board, or commission of the state other 83146
than the board of building standards or the board of building 83147
appeals shall permit the use of any fixture, device, material, 83148
method of manufacture, newly designed product, system, or method 83149

of construction at variance with what is described in any rule 83150
the board of building standards adopts or issues or that is 83151
authorized by any section of the Revised Code. Nothing in this 83152
section shall be construed as requiring approval, by rule, of 83153
plans for an industrialized unit that conforms with the rules 83154
the board of building standards adopts pursuant to section 83155
3781.11 of the Revised Code. 83156

(D) The board shall recommend rules, codes, and standards 83157
to help carry out the purposes of section 3781.06 of the Revised 83158
Code and to help secure uniformity of state administrative 83159
rulings and local legislation and administrative action to the 83160
bureau of workers' compensation, the director of commerce, any 83161
other department, officer, board, or commission of the state, 83162
and to legislative authorities and building departments of 83163
counties, townships, and municipal corporations, and shall 83164
recommend that they audit those recommended rules, codes, and 83165
standards by any appropriate action that they are allowed 83166
pursuant to law or the constitution. 83167

(E) (1) The board shall certify municipal, township, and 83168
county building departments, the personnel of those building 83169
departments, persons described in division (E) (7) of this 83170
section, and employees of individuals, firms, the state, or 83171
corporations described in division (E) (7) of this section to 83172
exercise enforcement authority, to accept and approve plans and 83173
specifications, and to make inspections, pursuant to sections 83174
3781.03, 3791.04, and 4104.43 of the Revised Code. 83175

(2) The board shall certify departments, personnel, and 83176
persons to enforce the state residential building code for the 83177
erection and construction of new residential buildings, to 83178
enforce the nonresidential building code, or to enforce both the 83179

residential and the nonresidential building codes. A department 83180
certified to enforce the state residential building code for the 83181
erection and construction of new residential buildings may also 83182
enforce the state residential building code for the repair and 83183
alteration of existing residential buildings upon obtaining the 83184
appropriate certification from the board, in accordance with 83185
this section, for the department and its personnel. Any 83186
department, personnel, or person may enforce only the type of 83187
building code for which certified. 83188

(3) The board shall not require a building department, its 83189
personnel, or any persons that it employs to be certified for 83190
residential building code enforcement if that building 83191
department does not enforce the state residential building code. 83192
The board shall specify, in rules adopted pursuant to Chapter 83193
119. of the Revised Code, the requirements for certification for 83194
residential and nonresidential building code enforcement, which 83195
shall be consistent with this division. The requirements for 83196
residential and nonresidential certification may differ. Except 83197
as otherwise provided in this division, the requirements shall 83198
include, but are not limited to, the satisfactory completion of 83199
an initial examination and, to remain certified, the completion 83200
of a specified number of hours of continuing building code 83201
education within each three-year period following the date of 83202
certification which shall be not less than thirty hours. The 83203
rules shall provide that continuing education credits and 83204
certification issued by the council of American building 83205
officials, national model code organizations, and agencies or 83206
entities the board recognizes are acceptable for purposes of 83207
this division. The rules shall specify requirements that are 83208
consistent with the provisions of section 5903.12 of the Revised 83209
Code relating to active duty military service and are 83210

compatible, to the extent possible, with requirements the 83211
council of American building officials and national model code 83212
organizations establish. 83213

(4) The board shall establish and collect a certification 83214
and renewal fee for building department personnel, and persons 83215
and employees of persons, firms, or corporations as described in 83216
this section, who are certified pursuant to this division. 83217

(5) Any individual certified pursuant to this division 83218
shall complete the number of hours of continuing building code 83219
education that the board requires or, for failure to do so, 83220
forfeit certification. 83221

(6) This division does not require or authorize the board 83222
to certify personnel of municipal, township, and county building 83223
departments, and persons and employees of persons, firms, or 83224
corporations as described in this section, whose 83225
responsibilities do not include the exercise of enforcement 83226
authority, the approval of plans and specifications, or making 83227
inspections under the state residential and nonresidential 83228
building codes. 83229

(7) Enforcement authority for approval of plans and 83230
specifications and enforcement authority for inspections may be 83231
exercised, and plans and specifications may be approved and 83232
inspections may be made on behalf of a municipal corporation, 83233
township, or county, by any of the following who the board of 83234
building standards certifies: 83235

(a) Officers or employees of the municipal corporation, 83236
township, or county; 83237

(b) Persons, or employees of persons, firms, or 83238
corporations, pursuant to a contract to furnish architectural, 83239

engineering, or other services to the municipal corporation, 83240
township, or county; 83241

(c) Officers or employees of, and persons under contract 83242
with, a municipal corporation, township, county, health 83243
district, or other political subdivision, pursuant to a contract 83244
to furnish architectural, engineering, or other services; 83245

(d) Officers or employees of the division of industrial 83246
compliance in the department of commerce pursuant to a contract 83247
authorized by division (B) of section 121.083 of the Revised 83248
Code. 83249

(8) Municipal, township, and county building departments 83250
have jurisdiction within the meaning of sections 3781.03, 83251
3791.04, and 4104.43 of the Revised Code, only with respect to 83252
the types of buildings and subject matters for which they are 83253
certified under this section. 83254

(9) A certified municipal, township, or county building 83255
department may exercise enforcement authority, accept and 83256
approve plans and specifications, and make inspections pursuant 83257
to sections 3781.03, 3791.04, and 4104.43 of the Revised Code 83258
for a park district created pursuant to Chapter 1545. of the 83259
Revised Code upon the approval, by resolution, of the board of 83260
park commissioners of the park district requesting the 83261
department to exercise that authority and conduct those 83262
activities, as applicable. 83263

(10) Certification shall be granted upon application by 83264
the municipal corporation, the board of township trustees, or 83265
the board of county commissioners and approval of that 83266
application by the board of building standards. The application 83267
shall set forth: 83268

(a) Whether the certification is requested for residential or nonresidential buildings, or both;	83269 83270
(b) <u>If the certification is requested for residential buildings, whether the requested certification is for only the erection and construction of new residential buildings or also the repair and alteration of existing residential buildings;</u>	83271 83272 83273 83274
(c) <u>The number and qualifications of the staff composing the building department;</u>	83275 83276
(e) <u>(d)</u> The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services pursuant to division (E) (7) (b) of this section;	83277 83278 83279
(d) <u>(e)</u> The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division (E) (7) of this section;	83280 83281 83282 83283
(e) <u>(f)</u> The proposed budget for the operation of the building department.	83284 83285
(11) The board of building standards shall adopt rules governing all of the following:	83286 83287
(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E) (7) of this section. The rules shall disqualify any employee of the department or person who contracts for services with the department from performing services for the department when that employee or person would have to pass upon, inspect, or otherwise exercise authority over any labor, material, or equipment the employee or person furnishes for the construction, alteration, or maintenance of a building or the preparation of	83288 83289 83290 83291 83292 83293 83294 83295 83296 83297

working drawings or specifications for work within the 83298
jurisdictional area of the department. The department shall 83299
provide other similarly qualified personnel to enforce the 83300
residential and nonresidential building codes as they pertain to 83301
that work. 83302

(b) The minimum services to be provided by a certified 83303
building department. 83304

(12) The board of building standards may revoke or suspend 83305
certification to enforce the residential and nonresidential 83306
building codes, on petition to the board by any person affected 83307
by that enforcement or approval of plans, or by the board on its 83308
own motion. Hearings shall be held and appeals permitted on any 83309
proceedings for certification or revocation or suspension of 83310
certification in the same manner as provided in section 3781.101 83311
of the Revised Code for other proceedings of the board of 83312
building standards. 83313

(13) Upon certification, and until that authority is 83314
revoked, any county or township building department shall 83315
enforce the residential and nonresidential building codes for 83316
which it is certified without regard to limitation upon the 83317
authority of boards of county commissioners under Chapter 307. 83318
of the Revised Code or boards of township trustees under Chapter 83319
505. of the Revised Code. 83320

(14) The board shall certify a person to exercise 83321
enforcement authority, to accept and approve plans and 83322
specifications, or to make inspections in this state in 83323
accordance with Chapter 4796. of the Revised Code if either of 83324
the following applies: 83325

(a) The person holds a license or certificate in another 83326

state. 83327

(b) The person has satisfactory work experience, a 83328
government certification, or a private certification as 83329
described in that chapter in the same profession, occupation, or 83330
occupational activity as the profession, occupation, or 83331
occupational activity for which the certificate is required in 83332
this state in a state that does not issue that license or 83333
certificate. 83334

(F) In addition to hearings sections 3781.06 to 3781.18 83335
and 3791.04 of the Revised Code require, the board of building 83336
standards shall make investigations and tests, and require from 83337
other state departments, officers, boards, and commissions 83338
information the board considers necessary or desirable to assist 83339
it in the discharge of any duty or the exercise of any power 83340
mentioned in this section or in sections 3781.06 to 3781.18, 83341
3791.04, and 4104.43 of the Revised Code. 83342

(G) The board shall adopt rules and establish reasonable 83343
fees for the review of all applications submitted where the 83344
applicant applies for authority to use a new material, assembly, 83345
or product of a manufacturing process. The fee shall bear some 83346
reasonable relationship to the cost of the review or testing of 83347
the materials, assembly, or products and for the notification of 83348
approval or disapproval as provided in section 3781.12 of the 83349
Revised Code. 83350

(H) The residential construction advisory committee shall 83351
provide the board with a proposal for a state residential 83352
building code that the committee recommends pursuant to division 83353
(D)(1) of section 4740.14 of the Revised Code. Upon receiving a 83354
recommendation from the committee that is acceptable to the 83355
board, the board shall adopt rules establishing that code as the 83356

state residential building code. 83357

(I) (1) The committee may provide the board with proposed 83358
rules to update or amend the state residential building code 83359
that the committee recommends pursuant to division (E) of 83360
section 4740.14 of the Revised Code. 83361

(2) If the board receives a proposed rule to update or 83362
amend the state residential building code as provided in 83363
division (I) (1) of this section, the board either may accept or 83364
reject the proposed rule for incorporation into the residential 83365
building code. If the board does not act to either accept or 83366
reject the proposed rule within ninety days after receiving the 83367
proposed rule from the committee as described in division (I) (1) 83368
of this section, the proposed rule shall become part of the 83369
residential building code. 83370

(J) The board shall cooperate with the director of 83371
children and youth when the director promulgates rules pursuant 83372
to section 5104.05 of the Revised Code regarding safety and 83373
sanitation in type A family child care homes. 83374

(K) The board shall adopt rules to implement the 83375
requirements of section 3781.108 of the Revised Code. 83376

Sec. 3781.102. (A) Any county or municipal building 83377
department certified pursuant to division (E) of section 3781.10 83378
of the Revised Code as of September 14, 1970, and that, as of 83379
that date, was inspecting single-family, two-family, and three- 83380
family residences, and any township building department 83381
certified pursuant to division (E) of section 3781.10 of the 83382
Revised Code, is hereby declared to be certified to inspect 83383
single-family, two-family, and three-family residences 83384
containing industrialized units, and shall inspect the buildings 83385

or classes of buildings subject to division (E) of section 83386
3781.10 of the Revised Code. 83387

(B) Each board of county commissioners may adopt, by 83388
resolution, rules establishing standards and providing for the 83389
licensing of electrical and heating, ventilating, and air 83390
conditioning contractors who are not required to hold a valid 83391
and unexpired license pursuant to Chapter 4740. of the Revised 83392
Code. 83393

Rules adopted by a board of county commissioners pursuant 83394
to this division may be enforced within the unincorporated areas 83395
of the county and within any municipal corporation where the 83396
legislative authority of the municipal corporation has 83397
contracted with the board for the enforcement of the county 83398
rules within the municipal corporation pursuant to section 83399
307.15 of the Revised Code. The rules shall not conflict with 83400
rules adopted by the board of building standards pursuant to 83401
section 3781.10 of the Revised Code or by the department of 83402
commerce pursuant to Chapter 3703. of the Revised Code. This 83403
division does not impair or restrict the power of municipal 83404
corporations under Section 3 of Article XVIII, Ohio 83405
Constitution, to adopt rules concerning the erection, 83406
construction, repair, alteration, and maintenance of buildings 83407
and structures or of establishing standards and providing for 83408
the licensing of specialty contractors pursuant to section 83409
715.27 of the Revised Code. 83410

A board of county commissioners, pursuant to this 83411
division, may require all electrical contractors and heating, 83412
ventilating, and air conditioning contractors, other than those 83413
who hold a valid and unexpired license issued pursuant to 83414
Chapter 4740. of the Revised Code, to successfully complete an 83415

examination, test, or demonstration of technical skills, and may 83416
impose a fee and additional requirements for a license to engage 83417
in their respective occupations within the jurisdiction of the 83418
board's rules under this division. 83419

(C) No board of county commissioners shall require any 83420
specialty contractor who holds a valid and unexpired license 83421
issued pursuant to Chapter 4740. of the Revised Code to 83422
successfully complete an examination, test, or demonstration of 83423
technical skills in order to engage in the type of contracting 83424
for which the license is held, within the unincorporated areas 83425
of the county and within any municipal corporation whose 83426
legislative authority has contracted with the board for the 83427
enforcement of county regulations within the municipal 83428
corporation, pursuant to section 307.15 of the Revised Code. 83429

(D) A board may impose a fee for registration of a 83430
specialty contractor who holds a valid and unexpired license 83431
issued pursuant to Chapter 4740. of the Revised Code before that 83432
specialty contractor may engage in the type of contracting for 83433
which the license is held within the unincorporated areas of the 83434
county and within any municipal corporation whose legislative 83435
authority has contracted with the board for the enforcement of 83436
county regulations within the municipal corporation, pursuant to 83437
section 307.15 of the Revised Code, provided that the fee is the 83438
same for all specialty contractors who wish to engage in that 83439
type of contracting. If a board imposes such a fee, the board 83440
immediately shall permit a specialty contractor who presents 83441
proof of holding a valid and unexpired license and pays the 83442
required fee to engage in the type of contracting for which the 83443
license is held within the unincorporated areas of the county 83444
and within any municipal corporation whose legislative authority 83445
has contracted with the board for the enforcement of county 83446

regulations within the municipal corporation, pursuant to 83447
section 307.15 of the Revised Code. 83448

(E) The political subdivision associated with each 83449
municipal, township, and county building department the board of 83450
building standards certifies pursuant to division (E) of section 83451
3781.10 of the Revised Code may prescribe fees to be paid by 83452
persons, political subdivisions, or any department, agency, 83453
board, commission, or institution of the state, for the 83454
acceptance and approval of plans and specifications, and for the 83455
making of inspections, pursuant to sections 3781.03 and 3791.04 83456
of the Revised Code. 83457

(F) Each political subdivision that prescribes fees 83458
pursuant to division (E) of this section shall collect, on 83459
behalf of the board of building standards, fees equal to the 83460
following: 83461

(1) Three per cent of the fees the political subdivision 83462
collects in connection with nonresidential buildings; 83463

(2) One per cent of the fees the political subdivision 83464
collects in connection with the erection of and construction of 83465
new residential buildings and, if the political subdivision 83466
elects under division (E) of section 3781.10 of the Revised Code 83467
to enforce the state residential building code for the repair 83468
and alteration of existing residential buildings, one per cent 83469
of the fees the political subdivision collects in connection 83470
with the repair and alteration of existing residential 83471
buildings. 83472

(G) (1) The board shall adopt rules, in accordance with 83473
Chapter 119. of the Revised Code, specifying the manner in which 83474
the fee assessed pursuant to division (F) of this section shall 83475

be collected and remitted monthly to the board. The board shall 83476
pay the fees into the state treasury to the credit of the 83477
industrial compliance operating fund created in section 121.084 83478
of the Revised Code. 83479

(2) All money credited to the industrial compliance 83480
operating fund under this division shall be used exclusively for 83481
the following: 83482

(a) Operating costs of the board; 83483

(b) Providing services, including educational programs, 83484
for the building departments that are certified by the board 83485
pursuant to division (E) of section 3781.10 of the Revised Code; 83486

(c) Paying the expenses of the residential construction 83487
advisory committee, including the expenses of committee members 83488
as provided in section 4740.14 of the Revised Code. 83489

(H) A board of county commissioners that adopts rules 83490
providing for the licensing of electrical and heating, 83491
ventilating, and air conditioning contractors, pursuant to 83492
division (B) of this section, may accept, for purposes of 83493
satisfying the requirements of rules adopted under that 83494
division, a valid and unexpired license issued pursuant to 83495
Chapter 4740. of the Revised Code that is held by an electrical 83496
or heating, ventilating, and air conditioning contractor, for 83497
the construction, replacement, maintenance, or repair of one- 83498
family, two-family, or three-family dwelling houses or accessory 83499
structures incidental to those dwelling houses. 83500

(I) A board of county commissioners shall not register a 83501
specialty contractor who is required to hold a license under 83502
Chapter 4740. of the Revised Code but does not hold a valid 83503
license issued under that chapter. 83504

(J) If a board of county commissioners regulates a profession, occupation, or occupational activity under this section, the board shall comply with Chapter 4796. of the Revised Code.

(K) As used in this section, "specialty contractor" means a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor, as those contractors are described in Chapter 4740. of the Revised Code.

Sec. 3781.1011. (A) As used in this section:

(1) "Alarm system" means a device or system that transmits a signal intended to summon law enforcement to a county, township, or municipal corporation in response to an alleged violation of an offense under Chapter 2911. of the Revised Code occurring in a nonresidential zone of the applicable county, township, or municipal corporation. The term includes an alarm that emits an audible signal on the exterior of a structure. The term does not include an alarm installed on a vehicle or an alarm designed to alert only the inhabitants within the premises. The term includes an alarm system for which a permit may be issued under any applicable section of the Revised Code or Ohio Constitution.

(2) "Battery-charged fence" means a ~~fence connected to~~ system, including integrated components or equipment, that satisfies all of the following:

(a) Functions with a battery-operated energizer that is intended to periodically ~~to~~ deliver voltage impulses to the fence, system with an impulse repetition rate that does not exceed one hertz and an impulse duration that does not exceed

<u>ten milliseconds;</u>	83534
<u>(b) Exclusively uses a battery charging device used</u>	83535
<u>exclusively to charge the battery, and any other ancillary</u>	83536
<u>components or equipment attached to such a system;</u>	83537
<u>(c) Interfaces with a monitored alarm system;</u>	83538
<u>(d) Has a battery-operated energizer that is powered by a</u>	83539
<u>commercial storage battery that is not more than twelve volts of</u>	83540
<u>direct current;</u>	83541
<u>(e) Is four to twelve inches behind a non-battery-charged</u>	83542
<u>perimeter fence, wall, or structure that is not less than five</u>	83543
<u>feet in height;</u>	83544
<u>(f) Is ten feet in height, or two feet higher than the</u>	83545
<u>height of the non-battery-charged perimeter fence, wall, or</u>	83546
<u>structure, whichever is higher;</u>	83547
<u>(g) Is marked with conspicuous warning signs that are</u>	83548
<u>located on the battery-charged fence at not more than thirty-</u>	83549
<u>foot intervals and that read: "WARNING-SHOCK HAZARD" or a</u>	83550
<u>similar warning message.</u>	83551
(3) "Permit" means a certificate, license, permit, or	83552
other form of permission that authorizes a person to engage in	83553
an action.	83554
(B) <u>A-Subject to division (D) of this section, a person</u>	83555
<u>may install, operate, and use a battery-charged fence installed-</u>	83556
<u>on private, nonresidential property within a county, township,</u>	83557
<u>or municipal corporation shall satisfy all of the following:</u>	83558
<u>(1) Interface with a monitored alarm system;</u>	83559
<u>(2) Have a battery-operated energizer that is powered by a</u>	83560

~~commercial storage battery that is not more than twelve volts of 83561
direct current, and that meets the standards set forth by the 83562
international electrotechnical commission 60335-02-76 current- 83563
edition; 83564~~

~~(3) Be completely surrounded by a nonelectric perimeter 83565
fence or wall that is not less than five feet in height; 83566~~

~~(4) Be not more than the higher of ten feet in height, or 83567
two feet higher than the height of the nonelectric perimeter 83568
fence or wall; and 83569~~

~~(5) Be marked with conspicuous warning signs that are 83570
located on the battery-charged fence at not more than forty-foot 83571
intervals and that read: "WARNING--ELECTRIC FENCE." 83572~~

(C) Division (B) of this section does not apply to any of 83573
the following fences, regardless of whether such fences are 83574
battery-charged fences under division (A) (2) of this section: 83575

(1) Fences that are required to be constructed by persons 83576
or corporations owning, controlling, or managing a railroad 83577
pursuant to Chapter 4959. of the Revised Code; 83578

(2) Partition fences constructed in accordance with 83579
Chapter 971. of the Revised Code; 83580

(3) Fences constructed or installed by the state or a 83581
political subdivision, or by the federal government; 83582

(4) Fences installed at a facility that is an accredited 83583
member of the association of zoos and aquariums or the 83584
zoological association of America and that is licensed by the 83585
United States department of agriculture under the federal animal 83586
welfare act; 83587

(5) Fences installed at a wildlife sanctuary; 83588

(6) Fences constructed and used for agricultural purposes, 83589
as agriculture is defined in either section 303.01 or 519.01 of 83590
the Revised Code. 83591

(D) ~~Notwithstanding any other section of the Revised Code,~~ 83592
~~a~~A county, township, or municipal corporation may adopt and 83593
enforce an ordinance, order, resolution, or regulation that does 83594
any of the following: 83595

(1) Imposes installation ~~or~~, operational, or use 83596
requirements for battery-charged fences in nonresidential 83597
properties that ~~are do not in conflict with the requirements and~~ 83598
~~standards set forth in~~ expressly, implicitly, or functionally 83599
prohibit the installation, operation, or use of such fences, as 83600
authorized under division (B) of this section; 83601

(2) Requires a permit or fee for the installation, 83602
operation, or use of a battery-charged fence to which this 83603
section applies in accordance with a permit or fee for an alarm 83604
system issued or charged by the county, township, or municipal 83605
corporation; 83606

(3) ~~Prohibits~~ Completely prohibits or imposes generally 83607
applicable requirements on the installation, operation, or use 83608
of a ~~battery-charged fence non-battery-charged perimeter fence,~~ 83609
wall, or structure or any system that does not constitute a 83610
battery-charged fence under division (A) (2) of this section in a 83611
nonresidential zone ~~that does not meet the requirements and~~ 83612
~~standards set forth in division (B) of this section.~~ 83613

Sec. 3901.3815. (A) As used in this section: 83614

(1) "Health plan issuer" has the same meaning as in 83615
section 3922.01 of the Revised Code, except that the term also 83616
includes any vendor contracted by a health plan issuer, as 83617

defined in that section. 83618

(2) "Health care provider" has the same meaning as in section 3701.74 of the Revised Code. 83619
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(3) "Credit card" means a single-use or virtual payment card provided in an electronic, digital, facsimile, physical, or paper format. 83621
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(4) "Business day" has the same meaning as in section 3901.81 of the Revised Code. 83624
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(B) A health plan issuer shall offer all reasonably available methods of payment to a health care provider, which shall include payment by check and electronic funds transfer. A health plan issuer shall not charge a health care provider a fee for delivering payment by check or electronic funds transfer, either directly or indirectly through an agent, affiliate, or third party contracted by the health plan issuer in connection with the method of payment. 83626
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(C) A health plan issuer that offers payment by credit card shall provide a process by which a health care provider may opt out of that method of payment and select another method of payment. 83634
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(D) If a health plan issuer or an agent, affiliate, or third party contracted by a health plan issuer in connection with one of the available payment methods, other than payment by check or electronic funds transfer, charges a fee, the health plan issuer shall, prior to initiating the first payment to a health care provider or upon changing the payment methods available to a health care provider, do both of the following: 83638
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(1) Notify the provider about potential fees associated with a particular payment method, disclose any charges by the 83645
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health plan issuer, and advise the provider to contact the 83647
provider's financial institution, credit card issuer, or payment 83648
processor for information about other fees that may apply; 83649

(2) Provide the health care provider with clear 83650
instructions as to how to select each payment method either on 83651
the health plan issuer's web site or through a means other than 83652
the contract offered to the health care provider. 83653

(E) (1) If a health care provider requests a change in the 83654
available payment method, the health plan issuer shall implement 83655
the change to the payment method selected by the health care 83656
provider within thirty-one business days. 83657

(2) The payment method selected by the health care 83658
provider shall remain in effect until either the health care 83659
provider requests a different payment method or the health plan 83660
issuer has not generated a payment to the provider for more than 83661
one year. 83662

(3) The health plan issuer shall not charge a fee for a 83663
change in payment method. 83664

Sec. 3902.51. (A) (1) (a) A health plan issuer shall 83665
reimburse an out-of-network provider for unanticipated out-of- 83666
network care when both of the following apply: 83667

(i) The services are provided to a covered person at an 83668
in-network facility. 83669

(ii) The services would be covered if provided by an in- 83670
network provider. 83671

(b) A health plan issuer shall reimburse both of the 83672
following for emergency services provided to a covered person at 83673
an out-of-network emergency facility: 83674

- (i) An out-of-network provider; 83675
- (ii) The out-of-network emergency facility. 83676
- (c) A health plan issuer shall reimburse both of the 83677
following for emergency services provided to a covered person by 83678
an out-of-network ambulance: 83679
- (i) An out-of-network provider; 83680
- (ii) The out-of-network ambulance. 83681
- (2) In the case of clinical laboratory services provided 83682
in connection with care described in division (A)(1) of this 83683
section, a health plan issuer shall reimburse any out-of-network 83684
provider and any out-of-network facility that provided the 83685
clinical laboratory services. 83686
- (3) For purposes of sections 3902.50 to 3902.54 of the 83687
Revised Code: 83688
- (a) In the request for reimbursement, the provider, 83689
facility, emergency facility, or ambulance shall include the 83690
proper billing code for the service for which reimbursement is 83691
requested. 83692
- (b) The health plan issuer shall send the provider, 83693
facility, emergency facility, or ambulance its intended 83694
reimbursement as described in division (B)(1) of this section. 83695
- (c) Within the period of time specified by the 83696
superintendent of insurance in rule, the provider, facility, 83697
emergency facility, or ambulance shall either notify the health 83698
plan issuer of its acceptance of the reimbursement or seek to 83699
negotiate reimbursement under division (B)(2) of this section. 83700
Failure to timely notify the issuer of an intent to negotiate 83701
shall be considered acceptance of the issuer's reimbursement. 83702

(B) (1) Unless the provider, facility, emergency facility, 83703
or ambulance wishes to negotiate reimbursement under division 83704
(B) (2) of this section, the reimbursement required to be paid to 83705
the provider, facility, emergency facility, or ambulance under 83706
division (A) of this section shall be the greatest of the 83707
following amounts: 83708

(a) The amount negotiated with in-network providers, 83709
facilities, emergency facilities, or ambulances for the service 83710
in question in that geographic region under that health benefit 83711
plan, excluding any in-network cost sharing imposed under the 83712
health benefit plan. If there is more than one such amount, the 83713
relevant amount shall be the median of those amounts, excluding 83714
any in-network cost sharing imposed under the health benefit 83715
plan. In determining the median amount, the amount negotiated 83716
with each in-network provider, facility, emergency facility, or 83717
ambulance shall be treated as a separate amount even if the same 83718
amount is paid to more than one provider. If there is no per- 83719
service amount, such as under a capitation or similar payment 83720
arrangement, the amount described in division (B) (1) (a) of this 83721
section shall be disregarded. 83722

(b) The amount for the service in question calculated 83723
using the same method the health benefit plan generally uses to 83724
determine payments for out-of-network health care services, such 83725
as the usual, customary, and reasonable amount, excluding any 83726
in-network cost sharing imposed under the health benefit plan. 83727
This amount shall be determined with the reduction for cost 83728
sharing that generally applies under the health benefit plan 83729
with respect to out-of-network health care services. 83730

(c) ~~The~~ Whichever of the following amounts apply to the 83731
service in question, calculated according to the amount that 83732

would be paid under the medicare program, part A or part B of 83733
Title XVIII of the "Social Security Act," 42 U.S.C. 1395, as 83734
amended, for the service in question, excluding any in-network 83735
cost sharing imposed under the health benefit plan: 83736

(i) One hundred per cent of the medicare payment amount, 83737
in the case of a provider, facility, or emergency facility; 83738

(ii) Two hundred fifty per cent of the medicare payment 83739
amount, in the case of an ambulance. 83740

(2) In lieu of accepting reimbursement under division (B) 83741
(1) of this section, a provider, facility, emergency facility, 83742
or ambulance may notify the health plan issuer that the 83743
provider, facility, emergency facility, or ambulance wishes to 83744
negotiate reimbursement. Upon receipt of such notice, the health 83745
plan issuer shall attempt a good faith negotiation with the 83746
provider, facility, emergency facility, or ambulance. 83747

(C) (1) For unanticipated out-of-network care provided at 83748
an in-network facility in this state, a provider shall not bill 83749
a covered person for the difference between the health plan 83750
issuer's reimbursement and the provider's charge for the 83751
services. 83752

(2) For emergency services provided at an out-of-network 83753
emergency facility in this state, neither the emergency facility 83754
nor an out-of-network provider shall bill a covered person for 83755
the difference between the health plan issuer's reimbursement 83756
and the emergency facility's or the provider's charge for the 83757
services. 83758

(3) For emergency services provided by an out-of-network 83759
ambulance in this state, neither the ambulance nor an out-of- 83760
network provider shall bill a covered person for the difference 83761

between the health plan issuer's reimbursement and the 83762
ambulance's or provider's charge for the services. 83763

(4) In the case of clinical laboratory services provided 83764
in this state in connection with care described in division (A) 83765
(1) of this section, no out-of-network provider or out-of- 83766
network facility shall bill a covered person for the difference 83767
between the health plan issuer's reimbursement and the 83768
provider's or facility's charge for the clinical laboratory 83769
services. 83770

(D) A health plan issuer shall not require cost sharing 83771
for any service described in division (A) of this section from 83772
the covered person at a rate higher than if the services were 83773
provided in network. 83774

(E) For health care services, other than those described 83775
in division (A) of this section, that are covered under a health 83776
benefit plan but are provided to a covered person by an out-of- 83777
network provider at an in-network facility, both of the 83778
following apply: 83779

(1) For services provided in this state, the provider 83780
shall not bill the covered person for the difference between the 83781
health plan issuer's out-of-network reimbursement and the 83782
provider's charge for the services unless all of the following 83783
conditions are met: 83784

(a) The provider informs the covered person that the 83785
provider is not in the covered person's health benefit plan 83786
network. 83787

(b) The provider provides to the covered person a good 83788
faith estimate of the cost of the services, including the 83789
provider's charge, the estimated reimbursement by the health 83790

plan issuer, and the covered person's responsibility. The 83791
estimate shall contain a disclaimer that the covered person is 83792
not required to obtain the health care service at that location 83793
or from that provider. 83794

(c) The covered person affirmatively consents to receive 83795
the services. 83796

(2) The health plan issuer may reimburse the provider at 83797
either the in-network or out-of-network rate as described in the 83798
covered person's health benefit plan. 83799

(F) Nothing in this section is subject to section 3901.71 83800
of the Revised Code. 83801

Sec. 3902.70. As used in this section and section 3902.71 83802
of the Revised Code: 83803

(A) ~~"340B covered entity" and "third-party administrator"~~ 83804
~~have the same meanings as in section 5167.01 of the Revised~~ 83805
~~Code~~ means an entity described in section 340B(a)(4) of the 83806
"Public Health Service Act," 42 U.S.C. 256b(a)(4) and includes 83807
any pharmacy under contract with the entity to dispense drugs on 83808
behalf of the entity. 83809

(B) "Terminal distributor of dangerous drugs" has the same 83810
meaning as in section 4729.01 of the Revised Code. 83811

(C) "Third-party administrator" has the same meaning as in 83812
section 5167.01 of the Revised Code. 83813

Sec. 3905.426. (A) As used in this section: 83814

(1) "Contract holder" means the person who purchased a 83815
motor vehicle ancillary product protection contract, any 83816
authorized transferee or assignee of the purchaser, or any other 83817
person assuming the purchaser's rights under the motor vehicle 83818

ancillary product protection contract. 83819

(2) "Finance agreement" means a loan or retail installment contract secured by a motor vehicle or a lease contract for the use of a motor vehicle. 83820
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~~(2)~~ (3) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code and also includes utility vehicles_ and under-speed vehicles as defined in that section. 83823
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~~(3)(a)~~ (4) (a) "Motor vehicle ancillary product protection contract" means a contract or agreement that is effective for a specified duration and paid for by means other than the purchase of a motor vehicle, or its parts or equipment, to perform any one or more of the following services: 83826
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(i) Repair or replacement of glass on a motor vehicle necessitated by wear and tear or damage caused by a road hazard; 83831
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(ii) Removal of a dent, ding, or crease without affecting the existing paint finish using paintless dent removal techniques but which expressly excludes replacement of vehicle body panels, sanding, bonding, or painting; 83833
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(iii) Repair to the interior components of a motor vehicle necessitated by wear and tear but which expressly excludes replacement of any part or component of a motor vehicle's interior; 83837
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(iv) Repair or replacement of tires or wheels damaged because of a road hazard; 83841
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(v) Replacement of a lost, stolen, or inoperable key or key fob; 83843
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(vi) In conjunction with a motor vehicle leased for use, the repair, replacement, or maintenance of property, or 83845
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indemnification for repair, replacement, or maintenance, due to 83847
excess wear and use, damage for items such as tires, paint 83848
cracks or chips, missing interior or exterior parts, or excess 83849
mileage that results in a lease-end charge, or any other charge 83850
for damage that is deemed as excess wear and use by a lessor 83851
under a motor vehicle lease, provided any such charge shall not 83852
exceed the purchase price of the vehicle at the end of the lease 83853
term; 83854

(vii) Provide a benefit under a vehicle value protection 83855
agreement. 83856

(b) A motor vehicle ancillary product protection contract 83857
may, but is not required to, provide for incidental payment of 83858
indemnity under limited circumstances, including, without 83859
limitation, towing, rental, and emergency road services. 83860

(c) "Motor vehicle ancillary product protection contract" 83861
does not include any of the following: 83862

(i) A motor vehicle service contract; 83863

(ii) A vehicle protection product warranty as defined in 83864
section 3905.421 of the Revised Code; 83865

(iii) A home service contract as defined in section 83866
3905.422 of the Revised Code; 83867

(iv) A consumer goods service contract as defined in 83868
section 3905.423 of the Revised Code; 83869

(v) A contract for prepaid routine, scheduled maintenance 83870
only. 83871

~~(4)~~ (5) "Motor vehicle service contract" means a contract 83872
or agreement to perform or pay for the repair, replacement, or 83873
maintenance of a motor vehicle due to defect in materials or 83874

workmanship, normal wear and tear, mechanical or electrical 83875
breakdown, or failure of parts or equipment of a motor vehicle, 83876
with or without additional provisions for incidental payment of 83877
indemnity under limited circumstances, including, without 83878
limitation, towing, rental, and emergency road services, that is 83879
effective for a specified duration and paid for by means other 83880
than the purchase of a motor vehicle. 83881

~~(5)~~ (6) "Provider" means a person who is contractually 83882
obligated to a contract holder under the terms of a motor 83883
vehicle ancillary product protection contract. 83884

~~(6)~~ (7) "Road hazard" means a condition that may cause 83885
damage or wear and tear to a tire or wheel on a public or 83886
private roadway, roadside, driveway, or parking lot or garage, 83887
including potholes, nails, glass, road debris, and curbs. "Road 83888
hazard" does not include fire, theft, vandalism or malicious 83889
mischief, or other perils normally covered by automobile 83890
physical damage insurance. 83891

~~(7)~~ (8) "Reimbursement insurance policy" means a policy of 83892
insurance issued by an insurer authorized or eligible to do 83893
business in this state to a provider to pay, on behalf of the 83894
provider in the event of the provider's nonperformance, all 83895
covered contractual obligations incurred by the provider under 83896
the terms and conditions of the motor vehicle ancillary product 83897
protection contract. 83898

~~(8)~~ (9) "Supplier" has the same meaning as in section 83899
1345.01 of the Revised Code. 83900

(10) "Vehicle value protection agreement" includes a 83901
contractual agreement that provides a benefit towards either the 83902
reduction of some or all of the contract holder's current 83903

finance agreement deficiency balance, or towards the purchase or 83904
lease of a replacement motor vehicle or motor vehicle services, 83905
upon the occurrence of an adverse event to the motor vehicle, 83906
including loss, theft, damage, obsolescence, diminished value, 83907
or depreciation. "Vehicle value protection agreement" includes 83908
trade-in-credit agreements, diminished value agreements, 83909
depreciation benefit agreements, or other similar agreements. 83910
"Vehicle value protection agreement" does not include a debt 83911
suspension or debt cancellation product. 83912

(B) All motor vehicle ancillary product protection 83913
contracts issued in this state shall be covered by a 83914
reimbursement insurance policy. 83915

(C) A motor vehicle ancillary product protection contract 83916
issued by a provider that is required to be covered by a 83917
reimbursement insurance policy under division (B) of this 83918
section shall conspicuously state all of the following: 83919

(1) "This contract is not insurance and is not subject to 83920
the insurance laws of this state." 83921

(2) That the obligations of the provider are guaranteed 83922
under a reimbursement insurance policy; 83923

(3) That if a provider fails to perform or make payment 83924
due under the terms of the contract within sixty days after the 83925
contract holder requests performance or payment pursuant to the 83926
terms of the contract, the contract holder may request 83927
performance or payment directly from the provider's 83928
reimbursement insurance policy insurer, including any obligation 83929
in the contract by which the provider must refund the contract 83930
holder upon cancellation of a contract; 83931

(4) The name, address, and telephone number of the 83932

provider's reimbursement insurance policy insurer. 83933

(D) A motor vehicle ancillary product protection contract 83934
that includes repair or replacement of glass on a motor vehicle 83935
as provided in division ~~(A) (3) (a) (i)~~ (A) (4) (a) (i) of this 83936
section, shall conspicuously state: "This contract may provide a 83937
duplication of coverage already provided by your automobile 83938
physical damage insurance policy." 83939

(E) A vehicle value protection agreement may be canceled 83940
by the contract holder within thirty days of the effective date 83941
of the agreement, and the contract holder shall be entitled to a 83942
full refund of the purchase price paid by the contract holder, 83943
if any, so long as no benefits have been provided under the 83944
contract. 83945

(F) A vehicle value protection agreement that, under the 83946
terms of the agreement, may be canceled by the contract holder 83947
more than thirty days after the effective date of the agreement 83948
must state the conditions under which it may be canceled, 83949
including the procedures for requesting any refund of the 83950
purchase price paid by the contract holder and the methodology 83951
for calculating any refund of the purchase price. 83952

(G) The contract provider of the vehicle value protection 83953
agreement shall mail a written notice to the contract holder at 83954
the last known address of the contract holder contained in the 83955
records of the contract provider at least five days prior to 83956
cancellation by the contract provider. Prior notice is not 83957
required if the reason for cancellation is nonpayment of the 83958
provider fee, a material misrepresentation by the contract 83959
holder to the contract provider or administrator, or a 83960
substantial breach of duties by the contract holder relating to 83961
the covered product or the use of the covered product. The 83962

notice shall state the effective date of the cancellation and 83963
the reason for the cancellation. If a vehicle value protection 83964
agreement is canceled by the contract provider for a reason 83965
other than nonpayment of the provider fee, the provider shall 83966
refund to the contract holder one hundred per cent of the 83967
unearned provider fee paid by the contract holder, if any. If 83968
coverage under the vehicle value protection agreement continues 83969
after a claim, then all claims paid may be deducted from any 83970
refund required by this division. A reasonable administrative 83971
fee of up to seventy-five dollars may be charged by the contract 83972
provider and deducted from any refund due under this division or 83973
division (F) of this section. 83974

(H) Any refund under divisions (E) and (F) of this section 83975
shall be paid to the seller or assignee of a retail installment 83976
contract or lease agreement unless otherwise agreed to by the 83977
contract holder and the seller or assignee. 83978

(I) A reimbursement insurance policy that is required to 83979
be issued under this section shall contain: 83980

(1) A statement that if a provider fails to perform or 83981
make payment due under the terms of the motor vehicle ancillary 83982
product protection contract within sixty days after the contract 83983
holder requests performance or payment pursuant to the terms of 83984
the contract, the contract holder may request performance or 83985
payment directly from the provider's reimbursement insurance 83986
policy insurer, including any obligation in the contract by 83987
which the provider must refund the contract holder upon 83988
cancellation of a contract. 83989

(2) A statement that in the event of cancellation of the 83990
provider's reimbursement insurance policy, insurance coverage 83991
will continue for all contract holders whose motor vehicle 83992

ancillary product protection contracts were issued by the 83993
provider and reported to the insurer for coverage during the 83994
term of the reimbursement insurance policy. 83995

~~(F)~~ (J) The sale or issuance of a motor vehicle ancillary 83996
product protection contract is a consumer transaction for 83997
purposes of sections 1345.01 to 1345.13 of the Revised Code. The 83998
provider is the supplier and the contract holder is the consumer 83999
for purposes of those sections. 84000

~~(G)~~ (K) Unless issued by an insurer authorized or eligible 84001
to do business in this state, a motor vehicle ancillary product 84002
protection contract does not constitute a contract substantially 84003
amounting to insurance, or the contract's issuance the business 84004
of insurance, under section 3905.42 of the Revised Code. 84005

~~(H)~~ (L) Unless issued by an insurer authorized or eligible 84006
to do business in this state, a contract identified in division 84007
~~(A) (3) (e) (i)~~ (A) (4) (c) (i) or (v) of this section does not 84008
constitute a contract substantially amounting to insurance, or 84009
the contract's issuance the business of insurance, under section 84010
3905.42 of the Revised Code. 84011

~~(I)~~ (M) The rights of a contract holder against a 84012
provider's reimbursement insurance policy insurer as provided in 84013
this section apply only in regard to a reimbursement insurance 84014
policy issued under this section. This section does not create 84015
any contractual rights in favor of a person that does not 84016
qualify as an insured under any other type of insurance policy 84017
described in Title XXXIX of the Revised Code. This section does 84018
not prohibit the insurer of a provider's reimbursement insurance 84019
policy from assuming liability for contracts issued prior to the 84020
effective date of the policy or July 1, 2009. 84021

~~(J)~~ (N) A contract or agreement described in division ~~(A)~~ 84022
~~(3)~~ ~~(a)~~ ~~(iv)~~ (A) (4) (a) (iv) of this section in which the provider is 84023
a tire manufacturer shall be exempt from the requirements of 84024
division (B) of this section if the contract or agreement 84025
conspicuously states all of the following: 84026

(1) That the contract or agreement is not an insurance 84027
contract; 84028

(2) That any covered obligations or claims under the 84029
contract or agreement are the responsibility of the provider; 84030

(3) The name, address, and telephone number of any 84031
administrator responsible for the administration of the contract 84032
or agreement, the provider obligated to perform under the 84033
contract or agreement, and the contract seller; 84034

(4) The procedure for making a claim under the contract or 84035
agreement, including a toll-free telephone number for claims 84036
service and a procedure for obtaining emergency repairs or 84037
replacements performed outside normal business hours. 84038

Sec. 3905.72. (A) (1) No person shall act as a managing 84039
general agent representing an insurer licensed in this state 84040
with respect to risks located in this state unless the person is 84041
licensed as a managing general agent pursuant to division (C) or 84042
(D) of this section. 84043

(2) No person shall act as a managing general agent 84044
representing an insurer organized under the laws of this state 84045
with respect to risks located outside this state unless the 84046
person is licensed as a managing general agent pursuant to 84047
division (C) of this section. 84048

(B) Every person that seeks to act as a managing general 84049
agent as described in division (A) of this section shall apply 84050

to the superintendent of insurance for a license. Except as 84051
otherwise provided in division (D) of this section, the 84052
application shall be in writing on a form provided by the 84053
superintendent ~~and shall be sworn or affirmed before a notary-~~ 84054
~~public or other person empowered to administer oaths.~~ The 84055
application shall be kept on file by the superintendent and 84056
shall include all of the following: 84057

(1) The name and principal business address of the 84058
applicant; 84059

(2) If the applicant is an individual, the applicant's 84060
current occupation; 84061

(3) If the applicant is an individual, the applicant's 84062
occupation or occupations during the five-year period prior to 84063
applying for the license to act as a managing general agent; 84064

(4) A copy of the contract between the applicant and the 84065
insurer as required by, and in compliance with, section 3905.73 84066
of the Revised Code; 84067

(5) A copy of a certified resolution of the board of 84068
directors of the insurer on whose behalf the applicant will act, 84069
appointing the applicant as a managing general agent and agent 84070
of the insurer, specifying the duties the applicant is expected 84071
to perform on behalf of the insurer and the lines of insurance 84072
the applicant will manage, and authorizing the insurer to enter 84073
into a contract with the applicant as required by section 84074
3905.73 of the Revised Code; 84075

(6) A statement that the applicant submits to the 84076
jurisdiction of the superintendent and the courts of this state; 84077

(7) Any other information required by the superintendent. 84078

(C) The superintendent shall issue to a resident of this state or a business entity organized under the laws of this state a license to act as a managing general agent representing an insurer licensed to do business in this state with respect to risks located in this state or a license to act as a managing general agent representing an insurer organized under the laws of this state with respect to risks located outside this state, and shall renew such a license, if the superintendent is satisfied that all of the following conditions are met:

(1) The applicant is a suitable person and intends to hold self out in good faith as a managing general agent.

(2) The applicant understands the duties and obligations of a managing general agent.

(3) The applicant has filed a completed application that complies with division (B) of this section.

(4) The applicant has paid a fee in the amount of twenty dollars.

(5) The applicant maintains a bond in the amount of not less than fifty thousand dollars for the protection of the insurer.

(6) The applicant maintains an errors and omissions policy of insurance.

(7) The applicant is not, and has never been, under an order of suspension or revocation under section 3905.77 of the Revised Code or under any other law of this state, or any other state, relating to insurance, and is otherwise in compliance with sections 3905.71 to 3905.79 of the Revised Code and all other laws of this state relating to insurance.

(D) If the applicant is a resident of another state or a business entity organized under the laws of another state, the applicant shall submit a request for licensure, along with a fee of twenty dollars, to the superintendent. The superintendent shall issue a license to act as a managing general agent if the request for licensure includes proof that the applicant is licensed and in good standing as a managing general agent in the applicant's home state and either a copy of the application for licensure the applicant submitted to the applicant's home state or the application described in division (B) of this section.

If the applicant's home state does not license managing general agents under provisions similar to those in sections 3905.71 to 3905.79 of the Revised Code, or if the applicant's home state does not grant licenses to residents of this state on the same reciprocal basis, the applicant shall comply with divisions (B) and (C) of this section.

(E) Unless suspended or revoked by an order of the superintendent pursuant to section 3905.77 of the Revised Code and except as provided in division (F) of this section, any license issued or renewed pursuant to division (C) or (D) of this section shall expire on the last day of February next after its issuance or renewal.

(F) If the appointment of a managing general agent is terminated by the insurer, the license of the managing general agent shall expire on the date of the termination.

(G) A license shall be renewed in accordance with the standard renewal procedure specified in Chapter 4745. of the Revised Code.

(H) All license fees collected pursuant to this section

shall be paid into the state treasury to the credit of the 84136
department of insurance operating fund. 84137

Sec. 3921.22. (A) A fraternal benefit society shall hold, 84138
invest, and disburse all assets for the use and benefit of the 84139
society. No member or beneficiary shall have or acquire 84140
individual rights to the assets, or be entitled to any 84141
apportionment on the surrender of any part of the assets, except 84142
as provided in the benefit contract. 84143

(B) A society may create, maintain, invest, disburse, and 84144
apply any special fund or funds necessary to carry out any 84145
purpose permitted by the laws of the society. No society shall, 84146
directly or indirectly, pay or use, or offer, consent, or agree 84147
to pay or use, any of its funds, money, or property for or in 84148
aid of any political party, campaign committee, political action 84149
committee, ~~continuing association,~~ political contributing 84150
entity, or any other political organization. 84151

(C) A society may, pursuant to resolution of its supreme 84152
governing body, establish and operate one or more separate 84153
accounts and issue contracts on a variable basis, subject to the 84154
provisions of law regulating life insurers that establish such 84155
accounts and issue such contracts including those described in 84156
section 3911.011 of the Revised Code. To the extent the society 84157
considers it necessary in order to comply with any applicable 84158
federal or state law, or any rule issued under that law, the 84159
society may do any of the following: 84160

(1) Adopt special procedures for the conduct of the 84161
business and affairs of a separate account; 84162

(2) For persons having beneficial interests in the 84163
account, provide special voting and other rights, including 84164

special rights and procedures relating to investment policy, 84165
investment advisory services, selection of certified public 84166
accountants, and selection of a committee to manage the business 84167
and affairs of the account; 84168

(3) Issue contracts on a variable basis to which divisions 84169
(B) and (D) of section 3921.19 of the Revised Code do not apply. 84170

Sec. 3923.443. (A) (1) No agent shall sell, solicit, or 84171
negotiate long-term care insurance ~~on or after September 1,~~ 84172
~~2008,~~ without first completing an initial eight-hour partnership 84173
program training course as described in division (B) of this 84174
section. 84175

(2) (a) Any agent that sells, solicits, or negotiates any 84176
long-term care insurance shall complete at least four hours of 84177
continuing education in every ~~twenty-four-month period~~ 84178
~~commencing on the first day of January of the year immediately~~ 84179
~~following the year of the issuance of the agent's license~~license 84180
renewal period beginning with the first license renewal period 84181
following the agent's completion of the partnership training 84182
course described in division (A) (1) of this section. 84183

(b) ~~No~~An agent ~~shall fail who fails~~ to complete the 84184
continuing education requirements in division (A) (2) (a) of this 84185
section ~~in the twenty-four-month period described in that~~ 84186
~~division~~before the end of a license renewal period shall not 84187
sell, solicit, or negotiate long-term care insurance until such 84188
requirements have been met. 84189

(B) The initial training course and continuing education 84190
required under division (A) of this section may be approved by 84191
the superintendent of insurance as continuing education courses 84192
under sections 3905.481 to 3905.486 of the Revised Code and 84193

shall consist of combined topics related to long-term care 84194
insurance, long-term care services, and state long-term care 84195
insurance partnership programs, including all of the following: 84196

(1) State and federal regulations and requirements and the 84197
relationship between state long-term care insurance partnership 84198
programs and other public and private coverage of long-term care 84199
services, including medicaid; 84200

(2) Available long-term care services and providers; 84201

(3) Changes or improvements in long-term care services or 84202
providers; 84203

(4) Alternatives to the purchase of private long-term care 84204
insurance; 84205

(5) The effect of inflation on benefits and the importance 84206
of inflation protection; 84207

(6) Consumer suitability standards and guidelines; 84208

(7) Any other topics required by the superintendent. 84209

(C) The initial training and continuing education required 84210
by division (A) of this section shall not include training that 84211
is specific to a particular insurer or company product or that 84212
includes any sales or marketing information, materials, or 84213
training other than those required by state or federal law. 84214

(D) A resident agent shall satisfy the initial training 84215
and continuing education required by division (A) of this 84216
section by completing long-term care courses that are approved 84217
by the superintendent. A nonresident agent may satisfy the 84218
training and continuing education required by division (A) of 84219
this section by completing the training requirements in any 84220
other state, provided that the course is approved for credit by 84221

the insurance department of that state prior to the agent taking 84222
the course. 84223

(E) Each insurer shall obtain records of the initial 84224
training and continuing education completed by agents of that 84225
insurer pursuant to division (A) of this section as well as the 84226
training completed by the insurer's agents concerning the 84227
distribution of the insurer's partnership program policies and 84228
shall make those records available to the superintendent upon 84229
request. 84230

(F) Each insurer shall maintain records with respect to 84231
the training of its agents concerning the distribution of the 84232
insurer's partnership program policies. Each insurer shall 84233
provide documentation to the superintendent that will allow the 84234
superintendent to provide assurance to the medicaid director 84235
that agents have received the training required by this section 84236
and that agents have demonstrated an understanding of the 84237
partnership program policies and their relationship to public 84238
and private coverage of long-term care in this state, including 84239
medicaid. The superintendent may audit each insurer's records 84240
annually to verify that the insurer is maintaining the records 84241
required by this division. The superintendent shall make the 84242
records provided to the superintendent pursuant to division (E) 84243
of this section available to the director. 84244

Sec. 3951.03. (A) Before any certificate of authority 84245
shall be issued by the superintendent of insurance there shall 84246
be filed in the superintendent's office a written application 84247
therefor. Such application shall be in the form or forms and 84248
supplements thereto prescribed by the superintendent and shall 84249
set forth: 84250

(1) The name and address of the applicant, and if the 84251

applicant be a firm, association, or partnership, the name and 84252
address of each member thereof, and if the applicant be a 84253
corporation, the name and address of each of its officers and 84254
directors; 84255

(2) Whether any license or certificate of authority as 84256
agent, broker, or public insurance adjuster has been issued 84257
previously by the superintendent of this state or by the 84258
insurance department of any state to the individual applicant, 84259
and, if the applicant be an individual, whether any such 84260
certificate has been issued previously to any firm, association, 84261
or partnership of which the individual was or is an officer or 84262
director, and, if the applicant be a firm, association, or 84263
partnership, whether any such certificate has been issued 84264
previously to any member thereof, and, if the applicant be a 84265
corporation, whether any such certificate has been issued 84266
previously to any officer or director of such corporation; 84267

(3) The business or employment in which the applicant has 84268
been engaged for the five years next preceding the date of the 84269
application, and the name and address of such business and the 84270
name or names and addresses of his employer or employers; 84271

(4) Such information as the superintendent may require of 84272
applicants in order to determine their trustworthiness and 84273
competency to transact the business of public insurance 84274
adjusters, in such manner as to safeguard the interest of the 84275
public; 84276

(B) Except as provided in division (C) of this section, 84277
the superintendent shall issue a public insurance adjuster agent 84278
certificate to a person, who is a bona fide employee of a public 84279
insurance adjuster without examination, provided said 84280
application is made by a person, partnership, association, or 84281

corporation engaged in the public insurance adjusting business. 84282
The fee to be paid by the applicant for such a license at the 84283
time the application is made, and annually thereafter for the 84284
renewal thereof according to the standard renewal procedure of 84285
sections 4745.01 to 4745.03, inclusive, of the Revised Code, 84286
shall be fifty dollars, and such applicant shall be bonded in 84287
the amount of one thousand dollars as provided for in division 84288
(D) of section 3951.06 of the Revised Code. 84289

(C) The superintendent shall issue a public insurance 84290
adjuster agent certificate in accordance with Chapter 4796. of 84291
the Revised Code to an applicant if either of the following 84292
applies: 84293

(1) The applicant holds a license or certificate in 84294
another state. 84295

(2) The applicant has satisfactory work experience, a 84296
government certification, or a private certification as 84297
described in that chapter as a public insurance adjuster agent 84298
in a state that does not issue that license or certificate. 84299

(D) An application for any certificate of authority shall 84300
be signed ~~and verified under oath~~ by the applicant and, if made 84301
by a firm, association, partnership, or corporation, by each 84302
member or officer and director thereof to be authorized thereby 84303
to act as a public insurance adjuster. 84304

Sec. 3959.01. As used in this chapter: 84305

(A) "Administration fees" means any amount charged a 84306
covered person for services rendered. "Administration fees" 84307
includes commissions earned or paid by any person relative to 84308
services performed by an administrator. 84309

(B) "Administrator" means any person who adjusts or 84310

settles claims on, residents of this state in connection with 84311
life, dental, health, prescription drugs, or disability 84312
insurance or self-insurance programs. "Administrator" includes a 84313
pharmacy benefit manager. "Administrator" does not include any 84314
of the following: 84315

(1) An insurance agent or solicitor licensed in this state 84316
whose activities are limited exclusively to the sale of 84317
insurance and who does not provide any administrative services; 84318

(2) Any person who administers or operates the workers' 84319
compensation program of a self-insuring employer under Chapter 84320
4123. of the Revised Code; 84321

(3) Any person who administers pension plans for the 84322
benefit of the person's own members or employees or administers 84323
pension plans for the benefit of the members or employees of any 84324
other person; 84325

(4) Any person that administers an insured plan or a self- 84326
insured plan that provides life, dental, health, or disability 84327
benefits exclusively for the person's own members or employees; 84328

(5) Any health insuring corporation holding a certificate 84329
of authority under Chapter 1751. of the Revised Code or an 84330
insurance company that is authorized to write life or sickness 84331
and accident insurance in this state. 84332

(C) "Aggregate excess insurance" means that type of 84333
coverage whereby the insurer agrees to reimburse the insured 84334
employer or trust for all benefits or claims paid during an 84335
agreement period on behalf of all covered persons under the plan 84336
or trust which exceed a stated deductible amount and subject to 84337
a stated maximum. 84338

(D) "Contracted pharmacy" or "pharmacy" means a pharmacy 84339

located in this state participating in either the network of a 84340
pharmacy benefit manager or in a health care or pharmacy benefit 84341
plan through a direct contract or through a contract with a 84342
pharmacy services administration organization, group purchasing 84343
organization, or another contracting agent. 84344

(E) "Contributions" means any amount collected from a 84345
covered person to fund the self-insured portion of any plan in 84346
accordance with the plan's provisions, summary plan 84347
descriptions, and contracts of insurance. 84348

(F) "Drug product reimbursement" means the amount paid by 84349
a pharmacy benefit manager to a contracted pharmacy for the cost 84350
of the drug dispensed to a patient and does not include a 84351
dispensing or professional fee. 84352

(G) "Fiduciary" has the meaning set forth in section 84353
1002(21) (A) of the "Employee Retirement Income Security Act of 84354
1974," 88 Stat. 829, 29 U.S.C. 1001, as amended. 84355

(H) "Fiscal year" means the twelve-month accounting period 84356
commencing on the date the plan is established and ending twelve 84357
months following that date, and each corresponding twelve-month 84358
accounting period thereafter as provided for in the summary plan 84359
description. 84360

(I) "Insurer" means an entity authorized to do the 84361
business of insurance in this state or, for the purposes of this 84362
section, a health insuring corporation authorized to issue 84363
health care plans in this state. 84364

(J) "Managed care organization" means an entity that 84365
provides medical management and cost containment services and 84366
includes a medicaid managed care organization, as defined in 84367
section 5167.01 of the Revised Code. 84368

(K) "Maximum allowable cost" means a maximum drug product reimbursement for an individual drug or for a group of therapeutically and pharmaceutically equivalent multiple source drugs that are listed in the United States food and drug administration's approved drug products with therapeutic equivalence evaluations, commonly referred to as the orange book.

(L) "Maximum allowable cost list" means a list of the drugs for which a pharmacy benefit manager imposes a maximum allowable cost, either directly or by setting forth a method for how the maximum allowable cost is calculated.

(M) "Multiple employer welfare arrangement" has the same meaning as in section 1739.01 of the Revised Code.

(N) "Ohio pharmacy" means a pharmacy, including an independent pharmacy, that is incorporated or organized in this state under Title XVII of the Revised Code.

(O) "Pharmacy benefit manager" means an entity that contracts with pharmacies on behalf of an employer, a multiple employer welfare arrangement, public employee benefit plan, state agency, insurer, managed care organization, or other third-party payer to provide pharmacy health benefit services or administration. "Pharmacy benefit manager" includes the state pharmacy benefit manager selected under section 5167.24 of the Revised Code.

~~(O)~~ (P) "Plan" means any arrangement in written form for the payment of life, dental, health, or disability benefits to covered persons defined by the summary plan description and includes a drug benefit plan administered by a pharmacy benefit manager.

~~(P)~~ (Q) "Plan sponsor" means the person who establishes the plan. 84398
84399

~~(Q)~~ (R) "Self-insurance program" means a program whereby an employer provides a plan of benefits for its employees without involving an intermediate insurance carrier to assume risk or pay claims. "Self-insurance program" includes but is not limited to employer programs that pay claims up to a prearranged limit beyond which they purchase insurance coverage to protect against unpredictable or catastrophic losses. 84400
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~~(R)~~ (S) "Specific excess insurance" means that type of coverage whereby the insurer agrees to reimburse the insured employer or trust for all benefits or claims paid during an agreement period on behalf of a covered person in excess of a stated deductible amount and subject to a stated maximum. 84407
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~~(S)~~ (T) "Summary plan description" means the written document adopted by the plan sponsor which outlines the plan of benefits, conditions, limitations, exclusions, and other pertinent details relative to the benefits provided to covered persons thereunder. 84412
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~~(T)~~ (U) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code. 84417
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Sec. 3959.111. (A) (1) (a) In each contract between a pharmacy benefit manager and a pharmacy, the pharmacy shall be given the right to obtain from the pharmacy benefit manager, within ten days after any request, a current list of the sources used to determine maximum allowable cost pricing. In each contract between a pharmacy benefit manager and a pharmacy, the pharmacy benefit manager shall be obligated to update and implement the pricing information at least every seven days and 84419
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provide a means by which contracted pharmacies may promptly 84427
review maximum allowable cost pricing updates in an electronic 84428
format that is readily available, accessible, and secure and 84429
that can be easily searched. 84430

Subject to division (A) (1) of this section, a pharmacy 84431
benefit manager shall utilize the most up-to-date pricing data 84432
when calculating drug product reimbursements for all contracting 84433
pharmacies within one business day of any price update or 84434
modification. 84435

(b) A pharmacy benefit manager shall maintain a written 84436
procedure to eliminate products from the list of drugs subject 84437
to maximum allowable cost pricing in a timely manner. The 84438
written procedure, and any updates, shall promptly be made 84439
available to a pharmacy upon request. 84440

(2) In each contract between a pharmacy benefit manager 84441
and a pharmacy, a pharmacy benefit manager shall be obligated to 84442
ensure that all of the following conditions are met prior to 84443
placing a prescription drug on a maximum allowable cost list: 84444

(a) The drug is listed as "A" or "B" rated in the most 84445
recent version of the United States food and drug 84446
administration's approved drug products with therapeutic 84447
equivalence evaluations, or has an "NR" or "NA" rating or 84448
similar rating by nationally recognized reference. 84449

(b) The drug is generally available for purchase by 84450
pharmacies in this state from a national or regional wholesaler 84451
and is not obsolete. 84452

(3) Each contract between a pharmacy benefit manager and a 84453
pharmacy shall include an electronic process to appeal, 84454
investigate, and resolve disputes regarding maximum allowable 84455

cost pricing that includes all of the following: 84456

(a) A twenty-one-day limit on the right to appeal 84457
following the initial claim; 84458

(b) A requirement that the appeal be investigated and 84459
resolved within twenty-one days after the appeal; 84460

(c) A telephone number at which the pharmacy may contact 84461
the pharmacy benefit manager to speak to a person responsible 84462
for processing appeals; 84463

(d) A requirement that a pharmacy benefit manager provide 84464
a reason for any appeal denial, including the national drug code 84465
and the identity of the national or regional wholesalers from 84466
whom the drug was generally available for purchase at or below 84467
the benchmark price determined by the pharmacy benefit manager; 84468

(e) A requirement that if the appeal is upheld or granted, 84469
then the pharmacy benefit manager shall adjust the drug product 84470
reimbursement to the pharmacy's upheld appeal price; 84471

(f) A requirement that a pharmacy benefit manager make an 84472
adjustment not later than one day after the date of 84473
determination of the appeal. The adjustment shall be retroactive 84474
to the date the appeal was made and shall apply to all situated 84475
pharmacies as determined by the pharmacy benefit manager. This 84476
requirement does not prohibit a pharmacy benefit manager from 84477
retroactively adjusting a claim for the appealing pharmacy or 84478
for any other similarly situated pharmacies. 84479

(B) (1) (a) A pharmacy benefit manager shall disclose to the 84480
plan sponsor whether or not the pharmacy benefit manager uses 84481
the same maximum allowable cost list when billing a plan sponsor 84482
as it does when reimbursing a pharmacy. 84483

(b) If a pharmacy benefit manager uses multiple maximum allowable cost lists, the pharmacy benefit manager shall disclose in the aggregate to a plan sponsor any differences between the amount paid to a pharmacy and the amount charged to a plan sponsor.

(2) The disclosures required under division (B) (1) of this section shall be made within ten days of a pharmacy benefit manager and a plan sponsor signing a contract or on a quarterly basis.

(3) (a) Division (B) of this section does not apply to plans governed by the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. or medicare part D.

(b) As used in this division, "medicare part D" means the voluntary prescription drug benefit program established under Part D of Title XVIII of the "Social Security Act," 42 U.S.C. 1395w-101, et seq.

(C) Except as otherwise provided in division (E) of this section, a pharmacy benefit manager shall reimburse an Ohio pharmacy for drug products dispensed on or after the ninety-first day following the effective date of this amendment not less than the amount that the pharmacy benefit manager reimburses an affiliated pharmacy for providing the same drug product.

(D) An Ohio pharmacy may decline to provide a drug product to an individual or pharmacy benefit manager if the Ohio pharmacy would be paid less than the amount required by division (C) of this section.

(E) (1) Division (C) of this section does not apply to the extent that it conflicts with a contract or agreement entered

into before the effective date of this amendment except that, if 84513
such a contract or agreement is amended or renewed after the 84514
effective date of this amendment, the contract or agreement 84515
shall conform to the requirements of that division. Division (C) 84516
of this section does not prohibit a pharmacy benefit manager 84517
from paying drug product reimbursements or dispensing 84518
reimbursements in excess of the amount required by that 84519
division. 84520

(2) Divisions (C) and (D) of this section do not apply 84521
with respect to the state pharmacy benefit manager established 84522
pursuant to section 5167.12 of the Revised Code. 84523

(F) Notwithstanding division (B) (5) of section 3959.01 of 84524
the Revised Code, a health insuring corporation or a sickness 84525
and accident insurer shall comply with the requirements of this 84526
section and is subject to the penalties under section 3959.12 of 84527
the Revised Code if the corporation or insurer is a pharmacy 84528
benefit manager, as defined in section 3959.01 of the Revised 84529
Code. 84530

~~(D)~~ (G) No pharmacy benefit manager shall retaliate 84531
against an Ohio pharmacy that reports an alleged violation of, 84532
or exercises a right or remedy under, this section by doing any 84533
of the following: 84534

(1) Terminating or refusing to renew a contract with the 84535
Ohio pharmacy without providing notice to the Ohio pharmacy at 84536
least ninety days in advance; 84537

(2) Subjecting the Ohio pharmacy to increased audits 84538
without providing notice to the Ohio pharmacy and a detailed 84539
description of the reason for the audit at least ninety days in 84540
advance; 84541

(3) Failing to promptly pay the Ohio pharmacy in accordance with sections 3901.381 to 3901.3814 of the Revised Code. 84542
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(H) If an Ohio pharmacy believes that a pharmacy benefit manager has violated this section, in addition to any other remedies provided by law, the Ohio pharmacy may file a formal complaint and provide evidence related to the complaint to the superintendent of insurance. 84545
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(I) The superintendent of insurance shall adopt rules as necessary to implement the requirements of this section in accordance with Chapter 119. of the Revised Code for the purposes of implementing and administering this section. 84550
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Sec. 3959.121. (A) The superintendent of insurance shall evaluate any complaint filed by an Ohio pharmacy pursuant to section 3959.111 of the Revised Code. 84554
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(B) (1) If the superintendent determines, based on a complaint filed by an Ohio pharmacy or other information available to the superintendent, that a pharmacy benefit manager has violated section 3959.111 of the Revised Code, the superintendent shall do both of the following: 84557
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(a) Issue a notice of violation to the pharmacy benefit manager that clearly explains the violation; 84562
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(b) Impose an administrative penalty on the pharmacy benefit manager of one thousand dollars for each violation. 84564
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(2) Each day that a violation continues after the pharmacy benefit manager receives notice of the violation under division (B) (1) (a) of this section is considered a separate violation for the purposes of the administrative penalty under division (B) (1) (b) of this section. 84566
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(C) Before imposing an administrative penalty under this section, the superintendent shall afford the pharmacy benefit manager an opportunity for an adjudication hearing under Chapter 119. of the Revised Code. At the hearing, the pharmacy benefit manager may challenge the superintendent's determination that a violation occurred, the superintendent's imposition of an administrative penalty, or both. The pharmacy benefit manager may appeal the superintendent's determination and the imposition of the administrative penalty in accordance with section 119.12 of the Revised Code. 84571
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(D) An administrative penalty collected under this section shall be deposited into the state treasury to the credit of the department of insurance operating fund created by section 3901.021 of the Revised Code. 84581
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Sec. 4113.31. (A) As used in this section: 84585

(1) "Employer," "mass layoff," and "plant closing" have the same meanings as in the WARN Act and 20 C.F.R. 639.3. 84586
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(2) "WARN Act" means the "Worker Adjustment and Retraining Notification (WARN) Act," 29 U.S.C. 2101, et seq. 84588
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(B) An employer in this state shall comply with all requirements in the WARN Act and 20 C.F.R. 639.1 to 639.10. The requirements specified in this section do not establish a different standard than that established by federal statutes and regulations. 84590
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(C) In accordance with 29 U.S.C 2101(a) (1) (B), an employer must provide the notice required by 29 U.S.C. 2102(a) if both of the following apply: 84595
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(1) The employer employs one hundred or more employees who in the aggregate work at least four thousand hours a week. 84598
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(2) The employer lays off fifty or more employees at a 84600
single site of employment during any thirty-day period. 84601

(D) An employer is not required to provide the notice 84602
described in 29 U.S.C. 2102(a) when a plant closing or mass 84603
layoff constitutes a strike or constitutes a lockout as 84604
described in 29 U.S.C. 2103 and 20 C.F.R. 639.5(d). 84605

(E) In accordance with 29 U.S.C 2102(a) (1), not less than 84606
sixty days before the date a plant closing or mass layoff 84607
begins, an employer shall provide written notice of the closing 84608
or layoff to affected employees' authorized representatives or, 84609
if there are no such representatives at the time, to each 84610
affected employee. 84611

(1) The employer shall include all of the following in a 84612
notice provided to affected employees' authorized 84613
representatives: 84614

(a) The location of the facility affected by the plant 84615
closing or mass layoff; 84616

(b) A detailed statement explaining the reason for the 84617
plant closing or mass layoff and whether it will be permanent or 84618
temporary; 84619

(c) The expected date when the plant closing or mass 84620
layoff will commence and the anticipated date on which the 84621
employees' employment will cease; 84622

(d) The total number of employees affected by the plant 84623
closing or mass layoff, including the employees' job titles or 84624
positions and any department or division impacted. 84625

(2) The employer shall include all of the following in a 84626
notice provided to affected employees' who do not have an 84627

authorized representative at the time the notice is sent: 84628

(a) A detailed statement explaining the reason for the 84629
plant closing or mass layoff and whether it will be permanent or 84630
temporary; 84631

(b) The expected date when the plant closing or mass 84632
layoff will commence and the anticipated date on which the 84633
employees' employment will cease; 84634

(c) An indication as to whether an affected employee has 84635
bumping rights or other reemployment rights under a collective 84636
bargaining agreement or a company policy, including any 84637
procedures for exercising those rights; 84638

(d) Information on how affected employees can access 84639
unemployment insurance benefits and other assistance programs; 84640

(e) The name, title, and contact information of an 84641
employer representative who can answer questions about the plant 84642
closing or mass layoff; 84643

(f) Information about any available services for an 84644
affected employee, including job placement assistance, 84645
retraining programs, or counseling services. 84646

(F) In accordance with 29 U.S.C 2102(a) (2), an employer 84647
shall provide written notice of a plant closing or mass layoff 84648
to the director of job and family services and to the chief 84649
elected official of the municipal corporation and the county 84650
where the plant closing or mass layoff is to occur. The written 84651
notice shall include the same information required under 84652
division (E) of this section and all of the following: 84653

(1) A description of any action taken or planned to 84654
mitigate the impact of the plant closing or mass layoff, 84655

including any efforts to secure alternative employment or 84656
training for affected employees; 84657

(2) The name of each employee organization representing 84658
affected employees, and the name and address of the chief 84659
elected officer of each organization; 84660

(3) A copy of the notice provided to affected employees or 84661
their representatives, as applicable. 84662

(G) The period within which an employer shall provide 84663
notice may be reduced or waived under the circumstances 84664
described in 29 U.S.C. 2102(b). 84665

(H) The director of job and family services may issue 84666
guidance and procedures for the submission and review of notices 84667
by employers. 84668

(I) When an employer fails to comply with the WARN Act, an 84669
affected employee may seek the remedies specified in 29 U.S.C. 84670
2104. 84671

Sec. 4115.04. (A) (1) Every public authority authorized to 84672
contract for or construct with its own forces a public 84673
improvement, before advertising for bids or undertaking such 84674
construction with its own forces, shall have the director of 84675
commerce determine the prevailing rates of wages of mechanics 84676
and laborers in accordance with section 4115.05 of the Revised 84677
Code for the class of work called for by the public improvement, 84678
in the locality where the work is to be performed. Except as 84679
provided in division (A) (2) of this section, that schedule of 84680
wages shall be attached to and made part of the specifications 84681
for the work, and shall be printed on the bidding blanks where 84682
the work is done by contract. A copy of the bidding blank shall 84683
be filed with the director before the contract is awarded. A 84684

minimum rate of wages for common laborers, on work coming under 84685
the jurisdiction of the department of transportation, shall be 84686
fixed in each county of the state by the department of 84687
transportation, in accordance with section 4115.05 of the 84688
Revised Code. 84689

(2) In the case of contracts that are administered by the 84690
department of natural resources, the director of natural 84691
resources or the director's designee shall include language in 84692
the contracts requiring wage rate determinations and updates to 84693
be obtained directly from the department of commerce through 84694
electronic or other means as appropriate. Contracts that include 84695
this requirement are exempt from the requirements established in 84696
division (A)(1) of this section that involve attaching the 84697
schedule of wages to the specifications for the work, making the 84698
schedule part of those specifications, and printing the schedule 84699
on the bidding blanks where the work is done by contract. 84700

(B) Sections 4115.03 to 4115.16 of the Revised Code do not 84701
apply to: 84702

(1) Public improvements in any case where the federal 84703
government or any of its agencies furnishes by loan or grant all 84704
or any part of the funds used in constructing such improvements, 84705
provided that the federal government or any of its agencies 84706
prescribes predetermined minimum wages to be paid to mechanics 84707
and laborers employed in the construction of such improvements; 84708

(2) A participant in a work activity, developmental 84709
activity, or an alternative work activity under sections 5107.40 84710
to 5107.69 of the Revised Code when a public authority directly 84711
uses the labor of the participant to construct a public 84712
improvement if the participant is not engaged in paid employment 84713
or subsidized employment pursuant to the activity; 84714

(3) Public improvements undertaken by, or under contract for, the board of education of any school district or the governing board of any educational service center;

(4) Public improvements undertaken by, or under contract for, a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code if none of the funds used in constructing the improvements are the proceeds of bonds or other obligations that are secured by the full faith and credit of the state, a county, a township, or a municipal corporation and none of the funds used in constructing the improvements, including funds used to repay any amounts borrowed to construct the improvements, are funds that have been appropriated for that purpose by the state, a board of county commissioners, a township, or a municipal corporation from funds generated by the levy of a tax, provided that a county hospital or municipal hospital may elect to apply sections 4115.03 to 4115.16 of the Revised Code to a public improvement undertaken by, or under contract for, the hospital;

(5) Any project described in divisions (D) (1) (a) to ~~(D) (1)~~ ~~(e)~~ (D) (1) (f) of section 176.05 of the Revised Code;

(6) Public improvements undertaken by, or under contract for, a port authority as defined in section 4582.01 or 4582.21 of the Revised Code;

(7) Any portion of a public improvement undertaken and completed solely with labor donated by the individuals performing the labor, by a labor organization and its members, or by a contractor or subcontractor that donates all labor and materials for that portion of the public improvement project.

(C) Under no circumstances shall a public authority apply the prevailing wage requirements of this chapter to a public improvement that is exempt under division (B) (3) of this section.

Sec. 4117.08. (A) All matters pertaining to wages, hours, or terms and other conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement are subject to collective bargaining between the public employer and the exclusive representative, except as otherwise specified in this section and division (E) of section 4117.03 of the Revised Code.

(B) Neither of the following are appropriate subjects for collective bargaining:

(1) The conduct and grading of civil service examinations, the rating of candidates, the establishment of eligible lists from the examinations, and the original appointments from the eligible lists ~~are not appropriate subjects for collective bargaining;~~

(2) For collective bargaining agreements that are entered into on or after the effective date of this amendment, the ability of state employees to perform their duties at a location designated as a worksite under division (B) (2) of section 124.184 of the Revised Code or other location designated under division (D) of section 124.184 of the Revised Code.

(C) Unless a public employer agrees otherwise in a collective bargaining agreement, nothing in Chapter 4117. of the Revised Code impairs the right and responsibility of each public employer to:

(1) Determine matters of inherent managerial policy which

include, but are not limited to, areas of discretion or policy 84773
such as the functions and programs of the public employer, 84774
standards of services, its overall budget, utilization of 84775
technology, and organizational structure; 84776

(2) Direct, supervise, evaluate, or hire employees; 84777

(3) Maintain and improve the efficiency and effectiveness 84778
of governmental operations; 84779

(4) Determine the overall methods, process, means, or 84780
personnel by which governmental operations are to be conducted; 84781

(5) Suspend, discipline, demote, or discharge for just 84782
cause, or lay off, transfer, assign, schedule, promote, or 84783
retain employees; 84784

(6) Determine the adequacy of the work force; 84785

(7) Determine the overall mission of the employer as a 84786
unit of government; 84787

(8) Effectively manage the work force; 84788

(9) Take actions to carry out the mission of the public 84789
employer as a governmental unit. 84790

The employer is not required to bargain on subjects 84791
reserved to the management and direction of the governmental 84792
unit except as affect wages, hours, terms and conditions of 84793
employment, and the continuation, modification, or deletion of 84794
an existing provision of a collective bargaining agreement. A 84795
public employee or exclusive representative may raise a 84796
legitimate complaint or file a grievance based on the collective 84797
bargaining agreement. 84798

Sec. 4117.10. (A) An agreement between a public employer 84799

and an exclusive representative entered into pursuant to this 84800
chapter governs the wages, hours, and terms and conditions of 84801
public employment covered by the agreement. If the agreement 84802
provides for a final and binding arbitration of grievances, 84803
public employers, employees, and employee organizations are 84804
subject solely to that grievance procedure and the state 84805
personnel board of review or civil service commissions have no 84806
jurisdiction to receive and determine any appeals relating to 84807
matters that were the subject of a final and binding grievance 84808
procedure. Where no agreement exists or where an agreement makes 84809
no specification about a matter, the public employer and public 84810
employees are subject to all applicable state or local laws or 84811
ordinances pertaining to the wages, hours, and terms and 84812
conditions of employment for public employees. All of the 84813
following prevail over conflicting provisions of agreements 84814
between employee organizations and public employers: 84815

(1) Laws pertaining to any of the following subjects: 84816

(a) Civil rights; 84817

(b) Affirmative action; 84818

(c) Unemployment compensation; 84819

(d) Workers' compensation; 84820

(e) The retirement of public employees; 84821

(f) Residency requirements; 84822

(g) The minimum educational requirements contained in the 84823
Revised Code pertaining to public education including the 84824
requirement of a certificate by the fiscal officer of a school 84825
district pursuant to section 5705.41 of the Revised Code; 84826

(h) The provisions of division (A) of section 124.34 of 84827

the Revised Code governing the disciplining of officers and 84828
employees who have been convicted of a felony; 84829

(i) The minimum standards promulgated by the director of 84830
education and workforce pursuant to division (D) of section 84831
3301.07 of the Revised Code. 84832

(2) The law pertaining to the leave of absence and 84833
compensation provided under section 5923.05 of the Revised Code, 84834
if the terms of the agreement contain benefits which are less 84835
than those contained in that section or the agreement contains 84836
no such terms and the public authority is the state or any 84837
agency, authority, commission, or board of the state or if the 84838
public authority is another entity listed in division (B) of 84839
section 4117.01 of the Revised Code that elects to provide leave 84840
of absence and compensation as provided in section 5923.05 of 84841
the Revised Code; 84842

(3) The law pertaining to the leave established under 84843
section 5906.02 of the Revised Code, if the terms of the 84844
agreement contain benefits that are less than those contained in 84845
section 5906.02 of the Revised Code; 84846

(4) The law pertaining to excess benefits prohibited under 84847
section 3345.311 of the Revised Code with respect to an 84848
agreement between an employee organization and a public employer 84849
entered into on or after September 29, 2015; 84850

(5) The law pertaining to state employee work location 84851
policies under section 124.184 of the Revised Code with respect 84852
to an agreement between an employee organization and a public 84853
employer entered into on or after the effective date of this 84854
amendment. 84855

Except for sections 306.08, 306.12, 306.35, and 4981.22 of 84856

the Revised Code and arrangements entered into thereunder, and 84857
section 4981.21 of the Revised Code as necessary to comply with 84858
section 13(c) of the "Urban Mass Transportation Act of 1964," 87 84859
Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 84860
entered into thereunder, this chapter prevails over any and all 84861
other conflicting laws, resolutions, provisions, present or 84862
future, except as otherwise specified in this chapter or as 84863
otherwise specified by the general assembly. Nothing in this 84864
section prohibits or shall be construed to invalidate the 84865
provisions of an agreement establishing supplemental workers' 84866
compensation or unemployment compensation benefits or exceeding 84867
minimum requirements contained in the Revised Code pertaining to 84868
public education or the minimum standards promulgated by the 84869
director of education and workforce pursuant to division (D) of 84870
section 3301.07 of the Revised Code. 84871

(B) The public employer shall submit a request for funds 84872
necessary to implement an agreement and for approval of any 84873
other matter requiring the approval of the appropriate 84874
legislative body to the legislative body within fourteen days of 84875
the date on which the parties finalize the agreement, unless 84876
otherwise specified, but if the appropriate legislative body is 84877
not in session at the time, then within fourteen days after it 84878
convenes. The legislative body must approve or reject the 84879
submission as a whole, and the submission is deemed approved if 84880
the legislative body fails to act within thirty days after the 84881
public employer submits the agreement. The parties may specify 84882
that those provisions of the agreement not requiring action by a 84883
legislative body are effective and operative in accordance with 84884
the terms of the agreement, provided there has been compliance 84885
with division (C) of this section. If the legislative body 84886
rejects the submission of the public employer, either party may 84887

reopen all or part of the entire agreement. 84888

As used in this section, "legislative body" includes the 84889
governing board of a municipal corporation, school district, 84890
college or university, village, township, or board of county 84891
commissioners or any other body that has authority to approve 84892
the budget of their public jurisdiction and, with regard to the 84893
state, "legislative body" means the controlling board. 84894

(C) The chief executive officer, or the chief executive 84895
officer's representative, of each municipal corporation, the 84896
designated representative of the board of education of each 84897
school district, college or university, or any other body that 84898
has authority to approve the budget of their public 84899
jurisdiction, the designated representative of the board of 84900
county commissioners and of each elected officeholder of the 84901
county whose employees are covered by the collective 84902
negotiations, and the designated representative of the village 84903
or the board of township trustees of each township is 84904
responsible for negotiations in the collective bargaining 84905
process; except that the legislative body may accept or reject a 84906
proposed collective bargaining agreement. When the matters about 84907
which there is agreement are reduced to writing and approved by 84908
the employee organization and the legislative body, the 84909
agreement is binding upon the legislative body, the employer, 84910
and the employee organization and employees covered by the 84911
agreement. 84912

(D) There is hereby established an office of collective 84913
bargaining in the department of administrative services for the 84914
purpose of negotiating with and entering into written agreements 84915
between state agencies, departments, boards, and commissions and 84916
the exclusive representative on matters of wages, hours, terms 84917

and other conditions of employment and the continuation, 84918
modification, or deletion of an existing provision of a 84919
collective bargaining agreement. Nothing in any provision of law 84920
to the contrary shall be interpreted as excluding the bureau of 84921
workers' compensation and the industrial commission from the 84922
preceding sentence. This office shall not negotiate on behalf of 84923
other statewide elected officials or boards of trustees of state 84924
institutions of higher education who shall be considered as 84925
separate public employers for the purposes of this chapter; 84926
however, the office may negotiate on behalf of these officials 84927
or trustees where authorized by the officials or trustees. The 84928
staff of the office of collective bargaining are in the 84929
unclassified service. The director of administrative services 84930
shall fix the compensation of the staff. 84931

The office of collective bargaining shall: 84932

(1) Assist the director in formulating management's 84933
philosophy for public collective bargaining as well as planning 84934
bargaining strategies; 84935

(2) Conduct negotiations with the exclusive 84936
representatives of each employee organization; 84937

(3) Coordinate the state's resources in all mediation, 84938
fact-finding, and arbitration cases as well as in all labor 84939
disputes; 84940

(4) Conduct systematic reviews of collective bargaining 84941
agreements for the purpose of contract negotiations; 84942

(5) Coordinate the systematic compilation of data by all 84943
agencies that is required for negotiating purposes; 84944

(6) Prepare and submit an annual report and other reports 84945
as requested to the governor and the general assembly on the 84946

implementation of this chapter and its impact upon state government. 84947
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Sec. 4123.442. When developing the investment policy for the investment of the assets of the funds specified in this chapter and Chapters 4121., 4127., and 4131. of the Revised Code, the workers' compensation investment committee shall do all of the following: 84949
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(A) Specify the asset allocation targets and ranges, risk factors, asset class benchmarks, time horizons, total return objectives, and performance evaluation guidelines; 84954
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(B) Prohibit investing the assets of those funds, directly or indirectly, in vehicles that target any of the following: 84957
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(1) Coins; 84959

(2) Artwork; 84960

(3) Horses; 84961

(4) Jewelry or gems; 84962

(5) Stamps; 84963

(6) Antiques; 84964

(7) Artifacts; 84965

(8) Collectibles; 84966

(9) Memorabilia; 84967

(10) Similar unregulated investments that are not commonly part of an institutional portfolio, that lack liquidity, and that lack readily determinable valuation. 84968
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(C) Specify that the administrator of workers' compensation may invest in an investment class only if the 84971
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bureau of workers' compensation board of directors, by a 84973
majority vote, opens that class; 84974

(D) Prohibit investing the assets of those funds in any 84975
class of investments the board, by majority vote, closed, or any 84976
specific investment in which the board prohibits the 84977
administrator from investing; 84978

(E) Prohibit investing the assets of those funds with the 84979
primary purpose of influencing any social or environmental 84980
policy or attempting to influence the governance of any 84981
corporation; 84982

(F) Not specify in the investment policy that the 84983
administrator or employees of the bureau of workers' 84984
compensation are prohibited from conducting business with an 84985
investment management firm, any investment management 84986
professional associated with that firm, any third party 84987
solicitor associated with that firm, or any political action 84988
committee controlled by that firm or controlled by an investment 84989
management professional of that firm based on criteria that are 84990
more restrictive than the restrictions described in divisions 84991
~~(Y) and (Z)~~ and (AA) of section 3517.13 of the Revised Code. 84992

Sec. 4141.01. As used in this chapter, unless the context 84993
otherwise requires: 84994

(A) (1) "Employer" means the any of the following, provided 84995
the individual or entity is subject to this chapter under 84996
section 4141.011 of the Revised Code: any state, its 84997
instrumentalities, its political subdivisions and their 84998
instrumentalities, Indian tribes, and any individual or type of 84999
organization including any partnership, limited liability 85000
company, association, trust, estate, joint-stock company, 85001

insurance company, or corporation, whether domestic or foreign, 85002
or the receiver, trustee in bankruptcy, trustee, or the 85003
successor thereof, or the legal representative of a deceased 85004
person who subsequent to December 31, 1971, or in the case of 85005
political subdivisions or their instrumentalities, subsequent to 85006
December 31, 1973: 85007

~~(a) Had in employment at least one individual, or in the 85008
case of a nonprofit organization, subsequent to December 31, 85009
1973, had not less than four individuals in employment for some 85010
portion of a day in each of twenty different calendar weeks, in 85011
either the current or the preceding calendar year whether or not 85012
the same individual was in employment in each such day; or 85013~~

~~(b) Except for a nonprofit organization, had paid for 85014
service in employment wages of fifteen hundred dollars or more 85015
in any calendar quarter in either the current or preceding 85016
calendar year; or 85017~~

~~(c) Had paid, subsequent to December 31, 1977, for 85018
employment in domestic service in a local college club, or local 85019
chapter of a college fraternity or sorority, cash remuneration 85020
of one thousand dollars or more in any calendar quarter in the 85021
current calendar year or the preceding calendar year, or had 85022
paid subsequent to December 31, 1977, for employment in domestic 85023
service in a private home cash remuneration of one thousand 85024
dollars in any calendar quarter in the current calendar year or 85025
the preceding calendar year:— 85026~~

~~(i) For the purposes of divisions (A) (1) (a) and (b) of 85027
this section, there shall not be taken into account any wages 85028
paid to, or employment of, an individual performing domestic 85029
service as described in this division. 85030~~

~~(ii) An employer under this division shall not be an employer with respect to wages paid for any services other than domestic service unless the employer is also found to be an employer under division (A) (1) (a), (b), or (d) of this section.~~ 85031
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~~(d) As a farm operator or a crew leader subsequent to December 31, 1977, had in employment individuals in agricultural labor; and~~ 85035
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~~(i) During any calendar quarter in the current calendar year or the preceding calendar year, paid cash remuneration of twenty thousand dollars or more for the agricultural labor; or~~ 85038
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~~(ii) Had at least ten individuals in employment in agricultural labor, not including agricultural workers who are aliens admitted to the United States to perform agricultural labor pursuant to sections 1184(c) and 1101(a) (15) (H) of the "Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 1101(a) (15) (H) (ii) (a), 1184(c), for some portion of a day in each of the twenty different calendar weeks, in either the current or preceding calendar year whether or not the same individual was in employment in each day; or~~ 85041
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~~(e) Is not otherwise an employer as defined under division (A) (1) (a) or (b) of this section; and~~ 85050
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~~(i) For which, within either the current or preceding calendar year, service, except for domestic service in a private home not covered under division (A) (1) (c) of this section, is or was performed with respect to which such employer is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment fund;~~ 85052
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~~(ii) Which, as a condition for approval of this chapter~~ 85059

~~for full tax credit against the tax imposed by the "Federal- 85060
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, 85061
is required, pursuant to such act to be an employer under this 85062
chapter; or 85063~~

~~(iii) Who became an employer by election under division 85064
(A) (4) or (5) of this section and for the duration of such 85065
election; or 85066~~

~~(f) In the case of the state, its instrumentalities, its 85067
political subdivisions, and their instrumentalities, and Indian 85068
tribes, had in employment, as defined in divisions (B) (2) (a) and 85069
(B) (2) (1) of this section, at least one individual; 85070~~

~~(g) For the purposes of division (A) (1) (a) of this 85071
section, if any week includes both the thirty-first day of 85072
December and the first day of January, the days of that week 85073
before the first day of January shall be considered one calendar 85074
week and the days beginning the first day of January another 85075
week. 85076~~

(2) Each individual employed to perform or to assist in 85077
performing the work of any agent or employee of an employer is 85078
employed by such employer for all the purposes of this chapter, 85079
whether such individual was hired or paid directly by such 85080
employer or by such agent or employee, provided the employer had 85081
actual or constructive knowledge of the work. All individuals 85082
performing services for an employer of any person in this state 85083
who maintains two or more establishments within this state are 85084
employed by a single employer for the purposes of this chapter. 85085

~~(3) An employer subject to this chapter within any 85086
calendar year is subject to this chapter during the whole of 85087
such year and during the next succeeding calendar year. 85088~~

~~(4) An employer not otherwise subject to this chapter who files with the director of job and family services a written election to become an employer subject to this chapter for not less than two calendar years shall, with the written approval of such election by the director, become an employer subject to this chapter to the same extent as all other employers as of the date stated in such approval, and shall cease to be subject to this chapter as of the first day of January of any calendar year subsequent to such two calendar years only if at least thirty days prior to such first day of January the employer has filed with the director a written notice to that effect.~~

~~(5) Any employer for whom services that do not constitute employment are performed may file with the director a written election that all such services performed by individuals in the employer's employ in one or more distinct establishments or places of business shall be deemed to constitute employment for all the purposes of this chapter, for not less than two calendar years. Upon written approval of the election by the director, such services shall be deemed to constitute employment subject to this chapter from and after the date stated in such approval. Such services shall cease to be employment subject to this chapter as of the first day of January of any calendar year subsequent to such two calendar years only if at least thirty days prior to such first day of January such employer has filed with the director a written notice to that effect.~~

~~(6) "Employer" does not include a franchisor with respect to the franchisor's relationship with a franchisee or an employee of a franchisee, unless the franchisor agrees to assume that role in writing or a court of competent jurisdiction determines that the franchisor exercises a type or degree of control over the franchisee or the franchisee's employees that~~

~~is not customarily exercised by a franchisor for the purpose of~~ 85120
~~protecting the franchisor's trademark, brand, or both. For~~ 85121
~~purposes of this division, "franchisor" and "franchisee" have~~ 85122
~~the same meanings as in 16 C.F.R. 436.1.~~ 85123

(B) (1) "Employment" means service performed by an 85124
individual for remuneration under any contract of hire, written 85125
or oral, express or implied, including service performed in 85126
interstate commerce and service performed by an officer of a 85127
corporation, without regard to whether such service is 85128
executive, managerial, or manual in nature, and without regard 85129
to whether such officer is a stockholder or a member of the 85130
board of directors of the corporation, unless it is shown to the 85131
satisfaction of the director that such individual has been and 85132
will continue to be free from direction or control over the 85133
performance of such service, both under a contract of service 85134
and in fact. The director of job and family services shall adopt 85135
rules to define "direction or control." 85136

(2) "Employment" includes: 85137

(a) Service performed after December 31, 1977, by an 85138
individual in the employ of the state or any of its 85139
instrumentalities, or any political subdivision thereof or any 85140
of its instrumentalities or any instrumentality of more than one 85141
of the foregoing or any instrumentality of any of the foregoing 85142
and one or more other states or political subdivisions and 85143
without regard to ~~divisions~~ division (A) (1) (a) and (b) of this 85144
section 4141.011 of the Revised Code, provided that such service 85145
is excluded from employment as defined in the "Federal 85146
Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 3306(c) 85147
(7) and is not excluded under division (B) (3) of this section; 85148
or the services of employees covered by voluntary election, as 85149

provided under divisions ~~(A) (4) (H)~~ and ~~(5) (I)~~ of ~~this~~ section 4141.011 of the Revised Code; 85150
85151

(b) Service performed after December 31, 1971, by an 85152
individual in the employ of a religious, charitable, 85153
educational, or other organization which is excluded from the 85154
term "employment" as defined in the "Federal Unemployment Tax 85155
Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason 85156
of section 26 U.S.C.A. 3306(c) (8) of that act and is not 85157
excluded under division (B) (3) of this section; 85158

(c) Domestic service performed after December 31, 1977, 85159
for an employer, as provided in division ~~(A) (1) (e) (C)~~ of ~~this~~ 85160
section 4141.011 of the Revised Code; 85161

(d) Agricultural labor performed after December 31, 1977, 85162
for a farm operator or a crew leader, as provided in division 85163
~~(A) (1) (d) (D)~~ of ~~this~~ section 4141.011 of the Revised Code; 85164

(e) Subject to division (B) (2) (m) of this section, service 85165
not covered under division (B) (1) of this section which is 85166
performed after December 31, 1971: 85167

(i) As an agent-driver or commission-driver engaged in 85168
distributing meat products, vegetable products, fruit products, 85169
bakery products, beverages other than milk, laundry, or dry- 85170
cleaning services, for the individual's employer or principal; 85171

(ii) As a traveling or city salesperson, other than as an 85172
agent-driver or commission-driver, engaged on a full-time basis 85173
in the solicitation on behalf of and in the transmission to the 85174
salesperson's employer or principal except for sideline sales 85175
activities on behalf of some other person of orders from 85176
wholesalers, retailers, contractors, or operators of hotels, 85177
restaurants, or other similar establishments for merchandise for 85178

resale, or supplies for use in their business operations, 85179
provided that for the purposes of division (B) (2) (e) (ii) of this 85180
section, the services shall be deemed employment if the contract 85181
of service contemplates that substantially all of the services 85182
are to be performed personally by the individual and that the 85183
individual does not have a substantial investment in facilities 85184
used in connection with the performance of the services other 85185
than in facilities for transportation, and the services are not 85186
in the nature of a single transaction that is not a part of a 85187
continuing relationship with the person for whom the services 85188
are performed. 85189

(f) An individual's entire service performed within or 85190
both within and without the state if: 85191

(i) The service is localized in this state. 85192

(ii) The service is not localized in any state, but some 85193
of the service is performed in this state and either the base of 85194
operations, or if there is no base of operations then the place 85195
from which such service is directed or controlled, is in this 85196
state or the base of operations or place from which such service 85197
is directed or controlled is not in any state in which some part 85198
of the service is performed but the individual's residence is in 85199
this state. 85200

(g) Service not covered under division (B) (2) (f) (ii) of 85201
this section and performed entirely without this state, with 85202
respect to no part of which contributions are required and paid 85203
under an unemployment compensation law of any other state, the 85204
Virgin Islands, Canada, or of the United States, if the 85205
individual performing such service is a resident of this state 85206
and the director approves the election of the employer for whom 85207
such services are performed; or, if the individual is not a 85208

resident of this state but the place from which the service is 85209
directed or controlled is in this state, the entire services of 85210
such individual shall be deemed to be employment subject to this 85211
chapter, provided service is deemed to be localized within this 85212
state if the service is performed entirely within this state or 85213
if the service is performed both within and without this state 85214
but the service performed without this state is incidental to 85215
the individual's service within the state, for example, is 85216
temporary or transitory in nature or consists of isolated 85217
transactions; 85218

(h) Service of an individual who is a citizen of the 85219
United States, performed outside the United States except in 85220
Canada after December 31, 1971, or the Virgin Islands, after 85221
December 31, 1971, and before the first day of January of the 85222
year following that in which the United States secretary of 85223
labor approves the Virgin Islands law for the first time, in the 85224
employ of an American employer, other than service which is 85225
"employment" under divisions (B) (2) (f) and (g) of this section 85226
or similar provisions of another state's law, if: 85227

(i) The employer's principal place of business in the 85228
United States is located in this state; 85229

(ii) The employer has no place of business in the United 85230
States, but the employer is an individual who is a resident of 85231
this state; or the employer is a corporation which is organized 85232
under the laws of this state, or the employer is a partnership 85233
or a trust and the number of partners or trustees who are 85234
residents of this state is greater than the number who are 85235
residents of any other state; or 85236

(iii) None of the criteria of divisions (B) (2) (f) (i) and 85237
(ii) of this section is met but the employer has elected 85238

coverage in this state or the employer having failed to elect 85239
coverage in any state, the individual has filed a claim for 85240
benefits, based on such service, under this chapter. 85241

(i) For the purposes of division (B)(2)(h) of this 85242
section, the term "American employer" means an employer who is 85243
an individual who is a resident of the United States; or a 85244
partnership, if two-thirds or more of the partners are residents 85245
of the United States; or a trust, if all of the trustees are 85246
residents of the United States; or a corporation organized under 85247
the laws of the United States or of any state, provided the term 85248
"United States" includes the states, the District of Columbia, 85249
the Commonwealth of Puerto Rico, and the Virgin Islands. 85250

(j) Notwithstanding any other provisions of divisions (B) 85251
(1) and (2) of this section, service, except for domestic 85252
service in a private home not covered under division ~~(A)(1)(e)~~ 85253
(C) of this section 4141.011 of the Revised Code, with respect 85254
to which a tax is required to be paid under any federal law 85255
imposing a tax against which credit may be taken for 85256
contributions required to be paid into a state unemployment 85257
fund, or service, except for domestic service in a private home 85258
not covered under division ~~(A)(1)(e)~~ (C) of this section 4141.011 85259
of the Revised Code, which, as a condition for full tax credit 85260
against the tax imposed by the "Federal Unemployment Tax Act," 85261
84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is required to be 85262
covered under this chapter. 85263

(k) Construction services performed by any individual 85264
under a construction contract, as defined in section 4141.39 of 85265
the Revised Code, if the director determines that the employer 85266
for whom services are performed has the right to direct or 85267
control the performance of the services and that the individuals 85268

who perform the services receive remuneration for the services 85269
performed. The director shall presume that the employer for whom 85270
services are performed has the right to direct or control the 85271
performance of the services if ten or more of the following 85272
criteria apply: 85273

(i) The employer directs or controls the manner or method 85274
by which instructions are given to the individual performing 85275
services; 85276

(ii) The employer requires particular training for the 85277
individual performing services; 85278

(iii) Services performed by the individual are integrated 85279
into the regular functioning of the employer; 85280

(iv) The employer requires that services be provided by a 85281
particular individual; 85282

(v) The employer hires, supervises, or pays the wages of 85283
the individual performing services; 85284

(vi) A continuing relationship between the employer and 85285
the individual performing services exists which contemplates 85286
continuing or recurring work, even if not full-time work; 85287

(vii) The employer requires the individual to perform 85288
services during established hours; 85289

(viii) The employer requires that the individual 85290
performing services be devoted on a full-time basis to the 85291
business of the employer; 85292

(ix) The employer requires the individual to perform 85293
services on the employer's premises; 85294

(x) The employer requires the individual performing 85295

services to follow the order of work established by the employer;	85296 85297
(xi) The employer requires the individual performing services to make oral or written reports of progress;	85298 85299
(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;	85300 85301
(xiii) The employer pays expenses for the individual performing services;	85302 85303
(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	85304 85305
(xv) The individual performing services has not invested in the facilities used to perform services;	85306 85307
(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;	85308 85309 85310
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	85311 85312
(xviii) The individual performing services does not make the services available to the general public;	85313 85314
(xix) The employer has a right to discharge the individual performing services;	85315 85316
(xx) The individual performing services has the right to end the individual's relationship with the employer without incurring liability pursuant to an employment contract or agreement.	85317 85318 85319 85320
(1) Service performed by an individual in the employ of an Indian tribe as defined by section 4(e) of the "Indian Self-	85321 85322

Determination and Education Assistance Act," 88 Stat. 2204 85323
(1975), 25 U.S.C.A. 450b(e), including any subdivision, 85324
subsidiary, or business enterprise wholly owned by an Indian 85325
tribe provided that the service is excluded from employment as 85326
defined in the "Federal Unemployment Tax Act," 53 Stat. 183 85327
(1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded 85328
under division (B)(3) of this section. 85329

(m) Service performed by an individual for or on behalf of 85330
a motor carrier transporting property as an operator of a 85331
vehicle or vessel, unless all of the following factors apply to 85332
the individual and the motor carrier has not elected to consider 85333
the individual's service as employment: 85334

(i) The individual owns the vehicle or vessel that is used 85335
in performing the services for or on behalf of the carrier, or 85336
the individual leases the vehicle or vessel under a bona fide 85337
lease agreement that is not a temporary replacement lease 85338
agreement. For purposes of this division, a bona fide lease 85339
agreement does not include an agreement between the individual 85340
and the motor carrier transporting property for which, or on 85341
whose behalf, the individual provides services. 85342

(ii) The individual is responsible for supplying the 85343
necessary personal services to operate the vehicle or vessel 85344
used to provide the service. 85345

(iii) The compensation paid to the individual is based on 85346
factors related to work performed, including on a mileage-based 85347
rate or a percentage of any schedule of rates, and not solely on 85348
the basis of the hours or time expended. 85349

(iv) The individual substantially controls the means and 85350
manner of performing the services, in conformance with 85351

regulatory requirements and specifications of the shipper. 85352

(v) The individual enters into a written contract with the 85353
carrier for whom the individual is performing the services that 85354
describes the relationship between the individual and the 85355
carrier to be that of an independent contractor and not that of 85356
an employee. 85357

(vi) The individual is responsible for substantially all 85358
of the principal operating costs of the vehicle or vessel and 85359
equipment used to provide the services, including maintenance, 85360
fuel, repairs, supplies, vehicle or vessel insurance, and 85361
personal expenses, except that the individual may be paid by the 85362
carrier the carrier's fuel surcharge and incidental costs, 85363
including tolls, permits, and lumper fees. 85364

(vii) The individual is responsible for any economic loss 85365
or economic gain from the arrangement with the carrier. 85366

(viii) The individual is not performing services described 85367
in 26 U.S.C. 3306(c) (7) or (8). 85368

(3) "Employment" does not include the following services 85369
if they are found not subject to the "Federal Unemployment Tax 85370
Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the 85371
services are not required to be included under division (B) (2) 85372
(j) of this section: 85373

(a) Service performed after December 31, 1977, in 85374
agricultural labor, except as provided in division ~~(A) (1) (d)~~ (D) 85375
of ~~this~~ section 4141.011 of the Revised Code; 85376

(b) Domestic service performed after December 31, 1977, in 85377
a private home, local college club, or local chapter of a 85378
college fraternity or sorority except as provided in division 85379
~~(A) (1) (e)~~ (C) of ~~this~~ section 4141.011 of the Revised Code; 85380

(c) Service performed after December 31, 1977, for this	85381
state or a political subdivision as described in division (B) (2)	85382
(a) of this section when performed:	85383
(i) As a publicly elected official;	85384
(ii) As a member of a legislative body, or a member of the	85385
judiciary;	85386
(iii) As a military member of the Ohio national guard;	85387
(iv) As an employee, not in the classified service as	85388
defined in section 124.11 of the Revised Code, serving on a	85389
temporary basis in case of fire, storm, snow, earthquake, flood,	85390
or similar emergency;	85391
(v) In a position which, under or pursuant to law, is	85392
designated as a major nontenured policymaking or advisory	85393
position, not in the classified service of the state, or a	85394
policymaking or advisory position the performance of the duties	85395
of which ordinarily does not require more than eight hours per	85396
week.	85397
(d) In the employ of any governmental unit or	85398
instrumentality of the United States;	85399
(e) Service performed after December 31, 1971:	85400
(i) Service in the employ of an educational institution or	85401
institution of higher education, including those operated by the	85402
state or a political subdivision, if such service is performed	85403
by a student who is enrolled and is regularly attending classes	85404
at the educational institution or institution of higher	85405
education; or	85406
(ii) By an individual who is enrolled at a nonprofit or	85407
public educational institution which normally maintains a	85408

regular faculty and curriculum and normally has a regularly 85409
organized body of students in attendance at the place where its 85410
educational activities are carried on as a student in a full- 85411
time program, taken for credit at the institution, which 85412
combines academic instruction with work experience, if the 85413
service is an integral part of the program, and the institution 85414
has so certified to the employer, provided that this subdivision 85415
shall not apply to service performed in a program established 85416
for or on behalf of an employer or group of employers. 85417

(f) Service performed by an individual in the employ of 85418
the individual's son, daughter, or spouse and service performed 85419
by a child under the age of eighteen in the employ of the 85420
child's father or mother; 85421

(g) Service performed for one or more principals by an 85422
individual who is compensated on a commission basis, who in the 85423
performance of the work is master of the individual's own time 85424
and efforts, and whose remuneration is wholly dependent on the 85425
amount of effort the individual chooses to expend, and which 85426
service is not subject to the "Federal Unemployment Tax Act," 53 85427
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed 85428
after December 31, 1971: 85429

(i) By an individual for an employer as an insurance agent 85430
or as an insurance solicitor, if all this service is performed 85431
for remuneration solely by way of commission; 85432

(ii) As a home worker performing work, according to 85433
specifications furnished by the employer for whom the services 85434
are performed, on materials or goods furnished by such employer 85435
which are required to be returned to the employer or to a person 85436
designated for that purpose. 85437

(h) Service performed after December 31, 1971:	85438
(i) In the employ of a church or convention or association of churches, or in an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches;	85439 85440 85441 85442 85443
(ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of the individual's ministry or by a member of a religious order in the exercise of duties required by such order; or	85444 85445 85446 85447
(iii) In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental disability or injury, or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work.	85448 85449 85450 85451 85452 85453 85454
(i) Service performed after June 30, 1939, with respect to which unemployment compensation is payable under the "Railroad Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351;	85455 85456 85457 85458
(j) Service performed by an individual in the employ of any organization exempt from income tax under section 501 of the "Internal Revenue Code of 1954," if the remuneration for such service does not exceed fifty dollars in any calendar quarter, or if such service is in connection with the collection of dues or premiums for a fraternal beneficial society, order, or association and is performed away from the home office or is ritualistic service in connection with any such society, order,	85459 85460 85461 85462 85463 85464 85465 85466

or association; 85467

(k) Casual labor not in the course of an employer's trade 85468
or business; incidental service performed by an officer, 85469
appraiser, or member of a finance committee of a bank, building 85470
and loan association, savings and loan association, or savings 85471
association when the remuneration for such incidental service 85472
exclusive of the amount paid or allotted for directors' fees 85473
does not exceed sixty dollars per calendar quarter is casual 85474
labor; 85475

(l) Service performed in the employ of a voluntary 85476
employees' beneficial association providing for the payment of 85477
life, sickness, accident, or other benefits to the members of 85478
such association or their dependents or their designated 85479
beneficiaries, if admission to a membership in such association 85480
is limited to individuals who are officers or employees of a 85481
municipal or public corporation, of a political subdivision of 85482
the state, or of the United States and no part of the net 85483
earnings of such association inures, other than through such 85484
payments, to the benefit of any private shareholder or 85485
individual; 85486

(m) Service performed by an individual in the employ of a 85487
foreign government, including service as a consular or other 85488
officer or employee or of a nondiplomatic representative; 85489

(n) Service performed in the employ of an instrumentality 85490
wholly owned by a foreign government if the service is of a 85491
character similar to that performed in foreign countries by 85492
employees of the United States or of an instrumentality thereof 85493
and if the director finds that the secretary of state of the 85494
United States has certified to the secretary of the treasury of 85495
the United States that the foreign government, with respect to 85496

whose instrumentality exemption is claimed, grants an equivalent 85497
exemption with respect to similar service performed in the 85498
foreign country by employees of the United States and of 85499
instrumentalities thereof; 85500

(o) Service with respect to which unemployment 85501
compensation is payable under an unemployment compensation 85502
system established by an act of congress; 85503

(p) Service performed as a student nurse in the employ of 85504
a hospital or a nurses' training school by an individual who is 85505
enrolled and is regularly attending classes in a nurses' 85506
training school chartered or approved pursuant to state law, and 85507
service performed as an intern in the employ of a hospital by an 85508
individual who has completed a four years' course in a medical 85509
school chartered or approved pursuant to state law; 85510

(q) Service performed by an individual under the age of 85511
eighteen in the delivery or distribution of newspapers or 85512
shopping news, not including delivery or distribution to any 85513
point for subsequent delivery or distribution; 85514

(r) Service performed in the employ of the United States 85515
or an instrumentality of the United States immune under the 85516
Constitution of the United States from the contributions imposed 85517
by this chapter, except that to the extent that congress permits 85518
states to require any instrumentalities of the United States to 85519
make payments into an unemployment fund under a state 85520
unemployment compensation act, this chapter shall be applicable 85521
to such instrumentalities and to services performed for such 85522
instrumentalities in the same manner, to the same extent, and on 85523
the same terms as to all other employers, individuals, and 85524
services, provided that if this state is not certified for any 85525
year by the proper agency of the United States under section 85526

3304 of the "Internal Revenue Code of 1954," the payments 85527
required of such instrumentalities with respect to such year 85528
shall be refunded by the director from the fund in the same 85529
manner and within the same period as is provided in division (E) 85530
of section 4141.09 of the Revised Code with respect to 85531
contributions erroneously collected; 85532

(s) Service performed by an individual as a member of a 85533
band or orchestra, provided such service does not represent the 85534
principal occupation of such individual, and which service is 85535
not subject to or required to be covered for full tax credit 85536
against the tax imposed by the "Federal Unemployment Tax Act," 85537
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 85538

(t) Service performed in the employ of a day camp whose 85539
camping season does not exceed twelve weeks in any calendar 85540
year, and which service is not subject to the "Federal 85541
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 85542
3311. Service performed after December 31, 1971: 85543

(i) In the employ of a hospital, if the service is 85544
performed by a patient of the hospital, as defined in division 85545
(W) of this section; 85546

(ii) For a prison or other correctional institution by an 85547
inmate of the prison or correctional institution; 85548

(iii) Service performed after December 31, 1977, by an 85549
inmate of a custodial institution operated by the state, a 85550
political subdivision, or a nonprofit organization. 85551

(u) Service that is performed by a nonresident alien 85552
individual for the period the individual temporarily is present 85553
in the United States as a nonimmigrant under division (F), (J), 85554
(M), or (Q) of section 101(a)(15) of the "Immigration and 85555

Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, 85556
that is excluded under section 3306(c)(19) of the "Federal 85557
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 85558
3311. 85559

(v) Notwithstanding any other provisions of division (B) 85560
(3) of this section, services that are excluded under divisions 85561
(B)(3)(g), (j), (k), and (l) of this section shall not be 85562
excluded from employment when performed for a nonprofit 85563
organization, as defined in division (X) of this section, or for 85564
this state or its instrumentalities, or for a political 85565
subdivision or its instrumentalities or for Indian tribes; 85566

(w) Service that is performed by an individual working as 85567
an election official or election worker if the amount of 85568
remuneration received by the individual during the calendar year 85569
for services as an election official or election worker is less 85570
than one thousand dollars; 85571

(x) Service performed for an elementary or secondary 85572
school that is operated primarily for religious purposes, that 85573
is described in subsection 501(c)(3) and exempt from federal 85574
income taxation under subsection 501(a) of the Internal Revenue 85575
Code, 26 U.S.C.A. 501; 85576

(y) Service performed by a person committed to a penal 85577
institution. 85578

(z) Service performed for an Indian tribe as described in 85579
division (B)(2)(1) of this section when performed in any of the 85580
following manners: 85581

(i) As a publicly elected official; 85582

(ii) As a member of an Indian tribal council; 85583

(iii) As a member of a legislative or judiciary body;	85584
(iv) In a position which, pursuant to Indian tribal law, is designated as a major nontenured policymaking or advisory position, or a policymaking or advisory position where the performance of the duties ordinarily does not require more than eight hours of time per week;	85585 85586 85587 85588 85589
(v) As an employee serving on a temporary basis in the case of a fire, storm, snow, earthquake, flood, or similar emergency.	85590 85591 85592
(aa) Service performed after December 31, 1971, for a nonprofit organization, this state or its instrumentalities, a political subdivision or its instrumentalities, or an Indian tribe as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision, thereof, by an individual receiving the work-relief or work- training.	85593 85594 85595 85596 85597 85598 85599 85600
(bb) Participation in a learn to earn program as defined in section 4141.293 of the Revised Code.	85601 85602
(4) If the services performed during one half or more of any pay period by an employee for the person employing that employee constitute employment, all the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one half of any such pay period by an employee for the person employing that employee do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in division (B) (4) of this section, "pay period" means a period, of not more than thirty-one consecutive days, for which	85603 85604 85605 85606 85607 85608 85609 85610 85611 85612

payment of remuneration is ordinarily made to the employee by 85613
the person employing that employee. Division (B) (4) of this 85614
section does not apply to services performed in a pay period by 85615
an employee for the person employing that employee, if any of 85616
such service is excepted by division (B) (3) (o) of this section. 85617

(C) "Benefits" means money payments payable to an 85618
individual who has established benefit rights, as provided in 85619
this chapter, for loss of remuneration due to the individual's 85620
unemployment. 85621

(D) "Benefit rights" means the weekly benefit amount and 85622
the maximum benefit amount that may become payable to an 85623
individual within the individual's benefit year as determined by 85624
the director. 85625

(E) "Claim for benefits" means a claim for waiting period 85626
or benefits for a designated week. 85627

(F) "Additional claim" means the first claim for benefits 85628
filed following any separation from employment during a benefit 85629
year; "continued claim" means any claim other than the first 85630
claim for benefits and other than an additional claim. 85631

(G) "Wages" means remuneration paid to an employee by each 85632
of the employee's employers with respect to employment; except 85633
that wages shall not include that part of remuneration paid 85634
during any calendar year to an individual by an employer or such 85635
employer's predecessor in interest in the same business or 85636
enterprise, which in any calendar year is in excess of nine 85637
thousand dollars on and after January 1, 1995; nine thousand 85638
five hundred dollars on and after January 1, 2018; and nine 85639
thousand dollars on and after January 1, 2020. Remuneration in 85640
excess of such amounts shall be deemed wages subject to 85641

contribution to the same extent that such remuneration is 85642
defined as wages under the "Federal Unemployment Tax Act," 84 85643
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 85644
remuneration paid an employee by an employer with respect to 85645
employment in another state, upon which contributions were 85646
required and paid by such employer under the unemployment 85647
compensation act of such other state, shall be included as a 85648
part of remuneration in computing the amount specified in this 85649
division. 85650

(H) (1) "Remuneration" means all compensation for personal 85651
services, including commissions and bonuses and the cash value 85652
of all compensation in any medium other than cash, except that 85653
in the case of agricultural or domestic service, "remuneration" 85654
includes only cash remuneration. Gratuities customarily received 85655
by an individual in the course of the individual's employment 85656
from persons other than the individual's employer and which are 85657
accounted for by such individual to the individual's employer 85658
are taxable wages. 85659

The reasonable cash value of compensation paid in any 85660
medium other than cash shall be estimated and determined in 85661
accordance with rules prescribed by the director, provided that 85662
"remuneration" does not include: 85663

(a) Payments as provided in divisions (b) (2) to (b) (20) of 85664
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 85665
713, 26 U.S.C.A. 3301 to 3311, as amended; 85666

(b) The payment by an employer, without deduction from the 85667
remuneration of the individual in the employer's employ, of the 85668
tax imposed upon an individual in the employer's employ under 85669
section 3101 of the "Internal Revenue Code of 1954," with 85670
respect to services performed after October 1, 1941. 85671

(2) "Cash remuneration" means all remuneration paid in cash, including commissions and bonuses, but not including the cash value of all compensation in any medium other than cash.

(I) "Interested party" means the director and any party to whom notice of a determination of an application for benefit rights or a claim for benefits is required to be given under section 4141.28 of the Revised Code.

(J) "Annual payroll" means the total amount of wages subject to contributions during a twelve-month period ending with the last day of the second calendar quarter of any calendar year.

(K) "Average annual payroll" means the average of the last three annual payrolls of an employer, provided that if, as of any computation date, the employer has had less than three annual payrolls in such three-year period, such average shall be based on the annual payrolls which the employer has had as of such date.

(L) (1) "Contributions" means the money payments to the state unemployment compensation fund required of employers by section 4141.25 of the Revised Code and of the state and any of its political subdivisions electing to pay contributions under section 4141.242 of the Revised Code. Employers paying contributions shall be described as "contributory employers."

(2) "Payments in lieu of contributions" means the money payments to the state unemployment compensation fund required of reimbursing employers under sections 4141.241 and 4141.242 of the Revised Code.

(M) An individual is "totally unemployed" in any week during which the individual performs no services and with

respect to such week no remuneration is payable to the individual. 85701
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(N) An individual is "partially unemployed" in any week if, due to involuntary loss of work, the total remuneration payable to the individual for such week is less than the individual's weekly benefit amount. 85703
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(O) "Week" means the calendar week ending at midnight Saturday unless an equivalent week of seven consecutive calendar days is prescribed by the director. 85707
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(1) "Qualifying week" means any calendar week in an individual's base period with respect to which the individual earns or is paid remuneration in employment subject to this chapter. A calendar week with respect to which an individual earns remuneration but for which payment was not made within the base period, when necessary to qualify for benefit rights, may be considered to be a qualifying week. The number of qualifying weeks which may be established in a calendar quarter shall not exceed the number of calendar weeks in the quarter. 85710
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(2) "Average weekly wage" means the amount obtained by dividing an individual's total remuneration for all qualifying weeks during the base period by the number of such qualifying weeks, provided that if the computation results in an amount that is not a multiple of one dollar, such amount shall be rounded to the next lower multiple of one dollar. 85719
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(P) "Weekly benefit amount" means the amount of benefits an individual would be entitled to receive for one week of total unemployment. 85725
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(Q) (1) "Base period" means the first four of the last five completed calendar quarters immediately preceding the first day 85728
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of an individual's benefit year, except as provided in division 85730
(Q) (2) of this section. 85731

(2) If an individual does not have sufficient qualifying 85732
weeks and wages in the base period to qualify for benefit 85733
rights, the individual's base period shall be the four most 85734
recently completed calendar quarters preceding the first day of 85735
the individual's benefit year. Such base period shall be known 85736
as the "alternate base period." If information as to weeks and 85737
wages for the most recent quarter of the alternate base period 85738
is not available to the director from the regular quarterly 85739
reports of wage information, which are systematically 85740
accessible, the director may, consistent with the provisions of 85741
section 4141.28 of the Revised Code, base the determination of 85742
eligibility for benefits on the affidavit of the claimant with 85743
respect to weeks and wages for that calendar quarter. The 85744
claimant shall furnish payroll documentation, where available, 85745
in support of the affidavit. The determination based upon the 85746
alternate base period as it relates to the claimant's benefit 85747
rights, shall be amended when the quarterly report of wage 85748
information from the employer is timely received and that 85749
information causes a change in the determination. As provided in 85750
division (B) of section 4141.28 of the Revised Code, any 85751
benefits paid and charged to an employer's account, based upon a 85752
claimant's affidavit, shall be adjusted effective as of the 85753
beginning of the claimant's benefit year. No calendar quarter in 85754
a base period or alternate base period shall be used to 85755
establish a subsequent benefit year. 85756

(3) The "base period" of a combined wage claim, as 85757
described in division (H) of section 4141.43 of the Revised 85758
Code, shall be the base period prescribed by the law of the 85759
state in which the claim is allowed. 85760

(4) For purposes of determining the weeks that comprise a completed calendar quarter under this division, only those weeks ending at midnight Saturday within the calendar quarter shall be utilized.

(R) (1) "Benefit year" with respect to an individual means the fifty-two week period beginning with the first day of that week with respect to which the individual first files a valid application for determination of benefit rights, and thereafter the fifty-two week period beginning with the first day of that week with respect to which the individual next files a valid application for determination of benefit rights after the termination of the individual's last preceding benefit year, except that the application shall not be considered valid unless the individual has had employment in six weeks that is subject to this chapter or the unemployment compensation act of another state, or the United States, and has, since the beginning of the individual's previous benefit year, in the employment earned three times the average weekly wage determined for the previous benefit year. The "benefit year" of a combined wage claim, as described in division (H) of section 4141.43 of the Revised Code, shall be the benefit year prescribed by the law of the state in which the claim is allowed. Any application for determination of benefit rights made in accordance with section 4141.28 of the Revised Code is valid if the individual filing such application is unemployed, has been employed by an employer or employers subject to this chapter in at least twenty qualifying weeks within the individual's base period, and has earned or been paid remuneration at an average weekly wage of not less than twenty-seven and one-half per cent of the statewide average weekly wage for such weeks. For purposes of determining whether an individual has had sufficient employment

since the beginning of the individual's previous benefit year to 85792
file a valid application, "employment" means the performance of 85793
services for which remuneration is payable. 85794

(2) Effective for benefit years beginning on and after 85795
December 26, 2004, but before July 1, 2022, any application for 85796
determination of benefit rights made in accordance with section 85797
4141.28 of the Revised Code is valid if the individual satisfies 85798
the criteria described in division (R) (1) of this section, and 85799
if the reason for the individual's separation from employment is 85800
not disqualifying pursuant to division (D) (2) of section 4141.29 85801
or section 4141.291 of the Revised Code. A disqualification 85802
imposed pursuant to division (D) (2) of section 4141.29 or 85803
section 4141.291 of the Revised Code must be removed as provided 85804
in those sections as a requirement of establishing a valid 85805
application for benefit years beginning on and after December 85806
26, 2004, but before July 1, 2022. Effective for benefit years 85807
beginning on and after July 1, 2022, any application for 85808
determination of benefit rights made in accordance with section 85809
4141.28 of the Revised Code is valid if the individual satisfies 85810
the criteria described in division (R) (1) of this section. A 85811
disqualification imposed pursuant to division (D) (2) of section 85812
4141.29 or section 4141.291 of the Revised Code does not affect 85813
the validity of an application. 85814

(3) The statewide average weekly wage shall be calculated 85815
by the director once a year based on the twelve-month period 85816
ending the thirtieth day of June, as set forth in division (B) 85817
(3) of section 4141.30 of the Revised Code, rounded down to the 85818
nearest dollar. Increases or decreases in the amount of 85819
remuneration required to have been earned or paid in order for 85820
individuals to have filed valid applications shall become 85821
effective on Sunday of the calendar week in which the first day 85822

of January occurs that follows the twelve-month period ending 85823
the thirtieth day of June upon which the calculation of the 85824
statewide average weekly wage was based. 85825

(4) As used in this division, an individual is 85826
"unemployed" if, with respect to the calendar week in which such 85827
application is filed, the individual is "partially unemployed" 85828
or "totally unemployed" as defined in this section or if, prior 85829
to filing the application, the individual was separated from the 85830
individual's most recent work for any reason which terminated 85831
the individual's employee-employer relationship, or was laid off 85832
indefinitely or for a definite period of seven or more days. 85833

(S) "Calendar quarter" means the period of three 85834
consecutive calendar months ending on the thirty-first day of 85835
March, the thirtieth day of June, the thirtieth day of 85836
September, and the thirty-first day of December, or the 85837
equivalent thereof as the director prescribes by rule. 85838

(T) "Computation date" means the first day of the third 85839
calendar quarter of any calendar year. 85840

(U) "Contribution period" means the calendar year 85841
beginning on the first day of January of any year. 85842

(V) "Agricultural labor," for the purpose of this 85843
division, means any service performed prior to January 1, 1972, 85844
which was agricultural labor as defined in this division prior 85845
to that date, and service performed after December 31, 1971: 85846

(1) On a farm, in the employ of any person, in connection 85847
with cultivating the soil, or in connection with raising or 85848
harvesting any agricultural or horticultural commodity, 85849
including the raising, shearing, feeding, caring for, training, 85850
and management of livestock, bees, poultry, and fur-bearing 85851

animals and wildlife; 85852

(2) In the employ of the owner or tenant or other operator 85853
of a farm in connection with the operation, management, 85854
conservation, improvement, or maintenance of such farm and its 85855
tools and equipment, or in salvaging timber or clearing land of 85856
brush and other debris left by hurricane, if the major part of 85857
such service is performed on a farm; 85858

(3) In connection with the production or harvesting of any 85859
commodity defined as an agricultural commodity in section 15 (g) 85860
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 85861
U.S.C. 1141j, as amended, or in connection with the ginning of 85862
cotton, or in connection with the operation or maintenance of 85863
ditches, canals, reservoirs, or waterways, not owned or operated 85864
for profit, used exclusively for supplying and storing water for 85865
farming purposes; 85866

(4) In the employ of the operator of a farm in handling, 85867
planting, drying, packing, packaging, processing, freezing, 85868
grading, storing, or delivering to storage or to market or to a 85869
carrier for transportation to market, in its unmanufactured 85870
state, any agricultural or horticultural commodity, but only if 85871
the operator produced more than one half of the commodity with 85872
respect to which such service is performed; 85873

(5) In the employ of a group of operators of farms, or a 85874
cooperative organization of which the operators are members, in 85875
the performance of service described in division (V) (4) of this 85876
section, but only if the operators produced more than one-half 85877
of the commodity with respect to which the service is performed; 85878

(6) Divisions (V) (4) and (5) of this section shall not be 85879
deemed to be applicable with respect to service performed: 85880

(a) In connection with commercial canning or commercial 85881
freezing or in connection with any agricultural or horticultural 85882
commodity after its delivery to a terminal market for 85883
distribution for consumption; or 85884

(b) On a farm operated for profit if the service is not in 85885
the course of the employer's trade or business. 85886

As used in division (V) of this section, "farm" includes 85887
stock, dairy, poultry, fruit, fur-bearing animal, and truck 85888
farms, plantations, ranches, nurseries, ranges, greenhouses, or 85889
other similar structures used primarily for the raising of 85890
agricultural or horticultural commodities and orchards. 85891

(W) "Hospital" means an institution which has been 85892
registered or licensed by the Ohio department of health as a 85893
hospital. 85894

(X) "Nonprofit organization" means an organization, or 85895
group of organizations, described in section 501(c)(3) of the 85896
"Internal Revenue Code of 1954," and exempt from income tax 85897
under section 501(a) of that code. 85898

(Y) "Institution of higher education" means a public or 85899
nonprofit educational institution, including an educational 85900
institution operated by an Indian tribe, which: 85901

(1) Admits as regular students only individuals having a 85902
certificate of graduation from a high school, or the recognized 85903
equivalent; 85904

(2) Is legally authorized in this state or by the Indian 85905
tribe to provide a program of education beyond high school; and 85906

(3) Provides an educational program for which it awards a 85907
bachelor's or higher degree, or provides a program which is 85908

acceptable for full credit toward such a degree, a program of 85909
post-graduate or post-doctoral studies, or a program of training 85910
to prepare students for gainful employment in a recognized 85911
occupation. 85912

For the purposes of this division, all colleges and 85913
universities in this state are institutions of higher education. 85914

(Z) For the purposes of this chapter, "states" includes 85915
the District of Columbia, the Commonwealth of Puerto Rico, and 85916
the Virgin Islands. 85917

(AA) "Alien" means, for the purposes of division ~~(A)(1)(d)~~ 85918
(D) of this section 4141.011 of the Revised Code, an individual 85919
who is an alien admitted to the United States to perform service 85920
in agricultural labor pursuant to sections 214 (c) and 101 (a) 85921
(15)(H) of the "Immigration and Nationality Act," 66 Stat. 163, 85922
8 U.S.C.A. 1101. 85923

(BB)(1) "Crew leader" means an individual who furnishes 85924
individuals to perform agricultural labor for any other employer 85925
or farm operator, and: 85926

(a) Pays, either on the individual's own behalf or on 85927
behalf of the other employer or farm operator, the individuals 85928
so furnished by the individual for the service in agricultural 85929
labor performed by them; 85930

(b) Has not entered into a written agreement with the 85931
other employer or farm operator under which the agricultural 85932
worker is designated as in the employ of the other employer or 85933
farm operator. 85934

(2) For the purposes of this chapter, any individual who 85935
is a member of a crew furnished by a crew leader to perform 85936
service in agricultural labor for any other employer or farm 85937

operator shall be treated as an employee of the crew leader if: 85938

(a) The crew leader holds a valid certificate of 85939
registration under the "Farm Labor Contractor Registration Act 85940
of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or 85941

(b) Substantially all the members of the crew operate or 85942
maintain tractors, mechanized harvesting or crop-dusting 85943
equipment, or any other mechanized equipment, which is provided 85944
by the crew leader; and 85945

(c) If the individual is not in the employment of the 85946
other employer or farm operator within the meaning of division 85947
(B) (1) of this section. 85948

(3) For the purposes of this division, any individual who 85949
is furnished by a crew leader to perform service in agricultural 85950
labor for any other employer or farm operator and who is not 85951
treated as in the employment of the crew leader under division 85952
(BB) (2) of this section shall be treated as the employee of the 85953
other employer or farm operator and not of the crew leader. The 85954
other employer or farm operator shall be treated as having paid 85955
cash remuneration to the individual in an amount equal to the 85956
amount of cash remuneration paid to the individual by the crew 85957
leader, either on the crew leader's own behalf or on behalf of 85958
the other employer or farm operator, for the service in 85959
agricultural labor performed for the other employer or farm 85960
operator. 85961

(CC) "Educational institution" means an institution other 85962
than an institution of higher education as defined in division 85963
(Y) of this section, including an educational institution 85964
operated by an Indian tribe, which: 85965

(1) Offers participants, trainees, or students an 85966

organized course of study or training designed to transfer to 85967
them knowledge, skills, information, doctrines, attitudes, or 85968
abilities from, by, or under the guidance of an instructor or 85969
teacher; and 85970

(2) Is approved, chartered, or issued a permit to operate 85971
as a school by the director of education and workforce, other 85972
government agency, or Indian tribe that is authorized within the 85973
state to approve, charter, or issue a permit for the operation 85974
of a school. 85975

For the purposes of this division, the courses of study or 85976
training which the institution offers may be academic, 85977
technical, trade, or preparation for gainful employment in a 85978
recognized occupation. 85979

(DD) "Cost savings day" means any unpaid day off from work 85980
in which employees continue to accrue employee benefits which 85981
have a determinable value including, but not limited to, 85982
vacation, pension contribution, sick time, and life and health 85983
insurance. 85984

(EE) "Motor carrier" has the same meaning as in section 85985
4923.01 of the Revised Code. 85986

Sec. 4141.011. (A) (1) Except as provided in this section, 85987
an employer is subject to this chapter if either of the 85988
following apply: 85989

(a) The employer had at least one individual in employment 85990
for some portion of a day in each of twenty different calendar 85991
weeks, in either the current or the preceding calendar year, 85992
whether or not the same individual was in employment in each 85993
such day; 85994

(b) The employer paid for service in employment wages of 85995

fifteen hundred dollars or more in any calendar quarter in 85996
either the current or preceding calendar year. 85997

(2) For purposes of division (A) (1) (a) of this section, if 85998
any week includes both the thirty-first day of December and the 85999
first day of January, the days of that week before the first day 86000
of January shall be considered one calendar week and the days to 86001
beginning the first day of January another week. 86002

(B) If an employer is a nonprofit organization, the 86003
employer is subject to this chapter if the employer had at least 86004
four individuals in employment for some portion of a day in each 86005
of twenty different calendar weeks, in either the current or the 86006
preceding calendar year, whether or not the same individual was 86007
in employment in each such day. 86008

(C) (1) An employer is subject to this chapter with respect 86009
to employment in domestic service in a local college club, local 86010
chapter of a college fraternity or sorority, or a private home 86011
if the employer paid cash remuneration for such employment of at 86012
least one thousand dollars in any calendar quarter in the 86013
current calendar year or the preceding calendar year. 86014

(2) Wages paid to, or employment of, an individual 86015
performing domestic service as described in division (C) (1) of 86016
this section do not apply to employment or wages for purposes of 86017
divisions (A) and (B) of this section. 86018

(3) An employer subject to this chapter under division (C) 86019
(1) of this section is not subject to this chapter with respect 86020
to wages paid for any services other than domestic service 86021
unless the employer is also found to be subject to this chapter 86022
under division (A), (B), or (D) of this section. 86023

(D) If an employer is a farm operator or a crew leader, 86024

the employer is subject to this chapter if the employer had 86025
individuals in employment in agricultural labor and either of 86026
the following apply: 86027

(1) The employer paid cash remuneration of twenty thousand 86028
dollars or more for the agricultural labor during any calendar 86029
quarter in the current calendar year or the preceding calendar 86030
year; 86031

(2) The employer had at least ten individuals in 86032
employment in agricultural labor, not including agricultural 86033
workers who are aliens admitted to the United States to perform 86034
agricultural labor pursuant to sections 1184(c) and 1101(a) (15) 86035
(H) of the "Immigration and Nationality Act," 8 U.S.C. 1101(a) 86036
(15) (H) (ii) (a), 1184(c), for some portion of a day in each of 86037
the twenty different calendar weeks, in either the current or 86038
preceding calendar year whether or not the same individual was 86039
in employment in each day. 86040

(E) An employer who is not subject to this chapter under 86041
division (A) of this section is subject to this chapter if any 86042
of the following apply: 86043

(1) Service, except for domestic service in a private home 86044
not covered under division (C) of this section, is or was 86045
performed within either the current or preceding calendar year, 86046
and with respect to which such employer is liable for any 86047
federal tax against which credit may be taken for contributions 86048
required to be paid into a state unemployment fund; 86049

(2) As a condition for approval of this chapter for full 86050
tax credit against the tax imposed by the "Federal Unemployment 86051
Tax Act," 26 U.S.C. 3301 to 3311, is required, pursuant to such 86052
act to be an employer subject to this chapter; 86053

(3) The employer became subject to this chapter by election under division (H) or (I) of this section and for the duration of such election. 86054
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(F) If an employer is any state, its instrumentalities, its political subdivisions, their instrumentalities, or an Indian tribe, the employer is subject to this chapter if the employer had at least one individual in employment, as defined in divisions (B) (2) (a) and (B) (2) (1) of section 4141.01 of the Revised Code. 86057
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(G) An employer subject to this chapter within any calendar year is subject to this chapter during the whole of such year and during the next succeeding calendar year. 86063
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(H) An employer not otherwise subject to this chapter who files with the director of job and family services a written election to become an employer subject to this chapter for not less than two calendar years shall, with the written approval of such election by the director, become an employer subject to this chapter to the same extent as all other employers as of the date stated in such approval, and shall cease to be subject to this chapter as of the first day of January of any calendar year subsequent to such two calendar years only if at least thirty days prior to such first day of January the employer has filed with the director a written notice to that effect. 86066
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(I) Any employer for whom services that do not constitute employment are performed may file with the director a written election that all such services performed by individuals in the employer's employ in one or more distinct establishments or places of business shall be deemed to constitute employment for all the purposes of this chapter, for not less than two calendar years. Upon written approval of the election by the director, 86077
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such services shall be deemed to constitute employment subject 86084
to this chapter from and after the date stated in such approval. 86085
Such services shall cease to be employment subject to this 86086
chapter as of the first day of January of any calendar year 86087
subsequent to such two calendar years only if at least thirty 86088
days prior to such first day of January such employer has filed 86089
with the director a written notice to that effect. 86090

(J) An employer who is a franchisor is not subject to this 86091
chapter with respect to the franchisor's relationship with a 86092
franchisee or an employee of a franchisee, unless the franchisor 86093
agrees to assume that role in writing or a court of competent 86094
jurisdiction determines that the franchisor exercises a type or 86095
degree of control over the franchisee or the franchisee's 86096
employees that is not customarily exercised by a franchisor for 86097
the purpose of protecting the franchisor's trademark, brand, or 86098
both. For purposes of this division, "franchisor" and 86099
"franchisee" have the same meanings as in 16 C.F.R. 436.1. 86100

Sec. 4141.02. ~~A nonprofit organization that does not meet~~ 86101
~~the definition of employer for purposes of that is not subject~~ 86102
to this chapter pursuant to division (A)(1)(a)(B) of section 86103
4141.01-4141.011 of the Revised Code, and that does not elect to 86104
become an employer subject to this chapter pursuant to division 86105
(A)(4)(H) of section 4141.01-4141.011 of the Revised Code, shall 86106
notify the organization's employees upon hiring that the 86107
organization, and the employee's employment with the 86108
organization, are exempt from this chapter. 86109

Sec. 4141.08. (A) The unemployment compensation integrity 86110
board is created. The board may advise and consult the director 86111
of job and family services in the administration and enforcement 86112
of this chapter and rules adopted under it, including making 86113

recommendations to the director regarding proposed rules or 86114
public private partnerships. The board consists of the following 86115
members: 86116

(1) The director of job and family services, or the 86117
director's authorized representative; 86118

(2) One member of the house of representative appointed by 86119
the speaker of the house of representatives; 86120

(3) One member of the senate appointed by the president of 86121
the senate; 86122

(4) The following members to be appointed by the director: 86123

(a) A representative from the Ohio chamber of commerce or 86124
its successor organization; 86125

(b) A representative from the national federation of 86126
independent business or its successor organization; 86127

(c) A third-party administrator that is a third-party 86128
commercial consumer reporting agency, in accordance with the 86129
"Fair Credit Reporting Act," 15 U.S.C. 1681 et seq.; 86130

(d) A representative from the Ohio federation of labor or 86131
its successor organization; 86132

(e) A representative from the affiliated construction 86133
trades of Ohio or its successor organization; 86134

(f) A representative from the Ohio conference of teamsters 86135
or its successor organization. 86136

(B) The director of job and family services, or the 86137
director's authorized representative, shall serve as chairperson 86138
of the board. 86139

(C) The board shall meet at least two times each calendar 86140

year. 86141

(D) Each member appointed by the director shall serve 86142
three year terms that expire on the thirty-first day of 86143
December. 86144

(E) Each member appointed by the director shall hold 86145
office from the date of appointment until the end of the term 86146
for which the member was appointed. A member appointed by the 86147
director to fill a vacancy occurring before the expiration of 86148
the term for which the member's predecessor was appointed shall 86149
hold office for the remainder of the term. A member appointed by 86150
the director shall continue in office subsequent to the 86151
expiration date of the member's term until the member's 86152
successor takes office or a period of sixty days has elapsed, 86153
whichever occurs first. A member appointed by the director shall 86154
continue in office for the entirety of the member's term unless 86155
removed for misfeasance, malfeasance, or nonfeasance. 86156

(F) The members of the board who are appointed from the 86157
membership of the senate and the house of representatives shall 86158
serve during their terms as members of the general assembly and 86159
until their successors are appointed and qualified, 86160
notwithstanding the adjournment of the general assembly of which 86161
they are members or the expiration of their terms as members of 86162
such general assembly. 86163

(G) All meetings of the unemployment compensation 86164
integrity board shall comply with section 121.22 of the Revised 86165
Code. 86166

(H) All members of the unemployment compensation integrity 86167
board shall comply with Chapter 102. of the Revised Code, as 86168
applicable. 86169

Sec. 4141.162. (A) The director of job and family services 86170
shall establish an income and eligibility verification system 86171
that complies with section 1137 of the "Social Security Act." 86172
The programs included in the system are all of the following: 86173

(1) Unemployment compensation pursuant to section 3304 of 86174
the "Internal Revenue Code of 1954"; 86175

(2) The state programs funded in part under part A of 86176
Title IV of the "Social Security Act" and administered under 86177
Chapters 5107. and 5108. of the Revised Code; 86178

(3) The medicaid program; 86179

(4) The supplemental nutrition assistance program pursuant 86180
to the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); 86181

(5) Any Ohio program under a plan approved under Title I, 86182
X, XIV, or XVI of the "Social Security Act." 86183

(B) Wage information provided by employers to the director 86184
shall be furnished to the income and eligibility verification 86185
system. Such information shall be used by the director to 86186
determine eligibility of individuals for unemployment 86187
compensation benefits and the amount of those benefits and used 86188
by the agencies that administer the programs identified in 86189
divisions (A) (2) to (5) of this section to determine or verify 86190
eligibility for or the amount of benefits under those programs. 86191

(C) The director shall, on request, disclose wage and 86192
claim information to any state or local agency administering a 86193
program identified in division (A) of this section that has 86194
entered into a written data sharing agreement with the director 86195
that meets the standards specified in federal law, including the 86196
requirements in 20 C.F.R. 603.10. 86197

~~The director shall fully implement the use of wage information to determine eligibility for and the amount of unemployment compensation benefits by September 30, 1988.~~ 86198
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(D) Information furnished under the system shall also be made available to the appropriate state or local child support enforcement agency for the purposes of an approved plan under Title IV-D of the "Social Security Act" and to the appropriate federal agency for the purposes of Titles II and XVI of the "Social Security Act." 86201
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~~(B) The director shall adopt rules as necessary under which the department of job and family services and other state agencies that the director determines must participate in order to ensure compliance with section 1137 of the "Social Security Act" exchange information with each other or authorized federal agencies about individuals who are applicants for or recipients of benefits under any of the programs enumerated in division (A) of this section. The rules shall extend to all of the following:~~ 86207
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~~(1) A requirement for standardized formats and procedures for a participating agency to request and receive information about an individual, which information shall include the individual's social security number;~~ 86215
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~~(2) A requirement that all applicants for and recipients of benefits under any program enumerated in division (A) of this section be notified at the time of application, and periodically thereafter, that information available through the system may be shared with agencies that administer other benefit programs and utilized in establishing or verifying eligibility or benefit amounts under the other programs enumerated in division (A) of this section;~~ 86219
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~~(3) A requirement that information is made available only to the extent necessary to assist in the valid administrative needs of the program receiving the information and is targeted for use in ways which are most likely to be productive in identifying and preventing ineligibility and incorrect payments;~~ 86227
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~~(4) A requirement that information is adequately protected against unauthorized disclosures for purposes other than to establish or verify eligibility or benefit amounts under the programs enumerated in division (A) of this section;~~ 86232
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~~(5) A requirement that a program providing information is reimbursed by the program using the information for the actual costs of furnishing the information and that the director be reimbursed by the participating programs for any actual costs incurred in operating the system;~~ 86236
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~~(6) Requirements for any other matters necessary to ensure the effective, efficient, and timely exchange of necessary information or that the director determines must be addressed in order to ensure compliance with the requirements of section 1137 of the "Social Security Act."~~ 86241
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~~(C) Each participating agency shall furnish to the income and eligibility verification system established in division (A) of this section that information, which the director, by rule, determines is necessary in order to comply with section 1137 of the "Social Security Act."~~ 86246
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~~(D) Notwithstanding the information disclosure requirements of this section and section 4141.21 and division (A) of section 4141.284 of the Revised Code, the director shall administer those provisions of law so as to comply with section 1137 of the "Social Security Act."~~ 86251
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~~(E) Requirements in section 4141.21 of the Revised Code with respect to confidentiality of information obtained in the administration of Chapter 4141. of the Revised Code and any sanctions imposed for improper disclosure of such information shall apply to the redisclosure of information disclosed under this section.~~ 86256
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~~(F) The director of job and family services shall consult with the medicaid director and the director of administrative services regarding the implementation of this section.~~ 86262
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Sec. 4141.23. (A) Contributions shall accrue and become payable by each employer for each calendar year or other period as prescribed by this chapter. Such contributions become due and shall be paid by each employer to the director of job and family services for the unemployment compensation fund in accordance with such regulations as the director prescribes, and shall not be deducted, in whole or in part, from the remuneration of individuals in the employer's employ. 86265
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In the payment of any contributions, a fractional part of a dollar may be disregarded unless it amounts to fifty cents or more, in which case it may be increased to the next higher dollar. 86273
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~~(B) (1) Any contribution or payment in lieu of contribution, due from an employer on or before December 31, 1992, shall, if not paid when due, bear interest at the rate of ten per cent per annum. In such computation any fraction of a month shall be considered as a full month.~~ 86277
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~~(2) Any contribution, payment in lieu of contribution, interest, forfeiture, or fine due from an employer on or after January 1, 1993~~before December 31, 2025, shall, if not paid when 86282
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due, bear interest at the annual rate of fourteen per cent 86285
compounded monthly on the aggregate receivable balance due. In 86286
such computation any fraction of a month shall be considered as 86287
a full month. 86288

(2) Any contribution, payment in lieu of contribution, 86289
interest, forfeiture, or fine due from an employer on or after 86290
January 1, 2026, shall, if not paid when due, bear interest at 86291
the interest rate established by the state tax commissioner 86292
pursuant to section 5703.47 of the Revised Code, not exceeding 86293
fifteen per cent. In such computation any fraction of a month 86294
shall be considered as a full month. 86295

(C) The director may waive the interest assessed under 86296
division ~~(B)(2)~~(B) of this section if the employer meets all of 86297
the following conditions within thirty days after the date the 86298
director mails or delivers the notice of assessment of interest: 86299

(1) Provides to the director a written request for a 86300
waiver of interest clearly demonstrating that the employer's 86301
failure to timely pay contributions, payments in lieu of 86302
contributions, interest, forfeiture, and fines was a result of 86303
circumstances beyond the control of the employer or the 86304
employer's agent, except that negligence on the part of the 86305
employer or the employer's agent shall not be considered beyond 86306
the control of the employer or the employer's agent; 86307

(2) Furnishes to the director all quarterly reports 86308
required under section 4141.20 of the Revised Code; 86309

(3) Pays in full all contributions, payments in lieu of 86310
contributions, interest, forfeiture, and fines for each quarter 86311
for which such payments are due. 86312

The director shall deny an employer's request for a waiver 86313

of interest after finding that the employer's failure to timely
furnish reports or make payments as required under this chapter
was due to an attempt to evade payment.

(D) Any contribution, interest, forfeiture, or fine
required to be paid under this chapter by any employer shall, if
not paid when due, become a lien upon the real and personal
property of such employer. Upon failure of such employer to pay
the contributions, interest, forfeiture, or fine required to be
paid under this chapter, the director shall file notice of such
lien, for which there shall be no charge, in the office of the
county recorder of the county in which it is ascertained that
such employer owns real estate or personal property. The
director shall notify the employer by mail of the lien. The
absence of proof that the notice was sent does not affect the
validity of the lien. Such lien shall not be valid as against
the claim of any mortgagee, pledgee, purchaser, judgment
creditor, or other lienholder of record at the time such notice
is filed.

If the employer acquires real or personal property after
notice of lien is filed, such lien shall not be valid as against
the claim of any mortgagee, pledgee, subsequent bona fide
purchaser for value, judgment creditor, or other lienholder of
record to such after-acquired property, unless the notice of
lien is refiled after such property was acquired by the employer
and before the competing lien attached to such after-acquired
property or before the conveyance to such subsequent bona fide
purchaser for value.

Such a notice shall be recorded in the county recorder's
official records and indexed in the direct and reverse indexes
under the name of the employer. When such unpaid contributions,

interest, forfeiture, or fines have been paid, the employer may 86344
record with the county recorder of the county in which such 86345
notice of lien has been filed and recorded, notice of such 86346
payment, and the notice of payment shall be recorded in the 86347
county recorder's official records and indexed in the direct and 86348
reverse indexes. For recording the notice of payment, the county 86349
recorder shall charge and receive from the employer a base fee 86350
of two dollars for services and a housing trust fund fee of two 86351
dollars pursuant to section 317.36 of the Revised Code. 86352

(E) Notwithstanding other provisions in this section, the 86353
director may reduce, in whole or in part, the amount of 86354
interest, forfeiture, or fines required to be paid under this 86355
chapter if the director determines that the reduction is in the 86356
best interest of the unemployment compensation fund. 86357

(F) Assessment of contributions shall not be made after 86358
four years from the date on which such contributions became 86359
payable, and no action in court for the collection of 86360
contributions without assessment of such contributions shall be 86361
begun after the expiration of five years from the date such 86362
contributions became payable. In case of a false or fraudulent 86363
report or of a willful attempt in any manner to evade 86364
contributions, such contributions may be assessed or a 86365
proceeding in court for the collection of such contributions may 86366
be begun without assessment at any time. When the assessment of 86367
contributions has been made within such four-year period 86368
provided, action in court to collect such contributions may be 86369
begun within, but not later than, six years after such 86370
assessment. 86371

(G) In the event of a distribution of an employer's 86372
assets, pursuant to an order of any court under the law of this 86373

state, including any receivership, assignment for benefit of 86374
creditors, adjudicated insolvency, or similar proceedings, 86375
contributions, interest, forfeiture, or fine then or thereafter 86376
due have the same priority as provided by law for the payment of 86377
taxes due the state and shall be paid out of the trust fund in 86378
the same manner as provided for other claims for unpaid taxes 86379
due the state. 86380

(H) If the attorney general finds after investigation that 86381
any claim for delinquent contributions, interest, forfeitures, 86382
or fines owing to the director is uncollectible, in whole or in 86383
part, the attorney general shall recommend to the director the 86384
cancellation of such claim or any part thereof. The director may 86385
thereupon effect such cancellation. 86386

Sec. 4141.281. APPEALS 86387

(A) APPEAL FILED 86388

Any party notified of a determination of benefit rights or 86389
a claim for benefits determination may appeal within twenty-one 86390
calendar days after the written determination was sent to the 86391
party or within an extended period as provided under division 86392
(D) (9) of this section. 86393

(B) REDETERMINATION 86394

Within twenty-one days after receipt of the appeal, the 86395
director of job and family services shall issue a 86396
redetermination or transfer the appeal to the unemployment 86397
compensation review commission. A redetermination under this 86398
section is appealable in the same manner as an initial 86399
determination by the director. 86400

(C) REVIEW COMMISSION 86401

(1) JURISDICTION 86402

The commission shall provide an opportunity for a fair 86403
hearing to the interested parties of appeals over which the 86404
commission has jurisdiction. The commission has jurisdiction 86405
over an appeal on transfer or on direct appeal to the 86406
commission. If the commission concludes that a pending appeal 86407
does not warrant a hearing, the commission may remand the appeal 86408
to the director for redetermination. The commission retains 86409
jurisdiction until the appeal is remanded to the director or a 86410
final decision is issued and appealed to court, or the time to 86411
request a review or to appeal a decision of a hearing officer or 86412
the commission is expired. 86413

(2) CONDUCT OF HEARINGS 86414

Hearings before the commission are held at the hearing 86415
officer level and the review level. Unless otherwise provided in 86416
this chapter, initial hearings involving claims for compensation 86417
and other unemployment compensation issues are conducted at the 86418
hearing officer level by hearing officers appointed by the 86419
commission. Hearings at the review level are conducted by 86420
hearing officers appointed by the commission, by members of the 86421
commission acting either individually or collectively, and by 86422
members of the commission and hearing officers acting jointly. 86423
In all hearings conducted at the review level, the commission 86424
shall designate the hearing officer or officers who are to 86425
conduct the hearing. When the term "hearing officer" is used in 86426
reference to hearings conducted at the review level, the term 86427
includes members of the commission. All decisions issued at the 86428
review level are issued by the commission. 86429

Provisions contained in the remainder of this paragraph 86430
apply to hearings at both the hearing officer level and the 86431

review level. The principles of due process in administrative 86432
hearings shall be applied to all hearings conducted under the 86433
authority of the commission. In conducting hearings, all hearing 86434
officers shall control the conduct of the hearing, exclude 86435
irrelevant or cumulative evidence, and give weight to the kind 86436
of evidence on which reasonably prudent persons are accustomed 86437
to rely in the conduct of serious affairs. Hearing officers have 86438
an affirmative duty to question parties and witnesses in order 86439
to ascertain the relevant facts and to fully and fairly develop 86440
the record. Hearing officers are not bound by common law or 86441
statutory rules of evidence or by technical or formal rules of 86442
procedure. No person shall impose upon the claimant or the 86443
employer any burden of proof as is required in a court of law. 86444
The proceedings at hearings shall be recorded by mechanical 86445
means or otherwise as may be prescribed by the commission. In 86446
the absence of further proceedings, the record need not be 86447
transcribed. After considering all of the evidence, a hearing 86448
officer shall issue a written decision that sets forth the facts 86449
as the hearing officer finds them to be, cites the applicable 86450
law, and gives the reasoning for the decision. 86451

(3) HEARING OFFICER LEVEL 86452

When an appeal is transferred to the commission by the 86453
director, the commission shall notify all interested parties of 86454
the time and place of the hearing and assign the appeal for a 86455
hearing by a hearing officer. The hearings shall be de novo, 86456
except that the director's file pertaining to a case shall be 86457
included in the record to be considered. 86458

Following a hearing, the hearing officer shall affirm, 86459
modify, or reverse the determination of the director in the 86460
manner that appears just and proper. The hearing officer's 86461

written decision shall be sent to all interested parties. The 86462
decision shall state the right of an interested party to request 86463
a review by the commission. 86464

A request for review shall be filed within twenty-one days 86465
after the decision was sent to the party, or within an extended 86466
period as provided under division (D) (9) of this section. The 86467
hearing officer's decision shall become final unless a request 86468
for review is filed and allowed or the commission removes the 86469
appeal to itself within twenty-one days after the hearing 86470
officer's decision is sent. 86471

(4) REVIEW LEVEL 86472

At the review level, the commission may affirm, modify, or 86473
reverse previous determinations by the director or at the 86474
hearing officer level. At the review level, the commission may 86475
affirm, modify, or reverse a hearing officer's decision or 86476
remand the decision to the hearing officer level for further 86477
hearing. The commission shall consider an appeal at the review 86478
level under the following circumstances: when an appeal is 86479
required to be heard initially at the review level under this 86480
chapter; when the commission on its own motion removes an appeal 86481
to itself within twenty-one days after the hearing officer's 86482
decision is sent; when the assigned hearing officer refers an 86483
appeal to the commission before the hearing officer's decision 86484
is sent; or when an interested party files a request for review 86485
with the commission within twenty-one days after the hearing 86486
officer's decision is sent. 86487

(5) COMMISSION EXAMINATION 86488

The commission shall consider a request for review by an 86489
interested party, including the reasons for the request. The 86490

commission may adopt rules prescribing the methods for 86491
requesting a review. The commission may allow or disallow the 86492
request for review. The disallowance of a request for review 86493
constitutes a final decision by the commission. 86494

(6) REVIEW PROCEDURE 86495

If the commission allows a request for review, the 86496
commission shall notify all interested parties of that fact and 86497
provide a reasonable period of time, as the commission defines 86498
by rule, in which interested parties may file a response. After 86499
that period of time, the commission, based on the record before 86500
it, may do one of the following: affirm the decision of the 86501
hearing officer; provide for the appeal to be heard or reheard 86502
at the hearing officer or review level; provide for the appeal 86503
to be heard at the review level as a potential precedential 86504
decision; or provide for the decision to be rewritten without 86505
further hearing at the review level. When a further hearing is 86506
provided or the decision is rewritten, the commission may 86507
affirm, modify, or reverse the previous decision. 86508

If a member of the commission is unable or unavailable to 86509
consider an appeal allowed by the commission, the other members 86510
of the commission may appoint a hearing officer as a temporary 86511
commissioner to fulfill the unable or unavailable commissioner's 86512
duties with respect to the appeal. The members of the commission 86513
may not appoint the hearing officer who decided the appeal at 86514
the hearing officer level. 86515

(7) NOTICES 86516

The commission shall send written notice to all interested 86517
parties when it orders an appeal to be heard or reheard. The 86518
notice shall include the reasons for the hearing or rehearing. 86519

(8) PRECEDENTIAL 86520

An appeal the commission identifies as potentially 86521
precedential shall be heard at the review level. In the notice 86522
for that type of hearing, the commission shall notify the 86523
director, all interested parties, and any other parties, as the 86524
commission determines appropriate, that the appeal is designated 86525
as potentially precedential. After the hearing, parties shall be 86526
given the opportunity to submit briefs on the issue or issues 86527
involved. The commission may designate a decision as 86528
precedential after issuing the decision or at any point in the 86529
appeal process, even if the commission does not initially 86530
identify the appeal as potentially precedential. 86531

(9) MASS APPEALS 86532

When the commission determines that it has five appeals 86533
pending that have common facts or common issues, the commission 86534
may transfer the appeals to the review level on its own motion 86535
to be heard as a mass appeal, including appeals from claimants 86536
separated due to a labor dispute, on the condition that there 86537
are fewer than twenty-five claimants involved. 86538

To facilitate a mass hearing, the commission may allow an 86539
authorized agent to accept notice of hearing on behalf of 86540
claimants. An authorized agent may waive this notice of hearing 86541
and also the sending of decisions to individual claimants 86542
represented by the agent. 86543

(D) SPECIAL PROVISIONS 86544

(1) TIMELINESS OF APPEALS 86545

The date of the mailing provided by the director or the 86546
commission is sufficient evidence upon which to conclude that a 86547
determination, redetermination, or decision was sent to the 86548

party on that date. Appeals may be filed with the director, 86549
commission, with an employee of another state or federal agency 86550
charged with the duty of accepting claims, or with the 86551
unemployment insurance commission of Canada. Any timely written 86552
notice by an interested party indicating a desire to appeal 86553
shall be accepted. 86554

The director, commission, or authorized agent must receive 86555
the appeal within the specified appeal period in order for the 86556
appeal to be deemed timely filed, except that: if the United 86557
States postal service is used as the means of delivery, the 86558
enclosing envelope must have a postmark date or postal meter 86559
postmark that is on or before the last day of the specified 86560
appeal period; and where the postmark is illegible or missing, 86561
the appeal is timely filed if received not later than the end of 86562
the fifth calendar day following the last day of the specified 86563
appeal period. 86564

The director and the commission may adopt rules pertaining 86565
to alternate methods of filing appeals under this section. 86566

(2) WAIVER 86567

Interested parties may waive, in writing, a hearing at 86568
either the hearing officer or review level. If the parties waive 86569
a hearing, the hearing officer shall issue a decision based on 86570
the evidence of record. 86571

(3) TELEPHONE HEARINGS 86572

Hearing officers may conduct hearings at either the 86573
hearing officer or review level in person or by telephone or 86574
interactive video conference. The commission shall adopt rules 86575
that designate the circumstances under which hearing officers 86576
may conduct a hearing by telephone or interactive video 86577

conference or grant a party to the hearing the opportunity to 86578
object to a hearing by telephone or interactive video 86579
conference. An interested party whose hearing would be by 86580
telephone or interactive video conference may elect to have an 86581
in-person hearing, provided that the party agrees to have the 86582
hearing at the time and place the commission determines pursuant 86583
to rule. 86584

(4) EVENING HEARINGS 86585

Unless the commission grants a request for an evening 86586
telephone or interactive video conference hearing, hearing 86587
officers shall conduct hearings at the hearing officer and 86588
review level during normal business hours. An interested party 86589
who is regularly employed throughout those hours may request to 86590
have a hearing by telephone or interactive video conference 86591
during the evening. The commission shall grant or deny a request 86592
for an evening telephone or interactive video conference 86593
hearing. If a conflict concerning a request for an evening 86594
hearing and an in-person hearing arises, the commission shall 86595
schedule the hearing by telephone or interactive video 86596
conference during evening hours. 86597

(5) NO APPEARANCE -- APPELLANT 86598

For hearings at either the hearing officer or review 86599
level, if the appealing party fails to appear at the hearing, 86600
the hearing officer shall dismiss the appeal. The commission 86601
shall vacate the dismissal upon a showing that written notice of 86602
the hearing was not sent to that party's last known address, or 86603
good cause for the appellant's failure to appear is shown to the 86604
commission within fourteen days after the hearing date. 86605

If the commission finds that the appealing party's reason 86606

for failing to appear does not constitute good cause for failing 86607
to appear, the commission shall send written notice of that 86608
finding, and the appealing party may request a hearing to 86609
present testimony on the issue of good cause for failing to 86610
appear. The appealing party shall file a request for a hearing 86611
on the issue of good cause for failing to appear within ten days 86612
after the commission sends written notice indicating a finding 86613
of no good cause for failing to appear. 86614

(6) NO APPEARANCE -- APPELLEE 86615

For hearings at either the hearing officer or review 86616
level, if the appellee fails to appear at the hearing, the 86617
hearing officer shall proceed with the hearing and shall issue a 86618
decision based on the evidence of record. The commission shall 86619
vacate the decision upon a showing that written notice of the 86620
hearing was not sent to the appellee's last known address, or 86621
good cause for the appellee's failure to appear is shown to the 86622
commission within fourteen days after the hearing date. 86623

(7) AGENT 86624

Any appeal or request for review may be executed on behalf 86625
of any party or any group of claimants by an agent. 86626

(8) COLLATERAL ESTOPPEL 86627

No finding of fact or law, decision, or order of the 86628
director, hearing officer, the commission, or a reviewing court 86629
under this section or section 4141.28 of the Revised Code shall 86630
be given collateral estoppel or res judicata effect in any 86631
separate or subsequent judicial, administrative, or arbitration 86632
proceeding, other than a proceeding arising under this chapter. 86633

(9) EXTENSION OF APPEAL PERIODS 86634

The time for filing an appeal or a request for review 86635
under this section or a court appeal under section 4141.282 of 86636
the Revised Code shall be extended in the manner described in 86637
the following four sentences. When the last day of an appeal 86638
period is a Saturday, Sunday, or legal holiday, the appeal 86639
period is extended to the next work day after the Saturday, 86640
Sunday, or legal holiday. When an interested party provides 86641
certified medical evidence stating that the interested party's 86642
physical condition or mental capacity prevented the interested 86643
party from filing an appeal or request for review under this 86644
section within the appropriate twenty-one-day period, the appeal 86645
period is extended to twenty-one days after the end of the 86646
physical or mental condition, and the appeal or request for 86647
review is considered timely filed if filed within that extended 86648
period. When an interested party provides evidence, which 86649
evidence may consist of testimony from the interested party, 86650
that is sufficient to establish that the party did not actually 86651
receive the determination or decision within the applicable 86652
appeal period under this section, and the director or the 86653
commission finds that the interested party did not actually 86654
receive the determination or decision within the applicable 86655
appeal period, then the appeal period is extended to twenty-one 86656
days after the interested party actually receives the 86657
determination or decision. When an interested party provides 86658
evidence, which evidence may consist of testimony from the 86659
interested party, that is sufficient to establish that the party 86660
did not actually receive a decision within the thirty-day appeal 86661
period provided in section 4141.282 of the Revised Code, and a 86662
court of common pleas finds that the interested party did not 86663
actually receive the decision within that thirty-day appeal 86664
period, then the appeal period is extended to thirty days after 86665
the interested party actually receives the decision. 86666

Sec. 4141.29. Each eligible individual shall receive 86667
benefits as compensation for loss of remuneration due to 86668
involuntary total or partial unemployment in the amounts and 86669
subject to the conditions stipulated in this chapter. 86670

(A) No individual is entitled to a waiting period or 86671
benefits for any week unless the individual: 86672

(1) Has filed a valid application for determination of 86673
benefit rights in accordance with section 4141.28 of the Revised 86674
Code; 86675

(2) Has made a claim for benefits in accordance with 86676
section 4141.28 of the Revised Code; 86677

(3) (a) Has registered for work and thereafter continues to 86678
report to an employment office or other registration place 86679
maintained or designated by the director of job and family 86680
services. Registration shall be made in accordance with the time 86681
limits, frequency, and manner prescribed by the director. 86682

(b) For purposes of division (A) (3) of this section, an 86683
individual has "registered" upon doing any of the following: 86684

(i) Filing an application for benefit rights; 86685

(ii) Making a weekly claim for benefits; 86686

(iii) Reopening an existing claim following a period of 86687
employment or nonreporting. 86688

(c) After an applicant is registered, that registration 86689
continues for a period of three calendar weeks, including the 86690
week during which the applicant registered. However, an 86691
individual is not registered for purposes of division (A) (3) of 86692
this section during any period in which the individual fails to 86693
report, as instructed by the director, or fails to reopen an 86694

existing claim following a period of employment. 86695

(d) The director may, for good cause, extend the period of 86696
registration. 86697

(e) For purposes of this section, "report" means contact 86698
by phone, access electronically, or be present for an in-person 86699
appointment, as designated by the director. 86700

(4) (a) (i) Is able to work and available for suitable work 86701
and, except as provided in division (A) (4) (a) (ii) or (iii) of 86702
this section, is actively seeking suitable work either in a 86703
locality in which the individual has earned wages subject to 86704
this chapter during the individual's base period, or if the 86705
individual leaves that locality, then in a locality where 86706
suitable work normally is performed. 86707

(ii) The director may waive the requirement that a 86708
claimant be actively seeking work when the director finds that 86709
the individual has been laid off and the employer who laid the 86710
individual off has notified the director within ten days after 86711
the layoff, that work is expected to be available for the 86712
individual within a specified number of days not to exceed 86713
forty-five calendar days following the last day the individual 86714
worked. In the event the individual is not recalled within the 86715
specified period, this waiver shall cease to be operative with 86716
respect to that layoff. 86717

(iii) The director may waive the requirement that a 86718
claimant be actively seeking work if the director determines 86719
that the individual has been laid off and the employer who laid 86720
the individual off has notified the director in accordance with 86721
division (C) of section 4141.28 of the Revised Code that the 86722
employer has closed the employer's entire plant or part of the 86723

employer's plant for a purpose other than inventory or vacation 86724
that will cause unemployment for a definite period not exceeding 86725
twenty-six weeks beginning on the date the employer notifies the 86726
director, for the period of the specific shutdown, if all of the 86727
following apply: 86728

(I) The employer and the individuals affected by the 86729
layoff who are claiming benefits under this chapter jointly 86730
request the exemption. 86731

(II) The employer provides that the affected individuals 86732
shall return to work for the employer within twenty-six weeks 86733
after the date the employer notifies the director. 86734

(III) The director determines that the waiver of the 86735
active search for work requirement will promote productivity and 86736
economic stability within the state. 86737

(iv) Division (A) (4) (a) (iii) of this section does not 86738
exempt an individual from meeting the other requirements 86739
specified in division (A) (4) (a) (i) of this section to be able to 86740
work and otherwise fully be available for work. An exemption 86741
granted under division (A) (4) (a) (iii) of this section may be 86742
granted only with respect to a specific plant closing. 86743

(b) (i) The individual shall be instructed as to the 86744
efforts that the individual must make in the search for suitable 86745
work, including that, within six months after October 11, 2013, 86746
the individual shall register with the OhioMeansJobs web site, 86747
except in any of the following circumstances: 86748

(I) The individual is an individual described in division 86749
(A) (4) (b) (iii) of this section; 86750

(II) Where the active search for work requirement has been 86751
waived under division (A) (4) (a) of this section; 86752

(III) Where the active search for work requirement is considered to be met under division (A) (4) (c), (d), or (e) of this section.

(ii) An individual who is registered with the OhioMeansJobs web site shall receive a weekly listing of available jobs based on information provided by the individual at the time of registration. For each week that the individual claims benefits, the individual shall keep a record of the individual's work search efforts and shall produce that record in the manner and means prescribed by the director.

(iii) No individual shall be required to register with the OhioMeansJobs web site if the individual is legally prohibited from using a computer, has a physical or visual impairment that makes the individual unable to use a computer, or has a limited ability to read, write, speak, or understand a language in which the OhioMeansJobs web site is available.

(iv) As used in division (A) (4) (b) of this section:

(I) "OhioMeansJobs web site" has the same meaning as in section 6301.01 of the Revised Code.

(II) "Registration" includes the creation, electronic posting, and maintenance of an active, searchable resume.

(c) An individual who is attending a training course approved by the director meets the requirement of this division, if attendance was recommended by the director and the individual is regularly attending the course and is making satisfactory progress. An individual also meets the requirements of this division if the individual is participating and advancing in a training program, as defined in division (P) of section 5709.61 of the Revised Code, and if an enterprise, defined in division

(B) of section 5709.61 of the Revised Code, is paying all or 86782
part of the cost of the individual's participation in the 86783
training program with the intention of hiring the individual for 86784
employment as a new employee, as defined in division (L) of 86785
section 5709.61 of the Revised Code, for at least ninety days 86786
after the individual's completion of the training program. 86787

(d) An individual who becomes unemployed while attending a 86788
regularly established school and whose base period qualifying 86789
weeks were earned in whole or in part while attending that 86790
school, meets the availability and active search for work 86791
requirements of division (A) (4) (a) of this section if the 86792
individual regularly attends the school during weeks with 86793
respect to which the individual claims unemployment benefits and 86794
makes self available on any shift of hours for suitable 86795
employment with the individual's most recent employer or any 86796
other employer in the individual's base period, or for any other 86797
suitable employment to which the individual is directed, under 86798
this chapter. 86799

(e) An individual who is a member in good standing with a 86800
labor organization that refers individuals to jobs meets the 86801
active search for work requirement specified in division (A) (4) 86802
(a) of this section if the individual provides documentation 86803
that the individual is eligible for a referral or placement upon 86804
request and in a manner prescribed by the director. 86805

(f) Notwithstanding any other provisions of this section, 86806
no otherwise eligible individual shall be denied benefits for 86807
any week because the individual is in training approved under 86808
section 236(a) (1) of the "Trade Act of 1974," 88 Stat. 1978, 19 86809
U.S.C.A. 2296, nor shall that individual be denied benefits by 86810
reason of leaving work to enter such training, provided the work 86811

left is not suitable employment, or because of the application 86812
to any week in training of provisions in this chapter, or any 86813
applicable federal unemployment compensation law, relating to 86814
availability for work, active search for work, or refusal to 86815
accept work. 86816

For the purposes of division (A) (4) (f) of this section, 86817
"suitable employment" means with respect to an individual, work 86818
of a substantially equal or higher skill level than the 86819
individual's past adversely affected employment, as defined for 86820
the purposes of the "Trade Act of 1974," 88 Stat. 1978, 19 86821
U.S.C.A. 2101, and wages for such work at not less than eighty 86822
per cent of the individual's average weekly wage as determined 86823
for the purposes of that federal act. 86824

(5) ~~Is unable to obtain suitable work. An individual who 86825
is provided temporary work assignments by the individual's 86826
employer under agreed terms and conditions of employment, and 86827
who is required pursuant to those terms and conditions to 86828
inquire with the individual's employer for available work 86829
assignments upon the conclusion of each work assignment, is not 86830
considered unable to obtain suitable employment if suitable work 86831
assignments are available with the employer but the individual 86832
fails to contact the employer to inquire about work assignments. 86833~~

(6) Participates in reemployment services, such as job 86834
search assistance services, if the individual has been 86835
determined to be likely to exhaust benefits under this chapter, 86836
including compensation payable pursuant to 5 U.S.C.A. Chapter 86837
85, other than extended compensation, and needs reemployment 86838
services pursuant to the profiling system established by the 86839
director under division (K) of this section, unless the director 86840
determines that: 86841

(a) The individual has completed such services; or 86842

(b) There is justifiable cause for the claimant's failure 86843
to participate in such services. 86844

Ineligibility for failure to participate in reemployment 86845
services as described in division (A)(6) of this section shall 86846
be for the week or weeks in which the claimant was scheduled and 86847
failed to participate without justifiable cause. 86848

(7) Participates in the reemployment and eligibility 86849
assessment program, or other reemployment services, as required 86850
by the director. As used in division (A)(7) of this section, 86851
"reemployment services" includes job search assistance 86852
activities, skills assessments, and the provision of labor 86853
market statistics or analysis. 86854

(a) For purposes of division (A)(7) of this section, 86855
participation is required unless the director determines that 86856
either of the following circumstances applies to the individual: 86857

(i) The individual has completed similar services. 86858

(ii) Justifiable cause exists for the failure of the 86859
individual to participate in those services. 86860

(b) Within six months after October 11, 2013, 86861
notwithstanding any earlier contact an individual may have had 86862
with a local OhioMeansJobs center, as defined in section 6301.01 86863
of the Revised Code, beginning with the eighth week after the 86864
week during which an individual first files a valid application 86865
for determination of benefit rights in the individual's benefit 86866
year, the individual shall report to a local OhioMeansJobs 86867
center for reemployment services in the manner prescribed by the 86868
director. 86869

(c) An individual whose active search for work requirement has been waived under division (A) (4) (a) of this section or is considered to be satisfied under division (A) (4) (c), (d), or (e) of this section is exempt from the requirements of division (A) (7) of this section.

(B) An individual suffering total or partial unemployment is eligible for benefits for unemployment occurring subsequent to a waiting period of one week and no benefits shall be payable during this required waiting period. Not more than one week of waiting period shall be required of any individual in any benefit year in order to establish the individual's eligibility for total or partial unemployment benefits.

(C) The waiting period for total or partial unemployment shall commence on the first day of the first week with respect to which the individual first files a claim for benefits at an employment office or other place of registration maintained or designated by the director or on the first day of the first week with respect to which the individual has otherwise filed a claim for benefits in accordance with the rules of the department of job and family services, provided such claim is allowed by the director.

(D) Notwithstanding division (A) of this section, no individual may serve a waiting period or be paid benefits under the following conditions:

(1) For any week with respect to which the director finds that:

(a) The individual's unemployment was due to a labor dispute other than a lockout at any factory, establishment, or other premises located in this or any other state and owned or

operated by the employer by which the individual is or was last 86899
employed; and for so long as the individual's unemployment is 86900
due to such labor dispute. No individual shall be disqualified 86901
under this provision if either of the following applies: 86902

(i) The individual's employment was with such employer at 86903
any factory, establishment, or premises located in this state, 86904
owned or operated by such employer, other than the factory, 86905
establishment, or premises at which the labor dispute exists, if 86906
it is shown that the individual is not financing, participating 86907
in, or directly interested in such labor dispute; 86908

(ii) The individual's employment was with an employer not 86909
involved in the labor dispute but whose place of business was 86910
located within the same premises as the employer engaged in the 86911
dispute, unless the individual's employer is a wholly owned 86912
subsidiary of the employer engaged in the dispute, or unless the 86913
individual actively participates in or voluntarily stops work 86914
because of such dispute. If it is established that the claimant 86915
was laid off for an indefinite period and not recalled to work 86916
prior to the dispute, or was separated by the employer prior to 86917
the dispute for reasons other than the labor dispute, or that 86918
the individual obtained a bona fide job with another employer 86919
while the dispute was still in progress, such labor dispute 86920
shall not render the employee ineligible for benefits. 86921

(b) The individual has been given a disciplinary layoff 86922
for misconduct in connection with the individual's work. 86923

(2) For the duration of the individual's unemployment if 86924
the director finds that: 86925

(a) The individual quit work without just cause or has 86926
been discharged for just cause in connection with the 86927

individual's work, provided division (D) (2) of this section does 86928
not apply to the separation of a person under any of the 86929
following circumstances: 86930

(i) Separation from employment for the purpose of entering 86931
the armed forces of the United States if the individual is 86932
inducted into the armed forces within one of the following 86933
periods: 86934

(I) Thirty days after separation; 86935

(II) One hundred eighty days after separation if the 86936
individual's date of induction is delayed solely at the 86937
discretion of the armed forces. 86938

(ii) Separation from employment pursuant to a labor- 86939
management contract or agreement, or pursuant to an established 86940
employer plan, program, or policy, which permits the employee, 86941
because of lack of work, to accept a separation from employment; 86942

(iii) The individual has left employment to accept a 86943
recall from a prior employer or, except as provided in division 86944
(D) (2) (a) (iv) of this section, to accept other employment as 86945
provided under section 4141.291 of the Revised Code, or left or 86946
was separated from employment that was concurrent employment at 86947
the time of the most recent separation or within six weeks prior 86948
to the most recent separation where the remuneration, hours, or 86949
other conditions of such concurrent employment were 86950
substantially less favorable than the individual's most recent 86951
employment and where such employment, if offered as new work, 86952
would be considered not suitable under the provisions of 86953
divisions (E) and (F) of this section. Any benefits that would 86954
otherwise be chargeable to the account of the employer from whom 86955
an individual has left employment or was separated from 86956

employment that was concurrent employment under conditions 86957
described in division (D) (2) (a) (iii) of this section, shall 86958
instead be charged to the mutualized account created by division 86959
(B) of section 4141.25 of the Revised Code, except that any 86960
benefits chargeable to the account of a reimbursing employer 86961
under division (D) (2) (a) (iii) of this section shall be charged 86962
to the account of the reimbursing employer and not to the 86963
mutualized account, except as provided in division (D) (2) of 86964
section 4141.24 of the Revised Code. 86965

(iv) When an individual has been issued a definite layoff 86966
date by the individual's employer and before the layoff date, 86967
the individual quits to accept other employment, the provisions 86968
of division (D) (2) (a) (iii) of this section apply and no 86969
disqualification shall be imposed under division (D) of this 86970
section. However, if the individual fails to meet the employment 86971
and earnings requirements of division (A) (2) of section 4141.291 86972
of the Revised Code, then the individual, pursuant to division 86973
(A) (5) of this section, shall be ineligible for benefits for any 86974
week of unemployment that occurs prior to the layoff date. 86975

(v) The individual's spouse is a member of the armed 86976
forces of the United States who is on active duty or a member of 86977
the commissioned corps of the national oceanic and atmospheric 86978
administration or public health service, the spouse is the 86979
subject of a transfer, the individual left employment to 86980
accompany the individual's spouse to a location from which it is 86981
impractical to commute to the individual's place of employment, 86982
and upon arrival at the new place of residence, the individual 86983
is in all respects able and available for suitable work. For- 86984
~~purpose~~ purposes of division (D) (2) (a) (v) of this section, 86985
"active duty" and "armed forces" have the same meanings as in 10 86986
U.S.C. 101. 86987

(b) The individual has refused without good cause to accept an offer of suitable work when made by an employer either in person or to the individual's last known address, or has refused or failed to investigate a referral to suitable work when directed to do so by a local employment office of this state or another state, provided that this division shall not cause a disqualification for a waiting week or benefits under the following circumstances:

(i) When work is offered by the individual's employer and the individual is not required to accept the offer pursuant to the terms of the labor-management contract or agreement; or

(ii) When the individual is attending a training course pursuant to division (A) (4) of this section except, in the event of a refusal to accept an offer of suitable work or a refusal or failure to investigate a referral, benefits thereafter paid to such individual shall not be charged to the account of any employer and, except as provided in division (B) (1) (b) of section 4141.241 of the Revised Code, shall be charged to the mutualized account as provided in division (B) of section 4141.25 of the Revised Code.

(c) Such individual quit work to marry or because of marital, parental, filial, or other domestic obligations.

(d) The individual became unemployed by reason of commitment to any correctional institution.

(e) The individual became unemployed because of dishonesty in connection with the individual's most recent or any base period work. Remuneration earned in such work shall be excluded from the individual's total base period remuneration and qualifying weeks that otherwise would be credited to the

individual for such work in the individual's base period shall 87017
not be credited for the purpose of determining the total 87018
benefits to which the individual is eligible and the weekly 87019
benefit amount to be paid under section 4141.30 of the Revised 87020
Code. Such excluded remuneration and noncredited qualifying 87021
weeks shall be excluded from the calculation of the maximum 87022
amount to be charged, under division (D) of section 4141.24 and 87023
section 4141.33 of the Revised Code, against the accounts of the 87024
individual's base period employers. In addition, no benefits 87025
shall thereafter be paid to the individual based upon such 87026
excluded remuneration or noncredited qualifying weeks. 87027

For purposes of division (D) (2) (e) of this section, 87028
"dishonesty" means the commission of substantive theft, fraud, 87029
or deceitful acts. 87030

(3) For purposes of division (D) (2) (a) of this section, an 87031
individual shall be considered to have quit work without just 87032
cause if all of the following apply: 87033

(a) The individual is provided temporary work assignments 87034
by the individual's employer under agreed terms and conditions 87035
of employment. 87036

(b) The individual is required pursuant to those terms and 87037
conditions to inquire with the individual's employer for 87038
available work assignments upon the conclusion of each work 87039
assignment. 87040

(c) Suitable work assignments are available with the 87041
employer, but the individual fails to contact the employer to 87042
inquire about work assignments. 87043

(E) No individual otherwise qualified to receive benefits 87044
shall lose the right to benefits by reason of a refusal to 87045

accept new work if: 87046

(1) As a condition of being so employed the individual 87047
would be required to join a company union, or to resign from or 87048
refrain from joining any bona fide labor organization, or would 87049
be denied the right to retain membership in and observe the 87050
lawful rules of any such organization. 87051

(2) The position offered is vacant due directly to a 87052
strike, lockout, or other labor dispute. 87053

(3) The work is at an unreasonable distance from the 87054
individual's residence, having regard to the character of the 87055
work the individual has been accustomed to do, and travel to the 87056
place of work involves expenses substantially greater than that 87057
required for the individual's former work, unless the expense is 87058
provided for. 87059

(4) The remuneration, hours, or other conditions of the 87060
work offered are substantially less favorable to the individual 87061
than those prevailing for similar work in the locality. 87062

(F) Subject to the special exceptions contained in 87063
division (A) (4) (f) of this section and section 4141.301 of the 87064
Revised Code, in determining whether any work is suitable for a 87065
claimant in the administration of this chapter, the director, in 87066
addition to the determination required under division (E) of 87067
this section, shall consider the degree of risk to the 87068
claimant's health, safety, and morals, the individual's physical 87069
fitness for the work, the individual's prior training and 87070
experience, the length of the individual's unemployment, the 87071
distance of the available work from the individual's residence, 87072
and the individual's prospects for obtaining local work. 87073

(G) The "duration of unemployment" as used in this section 87074

means the full period of unemployment next ensuing after a 87075
separation from any base period or subsequent work and until an 87076
individual has become reemployed in employment subject to this 87077
chapter, or the unemployment compensation act of another state, 87078
or of the United States, and until such individual has worked 87079
six weeks and for those weeks has earned or been paid 87080
remuneration equal to six times an average weekly wage of not 87081
less than: eighty-five dollars and ten cents per week beginning 87082
on June 26, 1990; and beginning on and after January 1, 1992, 87083
twenty-seven and one-half per cent of the statewide average 87084
weekly wage as computed each first day of January under division 87085
(B) (3) of section 4141.30 of the Revised Code, rounded down to 87086
the nearest dollar, except for purposes of division (D) (2) (c) of 87087
this section, such term means the full period of unemployment 87088
next ensuing after a separation from such work and until such 87089
individual has become reemployed subject to the terms set forth 87090
above, and has earned wages equal to one-half of the 87091
individual's average weekly wage or sixty dollars, whichever is 87092
less. 87093

(H) If a claimant is disqualified under division (D) (2) 87094
(a), (c), or (d) of this section or found to be qualified under 87095
the exceptions provided in division (D) (2) (a) (i), (iii), (iv), 87096
or (v) of this section or division (A) (2) of section 4141.291 of 87097
the Revised Code, then benefits that may become payable to such 87098
claimant, which are chargeable to the account of the employer 87099
from whom the individual was separated under such conditions, 87100
shall be charged to the mutualized account provided in section 87101
4141.25 of the Revised Code, provided that no charge shall be 87102
made to the mutualized account for benefits chargeable to a 87103
reimbursing employer, except as provided in division (D) (2) of 87104
section 4141.24 of the Revised Code. In the case of a 87105

reimbursing employer, the director shall refund or credit to the 87106
account of the reimbursing employer any over-paid benefits that 87107
are recovered under division (B) of section 4141.35 of the 87108
Revised Code. Amounts chargeable to other states, the United 87109
States, or Canada that are subject to agreements and 87110
arrangements that are established pursuant to section 4141.43 of 87111
the Revised Code shall be credited or reimbursed according to 87112
the agreements and arrangements to which the chargeable amounts 87113
are subject. 87114

(I) (1) Benefits based on service in employment as provided 87115
in divisions (B) (2) (a) and (b) of section 4141.01 of the Revised 87116
Code shall be payable in the same amount, on the same terms, and 87117
subject to the same conditions as benefits payable on the basis 87118
of other service subject to this chapter; except that after 87119
December 31, 1977: 87120

(a) Benefits based on service in an instructional, 87121
research, or principal administrative capacity in an institution 87122
of higher education, as defined in division (Y) of section 87123
4141.01 of the Revised Code; or for an educational institution 87124
as defined in division (CC) of section 4141.01 of the Revised 87125
Code, shall not be paid to any individual for any week of 87126
unemployment that begins during the period between two 87127
successive academic years or terms, or during a similar period 87128
between two regular but not successive terms or during a period 87129
of paid sabbatical leave provided for in the individual's 87130
contract, if the individual performs such services in the first 87131
of those academic years or terms and has a contract or a 87132
reasonable assurance that the individual will perform services 87133
in any such capacity for any such institution in the second of 87134
those academic years or terms. 87135

(b) Benefits based on service for an educational 87136
institution or an institution of higher education in other than 87137
an instructional, research, or principal administrative 87138
capacity, shall not be paid to any individual for any week of 87139
unemployment which begins during the period between two 87140
successive academic years or terms of the employing educational 87141
institution or institution of higher education, provided the 87142
individual performed those services for the educational 87143
institution or institution of higher education during the first 87144
such academic year or term and, there is a reasonable assurance 87145
that such individual will perform those services for any 87146
educational institution or institution of higher education in 87147
the second of such academic years or terms. 87148

If compensation is denied to any individual for any week 87149
under division (I) (1) (b) of this section and the individual was 87150
not offered an opportunity to perform those services for an 87151
institution of higher education or for an educational 87152
institution for the second of such academic years or terms, the 87153
individual is entitled to a retroactive payment of compensation 87154
for each week for which the individual timely filed a claim for 87155
compensation and for which compensation was denied solely by 87156
reason of division (I) (1) (b) of this section. An application for 87157
retroactive benefits shall be timely filed if received by the 87158
director or the director's deputy within or prior to the end of 87159
the fourth full calendar week after the end of the period for 87160
which benefits were denied because of reasonable assurance of 87161
employment. The provision for the payment of retroactive 87162
benefits under division (I) (1) (b) of this section is applicable 87163
to weeks of unemployment beginning on and after November 18, 87164
1983. The provisions under division (I) (1) (b) of this section 87165
shall be retroactive to September 5, 1982, only if, as a 87166

condition for full tax credit against the tax imposed by the 87167
"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 87168
3301 to 3311, the United States secretary of labor determines 87169
that retroactivity is required by federal law. 87170

(c) With respect to weeks of unemployment beginning after 87171
December 31, 1977, benefits shall be denied to any individual 87172
for any week which commences during an established and customary 87173
vacation period or holiday recess, if the individual performs 87174
any services described in divisions (I)(1)(a) and (b) of this 87175
section in the period immediately before the vacation period or 87176
holiday recess, and there is a reasonable assurance that the 87177
individual will perform any such services in the period 87178
immediately following the vacation period or holiday recess. 87179

(d) With respect to any services described in division (I) 87180
(1)(a), (b), or (c) of this section, benefits payable on the 87181
basis of services in any such capacity shall be denied as 87182
specified in division (I)(1)(a), (b), or (c) of this section to 87183
any individual who performs such services in an educational 87184
institution or institution of higher education while in the 87185
employ of an educational service agency. For this purpose, the 87186
term "educational service agency" means a governmental agency or 87187
governmental entity that is established and operated exclusively 87188
for the purpose of providing services to one or more educational 87189
institutions or one or more institutions of higher education. 87190

(e) Any individual employed by a county board of 87191
developmental disabilities shall be notified by the thirtieth 87192
day of April each year if the individual is not to be reemployed 87193
the following academic year. 87194

(f) Any individual employed by a school district, other 87195
than a municipal school district as defined in section 3311.71 87196

of the Revised Code, shall be notified by the first day of June 87197
each year if the individual is not to be reemployed the 87198
following academic year. 87199

(2) No disqualification will be imposed, between academic 87200
years or terms or during a vacation period or holiday recess 87201
under this division, unless the director or the director's 87202
deputy has received a statement in writing from the educational 87203
institution or institution of higher education that the claimant 87204
has a contract for, or a reasonable assurance of, reemployment 87205
for the ensuing academic year or term. 87206

(3) If an individual has employment with an educational 87207
institution or an institution of higher education and employment 87208
with a noneducational employer, during the base period of the 87209
individual's benefit year, then the individual may become 87210
eligible for benefits during the between-term, or vacation or 87211
holiday recess, disqualification period, based on employment 87212
performed for the noneducational employer, provided that the 87213
employment is sufficient to qualify the individual for benefit 87214
rights separately from the benefit rights based on school 87215
employment. The weekly benefit amount and maximum benefits 87216
payable during a disqualification period shall be computed based 87217
solely on the nonschool employment. 87218

(J) Benefits shall not be paid on the basis of employment 87219
performed by an alien, unless the alien had been lawfully 87220
admitted to the United States for permanent residence at the 87221
time the services were performed, was lawfully present for 87222
purposes of performing the services, or was otherwise 87223
permanently residing in the United States under color of law at 87224
the time the services were performed, under section 212(d)(5) of 87225
the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 87226

1101: 87227

(1) Any data or information required of individuals 87228
applying for benefits to determine whether benefits are not 87229
payable to them because of their alien status shall be uniformly 87230
required from all applicants for benefits. 87231

(2) In the case of an individual whose application for 87232
benefits would otherwise be approved, no determination that 87233
benefits to the individual are not payable because of the 87234
individual's alien status shall be made except upon a 87235
preponderance of the evidence that the individual had not, in 87236
fact, been lawfully admitted to the United States. 87237

(K) The director shall establish and utilize a system of 87238
profiling all new claimants under this chapter that: 87239

(1) Identifies which claimants will be likely to exhaust 87240
regular compensation and will need job search assistance 87241
services to make a successful transition to new employment; 87242

(2) Refers claimants identified pursuant to division (K) 87243
(1) of this section to reemployment services, such as job search 87244
assistance services, available under any state or federal law; 87245

(3) Collects follow-up information relating to the 87246
services received by such claimants and the employment outcomes 87247
for such claimant's subsequent to receiving such services and 87248
utilizes such information in making identifications pursuant to 87249
division (K) (1) of this section; and 87250

(4) Meets such other requirements as the United States 87251
secretary of labor determines are appropriate. 87252

(L) Except as otherwise provided in division (A) (6) of 87253
this section, ineligibility pursuant to division (A) of this 87254

section shall begin on the first day of the week in which the claimant becomes ineligible for benefits and shall end on the last day of the week preceding the week in which the claimant satisfies the eligibility requirements.

(M) The director may adopt rules that the director considers necessary for the administration of division (A) of this section.

Sec. 4141.33. (A) As used in this section:

(1) "Reasonable assurance" means a written, verbal, or implied agreement that the individual will perform services in the same or similar capacity during the ensuing sports season or seasonal period.

(2) "Seasonal employment" means employment of individuals hired primarily to perform services in an industry which because of climatic conditions or because of the seasonal nature of such industry it is customary to operate only during regularly recurring periods of forty weeks or less in any consecutive fifty-two weeks.

(3) "Seasonal employer" means an employer determined by the director of job and family services to be an employer whose operations and business, with the exception of certain administrative and maintenance operations, are substantially all in a seasonal industry.

(4) "Significantly" means forty per cent or more of an individual's base period consists of services performed in seasonal employment.

(B) Any employer who claims to have seasonal employment in a seasonal industry may file with the director a written application for classification of such employment as seasonal.

Whenever in any industry it is customary to operate because of 87284
climatic conditions or because of the seasonal nature of such 87285
industry only during regularly recurring periods of forty weeks 87286
or less duration, benefits shall be payable only during the 87287
longest seasonal periods which the best practice of such 87288
industry will reasonably permit. The director shall determine, ~~after 87289
investigation, hearing, and due notice,~~ whether the 87290
industry is seasonal and, if seasonal, establish seasonal 87291
periods for such seasonal employer. The director shall make the 87292
determination based on the application for classification filed 87293
under this section and any other relevant information available. 87294
Until such determination by the director, no industry or 87295
employment shall be deemed seasonal. 87296

(C) When the director has determined such seasonal 87297
periods, the director shall also establish the proportionate 87298
number of weeks of employment and earnings required to qualify 87299
for seasonal benefit rights in place of the weeks of employment 87300
and earnings requirement stipulated in division (R) of section 87301
4141.01 and section 4141.30 of the Revised Code, and the 87302
proportionate number of weeks for which seasonal benefits may be 87303
paid. An individual whose base period employment consists of 87304
only seasonal employment for a single seasonal employer and who 87305
meets the employment and earnings requirements determined by the 87306
director pursuant to this division will have benefit rights 87307
determined in accordance with this division, except benefits 87308
shall not be paid for any week between two successive seasonal 87309
periods. Benefit charges for such seasonal employment shall be 87310
computed and charged in accordance with division (D) of section 87311
4141.24 of the Revised Code. The director may adopt rules for 87312
implementation of this section. 87313

(D) An individual whose base period employment consists of 87314

either seasonal employment with two or more seasonal employers 87315
or both seasonal employment and nonseasonal employment with 87316
employers subject to this chapter, will have benefit rights 87317
determined in accordance with division (R) of section 4141.01 87318
and section 4141.30 of the Revised Code. Benefit charges for 87319
both seasonal and nonseasonal employment shall be computed and 87320
charged in accordance with division (D) of section 4141.24 of 87321
the Revised Code. The total seasonal and nonseasonal benefits 87322
during a benefit year cannot exceed twenty-six times the weekly 87323
benefit amount. Effective October 30, 2011, an individual who 87324
performs services that significantly consist of services 87325
performed in seasonal employment shall not be paid benefits for 87326
those services for any week in the period between two successive 87327
seasonal periods if the individual performed those services in 87328
the first of the seasonal periods and there is reasonable 87329
assurance that the individual will perform those services in the 87330
later of the seasonal periods. The director shall adopt rules 87331
for the implementation of this division. 87332

(E) Benefits shall not be paid to any individual on the 87333
basis of any services, substantially all of which consist of 87334
participating in sports or athletic events or training or 87335
preparing to so participate, for any week which commences during 87336
the period between two successive sport seasons, or similar 87337
periods, if the individual performed services in the first of 87338
the seasons, or similar periods, and there is a reasonable 87339
assurance that the individual will perform services in the later 87340
of the seasons, or similar periods. 87341

(F) The director shall adopt rules concerning the 87342
eligibility for benefits of individuals under divisions (D) and 87343
(E) of this section. 87344

~~Sec. 4141.56. Beginning one year after the effective date~~ 87345
~~of this section, and every year thereafter, the~~ 87346
The director of 87347
job and family services annually shall prepare a report and 87348
submit ~~a report~~ it by the first day of August to the governor, 87349
the president and minority leader of the senate, and the speaker 87350
and the minority leader of the house of representatives ~~that~~ 87351
~~discusses~~. The report shall discuss the utilization of the 87352
SharedWork Ohio program created under section 4141.50 of the 87353
Revised Code. The director shall include in that report the 87354
number of employers and employees participating in the program, 87355
the amount of shared work compensation paid under the program 87356
during the immediately preceding year, and any other information 87357
the director considers to be relevant.

~~Sec. 4141.60. (A) Beginning on the last day of February~~ 87358
~~that occurs after the effective date of this section, and~~ 87359
~~annually thereafter, the~~ The director of job and family services 87360
annually shall prepare a report and submit ~~a report~~ it by the 87361
first day of August to the persons listed in division (B) of 87362
this section. The director shall include all of the following 87363
information in the report with respect to the calendar year 87364
preceding the date the report is submitted: 87365

(1) The number of calls received from applicants for and 87366
recipients of benefits under this chapter at all call centers 87367
operated by the director; 87368

(2) The total number of claims for benefits filed under 87369
this chapter; 87370

(3) The number of claims for benefits marked as 87371
potentially fraudulent; 87372

(4) The number of complaints submitted by applicants for 87373

and recipients of benefits under this chapter through the 87374
uniform process created by the director under section 4141.13 of 87375
the Revised Code; 87376

(5) A summary of updates or changes to the technology the 87377
director uses to administer this chapter that have occurred 87378
during the calendar year covered by the report. 87379

(B) The director shall submit the report required under 87380
division (A) of this section to the speaker of the house of 87381
representatives, the president of the senate, and the governor, 87382
~~and the members of the unemployment compensation modernization-~~ 87383
~~and improvement council.~~ 87384

Sec. 4301.12. (A) The division of liquor control shall 87385
provide for the custody, safekeeping, and deposit of all moneys, 87386
checks, and drafts received by it or any of its employees or 87387
agents prior to paying them to the treasurer of state as 87388
provided by section 113.08 of the Revised Code. 87389

(B) A sum equal to three dollars and thirty-eight cents 87390
for each gallon of spirituous liquor sold by the division, 87391
JobsOhio, or a designee of JobsOhio during the period covered by 87392
the payment shall be paid into the state treasury to the credit 87393
of the general revenue fund. All moneys Except as provided in 87394
division (G) of section 4301.30 of the Revised Code, all money 87395
received from permit fees, ~~except B-2a, S-1, and S-2 permit fees~~ 87396
~~from B-2a, S-1, and S-2 permit holders who do not also hold A-2-~~ 87397
~~or A-2f permits,~~ shall be paid to the credit of the undivided 87398
liquor permit fund established by section 4301.30 of the Revised 87399
Code. 87400

(C) Except as otherwise provided by law, the division 87401
shall deposit all moneys collected under Chapters 4301. and 87402

4303. of the Revised Code into the state treasury to the credit 87403
of the state liquor regulatory fund created in section 4301.30 87404
of the Revised Code. In addition, revenue resulting from any 87405
contracts with the department of commerce pertaining to the 87406
responsibilities and operations described in this chapter may be 87407
credited to the fund. 87408

(D) Whenever, in the judgment of the director of budget 87409
and management, the amount in the liquor control fund is in 87410
excess of that needed to meet the maturing obligations of the 87411
division, as working capital for its further operations, to pay 87412
the operating expenses of the commission, and for the alcohol 87413
testing program under section 3701.143 of the Revised Code, the 87414
director shall transfer the excess to the credit of the general 87415
revenue fund. If the director determines that the amount in the 87416
liquor control fund is insufficient, the director may transfer 87417
money from the general revenue fund to the liquor control fund. 87418

Sec. 4301.19. The division of liquor control shall sell 87419
spirituous liquor only, whether from a warehouse ~~or from~~, a 87420
state liquor store ~~or~~, an agency store, or an A-3a permit 87421
premises. All sales shall be in sealed containers and for resale 87422
as authorized by this chapter and Chapter 4303. of the Revised 87423
Code or for consumption off the premises only. Except as 87424
otherwise provided in this section, sale of containers holding 87425
one-half pint or less of spirituous liquor by the division shall 87426
be made at retail only, and not for the purpose of resale by any 87427
purchaser, by special order placed with a state liquor store or 87428
agency store and subject to rules established by the 87429
superintendent of liquor control. The division may sell at 87430
wholesale spirituous liquor in fifty milliliter sealed 87431
containers to any holder of a permit issued under Chapter 4303. 87432
of the Revised Code that authorizes the sale of spirituous 87433

liquor for consumption on the premises where sold. A person 87434
appointed by the division to act as an agent for the sale of 87435
spirituous liquor pursuant to section 4301.17 of the Revised 87436
Code may provide and accept gift certificates and may accept 87437
credit cards and debit cards for the retail purchase of 87438
spirituous liquor. Deliveries shall be made in the manner the 87439
superintendent determines by rule. 87440

Subject to division (A) (3) of section 4301.10 and division 87441
(A) of section 4301.14 of the Revised Code, if any person 87442
desires to purchase any variety or brand of spirituous liquor 87443
which is not in stock at the state liquor store or agency store 87444
where the variety or brand is ordered, the division shall 87445
immediately procure the variety or brand. The purchaser shall be 87446
immediately notified upon the arrival of the spirituous liquor 87447
at the store at which it was ordered. Unless the purchaser pays 87448
for the variety or brand and accepts delivery within five days 87449
after the giving of the notice, the division may place the 87450
spirituous liquor in stock for general sale. 87451

Sec. 4301.30. (A) All—Except as provided in division (G) 87452
of this section, all fees collected by the division of liquor 87453
control shall be deposited in the state treasury to the credit 87454
of the undivided liquor permit fund, which is hereby created, at 87455
the time prescribed under section 4301.12 of the Revised Code. 87456
Each payment shall be accompanied by a statement showing 87457
separately the amount collected for each class of permits in 87458
each municipal corporation and in each township outside the 87459
limits of any municipal corporation in such township. 87460

(B) (1) An amount equal to forty-five per cent of the fund 87461
shall be paid from the fund into the state liquor regulatory 87462
fund, which is hereby created in the state treasury. The state 87463

liquor regulatory fund shall be used to pay the operating 87464
expenses of the division of liquor control in administering and 87465
enforcing Title XLIII of the Revised Code and the operating 87466
expenses of the liquor control commission. ~~Investment earnings~~ 87467
~~of the fund shall be credited to the fund.~~ 87468

(2) Whenever, in the judgment of the director of budget 87469
and management, the amount of money that is in the state liquor 87470
regulatory fund is in excess of the amount that is needed to pay 87471
the operating expenses of the division in administering and 87472
enforcing Title XLIII of the Revised Code and the operating 87473
expenses of the commission, the director shall credit the excess 87474
amount to the general revenue fund. 87475

(C) Twenty per cent of the undivided liquor permit fund 87476
shall be paid into the statewide treatment and prevention fund, 87477
which is hereby created in the state treasury. This amount shall 87478
be appropriated by the general assembly, together with an amount 87479
equal to one and one-half per cent of the gross profit of the 87480
division of liquor control derived under division (B) (4) of 87481
section 4301.10 of the Revised Code, to the department of mental 87482
health and addiction services. In planning for the allocation of 87483
and in allocating these amounts for the purposes of Chapter 87484
5119. of the Revised Code, the department shall comply with the 87485
nondiscrimination provisions of Title VI of the Civil Rights Act 87486
of 1964, and any rules adopted under that act. 87487

(D) Thirty-five per cent of the undivided liquor permit 87488
fund shall be distributed by the superintendent of liquor 87489
control at quarterly calendar periods as follows: 87490

(1) To each municipal corporation, the aggregate amount 87491
shown by the statements to have been collected from permits in 87492
the municipal corporation, for the use of the general fund of 87493

the municipal corporation; 87494

(2) To each township, the aggregate amount shown by the 87495
statements to have been collected from permits in its territory, 87496
outside the limits of any municipal corporation located in the 87497
township, for the use of the general fund of the township, or 87498
for fire protection purposes, including buildings and equipment 87499
in the township or in an established fire district within the 87500
township, to the extent that the funds are derived from liquor 87501
permits within the territory comprising such fire district. 87502

(E) For the purpose of the distribution required by this 87503
section, E, H, and D permits covering boats or vessels are 87504
deemed to have been issued in the municipal corporation or 87505
township wherein the owner or operator of the vehicle, boat, 87506
vessel, or dining car equipment to which the permit relates has 87507
the owner's or operator's principal office or place of business 87508
within the state. 87509

(F) If the division determines that the police or other 87510
officers of any municipal corporation or township entitled to 87511
share in distributions under this section are refusing or 87512
culpably neglecting to enforce this chapter and Chapter 4303. of 87513
the Revised Code, or the penal laws of this state relating to 87514
the manufacture, importation, transportation, distribution, and 87515
sale of beer and intoxicating liquors, or if the prosecuting 87516
officer of a municipal corporation or a municipal court fails to 87517
comply with the request of the division authorized by division 87518
(A) (4) of section 4301.10 of the Revised Code, the division, by 87519
certified mail or by electronic means as determined by the 87520
superintendent to provide proper notice under the laws of this 87521
state, may notify the chief executive officer of the municipal 87522
corporation or the board of township trustees of the township of 87523

the failure and require the immediate cooperation of the 87524
responsible officers of the municipal corporation or township 87525
with the division in the enforcement of those chapters and penal 87526
laws. Within thirty days after the notice is served, the 87527
division shall determine whether the requirement has been 87528
complied with. If the division determines that the requirement 87529
has not been complied with, it may withhold the distributive 87530
share of the municipal corporation or township. This action of 87531
the division is reviewable within thirty days thereafter in the 87532
court of common pleas of Franklin county. 87533

(G) All fees collected by the division of liquor control 87534
from the issuance or renewal of ~~B-2a, S-1, and S-2 permits, and~~ 87535
~~paid by B-2a, S-1, and S-2 permit holders who do not also hold~~ 87536
~~A-1 or A-1c permits or A-2 or A-2f permits,~~the following permits 87537
shall be deposited in the state treasury to the credit of the 87538
state liquor regulatory fund: 87539

(1) B-2a, S-1, and S-2 permits paid by B-2a, S-1, and S-2 87540
permit holders who do not also hold A-1 or A-1c permits or A-2 87541
or A-2f permits; 87542

(2) H permits where the permit premises are located 87543
outside of this state. ~~Once~~ 87544

Once during each fiscal year, an amount equal to fifty per 87545
cent of the fees collected shall be paid from the state liquor 87546
regulatory fund into the general revenue fund. 87547

Sec. 4301.421. (A) For the purposes of section 307.696 of 87548
the Revised Code, to pay the expenses of administering the tax, 87549
and to pay any or all of the charge the board of elections makes 87550
against the county to hold the election on the question of 87551
levying the tax, or for those purposes and to provide revenues 87552

to the county for permanent improvements, the board of county 87553
commissioners may levy a tax on the sale of beer at a rate not 87554
to exceed sixteen cents per gallon, on the sale of cider at a 87555
rate not to exceed twenty-four cents per gallon, and on the sale 87556
of wine and mixed beverages at a rate not to exceed thirty-two 87557
cents per gallon. The tax shall be imposed on all beer, cider, 87558
wine, and mixed beverages sold for resale at retail in the 87559
county, and on all beer, cider, wine, and mixed beverages sold 87560
at retail in the county by the manufacturer, bottler, importer, 87561
or other person upon which the tax has not been paid. The tax 87562
shall not be levied on the sale of wine to be used for known 87563
sacramental purposes. The tax may be levied for any number of 87564
years not exceeding twenty. The tax shall be in addition to the 87565
taxes imposed by sections 4301.42, 4301.43, 4301.432, and 87566
4305.01 of the Revised Code. The tax shall not be considered a 87567
cost in any computation required under rules of the liquor 87568
control commission regulating minimum prices or mark-ups. 87569

Only one sale of the same article shall be used in 87570
computing, reporting, and paying the amount of tax due. 87571

The tax shall be levied pursuant to a resolution of the 87572
county commissioners approved by a majority of the electors in 87573
the county voting on the question of levying the tax, which 87574
resolution shall specify the rate of the tax, the number of 87575
years the tax will be levied, and the purposes for which the tax 87576
is levied. The election may be held on the date of a general 87577
election or special election held not sooner than ninety days 87578
after the date the board certifies its resolution to the board 87579
of elections. If approved by the electors, the tax shall take 87580
effect on the first day of the month specified in the resolution 87581
but not sooner than the first day of the month that is at least 87582
sixty days after the certification of the election results by 87583

the board of elections. A copy of the resolution levying the tax 87584
and the certification of the board of elections shall be 87585
certified to the tax commissioner at least sixty days prior to 87586
the date on which the tax is to become effective. 87587

A resolution under this section may be joined on the 87588
ballot as a single question with a resolution adopted under 87589
section 307.697 or 5743.024 of the Revised Code to levy a tax 87590
for the same purposes and for the purpose of paying the expenses 87591
of administering the tax. The form of the ballot in an election 87592
held pursuant to this section shall be as prescribed in section 87593
307.697 of the Revised Code. 87594

(B) The board of county commissioners of a county in which 87595
a tax is imposed under this section on the effective date of the 87596
amendment of this section by H.B. 59 of the 130th general 87597
assembly, September 29, 2013, may levy a tax for the purpose of 87598
section 307.673 of the Revised Code regardless of whether or not 87599
the cooperative agreement authorized under that section has been 87600
entered into prior to the day the resolution adopted under 87601
division (B)(1) or (2) of this section is adopted, for the 87602
purpose of reimbursing a county for costs incurred in the 87603
construction of a sports facility pursuant to an agreement 87604
entered into by the county under section 307.696 of the Revised 87605
Code, or for the purpose of paying the costs of capital repairs 87606
of and improvements to a sports facility. The tax shall be 87607
levied and approved in one of the manners prescribed by division 87608
(B)(1) or (2) of this section. 87609

(1) The tax may be levied pursuant to a resolution adopted 87610
by a majority of the members of the board of county 87611
commissioners not later than September 2, 1995. A board of 87612
county commissioners approving a tax under division (B)(1) of 87613

this section may approve a tax under division (D) (1) of section 87614
307.697 or division (C) (1) of section 5743.024 of the Revised 87615
Code at the same time. Subject to the resolution being submitted 87616
to a referendum under sections 305.31 to 305.41 of the Revised 87617
Code, the resolution shall take effect immediately, but the tax 87618
levied pursuant to the resolution shall not be levied prior to 87619
the day following the last day that any tax previously levied 87620
pursuant to this division may be levied. 87621

(2) The tax may be levied pursuant to a resolution adopted 87622
by a majority of the members of the board of county 87623
commissioners not later than September 1, 2015, and approved by 87624
a majority of the electors of the county voting on the question 87625
of levying the tax. The board of county commissioners shall 87626
certify a copy of the resolution to the board of elections 87627
immediately upon adopting a resolution under division (D) (2) of 87628
this section. The election may be held on the date of a general 87629
or special election held not sooner than ninety days after the 87630
date the board certifies its resolution to the board of 87631
elections. The form of the ballot shall be as prescribed by 87632
division (C) of section 307.697 of the Revised Code, except that 87633
the phrase "paying not more than one-half of the costs of 87634
providing a sports facility together with related redevelopment 87635
and economic development projects" shall be replaced by the 87636
phrase "paying the costs of constructing, renovating, improving, 87637
or repairing a sports facility and reimbursing a county for 87638
costs incurred by the county in the construction of a sports 87639
facility," and the phrase ", beginning _____ (here insert 87640
the earliest date the tax would take effect)" shall be appended 87641
after "years." A board of county commissioners submitting the 87642
question of a tax under division (B) (2) of this section may 87643
submit the question of a tax under division (D) (2) of section 87644

307.697 or division (C) (2) of section 5743.024 of the Revised Code as a single question, and the form of the ballot shall include each of the proposed taxes.

If approved by a majority of electors voting on the question, the tax shall take effect on the day specified on the ballot, which shall not be earlier than the day following the last day that any tax previously levied pursuant to this division may be levied.

The rate of a tax levied pursuant to division (B) (1) or (2) of this section shall not exceed the rate specified in division (A) of this section. A tax levied pursuant to division (B) (1) or (2) of this section may be levied for any number of years not exceeding twenty.

A board of county commissioners adopting a resolution under division (B) (1) or (2) of this section shall certify a copy of the resolution to the tax commissioner immediately upon adoption of the resolution.

(C) The board of county commissioners of a county whose population is greater than one million one hundred thousand but less than one million three hundred thousand may levy a tax under this division for the purpose of section 307.673 of the Revised Code regardless of whether or not the cooperative agreement authorized under that section has been entered into prior to the day the resolution adopted under division (C) of this section is adopted, for the purpose of reimbursing a county for costs incurred in the construction of a sports facility pursuant to an agreement entered into by the county under section 307.696 of the Revised Code, or for the purpose of paying the costs of constructing, equipping, furnishing, maintaining, renovating, improving, or repairing a sports

facility. The tax may be levied for any number of years or for a continuing period of time. 87675
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The tax may be levied pursuant to a resolution adopted by the board of county commissioners and approved by a majority of the electors of the county voting on the question of levying the tax. The board of county commissioners shall certify a copy of the resolution to the board of elections immediately upon adopting a resolution under division (C) of this section. The election may be held on the date of a general or special election held not sooner than ninety days after the date the board certifies its resolution to the board of elections. The form of the ballot shall be as follows or in any other form acceptable to the secretary of state: 87677
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"For the purpose of _____ (state the purpose or purposes), shall an excise tax be levied by _____ county at the rate of _____ cents per gallon on the sale of beer at wholesale in the county, _____ cents per gallon on the sale of wine and mixed beverages at wholesale in the county, and _____ cents per gallon on the sale of cider at wholesale in the county for _____ (number of years or a continuing period of time), the tax beginning on _____ (the earliest date the tax would take effect)? 87688
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	<u>Yes</u>	
	<u>No</u>	"

A board of county commissioners submitting the question of a tax under division (C) of this section may submit the question of a tax under section 5743.511, division (E) of section 307.697, or division (D) of section 5743.024 of the Revised 87698
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Code, or all, as a single question, provided that each tax is 87702
for the same purpose and period of time and the form of the 87703
ballot states the rate of each of the proposed taxes. 87704

If approved by a majority of electors voting on the 87705
question, the tax shall take effect on the date specified in the 87706
resolution but not sooner than the first day of the month that 87707
is at least sixty days after the certification of the election 87708
results by the board of elections. The tax levied under division 87709
(C) of this section may be approved and take effect before the 87710
expiration of the tax levied under division (B) of this section. 87711
The tax levied under division (C) of this section shall 87712
supersede and replace any tax levied under division (B) of this 87713
section, and the tax levied under division (B) of this section 87714
shall no longer be levied once the tax levied under division (C) 87715
of this section takes effect. 87716

The rate of tax levied pursuant to division (C) of this 87717
section on the sale of beer shall not exceed thirty-two cents 87718
per gallon, on the sale of cider shall not exceed forty-eight 87719
cents per gallon, and on the sale of wine and mixed beverages 87720
shall not exceed sixty-four cents per gallon. The tax levied 87721
pursuant to division (C) of this section shall be imposed on all 87722
beer, cider, wine, and mixed beverages sold for resale at retail 87723
in the county, and on all beer, cider, wine, and mixed beverages 87724
sold at retail in the county by the bottler, importer, or other 87725
person upon which the tax has not been paid. The tax levied 87726
pursuant to division (C) of this section shall not be levied on 87727
the sale of wine to be used for known sacramental purposes. 87728

The tax levied pursuant to division (C) of this section 87729
shall be in addition to the taxes imposed by sections 4301.42, 87730
4301.43, 4301.432, and 4305.01 of the Revised Code. The tax 87731

levied pursuant to division (C) of this section shall not be 87732
considered a cost in any computation required under rules of the 87733
liquor control commission regulating minimum prices or mark-ups. 87734
Only one sale of the same article shall be used in computing, 87735
reporting, and paying the amount of tax due. 87736

A board of county commissioners adopting a resolution 87737
under division (C) of this section shall certify a copy of the 87738
resolution to the tax commissioner immediately upon adoption of 87739
the resolution. 87740

(D) No tax shall be levied under division (A) of this 87741
section on or after September 23, 2008. This division does not 87742
apply to a tax levied under division (B) or (C) of this section, 87743
and does not prevent the collection of any tax levied under this 87744
section before September 23, 2008, so long as that tax remains 87745
effective. 87746

Sec. 4303.181. (A) Permit D-5a may be issued either to the 87747
owner or operator of a hotel or motel that is required to be 87748
licensed under section 3731.03 of the Revised Code, that 87749
contains at least fifty rooms for registered transient guests or 87750
is owned by a state institution of higher education as defined 87751
in section 3345.011 of the Revised Code or a private college or 87752
university, and that qualifies under the other requirements of 87753
this section, or to the owner or operator of a restaurant 87754
specified under this section, to sell beer and any intoxicating 87755
liquor at retail, only by the individual drink in glass and from 87756
the container, for consumption on the premises where sold, and 87757
to registered guests in their rooms, which may be sold by means 87758
of a controlled access alcohol and beverage cabinet in 87759
accordance with division (B) of section 4301.21 of the Revised 87760
Code; and to sell the same products in the same manner and 87761

amounts not for consumption on the premises as may be sold by 87762
holders of D-1 and D-2 permits. The premises of the hotel or 87763
motel shall include a retail food establishment or a food 87764
service operation licensed pursuant to Chapter 3717. of the 87765
Revised Code that operates as a restaurant for purposes of this 87766
chapter and that is affiliated with the hotel or motel and 87767
within or contiguous to the hotel or motel, and that serves food 87768
within the hotel or motel, but the principal business of the 87769
owner or operator of the hotel or motel shall be the 87770
accommodation of transient guests. In addition to the privileges 87771
authorized in this division, the holder of a D-5a permit may 87772
exercise the same privileges, and shall observe the same hours 87773
of operation, as the holder of a D-5 permit. 87774

The owner or operator of a hotel, motel, or restaurant who 87775
qualified for and held a D-5a permit on August 4, 1976, may, if 87776
the owner or operator held another permit before holding a D-5a 87777
permit, either retain a D-5a permit or apply for the permit 87778
formerly held, and the division of liquor control shall issue 87779
the permit for which the owner or operator applies and formerly 87780
held, notwithstanding any quota. 87781

A D-5a permit shall not be transferred to another 87782
location. No quota restriction shall be placed on the number of 87783
D-5a permits that may be issued. 87784

The fee for this permit is two thousand three hundred 87785
forty-four dollars. 87786

(B) Permit D-5b may be issued to the owner, operator, 87787
tenant, lessee, or occupant of an enclosed shopping center to 87788
sell beer and intoxicating liquor at retail, only by the 87789
individual drink in glass and from the container, for 87790
consumption on the premises where sold; and to sell the same 87791

products in the same manner and amount not for consumption on 87792
the premises as may be sold by holders of D-1 and D-2 permits. 87793
In addition to the privileges authorized in this division, the 87794
holder of a D-5b permit may exercise the same privileges, and 87795
shall observe the same hours of operation, as a holder of a D-5 87796
permit. 87797

A D-5b permit shall not be transferred to another 87798
location. 87799

One D-5b permit may be issued at an enclosed shopping 87800
center containing at least two hundred twenty-five thousand, but 87801
less than four hundred thousand, square feet of floor area. 87802

Two D-5b permits may be issued at an enclosed shopping 87803
center containing at least four hundred thousand square feet of 87804
floor area. No more than one D-5b permit may be issued at an 87805
enclosed shopping center for each additional two hundred 87806
thousand square feet of floor area or fraction of that floor 87807
area, up to a maximum of five D-5b permits for each enclosed 87808
shopping center. The number of D-5b permits that may be issued 87809
at an enclosed shopping center shall be determined by 87810
subtracting the number of D-3 and D-5 permits issued in the 87811
enclosed shopping center from the number of D-5b permits that 87812
otherwise may be issued at the enclosed shopping center under 87813
the formulas provided in this division. Except as provided in 87814
this section, no quota shall be placed on the number of D-5b 87815
permits that may be issued. Notwithstanding any quota provided 87816
in this section, the holder of any D-5b permit first issued in 87817
accordance with this section is entitled to its renewal in 87818
accordance with section 4303.271 of the Revised Code. 87819

The holder of a D-5b permit issued before April 4, 1984, 87820
whose tenancy is terminated for a cause other than nonpayment of 87821

rent, may return the D-5b permit to the division of liquor control, and the division shall cancel that permit. Upon cancellation of that permit and upon the permit holder's payment of taxes, contributions, premiums, assessments, and other debts owing or accrued upon the date of cancellation to this state and its political subdivisions and a filing with the division of a certification of that payment, the division shall issue to that person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as that person requests. The division shall issue the D-5 permit, or the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, D-3, or D-5 permits currently issued in the municipal corporation or in the unincorporated area of the township where that person's proposed premises is located equals or exceeds the maximum number of such permits that can be issued in that municipal corporation or in the unincorporated area of that township under the population quota restrictions contained in section 4303.29 of the Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not be transferred to another location. If a D-5b permit is canceled under the provisions of this paragraph, the number of D-5b permits that may be issued at the enclosed shopping center for which the D-5b permit was issued, under the formula provided in this division, shall be reduced by one if the enclosed shopping center was entitled to more than one D-5b permit under the formula.

The fee for this permit is two thousand three hundred forty-four dollars.

(C) Permit D-5c may be issued to the owner or operator of a retail food establishment or a food service operation licensed pursuant to Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that qualifies under the other requirements of this section to sell beer and any

intoxicating liquor at retail, only by the individual drink in 87853
glass and from the container, for consumption on the premises 87854
where sold, and to sell the same products in the same manner and 87855
amounts not for consumption on the premises as may be sold by 87856
holders of D-1 and D-2 permits. In addition to the privileges 87857
authorized in this division, the holder of a D-5c permit may 87858
exercise the same privileges, and shall observe the same hours 87859
of operation, as the holder of a D-5 permit. 87860

To qualify for a D-5c permit, the owner or operator of a 87861
retail food establishment or a food service operation licensed 87862
pursuant to Chapter 3717. of the Revised Code that operates as a 87863
restaurant for purposes of this chapter, shall have operated the 87864
restaurant at the proposed premises for not less than twenty- 87865
four consecutive months immediately preceding the filing of the 87866
application for the permit, have applied for a D-5 permit no 87867
later than December 31, 1988, and appear on the division's quota 87868
waiting list for not less than six months immediately preceding 87869
the filing of the application for the permit. In addition to 87870
these requirements, the proposed D-5c permit premises shall be 87871
located within a municipal corporation and further within an 87872
election precinct that, at the time of the application, has no 87873
more than twenty-five per cent of its total land area zoned for 87874
residential use. 87875

A D-5c permit shall not be transferred to another 87876
location. No quota restriction shall be placed on the number of 87877
such permits that may be issued. 87878

Any person who has held a D-5c permit for at least two 87879
years may apply for a D-5 permit, and the division of liquor 87880
control shall issue the D-5 permit notwithstanding the quota 87881
restrictions contained in section 4303.29 of the Revised Code or 87882

in any rule of the liquor control commission. 87883

The fee for this permit is one thousand five hundred 87884
sixty-three dollars. 87885

(D) (1) Permit D-5d may be issued to the owner or operator 87886
of a retail food establishment or a food service operation 87887
licensed pursuant to Chapter 3717. of the Revised Code that 87888
operates as a restaurant for purposes of this chapter and that 87889
is located at an airport operated by a municipal corporation, at 87890
an airport operated by a board of county commissioners pursuant 87891
to section 307.20 of the Revised Code, at an airport operated by 87892
a port authority pursuant to Chapter 4582. of the Revised Code, 87893
or at an airport operated by a regional airport authority 87894
pursuant to Chapter 308. of the Revised Code. 87895

(2) The holder of a D-5d permit may sell either of the 87896
following: 87897

(a) Beer and any intoxicating liquor at retail, only by 87898
the individual drink in glass and from the container, for 87899
consumption on the premises where sold. In addition, such 87900
consumption may occur in the area of the airport terminal that 87901
is restricted to persons taking flights to and from the airport, 87902
provided all of the following apply: 87903

(i) The airport's governing body authorizes the 87904
consumption of beer and intoxicating liquor in that area. 87905

(ii) The D-5d permit holder is located in that area. 87906

(iii) The airport is a public-use airport, as defined in 87907
section 4563.30 of the Revised Code, that has commercial flight 87908
activity and has one or more passenger or property screening 87909
checkpoints or restricted areas used as security measures. 87910

(iv) The beer or intoxicating liquor is served solely in plastic bottles or other plastic containers that clearly identify the D-5d permit holder.

(b) The same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits.

In addition to the privileges authorized in division (D) of this section, the holder of a D-5d permit may exercise the same privileges, and shall observe the same hours of operation, as the holder of a D-5 permit.

(3) A D-5d permit shall not be transferred to another location. No quota restrictions shall be placed on the number of such permits that may be issued.

(4) The fee for the D-5d permit is two thousand three hundred forty-four dollars.

(E) Permit D-5e may be issued to any nonprofit organization that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as amended, or that is a charitable organization under any chapter of the Revised Code, and that owns or operates a riverboat that meets all of the following:

(1) Is permanently docked at one location;

(2) Is designated as an historical riverboat by the Ohio history connection;

(3) Contains not less than fifteen hundred square feet of floor area;

(4) Has a seating capacity of fifty or more persons.

The holder of a D-5e permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold.

A D-5e permit shall not be transferred to another location. No quota restriction shall be placed on the number of such permits that may be issued. The population quota restrictions contained in section 4303.29 of the Revised Code or in any rule of the liquor control commission shall not apply to this division, and the division shall issue a D-5e permit to any applicant who meets the requirements of this division. However, the division shall not issue a D-5e permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited.

In addition to the privileges authorized in this division, the holder of a D-5e permit may exercise the same privileges, and shall observe the same hours of operation, as the holder of a D-5 permit.

The fee for this permit is one thousand two hundred nineteen dollars.

(F) Permit D-5f may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following:

(1) It contains not less than twenty-five hundred square feet of floor area.

(2) It is located on or in, or immediately adjacent to, the shoreline of, a navigable river.

(3) It provides docking space for twenty-five boats. 87967

(4) It provides entertainment and recreation, provided 87968
that not less than fifty per cent of the business on the permit 87969
premises shall be preparing and serving meals for a 87970
consideration. 87971

In addition, each application for a D-5f permit shall be 87972
accompanied by a certification from the local legislative 87973
authority that the issuance of the D-5f permit is not 87974
inconsistent with that political subdivision's comprehensive 87975
development plan or other economic development goal as 87976
officially established by the local legislative authority. 87977

The holder of a D-5f permit may sell beer and intoxicating 87978
liquor at retail, only by the individual drink in glass and from 87979
the container, for consumption on the premises where sold. 87980

A D-5f permit shall not be transferred to another 87981
location. 87982

The division of liquor control shall not issue a D-5f 87983
permit if the permit premises or proposed permit premises are 87984
located within an area in which the sale of spirituous liquor by 87985
the glass is prohibited. In addition to the privileges 87986
authorized in this division, the holder of a D-5f permit may 87987
exercise the same privileges, and shall observe the same hours 87988
of operation, as the holder of a D-5 permit. 87989

A fee for this permit is two thousand three hundred forty- 87990
four dollars. 87991

As used in this division, "navigable river" means a river 87992
that is also a "navigable water" as defined in the "Federal 87993
Power Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 87994

(G) Permit D-5g may be issued to a nonprofit corporation 87995
that is either the owner or the operator of a national 87996
professional sports museum. The holder of a D-5g permit may sell 87997
beer and any intoxicating liquor at retail, only by the 87998
individual drink in glass and from the container, for 87999
consumption on the premises where sold. The holder of a D-5g 88000
permit shall sell no beer or intoxicating liquor for consumption 88001
on the premises where sold after two-thirty a.m. A D-5g permit 88002
shall not be transferred to another location. No quota 88003
restrictions shall be placed on the number of D-5g permits that 88004
may be issued. In addition to the privileges authorized in this 88005
division, the holder of a D-5g permit may exercise the same 88006
privileges, and shall observe the same hours of operation, as 88007
the holder of a D-5 permit. 88008

The fee for this permit is one thousand eight hundred 88009
seventy-five dollars. 88010

(H) (1) Permit D-5h may be issued to any nonprofit 88011
organization that is exempt from federal income taxation under 88012
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 88013
501(c) (3), as amended, that owns or operates any of the 88014
following: 88015

(a) A fine arts museum, provided that the nonprofit 88016
organization has no less than one thousand five hundred bona 88017
fide members possessing full membership privileges; 88018

(b) A community arts center. As used in division (H) (1) (b) 88019
of this section, "community arts center" means a facility that 88020
provides arts programming to the community in more than one arts 88021
discipline, including, but not limited to, exhibits of works of 88022
art and performances by both professional and amateur artists. 88023

(c) A community theater, provided that the nonprofit organization is a member of the Ohio arts council and the American community theatre association and has been in existence for not less than ten years. As used in division (H) (1) (c) of this section, "community theater" means a facility that contains at least one hundred fifty seats and has a primary function of presenting live theatrical performances and providing recreational opportunities to the community.

(2) The holder of a D-5h permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold. A D-5h permit shall not be transferred to another location. No quota restrictions shall be placed on the number of D-5h permits that may be issued.

(3) In addition to the privileges authorized in this division, the holder of a D-5h permit may exercise the same privileges, and shall observe the same hours of operation, as the holder of a D-5 permit.

(4) The fee for a D-5h permit is one thousand eight hundred seventy-five dollars.

(I) Permit D-5i may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following requirements:

(1) It is located in a municipal corporation or a township with a population of one hundred thousand or less.

(2) It has inside seating capacity for at least one hundred forty persons.

(3) It has at least four thousand square feet of floor area. 88053
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(4) It offers full-course meals, appetizers, and sandwiches. 88055
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(5) Its receipts from beer and liquor sales, excluding wine sales, do not exceed twenty-five per cent of its total gross receipts. 88057
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(6) It has at least one of the following characteristics: 88060

(a) The value of its real and personal property exceeds seven hundred twenty-five thousand dollars. 88061
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(b) It is located on property that is owned or leased by the state or a state agency, and its owner or operator has authorization from the state or the state agency that owns or leases the property to obtain a D-5i permit. 88063
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The holder of a D-5i permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized in this division, the holder of a D-5i permit may exercise the same privileges, and shall observe the same hours of operation, as the holder of a D-5 permit. 88067
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A D-5i permit shall not be transferred to another location. The division of liquor control shall not renew a D-5i permit unless the retail food establishment or food service operation for which it is issued continues to meet the requirements described in divisions (I) (1) to (6) of this section. No quota restrictions shall be placed on the number of 88076
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D-5i permits that may be issued. The fee for the D-5i permit is 88082
two thousand three hundred forty-four dollars. 88083

(J) Permit D-5j may be issued to the owner or the operator 88084
of a retail food establishment or a food service operation 88085
licensed under Chapter 3717. of the Revised Code to sell beer 88086
and intoxicating liquor at retail, only by the individual drink 88087
in glass and from the container, for consumption on the premises 88088
where sold and to sell beer and intoxicating liquor in the same 88089
manner and amounts not for consumption on the premises where 88090
sold as may be sold by the holders of D-1 and D-2 permits. The 88091
holder of a D-5j permit may exercise the same privileges, and 88092
shall observe the same hours of operation, as the holder of a D- 88093
5 permit. 88094

The D-5j permit shall be issued only within a community 88095
entertainment district that is designated under section 4301.80 88096
of the Revised Code. The permit shall not be issued to a 88097
community entertainment district that is designated under 88098
divisions (B) and (C) of section 4301.80 of the Revised Code if 88099
the district does not meet one of the following qualifications: 88100

(1) It is located in a municipal corporation with a 88101
population of at least one hundred thousand. 88102

(2) It is located in a municipal corporation with a 88103
population of at least twenty thousand, and either of the 88104
following applies: 88105

(a) It contains an amusement park the rides of which have 88106
been issued a permit by the department of agriculture under 88107
Chapter 1711. of the Revised Code. 88108

(b) Not less than fifty million dollars will be invested 88109
in development and construction in the community entertainment 88110

district's area located in the municipal corporation. 88111

(3) It is located in a township with a population of at 88112
least forty thousand. 88113

(4) It is located in a township with a population of at 88114
least twenty thousand, and not less than seventy million dollars 88115
will be invested in development and construction in the 88116
community entertainment district's area located in the township. 88117

(5) It is located in a municipal corporation with a 88118
population between seven thousand and twenty thousand, and both 88119
of the following apply: 88120

(a) The municipal corporation ~~was incorporated as a~~ 88121
~~village prior to calendar year 1880~~ and currently has a historic 88122
downtown business district. 88123

(b) The municipal corporation is located in the same 88124
county as another municipal corporation with at least one 88125
community entertainment district. 88126

(6) It is located in a municipal corporation with a 88127
population of at least ten thousand, and not less than seventy 88128
million dollars will be invested in development and construction 88129
in the community entertainment district's area located in the 88130
municipal corporation. 88131

(7) It is located in a municipal corporation with a 88132
population of at least three thousand, and not less than one 88133
hundred fifty million dollars will be invested in development 88134
and construction in the community entertainment district's area 88135
located in the municipal corporation. 88136

The location of a D-5j permit may be transferred only 88137
within the geographic boundaries of the community entertainment 88138

district in which it was issued and shall not be transferred 88139
outside the geographic boundaries of that district. 88140

Not more than one D-5j permit shall be issued within each 88141
community entertainment district for each five acres of land 88142
located within the district. Not more than fifteen D-5j permits 88143
may be issued within a single community entertainment district. 88144
Except as otherwise provided in division (J)(4) of this section, 88145
no quota restrictions shall be placed upon the number of D-5j 88146
permits that may be issued. 88147

The fee for a D-5j permit is two thousand three hundred 88148
forty-four dollars. 88149

(K) (1) Permit D-5k may be issued to any nonprofit 88150
organization that is exempt from federal income taxation under 88151
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 88152
501(c)(3), as amended, that is the owner or operator of a 88153
botanical garden recognized by the American association of 88154
botanical gardens and arboreta, and that has not less than 88155
twenty-five hundred bona fide members. 88156

(2) The holder of a D-5k permit may sell beer and any 88157
intoxicating liquor at retail, only by the individual drink in 88158
glass and from the container, on the premises where sold. 88159

(3) In addition to the privileges authorized in this 88160
division, the holder of a D-5k permit may exercise the same 88161
privileges, and shall observe the same hours of operation, as 88162
the holder of a D-5 permit. 88163

(4) A D-5k permit shall not be transferred to another 88164
location. 88165

(5) No quota restrictions shall be placed on the number of 88166
D-5k permits that may be issued. 88167

(6) The fee for the D-5k permit is one thousand eight hundred seventy-five dollars. 88168
88169

(L) (1) Permit D-5l may be issued to the owner or the operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code to sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold and to sell beer and intoxicating liquor in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. The holder of a D-5l permit may exercise the same privileges, and shall observe the same hours of operation, as the holder of a D-5 permit. 88170
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(2) The D-5l permit shall be issued only to a premises to which all of the following apply: 88181
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(a) The premises has gross annual receipts from the sale of food and meals that constitute not less than seventy-five per cent of its total gross annual receipts. 88183
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(b) The premises is located within a revitalization district that is designated under section 4301.81 of the Revised Code. 88186
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(c) The premises is located in a municipal corporation or township in which the number of D-5 permits issued equals or exceeds the number of those permits that may be issued in that municipal corporation or township under section 4303.29 of the Revised Code. 88189
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(d) The premises meets any of the following qualifications: 88194
88195

(i) It is located in a county with a population of one 88196

hundred twenty-five thousand or less according to the population 88197
estimates certified by the department of development ~~services-~~ 88198
~~agency~~ for calendar year 2006. 88199

(ii) It is located in the municipal corporation that has 88200
the largest population in a county when the county has a 88201
population between two hundred fifteen thousand and two hundred 88202
twenty-five thousand according to the population estimates 88203
certified by the department of development ~~services~~ ~~agency~~ for 88204
calendar year 2006. Division (L) (2) (d) (ii) of this section 88205
applies only to a municipal corporation that is wholly located 88206
in a county. 88207

(iii) It is located in the municipal corporation that has 88208
the largest population in a county when the county has a 88209
population between one hundred forty thousand and one hundred 88210
forty-one thousand according to the population estimates 88211
certified by the department of development ~~services~~ ~~agency~~ for 88212
calendar year 2006. Division (L) (2) (d) (iii) of this section 88213
applies only to a municipal corporation that is wholly located 88214
in a county. 88215

(iv) It is located in a township with a population density 88216
of less than four hundred fifty people per square mile. For 88217
purposes of division (L) (2) (d) (iv) of this section, the 88218
population of a township is considered to be the population 88219
shown by the most recent regular federal decennial census. 88220

(v) It is located in a municipal corporation that is 88221
wholly located within the geographic boundaries of a township, 88222
provided that the municipal corporation and the unincorporated 88223
portion of the township have a combined population density of 88224
less than four hundred fifty people per square mile. For 88225
purposes of division (L) (2) (d) (v) of this section, the 88226

population of a municipal corporation and unincorporated portion 88227
of a township is the population shown by the most recent federal 88228
decennial census. 88229

(vi) It is located in a county with a population of not 88230
less than one hundred seventy-two thousand and not more than one 88231
hundred ninety-five thousand. For purposes of division (L) (2) (d) 88232
(vi) of this section, the population of a county is the 88233
population shown by the most recent decennial census. 88234

(vii) It is located in a municipal corporation with a 88235
population of less than ten thousand and the municipal 88236
corporation is located in a county with a population of more 88237
than one million. For purposes of division (L) (2) (d) (vii) of 88238
this section, the population of a municipal corporation and a 88239
county is the population shown by the most recent decennial 88240
census. 88241

(3) The location of a D-51 permit may be transferred only 88242
within the geographic boundaries of the revitalization district 88243
in which it was issued and shall not be transferred outside the 88244
geographic boundaries of that district. 88245

(4) Not more than one D-51 permit shall be issued within 88246
each revitalization district for each five acres of land located 88247
within the district. Not more than fifteen D-51 permits may be 88248
issued within a single revitalization district. Except as 88249
otherwise provided in division (L) (4) of this section, no quota 88250
restrictions shall be placed upon the number of D-51 permits 88251
that may be issued. 88252

(5) No D-51 permit shall be issued to an adult 88253
entertainment establishment as defined in section 2907.39 of the 88254
Revised Code. 88255

(6) The fee for a D-5l permit is two thousand three hundred forty-four dollars. 88256
88257

(M) Permit D-5m may be issued to either the owner or the operator of a retail food establishment or food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is located in, or affiliated with, a center for the preservation of wild animals as defined in section 4301.404 of the Revised Code, to sell beer and any intoxicating liquor at retail, only by the glass and from the container, for consumption on the premises where sold, and to sell the same products in the same manner and amounts not for consumption on the premises as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized by this division, the holder of a D-5m permit may exercise the same privileges, and shall observe the same hours of operation, as the holder of a D-5 permit. 88258
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A D-5m permit shall not be transferred to another location. No quota restrictions shall be placed on the number of D-5m permits that may be issued. The fee for a permit D-5m is two thousand three hundred forty-four dollars. 88272
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(N) Permit D-5n shall be issued to either a casino operator or a casino management company licensed under Chapter 3772. of the Revised Code that operates a casino facility under that chapter, to sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and to sell the same products in the same manner and amounts not for consumption on the premises as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized by this division, the holder of a D-5n permit may exercise the same 88276
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privileges, and shall observe the same hours for beer and 88286
intoxicating liquor sales, as the holder of a D-5 permit. A D-5n 88287
permit shall not be transferred to another location. Only one D- 88288
5n permit may be issued per casino facility and not more than 88289
four D-5n permits shall be issued in this state. The fee for a 88290
permit D-5n shall be twenty thousand dollars. The holder of a D- 88291
5n permit may conduct casino gaming on the permit premises 88292
notwithstanding any provision of the Revised Code or 88293
Administrative Code. 88294

(O) Permit D-5o may be issued to the owner or operator of 88295
a retail food establishment or a food service operation licensed 88296
under Chapter 3717. of the Revised Code that operates as a 88297
restaurant for purposes of this chapter and that is located 88298
within a casino facility for which a D-5n permit has been 88299
issued. The holder of a D-5o permit may sell beer and any 88300
intoxicating liquor at retail, only by the individual drink in 88301
glass and from the container, for consumption on the premises 88302
where sold, and may sell the same products in the same manner 88303
and amounts not for consumption on the premises where sold as 88304
may be sold by the holders of D-1 and D-2 permits. In addition 88305
to the privileges authorized by this division, the holder of a 88306
D-5o permit may exercise the same privileges, and shall observe 88307
the same hours for beer and intoxicating liquor sales, as the 88308
holder of a D-5 permit. A D-5o permit shall not be transferred 88309
to another location. No quota restrictions shall be placed on 88310
the number of such permits that may be issued. The fee for this 88311
permit is two thousand three hundred forty-four dollars. 88312

Sec. 4303.183. Permit D-7 may be issued to the holder of 88313
any D-2 permit issued by the division of liquor control, or if 88314
there is an insufficient number of D-2 permit holders to fill 88315
the resort quota, to the operator of a retail food establishment 88316

or a food service operation required to be licensed under 88317
Chapter 3717. of the Revised Code that operates as a restaurant 88318
for purposes of this chapter and which qualifies under the other 88319
requirements of this section, to sell beer and any intoxicating 88320
liquor at retail, only by the individual drink in glass and from 88321
the container, for consumption on the premises where sold. Not 88322
less than fifty per cent of the business on the permit premises 88323
shall be preparing and serving meals for a consideration in 88324
order to qualify for and continue to hold such D-7 permit. The 88325
permit premises shall be located in a resort area. 88326

"Resort area" means a municipal corporation, township, 88327
county, or any combination thereof, which provides 88328
entertainment, recreation, and transient housing facilities 88329
specifically intended to provide leisure time activities for 88330
persons other than those whose permanent residence is within the 88331
"resort area" and who increase the population of the "resort 88332
area" on a seasonal basis, and which experiences seasonal peaks 88333
of employment and governmental services as a direct result of 88334
population increase generated by the transient, recreating 88335
public. A resort season shall begin on the first day of May and 88336
end on the last day of October. Notwithstanding section 4303.27 88337
of the Revised Code, such permits may be issued for resort 88338
seasons without regard to the calendar year or permit year. 88339
Quota restrictions on the number of such permits shall take into 88340
consideration the transient population during the resort season, 88341
the custom and habits of visitors and tourists, and the 88342
promotion of the resort and tourist industry. The fee for this 88343
permit is ~~four hundred sixty-nine dollars per month~~ two thousand 88344
eight hundred fourteen dollars. 88345

Any suspension of a D-7 permit shall be satisfied during 88346
the resort season in which such suspension becomes final. If 88347

such suspension becomes final during the off-season, or if the 88348
period of the suspension extends beyond the last day of October, 88349
the suspension or remainder thereof shall be satisfied during 88350
the next resort season. 88351

The ownership of a D-7 permit may be transferred from one 88352
permit holder to another. The holder of a D-7 permit may file an 88353
application to transfer such permit to a new location within the 88354
same resort area, provided that such permit holder shall be the 88355
owner or operator of a retail food establishment or a food 88356
service operation, required to be licensed under Chapter 3717. 88357
of the Revised Code, that operates as a restaurant for purposes 88358
of this chapter, at such new location. 88359

Sec. 4303.204. (A) The division of liquor control may 88360
issue an F-4 permit to an organization or corporation organized 88361
not-for-profit in this state to conduct an event that includes 88362
the introduction, showcasing, or promotion of Ohio wines, if the 88363
event has all of the following characteristics: 88364

(1) It is coordinated by that organization or corporation, 88365
and the organization or corporation is responsible for the 88366
activities at it. 88367

(2) It has as one of its purposes the intent to introduce, 88368
showcase, or promote Ohio wines to persons who attend it. 88369

(3) It includes the sale of food for consumption on the 88370
premises where sold. 88371

(4) It features any combination of at least three A-2 or 88372
A-2f permit holders who sell Ohio wine at it. 88373

(B) The holder of an F-4 permit may furnish, with or 88374
without charge, wine that it has obtained from the A-2 or A-2f 88375
permit holders that are participating in the event for which the 88376

F-4 permit is issued, in two-ounce samples for consumption on 88377
the premises where furnished and may sell such wine by the glass 88378
for consumption on the premises where sold. The holder of an A-2 88379
or A-2f permit that is participating in the event for which the 88380
F-4 permit is issued may sell wine that it has manufactured, in 88381
sealed containers for consumption off the premises where sold. 88382
Wine may be furnished or sold on the premises of the event for 88383
which the F-4 permit is issued only where and when the sale of 88384
wine is otherwise permitted by law. 88385

(C) The premises of the event for which the F-4 permit is 88386
issued shall be clearly defined and sufficiently restricted to 88387
allow proper enforcement of the permit by state and local law 88388
enforcement officers. If an F-4 permit is issued for all or a 88389
portion of the same premises for which another class of permit 88390
is issued, that permit holder's privileges will be suspended in 88391
that portion of the premises in which the F-4 permit is in 88392
effect. 88393

(D) No F-4 permit shall be effective for more than 88394
seventy-two consecutive hours. No sales or furnishing of wine 88395
shall take place under an F-4 permit after one a.m. 88396

(E) The division shall not issue more than six F-4 permits 88397
to the same not-for-profit organization or corporation in any 88398
one calendar year. 88399

(F) An applicant for an F-4 permit shall apply for the 88400
permit not later than thirty days prior to the first day of the 88401
event for which the permit is sought. The application for the 88402
permit shall list all of the A-2 and A-2f permit holders that 88403
will participate in the event for which the F-4 permit is 88404
sought. The fee for the F-4 permit is ~~sixty dollars per day~~one 88405
hundred eighty dollars. 88406

The division shall prepare and make available an F-4 permit application form and may require applicants for and holders of the F-4 permit to provide information that is in addition to that required by this section and that is necessary for the administration of this section.

(G) (1) The holder of an F-4 permit is responsible for, and is subject to penalties for, any violations of this chapter or Chapter 4301. of the Revised Code or the rules adopted under this and that chapter.

(2) An F-4 permit holder shall not allow an A-2 or A-2f permit holder to participate in the event for which the F-4 permit is issued if the A-2 or A-2f or the A-1-A permit of that A-2 or A-2f permit holder is under suspension.

(3) The division may refuse to issue an F-4 permit to an applicant who has violated any provision of this chapter or Chapter 4301. of the Revised Code during the applicant's previous operation under an F-4 permit, for a period of up to two years after the date of the violation.

(H) (1) Notwithstanding division (D) of section 4301.22 of the Revised Code, an A-2 or A-2f permit holder that participates in an event for which an F-4 permit is issued may donate wine that it has manufactured to the holder of that F-4 permit. The holder of an F-4 permit may return unused and sealed containers of wine to the A-2 or A-2f permit holder that donated the wine at the conclusion of the event for which the F-4 permit was issued.

(2) The participation by an A-2 or A-2f permit holder or its employees in an event for which an F-4 permit is issued does not violate section 4301.24 of the Revised Code.

Sec. 4303.2011. (A) As used in this section, "nonprofit organization" means a corporation, association, group, institution, society, or other organization that:

(1) Is exempt from federal income taxation;

(2) Has a membership of two hundred fifty or more persons.

(B) The division of liquor control may issue an F-11 permit to a nonprofit organization to conduct an event if the event has all of the following characteristics:

(1) The event is coordinated by the nonprofit organization and the nonprofit organization is responsible for the activities at the event.

(2) One of the event's purposes is the introduction, showcasing, or promotion of craft beers manufactured in this state.

(3) The event includes the sale of food for consumption on the premises where sold.

(4) The event features at least twenty A-1c permit holders, who are members of the nonprofit organization that has organized the event, as participants. The nonprofit organization may allow any number of A-1 permit holders to participate in the event.

(C) An F-11 permit holder may sell, at the event, beer that it has purchased from the A-1 or A-1c permit holders that are participating in the event or from the participating A-1 or A-1c permit holder's assigned B-1 permit holder. The F-11 permit holder may sell the beer in four-ounce samples or in containers not exceeding sixteen ounces for consumption on the premises where sold.

The F-11 permit holder may sell beer on the F-11 permit premises only where and when the sale of beer is otherwise permitted by law.

(D) The F-11 permit holder shall clearly define and sufficiently restrict the premises of the event to allow proper enforcement of the permit by state and local law enforcement officers. If an F-11 permit is issued for all or a portion of the same premises for which another class of permit is issued, that permit holder's privileges are suspended in that portion of the premises in which the F-11 permit is in effect.

(E) (1) No F-11 permit is effective for more than seventy-two consecutive hours. However, for purposes of an exposition at the state fairgrounds, an F-11 permit is effective for the duration of the exposition.

(2) No sales of beer shall take place under an F-11 permit after one a.m.

(F) The division shall not issue more than six F-11 permits to the same nonprofit organization in any one calendar year.

(G) An applicant for an F-11 permit shall apply for the permit not later than thirty days prior to the first day of the event for which the permit is sought. In the application, the applicant shall list all of the A-1 and A-1c permit holders that will participate in the event. The fee for the F-11 permit is ~~sixty dollars for each day of the event~~ one hundred eighty dollars.

The division shall prepare and make available an F-11 permit application form and may require applicants for and holders of the F-11 permit to provide information that is in

addition to that required by this section and that is necessary 88493
for the administration of this section. 88494

(H) (1) An F-11 permit holder is responsible, and is 88495
subject to penalties, for any violations of this chapter or 88496
Chapter 4301. of the Revised Code that occur during the event. 88497

(2) An F-11 permit holder shall not allow an A-1 or A-1c 88498
permit holder to participate in the event if the A-1 or A-1c 88499
permit or, if applicable, the A-1-A permit of that A-1 or A-1c 88500
permit holder is under suspension. 88501

(3) The division may refuse to issue an F-11 permit to an 88502
applicant if both of the following apply: 88503

(a) The applicant has pleaded guilty to or has been 88504
convicted of violating this chapter or Chapter 4301. of the 88505
Revised Code while operating under a previously issued F-11 88506
permit. 88507

(b) The violation occurred within the two years preceding 88508
the filing of the new F-11 permit application. 88509

(I) Notwithstanding any provision of section 4301.24 of 88510
the Revised Code or any rule adopted by the liquor control 88511
commission to the contrary, employees of an A-1 or A-1c permit 88512
holder or B-1 permit holder, or employees or agents of a B-1 88513
permit holder may assist an F-11 permit holder in serving beer 88514
at an event for which an F-11 permit is issued. 88515

Sec. 4303.233. (A) As used in this section, "personal 88516
consumer" means an individual who is at least twenty-one years 88517
of age, is a resident of this state, does not hold a permit 88518
issued under this chapter, and intends to use wine purchased in 88519
accordance with this section for personal consumption only and 88520
not for resale or other commercial purposes. 88521

(B) (1) The division of liquor control may issue an S-2 88522
permit to a person that manufactures two hundred fifty thousand 88523
gallons or more of wine per year. If the person resides outside 88524
this state, the person shall comply with the requirements 88525
governing the issuance of licenses or permits that authorize the 88526
sale of beer or intoxicating liquor by the appropriate authority 88527
of the state in which the person resides and by the alcohol and 88528
tobacco tax and trade bureau of the United States department of 88529
the treasury. 88530

(2) An S-2 permit holder may sell wine to a personal 88531
consumer by receiving and filling orders that the personal 88532
consumer submits to the permit holder. The permit holder shall 88533
sell only wine that the permit holder has manufactured to a 88534
personal consumer. An S-2 permit holder may use a fulfillment 88535
warehouse registered under section 4303.234 of the Revised Code 88536
to send a shipment of wine to a personal consumer. A fulfillment 88537
warehouse is an agent of an S-2 permit holder and an S-2 permit 88538
holder is liable for violations of this chapter and Chapter 88539
4301. of the Revised Code that are committed by the fulfillment 88540
warehouse regarding wine shipped on behalf of the S-2 permit 88541
holder. 88542

(C) An S-2 permit holder shall collect and pay the taxes 88543
relating to the delivery of wine to a personal consumer that are 88544
levied under sections 4301.421, 4301.43, and 4301.432 and 88545
Chapters 5739. and 5741. of the Revised Code. 88546

(D) (1) An S-2 permit holder shall send a shipment of wine 88547
that has been paid for by a personal consumer to that personal 88548
consumer via an H permit holder. Prior to sending a shipment of 88549
wine to a personal consumer, the S-2 permit holder, or an 88550
employee of the permit holder, shall make a bona fide effort to 88551

ensure that the personal consumer is at least twenty-one years of age. The shipment of wine shall be shipped in a package that clearly states that it contains alcohol. No person shall fail to comply with division (D) (1) of this section.

(2) Upon delivering a shipment of wine to a personal consumer, an H permit holder, or an employee of the permit holder, shall verify that the personal consumer is at least twenty-one years of age by checking the personal consumer's driver's or commercial driver's license or identification card issued under sections 4507.50 to 4507.52 of the Revised Code.

(3) An S-2 permit holder shall keep a record of each shipment of wine that the permit holder sends to a personal consumer. The records shall be used for all of the following:

(a) To provide a copy of each wine shipment invoice to the tax commissioner in a manner prescribed by the commissioner. The invoice shall include the name of each personal consumer that purchased wine from the S-2 permit holder in accordance with this section and any other information required by the tax commissioner.

(b) To provide annually in electronic format by electronic means a report to the division. The report shall include the name and address of each personal consumer that purchased wine from the S-2 permit holder in accordance with this section, the quantity of wine purchased by each personal consumer, and any other information requested by the division. If the S-2 permit holder uses a fulfillment warehouse registered under section 4303.234 of the Revised Code to send a shipment of wine on behalf of the S-2 permit holder, the S-2 permit holder need not include the personal consumer information for that shipment in the report. The division shall prescribe and provide an

electronic form for the report and shall determine the specific 88582
electronic means that the S-2 permit holder must use to submit 88583
the report. 88584

(c) To notify a personal consumer of any health or welfare 88585
recalls of the wine that has been purchased by the personal 88586
consumer. 88587

(E) An S-2 permit holder shall comply with this chapter, 88588
Chapter 4301. of the Revised Code, and any rules adopted by the 88589
liquor control commission under section 4301.03 of the Revised 88590
Code. 88591

(F) (1) An S-2 permit holder shall renew the permit in 88592
accordance with section 4303.271 of the Revised Code, except 88593
that the renewal shall not be subject to the notice and hearing 88594
requirements established in division (B) of that section. 88595

(2) The division may refuse to renew an S-2 permit for any 88596
of the reasons specified in section 4303.292 of the Revised Code 88597
or if the permit holder fails to do any of the following: 88598

(a) Collect and pay all applicable taxes specified in 88599
division (C) of this section; 88600

(b) Pay the permit fee; 88601

(c) Comply with this section or any rules adopted by the 88602
liquor control commission under section 4301.03 of the Revised 88603
Code. 88604

(G) The ~~initial~~ fee for the S-2 permit is two hundred 88605
fifty dollars. ~~The renewal fee for the S-2 permit is one hundred~~ 88606
~~dollars.~~ 88607

Sec. 4305.131. (A) If any permit holder fails to pay the 88608
taxes levied by section 4301.42, 4301.43, 4301.432, or 4305.01 88609

of the Revised Code in the manner prescribed by section 4303.33 88610
of the Revised Code, or by section 4301.421 or 4301.424 of the 88611
Revised Code in the manner prescribed in section 4301.422 of the 88612
Revised Code, and by the rules of the tax commissioner, the 88613
commissioner may make an assessment against the permit holder 88614
based upon any information in the commissioner's possession. 88615

No assessment shall be made against any permit holder for 88616
any taxes imposed by section 4301.42, 4301.421, 4301.424, 88617
4301.43, 4301.432, or 4305.01 of the Revised Code more than 88618
three years after the last day of the calendar month in which 88619
the sale was made or more than three years after the return for 88620
that period is filed, whichever is later. This section does not 88621
bar an assessment against any permit holder or registrant as 88622
provided in section 4303.331 of the Revised Code who fails to 88623
file a return as required by section 4301.422 or 4303.33 of the 88624
Revised Code, or who files a fraudulent return. 88625

A penalty of up to thirty per cent may be added to the 88626
amount of every assessment made under this section. The 88627
commissioner may adopt rules providing for the imposition and 88628
remission of penalties added to assessments made under this 88629
section. 88630

The commissioner shall give the party assessed written 88631
notice of the assessment in the manner provided in section 88632
5703.37 of the Revised Code. With the notice, the commissioner 88633
shall provide instructions on how to petition for reassessment 88634
and request a hearing on the petition. 88635

(B) Unless the party assessed files with the tax 88636
commissioner within sixty days after service of the notice of 88637
assessment, ~~either personally or by certified mail,~~ a written 88638
petition for reassessment, signed by the party assessed or that 88639

party's authorized agent having knowledge of the facts, the 88640
assessment becomes final and the amount of the assessment is due 88641
and payable from the party assessed to the treasurer of state. 88642
The petition shall indicate the objections of the party 88643
assessed, but additional objections may be raised in writing if 88644
received by the commissioner prior to the date shown on the 88645
final determination. If the petition has been properly filed, 88646
the commissioner shall proceed under section 5703.60 of the 88647
Revised Code. 88648

(C) After an assessment becomes final, if any portion of 88649
the assessment remains unpaid, including accrued interest, a 88650
certified copy of the tax commissioner's entry making the 88651
assessment final may be filed in the office of the clerk of the 88652
court of common pleas in the county in which the permit holder's 88653
place of business is located or the county in which the party 88654
assessed resides. If the party assessed maintains no place of 88655
business in this state and is not a resident of this state, the 88656
certified copy of the entry may be filed in the office of the 88657
clerk of the court of common pleas of Franklin county. 88658

Immediately upon the filing of the entry, the clerk shall 88659
enter a judgment for the state against the party assessed in the 88660
amount shown on the entry. The judgment may be filed by the 88661
clerk in a loose-leaf book entitled "special judgments for state 88662
beer and liquor sales taxes," and shall have the same effect as 88663
other judgments. Execution shall issue upon the judgment upon 88664
the request of the commissioner, and all laws applicable to 88665
sales on execution shall apply to sales made under the judgment, 88666
except as otherwise provided in this chapter and Chapters 4301. 88667
and 4307. of the Revised Code. 88668

If the assessment is not paid in its entirety within sixty 88669

days after the day the assessment was issued, the portion of the 88670
assessment consisting of tax due shall bear interest at the rate 88671
per annum prescribed by section 5703.47 of the Revised Code from 88672
the day the commissioner issues the assessment until it is paid 88673
or until it is certified to the attorney general for collection 88674
under section 131.02 of the Revised Code, whichever comes first. 88675
If the unpaid portion of the assessment is certified to the 88676
attorney general for collection, the entire unpaid portion of 88677
the assessment shall bear interest at the rate per annum 88678
prescribed by section 5703.47 of the Revised Code from the date 88679
of certification until the date it is paid in its entirety. 88680
Interest shall be paid in the same manner as the tax and may be 88681
collected by the issuance of an assessment under this section. 88682

(D) All money collected under this section shall be 88683
considered as revenue arising from the taxes imposed by sections 88684
4301.42, 4301.421, 4301.424, 4301.43, 4301.432, and 4305.01 of 88685
the Revised Code. 88686

Sec. 4501.027. (A) Notwithstanding any provision of law to 88687
the contrary, the registrar of motor vehicles may conduct, or 88688
authorize a deputy registrar to conduct, any service or 88689
transaction authorized or required by law in an electronic or 88690
online format rather than in person. The registrar or deputy 88691
registrar also may accept electronically any documents required 88692
to accompany such service or transaction or any documents 88693
approved by the registrar for electronic or online submission 88694
and acceptance. 88695

(B) The registrar or deputy registrar shall charge the 88696
same amount for the electronic or online service or transaction 88697
as the registrar or deputy registrar charges for the associated 88698
in-person transaction. The registrar or deputy registrar may 88699

accept payment for any such service or transaction by a 88700
financial transaction device. The registrar or deputy registrar 88701
may charge a person who tenders payment for an online service or 88702
transaction by means of a financial transaction device any costs 88703
the registrar or deputy registrar incurs from accepting payment 88704
by the financial transaction device. 88705

Sec. 4501.21. (A) There is hereby created in the state 88706
treasury the license plate contribution fund. The fund shall 88707
consist of all contributions for specialty license plates paid 88708
by motor vehicle registrants and collected by the registrar of 88709
motor vehicles pursuant to the Revised Code sections referenced 88710
in division (B) of this section. 88711

(B) The registrar shall pay the contributions the 88712
registrar collects in the fund as follows: 88713

The registrar shall pay the contributions received 88714
pursuant to section 4503.491 of the Revised Code to the breast 88715
cancer fund of Ohio, which shall use that money only to pay for 88716
programs that provide assistance and education to Ohio breast 88717
cancer patients and that improve access for such patients to 88718
quality health care and clinical trials and shall not use any of 88719
the money for abortion information, counseling, services, or 88720
other abortion-related activities. 88721

The registrar shall pay the contributions the registrar 88722
receives pursuant to section 4503.492 of the Revised Code to the 88723
organization cancer support community central Ohio, which shall 88724
deposit the money into the Sheryl L. Kraner Fund of that 88725
organization. Cancer support community central Ohio shall expend 88726
the money it receives pursuant to this division only in the same 88727
manner and for the same purposes as that organization expends 88728
other money in that fund. 88729

The registrar shall pay the contributions received 88730
pursuant to section 4503.493 of the Revised Code to the autism 88731
society of Ohio, which shall use the contributions for programs 88732
and autism awareness efforts throughout the state. 88733

The registrar shall pay the contributions the registrar 88734
receives pursuant to section 4503.494 of the Revised Code to the 88735
national multiple sclerosis society for distribution in equal 88736
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 88737
chapters of the national multiple sclerosis society. These 88738
chapters shall use the money they receive under this section to 88739
assist in paying the expenses they incur in providing services 88740
directly to their clients. 88741

The registrar shall pay the contributions the registrar 88742
receives pursuant to section 4503.495 of the Revised Code to the 88743
national pancreatic cancer foundation, which shall use the money 88744
it receives under this section to assist those who have 88745
pancreatic cancer and their families. 88746

The registrar shall pay the contributions the registrar 88747
receives pursuant to section 4503.496 of the Revised Code to the 88748
Ohio sickle cell and health association, which shall use the 88749
contributions to help support educational, clinical, and social 88750
support services for adults who have sickle cell disease. 88751

The registrar shall pay the contributions the registrar 88752
receives pursuant to section 4503.497 of the Revised Code to the 88753
St. Baldrick's foundation, which shall use the contributions for 88754
its research and other programs. 88755

The registrar shall pay the contributions the registrar 88756
receives pursuant to section 4503.498 of the Revised Code to 88757
special olympics Ohio, inc., which shall use the contributions 88758

for its programs, charitable efforts, and other activities. 88759

The registrar shall pay the contributions the registrar 88760
receives pursuant to section 4503.499 of the Revised Code to the 88761
children's glioma cancer foundation, which shall use the 88762
contributions for its research and other programs. 88763

The registrar shall pay the contributions the registrar 88764
receives pursuant to section 4503.4910 of the Revised Code to 88765
the KylerStrong foundation, which shall use the contributions to 88766
raise awareness of brain cancer caused by diffuse intrinsic 88767
pontine glioma and to fund research for the cure of such cancer. 88768

The registrar shall pay the contributions the registrar 88769
receives pursuant to section 4503.4911 of the Revised Code to 88770
the research institution for childhood cancer at nationwide 88771
children's hospital, which shall use the contributions to fund 88772
research for the cure of childhood cancers. 88773

The registrar shall pay the contributions the registrar 88774
receives pursuant to section 4503.4912 of the Revised Code to 88775
the Ben Morrison memorial fund, which shall use the 88776
contributions for scholarships and other programs that support 88777
mental health. 88778

The registrar shall pay the contributions the registrar 88779
receives pursuant to section 4503.50 of the Revised Code to the 88780
future farmers of America foundation, which shall deposit the 88781
contributions into its general account to be used for 88782
educational and scholarship purposes of the future farmers of 88783
America foundation. 88784

The registrar shall pay the contributions the registrar 88785
receives pursuant to section 4503.501 of the Revised Code to the 88786
4-H youth development program of the Ohio state university 88787

extension program, which shall use those contributions to pay 88788
the expenses it incurs in conducting its educational activities. 88789

The registrar shall pay the contributions received 88790
pursuant to section 4503.502 of the Revised Code to the Ohio 88791
cattlemen's foundation, which shall use those contributions for 88792
scholarships and other educational activities. 88793

The registrar shall pay the contributions received 88794
pursuant to section 4503.505 of the Revised Code to the 88795
organization Ohio region phi theta kappa, which shall use those 88796
contributions for scholarships for students who are members of 88797
that organization. 88798

The registrar shall pay the contributions the registrar 88799
receives pursuant to section 4503.506 of the Revised Code to 88800
Ohio demolay, which shall use the contributions for 88801
scholarships, educational programs, and any other programs or 88802
events the organization holds or sponsors in this state. 88803

The registrar shall pay the contributions received 88804
pursuant to section 4503.507 of the Revised Code to the Ohio 88805
aerospace institute, which shall use those contributions to 88806
facilitate student internships in aerospace and educational 88807
programming. 88808

The registrar shall pay the contributions received 88809
pursuant to section 4503.508 of the Revised Code to the 88810
organization bottoms up diaper drive to provide funding for that 88811
organization for collecting and delivering diapers to parents in 88812
need. 88813

The registrar shall pay the contributions the registrar 88814
receives pursuant to section 4503.509 of the Revised Code to a 88815
kid again, incorporated for distribution in equal amounts to the 88816

Ohio chapters of a kid again. 88817

The registrar shall pay each contribution the registrar 88818
receives pursuant to section 4503.51 of the Revised Code to the 88819
university or college whose name or marking or design appears on 88820
collegiate license plates that are issued to a person under that 88821
section. A university or college that receives contributions 88822
from the fund shall deposit the contributions into its general 88823
scholarship fund. 88824

The registrar shall pay each contribution the registrar 88825
receives pursuant to section 4503.512 of the Revised Code to the 88826
Iota Phi Theta Fraternity, Incorporated Delta Theta Omega 88827
chapter in Ohio. The Iota Phi Theta Fraternity, Incorporated 88828
Delta Theta Omega chapter shall use the contributions for the 88829
development and perpetuation of scholarship, leadership, 88830
citizenship, fidelity, and brotherhood among men and youth in 88831
this state. 88832

The registrar shall pay the contributions the registrar 88833
receives pursuant to section 4503.514 of the Revised Code to the 88834
university of Notre Dame in South Bend, Indiana, for purposes of 88835
awarding grants or scholarships to residents of Ohio who attend 88836
the university. The university shall not use any of the funds it 88837
receives for purposes of administering the scholarship program. 88838
The registrar shall enter into appropriate agreements with the 88839
university of Notre Dame to effectuate the distribution of such 88840
funds as provided in this section. 88841

The registrar shall pay the contributions the registrar 88842
receives pursuant to section 4503.516 of the Revised Code to 88843
Marshall university in Huntington, West Virginia, for purposes 88844
of awarding grants or scholarships to residents of Ohio who 88845
attend the university. The university shall not use any of the 88846

funds it receives for purposes of administering the scholarship program. The registrar shall enter into appropriate agreements with Marshall university to effectuate the distribution of such funds as provided in this section.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.517 of the Revised Code to the university of Alabama in Tuscaloosa, Alabama, for purposes of awarding grants or scholarships to residents of Ohio who attend the university. The university shall not use any of the funds it receives for purposes of administering the scholarship program. The registrar shall enter into appropriate agreements with the university of Alabama to effectuate the distribution of such funds as provided in this section.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.518 of the Revised Code to the Nationwide children's hospital, which shall use the contributions for the "On Our Sleeves" campaign.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.519 of the Revised Code equally to NAMI Ohio (national alliance on mental illness of Ohio), Ohio peer recovery organizations, and OCAAR (Ohio citizen advocates for addiction recovery).

The registrar shall pay the contributions the registrar receives pursuant to section 4503.520 of the Revised Code to Purdue university in West Lafayette, Indiana, for purposes of awarding grants or scholarships to residents of Ohio who attend the university. The university shall not use any of the funds it receives for purposes of administering the scholarship program. The registrar shall enter into appropriate agreements with Purdue university to effectuate the distribution of such funds

as provided in this section. 88877

The registrar shall pay the contributions the registrar 88878
receives pursuant to section 4503.521 of the Revised Code to the 88879
Ohio bicycle federation to assist that organization in paying 88880
for the educational programs it sponsors in support of Ohio 88881
cyclists of all ages. 88882

The registrar shall pay the contributions the registrar 88883
receives pursuant to section 4503.522 of the Revised Code to the 88884
"friends of Perry's victory and international peace memorial, 88885
incorporated," a nonprofit corporation organized under the laws 88886
of this state, to assist that organization in paying the 88887
expenses it incurs in sponsoring or holding charitable, 88888
educational, and cultural events at the monument. 88889

The registrar shall pay the contributions the registrar 88890
receives pursuant to section 4503.523 of the Revised Code to the 88891
fairport lights foundation, which shall use the money to pay for 88892
the restoration, maintenance, and preservation of the 88893
lighthouses of fairport harbor. 88894

The registrar shall pay the contributions the registrar 88895
receives pursuant to section 4503.524 of the Revised Code to the 88896
Massillon tiger football booster club, which shall use the 88897
contributions only to promote and support the football team of 88898
Washington high school of the Massillon city school district. 88899

The registrar shall pay the contributions the registrar 88900
receives pursuant to section 4503.525 of the Revised Code to the 88901
United States power squadron district seven which shall annually 88902
distribute the contributions in equal amounts to all United 88903
States power squadrons located in the state. Each power squadron 88904
district shall use the money it receives under this section to 88905

pay for the educational boating programs each district holds or 88906
sponsors within this state. 88907

The registrar shall pay the contributions the registrar 88908
receives pursuant to section 4503.526 of the Revised Code to the 88909
Ohio district Kiwanis foundation of the Ohio district of Kiwanis 88910
international, which shall use the money it receives under this 88911
section to pay the costs of its educational and humanitarian 88912
activities. 88913

The registrar shall pay the contributions the registrar 88914
receives pursuant to section 4503.528 of the Revised Code to the 88915
Ohio children's alliance, which shall use the money it receives 88916
under this section to pay the expenses it incurs in advancing 88917
its mission of sustainably improving the provision of services 88918
to children, young adults, and families in this state. 88919

The registrar shall pay the contributions the registrar 88920
receives pursuant to section 4503.529 of the Revised Code to the 88921
Ohio nurses foundation. The foundation shall use the money it 88922
receives under this section to provide educational scholarships 88923
to assist individuals who aspire to join the nursing profession, 88924
to assist nurses in the nursing profession who seek to advance 88925
their education, and to support persons conducting nursing 88926
research concerning the evidence-based practice of nursing and 88927
the improvement of patient outcomes. 88928

The registrar shall pay the contributions the registrar 88929
receives pursuant to section 4503.53 of the Revised Code to the 88930
Indiana Kentucky Ohio regional council of carpenters. The 88931
council shall use the money it receives to assist its members 88932
who are experiencing financial hardship. 88933

The registrar shall pay the contributions the registrar 88934

receives pursuant to section 4503.531 of the Revised Code to the 88935
thank you foundation, incorporated, a nonprofit corporation 88936
organized under the laws of this state, to assist that 88937
organization in paying for the charitable activities and 88938
programs it sponsors in support of United States military 88939
personnel, veterans, and their families. 88940

The registrar shall pay the contributions the registrar 88941
receives pursuant to section 4503.532 of the Revised Code to the 88942
Ohio history connection, which shall use the contributions for 88943
the benefit of the Paul Laurence Dunbar house. 88944

The registrar shall pay the contributions the registrar 88945
receives pursuant to section 4503.533 of the Revised Code to the 88946
nonprofit organization Ohio conference of teamsters and industry 88947
health and welfare fund, which shall use the contributions to 88948
further the nonprofit's mission. 88949

The registrar shall pay the contributions the registrar 88950
receives pursuant to section 4503.534 of the Revised Code to the 88951
disabled American veterans department of Ohio, to be used for 88952
programs that serve disabled American veterans and their 88953
families. 88954

The registrar shall pay the contributions the registrar 88955
receives pursuant to section 4503.536 of the Revised Code to 88956
save a warrior, incorporated, which shall use the contributions 88957
to prevent suicide by active members of the armed forces of the 88958
United States, veterans of those armed forces, and first 88959
responders. 88960

The registrar shall pay the contributions the registrar 88961
receives pursuant to section 4503.542 of the Revised Code to the 88962
Ohio craft brewers association. 88963

The registrar shall pay the contributions the registrar receives pursuant to section 4503.541 of the Revised Code to Dolly Parton's imagination library of Ohio. The library shall use the money it receives under this section for operational costs, including the distribution of books.

The registrar shall pay the contributions that are paid to the registrar pursuant to section 4503.545 of the Revised Code to the national rifle association foundation, which shall use the money to pay the costs of the educational activities and programs the foundation holds or sponsors in this state.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.55 of the Revised Code to the pro football hall of fame, which shall deposit the contributions into a special bank account that it establishes and which shall be separate and distinct from any other account the pro football hall of fame maintains, to be used exclusively for the purpose of promoting the pro football hall of fame as a travel destination.

The registrar shall pay to the Ohio pet fund the contributions the registrar receives pursuant to section 4503.551 of the Revised Code and any other money from any other source, including donations, gifts, and grants, that is designated by the source to be paid to the Ohio pet fund. The Ohio pet fund shall use the moneys it receives under this section to support programs for the sterilization of dogs and cats and for educational programs concerning the proper veterinary care of those animals, and for expenses of the Ohio pet fund that are reasonably necessary for it to obtain and maintain its tax-exempt status and to perform its duties.

The registrar shall pay the contributions the registrar

receives pursuant to section 4503.552 of the Revised Code to the 88994
rock and roll hall of fame and museum, incorporated. 88995

The registrar shall pay the contributions the registrar 88996
receives pursuant to section 4503.553 of the Revised Code to the 88997
Ohio coalition for animals, incorporated, a nonprofit 88998
corporation. Except as provided in division (B) of this section, 88999
the coalition shall distribute the money to its members, and the 89000
members shall use the money only to pay for educational, 89001
charitable, and other programs of each coalition member that 89002
provide care for unwanted, abused, and neglected horses. The 89003
Ohio coalition for animals may use a portion of the money to pay 89004
for reasonable marketing costs incurred in the design and 89005
promotion of the license plate and for administrative costs 89006
incurred in the disbursement and management of funds received 89007
under this section. 89008

The registrar shall pay the contributions the registrar 89009
receives pursuant to section 4503.554 of the Revised Code to the 89010
Ohio state council of the knights of Columbus, which shall use 89011
the contributions to pay for its charitable activities and 89012
programs. 89013

The registrar shall pay the contributions the registrar 89014
receives pursuant to section 4503.555 of the Revised Code to the 89015
western reserve historical society, which shall use the 89016
contributions to fund the Crawford auto aviation museum. 89017

The registrar shall pay the contributions the registrar 89018
receives pursuant to section 4503.556 of the Revised Code to the 89019
Erica J. Holloman foundation, inc., for the awareness of triple 89020
negative breast cancer. The foundation shall use the 89021
contributions for charitable and educational purposes. 89022

The registrar shall pay each contribution the registrar receives pursuant to section 4503.557 of the Revised Code to the central Ohio chapter of the Ronald McDonald house charities, which shall distribute the contribution to the chapter of the Ronald McDonald house charities in whose geographic territory the person who paid the contribution resides.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.559 of the Revised Code to playhouse square, located in Cleveland, Ohio, which shall use the contributions to further its mission of presenting and producing a wide variety of quality performing arts, advancing arts education, and creating a superior destination for entertainment, business, and residential living.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.561 of the Revised Code to the state of Ohio chapter of ducks unlimited, inc., which shall deposit the contributions into a special bank account that it establishes. The special bank account shall be separate and distinct from any other account the state of Ohio chapter of ducks unlimited, inc., maintains and shall be used exclusively for the purpose of protecting, enhancing, restoring, and managing wetlands and conserving wildlife habitat. The state of Ohio chapter of ducks unlimited, inc., annually shall notify the registrar in writing of the name, address, and account to which such payments are to be made.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.562 of the Revised Code to the Mahoning river consortium, which shall use the money to pay the expenses it incurs in restoring and maintaining the Mahoning river watershed.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.564 of the Revised Code to the Glen Helen association to pay expenses related to the Glen Helen nature preserve.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.565 of the Revised Code to the conservancy for Cuyahoga valley national park, which shall use the money in support of the park.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.566 of the Revised Code to the Ottawa national wildlife refuge, which shall use the contributions for wildlife preservation purposes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.567 of the Revised Code to the girls on the run of Franklin county, inc., which shall use the contributions to support the activities of the organization.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.569 of the Revised Code to the Ohio bird sanctuary, located in Mansfield, Ohio, which shall use the contributions for purposes of its operations, bird care and rehabilitation, and educational programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.576 of the Revised Code to the Ohio state beekeepers association, which shall use those contributions to promote beekeeping, provide educational information about beekeeping, and to support other state and local beekeeping programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.577 of the Revised Code to the

national aviation hall of fame, which shall use the 89082
contributions to fulfill its mission of honoring aerospace 89083
legends to inspire future leaders. 89084

The registrar shall pay the contributions the registrar 89085
receives pursuant to section 4503.578 of the Revised Code to 89086
keep Ohio beautiful, incorporated, which shall use the 89087
contributions towards its mission of empowering Ohio communities 89088
to take greater responsibility for improving the local 89089
environment through litter prevention, beautification, community 89090
greening, waste reduction, and recycling. 89091

The registrar shall pay the contributions the registrar 89092
receives pursuant to section 4503.579 of the Revised Code to the 89093
~~national~~Ohio state coalition-national council of negro women, 89094
incorporated, which shall use the contributions for educational 89095
purposes. 89096

The registrar shall pay the contributions the registrar 89097
receives pursuant to section 4503.581 of the Revised Code to the 89098
Ohio past detachment commander's club, inc., which shall use the 89099
contributions to support the activities of the organization. 89100

The registrar shall pay the contributions the registrar 89101
receives pursuant to section 4503.582 of the Revised Code to the 89102
progressive animal welfare society adoption center, inc., which 89103
shall use the contributions to support the activities of the 89104
center. 89105

The registrar shall pay the contributions the registrar 89106
receives pursuant to section 4503.583 of the Revised Code to the 89107
American legion, department of Ohio, inc., which shall use the 89108
contributions to support the activities of the organization. 89109

The registrar shall pay the contributions the registrar 89110

receives, or has received, pursuant to section 4503.584 of the Revised Code to the Ohio natural energy foundation to fund scholarships for students pursuing careers in the oil and natural gas industry.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.585 of the Revised Code to the Terrace Park recreation committee, inc. to offer scholarships to young athletes of, and maintain athletic facilities in, the municipal corporation of Terrace Park.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.586 of the Revised Code to the Ohio mountain bike alliance.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.588 of the Revised Code to the Ohio grange patrons of husbandry foundation, which shall use the contributions to support the activities of the organization.

The registrar shall pay to a sports commission created pursuant to section 4503.591 of the Revised Code each contribution the registrar receives under that section that an applicant pays to obtain license plates that bear the logo of a professional sports team located in the county of that sports commission and that is participating in the license plate program pursuant to division (E) of that section, irrespective of the county of residence of an applicant.

The registrar shall pay to a community charity each contribution the registrar receives under section 4503.591 of the Revised Code that an applicant pays to obtain license plates that bear the logo of a professional sports team that is participating in the license plate program pursuant to division

(G) of that section. 89140

The registrar shall pay the contributions the registrar 89141
receives pursuant to section 4503.592 of the Revised Code to 89142
pollinator partnership's monarch wings across Ohio program, 89143
which shall use the contributions for the protection and 89144
preservation of the monarch butterfly and pollinator corridor in 89145
Ohio and for educational programs. 89146

The registrar shall pay the contributions the registrar 89147
receives pursuant to section 4503.594 of the Revised Code to 89148
pelotonia, which shall use the contributions for the purpose of 89149
supporting cancer research. 89150

The registrar shall pay the contributions the registrar 89151
receives pursuant to section 4503.595 of the Revised Code to the 89152
Stan Hywet hall and gardens. 89153

The registrar shall pay the contributions the registrar 89154
receives pursuant to section 4503.596 of the Revised Code to the 89155
Cuyahoga valley scenic railroad. 89156

The registrar shall pay the contributions the registrar 89157
receives pursuant to section 4503.597 of the Revised Code to the 89158
Circleville pumpkin show, incorporated, which shall use the 89159
contributions to promote good will surrounding the Circleville 89160
pumpkin show as a nonprofit annual event. 89161

The registrar shall pay the contributions the registrar 89162
receives pursuant to section 4503.598 of the Revised Code 89163
equally to the Jackson local schools foundation and the Jackson 89164
high school alumni association. The foundation and alumni 89165
association shall use the contributions for the foundation's and 89166
alumni association's purposes. 89167

The registrar shall pay the contributions the registrar 89168

receives pursuant to section 4503.67 of the Revised Code to the 89169
Dan Beard council of the boy scouts of America. The council 89170
shall distribute all contributions in an equitable manner 89171
throughout the state to regional councils of the boy scouts. 89172

The registrar shall pay the contributions the registrar 89173
receives pursuant to section 4503.68 of the Revised Code to the 89174
girl scouts of Ohio's heartland. The girl scouts of Ohio's 89175
heartland shall distribute all contributions in an equitable 89176
manner throughout the state to regional councils of the girl 89177
scouts. 89178

The registrar shall pay the contributions the registrar 89179
receives pursuant to section 4503.69 of the Revised Code to the 89180
Dan Beard council of the boy scouts of America. The council 89181
shall distribute all contributions in an equitable manner 89182
throughout the state to regional councils of the boy scouts. 89183

The registrar shall pay the contributions the registrar 89184
receives pursuant to section 4503.70 of the Revised Code to the 89185
charitable foundation of the grand lodge of Ohio, f. & a. m., 89186
which shall use the contributions for scholarship purposes. 89187

The registrar shall pay the contributions the registrar 89188
receives pursuant to section 4503.701 of the Revised Code to the 89189
Prince Hall grand lodge of free and accepted masons of Ohio, 89190
which shall use the contributions for scholarship purposes. 89191

The registrar shall pay the contributions the registrar 89192
receives pursuant to section 4503.702 of the Revised Code to the 89193
Ohio Association of the Improved Benevolent and Protective Order 89194
of the Elks of the World, which shall use the funds for 89195
charitable purposes. 89196

The registrar shall pay the contributions the registrar 89197

receives pursuant to section 4503.703 of the Revised Code to the 89198
Ohio state moose association. 89199

The registrar shall pay the contributions the registrar 89200
receives pursuant to section 4503.704 of the Revised Code to the 89201
Antioch shrine foundation located in the municipal corporation 89202
of Dayton. 89203

The registrar shall pay the contributions the registrar 89204
receives pursuant to section 4503.71 of the Revised Code to the 89205
fraternal order of police of Ohio, incorporated, which shall 89206
deposit the fees into its general account to be used for 89207
purposes of the fraternal order of police of Ohio, incorporated. 89208

The registrar shall pay the contributions the registrar 89209
receives pursuant to section 4503.711 of the Revised Code to the 89210
fraternal order of police of Ohio, incorporated, which shall 89211
deposit the contributions into an account that it creates to be 89212
used for the purpose of advancing and protecting the law 89213
enforcement profession, promoting improved law enforcement 89214
methods, and teaching respect for law and order. 89215

The registrar shall pay the contributions received 89216
pursuant to section 4503.712 of the Revised Code to Ohio 89217
concerns of police survivors, which shall use those 89218
contributions to provide whatever assistance may be appropriate 89219
to the families of Ohio law enforcement officers who are killed 89220
in the line of duty. 89221

The registrar shall pay the contributions received 89222
pursuant to section 4503.713 of the Revised Code to the greater 89223
Cleveland peace officers memorial society, which shall use those 89224
contributions to honor law enforcement officers who have died in 89225
the line of duty and support its charitable purposes. 89226

The registrar shall pay the contributions received 89227
pursuant to section 4503.714 of the Revised Code to the Ohio 89228
association of chiefs of police. 89229

The registrar shall pay the contributions the registrar 89230
receives, or has received, pursuant to section 4503.715 of the 89231
Revised Code to the community foundation of Ohio's electric 89232
cooperatives, which shall use the contributions to recognize and 89233
memorialize fallen or injured lineworkers and support their 89234
families. 89235

The registrar shall pay the contributions the registrar 89236
receives pursuant to section 4503.716 of the Revised Code to the 89237
fallen timbers battlefield preservation commission, which shall 89238
use the contributions to further the mission of the commission. 89239

The registrar shall pay the contributions the registrar 89240
receives pursuant to section 4503.72 of the Revised Code to the 89241
organization known on March 31, 2003, as the Ohio CASA/GAL 89242
association, a private, nonprofit corporation organized under 89243
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 89244
shall use these contributions to pay the expenses it incurs in 89245
administering a program to secure the proper representation in 89246
the courts of this state of abused, neglected, and dependent 89247
children, and for the training and supervision of persons 89248
participating in that program. 89249

The registrar shall pay the contributions the registrar 89250
receives pursuant to section 4503.722 of the Revised Code to the 89251
Down Syndrome Association of Central Ohio, which shall use the 89252
contributions for advocacy purposes throughout the state. 89253

The registrar shall pay the contributions the registrar 89254
receives pursuant to section 4503.724 of the Revised Code to the 89255

Ohio Chapter of the American Foundation for Suicide Prevention, 89256
which shall use the contributions for programs, education, and 89257
advocacy purposes throughout the state. 89258

The registrar shall pay the contributions the registrar 89259
receives pursuant to section 4503.726 of the Revised Code to the 89260
Ohio suicide prevention foundation, which shall use the 89261
contributions for suicide prevention programs, education, and 89262
advocacy. 89263

The registrar shall pay the contributions the registrar 89264
receives, or has received, pursuant to section 4503.725 of the 89265
Revised Code to the ALS united Ohio, incorporated, which shall 89266
split the contributions between that organization and the ALS 89267
association in accordance with any agreement between the two 89268
organizations. The contributions shall be used to discover 89269
treatments and a cure for ALS, and to serve, advocate for, and 89270
empower people affected by ALS to live their lives to the 89271
fullest. 89272

The registrar shall pay the contributions the registrar 89273
receives pursuant to section 4503.73 of the Revised Code to 89274
Wright B. Flyer, incorporated, which shall deposit the 89275
contributions into its general account to be used for purposes 89276
of Wright B. Flyer, incorporated. 89277

The registrar shall pay the contributions the registrar 89278
receives pursuant to section 4503.732 of the Revised Code to the 89279
Siegel Shuster society, a nonprofit organization dedicated to 89280
commemorating and celebrating the creation of Superman in 89281
Cleveland, Ohio. 89282

The registrar shall pay the contributions the registrar 89283
receives pursuant to section 4503.733 of the Revised Code to the 89284

central Ohio chapter of the juvenile diabetes research 89285
foundation, which shall distribute the contributions to the 89286
chapters of the juvenile diabetes research foundation in whose 89287
geographic territory the person who paid the contribution 89288
resides. 89289

The registrar shall pay the contributions the registrar 89290
receives pursuant to section 4503.734 of the Revised Code to the 89291
Ohio highway patrol auxiliary foundation, which shall use the 89292
contributions to fulfill the foundation's mission of supporting 89293
law enforcement education and assistance. 89294

The registrar shall pay the contributions the registrar 89295
receives pursuant to section 4503.735 of the Revised Code to the 89296
heart4seniors/healthcare evolution alert response technology 89297
foundation, inc., which shall use the contributions for purposes 89298
of the foundation's mission. 89299

The registrar shall pay the contributions the registrar 89300
receives pursuant to section 4503.74 of the Revised Code to the 89301
Columbus zoological park association, which shall disburse the 89302
moneys to Ohio's major metropolitan zoos, as defined in section 89303
4503.74 of the Revised Code, in accordance with a written 89304
agreement entered into by the major metropolitan zoos. 89305

The registrar shall pay the contributions the registrar 89306
receives pursuant to section 4503.741 of the Revised Code to the 89307
Ohio house rabbit rescue, which shall use the contributions for 89308
its rescue, adoption, and educational programs. 89309

The registrar shall pay the contributions the registrar 89310
receives pursuant to section 4503.75 of the Revised Code to the 89311
rotary foundation, located on March 31, 2003, in Evanston, 89312
Illinois, to be placed in a fund known as the permanent fund and 89313

used to endow educational and humanitarian programs of the 89314
rotary foundation. 89315

The registrar shall pay the contributions the registrar 89316
receives pursuant to section 4503.751 of the Revised Code to the 89317
Ohio association of realtors, which shall deposit the 89318
contributions into a property disaster relief fund maintained 89319
under the Ohio realtors charitable and education foundation. 89320

The registrar shall pay the contributions the registrar 89321
receives pursuant to section 4503.752 of the Revised Code to 89322
buckeye corvettes, incorporated, which shall use the 89323
contributions to pay for its charitable activities and programs. 89324

The registrar shall pay the contributions the registrar 89325
receives pursuant to section 4503.754 of the Revised Code to the 89326
municipal corporation of Twinsburg. 89327

The registrar shall pay the contributions the registrar 89328
receives pursuant to section 4503.755 of the Revised Code to the 89329
little brown jug society to assist the society in maintaining, 89330
promulgating, and operating the little brown jug as part of 89331
Ohio's rich harness racing history. 89332

The registrar shall pay the contributions the registrar 89333
receives pursuant to section 4503.763 of the Revised Code to the 89334
Ohio history connection to be used solely to build, support, and 89335
maintain the Ohio battleflag collection within the Ohio history 89336
connection. 89337

The registrar shall pay the contributions the registrar 89338
receives pursuant to section 4503.764 of the Revised Code to the 89339
Medina county historical society, which shall use those 89340
contributions to distribute between the various historical 89341
societies and museums in Medina county. 89342

The registrar shall pay the contributions the registrar receives pursuant to section 4503.765 of the Revised Code to the Amaranth grand chapter foundation, which shall use the contributions for communal outreach, charitable service, and scholarship purposes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.766 of the Revised Code to the Ohio society daughters of the American revolution, which shall deposit the contributions into its general account to be used for continuing the organization's endeavors in service, historic preservation, education, and patriotism.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.767 of the Revised Code to folds of honor of central Ohio, which shall use the contributions to provide scholarships to spouses and children either of disabled veterans or of members of any branch of the armed forces who died during their service.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.85 of the Revised Code to the Ohio sea grant college program to be used for Lake Erie area research projects.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.851 of the Revised Code to West Virginia university in Morgantown, West Virginia for purposes of awarding grants or scholarships to residents of Ohio who attend the university. The university shall not use any of the funds it receives for purposes of administering the scholarship program. The registrar shall enter into appropriate agreements with West Virginia university to effectuate the distribution of such funds as provided in this section.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.86 of the Revised Code to the Ohio Lincoln highway historic byway, which shall use those contributions solely to promote and support the historical preservation and advertisement of the Lincoln highway in this state.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.87 of the Revised Code to the Grove City little league dream field fund, which shall use those contributions solely to build, maintain, and improve youth baseball fields within the municipal corporation of Grove City.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.871 of the Revised Code to the Solon city school district. The school district shall use the contributions it receives to pay the expenses it incurs in providing services to the school district's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. The school district superintendent or, in the school district superintendent's discretion, the appropriate school principal or appropriate school counselors shall determine any charitable organizations that the school district hires to provide those services. The school district also may use the contributions it receives to pay for members of the faculty of the school district to receive training in providing such services to the students of the school district. The school district shall ensure that any charitable organization that is hired by the district is exempt

from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The school district shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.872 of the Revised Code to the Canton city school district. The district may use the contributions for student welfare, but shall not use the contributions for any political purpose or to pay salaries of district employees.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.873 of the Revised Code to Padua Franciscan high school located in the municipal corporation of Parma. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. As a part of providing such services, the school may pay for members of the faculty of the school to receive training in providing those services. The school principal or, in the school principal's discretion, appropriate school counselors shall determine any charitable organizations that the school hires to provide those services. The school shall ensure that any such charitable organization is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The school shall not use the contributions it receives for any other

purpose. 89435

The registrar shall pay the contributions the registrar 89436
receives pursuant to section 4503.874 of the Revised Code to St. 89437
Edward high school located in the municipal corporation of 89438
Lakewood. The school shall use fifty per cent of the 89439
contributions it receives to provide tuition assistance to its 89440
students. The school shall use the remaining fifty per cent to 89441
pay the expenses it incurs in providing services to the school's 89442
students that assist in developing or maintaining the mental and 89443
emotional well-being of the students. The services provided may 89444
include bereavement counseling, instruction in defensive driving 89445
techniques, sensitivity training, and the counseling and 89446
education of students regarding bullying, dating violence, drug 89447
abuse, suicide prevention, and human trafficking. As a part of 89448
providing such services, the school may pay for members of the 89449
faculty of the school to receive training in providing those 89450
services. The school principal or, in the school principal's 89451
discretion, appropriate school counselors shall determine any 89452
charitable organizations that the school hires to provide those 89453
services. The school shall ensure that any such charitable 89454
organization is exempt from federal income taxation under 89455
subsection 501(c)(3) of the Internal Revenue Code. The school 89456
shall not use the contributions it receives for any other 89457
purpose. 89458

The registrar shall pay the contributions the registrar 89459
receives pursuant to section 4503.875 of the Revised Code to 89460
Walsh Jesuit high school located in the municipal corporation of 89461
Cuyahoga Falls. The school shall use fifty per cent of the 89462
contributions it receives to provide tuition assistance to its 89463
students. The school shall use the remaining fifty per cent to 89464
pay the expenses it incurs in providing services to the school's 89465

students that assist in developing or maintaining the mental and 89466
emotional well-being of the students. The services provided may 89467
include bereavement counseling, instruction in defensive driving 89468
techniques, sensitivity training, and the counseling and 89469
education of students regarding bullying, dating violence, drug 89470
abuse, suicide prevention, and human trafficking. As a part of 89471
providing such services, the school may pay for members of the 89472
faculty of the school to receive training in providing those 89473
services. The school principal or, in the school principal's 89474
discretion, appropriate school counselors shall determine any 89475
charitable organizations that the school hires to provide those 89476
services. The school shall ensure that any such charitable 89477
organization is exempt from federal income taxation under 89478
subsection 501(c)(3) of the Internal Revenue Code. The school 89479
shall not use the contributions it receives for any other 89480
purpose. 89481

The registrar shall pay the contributions the registrar 89482
receives pursuant to section 4503.876 of the Revised Code to the 89483
North Royalton city school district. The school district shall 89484
use the contributions it receives to pay the expenses it incurs 89485
in providing services to the school district's students that 89486
assist in developing or maintaining the mental and emotional 89487
well-being of the students. The services provided may include 89488
bereavement counseling, instruction in defensive driving 89489
techniques, sensitivity training, and the counseling and 89490
education of students regarding bullying, dating violence, drug 89491
abuse, suicide prevention, and human trafficking. The school 89492
district superintendent or, in the school district 89493
superintendent's discretion, the appropriate school principal or 89494
appropriate school counselors shall determine any charitable 89495
organizations that the school district hires to provide those 89496

services. The school district also may use the contributions it 89497
receives to pay for members of the faculty of the school 89498
district to receive training in providing such services to the 89499
students of the school district. The school district shall 89500
ensure that any charitable organization that is hired by the 89501
district is exempt from federal income taxation under subsection 89502
501(c)(3) of the Internal Revenue Code. The school district 89503
shall not use the contributions it receives for any other 89504
purpose. 89505

The registrar shall pay the contributions the registrar 89506
receives pursuant to section 4503.877 of the Revised Code to the 89507
Independence local school district. The school district shall 89508
use the contributions it receives to pay the expenses it incurs 89509
in providing services to the school district's students that 89510
assist in developing or maintaining the mental and emotional 89511
well-being of the students. The services provided may include 89512
bereavement counseling, instruction in defensive driving 89513
techniques, sensitivity training, and the counseling and 89514
education of students regarding bullying, dating violence, drug 89515
abuse, suicide prevention, and human trafficking. The school 89516
district superintendent or, in the school district 89517
superintendent's discretion, the appropriate school principal or 89518
appropriate school counselors shall determine any charitable 89519
organizations that the school district hires to provide those 89520
services. The school district also may use the contributions it 89521
receives to pay for members of the faculty of the school 89522
district to receive training in providing such services to the 89523
students of the school district. The school district shall 89524
ensure that any charitable organization that is hired by the 89525
district is exempt from federal income taxation under subsection 89526
501(c)(3) of the Internal Revenue Code. The school district 89527

shall not use the contributions it receives for any other 89528
purpose. 89529

The registrar shall pay the contributions the registrar 89530
receives pursuant to section 4503.878 of the Revised Code to the 89531
Cuyahoga Heights local school district. The school district 89532
shall use the contributions it receives to pay the expenses it 89533
incurs in providing services to the school district's students 89534
that assist in developing or maintaining the mental and 89535
emotional well-being of the students. The services provided may 89536
include bereavement counseling, instruction in defensive driving 89537
techniques, sensitivity training, and the counseling and 89538
education of students regarding bullying, dating violence, drug 89539
abuse, suicide prevention, and human trafficking. The school 89540
district superintendent or, in the school district 89541
superintendent's discretion, the appropriate school principal or 89542
appropriate school counselors, shall determine any charitable 89543
organizations that the school district hires to provide those 89544
services. The school district also may use the contributions it 89545
receives to pay for members of the faculty of the school 89546
district to receive training in providing such services to the 89547
students of the school district. The school district shall 89548
ensure that any charitable organization that is hired by the 89549
district is exempt from federal income taxation under subsection 89550
501(c)(3) of the Internal Revenue Code. The school district 89551
shall not use the contributions it receives for any other 89552
purpose. 89553

The registrar shall pay the contributions the registrar 89554
receives pursuant to section 4503.879 of the Revised Code to the 89555
west technical high school alumni association, which shall use 89556
the contributions for activities sponsored by the association. 89557

The registrar shall pay the contributions the registrar receives pursuant to section 4503.88 of the Revised Code to the Kenston local school district. The school district shall use the contributions it receives to pay the expenses it incurs in providing services that assist in developing or maintaining a culture of environmental responsibility and an innovative science, technology, engineering, art, and math (S.T.E.A.M.) curriculum to the school district's students. The school district shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.881 of the Revised Code to La Salle high school in the municipal corporation of Cincinnati. The high school shall not use the contributions it receives for any political purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.882 of the Revised Code to St. John's Jesuit high school and academy located in the municipal corporation of Toledo. The school shall use the contributions it receives to provide tuition assistance for students attending the school.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.883 of the Revised Code to St. Charles preparatory school located in the municipal corporation of Columbus, which shall use the contributions for the school's alumni association and the alumni association's purposes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.884 of the Revised Code to Archbishop Moeller high school located in the municipal corporation of Cincinnati. The high school shall not use the

contributions it receives for any political purpose. 89588

The registrar shall pay the contributions the registrar 89589
receives pursuant to section 4503.885 of the Revised Code to the 89590
Revere schools foundation. The foundation shall use the 89591
contributions to promote its mission, including awarding 89592
scholarships to honor young people who are meaningfully engaged 89593
in their school or community. The foundation shall not use the 89594
contributions for any political purpose. 89595

The registrar shall pay the contributions the registrar 89596
receives pursuant to section 4503.886 of the Revised Code to 89597
Stephen T. Badin high school in the municipal corporation of 89598
Hamilton. 89599

The registrar shall pay the contributions the registrar 89600
receives pursuant to section 4503.887 of the Revised Code to 89601
Bishop Hartley high school located in the municipal corporation 89602
of Columbus, which shall use the contributions for the school's 89603
alumni association and the alumni association's purposes. 89604

The registrar shall pay the contributions the registrar 89605
receives pursuant to section 4503.888 of the Revised Code to St. 89606
Vincent-St. Mary high school located in the municipal 89607
corporation of Akron. 89608

The registrar shall pay the contributions the registrar 89609
receives pursuant to section 4503.89 of the Revised Code to the 89610
American red cross of greater Columbus on behalf of the Ohio 89611
chapters of the American red cross, which shall use the 89612
contributions for disaster readiness, preparedness, and response 89613
programs on a statewide basis. 89614

The registrar shall pay the contributions the registrar 89615
receives pursuant to section 4503.891 of the Revised Code to the 89616

Ohio lions foundation. The foundation shall use the 89617
contributions for charitable and educational purposes. 89618

The registrar shall pay the contributions the registrar 89619
receives pursuant to section 4503.892 of the Revised Code to the 89620
Hudson city school district. The school district shall not use 89621
the contributions it receives for any political purpose. 89622

The registrar shall pay the contributions the registrar 89623
receives pursuant to section 4503.893 of the Revised Code to the 89624
Harrison Central jr./sr. high school located in the municipal 89625
corporation of Cadiz. 89626

The registrar shall pay the contributions the registrar 89627
receives pursuant to section 4503.894 of the Revised Code to the 89628
Blanchester schools foundation for funding student scholarships 89629
and for funding activities and programs for at-risk students. 89630

The registrar shall pay the contributions the registrar 89631
receives pursuant to section 4503.895 of the Revised Code to the 89632
Lakeside Chautauqua foundation. The foundation shall use the 89633
contributions it receives for conservation and preservation of 89634
Lake Erie and the surrounding ecosystem. 89635

The registrar shall pay the contributions the registrar 89636
receives pursuant to section 4503.896 of the Revised Code to the 89637
American legion auxiliary department of Ohio. The auxiliary 89638
department shall use the contributions it receives to support 89639
the American legion, current and former military members, and 89640
their families. 89641

The registrar shall pay the contributions the registrar 89642
receives pursuant to section 4503.899 of the Revised Code to the 89643
Cleveland clinic foundation, which shall use the contributions 89644
to support Cleveland clinic children's education, research, and 89645

patient services. 89646

The registrar shall pay the contributions the registrar 89647
receives pursuant to section 4503.90 of the Revised Code to the 89648
nationwide children's hospital foundation. 89649

The registrar shall pay the contributions the registrar 89650
receives pursuant to section 4503.901 of the Revised Code to the 89651
Ohio association for pupil transportation, which shall use the 89652
money to support transportation programs, provide training to 89653
school transportation professionals, and support other 89654
initiatives for school transportation safety. 89655

The registrar shall pay the contributions the registrar 89656
receives pursuant to section 4503.902 of the Revised Code to St. 89657
Ignatius high school located in the municipal corporation of 89658
Cleveland. The school shall use fifty per cent of the 89659
contributions it receives to provide tuition assistance to its 89660
students. The school shall use the remaining fifty per cent to 89661
pay the expenses it incurs in providing services to the school's 89662
students that assist in developing or maintaining the mental and 89663
emotional well-being of the students. The services provided may 89664
include bereavement counseling, instruction in defensive driving 89665
techniques, sensitivity training, and the counseling and 89666
education of students regarding bullying, dating violence, drug 89667
abuse, suicide prevention, and human trafficking. As a part of 89668
providing such services, the school may pay for members of the 89669
faculty of the school to receive training in providing those 89670
services. The school principal or, in the school principal's 89671
discretion, appropriate school counselors shall determine any 89672
charitable organizations that the school hires to provide those 89673
services. The school shall ensure that any such charitable 89674
organization is exempt from federal income taxation under 89675

subsection 501(c)(3) of the Internal Revenue Code. The school 89676
shall not use the contributions it receives for any other 89677
purpose. 89678

The registrar shall pay the contributions the registrar 89679
receives pursuant to section 4503.903 of the Revised Code to the 89680
Brecksville-Broadview Heights city school district. The school 89681
district shall use the contributions it receives to pay the 89682
expenses it incurs in providing services to the school 89683
district's students that assist in developing or maintaining the 89684
mental and emotional well-being of the students. The services 89685
provided may include bereavement counseling, instruction in 89686
defensive driving techniques, sensitivity training, and the 89687
counseling and education of students regarding bullying, dating 89688
violence, drug abuse, suicide prevention, and human trafficking. 89689
The school district superintendent or, in the school district 89690
superintendent's discretion, the appropriate school principal or 89691
appropriate school counselors shall determine any charitable 89692
organizations that the school district hires to provide those 89693
services. The school district also may use the contributions it 89694
receives to pay for members of the faculty of the school 89695
district to receive training in providing such services to the 89696
students of the school district. The school district shall 89697
ensure that any charitable organization that is hired by the 89698
district is exempt from federal income taxation under subsection 89699
501(c)(3) of the Internal Revenue Code. The school district 89700
shall not use the contributions it receives for any other 89701
purpose. 89702

The registrar shall pay the contributions the registrar 89703
receives pursuant to section 4503.904 of the Revised Code to the 89704
Chagrin Falls exempted village school district. The school 89705
district shall use the contributions it receives to pay the 89706

expenses it incurs in providing services to the school 89707
district's students that assist in developing or maintaining the 89708
mental and emotional well-being of the students. The services 89709
provided may include bereavement counseling, instruction in 89710
defensive driving techniques, sensitivity training, and the 89711
counseling and education of students regarding bullying, dating 89712
violence, drug abuse, suicide prevention, and human trafficking. 89713
The school district superintendent or, in the school district 89714
superintendent's discretion, the appropriate school principal or 89715
appropriate school counselors shall determine any charitable 89716
organizations that the school district hires to provide those 89717
services. The school district also may use the contributions it 89718
receives to pay for members of the faculty of the school 89719
district to receive training in providing such services to the 89720
students of the school district. The school district shall 89721
ensure that any charitable organization that is hired by the 89722
district is exempt from federal income taxation under subsection 89723
501(c) (3) of the Internal Revenue Code. The school district 89724
shall not use the contributions it receives for any other 89725
purpose. 89726

The registrar shall pay the contributions the registrar 89727
receives pursuant to section 4503.905 of the Revised Code to the 89728
Cuyahoga valley career center. The career center shall use the 89729
contributions it receives to pay the expenses it incurs in 89730
providing services to the career center's students that assist 89731
in developing or maintaining the mental and emotional well-being 89732
of the students. The services provided may include bereavement 89733
counseling, instruction in defensive driving techniques, 89734
sensitivity training, and the counseling and education of 89735
students regarding bullying, dating violence, drug abuse, 89736
suicide prevention, and human trafficking. The career center's 89737

superintendent or in the career center's superintendent's 89738
discretion, the school board or appropriate school counselors 89739
shall determine any charitable organizations that the career 89740
center hires to provide those services. The career center also 89741
may use the contributions it receives to pay for members of the 89742
faculty of the career center to receive training in providing 89743
such services to the students of the career center. The career 89744
center shall ensure that any charitable organization that is 89745
hired by the career center is exempt from federal income 89746
taxation under subsection 501(c)(3) of the Internal Revenue 89747
Code. The career center shall not use the contributions it 89748
receives for any other purpose. 89749

The registrar shall pay the contributions the registrar 89750
receives pursuant to section 4503.906 of the Revised Code to the 89751
Stow-Munroe Falls city school district. The school district 89752
shall not use the contributions it receives for any political 89753
purpose. 89754

The registrar shall pay the contributions the registrar 89755
receives pursuant to section 4503.907 of the Revised Code to the 89756
Twinsburg city school district. The school district shall not 89757
use the contributions it receives for any political purpose. 89758

The registrar shall pay the contributions the registrar 89759
receives pursuant to section 4503.908 of the Revised Code to St. 89760
Xavier high school located in Springfield township in Hamilton 89761
county. The school shall use fifty per cent of the contributions 89762
it receives to provide tuition assistance to its students. The 89763
school shall use the remaining fifty per cent to pay the 89764
expenses it incurs in providing services to the school's 89765
students that assist in developing or maintaining the mental and 89766
emotional well-being of the students. The services provided may 89767

include bereavement counseling, instruction in defensive driving 89768
techniques, sensitivity training, and the counseling and 89769
education of students regarding bullying, dating violence, drug 89770
abuse, suicide prevention, and human trafficking. As a part of 89771
providing such services, the school may pay for members of the 89772
faculty of the school to receive training in providing those 89773
services. The school principal or, in the school principal's 89774
discretion, appropriate school counselors shall determine any 89775
charitable organizations that the school hires to provide those 89776
services. The school shall ensure that any such charitable 89777
organization is exempt from federal income taxation under 89778
subsection 501(c)(3) of the Internal Revenue Code. The school 89779
shall not use the contributions it receives for any other 89780
purpose. 89781

The registrar shall pay the contributions the registrar 89782
receives pursuant to section 4503.909 of the Revised Code to the 89783
Grandview Heights city school district, which shall use the 89784
contributions for its gifted programs and special education and 89785
related services. 89786

The registrar shall pay the contributions received 89787
pursuant to section 4503.92 of the Revised Code to support our 89788
troops, incorporated, a national nonprofit corporation, which 89789
shall use those contributions in accordance with its articles of 89790
incorporation and for the benefit of servicemembers of the armed 89791
forces of the United States and their families when they are in 89792
financial need. 89793

The registrar shall pay the contributions received 89794
pursuant to section 4503.931 of the Revised Code to healthy New 89795
Albany, which shall use the contributions for its community 89796
programs, events, and other activities. 89797

The registrar shall pay the contributions the registrar receives pursuant to section 4503.932 of the Revised Code to habitat for humanity of Ohio, inc., which shall use the contributions for its projects related to building affordable houses. 89798
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.933 of the Revised Code to Ohio citizens for the arts foundation, which shall use the contributions for advocacy, education, and professional development programs. 89803
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.934 of the Revised Code to Ohio society for respiratory care of the American association for respiratory care, incorporated, which shall use the contributions to benefit the Ohio society for respiratory care student scholarship fund. 89808
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.935 of the Revised Code to Jesup W. Scott high school's principal activities fund. The high school shall use the contributions to enhance learning opportunities for the high school's students. 89814
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.936 of the Revised Code to the Hilliard Davidson baseball club, which shall use the contributions to support the team. 89819
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.94 of the Revised Code to the Michelle's leading star foundation, which shall use the money solely to fund the rental, lease, or purchase of the simulated 89823
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driving curriculum of the Michelle's leading star foundation by 89827
boards of education of city, exempted village, local, and joint 89828
vocational school districts. 89829

The registrar shall pay the contributions the registrar 89830
receives pursuant to section 4503.941 of the Revised Code to the 89831
Ohio chapter international society of arboriculture, which shall 89832
use the money to increase consumer awareness on the importance 89833
of proper tree care and to raise funds for the chapter's 89834
educational efforts. 89835

The registrar shall pay the contributions received 89836
pursuant to section 4503.942 of the Revised Code to zero, the 89837
end of prostate cancer, incorporated, a nonprofit organization, 89838
which shall use those contributions to raise awareness of 89839
prostate cancer, to support research to end prostate cancer, and 89840
to support prostate cancer patients and their families. 89841

The registrar shall pay the contributions the registrar 89842
receives pursuant to section 4503.943 of the Revised Code to the 89843
nonprofit organization weirdo cat lovers of Cleveland, which 89844
shall use the contributions to further its mission of assisting 89845
pet parents with emergency veterinary bills for their feline 89846
companions, providing food and litter to those in economic need, 89847
and controlling feral cat populations through the process of 89848
trap-neuter-return to the community. 89849

The registrar shall pay the contributions the registrar 89850
receives pursuant to section 4503.944 of the Revised Code to the 89851
eastern European congress of Ohio, which shall use the 89852
contributions for charitable and educational purposes. 89853

The registrar shall pay the contributions the registrar 89854
receives pursuant to section 4503.945 of the Revised Code to the 89855

Summit metro parks foundation, which shall use the money in support of the Summit county metro parks. 89856
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.946 of the Revised Code to the Ohio society, sons of the American revolution, which shall use the contributions for special projects related to historical education. 89858
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.951 of the Revised Code to the Cincinnati city school district. 89863
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.952 of the Revised Code to Hawken school located in northeast Ohio. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. As a part of providing such services, the school may pay for members of the faculty of the school to receive training in providing those services. The school principal or, in the school principal's discretion, appropriate school counselors shall determine any charitable organizations that the school hires to provide those services. The school shall ensure that any such charitable organization is exempt from federal income taxation under 89866
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subsection 501(c)(3) of the Internal Revenue Code. The school 89886
shall not use the contributions it receives for any other 89887
purpose. 89888

The registrar shall pay the contributions the registrar 89889
receives pursuant to section 4503.953 of the Revised Code to 89890
Gilmour academy located in the municipal corporation of Gates 89891
Mills. The school shall use fifty per cent of the contributions 89892
it receives to provide tuition assistance to its students. The 89893
school shall use the remaining fifty per cent to pay the 89894
expenses it incurs in providing services to the school's 89895
students that assist in developing or maintaining the mental and 89896
emotional well-being of the students. The services provided may 89897
include bereavement counseling, instruction in defensive driving 89898
techniques, sensitivity training, and the counseling and 89899
education of students regarding bullying, dating violence, drug 89900
abuse, suicide prevention, and human trafficking. As a part of 89901
providing such services, the school may pay for members of the 89902
faculty of the school to receive training in providing those 89903
services. The school principal or, in the school principal's 89904
discretion, appropriate school counselors shall determine any 89905
charitable organizations that the school hires to provide those 89906
services. The school shall ensure that any such charitable 89907
organization is exempt from federal income taxation under 89908
subsection 501(c)(3) of the Internal Revenue Code. The school 89909
shall not use the contributions it receives for any other 89910
purpose. 89911

The registrar shall pay the contributions the registrar 89912
receives pursuant to section 4503.954 of the Revised Code to 89913
University school located in the suburban area near the 89914
municipal corporation of Cleveland. The school shall use fifty 89915
per cent of the contributions it receives to provide tuition 89916

assistance to its students. The school shall use the remaining 89917
fifty per cent to pay the expenses it incurs in providing 89918
services to the school's students that assist in developing or 89919
maintaining the mental and emotional well-being of the students. 89920
The services provided may include bereavement counseling, 89921
instruction in defensive driving techniques, sensitivity 89922
training, and the counseling and education of students regarding 89923
bullying, dating violence, drug abuse, suicide prevention, and 89924
human trafficking. As a part of providing such services, the 89925
school may pay for members of the faculty of the school to 89926
receive training in providing those services. The school 89927
principal or, in the school principal's discretion, appropriate 89928
school counselors shall determine any charitable organizations 89929
that the school hires to provide those services. The school 89930
shall ensure that any such charitable organization is exempt 89931
from federal income taxation under subsection 501(c)(3) of the 89932
Internal Revenue Code. The school shall not use the 89933
contributions it receives for any other purpose. 89934

The registrar shall pay the contributions the registrar 89935
receives pursuant to section 4503.955 of the Revised Code to 89936
Saint Albert the Great school located in North Royalton. The 89937
school shall use fifty per cent of the contributions it receives 89938
to provide tuition assistance to its students. The school shall 89939
use the remaining fifty per cent to pay the expenses it incurs 89940
in providing services to the school's students that assist in 89941
developing or maintaining the mental and emotional well-being of 89942
the students. The services provided may include bereavement 89943
counseling, instruction in defensive driving techniques, 89944
sensitivity training, and the counseling and education of 89945
students regarding bullying, dating violence, drug abuse, 89946
suicide prevention, and human trafficking. As a part of 89947

providing such services, the school may pay for members of the 89948
faculty of the school to receive training in providing those 89949
services. The school principal or, in the school principal's 89950
discretion, appropriate school counselors shall determine any 89951
charitable organizations that the school hires to provide those 89952
services. The school shall ensure that any such charitable 89953
organization is exempt from federal income taxation under 89954
subsection 501(c)(3) of the Internal Revenue Code. The school 89955
shall not use the contributions it receives for any other 89956
purpose. 89957

The registrar shall pay the contributions the registrar 89958
receives pursuant to section 4503.956 of the Revised Code to the 89959
Liberty Center local school district, which shall use the 89960
contributions for its gifted programs and special education and 89961
related services. 89962

The registrar shall pay the contributions the registrar 89963
receives pursuant to section 4503.957 of the Revised Code to 89964
John F. Kennedy Catholic school located in Warren. The school 89965
shall not use the contributions it receives for any political 89966
purpose. 89967

The registrar shall pay the contributions the registrar 89968
receives pursuant to section 4503.958 of the Revised Code to 89969
Elder high school located in the municipal corporation of 89970
Cincinnati. The school shall use fifty per cent of the 89971
contributions it receives to provide tuition assistance to its 89972
students, twenty-five per cent of the contributions to benefit 89973
arts and enrichment at the school, and twenty-five per cent of 89974
the contributions to benefit athletics at the school. 89975

The registrar shall pay the contributions the registrar 89976
receives pursuant to section 4503.959 of the Revised Code to the 89977

Dublin food pantry, which shall use the contributions to provide 89978
food, hygiene products, and other resources to individuals and 89979
families experiencing food insecurity. 89980

The registrar shall pay the contributions the registrar 89981
receives pursuant to section 4503.961 of the Revised Code to 89982
Fairfield senior high school located in the municipal 89983
corporation of Fairfield. The high school shall not use the 89984
contributions for any political purpose. 89985

The registrar shall pay the contributions the registrar 89986
receives pursuant to section 4503.962 of the Revised Code to 89987
Hamilton high school located in the municipal corporation of 89988
Hamilton. The high school shall not use the contributions for 89989
any political purpose. 89990

The registrar shall pay the contributions the registrar 89991
receives pursuant to section 4503.963 of the Revised Code to 89992
Ross high school located in Ross township in Butler county. The 89993
high school shall not use the contributions for any political 89994
purpose. 89995

The registrar shall pay the contributions the registrar 89996
receives pursuant to section 4503.964 of the Revised Code to 89997
Chardon hilltopper gridiron club. The club shall use 89998
contributions to fund college and career technical training 89999
scholarships for students. 90000

The registrar shall pay the contributions the registrar 90001
receives pursuant to section 4503.965 of the Revised Code to the 90002
Norton music boosters association. The association shall use the 90003
contributions to provide financial assistance to the Norton high 90004
school music boosters for equipment, travel, and programming 90005
expenses. 90006

The registrar shall pay the contributions the registrar receives pursuant to section 4503.97 of the Revised Code to the friends of united Hatzalah of Israel, which shall use the money to support united Hatzalah of Israel, which provides free emergency medical first response throughout Israel.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.98 of the Revised Code to the Westerville parks foundation to support the programs and activities of the foundation and its mission of pursuing the city of Westerville's vision of becoming "A City Within A Park."

(C) All investment earnings of the license plate contribution fund shall be credited to the fund. Not later than the first day of May of every year, the registrar shall distribute to each entity described in division (B) of this section the investment income the fund earned the previous calendar year. The amount of such a distribution paid to an entity shall be proportionate to the amount of money the entity received from the fund during the previous calendar year.

Sec. 4501.29. The department of administrative services shall collect user fees from participants in the multi-agency radio communications system (MARCS). The director of administrative services, with ~~the advice of the MARCS steering committee and~~ the consent of the director of budget and management, shall determine the amount of the user fees and the manner by which the fees shall be collected. All moneys from user fees shall be deposited in the MARCS administration fund, which is hereby created in the state treasury. All investment earnings on moneys in the fund shall be credited to the fund.

Sec. 4501.30. As used in sections 4501.30 to 4501.303 of the Revised Code:

"MARCS" means the multi-agency radio communications system. 90037
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"P25 standards" means standards for digital radio communications for use by federal, state, provincial, and local public safety agencies in North America to enable communications with other agencies and mutual aid response teams in emergencies. "P25 standards" are the standards produced through the joint efforts of the association of public-safety communications officials, the national association of state technology directors, selected federal agencies, and the national communications system. 90039
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"P25 system" means a communications system that meets P25 standards and fosters interoperability in mission critical communications ~~as certified by the MARCS steering committee.~~ 90048
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Sec. 4501.302. (A) The multi-agency radio communications system (MARCS) steering committee is established consisting of the following members: 90051
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(1) The directors, or designees thereof, of administrative services, public safety, natural resources, transportation, rehabilitation and correction, and budget and management, and the state fire marshal or the state fire marshal's designee; 90054
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(2) The following members appointed by the governor: 90058

(a) One representative of the Ohio chapter of the association of public safety communications officials or its successor organization; 90059
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(b) One representative of the buckeye state sheriff's association or its successor organization; 90062
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(c) One representative of the Ohio association of chiefs 90064

of police or its successor organization; 90065

(d) One representative of the Ohio fire chiefs' 90066
association or its successor organization. 90067

(3) Two members of the house of representatives appointed 90068
by the speaker of the house of representatives, one from the 90069
majority party and one from the minority party; 90070

(4) Two members of the senate appointed by the president 90071
of the senate, one from the majority party and one from the 90072
minority party. 90073

(B) The director of administrative services or the 90074
director's designee shall chair the committee. 90075

(C) The committee shall provide assistance to the director 90076
of administrative services for effective and efficient 90077
implementation of MARCS as well as develop policies for the 90078
ongoing management of the system. Upon dates prescribed by the 90079
directors of administrative services and budget and management, 90080
the MARCS steering committee shall report to the directors on 90081
the progress of MARCS implementation and the development of 90082
policies related to the system. 90083

(D) The committee shall establish a subcommittee to 90084
represent MARCS users on the local government level. The 90085
chairperson of the subcommittee shall serve as a member of the 90086
MARCS steering committee. 90087

(E) Divisions (A) to (D) of this section represent the 90088
codification of the existing MARCS steering committee and 90089
subcommittee. Upon the effective date of this amendment, members 90090
of the MARCS steering committee and the subcommittee may 90091
continue service on these committees, their terms unaffected by 90092
the codification. 90093

(F) The MARCS steering committee shall certify that the P25 system complies with P25 standards based on business planning documents it approves. The planning documents shall outline the various end user costs for monthly access to the system depending on the number of MARCS users and including adequate funding for future repairs, maintenance, and upgrades of MARCS statewide.

Sec. 4503.03. (A) (1) (a) Except as provided in division (B) of this section, the registrar of motor vehicles may designate one or more of the following persons to act as a deputy registrar in each county:

(i) The county auditor in any county;

(ii) The clerk of a court of common pleas in any county;

(iii) An individual;

(iv) A nonprofit corporation as defined in division (C) of section 1702.01 of the Revised Code.

All fees collected and retained by a clerk for conducting deputy registrar services shall be paid into the county treasury to the credit of the certificate of title administration fund created under section 325.33 of the Revised Code.

(b) As part of the selection process in awarding a deputy registrar contract, the registrar shall consider the customer service performance record of any person previously awarded a deputy registrar contract pursuant to division (A) (1) of this section.

(2) Deputy registrars shall accept applications for the annual license tax for any vehicle not taxed under section 4503.63 of the Revised Code and shall assign distinctive numbers

in the same manner as the registrar. Such deputies shall be 90122
located in such locations as the registrar sees fit. Except as 90123
provided in division (A) (3) of this section, there shall be at 90124
least one deputy registrar in each county. 90125

(3) The registrar need not appoint a deputy registrar in a 90126
county to which all of the following apply: 90127

(a) No individual, nonprofit corporation, or, where 90128
applicable, clerk of court of common pleas participates in the 90129
competitive selection process to be designated as a deputy 90130
registrar; 90131

(b) Neither the county auditor nor the clerk of court of 90132
common pleas agrees to be designated as a deputy registrar; 90133

(c) No individual or nonprofit corporation agrees to be 90134
designated as a deputy registrar; 90135

(d) No deputy registrar operating an existing deputy 90136
registrar agency in another county agrees to be designated as 90137
the deputy registrar for that county. 90138

(4) The registrar may reestablish a deputy registrar in 90139
any county without a deputy registrar if any of the following 90140
apply: 90141

(a) The county auditor requests to be designated as a 90142
deputy registrar; 90143

(b) The clerk of court of common pleas requests to be 90144
designated as a deputy registrar; 90145

(c) A deputy registrar operating an existing deputy 90146
registrar agency in another county requests to be designated as 90147
a deputy registrar for that county; 90148

(d) A qualified individual or nonprofit corporation 90149
requests to be designated as a deputy registrar. In the event 90150
that two or more qualified individuals, nonprofit corporations, 90151
or a combination thereof, request to be designated as a deputy 90152
registrar, the registrar may make the designation through the 90153
competitive selection process. 90154

Deputy registrar contracts are subject to the provisions 90155
of division (B) of section 125.081 of the Revised Code. 90156

(B) (1) The registrar shall not designate any person to act 90157
as a deputy registrar under division (A) (1) of this section if 90158
the person or, where applicable, the person's spouse or a member 90159
of the person's immediate family has made, within the current 90160
calendar year or any one of the previous three calendar years, 90161
one or more contributions totaling in excess of one hundred 90162
dollars to any person or entity included in division (A) (2) of 90163
section 4503.033 of the Revised Code. As used in this division, 90164
"immediate family" has the same meaning as in division (D) of 90165
section 102.01 of the Revised Code, and "entity" includes any 90166
political party and any ~~"continuing association"~~ "political 90167
contributing entity" as defined in ~~division (C) (4) of~~ section 90168
3517.01 of the Revised Code or "political action committee" as 90169
defined in ~~division (C) (8) of~~ that section that is primarily 90170
associated with that political party. For purposes of this 90171
division, contributions to any ~~continuing association~~ political 90172
contributing entity or any political action committee that is 90173
primarily associated with a political party shall be aggregated 90174
with contributions to that political party. 90175

The contribution limitations contained in this division do 90176
not apply to any county auditor or clerk of a court of common 90177
pleas. A county auditor or clerk of a court of common pleas is 90178

not required to file the disclosure statement or pay the filing fee required under section 4503.033 of the Revised Code. The limitations of this division also do not apply to a deputy registrar who, subsequent to being awarded a deputy registrar contract, is elected to an office of a political subdivision.

(2) The registrar shall not designate either of the following to act as a deputy registrar:

(a) Any elected public official other than a county auditor or, as authorized by division (A)(1) of this section, a clerk of a court of common pleas, acting in an official capacity, except that, the registrar shall continue and may renew a contract with any deputy registrar who, subsequent to being awarded a deputy registrar contract, is elected to an office of a political subdivision;

(b) Any person holding a current, valid contract to conduct motor vehicle inspections under section 3704.14 of the Revised Code.

(3) As used in division (B) of this section, "political subdivision" has the same meaning as in section 3501.01 of the Revised Code.

(C)(1) Except as provided in division (C)(2) of this section, deputy registrars are independent contractors and neither they nor their employees are employees of this state, except that nothing in this section shall affect the status of county auditors or clerks of courts of common pleas as public officials, nor the status of their employees as employees of any of the counties of this state, which are political subdivisions of this state. Each deputy registrar shall be responsible for the payment of all unemployment compensation premiums, all

workers' compensation premiums, social security contributions, 90208
and any and all taxes for which the deputy registrar is legally 90209
responsible. Each deputy registrar shall comply with all 90210
applicable federal, state, and local laws requiring the 90211
withholding of income taxes or other taxes from the compensation 90212
of the deputy registrar's employees. Each deputy registrar shall 90213
maintain during the entire term of the deputy registrar's 90214
contract a policy of business liability insurance satisfactory 90215
to the registrar and shall hold the department of public safety, 90216
the director of public safety, the bureau of motor vehicles, and 90217
the registrar harmless upon any and all claims for damages 90218
arising out of the operation of the deputy registrar agency. 90219

(2) For purposes of Chapter 4141. of the Revised Code, 90220
determinations concerning the employment of deputy registrars 90221
and their employees shall be made under Chapter 4141. of the 90222
Revised Code. 90223

(D) (1) With the approval of the director, the registrar 90224
shall adopt rules governing deputy registrars. The rules shall 90225
do all of the following: 90226

(a) Establish requirements governing the terms of the 90227
contract between the registrar and each deputy registrar and the 90228
services to be performed; 90229

(b) Establish requirements governing the amount of bond to 90230
be given as provided in this section; 90231

(c) Establish requirements governing the size and location 90232
of the deputy's office; 90233

(d) Establish requirements governing the leasing of 90234
equipment necessary to conduct the vision screenings required 90235
under section 4507.12 of the Revised Code and training in the 90236

use of the equipment; 90237

(e) Encourage every deputy registrar to inform the public 90238
of the location of the deputy registrar's office and hours of 90239
operation by means of public service announcements; 90240

(f) Allow any deputy registrar to advertise in regard to 90241
the operation of the deputy registrar's office, including 90242
allowing nonprofit corporations operating as a deputy registrar 90243
to advertise that a specified amount of proceeds collected by 90244
the nonprofit corporation are directed to a specified charitable 90245
organization or philanthropic cause; 90246

(g) Specify the hours the deputy's office is to be open to 90247
the public and require as a minimum that one deputy's office in 90248
each county be open to the public for at least four hours each 90249
weekend, provided that if only one deputy's office is located 90250
within the boundary of the county seat, that office is the 90251
office that shall be open for the four-hour period each weekend; 90252

(h) Specify that every deputy registrar, upon request, 90253
provide any person with information about the location and 90254
office hours of all deputy registrars in the county; 90255

(i) Allow a deputy registrar contract to be awarded to a 90256
nonprofit corporation formed under the laws of this state; 90257

(j) Establish procedures for a deputy registrar to request 90258
the authority to collect reinstatement fees under sections 90259
4507.1612, 4507.45, 4509.101, 4509.81, 4510.10, 4510.22, 90260
4510.72, and 4511.191 of the Revised Code and to transmit the 90261
reinstatement fees and two dollars of the service fee collected 90262
under those sections. The registrar shall ensure that at least 90263
one deputy registrar in each county has the necessary equipment 90264
and is able to accept reinstatement fees. The registrar shall 90265

deposit the service fees received from a deputy registrar under 90266
those sections into the public safety - highway purposes fund 90267
created in section 4501.06 of the Revised Code and shall use the 90268
money for deputy registrar equipment necessary in connection 90269
with accepting reinstatement fees. 90270

(k) Establish standards for a deputy registrar, when the 90271
deputy registrar is not a county auditor or a clerk of a court 90272
of common pleas, to sell advertising rights to third party 90273
businesses to be placed in the deputy registrar's office; 90274

(l) Allow any deputy registrar that is not a county 90275
auditor or a clerk of a court of common pleas to operate a 90276
vending machine; 90277

(m) Establish such other requirements as the registrar and 90278
director consider necessary to provide a high level of service. 90279

(2) The rules may allow both of the following: 90280

(a) The registrar to award a contract to a deputy 90281
registrar to operate more than one deputy registrar's office if 90282
determined by the registrar to be practical; 90283

(b) A nonprofit corporation formed for the purposes of 90284
providing automobile-related services to its members or the 90285
public and that provides such services from more than one 90286
location in this state to operate a deputy registrar office at 90287
any location. 90288

(3) As a daily adjustment, the bureau of motor vehicles 90289
shall credit to a deputy registrar the amount established under 90290
section 4503.038 of the Revised Code for each damaged license 90291
plate or validation sticker the deputy registrar replaces as a 90292
service to a member of the public. 90293

(4) (a) With the prior approval of the registrar, each deputy registrar may conduct at the location of the deputy registrar's office any business that is consistent with the functions of a deputy registrar and that is not specifically mandated or authorized by this or another chapter of the Revised Code or by implementing rules of the registrar.

(b) In accordance with guidelines the director of public safety shall establish, a deputy registrar may operate or contract for the operation of a vending machine at a deputy registrar location if products of the vending machine are consistent with the functions of a deputy registrar.

(c) A deputy registrar may enter into an agreement with the Ohio turnpike and infrastructure commission pursuant to division (A) (11) of section 5537.04 of the Revised Code for the purpose of allowing the general public to acquire from the deputy registrar the electronic toll collection devices that are used under the multi-jurisdiction electronic toll collection agreement between the Ohio turnpike and infrastructure commission and any other entities or agencies that participate in such an agreement. The approval of the registrar is not necessary if a deputy registrar engages in this activity.

(5) As used in this section and in section 4507.01 of the Revised Code, "nonprofit corporation" has the same meaning as in section 1702.01 of the Revised Code.

(E) (1) Unless otherwise terminated and except for interim contracts lasting not longer than one year, contracts with deputy registrars shall be entered into through a competitive selection process and shall be limited in duration as follows:

(a) For contracts entered into between July 1, 1996 and

June 29, 2014, for a period of not less than two years, but not
more than three years;

(b) For contracts entered into on or after June 29, 2014,
for a period of five years, unless the registrar determines that
a shorter contract term is appropriate for a particular deputy
registrar.

(2) All contracts with deputy registrars shall expire on
the last Saturday of June in the year of their expiration. Prior
to the expiration of any deputy registrar contract, the
registrar, with the approval of the director, may award a one-
year contract extension to any deputy registrar who has provided
exemplary service based upon objective performance evaluations.

(3) (a) The auditor of state may examine the accounts,
reports, systems, and other data of each deputy registrar at
least every two years. The registrar, with the approval of the
director, shall immediately remove a deputy who violates any
provision of the Revised Code related to the duties as a deputy,
any rule adopted by the registrar, or a term of the deputy's
contract with the registrar. The registrar also may remove a
deputy who, in the opinion of the registrar, has engaged in any
conduct that is either unbecoming to one representing this state
or is inconsistent with the efficient operation of the deputy's
office.

(b) If the registrar, with the approval of the director,
determines that there is good cause to believe that a deputy
registrar or a person proposing for a deputy registrar contract
has engaged in any conduct that would require the denial or
termination of the deputy registrar contract, the registrar may
require the production of books, records, and papers as the
registrar determines are necessary, and may take the depositions

of witnesses residing within or outside the state in the same 90353
manner as is prescribed by law for the taking of depositions in 90354
civil actions in the court of common pleas, and for that purpose 90355
the registrar may issue a subpoena for any witness or a subpoena 90356
duces tecum to compel the production of any books, records, or 90357
papers, directed to the sheriff of the county where the witness 90358
resides or is found. Such a subpoena shall be served and 90359
returned in the same manner as a subpoena in a criminal case is 90360
served and returned. The fees of the sheriff shall be the same 90361
as that allowed in the court of common pleas in criminal cases. 90362
Witnesses shall be paid the fees and mileage provided for under 90363
section 119.094 of the Revised Code. The fees and mileage shall 90364
be paid from the fund in the state treasury for the use of the 90365
agency in the same manner as other expenses of the agency are 90366
paid. 90367

In any case of disobedience or neglect of any subpoena 90368
served on any person or the refusal of any witness to testify to 90369
any matter regarding which the witness lawfully may be 90370
interrogated, the court of common pleas of any county where the 90371
disobedience, neglect, or refusal occurs or any judge of that 90372
court, on application by the registrar, shall compel obedience 90373
by attachment proceedings for contempt, as in the case of 90374
disobedience of the requirements of a subpoena issued from that 90375
court, or a refusal to testify in that court. 90376

(4) Nothing in division (E) of this section shall be 90377
construed to require a hearing of any nature prior to the 90378
termination of any deputy registrar contract by the registrar, 90379
with the approval of the director, for cause. 90380

(F) Except as provided in section 2743.03 of the Revised 90381
Code, no court, other than the court of common pleas of Franklin 90382

county, has jurisdiction of any action against the department of 90383
public safety, the director, the bureau, or the registrar to 90384
restrain the exercise of any power or authority, or to entertain 90385
any action for declaratory judgment, in the selection and 90386
appointment of, or contracting with, deputy registrars. Neither 90387
the department, the director, the bureau, nor the registrar is 90388
liable in any action at law for damages sustained by any person 90389
because of any acts of the department, the director, the bureau, 90390
or the registrar, or of any employee of the department or 90391
bureau, in the performance of official duties in the selection 90392
and appointment of, and contracting with, deputy registrars. 90393

(G) The registrar shall assign to each deputy registrar a 90394
series of numbers sufficient to supply the demand at all times 90395
in the area the deputy registrar serves, and the registrar shall 90396
keep a record in the registrar's office of the numbers within 90397
the series assigned. Except as otherwise provided in section 90398
3.061 of the Revised Code, each deputy shall be required to give 90399
bond in the amount of at least twenty-five thousand dollars, or 90400
in such higher amount as the registrar determines necessary, 90401
based on a uniform schedule of bond amounts established by the 90402
registrar and determined by the volume of registrations handled 90403
by the deputy. The form of the bond shall be prescribed by the 90404
registrar. The bonds required of deputy registrars, in the 90405
discretion of the registrar, may be individual or schedule bonds 90406
or may be included in any blanket bond coverage carried by the 90407
department. 90408

(H) Each deputy registrar shall keep a file of each 90409
application received by the deputy and shall register that motor 90410
vehicle with the name and address of its owner. 90411

(I) Upon request, a deputy registrar shall make the 90412

physical inspection of a motor vehicle and issue the physical 90413
inspection certificate required in section 4505.061 of the 90414
Revised Code. 90415

(J) Each deputy registrar shall file a report semiannually 90416
with the registrar of motor vehicles listing the number of 90417
applicants for licenses the deputy has served, the number of 90418
voter registration applications the deputy has completed and 90419
transmitted to the board of elections, and the number of voter 90420
registration applications declined. 90421

Sec. 4503.038. (A) ~~Not later than ninety days after July~~ 90422
~~3, 2019, the~~ The registrar of motor vehicles shall ~~adopt rules~~ 90423
~~in accordance with Chapter 119. of the Revised Code establishing~~ 90424
establish a service fee that applies for purposes of sections 90425
4503.03, 4503.036, 4503.042, 4503.10, 4503.102, 4503.12, 90426
4503.182, 4503.24, 4503.44, 4503.65, 4505.061, 4506.08, 4507.24, 90427
4507.50, 4507.52, 4509.05, 4519.03, 4519.05, 4519.10, 4519.56, 90428
and 4519.69 of the Revised Code. The service fee shall be ~~five~~ 90429
eight dollars. 90430

(B) ~~Not later than ninety days after July 3, 2019, the~~ The 90431
registrar shall ~~adopt rules in accordance with Chapter 119. of~~ 90432
~~the Revised Code establishing~~ establish prorated service fees 90433
that apply for purposes of multi-year registrations authorized 90434
under section 4503.103 of the Revised Code. 90435

(C) When a service fee is collected by the registrar, the 90436
following portion of the service fee that is not allocated to a 90437
deputy registrar but instead is deposited into the public safety 90438
- highway purposes fund created in section 4501.06 of the 90439
Revised Code shall be used exclusively for the state highway 90440
patrol for the enforcement of the motor vehicle and traffic laws 90441
of Ohio: 90442

(1) The three-dollar increase in the service fee under 90443
division (A) of this section that is effective on and after the 90444
date of this amendment; 90445

(2) Any increase in the service fee under division (B) of 90446
this section that is effective on and after the effective date 90447
of this amendment. 90448

Sec. 4503.06. (A) The owner of each manufactured or mobile 90449
home that has acquired situs in this state shall pay either a 90450
real property tax pursuant to Title LVII of the Revised Code or 90451
a manufactured home tax pursuant to division (C) of this 90452
section. 90453

(B) The owner of a manufactured or mobile home shall pay 90454
real property taxes if either of the following applies: 90455

(1) The manufactured or mobile home acquired situs in the 90456
state or ownership in the home was transferred on or after 90457
January 1, 2000, and all of the following apply: 90458

(a) The home is affixed to a permanent foundation as 90459
defined in division (C)(5) of section 3781.06 of the Revised 90460
Code. 90461

(b) The home is located on land that is owned by the owner 90462
of the home. 90463

(c) The certificate of title has been inactivated by the 90464
clerk of the court of common pleas that issued it, pursuant to 90465
division (H) of section 4505.11 of the Revised Code. 90466

(2) The manufactured or mobile home acquired situs in the 90467
state or ownership in the home was transferred before January 1, 90468
2000, and all of the following apply: 90469

(a) The home is affixed to a permanent foundation as 90470

defined in division (C) (5) of section 3781.06 of the Revised Code. 90471
90472

(b) The home is located on land that is owned by the owner of the home. 90473
90474

(c) The owner of the home has elected to have the home taxed as real property and, pursuant to section 4505.11 of the Revised Code, has surrendered the certificate of title to the auditor of the county containing the taxing district in which the home has its situs, together with proof that all taxes have been paid. 90475
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(d) The county auditor has placed the home on the real property tax list and delivered the certificate of title to the clerk of the court of common pleas that issued it and the clerk has inactivated the certificate. 90481
90482
90483
90484

(C) (1) Any mobile or manufactured home that is not taxed as real property as provided in division (B) of this section is subject to an annual manufactured home tax, payable by the owner, for locating the home in this state. The tax as levied in this section is for the purpose of supplementing the general revenue funds of the local subdivisions in which the home has its situs pursuant to this section. 90485
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(2) The year for which the manufactured home tax is levied commences on the first day of January and ends on the following thirty-first day of December. The state shall have the first lien on any manufactured or mobile home on the list for the amount of taxes, penalties, and interest charged against the owner of the home under this section. The lien of the state for the tax for a year shall attach on the first day of January to a home that has acquired situs on that date. The lien for a home 90492
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that has not acquired situs on the first day of January, but 90500
that acquires situs during the year, shall attach on the next 90501
first day of January. The lien shall continue until the tax, 90502
including any penalty or interest, is paid. 90503

(3) (a) The situs of a manufactured or mobile home located 90504
in this state on the first day of January is the local taxing 90505
district in which the home is located on that date. 90506

(b) The situs of a manufactured or mobile home not located 90507
in this state on the first day of January, but located in this 90508
state subsequent to that date, is the local taxing district in 90509
which the home is located thirty days after it is acquired or 90510
first enters this state. 90511

(4) The tax is collected by and paid to the county 90512
treasurer of the county containing the taxing district in which 90513
the home has its situs. 90514

(D) The manufactured home tax shall be computed and 90515
assessed by the county auditor of the county containing the 90516
taxing district in which the home has its situs as follows: 90517

(1) On a home that acquired situs in this state prior to 90518
January 1, 2000: 90519

(a) By multiplying the assessable value of the home by the 90520
tax rate of the taxing district in which the home has its situs, 90521
and deducting from the product thus obtained any reduction 90522
authorized under section 4503.065 of the Revised Code. The tax 90523
levied under this formula shall not be less than thirty-six 90524
dollars, unless the home qualifies for a reduction in assessable 90525
value under section 4503.065 of the Revised Code, in which case 90526
there shall be no minimum tax and the tax shall be the amount 90527
calculated under this division. 90528

(b) The assessable value of the home shall be forty per cent of the amount arrived at by the following computation:

(i) If the cost to the owner, or market value at time of purchase, whichever is greater, of the home includes the furnishings and equipment, such cost or market value shall be multiplied according to the following schedule:

	1	2	3
A	For the first calendar year in which the home is owned by the current owner	x	80%
B	2nd calendar year	x	75%
C	3rd "	x	70%
D	4th "	x	65%
E	5th "	x	60%
F	6th "	x	55%
G	7th "	x	50%
H	8th "	x	45%
I	9th "	x	40%
J	10th and each year thereafter	x	35%

The first calendar year means any period between the first day of January and the thirty-first day of December of the first year.

(ii) If the cost to the owner, or market value at the time

of purchase, whichever is greater, of the home does not include 90540
the furnishings and equipment, such cost or market value shall 90541
be multiplied according to the following schedule: 90542
90543

	1	2	3
A	For the first calendar year in which the home is owned by the current owner	x	95%
B	2nd calendar year	x	90%
C	3rd "	x	85%
D	4th "	x	80%
E	5th "	x	75%
F	6th "	x	70%
G	7th "	x	65%
H	8th "	x	60%
I	9th "	x	55%
J	10th and each year thereafter	x	50%

The first calendar year means any period between the first 90544
day of January and the thirty-first day of December of the first 90545
year. 90546

(2) On a home in which ownership was transferred or that 90547
first acquired situs in this state on or after January 1, 2000: 90548

(a) By multiplying the assessable value of the home by the 90549
effective tax rate, as defined in section 323.08 of the Revised 90550

Code, for residential real property of the taxing district in 90551
which the home has its situs, and deducting from the product 90552
thus obtained the reductions required or authorized under 90553
section 319.302, division (B) of section 323.152, or section 90554
4503.065 of the Revised Code. 90555

(b) The assessable value of the home shall be thirty-five 90556
per cent of its true value as determined under division (L) of 90557
this section. 90558

(3) On or before the fifteenth day of January each year, 90559
the county auditor shall record the assessable value and the 90560
amount of tax on the manufactured or mobile home on the tax list 90561
and deliver a duplicate of the list to the county treasurer. In 90562
the case of an emergency as defined in section 323.17 of the 90563
Revised Code, the tax commissioner, by journal entry, may extend 90564
the times for delivery of the duplicate for an additional 90565
fifteen days upon receiving a written application from the 90566
county auditor regarding an extension for the delivery of the 90567
duplicate, or from the county treasurer regarding an extension 90568
of the time for the billing and collection of taxes. The 90569
application shall contain a statement describing the emergency 90570
that will cause the unavoidable delay and must be received by 90571
the tax commissioner on or before the last day of the month 90572
preceding the day delivery of the duplicate is otherwise 90573
required. When an extension is granted for delivery of the 90574
duplicate, the time period for payment of taxes shall be 90575
extended for a like period of time. When a delay in the closing 90576
of a tax collection period becomes unavoidable, the tax 90577
commissioner, upon application by the county auditor and county 90578
treasurer, may order the time for payment of taxes to be 90579
extended if the tax commissioner determines that penalties have 90580
accrued or would otherwise accrue for reasons beyond the control 90581

of the taxpayers of the county. The order shall prescribe the 90582
final extended date for payment of taxes for that collection 90583
period. 90584

(4) After January 1, 1999, the owner of a manufactured or 90585
mobile home taxed pursuant to division (D)(1) of this section 90586
may elect to have the home taxed pursuant to division (D)(2) of 90587
this section by filing a written request with the county auditor 90588
of the taxing district in which the home is located on or before 90589
the first day of December of any year. Upon the filing of the 90590
request, the county auditor shall determine whether all taxes 90591
levied under division (D)(1) of this section have been paid, and 90592
if those taxes have been paid, the county auditor shall tax the 90593
manufactured or mobile home pursuant to division (D)(2) of this 90594
section commencing in the next tax year. 90595

(5) A manufactured or mobile home that acquired situs in 90596
this state prior to January 1, 2000, shall be taxed pursuant to 90597
division (D)(2) of this section if no manufactured home tax had 90598
been paid for the home and the home was not exempted from 90599
taxation pursuant to division (E) of this section for the year 90600
for which the taxes were not paid. 90601

(6) (a) Immediately upon receipt of any manufactured home 90602
tax duplicate from the county auditor, but not less than twenty 90603
days prior to the last date on which the first one-half taxes 90604
may be paid without penalty as prescribed in division (F) of 90605
this section, the county treasurer shall cause to be prepared 90606
and mailed or delivered to each person charged on that duplicate 90607
with taxes, or to an agent designated by such person, the tax 90608
bill prescribed by the tax commissioner under division (D)(7) of 90609
this section. When taxes are paid by installments, the county 90610
treasurer shall mail or deliver to each person charged on such 90611

duplicate or the agent designated by that person a second tax 90612
bill showing the amount due at the time of the second tax 90613
collection. The second half tax bill shall be mailed or 90614
delivered at least twenty days prior to the close of the second 90615
half tax collection period. A change in the mailing address, 90616
electronic mail address, or telephone number of any tax bill 90617
shall be made in writing to the county treasurer. Failure to 90618
receive a bill required by this section does not excuse failure 90619
or delay to pay any taxes shown on the bill or, except as 90620
provided in division (B)(1) of section 5715.39 of the Revised 90621
Code, avoid any penalty, interest, or charge for such delay. 90622

A policy adopted by a county treasurer under division (A) 90623
(2) of section 323.13 of the Revised Code shall also allow any 90624
person required to receive a tax bill under division (D)(6)(a) 90625
of this section to request electronic delivery of that tax bill 90626
in the same manner. A person may rescind such a request in the 90627
same manner as a request made under division (A)(2) of section 90628
323.13 of the Revised Code. The request shall terminate upon a 90629
change in the name of the person charged with the taxes pursuant 90630
to section 4503.061 of the Revised Code. 90631

(b) After delivery of the copy of the delinquent 90632
manufactured home tax list under division (H) of this section, 90633
the county treasurer may prepare and mail to each person in 90634
whose name a home is listed an additional tax bill showing the 90635
total amount of delinquent taxes charged against the home as 90636
shown on the list. The tax bill shall include a notice that the 90637
interest charge prescribed by division (G) of this section has 90638
begun to accrue. 90639

(7) Each tax bill prepared and mailed or delivered under 90640
division (D)(6) of this section shall be in the form and contain 90641

the information required by the tax commissioner. The 90642
commissioner may prescribe different forms for each county and 90643
may authorize the county auditor to make up tax bills and tax 90644
receipts to be used by the county treasurer. The tax bill shall 90645
not contain or be mailed or delivered with any information or 90646
material that is not required by this section or that is not 90647
authorized by section 321.45 of the Revised Code or by the tax 90648
commissioner. In addition to the information required by the 90649
commissioner, each tax bill shall contain the following 90650
information: 90651

(a) The taxes levied and the taxes charged and payable 90652
against the manufactured or mobile home; 90653

(b) The following notice: "Notice: If the taxes are not 90654
paid within sixty days after the county auditor delivers the 90655
delinquent manufactured home tax list to the county treasurer, 90656
you and your home may be subject to collection proceedings for 90657
tax delinquency." Failure to provide such notice has no effect 90658
upon the validity of any tax judgment to which a home may be 90659
subjected. 90660

(c) In the case of manufactured or mobile homes taxed 90661
under division (D) (2) of this section, the following additional 90662
information: 90663

(i) The effective tax rate. The words "effective tax rate" 90664
shall appear in boldface type. 90665

(ii) The following notice: "Notice: If the taxes charged 90666
against this home have been reduced by the 2-1/2 per cent tax 90667
reduction for residences occupied by the owner but the home is 90668
not a residence occupied by the owner, the owner must notify the 90669
county auditor's office not later than March 31 of the year for 90670

which the taxes are due. Failure to do so may result in the 90671
owner being convicted of a fourth degree misdemeanor, which is 90672
punishable by imprisonment up to 30 days, a fine up to \$250, or 90673
both, and in the owner having to repay the amount by which the 90674
taxes were erroneously or illegally reduced, plus any interest 90675
that may apply. 90676

If the taxes charged against this home have not been 90677
reduced by the 2-1/2 per cent tax reduction and the home is a 90678
residence occupied by the owner, the home may qualify for the 90679
tax reduction. To obtain an application for the tax reduction or 90680
further information, the owner may contact the county auditor's 90681
office at _____ (insert the address and telephone number of 90682
the county auditor's office)."

(d) For a manufactured or mobile home, the tax liability 90684
of which has been reduced under section 5705.316 of the Revised 90685
Code for the current tax year, the following notice: "Notice: 90686
The school district taxes shown due on this bill are reduced 90687
only for the current year due to the school district's excess 90688
carry-over balance." 90689

(E) (1) A manufactured or mobile home is not subject to 90690
this section when any of the following applies: 90691

(a) It is taxable as personal property pursuant to section 90692
5709.01 of the Revised Code. Any manufactured or mobile home 90693
that is used as a residence shall be subject to this section and 90694
shall not be taxable as personal property pursuant to section 90695
5709.01 of the Revised Code. 90696

(b) It bears a license plate issued by any state other 90697
than this state unless the home is in this state in excess of an 90698
accumulative period of thirty days in any calendar year. 90699

(c) The annual tax has been paid on the home in this state 90700
for the current year. 90701

(d) The tax commissioner has determined, pursuant to 90702
section 5715.27 of the Revised Code, that the property is exempt 90703
from taxation, or would be exempt from taxation under Chapter 90704
5709. of the Revised Code if it were classified as real 90705
property. 90706

(2) A travel trailer or park trailer, as these terms are 90707
defined in section 4501.01 of the Revised Code, is not subject 90708
to this section if it is unused or unoccupied and stored at the 90709
owner's normal place of residence or at a recognized storage 90710
facility. 90711

(3) A travel trailer or park trailer, as these terms are 90712
defined in section 4501.01 of the Revised Code, is subject to 90713
this section and shall be taxed as a manufactured or mobile home 90714
if it has a situs longer than thirty days in one location and is 90715
connected to existing utilities, unless either of the following 90716
applies: 90717

(a) The situs is in a state facility or a camping or park 90718
area as defined in division (C), (Q), (S), or (V) of section 90719
3729.01 of the Revised Code. 90720

(b) The situs is in a camping or park area that is a tract 90721
of land that has been limited to recreational use by deed or 90722
zoning restrictions and subdivided for sale of five or more 90723
individual lots for the express or implied purpose of occupancy 90724
by either self-contained recreational vehicles as defined in 90725
division (T) of section 3729.01 of the Revised Code or by 90726
dependent recreational vehicles as defined in division (D) of 90727
section 3729.01 of the Revised Code. 90728

(F) Except as provided in division (D) (3) of this section, 90729
the manufactured home tax is due and payable as follows: 90730

(1) When a manufactured or mobile home has a situs in this 90731
state, as provided in this section, on the first day of January, 90732
one-half of the amount of the tax is due and payable on or 90733
before the first day of March and the balance is due and payable 90734
on or before the thirty-first day of July. At the option of the 90735
owner of the home, the tax for the entire year may be paid in 90736
full on the first day of March. 90737

(2) When a manufactured or mobile home first acquires a 90738
situs in this state after the first day of January, no tax is 90739
due and payable for that year. 90740

(G) (1) (a) Except as otherwise provided in division (G) (1) 90741
(b) of this section, if one-half of the current taxes charged 90742
under this section against a manufactured or mobile home, 90743
together with the full amount of any delinquent taxes, are not 90744
paid on or before the first day of March in that year, or on or 90745
before the last day for such payment as extended pursuant to 90746
section 4503.063 of the Revised Code, a penalty of ten per cent 90747
shall be charged against the unpaid balance of such half of the 90748
current taxes. If the total amount of all such taxes is not paid 90749
on or before the thirty-first day of July, next thereafter, or 90750
on or before the last day for payment as extended pursuant to 90751
section 4503.063 of the Revised Code, a like penalty shall be 90752
charged on the balance of the total amount of the unpaid current 90753
taxes. 90754

(b) After a valid delinquent tax contract that includes 90755
unpaid current taxes from a first-half collection period 90756
described in division (F) of this section has been entered into 90757
under section 323.31 of the Revised Code, no ten per cent 90758

penalty shall be charged against such taxes after the second- 90759
half collection period while the delinquent tax contract remains 90760
in effect. On the day a delinquent tax contract becomes void, 90761
the ten per cent penalty shall be charged against such taxes and 90762
shall equal the amount of penalty that would have been charged 90763
against unpaid current taxes outstanding on the date on which 90764
the second-half penalty would have been charged thereon under 90765
division (G) (1) (a) of this section if the contract had not been 90766
in effect. 90767

(2) (a) On the first day of the month following the last 90768
day the second installment of taxes may be paid without penalty 90769
beginning in 2000, interest shall be charged against and 90770
computed on all delinquent taxes other than the current taxes 90771
that became delinquent taxes at the close of the last day such 90772
second installment could be paid without penalty. The charge 90773
shall be for interest that accrued during the period that began 90774
on the preceding first day of December and ended on the last day 90775
of the month that included the last date such second installment 90776
could be paid without penalty. The interest shall be computed at 90777
the rate per annum prescribed by section 5703.47 of the Revised 90778
Code and shall be entered as a separate item on the delinquent 90779
manufactured home tax list compiled under division (H) of this 90780
section. 90781

(b) On the first day of December beginning in 2000, the 90782
interest shall be charged against and computed on all delinquent 90783
taxes. The charge shall be for interest that accrued during the 90784
period that began on the first day of the month following the 90785
last date prescribed for the payment of the second installment 90786
of taxes in the current year and ended on the immediately 90787
preceding last day of November. The interest shall be computed 90788
at the rate per annum prescribed by section 5703.47 of the 90789

Revised Code and shall be entered as a separate item on the 90790
delinquent manufactured home tax list. 90791

(c) After a valid undertaking has been entered into for 90792
the payment of any delinquent taxes, no interest shall be 90793
charged against such delinquent taxes while the undertaking 90794
remains in effect in compliance with section 323.31 of the 90795
Revised Code. If a valid undertaking becomes void, interest 90796
shall be charged against the delinquent taxes for the periods 90797
that interest was not permitted to be charged while the 90798
undertaking was in effect. The interest shall be charged on the 90799
day the undertaking becomes void and shall equal the amount of 90800
interest that would have been charged against the unpaid 90801
delinquent taxes outstanding on the dates on which interest 90802
would have been charged thereon under divisions (G) (1) and (2) 90803
of this section had the undertaking not been in effect. 90804

(3) If the full amount of the taxes due at either of the 90805
times prescribed by division (F) of this section is paid within 90806
ten days after such time, the county treasurer shall waive the 90807
collection of and the county auditor shall remit one-half of the 90808
penalty provided for in this division for failure to make that 90809
payment by the prescribed time. 90810

(4) The treasurer shall compile and deliver to the county 90811
auditor a list of all tax payments the treasurer has received as 90812
provided in division (G) (3) of this section. The list shall 90813
include any information required by the auditor for the 90814
remission of the penalties waived by the treasurer. The taxes so 90815
collected shall be included in the settlement next succeeding 90816
the settlement then in process. 90817

(H) (1) The county auditor shall compile annually a 90818
"delinquent manufactured home tax list" consisting of homes the 90819

county treasurer's records indicate have taxes that were not 90820
paid within the time prescribed by divisions (D) (3) and (F) of 90821
this section, have taxes that remain unpaid from prior years, or 90822
have unpaid tax penalties or interest that have been assessed. 90823

(2) Within thirty days after the settlement under division 90824
(H) (2) of section 321.24 of the Revised Code, the county auditor 90825
shall deliver a copy of the delinquent manufactured home tax 90826
list to the county treasurer. The auditor shall update and 90827
publish the delinquent manufactured home tax list annually in 90828
the same manner as delinquent real property tax lists are 90829
published. The county auditor may apportion the cost of 90830
publishing the list among taxing districts in proportion to the 90831
amount of delinquent manufactured home taxes so published that 90832
each taxing district is entitled to receive upon collection of 90833
those taxes, or the county auditor may charge the owner of a 90834
home on the list a flat fee established under section 319.54 of 90835
the Revised Code for the cost of publishing the list and, if the 90836
fee is not paid, may place the fee upon the delinquent 90837
manufactured home tax list as a lien on the listed home, to be 90838
collected as other manufactured home taxes. 90839

(3) When taxes, penalties, or interest are charged against 90840
a person on the delinquent manufactured home tax list and are 90841
not paid within sixty days after the list is delivered to the 90842
county treasurer, the county treasurer shall, in addition to any 90843
other remedy provided by law for the collection of taxes, 90844
penalties, and interest, enforce collection of such taxes, 90845
penalties, and interest by civil action in the name of the 90846
treasurer against the owner for the recovery of the unpaid taxes 90847
following the procedures for the recovery of delinquent real 90848
property taxes in sections 323.25 to 323.28 of the Revised Code. 90849
The action may be brought in municipal or county court, provided 90850

the amount charged does not exceed the monetary limitations for 90851
original jurisdiction for civil actions in those courts. 90852

It is sufficient, having made proper parties to the suit, 90853
for the county treasurer to allege in the treasurer's bill of 90854
particulars or petition that the taxes stand chargeable on the 90855
books of the county treasurer against such person, that they are 90856
due and unpaid, and that such person is indebted in the amount 90857
of taxes appearing to be due the county. The treasurer need not 90858
set forth any other matter relating thereto. If it is found on 90859
the trial of the action that the person is indebted to the 90860
state, judgment shall be rendered in favor of the county 90861
treasurer prosecuting the action. The judgment debtor is not 90862
entitled to the benefit of any law for stay of execution or 90863
exemption of property from levy or sale on execution in the 90864
enforcement of the judgment. 90865

Upon the filing of an entry of confirmation of sale or an 90866
order of forfeiture in a proceeding brought under this division, 90867
title to the manufactured or mobile home shall be in the 90868
purchaser. The clerk of courts shall issue a certificate of 90869
title to the purchaser upon presentation of proof of filing of 90870
the entry of confirmation or order and, in the case of a 90871
forfeiture, presentation of the county auditor's certificate of 90872
sale. 90873

(I) The total amount of taxes collected shall be 90874
distributed in the following manner: four per cent shall be 90875
allowed as compensation to the county auditor for the county 90876
auditor's service in assessing the taxes; two per cent shall be 90877
allowed as compensation to the county treasurer for the services 90878
the county treasurer renders as a result of the tax levied by 90879
this section. Such amounts shall be paid into the county 90880

treasury, to the credit of the county general revenue fund, on 90881
the warrant of the county auditor. Fees to be paid to the credit 90882
of the real estate assessment fund shall be collected pursuant 90883
to division (C) of section 319.54 of the Revised Code and paid 90884
into the county treasury, on the warrant of the county auditor. 90885
The balance of the taxes collected shall be distributed among 90886
the taxing subdivisions of the county in which the taxes are 90887
collected and paid in the same proportions that the amount of 90888
manufactured home tax levied by each taxing subdivision of the 90889
county in the current tax year bears to the amount of such tax 90890
levied by all such subdivisions in the county in the current tax 90891
year. The taxes levied and revenues collected under this section 90892
shall be in lieu of any general property tax and any tax levied 90893
with respect to the privilege of using or occupying a 90894
manufactured or mobile home in this state except as provided in 90895
sections 4503.04 and 5741.02 of the Revised Code. 90896

(J) An agreement to purchase or a bill of sale for a 90897
manufactured home shall show whether or not the furnishings and 90898
equipment are included in the purchase price. 90899

(K) If the county treasurer and the county prosecuting 90900
attorney agree that an item charged on the delinquent 90901
manufactured home tax list is uncollectible, they shall certify 90902
that determination and the reasons to the county board of 90903
revision. If the board determines the amount is uncollectible, 90904
it shall certify its determination to the county auditor, who 90905
shall strike the item from the list. 90906

(L) (1) The county auditor shall appraise at its true value 90907
any manufactured or mobile home in which ownership is 90908
transferred or which first acquires situs in this state on or 90909
after January 1, 2000, and any manufactured or mobile home the 90910

owner of which has elected, under division (D) (4) of this 90911
section, to have the home taxed under division (D) (2) of this 90912
section. The true value shall include the value of the home, any 90913
additions, and any fixtures, but not any furnishings in the 90914
home. In determining the true value of a manufactured or mobile 90915
home, the auditor shall consider all facts and circumstances 90916
relating to the value of the home, including its age, its 90917
capacity to function as a residence, any obsolete 90918
characteristics, and other factors that may tend to prove its 90919
true value. 90920

(2) (a) If a manufactured or mobile home has been the 90921
subject of an arm's length sale between a willing seller and a 90922
willing buyer within a reasonable length of time prior to the 90923
determination of true value, the county auditor shall consider 90924
the sale price of the home to be the true value for taxation 90925
purposes. 90926

(b) The sale price in an arm's length transaction between 90927
a willing seller and a willing buyer shall not be considered the 90928
true value of the home if either of the following occurred after 90929
the sale: 90930

(i) The home has lost value due to a casualty. 90931

(ii) An addition or fixture has been added to the home. 90932

(3) The county auditor shall have each home viewed and 90933
appraised at least once in each six-year period in the same year 90934
in which real property in the county is appraised pursuant to 90935
Chapter 5713. of the Revised Code, and shall update the 90936
appraised values in the third calendar year following the 90937
appraisal. The person viewing or appraising a home may enter the 90938
home to determine by actual view any additions or fixtures that 90939

have been added since the last appraisal. In conducting the 90940
appraisals and establishing the true value, the auditor shall 90941
follow the procedures set forth for appraising real property in 90942
sections 5713.01 and 5713.03 of the Revised Code. 90943

(4) The county auditor shall place the true value of each 90944
home on the manufactured home tax list upon completion of an 90945
appraisal. 90946

(5) (a) If the county auditor changes the true value of a 90947
home, the auditor shall notify the owner of the home in writing, 90948
delivered by mail or in person. The notice shall be given at 90949
least thirty days prior to the issuance of any tax bill that 90950
reflects the change. Failure to receive the notice does not 90951
invalidate any proceeding under this section. 90952

(b) Any owner of a home or any other person or party that 90953
would be authorized to file a complaint under division (A) of 90954
section 5715.19 of the Revised Code if the home was real 90955
property may file a complaint against the true value of the home 90956
as appraised under this section. The complaint shall be filed 90957
with the county auditor on or before the thirty-first day of 90958
March of the current tax year or the date of closing of the 90959
collection for the first half of manufactured home taxes for the 90960
current tax year, whichever is later. The auditor shall present 90961
to the county board of revision all complaints filed with the 90962
auditor under this section. The board shall hear and investigate 90963
the complaint and may take action on it as provided under 90964
sections 5715.11 to 5715.19 of the Revised Code. 90965

(c) If the county board of revision determines, pursuant 90966
to a complaint against the valuation of a manufactured or mobile 90967
home filed under this section, that the amount of taxes, 90968
assessments, or other charges paid was in excess of the amount 90969

due based on the valuation as finally determined, then the 90970
overpayment shall be refunded in the manner prescribed in 90971
section 5715.22 of the Revised Code. 90972

(d) Payment of all or part of a tax under this section for 90973
any year for which a complaint is pending before the county 90974
board of revision does not abate the complaint or in any way 90975
affect the hearing and determination thereof. 90976

(M) If the county auditor determines that any tax or other 90977
charge or any part thereof has been erroneously charged as a 90978
result of a clerical error as defined in section 319.35 of the 90979
Revised Code, the county auditor shall call the attention of the 90980
county board of revision to the erroneous charges. If the board 90981
finds that the taxes or other charges have been erroneously 90982
charged or collected, it shall certify the finding to the 90983
auditor. Upon receipt of the certification, the auditor shall 90984
remove the erroneous charges on the manufactured home tax list 90985
or delinquent manufactured home tax list in the same manner as 90986
is prescribed in section 319.35 of the Revised Code for 90987
erroneous charges against real property, and refund any 90988
erroneous charges that have been collected, with interest, in 90989
the same manner as is prescribed in section 319.36 of the 90990
Revised Code for erroneous charges against real property. 90991

(N) As used in this section and section 4503.061 of the 90992
Revised Code: 90993

(1) "Manufactured home taxes" includes taxes, penalties, 90994
and interest charged under division (C) or (G) of this section 90995
and any penalties charged under division (G) or (H) (5) of 90996
section 4503.061 of the Revised Code. 90997

(2) "Current taxes" means all manufactured home taxes 90998

charged against a manufactured or mobile home that have not 90999
appeared on the manufactured home tax list for any prior year. 91000
Current taxes become delinquent taxes if they remain unpaid 91001
after the last day prescribed for payment of the second 91002
installment of current taxes without penalty, whether or not 91003
they have been certified delinquent. 91004

(3) "Delinquent taxes" means: 91005

(a) Any manufactured home taxes that were charged against 91006
a manufactured or mobile home for a prior year, including any 91007
penalties or interest charged for a prior year and the costs of 91008
publication under division (H) (2) of this section, and that 91009
remain unpaid; 91010

(b) Any current manufactured home taxes charged against a 91011
manufactured or mobile home that remain unpaid after the last 91012
day prescribed for payment of the second installment of current 91013
taxes without penalty, whether or not they have been certified 91014
delinquent, including any penalties or interest and the costs of 91015
publication under division (H) (2) of this section. 91016

Sec. 4503.065. (A) (1) Division (A) of this section applies 91017
to any of the following persons: 91018

(a) An individual who is permanently and totally disabled; 91019

(b) An individual who is sixty-five years of age or older; 91020

(c) An individual who is the surviving spouse of a 91021
deceased person who was permanently and totally disabled or 91022
sixty-five years of age or older and who applied and qualified 91023
for a reduction in assessable value under this section in the 91024
year of death, provided the surviving spouse is at least fifty- 91025
nine but not sixty-five or more years of age on the date the 91026
deceased spouse dies. 91027

(2) The manufactured home tax on a manufactured or mobile home that is paid pursuant to division (C) of section 4503.06 of the Revised Code and that is owned and occupied as a home by an individual whose domicile is in this state and to whom this section applies, shall be reduced for any tax year for which an application for such reduction has been approved, provided the individual did not acquire ownership from a person, other than the individual's spouse, related by consanguinity or affinity for the purpose of qualifying for the reduction. An owner includes a settlor of a revocable or irrevocable inter vivos trust holding the title to a manufactured or mobile home occupied by the settlor as of right under the trust.

(a) For manufactured and mobile homes for which the tax imposed by section 4503.06 of the Revised Code is computed under division (D)(2) of that section, the reduction shall equal one of the following amounts, as applicable to the person:

(i) If the person received a reduction under this section for tax year 2007, the greater of the reduction for that tax year or the amount computed under division (A)(2)(b) of this section;

(ii) If the person received, for any homestead, a reduction under division (A) of this section for tax year 2014 or under division (A)(1) of section 323.152 of the Revised Code for tax year 2013 or the person is the surviving spouse of such a person and the surviving spouse is at least fifty-nine years of age on the date the deceased spouse dies, the amount computed under division (A)(2)(b) of this section.

(iii) If the person is not described in division (A)(2)(a)(i) or (ii) of this section and the person's total income does not exceed ~~thirty~~forty-two thousand five hundred dollars, as

adjusted under division (A) (2) (e) of this section, the amount 91058
computed under division (A) (2) (b) of this section. 91059

(b) The amount of the reduction under division (A) (2) (b) 91060
of this section equals the product of the following: 91061

(i) ~~Twenty-five~~ Thirty-two thousand dollars of the true 91062
value of the property in money, as adjusted under division (A) 91063
(2) (e) of this section; 91064

(ii) The assessment percentage established by the tax 91065
commissioner under division (B) of section 5715.01 of the 91066
Revised Code, not to exceed thirty-five per cent; 91067

(iii) The effective tax rate used to calculate the taxes 91068
charged against the property for the current year, where 91069
"effective tax rate" is defined as in section 323.08 of the 91070
Revised Code; 91071

(iv) The quantity equal to one minus the sum of the 91072
percentage reductions in taxes received by the property for the 91073
current tax year under section 319.302 of the Revised Code and 91074
division (B) of section 323.152 of the Revised Code. 91075

(c) For manufactured and mobile homes for which the tax 91076
imposed by section 4503.06 of the Revised Code is computed under 91077
division (D) (1) of that section, the reduction shall equal one 91078
of the following amounts, as applicable to the person: 91079

(i) If the person received a reduction under this section 91080
for tax year 2007, the greater of the reduction for that tax 91081
year or the amount computed under division (A) (2) (d) of this 91082
section; 91083

(ii) If the person received, for any homestead, a 91084
reduction under division (A) of this section for tax year 2014 91085

or under division (A) (1) of section 323.152 of the Revised Code 91086
for tax year 2013 or the person is the surviving spouse of such 91087
a person and the surviving spouse is at least fifty-nine years 91088
of age on the date the deceased spouse dies, the amount computed 91089
under division (A) (2) (d) of this section. 91090

(iii) If the person is not described in division (A) (2) (c) 91091
(i) or (ii) of this section and the person's total income does 91092
not exceed ~~thirty-four~~thirty-two thousand five hundred dollars, as 91093
adjusted under division (A) (2) (e) of this section, the amount 91094
computed under division (A) (2) (d) of this section. 91095

(d) The amount of the reduction under division (A) (2) (d) 91096
of this section equals the product of the following: 91097

(i) ~~Twenty-five~~Thirty-two thousand dollars of the cost to 91098
the owner, or the market value at the time of purchase, 91099
whichever is greater, as those terms are used in division (D) (1) 91100
of section 4503.06 of the Revised Code, and as adjusted under 91101
division (A) (2) (e) of this section; 91102

(ii) The percentage from the appropriate schedule in 91103
division (D) (1) (b) of section 4503.06 of the Revised Code; 91104

(iii) The assessment percentage of forty per cent used in 91105
division (D) (1) (b) of section 4503.06 of the Revised Code; 91106

(iv) The tax rate of the taxing district in which the home 91107
has its situs. 91108

(e) The tax commissioner shall adjust the income threshold 91109
described in divisions (A) (2) (a) (iii) and (A) (2) (c) (iii) and the 91110
reduction amounts described in divisions (A) (2) (b) (i), (A) (2) (d) 91111
(i), (B) (1), (B) (2), (C) (1), and (C) (2) of this section by 91112
completing the following calculations in September of each year: 91113

(i) Determine the percentage increase in the gross domestic product deflator determined by the bureau of economic analysis of the United States department of commerce from the first day of January of the preceding calendar year to the last day of December of the preceding calendar year;

(ii) Multiply that percentage increase by the total income threshold or reduction amount for the ensuing tax year, as applicable;

(iii) Add the resulting product to the total income threshold or reduction amount, as applicable for the ensuing tax year;

(iv) Round the resulting sum to the nearest multiple of one hundred dollars.

The commissioner shall certify the amount resulting from each adjustment to each county auditor not later than the first day of December each year. The certified amount applies to the second ensuing tax year. The commissioner shall not make the applicable adjustment in any calendar year in which the amount resulting from the adjustment would be less than the total income threshold or the reduction amount for the ensuing tax year.

(B) (1) The manufactured home tax levied pursuant to division (C) of section 4503.06 of the Revised Code on a manufactured or mobile home that is owned and occupied by a disabled veteran shall be reduced for any tax year for which an application for such reduction has been approved, provided the disabled veteran did not acquire ownership from a person, other than the disabled veteran's spouse, related by consanguinity or affinity for the purpose of qualifying for the reduction. An

owner includes an owner within the meaning of division (A) (2) of this section. 91143
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(a) For manufactured and mobile homes for which the tax imposed by section 4503.06 of the Revised Code is computed under division (D) (2) of that section, the reduction shall equal the product obtained by multiplying ~~fifty-fifty-nine~~ thousand dollars of the true value of the property in money, as adjusted under division (A) (2) (e) of this section, by the amounts described in divisions (A) (2) (b) (ii) to (iv) of this section. 91145
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(b) For manufactured and mobile homes for which the tax imposed by section 4503.06 of the Revised Code is computed under division (D) (1) of that section, the reduction shall equal the product obtained by multiplying ~~fifty-fifty-nine~~ thousand dollars of the cost to the owner, or the market value at the time of purchase, whichever is greater, as those terms are used in division (D) (1) of section 4503.06 of the Revised Code, as adjusted under division (A) (2) (e) of this section, by the amounts described in divisions (A) (2) (d) (ii) to (iv) of this section. 91152
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The reduction is in lieu of any reduction under section 4503.0610 of the Revised Code or division (A), (B) (2), or (C) of this section. The reduction applies to only one manufactured or mobile home owned and occupied by a disabled veteran. 91162
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(2) The manufactured home tax levied pursuant to division (C) of section 4503.06 of the Revised Code on a manufactured or mobile home that is owned and occupied by the surviving spouse of a disabled veteran shall be reduced for each tax year for which an application for such reduction has been approved. The reduction shall equal the amount of the reduction authorized under division (B) (1) (a) or (b) of this section, as applicable. 91166
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An owner includes an owner within the meaning of division (A) (2) 91173
of this section. 91174

The reduction is in lieu of any reduction under section 91175
4503.0610 of the Revised Code or division (A), (B) (1), or (C) of 91176
this section. The reduction applies to only one manufactured or 91177
mobile home owned and occupied by the surviving spouse of a 91178
disabled veteran. A manufactured or mobile home qualifies for a 91179
reduction in taxes under division (B) (2) of this section 91180
beginning in one of the following tax years: 91181

(a) For a surviving spouse described in division (H) (1) of 91182
section 4503.064 of the Revised Code, the year the disabled 91183
veteran dies; 91184

(b) For a surviving spouse described in division (H) (2) of 91185
section 4503.064 of the Revised Code, the first year on the 91186
first day of January of which the total disability rating 91187
described in division (F) of section 323.151 of the Revised Code 91188
has been received for the deceased spouse. 91189

In either case, the reduction shall continue through the 91190
tax year in which the surviving spouse dies or remarries. 91191

(C) The manufactured home tax levied pursuant to division 91192
(C) of section 4503.06 of the Revised Code on a manufactured or 91193
mobile home that is owned and occupied by the surviving spouse 91194
of a public service officer killed in the line of duty shall be 91195
reduced for any tax year for which an application for such 91196
reduction has been approved, provided the surviving spouse did 91197
not acquire ownership from a person, other than the surviving 91198
spouse's deceased public service officer spouse, related by 91199
consanguinity or affinity for the purpose of qualifying for the 91200
reduction. An owner includes an owner within the meaning of 91201

division (A) (2) of this section. 91202

(1) For manufactured and mobile homes for which the tax 91203
imposed by section 4503.06 of the Revised Code is computed under 91204
division (D) (2) of that section, the reduction shall equal the 91205
product obtained by multiplying ~~fifty~~fifty-nine thousand 91206
dollars of the true value of the property in money, as adjusted 91207
under division (A) (2) (e) of this section, by the amounts 91208
described in divisions (A) (2) (b) (ii) to (iv) of this section. 91209

(2) For manufactured and mobile homes for which the tax 91210
imposed by section 4503.06 of the Revised Code is computed under 91211
division (D) (1) of that section, the reduction shall equal the 91212
product obtained by multiplying ~~fifty~~fifty-nine thousand 91213
dollars of the cost to the owner, or the market value at the 91214
time of purchase, whichever is greater, as those terms are used 91215
in division (D) (1) of section 4503.06 of the Revised Code, as 91216
adjusted under division (A) (2) (e) of this section, by the 91217
amounts described in divisions (A) (2) (d) (ii) to (iv) of this 91218
section. 91219

The reduction is in lieu of any reduction under section 91220
4503.0610 of the Revised Code or division (A) or (B) of this 91221
section. The reduction applies to only one manufactured or 91222
mobile home owned and occupied by such a surviving spouse. A 91223
manufactured or mobile home qualifies for a reduction in taxes 91224
under this division for the tax year in which the public service 91225
officer dies through the tax year in which the surviving spouse 91226
dies or remarries. 91227

(D) If the owner or the spouse of the owner of a 91228
manufactured or mobile home is eligible for a homestead 91229
exemption on the land upon which the home is located, the 91230
reduction to which the owner or spouse is entitled under this 91231

section shall not exceed the difference between the reduction to 91232
which the owner or spouse is entitled under division (A), (B), 91233
or (C) of this section and the amount of the reduction under the 91234
homestead exemption. 91235

(E) No reduction shall be made with respect to the home of 91236
any person convicted of violating division (C) or (D) of section 91237
4503.066 of the Revised Code for a period of three years 91238
following the conviction. 91239

Sec. 4503.10. (A) The owner of every snowmobile, off- 91240
highway motorcycle, and all-purpose vehicle required to be 91241
registered under section 4519.02 of the Revised Code shall file 91242
an application for registration under section 4519.03 of the 91243
Revised Code. The owner of a motor vehicle, other than a 91244
snowmobile, off-highway motorcycle, or all-purpose vehicle, that 91245
is not designed and constructed by the manufacturer for 91246
operation on a street or highway may not register it under this 91247
chapter except upon certification of inspection pursuant to 91248
section 4513.02 of the Revised Code by the sheriff, or the chief 91249
of police of the municipal corporation or township, with 91250
jurisdiction over the political subdivision in which the owner 91251
of the motor vehicle resides. Except as provided in sections 91252
4503.103 and 4503.107 of the Revised Code, every owner of every 91253
other motor vehicle not previously described in this section and 91254
every person mentioned as owner in the last certificate of title 91255
of a motor vehicle that is operated or driven upon the public 91256
roads or highways shall cause to be filed each year, by mail or 91257
otherwise, in the office of the registrar of motor vehicles or a 91258
deputy registrar, a written or electronic application or a 91259
preprinted registration renewal notice issued under section 91260
4503.102 of the Revised Code, the form of which shall be 91261
prescribed by the registrar, for registration for the following 91262

registration year, which shall begin on the first day of January 91263
of every calendar year and end on the thirty-first day of 91264
December in the same year. Applications for registration and 91265
registration renewal notices shall be filed at the times 91266
established by the registrar pursuant to section 4503.101 of the 91267
Revised Code. A motor vehicle owner also may elect to apply for 91268
or renew a motor vehicle registration by electronic means using 91269
electronic signature in accordance with rules adopted by the 91270
registrar. Except as provided in division (J) of this section, 91271
applications for registration shall be made on blanks furnished 91272
by the registrar for that purpose, containing the following 91273
information: 91274

(1) A brief description of the motor vehicle to be 91275
registered, including the year, make, model, and vehicle 91276
identification number, and, in the case of commercial cars, the 91277
gross weight of the vehicle fully equipped computed in the 91278
manner prescribed in section 4503.08 of the Revised Code; 91279

(2) The name and residence address of the owner, and the 91280
township and municipal corporation in which the owner resides; 91281

(3) The district of registration, which shall be 91282
determined as follows: 91283

(a) In case the motor vehicle to be registered is used for 91284
hire or principally in connection with any established business 91285
or branch business, conducted at a particular place, the 91286
district of registration is the municipal corporation in which 91287
that place is located or, if not located in any municipal 91288
corporation, the county and township in which that place is 91289
located. 91290

(b) In case the vehicle is not so used, the district of 91291

registration is the municipal corporation or county in which the owner resides at the time of making the application. 91292
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(4) Whether the motor vehicle is a new or used motor vehicle; 91294
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(5) The date of purchase of the motor vehicle; 91296

(6) Whether the fees required to be paid for the registration or transfer of the motor vehicle, during the preceding registration year and during the preceding period of the current registration year, have been paid. Each application for registration shall be signed by the owner, either manually or by electronic signature, or pursuant to obtaining a limited power of attorney authorized by the registrar for registration, or other document authorizing such signature. If the owner elects to apply for or renew the motor vehicle registration with the registrar by electronic means, the owner's manual signature is not required. 91297
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(7) The owner's social security number, driver's license number, or state identification number, or, where a motor vehicle to be registered is used for hire or principally in connection with any established business, the owner's federal taxpayer identification number. The bureau of motor vehicles shall retain in its records all social security numbers provided under this section, but the bureau shall not place social security numbers on motor vehicle certificates of registration. 91308
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(8) Whether the applicant wishes to certify willingness to make an anatomical gift if an applicant has not so certified under section 2108.05 of the Revised Code. The applicant's response shall not be considered in the decision of whether to approve the application for registration. 91316
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(B) (1) When an applicant first registers a motor vehicle 91321
in the applicant's name, the applicant shall provide proof of 91322
ownership of that motor vehicle. Proof of ownership may include 91323
any of the following: 91324

(a) The applicant may present for inspection a physical 91325
certificate of title or memorandum certificate showing title to 91326
the motor vehicle to be registered in the name of the applicant. 91327

(b) The applicant may present for inspection an electronic 91328
certificate of title for the applicant's motor vehicle in a 91329
manner prescribed by rules adopted by the registrar. 91330

(c) The registrar or deputy registrar may electronically 91331
confirm the applicant's ownership of the motor vehicle. 91332

An applicant is not required to present a certificate of 91333
title to an electronic motor vehicle dealer acting as a limited 91334
authority deputy registrar in accordance with rules adopted by 91335
the registrar. 91336

(2) When a motor vehicle inspection and maintenance 91337
program is in effect under section 3704.14 of the Revised Code 91338
and rules adopted under it, each application for registration 91339
for a vehicle required to be inspected under that section and 91340
those rules shall be accompanied by an inspection certificate or 91341
alternative emissions certificate for the motor vehicle issued 91342
in accordance with that section. 91343

(3) An application for registration shall be refused if 91344
any of the following applies: 91345

(a) The application is not in proper form. 91346

(b) The application is prohibited from being accepted by 91347
division (D) of section 2935.27, division (A) of section 91348

4503.13, division (B) of section 4510.22, division (D) of 91349
section 4503.234, division (B) (1) of section 4521.10, or 91350
division (B) of section 5537.041 of the Revised Code. 91351

(c) Proof of ownership is required but is not presented or 91352
confirmed in accordance with division (B) (1) of this section. 91353

(d) All registration and transfer fees for the motor 91354
vehicle, for the preceding year or the preceding period of the 91355
current registration year, have not been paid. 91356

(e) The owner or lessee does not have an inspection 91357
certificate or alternative emissions certificate for the motor 91358
vehicle as provided in section 3704.14 of the Revised Code, and 91359
rules adopted under it, if that section is applicable. 91360

(4) This section does not require the payment of license 91361
or registration taxes on a motor vehicle for any preceding year, 91362
or for any preceding period of a year, if the motor vehicle was 91363
not taxable for that preceding year or period under sections 91364
4503.02, 4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. 91365
of the Revised Code. 91366

(5) When a certificate of registration is issued upon the 91367
first registration of a motor vehicle by or on behalf of the 91368
owner, the official issuing the certificate shall indicate the 91369
issuance with a stamp on the certificate of title or memorandum 91370
certificate or, in the case of an electronic certificate of 91371
title or electronic verification of ownership, an electronic 91372
stamp or other notation as specified in rules adopted by the 91373
registrar, and with a stamp on the inspection certificate for 91374
the motor vehicle, if any. 91375

(6) The official also shall indicate, by a stamp or by 91376
other means the registrar prescribes, on the registration 91377

certificate issued upon the first registration of a motor 91378
vehicle by or on behalf of the owner the odometer reading of the 91379
motor vehicle as shown in the odometer statement included in or 91380
attached to the certificate of title. Upon each subsequent 91381
registration of the motor vehicle by or on behalf of the same 91382
owner, the official also shall so indicate the odometer reading 91383
of the motor vehicle as shown on the immediately preceding 91384
certificate of registration. 91385

(7) The registrar shall include in the permanent 91386
registration record of any vehicle required to be inspected 91387
under section 3704.14 of the Revised Code the inspection 91388
certificate number from the inspection certificate or the 91389
alternative emissions certificate number from the alternative 91390
emissions certificate that is presented at the time of 91391
registration of the vehicle as required under this division. 91392

~~(C) (1) Except as otherwise provided in division (C) (1) of~~ 91393
~~this section, the~~ The registrar and each deputy registrar shall 91394
~~collect an~~ the following additional fee of eleven dollars ~~fees~~ 91395
for each application for registration and registration renewal 91396
received. : 91397

(a) Except as provided in division (C) (1) (b) of this 91398
section, a fee of eleven dollars on or before December 31, 2025, 91399
and a fee of sixteen dollars on and after January 1, 2026; 91400

(b) For vehicles specified in divisions (A) (1) to (21) of 91401
section 4503.042 of the Revised Code, the registrar and deputy 91402
registrar shall collect an additional a fee of thirty dollars 91403
for each application for registration and registration renewal 91404
received on or before December 31, 2025, and a fee of thirty-five 91405
dollars on and after January 1, 2026. 91406

No additional fee shall be charged for vehicles registered 91407
under section 4503.65 of the Revised Code. ~~The~~ Each additional 91408
fee is for the purpose of defraying the department of public 91409
safety's costs associated with the administration and 91410
enforcement of the motor vehicle and traffic laws of Ohio. Each 91411
deputy registrar shall transmit the fees collected under 91412
divisions (C) (1) and (3) of this section in the time and manner 91413
provided in this section. The registrar shall deposit all moneys 91414
received under division (C) (1) of this section into the public 91415
safety - highway purposes fund established in section 4501.06 of 91416
the Revised Code. 91417

(2) In addition, a charge of twenty-five cents shall be 91418
made for each reflectorized safety license plate issued, and a 91419
single charge of twenty-five cents shall be made for each county 91420
identification sticker or each set of county identification 91421
stickers issued, as the case may be, to cover the cost of 91422
producing the license plates and stickers, including material, 91423
manufacturing, and administrative costs. Those fees shall be in 91424
addition to the license tax. If the total cost of producing the 91425
plates is less than twenty-five cents per plate, or if the total 91426
cost of producing the stickers is less than twenty-five cents 91427
per sticker or per set issued, any excess moneys accruing from 91428
the fees shall be distributed in the same manner as provided by 91429
section 4501.04 of the Revised Code for the distribution of 91430
license tax moneys. If the total cost of producing the plates 91431
exceeds twenty-five cents per plate, or if the total cost of 91432
producing the stickers exceeds twenty-five cents per sticker or 91433
per set issued, the difference shall be paid from the license 91434
tax moneys collected pursuant to section 4503.02 of the Revised 91435
Code. 91436

(3) The registrar and each deputy registrar shall collect 91437

the following additional fee, as applicable, for each 91438
application for registration or registration renewal received 91439
for any hybrid motor vehicle, plug-in hybrid electric motor 91440
vehicle, or battery electric motor vehicle: 91441

(a) One hundred dollars for a hybrid motor vehicle; 91442

(b) One hundred fifty dollars for a plug-in hybrid 91443
electric motor vehicle; 91444

(c) Two hundred dollars for a battery electric motor 91445
vehicle. 91446

Each fee imposed under this division shall be prorated 91447
based on the number of months for which the vehicle is 91448
registered. The registrar shall transmit all money arising from 91449
each fee to the treasurer of state for distribution in 91450
accordance with division (E) of section 5735.051 of the Revised 91451
Code, subject to division (D) of section 5735.05 of the Revised 91452
Code. 91453

(D) Each deputy registrar shall be allowed a fee equal to 91454
the amount established under section 4503.038 of the Revised 91455
Code for each application for registration and registration 91456
renewal notice the deputy registrar receives, which shall be for 91457
the purpose of compensating the deputy registrar for the deputy 91458
registrar's services, and such office and rental expenses, as 91459
may be necessary for the proper discharge of the deputy 91460
registrar's duties in the receiving of applications and renewal 91461
notices and the issuing of registrations. 91462

(E) Upon the certification of the registrar, the county 91463
sheriff or local police officials shall recover license plates 91464
erroneously or fraudulently issued. 91465

(F) Each deputy registrar, upon receipt of any application 91466

for registration or registration renewal notice, together with 91467
the license fee and any local motor vehicle license tax levied 91468
pursuant to Chapter 4504. of the Revised Code, shall transmit 91469
that fee and tax, if any, in the manner provided in this 91470
section, together with the original and duplicate copy of the 91471
application, to the registrar. The registrar, subject to the 91472
approval of the director of public safety, may deposit the funds 91473
collected by those deputies in a local bank or depository to the 91474
credit of the "state of Ohio, bureau of motor vehicles." Where a 91475
local bank or depository has been designated by the registrar, 91476
each deputy registrar shall deposit all moneys collected by the 91477
deputy registrar into that bank or depository not more than one 91478
business day after their collection and shall make reports to 91479
the registrar of the amounts so deposited, together with any 91480
other information, some of which may be prescribed by the 91481
treasurer of state, as the registrar may require and as 91482
prescribed by the registrar by rule. The registrar, within three 91483
days after receipt of notification of the deposit of funds by a 91484
deputy registrar in a local bank or depository, shall draw on 91485
that account in favor of the treasurer of state. The registrar, 91486
subject to the approval of the director and the treasurer of 91487
state, may make reasonable rules necessary for the prompt 91488
transmittal of fees and for safeguarding the interests of the 91489
state and of counties, townships, municipal corporations, and 91490
transportation improvement districts levying local motor vehicle 91491
license taxes. The registrar may pay service charges usually 91492
collected by banks and depositories for such service. If deputy 91493
registrars are located in communities where banking facilities 91494
are not available, they shall transmit the fees forthwith, by 91495
money order or otherwise, as the registrar, by rule approved by 91496
the director and the treasurer of state, may prescribe. The 91497
registrar may pay the usual and customary fees for such service. 91498

(G) This section does not prevent any person from making an application for a motor vehicle license directly to the registrar by mail, by electronic means, or in person at any of the registrar's offices, upon payment of a service fee equal to the amount established under section 4503.038 of the Revised Code for each application.

(H) No person shall make a false statement as to the district of registration in an application required by division (A) of this section. Violation of this division is falsification under section 2921.13 of the Revised Code and punishable as specified in that section.

(I) (1) Where applicable, the requirements of division (B) of this section relating to the presentation of an inspection certificate issued under section 3704.14 of the Revised Code and rules adopted under it for a motor vehicle, the refusal of a license for failure to present an inspection certificate or alternative emissions certificate, and the stamping of the inspection certificate or alternative emissions certificate by the official issuing the certificate of registration apply to the registration of and issuance of license plates for a motor vehicle under sections 4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 4503.47, and 4503.51 of the Revised Code.

(2) (a) The registrar shall adopt rules ensuring that each owner registering a motor vehicle in a county where a motor vehicle inspection and maintenance program is in effect under section 3704.14 of the Revised Code and rules adopted under it receives information about the requirements established in that section and those rules and about the need in those counties to

present an inspection certificate or an alternative emissions 91529
certificate with an application for registration or 91530
preregistration. 91531

(b) Upon request, the registrar shall provide the director 91532
of environmental protection, or any person that has been awarded 91533
a contract under section 3704.14 of the Revised Code, an on-line 91534
computer data link to registration information for all passenger 91535
cars, noncommercial motor vehicles, and commercial cars that are 91536
subject to that section. The registrar also shall provide to the 91537
director of environmental protection a magnetic data tape 91538
containing registration information regarding passenger cars, 91539
noncommercial motor vehicles, and commercial cars for which a 91540
multi-year registration is in effect under section 4503.103 of 91541
the Revised Code or rules adopted under it, including, without 91542
limitation, the date of issuance of the multi-year registration, 91543
the registration deadline established under rules adopted under 91544
section 4503.101 of the Revised Code that was applicable in the 91545
year in which the multi-year registration was issued, and the 91546
registration deadline for renewal of the multi-year 91547
registration. 91548

(J) Subject to division (K) of this section, application 91549
for registration under the international registration plan, as 91550
set forth in sections 4503.60 to 4503.66 of the Revised Code, 91551
shall be made to the registrar on forms furnished by the 91552
registrar. In accordance with international registration plan 91553
guidelines and pursuant to rules adopted by the registrar, the 91554
forms shall include the following: 91555

(1) A uniform mileage schedule; 91556

(2) The gross vehicle weight of the vehicle or combined 91557
gross vehicle weight of the combination vehicle as declared by 91558

the registrant; 91559

(3) Any other information the registrar requires by rule. 91560

(K) The registrar shall determine the feasibility of 91561
implementing an electronic commercial fleet licensing and 91562
management program that will enable the owners of commercial 91563
tractors, commercial trailers, and commercial semitrailers to 91564
conduct electronic transactions by July 1, 2010, or sooner. If 91565
the registrar determines that implementing such a program is 91566
feasible, the registrar shall adopt new rules under this 91567
division or amend existing rules adopted under this division as 91568
necessary in order to respond to advances in technology. 91569

If international registration plan guidelines and 91570
provisions allow member jurisdictions to permit applications for 91571
registrations under the international registration plan to be 91572
made via the internet, the rules the registrar adopts under this 91573
division shall permit such action. 91574

Sec. 4503.102. ~~(A)~~ (A) (1) The registrar of motor vehicles 91575
~~shall may~~ adopt rules to establish a centralized system of motor 91576
vehicle registration for initial registration, registration 91577
renewal, and transfer of registration, by mail or by electronic 91578
means. ~~Any~~ 91579

(2) Any person applying electronically for initial 91580
registration or for transfer of registration may submit all 91581
associated documents electronically through the centralized 91582
system of motor vehicle registration established under this 91583
section. The registrar or a deputy registrar shall verify and 91584
authenticate such documents. 91585

(3) Any person owning a motor vehicle that was registered 91586
in the person's name during the preceding registration year 91587

shall renew the registration of the motor vehicle not more than 91588
ninety days prior to the expiration date of the registration 91589
~~either by~~ through one of the following: 91590

(a) By mail or by electronic means through the centralized 91591
system of registration established under this section, ~~or in~~; 91592

(b) In person at any office of the registrar or at a 91593
deputy registrar's office. 91594

(B) (1) Except as provided in division (B) (2) of this 91595
section, no less than forty-five days prior to the expiration 91596
date of any motor vehicle registration, the registrar shall mail 91597
a renewal notice to the person in whose name the motor vehicle 91598
is registered. The renewal notice shall clearly state that the 91599
registration of the motor vehicle may be renewed by mail or 91600
electronic means through the centralized system of registration 91601
or in person at any office of the registrar or at a deputy 91602
registrar's office and shall be preprinted with information 91603
including, but not limited to, the owner's name and residence 91604
address as shown in the records of the bureau of motor vehicles, 91605
a brief description of the motor vehicle to be registered, 91606
notice of the license taxes and fees due on the motor vehicle, 91607
the toll-free telephone number of the registrar as required 91608
under division (D) (1) of section 4503.031 of the Revised Code, a 91609
~~statement that payment for a renewal may be made by financial-~~ 91610
~~transaction device using the toll-free telephone number,~~ and any 91611
additional information the registrar may require by rule. The 91612
renewal notice shall not include the social security number of 91613
either the owner of the motor vehicle or the person in whose 91614
name the motor vehicle is registered. The renewal notice shall 91615
be sent by regular mail to the owner's last known address as 91616
shown in the records of the bureau of motor vehicles. 91617

(2) The registrar is not required to mail a renewal notice 91618
if either of the following applies: 91619

(a) The owner of the vehicle has consented to receiving 91620
the renewal notice by electronic means only. 91621

(b) The application for renewal of the registration of a 91622
motor vehicle is prohibited from being accepted by the registrar 91623
or a deputy registrar by division (D) of section 2935.27, 91624
division (A) of section 4503.13, division (B) of section 91625
4510.22, division (D) of section 4503.234, division (B) (1) of 91626
section 4521.10, or division (B) of section 5537.041 of the 91627
Revised Code. 91628

(3) If the owner of a motor vehicle has consented to 91629
receiving a renewal notice by electronic means only, the 91630
registrar shall send an electronic renewal notice to the owner 91631
that contains the information specified in division (B) (1) of 91632
this section at the time specified under that division. 91633

(C) The owner of the motor vehicle shall verify the 91634
information contained in the notice, sign it either manually or 91635
by electronic means, and return it, either by mail or electronic 91636
means, or the owner may take it in person to any office of the 91637
registrar or of a deputy registrar. The owner shall include with 91638
the notice a financial transaction device number when renewing 91639
in person or by electronic means but not by mail, check, or 91640
money order in the amount of the registration taxes and fees 91641
payable on the motor vehicle and a service fee equal to the 91642
amount established under section 4503.038 of the Revised Code, 91643
plus postage as indicated on the notice if the registration is 91644
renewed or fulfilled by mail, and an inspection certificate or 91645
alternative emissions certificate for the motor vehicle as 91646
provided in section 3704.14 of the Revised Code. ~~For purposes of~~ 91647

~~the centralized system of motor vehicle registration, the registrar shall accept payments via the toll-free telephone number established under division (D) (1) of section 4503.031 of the Revised Code for renewals made by mail.~~ If the motor vehicle owner chooses to renew the motor vehicle registration by electronic means, the owner shall proceed in accordance with the rules the registrar adopts.

(D) If all registration and transfer fees for the motor vehicle for the preceding year or the preceding period of the current registration year have not been paid, if division (D) of section 2935.27, division (A) of section 4503.13, division (B) of section 4510.22, division (D) of section 4503.234, division (B) (1) of section 4521.10, or division (B) of section 5537.041 of the Revised Code prohibits acceptance of the renewal notice, or if the owner or lessee does not have an inspection certificate or alternative emissions certificate for the motor vehicle as provided in section 3704.14 of the Revised Code, if that section is applicable, the license shall be refused, and the registrar or deputy registrar shall so notify the owner. This section does not require the payment of license or registration taxes on a motor vehicle for any preceding year, or for any preceding period of a year, if the motor vehicle was not taxable for that preceding year or period under section 4503.02, 4503.04, 4503.11, 4503.12, or 4503.16 or Chapter 4504. of the Revised Code.

(E) (1) Failure to receive a renewal notice does not relieve a motor vehicle owner from the responsibility to renew the registration for the motor vehicle. Any person who has a motor vehicle registered in this state and who does not receive a renewal notice as provided in division (B) of this section prior to the expiration date of the registration shall request

an application for registration from the registrar or a deputy registrar and sign the application manually or by electronic means and submit the application and pay any applicable license taxes and fees to the registrar or deputy registrar.

(2) If the owner of a motor vehicle submits an application for registration and the registrar is prohibited by division (D) of section 2935.27, division (A) of section 4503.13, division (B) of section 4510.22, division (D) of section 4503.234, division (B)(1) of section 4521.10, or division (B) of section 5537.041 of the Revised Code from accepting the application, the registrar shall return the application and the payment to the owner. If the owner of a motor vehicle submits a registration renewal application to the registrar by electronic means and the registrar is prohibited from accepting the application as provided in this division, the registrar shall notify the owner of this fact and deny the application and return the payment or give a credit on the financial transaction device account of the owner in the manner the registrar prescribes by rule adopted pursuant to division (A) of this section.

(F) Every deputy registrar shall post in a prominent place at the deputy's office a notice informing the public of the mail registration system required by this section and also shall post a notice that every owner of a motor vehicle and every chauffeur holding a certificate of registration is required to notify the registrar in writing of any change of residence within ten days after the change occurs. The notice shall be in such form as the registrar prescribes by rule.

~~(G)~~ (G) (1) The service fee equal to the amount established under section 4503.038 of the Revised Code that is collected from a person who renews a motor vehicle registration by

electronic means or by mail, plus postage collected by the registrar and any financial transaction device surcharge collected by the registrar, shall be paid to the credit of the public safety - highway purposes fund established by section 4501.06 of the Revised Code.

(2) A person who submits an initial registration or a transfer of registration by electronic means under this section shall pay a service fee equal to the amount established under section 4503.038 of the Revised Code, any necessary postage costs, and any financial transaction device surcharge, as applicable. The service fee collected shall be paid to the credit of the public safety - highway purposes fund established by section 4501.06 of the Revised Code. If the registrar authorizes a deputy registrar to mail the certificate of registration and any associated license plate to the applicant, the postage costs shall be paid to that deputy registrar.

(H) (1) Pursuant to section 113.40 of the Revised Code, the registrar shall implement a program permitting payment of motor vehicle registration taxes and fees, driver's license and commercial driver's license fees, and any other taxes, fees, penalties, or charges imposed or levied by the state by means of a financial transaction device for transactions occurring online, at any office of the registrar, and at all deputy registrar locations. The program shall take effect not later than July 1, 2016. The registrar shall adopt rules as necessary for this purpose, but all such rules are subject to any action, policy, or procedure of the board of deposit or treasurer of state taken or adopted under section 113.40 of the Revised Code.

(2) The rules adopted under division (H) (1) of this section shall require a deputy registrar to accept payments by

means of a financial transaction device beginning on the 91739
effective date of the rules unless the deputy registrar contract 91740
entered into by the deputy registrar prohibits the acceptance of 91741
such payments by financial transaction device. However, 91742
commencing with deputy registrar contract awards that have a 91743
start date of July 1, 2016, and for all contract awards 91744
thereafter, the registrar shall require that the proposer accept 91745
payment by means of a financial transaction device, including 91746
credit cards and debit cards, for all department of public 91747
safety transactions conducted at that deputy registrar location. 91748

The bureau and deputy registrars are not required to pay 91749
any costs that result from accepting payment by means of a 91750
financial transaction device. A deputy registrar may charge a 91751
person who tenders payment for a department transaction by means 91752
of a financial transaction device any cost the deputy registrar 91753
incurs from accepting payment by the financial transaction 91754
device, but the deputy registrar shall not require the person to 91755
pay any additional fee of any kind in connection with the use by 91756
the person of the financial transaction device. 91757

(3) In accordance with division (H) (1) of this section and 91758
rules adopted by the registrar under that division, a county 91759
auditor or clerk of a court of common pleas that is designated a 91760
deputy registrar shall accept payment by means of a financial 91761
transaction device, including credit cards and debit cards, for 91762
all department transactions conducted at the office of the 91763
county auditor or clerk in the county auditor's or clerk's 91764
capacity as deputy registrar. The bureau is not required to pay 91765
any costs incurred by a county auditor or clerk that result from 91766
accepting payment by means of a financial transaction device for 91767
any department transaction. 91768

(I) For persons who reside in counties where tailpipe emissions inspections are required under the motor vehicle inspection and maintenance program, the notice required by division (B) of this section shall also include the toll-free telephone number maintained by the Ohio environmental protection agency to provide information concerning the locations of emissions testing centers. The registrar also shall include a statement in the notice that a battery electric motor vehicle is not required to undergo emissions inspection under the motor vehicle inspection and maintenance program established under section 3704.14 of the Revised Code.

Sec. 4503.29. (A) The director of veterans services in conjunction with the registrar of motor vehicles shall develop and maintain a program to establish and issue specialty license plates recognizing military service and military honors pertaining to valor and service.

(B) The director and the registrar shall jointly adopt rules in accordance with Chapter 119. of the Revised Code for purposes of establishing the program under this section. The director and registrar shall adopt the rules as soon as possible after June 29, 2018, but not later than nine months after June 29, 2018. The rules shall do all of the following:

(1) Establish specialty license plates recognizing military service;

(2) Establish specialty license plates recognizing military honors pertaining to valor and service;

(3) Establish eligibility criteria that apply to each specialty license plate issued under this section;

(4) Establish requirements governing any necessary

documentary evidence required to be presented by an applicant 91798
for a specialty license plate issued under this section. The 91799
rules shall allow an applicant to present a veterans 91800
identification card issued in accordance with section 317.241 of 91801
the Revised Code in lieu of a copy of the applicant's DD-214 or 91802
an equivalent document. An applicant may be required to present 91803
additional evidence if the veterans identification card does not 91804
show all of the information needed for issuance of the specific 91805
nonstandard license plate requested by the applicant. 91806

(5) Establish guidelines for the designs, markings, and 91807
inscriptions on a specialty license plate established under this 91808
section; 91809

(6) Establish procedures for altering the designs, 91810
markings, or inscriptions on a specialty license plate 91811
established under this section; 91812

(7) Prohibit specialty license plates established under 91813
this section from recognizing achievement awards or unit awards; 91814

(8) Establish any other procedures or requirements that 91815
are necessary for the implementation and administration of this 91816
section. 91817

(C) The rules adopted under division (B) of this section 91818
shall provide for the establishment of the military specialty 91819
license plates created prior to June 29, 2018, that are no 91820
longer codified in the Revised Code. 91821

(D) (1) Any person who meets the applicable qualifications 91822
for the issuance of a specialty license plate established by 91823
rule adopted under division (B) of this section may apply to the 91824
registrar of motor vehicles for the registration of any 91825
passenger car, noncommercial motor vehicle, recreational 91826

vehicle, or other vehicle the person owns or leases of a class 91827
approved by the registrar. The application may be combined with 91828
a request for a special reserved license plate under section 91829
4503.40 or 4503.42 of the Revised Code. 91830

(2) (a) Except as provided in division (D) (2) (b) of this 91831
section, upon receipt of an application for registration of a 91832
motor vehicle under this section and the required taxes and 91833
fees, compliance with all applicable laws relating to the 91834
registration of a motor vehicle, and, if necessary, upon 91835
presentation of the required documentary evidence, the registrar 91836
shall issue to the applicant the appropriate motor vehicle 91837
registration and a set of license plates and a validation 91838
sticker, or a validation sticker alone when required by section 91839
4503.191 of the Revised Code. 91840

(b) Any disabled veteran who qualifies to apply to the 91841
registrar for the registration of a motor vehicle under section 91842
4503.41 of the Revised Code without the payment of any 91843
registration taxes or fees, may apply instead for registration 91844
of the motor vehicle under this section. The disabled veteran 91845
applying for registration under this section is not required to 91846
pay any registration taxes or fees as required by sections 91847
4503.038, 4503.04, 4503.10, 4503.102, and 4503.103 of the 91848
Revised Code, any local motor vehicle tax levied under Chapter 91849
4504. of the Revised Code, ~~or~~ any fee charged under section 91850
4503.19 of the Revised Code for up to two motor vehicles, 91851
including any motor vehicle registered under section 4503.41 of 91852
the Revised Code, or any fees associated with transferring a 91853
registration under section 4503.12 of the Revised Code. Upon 91854
receipt of an application for registration of the motor vehicle 91855
and presentation of any documentation the registrar may require 91856
by rule, the registrar shall issue to the applicant the 91857

appropriate motor vehicle registration and a set of license 91858
plates authorized under this section and a validation sticker, 91859
or a validation sticker alone when required by section 4503.191 91860
of the Revised Code. 91861

(3) The license plates shall display county identification 91862
stickers that identify the county of registration as required 91863
under section 4503.19 of the Revised Code. 91864

Sec. 4503.41. (A) Any disabled veteran who, because of a 91865
service-connected disability, has been or is awarded funds for 91866
the purchase of a motor vehicle under the "Disabled Veterans' 91867
and Servicemen's Automobile Assistance Act of 1970," 84 Stat. 91868
1998, 38 U.S.C. 1901, and amendments thereto, and any disabled 91869
veteran having a service-connected disability either rated or 91870
compensated at one hundred per cent by the veterans' 91871
administration, may apply to the registrar for the registration 91872
of the disabled veteran's personal motor vehicle. Except as 91873
provided in division (C) of this section, a disabled veteran is 91874
not required to pay any registration fee and service fee as 91875
required by sections 4503.038, 4503.04, 4503.10, 4503.102, and 91876
4503.103 of the Revised Code, any local motor vehicle tax levied 91877
under Chapter 4504. of the Revised Code, ~~or~~ any fee charged 91878
under section 4503.19 of the Revised Code, or any fees 91879
associated with transferring a registration under section 91880
4503.12 of the Revised Code. The application for registration 91881
shall be accompanied by such documentary evidence of disability 91882
as the registrar may require by rule. 91883

(B) Upon the receipt of an application for registration of 91884
a motor vehicle under this section, and presentation of 91885
satisfactory evidence of disability, the registrar or deputy 91886
registrar shall issue to the applicant a set of license plates, 91887

which shall be red, white, and blue in color and shall, in 91888
addition to the letters and numbers ordinarily inscribed 91889
thereon, be inscribed with the word "veteran" and imprinted with 91890
the international wheelchair symbol. 91891

(C) A disabled veteran who is eligible to register a motor 91892
vehicle under this section may register as many vehicles as are 91893
titled and registered in that disabled veteran's name. For each 91894
additional registration after the first registration, the 91895
registrar or deputy registrar shall collect any applicable fee 91896
imposed in sections 4503.038, 4503.04, 4503.10, 4503.102, 91897
4503.103, and 4503.19 of the Revised Code, and any local motor 91898
vehicle tax levied under Chapter 4504. of the Revised Code. 91899

Sec. 4503.579. (A) The owner or lessee of any passenger 91900
car, noncommercial motor vehicle, recreational vehicle, or other 91901
vehicle of a class approved by the registrar of motor vehicles 91902
may apply to the registrar for the registration of the vehicle 91903
and issuance of "National Council of Negro Women" license 91904
plates. The application may be combined with a request for a 91905
special reserved license plate under section 4503.40 or 4503.42 91906
of the Revised Code. Upon receipt of the completed application 91907
and compliance by the applicant with divisions (B) and (C) of 91908
this section, the registrar shall issue to the applicant the 91909
appropriate vehicle registration and a set of "National Council 91910
of Negro Women" license plates and a validation sticker, or a 91911
validation sticker alone when required by section 4503.191 of 91912
the Revised Code. 91913

In addition to the letters and numbers ordinarily 91914
inscribed on the license plates, "National Council of Negro 91915
Women" license plates shall display an appropriate logo and 91916
words selected by representatives of the ~~national~~ Ohio state 91917

coalition-national council of negro women, incorporated, and 91918
that are approved by the registrar. "National Council of Negro 91919
Women" license plates shall display county identification 91920
stickers that identify the county of registration as required 91921
under section 4503.19 of the Revised Code. 91922

(B) "National Council of Negro Women" license plates and a 91923
validation sticker, or validation sticker alone, shall be issued 91924
upon receipt of an application for registration of a motor 91925
vehicle under this section; payment of the regular license tax 91926
as prescribed under section 4503.04 of the Revised Code, any 91927
applicable motor vehicle license tax levied under Chapter 4504. 91928
of the Revised Code, any applicable additional fee prescribed by 91929
section 4503.40 or 4503.42 of the Revised Code, an additional 91930
administrative fee of ten dollars, and a contribution as 91931
provided in division (C) (1) of this section; and compliance with 91932
all other applicable laws relating to the registration of motor 91933
vehicles. 91934

(C) (1) For each application for registration and 91935
registration renewal notice the registrar receives under this 91936
section, the registrar shall collect a contribution of twenty- 91937
five dollars. The registrar shall deposit this contribution into 91938
the state treasury to the credit of the license plate 91939
contribution fund created in section 4501.21 of the Revised 91940
Code. 91941

(2) The registrar shall deposit the administrative fee of 91942
ten dollars, the purpose of which is to compensate the bureau of 91943
motor vehicles for additional services required in the issuing 91944
of "National Council of Negro Women" license plates, into the 91945
state treasury to the credit of the public safety - highway 91946
purposes fund created in section 4501.06 of the Revised Code. 91947

Sec. 4503.91. (A) The owner or lessee of any passenger 91948
car, noncommercial motor vehicle, recreational vehicle, or other 91949
vehicle of a class approved by the registrar of motor vehicles 91950
may apply to the registrar for the registration of the vehicle 91951
and issuance of "choose life" license plates. The application 91952
for "choose life" license plates may be combined with a request 91953
for a special reserved license plate under section 4503.40 or 91954
4503.42 of the Revised Code. Upon receipt of the completed 91955
application and compliance with divisions (B) and (C) of this 91956
section, the registrar shall issue to the applicant the 91957
appropriate vehicle registration and a set of "choose life" 91958
license plates with a validation sticker or a validation sticker 91959
alone when required by section 4503.191 of the Revised Code. 91960

In addition to the letters and numbers ordinarily 91961
inscribed on license plates, "choose life" license plates shall 91962
be inscribed with the words "choose life" and a marking designed 91963
by "choose life, inc.," a private, nonprofit corporation 91964
incorporated in the state of Florida. The registrar shall review 91965
the design and approve it if the design is feasible. If the 91966
design is not feasible, the registrar shall notify "choose life, 91967
inc." and the organization may resubmit designs until a feasible 91968
one is approved. "Choose life" license plates shall bear county 91969
identification stickers that identify the county of registration 91970
as required under section 4503.19 of the Revised Code. 91971

(B) "Choose life" license plates and a validation sticker, 91972
or a validation sticker alone, shall be issued upon receipt of a 91973
contribution as provided in division (C) of this section and 91974
upon payment of the regular license tax prescribed in section 91975
4503.04 of the Revised Code, any applicable motor vehicle tax 91976
levied under Chapter 4504. of the Revised Code, any applicable 91977
additional fee prescribed by section 4503.40 or 4503.42 of the 91978

Revised Code, a fee of ten dollars for the purpose of 91979
compensating the bureau of motor vehicles for additional 91980
services required in the issuing of "choose life" license 91981
plates, and compliance with all other applicable laws relating 91982
to the registration of motor vehicles. 91983

(C) (1) For each application for registration and 91984
registration renewal received under this section, the registrar 91985
shall collect a contribution of twenty dollars. The registrar 91986
shall transmit this contribution to the treasurer of state for 91987
deposit in the "choose life" fund created in section ~~3701.65~~ 91988
5180.72 of the Revised Code. 91989

(2) The registrar shall deposit the additional fee of ten 91990
dollars specified in division (B) of this section for the 91991
purpose of compensating the bureau for the additional services 91992
required in issuing "choose life" license plates in the public 91993
safety - highway purposes fund created in section 4501.06 of the 91994
Revised Code. 91995

Sec. 4505.07. (A) A physical certificate of title shall be 91996
printed upon a special paper with a secure printing process or 91997
other secure process, for the printing of motor vehicle titles, 91998
as required by section 2 of the "Truth in Mileage Act of 1986," 91999
100 Stat. 3309, 15 U.S.C.A. 1901 et seq. 92000

An electronic certificate of title is an electronic record 92001
stored in the automated title processing system that established 92002
ownership of a motor vehicle, as well as any security interests 92003
that exist in that motor vehicle. 92004

(B) Every certificate of title shall bear the 92005
distinguishing number assigned to the title, and shall contain, 92006
on the front of the certificate, the following information: 92007

- | | |
|--|---|
| (1) An indication that the certificate is issued in this state; | 92008
92009 |
| (2) The county in which the certificate is issued; | 92010 |
| (3) An indication that the certificate is an original, memorandum, duplicate, or salvage certificate; | 92011
92012 |
| (4) The date of issuance of the certificate; | 92013 |
| (5) The name and address of the owner, in full; | 92014 |
| (6) The name and address of the previous owner, in full; | 92015 |
| (7) The previous certificate of title number; | 92016 |
| (8) The state in which the vehicle previously was titled; | 92017 |
| (9) The make, body type, year, model, and vehicle identification number of the vehicle; | 92018
92019 |
| (10) First and second lien notation information, including the name and address of the lienholder in full and the date of the lien notation; | 92020
92021
92022 |
| (11) For discharging and canceling the lien notation, a notice that states: "lien discharge," a space for the signature of the lienholder, the discharge date, a space for the signature of the clerk of the court of common pleas, the cancellation date, and a space for the notation of the deputy clerk; | 92023
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92027 |
| (12) The purchase price of the motor vehicle and the amount of Ohio sales or use tax paid; | 92028
92029 |
| (13) The mileage registered on the odometer and the status of the odometer of the vehicle at the time the previous title was assigned; | 92030
92031
92032 |
| (14) A space for the seal of the clerk; | 92033 |

- (15) The signature of the clerk; 92034
- (16) A space for the notation of the deputy clerk; 92035
- (17) A space for other pertinent information as may be required by the registrar of motor vehicles; 92036
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- (18) A consecutive number for control purposes; 92038
- (19) In the case of a vehicle last previously registered in another state, a space to be used for recording any notation applicable to the vehicle and the abbreviation of the state in which the vehicle was last registered, as required by divisions (B) (1) and (2) of section 4505.08 of the Revised Code; 92039
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- (20) In the case of a vehicle last previously registered in this state, a space to be used for recording any information applicable to the vehicle as required by division (C) of section 4505.08 of the Revised Code or by rule of the registrar of motor vehicles adopted under that division. 92044
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- (C) If the certificate of title is a duplicate certificate, that fact and the original title number must be stated on the front of the duplicate certificate. 92049
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- (D) If the certificate of title is a memorandum certificate, that fact and the original title number must be stated on the front of the memorandum certificate. 92052
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- (E) If the certificate of title is a salvage certificate, that fact and the original title number must be stated on the front of the salvage certificate. 92055
92056
92057
- (F) The following information shall appear on the reverse side of each certificate of title: 92058
92059
- (1) A notice in bold lettering that states: "ERASURES AND 92060

ALTERATIONS VOID THIS TITLE ASSIGNMENT. (Type or print in ink.)";	92061 92062
(2) The total consideration of the vehicle;	92063
(3) A disclosure that states: "I (we) certify the vehicle described in this title was transferred for the price of \$_____ to:" and the printed name and address of the buyer in full;	92064 92065 92066 92067
(4) An odometer certification statement that states: "Federal and state laws require that you state the mileage in connection with transfer of ownership. Failure to complete or providing false information may result in fines and imprisonment."	92068 92069 92070 92071 92072
The odometer certification language as required by federal law and division (C) of section 4505.06 of the Revised Code.	92073 92074
(5) A disclosure that states: "I (we) warrant the title to be free of all liens."	92075 92076
(6) A space for the signature of the transferor and the transferor's printed name and address in full;	92077 92078
(7) A space for the seal of the clerk or a notary;	92079
(8) The acknowledgment statement of the clerk, the deputy clerk, or a notary;	92080 92081
(9) A space for the signature of the clerk, the deputy clerk, or a notary;	92082 92083
(10) The buyer's odometer acknowledgment statement, with a space for the buyer's printed name and address;	92084 92085
(11) A notice in bold lettering that states: "WARNING TO TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required	92086 92087

by law to state the true selling price. A false statement is in violation of section 2921.13 of the Revised Code and is punishable by six months' imprisonment or a fine of up to one thousand dollars, or both. All transfers are audited by the department of taxation.

The seller and buyer must provide any information requested by the department of taxation. The buyer may be assessed any additional tax found to be due."

(12) An application for a certificate of title, memorandum certificate of title, or salvage certificate of title, as prescribed by the registrar, which shall include all of the following:

(a) A disclosure that states: "Application for certificate of title (type or print in ink)";

(b) A disclosure that states: "Fee of \$5.00 for failure to apply for title within 30 days of assignment.";

(c) A space for the applicant's printed name and address;

(d) A space for the applicant's social security number or employer's identification number. The last four digits of the applicant's social security number is sufficient if the application for title is for a salvage certificate of title for an owner-retained vehicle or if the application is accompanied by an application to transfer title to an insurance company or a nonprofit corporation.

(e) A space for the purchase price, tax paid, or tax exemption reason, or dealer's permit number, and vendor's number, and condition of the vehicle;

(f) A disclosure statement that states: "Lien information:

If no lien state "none." If more than one lien, attach statement of all additional liens.";

(g) A space for the lienholder's name and address;

(h) A disclosure statement that states: "I (we) state that all information contained in this application is true and correct.";

(i) A space for the applicant's signature;

(j) A space for the acknowledgment statement of the clerk, the deputy clerk, or a notary;

(k) A space for the seal of the clerk or a notary;

(l) A space for the signature of the clerk, the deputy clerk, or a notary;

(m) Any other pertinent information as may be required by the registrar.

Sec. 4505.09. (A) (1) The clerk of a court of common pleas shall charge and retain fees as follows:

(a) Five dollars for each certificate of title that is not applied for within thirty days after the later of the assignment or delivery of the motor vehicle described in it. The entire fee shall be retained by the clerk.

(b) Fifteen dollars, or twenty dollars if a board of county commissioners adopts a resolution authorizing the increased fee for that county, for each certificate of title or duplicate certificate of title including the issuance of a memorandum certificate of title, or authorization to print a non-negotiable evidence of ownership described in division (G) of section 4505.08 of the Revised Code, non-negotiable evidence

of ownership printed by the clerk under division (H) of that 92143
section, and notation of any lien on a certificate of title that 92144
is applied for at the same time as the certificate of title. The 92145
clerk shall retain eleven dollars and fifty cents of that fee 92146
for each certificate of title when there is a notation of a lien 92147
or security interest on the certificate of title, twelve dollars 92148
and twenty-five cents when there is no lien or security interest 92149
noted on the certificate of title, and eleven dollars and fifty 92150
cents for each duplicate certificate of title. If a board of 92151
county commissioners adopts a resolution authorizing a twenty- 92152
dollar fee, the clerk shall retain the additional five dollars 92153
of that fee. 92154

(c) Four dollars and fifty cents for each certificate of 92155
title with no security interest noted that is issued to a 92156
licensed motor vehicle dealer for resale purposes and, in 92157
addition, a separate fee of fifty cents. The clerk shall retain 92158
two dollars and twenty-five cents of that fee. 92159

(d) Five dollars for each memorandum certificate of title 92160
or non-negotiable evidence of ownership that is applied for 92161
separately. The clerk shall retain that entire fee. 92162

(2) The fees that are not retained by the clerk shall be 92163
paid to the registrar of motor vehicles by monthly returns, 92164
which shall be forwarded to the registrar not later than the 92165
fifth day of the month next succeeding that in which the 92166
certificate is issued or that in which the registrar is notified 92167
of a lien or cancellation of a lien. 92168

(B) (1) The registrar shall pay twenty-five cents of the 92169
amount received for each certificate of title issued to a motor 92170
vehicle dealer for resale, one dollar for certificates of title 92171
issued with a lien or security interest noted on the certificate 92172

of title, and twenty-five cents for each certificate of title 92173
with no lien or security interest noted on the certificate of 92174
title into the public safety - highway purposes fund established 92175
in section 4501.06 of the Revised Code. 92176

(2) Fifty cents of the amount received for each 92177
certificate of title shall be paid by the registrar as follows: 92178

(a) Four cents shall be paid into the state treasury to 92179
the credit of the motor vehicle dealers board fund, which is 92180
hereby created. All investment earnings of the fund shall be 92181
credited to the fund. The moneys in the motor vehicle dealers 92182
board fund shall be used by the motor vehicle dealers board 92183
created under section 4517.30 of the Revised Code, together with 92184
other moneys appropriated to it, in the exercise of its powers 92185
and the performance of its duties under Chapter 4517. of the 92186
Revised Code, except that the director of budget and management 92187
may transfer excess money from the motor vehicle dealers board 92188
fund to the public safety - highway purposes fund if the 92189
registrar determines that the amount of money in the motor 92190
vehicle dealers board fund, together with other moneys 92191
appropriated to the board, exceeds the amount required for the 92192
exercise of its powers and the performance of its duties under 92193
Chapter 4517. of the Revised Code and requests the director to 92194
make the transfer. 92195

(b) Thirty-one cents shall be paid into the highway 92196
operating fund created by section 5735.051 of the Revised Code. 92197

(c) Fifteen cents shall be paid into the state treasury to 92198
the credit of the motor vehicle sales audit fund, which is 92199
hereby created. The moneys in the fund shall be used by the tax 92200
commissioner together with other funds available to the 92201
commissioner to conduct a continuing investigation of sales and 92202

use tax returns filed for motor vehicles in order to determine 92203
if sales and use tax liability has been satisfied. The 92204
commissioner shall refer cases of apparent violations of section 92205
2921.13 of the Revised Code made in connection with the titling 92206
or sale of a motor vehicle and cases of any other apparent 92207
violations of the sales or use tax law to the appropriate county 92208
prosecutor whenever the commissioner considers it advisable. 92209

(3) Two dollars of the amount received by the registrar 92210
under divisions (A) (1) (a), (b), and (d) of this section and one 92211
dollar and fifty cents of the amount received by the registrar 92212
under division (A) (1) (c) of this section for each certificate of 92213
title shall be paid into the state treasury to the credit of the 92214
automated title processing fund, which is hereby created and 92215
which shall consist of moneys collected under division (B) (3) of 92216
this section and under sections 1548.10 and 4519.59 of the 92217
Revised Code. All investment earnings of the fund shall be 92218
credited to the fund. The moneys in the fund shall be used as 92219
follows: 92220

(a) Except for moneys collected under section 1548.10 of 92221
the Revised Code, moneys collected under division (B) (3) of this 92222
section shall be used to implement and maintain an automated 92223
title processing system for the issuance of motor vehicle, off- 92224
highway motorcycle, and all-purpose vehicle certificates of 92225
title in the offices of the clerks of the courts of common 92226
pleas. Those moneys also shall be used to pay expenses that 92227
arise as a result of enabling electronic motor vehicle dealers 92228
to directly transfer applications for certificates of title 92229
under division (A) (3) of section 4505.06 of the Revised Code. 92230

(b) Moneys collected under section 1548.10 of the Revised 92231
Code shall be used to issue marine certificates of title in the 92232

offices of the clerks of the courts of common pleas as provided 92233
in Chapter 1548. of the Revised Code. 92234

(4) The registrar shall pay the fifty-cent separate fee 92235
collected from a licensed motor vehicle dealer under division 92236
(A) (1) (c) of this section into the title defect recision fund 92237
created by section 1345.52 of the Revised Code. 92238

(C) (1) The automated title processing board is hereby 92239
created consisting of the registrar or the registrar's 92240
representative, a person selected by the registrar, the 92241
president of the Ohio clerks of court association or the 92242
president's representative, the president of the Ohio automobile 92243
dealers association or the president's representative, and two- 92244
three clerks of courts of common pleas appointed by the 92245
governor. The ~~director of budget and management or the~~ 92246
~~director's designee, the~~ chief of the division of parks and 92247
watercraft in the department of natural resources or the chief's 92248
designee, and the tax commissioner or the commissioner's 92249
designee shall be nonvoting members of the board. The purpose of 92250
the board is to facilitate the operation and maintenance of an 92251
automated title processing system and approve the procurement of 92252
automated title processing system equipment and ribbons, 92253
cartridges, or other devices necessary for the operation of that 92254
equipment. Voting members of the board, excluding the registrar 92255
or the registrar's representative, shall serve without 92256
compensation, but shall be reimbursed for travel and other 92257
necessary expenses incurred in the conduct of their official 92258
duties. The registrar or the registrar's representative shall 92259
receive neither compensation nor reimbursement as a board 92260
member. 92261

(2) The automated title processing board shall determine 92262

each of the following:	92263
(a) The automated title processing equipment and certificates of title requirements for each county;	92264 92265
(b) The payment of expenses that may be incurred by the counties in implementing an automated title processing system;	92266 92267
(c) The repayment to the counties for existing title processing equipment;	92268 92269
(d) With the approval of the director of public safety, the award of grants from the automated title processing fund to the clerk of courts of any county who employs a person who assists with the design of, updates to, tests of, installation of, or any other activity related to, an automated title processing system. Any grant awarded under division (C) (2) (d) of this section shall be deposited into the appropriate county certificate of title administration fund created under section 325.33 of the Revised Code and shall not be used to supplant any other funds.	92270 92271 92272 92273 92274 92275 92276 92277 92278 92279
(3) The registrar shall purchase, lease, or otherwise acquire any automated title processing equipment and certificates of title that the board determines are necessary from moneys in the automated title processing fund established by division (B) (3) of this section.	92280 92281 92282 92283 92284
(D) All counties shall conform to the requirements of the registrar regarding the operation of their automated title processing system for motor vehicle titles, certificates of title for off-highway motorcycles and all-purpose vehicles, and certificates of title for watercraft and outboard motors.	92285 92286 92287 92288 92289
Sec. 4506.01. As used in this chapter:	92290

(A) "Alcohol concentration" means the concentration of alcohol in a person's blood, breath, or urine. When expressed as a percentage, it means grams of alcohol per the following:	92291 92292 92293
(1) One hundred milliliters of whole blood, blood serum, or blood plasma;	92294 92295
(2) Two hundred ten liters of breath;	92296
(3) One hundred milliliters of urine.	92297
(B) "Commercial driver's license" means a license issued in accordance with this chapter that authorizes an individual to drive a commercial motor vehicle.	92298 92299 92300
(C) "Commercial driver's license information system" means the information system established pursuant to the requirements of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 3207-171, 49 U.S.C.A. App. 2701.	92301 92302 92303 92304
(D) Except when used in section 4506.25 of the Revised Code, "commercial motor vehicle" means any motor vehicle designed or used to transport persons or property that meets any of the following qualifications:	92305 92306 92307 92308
(1) Any combination of vehicles with a gross vehicle weight or combined gross vehicle weight rating of twenty-six thousand one pounds or more, provided the gross vehicle weight or gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand pounds;	92309 92310 92311 92312 92313
(2) Any single vehicle with a gross vehicle weight or gross vehicle weight rating of twenty-six thousand one pounds or more;	92314 92315 92316
(3) Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but is designed to transport	92317 92318

sixteen or more passengers including the driver; 92319

(4) Any school bus with a gross vehicle weight or gross 92320
vehicle weight rating of less than twenty-six thousand one 92321
pounds that is designed to transport fewer than sixteen 92322
passengers including the driver; 92323

(5) Is transporting hazardous materials for which 92324
placarding is required under subpart F of 49 C.F.R. part 172, as 92325
amended; 92326

(6) Any single vehicle or combination of vehicles that is 92327
designed to be operated and to travel on a public street or 92328
highway and is considered by the federal motor carrier safety 92329
administration to be a commercial motor vehicle, including, but 92330
not limited to, a motorized crane, a vehicle whose function is 92331
to pump cement, a rig for drilling wells, and a portable crane. 92332

(E) "Controlled substance" means all of the following: 92333

(1) Any substance classified as a controlled substance 92334
under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 92335
U.S.C.A. 802(6), as amended; 92336

(2) Any substance included in schedules I through V of 21 92337
C.F.R. part 1308, as amended; 92338

(3) Any drug of abuse. 92339

(F) "Conviction" means an unvacated adjudication of guilt 92340
or a determination that a person has violated or failed to 92341
comply with the law in a court of original jurisdiction or an 92342
authorized administrative tribunal, an unvacated forfeiture of 92343
bail or collateral deposited to secure the person's appearance 92344
in court, a plea of guilty or nolo contendere accepted by the 92345
court, the payment of a fine or court cost, or violation of a 92346

condition of release without bail, regardless of whether or not 92347
the penalty is rebated, suspended, or probated. 92348

(G) "Disqualification" means any of the following: 92349

(1) The suspension, revocation, or cancellation of a 92350
person's privileges to operate a commercial motor vehicle; 92351

(2) Any withdrawal of a person's privileges to operate a 92352
commercial motor vehicle as the result of a violation of state 92353
or local law relating to motor vehicle traffic control other 92354
than parking, vehicle weight, or vehicle defect violations; 92355

(3) A determination by the federal motor carrier safety 92356
administration that a person is not qualified to operate a 92357
commercial motor vehicle under 49 C.F.R. 391. 92358

(H) "Domiciled" means having a true, fixed, principal, and 92359
permanent residence to which an individual intends to return. 92360

(I) "Downgrade" means any of the following, as applicable: 92361

(1) A change in the commercial driver's license, or 92362
commercial driver's license temporary instruction permit, 92363
holder's self-certified status as described in division (A) (1) 92364
of section 4506.10 of the Revised Code; 92365

(2) A change to a lesser class of vehicle; 92366

(3) Removal of commercial driver's license privileges from 92367
the individual's driver's license; 92368

(4) A change in the commercial driver's license, or 92369
commercial driver's license temporary instruction permit, 92370
holder's privileges as described in division (F) (1) of section 92371
4506.13 of the Revised Code. 92372

(J) "Drive" means to drive, operate, or be in physical 92373

control of a motor vehicle. 92374

(K) "Driver" means any person who drives, operates, or is 92375
in physical control of a commercial motor vehicle or is required 92376
to have a commercial driver's license. 92377

(L) "Driver's license" means a license issued by the 92378
bureau of motor vehicles that authorizes an individual to drive. 92379

(M) "Drug of abuse" means any controlled substance, 92380
dangerous drug as defined in section 4729.01 of the Revised 92381
Code, harmful intoxicant as defined in section 2925.01 of the 92382
Revised Code, or over-the-counter medication that, when taken in 92383
quantities exceeding the recommended dosage, can result in 92384
impairment of judgment or reflexes. 92385

(N) "Electronic device" includes a cellular telephone, a 92386
personal digital assistant, a pager, a computer, and any other 92387
device used to input, write, send, receive, or read text. 92388

(O) "Eligible unit of local government" means a village, 92389
township, or county that has a population of not more than three 92390
thousand persons according to the most recent federal census. 92391

(P) "Employer" means any person, including the federal 92392
government, any state, and a political subdivision of any state, 92393
that owns or leases a commercial motor vehicle or assigns a 92394
person to drive such a motor vehicle. 92395

(Q) "Endorsement" means an authorization on a person's 92396
commercial driver's license that is required to permit the 92397
person to operate a specified type of commercial motor vehicle. 92398

(R) "Farm truck" means a truck controlled and operated by 92399
a farmer for use in the transportation to or from a farm, for a 92400
distance of not more than one hundred fifty miles, of products 92401

of the farm, including livestock and its products, poultry and 92402
its products, floricultural and horticultural products, and in 92403
the transportation to the farm, from a distance of not more than 92404
one hundred fifty miles, of supplies for the farm, including 92405
tile, fence, and every other thing or commodity used in 92406
agricultural, floricultural, horticultural, livestock, and 92407
poultry production, and livestock, poultry, and other animals 92408
and things used for breeding, feeding, or other purposes 92409
connected with the operation of the farm, when the truck is 92410
operated in accordance with this division and is not used in the 92411
operations of a motor carrier, as defined in section 4923.01 of 92412
the Revised Code. 92413

(S) "Fatality" means the death of a person as the result 92414
of a motor vehicle accident occurring not more than three 92415
hundred sixty-five days prior to the date of death. 92416

(T) "Felony" means any offense under federal or state law 92417
that is punishable by death or specifically classified as a 92418
felony under the law of this state, regardless of the penalty 92419
that may be imposed. 92420

(U) "Foreign jurisdiction" means any jurisdiction other 92421
than a state. 92422

(V) "Gross vehicle weight rating" means the value 92423
specified by the manufacturer as the maximum loaded weight of a 92424
single or a combination vehicle. The gross vehicle weight rating 92425
of a combination vehicle is the gross vehicle weight rating of 92426
the power unit plus the gross vehicle weight rating of each 92427
towed unit. 92428

(W) "Hazardous materials" means any material that has been 92429
designated as hazardous under 49 U.S.C. 5103 and is required to 92430

be placarded under subpart F of 49 C.F.R. part 172 or any 92431
quantity of a material listed as a select agent or toxin in 42 92432
C.F.R. part 73, as amended. 92433

(X) "Imminent hazard" means the existence of a condition 92434
that presents a substantial likelihood that death, serious 92435
illness, severe personal injury, or a substantial endangerment 92436
to health, property, or the environment may occur before the 92437
reasonably foreseeable completion date of a formal proceeding 92438
begun to lessen the risk of that death, illness, injury, or 92439
endangerment. 92440

(Y) "Medical variance" means one of the following received 92441
by a driver from the federal motor carrier safety administration 92442
that allows the driver to be issued a medical certificate: 92443

(1) An exemption letter permitting operation of a 92444
commercial motor vehicle under 49 C.F.R. 381, subpart C or 49 92445
C.F.R. 391.64; 92446

(2) A skill performance evaluation certificate permitting 92447
operation of a commercial motor vehicle pursuant to 49 C.F.R. 92448
391.49. 92449

(Z) "Mobile telephone" means a mobile communication device 92450
that falls under or uses any commercial mobile radio service as 92451
defined in 47 C.F.R. 20, except that mobile telephone does not 92452
include two-way or citizens band radio services. 92453

(AA) "Motor vehicle" means a vehicle, machine, tractor, 92454
trailer, or semitrailer propelled or drawn by mechanical power 92455
used on highways, except that such term does not include a 92456
vehicle, machine, tractor, trailer, or semitrailer operated 92457
exclusively on a rail. 92458

(BB) "Out-of-service order" means a declaration by an 92459

authorized enforcement officer of a federal, state, local, 92460
Canadian, or Mexican jurisdiction declaring that a driver, 92461
commercial motor vehicle, or commercial motor carrier operation 92462
is out of service as defined in 49 C.F.R. 390.5. 92463

(CC) "Peace officer" has the same meaning as in section 92464
2935.01 of the Revised Code. 92465

(DD) "Portable tank" means a liquid or gaseous packaging 92466
designed primarily to be loaded onto or temporarily attached to 92467
a vehicle and equipped with skids, mountings, or accessories to 92468
facilitate handling of the tank by mechanical means. 92469

(EE) "Public safety vehicle" has the same meaning as in 92470
divisions (E) (1) and (3) of section 4511.01 of the Revised Code. 92471

(FF) "Recreational vehicle" includes every vehicle that is 92472
defined as a recreational vehicle in section 4501.01 of the 92473
Revised Code and is used exclusively for purposes other than 92474
engaging in business for profit. 92475

(GG) "Residence" means any person's residence determined 92476
in accordance with standards prescribed in rules adopted by the 92477
registrar. 92478

(HH) "School bus" has the same meaning as in section 92479
4511.01 of the Revised Code. 92480

(II) "Serious traffic violation" means any of the 92481
following: 92482

(1) A conviction arising from a single charge of operating 92483
a commercial motor vehicle in violation of any provision of 92484
section 4506.03 of the Revised Code; 92485

(2) (a) Except as provided in division (II) (2) (b) of this 92486
section, a violation while operating a commercial motor vehicle 92487

of a law of this state, or any municipal ordinance or county or township resolution, or any other substantially similar law of another state or political subdivision of another state prohibiting either of the following:

(i) Texting while driving;

(ii) Using a handheld mobile telephone.

(b) It is not a serious traffic violation if the person was texting or using a handheld mobile telephone to contact law enforcement or other emergency services.

(3) A conviction arising from the operation of any motor vehicle that involves any of the following:

(a) A single charge of any speed in excess of the posted speed limit by fifteen miles per hour or more;

(b) Violation of section 4511.20 or 4511.201 of the Revised Code or any similar ordinance or resolution, or of any similar law of another state or political subdivision of another state;

(c) Violation of a law of this state or an ordinance or resolution relating to traffic control, other than a parking violation, or of any similar law of another state or political subdivision of another state, that results in a fatal accident;

(d) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license with the proper class or endorsement for the specific vehicle group being operated or for the passengers or type of

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cargo being transported; 92516

(e) Violation of section 4506.03 of the Revised Code or a 92517
substantially similar municipal ordinance or county or township 92518
resolution, or of any similar law of another state or political 92519
subdivision of another state, that involves the operation of a 92520
commercial motor vehicle without a valid commercial driver's 92521
license being in the person's possession; 92522

(f) Violation of section 4511.33 or 4511.34 of the Revised 92523
Code, or any municipal ordinance or county or township 92524
resolution substantially similar to either of those sections, or 92525
any substantially similar law of another state or political 92526
subdivision of another state; 92527

(g) Violation of any other law of this state, any law of 92528
another state, or any ordinance or resolution of a political 92529
subdivision of this state or another state that meets both of 92530
the following requirements: 92531

(i) It relates to traffic control, other than a parking 92532
violation; 92533

(ii) It is determined to be a serious traffic violation by 92534
the United States secretary of transportation and is designated 92535
by the director as such by rule. 92536

(JJ) "State" means a state of the United States and 92537
includes the District of Columbia. 92538

(KK) "Tank vehicle" means any commercial motor vehicle 92539
that is designed to transport any liquid or gaseous materials 92540
within a tank or tanks that are either permanently or 92541
temporarily attached to the vehicle or its chassis and have an 92542
individual rated capacity of more than one hundred nineteen 92543
gallons and an aggregate rated capacity of one thousand gallons 92544

or more. "Tank vehicle" does not include a commercial motor 92545
vehicle transporting an empty storage container tank that is not 92546
designed for transportation, has a rated capacity of one 92547
thousand gallons or more, and is temporarily attached to a 92548
flatbed trailer. 92549

(LL) "Tester" means a person or entity acting pursuant to 92550
a valid agreement entered into pursuant to division (B) of 92551
section 4506.09 of the Revised Code. 92552

(MM) "Texting" means manually entering alphanumeric text 92553
into, or reading text from, an electronic device. Texting 92554
includes short message service, e-mail, instant messaging, a 92555
command or request to access a world wide web page, pressing 92556
more than a single button to initiate or terminate a voice 92557
communication using a mobile telephone, or engaging in any other 92558
form of electronic text retrieval or entry, for present or 92559
future communication. Texting does not include the following: 92560

(1) Using voice commands to initiate, receive, or 92561
terminate a voice communication using a mobile telephone; 92562

(2) Inputting, selecting, or reading information on a 92563
global positioning system or navigation system; 92564

(3) Pressing a single button to initiate or terminate a 92565
voice communication using a mobile telephone; or 92566

(4) Using, for a purpose that is not otherwise prohibited 92567
by law, a device capable of performing multiple functions, such 92568
as a fleet management system, a dispatching device, a mobile 92569
telephone, a citizens band radio, or a music player. 92570

(NN) "Texting while driving" means texting while operating 92571
a commercial motor vehicle, with the motor running, including 92572
while temporarily stationary because of traffic, a traffic 92573

control device, or other momentary delays. Texting while driving 92574
does not include operating a commercial motor vehicle with or 92575
without the motor running when the driver has moved the vehicle 92576
to the side of, or off, a highway and is stopped in a location 92577
where the vehicle can safely remain stationary. 92578

(OO) "United States" means the fifty states and the 92579
District of Columbia. 92580

(PP) "Upgrade" means a change in the class of vehicles, 92581
endorsements, or self-certified status as described in division 92582
(A) (1) of section 4506.10 of the Revised Code, that expands the 92583
ability of a current commercial driver's license holder to 92584
operate commercial motor vehicles under this chapter. 92585

(QQ) "Use of a handheld mobile telephone" means: 92586

(1) Using at least one hand to hold a mobile telephone to 92587
conduct a voice communication; 92588

(2) Dialing or answering a mobile telephone by pressing 92589
more than a single button; or 92590

(3) Reaching for a mobile telephone in a manner that 92591
requires a driver to maneuver so that the driver is no longer in 92592
a seated driving position, or restrained by a seat belt that is 92593
installed in accordance with 49 C.F.R. 393.93 and adjusted in 92594
accordance with the vehicle manufacturer's instructions. 92595

(RR) "Vehicle" has the same meaning as in section 4511.01 92596
of the Revised Code. 92597

Sec. 4506.05. (A) Notwithstanding any other provision of 92598
law, a person may drive a commercial motor vehicle on a highway 92599
in this state if all of the following conditions are met: 92600

(1) The person has a valid commercial driver's license or 92601

commercial driver's license temporary instruction permit issued 92602
by any state or jurisdiction in accordance with the minimum 92603
standards adopted by the federal motor carrier safety 92604
administration under the "Commercial Motor Vehicle Safety Act of 92605
1986," 100 Stat. 3207-171, 49 U.S.C.A. App. for issuance of 92606
commercial driver's licenses; 92607

(2) The person's commercial driver's license or temporary 92608
instruction permit is not suspended, revoked, or canceled, and 92609
the person has the appropriate endorsements for the vehicle that 92610
is being driven; 92611

(3) The person is not disqualified from driving a 92612
commercial motor vehicle; 92613

(4) The person is not subject to an out-of-service order; 92614

(5) The person is medically certified as physically 92615
qualified to operate a commercial motor vehicle in accordance 92616
with this chapter. 92617

(a) A person who submitted a medical examiner's 92618
certificate to the registrar in accordance with division (A)(1) 92619
of section 4506.10 of the Revised Code and whose medical 92620
certification information is maintained in the commercial 92621
driver's license information system is not required to have the 92622
medical examiner's certificate in the person's possession when 92623
on duty. 92624

(b) A person whose medical certification information is 92625
not maintained in the commercial driver's license information 92626
system shall have in the person's possession when on duty the 92627
original or a copy of the current medical examiner's certificate 92628
that was submitted to the registrar. However, the person may 92629
operate a commercial motor vehicle with such proof of medical 92630

certification for not more than fifteen days after the date the 92631
current medical examiner's certificate was issued to the person. 92632

(c) A person who has a medical variance shall have in the 92633
person's possession the original or copy of the medical variance 92634
documentation at all times while on duty. 92635

(6) The person is not prohibited from operating a 92636
commercial motor vehicle because the person violated 49 C.F.R. 92637
382, subpart B. 92638

(B) No person shall drive a commercial motor vehicle on a 92639
highway in this state if the person does not meet the conditions 92640
specified in division (A) of this section. 92641

(C) Except as set forth in 49 C.F.R. 390.3(f), 391.2, 92642
391.62, 391.67, and 391.68, no person holding a commercial 92643
driver's license temporary instruction permit or a commercial 92644
driver's license issued under this chapter may drive a 92645
commercial motor vehicle in interstate commerce until the person 92646
is at least twenty-one years of age. 92647

(D) (1) Whoever violates this section is guilty of a 92648
misdemeanor of the first degree. 92649

(2) The offenses established under this section are strict 92650
liability offenses and section 2901.20 of the Revised Code does 92651
not apply. The designation of these offenses as strict liability 92652
offenses shall not be construed to imply that any other offense, 92653
for which there is no specified degree of culpability, is not a 92654
strict liability offense. 92655

Sec. 4506.07. (A) An applicant for a commercial driver's 92656
license, restricted commercial driver's license, or a commercial 92657
driver's license temporary instruction permit, or a duplicate of 92658
such a license or permit, shall submit an application upon a 92659

form approved and furnished by the registrar of motor vehicles. 92660
Except as provided in section 4506.24 of the Revised Code in 92661
regard to a restricted commercial driver's license, the 92662
applicant shall sign the application which shall contain the 92663
following information: 92664

(1) The applicant's name, date of birth, social security 92665
account number, sex, general description including height, 92666
weight, and color of hair and eyes, current residence, duration 92667
of residence in this state, state of domicile, country of 92668
citizenship, and occupation; 92669

(2) Whether the applicant previously has been licensed to 92670
operate a commercial motor vehicle or any other type of motor 92671
vehicle in another state or a foreign jurisdiction and, if so, 92672
when, by what state, and whether the license or driving 92673
privileges currently are suspended or revoked in any 92674
jurisdiction, or the applicant otherwise has been disqualified 92675
from operating a commercial motor vehicle, or is subject to an 92676
out-of-service order issued under this chapter or any similar 92677
law of another state or a foreign jurisdiction and, if so, the 92678
date of, locations involved, and reason for the suspension, 92679
revocation, disqualification, or out-of-service order; 92680

(3) Whether the applicant has any physical or mental 92681
disability or disease that prevents the applicant from 92682
exercising reasonable and ordinary control over a motor vehicle 92683
while operating it upon a highway or is or has been subject to 92684
any condition resulting in episodic impairment of consciousness 92685
or loss of muscular control and, if so, the nature and extent of 92686
the disability, disease, or condition, and the names and 92687
addresses of the physicians, certified nurse-midwives if 92688
authorized as described in section 4723.438 of the Revised Code, 92689

clinical nurse specialists, or certified nurse practitioners 92690
attending the applicant; 92691

(4) Whether the applicant has obtained a medical 92692
examiner's certificate as required by this chapter and, 92693
beginning January 30, 2012, the applicant, prior to or at the 92694
time of applying, has self-certified to the registrar the 92695
applicable status of the applicant under division (A) (1) of 92696
section 4506.10 of the Revised Code; 92697

(5) Whether the applicant has pending a citation for 92698
violation of any motor vehicle law or ordinance except a parking 92699
violation and, if so, a description of the citation, the court 92700
having jurisdiction of the offense, and the date when the 92701
offense occurred; 92702

(6) If an applicant has not certified the applicant's 92703
willingness to make an anatomical gift under section 2108.05 of 92704
the Revised Code, whether the applicant wishes to certify 92705
willingness to make such an anatomical gift, which shall be 92706
given no consideration in the issuance of a license; 92707

(7) Whether the applicant has executed a valid durable 92708
power of attorney for health care pursuant to sections 1337.11 92709
to 1337.17 of the Revised Code or has executed a declaration 92710
governing the use or continuation, or the withholding or 92711
withdrawal, of life-sustaining treatment pursuant to sections 92712
2133.01 to 2133.15 of the Revised Code and, if the applicant has 92713
executed either type of instrument, whether the applicant wishes 92714
the license issued to indicate that the applicant has executed 92715
the instrument; 92716

(8) Whether the applicant is a veteran, active duty, or 92717
reservist of the armed forces of the United States and, if the 92718

applicant is such, whether the applicant wishes the license 92719
issued to indicate that the applicant is a veteran, active duty, 92720
or reservist of the armed forces of the United States by a 92721
military designation on the license; 92722

(9) Whether the applicant currently is prohibited by the 92723
federal motor carrier safety administration from operating a 92724
commercial motor vehicle because the applicant violated 49 92725
C.F.R. 382, subpart B. 92726

(B) Every applicant shall certify, on a form approved and 92727
furnished by the registrar, all of the following: 92728

(1) That the motor vehicle in which the applicant intends 92729
to take the driving skills test is representative of the type of 92730
motor vehicle that the applicant expects to operate as a driver; 92731

(2) That the applicant is not subject to any 92732
disqualification or out-of-service order, or license suspension, 92733
revocation, or cancellation, under the laws of this state, of 92734
another state, or of a foreign jurisdiction and does not have 92735
more than one driver's license issued by this or another state 92736
or a foreign jurisdiction; 92737

(3) Any additional information, certification, or evidence 92738
that the registrar requires by rule in order to ensure that the 92739
issuance of a commercial driver's license or commercial driver's 92740
license temporary instruction permit to the applicant is in 92741
compliance with the law of this state and with federal law. 92742

(C) Every applicant shall execute a form, approved and 92743
furnished by the registrar, under which the applicant consents 92744
to the release by the registrar of information from the 92745
applicant's driving record. 92746

(D) The registrar or a deputy registrar, in accordance 92747

with section 3503.11 of the Revised Code, shall register as an 92748
elector any applicant for a commercial driver's license or for a 92749
renewal or duplicate of such a license under this chapter, if 92750
the applicant is eligible and wishes to be registered as an 92751
elector. The decision of an applicant whether to register as an 92752
elector shall be given no consideration in the decision of 92753
whether to issue the applicant a license or a renewal or 92754
duplicate. 92755

(E) The registrar or a deputy registrar, in accordance 92756
with section 3503.11 of the Revised Code, shall offer the 92757
opportunity of completing a notice of change of residence or 92758
change of name to any applicant for a commercial driver's 92759
license or for a renewal or duplicate of such a license who is a 92760
resident of this state, if the applicant is a registered elector 92761
who has changed the applicant's residence or name and has not 92762
filed such a notice. 92763

(F) In considering any application submitted pursuant to 92764
this section, the bureau of motor vehicles may conduct any 92765
inquiries necessary to ensure that issuance or renewal of a 92766
commercial driver's license would not violate any provision of 92767
the Revised Code or federal law. 92768

(G) In addition to any other information it contains, the 92769
form approved and furnished by the registrar of motor vehicles 92770
for an application for a commercial driver's license, restricted 92771
commercial driver's license, or a commercial driver's license 92772
temporary instruction permit or an application for a duplicate 92773
of such a license or permit shall inform applicants that the 92774
applicant must present a copy of the applicant's DD-214 or an 92775
equivalent document in order to qualify to have the license, or 92776
permit, or duplicate indicate that the applicant is a veteran, 92777

active duty, or reservist of the armed forces of the United 92778
States based on a request made pursuant to division (A) (8) of 92779
this section. 92780

Sec. 4506.13. (A) The registrar of motor vehicles may 92781
authorize the highway patrol or any other employee of the 92782
department of public safety to issue an examiner's commercial 92783
examinations passed form to an applicant who has passed the 92784
required examinations. The examiner's commercial examinations 92785
passed form shall be used to indicate the examinations taken and 92786
passed by the commercial driver's license applicant. 92787

(B) (1) Before issuing, renewing, transferring, or 92788
upgrading a commercial driver's license temporary instruction 92789
permit or a commercial driver's license, the registrar of motor 92790
vehicles shall obtain information about the applicant's driving 92791
record, whether the applicant was previously issued a commercial 92792
driver's license in another state, or whether the applicant is 92793
disqualified or prohibited from operating a commercial motor 92794
vehicle through the commercial driver's license information 92795
system, the drug and alcohol clearinghouse, the applicant's 92796
state of licensure, and when available, the national driver 92797
register. In addition, before initially issuing a class A or 92798
class B commercial driver's license, a passenger endorsement, a 92799
school bus endorsement, or a hazardous materials endorsement, 92800
the registrar shall verify that the applicant completed the 92801
training required under 49 C.F.R. 380, subpart F, through the 92802
federal motor carrier safety administration's training provider 92803
registry. The registrar also shall check the applicant's driver 92804
record to ensure that an applicant who self-certified under 92805
division (A) (1) (a) (i) of section 4506.10 of the Revised Code 92806
that the applicant's operation of a commercial motor vehicle is 92807
non-excepted interstate, is medically certified. 92808

(2) The registrar shall not issue, renew, upgrade, or transfer the applicant's commercial driver's license temporary instruction permit or commercial driver's license if any of the following apply:

(a) The registrar obtains adverse information regarding the applicant's driving record.

(b) There is no information regarding the driver's self-certification type as required by division (A)(1) of section 4506.10 of the Revised Code.

(c) The applicant's medical status is not certified, when required to be certified under division (A)(1)(a)(i) of section 4506.10 of the Revised Code.

(d) The applicant is prohibited from operating a commercial motor vehicle because the applicant violated the drug and alcohol use and testing provisions of 49 C.F.R. 382, subpart B;

(e) If required, the applicant did not successfully complete the training required by 49 C.F.R. 380, subpart F, as documented in the federal motor carrier safety administration's training provider registry.

(3) If the record check reveals information that the applicant claims is outdated, contested, or invalid, the registrar shall deny the application until the applicant can resolve the conflict.

(C) The registrar shall do all of the following:

(1) Within ten days after issuing a commercial driver's license temporary instruction permit or commercial driver's license, notify the commercial driver's license information

system, when available, of that fact and provide all information 92837
required to ensure identification of the licensee. If the 92838
registrar is notified that driver has been issued a medical 92839
variance, the registrar shall indicate the existence of the 92840
medical variance on the ~~commercial driver's license holder's~~ 92841
commercial driver's license information system driver record. 92842

(2) For those drivers self-certifying under division (A) 92843
(1) (a) (i) of section 4506.10 of the Revised Code as non-excepted 92844
interstate, post the applicant's medical status as certified or 92845
non-certified on the applicant's commercial driver's license 92846
information system driver record upon receiving a valid original 92847
or copy of the medical examiner's certificate; 92848

(3) Post the driver's self-certification type as set forth 92849
in division (A) (1) of section 4506.10 of the Revised Code; 92850

(4) Post information from the medical examiner's 92851
certificate, if applicable, on the ~~commercial driver's license~~ 92852
~~holder's~~ commercial driver's license information system driver 92853
record within ten calendar days of receipt of the medical 92854
examiner's certificate; 92855

(5) Retain the original or a copy of the commercial 92856
driver's license temporary instruction permit or commercial 92857
driver's license holder's medical certificate for a minimum of 92858
three years after the date the certificate was issued; 92859

(6) Post and maintain as part of the commercial driver's 92860
license information system driver record all convictions, 92861
disqualifications, and other licensing actions for violations of 92862
any state or municipal ordinances related to motor vehicle 92863
traffic control, other than parking violations for all persons 92864
who hold a commercial driver's license temporary instruction 92865

permit or commercial driver's license or operate a motor vehicle 92866
for which a commercial driver's license is required; 92867

(7) Post an applicant's status of medically non-certified 92868
on the applicant's commercial driver's license information 92869
system driver record and downgrade the applicant's commercial 92870
driver's license temporary instruction permit or commercial 92871
driver's license in accordance with division (D) of this section 92872
if either of the following applies: 92873

(a) The commercial driver's license temporary instruction 92874
permit or commercial driver's license holder fails to provide 92875
the driver's self-certification type as required by division (A) 92876
(1) of section 4506.10 of the Revised Code. 92877

(b) The commercial driver's license temporary instruction 92878
permit or commercial driver's license holder self-certifying 92879
under division (A) (1) (a) (i) of section 4506.10 of the Revised 92880
Code as non-excepted interstate fails to provide the registrar 92881
with a current medical examiner's certificate. 92882

(8) Mark the commercial driver's license information 92883
system driver record as non-certified for any commercial 92884
driver's license temporary instruction permit or commercial 92885
driver's license holder who has not self-certified under 92886
division (A) (1) of section 4506.10 of the Revised Code by 92887
January 30, 2014 and initiate the ~~commercial driver's license~~ 92888
commercial driver's license downgrade procedures described in 92889
division (D) of this section; 92890

(9) Within ten days after a commercial driver's license 92891
temporary instruction permit or commercial driver's license 92892
holder's medical certification status expires or a medical 92893
variance expires or is rescinded, update the person's medical 92894

certification status to non-certified; 92895

(10) Within ten calendar days after receiving information 92896
from the federal motor carrier safety administration regarding 92897
issuance or renewal of a medical variance for a driver, update 92898
the driver's commercial driver's license information system 92899
driver record to include the medical variance information 92900
provided by the federal motor carrier safety administration; 92901

(11) Within ten calendar days after receiving information 92902
from the federal motor carrier safety administration that a 92903
commercial driver's license temporary instruction permit or 92904
commercial driver's license holder is prohibited from operating 92905
a commercial motor vehicle because of a violation of the drug 92906
and alcohol use and testing provisions of 49 C.F.R. 382, subpart 92907
B, initiate the commercial driver's license downgrade procedures 92908
described in division (F) (1) of this section; 92909

(12) Within ten calendar days after receiving information 92910
from the federal motor carrier safety administration that a 92911
commercial driver's license temporary instruction permit or 92912
commercial driver's license holder is no longer prohibited or 92913
was erroneously identified as prohibited from operating a 92914
commercial motor vehicle because of a violation of the drug and 92915
alcohol use and testing provisions of 49 C.F.R. 382, subpart B, 92916
initiate the reinstatement procedures described in division (F) 92917
(2) of this section. 92918

(D) If a driver's medical certification or medical 92919
variance expires or the federal motor carrier safety 92920
administration notifies the registrar that a medical variance 92921
was removed or rescinded, the registrar shall do the following: 92922

(1) Send notice to the commercial driver's license holder 92923

of the holder's medically not certified status. The notice shall 92924
inform the driver that the driver's commercial driver's license 92925
privileges will be removed unless the driver resolves the 92926
medical certification or medical variance defect by submitting a 92927
current medical certificate or medical variance, as applicable, 92928
or changing the driver's self-certification under division (A) 92929
(1) of section 4506.10 of the Revised Code to driving only in 92930
excepted interstate or excepted intrastate commerce within sixty 92931
days. 92932

(2) Sixty days after the change to a medically not 92933
certified status, if the commercial driver's license holder has 92934
not resolved the medical certification or medical variance 92935
defect as described in division (D)(1) of this section, the 92936
registrar shall change the person's commercial driver's license 92937
status to reflect no commercial driver's license privileges and 92938
shall send the person a second notice informing the person that 92939
the commercial driver's license privilege has been removed from 92940
the driver's license. 92941

(E) To the extent permitted by federal and state law, the 92942
registrar shall provide records from the commercial driver's 92943
license information system regarding a commercial driver's 92944
license holder or commercial motor vehicle operator to the 92945
following individuals and entities or their authorized agents 92946
within ten days of the receipt of conviction or disqualification 92947
information concerning the holder or operator from another state 92948
or within ten days of the date of conviction or disqualification 92949
of the holder or operator if it occurred in this state, as 92950
applicable: 92951

(1) Other states; 92952

(2) The secretary of the United States department of 92953

transportation; 92954

(3) The commercial driver's license holder or commercial 92955
motor vehicle operator referenced in the records; 92956

(4) A motor carrier that is a current or prospective 92957
employer of the commercial driver's license holder or commercial 92958
motor vehicle operator referenced in the records. 92959

(F) (1) If the registrar receives information in accordance 92960
with division (C) (11) of this section, the registrar shall 92961
notify the subject commercial driver's license temporary 92962
instruction permit or commercial driver's license holder. The 92963
notice shall inform the driver that the driver's commercial 92964
driver's license privileges will be downgraded unless the driver 92965
resolves the prohibition in accordance with the federal 92966
requirements within thirty days. If the driver does not resolve 92967
the prohibition within the thirty days, the registrar shall do 92968
all of the following: 92969

(a) Downgrade the driver's commercial driver's license 92970
temporary instruction permit or commercial driver's license to 92971
prohibit the driver from operating a commercial motor vehicle; 92972

(b) Send a second notice to the driver specifying that the 92973
driver's license has been downgraded and that the driver is 92974
prohibited from operating a commercial motor vehicle until the 92975
driver takes the steps necessary to reinstate commercial 92976
driver's license privileges; 92977

(c) Record the downgrade on the driver's commercial 92978
driver's license information system driver record not later than 92979
sixty days after the original notification to the registrar from 92980
the federal motor carrier safety administration. 92981

(2) If the registrar receives information in accordance 92982

with division (C) (12) of this section, the registrar shall do 92983
one of the following, as applicable: 92984

(a) If the registrar receives the information before the 92985
registrar has downgraded a driver's commercial driver's license 92986
privileges in accordance with division (F) (1) of this section, 92987
the registrar shall terminate the downgrade process and notify 92988
the applicable driver of the termination; 92989

(b) If the registrar receives the information after the 92990
registrar has downgraded a driver's commercial driver's license 92991
privileges in accordance with division (F) (1) of this section, 92992
the registrar shall reinstate the driver's commercial driver's 92993
license, provided that the driver is otherwise eligible for 92994
reinstatement and such commercial driving privileges. 92995

(3) If the registrar receives information in accordance 92996
with division (C) (12) of this section that the driver was 92997
erroneously identified as prohibited from operating a commercial 92998
motor vehicle, in addition to the reinstatement procedures under 92999
division (F) (2) of this section, the registrar shall remove any 93000
record of the downgrade from the driver's commercial driver's 93001
license information system driver record and motor vehicle 93002
driving record. 93003

Sec. 4506.131. ~~(A)~~ (A) (1) The registrar of motor vehicles 93004
shall not issue, renew, upgrade, or transfer a hazardous 93005
materials endorsement for a commercial driver's license to any 93006
individual authorizing that individual to operate a commercial 93007
motor vehicle transporting a hazardous material in commerce 93008
unless the registrar has received from the transportation 93009
security administration a determination indicating that the 93010
individual does not pose a security risk warranting denial of 93011
the endorsement. 93012

(2) The registrar may issue, renew, upgrade, or transfer a hazardous materials endorsement for a commercial driver's license to an individual who is under twenty-one years of age if both of the following apply: 93013
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(a) The individual uses the endorsement for purposes of intrastate commerce of hazardous materials only; 93017
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(b) The individual meets all other federal and state requirements for issuance of the endorsement. 93019
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(B) (1) Immediately upon receiving a determination from the transportation security administration that an individual poses a security risk warranting denial of a hazardous materials endorsement, the registrar shall revoke any existing hazardous materials endorsement and shall refuse to issue a hazardous materials endorsement for the individual named as a security risk. 93021
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(2) Within fifteen days of receiving any determination from the transportation security administration indicating the status of an individual's security risk, the registrar shall notify the commercial driver license information system of the results of the security assessment. 93028
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(C) The registrar shall order any revocation under division (B) of this section without a hearing. Any person adversely affected by the order may request an administrative hearing before the registrar. The scope of the hearing shall be limited to whether the bureau of motor vehicles properly revoked the hazardous material endorsement after receiving notification from the transportation security administration and shall not include consideration of whether the transportation security administration acted properly in sending the notification. 93033
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Sec. 4506.14. (A) Commercial driver's licenses shall 93042
expire as follows: 93043

(1) Except as provided in division (A) (3) or (4) of this 93044
section, each such license issued to replace an operator's or 93045
chauffeur's license shall expire on the original expiration date 93046
of the operator's or chauffeur's license and, upon renewal, 93047
shall expire on the licensee's birthday in the fourth or eighth 93048
year after the date of issuance, based on the period of renewal 93049
requested by the applicant. A person who is sixty-five years of 93050
age or older may only apply for a commercial driver's license 93051
that expires on the birthday of the applicant in the fourth year 93052
after the date it is issued. 93053

(2) (a) Except as provided in division (A) (3) or (4) of 93054
this section, each such license issued as an original license to 93055
a person whose residence is in this state shall expire on the 93056
licensee's birthday in the fourth or eighth year after the date 93057
of issuance, based on the period of renewal requested by the 93058
applicant. A person who is sixty-five years of age or older may 93059
only apply for a commercial driver's license that expires on the 93060
birthday of the applicant in the fourth year after the date it 93061
is issued. 93062

(b) Each such license issued to a person whose temporary 93063
residence is in this state shall expire in accordance with rules 93064
adopted by the registrar of motor vehicles. A license issued to 93065
a person with a temporary residence in this state is 93066
~~nonrenewable, but may be replaced with a new license within~~ 93067
~~ninety days prior to its expiration upon the applicant's~~ 93068
~~compliance with all applicable requirements~~ a limited term 93069
license and may be renewed in accordance with division (C) of 93070
this section. 93071

(3) The registrar or a deputy registrar may issue a license that expires on a date earlier than the licensee's birthday in the fourth year after the date of issuance if the licensee has undergone a security threat assessment required by federal law to obtain a hazardous materials endorsement and the assessment will expire before that date. No commercial driver's license shall be issued under division (A)(3) of this section for a period longer than four years and one hundred eighty days.

(4) Each such license issued to replace the operator's or chauffeur's license of a person who is less than twenty-one years of age, and each such license issued as an original license to a person who is less than twenty-one years of age, shall expire on the licensee's twenty-first birthday.

(B) No commercial driver's license shall be issued for a period longer than eight years. Except as provided in section 4507.12 of the Revised Code, the registrar may waive the examination of any person applying for the renewal of a commercial driver's license issued under this chapter, provided that the applicant presents either an unexpired commercial driver's license or a commercial driver's license that has expired not more than six months prior to the date of application.

~~(C)~~(C)(1) Subject to the requirements of this chapter and except as provided in division ~~(A)(2)~~(C)(2) of this section in regard to a person whose temporary residence is in this state, every commercial driver's license shall be renewable one hundred eighty days before its expiration upon payment of the fees required by section 4506.08 of the Revised Code. Each person applying for renewal or transfer of a commercial driver's license shall complete the application form prescribed by

section 4506.07 of the Revised Code and shall provide all 93102
certifications required. 93103

(2) (a) Except as provided in division (C) (2) (b) of this 93104
section, a limited term commercial driver's license shall not be 93105
issued to a temporary resident for a period longer than the 93106
expiration date of the temporary resident's authorized stay in 93107
the United States, or for four years from the date of issuance, 93108
whichever date is earliest. 93109

(b) If there is no expiration date for a temporary 93110
resident's authorized stay in the United States, a limited term 93111
commercial driver's license shall not be issued to the temporary 93112
resident for a period longer than one year from the date of 93113
issuance. 93114

(c) A limited term commercial driver's license may be 93115
renewed within one hundred eighty days prior to its expiration 93116
upon the applicant's presentation of documentation verifying the 93117
applicant's legal presence or continued temporary lawful status 93118
in the United States. 93119

(3) Prior to applying for renewal of a commercial driver's 93120
license, each applicant shall submit a new copy or original 93121
medical examiner's certificate required by section 4506.10 of 93122
the Revised Code; if the person's medical status has changed, 93123
the registrar shall take the appropriate action to address the 93124
change in medical status. If the person wishes to retain an 93125
endorsement authorizing the person to transport hazardous 93126
materials, the person shall take and successfully complete the 93127
written test for the endorsement and shall submit to any 93128
background check required by federal law. 93129

(D) Each person licensed as a driver under this chapter 93130

shall notify the registrar of any change in the person's address 93131
within ten days following that change. The notification shall be 93132
in writing on a form provided by the registrar and shall include 93133
the full name, date of birth, license number, county of 93134
residence, social security number, and new address of the 93135
person. 93136

(E) Whoever violates division (D) of this section is 93137
guilty of a minor misdemeanor. 93138

Sec. 4507.061. (A) The registrar of motor vehicles may 93139
authorize the online renewal of a driver's license, commercial 93140
driver's license, or identification card issued by the bureau of 93141
motor vehicles for eligible applicants. An applicant is eligible 93142
for online renewal if all of the following apply: 93143

(1) The applicant's current driver's license, commercial 93144
driver's license, or identification card was processed in person 93145
at a deputy registrar office. 93146

(2) The applicant has a photo on file with the bureau of 93147
motor vehicles from the applicant's current driver's license, 93148
commercial driver's license, or identification card. 93149

(3) The applicant's current driver's license, commercial 93150
driver's license, or identification card expires on the birthday 93151
of the applicant in the fourth year after the date it was 93152
issued. 93153

(4) The applicant is applying for a driver's license, 93154
commercial driver's license, or identification card that expires 93155
on the birthday of the applicant in the fourth year after the 93156
date it is issued. 93157

(5) The applicant's current driver's license, commercial 93158
driver's license, or identification card is unexpired or expired 93159

not more than six months prior to the date of the application. 93160

(6) The applicant is a citizen or a permanent resident of 93161
the United States and a permanent resident of this state. 93162

(7) The applicant's current driver's license, commercial 93163
driver's license, or identification card was issued when the 93164
applicant was twenty-one years of age or older. 93165

(8) If the applicant is renewing a driver's license or 93166
commercial driver's license, the applicant is less than sixty- 93167
five years of age. 93168

(9) The applicant's current driver's license, commercial 93169
driver's license, or driving privileges are not suspended, 93170
canceled, revoked, or restricted, and the applicant is not 93171
otherwise prohibited by law from obtaining a driver's license, 93172
commercial driver's license, or identification card. 93173

(10) The applicant has no changes to the applicant's name 93174
or personal information, other than a change of address. 93175

(11) The applicant has no medical restrictions that would 93176
require the applicant to apply for a driver's license, 93177
commercial driver's license, or identification card in person at 93178
a deputy registrar office. The registrar shall determine the 93179
medical restrictions that require in person applications. 93180

(12) For a commercial driver's license, the applicant 93181
complies with all the requirements of Chapter 4506. of the 93182
Revised Code, including self-certification and medical 93183
certificate requirements. 93184

(13) For a commercial driver's license, the applicant is 93185
not under any restriction specified by any federal regulation. 93186

(B) An applicant may not submit an application online for 93187

any of the following:	93188
(1) A temporary instruction permit;	93189
(2) A commercial driver's license temporary instruction permit;	93190 93191
(3) An initial issuance of an Ohio driver's license, commercial driver's license, or identification card;	93192 93193
(4) An initial issuance of a federally compliant driver's license, <u>commercial driver's license</u> , or identification card;	93194 93195
(5) An ignition interlock license;	93196
(6) A limited term driver's license or nonrenewable <u>limited term commercial driver's license issued to a temporary resident</u> .	93197 93198 93199
(C) The registrar may require an applicant to provide a digital copy of any identification documents and supporting documents as required by statute or administrative rule to comply with current state and federal requirements.	93200 93201 93202 93203
(D) Except as otherwise provided, an applicant shall comply with all other applicable laws related to the issuance of a driver's license, commercial driver's license, or identification card in order to renew a driver's license, commercial driver's license, or identification card under this section.	93204 93205 93206 93207 93208 93209
(E) The registrar may adopt rules in accordance with Chapter 119. of the Revised Code to implement and administer this section.	93210 93211 93212
Sec. 4507.08. (A) No probationary license shall be issued to any person under the age of eighteen who has been adjudicated	93213 93214

an unruly or delinquent child or a juvenile traffic offender for 93215
having committed any act that if committed by an adult would be 93216
a drug abuse offense, as defined in section 2925.01 of the 93217
Revised Code, a violation of division (B) of section 2917.11, or 93218
a violation of division (A) of section 4511.19 of the Revised 93219
Code, unless the person has been required by the court to attend 93220
a drug abuse or alcohol abuse education, intervention, or 93221
treatment program specified by the court and has satisfactorily 93222
completed the program. 93223

(B) No temporary instruction permit or driver's license 93224
shall be issued to any person whose license has been suspended, 93225
during the period for which the license was suspended, nor to 93226
any person whose license has been canceled, under Chapter 4510. 93227
or any other provision of the Revised Code. 93228

(C) No temporary instruction permit or driver's license 93229
shall be issued to any person whose commercial driver's license 93230
is suspended under Chapter 4510. or any other provision of the 93231
Revised Code during the period of the suspension. 93232

No temporary instruction permit or driver's license shall 93233
be issued to any person when issuance is prohibited by division 93234
(A) of section 4507.091 of the Revised Code. 93235

(D) No temporary instruction permit or driver's license 93236
shall be issued to, or retained by, any of the following 93237
persons: 93238

(1) Any person who has alcoholism, or is addicted to the 93239
use of controlled substances to the extent that the use 93240
constitutes an impairment to the person's ability to operate a 93241
motor vehicle with the required degree of safety; 93242

(2) Any person who is under the age of eighteen and has 93243

been adjudicated an unruly or delinquent child or a juvenile 93244
traffic offender for having committed any act that if committed 93245
by an adult would be a drug abuse offense, as defined in section 93246
2925.01 of the Revised Code, a violation of division (B) of 93247
section 2917.11, or a violation of division (A) of section 93248
4511.19 of the Revised Code, unless the person has been required 93249
by the court to attend a drug abuse or alcohol abuse education, 93250
intervention, or treatment program specified by the court and 93251
has satisfactorily completed the program; 93252

(3) Any person who, in the opinion of the registrar, has a 93253
physical or mental disability or disease that prevents the 93254
person from exercising reasonable and ordinary control over a 93255
motor vehicle while operating the vehicle upon the highways, 93256
except that a restricted license ~~effective for six months~~ may be 93257
issued to any person otherwise qualified who is or has been 93258
subject to any condition resulting in episodic impairment of 93259
consciousness or loss of muscular control and whose condition, 93260
in the opinion of the registrar, is dormant or is sufficiently 93261
under medical control that the person is capable of exercising 93262
reasonable and ordinary control over a motor vehicle. A 93263
restricted license ~~effective for six months~~ shall be issued to 93264
any person who otherwise is qualified and who is subject to any 93265
condition that causes episodic impairment of consciousness or a 93266
loss of muscular control if the person presents a statement from 93267
a licensed physician, certified nurse-midwife if authorized as 93268
described in section 4723.438 of the Revised Code, clinical 93269
nurse specialist, or certified nurse practitioner that the 93270
person's condition is under effective medical control and the 93271
period of time for which the control has been continuously 93272
maintained, unless, thereafter, a medical examination is ordered 93273
and, pursuant thereto, cause for denial is found. 93274

A person to whom a ~~six-month~~ restricted license has been issued shall give notice of the person's medical condition to the registrar on forms provided by the registrar and signed by the licensee's physician, certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner at intervals required by the registrar. The ~~notice shall be sent to the registrar six months after the issuance of the license.~~ Subsequent restricted licenses issued to the same individual shall ~~be effective for six months~~ determine the validity period of the restricted license.

(4) Any person who is unable to understand highway warnings or traffic signs or directions given in the English language;

(5) Any person making an application whose driver's license or driving privileges are under cancellation, revocation, or suspension in the jurisdiction where issued or any other jurisdiction, until the expiration of one year after the license was canceled or revoked or until the period of suspension ends. Any person whose application is denied under this division may file a petition in the municipal court or county court in whose jurisdiction the person resides agreeing to pay the cost of the proceedings and alleging that the conduct involved in the offense that resulted in suspension, cancellation, or revocation in the foreign jurisdiction would not have resulted in a suspension, cancellation, or revocation had the offense occurred in this state. If the petition is granted, the petitioner shall notify the registrar by a certified copy of the court's findings and a license shall not be denied under this division.

(6) Any person who is under a class one or two suspension

imposed for a violation of section 2903.01, 2903.02, 2903.04, 93305
2903.06, 2903.08, 2903.11, 2921.331, or 2923.02 of the Revised 93306
Code or whose driver's or commercial driver's license or permit 93307
was permanently revoked prior to January 1, 2004, for a 93308
substantially equivalent violation pursuant to section 4507.16 93309
of the Revised Code; 93310

(7) Any person who is not a resident or temporary resident 93311
of this state. 93312

(E) No person whose driver's license or permit has been 93313
suspended under Chapter 4510. of the Revised Code or any other 93314
provision of the Revised Code shall have driving privileges 93315
reinstated if the registrar determines that a warrant has been 93316
issued in this state or any other state for the person's arrest 93317
and that warrant is an active warrant. 93318

Sec. 4507.09. (A) (1) Except as provided in division (B) of 93319
this section, every driver's license issued to a resident of 93320
this state expires on the birthday of the applicant in the 93321
fourth or eighth year after the date it is issued, based on the 93322
period of renewal requested by the applicant. A resident who is 93323
sixty-five years of age or older may only apply for a driver's 93324
license that expires on the birthday of the applicant in the 93325
fourth year after the date it is issued. In no event shall any 93326
license be issued for a period longer than eight years and 93327
ninety days. 93328

Subject to the requirements of section 4507.12 of the 93329
Revised Code, every driver's license issued to a resident is 93330
renewable at any time prior to its expiration. 93331

(2) A driver's license issued to a temporary resident 93332
shall expire in accordance with rules adopted by the registrar 93333

of motor vehicles. A driver's license issued to a temporary 93334
resident is a limited term license, but may be renewed within 93335
ninety days prior to its expiration in accordance with division 93336
(E) of this section. 93337

(3) No refund shall be made or credit given for the 93338
unexpired portion of the driver's license that is renewed. The 93339
registrar shall notify each person whose driver's license has 93340
expired within forty-five days after the date of expiration. 93341
Notification shall be made by regular mail sent to the person's 93342
last known address as shown in the records of the bureau of 93343
motor vehicles. Failure to provide such notification shall not 93344
be construed as a renewal or extension of any license. 93345

(4) For the purposes of this section, the date of birth of 93346
any applicant born on the twenty-ninth day of February shall be 93347
deemed to be the first day of March in any year in which there 93348
is no twenty-ninth day of February. 93349

(B) Every driver's license or renewal of a driver's 93350
license issued to a resident applicant who is sixteen years of 93351
age or older, but less than twenty-one years of age, expires on 93352
the twenty-first birthday of the applicant, except that an 93353
applicant who applies no more than thirty days before the 93354
applicant's twenty-first birthday shall be issued a license in 93355
accordance with division (A) of this section. 93356

(C) Each person licensed as a driver under this chapter 93357
shall notify the registrar of any change in the person's address 93358
within ten days following that change. The notification shall be 93359
in writing on a form provided by the registrar and shall include 93360
the full name, date of birth, license number, county of 93361
residence, social security number, and new address of the 93362
person. The registrar shall offer the person the opportunity to 93363

submit a notice of change of address for voter registration 93364
purposes by electronic means in conjunction with the person's 93365
transaction with the registrar, in accordance with section 93366
3503.11 of the Revised Code. 93367

(D) No driver's license shall be renewed when renewal is 93368
prohibited by division (A) of section 4507.091 of the Revised 93369
Code. 93370

(E) (1) Except as provided in division (E) (2) of this 93371
section, a limited term license shall not be issued to a 93372
temporary resident for a period longer than the expiration date 93373
of the temporary resident's authorized stay in the United 93374
States, or for four years from the date of issuance, whichever 93375
date is earliest. 93376

(2) If there is no expiration date for a temporary 93377
resident's authorized stay in the United States, a limited term 93378
license shall not be issued to the temporary resident for a 93379
period longer than one year from the date of issuance. 93380

(3) A limited term license may be renewed within ninety 93381
days prior to its expiration upon the applicant's presentation 93382
of documentation verifying the applicant's legal presence or 93383
continued temporary lawful status in the United States. 93384

~~(3) A limited term license is not transferable, and the 93385
applicant may not rely on it to obtain a driver's license in 93386
another state. 93387~~

(4) In accordance with Chapter 119. of the Revised Code, 93388
the registrar shall adopt rules governing limited term licenses 93389
for temporary residents. 93390

Sec. 4507.40. (A) As used in this section, "Ohio 93391
credential" means a temporary instruction permit identification 93392

card, driver's license, commercial driver's license, motorcycle operator's license, motorized bicycle license, or identification card issued by the Ohio bureau of motor vehicles. 93393
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(B) Any valid holder of an Ohio credential issued after July 2, 2018, may apply online to obtain an exact reprint of that Ohio credential. Not more than one hundred eighty days after ~~the effective date of this section~~ April 12, 2021, the registrar of motor vehicles shall make the reprint application process available through electronic means on the bureau of motor vehicle's web site. A reprint of an Ohio credential shall be available only through the online process. 93396
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(C) An applicant may obtain not more than ~~one reprint~~ two reprints between the initial issuance and renewal of an Ohio credential or between renewals of an Ohio credential. A reprint shall be an exact copy of the last-issued Ohio credential that it replaces. A reprint expires on the same date as the Ohio credential it replaces. 93404
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(D) The applicant shall do all of the following in the application: 93410
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(1) Certify that the current Ohio credential is lost, destroyed, or mutilated; 93412
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(2) Provide identifying information, as required by the registrar, in order to confirm the applicant's identity; 93414
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(3) Include with the application a financial transaction device number to pay the applicable fees for the reprint of the Ohio credential, and a service fee equal to the amount established under section 4503.038 of the Revised Code. 93416
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(E) Upon receipt of a completed application, the registrar shall issue a reprint Ohio credential to the applicant, if the 93420
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applicant is eligible for the reprint. If the applicant does not 93422
qualify for a reprint, the registrar shall notify the applicant 93423
why the application was denied. 93424

(F) The fees that are collected from a person who applies 93425
for a reprint of an Ohio credential shall be paid to the credit 93426
of the public safety - highway purposes fund established by 93427
section 4501.06 of the Revised Code. 93428

Sec. 4507.53. Digitalized photographic records of the 93429
department of public safety may be released only to the 93430
following: 93431

(A) State, local, or federal governmental agencies for 93432
criminal justice purposes; 93433

(B) Any court; 93434

(C) The American association of motor vehicle 93435
administrators to allow state department of motor vehicles 93436
participating in the association's state-to-state verification 93437
services and digital image access and exchange program to use 93438
the photographic records for identity verification purposes; 93439

(D) The department of job and family services or the 93440
unemployment compensation review commission for the purpose of 93441
carrying out the department's or commission's functions under 93442
Chapter 4141. of the Revised Code. 93443

Sec. 4509.06. (A) ~~The driver of any motor vehicle which~~ 93444
Any person who is in any manner involved in a motor vehicle 93445
accident within six months of the accident, including as the 93446
driver of a motor vehicle, the owner of property, or any person 93447
sustaining bodily injury or property damage, may, within six 93448
months after the accident, forward a written report of the 93449
accident to the registrar of motor vehicles on a form prescribed 93450

by the registrar alleging that a driver or owner of any ~~other~~ vehicle involved in the accident was uninsured at the time of the accident. 93451
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(B) Upon receipt of the accident report, the registrar shall send a notice by regular mail to the driver and owner alleged to be uninsured requiring the person to give evidence that the person had proof of financial responsibility in effect at the time of the accident. 93454
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(C) Within thirty days after the mailing of the notice by the registrar, the driver of the vehicle alleged to be uninsured shall forward a report together with acceptable proof of financial responsibility to the registrar in a form prescribed by the registrar. The forwarding of the report by the owner of the motor vehicle involved in the accident is deemed compliance with this section by the driver. This section does not change or modify the duties of the driver or operator of a motor vehicle as set forth in section 4549.02 of the Revised Code. 93459
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Sec. 4509.07. The report prescribed by the registrar of motor vehicles shall request only information sufficient to enable the registrar to administer and enforce the provisions of sections 4509.01 to 4509.78, inclusive, of the Revised Code. 93468
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The ~~driver or owner of a motor vehicle~~ person involved in an accident who submits or is the subject of a report submitted in accordance with section 4509.06 of the Revised Code shall furnish such additional relevant information as the registrar requires. 93472
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Sec. 4509.101. (A) (1) No person shall operate, or permit the operation of, a motor vehicle in this state, unless proof of financial responsibility is maintained continuously throughout 93477
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the registration period with respect to that vehicle, or, in the 93480
case of a driver who is not the owner, with respect to that 93481
driver's operation of that vehicle. 93482

(2) Whoever violates division (A)(1) of this section shall 93483
be subject to the following civil penalties: 93484

(a) Subject to divisions (A)(2)(b) and (c) of this 93485
section, a class (F) suspension of the person's driver's 93486
license, commercial driver's license, temporary instruction 93487
permit, probationary license, or nonresident operating privilege 93488
for the period of time specified in division (B)(6) of section 93489
4510.02 of the Revised Code and impoundment of the person's 93490
license. The court may grant limited driving privileges to the 93491
person, but only if the person presents proof of financial 93492
responsibility and is enrolled in a reinstatement fee payment 93493
plan pursuant to section 4510.10 of the Revised Code. 93494

(b) If, within one year of the violation, the person's 93495
operating privileges are again suspended and the person's 93496
license again is impounded for a violation of division (A)(1) of 93497
this section, a class C suspension of the person's driver's 93498
license, commercial driver's license, temporary instruction 93499
permit, probationary license, or nonresident operating privilege 93500
for the period of time specified in division (B)(3) of section 93501
4510.02 of the Revised Code. The court may grant limited driving 93502
privileges to the person only if the person presents proof of 93503
financial responsibility and has complied with division (A)(5) 93504
of this section, and no court may grant limited driving 93505
privileges for the first fifteen days of the suspension. 93506

(c) If, within one year of the violation, the person's 93507
operating privileges are suspended and the person's license is 93508
impounded two or more times for a violation of division (A)(1) 93509

of this section, a class B suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code. The court may grant limited driving privileges to the person only if the person presents proof of financial responsibility and has complied with division (A)(5) of this section, except that no court may grant limited driving privileges for the first thirty days of the suspension.

The clerk of court shall waive the cost of filing a petition for limited driving privileges if, pursuant to section 2323.311 of the Revised Code, the petitioner applies to be qualified as an indigent litigant and the court approves the application.

(3) A person to whom this state has issued a certificate of registration for a motor vehicle or a license to operate a motor vehicle or who is determined to have operated any motor vehicle or permitted the operation in this state of a motor vehicle owned by the person shall be required to verify the existence of proof of financial responsibility covering the operation of the motor vehicle or the person's operation of the motor vehicle under either of the following circumstances:

(a) The person or a motor vehicle owned by the person is involved in a traffic accident that requires the filing of an accident report under section 4509.06 of the Revised Code.

(b) The person receives a traffic ticket indicating that proof of the maintenance of financial responsibility was not produced upon the request of a peace officer or state highway patrol trooper made in accordance with division (D)(2) of this section.

(4) An order of the registrar that suspends a license 93540
shall state the date on or before which the person is required 93541
to surrender the person's license. The person is deemed to have 93542
surrendered the license, in compliance with the order, if the 93543
person does either of the following: 93544

(a) On or before the date specified in the order, delivers 93545
the license to the registrar; 93546

(b) Mails the license to the registrar in an envelope or 93547
container bearing a postmark showing a date no later than the 93548
date specified in the order. 93549

(5) Except as provided in division (L) of this section, 93550
the registrar shall not restore any operating privileges 93551
suspended under this section, return any license surrendered 93552
under this section, or reissue a license under section 4510.52 93553
of the Revised Code, if the registrar destroyed the suspended 93554
license under that section, unless the rights are not subject to 93555
suspension or revocation under any other law and unless the 93556
person, in addition to complying with all other conditions 93557
required by law for reinstatement of the operating privileges, 93558
complies with all of the following: 93559

(a) Pays to the registrar or an eligible deputy registrar 93560
a financial responsibility reinstatement fee of forty dollars 93561
for the first violation of division (A)(1) of this section, 93562
three hundred dollars for a second violation of that division, 93563
and six hundred dollars for a third or subsequent violation of 93564
that division; 93565

(b) Files and continuously maintains proof of financial 93566
responsibility in accordance with sections 4509.44 to 4509.65 of 93567
the Revised Code; 93568

(c) Pays a deputy registrar a service fee of ten dollars 93569
to compensate the deputy registrar for services performed under 93570
this section. The deputy registrar shall retain eight dollars of 93571
the service fee and shall transmit the reinstatement fee and two 93572
dollars of the service fee to the registrar in the manner the 93573
registrar shall determine. 93574

(B) (1) Every party required to file an accident report 93575
under section 4509.06 of the Revised Code also shall include 93576
with the report a document described in division (G) (1) (a) of 93577
this section or shall present proof of financial responsibility 93578
through use of an electronic wireless communications device as 93579
permitted by division (G) (1) (b) of this section. 93580

If the registrar determines, within forty-five days after 93581
the report is filed, that an operator or owner has violated 93582
division (A) (1) of this section, the registrar shall do all of 93583
the following: 93584

(a) Order the suspension required under division (A) (2) 93585
(a), (b), or (c) of this section of the license of any operator 93586
or owner who has violated division (A) (1) of this section; 93587

(b) Record the name and address of the person whose 93588
license has been suspended or is under an order of suspension, 93589
the serial number of the person's license, and the person's 93590
social security account number, if assigned, or, where the motor 93591
vehicle that is the subject of the violation is used for hire or 93592
principally in connection with any established business, the 93593
person's federal taxpayer identification number. The information 93594
shall be recorded in such a manner that it becomes a part of the 93595
person's permanent record, and assists the registrar in 93596
monitoring compliance with the orders of suspension. 93597

(c) Send written notification to every person to whom the order pertains, at the person's last known address as shown on the records of the bureau. The person, within ten days after the date of the mailing of the notification, shall surrender to the registrar, in a manner set forth in division (A)(4) of this section, any license under an order of suspension.

(2) The registrar shall issue any order under division (B)(1) of this section without a hearing. Any person adversely affected by the order, within ~~ten~~fifteen days after the issuance of the order, may request an administrative hearing before the registrar, who shall provide the person with an opportunity for a hearing in accordance with this paragraph. A request for a hearing does not operate as a suspension of the order. The scope of the hearing shall be limited to whether the person in fact demonstrated to the registrar proof of financial responsibility in accordance with this section. The registrar shall determine the date, time, and place of any hearing, provided that the hearing shall be held, and an order issued or findings made, within thirty days after the registrar receives a request for a hearing. If requested by the person in writing, the registrar may designate as the place of hearing the county seat of the county in which the person resides or a place within fifty miles of the person's residence. The person shall pay the cost of the hearing before the registrar, if the registrar's order of suspension is upheld.

(C) Any order of suspension issued under this section or division (B) of section 4509.37 of the Revised Code may be terminated at any time if the registrar determines upon a showing of proof of financial responsibility that the operator or owner of the motor vehicle was in compliance with division (A)(1) of this section at the time of the traffic offense, motor

vehicle inspection, or accident that resulted in the order 93629
against the person. A determination may be made without a 93630
hearing. This division does not apply unless the person shows 93631
good cause for the person's failure to present satisfactory 93632
proof of financial responsibility to the registrar prior to the 93633
issuance of the order. 93634

(D) (1) (a) For the purpose of enforcing this section, every 93635
peace officer is deemed an agent of the registrar. 93636

(b) Any peace officer who, in the performance of the peace 93637
officer's duties as authorized by law, becomes aware of a person 93638
whose license is under an order of suspension, pursuant to this 93639
section, may confiscate the license and return it to the 93640
registrar. 93641

(2) A peace officer shall request the owner or operator of 93642
a motor vehicle to produce proof of financial responsibility in 93643
a manner described in division (G) of this section at the time 93644
the peace officer acts to enforce the traffic laws of this state 93645
and during motor vehicle inspections conducted pursuant to 93646
section 4513.02 of the Revised Code. 93647

(3) A peace officer shall indicate on every traffic ticket 93648
whether the person receiving the traffic ticket produced proof 93649
of the maintenance of financial responsibility in response to 93650
the officer's request under division (D) (2) of this section. The 93651
peace officer shall inform every person who receives a traffic 93652
ticket and who has failed to produce proof of the maintenance of 93653
financial responsibility that the person must submit proof to 93654
the traffic violations bureau with any payment of a fine and 93655
costs for the ticketed violation or, if the person is to appear 93656
in court for the violation, the person must submit proof to the 93657
court. 93658

(4) (a) If a person who has failed to produce proof of the maintenance of financial responsibility appears in court for a ticketed violation, the court may permit the defendant to present evidence of proof of financial responsibility to the court at such time and in such manner as the court determines to be necessary or appropriate. In a manner prescribed by the registrar, the clerk of courts shall provide the registrar with the identity of any person who fails to submit proof of the maintenance of financial responsibility pursuant to division (D) (3) of this section.

(b) If a person who has failed to produce proof of the maintenance of financial responsibility also fails to submit that proof to the traffic violations bureau with payment of a fine and costs for the ticketed violation, the traffic violations bureau, in a manner prescribed by the registrar, shall notify the registrar of the identity of that person.

(5) (a) Upon receiving notice from a clerk of courts or traffic violations bureau pursuant to division (D) (4) of this section, the registrar shall order the suspension of the license of the person required under division (A) (2) (a), (b), or (c) of this section, effective forty-five days after the date of the mailing of notification. The registrar also shall notify the person that the person must present the registrar with proof of financial responsibility in accordance with this section, surrender to the registrar the person's license, or submit a statement subject to section 2921.13 of the Revised Code that the person did not operate or permit the operation of the motor vehicle at the time of the offense. Notification shall be in writing and shall be sent to the person at the person's last known address as shown on the records of the bureau of motor vehicles. The person, within forty-five days after the date of

the mailing of notification, shall present proof of financial 93690
responsibility, surrender the license to the registrar in a 93691
manner set forth in division (A) (4) of this section, or submit 93692
the statement required under this section together with other 93693
information the person considers appropriate. 93694

If the registrar does not receive proof or the person does 93695
not surrender the license, in accordance with this division, the 93696
registrar shall permit the order for the suspension of the 93697
license of the person to take effect. 93698

(b) In the case of a person who presents, within the 93699
forty-five-day period, proof of financial responsibility, the 93700
registrar shall terminate the order of suspension and shall send 93701
written notification to the person, at the person's last known 93702
address as shown on the records of the bureau. 93703

(c) Any person adversely affected by the order of the 93704
registrar under division (D) (5) (a) or (b) of this section, 93705
within ~~ten~~ fifteen days after the issuance of the order, may 93706
request an administrative hearing before the registrar, who 93707
shall provide the person with an opportunity for a hearing in 93708
accordance with this paragraph. A request for a hearing does not 93709
operate as a suspension of the order. The scope of the hearing 93710
shall be limited to whether, at the time of the hearing, the 93711
person presents proof of financial responsibility covering the 93712
vehicle and whether the person is eligible for an exemption in 93713
accordance with this section or any rule adopted under it. The 93714
registrar shall determine the date, time, and place of any 93715
hearing; provided, that the hearing shall be held, and an order 93716
issued or findings made, within thirty days after the registrar 93717
receives a request for a hearing. If requested by the person, 93718
the hearing may be held remotely by electronic means. If 93719

requested by the person in writing, the registrar may designate 93720
as the place of hearing the county seat of the county in which 93721
the person resides or a place within fifty miles of the person's 93722
residence. Such person shall pay the cost of the hearing before 93723
the registrar, if the registrar's order of suspension under 93724
division (D) (5) (a) or (b) of this section is upheld. 93725

(6) Any forms used by law enforcement agencies in 93726
administering this section shall be prescribed, supplied, and 93727
paid for by the registrar. 93728

(7) No peace officer, law enforcement agency employing a 93729
peace officer, or political subdivision or governmental agency 93730
that employs a peace officer shall be liable in a civil action 93731
for damages or loss to persons arising out of the performance of 93732
any duty required or authorized by this section. 93733

(8) As used in this section, "peace officer" has the 93734
meaning set forth in section 2935.01 of the Revised Code. 93735

(E) All fees, except court costs, fees paid to a deputy 93736
registrar, and those portions of the financial responsibility 93737
reinstatement fees as otherwise specified in this division, 93738
collected under this section shall be paid into the state 93739
treasury to the credit of the public safety - highway purposes 93740
fund established in section 4501.06 of the Revised Code and used 93741
to cover costs incurred by the bureau in the administration of 93742
this section and sections 4503.20, 4507.212, and 4509.81 of the 93743
Revised Code, and by any law enforcement agency employing any 93744
peace officer who returns any license to the registrar pursuant 93745
to division (C) of this section. 93746

Of each financial responsibility reinstatement fee the 93747
registrar collects pursuant to division (A) (5) (a) of this 93748

section or receives from a deputy registrar under division (A) 93749
(5) (c) of this section, the registrar shall deposit ten dollars 93750
of each forty-dollar reinstatement fee, fifty dollars of each 93751
three-hundred-dollar reinstatement fee, and one hundred dollars 93752
of each six-hundred-dollar reinstatement fee into the state 93753
treasury to the credit of the indigent defense support fund 93754
created by section 120.08 of the Revised Code. 93755

(F) Chapter 119. of the Revised Code applies to this 93756
section only to the extent that any provision in that chapter is 93757
not clearly inconsistent with this section. 93758

(G) (1) (a) The registrar, court, traffic violations bureau, 93759
or peace officer may require proof of financial responsibility 93760
to be demonstrated by use of a standard form prescribed by the 93761
registrar. If the use of a standard form is not required, a 93762
person may demonstrate proof of financial responsibility under 93763
this section by presenting to the traffic violations bureau, 93764
court, registrar, or peace officer any of the following 93765
documents or a copy of the documents: 93766

(i) A financial responsibility identification card as 93767
provided in section 4509.103 of the Revised Code; 93768

(ii) A certificate of proof of financial responsibility on 93769
a form provided and approved by the registrar for the filing of 93770
an accident report required to be filed under section 4509.06 of 93771
the Revised Code; 93772

(iii) A policy of liability insurance, a declaration page 93773
of a policy of liability insurance, or liability bond, if the 93774
policy or bond complies with section 4509.20 or sections 4509.49 93775
to 4509.61 of the Revised Code; 93776

(iv) A bond or certification of the issuance of a bond as 93777

provided in section 4509.59 of the Revised Code; 93778

(v) A certificate of deposit of money or securities as 93779
provided in section 4509.62 of the Revised Code; 93780

(vi) A certificate of self-insurance as provided in 93781
section 4509.72 of the Revised Code. 93782

(b) A person also may present proof of financial 93783
responsibility under this section to the traffic violations 93784
bureau, court, registrar, or peace officer through use of an 93785
electronic wireless communications device as specified under 93786
section 4509.103 of the Revised Code. 93787

(2) If a person fails to demonstrate proof of financial 93788
responsibility in a manner described in division (G)(1) of this 93789
section, the person may demonstrate proof of financial 93790
responsibility under this section by any other method that the 93791
court or the bureau, by reason of circumstances in a particular 93792
case, may consider appropriate. 93793

(3) A motor carrier certificated by the interstate 93794
commerce commission or by the public utilities commission may 93795
demonstrate proof of financial responsibility by providing a 93796
statement designating the motor carrier's operating authority 93797
and averring that the insurance coverage required by the 93798
certificating authority is in full force and effect. 93799

(4) (a) A finding by the registrar or court that a person 93800
is covered by proof of financial responsibility in the form of 93801
an insurance policy or surety bond is not binding upon the named 93802
insurer or surety or any of its officers, employees, agents, or 93803
representatives and has no legal effect except for the purpose 93804
of administering this section. 93805

(b) The preparation and delivery of a financial 93806

responsibility identification card or any other document 93807
authorized to be used as proof of financial responsibility and 93808
the generation and delivery of proof of financial responsibility 93809
to an electronic wireless communications device that is 93810
displayed on the device as text or images does not do any of the 93811
following: 93812

(i) Create any liability or estoppel against an insurer or 93813
surety, or any of its officers, employees, agents, or 93814
representatives; 93815

(ii) Constitute an admission of the existence of, or of 93816
any liability or coverage under, any policy or bond; 93817

(iii) Waive any defenses or counterclaims available to an 93818
insurer, surety, agent, employee, or representative in an action 93819
commenced by an insured or third-party claimant upon a cause of 93820
action alleged to have arisen under an insurance policy or 93821
surety bond or by reason of the preparation and delivery of a 93822
document for use as proof of financial responsibility or the 93823
generation and delivery of proof of financial responsibility to 93824
an electronic wireless communications device. 93825

(c) Whenever it is determined by a final judgment in a 93826
judicial proceeding that an insurer or surety, which has been 93827
named on a document or displayed on an electronic wireless 93828
communications device accepted by a court or the registrar as 93829
proof of financial responsibility covering the operation of a 93830
motor vehicle at the time of an accident or offense, is not 93831
liable to pay a judgment for injuries or damages resulting from 93832
such operation, the registrar, notwithstanding any previous 93833
contrary finding, shall forthwith suspend the operating 93834
privileges and registration rights of the person against whom 93835
the judgment was rendered as provided in division (A) (2) of this 93836

section. 93837

(H) In order for any document or display of text or images 93838
on an electronic wireless communications device described in 93839
division (G)(1) of this section to be used for the demonstration 93840
of proof of financial responsibility under this section, the 93841
document or words or images shall state the name of the insured 93842
or obligor, the name of the insurer or surety company, and the 93843
effective and expiration dates of the financial responsibility, 93844
and designate by explicit description or by appropriate 93845
reference all motor vehicles covered which may include a 93846
reference to fleet insurance coverage. 93847

(I) For purposes of this section, "owner" does not include 93848
a licensed motor vehicle leasing dealer as defined in section 93849
4517.01 of the Revised Code, but does include a motor vehicle 93850
renting dealer as defined in section 4549.65 of the Revised 93851
Code. Nothing in this section or in section 4509.51 of the 93852
Revised Code shall be construed to prohibit a motor vehicle 93853
renting dealer from entering into a contractual agreement with a 93854
person whereby the person renting the motor vehicle agrees to be 93855
solely responsible for maintaining proof of financial 93856
responsibility, in accordance with this section, with respect to 93857
the operation, maintenance, or use of the motor vehicle during 93858
the period of the motor vehicle's rental. 93859

(J) The purpose of this section is to require the 93860
maintenance of proof of financial responsibility with respect to 93861
the operation of motor vehicles on the highways of this state, 93862
so as to minimize those situations in which persons are not 93863
compensated for injuries and damages sustained in motor vehicle 93864
accidents. The general assembly finds that this section contains 93865
reasonable civil penalties and procedures for achieving this 93866

purpose. 93867

(K) Nothing in this section shall be construed to be 93868
subject to section 4509.78 of the Revised Code. 93869

(L) (1) The registrar may terminate any suspension imposed 93870
under this section and not require the owner to comply with 93871
division (A) (5) of this section if the registrar with or without 93872
a hearing determines that the owner of the vehicle has 93873
established by clear and convincing evidence that all of the 93874
following apply: 93875

(a) The owner customarily maintains proof of financial 93876
responsibility. 93877

(b) Proof of financial responsibility was not in effect 93878
for the vehicle on the date in question for one of the following 93879
reasons: 93880

(i) The vehicle was inoperable. 93881

(ii) The vehicle is operated only seasonally, and the date 93882
in question was outside the season of operation. 93883

(iii) A person other than the vehicle owner or driver was 93884
at fault for the lapse of proof of financial responsibility 93885
through no fault of the owner or driver. 93886

(iv) The lapse of proof of financial responsibility was 93887
caused by excusable neglect under circumstances that are not 93888
likely to recur and do not suggest a purpose to evade the 93889
requirements of this chapter. 93890

(2) The registrar may grant an owner or driver relief for 93891
a reason specified in division (L) (1) (b) (iii) or (iv) of this 93892
section only if the owner or driver has not previously been 93893
granted relief under division (L) (1) (b) (iii) or (iv) of this 93894

section. 93895

(M) The registrar shall adopt rules in accordance with 93896
Chapter 119. of the Revised Code that are necessary to 93897
administer and enforce this section. The rules shall include 93898
provisions relating to acceptable forms of proof of financial 93899
responsibility, the use of an electronic wireless communications 93900
device to present proof of financial responsibility, and 93901
verification of the existence of financial responsibility during 93902
the period of registration. 93903

(N) (1) When a person utilizes an electronic wireless 93904
communications device to present proof of financial 93905
responsibility, only the evidence of financial responsibility 93906
displayed on the device shall be viewed by the registrar, peace 93907
officer, employee or official of the traffic violations bureau, 93908
or the court. No other content of the device shall be viewed for 93909
purposes of obtaining proof of financial responsibility. 93910

(2) When a person provides an electronic wireless 93911
communications device to the registrar, a peace officer, an 93912
employee or official of a traffic violations bureau, or the 93913
court, the person assumes the risk of any resulting damage to 93914
the device unless the registrar, peace officer, employee, or 93915
official, or court personnel purposely, knowingly, or recklessly 93916
commits an action that results in damage to the device. 93917

Sec. 4509.70. (A) After consultation with the insurance 93918
companies authorized to issue automobile liability or physical 93919
damage policies, or both, in this state, the superintendent of 93920
insurance shall approve a reasonable plan, fair and equitable to 93921
the insurers and to their policyholders, for the apportionment 93922
among such companies of applicants for such policies and for 93923
motor-vehicle liability policies who are in good faith entitled 93924

to but are unable to procure such policies through ordinary 93925
methods. When any such plan has been approved by the 93926
superintendent, all such insurance companies shall subscribe and 93927
participate. Any applicant for such policy, any person insured 93928
under such plan of operation, and any insurance company 93929
affected, may appeal to the superintendent of insurance from any 93930
ruling or decision of the manager or committee designated in the 93931
plan to operate the assigned risk insurance plan. Any order or 93932
act of the superintendent under this section is subject to 93933
review as provided in sections 119.01 to 119.13 of the Revised 93934
Code, at the instance of any party in interest. 93935

(B) The plan described in division (A) of this section may 93936
permit the assigned risk insurance plan to directly issue and 93937
process claims arising from such policies described in division 93938
(A) of this section to applicants of automobile insurance 93939
policies who are in good faith entitled to but are unable to 93940
procure such policies through ordinary methods. 93941

(C) Every form of a policy, endorsement, rider, manual of 93942
classifications, rules, and rates, every rating plan, and every 93943
modification of any of them proposed to be used by the assigned 93944
risk insurance plan shall be filed, or the plan may satisfy its 93945
obligation to make such filings, as described in section 3937.03 93946
of the Revised Code. 93947

(D) Any automobile insurance policy issued by the assigned 93948
risk insurance plan under division (B) of this section: 93949

(1) Shall be recognized as if issued by an insurance 93950
company authorized to do business in this state; 93951

(2) Shall meet all requirements of proof of financial 93952
responsibility as described in division (K) of section 4509.01 93953

of the Revised Code. 93954

(E) Proof of financial responsibility provided by the 93955
assigned risk insurance plan to an automobile insurance 93956
policyholder that meets the requirements described in division 93957
(G) (1) (a) or (b) of section 4509.101 of the Revised Code shall 93958
be recognized as if issued by an insurance company authorized to 93959
do business in this state to demonstrate proof of financial 93960
responsibility under section 4509.101 of the Revised Code. 93961

(F) The assigned risk insurance plan designated in 93962
division (A) of this section shall do both of the following: 93963

(1) Make annual audited financial reports available to the 93964
superintendent of insurance promptly upon the completion of such 93965
audit; 93966

(2) Upon reasonable notice, make available to the 93967
superintendent of insurance all books and records relating to 93968
the insurance transactions of the assigned risk insurance plan. 93969

(G) (1) Except as provided in division (G) (2) of this 93970
section, records created, held by, or pertaining to the assigned 93971
risk insurance plan are not public records under section 149.43 93972
of the Revised Code, are confidential, and are not subject to 93973
inspection or disclosure. 93974

(2) Division (G) (1) of this section does not apply to the 93975
plan of operation and other information required to be filed 93976
under this section with the superintendent unless otherwise 93977
prohibited from release by law. 93978

(H) (1) For the purposes of division (H) of this section, 93979
"insurance agent" has the same meaning as in section 3905.01 of 93980
the Revised Code. 93981

(2) Provided that the assigned risk insurance plan 93982
establishes registration procedures for insurance agents under 93983
division (H) (3) of this section, the plan shall not accept an 93984
application for an automobile insurance policy issued under 93985
division (B) of this section unless that application is 93986
submitted through an insurance agent registered in accordance 93987
with those procedures. 93988

(3) The plan may do all of the following: 93989

(a) Establish procedures to register insurance agents; 93990

(b) Establish separate registrations for commercial and 93991
personal insurance agents, or one registration for both; 93992

(c) Empower the manager of the plan to make determinations 93993
on registration status, including by revoking an insurance 93994
agent's registration. 93995

(4) If an insurance agent is denied registration with the 93996
plan, or the insurance agent's registration is revoked, the plan 93997
may notify the superintendent of the plan's decision. The plan 93998
and manager are immune from civil liability for any decision to 93999
deny or revoke registration and from any decision to report 94000
denials or revocations to the superintendent. 94001

(5) All insurance agents submitting applications to the 94002
plan for automobile insurance coverage have an affirmative duty 94003
to ensure that all information included in the application and 94004
any supporting materials is true and accurate. 94005

(6) (a) An insurance agent shall not submit an application 94006
to the plan for automobile insurance coverage unless the agent 94007
exercises due diligence in confirming that the person seeking 94008
insurance is unable to obtain coverage through an insurer 94009
authorized to do business in this state. 94010

(b) For the purposes of this section, due diligence requires an insurance agent to contact at least five of the authorized insurers the agent represents or, if the agent does not represent five authorized insurers that customarily write automobile insurance coverage, as many of such insurers as the agent represents. 94011
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(c) An insurance agent may assume that insurance coverage cannot be procured for the applicant through ordinary methods after each insurer contacted under division (H) (6) (b) of this section declines to provide coverage. 94017
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(d) An insurance agent may assume that an authorized insurer declines to provide coverage to the applicant seeking insurance upon either of the following: 94021
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(i) Receiving notice from the insurer declining coverage; 94024

(ii) Receiving no response from the insurer within ten days after the date the insurance agent initially makes contact with the insurer. 94025
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(e) The determination of whether an insurance agent has adequately complied with the due diligence requirements is at the discretion of the manager of the plan. 94028
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(f) An agent shall not submit an application on behalf of an applicant to the plan for any automobile insurance policy if any insurer admitted, authorized, or otherwise eligible to do business in this state has in any way communicated a willingness to insure the applicant, even if coverage provided by the plan costs less than other insurers. 94031
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(g) The manager of the plan may revoke the registration of an insurance agent who fails to comply with division (H) (6) of this section. 94037
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Sec. 4511.01. As used in this chapter and in Chapter 4513. 94040
of the Revised Code: 94041

(A) "Vehicle" means every device, including a bicycle, 94042
motorized bicycle, and an electric bicycle, in, upon, or by 94043
which any person or property may be transported or drawn upon a 94044
highway. "Vehicle" does not include any motorized wheelchair, 94045
any electric personal assistive mobility device, any low-speed 94046
micromobility device, any personal delivery device as defined in 94047
section 4511.513 of the Revised Code, any device that is moved 94048
by power collected from overhead electric trolley wires or that 94049
is used exclusively upon stationary rails or tracks, or any 94050
device that is moved by human power. 94051

(B) "Motor vehicle" means every vehicle propelled or drawn 94052
by power other than muscular power or power collected from 94053
overhead electric trolley wires, except motorized bicycles, 94054
electric bicycles, road rollers, traction engines, power 94055
shovels, power cranes, and other equipment used in construction 94056
work and not designed for or employed in general highway 94057
transportation, hole-digging machinery, well-drilling machinery, 94058
ditch-digging machinery, farm machinery, and trailers designed 94059
and used exclusively to transport a boat between a place of 94060
storage and a marina, or in and around a marina, when drawn or 94061
towed on a street or highway for a distance of no more than ten 94062
miles and at a speed of twenty-five miles per hour or less. 94063

(C) "Motorcycle" means every motor vehicle, other than a 94064
tractor, having a seat or saddle for the use of the operator and 94065
designed to travel on not more than three wheels in contact with 94066
the ground, including, but not limited to, motor vehicles known 94067
as "motor-driven cycle," "motor scooter," "autocycle," "cab- 94068
enclosed motorcycle," or "motorcycle" without regard to weight 94069

or brake horsepower. 94070

(D) "Emergency vehicle" means emergency vehicles of 94071
municipal, township, or county departments or public utility 94072
corporations when identified as such as required by law, the 94073
director of public safety, or local authorities, and motor 94074
vehicles when commandeered by a police officer. 94075

(E) "Public safety vehicle" means any of the following: 94076

(1) Ambulances, including private ambulance companies 94077
under contract to a municipal corporation, township, or county, 94078
and private ambulances and nontransport vehicles bearing license 94079
plates issued under section 4503.49 of the Revised Code; 94080

(2) Motor vehicles used by public law enforcement officers 94081
or other persons sworn to enforce the criminal and traffic laws 94082
of the state; 94083

(3) Any motor vehicle when properly identified as required 94084
by the director of public safety, when used in response to fire 94085
emergency calls or to provide emergency medical service to ill 94086
or injured persons, and when operated by a duly qualified person 94087
who is a member of a volunteer rescue service or a volunteer 94088
fire department, and who is on duty pursuant to the rules or 94089
directives of that service. The state fire marshal shall be 94090
designated by the director of public safety as the certifying 94091
agency for all public safety vehicles described in division (E) 94092
(3) of this section. 94093

(4) Vehicles used by fire departments, including motor 94094
vehicles when used by volunteer fire fighters responding to 94095
emergency calls in the fire department service when identified 94096
as required by the director of public safety. 94097

Any vehicle used to transport or provide emergency medical 94098

service to an ill or injured person, when certified as a public 94099
safety vehicle, shall be considered a public safety vehicle when 94100
transporting an ill or injured person to a hospital regardless 94101
of whether such vehicle has already passed a hospital. 94102

(5) Vehicles used by the motor carrier enforcement unit 94103
for the enforcement of orders and rules of the public utilities 94104
commission as specified in section 5503.34 of the Revised Code. 94105

(F) "School bus" means every bus designed for carrying 94106
more than nine passengers that is owned by a public, private, or 94107
governmental agency or institution of learning and operated for 94108
the transportation of children to or from a school session or a 94109
school function, or owned by a private person and operated for 94110
compensation for the transportation of children to or from a 94111
school session or a school function. "School bus" does not 94112
include any of the following: 94113

(1) A bus operated by a municipally owned transportation 94114
system, a mass transit company operating exclusively within the 94115
territorial limits of a municipal corporation, or within such 94116
limits and the territorial limits of municipal corporations 94117
immediately contiguous to such municipal corporation, nor a 94118
common passenger carrier certified by the public utilities 94119
commission unless such bus is devoted exclusively to the 94120
transportation of children to and from a school session or a 94121
school function; 94122

(2) A van or bus used by a licensed child care center or 94123
type A family child care home to transport children from the 94124
child care center or type A family child care home to a school 94125
if the van or bus does not have more than fifteen children in 94126
the van or bus at any time; 94127

(3) An alternative vehicle as defined in section 4511.76 of the Revised Code.	94128 94129
(G) "Bicycle" means a pedal-powered vehicle upon which a human operator sits, including an electric bicycle.	94130 94131
(H) "Motorized bicycle" or "moped" means any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that may be pedaled, and that is equipped with a helper motor of not more than fifty cubic centimeters piston displacement that produces not more than one brake horsepower and is capable of propelling the vehicle at a speed of not greater than twenty miles per hour on a level surface. "Motorized bicycle" or "moped" does not include an electric bicycle.	94132 94133 94134 94135 94136 94137 94138 94139 94140
(I) "Commercial tractor" means every motor vehicle having motive power designed or used for drawing other vehicles and not so constructed as to carry any load thereon, or designed or used for drawing other vehicles while carrying a portion of such other vehicles, or load thereon, or both.	94141 94142 94143 94144 94145
(J) "Agricultural tractor" and "traction engine" mean every self-propelling vehicle designed or used for drawing other vehicles or wheeled machinery but having no provision for carrying loads independently of such other vehicles, and used principally for agricultural purposes.	94146 94147 94148 94149 94150
(K) "Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property.	94151 94152
(L) "Bus" means every motor vehicle designed for carrying more than nine passengers and used for the transportation of persons other than in a ridesharing arrangement, and every motor vehicle, automobile for hire, or funeral car, other than a	94153 94154 94155 94156

taxicab or motor vehicle used in a ridesharing arrangement, 94157
designed and used for the transportation of persons for 94158
compensation. 94159

(M) "Trailer" means every vehicle designed or used for 94160
carrying persons or property wholly on its own structure and for 94161
being drawn by a motor vehicle, including any such vehicle when 94162
formed by or operated as a combination of a "semitrailer" and a 94163
vehicle of the dolly type, such as that commonly known as a 94164
"trailer dolly," a vehicle used to transport agricultural 94165
produce or agricultural production materials between a local 94166
place of storage or supply and the farm when drawn or towed on a 94167
street or highway at a speed greater than twenty-five miles per 94168
hour, and a vehicle designed and used exclusively to transport a 94169
boat between a place of storage and a marina, or in and around a 94170
marina, when drawn or towed on a street or highway for a 94171
distance of more than ten miles or at a speed of more than 94172
twenty-five miles per hour. 94173

(N) "Semitrailer" means every vehicle designed or used for 94174
carrying persons or property with another and separate motor 94175
vehicle so that in operation a part of its own weight or that of 94176
its load, or both, rests upon and is carried by another vehicle. 94177

(O) "Pole trailer" means every trailer or semitrailer 94178
attached to the towing vehicle by means of a reach, pole, or by 94179
being boomed or otherwise secured to the towing vehicle, and 94180
ordinarily used for transporting long or irregular shaped loads 94181
such as poles, pipes, or structural members capable, generally, 94182
of sustaining themselves as beams between the supporting 94183
connections. 94184

(P) "Railroad" means a carrier of persons or property 94185
operating upon rails or tracks placed principally on a private 94186

right-of-way. 94187

(Q) "Train" means one or more locomotives coupled, with or 94188
without cars, that operates on rails or tracks and to which all 94189
other traffic is required by law to yield the right-of-way at 94190
highway-rail grade crossings. 94191

(R) "Streetcar" means a car, other than a train, for 94192
transporting persons or property, operated upon rails 94193
principally within a street or highway. 94194

(S) "Trackless trolley" means every car that collects its 94195
power from overhead electric trolley wires and that is not 94196
operated upon rails or tracks. 94197

(T) "Explosives" means any chemical compound or mechanical 94198
mixture that is intended for the purpose of producing an 94199
explosion that contains any oxidizing and combustible units or 94200
other ingredients in such proportions, quantities, or packing 94201
that an ignition by fire, by friction, by concussion, by 94202
percussion, or by a detonator of any part of the compound or 94203
mixture may cause such a sudden generation of highly heated 94204
gases that the resultant gaseous pressures are capable of 94205
producing destructive effects on contiguous objects, or of 94206
destroying life or limb. Manufactured articles shall not be held 94207
to be explosives when the individual units contain explosives in 94208
such limited quantities, of such nature, or in such packing, 94209
that it is impossible to procure a simultaneous or a destructive 94210
explosion of such units, to the injury of life, limb, or 94211
property by fire, by friction, by concussion, by percussion, or 94212
by a detonator, such as fixed ammunition for small arms, 94213
firecrackers, or safety fuse matches. 94214

(U) "Flammable liquid" means any liquid that has a flash 94215

point of seventy degrees fahrenheit, or less, as determined by a 94216
tagliabue or equivalent closed cup test device. 94217

(V) "Gross weight" means the weight of a vehicle plus the 94218
weight of any load thereon. 94219

(W) "Person" means every natural person, firm, co- 94220
partnership, association, or corporation. 94221

(X) "Pedestrian" means any person on foot, in a motorized 94222
or non-motorized wheelchair, or using another equivalent device, 94223
such as skates or a skateboard. "Pedestrian" includes a personal 94224
delivery device as defined in section 4511.513 of the Revised 94225
Code unless the context clearly suggests otherwise. 94226

(Y) "Driver or operator" means every person who drives or 94227
is in actual physical control of a vehicle, trackless trolley, 94228
or streetcar. 94229

(Z) "Police officer" means every officer authorized to 94230
direct or regulate traffic, or to make arrests for violations of 94231
traffic regulations. 94232

(AA) "Local authorities" means every county, municipal, 94233
and other local board or body having authority to adopt police 94234
regulations under the constitution and laws of this state. 94235

(BB) "Street" or "highway" means a general term for 94236
denoting a public way for purposes of travel by vehicles, 94237
streetcars, trackless trolleys, and vulnerable road users, 94238
including the entire area within the right-of-way. 94239

(CC) "Controlled-access highway" means every street or 94240
highway in respect to which owners or occupants of abutting 94241
lands and other persons have no legal right of access to or from 94242
the same except at such points only and in such manner as may be 94243

determined by the public authority having jurisdiction over such street or highway. 94244
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(DD) "Private road" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons. 94246
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(EE) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel and parking lanes, not including the berm, sidewalk, or shoulder, even if the berm, sidewalk, or shoulder is used by a person operating a bicycle or other human-powered vehicle. If a highway includes two or more separate roadways the term "roadway" means any such roadway separately but not all such roadways collectively. 94250
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(FF) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines or easements of private property, that is paved or improved, and is intended for the use of pedestrians. 94257
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(GG) "Laned highway" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic. 94261
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(HH) "Through highway" means every street or highway as provided in section 4511.65 of the Revised Code. 94264
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(II) "State highway" means a highway under the jurisdiction of the department of transportation, outside the limits of municipal corporations, provided that the authority conferred upon the director of transportation in section 5511.01 of the Revised Code to erect state highway route markers and signs directing traffic shall not be modified by sections 4511.01 to 4511.79 and 4511.99 of the Revised Code. 94266
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(JJ) "State route" means every highway that is designated with an official state route number and so marked.

(KK) "Intersection" means:

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways that join at any other angle might come into conflict. The junction of an alley, driveway, or site roadway open to public travel with a public roadway or highway does not constitute an intersection, unless the public roadway or highway at the junction is controlled by a traffic control device.

(2) If a highway includes two roadways separated by a median, then every crossing of each roadway of such divided highway by an intersecting highway constitutes a separate intersection if the opposing left-turn paths cross and there is sufficient interior storage for the design vehicle. As used in this division, "design vehicle" means the longest vehicle authorized under section 5577.05 of the Revised Code to operate on that roadway without a permit.

(3) At a location controlled by a highway traffic signal, regardless of the distance between the separate intersections as described in division (KK) (2) of this section:

(a) If a stop line, yield line, or crosswalk has not been designated on the roadway within the median between the separate intersections, the two intersections and the roadway and median constitute one intersection.

(b) Where a stop line, yield line, or crosswalk is

designated on the roadway on the intersection approach, the area 94302
within the crosswalk and any area beyond the designated stop 94303
line or yield line constitute part of the intersection. 94304

(c) Where a crosswalk is designated on a roadway on the 94305
departure from the intersection, the intersection includes the 94306
area that extends to the far side of the crosswalk. 94307

(LL) "Crosswalk" means: 94308

(1) That part of a roadway at an intersection included 94309
within the connections of the lateral lines of the sidewalks on 94310
opposite sides of the highway measured from the curbs, or, in 94311
the absence of curbs, from the edges of the traversable roadway, 94312
and in the absence of a sidewalk on one side of the roadway, the 94313
part of a roadway included within the extension of the lateral 94314
lines of the sidewalk at right angles to the center line; 94315

(2) Any portion of a roadway at an intersection or 94316
elsewhere, distinctly indicated for pedestrian crossing by lines 94317
or other markings on the surface, which might be supplemented by 94318
contrasting pavement texture, style, or color; 94319

(3) Notwithstanding divisions (LL) (1) and (2) of this 94320
section, "crosswalk" does not include an area where local 94321
authorities have placed signs indicating no crossing. 94322

(MM) "Safety zone" means the area or space officially set 94323
apart within a roadway for the exclusive use of pedestrians and 94324
protected or marked or indicated by adequate signs as to be 94325
plainly visible at all times. 94326

(NN) "Business district" means the territory fronting upon 94327
a street or highway, including the street or highway, between 94328
successive intersections within municipal corporations where 94329
fifty per cent or more of the frontage between such successive 94330

intersections is occupied by buildings in use for business, or 94331
within or outside municipal corporations where fifty per cent or 94332
more of the frontage for a distance of three hundred feet or 94333
more is occupied by buildings in use for business, and the 94334
character of such territory is indicated by official traffic 94335
control devices. 94336

(OO) "Residence district" means the territory, not 94337
comprising a business district, fronting on a street or highway, 94338
including the street or highway, where, for a distance of three 94339
hundred feet or more, the frontage is improved with residences 94340
or residences and buildings in use for business. 94341

(PP) "Urban district" means the territory contiguous to 94342
and including any street or highway which is built up with 94343
structures devoted to business, industry, or dwelling houses 94344
situated at intervals of less than one hundred feet for a 94345
distance of a quarter of a mile or more, and the character of 94346
such territory is indicated by official traffic control devices. 94347

(QQ) "Traffic control device" means a flagger, sign, 94348
signal, marking, channelization device, or other device that 94349
uses colors, shapes, symbols, words, sounds, or tactile 94350
information for the primary purpose of communicating a 94351
regulatory, warning, or guidance message to road users on a 94352
street, highway, site roadway open to public travel, pedestrian 94353
facility, bikeway, or pathway. 94354

(RR) "Traffic control signal" means a highway traffic 94355
signal placed at an intersection, movable bridge, fire station, 94356
midblock crosswalk, alternating one-way sections of a single 94357
lane road, private driveway, or other location that requires 94358
conflicting traffic to be directed to stop and permitted to 94359
proceed in an orderly manner. "Traffic control signal" includes 94360

a vehicular signal indication, a pedestrian signal indication, 94361
and a bicycle symbol signal indication. "Traffic control signal" 94362
does not include an emergency-vehicle hybrid beacon or a 94363
pedestrian hybrid beacon. 94364

(SS) "Railroad sign or signal" means any sign, signal, or 94365
device erected by authority of a public body or official or by a 94366
railroad and intended to give notice of the presence of railroad 94367
tracks or the approach of a train. 94368

(TT) "Traffic" means pedestrians, ridden or herded 94369
animals, vehicles, streetcars, trackless trolleys, and other 94370
devices, either singly or together, while using for purposes of 94371
travel any highway or site roadway open to public travel. 94372

(UU) "Right-of-way" means either of the following, as the 94373
context requires: 94374

(1) The right of a vehicle, streetcar, trackless trolley, 94375
or pedestrian to proceed uninterruptedly in a lawful manner in 94376
the direction in which it or the individual is moving in 94377
preference to another vehicle, streetcar, trackless trolley, or 94378
pedestrian approaching from a different direction into its or 94379
the individual's path; 94380

(2) A general term denoting land, property, or the 94381
interest therein, usually in the configuration of a strip, 94382
acquired for or devoted to transportation purposes. When used in 94383
this context, right-of-way includes the roadway, shoulders or 94384
berm, ditch, and slopes extending to the right-of-way limits 94385
under the control of the state or local authority. 94386

(VV) "Rural mail delivery vehicle" means every vehicle 94387
used to deliver United States mail on a rural mail delivery 94388
route. 94389

(WW) "Funeral escort vehicle" means any motor vehicle, 94390
including a funeral hearse, while used to facilitate the 94391
movement of a funeral procession. 94392

(XX) "Alley" means a street or highway intended to provide 94393
access to the rear or side of lots or buildings in urban 94394
districts and not intended for the purpose of through vehicular 94395
traffic, and includes any street or highway that has been 94396
declared an "alley" by the legislative authority of the 94397
municipal corporation in which such street or highway is 94398
located. 94399

(YY) "Freeway" means a divided multi-lane highway for 94400
through traffic with all crossroads separated in grade and with 94401
full control of access. 94402

(ZZ) "Expressway" means a divided arterial street or 94403
highway for through traffic with full or partial control of 94404
access with an excess of fifty per cent of all crossroads 94405
separated in grade. 94406

(AAA) "Thruway" means a through highway whose entire 94407
roadway is reserved for through traffic and on which roadway 94408
parking is prohibited. 94409

(BBB) "Stop intersection" means any intersection at one or 94410
more entrances of which stop signs are erected. 94411

(CCC) "Arterial street or highway" means a street or 94412
highway primarily used by through traffic, usually on a 94413
continuous route or a street or highway designated as part of an 94414
arterial system. 94415

(DDD) "Ridesharing arrangement" means the transportation 94416
of persons in a motor vehicle where such transportation is 94417
incidental to another purpose of a volunteer driver and includes 94418

ridesharing arrangements known as carpools, vanpools, and 94419
buspools. 94420

(EEE) "Motorized wheelchair" means any self-propelled 94421
vehicle designed for, and used by, a person with a disability 94422
and that is incapable of a speed in excess of eight miles per 94423
hour. 94424

(FFF) "Child care center" and "type A family child care 94425
home" have the same meanings as in section 5104.01 of the 94426
Revised Code. 94427

(GGG) "Multi-wheel agricultural tractor" means a type of 94428
agricultural tractor that has two or more wheels or tires on 94429
each side of one axle at the rear of the tractor, is designed or 94430
used for drawing other vehicles or wheeled machinery, has no 94431
provision for carrying loads independently of the drawn vehicles 94432
or machinery, and is used principally for agricultural purposes. 94433

(HHH) "Operate" means to cause or have caused movement of 94434
a vehicle, streetcar, or trackless trolley. 94435

(III) "Predicate motor vehicle or traffic offense" means 94436
any of the following: 94437

(1) A violation of section 4511.03, 4511.051, 4511.12, 94438
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 94439
4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 94440
4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 94441
4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 94442
4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 94443
4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 94444
4511.511, 4511.522, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 94445
4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 94446
4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 94447

4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78, or	94448
4511.84 of the Revised Code;	94449
(2) A violation of division (A)(2) of section 4511.17,	94450
divisions (A) to (D) of section 4511.51, or division (A) of	94451
section 4511.74 of the Revised Code;	94452
(3) A violation of any provision of sections 4511.01 to	94453
4511.76 of the Revised Code for which no penalty otherwise is	94454
provided in the section that contains the provision violated;	94455
(4) A violation of section 4511.214 of the Revised Code;	94456
(5) A violation of a municipal ordinance that is	94457
substantially similar to any section or provision set forth or	94458
described in division (III)(1), (2), (3), or (4) of this	94459
section.	94460
(JJJ) "Road service vehicle" means wreckers, utility	94461
repair vehicles, and state, county, and municipal service	94462
vehicles equipped with visual signals by means of flashing,	94463
rotating, or oscillating lights.	94464
(KKK) "Beacon" means a highway traffic signal with one or	94465
more signal sections that operate in a flashing mode.	94466
(LLL) "Hybrid beacon" means a special type of beacon that	94467
is intentionally placed in a dark mode where no indications are	94468
displayed between periods of operation and, when operated,	94469
displays both steady and flashing highway traffic signal	94470
indications. "Hybrid beacon" includes both of the following:	94471
(1) An emergency-vehicle hybrid beacon used to warn and	94472
control traffic at an otherwise unsignalized location to assist	94473
authorized emergency vehicles in entering or crossing a street	94474
or highway;	94475

(2) A pedestrian hybrid beacon used to warn and control traffic at an otherwise unsignalized location to assist pedestrians in crossing a street or highway at a marked crosswalk.

(MMM) "Highway traffic signal" means a power-operated traffic control device by which traffic is warned or directed to take some specific action. "Highway traffic signal" includes a beacon, an in-road warning light, a lane-use control signal, and a traffic control signal. "Highway traffic signal" does not include a power-operated sign, steadily illuminated pavement marker, gate, flashing light signal, warning light, or steady burning electric lamp.

(NNN) "Median" means the portion of a highway separating opposing directions of the traveled way or the area between two roadways of a divided highway, measured from edge of traveled way to edge of traveled way. The median excludes turn lanes. The width of a median may be different between intersections, interchanges, and at opposite approaches of the same intersection.

(OOO) "Site roadway open to public travel" means a roadway or bikeway on site of a shopping center, office park, airport, school, university, sports arena, recreational park, or other similar business, government, or recreation facility that is publicly or privately owned but where the public is allowed to travel without full-time access restrictions. "Site roadway open to public travel" does not include a roadway where access is restricted at all times by gates or guards to residents, employees, or other specifically authorized persons, a parking area, a driving aisle within a parking area, or a private highway-rail grade crossing.

(PPP) "Shared-use path" means a bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use.

(QQQ) "Highway maintenance vehicle" means a vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in specific highway maintenance activities.

(RRR) "Waste collection vehicle" means a vehicle used in the collection of garbage, refuse, trash, or recyclable materials.

(SSS) "Electric bicycle" means a "class 1 electric bicycle," a "class 2 electric bicycle," or a "class 3 electric bicycle" as defined in this section.

(TTT) "Class 1 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour.

(UUU) "Class 2 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of

less than seven hundred fifty watts that may provide assistance 94535
regardless of whether the rider is pedaling and is not capable 94536
of providing assistance when the bicycle reaches the speed of 94537
twenty miles per hour. 94538

(VVV) "Class 3 electric bicycle" means a bicycle that is 94539
equipped with fully operable pedals and an electric motor of 94540
less than seven hundred fifty watts that provides assistance 94541
only when the rider is pedaling and ceases to provide assistance 94542
when the bicycle reaches the speed of twenty-eight miles per 94543
hour. 94544

(WWW) "Low-speed micromobility device" means a device 94545
weighing less than one hundred pounds that has handlebars, is 94546
propelled by an electric motor or human power, and has an 94547
attainable speed on a paved level surface of not more than 94548
twenty miles per hour when propelled by the electric motor. 94549

(XXX) "Natural resources officer" means an officer 94550
appointed pursuant to section 1501.24 of the Revised Code. 94551

(YYY) "Wildlife officer" means an officer designated 94552
pursuant to section 1531.13 of the Revised Code. 94553

(ZZZ) "In-road warning light" means a special type of 94554
highway traffic signal that is installed in the roadway surface 94555
to warn road users that they are approaching a condition on or 94556
adjacent to the roadway that might not be readily apparent and 94557
might require the road users to reduce speed or come to a 94558
complete stop. 94559

(AAAA) "Lane-use control signal" means a signal face or 94560
comparable display on a full-matrix changeable message sign that 94561
displays indications to permit or prohibit the use of specific 94562
lanes of a roadway or a shoulder where driving is sometimes 94563

authorized or to indicate the impending prohibition of such use. 94564

(BBBB) "Bicycle box" means a designated area on the 94565
approach to a signalized intersection, between an advance 94566
motorist stop line and the crosswalk or intersection, that is 94567
intended to provide bicyclists a visible location to wait in 94568
front of stopped motorists during the red signal phase. 94569

(CCCC) "Two-stage bicycle turn box" means a designated 94570
area at an intersection that is intended to provide bicyclists a 94571
place to wait for traffic to clear before proceeding in a 94572
different direction of travel. 94573

(DDDD) "Bicycle lane" means a portion of a roadway that 94574
has been designated for preferential or exclusive use by 94575
bicyclists and is often delineated from the adjacent general- 94576
purpose lanes by longitudinal pavement markings and either a 94577
bicycle lane symbol, words, or signs. "Bicycle lane" includes 94578
all of the following: 94579

(1) A buffer-separated bicycle lane, which is separated 94580
from the adjacent general-purpose lanes by a pattern of standard 94581
longitudinal pavement markings that are wider than a normal or 94582
wide-lane pavement marking; 94583

(2) A counter-flow bicycle lane, which is a one- 94584
directional bicycle lane that provides a lawful path of travel 94585
for bicycles in the opposite direction from the general traffic 94586
on a roadway that otherwise requires the general traffic to 94587
travel in only one direction. A counter-flow bicycle lane is 94588
designated by the traffic control devices used for other bicycle 94589
lanes; 94590

(3) A separated bicycle lane, which is an exclusive 94591
facility for bicyclists that is located within or directly 94592

adjacent to the roadway and is physically separated from the 94593
motor vehicle traffic with a vertical element. 94594

(EEEE) "Bicycle signal face" means a signal face that 94595
displays only bicycle symbol signal indications in accordance 94596
with section 4511.15 of the Revised Code, that exclusively 94597
controls a bicyclist's movement from a designated bicycle lane 94598
or from a separate facility, and that displays signal 94599
indications that are applicable only to a bicyclist's movement. 94600

(FFFF) "Bicycle signal sign" means a sign meant to inform 94601
road users that the signal indications in the bicycle signal 94602
face are intended only for bicyclists, and to inform bicyclists 94603
which bicyclist movements are controlled by that bicycle signal 94604
face. 94605

(GGGG) "Bikeway" means any road, street, path, or way that 94606
in some manner is specifically designated for bicycle travel, 94607
regardless of whether the facility is designated for the 94608
exclusive use of bicycles or if it is shared with other modes of 94609
transportation. 94610

(HHHH) "Busway" means a traveled way that is used 94611
exclusively by buses. 94612

(IIII) "Driveway" means an access from a roadway to a 94613
building, site, or abutting property. 94614

(JJJJ) "Roundabout" means a circular intersection with a 94615
yield control at each entry, which permits a vehicle on the 94616
circulatory roadway to proceed, with deflection of the 94617
approaching vehicles counter-clockwise around a central island. 94618

(KKKK) "Shoulder" means a longitudinal area contiguous 94619
with the traveled way that is used for accommodating vehicles 94620
that are stopped for an emergency and for lateral support of 94621

base and surface courses; graded for emergency stopping; either 94622
paved or unpaved; and when paved, may be open for part-time 94623
travel by some or all vehicles or may also be available for use 94624
by pedestrians or bicycles in the absence of other pedestrian or 94625
bicycle facilities. 94626

(LLLL) "Autocycle," "cab-enclosed motorcycle," 94627
"electronic," "farm machinery," "motor-driven cycle or motor 94628
scooter," "limited driving privileges," and "state" have the 94629
same meanings as in section 4501.01 of the Revised Code. 94630

(MMMM) "Multifunction school activity bus" means a school 94631
bus whose purposes do not include transporting children to and 94632
from home or school bus stops. 94633

Sec. 4511.213. (A) The driver of a motor vehicle, upon 94634
approaching a stationary vehicle in distress or upon approaching 94635
a stationary public safety vehicle, emergency vehicle, road 94636
service vehicle, waste collection vehicle, vehicle used by the 94637
public utilities commission to conduct motor vehicle inspections 94638
in accordance with sections 4923.04 and 4923.06 of the Revised 94639
Code, or a highway maintenance vehicle that is displaying the 94640
appropriate visual signals by means of flashing, oscillating, or 94641
rotating lights, as prescribed in section 4513.17 of the Revised 94642
Code, shall do either of the following: 94643

(1) If the driver of the motor vehicle is traveling on a 94644
highway that consists of at least two lanes that carry traffic 94645
in the same direction of travel as that of the driver's motor 94646
vehicle, the driver shall proceed with due caution and, if 94647
possible and with due regard to the road, weather, and traffic 94648
conditions, shall change lanes into a lane that is not adjacent 94649
to that of the stationary vehicle in distress, public safety 94650
vehicle, emergency vehicle, road service vehicle, waste 94651

collection vehicle, vehicle used by the public utilities 94652
commission to conduct motor vehicle inspections in accordance 94653
with sections 4923.04 and 4923.06 of the Revised Code, or a 94654
highway maintenance vehicle. 94655

(2) If the driver is not traveling on a highway of a type 94656
described in division (A)(1) of this section, or if the driver 94657
is traveling on a highway of that type but it is not possible to 94658
change lanes or if to do so would be unsafe, the driver shall 94659
proceed with due caution, reduce the speed of the motor vehicle, 94660
and maintain a safe speed for the road, weather, and traffic 94661
conditions. 94662

(B) This section does not relieve the driver of a vehicle 94663
in distress, public safety vehicle, emergency vehicle, road 94664
service vehicle, waste collection vehicle, vehicle used by the 94665
public utilities commission to conduct motor vehicle inspections 94666
in accordance with sections 4923.04 and 4923.06 of the Revised 94667
Code, or a highway maintenance vehicle from the duty to drive 94668
with due regard for the safety of all persons and property upon 94669
the highway. 94670

(C) No person shall fail to drive a motor vehicle in 94671
compliance with division (A)(1) or (2) of this section when so 94672
required by division (A) of this section. 94673

(D)(1) Except as otherwise provided in this division and 94674
division (F) of this section, whoever violates this section is 94675
guilty of a minor misdemeanor. If, within one year of the 94676
offense, the offender previously has been convicted of or 94677
pleaded guilty to one predicate motor vehicle or traffic 94678
offense, whoever violates this section is guilty of a 94679
misdemeanor of the fourth degree. If, within one year of the 94680
offense, the offender previously has been convicted of two or 94681

more predicate motor vehicle or traffic offenses, whoever 94682
violates this section is guilty of a misdemeanor of the third 94683
degree. 94684

(2) Notwithstanding section 2929.28 of the Revised Code_ 94685
and except as provided in division (F) of this section, upon a 94686
finding that a person operated a motor vehicle in violation of 94687
division (C) of this section, the court, in addition to all 94688
other penalties provided by law, shall impose a fine of two 94689
times the usual amount imposed for the violation. 94690

(3) If the offender commits the offense while distracted 94691
and the distracting activity is a contributing factor to the 94692
commission of the offense, the offender is subject to the 94693
additional fine established under section 4511.991 of the 94694
Revised Code. Division (D) (3) of this section does not apply to 94695
an offense when the stationary vehicle is a vehicle in distress. 94696

(E) ~~The~~ Except as otherwise provided in division (F) of 94697
this section, the offense established under this section is a 94698
strict liability offense and section 2901.20 of the Revised Code 94699
does not apply. The designation of this offense as a strict 94700
liability offense shall not be construed to imply that any other 94701
offense, for which there is no specified degree of culpability, 94702
is not a strict liability offense. 94703

(F) (1) Whoever knowingly violates this section when the 94704
stationary vehicle is a vehicle in distress is guilty of a minor 94705
misdemeanor. 94706

(2) An arrest or conviction for an offender under division 94707
(F) (1) of this section does not constitute a criminal record and 94708
need not be reported by the person so arrested or convicted in 94709
response to any inquiries contained in any application for 94710

employment, license, or other right or privilege, or made in 94711
connection with the person's appearance as a witness. 94712

(G) As used in this section, "vehicle in distress" 94713
includes all of the following: 94714

(1) Any disabled vehicle indicating its disability as 94715
required under section 4513.28 of the Revised Code; 94716

(2) Any vehicle that is not subject to section 4513.28 of 94717
the Revised Code near which a fusee, flare, or other emergency 94718
sign is displayed; 94719

(3) Any vehicle that is displaying flashing emergency 94720
lights or hazard lights. 94721

Sec. 4511.75. (A) The driver of a vehicle, streetcar, or 94722
trackless trolley upon meeting or overtaking from either 94723
direction any school bus stopped for the purpose of receiving or 94724
discharging any school child, person attending programs offered 94725
by community boards of mental health and county boards of 94726
developmental disabilities, or child attending a program offered 94727
by a head start agency, shall stop at least ten feet from the 94728
front or rear of the school bus and shall not proceed until such 94729
school bus resumes motion, or until signaled by the school bus 94730
driver to proceed. 94731

It is no defense to a charge under this division that the 94732
school bus involved failed to display or be equipped with an 94733
automatically extended stop warning sign as required by division 94734
(B) of this section. 94735

(B) Every school bus shall be equipped with amber and red 94736
visual signals meeting the requirements of section 4511.771 of 94737
the Revised Code, and an automatically extended stop warning 94738
sign of a type approved by the department of education and 94739

workforce, which shall be actuated by the driver of the bus 94740
whenever but only whenever the bus is stopped or stopping on the 94741
roadway for the purpose of receiving or discharging school 94742
children, persons attending programs offered by community boards 94743
of mental health and county boards of developmental 94744
disabilities, or children attending programs offered by head 94745
start agencies. A school bus driver shall not actuate the visual 94746
signals or the stop warning sign in designated school bus 94747
loading areas where the bus is entirely off the roadway or at 94748
school buildings when children or persons attending programs 94749
offered by community boards of mental health and county boards 94750
of developmental disabilities are loading or unloading at 94751
curbside or at buildings when children attending programs 94752
offered by head start agencies are loading or unloading at 94753
curbside. The visual signals and stop warning sign shall be 94754
synchronized or otherwise operated as required by rule of the 94755
board. 94756

(C) Where a highway has been divided into four or more 94757
traffic lanes, a driver of a vehicle, streetcar, or trackless 94758
trolley need not stop for a school bus approaching from the 94759
opposite direction which has stopped for the purpose of 94760
receiving or discharging any school child, persons attending 94761
programs offered by community boards of mental health and county 94762
boards of developmental disabilities, or children attending 94763
programs offered by head start agencies. The driver of any 94764
vehicle, streetcar, or trackless trolley overtaking the school 94765
bus shall comply with division (A) of this section. 94766

(D) School buses operating on divided highways or on 94767
highways with four or more traffic lanes shall receive and 94768
discharge all school children, persons attending programs 94769
offered by community boards of mental health and county boards 94770

of developmental disabilities, and children attending programs 94771
offered by head start agencies on their residence side of the 94772
highway. 94773

(E) No school bus driver shall start the driver's bus 94774
until after any child, person attending programs offered by 94775
community boards of mental health and county boards of 94776
developmental disabilities, or child attending a program offered 94777
by a head start agency who may have alighted therefrom has 94778
reached a place of safety on the child's or person's residence 94779
side of the road. 94780

(F) (1) Whoever violates division (A) of this section may 94781
be fined an amount not to exceed five hundred dollars. A person 94782
who is issued a citation for a violation of division (A) of this 94783
section is not permitted to enter a written plea of guilty and 94784
waive the person's right to contest the citation in a trial but 94785
instead must appear in person in the proper court to answer the 94786
charge. 94787

(2) In addition to and independent of any other penalty 94788
provided by law, the court or mayor may impose upon an offender 94789
who violates this section a class seven suspension of the 94790
offender's driver's license, commercial driver's license, 94791
temporary instruction permit, probationary license, or 94792
nonresident operating privilege from the range specified in 94793
division (A) (7) of section 4510.02 of the Revised Code. When a 94794
license is suspended under this section, the court or mayor 94795
shall cause the offender to deliver the license to the court, 94796
and the court or clerk of the court immediately shall forward 94797
the license to the registrar of motor vehicles, together with 94798
notice of the court's action. 94799

(G) As used in this section: 94800

(1) "Head start agency" has the same meaning as in section 3301.32 of the Revised Code. 94801
94802

(2) "School bus," as used in relation to children who 94803
attend a program offered by a head start agency, means a bus 94804
that is owned and operated by a head start agency, is equipped 94805
with an automatically extended stop warning sign of a type 94806
approved by the department, is painted the color and displays 94807
the markings described in section 4511.77 of the Revised Code, 94808
and is equipped with amber and red visual signals meeting the 94809
requirements of section 4511.771 of the Revised Code, 94810
irrespective of whether or not the bus has fifteen or more 94811
children aboard at any time. "School bus" does not include a van 94812
owned and operated by a head start agency, irrespective of its 94813
color, lights, or markings, or a multifunction school activity 94814
bus. 94815

Sec. 4511.76. (A) The department of public safety, by and 94816
with the advice of the department of education and workforce, 94817
shall adopt and enforce rules relating to the construction, 94818
design, and equipment, including lighting equipment required by 94819
section 4511.771 of the Revised Code, of all school buses both 94820
publicly and privately owned and operated in this state. 94821

(B) The department of education and workforce, by and with 94822
the advice of the director of public safety, shall adopt and 94823
enforce rules relating to the operation of all vehicles used for 94824
pupil transportation. 94825

(C) No person shall operate a vehicle used for pupil 94826
transportation within this state in violation of the rules of 94827
the department of education and workforce or the department of 94828
public safety. No person, being the owner thereof or having the 94829
supervisory responsibility therefor, shall permit the operation 94830

of a vehicle used for pupil transportation within this state in 94831
violation of the rules of the department of education and 94832
workforce or the department of public safety. 94833

(D) The department of public safety shall adopt and 94834
enforce rules relating to the issuance of a license under 94835
section 4511.763 of the Revised Code. The rules may relate to 94836
the condition of the equipment to be operated; the liability and 94837
property damage insurance carried by the applicant; the posting 94838
of satisfactory and sufficient bond; and such other rules as the 94839
director of public safety determines reasonably necessary for 94840
the safety of the pupils to be transported. 94841

(E) A chartered nonpublic school or a community school may 94842
own and operate, or contract with a vendor that supplies, 94843
alternative vehicles to transport students to and from regularly 94844
scheduled school sessions, school-related activities, and 94845
school-sanctioned events when one of the following applies: 94846

(1) A student's school district of residence has declared 94847
the transportation of the student impractical pursuant to 94848
section 3327.02 of the Revised Code; 94849

(2) A student does not live within thirty minutes of the 94850
chartered nonpublic school or the community school, as 94851
applicable, and the student's school district is not required to 94852
transport the student under section 3327.01 of the Revised Code; 94853

(3) The governing authority of the chartered nonpublic 94854
school or the community school has offered to provide the 94855
transportation for its students in lieu of the students being 94856
transported by their school district of residence. 94857

(F) A school district may own and operate, or contract 94858
with a vendor that supplies, alternative vehicles to transport 94859

students to and from regularly scheduled school sessions, 94860
school-related activities, and school-sanctioned events. 94861

(G) A school district or the governing authority of a 94862
chartered nonpublic school or community school that uses an 94863
alternative vehicle in accordance with division (E) or (F) of 94864
this section, shall ensure that all of the following apply to 94865
the operation of that vehicle: 94866

(1) A qualified mechanic inspects the vehicle not fewer 94867
than two times each year and determines that it is safe for 94868
pupil transportation; 94869

(2) The driver of the vehicle does not stop on the roadway 94870
to load or unload passengers; 94871

(3) The driver of the vehicle meets the requirements 94872
specified for a driver of a school bus or motor van under 94873
section 3327.10 of the Revised Code and any corresponding rules 94874
adopted by the department of education and workforce. 94875
Notwithstanding that section or any department rules to the 94876
contrary, the driver is not required to have a commercial 94877
driver's license but shall have a current, valid driver's 94878
license, and shall be accustomed to operating the vehicle used 94879
to transport the students. 94880

(4) The driver and all passengers in the vehicle comply 94881
with the requirements of sections 4511.81 and 4513.263 of the 94882
Revised Code, as applicable. 94883

~~(H)~~ (H) (1) A school district, a chartered nonpublic school, 94884
or a community school may own and operate, or contract with a 94885
vendor that supplies, a multifunction school activity bus to 94886
transport students between school and school functions or 94887
activities. 94888

(2) A multifunction school activity bus shall not be used 94889
to transport students between school and home or between school 94890
and designated school bus stops. 94891

(I) As used in this section: 94892

(1) "Alternative vehicle" means a motor vehicle originally 94893
manufactured and designed for not more than twelve passengers, 94894
not including the driver. 94895

(2) "Vehicle used for pupil transportation" means any 94896
vehicle that is identified as such by the department of 94897
education and workforce by rule and that is subject to Chapter 94898
3301-83 of the Administrative Code. 94899

~~(I)~~ (J) Except as otherwise provided in this division, 94900
whoever violates this section is guilty of a minor misdemeanor. 94901
If the offender previously has been convicted of or pleaded 94902
guilty to one or more violations of this section or section 94903
4511.63, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of 94904
the Revised Code or a municipal ordinance that is substantially 94905
similar to any of those sections, whoever violates this section 94906
is guilty of a misdemeanor of the fourth degree. 94907

Sec. 4511.77. (A) No person shall operate, nor shall any 94908
person being the owner thereof or having supervisory 94909
responsibility therefor permit the operation of, a school bus 94910
within this state unless it is painted national school bus 94911
yellow and is marked on both front and rear with the words 94912
"school bus" in black lettering not less than eight inches in 94913
height and on the rear of the bus with the word "stop" in black 94914
lettering not less than ten inches in height. 94915

(B) Except as otherwise provided in this division, whoever 94916
violates this section is guilty of a minor misdemeanor. If the 94917

offender previously has been convicted of or pleaded guilty to 94918
one or more violations of this section or section 4511.63, 94919
4511.76, 4511.761, 4511.762, 4511.764, or 4511.79 of the Revised 94920
Code or a municipal ordinance that is substantially similar to 94921
any of those sections, whoever violates this section is guilty 94922
of a misdemeanor of the fourth degree. 94923

(C) Whenever a person is found guilty in a court of record 94924
of a violation of this section, the trial judge, in addition to 94925
or independent of all other penalties provided by law, may 94926
suspend for any period of time not exceeding three years, or 94927
cancel the license of any person, partnership, association, or 94928
corporation, issued under section 4511.763 of the Revised Code. 94929

(D) This section does not apply to a multifunction school 94930
activity bus. 94931

Sec. 4511.771. (A) Every school bus shall, in addition to 94932
any other equipment and distinctive markings required pursuant 94933
to sections 4511.76, 4511.761, 4511.764, and 4511.77 of the 94934
Revised Code, be equipped with signal lamps mounted as high as 94935
practicable, which shall display to the front two alternately 94936
flashing red lights and two alternately flashing amber lights 94937
located at the same level and to the rear two alternately 94938
flashing red lights and two alternately flashing amber lights 94939
located at the same level, and these lights shall be visible at 94940
five hundred feet in normal sunlight. The alternately flashing 94941
red lights shall be spaced as widely as practicable, and the 94942
alternately flashing amber lights shall be located next to them. 94943

(B) Except as otherwise provided in this division, whoever 94944
violates this section is guilty of a minor misdemeanor. If, 94945
within one year of the offense, the offender previously has been 94946
convicted of or pleaded guilty to one predicate motor vehicle or 94947

traffic offense, whoever violates this section is guilty of a 94948
misdemeanor of the fourth degree. If, within one year of the 94949
offense, the offender previously has been convicted of two or 94950
more predicate motor vehicle or traffic offenses, whoever 94951
violates this section is guilty of a misdemeanor of the third 94952
degree. 94953

(C) This section does not apply to a multifunction school 94954
activity bus. 94955

Sec. 4511.78. (A) As used in this section: 94956

(1) "Mass transit system" means any county transit system, 94957
regional transit authority, regional transit commission, 94958
municipally owned transportation system, mass transit company 94959
operating exclusively within the territorial limits of a 94960
municipal corporation, or within such limits and the territorial 94961
limits of municipal corporations immediately contiguous to such 94962
municipal corporation, and any common passenger carrier, that 94963
provides transportation for children to or from a school session 94964
or a school function. 94965

(2) "Bus" means every motor vehicle designed for carrying 94966
more than nine passengers and used for the transportation of 94967
persons, but does not mean any school bus or a multifunction 94968
school activity bus as defined in section 4511.01 of the Revised 94969
Code. 94970

(B) Whenever a mass transit system transports children to 94971
or from a school session or school function, the mass transit 94972
system shall provide for: 94973

(1) Periodic safety inspections of all buses used to 94974
provide transportation service. The inspections shall be based 94975
on rules adopted by the public utilities commission under 94976

Chapters 4921. and 4923. of the Revised Code to ensure the 94977
safety of operation of motor carriers. 94978

(2) The safety training of all drivers operating buses 94979
used to provide transportation service; 94980

(3) The equipping of every bus with outside rear-view 94981
mirrors meeting the motor carrier regulations for bus equipment 94982
adopted by the federal highway administration. No exclusions 94983
from this requirement granted under the federal regulations 94984
shall be considered exclusions for the purposes of this 94985
division. 94986

(C) Except as otherwise provided in this division, whoever 94987
violates this section is guilty of a minor misdemeanor. If, 94988
within one year of the offense, the offender previously has been 94989
convicted of or pleaded guilty to one predicate motor vehicle or 94990
traffic offense, whoever violates this section is guilty of a 94991
misdemeanor of the fourth degree. If, within one year of the 94992
offense, the offender previously has been convicted of two or 94993
more predicate motor vehicle or traffic offenses, whoever 94994
violates this section is guilty of a misdemeanor of the third 94995
degree. 94996

Sec. 4517.01. As used in sections 4517.01 to 4517.65 of 94997
the Revised Code: 94998

(A) "Persons" includes individuals, partnerships, 94999
associations, joint stock companies, corporations, sole 95000
proprietorships, limited liability companies, limited liability 95001
partnerships, business trusts, and any other legally recognized 95002
business entities or any combinations of individuals. 95003

(B) "Motor vehicle" means motor vehicle as defined in 95004
section 4501.01 of the Revised Code and also includes "all- 95005

purpose vehicle" and "off-highway motorcycle" as those terms are 95006
defined in section 4519.01 of the Revised Code. "Motor vehicle" 95007
does not include a snowmobile as defined in section 4519.01 of 95008
the Revised Code or manufactured and mobile homes. "Motor 95009
vehicle" includes a "fifth wheel trailer," "park trailer," 95010
"travel trailer," "tent-type fold-out camping trailer," and a 95011
"semitrailer" but does not otherwise include trailers as defined 95012
in section 4501.01 of the Revised Code. 95013

(C) "New motor vehicle" means a motor vehicle, the legal 95014
title to which has never been transferred by a manufacturer, 95015
remanufacturer, distributor, or dealer to an ultimate purchaser. 95016

(D) "Ultimate purchaser" means, with respect to any new 95017
motor vehicle, the first person, other than a dealer purchasing 95018
in the capacity of a dealer, who in good faith purchases such 95019
new motor vehicle for purposes other than resale. 95020

(E) "Business" includes any activities engaged in by any 95021
person for the object of gain, benefit, or advantage either 95022
direct or indirect, including activities conducted through the 95023
internet or another computer network. 95024

(F) "Engaging in business" means commencing, conducting, 95025
or continuing in business, or liquidating a business when the 95026
liquidator thereof holds self out to be conducting such 95027
business; making a casual sale or otherwise making transfers in 95028
the ordinary course of business when the transfers are made in 95029
connection with the disposition of all or substantially all of 95030
the transferor's assets is not engaging in business. 95031

(G) "Retail sale" or "selling at retail" means the act or 95032
attempted act of selling, bartering, exchanging, or otherwise 95033
disposing of a motor vehicle, including through use of the 95034

internet or another computer network, to an ultimate purchaser. 95035

(H) "Retail installment contract" includes any contract in 95036
the form of a note, chattel mortgage, conditional sales 95037
contract, lease, agreement, or other instrument payable in one 95038
or more installments over a period of time and arising out of 95039
the retail sale of a motor vehicle. 95040

(I) "Farm machinery" means all machines and tools used in 95041
the production, harvesting, and care of farm products. 95042

(J) "Dealer" or "motor vehicle dealer" means any new motor 95043
vehicle dealer, any motor vehicle leasing dealer, any adaptive 95044
mobility dealer, and any used motor vehicle dealer. 95045

(K) "New motor vehicle dealer" means any person engaged in 95046
the business of selling at retail, displaying, offering for 95047
sale, or dealing in new motor vehicles pursuant to a contract or 95048
agreement entered into with the manufacturer, remanufacturer, or 95049
distributor of the motor vehicles. 95050

(L) "Used motor vehicle dealer" means any person engaged 95051
in the business of selling, displaying, offering for sale, or 95052
dealing in used motor vehicles, at retail or wholesale, but does 95053
not mean any new motor vehicle dealer selling, displaying, 95054
offering for sale, or dealing in used motor vehicles 95055
incidentally to engaging in the business of selling, displaying, 95056
offering for sale, or dealing in new motor vehicles, any person 95057
engaged in the business of dismantling, salvaging, or rebuilding 95058
motor vehicles by means of using used parts, or any public 95059
officer performing official duties. 95060

(M) "Motor vehicle leasing dealer" means any person 95061
engaged in the business of regularly making available, offering 95062
to make available, or arranging for another person to use a 95063

motor vehicle pursuant to a bailment, lease, sublease, or other 95064
contractual arrangement under which a charge is made for its use 95065
at a periodic rate for a term of thirty days or more, and title 95066
to the motor vehicle is in and remains in the motor vehicle 95067
leasing dealer who originally leases it, irrespective of whether 95068
or not the motor vehicle is the subject of a later sublease, and 95069
not in the user, including any financial institution acting as a 95070
lessor for a lease or sublease. "Motor vehicle leasing dealer" 95071
does not include a new motor vehicle dealer that is not the 95072
lessor and that only assists in arranging a lease on the 95073
lessor's behalf or a manufacturer or its affiliate leasing to 95074
its employees or to dealers. 95075

(N) "Salesperson" means any person employed by a dealer to 95076
sell, display, and offer for sale, or deal in motor vehicles for 95077
a commission, compensation, or other valuable consideration, but 95078
does not mean any public officer performing official duties. 95079

(O) "Casual sale" means any transfer of a motor vehicle by 95080
a person other than a new motor vehicle dealer, used motor 95081
vehicle dealer, adaptive mobility dealer, motor vehicle salvage 95082
dealer, as defined in division (A) of section 4738.01 of the 95083
Revised Code, salesperson, motor vehicle auction owner, 95084
manufacturer, or distributor acting in the capacity of a dealer, 95085
salesperson, auction owner, manufacturer, or distributor, to a 95086
person who purchases the motor vehicle for use as a consumer. 95087

(P) "Motor vehicle auction owner" means any person who is 95088
engaged wholly or in part in the business of auctioning motor 95089
vehicles, but does not mean a construction equipment auctioneer 95090
or a construction equipment auction licensee. 95091

(Q) "Manufacturer" means a person who manufactures, 95092
assembles, or imports motor vehicles, including motor homes, but 95093

does not mean a person who only assembles or installs a body, 95094
special equipment unit, finishing trim, or accessories on a 95095
motor vehicle chassis supplied by a manufacturer or distributor. 95096

(R) "Tent-type fold-out camping trailer" means any vehicle 95097
intended to be used, when stationary, as a temporary shelter 95098
with living and sleeping facilities, and that is subject to the 95099
following properties and limitations: 95100

(1) A minimum of twenty-five per cent of the fold-out 95101
portion of the top and sidewalls combined must be constructed of 95102
canvas, vinyl, or other fabric, and form an integral part of the 95103
shelter. 95104

(2) When folded, the unit must not exceed: 95105

(a) Fifteen feet in length, exclusive of bumper and 95106
tongue; 95107

(b) Sixty inches in height from the point of contact with 95108
the ground; 95109

(c) Eight feet in width; 95110

(d) One ton gross weight at time of sale. 95111

(S) "Distributor" means any person authorized by a motor 95112
vehicle manufacturer to distribute new motor vehicles to 95113
licensed new motor vehicle dealers, but does not mean a person 95114
who only assembles or installs a body, special equipment unit, 95115
finishing trim, or accessories on a motor vehicle chassis 95116
supplied by a manufacturer or distributor. 95117

(T) "Flea market" means a market place, other than a 95118
dealer's location licensed under this chapter, where a space or 95119
location is provided for a fee or compensation to a seller to 95120
exhibit and offer for sale or trade, motor vehicles to the 95121

general public. 95122

(U) "Franchise" means any written agreement, contract, or 95123
understanding between any motor vehicle manufacturer or 95124
remanufacturer engaged in commerce and any new motor vehicle 95125
dealer that purports to fix the legal rights and liabilities of 95126
the parties to such agreement, contract, or understanding. 95127

(V) "Franchisee" means a person who receives new motor 95128
vehicles from the franchisor under a franchise agreement and who 95129
offers, sells, and provides service for such new motor vehicles 95130
to the general public. 95131

(W) "Franchisor" means a new motor vehicle manufacturer, 95132
remanufacturer, or distributor who supplies new motor vehicles 95133
under a franchise agreement to a franchisee. 95134

(X) "Dealer organization" means a state or local trade 95135
association the membership of which is comprised predominantly 95136
of new motor vehicle dealers. 95137

(Y) "Factory representative" means a representative 95138
employed by a manufacturer, remanufacturer, or by a factory 95139
branch primarily for the purpose of promoting the sale of its 95140
motor vehicles, parts, or accessories to dealers or for 95141
supervising or contacting its dealers or prospective dealers. 95142

(Z) "Administrative or executive management" means those 95143
individuals who are not subject to federal wage and hour laws. 95144

(AA) "Good faith" means honesty in the conduct or 95145
transaction concerned and the observance of reasonable 95146
commercial standards of fair dealing in the trade as is defined 95147
in section 1301.201 of the Revised Code, including, but not 95148
limited to, the duty to act in a fair and equitable manner so as 95149
to guarantee freedom from coercion, intimidation, or threats of 95150

coercion or intimidation; provided however, that recommendation, 95151
endorsement, exposition, persuasion, urging, or argument shall 95152
not be considered to constitute a lack of good faith. 95153

(BB) "Coerce" means to compel or attempt to compel by 95154
failing to act in good faith or by threat of economic harm, 95155
breach of contract, or other adverse consequences. Coerce does 95156
not mean to argue, urge, recommend, or persuade. 95157

(CC) "Relevant market area" means any area within a radius 95158
of ten miles from the site of a potential new dealership, except 95159
that for manufactured home or recreational vehicle dealerships 95160
the radius shall be twenty-five miles. The ten-mile radius shall 95161
be measured from the dealer's established place of business that 95162
is used exclusively for the purpose of selling, displaying, 95163
offering for sale, or dealing in motor vehicles. 95164

(DD) "Wholesale" or "at wholesale" means the act or 95165
attempted act of selling, bartering, exchanging, or otherwise 95166
disposing of a motor vehicle to a transferee for the purpose of 95167
resale and not for ultimate consumption by that transferee. 95168

(EE) "Motor vehicle wholesaler" means any person licensed 95169
as a dealer under the laws of another state and engaged in the 95170
business of selling, displaying, or offering for sale used motor 95171
vehicles, at wholesale, but does not mean any motor vehicle 95172
dealer as defined in this section. 95173

(FF) (1) "Remanufacturer" means a person who assembles or 95174
installs passenger seating, walls, a roof elevation, or a body 95175
extension on a conversion van with the motor vehicle chassis 95176
supplied by a manufacturer or distributor, a person who modifies 95177
a truck chassis supplied by a manufacturer or distributor for 95178
use as a public safety or public service vehicle, a person who 95179

modifies a motor vehicle chassis supplied by a manufacturer or distributor for use as a limousine or hearse, or a person who modifies an incomplete motor vehicle cab and chassis supplied by a new motor vehicle dealer or distributor for use as a tow truck, but does not mean either of the following:

(a) A person who assembles or installs passenger seating, a roof elevation, or a body extension on a recreational vehicle as defined in division (Q) and referred to in division (B) of section 4501.01 of the Revised Code;

(b) An adaptive mobility dealer.

(2) For the purposes of division (FF)(1) of this section, "public safety vehicle or public service vehicle" means a fire truck, ambulance, school bus, street sweeper, garbage packing truck, or cement mixer, or a mobile self-contained facility vehicle.

(3) For the purposes of division (FF)(1) of this section, "limousine" means a motor vehicle, designed only for the purpose of carrying nine or fewer passengers, that a person modifies by cutting the original chassis, lengthening the wheelbase by forty inches or more, and reinforcing the chassis in such a way that all modifications comply with all applicable federal motor vehicle safety standards. No person shall qualify as or be deemed to be a remanufacturer who produces limousines unless the person has a written agreement with the manufacturer of the chassis the person utilizes to produce the limousines to complete properly the remanufacture of the chassis into limousines.

(4) For the purposes of division (FF)(1) of this section, "hearse" means a motor vehicle, designed only for the purpose of

transporting a single casket, that is equipped with a 95209
compartment designed specifically to carry a single casket that 95210
a person modifies by cutting the original chassis, lengthening 95211
the wheelbase by ten inches or more, and reinforcing the chassis 95212
in such a way that all modifications comply with all applicable 95213
federal motor vehicle safety standards. No person shall qualify 95214
as or be deemed to be a remanufacturer who produces hearses 95215
unless the person has a written agreement with the manufacturer 95216
of the chassis the person utilizes to produce the hearses to 95217
complete properly the remanufacture of the chassis into hearses. 95218

(5) For the purposes of division (FF)(1) of this section, 95219
"mobile self-contained facility vehicle" means a mobile 95220
classroom vehicle, mobile laboratory vehicle, bookmobile, 95221
bloodmobile, testing laboratory, and mobile display vehicle, 95222
each of which is designed for purposes other than for passenger 95223
transportation and other than the transportation or displacement 95224
of cargo, freight, materials, or merchandise. A vehicle is 95225
remanufactured into a mobile self-contained facility vehicle in 95226
part by the addition of insulation to the body shell, and 95227
installation of all of the following: a generator, electrical 95228
wiring, plumbing, holding tanks, doors, windows, cabinets, 95229
shelving, and heating, ventilating, and air conditioning 95230
systems. 95231

(6) For the purposes of division (FF)(1) of this section, 95232
"tow truck" means both of the following: 95233

(a) An incomplete cab and chassis that are purchased by a 95234
remanufacturer from a new motor vehicle dealer or distributor of 95235
the cab and chassis and on which the remanufacturer then 95236
installs in a permanent manner a wrecker body it purchases from 95237
a manufacturer or distributor of wrecker bodies, installs an 95238

emergency flashing light pylon and emergency lights upon the mast of the wrecker body or rooftop, and installs such other related accessories and equipment, including push bumpers, front grille guards with pads and other custom-ordered items such as painting, special lettering, and safety striping so as to create a complete motor vehicle capable of lifting and towing another motor vehicle.

(b) An incomplete cab and chassis that are purchased by a remanufacturer from a new motor vehicle dealer or distributor of the cab and chassis and on which the remanufacturer then installs in a permanent manner a car carrier body it purchases from a manufacturer or distributor of car carrier bodies, installs an emergency flashing light pylon and emergency lights upon the rooftop, and installs such other related accessories and equipment, including push bumpers, front grille guards with pads and other custom-ordered items such as painting, special lettering, and safety striping.

As used in division (FF) (6) (b) of this section, "car carrier body" means a mechanical or hydraulic apparatus capable of lifting and holding a motor vehicle on a flat level surface so that one or more motor vehicles can be transported, once the car carrier is permanently installed upon an incomplete cab and chassis.

(GG) "Operate as a new motor vehicle dealership" means engaging in activities such as displaying, offering for sale, and selling new motor vehicles at retail, operating a service facility to perform repairs and maintenance on motor vehicles, offering for sale and selling motor vehicle parts at retail, and conducting all other acts that are usual and customary to the operation of a new motor vehicle dealership. For the purposes of

this chapter only, possession of either a valid new motor vehicle dealer franchise agreement or a new motor vehicle dealers license, or both of these items, is not evidence that a person is operating as a new motor vehicle dealership.

(HH) "Outdoor power equipment" means garden and small utility tractors, walk-behind and riding mowers, chainsaws, and tillers.

(II) "Remote service facility" means premises that are separate from a licensed new motor vehicle dealer's sales facility by not more than one mile and that are used by the dealer to perform repairs, warranty work, recall work, and maintenance on motor vehicles pursuant to a franchise agreement entered into with a manufacturer of motor vehicles. A remote service facility shall be deemed to be part of the franchise agreement and is subject to all the rights, duties, obligations, and requirements of Chapter 4517. of the Revised Code that relate to the performance of motor vehicle repairs, warranty work, recall work, and maintenance work by new motor vehicle dealers.

(JJ) "Recreational vehicle" has the same meaning as in section 4501.01 of the Revised Code.

(KK) "Construction equipment auctioneer" means a person who holds both a valid auction firm license issued under Chapter 4707. of the Revised Code and a valid construction equipment auction license issued under this chapter.

(LL) "Large construction or transportation equipment" means vehicles having a gross vehicle weight rating of more than ten thousand pounds and includes road rollers, traction engines, power shovels, power cranes, commercial cars and trucks, or farm

trucks, and other similar vehicles obtained primarily from the	95298
construction, mining, transportation or farming industries.	95299
(MM) "Local market conditions" includes, but is not	95300
limited to:	95301
(1) Demographics in the franchisee's area;	95302
(2) Geographical and market characteristics in the	95303
franchisee's area;	95304
(3) Local economic circumstances;	95305
(4) The proximity of other motor vehicle dealers of the	95306
same line-make;	95307
(5) The proximity of motor vehicle manufacturing	95308
facilities;	95309
(6) The buying patterns of motor vehicle purchasers;	95310
(7) Customer drive time and drive distance.	95311
(NN) "Established place of business" means a permanent,	95312
enclosed building or structure that meets all of the following	95313
requirements:	95314
(1) It is either owned, leased, or rented by the motor	95315
vehicle dealer.	95316
(2) It meets local zoning or municipal requirements.	95317
(3) It is regularly occupied by at least one person.	95318
(4) It is easily accessible to the public.	95319
(5) The records and files necessary to conduct the	95320
business are generally kept and maintained at the location or	95321
are readily accessible and available for reasonable inspection	95322
from the location.	95323

"Established place of business" does not mean a residence, 95324
tent, temporary stand, storage shed, lot, or any temporary 95325
quarters, unless authorized by the registrar of motor vehicles. 95326

(OO) "Adaptive mobility dealer" means any person engaged 95327
in the business of all of the following: 95328

(1) Selling at retail, displaying, offering for sale, 95329
delivering, and dealing in adaptive mobility vehicles; 95330

(2) Selling and installing adaptive mobility equipment, 95331
related accessories, and other goods and services to meet the 95332
automotive adaptive mobility needs of drivers and passengers 95333
with disabilities; 95334

(3) Providing maintenance and repair services for adaptive 95335
mobility vehicles and adaptive mobility equipment. 95336

(PP) "Adaptive mobility equipment" means the mechanical or 95337
electronic devices or parts that are designed to facilitate the 95338
use of a motor vehicle by a person who is aging or a person with 95339
disabilities, in accordance with 49 C.F.R. part 571, and that 95340
are permanently attached to or incorporated into the motor 95341
vehicle. 95342

Sec. 4517.52. (A) Each franchisor shall fulfill warranty 95343
and recall obligations of diagnosing, repairing, and servicing 95344
motor vehicles, including all parts and components manufactured 95345
for installation in any motor vehicle. 95346

(B) Each franchisor shall compensate each of its 95347
franchisees for labor and parts used to fulfill warranty and 95348
recall obligations of diagnostic, repair-and, servicing, 95349
updates to vehicle accessories or functions, and initialization 95350
or repair of vehicle parts, systems, accessories, or functions 95351
at rates not less than the rates charged by the franchisee to 95352

its retail customers for warranty-like diagnosis, labor, and 95353
parts for nonwarranty work. A—Diagnostic work includes the time 95354
spent by a technician, who meets the franchisor's qualifications 95355
and requirements for the repair work, communicating with the 95356
franchisor's technical assistance or external franchisor source 95357
in order to complete a warranty repair. 95358

A franchisee, other than a franchisee that deals in 95359
recreational vehicles, may establish rates of compensation for 95360
labor performed and parts used by the franchisee for purposes of 95361
this section if all of the following apply: 95362

(1) The franchisee submits to the franchisor either of the 95363
following: 95364

(a) One hundred sequential nonwarranty service repair 95365
orders for warranty-like repairs that have been paid by a 95366
customer and closed by the time of submission; 95367

(b) All service repair orders for warranty-like repairs, 95368
that have been paid by a customer and closed by the time of 95369
submission, for a period of ninety consecutive days. 95370

A franchisee either may submit a set of repair orders for 95371
purposes of calculating both its retail labor rate and its 95372
retail parts markup percentage, or may submit separate sets of 95373
repair orders for purposes of calculating its retail labor rate 95374
and its retail parts markup percentage separately. The repair 95375
orders submitted under division (B) (1) (a) or (b) of this section 95376
must be from a period occurring not more than one hundred eighty 95377
days before the submission. 95378

Subject to division (C) (3) of this section, if a 95379
franchisor determines from any set of repair orders submitted 95380
under this section that the retail labor rate or parts markup 95381

percentage calculated under division (B) (2) or (3) of this 95382
section is substantially higher or lower than the rate currently 95383
on record with the franchisor for labor or parts, the franchisor 95384
may request additional documentation for a period of either 95385
~~ninety-sixty~~ days prior to or ~~ninety-sixty~~ days subsequent to 95386
the time period for which the repair orders were submitted for 95387
purposes of an alteration. 95388

(2) The franchisee calculates its retail labor rate by 95389
determining the franchisee's total labor sales from the service 95390
repair orders submitted under division (B) (1) of this section 95391
and dividing that amount by the total number of labor hours that 95392
generated those sales. 95393

(3) The franchisee calculates its retail parts markup 95394
percentage by determining the franchisee's total parts sales 95395
from the service repair orders submitted under division (B) (1) 95396
of this section and dividing that amount by the franchisee's 95397
total cost for the purchase of those parts, subtracting one from 95398
that amount, and then multiplying the amount by one hundred. 95399

(4) In calculating the retail labor rate in division (B) 95400
(2) of this section and the retail parts markup percentage in 95401
division (B) (3) of this section, the franchisee omits charges 95402
for any of the following from the calculation: 95403

(a) Manufacturer or distributor special events, specials, 95404
or promotional discounts for retail customer repairs; 95405

(b) Parts sold, or repairs performed, at wholesale; 95406

(c) Routine maintenance that is not covered under a retail 95407
customer warranty, including the replacement of fluids, filters, 95408
and belts that are not provided in the course of other repairs; 95409

(d) Items that do not have individual part numbers, such 95410

as nuts, bolts, and fasteners;	95411
(e) Vehicle reconditioning;	95412
(f) Accessories;	95413
(g) Repairs of damage caused by a collision, a road hazard, the force of the elements, vandalism, theft, or operator negligence;	95414 95415 95416
(h) Parts sold or repairs performed for insurance carriers;	95417 95418
(i) Vehicle emission or safety inspections required by law;	95419 95420
(j) Goodwill or policy repairs or replacements;	95421
(k) Repairs for which volume discounts have been negotiated with government agencies or insurance carriers;	95422 95423
(l) Repairs performed on vehicles from a different line- make;	95424 95425
(m) Replacement of tires or related elements.	95426
(5) The franchisee provides notice of its retail labor rate and retail parts markup percentage calculated in accordance with this section to the franchisor.	95427 95428 95429
(C) (1) A franchisor may contest the retail labor rate or retail parts markup percentage that was calculated by the franchisee under division (B) of this section within thirty days after receiving notice from the franchisee. If the franchisor seeks to contest the retail labor rate or retail parts markup percentage, the franchisor shall notify the franchisee that the franchisor believes the rate or markup percentage is materially inaccurate or substantially different than that of other	95430 95431 95432 95433 95434 95435 95436 95437

~~similarly situated, same line make new motor vehicle dealers in~~ 95438
~~the vicinity,~~ provide a full explanation of the reasons the 95439
franchisor disagrees with the rate or markup percentage, provide 95440
evidence substantiating the franchisor's position, and propose 95441
an adjustment of the contested rate or markup percentage. The 95442
franchisor shall not modify its notice to the franchisee or its 95443
grounds for contesting the rate or markup percentage after 95444
submitting a notice to the franchisee under division (C) (1) of 95445
this section. 95446

(2) If the franchisor does not contest the rate or markup 95447
percentage that was calculated by the franchisee under division 95448
(B) of this section within thirty days after receiving notice of 95449
the rate or markup percentage from the franchisee, the 95450
uncontested rate or markup percentage takes effect. The 95451
franchisor then shall use the rate and markup percentage to 95452
determine compensation for any warranty and recall work and 95453
service performed by the franchisee until the rate or markup 95454
percentage is modified. 95455

(3) If the franchisor contests a rate or markup percentage 95456
established by the franchisee under division (B) of this 95457
section, the franchisor and franchisee shall resolve the 95458
disagreement through the franchisor's internal dispute 95459
resolution process. However, the franchisee may appeal a 95460
determination made as part of the dispute resolution process to 95461
a court of competent jurisdiction. Any rate or markup percentage 95462
established either through an internal dispute resolution 95463
process or by a court as part of an appeal under this section 95464
shall be applied retroactively to govern reimbursement for labor 95465
or parts, as applicable, beginning thirty days after the date 95466
the franchisee submitted the disputed rate or markup percentage 95467
under division (B) of this section. 95468

(4) A franchisee shall not establish or modify a retail labor rate or retail parts markup percentage more frequently than once per calendar year.

(D) When calculating the compensation that must be provided to a franchisee for labor and parts used to fulfill warranty and recall obligations under this section, all of the following apply:

(1) The franchisor shall use time allowances for the diagnosis and performance of the warranty and recall work and service that are reasonable and adequate for the work or services to be performed by a qualified technician.

(2) The franchisor shall use any retail labor rate and any retail parts markup percentage established in accordance with this section in calculating the compensation.

(3) If the franchisor provided a part or component to the franchisee at a reduced cost or no cost to use in performing repairs under a recall, campaign service action, or warranty repair, the franchisor shall provide to the franchisee an amount equal to the retail parts markup for that part or component, which shall be calculated by multiplying the dealer cost for the part or component as listed in the franchisor's price schedule by the retail parts markup percentage.

(4) A franchisor shall not assess penalties, surcharges, or similar costs to a franchisee, transfer or shift any costs to a franchisee, limit allocation of vehicles or parts to a franchisee, or otherwise take retaliatory action against a franchisee based on any franchisee's exercise of its rights under this section. It is the burden of the franchisee to prove any claims under division (D) (4) of this section by a

preponderance of the evidence. Nothing in this section prohibits 95498
a franchisor from increasing the price of a vehicle or part in 95499
the normal course of business. 95500

(5) A franchisor shall fully reimburse a franchisee for 95501
the cost of any rental vehicle provided to a customer when the 95502
rental is required, offered, advertised as available, or 95503
otherwise agreed to by the franchisor. The franchisor shall not 95504
deny or reduce the reimbursement to the franchisee because the 95505
franchisee is unable to provide a specific type of vehicle, 95506
including a particular line-make, size, or category of vehicle. 95507

(E) A franchisor shall not require a franchisee to 95508
establish a retail labor rate or retail parts markup percentage 95509
using any method that is unduly burdensome or time consuming, or 95510
require the use of information that is unduly burdensome or time 95511
consuming to obtain, including part-by-part or transaction-by- 95512
transaction calculations or utilization of the franchisee's 95513
financial statement. Further, no franchisor shall unilaterally 95514
calculate a retail labor rate or retail parts markup percentage 95515
for a franchisee. 95516

Divisions (A), (C), (D), and (E) of this section do not 95517
apply to franchisors or franchisees who deal in recreational 95518
vehicles. Division (B) of this section as it pertains to 95519
diagnostic work does not apply to franchisors or franchisees who 95520
deal in recreational vehicles. 95521

Sec. 4517.521. (A) As used in this section: 95522

(1) "Stop-sale or do-not-drive order" means a notification 95523
issued by a motor vehicle manufacturer to its franchised motor 95524
vehicle dealers stating that certain used motor vehicles in 95525
inventory shall not be sold, either at retail or wholesale, 95526

leased, or driven due to a federal safety recall or a federal or 95527
state emissions recall. 95528

(2) "Average trade-in value" means the approximate 95529
monetary value for a used motor vehicle that is indicated in an 95530
independent third-party guide, based on the year, make, and 95531
model of a vehicle. 95532

(B) (1) Pursuant to division (B) (2) of this section, a 95533
franchisor shall compensate a franchisee of not less than one 95534
and twenty-five hundredths per cent of the average trade-in 95535
value for a used motor vehicle that is the subject of a stop- 95536
sale or do-not-drive order if both of the following apply: 95537

(a) The franchisee is authorized to sell or perform recall 95538
repairs on motor vehicles that are the same line-make as the 95539
subject motor vehicle; 95540

(b) The parts or remedy that are necessary to perform the 95541
recall service or repair on the subject motor vehicle are not 95542
reasonably available to perform that service or repair within 95543
thirty days of the franchisor issuing the recall notice and 95544
associated stop-sale or do-not-drive order. 95545

(2) The compensation described in division (B) (1) of this 95546
section shall be paid per month, or prorated for a portion of 95547
the month. The compensation shall commence on the thirtieth day 95548
after the recall notice and stop-sale or do-not-drive order was 95549
issued. The compensation shall end on the earlier of the 95550
following dates: 95551

(a) The date that the remedy or repair parts that are 95552
necessary to resolve the recall notice and stop-sale or do-not- 95553
drive order are available to the franchisee for the subject 95554
motor vehicle; 95555

(b) The franchisee sells, trades, or otherwise disposes of 95556
the subject motor vehicle. 95557

(3) A franchisor is not required to compensate a 95558
franchisee for more than the total average trade-in value of the 95559
subject motor vehicle. 95560

(C) Division (B) of this section does not apply to motor 95561
vehicles purchased by a franchisee after the date the recall 95562
notice or stop-sale or do-not-drive order was issued or to motor 95563
vehicles that were purchased outside of the ordinary course of 95564
business. 95565

(D) A franchisor may compensate a franchisee under a 95566
national recall compensation program if the compensation under 95567
that program equals or exceeds the compensation specified in 95568
division (B) of this section or per any agreement between the 95569
franchisor and franchisee. 95570

(E) A franchisor shall not attempt to recover all or any 95571
other portion of its costs for compensating a franchisee in 95572
accordance with this section either through a reduction in the 95573
amount due to a franchisee or through a separate charge, 95574
surcharge, or other imposition related to the costs of recalled 95575
vehicles, parts, diagnostic work, or other services. Nothing in 95576
division (E) of this section prohibits a franchisor from 95577
changing its prices in the ordinary course of business or 95578
prohibits a franchisor from charging back a franchisee for an 95579
unnecessary or improperly performed repair. 95580

(F) A franchisor may determine the manner and method in 95581
which a franchisee demonstrates the inventory status of a motor 95582
vehicle that is eligible for compensation in accordance with 95583
this section. The manner, method, and type of information 95584

required shall not be unduly burdensome for the franchisee. 95585

(G) Any remedy provided to a franchisee in accordance with 95586
this section shall be the exclusive remedy provided to that 95587
franchisee for compensation related to a used motor vehicle that 95588
is the subject of a stop-sale or do-not-drive order. A remedy 95589
provided in accordance with this section shall not be combined 95590
with any other state or federal recall compensation remedy for 95591
used motor vehicles subject to a stop-sale or do-not-drive 95592
order. 95593

(H) This section does not apply to franchisors or 95594
franchisees who deal in recreational vehicles. 95595

Sec. 4517.60. Notwithstanding the terms, conditions, or 95596
provisions of any franchise, or the date such franchise was 95597
executed, each franchisor shall indemnify and hold harmless its 95598
franchisees against any losses, including, but not limited to, 95599
court costs and attorney fees reasonably incurred, or damages 95600
arising out of complaints, claims, or suits, whether or not 95601
meritorious, relating in whole or in part to claims under 95602
section 1345.72 of the Revised Code, or to the manufacture, 95603
assembly, or design of motor vehicles, parts, or accessories, to 95604
damage corrected by the franchisor prior to receipt of a motor 95605
vehicle by the franchisee, or relating to other functions of the 95606
franchisor beyond the control of the franchisee, including, but 95607
not limited to, the selection by the franchisor of parts or 95608
components for the motor vehicle, the franchisor's designation 95609
of features or equipment as optional, and any damage to 95610
merchandise occurring in transit to the franchisee where the 95611
carrier is designated by the franchisor. The franchisee shall 95612
give notice to the franchisor within twenty-eight days of 95613
service of summons on the franchisee of pending suits in which 95614

allegations are made that come within this section and shall 95615
cooperate with the franchisor in the defense of such suits. 95616

Sec. 4519.59. (A) (1) The clerk of a court of common pleas 95617
shall charge and retain fees as follows: 95618

(a) Fifteen dollars, or twenty dollars if a board of 95619
county commissioners adopts a resolution authorizing the 95620
increased fee for that county, for each certificate of title or 95621
duplicate certificate of title including the issuance of a 95622
memorandum certificate of title, authorization to print a non- 95623
negotiable evidence of ownership described in division (D) of 95624
section 4519.58 of the Revised Code, non-negotiable evidence of 95625
ownership printed by the clerk under division (E) of that 95626
section, and notation of any lien on a certificate of title that 95627
is applied for at the same time as the certificate of title. The 95628
clerk shall retain eleven dollars and fifty cents of that fee 95629
for each certificate of title when there is a notation of a lien 95630
or security interest on the certificate of title, twelve dollars 95631
and twenty-five cents when there is no lien or security interest 95632
noted on the certificate of title, and eleven dollars and fifty 95633
cents for each duplicate certificate of title. If a board of 95634
county commissioners adopts a resolution authorizing a twenty- 95635
dollar fee, the clerk shall retain the additional five dollars 95636
of that fee. 95637

(b) Five dollars for each certificate of title with no 95638
security interest noted that is issued to a licensed motor 95639
vehicle dealer for resale purposes. The clerk shall retain two 95640
dollars and twenty-five cents of that fee. 95641

(c) Five dollars for each memorandum certificate of title 95642
or non-negotiable evidence of ownership that is applied for 95643
separately. The clerk shall retain that entire fee. 95644

(2) The fees that are not retained by the clerk shall be 95645
paid to the registrar of motor vehicles by monthly returns, 95646
which shall be forwarded to the registrar not later than the 95647
fifth day of the month next succeeding that in which the 95648
certificate is forwarded or that in which the registrar is 95649
notified of a lien or cancellation of a lien. 95650

(B) (1) The registrar shall pay twenty-five cents of the 95651
amount received for each certificate of title that is issued to 95652
a motor vehicle dealer for resale, one dollar for certificates 95653
of title issued with a lien or security interest noted on the 95654
certificate of title, and twenty-five cents for each certificate 95655
of title with no lien or security interest noted on the 95656
certificate of title into the public safety - highway purposes 95657
fund established in section 4501.06 of the Revised Code. 95658

(2) Fifty cents of the amount received for each 95659
certificate of title shall be paid by the registrar as follows: 95660

(a) Four cents shall be paid into the state treasury to 95661
the credit of the motor vehicle dealers board fund created in 95662
section 4505.09 of the Revised Code, for use as described in 95663
division (B) (2) (a) of that section. 95664

(b) Twenty-one cents shall be paid into the highway 95665
operating fund. 95666

(c) Twenty-five cents shall be paid into the state 95667
treasury to the credit of the motor vehicle sales audit fund 95668
created in section 4505.09 of the Revised Code, for use as 95669
described in division (B) (2) (c) of that section. 95670

(3) Two dollars of the amount received by the registrar 95671
for each certificate of title shall be paid into the state 95672
treasury to the credit of the automated title processing fund 95673

created in section 4505.09 of the Revised Code, for use as 95674
described in divisions (B) (3) (a) and (c) of that section. 95675

Sec. 4582.024. After a port authority has been created, 95676
any municipal corporation, township, or county, acting by 95677
ordinance, resolution of the township trustees, or resolution of 95678
the county commissioners, respectively, which is contiguous to 95679
such port authority, or to any municipal corporation, township, 95680
or county which proposes to join such port authority at the same 95681
time and is contiguous to such port authority, or any county 95682
within which such port authority is situated, may join such port 95683
authority and thereupon the jurisdiction and territory of such 95684
port authority shall include such municipal corporation, county, 95685
or township. If more than one such political subdivision is to 95686
be joined to the port authority at the same time, then each such 95687
ordinance or resolution shall designate the political 95688
subdivisions which are to be so joined. Any territory or 95689
municipal corporation not included in a port authority and which 95690
is annexed to a municipal corporation included within the 95691
jurisdiction and territory of a port authority shall, on such 95692
annexation and without further proceedings, be annexed to and be 95693
included in the jurisdiction and territory of such port 95694
authority. Before such political subdivision or subdivisions are 95695
joined to a port authority, other than by annexation to a 95696
municipality, the political subdivision or subdivisions 95697
thereof comprising such port authority shall agree upon the 95698
terms and conditions pursuant to which such political 95699
subdivision or subdivisions are to be joined. For all purposes 95700
of sections 4582.01 to 4582.20, inclusive, of the Revised Code, 95701
such political subdivision or subdivisions shall be considered 95702
to have participated in the creation of such port authority, 95703
except that the initial term of any director of the port 95704

authority appointed by such a political subdivision shall be 95705
four years. After each ordinance or resolution proposing joinder 95706
to the port authority has become effective and the terms and 95707
conditions of joinder have been agreed to, the board of 95708
directors of the port authority shall by resolution either 95709
accept or reject such joinder. Such joinder shall be effective 95710
on adoption of the resolution accepting such joinder, unless the 95711
port authority to which a political subdivision or subdivisions 95712
including a county within which such port authority is located, 95713
are to be joined has authority under section 4582.14 of the 95714
Revised Code to levy a tax on property within its jurisdiction, 95715
then such joinder shall not be effective until approved by the 95716
affirmative vote of a majority of the electors voting on the 95717
question of such joinder. If more than one political subdivision 95718
is to be joined to the port authority, then the electors of such 95719
subdivision shall vote as a district and the majority 95720
affirmative vote shall be determined by the vote cast in such 95721
district as a whole. 95722

If a tax on property is to be levied, the board of 95723
directors of the port authority and the county auditor shall 95724
proceed in the same manner as required for a tax levy under 95725
section 5705.03 of the Revised Code, except that the levy's 95726
annual collections shall be estimated assuming that the 95727
additional subdivision or subdivisions have joined the port 95728
authority. 95729

The election shall be called by the board of directors of 95730
the port authority and shall be held, canvassed, and certified 95731
in the manner provided for the submission of tax levies under 95732
section 5705.191 of the Revised Code except that the question 95733
appearing on the ballot shall read: 95734

"Shall _____ 95735
(name or names of political subdivisions to be joined) 95736
be joined to _____ (name) port authority and the 95737
existing tax levy (levies) of such port authority, that the 95738
county auditor estimates will collect \$_____ annually, at a rate 95739
not exceeding 95740
_____ mill(s) for each \$1 of taxable value, which amounts to 95741
\$_____ (effective rate) for each \$100,000 of ~~the county~~ 95742
~~auditor's appraised market~~ value, be authorized to be 95743
levied against properties within 95744
_____ " 95745
(name or names of political subdivisions to be joined) 95746

If the question is approved such joinder shall be 95747
immediately effective and the port authority shall be authorized 95748
to extend the levy of such tax against all the taxable property 95749
within the political subdivision or political subdivisions which 95750
have been joined. If such question is approved at a general 95751
election then the port authority may amend its budget and 95752
resolution adopted pursuant to section 5705.34 of the Revised 95753
Code and such levy shall be placed on the current tax list and 95754
duplicate and collected as other taxes are collected from all 95755
taxable property within the port authority including the 95756
political subdivision or political subdivisions joined as a 95757
result of such election. 95758

As used in this section, "~~the county auditor's appraised~~ 95759
~~market value~~" and "effective rate" have the same meanings as in 95760
section 5705.01 of the Revised Code. 95761

Sec. 4582.26. After a port authority has been created, any 95762
municipal corporation, township, county, or other political 95763
subdivision, acting by ordinance or resolution, which is 95764
contiguous to any municipal corporation, township, county, or 95765
other political subdivision which participated in the creation 95766
of such port authority or to any municipal corporation, 95767
township, county, or other political subdivision which proposes 95768
to join the port authority at the same time and is contiguous to 95769
any municipal corporation, township, county, or other political 95770
subdivision which participated in the creation of such port 95771
authority, may join such port authority, and thereupon the 95772
jurisdiction and territory of the port authority includes the 95773
municipal corporation, county, township, or other political 95774
subdivision so joining. If more than one such political 95775
subdivision is to be joined to the port authority at the same 95776
time, then each such ordinance or resolution shall designate the 95777
political subdivisions which are to be so joined. Any territory 95778
or municipal corporation not included in a port authority and 95779
which is annexed to a municipal corporation included within the 95780
jurisdiction and territory of a port authority shall, on such 95781
annexation and without further proceedings, be annexed to and be 95782
included in the jurisdiction and territory of the port 95783
authority. Before such political subdivision or subdivisions are 95784
joined to a port authority, other than by annexation to a 95785
municipal corporation, the political subdivision or subdivisions 95786
theretofore comprising such port authority shall agree upon the 95787
terms and conditions pursuant to which such political 95788
subdivision or subdivisions are to be joined. For all purposes 95789
of sections 4582.21 to 4582.59 of the Revised Code, such 95790
political subdivision or subdivisions shall be considered to 95791
have participated in the creation of such port authority, except 95792
that the initial term of any director of the port authority 95793

appointed by such a political subdivision shall be four years. 95794
After each ordinance or resolution proposing joinder to the port 95795
authority has become effective and the terms and conditions of 95796
joinder have been agreed to, the board of directors of the port 95797
authority shall by resolution either accept or reject such 95798
joinder. Such joinder shall be effective upon adoption of the 95799
resolution accepting such joinder, unless the port authority to 95800
which a political subdivision or subdivisions, including a 95801
county within which such port authority is located, are to be 95802
joined, has authority under section 4582.40 of the Revised Code 95803
to levy a tax on property within its jurisdiction, then such 95804
joinder shall not be effective until approved by the affirmative 95805
vote of a majority of the electors voting on the question of the 95806
joinder. If more than one political subdivision is to be joined 95807
to the port authority, then the electors of such subdivisions 95808
shall vote as a district and the majority affirmative vote shall 95809
be determined by the vote cast in such district as a whole. 95810

If a tax on property is to be levied, the board of 95811
directors of the port authority and the county auditor shall 95812
proceed in the manner as required for a tax levy under section 95813
5705.03 of the Revised Code, except that the levy's annual 95814
collections shall be estimated assuming that the additional 95815
subdivision or subdivisions have joined the port authority. 95816

The election shall be called by the board of directors of 95817
the port authority and shall be held, canvassed, and certified 95818
in the manner provided for the submission of tax levies under 95819
section 5705.191 of the Revised Code except that the question 95820
appearing on the ballot shall read: 95821

"Shall _____ 95822

(Name or names of political subdivisions to be joined) 95823

_____ 95824

be joined to _____ (Name) port authority 95825

and the existing tax levy (levies) of such port authority, that 95826

the county auditor estimates will collect \$_____ annually, at a 95827

rate not exceeding _____ mill(s) for each \$1 of 95828

taxable value, which amounts to \$_____ (effective rate) for 95829

each \$100,000 of ~~the county auditor's appraised market~~ value, 95830

be authorized to be levied against properties within 95831

_____?" 95832

(Name or names of political subdivisions to be joined) 95833

If the question is approved the joinder becomes 95834

immediately effective and the port authority is authorized to 95835

extend the levy of such tax against all the taxable property 95836

within the political subdivision or political subdivisions which 95837

have been joined. If such question is approved at a general 95838

election, then the port authority may amend its budget and 95839

resolution adopted pursuant to section 5705.34 of the Revised 95840

Code and such levy shall be placed on the current tax list and 95841

duplicate and collected as other taxes are collected from all 95842

taxable property within the port authority including the 95843

political subdivision or political subdivisions joined as a 95844

result of the election. 95845

As used in this section, "~~the county auditor's appraised-~~ 95846

market value" and "effective rate" have the same meanings as in 95847

section 5705.01 of the Revised Code. 95848

Sec. 4582.61. (A) As used in this section, "capital 95849

leaseback agreement" means the sale or transfer of property by a 95850

port authority to another person contemporaneously followed by 95851

the leasing of the property to the port authority. 95852

(B) On and after the effective date of this section and 95853
notwithstanding any other provision in this chapter to the 95854
contrary, no port authority shall enter into a capital leaseback 95855
agreement with a non-public entity, concerning property located 95856
outside of the port authority's jurisdiction, without approval 95857
from the board of county commissioners in which the applicable 95858
property is located or, if the property is located in more than 95859
one county, from the board of county commissioners of each 95860
county in which the property is located. 95861

Sec. 4582.72. Notwithstanding any other provision of this 95862
chapter, no port authority created under section 4582.02 or 95863
4582.22 of the Revised Code shall enter an agreement providing 95864
for the construction or renovation of improvements to real 95865
property located outside of the port authority's jurisdiction to 95866
which all of the following applies without first obtaining 95867
approval from the board of county commissioners in the county 95868
where the property is located or, if the property is located in 95869
more than one county, from the board of county commissioners of 95870
each county in which the property is located: 95871

(A) The agreement is with a non-public entity. 95872

(B) The majority of the floor space of the improvements 95873
that are the subject of the agreement will not be occupied by 95874
the port authority upon completion of the construction or 95875
renovation. 95876

(C) Building materials purchased for the renovation or 95877
construction will qualify for the exemption authorized by 95878
division (B) (13) of section 5739.02 of the Revised Code. 95879

Sec. 4582.73. (A) As used in this section: 95880

- (1) "Credit enhancement facilities" has the same meaning as in section 133.01 of the Revised Code. 95881
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- (2) "Common bond fund program" means any program authorized by a port authority for the purpose of financing port authority facilities and enhancing the credit of port authority obligations using credit enhancement facilities, cash reserves, or other moneys available for such purpose. 95883
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- (3) "Obligations" means bonds, notes, or other forms or evidences of obligation constituting revenue bonds as that term is used in division (A) (4) of section 4582.06 of the Revised Code, or port authority revenue bonds as that term is used in section 4582.48 and division (A) (8) of section 4582.31 of the Revised Code, issued by a port authority. 95888
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- (4) "Port authority" means a body corporate and politic created pursuant to the authority of this chapter. 95894
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- (5) "Port authority facilities" and "port authority facility" have the same meaning as in division (D) of section 4582.01 or in division (E) of section 4582.21 of the Revised Code, as applicable. 95896
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- (B) A port authority may, by one or more resolutions of its board of directors, establish and maintain a common bond fund program. A port authority that has established a common bond fund program may operate and manage such program, authorize agreements and other documents for such program, and appropriate funds of the port authority for the support of such program. A port authority, as part of a common bond fund program, may authorize the use of one or more credit enhancement facilities and cash reserves or other money available for the purpose of financing port authority facilities, all as authorized in the 95900
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bond proceedings associated with the obligations issued as part 95910
of the common bond fund program. 95911

Any obligations issued by a port authority and secured by 95912
a trust agreement between the port authority and a corporate 95913
trustee under division (A) (4) of section 4582.06 or section 95914
4582.50 may, in the discretion of the port authority, be issued 95915
as part of a common bond fund program. Any trust agreement used 95916
in a common bond fund program, and the establishment, deposit, 95917
investment and application of special funds, and the 95918
safeguarding of money, shall be governed by the bond proceedings 95919
associated with the obligations and by this chapter. More than 95920
one obligation may be secured by a trust agreement used in a 95921
common bond fund program. 95922

(C) All terms, provisions, and authorizations in this 95923
chapter as applicable to a port authority, and the terms, 95924
provisions, and authorizations of sections 9.96, 9.98, 9.981, 95925
9.982, and 9.983 of the Revised Code, apply to obligations 95926
issued as part of a common bond fund program and the associated 95927
bond proceedings, except as otherwise provided in this section, 95928
or except as otherwise provided in those obligations and 95929
associated bond proceedings. 95930

(D) This section shall be liberally construed to effect 95931
the purpose of authorizing common bond fund programs. The powers 95932
and authorizations granted in this section may be exercised 95933
jointly or separately by one or more port authorities and are in 95934
addition to and supplemental to the powers and authorizations 95935
otherwise granted to port authorities under the applicable 95936
provisions of this chapter and shall not be construed as a 95937
limitation on any such powers or authorizations. 95938

(E) This section provides additional optional authority 95939

for the establishment of a common bond fund program. Nothing in 95940
this section shall impair or affect any common bond fund program 95941
created prior to the effective date of this section. This 95942
section does not apply to any common bond fund program created 95943
prior to the effective date of this section unless the port 95944
authority elects to apply this section to its common bond fund 95945
program by one or more resolutions of its board of directors. 95946

Sec. 4701.01. As used in this chapter: 95947

(A) "Practice of public accounting" means performing or 95948
offering to perform any engagement that will result in the 95949
issuance of an attest report and, with respect to a person who 95950
holds a CPA certificate, PA registration, foreign certificate, 95951
or firm registration, any other services involving the use of 95952
accounting or auditing skills as established by rules adopted by 95953
the accountancy board. 95954

(B) "Public accounting firm" means a sole proprietorship, 95955
a partnership, a limited liability company, a professional 95956
association, a corporation-for-profit, or any other business 95957
organization that is engaged in the practice of public 95958
accounting in this state. 95959

(C) "Opinion report" means any opinion on a financial 95960
statement that is expressed in accordance with generally 95961
accepted auditing standards as to the fairness of presentation 95962
of information and that is used for guidance in financial 95963
transactions, for accounting, or for assessing the status or 95964
performance of commercial and noncommercial enterprises, whether 95965
public, private, or governmental. 95966

(D) "Peer review" means a study, appraisal, or review of 95967
one or more aspects of the professional work of a public 95968

accounting firm that meets the standards and requirements set forth by the accountancy board. 95969
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(E) "Review report" means either of the following: 95971

(1) Any review report on a financial statement that is issued with respect to any of the following: 95972
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(a) Interim financial information in accordance with generally accepted auditing standards; 95974
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(b) The financial information of a nonpublic entity in accordance with statements on standards for accounting and review services; 95976
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(c) The reliability of another party's written assertion in accordance with statements on standards for attestation engagements. 95979
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(2) Any other review report on a financial statement that is not described in division (E) (1) of this section and that is issued in accordance with standards promulgated by the American institute of certified public accountants. 95982
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(F) "Compilation report" means any compilation report on a financial statement that is issued with respect to financial information of a nonpublic entity in accordance with statements on standards for accounting and review services as promulgated by the American institute of certified public accountants. 95986
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(G) "Examination report" means any examination report on a financial statement that is issued with respect to another party's written assertion in accordance with statements on standards for attestation engagements as promulgated by the American institute of certified public accountants. 95991
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(H) "Agreed-upon procedures report" means any report that 95996

is on a financial statement and that is based on agreed-upon 95997
procedures issued with respect to another party's written 95998
assertion in accordance with statements on standards for 95999
attestation engagements as promulgated by the American institute 96000
of certified public accountants. 96001

(I) "Qualified firm" means a sole proprietorship, 96002
partnership, professional association, corporation-for-profit, 96003
limited liability company, or other business organization in 96004
which the individuals who own a majority of the business 96005
organization interests in the business organization and control 96006
the business organization hold an Ohio permit or a foreign 96007
certificate. 96008

(J) "Own" means any direct or indirect ownership of an 96009
equity interest or shares in a public accounting firm or 96010
qualified firm. 96011

(K) "Control" or "controlled" means the right to exercise 96012
the majority of the voting equity interests or shares in a 96013
public accounting firm or qualified firm with respect to any 96014
matter. 96015

(L) "Equity interest" means any capital interest or profit 96016
interest in a sole proprietorship, partnership, professional 96017
association, corporation-for-profit, limited liability company, 96018
or other business organization. 96019

(M) "Ohio permit" means a permit to practice public 96020
accounting issued under division (A) of section 4701.10 of the 96021
Revised Code that is not revoked or suspended. 96022

(N) "Ohio registration" means the registration under 96023
division (B) of section 4701.10 of the Revised Code of a holder 96024
of a CPA certificate or PA registration who is not in the 96025

practice of public accounting in this state. 96026

(O) "Firm registration" or "registered firm" means 96027
registration as a public accounting firm under section 4701.04 96028
of the Revised Code. 96029

(P) "PA registration" means registration as a public 96030
accountant under section 4701.07 of the Revised Code that is not 96031
revoked or suspended. 96032

(Q) "CPA certificate" means a certificate issued under 96033
section 4701.06 or 4701.061 of the Revised Code that is not 96034
revoked or suspended. 96035

(R) "Foreign certificate" means a license, permit, 96036
certificate, or registration issued to a certified public 96037
accountant under the laws of another state that authorizes the 96038
holder to practice public accounting in that state, is valid, is 96039
in good standing, and has not expired. 96040

(S) "Attest report" means an opinion report, review 96041
report, compilation report, examination report, agreed-upon 96042
procedures report, or any similar report prepared in accordance 96043
with standards established by the American institute of 96044
certified public accountants with respect to a financial 96045
statement or other financial information. 96046

(T) "Person" means any individual, corporation-for-profit, 96047
business trust, estate, partnership, limited liability company, 96048
professional association, or other business organization. 96049

(U) Technical terms that define specific public accounting 96050
engagements have the same meanings as in the professional 96051
standards promulgated by the American institute of certified 96052
public accountants. 96053

Sec. 4701.04. (A) No public accounting firm located in 96054
this state shall engage in the practice of public accounting in 96055
this state unless it registers with the accountancy board and 96056
pays a registration fee set by the board. 96057

(B) Public accounting firms shall apply for initial 96058
registration within ninety days after formation or within ninety 96059
days after the commencement of practicing public accounting in 96060
this state. All public accounting firms shall renew their 96061
registration triennially. All public accounting firms shall 96062
submit with their initial and renewal registration applications 96063
all of the following: 96064

(1) A list of the names, addresses, and certificate or 96065
registration numbers of all individuals who hold an Ohio permit 96066
and who own an equity interest or shares in the public 96067
accounting firm or are employed by the public accounting firm; 96068

(2) A list of the names and addresses of each person who 96069
does not hold an Ohio permit or a foreign certificate and who 96070
owns an equity interest or shares in the public accounting firm 96071
if the person's principal place of business is located in this 96072
state; 96073

(3) A statement that the public accounting firm and each 96074
person who owns an equity interest or shares in the public 96075
accounting firm or is employed by the public accounting firm and 96076
who does not hold an Ohio permit or a foreign certificate is in 96077
compliance with divisions (C) and (D) of this section. 96078

(C) A public accounting firm shall satisfy all of the 96079
following requirements in order to register: 96080

(1) Except as provided in division ~~(C) (5)~~ (C) (7) of this 96081
section, ~~each partner, shareholder, member, or other person who~~ 96082

~~owns an~~ more than fifty per cent of the total equity interest or 96083
shares in the public accounting firm shall be owned by 96084
individuals who hold an Ohio permit or a foreign certificate. 96085

(2) If a public accounting firm has a board of directors, 96086
more than fifty per cent of the directors shall hold an Ohio 96087
permit or a foreign certificate. 96088

(3) If a public accounting firm has an employee stock 96089
ownership plan, more than fifty per cent of the trustees of the 96090
employee stock ownership plan shall hold an Ohio permit or a 96091
foreign certificate. 96092

(4) The public accounting firm shall designate an 96093
individual who holds an Ohio permit who shall be responsible for 96094
the proper registration of the firm. The public accounting firm 96095
shall identify this individual to the board. 96096

~~(3)~~ (5) Each individual in a public accounting firm who 96097
signs any attest report issued from an office of the public 96098
accounting firm located in this state shall hold an Ohio permit. 96099

~~(4)~~ (6) An individual who owns an equity interest or shares 96100
in the public accounting firm or is employed by the public 96101
accounting firm and who holds an Ohio permit or a foreign 96102
certificate, or a qualified firm that owns an equity interest or 96103
shares in the public accounting firm, shall assume ultimate 96104
responsibility for any attest report issued from an office of 96105
the public accounting firm located in this state. 96106

~~(5)~~ (7) Any person who does not hold an Ohio permit or a 96107
foreign certificate and who holds an equity interest or shares 96108
in the public accounting firm shall satisfy the conditions set 96109
forth in division (D) of this section. 96110

~~(6)~~ (8) The public accounting firm shall provide for the 96111

transfer of the equity interest or shares owned by persons who 96112
do not hold an Ohio permit or a foreign certificate to either 96113
the public accounting firm or to another person who owns an 96114
equity interest or shares in the firm if a person who does not 96115
hold an Ohio permit or a foreign certificate withdraws from or 96116
ceases to be employed by the public accounting firm. The public 96117
accounting firm may make payments in connection with the 96118
person's withdrawal from the firm to that person or, if that 96119
person is deceased or dissolved, to the person's estate or 96120
successor in interest. 96121

(D) A person who does not hold an Ohio permit or a foreign 96122
certificate may own an equity interest or shares in a public 96123
accounting firm if all of the following conditions are met: 96124

(1) All of the individuals who hold an Ohio permit or a 96125
foreign certificate and who own equity interests or shares in 96126
the public accounting firm, and qualified firms that own equity 96127
interests or shares in the public accounting firm, own, in the 96128
aggregate, a majority of the equity interests or shares in the 96129
public accounting firm and control the public accounting firm. 96130

(2) The person does not assume or use any titles or 96131
designations specified in division (A) of section 4701.14 of the 96132
Revised Code. The person may designate or refer to the person as 96133
a shareholder, partner, member, principal, owner, or officer of 96134
the public accounting firm and also may use any other title that 96135
the board authorizes by rule. 96136

(3) The person is not in violation of any standard 96137
regarding the character or conduct of that person that the board 96138
establishes by rule. 96139

(4) The person's participation in the business of the 96140

public accounting firm is the person's principal occupation and 96141
consists of providing services to or on behalf of the public 96142
accounting firm, and the person is not functioning solely or 96143
predominately as a passive investor in the public accounting 96144
firm. 96145

(5) The person meets or exceeds the continuing education 96146
requirements that the board establishes by rule. 96147

(6) A person who holds a professional license, 96148
registration, or certification issued by this state or another 96149
state complies with the requirements of that license, 96150
registration, or certification. 96151

(7) The person abides by the code of conduct of the 96152
American institute of certified public accountants or a 96153
comparable code of professional conduct that the board adopts by 96154
rule. 96155

(8) The person complies with all applicable provisions of 96156
this chapter and the rules adopted by the board. 96157

(E) A person who owns a voting equity interest or shares 96158
in a public accounting firm may not delegate, by proxy or 96159
otherwise, the duty to exercise any voting rights to a person 96160
that does not hold an Ohio permit or a foreign certificate or to 96161
a person that is not a qualified firm. 96162

(F) As a condition for initial or renewal registration of 96163
a public accounting firm on and after January 1, 1993, the 96164
board, by rule, shall require that each public accounting firm 96165
undergo a peer review to determine the public accounting firm's 96166
degree of compliance in the practice of public accounting with 96167
generally accepted accounting principles, generally accepted 96168
auditing standards, and other generally accepted technical 96169

standards as defined by the board in rule, unless the public 96170
accounting firm meets one of the exceptions in division (J) of 96171
this section. 96172

(G) The board shall adopt rules establishing guidelines 96173
for peer reviews, and may authorize an agent to administer all 96174
or part of the board's peer review program and to assess a 96175
reasonable fee to firms to cover the costs incurred by the agent 96176
for program administration. The rules shall do all of the 96177
following: 96178

(1) Designate a peer review committee consisting of 96179
accounting professionals to serve as advisors to the board and 96180
to ensure that the board's guidelines are followed. 96181

(2) Require that the peer review be conducted by a 96182
reviewer that is both independent of the public accounting firm 96183
reviewed and qualified pursuant to board rules; 96184

(3) Require that the standards and practices applied by 96185
the reviewer be at least as stringent as those applied by the 96186
American institute of certified public accountants; 96187

(4) Prohibit the use or disclosure of information obtained 96188
by members of the board or a committee of peer reviewers during 96189
or in connection with the peer review process for purposes other 96190
than those related to determining the degree of compliance by 96191
the public accounting firm with generally accepted accounting 96192
principles, generally accepted auditing standards, and other 96193
generally accepted technical standards as defined by the board 96194
in rule. Division (G)(4) of this section does not apply to the 96195
use or disclosure of information that is described in division 96196
(K)(3) of this section or that is necessary to comply with any 96197
provision of law. 96198

(H) (1) If a peer review report indicates that a public accounting firm does not comply with standards and practices set forth in the rules adopted by the board, the board, in its discretion, may review the results of the peer review report. If the board, or its authorized peer review program administrator, determines that the public accounting firm does not comply with the standards and practices, it may require both of the following:

(a) Remedial action, which may include any of the following:

(i) Requiring employees of the public accounting firm to complete general or specific continuing professional education courses;

(ii) Requiring the public accounting firm to undergo peer review more frequently than triennially and peer review that is conducted in whole or part under the direct supervision of the board or its designee;

(iii) Any other remedial action specified by the board.

(b) An affidavit and supporting documentation from the public accounting firm submitted within the time specified by the board indicating completion of required remedial actions.

(2) If the board, or its authorized peer review program administrator, determines that a public accounting firm has not complied with any requirement ordered under division (H) of this section, or if the board determines, after the review of a peer review report, that the public accounting firm has a history of noncompliance with standards and practices set forth in board rules, the board may hold a hearing to determine the extent of the firm's noncompliance. If the board, after conducting the

hearing, determines that the public accounting firm does not 96228
comply with appropriate standards and practices, the board may 96229
issue an order that imposes any disciplinary measure set forth 96230
in division (B) of section 4701.16 of the Revised Code. 96231

(3) Notwithstanding divisions (K) (1) and (2) of this 96232
section, all matters relating to the procedures for determining 96233
compliance with the standards and practices under division (H) 96234
(2) of this section are subject to Chapter 119. of the Revised 96235
Code, including the notice and conduct of any hearing and the 96236
issuance and appeal of any order. Remedial orders made under 96237
division (H) (1) of this section are not subject to Chapter 119. 96238
of the Revised Code. 96239

(I) The public accounting firm reviewed shall pay for any 96240
peer review performed. 96241

(J) The board may exempt a public accounting firm from the 96242
requirement to undergo a peer review if the public accounting 96243
firm submits to the board a written and notarized statement that 96244
the public accounting firm meets at least one of the following 96245
grounds for exemption identified in the statement: 96246

(1) Within three years of the date of application for 96247
initial or renewal registration, the public accounting firm has 96248
completed a peer review acceptable to the board and conducted 96249
pursuant to standards not less stringent than the peer review 96250
standards promulgated by the American institute of certified 96251
public accountants. A peer review that does not comply with 96252
standards and practices set forth in the rules adopted by the 96253
board and that may subject a public accounting firm to remedial 96254
or disciplinary action pursuant to division (H) of this section, 96255
does not qualify as an acceptable peer review. The public 96256
accounting firm shall submit to the board a copy of the results 96257

of the peer review and any additional documentation required by 96258
the board. The board shall not require submittal of the working 96259
papers related to the peer review process. 96260

(2) Within three years of the date of application for 96261
initial or renewal registration, the public accounting firm has 96262
completed a peer review acceptable to the board that was 96263
conducted in another state or foreign country. The public 96264
accounting firm shall submit to the board a copy of the results 96265
of the peer review and any additional documentation required by 96266
the board, including a detailed report of the procedures and 96267
standards applied by the reviewer. 96268

(3) The public accounting firm has never practiced public 96269
accounting in this state or any other state or foreign country, 96270
will complete a peer review acceptable to the board within 96271
eighteen months of initial registration, and will review its 96272
registration with the board two years after initial registration 96273
as specified in rules the board adopts. 96274

(4) The public accounting firm, on a schedule as required 96275
by rule adopted by the board, submits a report to the board that 96276
states all of the following: 96277

(a) The public accounting firm does not undertake any 96278
engagement that will result in the issuance of an attest report 96279
or other engagement that is subject to peer review in accordance 96280
with division (F) of this section. 96281

(b) The public accounting firm agrees to notify the board 96282
within ninety days after accepting any engagement that will 96283
result in the issuance of any attest report or other engagement 96284
that is subject to peer review in accordance with division (F) 96285
of this section and will complete a peer review acceptable to 96286

the board within one year after the acceptance of an engagement
of that nature. 96287
96288

(5) Subject to the board's approval and for good cause as
defined in rules the board adopts, the public accounting firm is
entitled to an exemption. 96289
96290
96291

(K) In any civil action, arbitration, or administrative
proceeding involving a public accounting firm, all of the
following shall apply: 96292
96293
96294

(1) The proceedings, records, and work papers of any
reviewer, including board members and review committee members,
involved in the peer review process are privileged and not
subject to discovery, subpoena, or other means of legal process
and may not be introduced into evidence. 96295
96296
96297
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(2) No reviewer, including board members and review
committee members, involved in the peer review process shall be
permitted or required to testify as to any matters produced,
presented, disclosed, or discussed during or in connection with
the peer review process or shall be required to testify to any
finding, recommendation, evaluation, opinion, or other actions
of those committees or their members. 96300
96301
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(3) No privilege exists under this section for either of
the following: 96307
96308

(a) Information presented or considered in the peer review
process that was otherwise available to the public; 96309
96310

(b) Materials prepared in connection with a particular
engagement merely because they subsequently are presented or
considered as part of the peer review process. 96311
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(L) (1) If a peer review report indicates that a public 96314

accounting firm complies with standards and practices set forth 96315
in rules adopted by the board, the board shall destroy all 96316
documents and reports related to the peer review within thirty 96317
days after the board completes its review of the report. 96318

(2) If a peer review report indicates that a public 96319
accounting firm does not comply with those standards and 96320
practices set forth in rules adopted by the board, the board 96321
shall retain all documents and reports related to the peer 96322
review until completion of the next peer review that complies 96323
with standards and practices set forth in rules adopted by the 96324
board pursuant to division (G) of this section. The board also 96325
may use these documents to determine a history of noncompliance 96326
with standards and practices in any proceeding held under 96327
division (H) (2) of this section. 96328

Sec. 4701.16. (A) After notice and hearing as provided in 96329
Chapter 119. of the Revised Code, the accountancy board may 96330
discipline as described in division (B) of this section a person 96331
holding an Ohio permit, an Ohio registration, a firm 96332
registration, a CPA certificate, or a PA registration or any 96333
other person whose activities are regulated by the board for any 96334
one or any combination of the following causes: 96335

(1) Fraud or deceit in obtaining a firm registration or in 96336
obtaining a CPA certificate, a PA registration, an Ohio permit, 96337
or an Ohio registration; 96338

(2) Dishonesty, fraud, or gross negligence in the practice 96339
of public accounting; 96340

(3) Violation of any of the provisions of section 4701.14 96341
of the Revised Code; 96342

(4) Violation of a rule of professional conduct 96343

promulgated by the board under the authority granted by this chapter; 96344
96345

(5) Conviction of a felony under the laws of any state or of the United States; 96346
96347

(6) Conviction of any crime, an element of which is dishonesty or fraud, under the laws of any state or of the United States; 96348
96349
96350

(7) Cancellation, revocation, suspension, or refusal to renew authority to practice as a certified public accountant, a public accountant, or a public accounting firm by any other state, for any cause other than failure to pay registration fees in that other state; 96351
96352
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(8) Suspension or revocation of the right to practice before any state or federal agency; 96356
96357

(9) Failure of a holder of a CPA certificate or PA registration to obtain an Ohio permit or an Ohio registration, or the failure of a public accounting firm to obtain a firm registration; 96358
96359
96360
96361

(10) Conduct discreditable to the public accounting profession or to the holder of an Ohio permit, Ohio registration, or foreign certificate; 96362
96363
96364

(11) Failure of a public accounting firm to comply with section 4701.04 of the Revised Code. 96365
96366

(B) For any of the reasons specified in division (A) of this section, the board may do any of the following: 96367
96368

(1) Revoke, suspend, or refuse to renew any CPA certificate or PA registration or any Ohio permit, Ohio registration, or firm registration; 96369
96370
96371

(2) Disqualify a person who is not a holder of an Ohio permit or a foreign certificate from owning an equity interest_ or shares in a public accounting firm or qualified firm;

(3) Publicly censure a registered firm or a holder of a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration;

(4) Levy against a registered firm or a holder of a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration a penalty or fine not to exceed five thousand dollars for each offense. Any fine shall be reasonable and in relation to the severity of the offense.

(5) In the case of violations of division (A) (2) or (4) of this section, require completion of remedial continuing education programs prescribed by the board in addition to those required by section 4701.11 of the Revised Code;

(6) In the case of violations of division (A) (2) or (4) of this section, require the holder of a CPA certificate, PA registration, or firm registration to submit to a peer review by a professional committee designated by the board, which committee shall report to the board concerning that holder's compliance with generally accepted accounting principles, generally accepted auditing standards, or other generally accepted technical standards;

(7) Revoke or suspend the privileges to offer or render attest services in this state or to use a CPA title or designation in this state of an individual who holds a foreign certificate.

(C) If the board levies a fine against or suspends the certificate of a person or registration of a person or firm for

a violation of division (A) (2) or (4) of this section, it may 96401
waive all or any portion of the fine or suspension if the holder 96402
of the CPA certificate, PA registration, or firm registration 96403
complies fully with division (B) (5) or (6) of this section. 96404

(D) A person engaged in the practice of public accounting 96405
shall not be subject to discipline by the accountancy board 96406
solely because the person provided professional accounting 96407
services to the holder of a license under Chapter 3796. of the 96408
Revised Code. 96409

Sec. 4707.024. (A) Not later than seventy-two hours after 96410
the end of an auction, a person licensed under this chapter 96411
shall deposit in one or more trust or escrow accounts all money 96412
received from the sale of an owner's or consignee's personal 96413
property at auction unless the licensee pays the money to the 96414
owner or consignee immediately after the end of the auction. 96415

(B) For purposes of this section, a person licensed under 96416
this chapter shall designate a trust or escrow account that 96417
contains an owner's or consignee's money as "client trust 96418
account" or with words of similar meaning. In addition, a trust 96419
or escrow account only shall contain money received from the 96420
sale of personal property at auction that has not been disbursed 96421
and money for expenses regarding the auction, including 96422
commission and advertisement fees, that are specifically 96423
delineated in the auction contract. 96424

~~(C)~~ (C) (1) Except for the payment of money to the owner or 96425
consignee immediately after the end of the auction, a person 96426
licensed under this chapter shall pay the owner or consignee 96427
with money from the client's trust or escrow account. In 96428
addition, the licensee may pay expenses, including commission 96429
and advertisement fees, that are specifically delineated in the 96430

auction contract with money from the trust or escrow account. 96431
Money in the trust or escrow account shall not be disbursed for 96432
any purpose that is inconsistent with this section. In addition, 96433
except as provided in division (C) (2) of this section, the money 96434
shall not be commingled with the licensee's personal or business 96435
money. In administering the trust or escrow account, the 96436
licensee shall keep detailed records that show deposits, 96437
withdrawals, and interest accrued, if applicable. 96438

Unless otherwise agreed to by the parties in the auction 96439
contract or by the direction of a court of law or as otherwise 96440
provided in division (C) (2) of this section, all money deposited 96441
into a trust or escrow account shall be disbursed to the seller 96442
not later than fifteen days after the auction. 96443

(2) Notwithstanding division (C) (1) of this section, a 96444
licensee may deposit money into a trust or escrow account, and 96445
retain that money in the account, to pay expenses related to 96446
bank charges necessary to maintain the account. A licensee shall 96447
not utilize any of the owner's or consignee's money to pay such 96448
expenses. 96449

(D) Money from the sale of personal property at auction 96450
may be deposited in an interest bearing account if the parties 96451
to the auction contract specifically agree to such a deposit. 96452
Interest earned in the account shall be credited to the seller 96453
unless otherwise agreed to by the parties in the auction listing 96454
contract. The interest credited to the account may remain in the 96455
account for a period of sixty days after the seller receives the 96456
money from the account. The interest money then shall be 96457
disbursed according to the terms of the auction contract. 96458

(E) All money received in connection with the sale of real 96459
property at auction shall be deposited in a broker's special or 96460

trust bank account in a depository located in this state that is 96461
described in division (A) (26) of section 4735.18 of the Revised 96462
Code. 96463

Sec. 4723.28. (A) The board of nursing, by a vote of a 96464
quorum, may impose one or more of the following sanctions if it 96465
finds that a person committed fraud in passing an examination 96466
required to obtain a license or dialysis technician certificate 96467
issued by the board or to have committed fraud, 96468
misrepresentation, or deception in applying for or securing any 96469
nursing license or dialysis technician certificate issued by the 96470
board: deny, revoke, suspend, or place restrictions on any 96471
nursing license or dialysis technician certificate issued by the 96472
board; reprimand or otherwise discipline a holder of a nursing 96473
license or dialysis technician certificate; or impose a fine of 96474
not more than five hundred dollars per violation. 96475

(B) Except as provided in section 4723.092 of the Revised 96476
Code, the board of nursing, by a vote of a quorum, may impose 96477
one or more of the following sanctions: deny, revoke, suspend, 96478
or place restrictions on any nursing license or dialysis 96479
technician certificate issued by the board; reprimand or 96480
otherwise discipline a holder of a nursing license or dialysis 96481
technician certificate; or impose a fine of not more than five 96482
hundred dollars per violation. The sanctions may be imposed for 96483
any of the following: 96484

(1) Denial, revocation, suspension, or restriction of 96485
authority to engage in a licensed profession or practice a 96486
health care occupation, including nursing or practice as a 96487
dialysis technician, for any reason other than a failure to 96488
renew, in Ohio or another state or jurisdiction; 96489

(2) Engaging in the practice of nursing or engaging in 96490

practice as a dialysis technician, having failed to renew a 96491
nursing license or dialysis technician certificate issued under 96492
this chapter, or while a nursing license or dialysis technician 96493
certificate is under suspension; 96494

(3) Conviction of, a plea of guilty to, a judicial finding 96495
of guilt of, a judicial finding of guilt resulting from a plea 96496
of no contest to, or a judicial finding of eligibility for a 96497
pretrial diversion or similar program or for intervention in 96498
lieu of conviction for, a misdemeanor committed in the course of 96499
practice; 96500

(4) Conviction of, a plea of guilty to, a judicial finding 96501
of guilt of, a judicial finding of guilt resulting from a plea 96502
of no contest to, or a judicial finding of eligibility for a 96503
pretrial diversion or similar program or for intervention in 96504
lieu of conviction for, any felony or of any crime involving 96505
gross immorality or moral turpitude; 96506

(5) Selling, giving away, or administering drugs or 96507
therapeutic devices for other than legal and legitimate 96508
therapeutic purposes; or conviction of, a plea of guilty to, a 96509
judicial finding of guilt of, a judicial finding of guilt 96510
resulting from a plea of no contest to, or a judicial finding of 96511
eligibility for a pretrial diversion or similar program or for 96512
intervention in lieu of conviction for, violating any municipal, 96513
state, county, or federal drug law; 96514

(6) Conviction of, a plea of guilty to, a judicial finding 96515
of guilt of, a judicial finding of guilt resulting from a plea 96516
of no contest to, or a judicial finding of eligibility for a 96517
pretrial diversion or similar program or for intervention in 96518
lieu of conviction for, an act in another jurisdiction that 96519
would constitute a felony or a crime of moral turpitude in Ohio; 96520

(7) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, an act in the course of practice in another jurisdiction that would constitute a misdemeanor in Ohio;

(8) Self-administering or otherwise taking into the body any dangerous drug, as defined in section 4729.01 of the Revised Code, in any way that is not in accordance with a legal, valid prescription issued for that individual, or self-administering or otherwise taking into the body any drug that is a schedule I controlled substance;

(9) Habitual or excessive use of controlled substances, other habit-forming drugs, or alcohol or other chemical substances to an extent that impairs the individual's ability to provide safe nursing care or safe dialysis care;

(10) Impairment of the ability to practice according to acceptable and prevailing standards of safe nursing care or safe dialysis care because of the use of drugs, alcohol, or other chemical substances;

(11) Impairment of the ability to practice according to acceptable and prevailing standards of safe nursing care or safe dialysis care because of a physical or mental disability;

(12) Assaulting or causing harm to a patient or depriving a patient of the means to summon assistance;

(13) Misappropriation or attempted misappropriation of money or anything of value in the course of practice;

(14) Adjudication by a probate court of being mentally ill

or mentally incompetent. The board may reinstate the person's 96550
nursing license or dialysis technician certificate upon 96551
adjudication by a probate court of the person's restoration to 96552
competency or upon submission to the board of other proof of 96553
competency. 96554

(15) The suspension or termination of employment by the 96555
United States department of defense or department of veterans 96556
affairs for any act that violates or would violate this chapter; 96557

(16) Violation of this chapter or any rules adopted under 96558
it; 96559

(17) Violation of any restrictions placed by the board on 96560
a nursing license or dialysis technician certificate; 96561

(18) Failure to use universal and standard precautions 96562
established by rules adopted under section 4723.07 of the 96563
Revised Code; 96564

(19) Failure to practice in accordance with acceptable and 96565
prevailing standards of safe nursing care or safe dialysis care; 96566

(20) In the case of a registered nurse, engaging in 96567
activities that exceed the practice of nursing as a registered 96568
nurse; 96569

(21) In the case of a licensed practical nurse, engaging 96570
in activities that exceed the practice of nursing as a licensed 96571
practical nurse; 96572

(22) In the case of a dialysis technician, engaging in 96573
activities that exceed those permitted under section 4723.72 of 96574
the Revised Code; 96575

(23) Aiding and abetting a person in that person's 96576
practice of nursing without a license or practice as a dialysis 96577

technician without a certificate issued under this chapter; 96578

(24) In the case of an advanced practice registered nurse, 96579
except as provided in division (M) of this section, either of 96580
the following: 96581

(a) Waiving the payment of all or any part of a deductible 96582
or copayment that a patient, pursuant to a health insurance or 96583
health care policy, contract, or plan that covers such nursing 96584
services, would otherwise be required to pay if the waiver is 96585
used as an enticement to a patient or group of patients to 96586
receive health care services from that provider; 96587

(b) Advertising that the nurse will waive the payment of 96588
all or any part of a deductible or copayment that a patient, 96589
pursuant to a health insurance or health care policy, contract, 96590
or plan that covers such nursing services, would otherwise be 96591
required to pay. 96592

(25) Failure to comply with the terms and conditions of 96593
participation in the safe haven program conducted under sections 96594
4723.35 and 4723.351 of the Revised Code; 96595

(26) Failure to comply with the terms and conditions 96596
required under the practice intervention and improvement program 96597
established under section 4723.282 of the Revised Code; 96598

(27) In the case of an advanced practice registered nurse: 96599

(a) Engaging in activities that exceed those permitted for 96600
the nurse's nursing specialty under section 4723.43 of the 96601
Revised Code; 96602

(b) Failure to meet the quality assurance standards 96603
established under section 4723.07 of the Revised Code. 96604

(28) In the case of an advanced practice registered nurse 96605

other than a certified registered nurse anesthetist, failure to 96606
maintain a standard care arrangement in accordance with section 96607
4723.431 of the Revised Code or to practice in accordance with 96608
the standard care arrangement; 96609

(29) In the case of an advanced practice registered nurse 96610
who is designated as a clinical nurse specialist, certified 96611
nurse-midwife, or certified nurse practitioner, failure to 96612
prescribe drugs and therapeutic devices in accordance with 96613
section 4723.481 of the Revised Code; 96614

(30) Prescribing any drug or device to perform or induce 96615
an abortion, or otherwise performing or inducing an abortion; 96616

(31) Failure to establish and maintain professional 96617
boundaries with a patient, as specified in rules adopted under 96618
section 4723.07 of the Revised Code; 96619

(32) Regardless of whether the contact or verbal behavior 96620
is consensual, engaging with a patient other than the spouse of 96621
the registered nurse, licensed practical nurse, or dialysis 96622
technician in any of the following: 96623

(a) Sexual contact, as defined in section 2907.01 of the 96624
Revised Code; 96625

(b) Verbal behavior that is sexually demeaning to the 96626
patient or may be reasonably interpreted by the patient as 96627
sexually demeaning. 96628

(33) Assisting suicide, as defined in section 3795.01 of 96629
the Revised Code; 96630

(34) Failure to comply with the requirements in section 96631
3719.061 of the Revised Code before issuing for a minor a 96632
prescription for an opioid analgesic, as defined in section 96633

3719.01 of the Revised Code; 96634

(35) Failure to comply with section 4723.487 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code; 96635
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(36) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice; 96639
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(37) In the case of an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code; 96645
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(38) Violation of section 4723.93 of the Revised Code; 96650

(39) Failure to cooperate with an investigation conducted by the board under this chapter, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, in an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation does not constitute grounds for discipline if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold testimony or evidence at issue. 96651
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(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to 96661
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an adjudication conducted under Chapter 119. of the Revised Code, except that in lieu of a hearing, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by a vote of a quorum, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the agreement shall be of no effect.

(D) The hearings of the board shall be conducted in accordance with Chapter 119. of the Revised Code, the board may appoint a hearing examiner, as provided in section 119.09 of the Revised Code, to conduct any hearing the board is authorized to hold under Chapter 119. of the Revised Code.

In any instance in which the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant, licensee, or certificate holder does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by a vote of a quorum, a final order that contains the board's findings. In the final order, the board may order any of the sanctions listed in division (A) or (B) of this section.

(E) If a criminal action is brought against a registered nurse, licensed practical nurse, or dialysis technician for an act or crime described in divisions (B)(3) to (7) of this section and the action is dismissed by the trial court other than on the merits, the board shall conduct an adjudication to determine whether the registered nurse, licensed practical nurse, or dialysis technician committed the act on which the

action was based. If the board determines on the basis of the adjudication that the registered nurse, licensed practical nurse, or dialysis technician committed the act, or if the registered nurse, licensed practical nurse, or dialysis technician fails to participate in the adjudication, the board may take action as though the registered nurse, licensed practical nurse, or dialysis technician had been convicted of the act.

If the board takes action on the basis of a conviction, plea, or a judicial finding as described in divisions (B) (3) to (7) of this section that is overturned on appeal, the registered nurse, licensed practical nurse, or dialysis technician may, on exhaustion of the appeal process, petition the board for reconsideration of its action. On receipt of the petition and supporting court documents, the board shall temporarily rescind its action. If the board determines that the decision on appeal was a decision on the merits, it shall permanently rescind its action. If the board determines that the decision on appeal was not a decision on the merits, it shall conduct an adjudication to determine whether the registered nurse, licensed practical nurse, or dialysis technician committed the act on which the original conviction, plea, or judicial finding was based. If the board determines on the basis of the adjudication that the registered nurse, licensed practical nurse, or dialysis technician committed such act, or if the registered nurse, licensed practical nurse, or dialysis technician does not request an adjudication, the board shall reinstate its action; otherwise, the board shall permanently rescind its action.

Notwithstanding the provision of division (D) (2) of section 2953.32 or division (F) (1) of section 2953.39 of the Revised Code specifying that if records pertaining to a criminal

case are sealed or expunged under that section the proceedings 96724
in the case shall be deemed not to have occurred, sealing or 96725
expungement of the following records on which the board has 96726
based an action under this section shall have no effect on the 96727
board's action or any sanction imposed by the board under this 96728
section: records of any conviction, guilty plea, judicial 96729
finding of guilt resulting from a plea of no contest, or a 96730
judicial finding of eligibility for a pretrial diversion program 96731
or intervention in lieu of conviction. 96732

The board shall not be required to seal, destroy, redact, 96733
or otherwise modify its records to reflect the court's sealing 96734
or expungement of conviction records. 96735

(F) The board may investigate an individual's criminal 96736
background in performing its duties under this section. As part 96737
of such investigation, the board may order the individual to 96738
submit, at the individual's expense, a request to the bureau of 96739
criminal identification and investigation for a criminal records 96740
check and check of federal bureau of investigation records in 96741
accordance with the procedure described in section 4723.091 of 96742
the Revised Code. 96743

(G) During the course of an investigation conducted under 96744
this section, the board may compel any registered nurse, 96745
licensed practical nurse, or dialysis technician or applicant 96746
under this chapter to submit to a mental or physical 96747
examination, or both, as required by the board and at the 96748
expense of the individual, if the board finds reason to believe 96749
that the individual under investigation may have a physical or 96750
mental impairment that may affect the individual's ability to 96751
provide safe nursing care. 96752

The board shall not compel an individual who has been 96753

referred to the safe haven program as described in sections 96754
4723.35 and 4723.351 of the Revised Code to submit to a mental 96755
or physical examination. 96756

Failure of any individual to submit to a mental or 96757
physical examination when directed constitutes an admission of 96758
the allegations, unless the failure is due to circumstances 96759
beyond the individual's control, and a default and final order 96760
may be entered without the taking of testimony or presentation 96761
of evidence. 96762

If the board finds that an individual is impaired, the 96763
board shall require the individual to submit to care, 96764
counseling, or treatment approved or designated by the board, as 96765
a condition for initial, continued, reinstated, or renewed 96766
authority to practice. The individual shall be afforded an 96767
opportunity to demonstrate to the board that the individual can 96768
begin or resume the individual's occupation in compliance with 96769
acceptable and prevailing standards of care under the provisions 96770
of the individual's authority to practice. 96771

For purposes of this division, any registered nurse, 96772
licensed practical nurse, or dialysis technician or applicant 96773
under this chapter shall be deemed to have given consent to 96774
submit to a mental or physical examination when directed to do 96775
so in writing by the board, and to have waived all objections to 96776
the admissibility of testimony or examination reports that 96777
constitute a privileged communication. 96778

(H) The board shall investigate evidence that appears to 96779
show that any person has violated any provision of this chapter 96780
or any rule of the board. Any person may report to the board any 96781
information the person may have that appears to show a violation 96782
of any provision of this chapter or rule of the board. In the 96783

absence of bad faith, any person who reports such information or 96784
who testifies before the board in any adjudication conducted 96785
under Chapter 119. of the Revised Code shall not be liable for 96786
civil damages as a result of the report or testimony. 96787

(I) All of the following apply under this chapter with 96788
respect to the confidentiality of information: 96789

(1) Information received by the board pursuant to a 96790
complaint or an investigation is confidential and not subject to 96791
discovery in any civil action, except that the board may 96792
disclose information to law enforcement officers and government 96793
entities for purposes of an investigation of either a licensed 96794
health care professional, including a registered nurse, licensed 96795
practical nurse, or dialysis technician, or a person who may 96796
have engaged in the unauthorized practice of nursing or dialysis 96797
care. No law enforcement officer or government entity with 96798
knowledge of any information disclosed by the board pursuant to 96799
this division shall divulge the information to any other person 96800
or government entity except for the purpose of a government 96801
investigation, a prosecution, or an adjudication by a court or 96802
government entity. 96803

(2) If an investigation requires a review of patient 96804
records, the investigation and proceeding shall be conducted in 96805
such a manner as to protect patient confidentiality. 96806

(3) All adjudications and investigations of the board 96807
shall be considered civil actions for the purposes of section 96808
2305.252 of the Revised Code. 96809

(4) Any board activity that involves continued monitoring 96810
of an individual as part of or following any disciplinary action 96811
taken under this section shall be conducted in a manner that 96812

maintains the individual's confidentiality. Information received 96813
or maintained by the board with respect to the board's 96814
monitoring activities is not subject to discovery in any civil 96815
action and is confidential, except that the board may disclose 96816
information to law enforcement officers and government entities 96817
for purposes of an investigation of a licensee or certificate 96818
holder. 96819

(J) Any action taken by the board under this section 96820
resulting in a suspension from practice shall be accompanied by 96821
a written statement of the conditions under which the person may 96822
be reinstated to practice. 96823

(K) When the board refuses to grant a license or 96824
certificate to an applicant, revokes a license or certificate, 96825
or refuses to reinstate a license or certificate, the board may 96826
specify that its action is permanent. An individual subject to 96827
permanent action taken by the board is forever ineligible to 96828
hold a license or certificate of the type that was refused or 96829
revoked and the board shall not accept from the individual an 96830
application for reinstatement of the license or certificate or 96831
for a new license or certificate. 96832

(L) No unilateral surrender of a nursing license or 96833
dialysis technician certificate issued under this chapter shall 96834
be effective unless accepted by majority vote of the board. No 96835
application for a nursing license or dialysis technician 96836
certificate issued under this chapter may be withdrawn without a 96837
majority vote of the board. The board's jurisdiction to take 96838
disciplinary action under this section is not removed or limited 96839
when an individual has a license or certificate classified as 96840
inactive or fails to renew a license or certificate. 96841

(M) Sanctions shall not be imposed under division (B) (24) 96842

of this section against any licensee who waives deductibles and 96843
copayments as follows: 96844

(1) In compliance with the health benefit plan that 96845
expressly allows such a practice. Waiver of the deductibles or 96846
copayments shall be made only with the full knowledge and 96847
consent of the plan purchaser, payer, and third-party 96848
administrator. Documentation of the consent shall be made 96849
available to the board upon request. 96850

(2) For professional services rendered to any other person 96851
licensed pursuant to this chapter to the extent allowed by this 96852
chapter and the rules of the board. 96853

Sec. 4723.483. (A) (1) Subject to division (A) (2) of this 96854
section, and notwithstanding any provision of this chapter or 96855
rule adopted by the board of nursing, a clinical nurse 96856
specialist, certified nurse-midwife, or certified nurse 96857
practitioner who holds a certificate to prescribe issued under 96858
section 4723.48 of the Revised Code may do either of the 96859
following without having examined an individual to whom 96860
epinephrine may be administered: 96861

(a) Personally furnish a supply of epinephrine 96862
autoinjectors for use in accordance with sections 3313.7110, 96863
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 96864
~~5101.76~~5180.26 of the Revised Code; 96865

(b) Issue a prescription for epinephrine autoinjectors for 96866
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 96867
3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~5180.26 of the 96868
Revised Code. 96869

(2) An epinephrine autoinjector personally furnished or 96870
prescribed under division (A) (1) of this section must be 96871

furnished or prescribed in such a manner that it may be 96872
administered only in a manufactured dosage form. 96873

(B) A nurse who acts in good faith in accordance with this 96874
section is not liable for or subject to any of the following for 96875
any action or omission of an entity to which an epinephrine 96876
autoinjector is furnished or a prescription is issued: damages 96877
in any civil action, prosecution in any criminal proceeding, or 96878
professional disciplinary action. 96879

Sec. 4723.4811. (A) (1) Subject to division (A) (2) of this 96880
section, and notwithstanding any provision of this chapter or 96881
rule adopted by the board of nursing, a clinical nurse 96882
specialist, certified nurse-midwife, or certified nurse 96883
practitioner licensed as an advanced practice registered nurse 96884
under Chapter 4723. of the Revised Code may do either of the 96885
following without having examined an individual to whom glucagon 96886
may be administered: 96887

(a) Personally furnish a supply of injectable or nasally 96888
administered glucagon for use in accordance with sections 96889
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, and ~~5101.78~~ 96890
5180.262 of the Revised Code; 96891

(b) Issue a prescription for injectable or nasally 96892
administered glucagon for use in accordance with sections 96893
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, and ~~5101.78~~ 96894
5180.262 of the Revised Code. 96895

(2) Injectable or nasally administered glucagon personally 96896
furnished or prescribed under division (A) (1) of this section 96897
must be furnished or prescribed in such a manner that it may be 96898
administered only in a manufactured dosage form. 96899

(B) A nurse who acts in good faith in accordance with this 96900

section is not liable for or subject to any of the following for 96901
any action or omission of an entity to which injectable or 96902
nasally administered glucagon is furnished or a prescription is 96903
issued: damages in any civil action, prosecution in any criminal 96904
proceeding, or professional disciplinary action. 96905

Sec. 4725.48. (A) Any person who desires to engage in 96906
optical dispensing shall file a properly completed application 96907
for an examination with the state vision professionals board or 96908
with the testing service the board has contracted with pursuant 96909
to section 4725.49 of the Revised Code. The application for 96910
examination shall be made using a form provided by the board and 96911
shall be accompanied by an examination fee the board shall 96912
establish by rule. 96913

(B) Any person who desires to engage in optical dispensing 96914
shall file a properly completed application for a license with 96915
the board ~~with~~. The application for licensure shall be 96916
accompanied by a licensure application fee of one hundred 96917
ninety-five dollars. 96918

No person shall be eligible to apply for a license under 96919
this division, unless the person is at least eighteen years of 96920
age, is free of contagious or infectious disease, has received a 96921
passing score, as determined by the board, on the examination 96922
administered under division (A) of this section, is a graduate 96923
of an accredited high school of any state, or has received an 96924
equivalent education and has successfully completed one of the 96925
following: 96926

(1) For a spectacle dispensing optician license, one 96927
thousand hours of supervised experience under a licensed 96928
dispensing optician, optometrist, or physician engaged in the 96929
practice of ophthalmology; 96930

(2) For a spectacle-contact lens dispensing optician 96931
license, one thousand five hundred hours of supervised 96932
experience under a licensed dispensing optician, optometrist, or 96933
physician engaged in the practice of ophthalmology; 96934

(3) A two-year college level program in optical dispensing 96935
that has been approved by the board and that includes, but is 96936
not limited to, courses of study in mathematics, science, 96937
English, anatomy and physiology of the eye, applied optics, 96938
ophthalmic optics, measurement and inspection of lenses, lens 96939
grinding and edging, ophthalmic lens design, keratometry, and 96940
the fitting and adjusting of spectacle lenses and frames and 96941
contact lenses, including methods of fitting contact lenses and 96942
post-fitting care. 96943

~~(C) The board shall issue a license to practice as an 96944
ocularist in accordance with Chapter 4796. of the Revised Code 96945
to an applicant if either of the following applies: 96946~~

~~(1) The applicant holds a license in another state. 96947~~

~~(2) The applicant has satisfactory work experience, a 96948
government certification, or a private certification as 96949
described in that chapter as an ocularist in a state that does 96950
not issue that license. 96951~~

~~(D)~~ (1)(C) (1) Subject to divisions ~~(D)~~ (3)(C) (3) and (4) of 96952
this section, the board shall not adopt, maintain, renew, or 96953
enforce any rule that precludes an individual from renewing a 96954
license as a dispensing optician issued under sections 4725.40 96955
to 4725.59 of the Revised Code due to any past criminal activity 96956
or interpretation of moral character, unless the individual has 96957
committed a crime of moral turpitude or a disqualifying offense 96958
as those terms are defined in section 4776.10 of the Revised 96959

Code. 96960

If the board denies an individual a license or license renewal, the reasons for such denial shall be put in writing. 96961
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(2) The board may refuse to issue a license to an applicant because of a conviction of or plea of guilty to an offense if the refusal is in accordance with section 9.79 of the Revised Code. 96963
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(3) In considering a renewal of an individual's license, the board shall not consider any conviction or plea of guilty prior to the initial licensing. However, the board may consider a conviction or plea of guilty if it occurred after the individual was initially licensed, or after the most recent license renewal. 96967
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(4) The board may grant an individual a conditional license that lasts for one year. After the one-year period has expired, the license is no longer considered conditional, and the individual shall be considered fully licensed. 96973
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~~(E)~~(D) The board, subject to the approval of the controlling board, may establish examination fees in excess of the amount established by rule pursuant to this section, provided that such fees do not exceed those amounts established in rule by more than fifty per cent. 96977
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Sec. 4729.01. As used in this chapter: 96982

(A) "Pharmacy," except when used in a context that refers to the practice of pharmacy, means any area, room, rooms, place of business, department, or portion of any of the foregoing where the practice of pharmacy is conducted. 96983
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(B) "Practice of pharmacy" means providing pharmacist care 96987

requiring specialized knowledge, judgment, and skill derived 96988
from the principles of biological, chemical, behavioral, social, 96989
pharmaceutical, and clinical sciences. As used in this division, 96990
"pharmacist care" includes the following: 96991

(1) Interpreting prescriptions; 96992

(2) Dispensing drugs and drug therapy related devices; 96993

(3) Compounding drugs; 96994

(4) Counseling individuals with regard to their drug 96995
therapy, recommending drug therapy related devices, and 96996
assisting in the selection of drugs and appliances for treatment 96997
of common diseases and injuries and providing instruction in the 96998
proper use of the drugs and appliances; 96999

(5) Performing drug regimen reviews with individuals by 97000
discussing all of the drugs that the individual is taking and 97001
explaining the interactions of the drugs; 97002

(6) Performing drug utilization reviews with licensed 97003
health professionals authorized to prescribe drugs when the 97004
pharmacist determines that an individual with a prescription has 97005
a drug regimen that warrants additional discussion with the 97006
prescriber; 97007

(7) Advising an individual and the health care 97008
professionals treating an individual with regard to the 97009
individual's drug therapy; 97010

(8) Acting pursuant to a consult agreement, if an 97011
agreement has been established; 97012

(9) Engaging in the administration of immunizations to the 97013
extent authorized by section 4729.41 of the Revised Code; 97014

- (10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code. 97015
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- (C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances: 97017
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- (1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs; 97020
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- (2) Pursuant to the modification of a prescription made in accordance with a consult agreement; 97022
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- (3) As an incident to research, teaching activities, or chemical analysis; 97024
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- (4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns; 97026
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- (5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply: 97029
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- (a) At the time the request is made, the drug is not commercially available regardless of the reason that the drug is not available, including the absence of a manufacturer for the drug or the lack of a readily available supply of the drug from a manufacturer. 97034
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- (b) A limited quantity of the drug is compounded and provided to the professional. 97039
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- (c) The drug is compounded and provided to the professional as an occasional exception to the normal practice 97041
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of dispensing drugs pursuant to patient-specific prescriptions. 97043

(D) "Consult agreement" means an agreement that has been 97044
entered into under section 4729.39 of the Revised Code. 97045

(E) "Drug" means: 97046

(1) Any article recognized in the United States 97047
pharmacopoeia and national formulary, or any supplement to them, 97048
intended for use in the diagnosis, cure, mitigation, treatment, 97049
or prevention of disease in humans or animals; 97050

(2) Any other article intended for use in the diagnosis, 97051
cure, mitigation, treatment, or prevention of disease in humans 97052
or animals; 97053

(3) Any article, other than food, intended to affect the 97054
structure or any function of the body of humans or animals; 97055

(4) Any article intended for use as a component of any 97056
article specified in division (E) (1), (2), or (3) of this 97057
section; but does not include devices or their components, 97058
parts, or accessories. 97059

"Drug" does not include "hemp" or a "hemp product" as 97060
those terms are defined in section 928.01 of the Revised Code. 97061

(F) "Dangerous drug" means any of the following: 97062

(1) Any drug to which either of the following applies: 97063

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 97064
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 97065
required to bear a label containing the legend "Caution: Federal 97066
law prohibits dispensing without prescription" or "Caution: 97067
Federal law restricts this drug to use by or on the order of a 97068
licensed veterinarian" or any similar restrictive statement, or 97069

the drug may be dispensed only upon a prescription; 97070

(b) Under Chapter 3715. or 3719. of the Revised Code, the 97071
drug may be dispensed only upon a prescription. 97072

(2) Any drug that contains a schedule V controlled 97073
substance and that is exempt from Chapter 3719. of the Revised 97074
Code or to which that chapter does not apply; 97075

(3) Any drug intended for administration by injection into 97076
the human body other than through a natural orifice of the human 97077
body; 97078

(4) Any drug that is a biological product, as defined in 97079
section 3715.01 of the Revised Code. 97080

(G) "Federal drug abuse control laws" has the same meaning 97081
as in section 3719.01 of the Revised Code. 97082

(H) "Prescription" means all of the following: 97083

(1) A written, electronic, or oral order for drugs or 97084
combinations or mixtures of drugs to be used by a particular 97085
individual or for treating a particular animal, issued by a 97086
licensed health professional authorized to prescribe drugs; 97087

(2) For purposes of sections 4723.4810, 4729.282, 97088
4730.432, and 4731.93 of the Revised Code, a written, 97089
electronic, or oral order for a drug to treat chlamydia, 97090
gonorrhoea, or trichomoniasis issued to and in the name of a 97091
patient who is not the intended user of the drug but is the 97092
sexual partner of the intended user; 97093

(3) For purposes of sections 3313.7110, 3313.7111, 97094
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 97095
4731.96, and ~~5101.76~~5180.26 of the Revised Code, a written, 97096
electronic, or oral order for an epinephrine autoinjector issued 97097

to and in the name of a school, school district, or camp; 97098

(4) For purposes of Chapter 3728. and sections 4723.483, 97099
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 97100
electronic, or oral order for an epinephrine autoinjector issued 97101
to and in the name of a qualified entity, as defined in section 97102
3728.01 of the Revised Code; 97103

(5) For purposes of sections 3313.7115, 3313.7116, 97104
3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and 97105
~~5101.78~~ 5180.262 of the Revised Code, a written, electronic, or 97106
oral order for injectable or nasally administered glucagon in 97107
the name of a school, school district, or camp. 97108

(I) "Licensed health professional authorized to prescribe 97109
drugs" or "prescriber" means an individual who is authorized by 97110
law to prescribe drugs or dangerous drugs or drug therapy 97111
related devices in the course of the individual's professional 97112
practice, including only the following: 97113

(1) A dentist licensed under Chapter 4715. of the Revised 97114
Code; 97115

(2) A clinical nurse specialist, certified nurse-midwife, 97116
or certified nurse practitioner who holds a current, valid 97117
license issued under Chapter 4723. of the Revised Code to 97118
practice nursing as an advanced practice registered nurse; 97119

(3) A certified registered nurse anesthetist who holds a 97120
current, valid license issued under Chapter 4723. of the Revised 97121
Code to practice nursing as an advanced practice registered 97122
nurse, but only to the extent of the nurse's authority under 97123
sections 4723.43 and 4723.434 of the Revised Code; 97124

(4) An optometrist licensed under Chapter 4725. of the 97125
Revised Code to practice optometry; 97126

(5) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;

(6) A physician assistant who holds a license to practice as a physician assistant issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority;

(7) A veterinarian licensed under Chapter 4741. of the Revised Code;

(8) A certified mental health assistant licensed under Chapter 4772. of the Revised Code who has been granted physician-delegated prescriptive authority by the physician supervising the certified mental health assistant.

(J) "Sale" or "sell" includes any transaction made by any person, whether as principal proprietor, agent, or employee, to do or offer to do any of the following: deliver, distribute, broker, exchange, gift or otherwise give away, or transfer, whether the transfer is by passage of title, physical movement, or both.

(K) "Wholesale sale" and "sale at wholesale" mean any sale in which the purpose of the purchaser is to resell the article purchased or received by the purchaser.

(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.

(M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control

or establish responsibility. 97156

(N) "Price information" means the price charged for a 97157
prescription for a particular drug product and, in an easily 97158
understandable manner, all of the following: 97159

(1) The proprietary name of the drug product; 97160

(2) The established (generic) name of the drug product; 97161

(3) The strength of the drug product if the product 97162
contains a single active ingredient or if the drug product 97163
contains more than one active ingredient and a relevant strength 97164
can be associated with the product without indicating each 97165
active ingredient. The established name and quantity of each 97166
active ingredient are required if such a relevant strength 97167
cannot be so associated with a drug product containing more than 97168
one ingredient. 97169

(4) The dosage form; 97170

(5) The price charged for a specific quantity of the drug 97171
product. The stated price shall include all charges to the 97172
consumer, including, but not limited to, the cost of the drug 97173
product, professional fees, handling fees, if any, and a 97174
statement identifying professional services routinely furnished 97175
by the pharmacy. Any mailing fees and delivery fees may be 97176
stated separately without repetition. The information shall not 97177
be false or misleading. 97178

(O) "Wholesale distributor of dangerous drugs" or 97179
"wholesale distributor" means a person engaged in the sale of 97180
dangerous drugs at wholesale and includes any agent or employee 97181
of such a person authorized by the person to engage in the sale 97182
of dangerous drugs at wholesale. 97183

(P) "Manufacturer of dangerous drugs" or "manufacturer" 97184
means a person, other than a pharmacist or prescriber, who 97185
manufactures dangerous drugs and who is engaged in the sale of 97186
those dangerous drugs. 97187

(Q) "Terminal distributor of dangerous drugs" or "terminal 97188
distributor" means a person who is engaged in the sale of 97189
dangerous drugs at retail, or any person, other than a 97190
manufacturer, repackager, outsourcing facility, third-party 97191
logistics provider, wholesale distributor, or pharmacist, who 97192
has possession, custody, or control of dangerous drugs for any 97193
purpose other than for that person's own use and consumption. 97194
"Terminal distributor" includes pharmacies, hospitals, nursing 97195
homes, and laboratories and all other persons who procure 97196
dangerous drugs for sale or other distribution by or under the 97197
supervision of a pharmacist, licensed health professional 97198
authorized to prescribe drugs, or other person authorized by the 97199
state board of pharmacy. 97200

(R) "Promote to the public" means disseminating a 97201
representation to the public in any manner or by any means, 97202
other than by labeling, for the purpose of inducing, or that is 97203
likely to induce, directly or indirectly, the purchase of a 97204
dangerous drug at retail. 97205

(S) "Person" includes any individual, partnership, 97206
association, limited liability company, or corporation, the 97207
state, any political subdivision of the state, and any district, 97208
department, or agency of the state or its political 97209
subdivisions. 97210

(T) (1) "Animal shelter" means a facility operated by a 97211
humane society or any society organized under Chapter 1717. of 97212
the Revised Code or a dog pound operated pursuant to Chapter 97213

955. of the Revised Code. 97214

(2) "County dog warden" means a dog warden or deputy dog warden appointed or employed under section 955.12 of the Revised Code. 97215
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(U) "Food" has the same meaning as in section 3715.01 of the Revised Code. 97218
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(V) "Pain management clinic" has the same meaning as in section 4731.054 of the Revised Code. 97220
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(W) "Investigational drug or product" means a drug or product that has successfully completed phase one of the United States food and drug administration clinical trials and remains under clinical trial, but has not been approved for general use by the United States food and drug administration. 97222
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"Investigational drug or product" does not include controlled substances in schedule I, as defined in section 3719.01 of the Revised Code. 97227
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(X) "Product," when used in reference to an investigational drug or product, means a biological product, other than a drug, that is made from a natural human, animal, or microorganism source and is intended to treat a disease or medical condition. 97230
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(Y) "Third-party logistics provider" means a person that provides or coordinates warehousing or other logistics services pertaining to dangerous drugs including distribution, on behalf of a manufacturer, wholesale distributor, or terminal distributor of dangerous drugs, but does not take ownership of the drugs or have responsibility to direct the sale or disposition of the drugs. 97235
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(Z) "Repackager of dangerous drugs" or "repackager" means 97242

a person that repacks and relabels dangerous drugs for sale or distribution. 97243
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(AA) "Outsourcing facility" means a facility that is 97245
engaged in the compounding and sale of sterile drugs and is 97246
registered as an outsourcing facility with the United States 97247
food and drug administration. 97248

(BB) "Laboratory" means a laboratory licensed under this 97249
chapter as a terminal distributor of dangerous drugs and 97250
entrusted to have custody of any of the following drugs and to 97251
use the drugs for scientific and clinical purposes and for 97252
purposes of instruction: dangerous drugs that are not controlled 97253
substances, as defined in section 3719.01 of the Revised Code; 97254
dangerous drugs that are controlled substances, as defined in 97255
that section; and controlled substances in schedule I, as 97256
defined in that section. 97257

(CC) "Overdose reversal drug" means both of the following: 97258

(1) Naloxone; 97259

(2) Any other drug that the state board of pharmacy, 97260
through rules adopted in accordance with Chapter 119. of the 97261
Revised Code, designates as a drug that is approved by the 97262
federal food and drug administration for the reversal of a known 97263
or suspected opioid-related overdose. 97264

Sec. 4729.261. (A) For purposes of division (D) (4) (b) of 97265
section 2925.14 of the Revised Code, and subject to division (B) 97266
of this section, the state board of pharmacy shall adopt rules 97267
establishing standards and procedures for its approval of types 97268
of instruments that are not to be considered drug paraphernalia 97269
because they demonstrate efficacy in reducing drug poisoning by 97270
determining the presence of a specific compound or group of 97271

compounds. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 97272
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(B) Under this section, the board shall not approve any type of instrument to the extent that the instrument is intended to measure the purity of a mixture. 97274
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Sec. 4729.49. (A) As used in this section: 97277

(1) "340B covered entity" "medicaid has the same meaning as in section 3902.70 of the Revised Code. 97278
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(2) "Medicaid managed care organization," and "third-party administrator" have the same meanings as in section 5167.01 of the Revised Code. 97280
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(B) A contract between a terminal distributor of dangerous drugs and a 340B covered entity shall require the terminal distributor to comply with division (C) of this section. 97283
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(C) When paying a 340B covered entity for a dangerous drug dispensed to a patient, a terminal distributor shall pay to the 340B covered entity the full reimbursement amount the terminal distributor receives from the patient and the patient's health insurer, including a third-party administrator or medicaid managed care organization, except that the terminal distributor may deduct from the full reimbursement amount a fee agreed on in writing by the terminal distributor and the 340B covered entity. 97286
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Sec. 4729.52. (A) As used in this section: 97294

(1) "Category II" means any dangerous drug that is not included in category III. 97295
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(2) "Category III" means any controlled substance that is contained in schedule I, II, III, IV, or V. 97297
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(3) "Schedule I," "schedule II," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code. 97299
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(B) (1) (a) The state board of pharmacy shall license persons seeking to operate as any of the following ~~persons,~~ whether located within or outside this state: 97302
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(i) Wholesale distributors of dangerous drugs; 97305

(ii) Manufacturers of dangerous drugs; 97306

(iii) Outsourcing facilities; 97307

(iv) Third-party logistics providers; 97308

(v) Repackagers of dangerous drugs. 97309

(b) ~~There shall be two categories for the licenses~~ When the board issues a license to a person identified in division (B) (1) (a) of this section. The, the license shall be issued according to one of the following categories ~~are as follows,~~ as the case may be for the person's business operations: 97310
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(i) Category II license. A category II license applies to a person whose business operations are located within this state. A person who obtains this license may possess, have custody or control of, and distribute, only the dangerous drugs described in category II. 97315
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(ii) Category III license. A category III license applies to a person whose business operations are located within this state. A person who obtains this license may possess, have custody or control of, and distribute, the dangerous drugs described in category II and the controlled substances described in category III. 97320
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(iii) Nonresident license. A nonresident license applies 97326
to a person whose business operations are located outside this 97327
state. One of the following subcategories shall be designated by 97328
the board on the license, based on the license holder's business 97329
operations: wholesale distributor of dangerous drugs, 97330
manufacturer of dangerous drugs, outsourcing facility, third- 97331
party logistics provider, or repackager of dangerous drugs. A 97332
person who obtains a nonresident license may possess, have 97333
custody or control of, and distribute the dangerous drugs 97334
described in category II and the controlled substances described 97335
in category III. 97336

(c) The board may adopt rules under section 4729.26 of the 97337
Revised Code to create classification types of any license 97338
issued pursuant to this section. Persons who meet the 97339
definitions of the classification types shall comply with all 97340
requirements for the specific license classification specified 97341
in rule. 97342

(C) A person seeking a license ~~identified in division (B)~~ 97343
~~(1)(a) of issued under~~ this section shall file with the 97344
executive director of the board a verified application 97345
containing such information as the board requires of the 97346
applicant relative to the licensure qualifications set forth in 97347
section 4729.53 of the Revised Code and the rules adopted under 97348
that section. 97349

(D) (1) The board shall ~~license as~~ issue a category II or 97350
category III license, designated for a manufacturer, outsourcing 97351
facility, third-party logistics provider, repackager, or 97352
wholesale distributor as the case may be, to each applicant ~~who~~ 97353
~~has paid~~ whose business operations are located within this 97354
state, if the applicant pays the required license fee, ~~if~~ and 97355

the board determines that the applicant meets the licensure 97356
qualifications set forth in section 4729.53 of the Revised Code 97357
and the rules adopted under that section. 97358

~~(D)(2)~~ The board may shall issue a nonresident license 97359
with the appropriate subcategory designation to a person who 97360
does not reside in an applicant whose business operations are 97361
located outside this state a license identified in division (B) 97362
(1)(a) of this section, if the person applicant pays the 97363
required licensure license fee and meets the board determines 97364
either of the following: 97365

~~(1) Possesses~~ (a) That the applicant possesses a current 97366
and valid manufacturer, outsourcing facility, third-party 97367
logistics provider, repackager, or wholesale distributor 97368
license, or its equivalent, issued by another state in which 97369
that ~~person is~~ person's business operations are physically 97370
located, but only if that state has qualifications for licensure 97371
comparable to the licensure requirements in this state; 97372

~~(2) Meets~~ (b) That the applicant meets the requirements 97373
set forth by the board for issuance of a nonresident license- 97374
identified in division (B)(1)(a) of this section, as verified by 97375
a state, federal, or other entity recognized by the board to 97376
perform such verification. 97377

(E) All licenses issued or renewed pursuant to this 97378
section are effective for a period specified by the board in 97379
rules adopted under section 4729.26 of the Revised Code. The 97380
effective period for an initial or renewed license shall not 97381
exceed twenty-four months unless the board extends the period in 97382
rules to adjust license renewal schedules. A license shall be 97383
renewed by the board pursuant to this section, the standard 97384
renewal procedure of Chapter 4745. of the Revised Code, and 97385

rules adopted by the board under section 4729.26 of the Revised Code. A person seeking to renew a license shall submit an application for renewal and pay the required renewal fee before the date specified in the rules adopted by the board.

(F) Each license issued under this section shall describe not more than one establishment or place where the license holder may engage in the activities authorized by the license. No license shall authorize or permit the person named therein to engage in the sale or distribution of drugs at wholesale or to maintain possession, custody, or control of dangerous drugs for any purpose other than for the licensee's own use and consumption at any establishment or place other than that described in the license.

~~(G) (1) (a)~~ (G) (1) The category II license fee is one thousand nine hundred dollars and shall accompany each application for licensure. The license renewal fee is one thousand nine hundred dollars and shall accompany each renewal application.

~~(b)~~ (2) The category III license fee is two thousand dollars and shall accompany each application for licensure. The license renewal fee is two thousand dollars and shall accompany each renewal application.

~~(e) (i)~~ (3) The nonresident license fee is two thousand dollars and shall accompany each application for licensure. The license renewal fee is two thousand dollars and shall accompany each renewal application.

(H) (1) Subject to division ~~(G) (1) (e) (ii)~~ (H) (2) of this section, a license issued pursuant to this section that has not been renewed by the date specified in rules adopted by the board

may be reinstated upon payment of the renewal fee and a penalty 97415
of three hundred dollars. 97416

~~(ii)~~(2) If a complete application for renewal has not been 97417
submitted by the sixty-first day after the renewal date 97418
specified in rules adopted by the board, the license is 97419
considered void and cannot be renewed, but the license holder 97420
may reapply for licensure. 97421

~~(2)~~(I) Renewal fees and penalties assessed under division 97422
~~(G)(1)~~(G) or (H) of this section shall not be returned if the 97423
applicant fails to qualify for renewal. 97424

~~(3)~~(J) A person licensed pursuant to this section that 97425
fails to renew licensure in accordance with this section and 97426
rules adopted by the board is prohibited from engaging in 97427
manufacturing, repackaging, or compounding drugs, or 97428
distributing drugs as a third-party logistics provider or 97429
wholesale distributor, until a valid license is issued by the 97430
board. 97431

~~(H)~~(K) Holding a license issued pursuant to this section 97432
subjects the holder and the holder's agents and employees to the 97433
jurisdiction of the board and to the laws of this state for the 97434
purpose of the enforcement of this chapter and the rules of the 97435
board. However, the filing of an application for licensure under 97436
this section by or on behalf of any person, or the issuance of a 97437
license pursuant to this section to or on behalf of any person, 97438
shall not of itself constitute evidence that the person is doing 97439
business within this state. 97440

~~(I)~~(L) A person holding a license issued under this 97441
section shall designate, and shall have available at all times, 97442
a person to serve for the licensed location in a position to be 97443

known as "responsible person." A person may be designated and 97444
serve as a responsible person only if the person meets the 97445
requirements established in rules the board shall adopt under 97446
section 4729.26 of the Revised Code. Along with the license 97447
holder, a responsible person shall accept responsibility for the 97448
operation of the licensed location in accordance with all 97449
applicable state and federal laws and rules. 97450

A license holder shall notify the board of the person who 97451
is designated to serve as the responsible person and, 97452
thereafter, shall notify the board each time a change is made in 97453
the designation. Notice to the board shall be provided in 97454
accordance with procedures established in rules that the board 97455
shall adopt under section 4729.26 of the Revised Code. For any 97456
change of responsible person, the board shall assess a fee of 97457
fifteen dollars. 97458

(M) The board may enter into agreements with other states, 97459
federal agencies, and other entities to exchange information 97460
concerning licensing and inspection of any manufacturer, 97461
outsourcing facility, third-party logistics provider, 97462
repackager, or wholesale distributor located within or outside 97463
this state and to investigate alleged violations of the laws and 97464
rules governing distribution of drugs by such persons. Any 97465
information received pursuant to such an agreement is subject to 97466
the same confidentiality requirements applicable to the agency 97467
or entity from which it was received and shall not be released 97468
without prior authorization from that agency or entity. Any 97469
information received is also subject to section 4729.23 of the 97470
Revised Code. 97471

Sec. 4729.53. (A) The state board of pharmacy shall not 97472
license any person as a manufacturer of dangerous drugs, 97473

outsourcing facility, third-party logistics provider, repackager 97474
of dangerous drugs, or wholesale distributor of dangerous drugs 97475
unless the applicant for licensure furnishes satisfactory proof 97476
to the board that all of the following conditions are met: 97477

(1) If the applicant has committed acts that the board 97478
finds violate any federal, state, or local law, regulation, or 97479
rule relating to drug samples, manufacturing, compounding, 97480
repackaging, wholesale or retail drug distribution, or 97481
distribution of dangerous drugs, including controlled 97482
substances, or if the applicant has committed acts that the 97483
board finds constitute a felony, or if a federal, state, or 97484
local governmental entity has suspended or revoked any current 97485
or prior license of the applicant for the manufacture, 97486
compounding, repackaging, distribution, or sale of any dangerous 97487
drugs, including controlled substances, the applicant, to the 97488
satisfaction of the board, assures that the applicant has in 97489
place adequate safeguards to prevent the recurrence of any such 97490
violations, felonies, or license suspensions or revocations. 97491

(2) The applicant's past experience in the manufacture, 97492
compounding, repackaging, or distribution of dangerous drugs, 97493
including controlled substances, is acceptable to the board. 97494

(3) The applicant is properly equipped as to land, 97495
buildings, equipment, and personnel to properly carry on its 97496
business, including providing adequate security for and proper 97497
storage conditions and handling for dangerous drugs, and is 97498
complying with the requirements under this chapter and the rules 97499
adopted pursuant thereto for maintaining and making available 97500
records to properly identified board officials and federal, 97501
state, and local law enforcement agencies. 97502

(4) Personnel employed by the applicant have the 97503

appropriate education or experience, as determined by the board, 97504
to assume responsibility for positions related to compliance 97505
with this chapter and the rules adopted pursuant thereto. 97506

(5) The applicant has designated the name and address of a 97507
person to whom communications from the board may be directed and 97508
upon whom the notices and citations provided for in section 97509
4729.56 of the Revised Code may be served. 97510

(6) Adequate safeguards are assured to prevent the sale of 97511
dangerous drugs other than in accordance with section 4729.51 of 97512
the Revised Code. 97513

(7) With respect to criminal records checks, the applicant 97514
has done both of the following, and the board has decided that 97515
the results of the criminal records checks do not make the 97516
applicant ineligible for a license issued pursuant to section 97517
4729.52 of the Revised Code: 97518

(a) ~~Complied~~ The applicant has complied with sections 97519
4776.01 to 4776.04 of the Revised Code~~r~~. 97520

(b) ~~Required any~~ The applicant has required each of the 97521
following to submit to a criminal records check in accordance 97522
with section 4776.02 of the Revised Code and send the results of 97523
the criminal records check directly to the board: 97524

(i) Any person who is seeking to serve as the responsible 97525
person on the license, as required by section 4729.52 of the 97526
Revised Code; 97527

(2) Any person who has an ownership interest, or who is a 97528
corporate officer, as set forth in rules adopted under division 97529
(C) of this section, ~~to submit to a criminal records check in~~ 97530
~~accordance with section 4776.02 of the Revised Code and send the~~ 97531
~~results of the criminal records check directly to the board.~~ 97532

(8) The applicant meets any other requirement or 97533
qualification the board, by rule adopted under division (C) of 97534
this section, considers relevant to and consistent with the 97535
public safety and health. 97536

(B) In addition to the causes described in section 4729.56 97537
of the Revised Code for refusing to grant or renew a license, 97538
the board may refuse to grant or renew a license if the board 97539
determines that the granting of the license or its renewal is 97540
not in the public interest. 97541

(C) The board shall adopt rules in accordance with Chapter 97542
119. of the Revised Code that do all of the following: 97543

(1) For purposes of division (A) (7) (b) of this section, 97544
~~define "responsible person" and specify the persons with~~ 97545
ownership interests and the corporate officers who are required 97546
to submit to criminal records checks; 97547

(2) For purposes of division (A) (8) of this section, 97548
specify other requirements or qualifications, if any, that an 97549
applicant must meet to receive a license; 97550

(3) Address any other matter the board considers 97551
appropriate to implement this section. 97552

Sec. 4729.54. (A) As used in this section: 97553

(1) "Category II" means any dangerous drug that is not 97554
included in category III. 97555

(2) "Category III" means any controlled substance that is 97556
contained in schedule I, II, III, IV, or V. 97557

(3) "Emergency medical service organization" has the same 97558
meaning as in section 4765.01 of the Revised Code. 97559

(4) "Emergency medical service organization satellite" 97560
means a location where dangerous drugs are stored that is 97561
separate from, but associated with, the headquarters of an 97562
emergency medical service organization. "Emergency medical 97563
service organization satellite" does not include the units under 97564
the control of the emergency medical service organization. 97565

(5) "Person" includes an emergency medical service 97566
organization or an emergency medical service organization 97567
satellite. 97568

(6) "Schedule I," "schedule II," "schedule III," "schedule 97569
IV," and "schedule V" have the same meanings as in section 97570
3719.01 of the Revised Code. 97571

(B) (1) The state board of pharmacy shall license persons 97572
seeking to operate as terminal distributors of dangerous drugs, 97573
whether located within or outside this state. 97574

A person seeking to be licensed as a terminal distributor 97575
of dangerous drugs shall file with the executive director of the 97576
~~state board of pharmacy~~ a verified application. After it is 97577
filed, the application may not be withdrawn without approval of 97578
the board. 97579

(2) An application shall contain all the following that 97580
apply in the applicant's case: 97581

(a) Information that the board requires relative to the 97582
qualifications of a terminal distributor of dangerous drugs set 97583
forth in section 4729.55 of the Revised Code; 97584

(b) A statement as to whether the category of licensure, 97585
identified under division (E) of this section, that the person 97586
is seeking to be licensed as a category II, category III, 97587
limited category II, or limited category III terminal 97588

~~distributor of dangerous drugs;~~ 97589

(c) If the person is seeking to be licensed as a limited 97590
category II or limited category III terminal distributor of 97591
dangerous drugs, a list of the dangerous drugs described in 97592
category II or the controlled substances described in category 97593
III that the person is seeking to possess, have custody or 97594
control of, and distribute, which list shall also specify the 97595
purpose for which those drugs will be used and their source; 97596

(d) If the person is an emergency medical service 97597
organization, the information that is specified in divisions (C) 97598
(1) and (2) of this section, and if the person is an emergency 97599
medical service organization satellite, the information required 97600
under division (D) of this section; 97601

(e) Except with respect to the units under the control of 97602
an emergency medical service organization, the identity of the 97603
one establishment or place at which the person intends to engage 97604
in the sale or other distribution of dangerous drugs at retail, 97605
and maintain possession, custody, or control of dangerous drugs 97606
for purposes other than the person's own use or consumption; 97607

(f) If the application pertains to a pain management 97608
clinic, information that demonstrates, to the satisfaction of 97609
the board, compliance with division (A) of section 4729.552 of 97610
the Revised Code. 97611

(C) (1) Each emergency medical service organization that 97612
applies for a terminal distributor of dangerous drugs license 97613
shall submit with its application all of the following: 97614

(a) A copy of its standing orders or protocol, which 97615
orders or protocol shall be signed by a physician; 97616

(b) A list of the dangerous drugs that the units under its 97617

control may carry, expressed in standard dose units, which shall 97618
be signed by a physician; 97619

(c) A list of the personnel employed or used by the 97620
organization to provide emergency medical services in accordance 97621
with Chapter 4765. of the Revised Code. 97622

In accordance with Chapter 119. of the Revised Code, the 97623
board shall adopt rules specifying when an emergency medical 97624
service organization that is licensed as a terminal distributor 97625
must notify the board of any changes in its documentation 97626
submitted pursuant to division (C)(1) of this section. 97627

(2) An emergency medical service organization seeking to 97628
be licensed as a terminal distributor of dangerous drugs shall 97629
list in its application for licensure the following additional 97630
information: 97631

(a) The units under its control that the organization 97632
determines will possess dangerous drugs for the purpose of 97633
administering emergency medical services in accordance with 97634
Chapter 4765. of the Revised Code; 97635

(b) With respect to each such unit, whether the dangerous 97636
drugs that the organization determines the unit will possess are 97637
in category II or III. 97638

(3) An emergency medical service organization that is 97639
licensed as a terminal distributor of dangerous drugs shall file 97640
a new application for such licensure if there is any change in 97641
the number or location of any of its units or if there is any 97642
change in the category of the dangerous drugs that any unit will 97643
possess. 97644

(4) A unit listed in an application for licensure pursuant 97645
to division (C)(2) of this section may obtain the dangerous 97646

drugs it is authorized to possess from its emergency medical 97647
service organization or, on a replacement basis, from a hospital 97648
pharmacy. If units will obtain dangerous drugs from a hospital 97649
pharmacy, the organization shall file, and maintain in current 97650
form, the following items with the pharmacist who is responsible 97651
for the hospital's terminal distributor of dangerous drugs 97652
license: 97653

(a) A copy of its standing orders or protocol; 97654

(b) A list of the personnel employed or used by the 97655
organization to provide emergency medical services in accordance 97656
with Chapter 4765. of the Revised Code, who are authorized to 97657
possess the drugs, which list also shall indicate the personnel 97658
who are authorized to administer the drugs. 97659

(D) Each emergency medical service organization satellite 97660
that applies for a terminal distributor of dangerous drugs 97661
license shall submit with its application all of the information 97662
that the board requires to be submitted with the application, as 97663
specified in rules the board shall adopt in accordance with 97664
Chapter 119. of the Revised Code. 97665

(E) ~~There shall be four categories of terminal distributor~~ 97666
~~of dangerous drugs licenses. The~~ When the board issues a license 97667
to a person seeking to operate as a terminal distributor of 97668
dangerous drugs, the board shall issue the license according to 97669
one of the following categories—~~are as follows~~, as the case may 97670
be for the person's business operations: 97671

(1) Category II license. A category II license applies to 97672
a person whose business operations are located within this 97673
state. A person who obtains this license may possess, have 97674
custody or control of, and distribute only the dangerous drugs 97675

described in category II. 97676

(2) Limited category II license. A limited category II license applies to a person whose business operations are located within this state. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category II that were listed in the application for licensure. 97677
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(3) Category III license, which may include a pain management clinic classification issued under section 4729.552 of the Revised Code. A category III license applies to a person whose business operations are located within this state. A person who obtains this license may possess, have custody or control of, and distribute the dangerous drugs described in category II and category III. If the license includes a pain management clinic classification, the person may operate a pain management clinic. 97683
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(4) Limited category III license. A limited category III license applies to a person whose business operations are located within this state. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category II or the controlled substances described in category III that were listed in the application for licensure. 97692
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(5) Nonresident license. A nonresident license applies to a person whose business operations are located outside this state. A person who obtains a nonresident license may possess, have custody or control of, and distribute the dangerous drugs described in category II and the controlled substances described in category III. 97699
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(F) Except for an application made by a county dog warden or on behalf of an animal shelter, if an applicant for a limited category II license or limited category III license intends to administer dangerous drugs to a person or animal, the applicant shall submit, with the application, a copy of its protocol or standing orders. The protocol or orders shall be signed by a licensed health professional authorized to prescribe drugs, specify the dangerous drugs to be administered, and list personnel who are authorized to administer the dangerous drugs in accordance with federal law or the law of this state.

An application made by a county dog warden or on behalf of an animal shelter shall include a list of the dangerous drugs to be administered to animals and the personnel who are authorized to administer the drugs to animals in accordance with section 4729.532 of the Revised Code.

In accordance with Chapter 119. of the Revised Code, the board shall adopt rules specifying when a licensee must notify the board of any changes in its documentation submitted pursuant to this division.

(G) (1) Except as provided in division (G) (3) of this section, each applicant for licensure as a terminal distributor of dangerous drugs shall submit, with the application, a license fee in the amount that applies to the category of licensure being sought. The amount assessed shall not be returned to the applicant if the applicant fails to qualify for the license.

(2) The following fees apply under division (G) (1) of this section:

(a) Except as provided in division (G) (2) (b) of this section:

- (i) Three hundred ~~twenty~~sixty dollars for a category II or limited category II license; 97734
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- (ii) Four hundred ~~forty~~sixty dollars for a category III license, including a license with a pain management clinic classification issued under section 4729.552 of the Revised Code, or a limited category III license; 97736
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- (iii) Five hundred dollars for a nonresident license. 97740
- (b) One hundred ~~twenty~~sixty dollars for all of the following whose business operations are located within this state: 97741
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- (i) A person who is required to hold a license as a terminal distributor of dangerous drugs pursuant to division (C) of section 4729.541 of the Revised Code; 97744
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- (ii) A professional association, corporation, partnership, or limited liability company organized for the purpose of practicing veterinary medicine that is not included in division (G) (2) (b) (i) of this section; 97747
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- (iii) An emergency medical service organization satellite. 97751
- (3) No fee applies for a license issued to a charitable pharmacy, as defined in section 3719.811 of the Revised Code, if the charitable pharmacy is participating in the drug repository program established under section 3715.87 of the Revised Code. 97752
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- (H) (1) The board shall issue a terminal distributor of dangerous drugs license, in the appropriate category, to each person who submits an application for such licensure in accordance with this section, pays the required license fee, is determined by the board to meet the requirements set forth in section 4729.55 of the Revised Code, and satisfies any other 97756
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applicable requirements of this section. 97762

(2) Except for the license of a county dog warden, the 97763
license shall describe the one establishment or place at which 97764
the licensee may engage in the sale or other distribution of 97765
dangerous drugs at retail and maintain possession, custody, or 97766
control of dangerous drugs for purposes other than the 97767
licensee's own use or consumption. The one establishment or 97768
place shall be that which is identified in the application for 97769
licensure. 97770

No such license shall authorize or permit the terminal 97771
distributor of dangerous drugs named in it to engage in the sale 97772
or other distribution of dangerous drugs at retail or to 97773
maintain possession, custody, or control of dangerous drugs for 97774
any purpose other than the distributor's own use or consumption, 97775
at any establishment or place other than that described in the 97776
license, except that an agent or employee of an animal shelter 97777
or county dog warden may possess and use dangerous drugs in the 97778
course of business as provided in section 4729.532 of the 97779
Revised Code. 97780

(3) The license of an emergency medical service 97781
organization shall cover the organization's headquarters and, in 97782
addition, shall cover and describe all the units of the 97783
organization listed in its application for licensure. 97784

(I) (1) All licenses issued or renewed pursuant to this 97785
section shall be effective for a period specified by the board 97786
in rules adopted under section 4729.26 of the Revised Code. The 97787
effective period for an initial or renewed license shall not 97788
exceed twenty-four months unless the board extends the period in 97789
rules to adjust license renewal schedules. A license shall be 97790
renewed by the board according to the provisions of this 97791

section, the standard renewal procedure of Chapter 4745. of the 97792
Revised Code, and rules adopted by the board under section 97793
4729.26 of the Revised Code. A person seeking to renew a license 97794
shall submit an application for renewal and pay the required fee 97795
on or before the date specified in the rules adopted by the 97796
board. The fee required for the renewal of a license shall be 97797
the same as the license fee that applies under division (G) (2) 97798
of this section. 97799

(2) (a) Subject to division (I) (2) (b) of this section, a 97800
license that has not been renewed by the date specified in rules 97801
adopted by the board may be reinstated only upon payment of the 97802
required renewal fee and a penalty fee of one hundred ten 97803
dollars. 97804

(b) If an application for renewal has not been submitted 97805
by the sixty-first day after the renewal date specified in rules 97806
adopted by the board, the license is considered void and cannot 97807
be renewed, but the license holder may reapply for licensure. 97808

(3) A terminal distributor of dangerous drugs that fails 97809
to renew licensure in accordance with this section and rules 97810
adopted by the board is prohibited from engaging in the retail 97811
sale, possession, or distribution of dangerous drugs until a 97812
valid license is issued by the board. 97813

(J) (1) No emergency medical service organization that is 97814
licensed as a terminal distributor of dangerous drugs shall fail 97815
to comply with division (C) (1), (3), or (4) of this section. 97816

(2) No licensed terminal distributor of dangerous drugs 97817
shall possess, have custody or control of, or distribute 97818
dangerous drugs that the terminal distributor is not entitled to 97819
possess, have custody or control of, or distribute by virtue of 97820

its category of licensure. 97821

(3) No licensee that is required by division (F) of this 97822
section to notify the board of changes in its protocol or 97823
standing orders, or in personnel, shall fail to comply with that 97824
division. 97825

(K) A person holding a license issued under this section 97826
shall designate, and shall have available at all times, a person 97827
to serve for the licensed location in a position to be known as 97828
"responsible person." A person may be designated and serve as a 97829
responsible person only if the person meets the requirements 97830
established in rules that the board shall adopt under section 97831
4729.26 of the Revised Code. Along with the license holder, a 97832
responsible person shall accept responsibility for the operation 97833
of the licensed location in accordance with all applicable state 97834
and federal laws and rules. 97835

A license holder shall notify the board of the person who 97836
is designated to serve as the responsible person and, 97837
thereafter, shall notify the board each time a change is made in 97838
the designation. Notice to the board shall be provided in 97839
accordance with procedures established in rules that the board 97840
shall adopt under section 4729.26 of the Revised Code. For any 97841
change of responsible person, the board shall assess a fee of 97842
fifteen dollars. 97843

(L) The board may enter into agreements with other states, 97844
federal agencies, and other entities to exchange information 97845
concerning licensing and inspection of terminal distributors of 97846
dangerous drugs located within or outside this state and to 97847
investigate alleged violations of the laws and rules governing 97848
distribution of drugs by terminal distributors. Any information 97849
received pursuant to such an agreement is subject to the same 97850

confidentiality requirements applicable to the agency or entity 97851
from which it was received and shall not be released without 97852
prior authorization from that agency or entity. Any information 97853
received is also subject to section 4729.23 of the Revised Code. 97854

Sec. 4729.541. (A) Except as provided in divisions (B) and 97855
(C) of this section, all of the following are exempt from 97856
licensure as a terminal distributor of dangerous drugs: 97857

(1) A licensed health professional authorized to prescribe 97858
drugs; 97859

(2) A business entity that is a corporation formed under 97860
division (B) of section 1701.03 of the Revised Code, a limited 97861
liability company formed under former Chapter 1705. of the 97862
Revised Code as that chapter existed prior to February 11, 2022, 97863
or Chapter 1706. of the Revised Code, or a professional 97864
association formed under Chapter 1785. of the Revised Code if 97865
the entity has a sole shareholder who is a prescriber and is 97866
authorized to provide the professional services being offered by 97867
the entity; 97868

(3) A business entity that is a corporation formed under 97869
division (B) of section 1701.03 of the Revised Code, a limited 97870
liability company formed under former Chapter 1705. of the 97871
Revised Code as that chapter existed prior to February 11, 2022, 97872
or Chapter 1706. of the Revised Code, a partnership or a limited 97873
liability partnership formed under Chapter 1775. of the Revised 97874
Code, or a professional association formed under Chapter 1785. 97875
of the Revised Code, if, to be a shareholder, member, or 97876
partner, an individual is required to be licensed, certified, or 97877
otherwise legally authorized under Title XLVII of the Revised 97878
Code to perform the professional service provided by the entity 97879
and each such individual is a prescriber; 97880

(4) An individual who holds a current license, 97881
certificate, or registration issued under Title XLVII of the 97882
Revised Code and has been certified to conduct diabetes 97883
education by a national certifying body specified in rules 97884
adopted by the state board of pharmacy under section 4729.68 of 97885
the Revised Code, but only with respect to insulin that will be 97886
used for the purpose of diabetes education and only if diabetes 97887
education is within the individual's scope of practice under 97888
statutes and rules regulating the individual's profession; 97889

(5) An individual who holds a valid certificate issued by 97890
a nationally recognized S.C.U.B.A. diving certifying 97891
organization approved by the state board of pharmacy under rules 97892
adopted by the board, but only with respect to medical oxygen 97893
that will be used for the purpose of emergency care or treatment 97894
at the scene of a diving emergency; 97895

(6) With respect to epinephrine autoinjectors that may be 97896
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 97897
or 3328.29 of the Revised Code, any of the following: the board 97898
of education of a city, local, exempted village, or joint 97899
vocational school district; a chartered or nonchartered 97900
nonpublic school; a community school established under Chapter 97901
3314. of the Revised Code; a STEM school established under 97902
Chapter 3326. of the Revised Code; or a college-preparatory 97903
boarding school established under Chapter 3328. of the Revised 97904
Code; 97905

(7) With respect to epinephrine autoinjectors that may be 97906
possessed under section ~~5101.76~~5180.26 of the Revised Code, any 97907
of the following: a residential camp, as defined in section 97908
2151.011 of the Revised Code; a child day camp, as defined in 97909
section 5104.01 of the Revised Code; or a child day camp 97910

operated by any county, township, municipal corporation, 97911
township park district created under section 511.18 of the 97912
Revised Code, park district created under section 1545.04 of the 97913
Revised Code, or joint recreation district established under 97914
section 755.14 of the Revised Code; 97915

(8) With respect to epinephrine autoinjectors that may be 97916
possessed under Chapter 3728. of the Revised Code, a qualified 97917
entity, as defined in section 3728.01 of the Revised Code; 97918

(9) With respect to inhalers that may be possessed under 97919
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of 97920
the Revised Code, any of the following: the board of education 97921
of a city, local, exempted village, or joint vocational school 97922
district; a chartered or nonchartered nonpublic school; a 97923
community school established under Chapter 3314. of the Revised 97924
Code; a STEM school established under Chapter 3326. of the 97925
Revised Code; or a college-preparatory boarding school 97926
established under Chapter 3328. of the Revised Code; 97927

(10) With respect to inhalers that may be possessed under 97928
section ~~5101.77~~5180.261 of the Revised Code, any of the 97929
following: a residential camp, as defined in section 2151.011 of 97930
the Revised Code; a child day camp, as defined in section 97931
5104.01 of the Revised Code; or a child day camp operated by any 97932
county, township, municipal corporation, township park district 97933
created under section 511.18 of the Revised Code, park district 97934
created under section 1545.04 of the Revised Code, or joint 97935
recreation district established under section 755.14 of the 97936
Revised Code; 97937

(11) With respect to overdose reversal drugs that may be 97938
possessed for the purposes described in section 3715.50 of the 97939
Revised Code, any person or government entity exercising the 97940

authority conferred by that section; 97941

(12) With respect to overdose reversal drugs that may be 97942
possessed for use in personally furnishing supplies of the drug 97943
pursuant to a protocol established under section 3715.503 of the 97944
Revised Code, any individual exercising the authority conferred 97945
by that section; 97946

(13) With respect to injectable or nasally administered 97947
glucagon that may be possessed under sections 3313.7115, 97948
3313.7116, 3314.147, 3326.60, and 3328.38 of the Revised Code, 97949
any of the following: the board of education of a city, local, 97950
exempted village, or joint vocational school district; a 97951
chartered or nonchartered nonpublic school; a community school 97952
established under Chapter 3314. of the Revised Code; a STEM 97953
school established under Chapter 3326. of the Revised Code; or a 97954
college-preparatory boarding school established under Chapter 97955
3328. of the Revised Code; 97956

(14) With respect to injectable or nasally administered 97957
glucagon that may be possessed under section ~~5101.78~~ 5180.262 of 97958
the Revised Code, any of the following: a residential camp, as 97959
defined in section 2151.011 of the Revised Code; a child day 97960
camp, as defined in section 5104.01 of the Revised Code; or a 97961
child day camp operated by any county, township, municipal 97962
corporation, township park district created under section 511.18 97963
of the Revised Code, park district created under section 1545.04 97964
of the Revised Code, or joint recreation district established 97965
under section 755.14 of the Revised Code; 97966

(15) A person who possesses nitrous oxide for use as a 97967
direct ingredient in food pursuant to 21 C.F.R. 184.1545 or for 97968
testing or maintaining a plumbing or heating, ventilation, and 97969
air conditioning system; 97970

(16) A person who possesses medical oxygen, sterile water, 97971
or sterile saline for direct administration to patients or for 97972
the purpose of installation or maintenance of home medical 97973
equipment, as defined in section 4752.01 of the Revised Code; 97974

(17) A facility that is owned and operated by the United 97975
States department of defense, the United States department of 97976
veterans affairs, or any other federal agency. 97977

(B) If a person described in division (A) of this section 97978
is a pain management clinic or is operating a pain management 97979
clinic, the person shall hold a license as a terminal 97980
distributor of dangerous drugs with a pain management clinic 97981
classification issued under section 4729.552 of the Revised 97982
Code. 97983

(C) Any of the persons described in divisions (A) (1) to 97984
(16) of this section shall hold a license as a terminal 97985
distributor of dangerous drugs in order to possess, have custody 97986
or control of, and distribute any of the following: 97987

(1) Dangerous drugs that are compounded or used for the 97988
purpose of compounding; 97989

(2) A schedule I, II, III, IV, or V controlled substance, 97990
as defined in section 3719.01 of the Revised Code. 97991

Sec. 4729.56. (A) (1) The state board of pharmacy, in 97992
accordance with Chapter 119. of the Revised Code, may impose any 97993
one or more of the following sanctions on a person licensed 97994
under ~~division (B) (1) (a) of~~ section 4729.52 of the Revised Code 97995
for any of the causes set forth in division (A) (2) of this 97996
section: 97997

(a) Suspend, revoke, restrict, limit, or refuse to grant 97998
or renew a license; 97999

(b) Reprimand or place the license holder on probation;	98000
(c) Impose a monetary penalty or forfeiture not to exceed	98001
in severity any fine designated under the Revised Code for a	98002
similar offense or two thousand five hundred dollars if the acts	98003
committed are not classified as an offense by the Revised Code;	98004
(2) The board may impose the sanctions set forth in	98005
division (A)(1) of this section for any of the following:	98006
(a) Making any false material statements in an application	98007
for licensure under section 4729.52 of the Revised Code;	98008
(b) Violating any federal, state, or local drug law; any	98009
provision of this chapter or Chapter 2925., 3715., or 3719. of	98010
the Revised Code; or any rule of the board;	98011
(c) A conviction of a felony;	98012
(d) Failing to satisfy the qualifications for licensure	98013
under section 4729.53 of the Revised Code or the rules of the	98014
board or ceasing to satisfy the qualifications after the	98015
registration is granted or renewed;	98016
(e) Falsely or fraudulently promoting to the public a drug	98017
that is a controlled substance included in schedule I, II, III,	98018
IV, or V, except that nothing in this division prohibits a	98019
manufacturer, outsourcing facility, third-party logistics	98020
provider, repackager, or wholesale distributor of dangerous	98021
drugs from furnishing information concerning a controlled	98022
substance to a health care provider or licensed terminal	98023
distributor;	98024
(f) Violating any provision of the "Federal Food, Drug,	98025
and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or	98026
Chapter 3715. of the Revised Code;	98027

(g) Any other cause for which the board may impose 98028
sanctions as set forth in rules adopted under section 4729.26 of 98029
the Revised Code. 98030

(B) Upon the suspension or revocation of any license 98031
~~identified in division (B)(1)(a) of~~ issued under section 4729.52 98032
of the Revised Code, the licensee shall immediately surrender 98033
the license to the board. 98034

(C) If the board suspends, revokes, or refuses to renew 98035
any license ~~identified in division (B)(1)(a) of~~ issued under 98036
section 4729.52 of the Revised Code and determines that there is 98037
clear and convincing evidence of a danger of immediate and 98038
serious harm to any person, the board may place under seal all 98039
dangerous drugs owned by or in the possession, custody, or 98040
control of the affected licensee. Except as provided in this 98041
division, the board shall not dispose of the dangerous drugs 98042
sealed under this division until the licensee exhausts all of 98043
the licensee's appeal rights under Chapter 119. of the Revised 98044
Code. The court involved in such an appeal may order the board, 98045
during the pendency of the appeal, to sell sealed dangerous 98046
drugs that are perishable. The board shall deposit the proceeds 98047
of the sale with the court. 98048

(D) If the board is required under Chapter 119. of the 98049
Revised Code to give notice of an opportunity for a hearing and 98050
the license holder does not make a timely request for a hearing 98051
in accordance with section 119.07 of the Revised Code, the board 98052
is not required to hold a hearing, but may adopt a final order 98053
that contains the board's findings. In the final order, the 98054
board may impose any of the sanctions listed in division (A) of 98055
this section. 98056

(E) Notwithstanding division (D)(2) of section 2953.32 or 98057

division (F) (1) of section 2953.39 of the Revised Code 98058
specifying that if records pertaining to a criminal case are 98059
sealed or expunged under that section the proceedings in the 98060
case must be deemed not to have occurred, sealing or expungement 98061
of the following records on which the board has based an action 98062
under this section shall have no effect on the board's action or 98063
any sanction imposed by the board under this section: records of 98064
any conviction, guilty plea, judicial finding of guilt resulting 98065
from a plea of no contest, or a judicial finding of eligibility 98066
for a pretrial diversion program or intervention in lieu of 98067
conviction. The board is not required to seal, destroy, redact, 98068
or otherwise modify its records to reflect the court's sealing 98069
or expungement of conviction records. 98070

Sec. 4729.561. If the state board of pharmacy determines 98071
that there is clear and convincing evidence that the method used 98072
~~by a licensed manufacturer of dangerous drugs, outsourcing~~ 98073
~~facility, third-party logistics provider, repackager of~~ 98074
~~dangerous drugs, or wholesale distributor of dangerous drugs to~~ 98075
possess or distribute dangerous drugs by a person licensed under 98076
section 4729.52 of the Revised Code presents a danger of 98077
immediate and serious harm to others, the board may suspend 98078
without a hearing the person's license issued pursuant to that 98079
~~section 4729.52 of the Revised Code~~. The board shall follow the 98080
procedure for suspension without a prior hearing in section 98081
119.07 of the Revised Code. The suspension shall remain in 98082
effect, unless removed by the board, until the board's final 98083
adjudication order becomes effective, except that if the board 98084
does not issue its final adjudication order within one hundred 98085
twenty days after the suspension, the suspension shall be void 98086
on the one hundred twenty-first day after the suspension. 98087

Sec. 4729.60. (A) (1) Before a ~~licensee identified in~~ 98088

~~division (B) (1) (a) of person licensed under~~ section 4729.52 of 98089
the Revised Code may sell or distribute dangerous drugs at 98090
wholesale to any person, except as provided in division (A) (2) 98091
of this section, the licensee shall query the roster established 98092
pursuant to section 4729.59 of the Revised Code to determine 98093
whether the purchaser is a licensed terminal distributor of 98094
dangerous drugs. 98095

If no documented query is conducted before a sale is made, 98096
it shall be presumed that the sale of dangerous drugs by the 98097
licensee is in violation of division (B) of section 4729.51 of 98098
the Revised Code and the purchase of dangerous drugs by the 98099
purchaser is in violation of division (E) of section 4729.51 of 98100
the Revised Code. If a licensee conducts a documented query and 98101
relies on the results of the query in selling or distributing 98102
dangerous drugs at wholesale to the terminal distributor of 98103
dangerous drugs, the licensee shall be deemed not to have 98104
violated division (B) of section 4729.51 of the Revised Code in 98105
making the sale. 98106

(2) Division (A) (1) of this section does not apply when a 98107
~~licensee identified in division (B) (1) (a) of person licensed~~ 98108
under section 4729.52 of the Revised Code sells or distributes 98109
dangerous drugs at wholesale to any of the following: 98110

(a) A person specified in division (B) (4) of section 98111
4729.51 of the Revised Code; 98112

(b) A person exempt from licensure as a terminal 98113
distributor of dangerous drugs under section 4729.541 of the 98114
Revised Code. 98115

(B) Before a licensed terminal distributor of dangerous 98116
drugs may purchase dangerous drugs at wholesale, the terminal 98117

distributor shall query the roster established pursuant to 98118
section 4729.59 of the Revised Code to confirm the seller is 98119
licensed to engage in the sale or distribution of dangerous 98120
drugs at wholesale. 98121

If no documented query is conducted before a purchase is 98122
made, it shall be presumed that the purchase of dangerous drugs 98123
by the terminal distributor is in violation of division (F) of 98124
section 4729.51 of the Revised Code and the sale of dangerous 98125
drugs by the seller is in violation of division (A) of section 98126
4729.51 of the Revised Code. If a licensed terminal distributor 98127
of dangerous drugs conducts a documented query at least annually 98128
and relies on the results of the query in purchasing dangerous 98129
drugs at wholesale, the terminal distributor shall be deemed not 98130
to have violated division (F) of section 4729.51 of the Revised 98131
Code in making the purchase. 98132

Sec. 4729.80. (A) If the state board of pharmacy 98133
establishes and maintains a drug database pursuant to section 98134
4729.75 of the Revised Code, the board is authorized or required 98135
to provide information from the database only as follows: 98136

(1) On receipt of a request from a designated 98137
representative of a government entity responsible for the 98138
licensure, regulation, or discipline of health care 98139
professionals with authority to prescribe, administer, or 98140
dispense drugs, the board may provide to the representative 98141
information from the database relating to the professional who 98142
is the subject of an active investigation being conducted by the 98143
government entity or relating to a professional who is acting as 98144
an expert witness for the government entity in such an 98145
investigation. 98146

(2) On receipt of a request from a federal officer, or a 98147

state or local officer of this or any other state, whose duties 98148
include enforcing laws relating to drugs, the board shall 98149
provide to the officer information from the database relating to 98150
the person who is the subject of an active investigation of a 98151
drug abuse offense, as defined in section 2925.01 of the Revised 98152
Code, being conducted by the officer's employing government 98153
entity. 98154

(3) Pursuant to a subpoena issued by a grand jury, the 98155
board shall provide to the grand jury information from the 98156
database relating to the person who is the subject of an 98157
investigation being conducted by the grand jury. 98158

(4) Pursuant to a subpoena, search warrant, or court order 98159
in connection with the investigation or prosecution of a 98160
possible or alleged criminal offense, the board shall provide 98161
information from the database as necessary to comply with the 98162
subpoena, search warrant, or court order. 98163

(5) On receipt of a request from a prescriber or the 98164
prescriber's delegate approved by the board, the board shall 98165
provide to the prescriber a report of information from the 98166
database relating to a patient who is either a current patient 98167
of the prescriber or a potential patient of the prescriber based 98168
on a referral of the patient to the prescriber, if all of the 98169
following conditions are met: 98170

(a) The prescriber certifies in a form specified by the 98171
board that it is for the purpose of providing medical treatment 98172
to the patient who is the subject of the request; 98173

(b) The prescriber has not been denied access to the 98174
database by the board. 98175

(6) On receipt of a request from a pharmacist or the 98176

pharmacist's delegate approved by the board, the board shall 98177
provide to the pharmacist information from the database relating 98178
to a current patient of the pharmacist, if the pharmacist 98179
certifies in a form specified by the board that it is for the 98180
purpose of the pharmacist's practice of pharmacy involving the 98181
patient who is the subject of the request and the pharmacist has 98182
not been denied access to the database by the board. 98183

(7) On receipt of a request from an individual seeking the 98184
individual's own database information in accordance with the 98185
procedure established in rules adopted under section 4729.84 of 98186
the Revised Code, the board may provide to the individual the 98187
individual's own prescription history. 98188

(8) On receipt of a request from a medical director or a 98189
pharmacy director of a managed care organization that has 98190
entered into a contract with the department of medicaid under 98191
section 5167.10 of the Revised Code and a data security 98192
agreement with the board required by section 5167.14 of the 98193
Revised Code, the board shall provide to the medical director or 98194
the pharmacy director information from the database relating to 98195
a medicaid recipient enrolled in the managed care organization, 98196
including information in the database related to prescriptions 98197
for the recipient that were not covered or reimbursed under a 98198
program administered by the department of medicaid. 98199

(9) On receipt of a request from the medicaid director, 98200
the board shall provide to the director information from the 98201
database relating to a recipient of a program administered by 98202
the department of medicaid, including information in the 98203
database related to prescriptions for the recipient that were 98204
not covered or paid by a program administered by the department. 98205

(10) On receipt of a request from a medical director of a 98206

managed care organization that has entered into a contract with 98207
the administrator of workers' compensation under division (B) (4) 98208
of section 4121.44 of the Revised Code and a data security 98209
agreement with the board required by section 4121.447 of the 98210
Revised Code, the board shall provide to the medical director 98211
information from the database relating to a claimant under 98212
Chapter 4121., 4123., 4127., or 4131. of the Revised Code 98213
assigned to the managed care organization, including information 98214
in the database related to prescriptions for the claimant that 98215
were not covered or reimbursed under Chapter 4121., 4123., 98216
4127., or 4131. of the Revised Code, if the administrator of 98217
workers' compensation confirms, upon request from the board, 98218
that the claimant is assigned to the managed care organization. 98219

(11) On receipt of a request from the administrator of 98220
workers' compensation, the board shall provide to the 98221
administrator information from the database relating to a 98222
claimant under Chapter 4121., 4123., 4127., or 4131. of the 98223
Revised Code, including information in the database related to 98224
prescriptions for the claimant that were not covered or 98225
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 98226
Revised Code. 98227

(12) On receipt of a request from a prescriber or the 98228
prescriber's delegate approved by the board, the board shall 98229
provide to the prescriber information from the database relating 98230
to a patient's mother, if the prescriber certifies in a form 98231
specified by the board that it is for the purpose of providing 98232
medical treatment to a newborn or infant patient diagnosed as 98233
opioid dependent and the prescriber has not been denied access 98234
to the database by the board. 98235

(13) On receipt of a request from the director of health, 98236

the board shall provide to the director information from the 98237
database relating to the duties of the director or the 98238
department of health in implementing the Ohio violent death 98239
reporting system established under section 3701.93 of the 98240
Revised Code. 98241

(14) On receipt of a request from a requestor described in 98242
division (A)(1), (2), (5), or (6) of this section who is from or 98243
participating with another state's prescription monitoring 98244
program, the board may provide to the requestor information from 98245
the database, but only if there is a written agreement under 98246
which the information is to be used and disseminated according 98247
to the laws of this state. 98248

(15) On receipt of a request from a delegate of a retail 98249
dispensary licensed under Chapter 3796. of the Revised Code who 98250
is approved by the board to serve as the dispensary's delegate, 98251
the board shall provide to the delegate a report of information 98252
from the database pertaining only to a patient's use of medical 98253
marijuana, if both of the following conditions are met: 98254

(a) The delegate certifies in a form specified by the 98255
board that it is for the purpose of dispensing medical marijuana 98256
for use in accordance with Chapter 3796. of the Revised Code. 98257

(b) The retail dispensary or delegate has not been denied 98258
access to the database by the board. 98259

(16) On receipt of a request from a judge of a program 98260
certified by the Ohio supreme court as a specialized docket 98261
program for drugs, the board shall provide to the judge, or an 98262
employee of the program who is designated by the judge to 98263
receive the information, information from the database that 98264
relates specifically to a current or prospective program 98265

participant. 98266

(17) On receipt of a request from a coroner, deputy coroner, or coroner's delegate approved by the board, the board shall provide to the requestor information from the database relating to a deceased person about whom the coroner is conducting or has conducted an autopsy or investigation. 98267
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(18) On receipt of a request from a prescriber, the board may provide to the prescriber a summary of the prescriber's prescribing record if such a record is created by the board. Information in the summary is subject to the confidentiality requirements of this chapter. 98272
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~~(19)(a)~~ (19) On receipt of a request from a pharmacy's responsible person designated under section 4729.54 of the Revised Code, the board may provide to the responsible person a summary of the pharmacy's dispensing record if such a record is created by the board. Information in the summary is subject to the confidentiality requirements of this chapter. 98277
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~~(b) As used in division (A) (19) (a) of this section, "responsible person" has the same meaning as in rules adopted by the board under section 4729.26 of the Revised Code.~~ 98283
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(20) The board may provide information from the database without request to a prescriber or pharmacist who is authorized to use the database pursuant to this chapter. 98286
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(21) (a) On receipt of a request from a prescriber or pharmacist, or the prescriber's or pharmacist's delegate, who is a designated representative of a peer review committee, the board shall provide to the committee information from the database relating to a prescriber who is subject to the committee's evaluation, supervision, or discipline if the 98289
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information is to be used for one of those purposes. The board 98295
shall provide only information that it determines, in accordance 98296
with rules adopted under section 4729.84 of the Revised Code, is 98297
appropriate to be provided to the committee. 98298

(b) As used in division (A)(21)(a) of this section, "peer 98299
review committee" has the same meaning as in section 2305.25 of 98300
the Revised Code, except that it includes only a peer review 98301
committee of a hospital or a peer review committee of a 98302
nonprofit health care corporation that is a member of the 98303
hospital or of which the hospital is a member. 98304

(22) On receipt of a request from a requestor described in 98305
division (A)(5) or (6) of this section who is from or 98306
participating with a prescription monitoring program that is 98307
operated by a federal agency and approved by the board, the 98308
board may provide to the requestor information from the 98309
database, but only if there is a written agreement under which 98310
the information is to be used and disseminated according to the 98311
laws of this state. 98312

(23) Any personal health information submitted to the 98313
board pursuant to section 4729.772 of the Revised Code may be 98314
provided by the board only as authorized by the submitter of the 98315
information and in accordance with rules adopted under section 98316
4729.84 of the Revised Code. 98317

(24) On receipt of a request from a person described in 98318
division (A)(5), (6), or (17) of this section who is 98319
participating in a drug overdose fatality review committee 98320
described in section 307.631 of the Revised Code, the board may 98321
provide to the requestor information from the database, but only 98322
if there is a written agreement under which the information is 98323
to be used and disseminated according to the laws of this state. 98324

(25) On receipt of a request from a person described in 98325
division (A) (5), (6), or (17) of this section who is 98326
participating in a suicide fatality review committee described 98327
in section 307.641 of the Revised Code, the board may provide to 98328
the requestor information from the database, but only if there 98329
is a written agreement under which the information is to be used 98330
and disseminated according to the laws of this state. 98331

(26) On receipt of a request from a designated 98332
representative of the division of marijuana control in the 98333
department of commerce, the board shall provide to the 98334
representative information from the database relating to an 98335
individual who, or entity that, is the subject of an active 98336
investigation being conducted by the division. 98337

(B) The state board of pharmacy shall maintain a record of 98338
each individual or entity that requests information from the 98339
database pursuant to this section. In accordance with rules 98340
adopted under section 4729.84 of the Revised Code, the board may 98341
use the records to document and report statistics and law 98342
enforcement outcomes. 98343

The board may provide records of an individual's requests 98344
for database information only to the following: 98345

(1) A designated representative of a government entity 98346
that is responsible for the licensure, regulation, or discipline 98347
of health care professionals with authority to prescribe, 98348
administer, or dispense drugs who is involved in an active 98349
criminal or disciplinary investigation being conducted by the 98350
government entity of the individual who submitted the requests 98351
for database information; 98352

(2) A federal officer, or a state or local officer of this 98353

or any other state, whose duties include enforcing laws relating 98354
to drugs and who is involved in an active investigation being 98355
conducted by the officer's employing government entity of the 98356
individual who submitted the requests for database information; 98357

(3) A designated representative of the department of 98358
medicaid regarding a prescriber who is treating or has treated a 98359
recipient of a program administered by the department and who 98360
submitted the requests for database information. 98361

(C) Information contained in the database and any 98362
information obtained from it is confidential and is not a public 98363
record. Information contained in the records of requests for 98364
information from the database is confidential and is not a 98365
public record. Information contained in the database that does 98366
not identify a person, including any licensee or registrant of 98367
the board or other entity, may be released in summary, 98368
statistical, or aggregate form. 98369

(D) A pharmacist or prescriber shall not be held liable in 98370
damages to any person in any civil action for injury, death, or 98371
loss to person or property on the basis that the pharmacist or 98372
prescriber did or did not seek or obtain information from the 98373
database. 98374

Sec. 4729.901. (A) An applicant for registration under 98375
section 4729.90 of the Revised Code shall file with the state 98376
board of pharmacy an application in the form and manner 98377
prescribed in rules adopted under section 4729.94 of the Revised 98378
Code. The application shall be accompanied by an application fee 98379
of ~~fifty~~ sixty-five dollars, which shall not be returned if the 98380
applicant fails to qualify for registration. 98381

(B) If the board is satisfied that the applicant meets the 98382

requirements of section 4729.90 of the Revised Code and any 98383
additional requirements established by the board and determines 98384
that the results of a criminal records check do not make the 98385
applicant ineligible, the board shall register the applicant as 98386
a registered pharmacy technician or certified pharmacy 98387
technician, as applicable. 98388

(C) The board shall register as a registered pharmacy 98389
technician or certified pharmacy technician, as applicable, in 98390
accordance with Chapter 4796. of the Revised Code an applicant 98391
if either of the following applies: 98392

(1) The applicant holds a license or is registered in 98393
another state. 98394

(2) The applicant has satisfactory work experience, a 98395
government certification, or a private certification as 98396
described in that chapter as a pharmacy technician in a state 98397
that does not issue that license or registration. 98398

(D) ~~Registration under division (B) or (C) of this section~~ 98399
as a registered pharmacy technician or certified pharmacy 98400
technician is valid for the a two-year period, unless a 98401
different period is specified by the board in rules adopted 98402
under section 4729.94 of the Revised Code. ~~The period shall not~~ 98403
~~exceed twenty-four months unless the board extends the period in~~ 98404
~~the rules to account for initial registration, adjust license~~ 98405
registration renewal schedules, or to accommodate other matters 98406
the board considers appropriate. 98407

Sec. 4729.902. (A) A registered pharmacy technician or 98408
certified pharmacy technician shall file an application for_ 98409
biennial registration renewal in the form and manner prescribed 98410
by the state board of pharmacy in rules adopted under section 98411

4729.94 of the Revised Code. Registrations shall be renewed in accordance with the rules and the standard renewal procedure set forth in Chapter 4745. of the Revised Code. The biennial renewal fee is ~~twenty-five~~ sixty-five dollars ~~per year~~. 98412
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(B) (1) A registered pharmacy technician or certified pharmacy technician who fails to renew registration in accordance with division (A) of this section is prohibited from engaging in the activities authorized by section 4729.91 of the Revised Code. 98416
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(2) (a) A registration that is not renewed by a date determined under division (A) of this section but has not lapsed for more than ninety days may be reinstated if the applicant does both of the following: 98421
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(i) Submits a renewal application in a form prescribed by the board in rules adopted under section 4729.94 of the Revised Code; 98425
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(ii) Pays the renewal fee and a late fee of fifty dollars. 98428

(b) A registration that has lapsed for more than ninety days cannot be renewed, but the registration holder may reapply for registration. 98429
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Sec. 4729.921. (A) An applicant for registration as a pharmacy technician trainee shall file with the state board of pharmacy an application in the form and manner prescribed in rules adopted under section 4729.94 of the Revised Code. The application shall be accompanied by an application fee of ~~twenty-five~~ forty dollars, which shall not be returned if the applicant fails to qualify for registration. 98432
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If the board is satisfied that an applicant meets the requirements of section 4729.92 of the Revised Code and any 98439
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additional requirements established by the board and determines 98441
that the results of a criminal records check do not make the 98442
applicant ineligible, the board shall register the applicant as 98443
a pharmacy technician trainee. 98444

(B) (1) The board shall register as a pharmacy technician 98445
trainee in accordance with Chapter 4796. of the Revised Code an 98446
applicant who either holds a license or is registered in another 98447
state or has satisfactory work experience, a government 98448
certification, or a private certification as described in that 98449
chapter as a pharmacy technician trainee in a state that does 98450
not issue that license or registration. 98451

(2) The board may register as a pharmacy technician 98452
trainee an applicant who is seventeen years of age if either of 98453
the following apply: 98454

(a) The applicant possesses a high school diploma or 98455
certificate of high school equivalence; 98456

(b) The applicant does not possess a high school diploma 98457
or certificate of high school equivalence but is enrolled in a 98458
career-technical school program that is approved by the board 98459
and conducted by a city, exempted village, local, or joint 98460
vocational school district. 98461

(C) The board shall not refuse to register an applicant as 98462
a pharmacy technician trainee because of a conviction for an 98463
offense unless the refusal is in accordance with section 9.79 of 98464
the Revised Code. 98465

(D) Registration is valid for ~~one year~~ eighteen months 98466
from the date of registration, except that the board may extend 98467
the time period for which registration is valid. Registration is 98468
not renewable, but an individual may reapply for registration if 98469

the individual's previous registration has lapsed for more than 98470
five years or the board grants its approval. 98471

Sec. 4730.25. (A) The state medical board, by an 98472
affirmative vote of not fewer than six members, may refuse to 98473
grant a license to practice as a physician assistant to, or may 98474
revoke the license held by, an individual found by the board to 98475
have committed fraud, misrepresentation, or deception in 98476
applying for or securing the license. 98477

(B) Except as provided in division (N) of this section, 98478
the board, by an affirmative vote of not fewer than six members, 98479
shall, to the extent permitted by law, limit, revoke, or suspend 98480
an individual's license to practice as a physician assistant or 98481
prescriber number, refuse to issue a license to an applicant, 98482
refuse to renew a license, refuse to reinstate a license, or 98483
reprimand or place on probation the holder of a license for any 98484
of the following reasons: 98485

(1) Failure to practice in accordance with the supervising 98486
physician's supervision agreement with the physician assistant, 98487
including, if applicable, the policies of the health care 98488
facility in which the supervising physician and physician 98489
assistant are practicing; 98490

(2) Failure to comply with the requirements of this 98491
chapter, Chapter 4731. of the Revised Code, or any rules adopted 98492
by the board; 98493

(3) Violating or attempting to violate, directly or 98494
indirectly, or assisting in or abetting the violation of, or 98495
conspiring to violate, any provision of this chapter, Chapter 98496
4731. of the Revised Code, or the rules adopted by the board; 98497

(4) Inability to practice according to acceptable and 98498

prevailing standards of care by reason of mental illness or 98499
physical illness, including physical deterioration that 98500
adversely affects cognitive, motor, or perceptive skills; 98501

(5) Impairment of ability to practice according to 98502
acceptable and prevailing standards of care because of substance 98503
use disorder or excessive use or abuse of drugs, alcohol, or 98504
other substances that may impair ability to practice; 98505

(6) Administering drugs for purposes other than those 98506
authorized under this chapter; 98507

(7) Willfully betraying a professional confidence; 98508

(8) Making a false, fraudulent, deceptive, or misleading 98509
statement in soliciting or advertising for employment as a 98510
physician assistant; in connection with any solicitation or 98511
advertisement for patients; in relation to the practice of 98512
medicine as it pertains to physician assistants; or in securing 98513
or attempting to secure a license to practice as a physician 98514
assistant. 98515

As used in this division, "false, fraudulent, deceptive, 98516
or misleading statement" means a statement that includes a 98517
misrepresentation of fact, is likely to mislead or deceive 98518
because of a failure to disclose material facts, is intended or 98519
is likely to create false or unjustified expectations of 98520
favorable results, or includes representations or implications 98521
that in reasonable probability will cause an ordinarily prudent 98522
person to misunderstand or be deceived. 98523

(9) Representing, with the purpose of obtaining 98524
compensation or other advantage personally or for any other 98525
person, that an incurable disease or injury, or other incurable 98526
condition, can be permanently cured; 98527

- (10) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 98528
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- (11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 98531
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- (12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 98534
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- (13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 98537
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- (14) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 98541
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- (15) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 98544
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- (16) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 98547
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- (17) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs; 98550
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- (18) Any of the following actions taken by the state 98555

agency responsible for regulating the practice of physician 98556
assistants in another state, for any reason other than the 98557
nonpayment of fees: the limitation, revocation, or suspension of 98558
an individual's license to practice; acceptance of an 98559
individual's license surrender; denial of a license; refusal to 98560
renew or reinstate a license; imposition of probation; or 98561
issuance of an order of censure or other reprimand; 98562

(19) A departure from, or failure to conform to, minimal 98563
standards of care of similar physician assistants under the same 98564
or similar circumstances, regardless of whether actual injury to 98565
a patient is established; 98566

(20) Violation of the conditions placed by the board on a 98567
license to practice as a physician assistant; 98568

(21) Failure to use universal blood and body fluid 98569
precautions established by rules adopted under section 4731.051 98570
of the Revised Code; 98571

(22) Failure to cooperate in an investigation conducted by 98572
the board under section 4730.26 of the Revised Code, including 98573
failure to comply with a subpoena or order issued by the board 98574
or failure to answer truthfully a question presented by the 98575
board at a deposition or in written interrogatories, except that 98576
failure to cooperate with an investigation shall not constitute 98577
grounds for discipline under this section if a court of 98578
competent jurisdiction has issued an order that either quashes a 98579
subpoena or permits the individual to withhold the testimony or 98580
evidence in issue; 98581

(23) Assisting suicide, as defined in section 3795.01 of 98582
the Revised Code; 98583

(24) Prescribing any drug or device to perform or induce 98584

an abortion, or otherwise performing or inducing an abortion; 98585

(25) Failure to comply with section 4730.53 of the Revised Code, unless the board no longer maintains a drug database pursuant to section 4729.75 of the Revised Code; 98586
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(26) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code; 98589
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(27) Having certification by the national commission on certification of physician assistants or a successor organization expire, lapse, or be suspended or revoked; 98593
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(28) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice; 98596
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(29) Failure to comply with terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code; 98602
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(30) Violation of section 4730.57 of the Revised Code. 98605

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a physician assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, 98606
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shall constitute the findings and order of the board with 98614
respect to the matter addressed in the agreement. If the board 98615
refuses to ratify a consent agreement, the admissions and 98616
findings contained in the consent agreement shall be of no force 98617
or effect. 98618

(D) For purposes of divisions (B) (12), (15), and (16) of 98619
this section, the commission of the act may be established by a 98620
finding by the board, pursuant to an adjudication under Chapter 98621
119. of the Revised Code, that the applicant or license holder 98622
committed the act in question. The board shall have no 98623
jurisdiction under these divisions in cases where the trial 98624
court renders a final judgment in the license holder's favor and 98625
that judgment is based upon an adjudication on the merits. The 98626
board shall have jurisdiction under these divisions in cases 98627
where the trial court issues an order of dismissal upon 98628
technical or procedural grounds. 98629

(E) The sealing or expungement of conviction records by 98630
any court shall have no effect upon a prior board order entered 98631
under the provisions of this section or upon the board's 98632
jurisdiction to take action under the provisions of this section 98633
if, based upon a plea of guilty, a judicial finding of guilt, or 98634
a judicial finding of eligibility for intervention in lieu of 98635
conviction, the board issued a notice of opportunity for a 98636
hearing prior to the court's order to seal or expunge the 98637
records. The board shall not be required to seal, destroy, 98638
redact, or otherwise modify its records to reflect the court's 98639
sealing or expungement of conviction records. 98640

(F) For purposes of this division, any individual who 98641
holds a license issued under this chapter, or applies for a 98642
license issued under this chapter, shall be deemed to have given 98643

consent to submit to a mental or physical examination when 98644
directed to do so in writing by the board and to have waived all 98645
objections to the admissibility of testimony or examination 98646
reports that constitute a privileged communication. 98647

(1) In enforcing division (B)(4) of this section, the 98648
board, upon a showing of a possible violation, shall refer any 98649
individual who holds, or has applied for, a license issued under 98650
this chapter to the monitoring organization that conducts the 98651
confidential monitoring program established under section 98652
4731.25 of the Revised Code. The board also may compel the 98653
individual to submit to a mental examination, physical 98654
examination, including an HIV test, or both a mental and 98655
physical examination. The expense of the examination is the 98656
responsibility of the individual compelled to be examined. 98657
Failure to submit to a mental or physical examination or consent 98658
to an HIV test ordered by the board constitutes an admission of 98659
the allegations against the individual unless the failure is due 98660
to circumstances beyond the individual's control, and a default 98661
and final order may be entered without the taking of testimony 98662
or presentation of evidence. If the board finds a physician 98663
assistant unable to practice because of the reasons set forth in 98664
division (B)(4) of this section, the board shall require the 98665
physician assistant to submit to care, counseling, or treatment 98666
by physicians approved or designated by the board, as a 98667
condition for an initial, continued, reinstated, or renewed 98668
license. An individual affected under this division shall be 98669
afforded an opportunity to demonstrate to the board the ability 98670
to resume practicing in compliance with acceptable and 98671
prevailing standards of care. 98672

(2) For purposes of division (B)(5) of this section, if 98673
the board has reason to believe that any individual who holds a 98674

license issued under this chapter or any applicant for a license 98675
suffers such impairment, the board shall refer the individual to 98676
the monitoring organization that conducts the confidential 98677
monitoring program established under section 4731.25 of the 98678
Revised Code. The board also may compel the individual to submit 98679
to a mental or physical examination, or both. The expense of the 98680
examination is the responsibility of the individual compelled to 98681
be examined. Any mental or physical examination required under 98682
this division shall be undertaken by a treatment provider or 98683
physician qualified to conduct such examination and approved 98684
under section 4731.251 of the Revised Code. 98685

Failure to submit to a mental or physical examination 98686
ordered by the board constitutes an admission of the allegations 98687
against the individual unless the failure is due to 98688
circumstances beyond the individual's control, and a default and 98689
final order may be entered without the taking of testimony or 98690
presentation of evidence. If the board determines that the 98691
individual's ability to practice is impaired, the board shall 98692
suspend the individual's license or deny the individual's 98693
application and shall require the individual, as a condition for 98694
initial, continued, reinstated, or renewed licensure, to submit 98695
to treatment. 98696

Before being eligible to apply for reinstatement of a 98697
license suspended under this division, the physician assistant 98698
shall demonstrate to the board the ability to resume practice or 98699
prescribing in compliance with acceptable and prevailing 98700
standards of care. The demonstration shall include the 98701
following: 98702

(a) Certification from a treatment provider approved under 98703
section 4731.251 of the Revised Code that the individual has 98704

successfully completed any required inpatient treatment; 98705

(b) Evidence of continuing full compliance with an 98706
aftercare contract or consent agreement; 98707

(c) Two written reports indicating that the individual's 98708
ability to practice has been assessed and that the individual 98709
has been found capable of practicing according to acceptable and 98710
prevailing standards of care. The reports shall be made by 98711
individuals or providers approved by the board for making such 98712
assessments and shall describe the basis for their 98713
determination. 98714

The board may reinstate a license suspended under this 98715
division after such demonstration and after the individual has 98716
entered into a written consent agreement. 98717

When the impaired physician assistant resumes practice or 98718
prescribing, the board shall require continued monitoring of the 98719
physician assistant. The monitoring shall include compliance 98720
with the written consent agreement entered into before 98721
reinstatement or with conditions imposed by board order after a 98722
hearing, and, upon termination of the consent agreement, 98723
submission to the board for at least two years of annual written 98724
progress reports made under penalty of falsification stating 98725
whether the physician assistant has maintained sobriety. 98726

(G) (1) If either of the following circumstances occur, the 98727
secretary and supervising member may recommend that the board 98728
suspend the individual's license without a prior hearing: 98729

(a) The secretary and supervising member determine that 98730
there is clear and convincing evidence that a physician 98731
assistant has violated division (B) of this section and that the 98732
individual's continued practice or prescribing presents a danger 98733

of immediate and serious harm to the public. 98734

(b) The board receives verifiable information that a 98735
licensee has been charged in any state or federal court with a 98736
crime classified as a felony under the charging court's law and 98737
the conduct charged constitutes a violation of division (B) of 98738
this section. 98739

(2) If a recommendation is made to suspend without a prior 98740
hearing pursuant to division (G) (1) of this section, written 98741
allegations shall be prepared for consideration by the board. 98742

The board, upon review of those allegations and by an 98743
affirmative vote of not fewer than six of its members, excluding 98744
the secretary and supervising member, may suspend a license 98745
without a prior hearing. A telephone conference call may be 98746
utilized for reviewing the allegations and taking the vote on 98747
the summary suspension. 98748

The board shall serve a written order of suspension in 98749
accordance with sections 119.05 and 119.07 of the Revised Code. 98750
~~The order shall not be subject to suspension by the court during~~ 98751
~~pendency of any appeal filed under section 119.12 of the Revised~~ 98752
~~Code.~~ If the physician assistant requests an adjudicatory 98753
hearing by the board, the date set for the hearing shall be 98754
within fifteen days, but not earlier than seven days, after the 98755
physician assistant requests the hearing, unless otherwise 98756
agreed to by both the board and the license holder. 98757

(3) A summary suspension imposed under ~~this~~ division (G) 98758
(2) of this section is not a final appealable order and is not 98759
an adjudication that may be appealed under section 119.12 of the 98760
Revised Code. The summary suspension shall remain in effect, 98761
~~unless reversed on appeal,~~ until a final adjudicative order 98762

issued by the board pursuant to this section and Chapter 119. of 98763
the Revised Code becomes effective. Once a final adjudicative 98764
order has been issued by the board, any party adversely affected 98765
by it may file an appeal in accordance with the requirements of 98766
Chapter 119. of the Revised Code. ~~The~~ 98767

The board shall issue its final adjudicative order within 98768
seventy-five days after completion of its hearing. Failure to 98769
issue the order within seventy-five days shall result in 98770
dissolution of the summary suspension order, but shall not 98771
invalidate any subsequent, final adjudicative order. 98772

(H) If the board takes action under division (B) (11), 98773
(13), or (14) of this section, and the judicial finding of 98774
guilt, guilty plea, or judicial finding of eligibility for 98775
intervention in lieu of conviction is overturned on appeal, upon 98776
exhaustion of the criminal appeal, a petition for 98777
reconsideration of the order may be filed with the board along 98778
with appropriate court documents. Upon receipt of a petition and 98779
supporting court documents, the board shall reinstate the 98780
individual's license. The board may then hold an adjudication 98781
under Chapter 119. of the Revised Code to determine whether the 98782
individual committed the act in question. Notice of opportunity 98783
for hearing shall be given in accordance with Chapter 119. of 98784
the Revised Code. If the board finds, pursuant to an 98785
adjudication held under this division, that the individual 98786
committed the act, or if no hearing is requested, it may order 98787
any of the sanctions identified under division (B) of this 98788
section. 98789

(I) The license to practice issued to a physician 98790
assistant and the physician assistant's practice in this state 98791
are automatically suspended as of the date the physician 98792

assistant pleads guilty to, is found by a judge or jury to be 98793
guilty of, or is subject to a judicial finding of eligibility 98794
for intervention in lieu of conviction in this state or 98795
treatment or intervention in lieu of conviction in another state 98796
for any of the following criminal offenses in this state or a 98797
substantially equivalent criminal offense in another 98798
jurisdiction: aggravated murder, murder, voluntary manslaughter, 98799
felonious assault, trafficking in persons, kidnapping, rape, 98800
sexual battery, gross sexual imposition, aggravated arson, 98801
aggravated robbery, or aggravated burglary. Continued practice 98802
after the suspension shall be considered practicing without a 98803
license. 98804

The board shall notify the individual subject to the 98805
suspension in accordance with sections 119.05 and 119.07 of the 98806
Revised Code. If an individual whose license is suspended under 98807
this division fails to make a timely request for an adjudication 98808
under Chapter 119. of the Revised Code, the board shall enter a 98809
final order permanently revoking the individual's license to 98810
practice. 98811

(J) In any instance in which the board is required by 98812
Chapter 119. of the Revised Code to give notice of opportunity 98813
for hearing and the individual subject to the notice does not 98814
timely request a hearing in accordance with section 119.07 of 98815
the Revised Code, the board is not required to hold a hearing, 98816
but may adopt, by an affirmative vote of not fewer than six of 98817
its members, a final order that contains the board's findings. 98818
In that final order, the board may order any of the sanctions 98819
identified under division (A) or (B) of this section. 98820

(K) Any action taken by the board under division (B) of 98821
this section resulting in a suspension shall be accompanied by a 98822

written statement of the conditions under which the physician 98823
assistant's license may be reinstated. The board shall adopt 98824
rules in accordance with Chapter 119. of the Revised Code 98825
governing conditions to be imposed for reinstatement. 98826
Reinstatement of a license suspended pursuant to division (B) of 98827
this section requires an affirmative vote of not fewer than six 98828
members of the board. 98829

(L) When the board refuses to grant or issue to an 98830
applicant a license to practice as a physician assistant, 98831
revokes an individual's license, refuses to renew an 98832
individual's license, or refuses to reinstate an individual's 98833
license, the board may specify that its action is permanent. An 98834
individual subject to a permanent action taken by the board is 98835
forever thereafter ineligible to hold the license and the board 98836
shall not accept an application for reinstatement of the license 98837
or for issuance of a new license. 98838

(M) Notwithstanding any other provision of the Revised 98839
Code, all of the following apply: 98840

(1) The surrender of a license issued under this chapter 98841
is not effective unless or until accepted by the board. 98842
Reinstatement of a license surrendered to the board requires an 98843
affirmative vote of not fewer than six members of the board. 98844

(2) An application made under this chapter for a license 98845
may not be withdrawn without approval of the board. 98846

(3) Failure by an individual to renew a license in 98847
accordance with section 4730.14 of the Revised Code does not 98848
remove or limit the board's jurisdiction to take disciplinary 98849
action under this section against the individual. 98850

(4) The placement of an individual's license on retired 98851

status, as described in section 4730.141 of the Revised Code, 98852
does not remove or limit the board's jurisdiction to take any 98853
disciplinary action against the individual with regard to the 98854
license as it existed before being placed on retired status. 98855

(N) The board shall not refuse to issue a license to an 98856
applicant because of a conviction, plea of guilty, judicial 98857
finding of guilt, judicial finding of eligibility for 98858
intervention in lieu of conviction, or the commission of an act 98859
that constitutes a criminal offense, unless the refusal is in 98860
accordance with section 9.79 of the Revised Code. 98861

Sec. 4730.433. (A) (1) Subject to division (A) (2) of this 98862
section, and notwithstanding any provision of this chapter or 98863
rule adopted by the state medical board, a physician assistant 98864
who holds a license issued under this chapter and a valid 98865
prescriber number issued by the state medical board and has been 98866
granted physician-delegated prescriptive authority may do either 98867
of the following without having examined an individual to whom 98868
epinephrine may be administered: 98869

(a) Personally furnish a supply of epinephrine 98870
autoinjectors for use in accordance with sections 3313.7110, 98871
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 98872
~~5101.76~~ 5180.26 of the Revised Code; 98873

(b) Issue a prescription for epinephrine autoinjectors for 98874
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 98875
3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~ 5180.26 of the 98876
Revised Code. 98877

(2) An epinephrine autoinjector personally furnished or 98878
prescribed under division (A) (1) of this section must be 98879
furnished or prescribed in such a manner that it may be 98880

administered only in a manufactured dosage form. 98881

(B) A physician assistant who acts in good faith in 98882
accordance with this section is not liable for or subject to any 98883
of the following for any action or omission of an entity to 98884
which an epinephrine autoinjector is furnished or a prescription 98885
is issued: damages in any civil action, prosecution in any 98886
criminal proceeding, or professional disciplinary action. 98887

Sec. 4730.437. (A) (1) Subject to division (A) (2) of this 98888
section and notwithstanding any provision of this chapter or 98889
rule adopted by the state medical board, a physician assistant 98890
who holds a valid prescriber number issued by the board and has 98891
been granted physician-delegated prescriptive authority may do 98892
either of the following without having examined an individual to 98893
whom glucagon may be administered: 98894

(a) Personally furnish a supply of injectable or nasally 98895
administered glucagon for use in accordance with section 98896
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78-~~ 98897
5180.262 of the Revised Code; 98898

(b) Issue a prescription for injectable or nasally 98899
administered glucagon in accordance with section 3313.7115, 98900
3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78-~~5180.262 of 98901
the Revised Code. 98902

(2) Injectable or nasally administered glucagon personally 98903
furnished or prescribed under division (A) (1) of this section 98904
must be furnished or prescribed in such a manner that it may be 98905
administered only in a manufactured dosage form. 98906

(B) A physician assistant who acts in good faith in 98907
accordance with this section is not liable for or subject to any 98908
of the following for any action or omission of an entity to 98909

which injectable or nasally administered glucagon is furnished 98910
or a prescription is issued: damages in any civil action, 98911
prosecution in any criminal proceeding, or professional 98912
disciplinary action. 98913

Sec. 4730.99. (A) Whoever violates section 4730.02 of the 98914
Revised Code is guilty of a misdemeanor of the first degree on a 98915
first offense; on each subsequent offense, the person is guilty 98916
of a felony of the fourth degree. 98917

(B) (1) Whoever violates division (B) (1), (C) (1), (C) (2), 98918
(D), or (E) of section 4730.32 of the Revised Code is guilty of 98919
a minor misdemeanor on a first offense; on each subsequent 98920
offense the person is guilty of a misdemeanor of the fourth 98921
degree, except that an individual guilty of a subsequent offense 98922
shall not be subject to imprisonment, but to a fine alone of up 98923
to one thousand dollars for each offense. 98924

(2) Whoever violates division (B) (2) or (C) (3) of section 98925
4730.32 of the Revised Code is guilty of ~~failure to report~~ 98926
~~criminal conduct or sexual misconduct,~~ a misdemeanor of the 98927
fourth degree. ~~If the offender has previously been convicted of~~ 98928
~~a violation of this division, the failure to report on a first~~ 98929
offense; on each subsequent offense, the person is guilty of a 98930
misdemeanor of the first degree. 98931

(C) Whoever violates division (F) of section 4730.26 of 98932
the Revised Code is guilty of ~~disclosing confidential~~ 98933
~~investigatory information,~~ a misdemeanor of the first degree. 98934

Sec. 4731.22. (A) The state medical board, by an 98935
affirmative vote of not fewer than six of its members, may 98936
limit, revoke, or suspend a license or certificate to practice 98937
or certificate to recommend, refuse to grant a license or 98938

certificate, refuse to renew a license or certificate, refuse to 98939
reinstate a license or certificate, or reprimand or place on 98940
probation the holder of a license or certificate if the 98941
individual applying for or holding the license or certificate is 98942
found by the board to have committed fraud during the 98943
administration of the examination for a license or certificate 98944
to practice or to have committed fraud, misrepresentation, or 98945
deception in applying for, renewing, or securing any license or 98946
certificate to practice or certificate to recommend issued by 98947
the board. 98948

(B) Except as provided in division (P) of this section, 98949
the board, by an affirmative vote of not fewer than six members, 98950
shall, to the extent permitted by law, limit, revoke, or suspend 98951
a license or certificate to practice or certificate to 98952
recommend, refuse to issue a license or certificate, refuse to 98953
renew a license or certificate, refuse to reinstate a license or 98954
certificate, or reprimand or place on probation the holder of a 98955
license or certificate for one or more of the following reasons: 98956

(1) Permitting one's name or one's license or certificate 98957
to practice to be used by a person, group, or corporation when 98958
the individual concerned is not actually directing the treatment 98959
given; 98960

(2) Failure to maintain minimal standards applicable to 98961
the selection or administration of drugs, or failure to employ 98962
acceptable scientific methods in the selection of drugs or other 98963
modalities for treatment of disease; 98964

(3) Except as provided in section 4731.97 of the Revised 98965
Code, selling, giving away, personally furnishing, prescribing, 98966
or administering drugs for other than legal and legitimate 98967
therapeutic purposes or a plea of guilty to, a judicial finding 98968

of guilt of, or a judicial finding of eligibility for 98969
intervention in lieu of conviction of, a violation of any 98970
federal or state law regulating the possession, distribution, or 98971
use of any drug; 98972

(4) Willfully betraying a professional confidence. 98973

For purposes of this division, "willfully betraying a 98974
professional confidence" does not include providing any 98975
information, documents, or reports under sections 307.621 to 98976
307.629 of the Revised Code to a child fatality review board; 98977
does not include providing any information, documents, or 98978
reports under sections 307.631 to 307.6410 of the Revised Code 98979
to a drug overdose fatality review committee, a suicide fatality 98980
review committee, or hybrid drug overdose fatality and suicide 98981
fatality review committee; does not include providing any 98982
information, documents, or reports under sections 307.651 to 98983
307.659 of the Revised Code to a domestic violence fatality 98984
review board; does not include providing any information, 98985
documents, or reports to the director of health pursuant to 98986
guidelines established under section 3701.70 of the Revised 98987
Code; does not include written notice to a mental health 98988
professional under section 4731.62 of the Revised Code; does not 98989
include making a report as described in division (F) of section 98990
2921.22 and section 4731.224 of the Revised Code; and does not 98991
include the making of a report of an employee's use of a drug of 98992
abuse, or a report of a condition of an employee other than one 98993
involving the use of a drug of abuse, to the employer of the 98994
employee as described in division (B) of section 2305.33 of the 98995
Revised Code. Nothing in this division affects the immunity from 98996
civil liability conferred by section 2305.33 or 4731.62 of the 98997
Revised Code upon a physician who makes a report in accordance 98998
with section 2305.33 or notifies a mental health professional in 98999

accordance with section 4731.62 of the Revised Code. As used in 99000
this division, "employee," "employer," and "physician" have the 99001
same meanings as in section 2305.33 of the Revised Code. 99002

(5) Making a false, fraudulent, deceptive, or misleading 99003
statement in the solicitation of or advertising for patients; in 99004
relation to the practice of medicine and surgery, osteopathic 99005
medicine and surgery, podiatric medicine and surgery, or a 99006
limited branch of medicine; or in securing or attempting to 99007
secure any license or certificate to practice issued by the 99008
board. 99009

As used in this division, "false, fraudulent, deceptive, 99010
or misleading statement" means a statement that includes a 99011
misrepresentation of fact, is likely to mislead or deceive 99012
because of a failure to disclose material facts, is intended or 99013
is likely to create false or unjustified expectations of 99014
favorable results, or includes representations or implications 99015
that in reasonable probability will cause an ordinarily prudent 99016
person to misunderstand or be deceived. 99017

(6) A departure from, or the failure to conform to, 99018
minimal standards of care of similar practitioners under the 99019
same or similar circumstances, whether or not actual injury to a 99020
patient is established; 99021

(7) Representing, with the purpose of obtaining 99022
compensation or other advantage as personal gain or for any 99023
other person, that an incurable disease or injury, or other 99024
incurable condition, can be permanently cured; 99025

(8) The obtaining of, or attempting to obtain, money or 99026
anything of value by fraudulent misrepresentations in the course 99027
of practice; 99028

- (9) A plea of guilty to, a judicial finding of guilt of, 99029
or a judicial finding of eligibility for intervention in lieu of 99030
conviction for, a felony; 99031
- (10) Commission of an act that constitutes a felony in 99032
this state, regardless of the jurisdiction in which the act was 99033
committed; 99034
- (11) A plea of guilty to, a judicial finding of guilt of, 99035
or a judicial finding of eligibility for intervention in lieu of 99036
conviction for, a misdemeanor committed in the course of 99037
practice; 99038
- (12) Commission of an act in the course of practice that 99039
constitutes a misdemeanor in this state, regardless of the 99040
jurisdiction in which the act was committed; 99041
- (13) A plea of guilty to, a judicial finding of guilt of, 99042
or a judicial finding of eligibility for intervention in lieu of 99043
conviction for, a misdemeanor involving moral turpitude; 99044
- (14) Commission of an act involving moral turpitude that 99045
constitutes a misdemeanor in this state, regardless of the 99046
jurisdiction in which the act was committed; 99047
- (15) Violation of the conditions of limitation placed by 99048
the board upon a license or certificate to practice; 99049
- (16) Failure to pay license renewal fees specified in this 99050
chapter; 99051
- (17) Except as authorized in section 4731.31 of the 99052
Revised Code, engaging in the division of fees for referral of 99053
patients, or the receiving of a thing of value in return for a 99054
specific referral of a patient to utilize a particular service 99055
or business; 99056

(18) Subject to section 4731.226 of the Revised Code, 99057
violation of any provision of a code of ethics of the American 99058
medical association, the American osteopathic association, the 99059
American podiatric medical association, or any other national 99060
professional organizations that the board specifies by rule. The 99061
state medical board shall obtain and keep on file current copies 99062
of the codes of ethics of the various national professional 99063
organizations. The individual whose license or certificate is 99064
being suspended or revoked shall not be found to have violated 99065
any provision of a code of ethics of an organization not 99066
appropriate to the individual's profession. 99067

For purposes of this division, a "provision of a code of 99068
ethics of a national professional organization" does not include 99069
any provision that would preclude the making of a report by a 99070
physician of an employee's use of a drug of abuse, or of a 99071
condition of an employee other than one involving the use of a 99072
drug of abuse, to the employer of the employee as described in 99073
division (B) of section 2305.33 of the Revised Code. Nothing in 99074
this division affects the immunity from civil liability 99075
conferred by that section upon a physician who makes either type 99076
of report in accordance with division (B) of that section. As 99077
used in this division, "employee," "employer," and "physician" 99078
have the same meanings as in section 2305.33 of the Revised 99079
Code. 99080

(19) Inability to practice according to acceptable and 99081
prevailing standards of care by reason of mental illness or 99082
physical illness, including, but not limited to, physical 99083
deterioration that adversely affects cognitive, motor, or 99084
perceptive skills. 99085

In enforcing this division, the board, upon a showing of a 99086

possible violation, shall refer any individual who is authorized 99087
to practice by this chapter or who has submitted an application 99088
pursuant to this chapter to the monitoring organization that 99089
conducts the confidential monitoring program established under 99090
section 4731.25 of the Revised Code. The board also may compel 99091
the individual to submit to a mental examination, physical 99092
examination, including an HIV test, or both a mental and a 99093
physical examination. The expense of the examination is the 99094
responsibility of the individual compelled to be examined. 99095
Failure to submit to a mental or physical examination or consent 99096
to an HIV test ordered by the board constitutes an admission of 99097
the allegations against the individual unless the failure is due 99098
to circumstances beyond the individual's control, and a default 99099
and final order may be entered without the taking of testimony 99100
or presentation of evidence. If the board finds an individual 99101
unable to practice because of the reasons set forth in this 99102
division, the board shall require the individual to submit to 99103
care, counseling, or treatment by physicians approved or 99104
designated by the board, as a condition for initial, continued, 99105
reinstated, or renewed authority to practice. An individual 99106
affected under this division shall be afforded an opportunity to 99107
demonstrate to the board the ability to resume practice in 99108
compliance with acceptable and prevailing standards under the 99109
provisions of the individual's license or certificate. For the 99110
purpose of this division, any individual who applies for or 99111
receives a license or certificate to practice under this chapter 99112
accepts the privilege of practicing in this state and, by so 99113
doing, shall be deemed to have given consent to submit to a 99114
mental or physical examination when directed to do so in writing 99115
by the board, and to have waived all objections to the 99116
admissibility of testimony or examination reports that 99117
constitute a privileged communication. 99118

(20) Except as provided in division (F) (1) (b) of section 4731.282 of the Revised Code or when civil penalties are imposed under section 4731.225 of the Revised Code, and subject to section 4731.226 of the Revised Code, violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board.

This division does not apply to a violation or attempted violation of, assisting in or abetting the violation of, or a conspiracy to violate, any provision of this chapter or any rule adopted by the board that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(21) The violation of section 3701.79 of the Revised Code or of any abortion rule adopted by the director of health pursuant to section 3701.341 of the Revised Code;

(22) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to

practice; acceptance of an individual's license surrender; 99149
denial of a license; refusal to renew or reinstate a license; 99150
imposition of probation; or issuance of an order of censure or 99151
other reprimand; 99152

(23) The violation of section 2919.12 of the Revised Code 99153
or the performance or inducement of an abortion upon a pregnant 99154
woman with actual knowledge that the conditions specified in 99155
division (B) of section 2317.56 of the Revised Code have not 99156
been satisfied or with a heedless indifference as to whether 99157
those conditions have been satisfied, unless an affirmative 99158
defense as specified in division (H) (2) of that section would 99159
apply in a civil action authorized by division (H) (1) of that 99160
section; 99161

(24) The revocation, suspension, restriction, reduction, 99162
or termination of clinical privileges by the United States 99163
department of defense or department of veterans affairs or the 99164
termination or suspension of a certificate of registration to 99165
prescribe drugs by the drug enforcement administration of the 99166
United States department of justice; 99167

(25) Termination or suspension from participation in the 99168
medicare or medicaid programs by the department of health and 99169
human services or other responsible agency; 99170

(26) Impairment of ability to practice according to 99171
acceptable and prevailing standards of care because of substance 99172
use disorder or excessive use or abuse of drugs, alcohol, or 99173
other substances that may impair ability to practice. 99174

For the purposes of this division, any individual 99175
authorized to practice by this chapter accepts the privilege of 99176
practicing in this state subject to supervision by the board. By 99177

filing an application for or holding a license or certificate to 99178
practice under this chapter, an individual shall be deemed to 99179
have given consent to submit to a mental or physical examination 99180
when ordered to do so by the board in writing, and to have 99181
waived all objections to the admissibility of testimony or 99182
examination reports that constitute privileged communications. 99183

If it has reason to believe that any individual authorized 99184
to practice by this chapter or any applicant for licensure or 99185
certification to practice suffers such impairment, the board 99186
shall refer the individual to the monitoring organization that 99187
conducts the confidential monitoring program established under 99188
section 4731.25 of the Revised Code. The board also may compel 99189
the individual to submit to a mental or physical examination, or 99190
both. The expense of the examination is the responsibility of 99191
the individual compelled to be examined. Any mental or physical 99192
examination required under this division shall be undertaken by 99193
a treatment provider or physician who is qualified to conduct 99194
the examination and who is approved under section 4731.251 of 99195
the Revised Code. 99196

Failure to submit to a mental or physical examination 99197
ordered by the board constitutes an admission of the allegations 99198
against the individual unless the failure is due to 99199
circumstances beyond the individual's control, and a default and 99200
final order may be entered without the taking of testimony or 99201
presentation of evidence. If the board determines that the 99202
individual's ability to practice is impaired, the board shall 99203
suspend the individual's license or certificate or deny the 99204
individual's application and shall require the individual, as a 99205
condition for initial, continued, reinstated, or renewed 99206
licensure or certification to practice, to submit to treatment. 99207

Before being eligible to apply for reinstatement of a 99208
license or certificate suspended under this division, the 99209
impaired practitioner shall demonstrate to the board the ability 99210
to resume practice in compliance with acceptable and prevailing 99211
standards of care under the provisions of the practitioner's 99212
license or certificate. The demonstration shall include, but 99213
shall not be limited to, the following: 99214

(a) Certification from a treatment provider approved under 99215
section 4731.251 of the Revised Code that the individual has 99216
successfully completed any required inpatient treatment; 99217

(b) Evidence of continuing full compliance with an 99218
aftercare contract or consent agreement; 99219

(c) Two written reports indicating that the individual's 99220
ability to practice has been assessed and that the individual 99221
has been found capable of practicing according to acceptable and 99222
prevailing standards of care. The reports shall be made by 99223
individuals or providers approved by the board for making the 99224
assessments and shall describe the basis for their 99225
determination. 99226

The board may reinstate a license or certificate suspended 99227
under this division after that demonstration and after the 99228
individual has entered into a written consent agreement. 99229

When the impaired practitioner resumes practice, the board 99230
shall require continued monitoring of the individual. The 99231
monitoring shall include, but not be limited to, compliance with 99232
the written consent agreement entered into before reinstatement 99233
or with conditions imposed by board order after a hearing, and, 99234
upon termination of the consent agreement, submission to the 99235
board for at least two years of annual written progress reports 99236

made under penalty of perjury stating whether the individual has 99237
maintained sobriety. 99238

(27) A second or subsequent violation of section 4731.66 99239
or 4731.69 of the Revised Code; 99240

(28) Except as provided in division (N) of this section: 99241

(a) Waiving the payment of all or any part of a deductible 99242
or copayment that a patient, pursuant to a health insurance or 99243
health care policy, contract, or plan that covers the 99244
individual's services, otherwise would be required to pay if the 99245
waiver is used as an enticement to a patient or group of 99246
patients to receive health care services from that individual; 99247

(b) Advertising that the individual will waive the payment 99248
of all or any part of a deductible or copayment that a patient, 99249
pursuant to a health insurance or health care policy, contract, 99250
or plan that covers the individual's services, otherwise would 99251
be required to pay. 99252

(29) Failure to use universal blood and body fluid 99253
precautions established by rules adopted under section 4731.051 99254
of the Revised Code; 99255

(30) Failure to provide notice to, and receive 99256
acknowledgment of the notice from, a patient when required by 99257
section 4731.143 of the Revised Code prior to providing 99258
nonemergency professional services, or failure to maintain that 99259
notice in the patient's medical record; 99260

(31) Failure of a physician supervising a physician 99261
assistant to maintain supervision in accordance with the 99262
requirements of Chapter 4730. of the Revised Code and the rules 99263
adopted under that chapter; 99264

- (32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement; 99265
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- (33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code; 99272
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- (34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue; 99275
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- (35) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant; 99286
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- (36) Assisting suicide, as defined in section 3795.01 of the Revised Code; 99289
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- (37) Failure to comply with the requirements of section 2317.561 of the Revised Code; 99291
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- (38) Failure to supervise a radiologist assistant in 99293

accordance with Chapter 4774. of the Revised Code and the	99294
board's rules for supervision of radiologist assistants;	99295
(39) Performing or inducing an abortion at an office or	99296
facility with knowledge that the office or facility fails to	99297
post the notice required under section 3701.791 of the Revised	99298
Code;	99299
(40) Failure to comply with the standards and procedures	99300
established in rules under section 4731.054 of the Revised Code	99301
for the operation of or the provision of care at a pain	99302
management clinic;	99303
(41) Failure to comply with the standards and procedures	99304
established in rules under section 4731.054 of the Revised Code	99305
for providing supervision, direction, and control of individuals	99306
at a pain management clinic;	99307
(42) Failure to comply with the requirements of section	99308
4729.79 or 4731.055 of the Revised Code, unless the state board	99309
of pharmacy no longer maintains a drug database pursuant to	99310
section 4729.75 of the Revised Code;	99311
(43) Failure to comply with the requirements of section	99312
2919.171, 2919.202, or 2919.203 of the Revised Code or failure	99313
to submit to the department of health in accordance with a court	99314
order a complete report as described in section 2919.171 or	99315
2919.202 of the Revised Code;	99316
(44) Practicing at a facility that is subject to licensure	99317
as a category III terminal distributor of dangerous drugs with a	99318
pain management clinic classification unless the person	99319
operating the facility has obtained and maintains the license	99320
with the classification;	99321
(45) Owning a facility that is subject to licensure as a	99322

category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;	99323 99324 99325
(46) Failure to comply with any of the requirements regarding making or maintaining medical records or documents described in division (A) of section 2919.192, division (C) of section 2919.193, division (B) of section 2919.195, or division (A) of section 2919.196 of the Revised Code;	99326 99327 99328 99329 99330
(47) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;	99331 99332 99333 99334
(48) Failure to comply with the requirements of section 4731.30 of the Revised Code or rules adopted under section 4731.301 of the Revised Code when recommending treatment with medical marijuana;	99335 99336 99337 99338
(49) A pattern of continuous or repeated violations of division (E) (2) or (3) of section 3963.02 of the Revised Code;	99339 99340
(50) Failure to fulfill the responsibilities of a collaboration agreement entered into with an athletic trainer as described in section 4755.621 of the Revised Code;	99341 99342 99343
(51) Failure to take the steps specified in section 4731.911 of the Revised Code following an abortion or attempted abortion in an ambulatory surgical facility or other location that is not a hospital when a child is born alive;	99344 99345 99346 99347
(52) Violation of section 4731.77 of the Revised Code;	99348
(53) Failure of a physician supervising a certified mental health assistant to maintain supervision in accordance with the	99349 99350

requirements of Chapter 4772. of the Revised Code and the rules 99351
adopted under that chapter; 99352

(54) Failure to comply with the requirements of section 99353
3705.16 of the Revised Code when certifying a decedent's cause 99354
of death and completing and signing the medical certificate of 99355
death. 99356

(C) Disciplinary actions taken by the board under 99357
divisions (A) and (B) of this section shall be taken pursuant to 99358
an adjudication under Chapter 119. of the Revised Code, except 99359
that in lieu of an adjudication, the board may enter into a 99360
consent agreement with an individual to resolve an allegation of 99361
a violation of this chapter or any rule adopted under it. A 99362
consent agreement, when ratified by an affirmative vote of not 99363
fewer than six members of the board, shall constitute the 99364
findings and order of the board with respect to the matter 99365
addressed in the agreement. If the board refuses to ratify a 99366
consent agreement, the admissions and findings contained in the 99367
consent agreement shall be of no force or effect. 99368

A telephone conference call may be utilized for 99369
ratification of a consent agreement that revokes or suspends an 99370
individual's license or certificate to practice or certificate 99371
to recommend. The telephone conference call shall be considered 99372
a special meeting under division (F) of section 121.22 of the 99373
Revised Code. 99374

If the board takes disciplinary action against an 99375
individual under division (B) of this section for a second or 99376
subsequent plea of guilty to, or judicial finding of guilt of, a 99377
violation of section 2919.123 or 2919.124 of the Revised Code, 99378
the disciplinary action shall consist of a suspension of the 99379
individual's license or certificate to practice for a period of 99380

at least one year or, if determined appropriate by the board, a
more serious sanction involving the individual's license or
certificate to practice. Any consent agreement entered into
under this division with an individual that pertains to a second
or subsequent plea of guilty to, or judicial finding of guilt
of, a violation of that section shall provide for a suspension
of the individual's license or certificate to practice for a
period of at least one year or, if determined appropriate by the
board, a more serious sanction involving the individual's
license or certificate to practice.

(D) For purposes of divisions (B) (10), (12), and (14) of
this section, the commission of the act may be established by a
finding by the board, pursuant to an adjudication under Chapter
119. of the Revised Code, that the individual committed the act.
The board does not have jurisdiction under those divisions if
the trial court renders a final judgment in the individual's
favor and that judgment is based upon an adjudication on the
merits. The board has jurisdiction under those divisions if the
trial court issues an order of dismissal upon technical or
procedural grounds.

(E) The sealing or expungement of conviction records by
any court shall have no effect upon a prior board order entered
under this section or upon the board's jurisdiction to take
action under this section if, based upon a plea of guilty, a
judicial finding of guilt, or a judicial finding of eligibility
for intervention in lieu of conviction, the board issued a
notice of opportunity for a hearing prior to the court's order
to seal or expunge the records. The board shall not be required
to seal, expunge, destroy, redact, or otherwise modify its
records to reflect the court's sealing of conviction records.

(F) (1) The board shall investigate evidence that appears 99411
to show that a person has violated any provision of this chapter 99412
or any rule adopted under it. Any person may report to the board 99413
in a signed writing any information that the person may have 99414
that appears to show a violation of any provision of this 99415
chapter or any rule adopted under it. In the absence of bad 99416
faith, any person who reports information of that nature or who 99417
testifies before the board in any adjudication conducted under 99418
Chapter 119. of the Revised Code shall not be liable in damages 99419
in a civil action as a result of the report or testimony. Each 99420
complaint or allegation of a violation received by the board 99421
shall be assigned a case number and shall be recorded by the 99422
board. 99423

(2) Investigations of alleged violations of this chapter 99424
or any rule adopted under it shall be supervised by the 99425
supervising member elected by the board in accordance with 99426
section 4731.02 of the Revised Code and by the secretary as 99427
provided in section 4731.39 of the Revised Code. The president 99428
may designate another member of the board to supervise the 99429
investigation in place of the supervising member. Upon a vote of 99430
the majority of the board to authorize the addition of a 99431
consumer member in the supervision of any part of any 99432
investigation, the president shall designate a consumer member 99433
for supervision of investigations as determined by the 99434
president. The authorization of consumer member participation in 99435
investigation supervision may be rescinded by a majority vote of 99436
the board. No member of the board who supervises the 99437
investigation of a case shall participate in further 99438
adjudication of the case. 99439

(3) In investigating a possible violation of this chapter 99440
or any rule adopted under this chapter, or in conducting an 99441

inspection under division (E) of section 4731.054 of the Revised Code, the board may question witnesses, conduct interviews, administer oaths, order the taking of depositions, inspect and copy any books, accounts, papers, records, or documents, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony, except that a subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary of the board.

(a) Before issuance of a subpoena for patient record information, the secretary shall determine whether there is probable cause to believe that the complaint filed alleges a violation of this chapter or any rule adopted under it and that the records sought are relevant to the alleged violation and material to the investigation. The subpoena may apply only to records that cover a reasonable period of time surrounding the alleged violation.

(b) On failure to comply with any subpoena issued by the board and after reasonable notice to the person being subpoenaed, the board may move for an order compelling the production of persons or records pursuant to the Rules of Civil Procedure.

(c) A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee or agent designated by the board. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the person's usual place of residence, usual place of business, or address on file with the board. When serving a subpoena to an applicant for or the holder of a license or certificate issued

under this chapter, service of the subpoena may be made by 99472
certified mail, return receipt requested, and the subpoena shall 99473
be deemed served on the date delivery is made or the date the 99474
person refuses to accept delivery. If the person being served 99475
refuses to accept the subpoena or is not located, service may be 99476
made to an attorney who notifies the board that the attorney is 99477
representing the person. 99478

(d) A sheriff's deputy who serves a subpoena shall receive 99479
the same fees as a sheriff. Each witness who appears before the 99480
board in obedience to a subpoena shall receive the fees and 99481
mileage provided for under section 119.094 of the Revised Code. 99482

(4) All hearings, investigations, and inspections of the 99483
board shall be considered civil actions for the purposes of 99484
section 2305.252 of the Revised Code. 99485

(5) A report required to be submitted to the board under 99486
this chapter, a complaint, or information received by the board 99487
pursuant to an investigation or pursuant to an inspection under 99488
division (E) of section 4731.054 of the Revised Code is 99489
confidential and not subject to discovery in any civil action. 99490

The board shall conduct all investigations or inspections 99491
and proceedings in a manner that protects the confidentiality of 99492
patients and persons who file complaints with the board. The 99493
board shall not make public the names or any other identifying 99494
information about patients or complainants unless proper consent 99495
is given or, in the case of a patient, a waiver of the patient 99496
privilege exists under division (B) of section 2317.02 of the 99497
Revised Code, except that consent or a waiver of that nature is 99498
not required if the board possesses reliable and substantial 99499
evidence that no bona fide physician-patient relationship 99500
exists. 99501

The board may share any information it receives pursuant 99502
to an investigation or inspection, including patient records and 99503
patient record information, with law enforcement agencies, other 99504
licensing boards, and other governmental agencies that are 99505
prosecuting, adjudicating, or investigating alleged violations 99506
of statutes or administrative rules. An agency or board that 99507
receives the information shall comply with the same requirements 99508
regarding confidentiality as those with which the state medical 99509
board must comply, notwithstanding any conflicting provision of 99510
the Revised Code or procedure of the agency or board that 99511
applies when it is dealing with other information in its 99512
possession. In a judicial proceeding, the information may be 99513
admitted into evidence only in accordance with the Rules of 99514
Evidence, but the court shall require that appropriate measures 99515
are taken to ensure that confidentiality is maintained with 99516
respect to any part of the information that contains names or 99517
other identifying information about patients or complainants 99518
whose confidentiality was protected by the state medical board 99519
when the information was in the board's possession. Measures to 99520
ensure confidentiality that may be taken by the court include 99521
sealing its records or deleting specific information from its 99522
records. 99523

No person shall knowingly access, use, or disclose 99524
confidential investigatory information in a manner prohibited by 99525
law. 99526

(6) On a quarterly basis, the board shall prepare a report 99527
that documents the disposition of all cases during the preceding 99528
three months. The report shall contain the following information 99529
for each case with which the board has completed its activities: 99530

(a) The case number assigned to the complaint or alleged 99531

violation;	99532
(b) The type of license or certificate to practice, if any, held by the individual against whom the complaint is directed;	99533 99534 99535
(c) A description of the allegations contained in the complaint;	99536 99537
(d) Whether witnesses were interviewed;	99538
(e) Whether the individual against whom the complaint is directed is the subject of any pending complaints;	99539 99540
(f) The disposition of the case.	99541
The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code.	99542 99543 99544 99545
(7) The board may provide a status update regarding an investigation to a complainant on request if the board verifies the complainant's identity.	99546 99547 99548
(G) (1) If either of the following circumstances occur, the secretary and supervising member may recommend that the board suspend an individual's license or certificate to practice or certificate to recommend without a prior hearing:	99549 99550 99551 99552
(a) The secretary and supervising member determine both of the following:	99553 99554
(i) That there is clear and convincing evidence that an individual has violated division (B) of this section;	99555 99556
(ii) That the individual's continued practice presents a danger of immediate and serious harm to the public.	99557 99558

(b) The board receives verifiable information that a licensee has been charged in any state or federal court with a crime classified as a felony under the charging court's law and the conduct constitutes a violation of division (B) of this section.

(2) If a recommendation is made to suspend without a prior hearing pursuant to division (G)(1) of this section, written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license or certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall serve a written order of suspension in accordance with sections 119.05 and 119.07 of the Revised Code. ~~The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code.~~ If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual.

(3) Any summary suspension imposed under ~~this division~~ (G)(2) of this section is not a final appealable order and is not an adjudication that may be appealed under section 119.12 of the Revised Code. The summary suspension shall remain in effect, ~~unless reversed on appeal,~~ until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. Once a final adjudicative

order has been issued by the board, any party adversely affected 99589
by it may file an appeal in accordance with the requirements of 99590
Chapter 119. of the Revised Code. The— 99591

The board shall issue its final adjudicative order within 99592
seventy-five days after completion of its hearing. A failure to 99593
issue the order within seventy-five days shall result in 99594
dissolution of the summary suspension order but shall not 99595
invalidate any subsequent, final adjudicative order. 99596

(H) If the board takes action under division (B) (9), (11), 99597
or (13) of this section and the judicial finding of guilt, 99598
guilty plea, or judicial finding of eligibility for intervention 99599
in lieu of conviction is overturned on appeal, upon exhaustion 99600
of the criminal appeal, a petition for reconsideration of the 99601
order may be filed with the board along with appropriate court 99602
documents. Upon receipt of a petition of that nature and 99603
supporting court documents, the board shall reinstate the 99604
individual's license or certificate to practice. The board may 99605
then hold an adjudication under Chapter 119. of the Revised Code 99606
to determine whether the individual committed the act in 99607
question. Notice of an opportunity for a hearing shall be given 99608
in accordance with Chapter 119. of the Revised Code. If the 99609
board finds, pursuant to an adjudication held under this 99610
division, that the individual committed the act or if no hearing 99611
is requested, the board may order any of the sanctions 99612
identified under division (B) of this section. 99613

(I) The license or certificate to practice issued to an 99614
individual under this chapter and the individual's practice in 99615
this state are automatically suspended as of the date of the 99616
individual's second or subsequent plea of guilty to, or judicial 99617
finding of guilt of, a violation of section 2919.123 or 2919.124 99618

of the Revised Code. In addition, the license or certificate to 99619
practice or certificate to recommend issued to an individual 99620
under this chapter and the individual's practice in this state 99621
are automatically suspended as of the date the individual pleads 99622
guilty to, is found by a judge or jury to be guilty of, or is 99623
subject to a judicial finding of eligibility for intervention in 99624
lieu of conviction in this state or treatment or intervention in 99625
lieu of conviction in another jurisdiction for any of the 99626
following criminal offenses in this state or a substantially 99627
equivalent criminal offense in another jurisdiction: aggravated 99628
murder, murder, voluntary manslaughter, felonious assault, 99629
trafficking in persons, kidnapping, rape, sexual battery, gross 99630
sexual imposition, aggravated arson, aggravated robbery, or 99631
aggravated burglary. Continued practice after suspension shall 99632
be considered practicing without a license or certificate. 99633

The board shall notify the individual subject to the 99634
suspension in accordance with sections 119.05 and 119.07 of the 99635
Revised Code. If an individual whose license or certificate is 99636
automatically suspended under this division fails to make a 99637
timely request for an adjudication under Chapter 119. of the 99638
Revised Code, the board shall do whichever of the following is 99639
applicable: 99640

(1) If the automatic suspension under this division is for 99641
a second or subsequent plea of guilty to, or judicial finding of 99642
guilt of, a violation of section 2919.123 or 2919.124 of the 99643
Revised Code, the board shall enter an order suspending the 99644
individual's license or certificate to practice for a period of 99645
at least one year or, if determined appropriate by the board, 99646
imposing a more serious sanction involving the individual's 99647
license or certificate to practice. 99648

(2) In all circumstances in which division (I) (1) of this section does not apply, enter a final order permanently revoking the individual's license or certificate to practice.

(J) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's license or certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a license or certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue a license or certificate to practice to an applicant, revokes an individual's license or certificate to practice, refuses to renew an individual's license or certificate to practice, or refuses to reinstate an individual's license or certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license or certificate to practice and the board shall not accept an application for

reinstatement of the license or certificate or for issuance of a new license or certificate. 99679
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(M) Notwithstanding any other provision of the Revised Code, all of the following apply: 99681
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(1) The surrender of a license or certificate issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license or certificate to practice. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license or certificate surrendered to the board requires an affirmative vote of not fewer than six members of the board. 99683
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(2) An application for a license or certificate made under the provisions of this chapter may not be withdrawn without approval of the board. 99692
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(3) Failure by an individual to renew a license or certificate to practice in accordance with this chapter or a certificate to recommend in accordance with rules adopted under section 4731.301 of the Revised Code does not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual. 99695
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(4) The placement of an individual's license on retired status, as described in section 4731.283 of the Revised Code, does not remove or limit the board's jurisdiction to take any disciplinary action against the individual with regard to the license as it existed before being placed on retired status. 99701
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(5) At the request of the board, a license or certificate holder shall immediately surrender to the board a license or 99706
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certificate that the board has suspended, revoked, or 99708
permanently revoked. 99709

(N) Sanctions shall not be imposed under division (B) (28) 99710
of this section against any person who waives deductibles and 99711
copayments as follows: 99712

(1) In compliance with the health benefit plan that 99713
expressly allows such a practice. Waiver of the deductibles or 99714
copayments shall be made only with the full knowledge and 99715
consent of the plan purchaser, payer, and third-party 99716
administrator. Documentation of the consent shall be made 99717
available to the board upon request. 99718

(2) For professional services rendered to any other person 99719
authorized to practice pursuant to this chapter, to the extent 99720
allowed by this chapter and rules adopted by the board. 99721

(O) Under the board's investigative duties described in 99722
this section and subject to division (F) of this section, the 99723
board shall develop and implement a quality intervention program 99724
designed to improve through remedial education the clinical and 99725
communication skills of individuals authorized under this 99726
chapter to practice medicine and surgery, osteopathic medicine 99727
and surgery, and podiatric medicine and surgery. In developing 99728
and implementing the quality intervention program, the board may 99729
do all of the following: 99730

(1) Offer in appropriate cases as determined by the board 99731
an educational and assessment program pursuant to an 99732
investigation the board conducts under this section; 99733

(2) Select providers of educational and assessment 99734
services, including a quality intervention program panel of case 99735
reviewers; 99736

(3) Make referrals to educational and assessment service 99737
providers and approve individual educational programs 99738
recommended by those providers. The board shall monitor the 99739
progress of each individual undertaking a recommended individual 99740
educational program. 99741

(4) Determine what constitutes successful completion of an 99742
individual educational program and require further monitoring of 99743
the individual who completed the program or other action that 99744
the board determines to be appropriate; 99745

(5) Adopt rules in accordance with Chapter 119. of the 99746
Revised Code to further implement the quality intervention 99747
program. 99748

An individual who participates in an individual 99749
educational program pursuant to this division shall pay the 99750
financial obligations arising from that educational program. 99751

(P) The board shall not refuse to issue a license to an 99752
applicant because of a conviction, plea of guilty, judicial 99753
finding of guilt, judicial finding of eligibility for 99754
intervention in lieu of conviction, or the commission of an act 99755
that constitutes a criminal offense, unless the refusal is in 99756
accordance with section 9.79 of the Revised Code. 99757

(Q) A license or certificate to practice or certificate to 99758
recommend issued to an individual under this chapter and an 99759
individual's practice under this chapter in this state are 99760
automatically suspended if the individual's license or 99761
certificate to practice a health care occupation or provide 99762
health care services is suspended, revoked, or surrendered or 99763
relinquished in lieu of discipline by an agency responsible for 99764
authorizing, certifying, or regulating an individual to practice 99765

a health care occupation or provide health care services in this state or another jurisdiction. The automatic suspension begins immediately upon entry of the order by the agency and lasts for ninety days to permit the board to investigate the basis for the action under this chapter. Continued practice during the automatic suspension shall be considered practicing without a license or certificate.

The board shall notify the individual subject to the automatic suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual subject to an automatic suspension under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

Sec. 4731.2210. (A) As used in this section:

(1) "Key third party" means an individual closely involved in a patient's decision-making regarding health care services, including a patient's spouse or partner, parents, children, siblings, or guardians. An individual's status as a key third party ceases upon termination of a practitioner-patient relationship or termination of the relationship between a patient and the individual.

(2) "Practitioner" means any of the following:

(a) An individual authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery,

podiatric medicine and surgery, or a limited branch of medicine; 99795

(b) An individual licensed under Chapter 4730. of the 99796
Revised Code to practice as a physician assistant; 99797

(c) An individual authorized under Chapter 4759. of the 99798
Revised Code to practice as a dietitian; 99799

(d) An individual authorized under Chapter 4760. of the 99800
Revised Code to practice as an anesthesiologist assistant; 99801

(e) An individual authorized under Chapter 4761. of the 99802
Revised Code to practice respiratory care; 99803

(f) An individual authorized under Chapter 4762. of the 99804
Revised Code to practice as an acupuncturist ~~or oriental~~ 99805
~~medicine practitioner;~~ 99806

(g) An individual authorized under Chapter 4772. of the 99807
Revised Code to practice as a certified mental health assistant; 99808

(h) An individual authorized under Chapter 4774. of the 99809
Revised Code to practice as a radiologist assistant; 99810

~~(h)~~ (i) An individual licensed under Chapter 4778. of the 99811
Revised Code to practice as a genetic counselor. 99812

(3) "Sexual misconduct" has the same meaning as in section 99813
4731.224 of the Revised Code. 99814

(B) Except as provided in division (D) of this section, 99815
the state medical board may require a practitioner that is 99816
subject to a probationary order of the board ~~that is made on or~~ 99817
~~after the effective date of this section,~~ and that involves a 99818
circumstance described in division (C) of this section, to 99819
provide to each patient, or to the patient's guardian or a key 99820
third party, a written disclosure signed by the practitioner 99821

- that includes all of the following: 99822
- (1) The practitioner's probation status; 99823
 - (2) The total length of the probation; 99824
 - (3) The probation end date; 99825
 - (4) Practice restrictions placed on the practitioner by
the board; 99826
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 - (5) The board's telephone number; 99828
 - (6) An explanation of how the patient can find additional
information regarding the probation on the practitioner's
profile page on the board's internet web site. 99829
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- The written disclosure, if required by the board, shall be 99832
provided before the patient's first visit following the 99833
probationary order of the board. The practitioner shall obtain a 99834
copy of the disclosure signed by the patient, or the patient's 99835
guardian or a key third party, and maintain the signed copy in 99836
the patient's medical record. The signed copy shall be made 99837
available to the board immediately upon request. 99838
- (C) The written disclosure described in division (B) of 99839
this section applies in both of the following circumstances: 99840
- (1) Issuance by the board of a final order, final 99841
adjudicative order under Chapter 119. of the Revised Code, or a 99842
consent agreement that is ratified by an affirmative vote of not 99843
fewer than six members of the board establishing any of the 99844
following: 99845
 - (a) Commission of any act of sexual misconduct with a 99846
patient or key third party; 99847
 - (b) Drug or alcohol abuse directly resulting in patient 99848

harm, or that impairs the ability of the practitioner to practice safely; 99849
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(c) Criminal conviction directly resulting in harm to patient health; 99851
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(d) Inappropriate prescribing directly resulting in patient harm. 99853
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(2) A statement of issues alleged that the practitioner committed any of the acts described in divisions (C) (1) (a) through (d) and, notwithstanding a lack of admission of guilt, a consent agreement ratified by an affirmative vote of not fewer than six members of the board includes express acknowledgement that the disclosure requirements of this section would serve to protect the public interest. 99855
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(D) Written disclosure as described in this section is not required in the following circumstances: 99862
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(1) The patient is unconscious or otherwise unable to comprehend the disclosure and sign it, and a guardian or a key third party is unavailable to comprehend and sign it; 99864
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(2) The direct patient interaction occurs in an emergency department or otherwise occurs as an immediate result of a medical emergency; 99867
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(3) The practitioner does not have a direct treatment relationship with the patient and does not have direct contact or direct communication with the patient. 99870
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(E) The board shall provide the following information regarding practitioners on probation and those practicing under probationary status, in plain view on a practitioner's profile page on the board's internet web site: 99873
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(1) Formal action documents detailing the citation, 99877
reports and recommendations, board order, and consent agreement; 99878

(2) The length of the probation and the end date; 99879

(3) Practice restrictions placed on the practitioner by 99880
the board. 99881

(F) The board shall provide a sample probation disclosure 99882
letter on its internet web site to be used by practitioners to 99883
comply with this section. 99884

Sec. 4731.256. (A) In addition to all other powers and 99885
duties conferred on the monitoring organization under contract 99886
with the state medical board pursuant to section 4731.25 of the 99887
Revised Code, the board shall require the monitoring 99888
organization to implement this section as a condition of 99889
entering into and maintaining the contract. 99890

(B) Not later than thirty days after the effective date of 99891
this section, the monitoring organization, in collaboration with 99892
the Ohio state medical association and Ohio hospital 99893
association, shall create a foundation to be operated for the 99894
sole purpose of supporting programs approved under the criteria 99895
established by sections 4731.25 to 4731.254 of the Revised Code 99896
and any rules adopted under section 4731.255 of the Revised 99897
Code. Once the foundation is created, the monitoring 99898
organization shall notify the treasurer of state. 99899

As part of organizing the foundation's operations, the 99900
monitoring organization, in collaboration with the other 99901
creating entities, shall establish a three-member governing 99902
board. The members shall consist of one individual appointed by 99903
the chief executive officer of the monitoring organization, one 99904
individual appointed by the chief executive officer of Ohio 99905

state medical association, and one individual appointed by the 99906
chief executive officer of the Ohio hospital association. Any 99907
vacancy in the membership shall be filled in the same manner as 99908
the original appointment. 99909

The foundation's governing board shall hold at least one 99910
meeting each year to approve an annual plan for the disbursement 99911
of funds held by the foundation. In determining the amount to be 99912
disbursed, the governing board shall consider factors related to 99913
the cost of providing monitoring services, the revenue generated 99914
from participants who receive services from the monitoring 99915
organization, and the extent to which the monitoring 99916
organization's services are being used, particularly by 99917
individuals who are applicants and practitioners, as those terms 99918
are defined in section 4731.25 of the Revised Code. 99919

The determination of the amount to be disbursed under this 99920
section is solely a power and duty of the foundation's governing 99921
board. 99922

Sec. 4731.92. (A) As used in this section, "physician" 99923
means an individual authorized under this chapter to practice 99924
medicine and surgery, osteopathic medicine and surgery, or 99925
podiatric medicine and surgery. 99926

(B) (1) Subject to division (B) (2) of this section, and 99927
notwithstanding any provision of this chapter or rule adopted by 99928
the state medical board, a physician may do either of the 99929
following without having examined an individual to whom glucagon 99930
may be administered: 99931

(a) Personally furnish a supply of injectable or nasally 99932
administered glucagon for use in accordance with section 99933
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 99934

5180.262 of the Revised Code; 99935

(b) Issue a prescription for injectable or nasally 99936
administered glucagon for use in accordance with section 99937
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 99938
5180.262 of the Revised Code. 99939

(2) Injectable or nasally administered glucagon personally 99940
furnished or prescribed under division (B)(1) of this section 99941
must be furnished or prescribed in such a manner that it may be 99942
administered only in a manufactured dosage form. 99943

(C) A physician who acts in good faith in accordance with 99944
this section is not liable for or subject to any of the 99945
following for any action or omission of an entity to which 99946
injectable or nasally administered glucagon is furnished or a 99947
prescription is issued: damages in any civil action, prosecution 99948
in any criminal proceeding, or professional disciplinary action. 99949

Sec. 4731.96. (A) As used in this section and section 99950
4731.961 of the Revised Code, "physician" means an individual 99951
authorized under this chapter to practice medicine and surgery, 99952
osteopathic medicine and surgery, or podiatric medicine and 99953
surgery. 99954

(B) (1) Subject to division (B) (2) of this section, and 99955
notwithstanding any provision of this chapter or rule adopted by 99956
the state medical board, a physician may do either of the 99957
following without having examined an individual to whom 99958
epinephrine may be administered: 99959

(a) Personally furnish a supply of epinephrine 99960
autoinjectors for use in accordance with sections 3313.7110, 99961
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 99962
~~5101.76~~ 5180.26 of the Revised Code; 99963

(b) Issue a prescription for epinephrine autoinjectors for use in accordance with sections 3313.7110, 3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~ 5180.26 of the Revised Code.

(2) An epinephrine autoinjector personally furnished or prescribed under division (B)(1) of this section must be furnished or prescribed in such a manner that it may be administered only in a manufactured dosage form.

(C) A physician who acts in good faith in accordance with this section is not liable for or subject to any of the following for any action or omission of an entity to which an epinephrine autoinjector is furnished or a prescription is issued: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.

Sec. 4731.99. (A) Whoever violates section 4731.41, 4731.43, or 4731.60 of the Revised Code is guilty of a felony of the fifth degree on a first offense and a felony of the fourth degree on each subsequent offense.

(B) Whoever violates section 4731.49, 4731.50, or 4731.81 of the Revised Code is guilty of a misdemeanor of the fourth degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(C) Whoever violates section 4731.46 or 4731.47 of the Revised Code is guilty of a felony of the fifth degree.

(D) Whoever violates section 4731.48 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(E) (1) Whoever violates division (B)(1), (C)(1), (C)(2), (D), or (E) of section 4731.224 of the Revised Code is guilty of a minor misdemeanor on a first offense and a misdemeanor of the

fourth degree on each subsequent offense, except that an 99993
individual guilty of a subsequent offense shall not be subject 99994
to imprisonment, but to a fine alone of up to one thousand 99995
dollars for each offense. 99996

(2) Whoever violates division (B) (2) or (C) (3) of section 99997
4731.224 of the Revised Code is guilty of ~~failure to report~~ 99998
~~criminal conduct or sexual misconduct,~~ a misdemeanor of the 99999
fourth degree. ~~If the offender has previously been convicted of~~ 100000
~~a violation of this division, the failure to report is on a~~ 100001
first offense and a misdemeanor of the first degree on each 100002
subsequent offense. 100003

(F) Whoever violates section 4731.481 of the Revised Code 100004
is guilty of a misdemeanor of the first degree. 100005

(G) Whoever violates division (F) (5) of section 4731.22 of 100006
the Revised Code is guilty of ~~disclosing confidential~~ 100007
~~investigatory information,~~ a misdemeanor of the first degree. 100008

Sec. 4735.01. As used in this chapter: 100009

(A) "Real estate broker" includes any person, partnership, 100010
association, limited liability company, limited liability 100011
partnership, or corporation, foreign or domestic, who for 100012
another, whether pursuant to a power of attorney or otherwise, 100013
and who for a fee, commission, or other valuable consideration, 100014
or with the intention, or in the expectation, or upon the 100015
promise of receiving or collecting a fee, commission, or other 100016
valuable consideration does any of the following: 100017

(1) Sells, exchanges, purchases, rents, or leases, or 100018
negotiates the sale, exchange, purchase, rental, or leasing of 100019
any real estate; 100020

(2) Offers, attempts, or agrees to negotiate the sale, 100021

exchange, purchase, rental, or leasing of any real estate;	100022
(3) Lists, or offers, attempts, or agrees to list, or	100023
auctions, or offers, attempts, or agrees to auction, any real	100024
estate;	100025
(4) Buys or offers to buy, sells or offers to sell, or	100026
otherwise deals in options on real estate;	100027
(5) Operates, manages, or rents, or offers or attempts to	100028
operate, manage, or rent, other than as custodian, caretaker, or	100029
janitor, any building or portions of buildings to the public as	100030
tenants;	100031
(6) Advertises or holds self out as engaged in the	100032
business of selling, exchanging, purchasing, renting, or leasing	100033
real estate;	100034
(7) Directs or assists in the procuring of prospects or	100035
the negotiation of any transaction, other than mortgage	100036
financing, which does or is calculated to result in the sale,	100037
exchange, leasing, or renting of any real estate;	100038
(8) Is engaged in the business of charging an advance fee	100039
or contracting for collection of a fee in connection with any	100040
contract whereby the broker undertakes primarily to promote the	100041
sale, exchange, purchase, rental, or leasing of real estate	100042
through its listing in a publication issued primarily for such	100043
purpose, or for referral of information concerning such real	100044
estate to brokers, or both, except that this division does not	100045
apply to a publisher of listings or compilations of sales of	100046
real estate by their owners;	100047
(9) Collects rental information for purposes of referring	100048
prospective tenants to rental units or locations of such units	100049
and charges the prospective tenants a fee.	100050

(B) "Real estate" includes leaseholds as well as any and every interest or estate in land situated in this state, whether corporeal or incorporeal, whether freehold or nonfreehold, and the improvements on the land, but does not include cemetery interment rights.

(C) "Real estate salesperson" means any person associated with a licensed real estate broker to do or to deal in any acts or transactions set out or comprehended by the definition of a real estate broker, for compensation or otherwise.

(D) "Institution of higher education" includes all of the following:

(1) A state institution of higher education, as defined in section 3345.011 of the Revised Code;

(2) A nonprofit institution issued a certificate of authorization under Chapter 1713. of the Revised Code;

(3) A private institution exempt from regulation under Chapter 3332. of the Revised Code, as prescribed in section 3333.046 of the Revised Code.

(4) An institution with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code that is approved to offer degree or certificate programs in accordance with section 3332.05 of the Revised Code.

(E) "Foreign real estate" means real estate not situated in this state and any interest in real estate not situated in this state.

(F) "Foreign real estate dealer" includes any person, partnership, association, limited liability company, limited

liability partnership, or corporation, foreign or domestic, who 100079
for another, whether pursuant to a power of attorney or 100080
otherwise, and who for a fee, commission, or other valuable 100081
consideration, or with the intention, or in the expectation, or 100082
upon the promise of receiving or collecting a fee, commission, 100083
or other valuable consideration, does or deals in any act or 100084
transaction specified or comprehended in division (A) of this 100085
section with respect to foreign real estate. 100086

(G) "Foreign real estate salesperson" means any person 100087
associated with a licensed foreign real estate dealer to do or 100088
deal in any act or transaction specified or comprehended in 100089
division (A) of this section with respect to foreign real 100090
estate, for compensation or otherwise. 100091

(H) Any person, partnership, association, limited 100092
liability company, limited liability partnership, or 100093
corporation, who, for another, in consideration of compensation, 100094
by fee, commission, salary, or otherwise, or with the intention, 100095
in the expectation, or upon the promise of receiving or 100096
collecting a fee, does, or offers, attempts, or agrees to engage 100097
in, any single act or transaction contained in the definition of 100098
a real estate broker, whether an act is an incidental part of a 100099
transaction, or the entire transaction, shall be constituted a 100100
real estate broker or real estate salesperson under this 100101
chapter. 100102

(I) (1) The terms "real estate broker," "real estate 100103
salesperson," "foreign real estate dealer," and "foreign real 100104
estate salesperson" do not include a person, partnership, 100105
association, limited liability company, limited liability 100106
partnership, or corporation, or the regular employees thereof, 100107
who perform any of the acts or transactions specified or 100108

comprehended in division (A) of this section, whether or not 100109
for, or with the intention, in expectation, or upon the promise 100110
of receiving or collecting a fee, commission, or other valuable 100111
consideration: 100112

(a) With reference to real estate situated in this state 100113
owned by such person, partnership, association, limited 100114
liability company, limited liability partnership, or 100115
corporation, or acquired on its own account in the regular 100116
course of, or as an incident to the management of the property 100117
and the investment in it; 100118

(b) As receiver or trustee in bankruptcy, as guardian, 100119
executor, administrator, trustee, assignee, commissioner, or any 100120
person doing the things mentioned in this section, under 100121
authority or appointment of, or incident to a proceeding in, any 100122
court, or as a bona fide public officer, or as executor, 100123
trustee, or other bona fide fiduciary under any trust agreement, 100124
deed of trust, will, or other instrument that has been executed 100125
in good faith creating a like bona fide fiduciary obligation; 100126

(c) As a public officer while performing the officer's 100127
official duties; 100128

(d) As an attorney at law in the performance of the 100129
attorney's duties; 100130

(e) As a person who engages in the brokering of the sale 100131
of business assets, not including the sale, lease, exchange, or 100132
assignment of any interest in real estate; 100133

(f) As a person who engages in the sale of manufactured 100134
homes as defined in division (C) (4) of section 3781.06 of the 100135
Revised Code, or of mobile homes as defined in division (O) of 100136
section 4501.01 of the Revised Code, provided the sale does not 100137

include the negotiation, sale, lease, exchange, or assignment of 100138
any interest in real estate; 100139

(g) As a person who engages in the sale of commercial real 100140
estate pursuant to the requirements of section 4735.022 of the 100141
Revised Code; 100142

(h) As an oil and gas land professional in the performance 100143
of the oil and gas land professional's duties, provided the oil 100144
and gas land professional is not engaged in the purchase or sale 100145
of a fee simple absolute interest in oil and gas or other real 100146
estate and the oil and gas land professional complies with 100147
division (A) of section 4735.023 of the Revised Code; 100148

(i) As an oil and gas land professional employed by the 100149
person, partnership, association, limited liability company, 100150
limited liability partnership, or corporation for which the oil 100151
and gas land professional is performing the oil and gas land 100152
professional's duties. 100153

(2) A person, partnership, association, limited liability 100154
company, limited liability partnership, or corporation exempt 100155
under division (I) (1) (a) of this section shall be limited by the 100156
legal interest in the real estate held by that person or entity 100157
to performing any of the acts or transactions specified in or 100158
comprehended by division (A) of this section. 100159

(J) "Disabled licensee" means a person licensed pursuant 100160
to this chapter who is under a severe disability which is of 100161
such a nature as to prevent the person from being able to attend 100162
any instruction lasting at least three hours in duration. 100163

(K) "Division of real estate" may be used interchangeably 100164
with, and for all purposes has the same meaning as, "division of 100165
real estate and professional licensing." 100166

(L) "Superintendent" or "superintendent of real estate" 100167
means the superintendent of the division of real estate and 100168
professional licensing of this state. Whenever the division or 100169
superintendent of real estate is referred to or designated in 100170
any statute, rule, contract, or other document, the reference or 100171
designation shall be deemed to refer to the division or 100172
superintendent of real estate and professional licensing, as the 100173
case may be. 100174

(M) "Inactive license" means the license status in which a 100175
salesperson's license is in the possession of the division, 100176
renewed as required under this chapter or rules adopted under 100177
this chapter, and not associated with a real estate broker. 100178

(N) "Broker's license on deposit" means the license status 100179
in which a broker's license is in the possession of the division 100180
of real estate and professional licensing and renewed as 100181
required under this chapter or rules adopted under this chapter. 100182

(O) "Suspended license" means the license status that 100183
prohibits a licensee from providing services that require a 100184
license under this chapter for a specified interval of time. 100185

(P) "Reactivate" means the process prescribed by the 100186
superintendent of real estate and professional licensing to 100187
remove a license from an inactive, suspended, or broker's 100188
license on deposit status to allow a licensee to provide 100189
services that require a license under this chapter. 100190

(Q) "Revoked" means the license status in which the 100191
license is void and not eligible for reactivation. 100192

(R) "Commercial real estate" means any parcel of real 100193
estate in this state other than real estate containing one to 100194
four residential units. "Commercial real estate" does not 100195

include single-family residential units such as condominiums, 100196
townhouses, manufactured homes, or homes in a subdivision when 100197
sold, leased, or otherwise conveyed on a unit-by-unit basis, 100198
even when those units are a part of a larger building or parcel 100199
of real estate containing more than four residential units. 100200

(S) "Out-of-state commercial broker" includes any person, 100201
partnership, association, limited liability company, limited 100202
liability partnership, or corporation that is licensed to do 100203
business as a real estate broker in a jurisdiction other than 100204
Ohio. 100205

(T) "Out-of-state commercial salesperson" includes any 100206
person affiliated with an out-of-state commercial broker who is 100207
not licensed as a real estate salesperson in Ohio. 100208

(U) "Exclusive right to sell or lease listing agreement" 100209
means an agency agreement between a seller and broker that meets 100210
the requirements of section 4735.55 of the Revised Code and does 100211
both of the following: 100212

(1) Grants the broker the exclusive right to represent the 100213
seller in the sale or lease of the seller's property; 100214

(2) Provides the broker will be compensated if the broker, 100215
the seller, or any other person or entity produces a purchaser 100216
or tenant in accordance with the terms specified in the listing 100217
agreement or if the property is sold or leased during the term 100218
of the listing agreement to anyone other than to specifically 100219
exempted persons or entities. 100220

(V) "Exclusive agency agreement" means an agency agreement 100221
between a seller and broker that meets the requirements of 100222
section 4735.55 of the Revised Code and does both of the 100223
following: 100224

(1) Grants the broker the exclusive right to represent the seller in the sale or lease of the seller's property; 100225
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(2) Provides the broker will be compensated if the broker or any other person or entity produces a purchaser or tenant in accordance with the terms specified in the listing agreement or if the property is sold or leased during the term of the listing agreement, unless the property is sold or leased solely through the efforts of the seller or to the specifically exempted persons or entities. 100227
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(W) "Exclusive purchaser agency agreement" means an agency agreement between a purchaser or tenant and a broker that meets the requirements of section 4735.55 of the Revised Code and does both of the following: 100234
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(1) Grants the broker the exclusive right to represent the purchaser or tenant in the purchase or lease of property; 100238
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(2) Provides the broker will be compensated in accordance with the terms specified in the exclusive agency agreement or if a property is purchased or leased by the purchaser or tenant during the term of the agency agreement unless the property is specifically exempted in the agency agreement. 100240
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The agreement may authorize the broker to receive compensation from the seller or the seller's agent and may provide that the purchaser or tenant is not obligated to compensate the broker if the property is purchased or leased solely through the efforts of the purchaser or tenant. 100245
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(X) "Seller" means a party in a real estate transaction who is the potential transferor of property. "Seller" includes an owner of property who is seeking to sell the property and a landlord who is seeking to rent or lease property to another 100250
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100253

person. 100254

(Y) "Resigned" means the license status in which a license 100255
has been voluntarily and permanently surrendered to or is 100256
otherwise in the possession of the division of real estate and 100257
professional licensing, may not be renewed or reactivated in 100258
accordance with the requirements specified in this chapter or 100259
the rules adopted pursuant to it, and is not associated with a 100260
real estate broker. 100261

(Z) "Bona fide" means made in good faith or without 100262
purpose of circumventing license law. 100263

(AA) "Associate broker" means an individual licensed as a 100264
real estate broker under this chapter who does not function as 100265
the principal broker or a management level licensee. 100266

(BB) "Brokerage" means a corporation, partnership, limited 100267
partnership, association, limited liability company, limited 100268
liability partnership, or sole proprietorship, foreign or 100269
domestic, that has been issued a broker's license. "Brokerage" 100270
includes the affiliated licensees who have been assigned 100271
management duties that include supervision of licensees whose 100272
duties may conflict with those of other affiliated licensees. 100273

(CC) Except as provided in section 4735.011 of the Revised 100274
Code, "eligible course" means a credit or noncredit course 100275
offered by an institution of higher education that may be 100276
applied toward the requirements for a degree or certificate at 100277
the institution. 100278

(DD) "Distance education" means courses required by 100279
divisions (B) (6) and (G) of section 4735.07, divisions (F) (6) 100280
and (J) of section 4735.09, and division (A) of section 4735.141 100281
of the Revised Code in which instruction is accomplished through 100282

use of interactive, electronic media and where the teacher and student are separated by distance or time, or both.	100283 100284
(EE) "Licensee" means any individual licensed as a real estate broker or salesperson by the Ohio real estate commission pursuant to this chapter.	100285 100286 100287
(FF) "Management level licensee" means a licensee who is employed by or affiliated with a real estate broker and who has supervisory responsibility over other licensees employed by or affiliated with that real estate broker.	100288 100289 100290 100291
(GG) "Oil and gas land professional" means a person regularly engaged in the preparation and negotiation of agreements for the purpose of exploring for, transporting, producing, or developing oil and gas mineral interests, including, but not limited to, oil and gas leases and pipeline easements.	100292 100293 100294 100295 100296 100297
(HH) "Principal broker" means an individual licensed as a real estate broker under this chapter who oversees and directs the operations of the brokerage.	100298 100299 100300
(II) "Right-to-list home sale agreement" means an agreement whereby the owner of residential real estate agrees to provide another person with exclusive rights to list the real estate for sale at a future date in exchange for monetary consideration, or an equivalent to monetary consideration, and that meets one or both of the following:	100301 100302 100303 100304 100305 100306
(1) The agreement states that it runs with the land or otherwise purports to bind future owners of the residential real estate;	100307 100308 100309
(2) The agreement purports to be a lien, encumbrance, or other real property security interest.	100310 100311

(JJ) "Nonexclusive agency agreement" means an agency agreement between a purchaser, tenant, or seller and a broker that meets the requirements of section 4735.55 of the Revised Code and does both of the following: 100312
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(1) Grants the broker the nonexclusive right to represent the purchaser, tenant, or seller in the purchase, sale, or lease of property; 100316
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(2) Provides the broker will be compensated in accordance with the terms specified in the nonexclusive agency agreement, and the purchaser, tenant, or seller may obtain services from other brokers or brokerage firms, subject to the terms of the nonexclusive agency agreement. 100319
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Sec. 4735.06. ~~(A)~~ (A) (1) Application for a license as a real estate broker shall be made to the superintendent of real estate on forms furnished by the superintendent and filed with the superintendent and shall be signed by the applicant or its members or officers. 100324
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(2) Each application shall state the name of the person applying and the location of the place of business for which the license is desired, and give such other information as the superintendent requires in the form of application prescribed by the superintendent. 100329
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(3) Each application shall include the address of the applicant's current residence or, if the applicant is not an individual, the address of the current residence of each of the applicant's members or officers. 100334
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(4) The superintendent shall retain residential addresses submitted under division (A) (3) of this section as separate records that do not constitute public records for the purposes 100338
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100340

of section 149.43 of the Revised Code. 100341

(B) (1) If the applicant is a partnership, limited 100342
liability company, limited liability partnership, or 100343
association, the names of all the members also shall be stated, 100344
and, if the applicant is a corporation, the names of its 100345
president and of each of its officers also shall be stated. 100346

The superintendent has the right to reject the application 100347
of any partnership, association, limited liability company, 100348
limited liability partnership, or corporation if the name 100349
proposed to be used by such partnership, association, limited 100350
liability company, limited liability partnership, or corporation 100351
is likely to mislead the public or if the name is not such as to 100352
distinguish it from the name of any existing partnership, 100353
association, limited liability company, limited liability 100354
partnership, or corporation licensed under this chapter, unless 100355
there is filed with the application the written consent of such 100356
existing partnership, association, limited liability company, 100357
limited liability partnership, or corporation, executed by a 100358
duly authorized representative of it, permitting the use of the 100359
name of such existing partnership, association, limited 100360
liability company, limited liability partnership, or 100361
corporation. 100362

(2) The superintendent shall approve the use of a trade 100363
name by a brokerage, if the name meets both of the following 100364
criteria: 100365

(a) The proposed name is not the same as or is clearly 100366
distinguishable from a name registered with the division of real 100367
estate and professional licensing by another existing brokerage. 100368
If the superintendent determines that the proposed name is not 100369
clearly distinguishable from any other existing brokerage, the 100370

superintendent may approve the use of the trade name if there is 100371
filed with the superintendent the written consent of the 100372
existing brokerage with the same or similar name. 100373

(b) The name is not misleading or likely to mislead the 100374
public. 100375

(3) The superintendent may approve the use of more than 100376
one trade name for a brokerage. 100377

(4) When a brokerage has received the approval of the 100378
superintendent to conduct business under one or more trade 100379
names, those trade names shall be the only identifying names 100380
used by the brokerage in all advertising. 100381

(C) A fee of one hundred thirty-five dollars shall 100382
accompany the application for a real estate broker's license. 100383
The initial licensing period commences at the time the license 100384
is issued and ends on the applicant's first birthday thereafter. 100385
However, if the applicant was an inactive or active salesperson 100386
immediately preceding application for a broker's license, then 100387
the initial licensing period shall commence at the time the 100388
broker's license is issued and ends on the date the licensee's 100389
continuing education is due as set when the applicant was a 100390
salesperson. The application fee shall be nonrefundable. A fee 100391
of one hundred thirty-five dollars shall be charged by the 100392
superintendent for each successive application made by an 100393
applicant. In the case of issuance of a three-year license, upon 100394
passing the examination, or upon waiver of the examination 100395
requirement, if the superintendent determines it is necessary, 100396
the applicant shall submit an additional fee determined by the 100397
superintendent based upon the number of years remaining in a 100398
real estate salesperson's licensing period. 100399

(D) The Ohio real estate commission may use the division 100400
of real estate operating fund created under section 4735.211 of 100401
the Revised Code in discharging the duties prescribed in 100402
divisions (E), (F), (G), and (H) of section 4735.03 of the 100403
Revised Code and may use it in the advancement of education and 100404
research in real estate at any institution of higher education 100405
in the state, or in contracting with any such institution or a 100406
trade organization for a particular research or educational 100407
project in the field of real estate, or in advancing loans, not 100408
exceeding two thousand dollars, to applicants for salesperson 100409
licenses, to defray the costs of satisfying the educational 100410
requirements of division (F) of section 4735.09 of the Revised 100411
Code. Such loans shall be made according to rules established by 100412
the commission under the procedures of Chapter 119. of the 100413
Revised Code, and they shall be repaid to the fund within three 100414
years of the time they are made. No more than twenty-five 100415
thousand dollars shall be lent from the fund in any one fiscal 100416
year. 100417

The governor may appoint a representative from the 100418
executive branch to be a member ex officio of the commission for 100419
the purpose of advising on research requests or educational 100420
projects. The commission shall report to the general assembly on 100421
the third Tuesday after the third Monday in January of each year 100422
setting forth the total amount contained in the fund and the 100423
amount of each research grant that it has authorized and the 100424
amount of each research grant requested. A copy of all research 100425
reports shall be submitted to the state library of Ohio and the 100426
library of the legislative service commission. 100427

(E) If the superintendent, with the consent of the 100428
commission, enters into an agreement with a national testing 100429
service to administer the real estate broker's examination, 100430

pursuant to division (A) of section 4735.07 of the Revised Code, 100431
the superintendent may require an applicant to pay the testing 100432
service's examination fee directly to the testing service. If 100433
the superintendent requires the payment of the examination fee 100434
directly to the testing service, each applicant shall submit to 100435
the superintendent a processing fee in an amount determined by 100436
the Ohio real estate commission pursuant to division (A)(2) of 100437
section 4735.10 of the Revised Code. 100438

Sec. 4735.09. (A) Application for a license as a real 100439
estate salesperson shall be made to the superintendent of real 100440
estate on forms furnished by the superintendent and signed by 100441
the applicant. The application shall be in the form prescribed 100442
by the superintendent and shall contain such information as is 100443
required by this chapter and the rules of the Ohio real estate 100444
commission. The application shall include the address of the 100445
applicant's current residence. The superintendent shall retain 100446
the applicant's current residence address in a separate record 100447
that does not constitute a public record for purposes of section 100448
149.43 of the Revised Code. The application shall be accompanied 100449
by the recommendation of the real estate broker with whom the 100450
applicant is associated or with whom the applicant intends to be 100451
associated, certifying that the applicant is honest and 100452
truthful, and has not been finally adjudged by a court to have 100453
violated any municipal, state, or federal civil rights laws 100454
relevant to the protection of purchasers or sellers of real 100455
estate, which conviction or adjudication the applicant has not 100456
disclosed to the superintendent, and recommending that the 100457
applicant be admitted to the real estate salesperson 100458
examination. 100459

(B) A fee of eighty-one dollars shall accompany the 100460
application, which fee includes the fee for the initial year of 100461

the licensing period, if a license is issued. The initial year 100462
of the licensing period commences at the time the license is 100463
issued and ends on the applicant's first birthday thereafter. 100464
The application fee shall be nonrefundable. A fee of eighty-one 100465
dollars shall be charged by the superintendent for each 100466
successive application made by the applicant. 100467

(C) There shall be no limit placed on the number of times 100468
an applicant may retake the examination. 100469

(D) The superintendent, with the consent of the 100470
commission, may enter into an agreement with a recognized 100471
national testing service to administer the real estate 100472
salesperson's examination under the superintendent's supervision 100473
and control, consistent with the requirements of this chapter as 100474
to the contents of the examination. 100475

If the superintendent, with the consent of the commission, 100476
enters into an agreement with a national testing service to 100477
administer the real estate salesperson's examination, the 100478
superintendent may require an applicant to pay the testing 100479
service's examination fee directly to the testing service. If 100480
the superintendent requires the payment of the examination fee 100481
directly to the testing service, each applicant shall submit to 100482
the superintendent a processing fee in an amount determined by 100483
the Ohio real estate commission pursuant to division (A)(1) of 100484
section 4735.10 of the Revised Code. 100485

(E) The superintendent shall issue a real estate 100486
salesperson's license when satisfied that the applicant has 100487
received a passing score on each portion of the salesperson's 100488
examination as determined by rule by the real estate commission. 100489

(F) No applicant for a salesperson's license shall take 100490

the salesperson's examination who has not established to the 100491
satisfaction of the superintendent that the applicant: 100492

(1) Is honest and truthful; 100493

(2) (a) Has not been convicted of a disqualifying offense 100494
as determined in accordance with section 9.79 of the Revised 100495
Code; 100496

(b) Has not been finally adjudged by a court to have 100497
violated any municipal, state, or federal civil rights laws 100498
relevant to the protection of purchasers or sellers of real 100499
estate or, if the applicant has been so adjudged, at least two 100500
years have passed since the court decision and the 100501
superintendent has disregarded the adjudication because the 100502
applicant has proven, by a preponderance of the evidence, that 100503
the applicant is honest and truthful, and there is no basis in 100504
fact for believing that the applicant again will violate the 100505
laws involved. 100506

(3) Has not, during any period in which the applicant was 100507
licensed under this chapter, violated any provision of, or any 100508
rule adopted pursuant to this chapter, or, if the applicant has 100509
violated such provision or rule, has established to the 100510
satisfaction of the superintendent that the applicant will not 100511
again violate such provision or rule; 100512

(4) Is at least eighteen years of age; 100513

(5) If born after the year 1950, has a high school diploma 100514
or a certificate of high school equivalence issued under section 100515
3301.80 of the Revised Code; 100516

(6) Has successfully completed at an institution of higher 100517
education all of the following eligible courses by either 100518
classroom instruction or distance education: 100519

(a) Forty hours of instruction in real estate practice;	100520
(b) Forty hours of instruction that includes the subjects	100521
of Ohio real estate law, municipal, state, and federal civil	100522
rights law, new case law on housing discrimination,	100523
desegregation issues, and methods of eliminating the effects of	100524
prior discrimination. If feasible, the instruction in Ohio real	100525
estate law shall be taught by a member of the faculty of an	100526
accredited law school. If feasible, the instruction in	100527
municipal, state, and federal civil rights law, new case law on	100528
housing discrimination, desegregation issues, and methods of	100529
eliminating the effects of prior discrimination shall be taught	100530
by a staff member of the Ohio civil rights commission who is	100531
knowledgeable with respect to those subjects. The requirements	100532
of this division do not apply to an applicant who is admitted to	100533
practice before the supreme court.	100534
(c) Ten hours of instruction in real estate appraisal;	100535
(d) Ten hours of instruction in real estate finance.	100536
(G) (1) Successful completion of the instruction required	100537
by division (F) (6) of this section shall be determined by the	100538
law in effect on the date the instruction was completed.	100539
(2) Division (F) (6) (c) of this section does not apply to	100540
any new applicant who holds a valid Ohio real estate appraiser	100541
license or certificate issued prior to the date of application	100542
for a real estate salesperson's license.	100543
(H) Only for noncredit course offerings, an institution of	100544
higher education shall obtain approval from the appropriate	100545
state authorizing entity prior to offering a real estate course	100546
that is designed and marketed as satisfying the salesperson	100547
license education requirements of division (F) (6) of this	100548

section. The state authorizing entity may consult with the 100549
superintendent in reviewing the course for compliance with this 100550
section. 100551

(I) Any person who has not been licensed as a real estate 100552
salesperson or broker within a four-year period immediately 100553
preceding the person's current application for the salesperson's 100554
examination shall have successfully completed the prelicensure 100555
instruction required by division (F) (6) of this section within a 100556
ten-year period immediately preceding the person's current 100557
application for the salesperson's examination. 100558

(J) Not earlier than the date of issue of a real estate 100559
salesperson's license to a licensee, but not later than twelve 100560
months after the date of issue of a real estate salesperson 100561
license to a licensee, the licensee shall submit proof 100562
satisfactory to the superintendent, on forms made available by 100563
the superintendent, of the completion of twenty hours of 100564
instruction that shall be completed in schools, seminars, and 100565
educational institutions approved by the commission. The 100566
instruction shall include, but is not limited to, current 100567
practices relating to commercial real estate, property 100568
management, short sales, and land contracts; contract law; 100569
federal and state programs; economic conditions; and fiduciary 100570
responsibility. Approval of the curriculum and providers shall 100571
be granted according to rules adopted pursuant to section 100572
4735.10 of the Revised Code and may be taken through classroom 100573
instruction or distance education. 100574

If proof of completion of the required instruction is not 100575
submitted within twelve months of the date a license is issued 100576
under this section, the licensee's license is suspended 100577
automatically without the taking of any action by the 100578

superintendent. The superintendent immediately shall notify the 100579
broker with whom such salesperson is associated of the 100580
suspension of the salesperson's license. A salesperson whose 100581
license has been suspended under this division shall have twelve 100582
months after the date of the suspension of the salesperson's 100583
license to submit proof of successful completion of the 100584
instruction required under this division. No such license shall 100585
be reactivated by the superintendent until it is established, to 100586
the satisfaction of the superintendent, that the requirements of 100587
this division have been met and that the licensee is in 100588
compliance with this chapter. A licensee's license is revoked 100589
automatically without the taking of any action by the 100590
superintendent when the licensee fails to submit the required 100591
proof of completion of the education requirements under division 100592
(I) of this section within twelve months of the date the license 100593
is suspended. 100594

(K) Examinations shall be administered with reasonable 100595
accommodations in accordance with the requirements of the 100596
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 100597
U.S.C. 12189. The contents of an examination shall be consistent 100598
with the classroom instructional requirements of division (F) (6) 100599
of this section. An applicant who has completed the classroom 100600
instructional requirements of division (F) (6) of this section at 100601
the time of application shall be examined no later than twelve 100602
months after the applicant is notified of the applicant's 100603
admission to the examination. 100604

(L) Notwithstanding any provision of this chapter or 100605
Chapter 4796. of the Revised Code to the contrary, the 100606
superintendent shall issue a real estate salesperson's license 100607
in accordance with Chapter 4796. of the Revised Code to an 100608
applicant if both of the following apply: 100609

(1) The applicant satisfies the requirements specified in section 4796.03, 4796.04, or 4796.05 of the Revised Code, as applicable.

(2) The applicant passes an examination on Ohio real estate law.

Sec. 4735.55. (A) As used in this section:

(1) "Residential real property" has the same meaning as in section 5302.30 of the Revised Code.

(2) "Residential premises" and "tenant" ~~has~~ have the same ~~meaning~~ meanings as in section 5321.01 of the Revised Code.

(B) ~~Prior to marketing~~ A licensee shall enter into a written agency agreement before doing any of the following:

(1) Advertising or showing a ~~seller's~~ residential real property, ~~making~~ on behalf of a seller;

(2) Making an offer to purchase residential real property on behalf of a purchaser, ~~or making;~~

(3) Making an offer to lease a residential premises on behalf of a ~~purchaser~~ tenant for a term exceeding eighteen months, ~~a licensee shall enter into a written agency agreement that contains.~~

(C) The written agency agreement shall contain all of the following:

(1) An expiration date;

(2) A statement that it is illegal, pursuant to the Ohio fair housing law, division (H) of section 4112.02 of the Revised Code, and the federal fair housing law, 42 U.S.C.A. 3601, as amended, to refuse to sell, transfer, assign, rent, lease,

sublease, or finance housing accommodations, refuse to negotiate 100637
for the sale or rental of housing accommodations, or otherwise 100638
deny or make unavailable housing accommodations because of race, 100639
color, religion, sex, familial status as defined in section 100640
4112.01 of the Revised Code, ancestry, military status as 100641
defined in that section, disability as defined in that section, 100642
or national origin or to so discriminate in advertising the sale 100643
or rental of housing, in the financing of housing, or in the 100644
provision of real estate brokerage services; 100645

(3) A statement defining the practice known as 100646
"blockbusting" and stating that it is illegal; 100647

(4) A copy of the United States department of housing and 100648
urban development equal housing opportunity logotype, as set 100649
forth in 24 C.F.R. 109.30, as amended; 100650

(5) A statement that the licensee is appointed as an agent 100651
of the client, and an indication of whether the agency 100652
relationship is exclusive or nonexclusive; 100653

(6) The terms by which the real estate broker is to be 100654
compensated; 100655

(7) A conspicuous statement that broker fees and 100656
commissions are not set by law, are fully negotiable, and may be 100657
paid by the seller, the buyer, the landlord, the tenant, or a 100658
third party, or by sharing or splitting the fees and commissions 100659
between brokers. 100660

~~(C)~~(D) Each written agency agreement shall contain a place 100661
for the licensee and the client to sign and date the agreement. 100662

~~(D)~~(E) A licensee shall furnish a copy of any written 100663
agency agreement to a client in a timely manner after the 100664
licensee and the client have signed and dated it. 100665

Sec. 4735.56. (A) Each brokerage shall develop a written 100666
brokerage policy on agency to be given to prospective sellers, 100667
tenants, and purchasers in accordance with ~~divisions (C) and (D)~~ 100668
~~of~~ this section. 100669

(B) The brokerage policy on agency described in division 100670
(A) of this section shall include all of the following 100671
information: 100672

(1) An explanation of the permissible agency relationships 100673
available under section 4735.53 of the Revised Code and the 100674
duties that the agent owes the agent's client; 100675

(2) The brokerage's policy on representation of purchasers 100676
or sellers; 100677

(3) Whether at some time during the agency relationship 100678
the brokerage and its licensee may act as a dual agent, and the 100679
options and consequences for the client if a dual agency 100680
situation arises including the right of the client to terminate 100681
the agency relationship and seek representation from another 100682
source; 100683

(4) Whether at some time during the agency relationship, 100684
another licensee affiliated with the same brokerage as the 100685
licensee may become the exclusive agent for the other party in 100686
the transaction and whether each licensee will represent only 100687
the interests of that licensee's client; 100688

(5) The brokerage's policy on cooperation with other 100689
brokerages, including whether the brokerage offers compensation 100690
to other brokerages or will seek compensation from other 100691
brokerages; 100692

(6) That a brokerage that has a purchaser as a client 100693
represents the purchaser's interests even though the seller's 100694

agent or the seller may compensate that purchaser's brokerage; 100695

(7) That the signature of the purchaser or the seller 100696
indicates acknowledgement of receipt of the brokerage policy on 100697
agency. 100698

(C) A licensee working directly with a seller in a real 100699
estate transaction shall provide the seller with the brokerage 100700
policy on agency described in this section at the time the 100701
licensee and seller enter into an agency agreement, if required 100702
by section 4735.55 of the Revised Code or, if an agency 100703
agreement is not required by that section, prior to ~~marketing~~ 100704
advertising or showing the seller's real estate, and shall 100705
obtain a signature from the seller acknowledging receipt unless 100706
the seller refuses to provide a signature. If the seller refuses 100707
to provide a signature, the licensee shall note this on the 100708
policy. 100709

(D) A licensee working directly with a purchaser in a real 100710
estate transaction, whether as the purchaser's agent, the 100711
seller's agent, or the seller's subagent, shall provide the 100712
purchaser with the brokerage policy on agency described in this 100713
section and obtain a signature from the purchaser acknowledging 100714
receipt of the policy unless the purchaser refuses to provide a 100715
signature. If the purchaser refuses to provide a signature, the 100716
licensee shall note this on the policy. Except as provided in 100717
division (E) of this section, the licensee shall provide the 100718
brokerage policy on agency to a purchaser prior to the earliest 100719
of the following actions of the licensee: 100720

(1) Initiating a prequalification evaluation to determine 100721
whether the purchaser has the financial ability to purchase or 100722
lease a particular real estate property; 100723

(2) Requesting specific financial information from the purchaser to determine the purchaser's ability to purchase or finance real estate in a particular price range;	100724 100725 100726
(3) Showing the real estate to the purchaser other than at an open house;	100727 100728
(4) Discussing, with the purchaser, the making of an offer to purchase or lease real estate;	100729 100730
(5) Submitting an offer to purchase or lease real estate on behalf of the purchaser;	100731 100732
(6) Entering into an agency agreement with the purchaser under section 4735.55 of the Revised Code.	100733 100734
(E) If the earliest event described in division (D) of this section is by telephone or electronic mail, the licensee shall disclose by that same medium the nature of the agency relationship that the licensee has with both the seller and the purchaser. The licensee shall provide the purchaser with the brokerage policy on agency described in this section at the first meeting with the purchaser following this disclosure of the agency relationship.	100735 100736 100737 100738 100739 100740 100741 100742
(F) A licensee acting as a seller's agent is not required to provide a purchaser with the brokerage policy on agency described in this section except in the case of an event described in division (D) of this section.	100743 100744 100745 100746
(G) The requirements of this section regarding provision of a brokerage policy on agency apply only in the following situations:	100747 100748 100749
(1) The sale or lease of vacant land;	100750
(2) The sale of a parcel of real estate containing one to	100751

four residential units; 100752

(3) The leasing of residential premises as defined in 100753
section 5321.01 of the Revised Code, if the rental or lease 100754
agreement is for a term of more than eighteen months. 100755

Sec. 4735.80. (A) The superintendent of real estate shall, 100756
within one year after ~~the effective date of this section~~ April 3, 100757
2025, adopt rules in accordance with Chapter 119. of the Revised 100758
Code that require a licensee, prior to listing residential real 100759
estate for sale, exchange, or purchase, to provide to the seller 100760
a disclosure form, developed and maintained by the division of 100761
real estate, that outlines both of the following: 100762

(1) The federal and state laws that relate to anti- 100763
discrimination in the home-buying process with which a seller of 100764
residential real estate shall comply, including the laws listed 100765
in divisions ~~(B) (2)~~ (C) (2) and (3) of section 4735.55 of the 100766
Revised Code; 100767

(2) The penalties associated with violating any of the 100768
laws specified pursuant to division (A) (1) of this section. 100769

(B) No licensee shall market or show a seller's 100770
residential real estate before providing the seller with the 100771
disclosure required by this section and receiving a copy of that 100772
disclosure that is signed and dated by the seller. The licensee 100773
shall retain the signed and dated copy of the disclosure for not 100774
less than three years following the closing date on the seller's 100775
residential real estate. 100776

(C) Notwithstanding any provision of section 121.95 of the 100777
Revised Code to the contrary, a regulatory restriction contained 100778
in a rule adopted under this section is not subject to sections 100779
121.95 to 121.953 of the Revised Code. 100780

Sec. 4740.06. (A) Any individual who applies for a license 100781
shall file a written application with the appropriate specialty 100782
section of the Ohio construction industry licensing board, 100783
accompanied with the application fee as determined pursuant to 100784
section 4740.09 of the Revised Code. The application shall be on 100785
the form the section prescribes ~~and verified by the applicant's~~ 100786
~~oath~~. The applicant shall provide information satisfactory to 100787
the section showing that the applicant meets the requirements of 100788
division (B), (C), or (D) of this section. 100789

(B) To qualify to take an examination, an individual 100790
shall: 100791

(1) Be at least eighteen years of age; 100792

(2) Be a United States citizen or legal alien who produces 100793
valid documentation to demonstrate the individual is a legal 100794
resident of the United States; 100795

(3) Either have been a tradesperson in the type of 100796
licensed trade for which the application is filed for not less 100797
than five years immediately prior to the date the application is 100798
filed, be a currently registered engineer in this state with 100799
three years of business experience in the construction industry 100800
in the trade for which the engineer is applying to take an 100801
examination, or have other experience acceptable to the 100802
appropriate specialty section of the board; 100803

(4) Maintain contractor's liability insurance in an amount 100804
the appropriate specialty section of the board determines and 100805
only in one contracting company name; 100806

(5) Not have done any of the following: 100807

(a) Violated this chapter or any rule adopted pursuant to 100808
it; 100809

(b) Obtained or renewed a license issued pursuant to this chapter, or any order, ruling, or authorization of the board or a section of the board by fraud, misrepresentation, or deception;

(c) Engaged in fraud, misrepresentation, or deception in the conduct of business.

(C) For an individual who holds an out-of-state occupational license, as defined in section 4796.01 of the Revised Code, that is substantially similar to the license for which the individual is applying under this chapter, to qualify to take an examination, an individual shall:

(1) Provide proof that the individual was issued at least five authorizations for construction, erection, equipment, alteration, or addition of any building by an authority with responsibility for enforcing building regulations in the jurisdiction where the individual holds the out-of-state occupational license;

(2) Provide at least one tax return that reflects income earned for services provided under the individual's out-of-state occupational license;

(3) Provide proof that the contracting company with whom the individual is employed in the jurisdiction where the individual holds the out-of-state occupational license is either of the following:

(a) Licensed as a foreign corporation under section 1703.04 of the Revised Code and has designated an agent in this state in accordance with section 1703.041 of the Revised Code;

(b) Registered as a foreign limited liability company under section 1706.511 of the Revised Code and has designated an

agent in this state in accordance with section 1706.09 of the Revised Code. 100839
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(4) Meet the requirements described in divisions (B) (1), (2), (4), and (5) of this section. 100841
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(D) (1) For an individual who has been actively engaged in activities in the service of the uniformed services, as defined in section 4796.01 of the Revised Code, that are substantially similar to the activities for which the license the individual is applying under this chapter is required, to qualify to take an examination, an individual shall: 100843
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(a) Provide proof that the individual was actively engaged in the activities in the service of the uniformed services for at least three of the five years immediately preceding the date the application is submitted; 100849
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(b) Meet the requirements described in divisions (B) (1), (2), (4), and (5) of this section. 100853
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(2) Each specialty section of the board may adopt a rule in accordance with Chapter 119. of the Revised Code to waive the requirement that an applicant under division (D) (1) (a) of this section has been actively engaged in the activity for three of the five years immediately preceding the date the application is submitted. 100855
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(E) The board secretary, or the secretary's designee, shall approve an application for examination submitted under division (C) or (D) of this section within thirty days after receiving a complete application that meets the requirements of that division. 100861
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(F) When an applicant for licensure as a contractor in a licensed trade meets the qualifications set forth in division 100866
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(B), (C), or (D) of this section and passes the required 100868
examination, the appropriate specialty section of the board, 100869
within ninety days after the application was filed, shall 100870
authorize the administrative section of the board to license the 100871
applicant for the type of contractor's license for which the 100872
applicant qualifies. A specialty section of the board may 100873
withdraw its authorization to the administrative section for 100874
issuance of a license for good cause shown, on the condition 100875
that notice of that withdrawal is given prior to the 100876
administrative section's issuance of the license. 100877

(G) (1) Except as provided in division (G) (2) of this 100878
section, if an applicant does not pass the required examination, 100879
the applicant may retake the examination not less than sixty 100880
days after the applicant's most recent examination. 100881

(2) An applicant who does not pass the required 100882
examination after taking the examination five times under this 100883
section shall reapply for a license under division (A) of this 100884
section before retaking the required examination any subsequent 100885
time. 100886

(H) All licenses a contractor holds pursuant to this 100887
chapter shall expire annually on the same date, which shall be 100888
the expiration date of the original license the contractor 100889
holds. An individual holding a valid, unexpired license may 100890
renew the license, without reexamination, by submitting an 100891
application to the appropriate specialty section of the board 100892
not more than ninety calendar days before the expiration of the 100893
license, along with the renewal fee the specialty section 100894
requires and proof of compliance with the applicable continuing 100895
education requirements. The applicant shall provide information 100896
in the renewal application satisfactory to demonstrate to the 100897

appropriate specialty section that the applicant continues to 100898
meet the requirements of divisions (B) (2), (4), and (5) of this 100899
section. 100900

Upon application and within one calendar year after a 100901
license has expired, a section may waive any of the requirements 100902
for renewal of a license upon finding that an applicant 100903
substantially meets the renewal requirements or that failure to 100904
timely apply for renewal is due to excusable neglect. A section 100905
that waives requirements for renewal of a license may impose 100906
conditions upon the licensee and assess a late filing fee of not 100907
more than double the usual renewal fee. An applicant shall 100908
satisfy any condition the section imposes before a license is 100909
reissued. 100910

(I) An individual holding a valid license may request the 100911
section of the board that authorized that license to place the 100912
license in inactive status under conditions, and for a period of 100913
time, as that section determines. 100914

(J) Except for the ninety-day extension provided for a 100915
license assigned to a contracting company under division (D) of 100916
section 4740.07 of the Revised Code, a license held by an 100917
individual immediately terminates upon the death of the 100918
individual. 100919

(K) Nothing in any license issued by the Ohio construction 100920
industry licensing board shall be construed to limit or 100921
eliminate any requirement of or any license issued by the Ohio 100922
fire marshal. 100923

(L) (1) Subject to division (L) (3) of this section, no 100924
specialty section of the board shall adopt, maintain, renew, or 100925
enforce any rule, or otherwise preclude in any way, an 100926

individual from renewing a license under this chapter due to any 100927
past criminal activity or interpretation of moral character. If 100928
the specialty section denies an individual a license renewal, 100929
the reasons for such denial shall be put in writing. 100930

(2) The section may refuse to issue a license to an 100931
applicant because of a conviction of or plea of guilty to an 100932
offense if the refusal is in accordance with section 9.79 of the 100933
Revised Code. 100934

(3) In considering a renewal of an individual's license, 100935
the section shall not consider any conviction or plea of guilty 100936
prior to the initial licensing. However, the board may consider 100937
a conviction or plea of guilty if it occurred after the 100938
individual was initially licensed, or after the most recent 100939
license renewal. 100940

(4) The section may grant an individual a conditional 100941
license that lasts for one year. After the one-year period has 100942
expired, the license is no longer considered conditional, and 100943
the individual shall be considered fully licensed. 100944

(M) Notwithstanding divisions (H) and (L) of this section 100945
and sections 4740.04 and 4740.05 of the Revised Code, the board 100946
may establish rules that amend the continuing education 100947
requirements and license renewal schedule for licensees as 100948
provided in or adopted pursuant to those sections for the 100949
purpose of establishing a compliance incentive program. These 100950
rules may include provisions for the creation of the program and 100951
the qualifications, continuing education requirements, and 100952
renewal schedule for the program. 100953

Sec. 4741.04. A veterinary-client-patient relationship 100954
serves as the basis for interaction between veterinarians, their 100955

clients, and their patients. A veterinary-client-patient 100956
relationship exists when all of the following conditions have 100957
been met: 100958

(A) A veterinarian assumes responsibility for making 100959
clinical judgments regarding the health of a patient and the 100960
need for medical treatment, medical services, or both for the 100961
patient, and the client has agreed to follow the veterinarian's 100962
instructions regarding the patient. 100963

(B) The veterinarian has sufficient knowledge of the 100964
patient to initiate at least a general or preliminary diagnosis 100965
of the medical condition of the patient. In order to demonstrate 100966
that the veterinarian has sufficient knowledge, the veterinarian 100967
shall have seen the patient recently and also shall be 100968
acquainted personally with the keeping and care of the patient 100969
~~either by examining~~ doing any of the following: 100970

(1) Examining the patient ~~or by making in person;~~ 100971

(2) Examining the patient in real time via telehealth 100972
services in accordance with section 4741.041 of the Revised 100973
Code; 100974

(3) Making medically appropriate and timely visits to the 100975
premises where the patient is kept. 100976

(C) The veterinarian is readily available for a follow-up 100977
evaluation, or has arranged for emergency coverage, in the event 100978
the patient suffers adverse reactions to the treatment regimen 100979
or the treatment regimen fails. 100980

Sec. 4741.041. (A) As used in this section: 100981

(1) "Human food product" means livestock raised for human 100982
consumption or livestock whose products are used for human 100983

consumption. 100984

(2) "Livestock" means porcine animals, bovine animals, caprine animals, ovine animals, and poultry. 100985
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(3) "Tele-advice" means the provision of any health information, opinion, or guidance by a veterinary professional that is not intended to diagnose, treat, issue certificates of veterinary inspection, or issue prognoses of the physical or behavioral illness or injury of an animal or issue. A veterinarian-client-patient relationship as required under section 4741.04 of the Revised Code is not required to provide tele-advice. 100987
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(B) A licensed veterinarian may conduct the practice of veterinary medicine via telehealth services if all of the following apply: 100995
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(1) The veterinarian obtains the informed consent from the client, including an acknowledgement that the standards of care prescribed by this chapter equally apply to in-person and telehealth visits. The veterinarian shall maintain documentation of the consent for at least three years after receiving the informed consent. 100998
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(2) The veterinarian provides the client with the veterinarian's name and contact information and secures an alternate means of contacting the client if the telehealth visit is interrupted. Following the telehealth visit, the veterinarian shall make available to the client an electronic or written record of the visit. The electronic or written record shall include the veterinarian's license number. 101004
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(3) Before conducting an evaluation of a patient via a telehealth visit, the veterinarian advises the client of all of 101011
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the following: 101013

(a) The veterinarian may ultimately recommend an in-person visit with the veterinarian or another licensed veterinarian; 101014
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(b) The veterinarian is prohibited under federal law from prescribing certain drugs or medications based only on a telehealth visit; 101016
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(c) The appointment for a telehealth visit may be terminated at any time. 101019
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(C) A licensed veterinarian may prescribe drugs or medications after establishing a veterinary-client-patient relationship via telehealth services, except that all of the following apply: 101021
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(1) The veterinarian may issue an initial prescription for not more than fourteen days. The veterinarian may issue one refill for not more than fourteen days if the veterinarian sees the patient for another telehealth visit. For additional refills, the patient shall visit the veterinarian in person. 101025
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(2) The veterinarian shall notify the client that certain prescription drugs or medications may be available at a pharmacy and, if requested, the veterinarian will submit a prescription to a pharmacy of the client's choosing; 101030
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(3) The veterinarian shall not order, prescribe, or make available a controlled substance, as defined in section 3719.01 of the Revised Code, unless the veterinarian has performed an in-person physical examination of the patient. 101034
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(D) (1) Except as provided in division (D) (2) of this section, a licensed veterinarian whose client is engaged in the raising of livestock for human food products may not use 101038
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telehealth services for those livestock unless the veterinarian 101041
has established a veterinary-client-patient relationship in 101042
person with respect to those livestock prior to the use of 101043
telehealth services. 101044

(2) A licensed veterinarian whose client is engaged in the 101045
raising of livestock for human food products may conduct tele- 101046
advice services for those livestock prior to the veterinarian 101047
establishing a veterinary-client-patient relationship in person 101048
with the client. 101049

(E) Division (D) of this section applies to the extent 101050
permitted under federal law. 101051

(F) Nothing in this section shall be construed to 101052
invalidate or overrule the provisions of Chapter 956. of the 101053
Revised Code. 101054

(G) For purposes of this section, the practice of 101055
veterinary medicine occurs in the state in which the patient is 101056
located. 101057

Sec. 4743.05. (A) Except as otherwise provided in sections 101058
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of 101059
the Revised Code, all money collected under Chapters 3773., 101060
4701., 4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 101061
4732., 4733., 4734., 4741., 4744., 4747., 4753., 4755., 4757., 101062
4758., 4771., 4775., 4779., and 4781. of the Revised Code and 101063
all license, certificate, and permit fees received by the state 101064
board of education, including the fees established under section 101065
3319.51 of the Revised Code, shall be paid into the state 101066
treasury to the credit of the occupational licensing and 101067
regulatory fund, which is hereby created for use in 101068
administering such chapters and in paying the operating expenses 101069

of the state board of education. 101070

(B) At the end of each quarter, the director of budget and 101071
management shall transfer from the occupational licensing and 101072
regulatory fund to the nurse education assistance fund created 101073
in section 3333.28 of the Revised Code the amount certified to 101074
the director under division (B) of section 4723.08 of the 101075
Revised Code. 101076

(C) At the end of each quarter, the director shall 101077
transfer from the occupational licensing and regulatory fund to 101078
the certified public accountant education assistance fund 101079
created in section 4701.26 of the Revised Code the amount 101080
certified to the director under division (H) (2) of section 101081
4701.10 of the Revised Code. 101082

(D) On August 30, 2021, and every two years thereafter, 101083
the director shall transfer from the occupational licensing and 101084
regulatory fund to the veterinary student debt assistance fund 101085
created in section 4741.56 of the Revised Code the amount 101086
certified to the director under section 4741.57 of the Revised 101087
Code. 101088

Sec. 4743.10. (A) As used in this section: 101089

(1) "Health care service" means medical care provided to 101090
any patient at any time over the entire course of the patient's 101091
treatment and may include one or more of the following: testing; 101092
diagnosis; referral; dispensing or administering a drug, 101093
medication, or device; psychological therapy or counseling; 101094
research; prognosis; therapy; record making procedures and notes 101095
related to treatment; preparation for or performance of a 101096
surgery or procedure; or any other care or services performed or 101097
provided by any medical practitioner. 101098

(2) "Medical practitioner" means any person who facilitates or participates in the provision of health care services, including nursing, physician services, counseling and social work, psychological and psychiatric services, research services, surgical services, laboratory services, and the provision of pharmaceuticals and may include any of the following: any student or faculty at a medical, nursing, mental health, or counseling institution of higher education or an allied health professional, paraprofessional, or employee or contractor of a health care institution.

(3) "Participation in a health care service" means to provide, perform, assist with, facilitate, refer for, counsel for, advise with regard to, admit for the purposes of providing, or take part in any way in providing, any health care service.

(B) Notwithstanding any conflicting provision of the Revised Code, a medical practitioner, health care institution, or health care payer has the freedom to decline to perform, participate in, or pay for any health care service which violates the practitioner's, institution's, or payer's conscience as informed by the moral, ethical, or religious beliefs or principles held by the practitioner, institution, or payer, including when the procedure is ordered by a court. Exercise of the right of conscience is limited to conscience-based objections to a particular health care service.

(C) Whenever a situation arises in which a requested course of treatment includes a particular health care service that conflicts with the moral, ethical, or religious beliefs or convictions of a medical practitioner, the medical practitioner shall be excused from participating in the particular health care service to which the practitioner has a conflict.

When a medical practitioner becomes aware of the conflict, 101129
the medical practitioner shall notify the practitioner's 101130
supervisor, if applicable, and request to be excused from 101131
participating in the particular health care service that 101132
conflicts with the practitioner's beliefs or convictions. 101133

When possible and when the medical practitioner is 101134
willing, the medical practitioner shall seek to transfer the 101135
patient to a colleague who will provide the requested health 101136
care service. 101137

If participation in a transfer of care for a particular 101138
health care service violates the medical practitioner's beliefs 101139
or convictions or no willing colleague is identified, the 101140
patient shall be notified and provided the opportunity to seek 101141
an alternate medical practitioner. Upon patient request, the 101142
patient's medical records shall be promptly released to the 101143
patient. 101144

The medical practitioner is responsible for providing all 101145
appropriate health care services, other than the particular 101146
health care service that conflicts with the medical 101147
practitioner's beliefs or convictions, until another medical 101148
practitioner or facility is available. 101149

(D) A medical practitioner, health care institution, or 101150
health care payer shall not be civilly, criminally, or 101151
administratively liable for exercising the practitioner's, 101152
institution's, or payer's right of conscience by declining to 101153
participate in or pay for a particular health care service. 101154

A health care institution shall not be civilly, 101155
criminally, or administratively liable for the exercise of 101156
conscience rights not to participate in a particular health care 101157

service by a medical practitioner who is employed by, under 101158
contract with, or granted admitting privileges by the health 101159
care institution. 101160

A medical practitioner, health care institution, or health 101161
care payer shall not be discriminated against or suffer any 101162
other adverse action as a result of declining to participate in 101163
or pay for a particular health care service on the basis of 101164
conscience. 101165

(E) Unless specifically prohibited by law, a medical 101166
practitioner shall not be discriminated against or suffer any 101167
adverse action for disclosing any information that the medical 101168
practitioner reasonably believes evinces any violation of this 101169
section or any other law, rule, or regulation; any violation of 101170
any standard of care or other ethical guidelines for the 101171
provision of any health care service; or gross mismanagement, a 101172
gross waste of funds, an abuse of authority, or a substantial 101173
and specific danger to public health or safety. 101174

(F) A civil action for damages, injunctive relief, or any 101175
other appropriate relief may be brought by any medical 101176
practitioner, health care institution, or health care payer for 101177
any violation of any provision of this section. 101178

Upon a finding of a violation of the rights of conscience 101179
in this section, a court shall award threefold the actual 101180
damages sustained and reasonable costs and attorney's fees. A 101181
court considering such civil action may also award injunctive 101182
relief, which may include reinstatement of a medical 101183
practitioner to the practitioner's previous position, 101184
reinstatement of board certification, and relicensure of a 101185
health care institution or health care payer. 101186

(G) This section shall not be construed to override the requirement to provide emergency medical treatment to all patients as set forth in 42 U.S.C. § 1395dd.

(H) With respect to the right of a health care payer to decline to pay for a health care service as established in division (B) of this section, the payer's right to decline applies only to payments and health care services for which a contract has been entered into between the payer and policyholder on or after ~~the effective date of this section~~ September 30, 2021.

Sec. 4749.01. As used in this chapter:

(A) "Private investigator" means any person who engages in the business of private investigation.

(B) "Business of private investigation" means, except when performed by one excluded under division (H) of this section, the conducting, for hire, in person or through a partner or employees, of any investigation relevant to any crime or wrong done or threatened, or to obtain information on the identity, habits, conduct, movements, whereabouts, affiliations, transactions, reputation, credibility, or character of any person, or to locate and recover lost or stolen property, or to determine the cause of or responsibility for any libel or slander, or any fire, accident, or damage to property, or to secure evidence for use in any legislative, administrative, or judicial investigation or proceeding.

(C) "Security guard provider" means any person who engages in the business of security services.

(D) "Business of security services" means either of the following:

(1) Furnishing, for hire, watchpersons, guards, private patrol officers, or other persons whose primary duties are to protect persons or property;	101216 101217 101218
(2) Furnishing, for hire, guard dogs, or armored motor vehicle security services, in connection with the protection of persons or property.	101219 101220 101221
(E) "Class A license" means a license issued under section 4749.03 of the Revised Code that qualifies the person issued the license to engage in the business of private investigation and the business of security services.	101222 101223 101224 101225
(F) "Class B license" means a license issued under section 4749.03 of the Revised Code that qualifies the person issued the license to engage only in the business of private investigation.	101226 101227 101228
(G) "Class C license" means a license issued under section 4749.03 of the Revised Code that qualifies the person issued the license to engage only in the business of security services.	101229 101230 101231
(H) "Private investigator," "business of private investigation," "security guard provider," and "business of security services" do not include:	101232 101233 101234
(1) Public officers and employees whose official duties require them to engage in investigatory activities;	101235 101236
(2) Attorneys at law or any expert hired by an attorney at law for consultation or litigation purposes;	101237 101238
(3) A consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended, provided that the consumer reporting agency is in compliance with the requirements of that act and that the agency's activities are confined to any of the following:	101239 101240 101241 101242 101243

(a) The issuance of consumer credit reports;	101244
(b) The conducting of limited background investigations that pertain only to a client's prospective tenant and that are engaged in with the prior written consent of the prospective tenant;	101245 101246 101247 101248
(c) The business of pre-employment background investigation. As used in division (H) (3) (c) of this section, "business of pre-employment background investigation" means, and is limited to, furnishing for hire, in person or through a partner or employees, the conducting of limited background investigations, in-person interviews, telephone interviews, or written inquiries that pertain only to a client's prospective employee and the employee's employment and that are engaged in with the prior written consent of the prospective employee.	101249 101250 101251 101252 101253 101254 101255 101256 101257
(4) Certified public insurance adjusters that hold a certificate of authority issued pursuant to sections 3951.01 to 3951.09 of the Revised Code, while the adjuster is investigating the cause of or responsibility for a fire, accident, or other damage to property with respect to a claim or claims for loss or damage under a policy of insurance covering real or personal property;	101258 101259 101260 101261 101262 101263 101264
(5) Personnel placement services and persons who act as employees of such entities engaged in investigating matters related to personnel placement activities;	101265 101266 101267
(6) An employee in the regular course of the employee's employment, engaged in investigating matters pertinent to the business of the employee's employer or protecting property in the possession of the employee's employer, provided the employer is deducting all applicable state and federal employment taxes	101268 101269 101270 101271 101272

on behalf of the employee and neither the employer nor the 101273
employee is employed by, associated with, or acting for or on 101274
behalf of any private investigator or security guard provider; 101275

(7) Any better business bureau or similar organization or 101276
any of its employees while engaged in the maintenance of the 101277
quality of business activities relating to consumer sales and 101278
services; 101279

(8) An accountant who is registered or certified under 101280
Chapter 4701. of the Revised Code or any of the accountant's 101281
employees while engaged in activities for which the accountant 101282
is certified or registered; 101283

(9) Any person who, for hire or otherwise, conducts 101284
genealogical research in this state. 101285

As used in division (H) (9) of this section, "genealogical 101286
research" means the determination of the origins and descent of 101287
families, including the identification of individuals, their 101288
family relationships, and the biographical details of their 101289
lives. "Genealogical research" does not include furnishing for 101290
hire services for locating missing persons or natural or birth 101291
parents or children. 101292

(10) Any person residing in this state who conducts 101293
research for the purpose of locating the last known owner of 101294
unclaimed funds, provided that the person is in compliance with 101295
Chapter 169. of the Revised Code and rules adopted thereunder. 101296
The exemption set forth in division (H) (10) of this section 101297
applies only to the extent that the person is conducting 101298
research for the purpose of locating the last known owner of 101299
unclaimed funds. 101300

As used in division (H) (10) of this section, "owner" and 101301

"unclaimed funds" have the same meanings as in section 169.01 of the Revised Code. 101302
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(11) A professional engineer who is registered under Chapter 4733. of the Revised Code or any of ~~his~~the engineer's employees. 101304
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As used in division (H) (11) of this section and notwithstanding division (I) of this section, "employee" has the same meaning as in section 4101.01 of the Revised Code. 101307
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(12) Any person residing in this state who, for hire or otherwise, conducts research for the purpose of locating persons to whom the state of Ohio owes money in the form of warrants, as defined in section 131.01 of the Revised Code, that the state voided but subsequently reissues. 101310
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(13) An independent insurance adjuster who, as an individual, an independent contractor, an employee of an independent contractor, adjustment bureau association, corporation, insurer, partnership, local recording agent, managing general agent, or self-insurer, engages in the business of independent insurance adjustment, or any person who supervises the handling of claims except while acting as an employee of an insurer licensed in this state while handling claims pertaining to specific policies written by that insurer. 101315
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As used in division (H) (13) of this section, "independent insurance adjustment" means conducting investigations to determine the cause of or circumstances concerning a fire, accident, bodily injury, or damage to real or personal property; determining the extent of damage of that fire, accident, injury, or property damage; securing evidence for use in a legislative, administrative, or judicial investigation or proceeding, 101324
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adjusting losses; and adjusting or settling claims, including 101331
the investigation, adjustment, denial, establishment of damages, 101332
negotiation, settlement, or payment of claims in connection with 101333
insurance contractors, self-insured programs, or other similar 101334
insurance programs. "Independent adjuster" does not include 101335
either of the following: 101336

(a) An attorney who adjusts insurance losses incidental to 101337
the practice of law and who does not advertise or represent that 101338
the attorney is an independent insurance adjuster; 101339

(b) A licensed agent or general agent of an insurer 101340
licensed in this state who processes undisputed or uncontested 101341
losses for insurers under policies issued by that agent or 101342
general agent. 101343

(14) Except for a commissioned peace officer who engages 101344
in the business of private investigation or compensates others 101345
who engage in the business of private investigation or the 101346
business of security services or both, any commissioned peace 101347
officer as defined in division (B) of section 2935.01 of the 101348
Revised Code. 101349

(15) Security personnel and contractors for a security 101350
organization under an approved physical protection program at a 101351
commercial nuclear power plant licensed by the United States 101352
nuclear regulatory commission, or its successor agency, while 101353
performing duties related to protecting the plant and nuclear 101354
material from threats, thefts, and sabotage. 101355

(I) "Employee" means every person who may be required or 101356
directed by any employer, in consideration of direct or indirect 101357
gain or profit, to engage in any employment, or to go, or work, 101358
or be at any time in any place of employment, provided that the 101359

employer of the employee deducts all applicable state and 101360
federal employment taxes on behalf of the employee. 101361

Sec. 4751.20. (A) Except as provided in section 4751.201 101362
of the Revised Code, and subject to section 4751.32 of the 101363
Revised Code, the board of executives of long-term services and 101364
supports shall issue a nursing home administrator license to an 101365
individual under this section if all of the following 101366
requirements are satisfied: 101367

(1) The individual has submitted to the board a completed 101368
application for the license in accordance with rules adopted 101369
under section 4751.04 of the Revised Code and paid an 101370
application fee of two hundred fifty dollars. 101371

(2) If the individual is required by rules adopted under 101372
section 4751.04 of the Revised Code to serve as a nursing home 101373
administrator ~~in training~~resident, the individual has paid to 101374
the board the ~~administrator in training~~application fee of two 101375
hundred fifty dollars. 101376

(3) The individual is at least twenty-one years of age. 101377

(4) The individual has successfully completed educational 101378
requirements and work experience specified in rules adopted 101379
under section 4751.04 of the Revised Code, including, if so 101380
required by the rules, experience obtained as a nursing home 101381
administrator ~~in training~~resident. 101382

(5) The individual has complied with section 4776.02 of 101383
the Revised Code regarding a criminal records check. 101384

(6) The board, in accordance with section 9.79 of the 101385
Revised Code, has determined that the results of the criminal 101386
records check do not make the individual ineligible for the 101387
license. 101388

(7) Except as provided in division (B) of this section, 101389
the individual has passed the licensing examination administered 101390
under section 4751.15 of the Revised Code. 101391

(8) The individual has paid to the board three hundred 101392
fifty dollars for a temporary license issued under division (B) 101393
of this section. 101394

(9) The individual has paid to the board a license fee of 101395
two eight hundred fifty dollars. 101396

~~(9)~~ (10) The individual has satisfied any additional 101397
requirements as may be prescribed in rules adopted under section 101398
4751.04 of the Revised Code. 101399

(B) Beginning January 1, 2025, the operator of a nursing 101400
home may request that the board issue a nursing home 101401
administrator license to an individual who meets the 101402
requirements specified in division (A) of this section but has 101403
not passed the licensing examination administered under section 101404
4751.15 of the Revised Code, in order to fill a vacancy in the 101405
position of nursing home administrator at the nursing home 101406
resulting from a death, illness, or other unexpected cause. An 101407
individual issued a license under division (B) of this section 101408
shall submit to the board, not later than one hundred eighty 101409
days after a license is issued, satisfactory evidence that the 101410
individual has passed the licensing examination administered 101411
under section 4751.15 of the Revised Code. 101412

(C) A nursing home administrator license shall certify 101413
that the individual to whom it was issued has met the applicable 101414
requirements of this chapter and any applicable rules adopted 101415
under section 4751.04 of the Revised Code and is authorized to 101416
practice nursing home administration while the license is valid. 101417

Sec. 4751.24. (A) Subject to section 4751.32 of the Revised Code, a nursing home administrator license is valid for two years and may be renewed and reinstated in accordance with this section.

(B) If a licensed nursing home administrator intends to continue to practice nursing home administration without interruption after the administrator's license expires, the administrator shall apply to the board of executives of long-term services and supports for a renewed nursing home administrator license. Subject to section 4751.32 of the Revised Code, the board shall renew the license if the administrator does all of the following before the license expires:

(1) Submits to the board a completed application for license renewal in accordance with rules adopted under section 4751.04 of the Revised Code;

(2) Pays to the board the license renewal fee of ~~six~~eight hundred dollars;

(3) Submits to the board satisfactory evidence of having attended such continuing education programs or courses of study as may be prescribed in rules adopted under section 4751.04 of the Revised Code;

(4) Satisfies any other requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code.

(C) If a nursing home administrator license issued under section 4751.20 or 4751.201 of the Revised Code is not renewed before it expires, the individual who held the license may apply to the board for the license's reinstatement. Subject to section 4751.32 of the Revised Code, the board shall reinstate the license if the individual does all of the following not later

than one year after the date the license expired: 101447

(1) Submits to the board the completed application for 101448
license reinstatement in accordance with rules adopted under 101449
section 4751.04 of the Revised Code; 101450

(2) Pays to the board the license reinstatement fee equal 101451
to the sum of the following: 101452

(a) ~~Three~~Eight hundred dollars; 101453

(b) Fifty dollars for each calendar quarter that occurs 101454
during the period beginning on the date the license expires and 101455
ending on the last day of the calendar quarter during which the 101456
individual applies for license reinstatement, up to a maximum of 101457
two hundred dollars. 101458

(3) Submits to the board satisfactory evidence of having 101459
attended such continuing education programs or courses of study 101460
as may be prescribed in rules adopted by the board under section 101461
4751.04 of the Revised Code; 101462

(4) Satisfies any other requirements as may be prescribed 101463
in rules adopted under section 4751.04 of the Revised Code. 101464

(D) A licensed nursing home administrator who determines 101465
to temporarily abandon the practice of nursing home 101466
administration shall notify the board in writing immediately. 101467
The former administrator may thereafter resume the practice of 101468
nursing home administration within the state upon complying with 101469
the requirements of this section regarding biennial license 101470
renewal or license reinstatement, whichever is applicable. 101471

Sec. 4751.25. (A) Subject to section 4751.32 of the 101472
Revised Code, a health services executive license is valid for 101473
one year and may be renewed and reinstated in accordance with 101474

this section. 101475

(B) A licensed health services executive may apply to the 101476
board of executives of long-term services and supports for a 101477
renewed license. Subject to section 4751.32 of the Revised Code, 101478
the board shall renew the license if the licensed health 101479
services executive does all of the following before the license 101480
expires: 101481

(1) Submits to the board the completed application for 101482
license renewal in accordance with rules adopted under section 101483
4751.04 of the Revised Code; 101484

(2) Pays to the board the license renewal fee of ~~fifty-one~~ 101485
hundred dollars; 101486

(3) Submits to the board satisfactory evidence of having 101487
attended such continuing education programs or courses of study 101488
as may be prescribed in rules adopted under section 4751.04 of 101489
the Revised Code. 101490

(C) (1) If a health services executive license is not 101491
renewed before it expires, the individual who held the license 101492
may apply to the board for the license's reinstatement. Subject 101493
to section 4751.32 of the Revised Code, the board shall 101494
reinstate the license if the individual does all of the 101495
following not later than one year after the date the license 101496
expired: 101497

(a) Submits to the board the completed application for 101498
license reinstatement in accordance with rules adopted under 101499
section 4751.04 of the Revised Code; 101500

(b) Pays to the board the license reinstatement fee 101501
specified in division (C) (2) of this section; 101502

(c) Submits to the board satisfactory evidence of having 101503
attended such continuing education programs or courses of study 101504
as may be prescribed in rules adopted under section 4751.04 of 101505
the Revised Code. 101506

(2) The fee to reinstate a health services executive 101507
license under division (C) (1) of this section is the following: 101508

(a) If the individual applying for reinstatement has, at 101509
the same time, applied for reinstatement of a nursing home 101510
administrator license under division (C) of section 4751.24 of 101511
the Revised Code and paid the reinstatement fee required by 101512
division (C) (2) of that section, one hundred dollars; 101513

(b) If division (C) (2) (a) of this section does not apply 101514
to the individual, the sum of the following: 101515

(i) One hundred dollars; 101516

(ii) Twenty-five dollars for each calendar quarter that 101517
occurs during the period beginning on the date the license 101518
expired and ending on the last day of the calendar quarter 101519
during which the individual applies for license reinstatement, 101520
up to a maximum of one hundred dollars. 101521

Sec. 4758.01. As used in this chapter: 101522

(A) "Accredited educational institution" means an 101523
educational institution accredited by an accrediting agency 101524
accepted by the ~~Ohio board~~ department of regentshigher 101525
education. 101526

(B) (1) "Alcohol and other drug clinical counseling 101527
principles, methods, or procedures" means an approach to- 101528
~~chemical dependency~~ substance use disorder counseling that 101529
emphasizes the chemical dependency counselor's role in 101530

systematically assisting clients through all of the following: 101531

- (a) Analyzing background and current information; 101532
- (b) Exploring possible solutions; 101533
- (c) Developing and providing a treatment plan; 101534
- (d) In the case of an independent chemical dependency 101535
counselor-clinical supervisor, independent chemical dependency 101536
counselor, or chemical dependency counselor III only, diagnosing 101537
chemical dependency conditions. 101538

(2) "Alcohol and other drug clinical counseling 101539
principles, methods, or procedures" includes counseling, 101540
assessing, consulting, and referral as they relate to ~~chemical-~~ 101541
~~dependency substance use disorder~~ conditions. 101542

~~(C) "Chemical dependency conditions" means those~~ 101543
~~conditions relating to the abuse of or dependency on alcohol or~~ 101544
~~other drugs that are classified in accepted nosologies,~~ 101545
~~including the diagnostic and statistical manual of mental~~ 101546
~~disorders and the international classification of diseases, and~~ 101547
~~in editions of those nosologies published after December 23,~~ 101548
~~2002.~~ 101549

~~(D) "Chemical dependency counseling" means rendering or~~ 101550
~~offering to render to individuals, groups, or the public a~~ 101551
~~counseling service involving the application of alcohol and~~ 101552
~~other drug clinical counseling principles, methods, or~~ 101553
~~procedures to assist individuals who are abusing or dependent on~~ 101554
~~alcohol or other drugs.~~ 101555

~~(E)~~(C) "Gambling disorder" means a persistent and 101556
recurring maladaptive gambling behavior that is classified in 101557
accepted nosologies, including the diagnostic and statistical 101558

manual of mental disorders and the international classification of diseases, and in editions of those nosologies published after September 15, 2014. 101559
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~~(F)~~(D) "Prevention services" means a comprehensive, multi-system set of individual and environmental approaches that maximizes physical health, promotes safety, and precludes the onset of behavioral health disorders. 101562
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~~(G)~~(E) Unless the context provides otherwise, "scope of practice" means the services, methods, and techniques in which and the areas for which a person who holds a license, certificate, or endorsement under this chapter is trained and qualified. 101566
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~~(H)~~(F) "Substance abuse professional" has the same meaning as in 49 C.F.R. 40.3. 101571
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(G) "Substance use disorder conditions" means those conditions relating to the abuse of or dependency on alcohol or other drugs that are classified in accepted nosologies, including the diagnostic and statistical manual of mental disorders and the international classification of diseases, and in editions of those nosologies published after December 23, 2002. 101573
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(H) "Substance use disorder counseling" means rendering or offering to render to individuals, groups, or the public a counseling service involving the application of alcohol and other drug clinical counseling principles, methods, or procedures to assist individuals who are abusing or dependent on alcohol or other drugs. 101580
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(I) "~~U.S.~~United States department of transportation drug and alcohol testing program" means a transportation workplace 101586
101587

drug and alcohol testing program governed by 49 C.F.R. part 40. 101588

Sec. 4758.02. ~~(A)~~ Except as provided in section 4758.03 of 101589
the Revised Code, no person shall do any of the following: 101590

~~(1)~~ (A) Engage in or represent to the public that the 101591
person engages in ~~chemical dependency~~ substance use disorder 101592
counseling for a fee, salary, or other consideration unless the 101593
person holds a valid independent chemical dependency counselor- 101594
clinical supervisor license, independent chemical dependency 101595
counselor license, chemical dependency counselor III license, 101596
chemical dependency counselor II license, or chemical dependency 101597
counselor assistant certificate issued under this chapter; 101598

~~(2)~~ (B) Use the title "licensed independent chemical 101599
dependency counselor-clinical supervisor," "LICDC-CS," "licensed 101600
independent chemical dependency counselor," "LICDC," "licensed 101601
chemical dependency counselor III," "LCDC III," "licensed 101602
chemical dependency counselor II," "LCDC II," "chemical 101603
dependency counselor assistant," "CDCA," or any other title or 101604
description incorporating the ~~word~~ words "chemical dependency 101605
counselor" or any other initials used to identify persons acting 101606
in those capacities unless currently authorized under this 101607
chapter to act in the capacity indicated by the title or 101608
initials; 101609

~~(3)~~ (C) Represent to the public that the person holds a 101610
gambling disorder endorsement unless the person holds a valid 101611
gambling disorder endorsement issued under this chapter; 101612

~~(4)~~ (D) Represent to the public that the person is a 101613
registered applicant unless the person holds a valid registered 101614
applicant certificate issued under this chapter; 101615

~~(5)~~ (E) Use the title "certified prevention consultant," 101616

"CPC," "certified prevention specialist," "CPS," "certified prevention specialist assistant," "CPSA," "registered applicant," "RA," or any other title, description, or initials used to identify persons acting in those capacities unless currently authorized under this chapter to act in the capacity indicated by the title or initials.

~~(B) No person shall engage in or represent to the public that the person engages in chemical dependency counseling as a chemical dependency counselor I.~~

Sec. 4758.03. ~~Division (A) of section~~ Section 4758.02 of the Revised Code does not apply to any of the following:

(A) An individual who holds a valid license, registration, certificate, or credentials issued under another chapter of the Revised Code while performing services within the recognized scope, standards, and ethics of the individual's profession;

(B) An individual who is a rabbi, priest, Christian Science practitioner, clergy, or member of a religious order and other individuals participating with them in pastoral counseling when the ~~chemical dependency~~ substance use disorder counseling activities are within the scope of the performance of their regular or specialized ministerial duties and are performed under the auspices or sponsorship of an established and legally cognizable church, denomination, or sect or an integrated auxiliary of a church as defined in paragraph (h) of 26 Code of Federal Regulations 1.6033-2 (2000) as amended, and the individual rendering the service remains accountable to the established authority of that church, denomination, sect, or integrated auxiliary;

(C) A student in an accredited educational institution

while carrying out activities that are part of the student's 101646
prescribed course of study if the activities are supervised as 101647
required by the educational institution and the student is not 101648
represented as an individual who holds a license or certificate 101649
issued under this chapter. 101650

Sec. 4758.10. (A) There is hereby created the chemical 101651
dependency professionals board. 101652

(B) The governor shall appoint all of the following voting 101653
members of the board with the advice and consent of the senate: 101654

(1) Four individuals who hold a valid independent chemical 101655
dependency counselor-clinical supervisor license or independent 101656
chemical dependency counselor license issued under this chapter, 101657
including at least two of whom have received at least a master's 101658
degree in a field related to ~~chemical dependency~~ substance use 101659
disorder counseling from an accredited educational institution; 101660

(2) Two individuals who hold a valid chemical dependency 101661
counselor III license issued under this chapter; 101662

(3) One individual who holds a valid chemical dependency 101663
counselor II license issued under this chapter; 101664

(4) Two individuals who hold a valid prevention consultant 101665
certificate or prevention specialist certificate issued under 101666
this chapter; 101667

(5) One individual who is authorized under Chapter 4731. 101668
of the Revised Code to practice medicine and surgery or 101669
osteopathic medicine and surgery and has experience practicing 101670
in a field related to chemical dependency counseling; 101671

(6) Two individuals who represent the public and have not 101672
practiced ~~chemical dependency~~ substance use disorder counseling 101673

or prevention services and have not been involved in the 101674
delivery of ~~chemical dependency~~ substance use disorder 101675
counseling services or prevention services. At least one of 101676
these individuals shall be at least fifty years of age. During 101677
their terms, the public members shall not practice ~~chemical~~ 101678
~~dependency~~ substance use disorder counseling or prevention 101679
services or be involved in the delivery of ~~chemical dependency~~ 101680
substance use disorder counseling services or prevention 101681
services. 101682

(C) ~~Not later than ninety days after December 23, 2002,~~ 101683
~~the~~ The director of mental health and addiction services shall 101684
appoint an individual who represents the department of mental 101685
health and addiction services to serve as an ex officio member 101686
of the chemical dependency professionals board. 101687

(D) Not more than one-half of the voting members of the 101688
board may be ~~of the same gender or~~ members of the same political 101689
party. ~~At least two voting members of the board shall be of~~ 101690
~~African, Native American, Hispanic, or Asian descent.~~ 101691

Sec. 4758.13. The chemical dependency professionals board 101692
shall meet to discuss matters relating to the administration and 101693
operation of the board and the regulation of the practices of 101694
~~chemical dependency~~ substance use disorder counseling and 101695
prevention services. The board shall hold at least one regular 101696
meeting every three months. Additional meetings may be held at 101697
such times as the board determines, on the call of the 101698
chairperson, or on the written request to the executive director 101699
of three or more voting board members. If three or more voting 101700
members request a meeting, the executive director shall call a 101701
meeting, which shall be held not later than seven days after the 101702
request is received. 101703

Seven voting members of the board constitute a quorum to 101704
conduct business. Except as provided in section 4758.32 of the 101705
Revised Code, no action shall be taken without the concurrence 101706
of at least a quorum. 101707

At its first meeting each year, the board shall elect a 101708
chairperson from among its voting members. No member shall serve 101709
more than two consecutive terms as chairperson. 101710

The board shall keep any records and minutes necessary to 101711
fulfill the duties established by this chapter and rules adopted 101712
under it. 101713

Sec. 4758.20. (A) The chemical dependency professionals 101714
board shall adopt rules to establish, specify, or provide for 101715
all of the following: 101716

(1) Fees for the purposes authorized by section 4758.21 of 101717
the Revised Code; 101718

(2) If the board, pursuant to section 4758.221 of the 101719
Revised Code, elects to administer examinations for individuals 101720
seeking to act as substance abuse professionals in a U.S.-United 101721
States department of transportation drug and alcohol testing 101722
program, the board's administration of the examinations; 101723

(3) For the purpose of section 4758.23 of the Revised 101724
Code, codes of ethical practice and professional conduct for 101725
individuals who hold a license, certificate, or endorsement 101726
issued under this chapter; 101727

(4) For the purpose of section 4758.24 of the Revised 101728
Code, all of the following: 101729

(a) The documents that an individual seeking such a 101730
license, certificate, or endorsement must submit to the board; 101731

(b) Requirements to obtain the license, certificate, or endorsement that are in addition to the requirements established under sections 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 4758.46, 4758.47, and 4758.48 of the Revised Code. The additional requirements may include preceptorships, internships and practicums.

(c) The period of time that an individual whose registered applicant certificate has expired must wait before applying for a new registered applicant certificate.

(5) For the purpose of section 4758.28 of the Revised Code, requirements for approval of continuing education courses of study for individuals who hold a license, certificate, or endorsement issued under this chapter;

(6) For the purpose of section 4758.30 of the Revised Code, both of the following:

(a) The intervention for and treatment of an individual holding a license, certificate, or endorsement issued under this chapter whose abilities to practice are impaired due to abuse of or dependency on alcohol or other drugs or other physical or mental condition;

~~(7)(b) Requirements governing reinstatement of a suspended or revoked license, certificate, or endorsement under division (C) of section 4758.30 of the Revised Code, including requirements for determining the amount of time an individual must wait to apply for reinstatement;~~

~~(8).~~

(7) For the purpose of section 4758.31 of the Revised Code, methods of ensuring that all records the board holds pertaining to an investigation remain confidential during the

investigation; 101761

~~(9)~~(8) Criteria for employees of the board to follow when 101762
performing their duties under division (B) of section 4758.35 of 101763
the Revised Code; 101764

~~(10)~~(9) For the purpose of division ~~(A)(1)~~(A) of section 101765
4758.39 ~~and~~, division ~~(A)(1)~~(A) of section 4758.40, and division 101766
(A) of section 4758.41 of the Revised Code, course requirements 101767
for a degree in a behavioral science or nursing that may include 101768
specific content areas and minimum hours for course 101769
requirements; 101770

~~(11)~~(10) For the purpose of division ~~(A)(2)~~(B) of section 101771
4758.39 of the Revised Code, the number of hours of compensated 101772
work or supervised internship experience that an individual must 101773
have and the number of those hours that must be in clinical 101774
supervisory experience; 101775

~~(12)~~(11) For the purpose of division ~~(A)(3)~~(C) of section 101776
4758.39, division ~~(A)(3)~~(C) of section 4758.40, division ~~(A)(3)~~ 101777
(C) of section 4758.41, and ~~divisions~~ division (A)(3) ~~and (D)(3)~~ 101778
of section 4758.42 of the Revised Code, both of the following: 101779

(a) The number of hours of training in ~~chemical dependency~~ 101780
substance use disorders an individual must have; 101781

(b) Training requirements for ~~chemical dependency~~ 101782
substance use disorders that shall, at a minimum, include 101783
qualifications for the individuals who provide the training and 101784
the content areas covered in the training. 101785

~~(13)~~(12) For the purpose of division ~~(A)(2)~~(B) of section 101786
4758.40, division ~~(A)(2)~~(B) of section 4758.41, and division (A) 101787
(2) of section 4758.42 of the Revised Code, the number of hours 101788
of compensated work or supervised internship experience that an 101789

individual must have; 101790

~~(14) For the purpose of division (B) (2) (b) of section 4758.40 and division (B) (2) of section 4758.41 of the Revised Code, requirements for the forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training, including the number of the clock hours that must be on substance-related disorders, the number of the clock hours that must be on chemical dependency conditions, and the number of the clock hours that must be on awareness of other mental and emotional disorders;~~ 101791
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~~(15)~~ (13) For the purpose of division ~~(A) (1)~~ (A) of section 4758.41 of the Revised Code, course requirements for a degree in a behavioral science or nursing; 101801
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~~(16)~~ (14) For the purpose of division ~~(C) (2)~~ of section 4758.42 of the Revised Code, education both of the following: 101804
101805

(a) Education requirements for chemical dependency substance use disorders; 101806
101807

~~(17) For the purpose of division (C) (3) of section 4758.42 of the Revised Code, requirements~~ (b) Requirements for programs that provide practicum experience in chemical dependency; 101808
101809
101810

~~(18)~~ substance use disorders. 101811

(15) For the purpose of ~~division (A) of~~ section 4758.43 of the Revised Code, both of the following: 101812
101813

(a) The number of hours of training in chemical dependency substance use disorder counseling that an individual must have; 101814
101815

(b) Training requirements for chemical dependency substance use disorder counseling that shall, at a minimum, 101816
101817

include qualifications for the individuals who provide the 101818
training and the content areas covered in the training. 101819

~~(19)~~ (16) For the purpose of ~~division (A) (1) of section~~ 101820
4758.44 of the Revised Code, ~~the~~ both of the following: 101821

(a) The number of hours of compensated work experience in 101822
prevention services that an individual must have and the number 101823
of those hours that must be in administering or supervising the 101824
services; 101825

~~(20)~~ For the purpose of ~~division (A) (2) of section 4758.44~~ 101826
~~of the Revised Code, the~~ (b) The field of study in which an 101827
individual must obtain at least a bachelor's degree; 101828

~~(21)~~. 101829

(17) For the purpose of division ~~(A) (3) (C)~~ of section 101830
4758.44, division ~~(A) (3) (C)~~ of section 4758.45, and division (D) 101831
of section 4758.46 of the Revised Code, both of the following: 101832

(a) The number of hours of prevention-related education 101833
that an individual must have; 101834

(b) Requirements for prevention-related education. 101835

~~(22)~~ (18) For the purpose of division ~~(A) (4) (D)~~ of section 101836
4758.44 of the Revised Code, the number of hours of 101837
administrative or supervisory education that an individual must 101838
have; 101839

~~(23)~~ (19) For the purpose of ~~division (A) (1) of section~~ 101840
4758.45 of the Revised Code, ~~the~~ both of the following: 101841

(a) The number of hours of compensated or volunteer work, 101842
field placement, intern, or practicum experience in prevention 101843
services that an individual must have and the number of those 101844

hours that must be in planning or delivering the services; 101845

~~(24) For the purpose of division (A) (2) of section 4758.45~~ 101846
~~of the Revised Code, the~~ (b) The field of study in which an 101847
individual must obtain at least an associate's degree; 101848

~~(25) .~~ 101849

(20) For the purpose of division (C) of section 4758.46 of 101850
the Revised Code, the number of hours of compensated or 101851
volunteer work, field placement, intern, or practicum experience 101852
in prevention services that an individual must have; 101853

~~(26)~~ (21) Standards for the one hundred hours of 101854
compensated work or supervised internship in gambling disorder 101855
direct clinical experience required by division (B) (2) of 101856
section 4758.48 of the Revised Code; 101857

~~(27)~~ (22) For the purpose of section 4758.51 of the Revised 101858
Code, ~~continuing~~ both of the following: 101859

(a) Continuing education requirements for individuals who 101860
hold a license, certificate, or endorsement issued under this 101861
chapter; 101862

~~(28) For the purpose of section 4758.51 of the Revised~~ 101863
~~Code, the~~ (b) The number of hours of continuing education that 101864
an individual must complete to have an expired license, 101865
certificate, or endorsement restored under section 4758.26 of 101866
the Revised Code; 101867

~~(29) .~~ 101868

(23) For the purpose of divisions (A) and (B) of section 101869
4758.52 of the Revised Code, training requirements for ~~chemical~~ 101870
~~dependency~~ substance use disorder counseling; 101871

~~(30)~~ (24) The duties, which may differ, of all of the following: 101872
101873

(a) An independent chemical dependency counselor-clinical supervisor licensed under this chapter who supervises a chemical dependency counselor III under section 4758.56 of the Revised Code; 101874
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(b) An independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III licensed under this chapter who supervises a chemical dependency counselor assistant under section 4758.59 of the Revised Code; 101878
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(c) A prevention consultant or prevention specialist certified under this chapter who supervises a prevention specialist assistant or registered applicant under section 4758.61 of the Revised Code. 101883
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~~(31)~~ (25) The duties of an independent chemical dependency counselor licensed under this chapter who holds the gambling disorder endorsement who supervises a chemical dependency counselor III with the gambling disorder endorsement under section 4758.62 of the Revised Code. 101887
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~~(32)~~ (26) Anything else the board considers necessary to administer this chapter. 101892
101893

(B) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code and any applicable federal laws and regulations. 101894
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(C) When it adopts rules under this section, the board may consider standards established by any national association or other organization representing the interests of those involved in chemical dependency substance use disorder counseling or 101897
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prevention services. 101901

Sec. 4758.22. The chemical dependency professionals board 101902
shall prepare, cause to be prepared, or procure the use of, and 101903
grade, cause to be graded, or procure the grading of, 101904
examinations to determine the competence of individuals seeking 101905
an independent chemical dependency counselor-clinical supervisor 101906
license, independent chemical dependency counselor license, 101907
chemical dependency counselor III license, chemical dependency 101908
counselor II license, prevention consultant certificate, or 101909
prevention specialist certificate. The board may develop the 101910
examinations or use examinations prepared by state or national 101911
organizations that represent the interests of those involved in 101912
~~chemical dependency~~ substance use disorder counseling or 101913
prevention services. The board shall conduct examinations at 101914
least twice each year and shall determine the level of 101915
competence necessary for a passing score. 101916

An individual may not sit for an examination administered 101917
pursuant to this section unless the individual meets the 101918
requirements to obtain the license or certificate the individual 101919
seeks, other than the requirement to have passed the 101920
examination, and pays the fee established under section 4758.21 101921
of the Revised Code. An individual who is denied admission to 101922
the examination may appeal the denial in accordance with Chapter 101923
119. of the Revised Code. 101924

Sec. 4758.221. In accordance with rules adopted under 101925
section 4758.20 of the Revised Code, the chemical dependency 101926
professionals board may administer examinations for individuals 101927
seeking to act as substance abuse professionals in a ~~U.S.~~ United 101928
States department of transportation drug and alcohol testing 101929
program. If it elects to administer the examinations, the board 101930

shall use examinations that comprehensively cover all the 101931
elements of substance abuse professional qualification training 101932
listed in 49 C.F.R. 40.281(c)(1) and are prepared by a 101933
nationally recognized professional or training organization that 101934
represents the interests of those involved in ~~chemical~~ 101935
~~dependency~~ substance use disorder counseling services. 101936

Sec. 4758.23. (A) In rules adopted under section 4758.20 101937
of the Revised Code, the chemical dependency professionals board 101938
shall establish codes of ethical practice and professional 101939
conduct for the following: 101940

(1) Individuals who hold a valid independent chemical 101941
dependency counselor-clinical supervisor license, independent 101942
chemical dependency counselor license, chemical dependency 101943
counselor III license, chemical dependency counselor II license, 101944
or chemical dependency counselor assistant certificate issued 101945
under this chapter; 101946

(2) Individuals who hold a valid prevention consultant 101947
certificate, prevention specialist certificate, prevention 101948
specialist assistant certificate, or registered applicant 101949
certificate issued under this chapter; 101950

(3) Individuals who hold a valid gambling disorder 101951
endorsement. 101952

(B) The codes for individuals identified under division 101953
~~(A)(1)~~ (A) of this section shall define unprofessional conduct, 101954
which shall include engaging in a ~~dual relationship~~ multiple 101955
relationships with a client, former client, consumer, or former 101956
consumer; committing an act of sexual abuse, misconduct, or 101957
exploitation of a client, former client, consumer, or former 101958
consumer; and, except as permitted by law, violating client or 101959

consumer confidentiality. 101960

~~(C) The codes for individuals identified under division~~ 101961
~~(A)(1) divisions (A)(1) and (2) of this section may be based on~~ 101962
any codes of ethical practice and professional conduct developed 101963
by national associations or other organizations representing the 101964
interests of those involved in chemical dependency substance use 101965
disorder counseling or prevention services. ~~The codes for~~ 101966
~~individuals identified under division (A)(2) of this section may~~ 101967
~~be based on any codes of ethical practice and professional~~ 101968
~~conduct developed by national associations or other~~ 101969
~~organizations representing the interests of those involved in~~ 101970
~~prevention services.~~ The board may establish standards in the 101971
codes that are more stringent than those established by the 101972
national associations or other organizations. 101973

Sec. 4758.24. (A) The chemical dependency professionals 101974
board shall issue a license, certificate, or endorsement under 101975
this chapter to an individual who meets all of the following 101976
requirements: 101977

(1) ~~Except as provided in section 4758.241 of the Revised~~ 101978
~~Code, submits~~ Submits a properly completed application and all 101979
other documentation specified in rules adopted under section 101980
4758.20 of the Revised Code; 101981

(2) ~~Except as provided in section 4758.241 of the Revised~~ 101982
~~Code, pays~~ Pays the fee established under section 4758.21 of the 101983
Revised Code for the license, certificate, or endorsement that 101984
the individual seeks; 101985

(3) Meets the requirements to obtain the license, 101986
certificate, or endorsement that the individual seeks as 101987
specified in section 4758.39, 4758.40, 4758.41, 4758.42, 101988

4758.43, 4758.44, 4758.45, 4758.46, 4758.47, or 4758.48 of the Revised Code; 101989
101990

(4) Meets any additional requirements specified in rules adopted under section 4758.20 of the Revised Code to obtain the license, certificate, or endorsement that the individual seeks. 101991
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(B) The board shall not ~~do either of the following:~~ 101994

~~(1) Issue a certificate to practice as a chemical dependency counselor I;~~ 101995
101996

~~(2) Issue~~ issue a new registered applicant certificate to an individual whose previous registered applicant certificate has been expired for less than the period of time specified in rules adopted under section 4758.20 of the Revised Code. 101997
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Sec. 4758.27. The chemical dependency professionals board shall not renew or restore under section 4758.26 of the Revised Code ~~either of the following:~~ 102001
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102003

~~(A) A certificate to practice as a chemical dependency counselor I;~~ 102004
102005

~~(B) A~~ a registered applicant certificate. 102006

Sec. 4758.30. (A) The chemical dependency professionals board, in accordance with Chapter 119. of the Revised Code, may, except as provided in division (B) of this section, refuse to issue a license, certificate, or endorsement applied for under this chapter; refuse to renew or restore a license, certificate, or endorsement issued under this chapter; suspend, revoke, or otherwise restrict a license, certificate, or endorsement issued under this chapter; or reprimand an individual holding a license, certificate, or endorsement issued under this chapter. These actions may be taken by the board regarding the applicant 102007
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for a license, certificate, or endorsement or the individual 102017
holding a license, certificate, or endorsement for one or more 102018
of the following reasons: 102019

(1) Violation of any provision of this chapter or rules 102020
adopted under it; 102021

(2) Knowingly making a false statement on an application 102022
for a license, certificate, or endorsement or for renewal, 102023
restoration, or reinstatement of a license, certificate, or 102024
endorsement; 102025

(3) Acceptance of a commission or rebate for referring an 102026
individual to a person who holds a license or certificate issued 102027
by, or who is registered with, an entity of state government, 102028
including persons practicing ~~chemical dependency~~ substance use 102029
disorder counseling, prevention services, gambling disorder 102030
counseling, or fields related to ~~chemical dependency counseling,~~ 102031
~~prevention services, or gambling disorder counseling~~ any of the 102032
foregoing; 102033

(4) Conviction in this state or any other ~~state~~ 102034
jurisdiction of any crime that is a felony in this state; 102035

(5) Conviction in this state or any other ~~state~~ 102036
jurisdiction of a misdemeanor committed in the course of 102037
practice as an independent chemical dependency counselor- 102038
clinical supervisor, independent chemical dependency counselor, 102039
chemical dependency counselor III, chemical dependency counselor 102040
II, chemical dependency counselor assistant, prevention 102041
consultant, gambling disorder endorsee, prevention specialist, 102042
prevention specialist assistant, or registered applicant; 102043

(6) Inability to practice as an independent chemical 102044
dependency counselor-clinical supervisor, independent chemical 102045

dependency counselor, chemical dependency counselor III, 102046
chemical dependency counselor II, chemical dependency counselor 102047
assistant, gambling disorder endorsee, prevention consultant, 102048
prevention specialist, prevention specialist assistant, or 102049
registered applicant due to abuse of or dependency on alcohol or 102050
other drugs or ~~other physical or~~ by reason of mental 102051
~~condition~~ illness or physical illness, including physical 102052
deterioration that adversely affects cognitive, motor, or 102053
perceptive skills; 102054

(7) Practicing outside the individual's scope of practice; 102055

(8) Practicing without complying with the supervision 102056
requirements specified under section 4758.56, 4758.59, 4758.61, 102057
or 4758.62 of the Revised Code; 102058

(9) Violation of the code of ethical practice and 102059
professional conduct for ~~chemical dependency substance use~~ 102060
disorder counseling, prevention services, or gambling disorder 102061
counseling adopted by the board pursuant to section 4758.23 of 102062
the Revised Code; 102063

(10) Revocation of a license, certificate, or endorsement 102064
or voluntary surrender of a license, certificate, or endorsement 102065
in another state or jurisdiction for an offense that would be a 102066
violation of this chapter. 102067

(B) The board shall not refuse to issue a license, 102068
certificate, or endorsement to an applicant because of a 102069
criminal conviction unless the refusal is in accordance with 102070
section 9.79 of the Revised Code. 102071

(C) An individual whose license, certificate, or 102072
endorsement has been suspended or revoked under this section may 102073
apply to the board for reinstatement after an amount of time the 102074

board shall determine in accordance with rules adopted under 102075
section 4758.20 of the Revised Code. The board may accept or 102076
refuse an application for reinstatement. The board may require 102077
an examination for reinstatement of a license, certificate, or 102078
endorsement that has been suspended or revoked. 102079

Sec. 4758.31. The chemical dependency professionals board 102080
shall investigate alleged violations of this chapter or the 102081
rules adopted under it and alleged irregularities in the 102082
delivery of ~~chemical dependency~~ substance use disorder 102083
counseling services, prevention services, or gambling disorder 102084
counseling services by individuals who hold a license, 102085
certificate, or endorsement issued under this chapter. As part 102086
of an investigation, the board may issue subpoenas, examine 102087
witnesses, and administer oaths. 102088

The board may receive any information necessary to conduct 102089
an investigation under this section that has been obtained in 102090
accordance with federal laws and regulations. If the board is 102091
investigating the provision of ~~chemical dependency~~ substance use 102092
disorder counseling services or gambling disorder counseling 102093
services to a couple or group, it is not necessary for both 102094
members of the couple or all members of the group to consent to 102095
the release of information relevant to the investigation. 102096

The board shall ensure, in accordance with rules adopted 102097
under section 4758.20 of the Revised Code, that all records it 102098
holds pertaining to an investigation remain confidential during 102099
the investigation. After the investigation, the records are 102100
public records except as otherwise provided by federal or state 102101
law. 102102

Sec. 4758.35. (A) An individual seeking a license, 102103
certificate, or endorsement issued under this chapter shall ~~file~~ 102104

~~with submit an application to the~~ chemical dependency 102105
~~professionals board a written application on a form prescribed~~ 102106
~~by in a manner that the board shall prescribe.~~ Each ~~form~~ 102107
~~application~~ shall state that a false statement made on the ~~form~~ 102108
~~application~~ is the crime of falsification under section 2921.13 102109
of the Revised Code. 102110

(B) The board shall require an individual or individuals 102111
employed by the board under section 4758.15 of the Revised Code 102112
to do both of the following in accordance with criteria 102113
established by rules adopted under section 4758.20 of the 102114
Revised Code: 102115

(1) Receive and review all applications submitted to the 102116
board; 102117

(2) Submit to the board all applications the individual or 102118
individuals recommend the board review based on the criteria 102119
established in the rules. 102120

(C) The board shall review all applications submitted to 102121
the board pursuant to division (B) (2) of this section. 102122

Sec. 4758.36. As part of the review process under division 102123
(C) of section 4758.35 of the Revised Code of an application 102124
submitted by an applicant whose education or experience in 102125
~~chemical dependency substance use disorder counseling,~~ 102126
prevention services, or gambling disorder counseling was 102127
obtained outside the United States, or whose education and 102128
experience both were obtained outside the United States, the 102129
chemical dependency professionals board shall determine whether 102130
the applicant's command of the English language and education or 102131
experience meet the standards required by this chapter and rules 102132
adopted under it. 102133

Sec. 4758.39. An individual seeking an independent 102134
chemical dependency counselor-clinical supervisor license shall 102135
meet ~~the requirements of division (A) or (B) of this section.~~ 102136

~~(A) To meet the requirements of this division, an~~ 102137
~~individual must meet~~ all of the following requirements: 102138

~~(1)~~ (A) Hold from an accredited educational institution at 102139
least a master's degree in either a behavioral science or 102140
nursing that meets the course requirements specified in rules 102141
adopted under section 4758.20 of the Revised Code; 102142

~~(2)~~ (B) Have not less than the number of hours specified in 102143
rules adopted under section 4758.20 of the Revised Code of 102144
compensated work or supervised internship experience, including 102145
at least the number of hours specified in those rules of 102146
clinical supervisory experience, in any of the following, not 102147
less than twenty per cent of which are in ~~chemical dependency~~ 102148
substance use disorder counseling: 102149

~~(a) Chemical dependency services, substance abuse~~ 102150
~~services, or both types of~~ (1) Substance use disorder services; 102151

~~(b)~~ (2) The practice of psychology, as defined in section 102152
4732.01 of the Revised Code; 102153

~~(c)~~ (3) The practice of professional counseling, the 102154
practice of social work, or the practice of marriage and family 102155
therapy, all as defined in section 4757.01 of the Revised Code. 102156

~~(3)~~ (C) Have a minimum of the number of hours specified in 102157
rules adopted under section 4758.20 of the Revised Code of 102158
training in ~~chemical dependency~~ substance use disorders that 102159
meets the requirements specified in those rules; 102160

~~(4)~~ (D) Unless the individual holds a valid license, 102161

registration, certificate, or credentials issued under another 102162
chapter of the Revised Code that authorizes the individual to 102163
engage in a profession whose scope of practice includes the 102164
clinical supervision of ~~chemical dependency~~ substance use 102165
disorder counseling, ~~chemical dependency~~ substance use disorder 102166
counseling, and diagnosing and treating ~~chemical dependency~~ 102167
substance use disorder conditions, pass one or more examinations 102168
administered pursuant to section 4758.22 of the Revised Code for 102169
the purpose of determining competence to practice as an 102170
independent chemical dependency counselor-clinical supervisor. 102171

~~(B) To meet the requirement of this division, an 102172
individual must hold, on March 22, 2013, a valid independent 102173
chemical dependency counselor license. 102174~~

Sec. 4758.40. An individual seeking an independent 102175
chemical dependency counselor license shall ~~meet the 102176
requirements of division (A) or (B) of this section. 102177~~

~~(A) To meet the requirements of this division, an 102178
individual must meet all of the following requirements: 102179~~

~~(1) (A) Hold from an accredited educational institution at 102180
least a master's degree in a behavioral science or nursing that 102181
meets the course requirements specified in rules adopted under 102182
section 4758.20 of the Revised Code; 102183~~

~~(2) (B) Have not less than the number of hours specified in 102184
rules adopted under section 4758.20 of the Revised Code of 102185
compensated work or supervised internship experience in any of 102186
the following, not less than twenty per cent of which are in 102187
~~chemical dependency~~ substance use disorder counseling: 102188~~

~~(a) Chemical dependency services, substance abuse 102189
services, or both types of (1) Substance use disorder services; 102190~~

(b) <u>(2)</u> The practice of psychology, as defined in section 4732.01 of the Revised Code;	102191 102192
(e) <u>(3)</u> The practice of professional counseling, the practice of social work, or the practice of marriage and family therapy, all as defined in section 4757.01 of the Revised Code.	102193 102194 102195
(3) <u>(C)</u> Have a minimum of the number of hours specified in rules adopted under section 4758.20 of the Revised Code of training in chemical dependency <u>substance use disorders</u> that meets the requirements specified in those rules;	102196 102197 102198 102199
(4) <u>(D)</u> Unless the individual holds a valid license, registration, certificate, or credentials issued under another chapter of the Revised Code that authorizes the individual to engage in a profession whose scope of practice includes chemical dependency <u>substance use disorder</u> counseling and diagnosing and treating chemical dependency <u>substance use disorder</u> conditions, pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as an independent chemical dependency counselor.	102200 102201 102202 102203 102204 102205 102206 102207 102208 102209
(B) To meet the requirements of this division, an individual must meet both of the following requirements:	102210 102211
(1) Hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor III or certified chemical dependency counselor III-E;	102212 102213 102214 102215 102216
(2) Meet one of the following requirements:	102217
(a) Hold the degree described in division (A) (1) of this section;	102218 102219

~~(b) Have held a chemical dependency counselor III, II, or I certificate for at least eight consecutive years and have not less than forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training. The training must meet the requirements specified in rules adopted under section 4758.20 of the Revised Code. An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, a psychologist licensed under Chapter 4732. of the Revised Code, or a licensed professional clinical counselor or independent social worker licensed under Chapter 4757. of the Revised Code may provide any portion of the training. An independent chemical dependency counselor licensed under this chapter who holds the degree described in division (A) (1) of this section may provide the portion of the training on chemical dependency conditions.~~

Sec. 4758.41. An individual seeking a chemical dependency counselor III license shall ~~meet the requirements of division (A), (B), or (C) of this section.~~

~~(A) To meet the requirements of this division, an individual must meet all of the following requirements:~~

~~(1) (A) Hold from an accredited educational institution at least a bachelor's degree in a behavioral science or nursing that meets the course requirements specified in rules adopted under section 4758.20 of the Revised Code;~~

~~(2) (B) Have not less than the number of hours specified in rules adopted under section 4758.20 of the Revised Code of compensated work or supervised internship experience in any of the following, not less than twenty per cent of which are in chemical dependency substance use disorder counseling;~~

(a) Chemical dependency services, substance abuse	102250
services, or both types of (1) <u>Substance use disorder services;</u>	102251
(b) (2) The practice of psychology, as defined in section	102252
4732.01 of the Revised Code;	102253
(c) (3) The practice of professional counseling, the	102254
practice of social work, or the practice of marriage and family	102255
therapy, all as defined in section 4757.01 of the Revised Code.	102256
(3) (C) Have a minimum of the number of hours specified in	102257
rules adopted under section 4758.20 of the Revised Code of	102258
training in chemical dependency <u>substance use disorders</u> that	102259
meets the requirements specified in those rules;	102260
(4) (D) Unless the individual holds a valid license,	102261
registration, certificate, or credentials issued under another	102262
chapter of the Revised Code that authorizes the individual to	102263
engage in a profession whose scope of practice includes chemical	102264
dependency <u>substance use disorder</u> counseling and diagnosing and	102265
treating chemical dependency <u>substance use disorder</u> conditions,	102266
pass one or more examinations administered pursuant to section	102267
4758.22 of the Revised Code for the purpose of determining	102268
competence to practice as a chemical dependency counselor III.	102269
(B) To meet the requirements of this division, an	102270
individual must meet both of the following requirements:	102271
(1) Hold, on December 23, 2002, a certificate or	102272
credentials that were accepted under former section 3793.07 of	102273
the Revised Code as authority to practice as a certified	102274
chemical dependency counselor III or certified chemical	102275
dependency counselor III-E;	102276
(2) Have not less than forty clock hours of training on	102277
the version of the diagnostic and statistical manual of mental	102278

~~disorders that is current at the time of the training. The~~ 102279
~~training must meet the requirements specified in rules adopted~~ 102280
~~under section 4758.20 of the Revised Code. An individual~~ 102281
~~authorized under Chapter 4731. of the Revised Code to practice~~ 102282
~~medicine and surgery or osteopathic medicine and surgery, a~~ 102283
~~psychologist licensed under Chapter 4732. of the Revised Code,~~ 102284
~~or a licensed professional clinical counselor or independent~~ 102285
~~social worker licensed under Chapter 4757. of the Revised Code~~ 102286
~~may provide any portion of the training. An independent chemical~~ 102287
~~dependency counselor licensed under this chapter who holds the~~ 102288
~~degree described in division (A) (1) of section 4758.40 of the~~ 102289
~~Revised Code may provide the portion of the training on chemical~~ 102290
~~dependency conditions.~~ 102291

~~(C) To meet the requirements of this division, an~~ 102292
~~individual must meet all of the following requirements:~~ 102293

~~(1) Hold, on December 23, 2002, a certificate or~~ 102294
~~credentials that were accepted under former section 3793.07 of~~ 102295
~~the Revised Code as authority to practice as a certified~~ 102296
~~chemical dependency counselor II;~~ 102297

~~(2) Meet the requirement of division (B) (2) of this~~ 102298
~~section;~~ 102299

~~(3) Hold a bachelor's degree in a behavioral science.~~ 102300

Sec. 4758.42. An individual seeking a chemical dependency 102301
counselor II license shall meet the requirements of division 102302
(A) ~~or~~ (B) ~~or~~ (C) of this section ~~or, until three years after~~ 102303
~~the effective date of this amendment, division (A), (B), (C), or~~ 102304
~~(D) of this section.~~ 102305

(A) To meet the requirements of this division, an 102306
individual must meet all of the following requirements: 102307

- (1) Hold from an accredited educational institution an associate's degree in a behavioral science or nursing or a bachelor's degree in any field; 102308
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102310
- (2) Have not less than the number of hours specified in rules adopted under section 4758.20 of the Revised Code of compensated work or supervised internship experience in any of the following, not less than twenty per cent of which are in chemical dependency substance use disorder counseling: 102311
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102315
- (a) ~~Chemical dependency services, substance abuse services, or both types of~~ Substance use disorder services; 102316
102317
- (b) The practice of psychology, as defined in section 4732.01 of the Revised Code; 102318
102319
- (c) The practice of professional counseling, the practice of social work, or the practice of marriage and family therapy, all as defined in section 4757.01 of the Revised Code. 102320
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- (3) Have a minimum of the number of hours specified in rules adopted under section 4758.20 of the Revised Code of training in chemical dependency substance use disorders that meets the requirements specified in those rules; 102323
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- (4) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a chemical dependency counselor II. 102327
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- (B) ~~To meet the requirement of this division, an individual must hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor II.~~ 102331
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~~(C)~~—To meet the requirements of this division, an individual must meet all of the following requirements:

(1) Hold from an accredited educational institution an associate's or bachelor's degree in either of the following with a specialization in ~~chemical dependency~~ substance use disorder counseling:

(a) A behavioral science;

(b) Nursing.

(2) Have a minimum of one hundred eighty hours of education in ~~chemical dependency~~ substance use disorders that meets the requirements specified in rules adopted under section 4758.20 of the Revised Code;

(3) While holding a valid chemical dependency counselor assistant certificate, have successfully completed, over the course of not more than any two semesters, at least two hundred forty hours of supervised practicum experience in ~~chemical dependency~~ substance use disorder treatment through a program that meets all of the following requirements:

(a) The program includes at least two hours per week of supervised practicum experience;

(b) The program provides intensive outpatient treatment or a higher level of care, or another level of care if specified in rules adopted under section 4758.20 of the Revised Code;

(c) The program meets other requirements specified in rules adopted under that section.

(4) Have at least one thousand hours of compensated work experience as a chemical dependency counselor assistant;

(5) Provide to the chemical dependency professionals board 102363
a written recommendation from an individual who supervised the 102364
individual's practice of ~~chemical dependency~~ substance use 102365
disorder counseling as a chemical dependency counselor assistant 102366
as required by division (B) of section 4758.59 of the Revised 102367
Code; 102368

(6) Pass one or more examinations administered pursuant to 102369
section 4758.22 of the Revised Code for the purpose of 102370
determining competence to practice as a chemical dependency 102371
counselor II. 102372

~~(D) To meet the requirements of this division, an 102373
individual must meet all of the following requirements: 102374~~

~~(1) Since at least December 31, 2008, continuously have 102375
done both of the following: 102376~~

~~(a) Held a valid chemical dependency counselor assistant 102377
certificate; 102378~~

~~(b) Practiced chemical dependency counseling while under 102379
supervision as required by division (B) of section 4758.59 of 102380
the Revised Code. 102381~~

~~(2) Provide to the board a written recommendation from an 102382
individual who supervised the individual's practice of chemical 102383
dependency counseling as a chemical dependency counselor 102384
assistant; 102385~~

~~(3) Have a minimum of the number of hours specified in 102386
rules adopted under section 4758.20 of the Revised Code of 102387
training in chemical dependency that meets the requirements 102388
specified in those rules; 102389~~

~~(4) Pass one or more examinations administered pursuant to 102390~~

~~section 4758.22 of the Revised Code for the purpose of~~ 102391
~~determining competence to practice as a chemical dependency~~ 102392
~~counselor II.~~ 102393

Sec. 4758.43. An individual seeking a chemical dependency 102394
counselor assistant certificate shall ~~meet either of the~~ 102395
~~following requirements:~~ 102396

~~(A)~~ 102397

~~Have~~have at least the number of hours specified in rules 102398
adopted under section 4758.20 of the Revised Code of training in 102399
~~chemical dependency~~substance use disorder counseling that meets 102400
the requirements specified in those rules; 102401

~~(B) Hold, on December 23, 2002, a certificate or~~ 102402
~~credentials that were accepted under former section 3793.07 of~~ 102403
~~the Revised Code as authority to practice as a registered~~ 102404
~~candidate.~~ 102405

Sec. 4758.44. An individual seeking a prevention 102406
consultant certificate shall ~~meet the requirements of division~~ 102407
~~(A) or (B) of this section.~~ 102408

~~(A) To meet the requirements of this division, an~~ 102409
~~individual must meet all of the following requirements:~~ 102410

~~(1)~~(A) Have at least the number of hours specified in 102411
rules adopted under section 4758.20 of the Revised Code of 102412
compensated work experience in prevention services, including at 102413
least the number of hours specified in those rules of 102414
administering or supervising the services; 102415

~~(2)~~(B) Hold from an accredited educational institution at 102416
least a bachelor's degree in a field of study specified in rules 102417
adopted under section 4758.20 of the Revised Code; 102418

~~(3)~~ (C) Have at least the number of hours specified in 102419
rules adopted under section 4758.20 of the Revised Code of 102420
prevention-related education that meets the requirements 102421
specified in those rules; 102422

~~(4)~~ (D) Have at least the number of hours specified in 102423
rules adopted under section 4758.20 of the Revised Code of 102424
administrative or supervisory education; 102425

~~(5)~~ (E) Pass one or more examinations administered pursuant 102426
to section 4758.22 of the Revised Code for the purpose of 102427
determining competence to practice as a prevention consultant. 102428

~~(B) To meet the requirement of this division, an 102429
individual must hold, on December 23, 2002, a certificate or 102430
credentials that were accepted under former section 3793.07 of 102431
the Revised Code as authority to practice as a certified 102432
prevention specialist II. 102433~~

Sec. 4758.45. An individual seeking a prevention 102434
specialist certificate shall ~~meet the requirements of division 102435
(A) or (B) of this section.~~ 102436

~~(A) To meet the requirements of this division, an 102437
individual must meet all of the following requirements: 102438~~

~~(1)~~ (A) Have at least the number of hours specified in 102439
rules adopted under section 4758.20 of the Revised Code of 102440
compensated or volunteer work, field placement, intern, or 102441
practicum experience in prevention services, including at least 102442
the number of hours specified in those rules of planning or 102443
delivering the services; 102444

~~(2)~~ (B) Hold from an accredited educational institution at 102445
least an associate's degree in a field of study specified in 102446
rules adopted under section 4758.20 of the Revised Code; 102447

~~(3)~~ (C) Have at least the number of hours specified in 102448
rules adopted under section 4758.20 of the Revised Code of 102449
prevention-related education that meets the requirements 102450
specified in those rules; 102451

~~(4)~~ (D) Pass one or more examinations administered pursuant 102452
to section 4758.22 of the Revised Code for the purpose of 102453
determining competence to practice as a prevention specialist. 102454

~~(B) To meet the requirement of this division, an 102455
individual must hold, on December 23, 2002, a certificate or 102456
credentials that were accepted under former section 3793.07 of 102457
the Revised Code as authority to practice as a certified 102458
prevention specialist I. 102459~~

Sec. 4758.52. (A) Except as provided in division (C) of 102460
this section, each individual who holds an initial chemical 102461
dependency counselor assistant certificate shall complete, 102462
during the first twelve months that the initial certificate is 102463
in effect, at least thirty additional hours of training in 102464
~~chemical dependency substance use disorder counseling~~ that meets 102465
the requirements specified in rules adopted under section 102466
4758.20 of the Revised Code as a condition of having the initial 102467
certificate renewed. 102468

(B) Except as provided in division (C) of this section, an 102469
individual whose initial chemical dependency counselor assistant 102470
certificate has expired shall complete at least thirty 102471
additional hours of training in ~~chemical dependency substance~~ 102472
use disorder counseling that meets the requirements specified in 102473
rules adopted under section 4758.20 of the Revised Code as a 102474
condition of receiving a restored chemical dependency counselor 102475
assistant certificate. 102476

(C) The chemical dependency professionals board may waive 102477
the additional training requirement established under this 102478
section for individuals who are unable to fulfill the 102479
requirement because of military service, illness, residence 102480
outside the United States, or any other reason the board 102481
considers acceptable. 102482

Sec. 4758.54. In addition to practicing ~~chemical-~~ 102483
~~dependency~~ substance use disorder counseling, an individual 102484
holding a valid independent chemical dependency counselor- 102485
clinical supervisor license may do all of the following: 102486

(A) Diagnose and treat ~~chemical dependency~~ substance use 102487
disorder conditions; 102488

(B) Perform treatment planning, assessment, crisis 102489
intervention, individual and group counseling, case management, 102490
and education services as they relate to abuse of and dependency 102491
on alcohol and other drugs; 102492

(C) Provide clinical supervision of ~~chemical dependency-~~ 102493
substance use disorder counseling; 102494

(D) Refer individuals with ~~nonchemical dependency non-~~ 102495
substance use disorder conditions to appropriate sources of 102496
help. 102497

Sec. 4758.55. In addition to practicing ~~chemical-~~ 102498
~~dependency~~ substance use disorder counseling, an individual 102499
holding a valid independent chemical dependency counselor 102500
license may do all of the following: 102501

(A) Diagnose and treat ~~chemical dependency~~ substance use 102502
disorder conditions; 102503

(B) Perform treatment planning, assessment, crisis 102504

intervention, individual and group counseling, case management, 102505
and education services as they relate to abuse of and dependency 102506
on alcohol and other drugs; 102507

(C) Provide clinical supervision of ~~chemical dependency~~ 102508
substance use disorder counseling under the supervision of any 102509
of the following: 102510

(1) An independent chemical dependency counselor-clinical 102511
supervisor licensed under this chapter; 102512

(2) An individual authorized under Chapter 4731. of the 102513
Revised Code to practice medicine and surgery or osteopathic 102514
medicine and surgery; 102515

(3) A psychologist licensed under Chapter 4732. of the 102516
Revised Code; 102517

(4) A registered nurse licensed under Chapter 4723. of the 102518
Revised Code or licensed professional clinical counselor, 102519
independent social worker, or independent marriage and family 102520
therapist licensed under Chapter 4757. of the Revised Code if 102521
such supervision is consistent with the scope of practice of the 102522
registered nurse, licensed professional clinical counselor, 102523
independent social worker, or independent marriage and family 102524
therapist; 102525

(5) An individual authorized to practice as a certified 102526
nurse practitioner or clinical nurse specialist under Chapter 102527
4723. of the Revised Code. 102528

(D) Refer individuals with ~~nonchemical dependency~~ non- 102529
substance use disorder conditions to appropriate sources of 102530
help. 102531

Sec. 4758.56. (A) In addition to practicing ~~chemical~~ 102532

~~dependency~~ substance use disorder counseling, an individual 102533
holding a valid chemical dependency counselor III license may do 102534
all of the following: 102535

(1) Diagnose ~~chemical dependency~~ substance use disorder 102536
conditions under the supervision of any of the professionals 102537
listed in section 4758.561 of the Revised Code; 102538

(2) Treat ~~chemical dependency~~ substance use disorder 102539
conditions; 102540

(3) Perform treatment planning, assessment, crisis 102541
intervention, individual and group counseling, case management, 102542
and education services as they relate to abuse of and dependency 102543
on alcohol and other drugs; 102544

(4) Provide clinical supervision of ~~chemical dependency~~ 102545
substance use disorder counseling under the supervision of any 102546
of the professionals listed in section 4758.561 of the Revised 102547
Code; 102548

(5) Refer individuals with ~~nonchemical dependency~~ non- 102549
substance use disorder conditions to appropriate sources of 102550
help. 102551

(B) A chemical dependency counselor III may not practice 102552
as an individual practitioner. 102553

Sec. 4758.57. (A) In addition to practicing ~~chemical~~ 102554
~~dependency~~ substance use disorder counseling, an individual 102555
holding a valid chemical dependency counselor II license may do 102556
both of the following: 102557

(1) Perform treatment planning, assessment, crisis 102558
intervention, individual and group counseling, case management, 102559
and education services as they relate to abuse of and dependency 102560

on alcohol and other drugs; 102561

(2) Refer individuals with ~~nonchemical dependency~~ non-substance use disorder conditions to appropriate sources of help. 102562
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(B) A chemical dependency counselor II may not practice as an individual practitioner. 102565
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Sec. 4758.59. (A) Subject to division (B) of this section, an individual holding a valid chemical dependency counselor assistant certificate may do both of the following in addition to practicing chemical dependency counseling: 102567
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(1) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse of or dependency on alcohol and other drugs; 102571
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(2) Refer individuals with ~~nonchemical dependency~~ non-substance use disorder conditions to appropriate sources of help. 102575
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(B) An individual holding a valid chemical dependency counselor assistant certificate may practice ~~chemical dependency~~ substance use disorder counseling and perform the tasks specified in division (A) of this section only while under the supervision of any of the following: 102578
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(1) An independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III licensed under this chapter; 102583
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(2) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 102586
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(3) A psychologist licensed under Chapter 4732. of the Revised Code; 102589
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(4) A registered nurse licensed under Chapter 4723. of the Revised Code or licensed professional clinical counselor, independent social worker, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code if such supervision is consistent with the scope of practice of the registered nurse, licensed professional clinical counselor, independent social worker, or independent marriage and family therapist; 102591
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(5) An individual authorized to practice as a certified nurse practitioner or clinical nurse specialist under Chapter 4723. of the Revised Code. 102599
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(C) A chemical dependency counselor assistant may not practice as an individual practitioner. 102602
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Sec. 4758.99. Whoever violates ~~division (A) or (B) of~~ section 4758.02 of the Revised Code is guilty of a misdemeanor of the fourth degree on a first offense; on each subsequent offense, the person is guilty of a misdemeanor of the third degree. 102604
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Sec. 4759.07. (A) The state medical board, by an affirmative vote of not fewer than six members, shall, except as provided in division (B) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license or limited permit, refuse to issue a license or limited permit to an individual, refuse to renew a license or limited permit, refuse to reinstate a license or limited permit, or reprimand or place on probation the holder of a license or limited permit for one or more of the following reasons: 102609
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(1) Except when civil penalties are imposed under section 102618
4759.071 of the Revised Code, violating or attempting to 102619
violate, directly or indirectly, or assisting in or abetting the 102620
violation of, or conspiring to violate, any provision of this 102621
chapter or the rules adopted by the board; 102622

(2) Making a false, fraudulent, deceptive, or misleading 102623
statement in the solicitation of or advertising for patients; in 102624
relation to the practice of dietetics; or in securing or 102625
attempting to secure any license or permit issued by the board 102626
under this chapter. 102627

As used in division (A) (2) of this section, "false, 102628
fraudulent, deceptive, or misleading statement" means a 102629
statement that includes a misrepresentation of fact, is likely 102630
to mislead or deceive because of a failure to disclose material 102631
facts, is intended or is likely to create false or unjustified 102632
expectations of favorable results, or includes representations 102633
or implications that in reasonable probability will cause an 102634
ordinarily prudent person to misunderstand or be deceived. 102635

(3) Committing fraud during the administration of the 102636
examination for a license to practice or committing fraud, 102637
misrepresentation, or deception in applying for, renewing, or 102638
securing any license or permit issued by the board; 102639

(4) A plea of guilty to, a judicial finding of guilt of, 102640
or a judicial finding of eligibility for intervention in lieu of 102641
conviction for, a felony; 102642

(5) Commission of an act that constitutes a felony in this 102643
state, regardless of the jurisdiction in which the act was 102644
committed; 102645

(6) A plea of guilty to, a judicial finding of guilt of, 102646

or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(7) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(8) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

(9) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(10) A record of engaging in incompetent or negligent conduct in the practice of dietetics;

(11) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;

(12) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(13) Violation of the conditions of limitation placed by the board on a license or permit;

(14) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, physical deterioration that adversely affects cognitive, motor, or perceptive skills;

(15) Any of the following actions taken by an agency

responsible for authorizing, certifying, or regulating an 102675
individual to practice a health care occupation or provide 102676
health care services in this state or another jurisdiction, for 102677
any reason other than the nonpayment of fees: the limitation, 102678
revocation, or suspension of an individual's license; acceptance 102679
of an individual's license surrender; denial of a license; 102680
refusal to renew or reinstate a license; imposition of 102681
probation; or issuance of an order of censure or other 102682
reprimand; 102683

(16) The revocation, suspension, restriction, reduction, 102684
or termination of practice privileges by the United States 102685
department of defense or department of veterans affairs; 102686

(17) Termination or suspension from participation in the 102687
medicare or medicaid programs by the department of health and 102688
human services or other responsible agency for any act or acts 102689
that also would constitute a violation of division (A) (11), 102690
(12), or (14) of this section; 102691

(18) Impairment of ability to practice according to 102692
acceptable and prevailing standards of care because of substance 102693
use disorder or excessive use or abuse of drugs, alcohol, or 102694
other substances that may impair ability to practice; 102695

(19) Failure to cooperate in an investigation conducted by 102696
the board under division (B) of section 4759.05 of the Revised 102697
Code, including failure to comply with a subpoena or order 102698
issued by the board or failure to answer truthfully a question 102699
presented by the board in an investigative interview, an 102700
investigative office conference, at a deposition, or in written 102701
interrogatories, except that failure to cooperate with an 102702
investigation shall not constitute grounds for discipline under 102703
this section if a court of competent jurisdiction has issued an 102704

order that either quashes a subpoena or permits the individual 102705
to withhold the testimony or evidence in issue; 102706

(20) Representing with the purpose of obtaining 102707
compensation or other advantage as personal gain or for any 102708
other person, that an incurable disease or injury, or other 102709
incurable condition, can be permanently cured. 102710

(B) The board shall not refuse to issue a license or 102711
limited permit to an applicant because of a plea of guilty to, a 102712
judicial finding of guilt of, or a judicial finding of 102713
eligibility for intervention in lieu of conviction for an 102714
offense unless the refusal is in accordance with section 9.79 of 102715
the Revised Code. 102716

(C) Any action taken by the board under division (A) of 102717
this section resulting in a suspension from practice shall be 102718
accompanied by a written statement of the conditions under which 102719
the individual's license or permit may be reinstated. The board 102720
shall adopt rules governing conditions to be imposed for 102721
reinstatement. Reinstatement of a license or permit suspended 102722
pursuant to division (A) of this section requires an affirmative 102723
vote of not fewer than six members of the board. 102724

(D) When the board refuses to grant or issue a license or 102725
permit to an applicant, revokes an individual's license or 102726
permit, refuses to renew an individual's license or permit, or 102727
refuses to reinstate an individual's license or permit, the 102728
board may specify that its action is permanent. An individual 102729
subject to a permanent action taken by the board is forever 102730
thereafter ineligible to hold a license or permit and the board 102731
shall not accept an application for reinstatement of the license 102732
or permit or for issuance of a new license or permit. 102733

(E) Disciplinary actions taken by the board under division (A) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends an individual's license or permit. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code.

(F) In enforcing division (A) (14) of this section, the board, upon a showing of a possible violation, shall refer any individual authorized to practice by this chapter or who has submitted an application pursuant to this chapter to the monitoring organization that conducts the confidential monitoring program established under section 4731.25 of the Revised Code. The board also may compel the individual to submit to a mental examination, physical examination, including an HIV test, or both a mental and a physical examination. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the

individual's control, and a default and final order may be 102765
entered without the taking of testimony or presentation of 102766
evidence. If the board finds an individual unable to practice 102767
because of the reasons set forth in division (A)(14) of this 102768
section, the board shall require the individual to submit to 102769
care, counseling, or treatment by physicians approved or 102770
designated by the board, as a condition for initial, continued, 102771
reinstated, or renewed authority to practice. An individual 102772
affected under this division shall be afforded an opportunity to 102773
demonstrate to the board the ability to resume practice in 102774
compliance with acceptable and prevailing standards under the 102775
provisions of the individual's license or permit. For the 102776
purpose of division (A)(14) of this section, any individual who 102777
applies for or receives a license or permit under this chapter 102778
accepts the privilege of practicing in this state and, by so 102779
doing, shall be deemed to have given consent to submit to a 102780
mental or physical examination when directed to do so in writing 102781
by the board, and to have waived all objections to the 102782
admissibility of testimony or examination reports that 102783
constitute a privileged communication. 102784

(G) For the purposes of division (A)(18) of this section, 102785
any individual authorized to practice by this chapter accepts 102786
the privilege of practicing in this state subject to supervision 102787
by the board. By filing an application for or holding a license 102788
or permit under this chapter, an individual shall be deemed to 102789
have given consent to submit to a mental or physical examination 102790
when ordered to do so by the board in writing, and to have 102791
waived all objections to the admissibility of testimony or 102792
examination reports that constitute privileged communications. 102793

If it has reason to believe that any individual authorized 102794
to practice by this chapter or any applicant for a license or 102795

permit suffers such impairment, the board shall refer the 102796
individual to the monitoring organization that conducts the 102797
confidential monitoring program established under section 102798
4731.25 of the Revised Code. The board also may compel the 102799
individual to submit to a mental or physical examination, or 102800
both. The expense of the examination is the responsibility of 102801
the individual compelled to be examined. Any mental or physical 102802
examination required under this division shall be undertaken by 102803
a treatment provider or physician who is qualified to conduct 102804
the examination and who is approved under section 4731.251 of 102805
the Revised Code. 102806

Failure to submit to a mental or physical examination 102807
ordered by the board constitutes an admission of the allegations 102808
against the individual unless the failure is due to 102809
circumstances beyond the individual's control, and a default and 102810
final order may be entered without the taking of testimony or 102811
presentation of evidence. If the board determines that the 102812
individual's ability to practice is impaired, the board shall 102813
suspend the individual's license or permit or deny the 102814
individual's application and shall require the individual, as a 102815
condition for an initial, continued, reinstated, or renewed 102816
license or permit, to submit to treatment. 102817

Before being eligible to apply for reinstatement of a 102818
license or permit suspended under this division, the impaired 102819
practitioner shall demonstrate to the board the ability to 102820
resume practice in compliance with acceptable and prevailing 102821
standards of care under the provisions of the practitioner's 102822
license or permit. The demonstration shall include, but shall 102823
not be limited to, the following: 102824

(1) Certification from a treatment provider approved under 102825

section 4731.251 of the Revised Code that the individual has 102826
successfully completed any required inpatient treatment; 102827

(2) Evidence of continuing full compliance with an 102828
aftercare contract or consent agreement; 102829

(3) Two written reports indicating that the individual's 102830
ability to practice has been assessed and that the individual 102831
has been found capable of practicing according to acceptable and 102832
prevailing standards of care. The reports shall be made by 102833
individuals or providers approved by the board for making the 102834
assessments and shall describe the basis for their 102835
determination. 102836

The board may reinstate a license or permit suspended 102837
under this division after that demonstration and after the 102838
individual has entered into a written consent agreement. 102839

When the impaired practitioner resumes practice, the board 102840
shall require continued monitoring of the individual. The 102841
monitoring shall include, but not be limited to, compliance with 102842
the written consent agreement entered into before reinstatement 102843
or with conditions imposed by board order after a hearing, and, 102844
upon termination of the consent agreement, submission to the 102845
board for at least two years of annual written progress reports 102846
made under penalty of perjury stating whether the individual has 102847
maintained sobriety. 102848

(H) (1) If either of the following circumstances occur, the 102849
secretary and supervising member may recommend that the board 102850
suspend an individual's license or permit without a prior 102851
hearing: 102852

(a) The secretary and supervising member determine both of 102853
the following: 102854

(i) That there is clear and convincing evidence that an individual has violated division (A) of this section; 102855
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(ii) That the individual's continued practice presents a danger of immediate and serious harm to the public. 102857
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(b) The board receives verifiable information that a licensee has been charged in any state or federal court for a crime classified as a felony under the charging court's law and the conduct charged constitutes a violation of division (A) of this section. 102859
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(2) If a recommendation is made to suspend without a prior hearing pursuant to division (H) (1) of this section, written allegations shall be prepared for consideration by the board. 102864
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The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license or permit without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension. 102867
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The board shall serve a written order of suspension in accordance with sections 119.05 and 119.07 of the Revised Code. 102873
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~~The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code.~~ 102875
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If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual. 102877
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(3) Any summary suspension imposed under ~~this~~ division (H) (2) of this section is not a final appealable order and is not 102882
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an adjudication that may be appealed under section 119.12 of the 102884
Revised Code. The summary suspension shall remain in effect, 102885
~~unless reversed on appeal,~~ until a final adjudicative order 102886
issued by the board pursuant to this section and Chapter 119. of 102887
the Revised Code becomes effective. Once a final adjudicative 102888
order has been issued by the board, any party adversely affected 102889
by it may file an appeal in accordance with the requirements of 102890
Chapter 119. of the Revised Code. The 102891

The board shall issue its final adjudicative order within 102892
seventy-five days after completion of its hearing. A failure to 102893
issue the order within seventy-five days shall result in 102894
dissolution of the summary suspension order but shall not 102895
invalidate any subsequent, final adjudicative order. 102896

(I) If the board is required by Chapter 119. of the 102897
Revised Code to give notice of an opportunity for a hearing and 102898
if the individual subject to the notice does not timely request 102899
a hearing in accordance with section 119.07 of the Revised Code, 102900
the board is not required to hold a hearing, but may adopt, by 102901
an affirmative vote of not fewer than six of its members, a 102902
final order that contains the board's findings. In the final 102903
order, the board may order any of the sanctions identified under 102904
division (A) of this section. 102905

(J) For purposes of divisions (A) (5), (7), and (9) of this 102906
section, the commission of the act may be established by a 102907
finding by the board, pursuant to an adjudication under Chapter 102908
119. of the Revised Code, that the individual committed the act. 102909
The board does not have jurisdiction under those divisions if 102910
the trial court renders a final judgment in the individual's 102911
favor and that judgment is based upon an adjudication on the 102912
merits. The board has jurisdiction under those divisions if the 102913

trial court issues an order of dismissal upon technical or 102914
procedural grounds. 102915

(K) The sealing or expungement of conviction records by 102916
any court shall have no effect upon a prior board order entered 102917
under this section or upon the board's jurisdiction to take 102918
action under this section if, based upon a plea of guilty, a 102919
judicial finding of guilt, or a judicial finding of eligibility 102920
for intervention in lieu of conviction, the board issued a 102921
notice of opportunity for a hearing prior to the court's order 102922
to seal or expunge the records. The board shall not be required 102923
to seal, destroy, redact, or otherwise modify its records to 102924
reflect the court's sealing or expungement of conviction 102925
records. 102926

(L) If the board takes action under division (A) (4), (6), 102927
or (8) of this section, and the judicial finding of guilt, 102928
guilty plea, or judicial finding of eligibility for intervention 102929
in lieu of conviction is overturned on appeal, upon exhaustion 102930
of the criminal appeal, a petition for reconsideration of the 102931
order may be filed with the board along with appropriate court 102932
documents. Upon receipt of a petition for reconsideration and 102933
supporting court documents, the board shall reinstate the 102934
individual's license or permit. The board may then hold an 102935
adjudication under Chapter 119. of the Revised Code to determine 102936
whether the individual committed the act in question. Notice of 102937
an opportunity for a hearing shall be given in accordance with 102938
Chapter 119. of the Revised Code. If the board finds, pursuant 102939
to an adjudication held under this division, that the individual 102940
committed the act or if no hearing is requested, the board may 102941
order any of the sanctions identified under division (A) of this 102942
section. 102943

(M) The license or permit issued to an individual under this chapter and the individual's practice in this state are automatically suspended as of the date the individual pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, trafficking in persons, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after suspension shall be considered practicing without a license or permit.

The board shall serve the individual subject to the suspension in accordance with sections 119.05 and 119.07 of the Revised Code. If an individual whose license or permit is automatically suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's license or permit.

(N) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license or permit issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license or permit. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license or permit surrendered

to the board requires an affirmative vote of not fewer than six 102974
members of the board. 102975

(2) An application for a license or permit made under the 102976
provisions of this chapter may not be withdrawn without approval 102977
of the board. 102978

(3) Failure by an individual to renew a license or permit 102979
in accordance with this chapter does not remove or limit the 102980
board's jurisdiction to take any disciplinary action under this 102981
section against the individual. 102982

(4) The placement of an individual's license on retired 102983
status, as described in section 4759.064 of the Revised Code, 102984
does not remove or limit the board's jurisdiction to take any 102985
disciplinary action against the individual with regard to the 102986
license as it existed before being placed on retired status. 102987

(5) At the request of the board, a license or permit 102988
holder shall immediately surrender to the board a license or 102989
permit that the board has suspended, revoked, or permanently 102990
revoked. 102991

Sec. 4759.99. Whoever violates section 4759.02 of the 102992
Revised Code is guilty of a minor misdemeanor. If the offender 102993
has been previously convicted once of a violation of ~~the~~ section 102994
4759.02 of the Revised Code, then the ~~violation-offender~~ is 102995
guilty of a misdemeanor of the fourth degree. If the offender 102996
has been previously convicted more than once of a violation of 102997
~~the~~ section 4759.02 of the Revised Code, then the ~~violation-~~ 102998
offender is guilty of a misdemeanor of the first degree. 102999

Whoever violates division (B) (1) or (2) of section 4759.14 103000
of the Revised Code is guilty of ~~failure to report criminal-~~ 103001
~~conduct or sexual misconduct~~, a misdemeanor of the fourth 103002

~~degree. If the offender has previously been convicted of a~~ 103003
~~violation of this division, the failure to report on a first~~ 103004
~~offense; on each subsequent offense, the offender is guilty of a~~ 103005
misdemeanor of the first degree. 103006

Whoever violates division (B) of section 4759.05 of the 103007
Revised Code is guilty of ~~disclosing confidential investigatory~~ 103008
~~information,~~ a misdemeanor of the first degree. 103009

Sec. 4760.13. (A) The state medical board, by an 103010
affirmative vote of not fewer than six members, may refuse to 103011
grant a license to practice as an anesthesiologist assistant to, 103012
or may revoke the license held by, an individual found by the 103013
board to have committed fraud, misrepresentation, or deception 103014
in applying for or securing the license. 103015

(B) The board, by an affirmative vote of not fewer than 103016
six members, shall, except as provided in division (C) of this 103017
section, and to the extent permitted by law, limit, revoke, or 103018
suspend an individual's license to practice as an 103019
anesthesiologist assistant, refuse to issue a license to an 103020
applicant, refuse to renew a license, refuse to reinstate a 103021
license, or reprimand or place on probation the holder of a 103022
license for any of the following reasons: 103023

(1) Permitting the holder's name or license to be used by 103024
another person; 103025

(2) Failure to comply with the requirements of this 103026
chapter, Chapter 4731. of the Revised Code, or any rules adopted 103027
by the board; 103028

(3) Violating or attempting to violate, directly or 103029
indirectly, or assisting in or abetting the violation of, or 103030
conspiring to violate, any provision of this chapter, Chapter 103031

4731. of the Revised Code, or the rules adopted by the board;	103032
(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;	103033 103034 103035 103036
(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;	103037 103038 103039 103040
(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of substance use disorder or excessive use or abuse of drugs, alcohol, or other substances that may impair ability to practice;	103041 103042 103043 103044
(7) Willfully betraying a professional confidence;	103045
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as an anesthesiologist assistant.	103046 103047 103048
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	103049 103050 103051 103052 103053 103054 103055 103056
(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	103057 103058 103059

(10) A plea of guilty to, a judicial finding of guilt of, 103060
or a judicial finding of eligibility for intervention in lieu of 103061
conviction for, a felony; 103062

(11) Commission of an act that constitutes a felony in 103063
this state, regardless of the jurisdiction in which the act was 103064
committed; 103065

(12) A plea of guilty to, a judicial finding of guilt of, 103066
or a judicial finding of eligibility for intervention in lieu of 103067
conviction for, a misdemeanor committed in the course of 103068
practice; 103069

(13) A plea of guilty to, a judicial finding of guilt of, 103070
or a judicial finding of eligibility for intervention in lieu of 103071
conviction for, a misdemeanor involving moral turpitude; 103072

(14) Commission of an act in the course of practice that 103073
constitutes a misdemeanor in this state, regardless of the 103074
jurisdiction in which the act was committed; 103075

(15) Commission of an act involving moral turpitude that 103076
constitutes a misdemeanor in this state, regardless of the 103077
jurisdiction in which the act was committed; 103078

(16) A plea of guilty to, a judicial finding of guilt of, 103079
or a judicial finding of eligibility for intervention in lieu of 103080
conviction for violating any state or federal law regulating the 103081
possession, distribution, or use of any drug, including 103082
trafficking in drugs; 103083

(17) Any of the following actions taken by the state 103084
agency responsible for regulating the practice of 103085
anesthesiologist assistants in another jurisdiction, for any 103086
reason other than the nonpayment of fees: the limitation, 103087
revocation, or suspension of an individual's license to 103088

practice; acceptance of an individual's license surrender;	103089
denial of a license; refusal to renew or reinstate a license;	103090
imposition of probation; or issuance of an order of censure or	103091
other reprimand;	103092
(18) Violation of the conditions placed by the board on a	103093
license to practice;	103094
(19) Failure to use universal blood and body fluid	103095
precautions established by rules adopted under section 4731.051	103096
of the Revised Code;	103097
(20) Failure to cooperate in an investigation conducted by	103098
the board under section 4760.14 of the Revised Code, including	103099
failure to comply with a subpoena or order issued by the board	103100
or failure to answer truthfully a question presented by the	103101
board at a deposition or in written interrogatories, except that	103102
failure to cooperate with an investigation shall not constitute	103103
grounds for discipline under this section if a court of	103104
competent jurisdiction has issued an order that either quashes a	103105
subpoena or permits the individual to withhold the testimony or	103106
evidence in issue;	103107
(21) Failure to comply with any code of ethics established	103108
by the national commission for the certification of	103109
anesthesiologist assistants;	103110
(22) Failure to notify the state medical board of the	103111
revocation or failure to maintain certification from the	103112
national commission for certification of anesthesiologist	103113
assistants.	103114
(C) The board shall not refuse to issue a certificate to	103115
an applicant because of a plea of guilty to, a judicial finding	103116
of guilt of, or a judicial finding of eligibility for	103117

intervention in lieu of conviction for an offense unless the 103118
refusal is in accordance with section 9.79 of the Revised Code. 103119

(D) Disciplinary actions taken by the board under 103120
divisions (A) and (B) of this section shall be taken pursuant to 103121
an adjudication under Chapter 119. of the Revised Code, except 103122
that in lieu of an adjudication, the board may enter into a 103123
consent agreement with an anesthesiologist assistant or 103124
applicant to resolve an allegation of a violation of this 103125
chapter or any rule adopted under it. A consent agreement, when 103126
ratified by an affirmative vote of not fewer than six members of 103127
the board, shall constitute the findings and order of the board 103128
with respect to the matter addressed in the agreement. If the 103129
board refuses to ratify a consent agreement, the admissions and 103130
findings contained in the consent agreement shall be of no force 103131
or effect. 103132

(E) For purposes of divisions (B) (11), (14), and (15) of 103133
this section, the commission of the act may be established by a 103134
finding by the board, pursuant to an adjudication under Chapter 103135
119. of the Revised Code, that the applicant or license holder 103136
committed the act in question. The board shall have no 103137
jurisdiction under these divisions in cases where the trial 103138
court renders a final judgment in the license holder's favor and 103139
that judgment is based upon an adjudication on the merits. The 103140
board shall have jurisdiction under these divisions in cases 103141
where the trial court issues an order of dismissal on technical 103142
or procedural grounds. 103143

(F) The sealing or expungement of conviction records by 103144
any court shall have no effect on a prior board order entered 103145
under the provisions of this section or on the board's 103146
jurisdiction to take action under the provisions of this section 103147

if, based upon a plea of guilty, a judicial finding of guilt, or 103148
a judicial finding of eligibility for intervention in lieu of 103149
conviction, the board issued a notice of opportunity for a 103150
hearing prior to the court's order to seal or expunge the 103151
records. The board shall not be required to seal, destroy, 103152
redact, or otherwise modify its records to reflect the court's 103153
sealing or expungement of conviction records. 103154

(G) For purposes of this division, any individual who 103155
holds a license to practice issued under this chapter, or 103156
applies for a license to practice, shall be deemed to have given 103157
consent to submit to a mental or physical examination when 103158
directed to do so in writing by the board and to have waived all 103159
objections to the admissibility of testimony or examination 103160
reports that constitute a privileged communication. 103161

(1) In enforcing division (B)(5) of this section, the 103162
board, on a showing of a possible violation, shall refer any 103163
individual who holds, or has applied for, a license issued under 103164
this chapter to the monitoring organization that conducts the 103165
confidential monitoring program established under section 103166
4731.25 of the Revised Code. The board also may compel the 103167
individual to this chapter to submit to a mental or physical 103168
examination, or both. A physical examination may include an HIV 103169
test. The expense of the examination is the responsibility of 103170
the individual compelled to be examined. Failure to submit to a 103171
mental or physical examination or consent to an HIV test ordered 103172
by the board constitutes an admission of the allegations against 103173
the individual unless the failure is due to circumstances beyond 103174
the individual's control, and a default and final order may be 103175
entered without the taking of testimony or presentation of 103176
evidence. If the board finds an anesthesiologist assistant 103177
unable to practice because of the reasons set forth in division 103178

(B) (5) of this section, the board shall require the 103179
anesthesiologist assistant to submit to care, counseling, or 103180
treatment by physicians approved or designated by the board, as 103181
a condition for an initial, continued, reinstated, or renewed 103182
license to practice. An individual affected by this division 103183
shall be afforded an opportunity to demonstrate to the board the 103184
ability to resume practicing in compliance with acceptable and 103185
prevailing standards of care. 103186

(2) For purposes of division (B) (6) of this section, if 103187
the board has reason to believe that any individual who holds a 103188
license to practice issued under this chapter or any applicant 103189
for a license to practice suffers such impairment, the board 103190
shall report the individual to the monitoring organization that 103191
conducts the confidential monitoring program established under 103192
section 4731.25 of the Revised Code. The board also may compel 103193
the individual to submit to a mental or physical examination, or 103194
both. The expense of the examination is the responsibility of 103195
the individual compelled to be examined. Any mental or physical 103196
examination required under this division shall be undertaken by 103197
a treatment provider or physician qualified to conduct such 103198
examination and approved under section 4731.251 of the Revised 103199
Code. 103200

Failure to submit to a mental or physical examination 103201
ordered by the board constitutes an admission of the allegations 103202
against the individual unless the failure is due to 103203
circumstances beyond the individual's control, and a default and 103204
final order may be entered without the taking of testimony or 103205
presentation of evidence. If the board determines that the 103206
individual's ability to practice is impaired, the board shall 103207
suspend the individual's license or deny the individual's 103208
application and shall require the individual, as a condition for 103209

an initial, continued, reinstated, or renewed license to 103210
practice, to submit to treatment. 103211

Before being eligible to apply for reinstatement of a 103212
license suspended under this division, the anesthesiologist 103213
assistant shall demonstrate to the board the ability to resume 103214
practice in compliance with acceptable and prevailing standards 103215
of care. The demonstration shall include the following: 103216

(a) Certification from a treatment provider approved under 103217
section 4731.251 of the Revised Code that the individual has 103218
successfully completed any required inpatient treatment; 103219

(b) Evidence of continuing full compliance with an 103220
aftercare contract or consent agreement; 103221

(c) Two written reports indicating that the individual's 103222
ability to practice has been assessed and that the individual 103223
has been found capable of practicing according to acceptable and 103224
prevailing standards of care. The reports shall be made by 103225
individuals or providers approved by the board for making such 103226
assessments and shall describe the basis for their 103227
determination. 103228

The board may reinstate a license suspended under this 103229
division after such demonstration and after the individual has 103230
entered into a written consent agreement. 103231

When the impaired anesthesiologist assistant resumes 103232
practice, the board shall require continued monitoring of the 103233
anesthesiologist assistant. The monitoring shall include 103234
monitoring of compliance with the written consent agreement 103235
entered into before reinstatement or with conditions imposed by 103236
board order after a hearing, and, on termination of the consent 103237
agreement, submission to the board for at least two years of 103238

annual written progress reports made under penalty of 103239
falsification stating whether the anesthesiologist assistant has 103240
maintained sobriety. 103241

(H) (1) If either of the following circumstances occur, the 103242
secretary and supervising member may recommend that the board 103243
suspend the individual's license without a prior hearing: 103244

(a) The secretary and supervising member determine that 103245
there is clear and convincing evidence that an anesthesiologist 103246
assistant has violated division (B) of this section and that the 103247
individual's continued practice presents a danger of immediate 103248
and serious harm to the public. 103249

(b) The board receives verifiable information that a 103250
licensee has been charged in any state or federal court for a 103251
crime classified as a felony under the charging court's law and 103252
the conduct charged constitutes a violation of division (B) of 103253
this section. 103254

(2) If a recommendation is made to suspend without a prior 103255
hearing pursuant to division (H) (1) of this section, written 103256
allegations shall be prepared for consideration by the board. 103257

The board, on review of the allegations and by an 103258
affirmative vote of not fewer than six of its members, excluding 103259
the secretary and supervising member, may suspend a license 103260
without a prior hearing. A telephone conference call may be 103261
utilized for reviewing the allegations and taking the vote on 103262
the summary suspension. 103263

The board shall serve a written order of suspension in 103264
accordance with sections 119.05 and 119.07 of the Revised Code. 103265
~~The order shall not be subject to suspension by the court during~~ 103266
~~pendency of any appeal filed under section 119.12 of the Revised~~ 103267

~~Code.~~—If the anesthesiologist assistant requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the anesthesiologist assistant requests the hearing, unless otherwise agreed to by both the board and the license holder.

(3) A summary suspension imposed under ~~this~~ division (H) (2) of this section is not a final appealable order and is not an adjudication that may be appealed under section 119.12 of the Revised Code. The summary suspension shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. Once a final adjudicative order has been issued by the board, any party adversely affected by it may file an appeal in accordance with the requirements of Chapter 119. of the Revised Code. ~~The~~

The board shall issue its final adjudicative order within sixty-seventy-five days after completion of its hearing. Failure to issue the order within sixty-seventy-five days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(I) If the board takes action under division (B) (11), (13), or (14) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, on exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. On receipt of a petition and supporting court documents, the board shall reinstate the license to practice. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the

individual committed the act in question. Notice of opportunity 103298
for hearing shall be given in accordance with Chapter 119. of 103299
the Revised Code. If the board finds, pursuant to an 103300
adjudication held under this division, that the individual 103301
committed the act, or if no hearing is requested, it may order 103302
any of the sanctions specified in division (B) of this section. 103303

(J) The license to practice of an anesthesiologist 103304
assistant and the assistant's practice in this state are 103305
automatically suspended as of the date the anesthesiologist 103306
assistant pleads guilty to, is found by a judge or jury to be 103307
guilty of, or is subject to a judicial finding of eligibility 103308
for intervention in lieu of conviction in this state or 103309
treatment or intervention in lieu of conviction in another 103310
jurisdiction for any of the following criminal offenses in this 103311
state or a substantially equivalent criminal offense in another 103312
jurisdiction: aggravated murder, murder, voluntary manslaughter, 103313
felonious assault, trafficking in persons, kidnapping, rape, 103314
sexual battery, gross sexual imposition, aggravated arson, 103315
aggravated robbery, or aggravated burglary. Continued practice 103316
after the suspension shall be considered practicing without a 103317
license. 103318

The board shall serve the individual subject to the 103319
suspension in accordance with sections 119.05 and 119.07 of the 103320
Revised Code. If an individual whose license is suspended under 103321
this division fails to make a timely request for an adjudication 103322
under Chapter 119. of the Revised Code, the board shall enter a 103323
final order permanently revoking the individual's license to 103324
practice. 103325

(K) In any instance in which the board is required by 103326
Chapter 119. of the Revised Code to give notice of opportunity 103327

for hearing and the individual subject to the notice does not 103328
timely request a hearing in accordance with section 119.07 of 103329
the Revised Code, the board is not required to hold a hearing, 103330
but may adopt, by an affirmative vote of not fewer than six of 103331
its members, a final order that contains the board's findings. 103332
In the final order, the board may order any of the sanctions 103333
identified under division (A) or (B) of this section. 103334

(L) Any action taken by the board under division (B) of 103335
this section resulting in a suspension shall be accompanied by a 103336
written statement of the conditions under which the 103337
anesthesiologist assistant's license may be reinstated. The 103338
board shall adopt rules in accordance with Chapter 119. of the 103339
Revised Code governing conditions to be imposed for 103340
reinstatement. Reinstatement of a license suspended pursuant to 103341
division (B) of this section requires an affirmative vote of not 103342
fewer than six members of the board. 103343

(M) When the board refuses to grant or issue a license to 103344
practice as an anesthesiologist assistant to an applicant, 103345
revokes an individual's license, refuses to renew an 103346
individual's license, or refuses to reinstate an individual's 103347
license, the board may specify that its action is permanent. An 103348
individual subject to a permanent action taken by the board is 103349
forever thereafter ineligible to hold a license to practice as 103350
an anesthesiologist assistant and the board shall not accept an 103351
application for reinstatement of the license or for issuance of 103352
a new license. 103353

(N) Notwithstanding any other provision of the Revised 103354
Code, all of the following apply: 103355

(1) The surrender of a license to practice issued under 103356
this chapter is not effective unless or until accepted by the 103357

board. Reinstatement of a license surrendered to the board 103358
requires an affirmative vote of not fewer than six members of 103359
the board. 103360

(2) An application made under this chapter for a license 103361
to practice may not be withdrawn without approval of the board. 103362

(3) Failure by an individual to renew a license to 103363
practice in accordance with section 4760.06 of the Revised Code 103364
does not remove or limit the board's jurisdiction to take 103365
disciplinary action under this section against the individual. 103366

(4) The placement of an individual's license on retired 103367
status, as described in section 4760.062 of the Revised Code, 103368
does not remove or limit the board's jurisdiction to take any 103369
disciplinary action against the individual with regard to the 103370
license as it existed before being placed on retired status. 103371

Sec. 4760.99. (A) Whoever violates section 4760.02 of the 103372
Revised Code is guilty of a misdemeanor of the first degree on a 103373
first offense; on each subsequent offense, the person is guilty 103374
of a felony of the fourth degree. 103375

(B) (1) Whoever violates division (B) (1), (C) (1), (C) (2), 103376
(D), or (E) of section 4760.16 of the Revised Code is guilty of 103377
a minor misdemeanor on a first offense; on each subsequent 103378
offense the person is guilty of a misdemeanor of the fourth 103379
degree, except that an individual guilty of a subsequent offense 103380
shall not be subject to imprisonment, but to a fine alone of up 103381
to one thousand dollars for each offense. 103382

(2) Whoever violates division (B) (2) or (C) (3) of section 103383
4760.16 of the Revised Code is guilty of ~~failure to report~~ 103384
~~criminal conduct or sexual misconduct,~~ a misdemeanor of the 103385
fourth degree. ~~If the offender has previously been convicted of~~ 103386

~~a violation of this division, the failure to report on a first~~ 103387
~~offense; on each subsequent offense, the person is guilty of a~~ 103388
misdemeanor of the first degree. 103389

(C) Whoever violates division (E) of section 4760.14 of 103390
the Revised Code is guilty of ~~disclosing confidential-~~ 103391
~~investigatory information,~~ a misdemeanor of the first degree. 103392

Sec. 4761.09. (A) The state medical board, by an 103393
affirmative vote of not fewer than six members, shall, except as 103394
provided in division (B) of this section, and to the extent 103395
permitted by law, limit, revoke, or suspend an individual's 103396
license or limited permit, refuse to issue a license or limited 103397
permit to an individual, refuse to renew a license or limited 103398
permit, refuse to reinstate a license or limited permit, or 103399
reprimand or place on probation the holder of a license or 103400
limited permit for one or more of the following reasons: 103401

(1) A plea of guilty to, a judicial finding of guilt of, 103402
or a judicial finding of eligibility for intervention in lieu of 103403
conviction for, a felony; 103404

(2) Commission of an act that constitutes a felony in this 103405
state, regardless of the jurisdiction in which the act was 103406
committed; 103407

(3) A plea of guilty to, a judicial finding of guilt of, 103408
or a judicial finding of eligibility for intervention in lieu of 103409
conviction for, a misdemeanor committed in the course of 103410
practice; 103411

(4) Commission of an act in the course of practice that 103412
constitutes a misdemeanor in this state, regardless of the 103413
jurisdiction in which the act was committed; 103414

(5) A plea of guilty to, a judicial finding of guilt of, 103415

or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

(6) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(7) Except when civil penalties are imposed under section 4761.091 of the Revised Code, violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or the rules adopted by the board;

(8) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of respiratory care; or in securing or attempting to secure any license or permit issued by the board under this chapter.

As used in division (A) (8) of this section, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) Committing fraud during the administration of the examination for a license to practice or committing fraud, misrepresentation, or deception in applying for, renewing, or securing any license or permit issued by the board;

(10) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or

similar circumstances, whether or not actual injury to a patient 103445
is established; 103446

(11) Violating the standards of ethical conduct adopted by 103447
the board, in the practice of respiratory care; 103448

(12) The obtaining of, or attempting to obtain, money or 103449
anything of value by fraudulent misrepresentations in the course 103450
of practice; 103451

(13) Violation of the conditions of limitation placed by 103452
the board upon a license or permit; 103453

(14) Inability to practice according to acceptable and 103454
prevailing standards of care by reason of mental illness or 103455
physical illness, including physical deterioration that 103456
adversely affects cognitive, motor, or perceptive skills; 103457

(15) Any of the following actions taken by an agency 103458
responsible for authorizing, certifying, or regulating an 103459
individual to practice a health care occupation or provide 103460
health care services in this state or another jurisdiction, for 103461
any reason other than the nonpayment of fees: the limitation, 103462
revocation, or suspension of an individual's license; acceptance 103463
of an individual's license surrender; denial of a license; 103464
refusal to renew or reinstate a license; imposition of 103465
probation; or issuance of an order of censure or other 103466
reprimand; 103467

(16) The revocation, suspension, restriction, reduction, 103468
or termination of practice privileges by the United States 103469
department of defense or department of veterans affairs; 103470

(17) Termination or suspension from participation in the 103471
medicare or medicaid programs by the department of health and 103472
human services or other responsible agency for any act or acts 103473

that also would constitute a violation of division (A) (10), 103474
(12), or (14) of this section; 103475

(18) Impairment of ability to practice according to 103476
acceptable and prevailing standards of care because of substance 103477
use disorder or excessive use or abuse of drugs, alcohol, or 103478
other substances that may impair ability to practice; 103479

(19) Failure to cooperate in an investigation conducted by 103480
the board under division (E) of section 4761.03 of the Revised 103481
Code, including failure to comply with a subpoena or order 103482
issued by the board or failure to answer truthfully a question 103483
presented by the board in an investigative interview, an 103484
investigative office conference, at a deposition, or in written 103485
interrogatories, except that failure to cooperate with an 103486
investigation shall not constitute grounds for discipline under 103487
this section if a court of competent jurisdiction has issued an 103488
order that either quashes a subpoena or permits the individual 103489
to withhold the testimony or evidence in issue; 103490

(20) Practicing in an area of respiratory care for which 103491
the person is clearly untrained or incompetent or practicing in 103492
a manner that conflicts with section 4761.17 of the Revised 103493
Code; 103494

(21) Employing, directing, or supervising a person who is 103495
not authorized to practice respiratory care under this chapter 103496
in the performance of respiratory care procedures; 103497

(22) Misrepresenting educational attainments or authorized 103498
functions for the purpose of obtaining some benefit related to 103499
the practice of respiratory care; 103500

(23) Assisting suicide as defined in section 3795.01 of 103501
the Revised Code; 103502

(24) Representing, with the purpose of obtaining 103503
compensation or other advantage as personal gain or for any 103504
other person, that an incurable disease or injury, or other 103505
incurable condition, can be permanently cured. 103506

Disciplinary actions taken by the board under division (A) 103507
of this section shall be taken pursuant to an adjudication under 103508
Chapter 119. of the Revised Code, except that in lieu of an 103509
adjudication, the board may enter into a consent agreement with 103510
an individual to resolve an allegation of a violation of this 103511
chapter or any rule adopted under it. A consent agreement, when 103512
ratified by an affirmative vote of not fewer than six members of 103513
the board, shall constitute the findings and order of the board 103514
with respect to the matter addressed in the agreement. If the 103515
board refuses to ratify a consent agreement, the admissions and 103516
findings contained in the consent agreement shall be of no 103517
effect. 103518

A telephone conference call may be utilized for 103519
ratification of a consent agreement that revokes or suspends an 103520
individual's license or permit. The telephone conference call 103521
shall be considered a special meeting under division (F) of 103522
section 121.22 of the Revised Code. 103523

(B) The board shall not refuse to issue a license or 103524
limited permit to an applicant because of a plea of guilty to, a 103525
judicial finding of guilt of, or a judicial finding of 103526
eligibility for intervention in lieu of conviction for an 103527
offense unless the refusal is in accordance with section 9.79 of 103528
the Revised Code. 103529

(C) Any action taken by the board under division (A) of 103530
this section resulting in a suspension from practice shall be 103531
accompanied by a written statement of the conditions under which 103532

the individual's license or permit may be reinstated. The board 103533
shall adopt rules governing conditions to be imposed for 103534
reinstatement. Reinstatement of a license or permit suspended 103535
pursuant to division (A) of this section requires an affirmative 103536
vote of not fewer than six members of the board. 103537

(D) When the board refuses to grant or issue a license or 103538
permit to an applicant, revokes an individual's license or 103539
permit, refuses to renew an individual's license or permit, or 103540
refuses to reinstate an individual's license or permit, the 103541
board may specify that its action is permanent. An individual 103542
subject to a permanent action taken by the board is forever 103543
thereafter ineligible to hold a license or permit and the board 103544
shall not accept an application for reinstatement of the license 103545
or permit or for issuance of a new license or permit. 103546

(E) If the board is required by Chapter 119. of the 103547
Revised Code to give notice of an opportunity for a hearing and 103548
if the individual subject to the notice does not timely request 103549
a hearing in accordance with section 119.07 of the Revised Code, 103550
the board is not required to hold a hearing, but may adopt, by 103551
an affirmative vote of not fewer than six of its members, a 103552
final order that contains the board's findings. In the final 103553
order, the board may order any of the sanctions identified under 103554
division (A) of this section. 103555

(F) In enforcing division (A) (14) of this section, the 103556
board, upon a showing of a possible violation, shall refer any 103557
individual authorized to practice by this chapter or who has 103558
submitted an application pursuant to this chapter to the 103559
monitoring organization that conducts the confidential 103560
monitoring program established under section 4731.25 of the 103561
Revised Code. The board also may compel the individual to submit 103562

to a mental examination, physical examination, including an HIV 103563
test, or both a mental and a physical examination. The expense 103564
of the examination is the responsibility of the individual 103565
compelled to be examined. Failure to submit to a mental or 103566
physical examination or consent to an HIV test ordered by the 103567
board constitutes an admission of the allegations against the 103568
individual unless the failure is due to circumstances beyond the 103569
individual's control, and a default and final order may be 103570
entered without the taking of testimony or presentation of 103571
evidence. If the board finds an individual unable to practice 103572
because of the reasons set forth in division (A) (14) of this 103573
section, the board shall require the individual to submit to 103574
care, counseling, or treatment by physicians approved or 103575
designated by the board, as a condition for initial, continued, 103576
reinstated, or renewed authority to practice. An individual 103577
affected under this division shall be afforded an opportunity to 103578
demonstrate to the board the ability to resume practice in 103579
compliance with acceptable and prevailing standards under the 103580
provisions of the individual's license or permit. For the 103581
purpose of division (A) (14) of this section, any individual who 103582
applies for or receives a license or permit to practice under 103583
this chapter accepts the privilege of practicing in this state 103584
and, by so doing, shall be deemed to have given consent to 103585
submit to a mental or physical examination when directed to do 103586
so in writing by the board, and to have waived all objections to 103587
the admissibility of testimony or examination reports that 103588
constitute a privileged communication. 103589

(G) For the purposes of division (A) (18) of this section, 103590
any individual authorized to practice by this chapter accepts 103591
the privilege of practicing in this state subject to supervision 103592
by the board. By filing an application for or holding a license 103593

or permit under this chapter, an individual shall be deemed to 103594
have given consent to submit to a mental or physical examination 103595
when ordered to do so by the board in writing, and to have 103596
waived all objections to the admissibility of testimony or 103597
examination reports that constitute privileged communications. 103598

If it has reason to believe that any individual authorized 103599
to practice by this chapter or any applicant for a license or 103600
permit suffers such impairment, the board shall refer the 103601
individual to the monitoring organization that conducts the 103602
confidential monitoring program established under section 103603
4731.25 of the Revised Code. The board also may compel the 103604
individual to submit to a mental or physical examination, or 103605
both. The expense of the examination is the responsibility of 103606
the individual compelled to be examined. Any mental or physical 103607
examination required under this division shall be undertaken by 103608
a treatment provider or physician who is qualified to conduct 103609
the examination and who is approved under section 4731.251 of 103610
the Revised Code. 103611

Failure to submit to a mental or physical examination 103612
ordered by the board constitutes an admission of the allegations 103613
against the individual unless the failure is due to 103614
circumstances beyond the individual's control, and a default and 103615
final order may be entered without the taking of testimony or 103616
presentation of evidence. If the board determines that the 103617
individual's ability to practice is impaired, the board shall 103618
suspend the individual's license or permit or deny the 103619
individual's application and shall require the individual, as a 103620
condition for an initial, continued, reinstated, or renewed 103621
license or permit, to submit to treatment. 103622

Before being eligible to apply for reinstatement of a 103623

license or permit suspended under this division, the impaired 103624
practitioner shall demonstrate to the board the ability to 103625
resume practice in compliance with acceptable and prevailing 103626
standards of care under the provisions of the practitioner's 103627
license or permit. The demonstration shall include, but shall 103628
not be limited to, the following: 103629

(1) Certification from a treatment provider approved under 103630
section 4731.251 of the Revised Code that the individual has 103631
successfully completed any required inpatient treatment; 103632

(2) Evidence of continuing full compliance with an 103633
aftercare contract or consent agreement; 103634

(3) Two written reports indicating that the individual's 103635
ability to practice has been assessed and that the individual 103636
has been found capable of practicing according to acceptable and 103637
prevailing standards of care. The reports shall be made by 103638
individuals or providers approved by the board for making the 103639
assessments and shall describe the basis for their 103640
determination. 103641

The board may reinstate a license or permit suspended 103642
under this division after that demonstration and after the 103643
individual has entered into a written consent agreement. 103644

When the impaired practitioner resumes practice, the board 103645
shall require continued monitoring of the individual. The 103646
monitoring shall include, but not be limited to, compliance with 103647
the written consent agreement entered into before reinstatement 103648
or with conditions imposed by board order after a hearing, and, 103649
upon termination of the consent agreement, submission to the 103650
board for at least two years of annual written progress reports 103651
made under penalty of perjury stating whether the individual has 103652

maintained sobriety. 103653

(H) (1) If either of the following circumstances occur, the 103654
secretary and supervising member may recommend that the board 103655
suspend an individual's license or permit without a prior 103656
hearing: 103657

(a) The secretary and supervising member determine both of 103658
the following: 103659

(i) That there is clear and convincing evidence that an 103660
individual has violated division (A) of this section; 103661

(ii) That the individual's continued practice presents a 103662
danger of immediate and serious harm to the public. 103663

(b) The board receives verifiable information that a 103664
licensee has been charged in any state or federal court for a 103665
crime classified as a felony under the charging court's law and 103666
the conduct charged constitutes a violation of division (A) of 103667
this section. 103668

(2) If a recommendation is made to suspend without a prior 103669
hearing pursuant to division (H) (1) of this section, written 103670
allegations shall be prepared for consideration by the board. 103671
The board, upon review of those allegations and by an 103672
affirmative vote of not fewer than six of its members, excluding 103673
the secretary and supervising member, may suspend a license or 103674
permit without a prior hearing. A telephone conference call may 103675
be utilized for reviewing the allegations and taking the vote on 103676
the summary suspension. 103677

The board shall serve a written order of suspension in 103678
accordance with sections 119.05 and 119.07 of the Revised Code. 103679
~~The order shall not be subject to suspension by the court during~~ 103680
~~pendency of any appeal filed under section 119.12 of the Revised~~ 103681

~~Code.~~—If the individual subject to the summary suspension 103682
requests an adjudicatory hearing by the board, the date set for 103683
the hearing shall be within fifteen days, but not earlier than 103684
seven days, after the individual requests the hearing, unless 103685
otherwise agreed to by both the board and the individual. 103686

(3) Any summary suspension imposed under ~~this~~ division (H) 103687
(2) of this section is not a final appealable order and is not 103688
an adjudication that may be appealed under section 119.12 of the 103689
Revised Code. The summary suspension shall remain in effect, 103690
~~unless reversed on appeal,~~ until a final adjudicative order 103691
issued by the board pursuant to this section and Chapter 119. of 103692
the Revised Code becomes effective. Once a final adjudicative 103693
order has been issued by the board, any party adversely affected 103694
by it may file an appeal in accordance with the requirements of 103695
Chapter 119. of the Revised Code. ~~The~~ 103696

The board shall issue its final adjudicative order within 103697
seventy-five days after completion of its hearing. A failure to 103698
issue the order within seventy-five days shall result in 103699
dissolution of the summary suspension order but shall not 103700
invalidate any subsequent, final adjudicative order. 103701

(I) For purposes of divisions (A) (2), (4), and (6) of this 103702
section, the commission of the act may be established by a 103703
finding by the board, pursuant to an adjudication under Chapter 103704
119. of the Revised Code, that the individual committed the act. 103705
The board does not have jurisdiction under those divisions if 103706
the trial court renders a final judgment in the individual's 103707
favor and that judgment is based upon an adjudication on the 103708
merits. The board has jurisdiction under those divisions if the 103709
trial court issues an order of dismissal upon technical or 103710
procedural grounds. 103711

(J) The sealing or expungement of conviction records by 103712
any court shall have no effect upon a prior board order entered 103713
under this section or upon the board's jurisdiction to take 103714
action under this section if, based upon a plea of guilty, a 103715
judicial finding of guilt, or a judicial finding of eligibility 103716
for intervention in lieu of conviction, the board issued a 103717
notice of opportunity for a hearing prior to the court's order 103718
to seal or expunge the records. The board shall not be required 103719
to seal, destroy, redact, or otherwise modify its records to 103720
reflect the court's sealing or expungement of conviction 103721
records. 103722

(K) If the board takes action under division (A) (1), (3), 103723
or (5) of this section, and the judicial finding of guilt, 103724
guilty plea, or judicial finding of eligibility for intervention 103725
in lieu of conviction is overturned on appeal, upon exhaustion 103726
of the criminal appeal, a petition for reconsideration of the 103727
order may be filed with the board along with appropriate court 103728
documents. Upon receipt of a petition for reconsideration and 103729
supporting court documents, the board shall reinstate the 103730
individual's license or permit. The board may then hold an 103731
adjudication under Chapter 119. of the Revised Code to determine 103732
whether the individual committed the act in question. Notice of 103733
an opportunity for a hearing shall be given in accordance with 103734
Chapter 119. of the Revised Code. If the board finds, pursuant 103735
to an adjudication held under this division, that the individual 103736
committed the act or if no hearing is requested, the board may 103737
order any of the sanctions identified under division (A) of this 103738
section. 103739

(L) The license or permit issued to an individual under 103740
this chapter and the individual's practice in this state are 103741
automatically suspended as of the date the individual pleads 103742

guilty to, is found by a judge or jury to be guilty of, or is 103743
subject to a judicial finding of eligibility for intervention in 103744
lieu of conviction in this state or treatment or intervention in 103745
lieu of conviction in another jurisdiction for any of the 103746
following criminal offenses in this state or a substantially 103747
equivalent criminal offense in another jurisdiction: aggravated 103748
murder, murder, voluntary manslaughter, felonious assault, 103749
trafficking in persons, kidnapping, rape, sexual battery, gross 103750
sexual imposition, aggravated arson, aggravated robbery, or 103751
aggravated burglary. Continued practice after suspension shall 103752
be considered practicing without a license or permit. 103753

The board shall serve the individual subject to the 103754
suspension in accordance with sections 119.05 and 119.07 of the 103755
Revised Code. If an individual whose license or permit is 103756
automatically suspended under this division fails to make a 103757
timely request for an adjudication under Chapter 119. of the 103758
Revised Code, the board shall enter a final order permanently 103759
revoking the individual's license or permit. 103760

(M) Notwithstanding any other provision of the Revised 103761
Code, all of the following apply: 103762

(1) The surrender of a license or permit issued under this 103763
chapter shall not be effective unless or until accepted by the 103764
board. A telephone conference call may be utilized for 103765
acceptance of the surrender of an individual's license or 103766
permit. The telephone conference call shall be considered a 103767
special meeting under division (F) of section 121.22 of the 103768
Revised Code. Reinstatement of a license or permit surrendered 103769
to the board requires an affirmative vote of not fewer than six 103770
members of the board. 103771

(2) An application for a license or permit made under the 103772

provisions of this chapter may not be withdrawn without approval of the board. 103773
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(3) Failure by an individual to renew a license or permit in accordance with this chapter does not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual. 103775
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(4) The placement of an individual's license on retired status, as described in section 4761.062 of the Revised Code, does not remove or limit the board's jurisdiction to take any disciplinary action against the individual with regard to the license as it existed before being placed on retired status. 103779
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(5) At the request of the board, a license or permit holder shall immediately surrender to the board a license or permit that the board has suspended, revoked, or permanently revoked. 103784
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Sec. 4761.99. Whoever violates division (A) of section 4761.10 of the Revised Code is guilty of a minor misdemeanor on a first offense. On a second offense, the person is guilty of a misdemeanor of the fourth degree. On each subsequent offense, the person is guilty of a misdemeanor of the first degree. 103788
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Whoever violates division (B) (2) or (C) of section 4761.14 of the Revised Code is guilty of ~~failure to report criminal conduct or sexual misconduct,~~ a misdemeanor of the fourth degree. ~~If the offender has previously been convicted of a violation of this division, the failure to report;~~ on each subsequent offense, the person is guilty of a misdemeanor of the first degree. 103793
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Whoever violates division (E) (5) of section 4761.03 of the Revised Code is guilty of ~~disclosing confidential investigatory~~ 103800
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~~information,~~ a misdemeanor of the first degree. 103802

Sec. 4762.13. (A) The state medical board, by an 103803
affirmative vote of not fewer than six members, may refuse to 103804
grant a license to practice as an oriental medicine practitioner 103805
or license to practice as an acupuncturist to, or may revoke the 103806
license held by, an individual found by the board to have 103807
committed fraud, misrepresentation, or deception in applying for 103808
or securing the license. 103809

(B) The board, by an affirmative vote of not fewer than 103810
six members, shall, except as provided in division (C) of this 103811
section, and to the extent permitted by law, limit, revoke, or 103812
suspend an individual's license to practice, refuse to issue a 103813
license to an applicant, refuse to renew a license, refuse to 103814
reinstate a license, or reprimand or place on probation the 103815
holder of a license for any of the following reasons: 103816

(1) Permitting the holder's name or license to be used by 103817
another person; 103818

(2) Failure to comply with the requirements of this 103819
chapter, Chapter 4731. of the Revised Code, or any rules adopted 103820
by the board; 103821

(3) Violating or attempting to violate, directly or 103822
indirectly, or assisting in or abetting the violation of, or 103823
conspiring to violate, any provision of this chapter, Chapter 103824
4731. of the Revised Code, or the rules adopted by the board; 103825

(4) A departure from, or failure to conform to, minimal 103826
standards of care of similar practitioners under the same or 103827
similar circumstances whether or not actual injury to the 103828
patient is established; 103829

(5) Inability to practice according to acceptable and 103830

prevailing standards of care by reason of mental illness or 103831
physical illness, including physical deterioration that 103832
adversely affects cognitive, motor, or perceptive skills; 103833

(6) Impairment of ability to practice according to 103834
acceptable and prevailing standards of care because of substance 103835
use disorder or excessive use or abuse of drugs, alcohol, or 103836
other substances that may impair ability to practice; 103837

(7) Willfully betraying a professional confidence; 103838

(8) Making a false, fraudulent, deceptive, or misleading 103839
statement in soliciting or advertising for patients or in 103840
securing or attempting to secure a license to practice as an 103841
oriental medicine practitioner or license to practice as an 103842
acupuncturist. 103843

As used in this division, "false, fraudulent, deceptive, 103844
or misleading statement" means a statement that includes a 103845
misrepresentation of fact, is likely to mislead or deceive 103846
because of a failure to disclose material facts, is intended or 103847
is likely to create false or unjustified expectations of 103848
favorable results, or includes representations or implications 103849
that in reasonable probability will cause an ordinarily prudent 103850
person to misunderstand or be deceived. 103851

(9) Representing, with the purpose of obtaining 103852
compensation or other advantage personally or for any other 103853
person, that an incurable disease or injury, or other incurable 103854
condition, can be permanently cured; 103855

(10) The obtaining of, or attempting to obtain, money or a 103856
thing of value by fraudulent misrepresentations in the course of 103857
practice; 103858

(11) A plea of guilty to, a judicial finding of guilt of, 103859

or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 103860
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(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 103862
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(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 103865
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(14) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 103869
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(15) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 103872
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(16) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 103875
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(17) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs; 103878
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(18) Any of the following actions taken by the state agency responsible for regulating the practice of oriental medicine or acupuncture in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; 103883
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refusal to renew or reinstate a license; imposition of	103889
probation; or issuance of an order of censure or other	103890
reprimand;	103891
(19) Violation of the conditions placed by the board on a	103892
license to practice as an oriental medicine practitioner or	103893
license to practice as an acupuncturist;	103894
(20) Failure to use universal blood and body fluid	103895
precautions established by rules adopted under section 4731.051	103896
of the Revised Code;	103897
(21) Failure to cooperate in an investigation conducted by	103898
the board under section 4762.14 of the Revised Code, including	103899
failure to comply with a subpoena or order issued by the board	103900
or failure to answer truthfully a question presented by the	103901
board at a deposition or in written interrogatories, except that	103902
failure to cooperate with an investigation shall not constitute	103903
grounds for discipline under this section if a court of	103904
competent jurisdiction has issued an order that either quashes a	103905
subpoena or permits the individual to withhold the testimony or	103906
evidence in issue;	103907
(22) Failure to comply with the standards of the national	103908
certification commission for acupuncture and oriental medicine	103909
regarding professional ethics, commitment to patients,	103910
commitment to the profession, and commitment to the public;	103911
(23) Failure to have adequate professional liability	103912
insurance coverage in accordance with section 4762.22 of the	103913
Revised Code;	103914
(24) Failure to maintain a current and active designation	103915
as a diplomate in oriental medicine, diplomate of acupuncture	103916
and Chinese herbology, or diplomate in acupuncture, as	103917

applicable, from the national certification commission for 103918
acupuncture and oriental medicine, including revocation by the 103919
commission of the individual's designation, failure by the 103920
individual to meet the commission's requirements for 103921
redesignation, or failure to notify the board that the 103922
appropriate designation has not been maintained. 103923

(C) The board shall not refuse to issue a certificate to 103924
an applicant because of a plea of guilty to, a judicial finding 103925
of guilt of, or a judicial finding of eligibility for 103926
intervention in lieu of conviction for an offense unless the 103927
refusal is in accordance with section 9.79 of the Revised Code. 103928

(D) Disciplinary actions taken by the board under 103929
divisions (A) and (B) of this section shall be taken pursuant to 103930
an adjudication under Chapter 119. of the Revised Code, except 103931
that in lieu of an adjudication, the board may enter into a 103932
consent agreement with an oriental medicine practitioner or 103933
acupuncturist or applicant to resolve an allegation of a 103934
violation of this chapter or any rule adopted under it. A 103935
consent agreement, when ratified by an affirmative vote of not 103936
fewer than six members of the board, shall constitute the 103937
findings and order of the board with respect to the matter 103938
addressed in the agreement. If the board refuses to ratify a 103939
consent agreement, the admissions and findings contained in the 103940
consent agreement shall be of no force or effect. 103941

(E) For purposes of divisions (B) (12), (15), and (16) of 103942
this section, the commission of the act may be established by a 103943
finding by the board, pursuant to an adjudication under Chapter 103944
119. of the Revised Code, that the applicant or license holder 103945
committed the act in question. The board shall have no 103946
jurisdiction under these divisions in cases where the trial 103947

court renders a final judgment in the license holder's favor and 103948
that judgment is based upon an adjudication on the merits. The 103949
board shall have jurisdiction under these divisions in cases 103950
where the trial court issues an order of dismissal upon 103951
technical or procedural grounds. 103952

(F) The sealing or expungement of conviction records by 103953
any court shall have no effect upon a prior board order entered 103954
under the provisions of this section or upon the board's 103955
jurisdiction to take action under the provisions of this section 103956
if, based upon a plea of guilty, a judicial finding of guilt, or 103957
a judicial finding of eligibility for intervention in lieu of 103958
conviction, the board issued a notice of opportunity for a 103959
hearing or entered into a consent agreement prior to the court's 103960
order to seal or expunge the records. The board shall not be 103961
required to seal, destroy, redact, or otherwise modify its 103962
records to reflect the court's sealing or expungement of 103963
conviction records. 103964

(G) For purposes of this division, any individual who 103965
holds a license to practice issued under this chapter, or 103966
applies for a license to practice, shall be deemed to have given 103967
consent to submit to a mental or physical examination when 103968
directed to do so in writing by the board and to have waived all 103969
objections to the admissibility of testimony or examination 103970
reports that constitute a privileged communication. 103971

(1) In enforcing division (B) (5) of this section, the 103972
board, upon a showing of a possible violation, shall refer any 103973
individual who holds, or has applied for, a license under this 103974
chapter to the monitoring organization that conducts the 103975
confidential monitoring program established under section 103976
4731.25 of the Revised Code. The board also may compel the 103977

individual to submit to a mental examination, physical 103978
examination, including an HIV test, or both a mental and 103979
physical examination. The expense of the examination is the 103980
responsibility of the individual compelled to be examined. 103981
Failure to submit to a mental or physical examination or consent 103982
to an HIV test ordered by the board constitutes an admission of 103983
the allegations against the individual unless the failure is due 103984
to circumstances beyond the individual's control, and a default 103985
and final order may be entered without the taking of testimony 103986
or presentation of evidence. If the board finds an oriental 103987
medicine practitioner or acupuncturist unable to practice 103988
because of the reasons set forth in division (B) (5) of this 103989
section, the board shall require the individual to submit to 103990
care, counseling, or treatment by physicians approved or 103991
designated by the board, as a condition for an initial, 103992
continued, reinstated, or renewed license to practice. An 103993
individual affected by this division shall be afforded an 103994
opportunity to demonstrate to the board the ability to resume 103995
practicing in compliance with acceptable and prevailing 103996
standards of care. 103997

(2) For purposes of division (B) (6) of this section, if 103998
the board has reason to believe that any individual who holds a 103999
license to practice issued under this chapter or any applicant 104000
for a license suffers such impairment, the board shall refer the 104001
individual to the monitoring organization that conducts the 104002
confidential monitoring program established under section 104003
4731.25 of the Revised Code. The board also may compel the 104004
individual to submit to a mental or physical examination, or 104005
both. The expense of the examination is the responsibility of 104006
the individual compelled to be examined. Any mental or physical 104007
examination required under this division shall be undertaken by 104008

a treatment provider or physician qualified to conduct such 104009
examination and approved under section 4731.251 of the Revised 104010
Code. 104011

Failure to submit to a mental or physical examination 104012
ordered by the board constitutes an admission of the allegations 104013
against the individual unless the failure is due to 104014
circumstances beyond the individual's control, and a default and 104015
final order may be entered without the taking of testimony or 104016
presentation of evidence. If the board determines that the 104017
individual's ability to practice is impaired, the board shall 104018
suspend the individual's license or deny the individual's 104019
application and shall require the individual, as a condition for 104020
an initial, continued, reinstated, or renewed license, to submit 104021
to treatment. 104022

Before being eligible to apply for reinstatement of a 104023
license suspended under this division, the oriental medicine 104024
practitioner or acupuncturist shall demonstrate to the board the 104025
ability to resume practice in compliance with acceptable and 104026
prevailing standards of care. The demonstration shall include 104027
the following: 104028

(a) Certification from a treatment provider approved under 104029
section 4731.251 of the Revised Code that the individual has 104030
successfully completed any required inpatient treatment; 104031

(b) Evidence of continuing full compliance with an 104032
aftercare contract or consent agreement; 104033

(c) Two written reports indicating that the individual's 104034
ability to practice has been assessed and that the individual 104035
has been found capable of practicing according to acceptable and 104036
prevailing standards of care. The reports shall be made by 104037

individuals or providers approved by the board for making such 104038
assessments and shall describe the basis for their 104039
determination. 104040

The board may reinstate a license suspended under this 104041
division after such demonstration and after the individual has 104042
entered into a written consent agreement. 104043

When the impaired individual resumes practice, the board 104044
shall require continued monitoring of the individual. The 104045
monitoring shall include monitoring of compliance with the 104046
written consent agreement entered into before reinstatement or 104047
with conditions imposed by board order after a hearing, and, 104048
upon termination of the consent agreement, submission to the 104049
board for at least two years of annual written progress reports 104050
made under penalty of falsification stating whether the 104051
individual has maintained sobriety. 104052

(H) (1) If either of the following circumstances occur, the 104053
secretary and supervising member may recommend that the board 104054
suspend an individual's license to practice without a prior 104055
hearing: 104056

(a) The secretary and supervising member determine both of 104057
the following: 104058

(i) That there is clear and convincing evidence that an 104059
oriental medicine practitioner or acupuncturist has violated 104060
division (B) of this section; 104061

(ii) That the individual's continued practice presents a 104062
danger of immediate and serious harm to the public. 104063

(b) The board receives verifiable information that a 104064
licensee has been charged in any state or federal court for a 104065
crime classified as a felony under the charging court's law and 104066

the conduct charged constitutes a violation of division (B) of 104067
this section. 104068

(2) If a recommendation is made to suspend without a prior 104069
hearing pursuant to division (H) (1) of this section, written 104070
allegations shall be prepared for consideration by the board. 104071
The board, upon review of the allegations and by an affirmative 104072
vote of not fewer than six of its members, excluding the 104073
secretary and supervising member, may suspend a license without 104074
a prior hearing. A telephone conference call may be utilized for 104075
reviewing the allegations and taking the vote on the summary 104076
suspension. 104077

The board shall serve a written order of suspension in 104078
accordance with sections 119.05 and 119.07 of the Revised Code. 104079
~~The order shall not be subject to suspension by the court during~~ 104080
~~pendency of any appeal filed under section 119.12 of the Revised~~ 104081
~~Code.~~ If the oriental medicine practitioner or acupuncturist 104082
requests an adjudicatory hearing by the board, the date set for 104083
the hearing shall be within fifteen days, but not earlier than 104084
seven days, after the hearing is requested, unless otherwise 104085
agreed to by both the board and the license holder. 104086

(3) A summary suspension imposed under ~~this~~ division (H) 104087
(2) of this section is not a final appealable order and is not 104088
an adjudication that may be appealed under section 119.12 of the 104089
Revised Code. The summary suspension shall remain in effect, 104090
~~unless reversed on appeal,~~ until a final adjudicative order 104091
issued by the board pursuant to this section and Chapter 119. of 104092
the Revised Code becomes effective. Once a final adjudicative 104093
order has been issued by the board, any party adversely affected 104094
by it may file an appeal in accordance with the requirements of 104095
Chapter 119. of the Revised Code. ~~The~~ 104096

The board shall issue its final adjudicative order within ~~sixty-seventy-five~~ days after completion of its hearing. Failure to issue the order within ~~sixty-seventy-five~~ days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(I) If the board takes action under division (B) (11), (13), or (14) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. Upon receipt of a petition and supporting court documents, the board shall reinstate the license. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of opportunity for hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act, or if no hearing is requested, it may order any of the sanctions specified in division (B) of this section.

(J) The license to practice of an oriental medicine practitioner or acupuncturist and the practitioner's or acupuncturist's practice in this state are automatically suspended as of the date the practitioner or acupuncturist pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another

jurisdiction: aggravated murder, murder, voluntary manslaughter, 104128
felonious assault, trafficking in persons, kidnapping, rape, 104129
sexual battery, gross sexual imposition, aggravated arson, 104130
aggravated robbery, or aggravated burglary. Continued practice 104131
after the suspension shall be considered practicing without a 104132
license. 104133

The board shall serve the individual subject to the 104134
suspension in accordance with sections 119.05 and 119.07 of the 104135
Revised Code. If an individual whose license is suspended under 104136
this division fails to make a timely request for an adjudication 104137
under Chapter 119. of the Revised Code, the board shall enter a 104138
final order permanently revoking the individual's license. 104139

(K) In any instance in which the board is required by 104140
Chapter 119. of the Revised Code to give notice of opportunity 104141
for hearing and the individual subject to the notice does not 104142
timely request a hearing in accordance with section 119.07 of 104143
the Revised Code, the board is not required to hold a hearing, 104144
but may adopt, by an affirmative vote of not fewer than six of 104145
its members, a final order that contains the board's findings. 104146
In the final order, the board may order any of the sanctions 104147
identified under division (A) or (B) of this section. 104148

(L) Any action taken by the board under division (B) of 104149
this section resulting in a suspension shall be accompanied by a 104150
written statement of the conditions under which the license may 104151
be reinstated. The board shall adopt rules in accordance with 104152
Chapter 119. of the Revised Code governing conditions to be 104153
imposed for reinstatement. Reinstatement of a license suspended 104154
pursuant to division (B) of this section requires an affirmative 104155
vote of not fewer than six members of the board. 104156

(M) When the board refuses to grant or issue a license to 104157

an applicant, revokes an individual's license, refuses to renew 104158
an individual's license, or refuses to reinstate an individual's 104159
license, the board may specify that its action is permanent. An 104160
individual subject to a permanent action taken by the board is 104161
forever thereafter ineligible to hold a license to practice as 104162
an oriental medicine practitioner or license to practice as an 104163
acupuncturist and the board shall not accept an application for 104164
reinstatement of the license or for issuance of a new license. 104165

(N) Notwithstanding any other provision of the Revised 104166
Code, all of the following apply: 104167

(1) The surrender of a license to practice as an oriental 104168
medicine practitioner or license to practice as an acupuncturist 104169
issued under this chapter is not effective unless or until 104170
accepted by the board. Reinstatement of a license surrendered to 104171
the board requires an affirmative vote of not fewer than six 104172
members of the board. 104173

(2) An application made under this chapter for a license 104174
may not be withdrawn without approval of the board. 104175

(3) Failure by an individual to renew a license in 104176
accordance with section 4762.06 of the Revised Code does not 104177
remove or limit the board's jurisdiction to take disciplinary 104178
action under this section against the individual. 104179

(4) The placement of an individual's license on retired 104180
status, as described in section 4762.062 of the Revised Code, 104181
does not remove or limit the board's jurisdiction to take any 104182
disciplinary action against the individual with regard to the 104183
license as it existed before being placed on retired status. 104184

Sec. 4762.99. (A) Whoever violates section 4762.02 of the 104185
Revised Code is guilty of a misdemeanor of the first degree on a 104186

first offense; on each subsequent offense, the person is guilty 104187
of a felony of the fourth degree. 104188

(B) (1) Whoever violates division (B) (1), (C) (1), (C) (2), 104189
(D), or (E) of section 4762.16 of the Revised Code is guilty of 104190
a minor misdemeanor on a first offense; on each subsequent 104191
offense the person is guilty of a misdemeanor of the fourth 104192
degree, except that an individual guilty of a subsequent offense 104193
shall not be subject to imprisonment, but to a fine alone of up 104194
to one thousand dollars for each offense. 104195

(2) Whoever violates division (B) (2) or (C) (3) of section 104196
4762.16 of the Revised Code is guilty of ~~failure to report~~ 104197
~~criminal conduct or sexual misconduct,~~ a misdemeanor of the 104198
fourth degree. ~~If the offender has previously been convicted of~~ 104199
~~a violation of this division, the failure to report on a first~~ 104200
offense; on each subsequent offense, the person is guilty of a 104201
misdemeanor of the first degree. 104202

(C) Whoever violates division (E) of section 4762.14 of 104203
the Revised Code is guilty of ~~disclosing confidential~~ 104204
~~investigatory information,~~ a misdemeanor of the first degree. 104205

Sec. 4767.10. (A) The division of real estate in the 104206
department of commerce shall use ~~one dollar~~ six dollars of each 104207
burial permit fee collected pursuant to section 3705.17 of the 104208
Revised Code and paid into the state treasury to the credit of 104209
the cemetery registration fund created under section 4767.03 of 104210
the Revised Code to advance grants to cemeteries registered with 104211
the division to defray the costs of exceptional cemetery 104212
maintenance or training cemetery personnel in the maintenance 104213
and operation of cemeteries. The division may not provide a 104214
grant to a corporation or association that operates a cemetery 104215
for profit. Grants provided under this section shall not exceed 104216

five thousand dollars. An operator of five or more cemeteries 104217
registered with the division may apply for and receive one grant 104218
per year. All other operators of cemeteries registered with the 104219
division may apply for and receive one grant every other year. 104220
The division shall advance grants from the cemetery registration 104221
fund in accordance with rules adopted by the Ohio cemetery 104222
dispute resolution commission under Chapter 119. of the Revised 104223
Code. 104224

(B) The director of commerce may increase, by rule adopted 104225
under Chapter 119. of the Revised Code, the amount of total 104226
grants the division may advance in a fiscal year if the director 104227
determines the total amount of funds generated exceeds the 104228
amount of funds the division needs to carry out its powers and 104229
duties under this section. If the director determines the 104230
increased amount depletes the amount of funds the division needs 104231
to carry out its powers and duties under this section, the 104232
director may decrease the amount not below the amount specified 104233
in division (A) of this section. 104234

Sec. 4772.20. (A) The state medical board, by an 104235
affirmative vote of not fewer than six members, may revoke or 104236
may refuse to grant a license to practice as a certified mental 104237
health assistant to an individual found by the board to have 104238
committed fraud, misrepresentation, or deception in applying for 104239
or securing the license. 104240

(B) The board, by an affirmative vote of not fewer than 104241
six members, shall, except as provided in division (C) of this 104242
section, and to the extent permitted by law, limit, revoke, or 104243
suspend an individual's license to practice as a certified 104244
mental health assistant, refuse to issue a license to an 104245
applicant, refuse to renew a license, refuse to reinstate a 104246

license, or reprimand or place on probation the holder of a	104247
license for any of the following reasons:	104248
(1) Permitting the holder's name or license to be used by	104249
another person;	104250
(2) Failure to comply with the requirements of this	104251
chapter, Chapter 4731. of the Revised Code, or any rules adopted	104252
by the board;	104253
(3) Violating or attempting to violate, directly or	104254
indirectly, or assisting in or abetting the violation of, or	104255
conspiring to violate, any provision of this chapter, Chapter	104256
4731. of the Revised Code, or the rules adopted by the board;	104257
(4) A departure from, or failure to conform to, minimal	104258
standards of care of similar practitioners under the same or	104259
similar circumstances whether or not actual injury to the	104260
patient is established;	104261
(5) Inability to practice according to acceptable and	104262
prevailing standards of care by reason of mental illness or	104263
physical illness, including physical deterioration that	104264
adversely affects cognitive, motor, or perceptive skills;	104265
(6) Impairment of ability to practice according to	104266
acceptable and prevailing standards of care because of habitual	104267
or excessive use or abuse of drugs, alcohol, or other substances	104268
that impair ability to practice;	104269
(7) Willfully betraying a professional confidence;	104270
(8) Making a false, fraudulent, deceptive, or misleading	104271
statement in securing or attempting to secure a license to	104272
practice as a certified mental health assistant.	104273
As used in this division, "false, fraudulent, deceptive,	104274

or misleading statement" means a statement that includes a 104275
misrepresentation of fact, is likely to mislead or deceive 104276
because of a failure to disclose material facts, is intended or 104277
is likely to create false or unjustified expectations of 104278
favorable results, or includes representations or implications 104279
that in reasonable probability will cause an ordinarily prudent 104280
person to misunderstand or be deceived. 104281

(9) The obtaining of, or attempting to obtain, money or a 104282
thing of value by fraudulent misrepresentations in the course of 104283
practice; 104284

(10) A plea of guilty to, a judicial finding of guilt of, 104285
or a judicial finding of eligibility for intervention in lieu of 104286
conviction for, a felony; 104287

(11) Commission of an act that constitutes a felony in 104288
this state, regardless of the jurisdiction in which the act was 104289
committed; 104290

(12) A plea of guilty to, a judicial finding of guilt of, 104291
or a judicial finding of eligibility for intervention in lieu of 104292
conviction for, a misdemeanor committed in the course of 104293
practice; 104294

(13) A plea of guilty to, a judicial finding of guilt of, 104295
or a judicial finding of eligibility for intervention in lieu of 104296
conviction for, a misdemeanor involving moral turpitude; 104297

(14) Commission of an act in the course of practice that 104298
constitutes a misdemeanor in this state, regardless of the 104299
jurisdiction in which the act was committed; 104300

(15) Commission of an act involving moral turpitude that 104301
constitutes a misdemeanor in this state, regardless of the 104302
jurisdiction in which the act was committed; 104303

(16) A plea of guilty to, a judicial finding of guilt of, 104304
or a judicial finding of eligibility for intervention in lieu of 104305
conviction for violating any state or federal law regulating the 104306
possession, distribution, or use of any drug, including 104307
trafficking in drugs; 104308

(17) Any of the following actions taken by the state 104309
agency responsible for regulating the practice of certified 104310
mental health assistants in another jurisdiction, for any reason 104311
other than the nonpayment of fees: the limitation, revocation, 104312
or suspension of an individual's license to practice; acceptance 104313
of an individual's license surrender; denial of a license; 104314
refusal to renew or reinstate a license; imposition of 104315
probation; or issuance of an order of censure or other 104316
reprimand; 104317

(18) Violation of the conditions placed by the board on a 104318
license to practice as a certified mental health assistant; 104319

(19) Failure to use universal blood and body fluid 104320
precautions established by rules adopted under section 4731.051 104321
of the Revised Code; 104322

(20) Failure to cooperate in an investigation conducted by 104323
the board under section 4772.21 of the Revised Code, including 104324
failure to comply with a subpoena or order issued by the board 104325
or failure to answer truthfully a question presented by the 104326
board at a deposition or in written interrogatories, except that 104327
failure to cooperate with an investigation shall not constitute 104328
grounds for discipline under this section if a court of 104329
competent jurisdiction has issued an order that either quashes a 104330
subpoena or permits the individual to withhold the testimony or 104331
evidence in issue; 104332

(21) Failure to practice in accordance with the 104333
supervising physician's supervision agreement with the certified 104334
mental health assistant; 104335

(22) Administering drugs for purposes other than those 104336
authorized under this chapter; 104337

(23) Failure to comply with section 4772.13 of the Revised 104338
Code, unless the board no longer maintains a drug database 104339
pursuant to section 4729.75 of the Revised Code; 104340

(24) Assisting suicide, as defined in section 3795.01 of 104341
the Revised Code. 104342

(C) The board shall not refuse to issue a license to an 104343
applicant because of a plea of guilty to, a judicial finding of 104344
guilt of, or a judicial finding of eligibility for intervention 104345
in lieu of conviction for an offense unless the refusal is in 104346
accordance with section 9.79 of the Revised Code. 104347

(D) Disciplinary actions taken by the board under 104348
divisions (A) and (B) of this section shall be taken pursuant to 104349
an adjudication under Chapter 119. of the Revised Code, except 104350
that in lieu of an adjudication, the board may enter into a 104351
consent agreement with a certified mental health assistant or 104352
applicant to resolve an allegation of a violation of this 104353
chapter or any rule adopted under it. A consent agreement, when 104354
ratified by an affirmative vote of not fewer than six members of 104355
the board, shall constitute the findings and order of the board 104356
with respect to the matter addressed in the agreement. If the 104357
board refuses to ratify a consent agreement, the admissions and 104358
findings contained in the consent agreement shall be of no force 104359
or effect. 104360

(E) For purposes of divisions (B) (11), (14), and (15) of 104361

this section, the commission of the act may be established by a 104362
finding by the board, pursuant to an adjudication under Chapter 104363
119. of the Revised Code, that the applicant or license holder 104364
committed the act in question. The board shall have no 104365
jurisdiction under these divisions in cases where the trial 104366
court renders a final judgment in the license holder's favor and 104367
that judgment is based upon an adjudication on the merits. The 104368
board shall have jurisdiction under these divisions in cases 104369
where the trial court issues an order of dismissal on technical 104370
or procedural grounds. 104371

(F) The sealing or expungement of conviction records by 104372
any court shall have no effect on a prior board order entered 104373
under the provisions of this section or on the board's 104374
jurisdiction to take action under the provisions of this section 104375
if, based upon a plea of guilty, a judicial finding of guilt, or 104376
a judicial finding of eligibility for intervention in lieu of 104377
conviction, the board issued a notice of opportunity for a 104378
hearing prior to the court's order to seal or expunge the 104379
records. The board shall not be required to seal, destroy, 104380
redact, or otherwise modify its records to reflect the court's 104381
sealing or expungement of conviction records. 104382

(G) For purposes of this division, any individual who 104383
holds a license to practice as a certified mental health 104384
assistant issued under this chapter, or applies for a license, 104385
shall be deemed to have given consent to submit to a mental or 104386
physical examination when directed to do so in writing by the 104387
board and to have waived all objections to the admissibility of 104388
testimony or examination reports that constitute a privileged 104389
communication. 104390

(1) In enforcing division (B) (5) of this section, the 104391

board, on a showing of a possible violation, may compel any 104392
individual who holds a license to practice as a certified mental 104393
health assistant issued under this chapter or who has applied 104394
for a license to submit to a mental or physical examination, or 104395
both. A physical examination may include an HIV test. The 104396
expense of the examination is the responsibility of the 104397
individual compelled to be examined. Failure to submit to a 104398
mental or physical examination or consent to an HIV test ordered 104399
by the board constitutes an admission of the allegations against 104400
the individual unless the failure is due to circumstances beyond 104401
the individual's control, and a default and final order may be 104402
entered without the taking of testimony or presentation of 104403
evidence. If the board finds a certified mental health assistant 104404
unable to practice because of the reasons set forth in division 104405
(B) (5) of this section, the board shall require the certified 104406
mental health assistant to submit to care, counseling, or 104407
treatment by physicians approved or designated by the board, as 104408
a condition for an initial, continued, reinstated, or renewed 104409
license. An individual affected by this division shall be 104410
afforded an opportunity to demonstrate to the board the ability 104411
to resume practicing in compliance with acceptable and 104412
prevailing standards of care. 104413

(2) For purposes of division (B) (6) of this section, if 104414
the board has reason to believe that any individual who holds a 104415
license to practice as a certified mental health assistant 104416
issued under this chapter or any applicant for a license suffers 104417
such impairment, the board may compel the individual to submit 104418
to a mental or physical examination, or both. The expense of the 104419
examination is the responsibility of the individual compelled to 104420
be examined. Any mental or physical examination required under 104421
this division shall be undertaken by a treatment provider or 104422

physician qualified to conduct such examination and chosen by 104423
the board. 104424

Failure to submit to a mental or physical examination 104425
ordered by the board constitutes an admission of the allegations 104426
against the individual unless the failure is due to 104427
circumstances beyond the individual's control, and a default and 104428
final order may be entered without the taking of testimony or 104429
presentation of evidence. If the board determines that the 104430
individual's ability to practice is impaired, the board shall 104431
suspend the individual's license or deny the individual's 104432
application and shall require the individual, as a condition for 104433
an initial, continued, reinstated, or renewed license to 104434
practice, to submit to treatment. 104435

Before being eligible to apply for reinstatement of a 104436
license suspended under this division, the certified mental 104437
health assistant shall demonstrate to the board the ability to 104438
resume practice in compliance with acceptable and prevailing 104439
standards of care. The demonstration shall include the 104440
following: 104441

(a) Certification from a treatment provider approved under 104442
section 4731.25 of the Revised Code that the individual has 104443
successfully completed any required inpatient treatment; 104444

(b) Evidence of continuing full compliance with an 104445
aftercare contract or consent agreement; 104446

(c) Two written reports indicating that the individual's 104447
ability to practice has been assessed and that the individual 104448
has been found capable of practicing according to acceptable and 104449
prevailing standards of care. The reports shall be made by 104450
individuals or providers approved by the board for making such 104451

assessments and shall describe the basis for their 104452
determination. 104453

The board may reinstate a license suspended under this 104454
division after such demonstration and after the individual has 104455
entered into a written consent agreement. 104456

When the impaired certified mental health assistant 104457
resumes practice, the board shall require continued monitoring 104458
of the certified mental health assistant. The monitoring shall 104459
include monitoring of compliance with the written consent 104460
agreement entered into before reinstatement or with conditions 104461
imposed by board order after a hearing, and, on termination of 104462
the consent agreement, submission to the board for at least two 104463
years of annual written progress reports made under penalty of 104464
falsification stating whether the certified mental health 104465
assistant has maintained sobriety. 104466

~~(H)~~ (H) (1) If either of the following circumstances occur, 104467
the secretary and supervising member ~~determine that may~~ 104468
recommend that the board suspend the individual's license 104469
without a prior hearing: 104470

(a) The secretary and supervising member determine both of 104471
the following: 104472

(i) That there is clear and convincing evidence that a 104473
certified mental health assistant has violated division (B) of 104474
this section ~~and that;~~ 104475

(ii) That the individual's continued practice presents a 104476
danger of immediate and serious harm to the public, ~~they may~~ 104477
~~recommend that the board suspend the individual's license to~~ 104478
~~practice without a prior hearing.~~ 104479

(b) The board receives verifiable information that a 104480

licensee has been charged in any state or federal court with a 104481
crime classified as a felony under the charging court's law and 104482
the conduct charged constitutes a violation of division (B) of 104483
this section. ~~Written~~ 104484

(2) If a recommendation is made to suspend without a prior 104485
hearing pursuant to division (H) (1) of this section, written 104486
allegations shall be prepared for consideration by the board. 104487

The board, on review of the allegations and by an 104488
affirmative vote of not fewer than six of its members, excluding 104489
the secretary and supervising member, may suspend a license 104490
without a prior hearing. A telephone conference call may be 104491
utilized for reviewing the allegations and taking the vote on 104492
the summary suspension. 104493

The board shall issue a written order of suspension by 104494
certified mail or in person in accordance with section 119.07 of 104495
the Revised Code. ~~The order shall not be subject to suspension~~ 104496
~~by the court during pendency of any appeal filed under section~~ 104497
~~119.12 of the Revised Code.~~ If the certified mental health 104498
assistant requests an adjudicatory hearing by the board, the 104499
date set for the hearing shall be within fifteen days, but not 104500
earlier than seven days, after the certified mental health 104501
assistant requests the hearing, unless otherwise agreed to by 104502
both the board and the license holder. 104503

(3) A summary suspension imposed under this division is 104504
not a final appealable order and is not an adjudication that may 104505
be appealed under section 119.12 of the Revised Code. The 104506
summary suspension shall remain in effect, ~~unless reversed on~~ 104507
~~appeal,~~ until a final adjudicative order issued by the board 104508
pursuant to this section and Chapter 119. of the Revised Code 104509
becomes effective. Once a final adjudicative order has been 104510

issued by the board, any party adversely affected by it may file 104511
an appeal in accordance with Chapter 119. of the Revised Code. 104512
~~The~~ 104513

The board shall issue its final adjudicative order within 104514
~~sixty-seventy-five~~ days after completion of its hearing. Failure 104515
to issue the order within ~~sixty-seventy-five~~ days shall result 104516
in dissolution of the summary suspension order, but shall not 104517
invalidate any subsequent, final adjudicative order. 104518

(I) If the board takes action under division (B) (10), 104519
(12), or (13) of this section, and the judicial finding of 104520
guilt, guilty plea, or judicial finding of eligibility for 104521
intervention in lieu of conviction is overturned on appeal, on 104522
exhaustion of the criminal appeal, a petition for 104523
reconsideration of the order may be filed with the board along 104524
with appropriate court documents. On receipt of a petition and 104525
supporting court documents, the board shall reinstate the 104526
license to practice as a certified mental health assistant. The 104527
board may then hold an adjudication under Chapter 119. of the 104528
Revised Code to determine whether the individual committed the 104529
act in question. Notice of opportunity for hearing shall be 104530
given in accordance with Chapter 119. of the Revised Code. If 104531
the board finds, pursuant to an adjudication held under this 104532
division, that the individual committed the act, or if no 104533
hearing is requested, it may order any of the sanctions 104534
specified in division (B) of this section. 104535

(J) The license to practice of a certified mental health 104536
assistant and the assistant's practice in this state are 104537
automatically suspended as of the date the certified mental 104538
health assistant pleads guilty to, is found by a judge or jury 104539
to be guilty of, or is subject to a judicial finding of 104540

eligibility for intervention in lieu of conviction in this state 104541
or treatment of intervention in lieu of conviction in another 104542
jurisdiction for any of the following criminal offenses in this 104543
state or a substantially equivalent criminal offense in another 104544
jurisdiction: aggravated murder, murder, voluntary manslaughter, 104545
felonious assault, trafficking in persons, kidnapping, rape, 104546
sexual battery, gross sexual imposition, aggravated arson, 104547
aggravated robbery, or aggravated burglary. Continued practice 104548
after the suspension shall be considered practicing without a 104549
license. 104550

The board shall notify the individual subject to the 104551
suspension by certified mail or in person in accordance with 104552
section 119.07 of the Revised Code. If an individual whose 104553
license is suspended under this division fails to make a timely 104554
request for an adjudication under Chapter 119. of the Revised 104555
Code, the board shall enter a final order permanently revoking 104556
the individual's license. 104557

(K) In any instance in which the board is required by 104558
Chapter 119. of the Revised Code to give notice of opportunity 104559
for hearing and the individual subject to the notice does not 104560
timely request a hearing in accordance with section 119.07 of 104561
the Revised Code, the board is not required to hold a hearing, 104562
but may adopt, by an affirmative vote of not fewer than six of 104563
its members, a final order that contains the board's findings. 104564
In the final order, the board may order any of the sanctions 104565
identified under division (A) or (B) of this section. 104566

(L) Any action taken by the board under division (B) of 104567
this section resulting in a suspension shall be accompanied by a 104568
written statement of the conditions under which the certified 104569
mental health assistant's license may be reinstated. The board 104570

shall adopt rules in accordance with Chapter 119. of the Revised 104571
Code governing conditions to be imposed for reinstatement. 104572
Reinstatement of a license suspended pursuant to division (B) of 104573
this section requires an affirmative vote of not fewer than six 104574
members of the board. 104575

(M) When the board refuses to grant or issue a license to 104576
practice as a certified mental health assistant to an applicant, 104577
revokes an individual's license, refuses to renew an 104578
individual's license, or refuses to reinstate an individual's 104579
license, the board may specify that its action is permanent. An 104580
individual subject to a permanent action taken by the board is 104581
forever thereafter ineligible to hold a license to practice as a 104582
certified mental health assistant and the board shall not accept 104583
an application for reinstatement of the license or for issuance 104584
of a new license. 104585

(N) Notwithstanding any other provision of the Revised 104586
Code, all of the following apply: 104587

(1) The surrender of a license to practice as a certified 104588
mental health assistant issued under this chapter is not 104589
effective unless or until accepted by the board. Reinstatement 104590
of a license surrendered to the board requires an affirmative 104591
vote of not fewer than six members of the board. 104592

(2) An application made under this chapter for a license 104593
to practice may not be withdrawn without approval of the board. 104594

(3) Failure by an individual to renew a license to 104595
practice in accordance with section 4772.08 of the Revised Code 104596
shall not remove or limit the board's jurisdiction to take 104597
disciplinary action under this section against the individual. 104598

Sec. 4772.21. (A) The state medical board shall 104599

investigate evidence that appears to show that any person has 104600
violated this chapter or the rules adopted under it. Any person 104601
may report to the board in a signed writing any information the 104602
person has that appears to show a violation of any provision of 104603
this chapter or the rules adopted under it. In the absence of 104604
bad faith, a person who reports such information or testifies 104605
before the board in an adjudication conducted under Chapter 119. 104606
of the Revised Code shall not be liable for civil damages as a 104607
result of reporting the information or providing testimony. Each 104608
complaint or allegation of a violation received by the board 104609
shall be assigned a case number and be recorded by the board. 104610

(B) Investigations of alleged violations of this chapter 104611
or rules adopted under it shall be supervised by the supervising 104612
member elected by the board in accordance with section 4731.02 104613
of the Revised Code and by the secretary as provided in section 104614
4772.24 of the Revised Code. The board's president may designate 104615
another member of the board to supervise the investigation in 104616
place of the supervising member. Upon a vote of the majority of 104617
the board to authorize the addition of a consumer member in the 104618
supervision of any part of any investigation, the president 104619
shall designate a consumer member for supervision of 104620
investigations as determined by the president. The authorization 104621
of consumer member participation in investigation supervision 104622
may be rescinded by a majority vote of the board. A member of 104623
the board who supervises the investigation of a case shall not 104624
participate in further adjudication of the case. 104625

(C) In investigating a possible violation of this chapter 104626
or the rules adopted under it, the board may administer oaths, 104627
order the taking of depositions, issue subpoenas, and compel the 104628
attendance of witnesses and production of books, accounts, 104629
papers, records, documents, and testimony, except that a 104630

subpoena for patient record information shall not be issued 104631
without consultation with the attorney general's office and 104632
approval of the secretary and supervising member of the board. 104633
Before issuance of a subpoena for patient record information, 104634
the secretary and supervising member shall determine whether 104635
there is probable cause to believe that the complaint filed 104636
alleges a violation of this chapter or the rules adopted under 104637
it and that the records sought are relevant to the alleged 104638
violation and material to the investigation. The subpoena may 104639
apply only to records that cover a reasonable period of time 104640
surrounding the alleged violation. 104641

On failure to comply with any subpoena issued by the board 104642
and after reasonable notice to the person being subpoenaed, the 104643
board may move for an order compelling the production of persons 104644
or records pursuant to the Rules of Civil Procedure. 104645

A subpoena issued by the board may be served by a sheriff, 104646
the sheriff's deputy, or a board employee designated by the 104647
board. Service of a subpoena issued by the board may be made by 104648
delivering a copy of the subpoena to the person named therein, 104649
reading it to the person, or leaving it at the person's usual 104650
place of residence. When the person being served is a certified 104651
mental health assistant, service of the subpoena may be made by 104652
certified mail, restricted delivery, return receipt requested, 104653
and the subpoena shall be deemed served on the date delivery is 104654
made or the date the person refuses to accept delivery. 104655

A sheriff's deputy who serves a subpoena shall receive the 104656
same fees as a sheriff. Each witness who appears before the 104657
board in obedience to a subpoena shall receive the fees and 104658
mileage provided for witnesses in civil cases in the courts of 104659
common pleas. 104660

(D) All hearings and investigations of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(E) Information received by the board pursuant to an investigation is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given.

The board may share any information it receives pursuant to an investigation, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state medical board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state medical board when the information was in the board's possession. Measures to

ensure confidentiality that may be taken by the court include 104691
sealing its records or deleting specific information from its 104692
records. 104693

No person shall knowingly access, use, or disclose 104694
confidential investigatory information in a manner prohibited by 104695
law. 104696

(F) On a quarterly basis, the board shall prepare a report 104697
that documents the disposition of all cases during the preceding 104698
three months. The report shall contain the following information 104699
for each case with which the board has completed its activities: 104700

(1) The case number assigned to the complaint or alleged 104701
violation; 104702

(2) The type of license, if any, held by the individual 104703
against whom the complaint is directed; 104704

(3) A description of the allegations contained in the 104705
complaint; 104706

(4) Whether witnesses were interviewed; 104707

(5) Whether the individual against whom the complaint is 104708
directed is the subject of any pending complaints; 104709

(6) The disposition of the case. 104710

The report shall state how many cases are still pending, 104711
and shall be prepared in a manner that protects the identity of 104712
each person involved in each case. The report is a public record 104713
for purposes of section 149.43 of the Revised Code. 104714

(G) The board may provide a status update regarding an 104715
investigation to a complainant on request if the board verifies 104716
the complainant's identity. 104717

Sec. 4772.23. (A) As used in this section, "criminal 104718
conduct" and "sexual misconduct" have the same meanings as in 104719
section 4731.224 of the Revised Code. 104720

(B) (1) Within ~~sixty~~ thirty days after the imposition of 104721
any formal disciplinary action taken by any health care 104722
facility, including a hospital, health care facility operated by 104723
a health insuring corporation, ambulatory surgical facility, or 104724
similar facility, against any individual holding a valid license 104725
to practice as a certified mental health assistant, the chief 104726
administrator or executive officer of the facility shall report 104727
to the state medical board the name of the individual, the 104728
action taken by the facility, and a summary of the underlying 104729
facts leading to the action taken. On request, the board shall 104730
be provided certified copies of the patient records that were 104731
the basis for the facility's action. Prior to release to the 104732
board, the summary shall be approved by the peer review 104733
committee that reviewed the case or by the governing board of 104734
the facility. 104735

The filing of a report with the board or decision not to 104736
file a report, investigation by the board, or any disciplinary 104737
action taken by the board, does not preclude a health care 104738
facility from taking disciplinary action against a certified 104739
mental health assistant. 104740

In the absence of fraud or bad faith, no individual or 104741
entity that provides patient records to the board shall be 104742
liable in damages to any person as a result of providing the 104743
records. 104744

(2) Within thirty days after commencing an investigation 104745
regarding criminal conduct or sexual misconduct against any 104746
individual holding a valid license to practice issued pursuant 104747

to this chapter, a health care facility, including a hospital, 104748
health care facility operated by a health insuring corporation, 104749
ambulatory surgical center, or similar facility, shall report to 104750
the board the name of the individual and a summary of the 104751
underlying facts related to the investigation being commenced. 104752

~~(B) (1)~~ (C) (1) Except as provided in division ~~(B) (2)~~ (C) (2) 104753
of this section and subject to division (C) (3) of this section, 104754
a certified mental health assistant, professional association or 104755
society of certified mental health assistants, physician, or 104756
professional association or society of physicians that believes 104757
a violation of any provision of this chapter, Chapter 4731. of 104758
the Revised Code, or rule of the board has occurred shall report 104759
to the board the information on which the belief is based. 104760

(2) A certified mental health assistant, professional 104761
association or society of certified mental health assistants, 104762
physician, or professional association or society of physicians 104763
that believes a violation of division (B) (6) of section 4772.20 104764
of the Revised Code has occurred shall report the information 104765
upon which the belief is based to the monitoring organization 104766
conducting the program established by the board under section 104767
4731.251 of the Revised Code. If any such report is made to the 104768
board, it shall be referred to the monitoring organization 104769
unless the board is aware that the individual who is the subject 104770
of the report does not meet the program eligibility requirements 104771
of section 4731.252 of the Revised Code. 104772

~~(C) (3)~~ If any individual authorized to practice under this 104773
chapter or any professional association or society of such 104774
individuals knows or has reasonable cause to suspect based on 104775
facts that would cause a reasonable person in a similar position 104776
to suspect that an individual authorized to practice under this 104777

chapter has committed or participated in criminal conduct or 104778
sexual misconduct, the information upon which the belief is 104779
based shall be reported to the board within thirty days. 104780

This division does not apply to a professional association 104781
or society whose staff interacts with members of the association 104782
or society only in advocacy, governance, or educational 104783
capacities and whose staff does not regularly interact with 104784
members in practice settings. 104785

(4) In addition to the self-reporting of criminal offenses 104786
that is required for license renewal, an individual authorized 104787
to practice under this chapter shall report to the board 104788
criminal charges regarding criminal conduct, sexual misconduct, 104789
or any conduct involving the use of a motor vehicle while under 104790
the influence of alcohol or drugs, including offenses that are 104791
equivalent offenses under division (A) of section 4511.181 of 104792
the Revised Code, violations of division (D) of section 4511.194 104793
of the Revised Code, and violations of division (C) of section 104794
4511.79 of the Revised Code. Reports under this division shall 104795
be made within thirty days of the criminal charge being filed. 104796

(D) Any professional association or society composed 104797
primarily of certified mental health assistants that suspends or 104798
revokes an individual's membership for violations of 104799
professional ethics, or for reasons of professional incompetence 104800
or professional malpractice, within ~~sixty~~ thirty days after a 104801
final decision, shall report to the board, on forms prescribed 104802
and provided by the board, the name of the individual, the 104803
action taken by the professional organization, and a summary of 104804
the underlying facts leading to the action taken. 104805

The filing of a report with the board or decision not to 104806
file a report, investigation by the board, or any disciplinary 104807

action taken by the board, does not preclude a professional 104808
organization from taking disciplinary action against a certified 104809
mental health assistant. 104810

~~(D)~~(E) Any insurer providing professional liability 104811
insurance to any person holding a valid license to practice as a 104812
certified mental health assistant or any other entity that seeks 104813
to indemnify the professional liability of a certified mental 104814
health assistant shall notify the board within thirty days after 104815
the final disposition of any written claim for damages where 104816
such disposition results in a payment exceeding twenty-five 104817
thousand dollars. The notice shall contain the following 104818
information: 104819

(1) The name and address of the person submitting the 104820
notification; 104821

(2) The name and address of the insured who is the subject 104822
of the claim; 104823

(3) The name of the person filing the written claim; 104824

(4) The date of final disposition; 104825

(5) If applicable, the identity of the court in which the 104826
final disposition of the claim took place. 104827

~~(E)~~(F) The board may investigate possible violations of 104828
this chapter or the rules adopted under it that are brought to 104829
its attention as a result of the reporting requirements of this 104830
section, except that the board shall conduct an investigation if 104831
a possible violation involves repeated malpractice. As used in 104832
this division, "repeated malpractice" means three or more claims 104833
for malpractice within the previous five-year period, each 104834
resulting in a judgment or settlement in excess of twenty-five 104835
thousand dollars in favor of the claimant, and each involving 104836

negligent conduct by the certified mental health assistant. 104837

~~(F)~~(G) All summaries, reports, and records received and 104838
maintained by the board pursuant to this section shall be held 104839
~~in confidence and shall not be subject to discovery or~~ 104840
~~introduction in evidence in any federal or state civil action~~ 104841
~~involving a certified mental health assistant, supervising~~ 104842
~~physician, or health care facility arising out of matters that~~ 104843
~~are the subject of the reporting required by this section. The~~ 104844
~~board may use the information obtained only as the basis for an~~ 104845
~~investigation, as evidence in a disciplinary hearing against a~~ 104846
~~certified mental health assistant or supervising physician, or~~ 104847
~~in any subsequent trial or appeal of a board action or order.~~ 104848

~~The board may disclose the summaries and reports it~~ 104849
~~receives under this section only to health care facility~~ 104850
~~committees within or outside this state that are involved in~~ 104851
~~credentialing or recredentialing a certified mental health~~ 104852
~~assistant or supervising physician, if applicable, or reviewing~~ 104853
~~their privilege to practice within a particular facility. The~~ 104854
~~board shall indicate whether or not the information has been~~ 104855
~~verified. Information transmitted by the board shall be subject~~ 104856
~~to the same confidentiality provisions as when maintained by the~~ 104857
~~board~~confidential pursuant to division (E) of section 4772.21 of 104858
the Revised Code. 104859

~~(G)~~(H) Except for reports filed by an individual pursuant 104860
to division ~~(B)~~(B) (2) or (C) of this section, the board shall 104861
send a copy of any reports or summaries it receives pursuant to 104862
this section to the certified mental health assistant. The 104863
certified mental health assistant shall have the right to file a 104864
statement with the board concerning the correctness or relevance 104865
of the information. The statement shall at all times accompany 104866

that part of the record in contention. 104867

~~(H)~~(I) An individual or entity that reports to the board, 104868
reports to the monitoring organization described in section 104869
4731.251 of the Revised Code, or refers an impaired certified 104870
mental health assistant to a treatment provider approved by the 104871
board under section 4731.25 of the Revised Code shall not be 104872
subject to suit for civil damages as a result of the report, 104873
referral, or provision of the information. 104874

~~(I)~~(J) In the absence of fraud or bad faith, a 104875
professional association or society of certified mental health 104876
assistants that sponsors a committee or program to provide peer 104877
assistance to a certified mental health assistant with substance 104878
abuse problems, a representative or agent of such a committee or 104879
program, a representative or agent of the monitoring 104880
organization described in section 4731.251 of the Revised Code, 104881
and a member of the state medical board shall not be held liable 104882
in damages to any person by reason of actions taken to refer a 104883
certified mental health assistant to a treatment provider 104884
approved under section 4731.25 of the Revised Code for 104885
examination or treatment. 104886

Sec. 4772.99. (A) Whoever violates section 4772.02 of the 104887
Revised Code is guilty of a misdemeanor of the first degree on a 104888
first offense; on each subsequent offense, the person is guilty 104889
of a felony of the fourth degree. 104890

~~(B)~~(B) (1) Whoever violates division ~~(A)~~, ~~(B)~~(B) (1), ~~(C)~~(C) 104891
(1), ~~or~~ ~~(C)~~ (2), (D), or (E) of section 4772.23 of the Revised 104892
Code is guilty of a minor misdemeanor on a first offense; on 104893
each subsequent offense the person is guilty of a misdemeanor of 104894
the fourth degree, except that an individual guilty of a 104895
subsequent offense shall not be subject to imprisonment, but to 104896

a fine alone of up to one thousand dollars for each offense. 104897

(2) Whoever violates division (B) (2) or (C) (3) of section 4772.23 of the Revised Code is guilty of a misdemeanor of the fourth degree; on each subsequent offense, the person is guilty of a misdemeanor of the first degree. 104898
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104901

(C) Whoever violates division (E) of section 4772.21 of the Revised Code is guilty of a misdemeanor of the first degree. 104902
104903

Sec. 4774.13. (A) The state medical board, by an affirmative vote of not fewer than six members, may refuse to grant a license to practice as a radiologist assistant to, or may revoke the license held by, an individual found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license. 104904
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(B) The board, by an affirmative vote of not fewer than six members, shall, except as provided in division (C) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as a radiologist assistant, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons: 104910
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(1) Permitting the holder's name or license to be used by another person; 104918
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(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board; 104920
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104922

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 104923
104924
104925

4731. of the Revised Code, or the rules adopted by the board;	104926
(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;	104927 104928 104929 104930
(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;	104931 104932 104933 104934
(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of substance use disorder or excessive use or abuse of drugs, alcohol, or other substances that may impair ability to practice;	104935 104936 104937 104938
(7) Willfully betraying a professional confidence;	104939
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a radiologist assistant.	104940 104941 104942
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	104943 104944 104945 104946 104947 104948 104949 104950
(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	104951 104952 104953

(10) A plea of guilty to, a judicial finding of guilt of, 104954
or a judicial finding of eligibility for intervention in lieu of 104955
conviction for, a felony; 104956

(11) Commission of an act that constitutes a felony in 104957
this state, regardless of the jurisdiction in which the act was 104958
committed; 104959

(12) A plea of guilty to, a judicial finding of guilt of, 104960
or a judicial finding of eligibility for intervention in lieu of 104961
conviction for, a misdemeanor committed in the course of 104962
practice; 104963

(13) A plea of guilty to, a judicial finding of guilt of, 104964
or a judicial finding of eligibility for intervention in lieu of 104965
conviction for, a misdemeanor involving moral turpitude; 104966

(14) Commission of an act in the course of practice that 104967
constitutes a misdemeanor in this state, regardless of the 104968
jurisdiction in which the act was committed; 104969

(15) Commission of an act involving moral turpitude that 104970
constitutes a misdemeanor in this state, regardless of the 104971
jurisdiction in which the act was committed; 104972

(16) A plea of guilty to, a judicial finding of guilt of, 104973
or a judicial finding of eligibility for intervention in lieu of 104974
conviction for violating any state or federal law regulating the 104975
possession, distribution, or use of any drug, including 104976
trafficking in drugs; 104977

(17) Any of the following actions taken by the state 104978
agency responsible for regulating the practice of radiologist 104979
assistants in another jurisdiction, for any reason other than 104980
the nonpayment of fees: the limitation, revocation, or 104981
suspension of an individual's license to practice; acceptance of 104982

an individual's license surrender; denial of a license; refusal	104983
to renew or reinstate a license; imposition of probation; or	104984
issuance of an order of censure or other reprimand;	104985
(18) Violation of the conditions placed by the board on a	104986
license to practice as a radiologist assistant;	104987
(19) Failure to use universal blood and body fluid	104988
precautions established by rules adopted under section 4731.051	104989
of the Revised Code;	104990
(20) Failure to cooperate in an investigation conducted by	104991
the board under section 4774.14 of the Revised Code, including	104992
failure to comply with a subpoena or order issued by the board	104993
or failure to answer truthfully a question presented by the	104994
board at a deposition or in written interrogatories, except that	104995
failure to cooperate with an investigation shall not constitute	104996
grounds for discipline under this section if a court of	104997
competent jurisdiction has issued an order that either quashes a	104998
subpoena or permits the individual to withhold the testimony or	104999
evidence in issue;	105000
(21) Failure to maintain a license as a radiographer under	105001
Chapter 4773. of the Revised Code;	105002
(22) Failure to maintain certification as a registered	105003
radiologist assistant from the American registry of radiologic	105004
technologists, including revocation by the registry of the	105005
assistant's certification or failure by the assistant to meet	105006
the registry's requirements for annual registration, or failure	105007
to notify the board that the certification as a registered	105008
radiologist assistant has not been maintained;	105009
(23) Failure to comply with any of the rules of ethics	105010
included in the standards of ethics established by the American	105011

registry of radiologic technologists, as those rules apply to an 105012
individual who holds the registry's certification as a 105013
registered radiologist assistant. 105014

(C) The board shall not refuse to issue a license to an 105015
applicant because of a plea of guilty to, a judicial finding of 105016
guilt of, or a judicial finding of eligibility for intervention 105017
in lieu of conviction for an offense unless the refusal is in 105018
accordance with section 9.79 of the Revised Code. 105019

(D) Disciplinary actions taken by the board under 105020
divisions (A) and (B) of this section shall be taken pursuant to 105021
an adjudication under Chapter 119. of the Revised Code, except 105022
that in lieu of an adjudication, the board may enter into a 105023
consent agreement with a radiologist assistant or applicant to 105024
resolve an allegation of a violation of this chapter or any rule 105025
adopted under it. A consent agreement, when ratified by an 105026
affirmative vote of not fewer than six members of the board, 105027
shall constitute the findings and order of the board with 105028
respect to the matter addressed in the agreement. If the board 105029
refuses to ratify a consent agreement, the admissions and 105030
findings contained in the consent agreement shall be of no force 105031
or effect. 105032

(E) For purposes of divisions (B) (11), (14), and (15) of 105033
this section, the commission of the act may be established by a 105034
finding by the board, pursuant to an adjudication under Chapter 105035
119. of the Revised Code, that the applicant or license holder 105036
committed the act in question. The board shall have no 105037
jurisdiction under these divisions in cases where the trial 105038
court renders a final judgment in the license holder's favor and 105039
that judgment is based upon an adjudication on the merits. The 105040
board shall have jurisdiction under these divisions in cases 105041

where the trial court issues an order of dismissal on technical 105042
or procedural grounds. 105043

(F) The sealing or expungement of conviction records by 105044
any court shall have no effect on a prior board order entered 105045
under the provisions of this section or on the board's 105046
jurisdiction to take action under the provisions of this section 105047
if, based upon a plea of guilty, a judicial finding of guilt, or 105048
a judicial finding of eligibility for intervention in lieu of 105049
conviction, the board issued a notice of opportunity for a 105050
hearing prior to the court's order to seal or expunge the 105051
records. The board shall not be required to seal, destroy, 105052
redact, or otherwise modify its records to reflect the court's 105053
sealing or expungement of conviction records. 105054

(G) For purposes of this division, any individual who 105055
holds a license to practice as a radiologist assistant issued 105056
under this chapter, or applies for a license, shall be deemed to 105057
have given consent to submit to a mental or physical examination 105058
when directed to do so in writing by the board and to have 105059
waived all objections to the admissibility of testimony or 105060
examination reports that constitute a privileged communication. 105061

(1) In enforcing division (B)(5) of this section, the 105062
board, on a showing of a possible violation, shall refer any 105063
individual who holds, or has applied for, a license to practice 105064
as a radiologist assistant issued under this chapter to the 105065
monitoring organization that conducts the confidential 105066
monitoring program established under section 4731.25 of the 105067
Revised Code. The board also may compel the individual to submit 105068
to a mental or physical examination, or both. A physical 105069
examination may include an HIV test. The expense of the 105070
examination is the responsibility of the individual compelled to 105071

be examined. Failure to submit to a mental or physical 105072
examination or consent to an HIV test ordered by the board 105073
constitutes an admission of the allegations against the 105074
individual unless the failure is due to circumstances beyond the 105075
individual's control, and a default and final order may be 105076
entered without the taking of testimony or presentation of 105077
evidence. If the board finds a radiologist assistant unable to 105078
practice because of the reasons set forth in division (B) (5) of 105079
this section, the board shall require the radiologist assistant 105080
to submit to care, counseling, or treatment by physicians 105081
approved or designated by the board, as a condition for an 105082
initial, continued, reinstated, or renewed license. An 105083
individual affected by this division shall be afforded an 105084
opportunity to demonstrate to the board the ability to resume 105085
practicing in compliance with acceptable and prevailing 105086
standards of care. 105087

(2) For purposes of division (B) (6) of this section, if 105088
the board has reason to believe that any individual who holds a 105089
license to practice as a radiologist assistant issued under this 105090
chapter or any applicant for a license suffers such impairment, 105091
the board shall refer the individual to the monitoring 105092
organization that conducts the confidential monitoring program 105093
established under section 4731.25 of the Revised Code. The board 105094
also may compel the individual to submit to a mental or physical 105095
examination, or both. The expense of the examination is the 105096
responsibility of the individual compelled to be examined. Any 105097
mental or physical examination required under this division 105098
shall be undertaken by a treatment provider or physician 105099
qualified to conduct such examination and approved under section 105100
4731.251 of the Revised Code. 105101

Failure to submit to a mental or physical examination 105102

ordered by the board constitutes an admission of the allegations 105103
against the individual unless the failure is due to 105104
circumstances beyond the individual's control, and a default and 105105
final order may be entered without the taking of testimony or 105106
presentation of evidence. If the board determines that the 105107
individual's ability to practice is impaired, the board shall 105108
suspend the individual's license or deny the individual's 105109
application and shall require the individual, as a condition for 105110
an initial, continued, reinstated, or renewed license to 105111
practice, to submit to treatment. 105112

Before being eligible to apply for reinstatement of a 105113
license suspended under this division, the radiologist assistant 105114
shall demonstrate to the board the ability to resume practice in 105115
compliance with acceptable and prevailing standards of care. The 105116
demonstration shall include the following: 105117

(a) Certification from a treatment provider approved under 105118
section 4731.251 of the Revised Code that the individual has 105119
successfully completed any required inpatient treatment; 105120

(b) Evidence of continuing full compliance with an 105121
aftercare contract or consent agreement; 105122

(c) Two written reports indicating that the individual's 105123
ability to practice has been assessed and that the individual 105124
has been found capable of practicing according to acceptable and 105125
prevailing standards of care. The reports shall be made by 105126
individuals or providers approved by the board for making such 105127
assessments and shall describe the basis for their 105128
determination. 105129

The board may reinstate a license suspended under this 105130
division after such demonstration and after the individual has 105131

entered into a written consent agreement. 105132

When the impaired radiologist assistant resumes practice, 105133
the board shall require continued monitoring of the radiologist 105134
assistant. The monitoring shall include monitoring of compliance 105135
with the written consent agreement entered into before 105136
reinstatement or with conditions imposed by board order after a 105137
hearing, and, on termination of the consent agreement, 105138
submission to the board for at least two years of annual written 105139
progress reports made under penalty of falsification stating 105140
whether the radiologist assistant has maintained sobriety. 105141

(H) (1) If either of the following circumstances occur, the 105142
secretary and supervising member may recommend that the board 105143
suspend the individual's license to practice without a prior 105144
hearing: 105145

(a) The secretary and supervising member determine that 105146
there is clear and convincing evidence that a radiologist 105147
assistant has violated division (B) of this section and that the 105148
individual's continued practice presents a danger of immediate 105149
and serious harm to the public. 105150

(b) The board receives verifiable information that a 105151
licensee has been charged in any state or federal court for a 105152
crime classified as a felony under the charging court's law and 105153
the conduct charged constitutes a violation of division (B) of 105154
this section. 105155

(2) If a recommendation is made to suspend without a prior 105156
hearing pursuant to division (H) (1) of this section, written 105157
allegations shall be prepared for consideration by the board. 105158

The board, on review of the allegations and by an 105159
affirmative vote of not fewer than six of its members, excluding 105160

the secretary and supervising member, may suspend a license 105161
without a prior hearing. A telephone conference call may be 105162
utilized for reviewing the allegations and taking the vote on 105163
the summary suspension. 105164

The board shall serve a written order of suspension in 105165
accordance with sections 119.05 and 119.07 of the Revised Code. 105166
~~The order shall not be subject to suspension by the court during~~ 105167
~~pendency of any appeal filed under section 119.12 of the Revised~~ 105168
~~Code.~~ If the radiologist assistant requests an adjudicatory 105169
hearing by the board, the date set for the hearing shall be 105170
within fifteen days, but not earlier than seven days, after the 105171
radiologist assistant requests the hearing, unless otherwise 105172
agreed to by both the board and the license holder. 105173

(3) A summary suspension imposed under ~~this~~ division (H) 105174
(2) of this section is not a final appealable order and is not 105175
an adjudication that may be appealed under section 119.12 of the 105176
Revised Code. The summary suspension shall remain in effect, 105177
~~unless reversed on appeal,~~ until a final adjudicative order 105178
issued by the board pursuant to this section and Chapter 119. of 105179
the Revised Code becomes effective. Once a final adjudicative 105180
order has been issued by the board, any party adversely affected 105181
by it may file an appeal in accordance with the requirements of 105182
Chapter 119. of the Revised Code. ~~The~~ 105183

The board shall issue its final adjudicative order within 105184
~~sixty-seventy-five~~ days after completion of its hearing. Failure 105185
to issue the order within ~~sixty-seventy-five~~ days shall result 105186
in dissolution of the summary suspension order, but shall not 105187
invalidate any subsequent, final adjudicative order. 105188

(I) If the board takes action under division (B) (10), 105189
(12), or (13) of this section, and the judicial finding of 105190

guilt, guilty plea, or judicial finding of eligibility for 105191
intervention in lieu of conviction is overturned on appeal, on 105192
exhaustion of the criminal appeal, a petition for 105193
reconsideration of the order may be filed with the board along 105194
with appropriate court documents. On receipt of a petition and 105195
supporting court documents, the board shall reinstate the 105196
license to practice as a radiologist assistant. The board may 105197
then hold an adjudication under Chapter 119. of the Revised Code 105198
to determine whether the individual committed the act in 105199
question. Notice of opportunity for hearing shall be given in 105200
accordance with Chapter 119. of the Revised Code. If the board 105201
finds, pursuant to an adjudication held under this division, 105202
that the individual committed the act, or if no hearing is 105203
requested, it may order any of the sanctions specified in 105204
division (B) of this section. 105205

(J) The license to practice of a radiologist assistant and 105206
the assistant's practice in this state are automatically 105207
suspended as of the date the radiologist assistant pleads guilty 105208
to, is found by a judge or jury to be guilty of, or is subject 105209
to a judicial finding of eligibility for intervention in lieu of 105210
conviction in this state or treatment or intervention in lieu of 105211
conviction in another jurisdiction for any of the following 105212
criminal offenses in this state or a substantially equivalent 105213
criminal offense in another jurisdiction: aggravated murder, 105214
murder, voluntary manslaughter, felonious assault, trafficking 105215
in persons, kidnapping, rape, sexual battery, gross sexual 105216
imposition, aggravated arson, aggravated robbery, or aggravated 105217
burglary. Continued practice after the suspension shall be 105218
considered practicing without a license. 105219

The board shall serve the individual subject to the 105220
suspension in accordance with sections 119.05 and 119.07 of the 105221

Revised Code. If an individual whose license is suspended under 105222
this division fails to make a timely request for an adjudication 105223
under Chapter 119. of the Revised Code, the board shall enter a 105224
final order permanently revoking the individual's license. 105225

(K) In any instance in which the board is required by 105226
Chapter 119. of the Revised Code to give notice of opportunity 105227
for hearing and the individual subject to the notice does not 105228
timely request a hearing in accordance with section 119.07 of 105229
the Revised Code, the board is not required to hold a hearing, 105230
but may adopt, by an affirmative vote of not fewer than six of 105231
its members, a final order that contains the board's findings. 105232
In the final order, the board may order any of the sanctions 105233
identified under division (A) or (B) of this section. 105234

(L) Any action taken by the board under division (B) of 105235
this section resulting in a suspension shall be accompanied by a 105236
written statement of the conditions under which the radiologist 105237
assistant's license may be reinstated. The board shall adopt 105238
rules in accordance with Chapter 119. of the Revised Code 105239
governing conditions to be imposed for reinstatement. 105240
Reinstatement of a license suspended pursuant to division (B) of 105241
this section requires an affirmative vote of not fewer than six 105242
members of the board. 105243

(M) When the board refuses to grant or issue a license to 105244
practice as a radiologist assistant to an applicant, revokes an 105245
individual's license, refuses to renew an individual's license, 105246
or refuses to reinstate an individual's license, the board may 105247
specify that its action is permanent. An individual subject to a 105248
permanent action taken by the board is forever thereafter 105249
ineligible to hold a license to practice as a radiologist 105250
assistant and the board shall not accept an application for 105251

reinstatement of the license or for issuance of a new license. 105252

(N) Notwithstanding any other provision of the Revised Code, all of the following apply: 105253

(1) The surrender of a license to practice as a radiologist assistant issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board. 105254
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(2) An application made under this chapter for a license to practice may not be withdrawn without approval of the board. 105260
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(3) Failure by an individual to renew a license to practice in accordance with section 4774.06 of the Revised Code does not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual. 105262
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(4) The placement of an individual's license on retired status, as described in section 4774.062 of the Revised Code, does not remove or limit the board's jurisdiction to take any disciplinary action against the individual with regard to the license as it existed before being placed on retired status. 105266
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Sec. 4774.99. (A) Whoever violates division (A) (1) or (2) of section 4774.02 of the Revised Code is guilty of a misdemeanor of the first degree on a first offense; on each subsequent offense, the person is guilty of a felony of the fourth degree. 105271
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(B) (1) Whoever violates division (B) (1), (C) (1), (C) (2), (D), or (E) of section 4774.16 of the Revised Code is guilty of a minor misdemeanor on a first offense; on each subsequent offense the person is guilty of a misdemeanor of the fourth degree, except that an individual guilty of a subsequent offense 105276
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shall not be subject to imprisonment, but to a fine alone of up to one thousand dollars for each offense.

(2) Whoever violates division (B) (2) or (C) (3) of section 4774.16 of the Revised Code is guilty of ~~failure to report criminal conduct or sexual misconduct,~~ a misdemeanor of the fourth degree. ~~If the offender has previously been convicted of a violation of this division, the failure to report~~ on a first offense; on each subsequent offense, the person is guilty of a misdemeanor of the first degree.

(C) Whoever violates division (E) of section 4774.14 of the Revised Code is guilty of ~~disclosing confidential investigatory information,~~ a misdemeanor of the first degree.

Sec. 4778.14. (A) The state medical board, by an affirmative vote of not fewer than six members, may refuse to grant a license to practice as a genetic counselor to, or may revoke the license held by, an individual found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license.

(B) The board, by an affirmative vote of not fewer than six members, shall, except as provided in division (C) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as a genetic counselor, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons:

(1) Permitting the holder's name or license to be used by another person;

(2) Failure to comply with the requirements of this

chapter, Chapter 4731. of the Revised Code, or any rules adopted 105310
by the board; 105311

(3) Violating or attempting to violate, directly or 105312
indirectly, or assisting in or abetting the violation of, or 105313
conspiring to violate, any provision of this chapter, Chapter 105314
4731. of the Revised Code, or the rules adopted by the board; 105315

(4) A departure from, or failure to conform to, minimal 105316
standards of care of similar practitioners under the same or 105317
similar circumstances whether or not actual injury to the 105318
patient is established; 105319

(5) Inability to practice according to acceptable and 105320
prevailing standards of care by reason of mental illness or 105321
physical illness, including physical deterioration that 105322
adversely affects cognitive, motor, or perceptive skills; 105323

(6) Impairment of ability to practice according to 105324
acceptable and prevailing standards of care because of substance 105325
use disorder or excessive use or abuse of drugs, alcohol, or 105326
other substances that may impair ability to practice; 105327

(7) Willfully betraying a professional confidence; 105328

(8) Making a false, fraudulent, deceptive, or misleading 105329
statement in securing or attempting to secure a license to 105330
practice as a genetic counselor. 105331

As used in this division, "false, fraudulent, deceptive, 105332
or misleading statement" means a statement that includes a 105333
misrepresentation of fact, is likely to mislead or deceive 105334
because of a failure to disclose material facts, is intended or 105335
is likely to create false or unjustified expectations of 105336
favorable results, or includes representations or implications 105337
that in reasonable probability will cause an ordinarily prudent 105338

person to misunderstand or be deceived. 105339

(9) The obtaining of, or attempting to obtain, money or a 105340
thing of value by fraudulent misrepresentations in the course of 105341
practice; 105342

(10) A plea of guilty to, a judicial finding of guilt of, 105343
or a judicial finding of eligibility for intervention in lieu of 105344
conviction for, a felony; 105345

(11) Commission of an act that constitutes a felony in 105346
this state, regardless of the jurisdiction in which the act was 105347
committed; 105348

(12) A plea of guilty to, a judicial finding of guilt of, 105349
or a judicial finding of eligibility for intervention in lieu of 105350
conviction for, a misdemeanor committed in the course of 105351
practice; 105352

(13) A plea of guilty to, a judicial finding of guilt of, 105353
or a judicial finding of eligibility for intervention in lieu of 105354
conviction for, a misdemeanor involving moral turpitude; 105355

(14) Commission of an act in the course of practice that 105356
constitutes a misdemeanor in this state, regardless of the 105357
jurisdiction in which the act was committed; 105358

(15) Commission of an act involving moral turpitude that 105359
constitutes a misdemeanor in this state, regardless of the 105360
jurisdiction in which the act was committed; 105361

(16) A plea of guilty to, a judicial finding of guilt of, 105362
or a judicial finding of eligibility for intervention in lieu of 105363
conviction for violating any state or federal law regulating the 105364
possession, distribution, or use of any drug, including 105365
trafficking in drugs; 105366

(17) Any of the following actions taken by an agency 105367
responsible for authorizing, certifying, or regulating an 105368
individual to practice a health care occupation or provide 105369
health care services in this state or in another jurisdiction, 105370
for any reason other than the nonpayment of fees: the 105371
limitation, revocation, or suspension of an individual's license 105372
to practice; acceptance of an individual's license surrender; 105373
denial of a license; refusal to renew or reinstate a license; 105374
imposition of probation; or issuance of an order of censure or 105375
other reprimand; 105376

(18) Violation of the conditions placed by the board on a 105377
license to practice as a genetic counselor; 105378

(19) Failure to cooperate in an investigation conducted by 105379
the board under section 4778.18 of the Revised Code, including 105380
failure to comply with a subpoena or order issued by the board 105381
or failure to answer truthfully a question presented by the 105382
board at a deposition or in written interrogatories, except that 105383
failure to cooperate with an investigation shall not constitute 105384
grounds for discipline under this section if a court of 105385
competent jurisdiction has issued an order that either quashes a 105386
subpoena or permits the individual to withhold the testimony or 105387
evidence in issue; 105388

(20) Failure to maintain the individual's status as a 105389
certified genetic counselor; 105390

(21) Failure to comply with the code of ethics established 105391
by the national society of genetic counselors. 105392

(C) The board shall not refuse to issue a license to an 105393
applicant because of a plea of guilty to, a judicial finding of 105394
guilt of, or a judicial finding of eligibility for intervention 105395

in lieu of conviction for an offense unless the refusal is in 105396
accordance with section 9.79 of the Revised Code. 105397

(D) Disciplinary actions taken by the board under 105398
divisions (A) and (B) of this section shall be taken pursuant to 105399
an adjudication under Chapter 119. of the Revised Code, except 105400
that in lieu of an adjudication, the board may enter into a 105401
consent agreement with a genetic counselor or applicant to 105402
resolve an allegation of a violation of this chapter or any rule 105403
adopted under it. A consent agreement, when ratified by an 105404
affirmative vote of not fewer than six members of the board, 105405
shall constitute the findings and order of the board with 105406
respect to the matter addressed in the agreement. If the board 105407
refuses to ratify a consent agreement, the admissions and 105408
findings contained in the consent agreement shall be of no force 105409
or effect. 105410

A telephone conference call may be utilized for 105411
ratification of a consent agreement that revokes or suspends an 105412
individual's license. The telephone conference call shall be 105413
considered a special meeting under division (F) of section 105414
121.22 of the Revised Code. 105415

(E) For purposes of divisions (B) (11), (14), and (15) of 105416
this section, the commission of the act may be established by a 105417
finding by the board, pursuant to an adjudication under Chapter 105418
119. of the Revised Code, that the applicant or license holder 105419
committed the act in question. The board shall have no 105420
jurisdiction under these divisions in cases where the trial 105421
court renders a final judgment in the license holder's favor and 105422
that judgment is based upon an adjudication on the merits. The 105423
board shall have jurisdiction under these divisions in cases 105424
where the trial court issues an order of dismissal on technical 105425

or procedural grounds. 105426

(F) The sealing or expungement of conviction records by 105427
any court shall have no effect on a prior board order entered 105428
under the provisions of this section or on the board's 105429
jurisdiction to take action under the provisions of this section 105430
if, based upon a plea of guilty, a judicial finding of guilt, or 105431
a judicial finding of eligibility for intervention in lieu of 105432
conviction, the board issued a notice of opportunity for a 105433
hearing or took other formal action under Chapter 119. of the 105434
Revised Code prior to the court's order to seal or expunge the 105435
records. The board shall not be required to seal, destroy, 105436
redact, or otherwise modify its records to reflect the court's 105437
sealing or expungement of conviction records. 105438

(G) For purposes of this division, any individual who 105439
holds a license to practice as a genetic counselor, or applies 105440
for a license, shall be deemed to have given consent to submit 105441
to a mental or physical examination when directed to do so in 105442
writing by the board and to have waived all objections to the 105443
admissibility of testimony or examination reports that 105444
constitute a privileged communication. 105445

(1) In enforcing division (B)(5) of this section, the 105446
board, on a showing of a possible violation, shall refer any 105447
individual who holds, or has applied for, a license to practice 105448
as a genetic counselor to the monitoring organization that 105449
conducts the confidential monitoring program established under 105450
section 4731.25 of the Revised Code. The board also may compel 105451
the individual to submit to a mental or physical examination, or 105452
both. A physical examination may include an HIV test. The 105453
expense of the examination is the responsibility of the 105454
individual compelled to be examined. Failure to submit to a 105455

mental or physical examination or consent to an HIV test ordered 105456
by the board constitutes an admission of the allegations against 105457
the individual unless the failure is due to circumstances beyond 105458
the individual's control, and a default and final order may be 105459
entered without the taking of testimony or presentation of 105460
evidence. If the board finds a genetic counselor unable to 105461
practice because of the reasons set forth in division (B) (5) of 105462
this section, the board shall require the genetic counselor to 105463
submit to care, counseling, or treatment by physicians approved 105464
or designated by the board, as a condition for an initial, 105465
continued, reinstated, or renewed license to practice. An 105466
individual affected by this division shall be afforded an 105467
opportunity to demonstrate to the board the ability to resume 105468
practicing in compliance with acceptable and prevailing 105469
standards of care. 105470

(2) For purposes of division (B) (6) of this section, if 105471
the board has reason to believe that any individual who holds a 105472
license to practice as a genetic counselor or any applicant for 105473
a license suffers such impairment, the board shall refer the 105474
individual to the monitoring organization that conducts the 105475
confidential monitoring program established under section 105476
4731.25 of the Revised Code. The board also may compel the 105477
individual to submit to a mental or physical examination, or 105478
both. The expense of the examination is the responsibility of 105479
the individual compelled to be examined. Any mental or physical 105480
examination required under this division shall be undertaken by 105481
a treatment provider or physician qualified to conduct such 105482
examination and approved under section 4731.251 of the Revised 105483
Code. 105484

Failure to submit to a mental or physical examination 105485
ordered by the board constitutes an admission of the allegations 105486

against the individual unless the failure is due to 105487
circumstances beyond the individual's control, and a default and 105488
final order may be entered without the taking of testimony or 105489
presentation of evidence. If the board determines that the 105490
individual's ability to practice is impaired, the board shall 105491
suspend the individual's license or deny the individual's 105492
application and shall require the individual, as a condition for 105493
an initial, continued, reinstated, or renewed license, to submit 105494
to treatment. 105495

Before being eligible to apply for reinstatement of a 105496
license suspended under this division, the genetic counselor 105497
shall demonstrate to the board the ability to resume practice in 105498
compliance with acceptable and prevailing standards of care. The 105499
demonstration shall include the following: 105500

(a) Certification from a treatment provider approved under 105501
section 4731.251 of the Revised Code that the individual has 105502
successfully completed any required inpatient treatment; 105503

(b) Evidence of continuing full compliance with an 105504
aftercare contract or consent agreement; 105505

(c) Two written reports indicating that the individual's 105506
ability to practice has been assessed and that the individual 105507
has been found capable of practicing according to acceptable and 105508
prevailing standards of care. The reports shall be made by 105509
individuals or providers approved by the board for making such 105510
assessments and shall describe the basis for their 105511
determination. 105512

The board may reinstate a license suspended under this 105513
division after such demonstration and after the individual has 105514
entered into a written consent agreement. 105515

When the impaired genetic counselor resumes practice, the board shall require continued monitoring of the genetic counselor. The monitoring shall include monitoring of compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, on termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the genetic counselor has maintained sobriety.

(H) (1) If either of the following circumstances occur, the secretary and supervising member may recommend that the board suspend an individual's license to practice without a prior hearing:

(a) The secretary and supervising member determine both of the following:

(i) That there is clear and convincing evidence that a genetic counselor has violated division (B) of this section;

(ii) That the individual's continued practice presents a danger of immediate and serious harm to the public.

(b) The board receives verifiable information that a licensee has been charged in any state or federal court for a crime classified as a felony under the charging court's law and the conduct charged constitutes a violation of division (B) of this section.

(2) If a recommendation is made to suspend without a prior hearing pursuant to division (H) (1) of this section, written allegations shall be prepared for consideration by the board. The board, on review of the allegations and by an affirmative vote of not fewer than six of its members, excluding the

secretary and supervising member, may suspend a license without 105545
a prior hearing. A telephone conference call may be utilized for 105546
reviewing the allegations and taking the vote on the summary 105547
suspension. 105548

The board shall serve a written order of suspension in 105549
accordance with sections 119.05 and 119.07 of the Revised Code. 105550
~~The order shall not be subject to suspension by the court during~~ 105551
~~pendency of any appeal filed under section 119.12 of the Revised~~ 105552
~~Code.~~ If the genetic counselor requests an adjudicatory hearing 105553
by the board, the date set for the hearing shall be within 105554
fifteen days, but not earlier than seven days, after the genetic 105555
counselor requests the hearing, unless otherwise agreed to by 105556
both the board and the genetic counselor. 105557

(3) A summary suspension imposed under ~~this~~ division (H) 105558
(2) of this section is not a final appealable order and is not 105559
an adjudication that may be appealed under section 119.12 of the 105560
Revised Code. The summary suspension shall remain in effect, 105561
~~unless reversed on appeal,~~ until a final adjudicative order 105562
issued by the board pursuant to this section and Chapter 119. of 105563
the Revised Code becomes effective. Once a final adjudicative 105564
order has been issued by the board, any party adversely affected 105565
by it may file an appeal in accordance with the requirements of 105566
Chapter 119. of the Revised Code. ~~The~~ 105567

The board shall issue its final adjudicative order within 105568
~~sixty-seventy-five~~ days after completion of its hearing. Failure 105569
to issue the order within ~~sixty-seventy-five~~ days shall result 105570
in dissolution of the summary suspension order, but shall not 105571
invalidate any subsequent, final adjudicative order. 105572

(I) If the board takes action under division (B) (10), 105573
(12), or (13) of this section, and the judicial finding of 105574

guilt, guilty plea, or judicial finding of eligibility for 105575
intervention in lieu of conviction is overturned on appeal, on 105576
exhaustion of the criminal appeal, a petition for 105577
reconsideration of the order may be filed with the board along 105578
with appropriate court documents. On receipt of a petition and 105579
supporting court documents, the board shall reinstate the 105580
license to practice as a genetic counselor. The board may then 105581
hold an adjudication under Chapter 119. of the Revised Code to 105582
determine whether the individual committed the act in question. 105583
Notice of opportunity for hearing shall be given in accordance 105584
with Chapter 119. of the Revised Code. If the board finds, 105585
pursuant to an adjudication held under this division, that the 105586
individual committed the act, or if no hearing is requested, it 105587
may order any of the sanctions specified in division (B) of this 105588
section. 105589

(J) The license to practice as a genetic counselor and the 105590
counselor's practice in this state are automatically suspended 105591
as of the date the genetic counselor pleads guilty to, is found 105592
by a judge or jury to be guilty of, or is subject to a judicial 105593
finding of eligibility for intervention in lieu of conviction in 105594
this state or treatment or intervention in lieu of conviction in 105595
another jurisdiction for any of the following criminal offenses 105596
in this state or a substantially equivalent criminal offense in 105597
another jurisdiction: aggravated murder, murder, voluntary 105598
manslaughter, felonious assault, trafficking in persons, 105599
kidnapping, rape, sexual battery, gross sexual imposition, 105600
aggravated arson, aggravated robbery, or aggravated burglary. 105601
Continued practice after the suspension shall be considered 105602
practicing without a license. 105603

The board shall serve the individual subject to the 105604
suspension in accordance with sections 119.05 and 119.07 of the 105605

Revised Code. If an individual whose license is suspended under 105606
this division fails to make a timely request for an adjudication 105607
under Chapter 119. of the Revised Code, the board shall enter a 105608
final order permanently revoking the individual's license to 105609
practice. 105610

(K) In any instance in which the board is required by 105611
Chapter 119. of the Revised Code to give notice of opportunity 105612
for hearing and the individual subject to the notice does not 105613
timely request a hearing in accordance with section 119.07 of 105614
the Revised Code, the board is not required to hold a hearing, 105615
but may adopt, by an affirmative vote of not fewer than six of 105616
its members, a final order that contains the board's findings. 105617
In the final order, the board may order any of the sanctions 105618
identified under division (A) or (B) of this section. 105619

(L) Any action taken by the board under division (B) of 105620
this section resulting in a suspension shall be accompanied by a 105621
written statement of the conditions under which the license of 105622
the genetic counselor may be reinstated. The board shall adopt 105623
rules in accordance with Chapter 119. of the Revised Code 105624
governing conditions to be imposed for reinstatement. 105625
Reinstatement of a license suspended pursuant to division (B) of 105626
this section requires an affirmative vote of not fewer than six 105627
members of the board. 105628

(M) When the board refuses to grant or issue a license to 105629
practice as a genetic counselor to an applicant, revokes an 105630
individual's license, refuses to renew an individual's license, 105631
or refuses to reinstate an individual's license, the board may 105632
specify that its action is permanent. An individual subject to a 105633
permanent action taken by the board is forever thereafter 105634
ineligible to hold a license to practice as a genetic counselor 105635

and the board shall not accept an application for reinstatement 105636
of the license or for issuance of a new license. 105637

(N) Notwithstanding any other provision of the Revised 105638
Code, all of the following apply: 105639

(1) The surrender of a license to practice as a genetic 105640
counselor is not effective unless or until accepted by the 105641
board. A telephone conference call may be utilized for 105642
acceptance of the surrender of an individual's license. The 105643
telephone conference call shall be considered a special meeting 105644
under division (F) of section 121.22 of the Revised Code. 105645
Reinstatement of a license surrendered to the board requires an 105646
affirmative vote of not fewer than six members of the board. 105647

(2) An application made under this chapter for a license 105648
to practice may not be withdrawn without approval of the board. 105649

(3) Failure by an individual to renew a license in 105650
accordance with section 4778.06 of the Revised Code does not 105651
remove or limit the board's jurisdiction to take disciplinary 105652
action under this section against the individual. 105653

(4) The placement of an individual's license on retired 105654
status, as described in section 4778.072 of the Revised Code, 105655
does not remove or limit the board's jurisdiction to take any 105656
disciplinary action against the individual with regard to the 105657
license as it existed before being placed on retired status. 105658

Sec. 4778.99. Whoever violates section 4778.02 of the 105659
Revised Code is guilty of a misdemeanor of the first degree on a 105660
first offense and felony of the fifth degree on each subsequent 105661
offense. 105662

Whoever violates division (B) (1) or (2) of section 105663
4778.171 of the Revised Code is guilty of ~~failure to report~~ 105664

~~criminal conduct or sexual misconduct,~~ a misdemeanor of the 105665
fourth degree. ~~If the offender has previously been convicted of~~ 105666
~~a violation of this division, the failure to report is~~ on a 105667
first offense and a misdemeanor of the first degree on each 105668
subsequent offense. 105669

Whoever violates division (E) of section 4778.18 of the 105670
Revised Code is guilty of ~~disclosing confidential investigatory~~ 105671
~~information,~~ a misdemeanor of the first degree. 105672

Sec. 4785.041. (A) The division of industrial compliance 105673
within the department of commerce may renew a license issued 105674
under section 4785.04 of the Revised Code if the licensee does 105675
all of the following: 105676

(1) Submits an application for license renewal on a form 105677
prescribed by the division; 105678

(2) Pays the license renewal fee established by the 105679
division; 105680

(3) If the licensee is an elevator mechanic, submits 105681
evidence that the applicant has completed the continuing 105682
education coursework described in division (B) of this section; 105683

(4) If the license is an elevator contractor's license, 105684
submits proof that the applicant is in compliance with the 105685
insurance requirements prescribed in section 4785.07 of the 105686
Revised Code. 105687

(B) The continuing education courses described in division 105688
(A) (3) of this section shall: 105689

(1) Instruct licensees on new and existing rules and 105690
standards adopted by the division; 105691

(2) Consist of not less than eight hours of instruction; 105692

(3) Be attended and completed within one year immediately preceding the scheduled date for the license renewal; 105693
105694

(4) Be taught by instructors through continuing education providers approved by the division. 105695
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(C) A continuing education instructor who holds a license under this chapter is exempt from the continuing education requirement prescribed in division (A) (3) of this section, provided that any such applicant was qualified as an instructor at any time during the year immediately preceding the scheduled date for the license renewal. 105697
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(D) (1) A licensee who is unable to complete the continuing education coursework required under this section before the expiration of the licensee's license due to a temporary disability may apply for a temporary continuing education waiver from the division. 105703
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(2) An application for a temporary continuing education waiver shall be made in a form prescribed by the division, which shall be signed by the applicant ~~under the penalty of perjury~~ and accompanied by a ~~certified~~ statement from a competent physician attesting to the temporary disability. If the division grants the waiver, the licensee's license does not expire but is placed on inactive status. 105708
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(3) On the termination of the temporary disability, the licensee shall submit to the division a ~~certified~~ statement from the same physician, if practicable, attesting to the termination of the temporary disability. The division shall then take the licensee's license off inactive status and shall issue a waiver sticker, valid for ninety days, to the licensee and affix the sticker to the license. The licensee may then perform the tasks 105715
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the license authorizes the licensee to perform but the licensee 105722
shall meet the continuing education requirement during this 105723
ninety-day period or be considered to have not met the 105724
continuing education requirement and the license shall be deemed 105725
to be expired. 105726

(E) (1) Approved continuing education providers shall keep 105727
uniform records, for a period of ten years, of attendance of 105728
licensees in a format approved by the division. Such records 105729
shall be available for inspection by the division on request. 105730

(2) Approved training providers are responsible for the 105731
security of all attendance records and certificates of 105732
completion, provided, however, that falsifying or knowingly 105733
allowing another to falsify such attendance records or 105734
certificates of completion constitutes grounds for suspension or 105735
revocation of a continuing education provider's division 105736
approval. 105737

(F) The division shall not renew the license of an 105738
individual or entity if the individual or entity would be denied 105739
an initial license for a reason listed in division (E) of 105740
section 4785.04 of the Revised Code. 105741

Sec. 4903.10. After any order has been made by the public 105742
utilities commission, any party who has entered an appearance in 105743
person or by counsel in the proceeding may apply for a rehearing 105744
in respect to any matters determined in the proceeding. Such 105745
application shall be filed within thirty days after the entry of 105746
the order upon the journal of the commission. 105747

Notwithstanding the preceding paragraph, in any 105748
uncontested proceeding or, by leave of the commission first had 105749
in any other proceeding, any affected person, firm, or 105750

corporation may make an application for a rehearing within 105751
thirty days after the entry of any final order upon the journal 105752
of the commission. Leave to file an application for rehearing 105753
shall not be granted to any person, firm, or corporation who did 105754
not enter an appearance in the proceeding unless the commission 105755
first finds: 105756

(A) The applicant's failure to enter an appearance prior 105757
to the entry upon the journal of the commission of the order 105758
complained of was due to just cause; and, 105759

(B) The interests of the applicant were not adequately 105760
considered in the proceeding. 105761

Every applicant for rehearing or for leave to file an 105762
application for rehearing shall give due notice of the filing of 105763
such application to all parties who have entered an appearance 105764
in the proceeding in the manner and form prescribed by the 105765
commission. 105766

Such application shall be in writing and shall set forth 105767
specifically the ground or grounds on which the applicant 105768
considers the order to be unreasonable or unlawful. No party 105769
shall in any court urge or rely on any ground for reversal, 105770
vacation, or modification not so set forth in the application. 105771

Where such application for rehearing has been filed before 105772
the effective date of the order as to which a rehearing is 105773
sought, the effective date of such order, unless otherwise 105774
ordered by the commission, shall be postponed or stayed pending 105775
disposition of the matter by the commission or by operation of 105776
law. In all other cases the making of such an application shall 105777
not excuse any person from complying with the order, or operate 105778
to stay or postpone the enforcement thereof, without a special 105779

order of the commission. 105780

Where such application for rehearing has been filed, the 105781
commission may grant and hold such rehearing on the matter 105782
specified in such application, if in its judgment sufficient 105783
reason therefor is made to appear. Notice of such rehearing 105784
shall be given by regular mail to all parties who have entered 105785
an appearance in the proceeding. 105786

If the commission does not grant or deny such application 105787
for rehearing within thirty days from the date of filing 105788
thereof, it is denied by operation of law. 105789

If the commission grants such rehearing, it shall specify 105790
in the notice of such granting the purpose for which it is 105791
granted. The commission shall also specify the scope of the 105792
additional evidence, if any, that will be taken, but it shall 105793
not upon such rehearing take any evidence that, with reasonable 105794
diligence, could have been offered upon the original hearing. 105795

If, after such rehearing, the commission is of the opinion 105796
that the original order or any part thereof is in any respect 105797
unjust or unwarranted, or should be changed, the commission may 105798
abrogate or modify the same; otherwise such order shall be 105799
affirmed. An order made after such rehearing, abrogating or 105800
modifying the original order, shall have the same effect as an 105801
original order, but shall not affect any right or the 105802
enforcement of any right arising from or by virtue of the 105803
original order prior to the receipt of notice by the affected 105804
party of the filing of the application for rehearing. 105805

If the commission does not affirm, abrogate, or modify the 105806
original order within ninety days from the date granting such 105807
rehearing, the order is affirmed by operation of law. 105808

No cause of action arising out of any order of the commission, other than in support of the order, shall accrue in any court to any person, firm, or corporation unless such person, firm, or corporation has made a proper application to the commission for a rehearing.

Sec. 4905.311. (A) As used in this section, "electric distribution utility" has the same meaning as in section 4928.01 of the Revised Code.

(B) Notwithstanding any provision of the Revised Code to the contrary, an electric distribution utility may supply behind the meter electric generation service, provided that an application for any behind the meter electric generation facilities that the utility intends to use to supply such service ~~were~~ was filed with the public utilities commission under section 4928.47 of the Revised Code, as that section existed prior to its repeal by H.B. 15 of the 136th General Assembly, no later than March 31, 2025.

(C) No electric distribution utility shall recover any of the following costs through any rate, charge, or recovery from retail electric service customers that are not receiving behind the meter electric generation service from the utility:

(1) Costs associated with supplying behind the meter electric generation service;

(2) Costs associated with any behind the meter electric generation service facility;

(3) Stranded costs associated with the closing of any behind the meter electric generation service facility or an end-use customer of the behind the meter electric generation service ceasing operations.

(D) No electric distribution utility shall offer direct, 105838
associated inducements for contracting with the utility for any 105839
behind the meter electric generation service. 105840

(E) The public utilities commission shall periodically 105841
audit all electric distribution utilities that provide any 105842
behind the meter electric generation service to ensure 105843
compliance with this section. 105844

Sec. 4906.07. (A) Upon the receipt of an application 105845
complying with section 4906.06 of the Revised Code, the power 105846
siting board shall promptly fix a date for a public hearing 105847
thereon, not less than forty-five nor more than sixty days after 105848
such receipt, and shall conclude the proceeding as expeditiously 105849
as practicable. 105850

(B) On an application for an amendment of a certificate, 105851
the board shall hold a hearing in the same manner as a hearing 105852
is held on an application for a certificate if the proposed 105853
change in the facility would result in any material increase in 105854
any environmental impact of the facility or a substantial change 105855
in the location of all or a portion of such facility other than 105856
as provided in the alternates set forth in the application. 105857

(C) The chairperson of the power siting board shall cause 105858
each application filed with the board to be investigated and 105859
shall, not less than ~~fifteen~~five days prior to the date any 105860
application is set for hearing submit a written report to the 105861
board and to the applicant. A copy of such report shall be made 105862
available to any person upon request. Such report shall set 105863
forth the nature of the investigation, and shall contain 105864
recommended findings with regard to division (A) of section 105865
4906.10 of the Revised Code and shall become part of the record 105866
and served upon all parties to the proceeding. 105867

Sec. 4911.18. (A) For the sole purpose of maintaining and 105868
administering the office of the consumers' counsel and 105869
exercising the powers of the consumers' counsel under this 105870
chapter, an amount equal to the appropriation to the office of 105871
the consumers' counsel in each fiscal year shall be apportioned 105872
among and assessed against each public utility within this 105873
state, as defined in section 4911.01 of the Revised Code, by 105874
first computing an assessment as though it were to be made in 105875
proportion to the intrastate gross earnings or receipts of the 105876
public utility for the calendar year next preceding that in 105877
which the assessment is made, excluding earnings or receipts 105878
from sales to other public utilities for resale. The office may 105879
include in that first computation any amount of a public 105880
utility's intrastate gross earnings or receipts underreported in 105881
a prior year. In addition to whatever penalties apply under the 105882
Revised Code to such underreporting, the office shall assess the 105883
public utility interest at the rate stated in division (A) of 105884
section 1343.01 of the Revised Code. The office shall deposit 105885
any interest so collected into the consumers' counsel operating 105886
fund. The office may exclude from that first computation any 105887
such amounts that were over-reported in a prior year. 105888

The final computation of the assessment shall consist of 105889
imposing upon each public utility whose assessment under the 105890
first computation would have been one hundred dollars or less an 105891
assessment of one hundred dollars and recomputing the assessment 105892
of the remaining companies by apportioning an amount equal to 105893
the appropriation to the office of consumers' counsel in each 105894
fiscal year less the total amount to be recovered from those 105895
paying the minimum assessment, in proportion to the intrastate 105896
gross earnings or receipts of the remaining companies for the 105897
calendar year next preceding that in which the assessments are 105898

made, excluding earnings or receipts from sales to other public 105899
utilities for resale. 105900

In the case of an assessment based on intrastate gross 105901
receipts under this section against a public utility that is an 105902
electric utility as defined in section 4928.01 of the Revised 105903
Code, or an electric services company, electric cooperative, or 105904
governmental aggregator subject to certification under section 105905
4928.08 of the Revised Code, such receipts shall be those 105906
specified in the utility's, company's, cooperative's, or 105907
aggregator's most recent report of intrastate gross receipts and 105908
sales of kilowatt hours of electricity, filed with the public 105909
utilities commission pursuant to division (F) of section 4928.06 105910
of the Revised Code, and verified by the commission. 105911

In the case of an assessment based on intrastate gross 105912
receipts under this section against a retail natural gas 105913
supplier or governmental aggregator subject to certification 105914
under section 4929.20 of the Revised Code, such receipts shall 105915
be those specified in the supplier's or aggregator's most recent 105916
report of intrastate gross receipts and sales of hundred cubic 105917
feet of natural gas, filed with the commission pursuant to 105918
division (B) of section 4929.23 of the Revised Code, and 105919
verified by the commission. However, no such retail natural gas 105920
supplier or such governmental aggregator serving or proposing to 105921
serve customers of a particular natural gas company, as defined 105922
in section 4929.01 of the Revised Code, shall be assessed under 105923
this section until after the commission, pursuant to section 105924
4905.26 or 4909.18 of the Revised Code, has removed from the 105925
base rates of the natural gas company the amount of assessment 105926
under this section that is attributable to the value of 105927
commodity sales service, as defined in section 4929.01 of the 105928
Revised Code, in the base rates paid by those customers of the 105929

company that do not purchase that service from the natural gas 105930
company. 105931

(B) Through calendar year 2005, on or before the first day 105932
of October in each year, the office of consumers' counsel shall 105933
notify each public utility of the sum assessed against it, 105934
whereupon payment shall be made to the counsel, who shall 105935
deposit it into the state treasury to the credit of the 105936
consumers' counsel operating fund, which is hereby created. 105937
Beginning in calendar year 2006, on or before the fifteenth day 105938
of May in each year, the consumers' counsel shall notify each 105939
public utility that had a sum assessed against it for the 105940
current fiscal year of more than one thousand dollars that fifty 105941
per cent of that amount shall be paid to the consumers' counsel 105942
by the twentieth day of June of that year as an initial payment 105943
of the assessment against the company for the next fiscal year. 105944
On or before the first day of October in each year, the 105945
consumers' counsel shall make a final determination of the sum 105946
of the assessment against each public utility and shall notify 105947
each public utility of the sum assessed against it. The 105948
consumers' counsel shall deduct from the assessment for each 105949
public utility any initial payment received. Payment of the 105950
assessment shall be made to the consumers' counsel by the first 105951
day of November of that year. The consumers' counsel shall 105952
deposit the payments received into the state treasury to the 105953
credit of the consumers' counsel operating fund. Any such 105954
amounts paid into the fund but not expended by the office shall 105955
be credited ratably by the office to the public utilities that 105956
pay more than the minimum assessment, according to the 105957
respective portions of such sum assessable against them for the 105958
ensuing fiscal year, after first deducting any deficits 105959
accumulated from prior years. The assessments for such fiscal 105960

year shall be reduced correspondingly. 105961

(C) Within five days after the beginning of each fiscal 105962
year through fiscal year 2006, the director of budget and 105963
management shall transfer from the general revenue fund to the 105964
consumers' counsel operating fund an amount sufficient for 105965
maintaining and administering the office of the consumers' 105966
counsel and exercising the powers of the consumers' counsel 105967
under this chapter during the first four months of the fiscal 105968
year. Not later than the thirty-first day of December of the 105969
fiscal year, the same amount shall be transferred back to the 105970
general revenue fund from the consumers' counsel operating fund. 105971

~~(D)~~ (D) (1) As used in this section, "public utility" 105972
includes: 105973

~~(1)~~ (a) In addition to an electric utility as defined in 105974
section 4928.01 of the Revised Code, an electric services 105975
company, an electric cooperative, or a governmental aggregator 105976
subject to certification under section 4928.08 of the Revised 105977
Code, to the extent of the company's, cooperative's, or 105978
aggregator's engagement in the business of supplying or 105979
arranging for the supply in this state of any retail electric 105980
service for which it must be so certified; 105981

~~(2)~~ (b) In addition to a natural gas company as defined in 105982
section 4929.01 of the Revised Code, a retail natural gas 105983
supplier or governmental aggregator subject to certification 105984
under section 4929.20 of the Revised Code, to the extent of the 105985
supplier's or aggregator's engagement in the business of 105986
supplying or arranging for the supply in this state of any 105987
competitive retail natural gas service for which it must be 105988
certified. 105989

(2) As used in this section, "public utility" does not include a wireless service provider or reseller as defined in section 128.01 of the Revised Code, to the extent either of them are providing wireless service as defined under section 128.01 of the Revised Code.

Sec. 4921.01. As used in this chapter: 105995

(A) "Ambulance" has the same meaning as in section 4766.01 of the Revised Code. 105996
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(B) "For-hire motor carrier" means a person engaged in the business of transporting persons or property by motor vehicle for compensation, except when engaged in any of the following in intrastate commerce: 105998
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106001

(1) The transportation of persons in taxicabs in the usual taxicab service; 106002
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(2) The transportation of pupils in school buses operating to or from school sessions or school events; 106004
106005

(3) The transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants; 106006
106007

(4) The distribution of newspapers; 106008

(5) The transportation of crude petroleum incidental to gathering from wells and delivery to destination by pipeline; 106009
106010

(6) The transportation of injured, ill, or deceased persons by hearse or ambulance; 106011
106012

(7) The transportation of compost (a combination of manure and sand or shredded bark mulch) or shredded bark mulch; 106013
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(8) The transportation of persons in a ridesharing arrangement when any fee charged each person so transported is 106015
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in such amount as to recover only the person's share of the 106017
costs of operating the motor vehicle for such purpose; 106018

(9) The operation of motor vehicles for contractors on 106019
public road work; 106020

(10) The operation of trailers that are all of the 106021
following: 106022

(a) Designed and used exclusively to transport a single 106023
boat between the following that are not more than ten miles 106024
apart: 106025

(i) A place of storage; 106026

(ii) A marina, or a place that is in and around a marina; 106027

(b) Drawn or towed within this state on a public road or 106028
highway at a speed of twenty-five miles per hour or less; 106029

(c) The gross vehicle weight rating, gross combination 106030
weight rating, gross vehicle weight, and gross combination 106031
weight or any combination thereof does not exceed twenty-six 106032
thousand one pounds. 106033

"For-hire motor carrier" includes the carrier's agents, 106034
officers, and representatives, as well as employees responsible 106035
for hiring, supervising, training, assigning, or dispatching 106036
drivers and employees concerned with the installation, 106037
inspection, and maintenance of motor-vehicle equipment and 106038
accessories. 106039

Divisions (B) (1) to (9) of this section shall not be 106040
construed to relieve a person from compliance with rules 106041
governing unified carrier registration adopted under section 106042
4921.11 of the Revised Code. 106043

(C) "Household goods" means personal effects and property used or to be used in a dwelling, excluding property moving from a factory or store.

(D) "Interstate commerce" means trade, traffic, or transportation in the United States that is any of the following:

(1) Between a place in a state and a place outside of that state (including a place outside of the United States);

(2) Between two places in a state through another state or a place outside of the United States;

(3) Between two places in a state as part of trade, traffic, or transportation originating or terminating outside the state or the United States.

(E) "Intrastate commerce" means any trade, traffic, or transportation in any state which is not described in the term "interstate commerce."

(F) "Motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of persons or property, or any combination thereof, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service and does not include trailers that are all of the following:

(1) Designed and used exclusively to transport a single boat between the following that are not more than ten miles apart:

<u>(a) A place of storage;</u>	106072
<u>(b) A marina, or a place that is in and around a marina;</u>	106073
<u>(2) Drawn or towed within this state on a public road or highway at a speed of twenty-five miles per hour or less;</u>	106074 106075
<u>(3) The gross vehicle weight rating, gross combination weight rating, gross vehicle weight, and gross combination weight or any combination thereof does not exceed twenty-six thousand one pounds.</u>	106076 106077 106078 106079
(G) "Public highway" means any public street, road, or highway in this state, whether within or without the corporate limits of a municipal corporation.	106080 106081 106082
(H) "Ridesharing arrangement" means the transportation of persons in a motor vehicle where such transportation is incidental to another purpose of a volunteer driver, and includes ridesharing arrangements known as carpools, vanpools, and buspools.	106083 106084 106085 106086 106087
(I) "School bus" has the same meaning as in section 4511.01 of the Revised Code.	106088 106089
(J) "Trailer" means any vehicle without motive power designed or used for carrying persons or property and for being drawn by a separate motor vehicle, including any vehicle of the trailer type, whether designed or used for carrying persons or property wholly on its own structure, or so designed or used that a part of its own weight or the weight of its load rests upon and is carried by such motor vehicle.	106090 106091 106092 106093 106094 106095 106096
Sec. 4923.01. As used in this chapter:	106097
(A) "Ambulance," "interstate commerce," "intrastate commerce," "motor vehicle," "public highway," "ridesharing	106098 106099

arrangement," and "school bus" have the same meanings as in 106100
section 4921.01 of the Revised Code. 106101

(B) "For-hire motor carrier" means a person engaged in the 106102
business of transporting persons or property by motor vehicle 106103
for compensation, except when engaged in any of the following in 106104
intrastate commerce: 106105

(1) The transportation of persons in taxicabs in the usual 106106
taxicab service; 106107

(2) The transportation of pupils in school ~~busses~~buses 106108
operating to or from school sessions or school events; 106109

(3) The transportation of farm supplies to the farm or 106110
farm products from farm to market or to food fabricating plants; 106111

(4) The distribution of newspapers; 106112

(5) The transportation of crude petroleum incidental to 106113
gathering from wells and delivery to destination by pipe line; 106114

(6) The transportation of injured, ill, or deceased 106115
persons by hearse or ambulance; 106116

(7) The transportation of compost (a combination of manure 106117
and sand or shredded bark mulch) or shredded bark mulch; 106118

(8) The transportation of persons in a ridesharing 106119
arrangement when any fee charged each person so transported is 106120
in such amount as to recover only the person's share of the 106121
costs of operating the motor vehicle for such purpose; 106122

(9) The operation of motor vehicles for contractors on 106123
public road work; 106124

(10) The operation of trailers that are all of the 106125
following: 106126

<u>(a) Designed and used exclusively to transport a single</u>	106127
<u>boat between the following that are not more than ten miles</u>	106128
<u>apart:</u>	106129
<u>(i) A place of storage;</u>	106130
<u>(ii) A marina, or a place that is in and around a marina;</u>	106131
<u>(b) Drawn or towed within this state on a public road or</u>	106132
<u>highway at a speed of twenty-five miles per hour or less;</u>	106133
<u>(c) The gross vehicle weight rating, gross combination</u>	106134
<u>weight rating, gross vehicle weight, and gross combination</u>	106135
<u>weight or any combination thereof does not exceed twenty-six</u>	106136
<u>thousand one pounds.</u>	106137
"For-hire motor carrier" includes the carrier's agents,	106138
officers, and representatives, as well as employees responsible	106139
for hiring, supervising, training, assigning, or dispatching	106140
drivers and employees concerned with the installation,	106141
inspection, and maintenance of motor-vehicle equipment and	106142
accessories.	106143
Divisions (B) (1) to (9) of this section shall not be	106144
construed to relieve a person from compliance with rules adopted	106145
under division (A) (2) of section 4923.04 of the Revised Code,	106146
division (E) of section 4923.06 of the Revised Code, division	106147
(B) of section 4923.07 of the Revised Code, and section 4923.11	106148
of the Revised Code, or from compliance with rules regarding	106149
commercial driver's licenses adopted under division (A) (1) of	106150
section 4923.04 of the Revised Code.	106151
(C) "Motor carrier" means both a for-hire motor carrier	106152
and a private motor carrier.	106153
(D) "Private motor carrier" means a person who is not a	106154

for-hire motor carrier but is engaged in the business of 106155
transporting persons or property by motor vehicle, except as 106156
provided in section 4923.02 of the Revised Code. "Private motor 106157
carrier" includes the carrier's agents, officers, and 106158
representatives, as well as employees responsible for hiring, 106159
supervising, training, assigning, or dispatching drivers and 106160
employees concerned with the installation, inspection, and 106161
maintenance of motor-vehicle equipment and accessories. 106162

Sec. 4927.01. (A) As used in this chapter: 106163

(1) "Basic local exchange service" means residential-end- 106164
user access to and usage of telephone-company-provided services 106165
over a single line or small-business-end-user access to and 106166
usage of telephone-company-provided services over the primary 106167
access line of service, which in the case of residential and 106168
small-business access and usage is not part of a bundle or 106169
package of services, that does both of the following: 106170

(a) Enables a customer to originate or receive voice 106171
communications within a local service area as that area exists 106172
on September 13, 2010, or as that area is changed with the 106173
approval of the public utilities commission; 106174

(b) Consists of all of the following services: 106175

(i) Local dial tone service; 106176

(ii) For residential end users, flat-rate telephone 106177
exchange service; 106178

(iii) Touch tone dialing service; 106179

(iv) Access to and usage of 9-1-1 services, where such 106180
services are available; 106181

(v) Access to operator services and directory assistance; 106182

(vi) Provision of a telephone directory in any reasonable format, which includes, at the telephone company's option, an internet-accessible database of directory listings, for no additional charge and a listing in that directory, with reasonable accommodations made for private listings, and for a telephone company that no longer offers a printed directory, provision of reasonable customer notice of the available options to obtain directory information;

(vii) Per call, caller identification blocking services;

(viii) Access to telecommunications relay service; and

(ix) Access to toll presubscription, interexchange or toll providers or both, and networks of other telephone companies.

"Basic local exchange service" excludes any voice service to which customers are transitioned following a withdrawal of basic local exchange service under section 4927.10 of the Revised Code.

(2) "Bundle or package of services" means one or more telecommunications services or other services offered together as one service option at a single price.

(3) "Carrier access" means access to and usage of telephone company-provided facilities that enable end user customers originating or receiving voice grade, data, or image communications, over a local exchange telephone company network operated within a local service area, to access interexchange or other networks and includes special access.

(4) "Federal poverty level" means the income level represented by the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Reconciliation

Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a 106212
family size equal to the size of the family of the person whose 106213
income is being determined. 106214

(5) "Incumbent local exchange carrier" means, with respect 106215
to an area, the local exchange carrier that: 106216

(a) On February 8, 1996, provided telephone exchange 106217
service in such area; and 106218

(b) (i) On February 8, 1996, was deemed to be a member of 106219
the exchange carrier association pursuant to 47 C.F.R. 106220
69.601(b); or 106221

(ii) Is a person or entity that, on or after February 8, 106222
1996, became a successor or assign of a member described in 106223
division (A) (5) (b) (i) of this section. 106224

(6) "Internet protocol-enabled services" means any 106225
services, capabilities, functionalities, or applications that 106226
are provided using internet protocol or a successor protocol to 106227
enable an end user to send or receive communications in internet 106228
protocol format or a successor format, regardless of how any 106229
particular such service is classified by the federal 106230
communications commission, and includes voice over internet 106231
protocol service. 106232

(7) "Interstate-access component" means the portion of 106233
carrier access that is within the jurisdiction of the federal 106234
communications commission. 106235

(8) "Local exchange carrier" means any person engaged in 106236
the provision of telephone exchange service, or the offering of 106237
access to telephone exchange service or facilities for the 106238
purpose of originating or terminating telephone toll service. 106239

(9) "Local service area" means the geographic area that 106240
may encompass more than one exchange area and within which a 106241
telephone customer, by paying the rate for basic local exchange 106242
service, may complete calls to other telephone customers without 106243
being assessed long distance toll charges. 106244

(10) "Small business" means a nonresidential service 106245
customer with three or fewer service access lines. 106246

(11) "Telecommunications" means the transmission, between 106247
or among points specified by the user, of information of the 106248
user's choosing, without change in the form or content of the 106249
information as sent and received. 106250

(12) "Telecommunications carrier" has the same meaning as 106251
in the "Telecommunications Act of 1996," 110 Stat. 60, 47 U.S.C. 106252
153. 106253

(13) "Telecommunications service" means the offering of 106254
telecommunications for a fee directly to the public, or to such 106255
classes of users as to be effectively available directly to the 106256
public, regardless of the facilities used. 106257

(14) "Telephone company" means a company described in 106258
division (A) of section 4905.03 of the Revised Code that is a 106259
public utility under section 4905.02 of the Revised Code. 106260

(15) "Telephone exchange service" means telecommunications 106261
service that is within a telephone exchange, or within a 106262
connected system of telephone exchanges within the same exchange 106263
area operated to furnish to subscribers intercommunicating 106264
service of the character ordinarily furnished by a single 106265
exchange, and that is covered by the exchange service charge; or 106266
comparable service provided through a system of switches, 106267
transmission equipment, or other facilities, or combination 106268

thereof, by which a customer can originate and terminate a 106269
telecommunications service. 106270

(16) "Telephone toll service" means telephone service 106271
between stations in different exchange areas for which there is 106272
made a separate charge not included in contracts with customers 106273
for exchange service. 106274

(17) "Voice over internet protocol service" means a 106275
service that enables real-time, two-way, voice communications 106276
that originate or terminate from the user's location using 106277
internet protocol or a successor protocol, including, but not 106278
limited to, any such service that permits an end user to receive 106279
calls from and terminate calls to the public switched network. 106280

(18) "Voice service" includes all of the applicable 106281
functionalities described in 47 C.F.R. 54.101(a). "Voice 106282
service" is not the same as basic local exchange service. 106283

(19) "Wireless service" means federally licensed 106284
commercial mobile service as defined in the "Telecommunications 106285
Act of 1996," 110 Stat. 61, 151, 153, 47 U.S.C. 332(d) and 106286
further defined as commercial mobile radio service in 47 C.F.R. 106287
20.3. Under division (A)(19) of this section, commercial mobile 106288
radio service is specifically limited to mobile telephone, 106289
mobile cellular telephone, paging, personal communications 106290
services, and specialized mobile radio service provided by a 106291
common carrier in this state and excludes fixed wireless 106292
service. 106293

(20) "Wireless service provider" means a facilities-based 106294
provider of wireless service to one or more end users in this 106295
state. 106296

(21) "Broadband internet access service" has the same 106297

meaning as in 47 C.F.R. 8.1. 106298

(B) The definitions of this section shall be applied 106299
consistent with the definitions in the "Telecommunications Act 106300
of 1996," 110 Stat. 56, 47 U.S.C. 151 et seq., as amended, and 106301
with federal decisions interpreting those definitions. 106302

Sec. 4927.22. (A) Notwithstanding any provision of the 106303
Revised Code, other than division (B) of this section: 106304

(1) Broadband internet access service is not subject to 106305
regulation by the public utilities commission. 106306

(2) No agency, commission, or political subdivision of 106307
this state shall enact, adopt, or enforce, either directly or 106308
indirectly, any law, rule, regulation, ordinance, standard, 106309
order or other provision having the force or effect of law that 106310
regulates, or has the effect of regulating, the rates, terms, or 106311
conditions of any broadband internet access service, or 106312
otherwise treats providers of broadband internet access services 106313
as public utilities or telecommunications carriers. 106314

(B) This section shall not be construed to do any of the 106315
following: 106316

(1) Restrict any authority delegated to the commission or 106317
to any state agency to administer a state or federal grant 106318
program under state or federal statute, rule, or order; 106319

(2) Restrict the application to broadband internet access 106320
service, or providers thereof, of any law that applies generally 106321
to the conduct of business in the state relating to consumer 106322
protection and fair competition; 106323

(3) Restrict the authority of any political subdivision in 106324
the state to manage access to and use of any public way or 106325

public rights-of-way. 106326

Sec. 4928.06. (A) Beginning on the starting date of 106327
competitive retail electric service, the public utilities 106328
commission shall ensure that the policy specified in section 106329
4928.02 of the Revised Code is effectuated. To the extent 106330
necessary, the commission shall adopt rules to carry out this 106331
chapter. Initial rules necessary for the commencement of the 106332
competitive retail electric service under this chapter shall be 106333
adopted within one hundred eighty days after the effective date 106334
of this section. Except as otherwise provided in this chapter, 106335
the proceedings and orders of the commission under the chapter 106336
shall be subject to and governed by Chapter 4903. of the Revised 106337
Code. 106338

(B) If the commission determines, on or after the starting 106339
date of competitive retail electric service, that there is a 106340
decline or loss of effective competition with respect to a 106341
competitive retail electric service of an electric utility, 106342
which service was declared competitive by commission order 106343
issued pursuant to division (A) of section 4928.04 of the 106344
Revised Code, the commission shall ensure that that service is 106345
provided at compensatory, fair, and nondiscriminatory prices and 106346
terms and conditions. 106347

(C) In addition to its authority under section 4928.04 of 106348
the Revised Code and divisions (A) and (B) of this section, the 106349
commission, on an ongoing basis, shall monitor and evaluate the 106350
provision of retail electric service in this state for the 106351
purpose of discerning any noncompetitive retail electric service 106352
that should be available on a competitive basis on or after the 106353
starting date of competitive retail electric service pursuant to 106354
a declaration in the Revised Code, and for the purpose of 106355

discerning any competitive retail electric service that is no 106356
longer subject to effective competition on or after that date. 106357
Upon such evaluation, the commission periodically shall report 106358
its findings and any recommendations for legislation to the 106359
standing committees of both houses of the general assembly that 106360
have primary jurisdiction regarding public utility legislation. 106361
~~Until 2008, the commission and the consumer's counsel also shall 106362
provide biennial reports to those standing committees, regarding 106363
the effectiveness of competition in the supply of competitive- 106364
retail electric services in this state. In addition, until the- 106365
end of all market development periods as determined by the- 106366
commission under section 4928.40 of the Revised Code, those- 106367
standing committees shall meet at least biennially to consider- 106368
the effect on this state of electric service restructuring and- 106369
to receive reports from the commission, consumers' counsel, and- 106370
director of development. 106371~~

(D) In determining, for purposes of division (B) or (C) of 106372
this section, whether there is effective competition in the 106373
provision of a retail electric service or reasonably available 106374
alternatives for that service, the commission shall consider 106375
factors including, but not limited to, all of the following: 106376

(1) The number and size of alternative providers of that 106377
service; 106378

(2) The extent to which the service is available from 106379
alternative suppliers in the relevant market; 106380

(3) The ability of alternative suppliers to make 106381
functionally equivalent or substitute services readily available 106382
at competitive prices, terms, and conditions; 106383

(4) Other indicators of market power, which may include 106384

market share, growth in market share, ease of entry, and the 106385
affiliation of suppliers of services. 106386

The burden of proof shall be on any entity requesting, 106387
under division (B) or (C) of this section, a determination by 106388
the commission of the existence of or a lack of effective 106389
competition or reasonably available alternatives. 106390

(E) (1) Beginning on the starting date of competitive 106391
retail electric service, the commission has authority under 106392
Chapters 4901. to 4909. of the Revised Code, and shall exercise 106393
that authority, to resolve abuses of market power by any 106394
electric utility that interfere with effective competition in 106395
the provision of retail electric service. 106396

(2) In addition to the commission's authority under 106397
division (E) (1) of this section, the commission, beginning the 106398
first year after the market development period of a particular 106399
electric utility and after reasonable notice and opportunity for 106400
hearing, may take such measures within a transmission 106401
constrained area in the utility's certified territory as are 106402
necessary to ensure that retail electric generation service is 106403
provided at reasonable rates within that area. The commission 106404
may exercise this authority only upon findings that an electric 106405
utility is or has engaged in the abuse of market power and that 106406
that abuse is not adequately mitigated by rules and practices of 106407
any independent transmission entity controlling the transmission 106408
facilities. Any such measure shall be taken only to the extent 106409
necessary to protect customers in the area from the particular 106410
abuse of market power and to the extent the commission's 106411
authority is not preempted by federal law. The measure shall 106412
remain in effect until the commission, after reasonable notice 106413
and opportunity for hearing, determines that the particular 106414

abuse of market power has been mitigated. 106415

(F) An electric utility, electric services company, 106416
electric cooperative, or governmental aggregator subject to 106417
certification under section 4928.08 of the Revised Code shall 106418
provide the commission with such information, regarding a 106419
competitive retail electric service for which it is subject to 106420
certification, as the commission considers necessary to carry 106421
out this chapter. An electric utility shall provide the 106422
commission with such information as the commission considers 106423
necessary to carry out divisions (B) to (E) of this section. The 106424
commission shall take such measures as it considers necessary to 106425
protect the confidentiality of any such information. 106426

The commission shall require each electric utility to file 106427
with the commission on and after the starting date of 106428
competitive retail electric service an annual report of its 106429
intrastate gross receipts and sales of kilowatt hours of 106430
electricity, and shall require each electric services company, 106431
electric cooperative, and governmental aggregator subject to 106432
certification to file an annual report on and after that 106433
starting date of such receipts and sales from the provision of 106434
those retail electric services for which it is subject to 106435
certification. For the purpose of the reports, sales of kilowatt 106436
hours of electricity are deemed to occur at the meter of the 106437
retail customer. 106438

Sec. 4928.102. (A) If a competitive retail electric 106439
service supplier offers a residential or small commercial 106440
customer a contract for a fixed introductory rate that converts 106441
to a variable rate upon the expiration of the fixed rate, the 106442
supplier shall send two notices to each residential and small 106443
commercial customer that enters into such a contract. Each 106444

notice shall provide all of the following information to the customer:

- (1) The fixed rate that is expiring under the contract;
- (2) The expiration date of the contract's fixed rate;
- (3) The public utilities commission web site that, as a comparison tool, lists rates offered by competitive retail electric service suppliers;
- (4) A statement explaining that appearing on each customer's bill is a price-to-compare notice that lists the utility's standard service offer price.

(B) The second notice shall include all the requirements as stated in division (A) of this section and shall also identify the initial rate to be charged upon the contract's conversion to a variable rate.

(C) The notices shall be sent by standard United States mail or electronically with a customer's verifiable consent as follows:

- (1) The supplier shall send the first notice not earlier than ninety days, and not later than sixty days, prior to the expiration of the fixed rate.
- (2) The supplier shall send the second notice not earlier than forty-five days, and not later than fifteen days, prior to the expiration of the fixed rate.

(D) A competitive retail electric service supplier shall provide an annual notice, by standard United States mail or electronically with a customer's verifiable consent, to each residential and small commercial customer that has entered into a contract with the supplier that has converted to a variable

rate upon the expiration of the contract's fixed introductory 106473
rate. The notice shall inform the customer that the customer is 106474
currently subject to a variable rate and that other fixed rate 106475
contracts are available. 106476

(E) Not later than one hundred fifty days after ~~the~~ 106477
~~effective date of this section~~ August 14, 2025, the commission 106478
shall adopt rules in order to implement divisions (A) to (D) of 106479
this section. The rules, at a minimum, shall include the 106480
following requirements regarding the notices required under 106481
divisions (A) to (D) of this section: 106482

(1) To use clear and unambiguous language in order to 106483
enable the customer to make an informed decision; 106484

(2) To design the notices in a way to ensure that they 106485
cannot be confused with marketing materials. 106486

(F) Notwithstanding any provision of section 121.95 of the 106487
Revised Code to the contrary, a regulatory restriction contained 106488
in a rule adopted under this section ~~4928.101 of the Revised~~ 106489
~~Code~~ is not subject to sections 121.95 to 121.953 of the Revised 106490
Code. 106491

Sec. 4928.34. (A) The public utilities commission shall 106492
not approve or prescribe a transition plan under division (A) or 106493
(B) of section 4928.33 of the Revised Code unless the commission 106494
first makes all of the following determinations: 106495

(1) The unbundled components for the electric transmission 106496
component of retail electric service, as specified in the 106497
utility's rate unbundling plan required by division (A) (1) of 106498
section 4928.31 of the Revised Code, equal the tariff rates 106499
determined by the federal energy regulatory commission that are 106500
in effect on the date of the approval of the transition plan 106501

under sections 4928.31 to 4928.40 of the Revised Code, as each 106502
such rate is determined applicable to each particular customer 106503
class and rate schedule by the commission. The unbundled 106504
transmission component shall include a sliding scale of charges 106505
under division (B) of section 4905.31 of the Revised Code to 106506
ensure that refunds determined or approved by the federal energy 106507
regulatory commission are flowed through to retail electric 106508
customers. 106509

(2) The unbundled components for retail electric 106510
distribution service in the rate unbundling plan equal the 106511
difference between the costs attributable to the utility's 106512
transmission and distribution rates and charges under its 106513
schedule of rates and charges in effect on the effective date of 106514
this section, based upon the record in the most recent rate 106515
proceeding of the utility for which the utility's schedule was 106516
established, and the tariff rates for electric transmission 106517
service determined by the federal energy regulatory commission 106518
as described in division (A)(1) of this section. 106519

(3) All other unbundled components required by the 106520
commission in the rate unbundling plan equal the costs 106521
attributable to the particular service as reflected in the 106522
utility's schedule of rates and charges in effect on the 106523
effective date of this section. 106524

(4) The unbundled components for retail electric 106525
generation service in the rate unbundling plan equal the 106526
residual amount remaining after the determination of the 106527
transmission, distribution, and other unbundled components, and 106528
after any adjustments necessary to reflect the effects of the 106529
amendment of section 5727.111 of the Revised Code by Sub. S.B. 106530
No. 3 of the 123rd general assembly. 106531

(5) All unbundled components in the rate unbundling plan 106532
have been adjusted to reflect any base rate reductions on file 106533
with the commission and as scheduled to be in effect by December 106534
31, 2005, under rate settlements in effect on the effective date 106535
of this section. However, all earnings obligations, 106536
restrictions, or caps imposed on an electric utility in a 106537
commission order prior to the effective date of this section are 106538
void. 106539

(6) Subject to division (A) (5) of this section, the total 106540
of all unbundled components in the rate unbundling plan are 106541
capped and shall equal during the market development period, 106542
except as specifically provided in this chapter, the total of 106543
all rates and charges in effect under the applicable bundled 106544
schedule of the electric utility pursuant to section 4905.30 of 106545
the Revised Code in effect on the day before the effective date 106546
of this section, including the transition charge determined 106547
under section 4928.40 of the Revised Code, adjusted for any 106548
changes in the taxation of electric utilities and retail 106549
electric service under Sub. S.B. No. 3 of the 123rd General 106550
Assembly, and the universal service rider authorized by section 106551
4928.51 of the Revised Code, ~~and the temporary rider authorized~~ 106552
~~by section 4928.61 of the Revised Code.~~ For the purpose of this 106553
division, the rate cap applicable to a customer receiving 106554
electric service pursuant to an arrangement approved by the 106555
commission under section 4905.31 of the Revised Code is, for the 106556
term of the arrangement, the total of all rates and charges in 106557
effect under the arrangement. For any rate schedule filed 106558
pursuant to section 4905.30 of the Revised Code or any 106559
arrangement subject to approval pursuant to section 4905.31 of 106560
the Revised Code, the initial tax-related adjustment to the rate 106561
cap required by this division shall be equal to the rate of 106562

taxation specified in section 5727.81 of the Revised Code and 106563
applicable to the schedule or arrangement. To the extent such 106564
total annual amount of the tax-related adjustment is greater 106565
than or less than the comparable amount of the total annual tax 106566
reduction experienced by the electric utility as a result of the 106567
provisions of Sub. S.B. No. 3 of the 123rd general assembly, 106568
such difference shall be addressed by the commission through 106569
accounting procedures, refunds, or an annual surcharge or credit 106570
to customers, or through other appropriate means, to avoid 106571
placing the financial responsibility for the difference upon the 106572
electric utility or its shareholders. Any adjustments in the 106573
rate of taxation specified in section 5727.81 of the Revised 106574
Code shall not occur without a corresponding adjustment to the 106575
rate cap for each such rate schedule or arrangement. The 106576
department of taxation shall advise the commission and self- 106577
assessors under section 5727.81 of the Revised Code prior to the 106578
effective date of any change in the rate of taxation specified 106579
under that section, and the commission shall modify the rate cap 106580
to reflect that adjustment so that the rate cap adjustment is 106581
effective as of the effective date of the change in the rate of 106582
taxation. This division shall be applied, to the extent 106583
possible, to eliminate any increase in the price of electricity 106584
for customers that otherwise may occur as a result of 106585
establishing the taxes contemplated in section 5727.81 of the 106586
Revised Code. 106587

(7) The rate unbundling plan complies with any rules 106588
adopted by the commission under division (A) of section 4928.06 106589
of the Revised Code. 106590

(8) The corporate separation plan required by division (A) 106591
(2) of section 4928.31 of the Revised Code complies with section 106592
4928.17 of the Revised Code and any rules adopted by the 106593

commission under division (A) of section 4928.06 of the Revised Code. 106594
106595

(9) Any plan or plans the commission requires to address 106596
operational support systems and any other technical 106597
implementation issues pertaining to competitive retail electric 106598
service comply with any rules adopted by the commission under 106599
division (A) of section 4928.06 of the Revised Code. 106600

(10) The employee assistance plan required by division (A) 106601
(4) of section 4928.31 of the Revised Code sufficiently provides 106602
severance, retraining, early retirement, retention, 106603
outplacement, and other assistance for the utility's employees 106604
whose employment is affected by electric industry restructuring 106605
under this chapter. 106606

(11) The consumer education plan required under division 106607
(A) (5) of section 4928.31 of the Revised Code complies with 106608
former section 4928.42 of the Revised Code and any rules adopted 106609
by the commission under division (A) of section 4928.06 of the 106610
Revised Code. 106611

(12) The transition revenues for which an electric utility 106612
is authorized a revenue opportunity under sections 4928.31 to 106613
4928.40 of the Revised Code are the allowable transition costs 106614
of the utility as such costs are determined by the commission 106615
pursuant to section 4928.39 of the Revised Code, and the 106616
transition charges for the customer classes and rate schedules 106617
of the utility are the charges determined pursuant to section 106618
4928.40 of the Revised Code. 106619

(13) Any independent transmission plan included in the 106620
transition plan filed under section 4928.31 of the Revised Code 106621
reasonably complies with section 4928.12 of the Revised Code and 106622

any rules adopted by the commission under division (A) of 106623
section 4928.06 of the Revised Code, unless the commission, for 106624
good cause shown, authorizes the utility to defer compliance 106625
until an order is issued under division (G) of section 4928.35 106626
of the Revised Code. 106627

(14) The utility is in compliance with sections 4928.01 to 106628
4928.11 of the Revised Code and any rules or orders of the 106629
commission adopted or issued under those sections. 106630

(15) All unbundled components in the rate unbundling plan 106631
have been adjusted to reflect the elimination of the tax on 106632
gross receipts imposed by section 5727.30 of the Revised Code. 106633

In addition, a transition plan approved by the commission 106634
under section 4928.33 of the Revised Code but not containing an 106635
approved independent transmission plan shall contain the express 106636
conditions that the utility will comply with an order issued 106637
under division (G) of section 4928.35 of the Revised Code. 106638

(B) If the commission finds that any part of the 106639
transition plan would constitute an abandonment under sections 106640
4905.20 and 4905.21 of the Revised Code, the commission shall 106641
not approve that part of the transition plan unless it makes the 106642
finding required for approval of an abandonment application 106643
under section 4905.21 of the Revised Code. Sections 4905.20 and 106644
4905.21 of the Revised Code otherwise shall not apply to a 106645
transition plan under sections 4928.31 to 4928.40 of the Revised 106646
Code. 106647

Sec. 4928.43. (A) Each state agency that provides 106648
employment assistance and job training programs, including the 106649
~~bureau of employment department of job and family services and~~ 106650
~~the department of development,~~ shall provide concentrated 106651

attention through those programs to assisting employees whose 106652
employment is affected by electric industry restructuring under 106653
this chapter. 106654

(B) To the extent not prohibited by federal law or any law 106655
of this state and except as otherwise provided in a labor 106656
contract or other agreement, no unencumbered money in a pension 106657
fund for employees of electric utilities shall be used for any 106658
purpose other than to pay allowable pensions or early retirement 106659
buyouts for the employees. 106660

Sec. 4928.51. ~~(A)~~ There is hereby established in the state 106661
treasury a ~~universal service~~ the electric partnership plan fund, 106662
into which shall be deposited all ~~universal service~~ revenues 106663
remitted to the director of development under this section, for 106664
the exclusive purposes of providing funding for the low-income 106665
customer assistance programs ~~and for the consumer education~~ 106666
~~program authorized under section 4928.56 of the Revised Code,~~ 106667
~~and paying the administrative costs of the low-income customer~~ 106668
~~assistance programs~~ and the consumer education program. Interest 106669
on the fund shall be credited to the fund. Disbursements from 106670
the fund shall be made to any supplier that provides a 106671
competitive retail electric service or a noncompetitive retail 106672
electric service to a customer who is approved to receive 106673
assistance under a specified low-income customer assistance 106674
program and to any authorized provider of weatherization or 106675
energy efficiency service to a customer approved to receive such 106676
assistance under a specified low-income customer assistance 106677
program. 106678

~~(B) Universal service revenues~~ Revenues deposited in the 106679
electric partnership plan fund shall include all ~~of the~~ 106680
~~following:~~ 106681

~~(1) Revenues~~ revenues remitted to the director after 106682
collection by an electric distribution utility ~~beginning July 1,~~ 106683
2000, ~~attributable to the collection from customers of the~~ 106684
~~universal service rider prescribed under~~ pursuant to section 106685
4928.52 of the Revised Code, 106686

~~(2) Revenues~~ remitted to the director that have been 106687
~~collected by an electric distribution utility beginning July 1,~~ 106688
2000, ~~as customer payments under the percentage of income~~ 106689
~~payment plan program, including revenues remitted under division~~ 106690
~~(C) of this section,~~ 106691

~~(3) Adequate revenues~~ remitted to the director after 106692
~~collection by a municipal electric utility or electric~~ 106693
~~cooperative in this state not earlier than July 1, 2000, upon~~ 106694
~~the utility's or cooperative's decision to participate in the~~ 106695
~~low-income customer assistance programs.~~ 106696

~~(C) (1) Beginning July 1, 2000, an electric distribution~~ 106697
~~utility shall transfer to the director the right to collect all~~ 106698
~~arrearage payments of a customer for percentage of income~~ 106699
~~payment plan program debt owed to the utility on the day before~~ 106700
~~that date or retain the right to collect that debt but remit to~~ 106701
~~the director all program revenues received by the utility for~~ 106702
~~that customer.~~ 106703

~~(2) A current or past percentage of income payment plan~~ 106704
~~program customer is relieved of any payment obligation under the~~ 106705
~~percentage of income payment program for any unpaid arrears~~ 106706
~~accrued by the customer under the program as of the effective~~ 106707
~~date of this section if the customer, as determined by the~~ 106708
~~director, meets both of the following criteria:~~ 106709

~~(a) The customer as of that date has complied with~~ 106710

~~customer payment responsibilities under the program.~~ 106711

~~(b) The customer is permanently and totally disabled as defined in section 5117.01 of the Revised Code or is sixty-five years of age or older as defined in that section.~~ 106712
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~~(D) The public utilities commission shall complete an audit of each electric utility by July 1, 2000, for the purpose of establishing a baseline for the percentage of income payment plan program component of the low-income assistance programs.~~ 106715
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Sec. 4928.55. The director of ~~development~~ job and family services shall establish an energy efficiency and weatherization program targeted, to the extent practicable, to high-cost, high-volume use structures occupied by customers eligible for the percentage of income payment plan program, with the goal of reducing the energy bills of the occupants. Acceptance of energy efficiency and weatherization services provided by the program shall be a condition for the eligibility of any such customer to participate in the percentage of income payment plan program. 106719
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Sec. 4928.56. The director of ~~development~~ job and family services may adopt rules in accordance with Chapter 119. of the Revised Code establishing an education program for consumers eligible to participate in the low-income customer assistance programs. The education program shall provide information to consumers regarding energy efficiency and energy conservation. 106728
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Sec. 4928.58. (A) There is hereby created the public benefits advisory board, which has the purpose of ensuring that energy services be provided to low-income consumers in this state in an affordable manner consistent with the policy specified in section 4928.02 of the Revised Code. The advisory board shall consist of twenty-one members as follows: the 106734
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director of ~~development~~ job and family services, the chairperson 106740
of the public utilities commission, the consumers' counsel, and 106741
the director of the air quality development authority, each 106742
serving ex officio and represented by a designee at the 106743
official's discretion; two members of the house of 106744
representatives appointed by the speaker of the house of 106745
representatives, neither of the same political party, and two 106746
members of the senate appointed by the president of the senate, 106747
neither of the same political party; and thirteen members 106748
appointed by the governor with the advice and consent of the 106749
senate, consisting of one representative of suppliers of 106750
competitive retail electric service; one representative of the 106751
residential class of electric utility customers; one 106752
representative of the industrial class of electric utility 106753
customers; one representative of the commercial class of 106754
electric utility customers; one representative of agricultural 106755
or rural customers of an electric utility; two customers 106756
receiving assistance under one or more of the low-income 106757
customer assistance programs, to represent customers eligible 106758
for any such assistance, including senior citizens; one 106759
representative of the general public; one representative of 106760
local intake agencies; one representative of a community-based 106761
organization serving low-income customers; one representative of 106762
environmental protection interests; one representative of 106763
lending institutions; and one person considered an expert in 106764
energy efficiency or renewables technology. Initial appointments 106765
shall be made not later than November 1, 1999. 106766

(B) Initial terms of six of the appointed members shall 106767
end on June 30, 2003, and initial terms of the remaining seven 106768
appointed members shall end on June 30, 2004. Thereafter, terms 106769
of appointed members shall be for three years, with each term 106770

ending on the same day of the same month as the term it 106771
succeeds. Each member shall hold office from the date of the 106772
member's appointment until the end of the term for which the 106773
member was appointed. Members may be reappointed. 106774

Vacancies shall be filled in the manner provided for 106775
original appointments. Any member appointed to fill a vacancy 106776
occurring prior to the expiration date of the term for which the 106777
member's predecessor was appointed shall hold office as a member 106778
for the remainder of that term. A member shall continue in 106779
office after the expiration date of the member's term until the 106780
member's successor takes office or until a period of sixty days 106781
has elapsed, whichever occurs first. 106782

(C) Board members shall be reimbursed for their actual and 106783
necessary expenses incurred in the performance of board duties. 106784
The reimbursements constitute, as applicable, administrative 106785
costs of the low-income customer assistance programs for the 106786
purpose of ~~division (A) of section~~ sections 4928.51 and 4928.52 106787
of the Revised Code ~~or administrative costs of the advanced-~~ 106788
~~energy program for the purpose of division (A) of section-~~ 106789
~~4528.61 of the Revised Code.~~ 106790

(D) The advisory board shall select a chairperson from 106791
among its members. Only board members appointed by the governor 106792
with the advice and consent of the senate shall be voting 106793
members of the board; each shall have one vote in all 106794
deliberations of the board. A majority of the voting members 106795
constitute a quorum. 106796

(E) ~~The duties of the advisory board shall be as follows:~~ 106797
~~(1) Advise~~ advise the director of job and family services 106798
in the administration of ~~the universal service fund and the low-~~ 106799

income customer assistance programs ~~and advise the director on~~ 106800
~~the director's recommendation to the commission regarding the~~ 106801
~~appropriate level of the universal service rider;~~ 106802

~~(2) Advise the director on the administration of the~~ 106803
~~advanced energy program and the advanced energy fund under~~ 106804
~~sections 4928.61 to 4928.63 of the Revised Code.~~ 106805

(F) The advisory board is not an agency for purposes of 106806
sections 101.82 to 101.87 of the Revised Code. 106807

Sec. 4928.61. (A) There is hereby established in the state 106808
treasury the advanced energy fund, into which shall be deposited 106809
all advanced energy revenues remitted to the director of 106810
development under division (B) of this section, for the 106811
exclusive purposes of funding the advanced energy program 106812
created under section 4928.62 of the Revised Code and paying the 106813
program's administrative costs. Interest on the fund shall be 106814
credited to the fund. 106815

(B) Advanced energy revenues shall include all of the 106816
following: 106817

~~(1) Revenues remitted to the director after collection by~~ 106818
~~each electric distribution utility in this state of a temporary~~ 106819
~~rider on retail electric distribution service rates as such~~ 106820
~~rates are determined by the public utilities commission pursuant~~ 106821
~~to this chapter. The rider shall be a uniform amount statewide,~~ 106822
~~determined by the director of development, after consultation~~ 106823
~~with the public benefits advisory board created by section~~ 106824
~~4928.58 of the Revised Code. The amount shall be determined by~~ 106825
~~dividing an aggregate revenue target for a given year as~~ 106826
~~determined by the director, after consultation with the advisory~~ 106827
~~board, by the number of customers of electric distribution~~ 106828

~~utilities in this state in the prior year. Such aggregate revenue target shall not exceed more than fifteen million dollars in any year through 2005 and shall not exceed more than five million dollars in any year after 2005. The rider shall be imposed beginning on the effective date of the amendment of this section by Sub. H.B. 251 of the 126th general assembly, January 4, 2007, and shall terminate at the end of ten years following the starting date of competitive retail electric service or until the advanced energy fund, including interest, reaches one hundred million dollars, whichever is first.~~

~~(2) Revenues from payments, repayments, and collections under the advanced energy program and from program income;~~

~~(3) (2) Revenues remitted to the director after collection by a municipal electric utility or electric cooperative in this state upon the utility's or cooperative's decision to participate in the advanced energy fund;~~

~~(4) (3) Revenues from renewable energy compliance payments as provided under division (C) (2) of section 4928.64 of the Revised Code;~~

~~(5) (4) Revenue from forfeitures under division (C) of section 4928.66 of the Revised Code;~~

~~(6) (5) Funds transferred pursuant to division (B) of Section 512.10 of S.B. 315 of the 129th general assembly;~~

~~(7) (6) Interest earnings on the advanced energy fund.~~

~~(C) (1) Each electric distribution utility in this state shall remit to the director on a quarterly basis the revenues described in divisions (B) (1) and (2) of this section. Such remittances shall occur within thirty days after the end of each calendar quarter.~~

~~(2) Each participating electric cooperative and participating municipal electric utility shall remit to the director on a quarterly basis the revenues described in division (B) (3) of this section. Such remittances shall occur within thirty days after the end of each calendar quarter. For the purpose of division (B) (3) of this section, the participation of an electric cooperative or municipal electric utility in the energy efficiency revolving loan program as it existed immediately prior to the effective date of the amendment of this section by Sub. H.B. 251 of the 126th general assembly, January 4, 2007, does not constitute a decision to participate in the advanced energy fund under this section as so amended.~~

~~(3) All remittances under divisions (C) (1) and (2) of this section shall continue only until the end of ten years following the starting date of competitive retail electric service or until the advanced energy fund, including interest, reaches one hundred million dollars, whichever is first.~~

~~(D) Any moneys collected in rates for non-low-income customer energy efficiency programs, as of October 5, 1999, and not contributed to the energy efficiency revolving loan fund authorized under this section prior to the effective date of its amendment by Sub. H.B. 251 of the 126th general assembly, January 4, 2007, shall be used to continue to fund cost-effective, residential energy efficiency programs, be contributed into the universal service fund as a supplement to that required under section 4928.53 of the Revised Code, or be returned to ratepayers in the form of a rate reduction at the option of the affected electric distribution utility.~~

Sec. 4928.62. (A) There is hereby created the advanced energy program, which shall be administered by the director of

development. Under the program, the director may authorize the use of moneys in the advanced energy fund for financial, technical, and related assistance for advanced energy projects in this state or for economic development assistance, in furtherance of the purposes set forth in section 4928.63 of the Revised Code.

(1) To the extent feasible given approved applications for assistance, the assistance shall be distributed among the certified territories of electric distribution utilities and participating electric cooperatives, and among the service areas of participating municipal electric utilities, in amounts proportionate to the remittances of each utility and cooperative under ~~divisions (B)(1) and (3)~~division (B)(2) of section 4928.61 of the Revised Code.

(2) The funds described in division ~~(B)(6)~~(B)(5) of section 4928.61 of the Revised Code shall not be subject to the territorial requirements of division (A)(1) of this section.

(3) The director shall not authorize financial assistance for an advanced energy project under the program unless the director first determines that the project will create new jobs or preserve existing jobs in this state or use innovative technologies or materials.

(B) In carrying out sections 4928.61 to 4928.63 of the Revised Code, the director may do all of the following to further the public interest in advanced energy projects and economic development:

(1) Award grants, contracts, loans, loan participation agreements, linked deposits, and energy production incentives;

(2) Acquire in the name of the director any property of

any kind or character in accordance with this section, by 106917
purchase, purchase at foreclosure, or exchange, on such terms 106918
and in such manner as the director considers proper; 106919

(3) Make and enter into all contracts and agreements 106920
necessary or incidental to the performance of the director's 106921
duties and the exercise of the director's powers under sections 106922
4928.61 to 4928.63 of the Revised Code; 106923

(4) Employ or enter into contracts with financial 106924
consultants, marketing consultants, consulting engineers, 106925
architects, managers, construction experts, attorneys, technical 106926
monitors, energy evaluators, or other employees or agents as the 106927
director considers necessary, and fix their compensation; 106928

(5) Adopt rules prescribing the application procedures for 106929
financial assistance under the advanced energy program; the 106930
fees, charges, interest rates, payment schedules, local match 106931
requirements, and other terms and conditions of any grants, 106932
contracts, loans, loan participation agreements, linked 106933
deposits, and energy production incentives; criteria pertaining 106934
to the eligibility of participating lending institutions; and 106935
any other matters necessary for the implementation of the 106936
program; 106937

(6) Do all things necessary and appropriate for the 106938
operation of the program. 106939

(C) The department of development may hold ownership to 106940
any unclaimed energy efficiency and renewable energy emission 106941
allowances provided for in Chapter 3745-14 of the Administrative 106942
Code or otherwise, that result from advanced energy projects 106943
that receive funding from the advanced energy fund, and it may 106944
use the allowances to further the public interest in advanced 106945

energy projects or for economic development. 106946

(D) Financial statements, financial data, and trade 106947
secrets submitted to or received by the director from an 106948
applicant or recipient of financial assistance under sections 106949
4928.61 to 4928.63 of the Revised Code, or any information taken 106950
from those statements, data, or trade secrets for any purpose, 106951
are not public records for the purpose of section 149.43 of the 106952
Revised Code. 106953

(E) Nothing in the amendments of sections 4928.61, 106954
4928.62, and 4928.63 of the Revised Code by Sub. H.B. 251 of the 106955
126th general assembly shall affect any pending or effected 106956
assistance, pending or effected purchases or exchanges of 106957
property made, or pending or effected contracts or agreements 106958
entered into pursuant to division (A) or (B) of this section as 106959
the section existed prior to the effective date of those 106960
amendments, January 4, 2007, or shall affect the exemption 106961
provided under division (C) of this section as the section 106962
existed prior to that effective date. 106963

(F) Any assistance a school district receives for an 106964
advanced energy project, including a geothermal heating, 106965
ventilating, and air conditioning system, shall be in addition 106966
to any assistance provided under Chapter 3318. of the Revised 106967
Code and shall not be included as part of the district or state 106968
portion of the basic project cost under that chapter. 106969

Sec. 4928.63. The director of development ~~and the public~~ 106970
~~benefits advisory board have~~ has the powers and duties provided 106971
in sections 4928.61 and 4928.62 of the Revised Code, in order to 106972
promote the welfare of the people of this state; stabilize the 106973
economy; assist in the improvement and development within this 106974
state of not-for-profit entity, industrial, commercial, 106975

distribution, residential, and research buildings and activities 106976
required for the people of this state; improve the economic 106977
welfare of the people of this state by reducing energy costs and 106978
by reducing energy usage in a cost-efficient manner using, as 106979
determined by the director, both the most appropriate national, 106980
federal, or other standards for products and the best practices 106981
for the use of technology, products, or services in the context 106982
of a total facility or building; and assist in the lowering of 106983
energy demand to reduce air, water, or thermal pollution. It is 106984
hereby determined that the accomplishment of those purposes is 106985
essential so that the people of this state may maintain their 106986
present high standards in comparison with the people of other 106987
states and so that opportunities for improving the economic 106988
welfare of the people of this state, for improving the housing 106989
of residents of this state, and for favorable markets for the 106990
products of this state's natural resources, agriculture, and 106991
manufacturing shall be improved; and that it is necessary for 106992
this state to establish the program authorized pursuant to 106993
sections 4928.61 and 4928.62 of the Revised Code. 106994

Sec. 4928.66. (A) (1) (a) Beginning in 2009, an electric 106995
distribution utility shall implement energy efficiency programs 106996
that achieve energy savings equivalent to at least three-tenths 106997
of one per cent of the total, annual average, and normalized 106998
kilowatt-hour sales of the electric distribution utility during 106999
the preceding three calendar years to customers in this state. 107000
An energy efficiency program may include a combined heat and 107001
power system placed into service or retrofitted on or after the 107002
effective date of the amendment of this section by S.B. 315 of 107003
the 129th general assembly, September 10, 2012, or a waste 107004
energy recovery system placed into service or retrofitted on or 107005
after September 10, 2012, except that a waste energy recovery 107006

system described in division (A) (38) (b) of section 4928.01 of 107007
the Revised Code may be included only if it was placed into 107008
service between January 1, 2002, and December 31, 2004. For a 107009
waste energy recovery or combined heat and power system, the 107010
savings shall be as estimated by the public utilities 107011
commission. The savings requirement, using such a three-year 107012
average, shall increase to an additional five-tenths of one per 107013
cent in 2010, seven-tenths of one per cent in 2011, eight-tenths 107014
of one per cent in 2012, nine-tenths of one per cent in 2013, 107015
and one per cent in 2014. In 2015 and 2016, an electric 107016
distribution utility shall achieve energy savings equal to the 107017
result of subtracting the cumulative energy savings achieved 107018
since 2009 from the product of multiplying the baseline for 107019
energy savings, described in division (A) (2) (a) of this section, 107020
by four and two-tenths of one per cent. If the result is zero or 107021
less for the year for which the calculation is being made, the 107022
utility shall not be required to achieve additional energy 107023
savings for that year, but may achieve additional energy savings 107024
for that year. The annual savings requirements shall be, for 107025
years 2017, 2018, 2019, and 2020, an additional one per cent of 107026
the baseline. For purposes of a waste energy recovery or 107027
combined heat and power system, an electric distribution utility 107028
shall not apply more than the total annual percentage of the 107029
electric distribution utility's industrial-customer load, 107030
relative to the electric distribution utility's total load, to 107031
the annual energy savings requirement. 107032

(b) Beginning in 2009, an electric distribution utility 107033
shall implement peak demand reduction programs designed to 107034
achieve a one per cent reduction in peak demand in 2009 and an 107035
additional seventy-five hundredths of one per cent reduction 107036
each year through 2014. In 2015 and 2016, an electric 107037

distribution utility shall achieve a reduction in peak demand 107038
equal to the result of subtracting the cumulative peak demand 107039
reductions achieved since 2009 from the product of multiplying 107040
the baseline for peak demand reduction, described in division 107041
(A) (2) (a) of this section, by four and seventy-five hundredths 107042
of one per cent. If the result is zero or less for the year for 107043
which the calculation is being made, the utility shall not be 107044
required to achieve an additional reduction in peak demand for 107045
that year, but may achieve an additional reduction in peak 107046
demand for that year. In 2017 and each year thereafter through 107047
2020, the utility shall achieve an additional seventy-five 107048
hundredths of one per cent reduction in peak demand. 107049

(2) For the purposes of divisions (A) (1) (a) and (b) of 107050
this section: 107051

(a) The baseline for energy savings under division (A) (1) 107052
(a) of this section shall be the average of the total kilowatt 107053
hours the electric distribution utility sold in the preceding 107054
three calendar years. The baseline for a peak demand reduction 107055
under division (A) (1) (b) of this section shall be the average 107056
peak demand on the utility in the preceding three calendar 107057
years, except that the commission may reduce either baseline to 107058
adjust for new economic growth in the utility's certified 107059
territory. Neither baseline shall include the load and usage of 107060
any of the following customers: 107061

(i) Beginning January 1, 2017, a customer for which a 107062
reasonable arrangement has been approved under section 4905.31 107063
of the Revised Code; 107064

(ii) A customer that has opted out of the utility's 107065
portfolio plan under section 4928.6611 of the Revised Code; 107066

(iii) A customer that has opted out of the utility's portfolio plan under Section 8 of S.B. 310 of the 130th general assembly. 107067
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(b) The commission may amend the benchmarks set forth in division (A)(1)(a) or (b) of this section if, after application by the electric distribution utility, the commission determines that the amendment is necessary because the utility cannot reasonably achieve the benchmarks due to regulatory, economic, or technological reasons beyond its reasonable control. 107070
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(c) Compliance with divisions (A)(1)(a) and (b) of this section shall be measured by including the effects of all demand-response programs for mercantile customers of the subject electric distribution utility, all waste energy recovery systems and all combined heat and power systems, and all such mercantile customer-sited energy efficiency, including waste energy recovery and combined heat and power, and peak demand reduction programs, adjusted upward by the appropriate loss factors. Any mechanism designed to recover the cost of energy efficiency, including waste energy recovery and combined heat and power, and peak demand reduction programs under divisions (A)(1)(a) and (b) of this section may exempt mercantile customers that commit their demand-response or other customer-sited capabilities, whether existing or new, for integration into the electric distribution utility's demand-response, energy efficiency, including waste energy recovery and combined heat and power, or peak demand reduction programs, if the commission determines that that exemption reasonably encourages such customers to commit those capabilities to those programs. If a mercantile customer makes such existing or new demand-response, energy efficiency, including waste energy recovery and combined heat and power, or peak demand reduction capability available to an 107076
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electric distribution utility pursuant to division (A) (2) (c) of 107098
this section, the electric utility's baseline under division (A) 107099
(2) (a) of this section shall be adjusted to exclude the effects 107100
of all such demand-response, energy efficiency, including waste 107101
energy recovery and combined heat and power, or peak demand 107102
reduction programs that may have existed during the period used 107103
to establish the baseline. The baseline also shall be normalized 107104
for changes in numbers of customers, sales, weather, peak 107105
demand, and other appropriate factors so that the compliance 107106
measurement is not unduly influenced by factors outside the 107107
control of the electric distribution utility. 107108

(d) (i) Programs implemented by a utility may include the 107109
following: 107110

(I) Demand-response programs; 107111

(II) Smart grid investment programs, provided that such 107112
programs are demonstrated to be cost-beneficial; 107113

(III) Customer-sited programs, including waste energy 107114
recovery and combined heat and power systems; 107115

(IV) Transmission and distribution infrastructure 107116
improvements that reduce line losses; 107117

(V) Energy efficiency savings and peak demand reduction 107118
that are achieved, in whole or in part, as a result of funding 107119
provided from the ~~universal service~~ electric partnership plan 107120
fund established by section 4928.51 of the Revised Code to 107121
benefit low-income customers through programs that include, but 107122
are not limited to, energy audits, the installation of energy 107123
efficiency insulation, appliances, and windows, and other 107124
weatherization measures. 107125

(ii) No energy efficiency or peak demand reduction 107126

achieved under divisions (A) (2) (d) (i) (IV) and (V) of this 107127
section shall qualify for shared savings. 107128

(iii) Division (A) (2) (c) of this section shall be applied 107129
to include facilitating efforts by a mercantile customer or 107130
group of those customers to offer customer-sited demand- 107131
response, energy efficiency, including waste energy recovery and 107132
combined heat and power, or peak demand reduction capabilities 107133
to the electric distribution utility as part of a reasonable 107134
arrangement submitted to the commission pursuant to section 107135
4905.31 of the Revised Code. 107136

(e) No programs or improvements described in division (A) 107137
(2) (d) of this section shall conflict with any statewide 107138
building code adopted by the board of building standards. 107139

(B) In accordance with rules it shall adopt, the public 107140
utilities commission shall produce and docket at the commission 107141
an annual report containing the results of its verification of 107142
the annual levels of energy efficiency and of peak demand 107143
reductions achieved by each electric distribution utility 107144
pursuant to division (A) of this section. A copy of the report 107145
shall be provided to the consumers' counsel. 107146

(C) If the commission determines, after notice and 107147
opportunity for hearing and based upon its report under division 107148
(B) of this section, that an electric distribution utility has 107149
failed to comply with an energy efficiency or peak demand 107150
reduction requirement of division (A) of this section, the 107151
commission shall assess a forfeiture on the utility as provided 107152
under sections 4905.55 to 4905.60 and 4905.64 of the Revised 107153
Code, either in the amount, per day per undercompliance or 107154
noncompliance, relative to the period of the report, equal to 107155
that prescribed for noncompliances under section 4905.54 of the 107156

Revised Code, or in an amount equal to the then existing market 107157
value of one renewable energy credit per megawatt hour of 107158
undercompliance or noncompliance. Revenue from any forfeiture 107159
assessed under this division shall be deposited to the credit of 107160
the advanced energy fund created under section 4928.61 of the 107161
Revised Code. 107162

(D) The commission may establish rules regarding the 107163
content of an application by an electric distribution utility 107164
for commission approval of a revenue decoupling mechanism under 107165
this division. Such an application shall not be considered an 107166
application to increase rates and may be included as part of a 107167
proposal to establish, continue, or expand energy efficiency or 107168
conservation programs. The commission by order may approve an 107169
application under this division if it determines both that the 107170
revenue decoupling mechanism provides for the recovery of 107171
revenue that otherwise may be forgone by the utility as a result 107172
of or in connection with the implementation by the electric 107173
distribution utility of any energy efficiency or energy 107174
conservation programs and reasonably aligns the interests of the 107175
utility and of its customers in favor of those programs. 107176

(E) The commission additionally shall adopt rules that 107177
require an electric distribution utility to provide a customer 107178
upon request with two years' consumption data in an accessible 107179
form. 107180

(F) (1) As used in divisions (F) (2), (3), and (4) of this 107181
section, "portfolio plan" has the same meaning as in division 107182
(C) (1) of section 4928.6610 of the Revised Code. 107183

(2) If an electric distribution utility has a portfolio 107184
plan in effect as of October 22, 2019, and that plan expires 107185
before December 31, 2020, the commission shall extend the plan 107186

through that date. All portfolio plans shall terminate on that date. 107187
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(3) If a portfolio plan is extended beyond its commission approved term by division (F) (2) of this section, the existing plan's budget shall be increased for the extended term to include an amount equal to the annual average of the approved budget for all years of the portfolio plan in effect as of October 22, 2019. 107189
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(4) All other terms and conditions of a portfolio plan extended beyond its commission-approved term by division (F) (2) of this section shall remain the same unless changes are authorized by the commission. 107195
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(G) (1) Not later than February 1, 2021, the commission shall determine the cumulative energy savings collectively achieved, since 2009, by all electric distribution utilities in this state as of December 31, 2020. In determining that cumulative total, the commission shall do both of the following: 107199
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(a) Include energy savings that were estimated by the commission to be achieved as of December 31, 2020, and banked under division (G) of section 4928.662 of the Revised Code; 107204
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(b) Use an energy savings baseline that is the average of the total kilowatt hours sold by all electric distribution utilities in this state in the calendar years 2018, 2019, and 2020. The baseline shall exclude the load and usage described in division (A) (2) (a) (i), (ii), and (iii) of this section. That baseline may also be reduced for new economic growth in the utility's certified territory as provided in division (A) (2) (a) of this section and adjusted and normalized as provided in division (A) (2) (c) of this section. 107207
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(2) (a) If the cumulative energy savings collectively 107216
achieved as determined by the commission under division (G) (1) 107217
of this section is at least seventeen and one-half per cent of 107218
the baseline described in division (G) (1) (b) of this section, 107219
then full compliance with division (A) (1) (a) of this section 107220
shall be deemed to have been achieved notwithstanding any 107221
provision of this section to the contrary. 107222

(b) If the cumulative energy savings collectively achieved 107223
as determined by the commission under division (G) (1) of this 107224
section is less than seventeen and one-half per cent of the 107225
baseline described in division (G) (1) (b) of this section, then 107226
both of the following shall apply: 107227

(i) The commission shall determine the manner in which 107228
further implementation of energy efficiency programs shall occur 107229
as may be reasonably necessary for collective achievement of 107230
cumulative energy savings equal to seventeen and one-half per 107231
cent, and not more, of the baseline described in division (G) (1) 107232
(b) of this section. 107233

(ii) Full compliance with division (A) (1) (a) of this 107234
section shall be deemed to be achieved as of a date certain 107235
established by the commission notwithstanding any provision of 107236
this section to the contrary. 107237

(3) Upon the date that full compliance with division (A) 107238
(1) (a) of this section is deemed achieved under division (G) (2) 107239
(a) or (b) of this section, any electric distribution utility 107240
cost recovery mechanisms authorized by the commission for 107241
compliance with this section shall terminate except as may be 107242
necessary to reconcile the difference between revenue collected 107243
and the allowable cost of compliance associated with compliance 107244
efforts occurring prior to December 31, 2021, for programs re- 107245

established under section 4928.661 of the Revised Code, and 107246
prior to the date upon which full compliance with division (A) 107247
(1)(a) of this section is deemed achieved, for all other 107248
compliance efforts. No such cost recovery mechanism shall be 107249
authorized by the commission beyond the period of time required 107250
to complete this final reconciliation. 107251

~~Sec. 4928.75. Beginning in fiscal year 2021 and each~~ 107252
~~fiscal year thereafter, the~~ The director of development job and 107253
family services shall, in each fiscal year, submit a completed 107254
waiver request in accordance with section 96.83 of Title 45 of 107255
the Code of Federal Regulations to the United States department 107256
of health and human services and any other applicable federal 107257
agencies for the state to expend twenty-five per cent of federal 107258
low-income home energy assistance programs funds from the home 107259
energy assistance block grants for weatherization services 107260
allowed by section 96.83(a) of Title 45 of the Code of Federal 107261
Regulations to the United States department of health and human 107262
services. 107263

Sec. 4928.86. (A) Except as provided in division (C) of 107264
this section, each ~~entity~~ public utility, as defined in section 107265
4905.02 of the Revised Code, that owns or controls transmission 107266
facilities located in this state and is not a regional 107267
transmission organization shall create a heat map that includes 107268
both of the following: 107269

(1) For major transmission lines and substations, the 107270
additional power load the lines and substations can take at the 107271
time that the map is created, accounting for all signed electric 107272
service agreements; 107273

(2) The amount of localized generation that can be hosted 107274
on each transmission line. 107275

(B) If a heat map created under this section is not 107276
critical electric infrastructure information, then the ~~entity-~~ 107277
utility that created the map shall publish the map on the 107278
~~entity's~~ utility's web site. 107279

~~(C) The following entities are exempt from the-~~ 107280
~~requirements of this section:~~ 107281

~~(1) An electric utility owned or operated by a municipal-~~ 107282
~~corporation;~~ 107283

~~(2) An electric cooperative.~~ 107284

Sec. 4981.02. (A) There is hereby created the Ohio rail 107285
development commission, as an independent agency of the state 107286
within the department of transportation, consisting of the 107287
following members: 107288

(1) Two members of the Ohio senate, one of whom shall be 107289
appointed by and serve at the pleasure of the president of the 107290
senate and one of whom shall be appointed by and serve at the 107291
pleasure of the minority leader of the senate; 107292

(2) Two members of the Ohio house of representatives, one 107293
of whom shall be appointed by and serve at the pleasure of the 107294
speaker of the house of representatives and one of whom shall be 107295
appointed by and serve at the pleasure of the minority leader of 107296
the house of representatives; 107297

(3) Two members representing the general public, one of 107298
whom shall be appointed by the president of the senate and one 107299
of whom shall be appointed by the speaker of the house of 107300
representatives; 107301

(4) The director of transportation, or the director's 107302
designee, who shall be an ex officio member; 107303

- (5) The director of development, or the director's designee, who shall be an ex officio member; 107304
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- (6) The following members appointed by the governor with the advice and consent of the senate: 107306
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- (a) One member, who shall serve as chairperson of the commission until October 21, 2025, or an earlier date if the member resigns or otherwise leaves office; 107308
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- (b) ~~One member~~Two members, who shall represent the interests of a freight rail company. One such member shall represent a class I railroad and one such member shall represent a class II or class III railroad, as defined by the surface transportation board under 49 C.F.R. 1201; 107311
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- ~~(c) One member, who shall represent the interests of passenger rail service;~~ 107316
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- ~~(d)~~ One member, who shall have expertise in infrastructure financing; 107318
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- ~~(e)~~(d) One member, who shall represent the interests of organized labor; 107320
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- ~~(f)~~(e) One member, who shall represent the interests of manufacturers; 107322
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- ~~(g)~~(f) One member who shall represent the general public, subject to division (B) of this section. 107324
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- (B) Beginning on October 21, 2025, or at an earlier date if there is a vacancy in the position of chairperson, the director of transportation or the director's designee shall serve as the chairperson of the commission. Upon the director or director's designee assuming the position of chairperson, the governor shall appoint an additional member to the commission to 107326
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represent the general public. 107332

(C) All members shall be reimbursed for actual expenses 107333
incurred in the performance of their duties. The members of the 107334
commission from the Ohio senate and the Ohio house of 107335
representatives shall serve as nonvoting members. No more than 107336
four members of the seven appointed to the commission by the 107337
governor shall be from the same political party. Each member of 107338
the commission shall be a resident of this state—, except for 107339
the two members appointed under division (A) (6) (b) of this 107340
section who may be nonresidents with a substantial connection to 107341
freight rail operations in Ohio. 107342

(D) Within sixty days after October 20, 1994, the governor 107343
shall make initial appointments to the commission. Of the 107344
initial appointments made to the commission, three shall be for 107345
a term ending three years after October 20, 1994, and three 107346
shall be for a term ending six years after that date. Terms for 107347
all other appointments made to the commission shall be for six 107348
years. Vacancies shall be filled in the manner provided for 107349
original appointments. Any member appointed to fill a vacancy 107350
shall have the same qualifications as the member's predecessor. 107351
Each term shall end on the same day of the same month of the 107352
year as did the term which it succeeds. Each appointed member 107353
shall hold office from the date of the member's appointment 107354
until the end of the term for which the member was appointed. 107355
Any member appointed to fill a vacancy before the expiration of 107356
the term for which the member's predecessor was appointed shall 107357
hold office for the remainder of that term. Any appointed member 107358
shall continue in office subsequent to the expiration date of 107359
the member's term until the member's successor takes office, or 107360
for a period of sixty days, whichever occurs first. All members 107361
shall be eligible for reappointment. 107362

(E) The commission may employ an executive director, who 107363
shall have appropriate experience as determined by the 107364
commission, and a secretary-treasurer and other employees that 107365
the commission considers appropriate. The commission may fix the 107366
compensation of the employees. 107367

(F) Six members of the commission shall constitute a 107368
quorum, and the affirmative vote of six members shall be 107369
necessary for any action taken by the commission. No vacancy in 107370
the membership of the commission shall impair the rights of a 107371
quorum to exercise all the rights and perform all the duties of 107372
the commission. 107373

(G) All members of the commission are subject to Chapter 107374
102. of the Revised Code. 107375

(H) The department of transportation may use all 107376
appropriate sources of revenue to assist the commission in 107377
developing and implementing rail service. 107378

(I) Expenditures by the department of transportation, the 107379
Ohio rail development commission, or any other state agency for 107380
capital improvements for the development of passenger rail shall 107381
be subject to the approval of the controlling board with an 107382
affirmative vote of not fewer than five members, including the 107383
affirmative vote of a majority of the controlling board members 107384
appointed by the president of the senate and a majority of the 107385
controlling board members appointed by the speaker of the house 107386
of representatives. All public funds acquired by the commission 107387
shall be used for developing, implementing, and regulating rail 107388
service and not for operating rail service unless the general 107389
assembly specifically approves the expenditure of funds for 107390
operating rail service. 107391

Sec. 5101.042. (A) As used in this section, "public assistance benefits" means all of the following: 107392
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(1) Supplemental nutrition assistance program benefits; 107394

(2) Benefits funded in part by the temporary assistance for needy families block grant; 107395
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(3) Cash assistance provided through the Ohio works first program; 107397
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(4) Benefits provided by the medicaid program; 107399

(5) Publicly funded child care as defined in section 5104.01 of the Revised Code. 107400
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(B) The department of job and family services shall update the systems used by the department and by county departments of job and family services to determine eligibility for public assistance benefits programs. The updates shall include a mechanism by which application information input by individual caseworkers may be tracked and audited and shall require county departments of job and family services to provide caseworker training regarding improper determinations. 107402
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Sec. 5101.101. (A) This section establishes the order of priority to be followed by the department of job and family services when distributing funds for the purpose of providing family planning services, including funds the department receives through Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended, and funds the department receives through Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended, to be used for purposes of providing Title XX social services. This section does not apply to payments made under the medicaid program. 107410
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(B) With respect to each period during which funds from a particular source are distributed for the purpose of providing family planning services, the department is subject to both of the following when distributing the funds to applicants seeking those funds:

(1) Foremost priority shall be given to public entities that are operated by state or local government entities and that provide or are able to provide family planning services.

(2) If any funds remain after the department distributes funds to public entities under division (B)(1) of this section, the department may distribute funds to nonpublic entities. If funds are distributed to nonpublic entities, the department shall distribute the funds in the following order of descending priority:

(a) Nonpublic entities that are federally qualified health centers or federally qualified health center look-alikes, both as defined in section 3701.047 of the Revised Code, or community action agencies, as defined in section ~~122.66~~ 5101.311 of the Revised Code;

(b) Nonpublic entities that provide comprehensive primary and preventive care services in addition to family planning services;

(c) Nonpublic entities that provide family planning services, but do not provide comprehensive primary and preventive care services.

Sec. 5101.211. The director of job and family services or the director of children and youth may provide for a grant agreement entered into under section 5101.21 of the Revised Code to have a retroactive effective date of the first day of July of

an odd-numbered year if both of the following are the case: 107450

(A) The agreement is entered into after that date and 107451
before the last day of that July. 107452

(B) The board of county commissioners requests the 107453
retroactive effective date and provides the director good cause 107454
satisfactory to the director for the reason the agreement was 107455
not entered into on or before the first day of that July. 107456

Sec. 5101.212. The department of job and family services 107457
or the director of children and youth shall publish in a manner 107458
accessible to the public all of the following that concern 107459
family services duties for which grants included in grant 107460
agreements entered into under section 5101.21 of the Revised 107461
Code are awarded: state plans for receipt of federal financial 107462
participation, agreements between the department and a federal 107463
agency, and executive orders issued by the governor. The 107464
department may publish the materials electronically or 107465
otherwise. 107466

Sec. 5101.215. If the director of job and family services 107467
or the director of children and youth enters into an agreement 107468
or contracts with, or issues a grant to, a religious 107469
organization under section 5101.214 of the Revised Code, the 107470
religious organization shall comply with section 104 of the 107471
Personal Responsibility and Work Opportunity and Reconciliation 107472
Act of 1996 (P.L. 104-193). 107473

Sec. 5101.222. The director of job and family services or 107474
the director of children and youth may adopt rules in accordance 107475
with section 111.15 of the Revised Code to implement sections 107476
5101.22 to 5101.222 of the Revised Code. If the director adopts 107477
the rules, the director shall adopt the rules as if they were 107478

internal management rules. 107479

Sec. 5101.242. The department of job and family services 107480
or the director of children and youth may certify a claim to the 107481
attorney general under section 131.02 of the Revised Code for 107482
the attorney general to take action under that section against a 107483
responsible county grantee or responsible entity to recover any 107484
funds that the department determines the responsible county 107485
grantee or responsible entity owes the department for actions 107486
taken under division (C) (2), (3), (4), or (5) of section 5101.24 107487
or 5101.241 of the Revised Code. 107488

Sec. 5101.26. As used in this section and in sections 107489
5101.27 to 5101.30 of the Revised Code: 107490

(A) "Community control sanction" has the same meaning as 107491
in section 2929.01 of the Revised Code. 107492

(B) "County agency" means a county department of job and 107493
family services or a public children services agency. 107494

(C) "Fugitive felon" means an individual who is fleeing to 107495
avoid prosecution, or custody or confinement after conviction, 107496
under the laws of the place from which the individual is 107497
fleeing, for a crime or an attempt to commit a crime that is a 107498
felony under the laws of the place from which the individual is 107499
fleeing or, in the case of New Jersey, a high misdemeanor, 107500
regardless of whether the individual has departed from the 107501
individual's usual place of residence. 107502

(D) "Information" means records as defined in section 107503
149.011 of the Revised Code, any other documents in any format, 107504
and data derived from records and documents that are generated, 107505
acquired, or maintained by the department of job and family 107506
services, the department of children and youth, a county agency, 107507

or an entity performing duties on behalf of the department or a county agency. 107508
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(E) "Law enforcement agency" has the same meaning as in section 109.573 of the Revised Code. 107510
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(F) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. 107512
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(G) "Public assistance" means financial assistance or social services that are provided under a program administered by the department of job and family services, department of children and youth, or a county agency pursuant to Chapter 329., 5101., 5104., 5107., or 5108. of the Revised Code or an executive order issued under section 107.17 of the Revised Code. 107514
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"Public assistance" does not mean medical assistance provided under a medical assistance program, as defined in section 5160.01 of the Revised Code. 107520
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(H) "Public assistance recipient" means an applicant for or recipient or former recipient of public assistance. 107523
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(I) "Publicly funded child care" has the same meaning as in section 5104.01 of the Revised Code. 107525
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(J) "Tuberculosis control unit" means the county tuberculosis control unit designated by a board of county commissioners under section 339.72 of the Revised Code or the district tuberculosis control unit designated pursuant to an agreement entered into by two or more boards of community commissioners under that section. 107527
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Sec. 5101.272. (A) For the purposes of section 5101.27 of the Revised Code, an authorization shall be made on a form that uses language understandable to the average person and contains all of the following: 107533
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- (1) A description of the information to be used or disclosed that identifies the information in a specific and meaningful fashion; 107537
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- (2) The name or other specific identification of the person or class of persons authorized to make the requested use or disclosure; 107540
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- (3) The name or other specific identification of the person or governmental entity to which the information may be released; 107543
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- (4) A description of each purpose of the requested use or disclosure of the information; 107546
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- (5) The date on which the authorization expires or an event related either to the individual who is the subject of the request or to the purposes of the requested use or disclosure, the occurrence of which will cause the authorization to expire; 107548
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- (6) A statement that the information used or disclosed pursuant to the authorization may be disclosed by the recipient of the information and may no longer be protected from disclosure; 107552
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- (7) The signature of the individual or the individual's authorized representative and the date on which the authorization was signed; 107556
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- (8) If signed by an authorized representative, a description of the representative's authority to act for the individual; 107559
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- (9) A statement of the individual or authorized representative's right to prospectively revoke the written authorization in writing, along with one of the following: 107562
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(a) A description of how the individual or authorized representative may revoke the authorization; 107565
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(b) If the department of job and family services' or 107567
department of children and youth's privacy notice contains a 107568
description of how the individual or authorized representative 107569
may revoke the authorization, a reference to that privacy 107570
notice. 107571

(10) A statement that treatment, payment, enrollment, or 107572
eligibility for public assistance cannot be conditioned on 107573
signing the authorization unless the authorization is necessary 107574
for determining eligibility for the public assistance program. 107575

(B) When an individual requests information pursuant to 107576
section 5101.27 of the Revised Code regarding the individual's 107577
receipt of public assistance and does not wish to provide a 107578
statement of purpose, the statement "at request of the 107579
individual" is a sufficient description for purposes of division 107580
(A) (4) of this section. 107581

Sec. 5101.273. The department of job and family services 107582
or the department of children and youth shall enter into any 107583
necessary agreements with the United States department of health 107584
and human services and neighboring states to join and 107585
participate as an active member in the public assistance 107586
reporting information system. The department may disclose 107587
information regarding a public assistance recipient to the 107588
extent necessary to participate as an active member in the 107589
public assistance reporting information system. 107590

Sec. 5101.28. (A) (1) On request of the department of job 107591
and family services, the department of children and youth, or a 107592
county agency, a law enforcement agency shall provide 107593

information regarding public assistance recipients to enable the 107594
department of job and family services, department of children 107595
and youth, or county agency to determine, for eligibility 107596
purposes, whether a recipient or a member of a recipient's 107597
assistance group is a fugitive felon or violating a condition of 107598
probation, a community control sanction, parole, or a post- 107599
release control sanction imposed under state or federal law. 107600

(2) A county agency may enter into a written agreement 107601
with a local law enforcement agency establishing procedures 107602
concerning access to information and providing for compliance 107603
with this section. 107604

(B) To the extent permitted by federal law, the department 107605
of job and family services, department of children and youth, 107606
and county agencies shall provide information regarding 107607
recipients of public assistance to a law enforcement agency on 107608
request for use in the performance of the law enforcement 107609
agency's official duties. 107610

(C) Information about a public assistance recipient shall 107611
be exchanged, obtained, or shared only if the department of job 107612
and family services, department of children and youth, county 107613
agency, or law enforcement agency requesting the information 107614
gives sufficient information to specifically identify the 107615
recipient. In addition to the recipient's name, identifying 107616
information may include the recipient's current or last known 107617
address, social security number, other identifying number, age, 107618
gender, physical characteristics, any information specified in 107619
an agreement entered into under division (A) of this section, or 107620
any information considered appropriate by the department of job 107621
and family services, department of children and youth or agency. 107622

(D) (1) The department of job and family services, 107623

department of children and youth, and ~~its~~ each department's 107624
officers and employees are not liable in damages in a civil 107625
action for any injury, death, or loss to person or property that 107626
allegedly arises from the release of information in accordance 107627
with divisions (A), (B), and (C) of this section. This section 107628
does not affect any immunity or defense that the department of 107629
job and family services, department of children and youth, and 107630
~~its~~ each department's officers and employees may be entitled to 107631
under another section of the Revised Code or the common law of 107632
this state, including section 9.86 of the Revised Code. 107633

(2) The county agencies and their employees are not liable 107634
in damages in a civil action for any injury, death, or loss to 107635
person or property that allegedly arises from the release of 107636
information in accordance with divisions (A), (B), and (C) of 107637
this section. "Employee" has the same meaning as in division (B) 107638
of section 2744.01 of the Revised Code. This section does not 107639
affect any immunity or defense that the county agencies and 107640
their employees may be entitled to under another section of the 107641
Revised Code or the common law of this state, including section 107642
2744.02 and division (A) (6) of section 2744.03 of the Revised 107643
Code. 107644

(E) To the extent permitted by federal law, the department 107645
of job and family services, department of children and youth, 107646
and county agencies shall provide access to information to the 107647
auditor of state acting pursuant to Chapter 117. or sections 107648
5101.181 and 5101.182 of the Revised Code and to any other 107649
government entity authorized by federal law to conduct an audit 107650
of, or similar activity involving, a public assistance program. 107651

(F) To the extent permitted by law, nothing in this 107652
section prohibits the department of job and family services, the 107653

department of children and youth, county departments of job and 107654
family services, and employees of the departments from reporting 107655
to a public children services agency or other appropriate agency 107656
information on known or suspected physical or mental injury, 107657
sexual abuse or exploitation, or negligent treatment or 107658
maltreatment, of a child. 107659

Sec. 5101.30. (A) The director of job and family services 107660
and the director of children and youth shall adopt rules in 107661
accordance with Chapter 119. of the Revised Code implementing 107662
sections 5101.26 to 5101.30 of the Revised Code and governing 107663
the custody, use, disclosure, and preservation of the 107664
information generated or received by the department of job and 107665
family services, the department of children and youth, county 107666
agencies, other state and county entities, contractors, 107667
grantees, private entities, or officials participating in the 107668
administration of public assistance programs. The rules shall 107669
comply with applicable federal statutes and regulations. 107670

(1) The rules shall specify conditions and procedures for 107671
the release of information which may include, among other 107672
conditions and procedures, both of the following: 107673

(a) Permitting providers of services or assistance under 107674
public assistance programs limited access to information that is 107675
essential for the providers to render services or assistance or 107676
to bill for services or assistance rendered. The department of 107677
aging, when investigating a complaint under section 173.20 of 107678
the Revised Code, shall be granted any limited access permitted 107679
in the rules pursuant to division (A)(1) of this section. 107680

(b) Permitting a contractor, grantee, or other state or 107681
county entity limited access to information that is essential 107682
for the contractor, grantee, or entity to perform administrative 107683

or other duties on behalf of the department or county agency. A 107684
contractor, grantee, or entity given access to information 107685
pursuant to division (A) (2) of this section is bound by the 107686
director's rules, and disclosure of the information by the 107687
contractor, grantee, or entity in a manner not authorized by the 107688
rules is a violation of section 5101.27 of the Revised Code. 107689

(2) The rules may define who is an "authorized 107690
representative" for purposes of sections 5101.27 and 5101.272 of 107691
the Revised Code. 107692

(B) Whenever names, addresses, or other information 107693
relating to public assistance recipients is held by any agency 107694
other than the department or a county agency, that other agency 107695
shall adopt rules consistent with sections 5101.26 to 5101.30 of 107696
the Revised Code to prevent the publication or disclosure of 107697
names, lists, or other information concerning those recipients. 107698

Sec. ~~122.66~~ 5101.311. As used in sections ~~122.66~~ 5101.311 107699
to ~~122.702~~ 5101.317 of the Revised Code: 107700

(A) "Poverty line" means the official poverty line 107701
established by the director of the United States office of 107702
management and budget and as revised by the secretary of health 107703
and human services in accordance with section 673(2) of the 107704
"Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 107705
9902. 107706

(B) "Low-income person" means a person whose adjusted 107707
gross income as defined in division (A) of section 5747.01 of 107708
the Revised Code is below the poverty line as defined in 107709
division (A) of this section. 107710

(C) "Advocacy" means the act of pleading for, supporting, 107711
or recommending actions on behalf of low-income persons. 107712

(D) "Community action agency" means a community-based and operated private nonprofit agency or organization incorporated under Chapter 1702. of the Revised Code that includes or is designed to include a sufficient number of projects or components to provide a range of services and activities having a measurable and potentially major impact on the causes of poverty in the community or those areas of the community where poverty is a particularly acute problem and is designated as a community action agency by the ~~community services division~~ department of job and family services pursuant to sections ~~122.68~~ 5101.313 and ~~122.69~~ 5101.315 of the Revised Code. A "community action agency" is not a state agency or public office.

(E) "Community" means a city, village, county, multicounty or multicounty unit, a neighborhood or other area, disregarding boundaries or political subdivisions, which provides a suitable organizational base and possesses a commonality of needs and interests for a community action program suitable to be served by a community action agency.

(F) "Service area" means the geographical area served by a community action agency.

Sec. ~~122.67~~ 5101.312. ~~There is hereby created in the development services agency the community services division. The director of development services~~ job and family services shall employ and fix the compensation of professional and technical unclassified personnel as necessary to carry out the provisions of sections ~~122.66~~ 5101.311 to ~~122.701~~ 5101.317 of the Revised Code.

Sec. ~~122.68~~ 5101.313. ~~The community services division~~ department of job and family services shall:

(A) Administer all federal funds appropriated to the state 107743
from the "Community Services Block Grant Act," 95 Stat. 511, 42 107744
U.S.C.A. 9901, and comply with requirements imposed by that act 107745
in its application for, and administration of, the funds; 107746

(B) Designate community action agencies to receive 107747
community services block grant funds; 107748

(C) (1) Subject to division (C) (2) of this section, 107749
disburse at least ninety-one per cent of the funds received in 107750
the state from the "Community Services Block Grant Act" to 107751
community action agencies that comply with the requirements of 107752
section ~~122.69~~5101.315 of the Revised Code and migrant and 107753
seasonal farm worker organizations that are not designated 107754
community action agencies but which provide the services 107755
described in division (B) (1) of section ~~122.69~~5101.315 of the 107756
Revised Code; 107757

(2) Disburse at least four and one-half per cent of the 107758
funds received in the state from the "Community Services Block 107759
Grant Act" to one or more nonprofit organizations to which both 107760
of the following apply: 107761

(a) The organization or organizations were incorporated 107762
under the laws of this state before January 1, 2015. 107763

(b) The primary purpose of the organization or 107764
organizations is to provide training and technical assistance to 107765
community action agencies that comply with the requirements of 107766
section ~~122.69~~5101.315 of the Revised Code. 107767

(D) Provide technical assistance to community action 107768
agencies to improve program planning, development, and 107769
administration; 107770

(E) Conduct yearly performance assessments, according to 107771

criteria determined by ~~development services agency~~ department of
job and family services rule, to determine whether community
action agencies are in compliance with section ~~122.69~~ 5101.315
of the Revised Code;

(F) Annually prepare and submit to the United States
secretary of health and human services, the governor, the
president of the Ohio senate, and the speaker of the Ohio house
of representatives, a comprehensive report that includes:

(1) Certification that all community action agencies
designated to receive funds from the "Community Services Block
Grant Act" are in compliance with section ~~122.69~~ 5101.315 of the
Revised Code;

(2) A program plan for the next federal fiscal year that
has been made available for public inspection and that details
how community services block grant funds will be disbursed and
used during that fiscal year;

(3) Information detailing how funds were expended for the
current fiscal year;

(4) An audit of community services block grant
expenditures for the preceding federal fiscal year that is
conducted in accordance with generally accepted accounting
principles by an independent auditing firm that has no
connection with any community action agency receiving community
services block grant funds or with any employee of the division.

(G) Serve as a statewide advocate for social and economic
opportunities for low-income persons.

Sec. ~~122.681~~ 5101.314. (A) Except as permitted by this
section, or when required by federal law, no person or
government entity shall solicit, release, disclose, receive,

use, or knowingly permit or participate in the use of any 107801
information regarding an individual receiving assistance 107802
pursuant to a ~~community services division~~ department of job and 107803
family services program under sections ~~122.66~~ 5101.311 to 107804
~~122.702~~ 5101.317 of the Revised Code for any purpose not 107805
directly related to the administration of a ~~division~~ department 107806
assistance program. 107807

(B) To the extent permitted by federal law, the 107808
~~division~~ department, and any entity that receives ~~division~~ 107809
department funds to administer a ~~division~~ department program to 107810
assist individuals, shall release information regarding an 107811
individual assistance recipient to the following: 107812

(1) A government entity responsible for administering the 107813
assistance program for purposes directly related to the 107814
administration of the program; 107815

(2) A law enforcement agency for the purpose of any 107816
investigation, prosecution, or criminal or civil proceeding 107817
relating to the administration of the assistance program; 107818

(3) A government entity responsible for administering a 107819
children's protective services program, for the purpose of 107820
protecting children; 107821

(4) Any appropriate person in compliance with a search 107822
warrant, subpoena, or other court order. 107823

(C) To the extent permitted by federal law and section 107824
1347.08 of the Revised Code, the ~~division~~ department, and any 107825
entity administering a ~~division~~ department program, shall 107826
provide access to information regarding an individual assistance 107827
recipient to all of the following: 107828

(1) The individual assistance recipient; 107829

(2) The authorized representative of the individual assistance recipient; 107830
107831

(3) The legal guardian of the individual assistance recipient; 107832
107833

(4) The attorney of the individual assistance recipient. 107834

(D) To the extent permitted by federal law, the ~~division~~department, and any entity administering a ~~division~~department program, may do either of the following: 107835
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107837

(1) Release information about an individual assistance recipient if the recipient gives voluntary, written authorization; 107838
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107840

(2) Release information regarding an individual assistance recipient to a state, federal, or federally assisted program that provides cash or in-kind assistance or services directly to individuals based on need. 107841
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(E) The ~~community services division~~department of job and family services, or an entity administering a ~~division~~department program, shall provide, at no cost, a copy of each written authorization to the individual who signed it. 107845
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(F) The ~~development services agency~~department may adopt rules defining who may serve as an individual assistance recipient's authorized representative for purposes of division (C) (2) of this section. 107849
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Sec. ~~122.69~~ 5101.315. (A) Any nonprofit agency or organization seeking designation as a community action agency by the ~~community services division~~department of job and family services shall obtain the endorsement of the chief elected officials of at least two-thirds of the municipal corporations 107853
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and the counties within the community to be served by the agency 107858
or organization. 107859

(B) Any nonprofit agency or organization that receives the 107860
endorsement provided for in division (A) of this section shall 107861
be designated by the ~~division~~department as the community action 107862
agency for the community it serves and shall receive community 107863
services block grant funds for any period of time that the 107864
nonprofit agency or organization: 107865

(1) Provides a range of services and opportunities having 107866
a measurable and potentially major impact on the causes of 107867
poverty in the community or those areas of the community where 107868
poverty is a particularly acute problem. These activities may 107869
include but shall not be limited to: 107870

(a) Providing activities designed to assist low-income 107871
persons, including low-income persons who are elderly and who 107872
have disabilities, to: 107873

(i) Secure and maintain meaningful employment, training, 107874
work experience, and unsubsidized employment; 107875

(ii) Attain an adequate education; 107876

(iii) Make better use of available income; 107877

(iv) Obtain and maintain adequate housing and a suitable 107878
living environment; 107879

(v) Obtain emergency assistance through loans or grants to 107880
meet immediate and urgent individual and family needs, including 107881
the need for health services, nutritious food, housing, and 107882
employment-related assistance; 107883

(vi) Remove obstacles and solve personal and family 107884
problems that block the achievement of self-sufficiency; 107885

(vii) Achieve greater participation in the affairs of the community;	107886 107887
(viii) Undertake family planning, consistent with personal and family goals and religious and moral convictions;	107888 107889
(ix) Obtain energy assistance, conservation, and weatherization services.	107890 107891
(b) Providing, on an emergency basis, supplies and services, nutritious foodstuffs, and related services necessary to counteract conditions of starvation and malnutrition among low-income persons;	107892 107893 107894 107895
(c) Coordinating and establishing links between government and other social services programs to assure the effective delivery of services to low-income individuals;	107896 107897 107898
(d) Providing child care services, nutrition and health services, transportation services, alcoholism and narcotic addiction prevention and rehabilitation services, youth development services, and community services to persons who are elderly and who have disabilities;	107899 107900 107901 107902 107903
(e) Encouraging entities in the private sector to participate in efforts to ameliorate poverty in the community.	107904 107905
(2) Annually submits to the division <u>department</u> a program plan and budget for use of community services block grant funds for the next federal fiscal year. At least ten days prior to its submission to the division <u>department</u> , a copy of the program plan and budget shall be made available to the chief elected officials of the municipal corporations and counties within the service area in order to provide them the opportunity to review and comment upon such plan and budget.	107906 107907 107908 107909 107910 107911 107912 107913

(3) Composes its board of directors in compliance with 107914
~~section (c) (3) of section 675 of the "Community Services Block~~ 107915
~~Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9904~~U.S.C. 9910, except 107916
that the board shall consist of not less than fifteen nor more 107917
than thirty-three members; 107918

(4) Complies with the prohibitions against discrimination 107919
and political activity, as provided in the "Community Services 107920
Block Grant Act"; 107921

(5) Complies with fiscal and program requirements 107922
established by ~~development services agency department~~ rule. 107923

Sec. ~~122.70~~ 5101.316. The board of directors of a 107924
community action agency shall: 107925

(A) Select, appoint, and may remove the executive director 107926
of the community action agency; 107927

(B) Approve contracts, annual program budgets, and 107928
policies of the community action agency; 107929

(C) Advise the elected officials of any political 107930
subdivision located within its service area, and state and 107931
federal elected officials who represent its service area, of the 107932
nature and extent of poverty within its community, and advise 107933
them of any needed changes; 107934

(D) Convene public meetings to provide community members 107935
the opportunity to comment on public policies and programs to 107936
reduce poverty; 107937

(E) Annually evaluate the policies and programs of the 107938
community action agency according to criteria determined by 107939
~~department of development~~ department of job and family services 107940
rule; 107941

(F) Submit the results of the evaluation required by 107942
division (E) of this section, along with recommendations for 107943
improved administration of the community action agency, to the 107944
~~community services division~~department; 107945

(G) Adopt a code of ethics for the board of directors and 107946
the employees of the community action agency; 107947

(H) Adopt written policies describing all of the 107948
following: 107949

(1) How the community action agency is to expend and 107950
distribute the community services block grant funds that it 107951
receives from the division under sections ~~122.68~~ 5101.313 and 107952
~~122.69~~ 5101.315 of the Revised Code; 107953

(2) The salary, benefits, travel expenses, and any other 107954
compensation that persons are to receive for serving on the 107955
community action agency's board of directors; 107956

(3) The operating procedures to be used by the board to 107957
conduct its meetings, to vote on all official business it 107958
considers, and to provide notice of its meetings. 107959

The written operating procedures described in this 107960
division shall specify the methods by which the board may 107961
conduct meetings using virtual electronic technology, and shall 107962
specify that the board may provide notice of its meetings by any 107963
means deemed appropriate to the board. 107964

(I) Provide for the posting of notices in a conspicuous 107965
place indicating that the code of ethics described in division 107966
(G) of this section and the policies described in division (H) 107967
of this section are available for public inspection at the 107968
community action agency during normal business hours. 107969

Sec. ~~122.701~~ 5101.317. (A) Prior to designating a new
community action agency or rescinding a community action
agency's designation, the ~~community services division~~ department
of job and family services shall:

(1) Determine whether a community action agency is in
compliance with section ~~122.69~~ 5101.315 of the Revised Code;

(2) Consult with the chief elected officials of political
subdivisions located within a community action agency's service
area, and, in designating a new community action agency, obtain
their endorsement of the agency in accordance with division (A)
of section ~~122.69~~ 5101.315 of the Revised Code;

(3) Hold at least one public meeting within a community
action agency's service area for the purpose of allowing
citizens to comment on the community action agency's delivery of
services;

(4) Evaluate the proposed service area of the community
action agency, and, as may be necessary, modify the boundaries
of the service area so that low-income persons in the area are
adequately and efficiently served.

(B) After providing notice and hearing pursuant to
sections 119.01 to 119.13 of the Revised Code, the director of
~~development~~ job and family services:

(1) May rescind the designation of a community action
agency after finding that the agency is not in compliance with
any or all of the provisions of section ~~122.69~~ 5101.315 of the
Revised Code;

(2) Shall rescind the designation of a community action
agency upon notification from the chief elected officials of
more than one-half of the municipal corporations and the

counties within a community currently served by a community 107999
action agency that such agency is not endorsed by them and after 108000
finding that the agency is not in compliance with section ~~122.69~~ 108001
5101.315 of the Revised Code. 108002

Any agency whose designation is rescinded pursuant to this 108003
section may appeal from an order rescinding such designation 108004
pursuant to section 119.12 of the Revised Code. 108005

Sec. 5101.33. (A) As used in this section, "benefits" 108006
means any of the following: 108007

(1) Cash assistance paid under Chapter 5107. of the 108008
Revised Code; 108009

(2) Supplemental nutrition assistance program benefits 108010
provided under section 5101.54 of the Revised Code; 108011

(3) Any other program administered by the department of 108012
job and family services or the department of children and youth 108013
under which assistance is provided or service rendered; 108014

(4) Any other program, service, or assistance administered 108015
by a person or government entity that the department determines 108016
may be delivered through the medium of electronic benefit 108017
transfer. 108018

(B) The department of job and family services or 108019
department of children and youth may make any payment or 108020
delivery of benefits to eligible individuals through the medium 108021
of electronic benefit transfer by doing all of the following: 108022

(1) Contracting with an agent to supply debit cards to the 108023
department of job and family services or the department of 108024
children and youth for use by such individuals in accessing 108025
their benefits and to credit such cards electronically with the 108026

amounts specified by the director of job and family services or 108027
the director of children and youth pursuant to law; 108028

(2) Informing such individuals about the use of the 108029
electronic benefit transfer system and furnishing them with 108030
debit cards and information that will enable them to access 108031
their benefits through the system; 108032

(3) Arranging with specific financial institutions or 108033
vendors, county departments of job and family services, or 108034
persons or government entities for individuals to have their 108035
cards credited electronically with the proper amounts at their 108036
facilities; 108037

(4) Periodically preparing vouchers for the payment of 108038
such benefits by electronic benefit transfer; 108039

(5) Satisfying any applicable requirements of federal and 108040
state law. 108041

(C) The department may enter into a written agreement with 108042
any person or government entity to provide benefits administered 108043
by that person or entity through the medium of electronic 108044
benefit transfer. A written agreement may require the person or 108045
government entity to pay to the department either or both of the 108046
following: 108047

(1) A charge that reimburses the department for all costs 108048
the department incurs in having the benefits administered by the 108049
person or entity provided through the electronic benefit 108050
transfer system; 108051

(2) A fee for having the benefits provided through the 108052
electronic benefit transfer system. 108053

(D) The department may designate which counties will 108054

participate in the medium of electronic benefit transfer, 108055
specify the date a designated county will begin participation, 108056
and specify which benefits will be provided through the medium 108057
of electronic benefit transfer in a designated county. 108058

(E) The department of job and family services or the 108059
department of children and youth may adopt rules in accordance 108060
with Chapter 119. of the Revised Code for the efficient 108061
administration of this section. 108062

Sec. 5101.35. (A) As used in this section: 108063

(1) (a) "Agency" means the following entities that 108064
administer a family services program: 108065

(i) The department of job and family services; 108066

(ii) The department of children and youth; 108067

(iii) A county department of job and family services; 108068

(iv) A public children services agency; 108069

(v) A private or government entity administering, in whole 108070
or in part, a family services program for or on behalf of the 108071
department of job and family services, the department of 108072
children and youth, or a county department of job and family 108073
services or public children services agency. 108074

(b) If the department of medicaid contracts with the 108075
department of job and family services to hear appeals authorized 108076
by section 5160.31 of the Revised Code regarding medical 108077
assistance programs, "agency" includes the department of 108078
medicaid. 108079

(2) "Appellant" means an applicant, participant, former 108080
participant, recipient, or former recipient of a family services 108081

program who is entitled by federal or state law to a hearing 108082
regarding a decision or order of the agency that administers the 108083
program. 108084

(3) (a) "Family services program" means all of the 108085
following: 108086

(i) A Title IV-A program as defined in section 5101.80 of 108087
the Revised Code; 108088

(ii) Programs that provide assistance under Chapter 5104. 108089
of the Revised Code; 108090

(iii) Programs that provide assistance under section 108091
~~5101.141~~, 5101.461, 5101.54, 5119.41, 5153.163, ~~or~~ 5153.165, or 108092
5180.42 of the Revised Code; 108093

(iv) Title XX social services provided under section 108094
5101.46 of the Revised Code, other than such services provided 108095
by the department of mental health and addiction services, the 108096
department of developmental disabilities, a board of alcohol, 108097
drug addiction, and mental health services, or a county board of 108098
developmental disabilities. 108099

(b) If the department of medicaid contracts with the 108100
department of job and family services to hear appeals authorized 108101
by section 5160.31 of the Revised Code regarding medical 108102
assistance programs, "family services program" includes medical 108103
assistance programs. 108104

(4) "Medical assistance program" has the same meaning as 108105
in section 5160.01 of the Revised Code. 108106

(B) Except as provided by divisions (G) and (H) of this 108107
section, an appellant who appeals under federal or state law a 108108
decision or order of an agency administering a family services 108109

program shall, at the appellant's request, be granted a state hearing by the department of job and family services or the department of children and youth, as appropriate. This state hearing shall be conducted in accordance with rules adopted under this section. The state hearing shall be recorded, but neither the recording nor a transcript of the recording shall be part of the official record of the proceeding. Except as provided in section 5160.31 of the Revised Code, a state hearing decision is binding upon the agency and department, unless it is reversed or modified on appeal to the director of job and family services, director of children and youth, or a court of common pleas.

(C) Except as provided by division (G) of this section, an appellant who disagrees with a state hearing decision may make an administrative appeal to the director of job and family services or director of children and youth in accordance with rules adopted under this section. This administrative appeal does not require a hearing, but the director or the director's designee shall review the state hearing decision and previous administrative action and may affirm, modify, remand, or reverse the state hearing decision. An administrative appeal decision is the final decision of the department and, except as provided in section 5160.31 of the Revised Code, is binding upon the department and agency, unless it is reversed or modified on appeal to the court of common pleas.

(D) An agency shall comply with a decision issued pursuant to division (B) or (C) of this section within the time limits established by rules adopted under this section. If a county department of job and family services or a public children services agency fails to comply within these time limits, the department may take action pursuant to section 5101.24 of the

Revised Code. If another agency, other than the department of 108141
medicaid, fails to comply within the time limits, the department 108142
may force compliance by withholding funds due the agency or 108143
imposing another sanction established by rules adopted under 108144
this section. 108145

(E) An appellant who disagrees with an administrative 108146
appeal decision of the director of job and family services, the 108147
director of children and youth, or either director's designee 108148
issued under division (C) of this section may appeal from the 108149
decision to the court of common pleas pursuant to section 119.12 108150
of the Revised Code. The appeal shall be governed by section 108151
119.12 of the Revised Code except that: 108152

(1) The person may apply to the court for designation as 108153
an indigent and, if the court grants this application, the 108154
appellant shall not be required to furnish the costs of the 108155
appeal. 108156

(2) The appellant shall mail the notice of appeal to the 108157
department of job and family services or director of children 108158
and youth, as appropriate, and file notice of appeal with the 108159
court within thirty days after the department mails the 108160
administrative appeal decision to the appellant. For good cause 108161
shown, the court may extend the time for mailing and filing 108162
notice of appeal, but such time shall not exceed six months from 108163
the date the department mails the administrative appeal 108164
decision. Filing notice of appeal with the court shall be the 108165
only act necessary to vest jurisdiction in the court. 108166

(3) The department shall be required to file a transcript 108167
of the testimony of the state hearing with the court only if the 108168
court orders the department to file the transcript. The court 108169
shall make such an order only if it finds that the department 108170

and the appellant are unable to stipulate to the facts of the 108171
case and that the transcript is essential to a determination of 108172
the appeal. The department shall file the transcript not later 108173
than thirty days after the day such an order is issued. 108174

(F) The department of job and family service and 108175
department of children and youth, as applicable, shall adopt 108176
rules in accordance with Chapter 119. of the Revised Code to 108177
implement this section, including rules governing the following: 108178

(1) State hearings under division (B) of this section. The 108179
rules shall include provisions regarding notice of eligibility 108180
termination and the opportunity of an appellant appealing a 108181
decision or order of a county department of job and family 108182
services to request a county conference with the county 108183
department before the state hearing is held. 108184

(2) Administrative appeals under division (C) of this 108185
section; 108186

(3) Time limits for complying with a decision issued under 108187
division (B) or (C) of this section; 108188

(4) Sanctions that may be applied against an agency under 108189
division (D) of this section. 108190

(G) The department of job and family services and the 108191
department of children and youth, as applicable, may adopt rules 108192
in accordance with Chapter 119. of the Revised Code establishing 108193
an appeals process for an appellant who appeals a decision or 108194
order regarding a Title IV-A program identified under division 108195
(A) (4) (c), (d), (e), (f), (g), or (h) of section 5101.80 of the 108196
Revised Code that is different from the appeals process 108197
established by this section. The different appeals process may 108198
include having a state agency that administers the Title IV-A 108199

program pursuant to an interagency agreement entered into under 108200
section 5101.801 of the Revised Code administer the appeals 108201
process. 108202

(H) If an appellant receiving medicaid through a health 108203
insuring corporation that holds a certificate of authority under 108204
Chapter 1751. of the Revised Code is appealing a denial of 108205
medicaid services based on lack of medical necessity or other 108206
clinical issues regarding coverage by the health insuring 108207
corporation, the person hearing the appeal may order an 108208
independent medical review if that person determines that a 108209
review is necessary. The review shall be performed by a health 108210
care professional with appropriate clinical expertise in 108211
treating the recipient's condition or disease. The department 108212
shall pay the costs associated with the review. 108213

A review ordered under this division shall be part of the 108214
record of the hearing and shall be given appropriate evidentiary 108215
consideration by the person hearing the appeal. 108216

(I) The requirements of Chapter 119. of the Revised Code 108217
apply to a state hearing or administrative appeal under this 108218
section only to the extent, if any, specifically provided by 108219
rules adopted under this section. 108220

Sec. 5101.351. The department of job and family services 108221
or the department of children and youth may employ or contract 108222
with hearing officers to draft and recommend state hearing 108223
decisions under division (B) of section 5101.35 of the Revised 108224
Code. The department may employ or contract with hearing 108225
authorities to issue state hearing decisions under division (B) 108226
of section 5101.35 of the Revised Code. A hearing authority 108227
employed or contracted with under this section is not required 108228
to have been admitted to the practice of law in this state. 108229

Sec. 5101.38. The department of job and family services or 108230
the department of children and youth may appoint and commission 108231
any competent officer, employee, agency, or person to serve as a 108232
special agent, investigator, or representative to perform a 108233
designated duty for and in behalf of the department. Specific 108234
credentials shall be given by the department to each person so 108235
designated, and each credential shall state: 108236

(A) The person's name; 108237

(B) Agency with which such person is connected; 108238

(C) Purpose of appointment; 108239

(D) Date of expiration of appointment, if appropriate; 108240

(E) Such information as the department considers proper. 108241

Sec. 5101.461. (A) As used in this section: 108242

(1) "Title IV-A" means Title IV-A of the "Social Security 108243
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 108244

(2) "Title XX" has the same meaning as in section 5101.46 108245
of the Revised Code. 108246

(B) To the extent authorized by federal law, the 108247
department of job and family services or the department of 108248
children and youth may use funds received through the Title IV-A 108249
temporary assistance for needy families block grant for purposes 108250
of providing Title XX social services. The amount used under 108251
this section shall not exceed the maximum amount permitted by 108252
federal law. The funds and provision of Title XX social services 108253
with the funds are not subject to section 5101.46 of the Revised 108254
Code. 108255

Funds distributed under this section for the purpose of 108256

providing family planning services shall be distributed by a 108257
county department of job and family services according to the 108258
same order of priority that applies to the department of job and 108259
family services under section 5101.101 of the Revised Code. 108260

(C) The department and any county department of job and 108261
family services may require an entity under contract to provide 108262
Title XX social services with funds used under this section to 108263
submit to an audit on the basis of alleged misuse or improper 108264
accounting of funds. If an audit is required, the social 108265
services provider shall reimburse the state department or county 108266
department for the cost it incurred in conducting the audit or 108267
having the audit conducted. 108268

If an audit demonstrates that a social services provider 108269
is responsible for one or more adverse findings, the provider 108270
shall reimburse the state department or county department the 108271
amount of the adverse findings. The amount shall not be 108272
reimbursed with funds received under this section. The state 108273
department and county departments may terminate or refuse to 108274
enter into a contract with a social services provider to provide 108275
services with funds available pursuant to this section if there 108276
are adverse findings in an audit that are the responsibility of 108277
the provider. 108278

(D) The state department of job and family services or the 108279
department of children and youth may adopt rules to implement 108280
and carry out the purposes of this section. Rules governing 108281
financial and operational matters of the department or matters 108282
between the department and county departments of job and family 108283
services shall be adopted as internal management rules in 108284
accordance with section 111.15 of the Revised Code. Rules 108285
governing eligibility for services, program participation, and 108286

other matters pertaining to applicants and participants shall be 108287
adopted in accordance with Chapter 119. of the Revised Code. 108288

Sec. 5101.542. (A) Immediately following a county 108289
department of job and family services' certification that a 108290
household determined under division (B) of section 5101.54 of 108291
the Revised Code to be in immediate need of nutrition assistance 108292
is eligible for the supplemental nutrition assistance program, 108293
the department of job and family services shall provide for the 108294
household to be sent by regular United States mail an electronic 108295
benefit transfer card containing the amount of benefits the 108296
household is eligible to receive under the program. The card 108297
shall be sent to the member of the household in whose name 108298
application for the supplemental nutrition assistance program 108299
was made or that member's authorized representative. 108300

(B) Except as provided in division (C) of this section, 108301
the department shall replace any electronic benefit transfer 108302
card that is reported by a household to be lost, stolen, or 108303
damaged, within two business days of receiving notice of the 108304
card's condition, in accordance with 7 C.F.R. 274.6(b). 108305

(C) (1) The department shall implement the option described 108306
in 7 C.F.R. 274.6(b) (5) and shall withhold a replacement 108307
electronic benefit transfer card from a household that requests 108308
four or more replacement cards during a twelve-month period 108309
until the requirements specified in 7 C.F.R. 274.6(b) (5) have 108310
been satisfied. 108311

(2) The department shall not withhold a replacement card 108312
as described under division (C) (1) of this section if the 108313
individual requesting the replacement has a disability directly 108314
related to the loss of the card. 108315

(D) The department shall establish a process as part of 108316
the department's existing customer service telephone hotline 108317
that allows individuals to lock an electronic benefit transfer 108318
card that has been lost or stolen. 108319

Sec. 5101.543. To ensure program integrity within the 108320
supplemental nutrition assistance program, the department of job 108321
and family services shall periodically monitor the balances of 108322
supplemental nutrition assistance program accounts. If the 108323
department discovers an account with a balance that exceeds five 108324
thousand dollars, the department shall take steps to determine 108325
whether the account is inactive and, if inactive, identify the 108326
causes for the accruing balance. 108327

Sec. 5101.548. (A) (1) Except as otherwise provided in 108328
division (A) (2) of this section, the department of job and 108329
family services shall not implement the option available under 108330
section 6(o) (6) of the "Food and Nutrition Act of 2008," 7 108331
U.S.C. 2015(o) (6). 108332

(2) The department of job and family services may 108333
implement the option described in division (A) (1) of this 108334
section only to prevent a federal penalty and to maintain 108335
compliance with federal rules governing the supplemental 108336
nutrition assistance program. The department shall not delegate 108337
the authority to waive individual work requirements or otherwise 108338
grant exemptions to county departments of job and family 108339
services. The department shall notify the chairpersons of the 108340
standing committees having jurisdiction in both the house of 108341
representatives and the senate when implementing the option 108342
described in division (A) (1) of this section. 108343

(B) The department of job and family services shall not 108344
request, apply for, or renew a waiver authorized by section 6(o) 108345

(4) of the "Food and Nutrition Act of 2008," 7 U.S.C. 2015(o) 108346
(4). 108347

Sec. 5101.612. (A) As used in this section, "federal 108348
poverty line" has the same meaning as in section 5162.01 of the 108349
Revised Code. 108350

(B) Within available funds, the department of job and 108351
family services shall distribute funds to the counties not later 108352
than thirty days after the beginning of each calendar quarter 108353
for a part of the counties' costs for protective services. Funds 108354
provided to a county under this section shall be deposited into 108355
the public assistance fund created under section 5101.161 of the 108356
Revised Code. 108357

(C) In each fiscal year, the amount of funds available for 108358
distribution under this section shall be allocated to counties 108359
as follows: 108360

(1) If the amount is less than the amount initially 108361
appropriated for the immediately preceding fiscal year, each 108362
county shall receive an amount equal to the percentage of the 108363
funding it received in the immediately preceding fiscal year, 108364
exclusive of any releases from or additions to the allocation or 108365
any sanctions imposed under this section; 108366

(2) If the amount is equal to the amount initially 108367
appropriated for the immediately preceding fiscal year, each 108368
county shall receive an amount equal to the amount it received 108369
in the preceding fiscal year, exclusive of any releases from or 108370
additions to the allocation or any sanctions imposed under this 108371
section; 108372

(3) If the amount is greater than the amount initially 108373
appropriated for the immediately preceding fiscal year, each 108374

county shall receive the amount determined under division (C) (2) 108375
of this section as a base allocation, plus a percentage of the 108376
amount that exceeds the amount initially appropriated for the 108377
immediately preceding fiscal year. The amount exceeding the 108378
amount initially appropriated in the immediately preceding 108379
fiscal year shall be allocated to the counties as follows: 108380

(a) Twelve per cent divided equally among all counties; 108381

(b) Forty-eight per cent in the ratio that the number of 108382
residents of the county aged sixty or older bears to the total 108383
number of such persons residing in this state; 108384

(c) Forty per cent in the ratio that the number of 108385
residents of the county with incomes under the federal poverty 108386
line bears to the total number of such persons in this state. 108387

(D) Not later than ninety days after the end of each state 108388
fiscal biennium, each county shall return any unspent funds to 108389
the department. 108390

(E) The director of job and family services may adopt 108391
rules in accordance with section 111.15 of the Revised Code to 108392
allocate funds under this section and prescribe reports on 108393
expenditures to be submitted by the counties as necessary for 108394
the implementation of this section. 108395

Sec. 5101.80. (A) As used in this section and in section 108396
5101.801 of the Revised Code: 108397

(1) "County family services agency" has the same meaning 108398
as in section 307.981 of the Revised Code. 108399

(2) "State agency" has the same meaning as in section 9.82 108400
of the Revised Code. 108401

(3) "Title IV-A administrative agency" means both of the 108402

following: 108403

(a) A county family services agency or state agency 108404
administering a Title IV-A program under the supervision of the 108405
department of job and family services or the department of 108406
children and youth; 108407

(b) A government agency or private, not-for-profit entity 108408
administering a project funded in whole or in part with funds 108409
provided under the Title IV-A demonstration program created 108410
under section 5101.803 of the Revised Code. 108411

(4) "Title IV-A program" means all of the following that 108412
are funded in part with funds provided under the temporary 108413
assistance for needy families block grant established by Title 108414
IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 108415
U.S.C. 601, as amended: 108416

(a) The Ohio works first program established under Chapter 108417
5107. of the Revised Code; 108418

(b) The prevention, retention, and contingency program 108419
established under Chapter 5108. of the Revised Code; 108420

(c) A program established by the general assembly or an 108421
executive order issued by the governor that is administered or 108422
supervised by the department of job and family services or 108423
department of children and youth pursuant to section 5101.801 of 108424
the Revised Code; 108425

(d) The kinship permanency incentive program created under 108426
section ~~5101.802~~5180.52 of the Revised Code; 108427

(e) The Title IV-A demonstration program created under 108428
section 5101.803 of the Revised Code; 108429

(f) The Ohio parenting and pregnancy program created under 108430

section ~~5101.804~~5180.71 of the Revised Code; 108431

(g) Fatherhood programs recommended by the Ohio commission 108432
on fatherhood under section ~~5101.805~~5180.704 of the Revised 108433
Code; 108434

(h) A component of a Title IV-A program identified under 108435
divisions (A) (4) (a) to (g) of this section that the Title IV-A 108436
state plan prepared under division (C) (1) of this section 108437
identifies as a component. 108438

(B) The department of job and family services shall act as 108439
the single state agency to administer and supervise the 108440
administration of Title IV-A programs. The Title IV-A state plan 108441
and amendments to the plan prepared under division (C) of this 108442
section are binding on Title IV-A administrative agencies. No 108443
Title IV-A administrative agency may establish, by rule or 108444
otherwise, a policy governing a Title IV-A program that is 108445
inconsistent with a Title IV-A program policy established, in 108446
rule or otherwise, by the director of job and family services. 108447

(C) The department of job and family services shall do all 108448
of the following: 108449

(1) Prepare and submit to the United States secretary of 108450
health and human services a Title IV-A state plan for Title IV-A 108451
programs; 108452

(2) Prepare and submit to the United States secretary of 108453
health and human services amendments to the Title IV-A state 108454
plan that the department determines necessary, including 108455
amendments necessary to implement Title IV-A programs identified 108456
in divisions (A) (4) (c) to (h) of this section; 108457

(3) Prescribe forms for applications, certificates, 108458
reports, records, and accounts of Title IV-A administrative 108459

agencies, and other matters related to Title IV-A programs; 108460

(4) Make such reports, in such form and containing such 108461
information as the department may find necessary to assure the 108462
correctness and verification of such reports, regarding Title 108463
IV-A programs; 108464

(5) Require reports and information from each Title IV-A 108465
administrative agency as may be necessary or advisable regarding 108466
a Title IV-A program; 108467

(6) Afford a fair hearing in accordance with section 108468
5101.35 of the Revised Code to any applicant for, or participant 108469
or former participant of, a Title IV-A program aggrieved by a 108470
decision regarding the program; 108471

(7) Administer and expend, pursuant to Chapters 5104., 108472
5107., and 5108. of the Revised Code and sections 5101.801, 108473
~~5101.802~~, 5101.803, ~~and 5101.804~~ 5180.52, and 5180.71 of the 108474
Revised Code, any sums appropriated by the general assembly for 108475
the purpose of those chapters and sections and all sums paid to 108476
the state by the secretary of the treasury of the United States 108477
as authorized by Title IV-A of the "Social Security Act," 110 108478
Stat. 2113 (1996), 42 U.S.C. 601, as amended; 108479

(8) Conduct investigations and audits as are necessary 108480
regarding Title IV-A programs; 108481

(9) Enter into reciprocal agreements with other states 108482
relative to the provision of Ohio works first and prevention, 108483
retention, and contingency to residents and nonresidents; 108484

(10) Contract with a private entity to conduct an 108485
independent on-going evaluation of the Ohio works first program 108486
and the prevention, retention, and contingency program. The 108487
contract must require the private entity to do all of the 108488

following:	108489
(a) Examine issues of process, practice, impact, and outcomes;	108490 108491
(b) Study former participants of Ohio works first who have not participated in Ohio works first for at least one year to determine whether they are employed, the type of employment in which they are engaged, the amount of compensation they are receiving, whether their employer provides health insurance, whether and how often they have received benefits or services under the prevention, retention, and contingency program, and whether they are successfully self sufficient;	108492 108493 108494 108495 108496 108497 108498 108499
(c) Provide the department with reports at times the department specifies.	108500 108501
(11) Not later than the last day of each January and July, prepare a report containing information on the following:	108502 108503
(a) Individuals exhausting the time limits for participation in Ohio works first set forth in section 5107.18 of the Revised Code.	108504 108505 108506
(b) Individuals who have been exempted from the time limits set forth in section 5107.18 of the Revised Code and the reasons for the exemption.	108507 108508 108509
(D) The department shall provide copies of the reports it receives under division (C) (10) of this section and prepares under division (C) (11) of this section to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. The department shall provide copies of the reports to any private or government entity on request.	108510 108511 108512 108513 108514 108515 108516

(E) An authorized representative of the department or a county family services agency or state agency administering a Title IV-A program shall have access to all records and information bearing thereon for the purposes of investigations conducted pursuant to this section. An authorized representative of a government entity or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program shall have access to all records and information bearing on the project for the purpose of investigations conducted pursuant to this section.

Sec. 5101.801. (A) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program, a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), (g), or (h) of section 5101.80 of the Revised Code shall provide benefits and services that are not "assistance" as defined in 45 C.F.R. 260.31(a) and are benefits and services that 45 C.F.R. 260.31(b) excludes from the definition of assistance.

(B)(1) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program, the department of job and family services or the department of children and youth, as appropriate, shall do either of the following regarding a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), (g), or (h) of section 5101.80 of the Revised Code:

(a) Administer the program or supervise a county family services agency's administration of the program;

(b) Enter into an interagency agreement with a state agency for the state agency to administer the program under the

department's supervision. 108547

(2) The department of job and family services and the 108548
department of children and youth may enter into an agreement 108549
with a government entity and, to the extent permitted by federal 108550
law, a private, not-for-profit entity for the entity to receive 108551
funding for a project under the Title IV-A demonstration program 108552
created under section 5101.803 of the Revised Code. 108553

(3) To the extent permitted by federal law, the department 108554
of children and youth may enter into an agreement with a 108555
private, not-for-profit entity for the entity to receive funds 108556
under the Ohio parenting and pregnancy program created under 108557
section ~~5101.804~~5180.71 of the Revised Code. 108558

(4) To the extent permitted by federal law, the department 108559
of children and youth may enter into an agreement with a 108560
private, not-for-profit entity for the entity to receive funds 108561
as recommended by the Ohio commission on fatherhood under 108562
section ~~5101.805~~5180.704 of the Revised Code. 108563

(C) The department of job and family services and the 108564
department of children and youth, may adopt rules governing 108565
Title IV-A programs identified under divisions (A) (4) (c), (d), 108566
(e), (f), (g), and (h) of section 5101.80 of the Revised Code. 108567
Rules governing financial and operational matters of either 108568
department or between either department and county family 108569
services agencies shall be adopted as internal management rules 108570
adopted in accordance with section 111.15 of the Revised Code. 108571
All other rules shall be adopted in accordance with Chapter 119. 108572
of the Revised Code. 108573

(D) If the department of job and family services or the 108574
department of children and youth, enters into an agreement 108575

regarding a Title IV-A program identified under division (A) (4) 108576
(c), (e), (f), (g), or (h) of section 5101.80 of the Revised 108577
Code pursuant to division (B) (1) (b) or (2) of this section, the 108578
agreement shall include at least all of the following: 108579

(1) A requirement that the state agency or entity comply 108580
with the requirements for the program or project, including all 108581
of the following requirements established by federal statutes 108582
and regulations, state statutes and rules, the United States 108583
office of management and budget, and the Title IV-A state plan 108584
prepared under section 5101.80 of the Revised Code: 108585

(a) Eligibility; 108586

(b) Reports; 108587

(c) Benefits and services; 108588

(d) Use of funds; 108589

(e) Appeals for applicants for, and recipients and former 108590
recipients of, the benefits and services; 108591

(f) Audits. 108592

(2) A complete description of all of the following: 108593

(a) The benefits and services that the program or project 108594
is to provide; 108595

(b) The methods of program or project administration; 108596

(c) The appeals process under section 5101.35 of the 108597
Revised Code for applicants for, and recipients and former 108598
recipients of, the program or project's benefits and services; 108599

(d) Other requirements that the department of job and 108600
family services or the department of children and youth, as 108601
applicable, requires be included. 108602

(3) Procedures for the department of job and family services or the department of children and youth, as applicable, to approve a policy, established by rule or otherwise, that the state agency or entity establishes for the program or project before the policy is established;

(4) Provisions regarding how the department of job and family services or the department of children and youth, as applicable, is to reimburse the state agency or entity for allowable expenditures under the program or project that the applicable department approves, including all of the following:

(a) Limitations on administrative costs;

(b) The department of job and family services or the department of children and youth, as applicable, at its discretion, doing either of the following:

(i) Withholding no more than five per cent of the funds that the department of job and family services or the department of children and youth, as applicable, would otherwise provide to the state agency or entity for the program or project;

(ii) Charging the state agency or entity for the costs to the department of job and family services or the department of children and youth, as applicable, of performing, or contracting for the performance of, audits and other administrative functions associated with the program or project.

(5) If the state agency or entity arranges by contract, grant, or other agreement for another entity to perform a function the state agency or entity would otherwise perform regarding the program or project, the state agency or entity's responsibilities for both of the following:

(a) Ensuring that the other entity complies with the

agreement between the state agency or entity and the department 108632
of job and family services or the department of children and 108633
youth, as applicable and federal statutes and regulations and 108634
state statutes and rules governing the use of funds for the 108635
program or project; 108636

(b) Auditing the other entity in accordance with 108637
requirements established by the United States office of 108638
management and budget. 108639

(6) The state agency or entity's responsibilities 108640
regarding the prompt payment, including any interest assessed, 108641
of any adverse audit finding, final disallowance of federal 108642
funds, or other sanction or penalty imposed by the federal 108643
government, auditor of state, department of job and family 108644
services or the department of children and youth, as applicable, 108645
a court, or other entity regarding funds for the program or 108646
project; 108647

(7) Provisions for the department of job and family 108648
services or the department of children and youth, as applicable, 108649
to terminate the agreement or withhold reimbursement from the 108650
state agency or entity if either of the following occur: 108651

(a) The federal government disapproves the program or 108652
project or reduces federal funds for the program or project; 108653

(b) The state agency or entity fails to comply with the 108654
terms of the agreement. 108655

(8) Provisions for both of the following: 108656

(a) The department of job and family services or the 108657
department of children and youth, as applicable, and state 108658
agency or entity determining the performance outcomes expected 108659
for the program or project; 108660

(b) An evaluation of the program or project to determine 108661
its success in achieving the performance outcomes determined 108662
under division (D) (8) (a) of this section. 108663

(E) To the extent consistent with the law enacted by the 108664
general assembly or executive order issued by the governor 108665
establishing the Title IV-A program and subject to the approval 108666
of the director of budget and management, the director of job 108667
and family services or the director of children and youth, as 108668
applicable, may terminate a Title IV-A program identified under 108669
division (A) (4) (c), (d), (e), (f), (g), or (h) of section 108670
5101.80 of the Revised Code or reduce funding for the program if 108671
the applicable director determines that federal or state funds 108672
are insufficient to fund the program. If the director of budget 108673
and management approves the termination or reduction in funding 108674
for such a program, the director of job and family services or 108675
the department of children and youth, as applicable, shall issue 108676
instructions for the termination or funding reduction. If a 108677
Title IV-A administrative agency is administering the program, 108678
the agency is bound by the termination or funding reduction and 108679
shall comply with the applicable director's instructions. 108680

(F) The director of job and family services and the 108681
director of children and youth may adopt internal management 108682
rules in accordance with section 111.15 of the Revised Code as 108683
necessary to implement this section. The rules are binding on 108684
each Title IV-A administrative agency. 108685

Sec. 5101.89. As used in sections 5101.89 to 5101.899 of 108686
the Revised Code: 108687

(A) "Youth" means a person who is any of the following: 108688

(1) Less than eighteen years of age; 108689

- (2) An emancipated young adult; 108690
- (3) Is in the temporary or permanent custody of a public 108691
children services agency, a planned permanent living 108692
arrangement, or in the Title-IV-E-eligible care and placement 108693
responsibility of a juvenile court or other governmental agency 108694
that provides Title IV-E reimbursable placement services. 108695
- (B) "Emancipated young adult" has the same meaning as in 108696
section ~~5101.141~~5180.42 of the Revised Code. 108697
- Sec. 5101.891.** (A) There is created a youth and family 108698
~~ombudsman~~ombudsmen office under the department of job and 108699
family services consisting of the following: 108700
- (1) A family ombudsman, who shall be appointed by the 108701
governor, to investigate complaints made by adults; 108702
- (2) A youth ombudsman, who shall be appointed by the 108703
governor with advice from the overcoming hurdles in Ohio youth 108704
advisory board, to investigate complaints made by youth and to 108705
advocate for the best interests of children involved in concerns 108706
investigated by the office; 108707
- (3) Not fewer than two regional ombudsmen; 108708
- (4) Any necessary support staff. 108709
- (B) The office shall investigate and resolve concerns made 108710
by or on behalf of children and families involved with public 108711
children services agencies, Title IV-E agencies, or private 108712
provider agencies that administer or oversee foster care or 108713
placement services for the children services system. The office 108714
shall ensure the independent and impartial review of youth, 108715
family, and community complaints or concerns. 108716
- Sec. 5101.892.** The youth and family ~~ombudsman~~ombudsmen 108717

office shall perform all of the following duties: 108718

(A) Receive, investigate, and attempt to resolve 108719
complaints from citizens, including children in the custody of a 108720
public children services agency or in the care and placement of 108721
a Title IV-E agency, related to government services regarding 108722
child protective services, foster care, and adoption; 108723

(B) Establish procedures for receiving, investigating, and 108724
resolving complaints, consistent with state and federal law; 108725

(C) Provide an annual report to the governor, speaker of 108726
the house of representatives, president of the senate, minority 108727
leadership of the house of representatives and senate, the 108728
director of job and family services, the director of children 108729
and youth, and representatives of the overcoming hurdles in Ohio 108730
youth advisory board. 108731

Sec. 5101.893. Not later than sixty days after release of 108732
the annual report described under section 5101.892 of the 108733
Revised Code, the overcoming hurdles in Ohio youth advisory 108734
board shall provide an evaluation of the report to the governor 108735
and the youth ombudsman of the youth and family ~~ombudsman~~ 108736
ombudsmen office. 108737

Sec. 5101.894. To the extent permitted by state or federal 108738
law, a representative of the youth and family ~~ombudsman~~ 108739
ombudsmen office may report to an appropriate authority any 108740
suspected violation of state law discovered during the course of 108741
a complaint review. 108742

Sec. 5101.895. The department of job and family services 108743
shall be responsible for all administrative undertakings for the 108744
youth and family ~~ombudsman~~ ombudsmen office, including the 108745
provision of offices, equipment, and supplies, as necessary. 108746

Sec. 5101.897. (A) No employee of the youth and family 108747
~~ombudsman~~ ombudsmen office shall do any of the following: 108748

(1) Hold any office of trust or profit; 108749

(2) Engage in any occupation or business interfering or 108750
inconsistent with the duties of the office; 108751

(3) Serve on any committee of any political party; 108752

(4) Have any interest that is, or may be, in conflict with 108753
the interests and concerns of the office. 108754

(B) As used in this section, "office of trust or profit" 108755
means any of the following: 108756

(1) A federal or state elective office or an elective 108757
office of a political subdivision of the state; 108758

(2) A position on a board or commission of the state that 108759
is appointed by the governor; 108760

(3) An office set forth in section 121.03, 121.04, or 108761
121.05 of the Revised Code; 108762

(4) An office of the government of the United States that 108763
is appointed by the president of the United States. 108764

Sec. 5101.899. (A) The youth and family ~~ombudsman~~ 108765
ombudsmen office shall have access to ~~only~~ the records of the 108766
department of children and youth and the department of job and 108767
family services that are necessary for the administration of 108768
sections 5101.89 to 5101.899 of the Revised Code and in the 108769
performance of its official duties, including any records 108770
maintained in the uniform statewide automated child welfare 108771
information system under section ~~5101.13~~ 5180.40 of the Revised 108772
Code. The office has the right to request of the director of 108773

children and youth and the director of job and family services 108774
necessary information from any work unit of the department 108775
having information. The collection, compilation, analysis, and 108776
dissemination of information by the office shall be performed in 108777
a manner that protects complainants, individuals providing 108778
information about a complaint, public entities, and confidential 108779
records. 108780

(B) The office shall have access to any necessary records 108781
in the control of a public children services agency, a Title IV- 108782
E agency, or a private provider agency that administers or 108783
oversees foster care or placement services for the children 108784
services system. 108785

(C) Files of the office and any records contained in those 108786
files are not public records subject to inspection or copying 108787
under section 149.43 of the Revised Code. Information contained 108788
in investigative and other files maintained by the office shall 108789
be disclosed only at the discretion of the office or if 108790
disclosure is required by a court order. 108791

Sec. 5101.91. (A) As used in this section: 108792

(1) "Multi-system youth" are children and adolescents who 108793
are receiving services from two or more of the following 108794
systems: child protective services, behavioral health services, 108795
developmental disabilities services, juvenile court, and 108796
medicaid. 108797

(2) "Licensed care" means detention facilities, shelter 108798
facilities, certified children's crisis care facilities, 108799
certified foster homes, placement in a prospective adoptive home 108800
prior to the issuance of a final decree of adoption, 108801
organizations, certified organizations, group home providers, 108802

group homes, institutions, state institutions, residential facilities, or residential care facilities. 108803
108804

(B) The following departments must collaborate to identify and take appropriate action with available resources to meet the needs of multi-system youth more effectively: 108805
108806
108807

(1) The department of job and family services; 108808

(2) The department of children and youth; 108809

(3) The department of behavioral health; 108810

(4) The department of developmental disabilities; 108811

(5) The department of youth services; 108812

(6) The department of medicaid. 108813

(C) Not later than one year after the effective date of this section, the departments described in division (B) of this section must jointly submit to the general assembly a report with policy recommendations and the following information: 108814
108815
108816
108817

(1) Data on the number of multi-system youth; 108818

(2) Data on the number of multi-system youth who are placed in licensed care; 108819
108820

(3) Information on how the departments described in division (B) of this section track multi-system youth; 108821
108822

(4) A summary of actions taken by the departments to better serve multi-system youth. 108823
108824

Sec. 5101.95. Not later than thirty days before submitting a waiver or state plan amendment relating to a public assistance benefit program to the appropriate federal entity, the director of job and family services shall submit a copy of the waiver or 108825
108826
108827
108828

state plan amendment to the speaker of the house of 108829
representatives, the president of the senate, and the 108830
chairpersons of the relevant house of representatives and senate 108831
committees with jurisdiction over the subject matter of the 108832
waiver or state plan amendment. 108833

Sec. 5101.98. (A) Quarterly, the department of job and 108834
family services shall compile a report on public assistance 108835
programs in this state, including the following information: 108836

(1) Regarding the supplemental nutrition assistance 108837
program, ~~the number of:~~ 108838

(a) ~~Accounts~~ The number of accounts with high balances, as 108839
determined by the department; 108840

(b) ~~Out-of-state~~ The number of out-of-state transactions, 108841
including the city and state in which the transaction occurred, 108842
and the amount of each out-of-state transaction; 108843

(c) ~~Transactions~~ The number of transactions when the final 108844
amount processed was a whole dollar amount without additional 108845
cents; 108846

(d) The number of accounts with a transaction in which the 108847
final amount processed was a whole dollar amount without 108848
additional cents; 108849

(e) The number of electronic benefit transfer cards 108850
reported lost; 108851

(f) The number of electronic benefit transfer cards 108852
reported stolen; 108853

(g) The amount of funds that have been stolen through card 108854
skimming, card cloning, or similar fraudulent methods; 108855

<u>(h) Any enhancements made to electronic benefit transfer</u>	108856
<u>cards during the quarterly period;</u>	108857
<u>(i) Electronic benefit transfer payment error rates.</u>	108858
(2) Regarding public assistance programs in this state,	108859
including medicaid , the supplemental nutrition assistance	108860
program, temporary assistance for needy families, or cash	108861
assistance, the number of <u>the following, itemized separately by</u>	108862
<u>program:</u>	108863
(a) Payments made in error, and the dollar amount of those	108864
payments;	108865
(b) Work requirement exemptions issued;	108866
(c) Confirmed cases of intentional program violation and	108867
fraud.	108868
(B) <u>The department of medicaid shall collaborate with the</u>	108869
<u>department of job and family services to provide all information</u>	108870
<u>required under division (A) of this section that the department</u>	108871
<u>of medicaid oversees.</u>	108872
(C) <u>The department of job and family services shall submit</u>	108873
the report to the president of the senate and the speaker of the	108874
house of representatives, who shall distribute the report to the	108875
chairs of any legislative committee with jurisdiction over	108876
public assistance.	108877
Sec. 5101.99. (A) Whoever violates division (A) of section	108878
5101.27 of the Revised Code is guilty of a misdemeanor of the	108879
first degree.	108880
(B) Whoever violates section 5101.133 , division (A) of	108881
section 5101.63 7 , or division (C) (2) of section 5101.631 of the	108882
Revised Code is guilty of a misdemeanor of the fourth degree.	108883

Sec. 5103.02. As used in sections 5103.03 to 5103.181 of 108884
the Revised Code: 108885

(A) (1) "Association" or "institution" includes all of the 108886
following: 108887

(a) Any incorporated or unincorporated organization, 108888
society, association, or agency, public or private, that 108889
receives or cares for children for two or more consecutive 108890
weeks; 108891

(b) Any individual, including the operator of a foster 108892
home, who, for hire, gain, or reward, receives or cares for 108893
children for two or more consecutive weeks, unless the 108894
individual is related to them by blood or marriage; 108895

(c) Any individual not in the regular employ of a court, 108896
or of an institution or association certified in accordance with 108897
section 5103.03 of the Revised Code, who in any manner becomes a 108898
party to the placing of children in foster homes, unless the 108899
individual is related to such children by blood or marriage or 108900
is the appointed guardian of such children. 108901

(2) "Association" or "institution" does not include any of 108902
the following: 108903

(a) Any organization, society, association, school, 108904
agency, child guidance center, detention or rehabilitation 108905
facility, or children's clinic licensed, regulated, approved, 108906
operated under the direction of, or otherwise certified by the 108907
department of education and workforce, a local board of 108908
education, the department of youth services, the department of 108909
mental health and addiction services, or the department of 108910
developmental disabilities; 108911

(b) Any individual who provides care for only a single- 108912

family group, placed there by their parents or other relative 108913
having custody; 108914

(c) A private, nonprofit therapeutic wilderness camp; 108915

(d) A qualified organization as defined in section 2151.90 108916
of the Revised Code. 108917

(B) "Family foster home" means a foster home that is not a 108918
specialized foster home. 108919

(C) "Foster caregiver" means a person holding a valid 108920
foster home certificate issued under section 5103.03 of the 108921
Revised Code. 108922

(D) "Foster home" means a private residence in which 108923
children are received apart from their parents, guardian, or 108924
legal custodian, by an individual reimbursed for providing the 108925
children nonsecure care, supervision, or training twenty-four 108926
hours a day. "Foster home" does not include care provided for a 108927
child in the home of a person other than the child's parent, 108928
guardian, or legal custodian while the parent, guardian, or 108929
legal custodian is temporarily away. Family foster homes and 108930
specialized foster homes are types of foster homes. 108931

(E) "Kinship caregiver" has the same meaning as in section 108932
~~5101.85~~ 5180.50 of the Revised Code. 108933

(F) "Medically fragile foster home" means a foster home 108934
that provides specialized medical services designed to meet the 108935
needs of children with intensive health care needs who meet all 108936
of the following criteria: 108937

(1) Under rules adopted by the medicaid director governing 108938
medicaid payments for long-term care services, the children 108939
require a skilled level of care. 108940

(2) The children require the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of their medical conditions.

(3) The children require the services of a registered nurse on a daily basis.

(4) The children are at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.

(G) "Private, nonprofit therapeutic wilderness camp" means a structured, alternative residential setting for children who are experiencing emotional, behavioral, moral, social, or learning difficulties at home or school in which all of the following are the case:

(1) The children spend the majority of their time, including overnight, either outdoors or in a primitive structure.

(2) The children have been placed there by their parents or another relative having custody.

(3) The camp accepts no public funds for use in its operations.

(H) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency that recommends that the department of children and youth take any of the following actions under section 5103.03 of the Revised Code regarding a foster home:

(1) Issue a certificate;

(2) Deny a certificate;

- (3) Revoke a certificate. 108968
- (I) "Resource caregiver" means a foster caregiver or a kinship caregiver. 108969
108970
- (J) "Resource family" means a foster home or the kinship caregiver family. 108971
108972
- (K) "Specialized foster home" means a medically fragile foster home or a treatment foster home. 108973
108974
- (L) "Treatment foster home" means a foster home that 108975
incorporates special rehabilitative services designed to treat 108976
the specific needs of the children received in the foster home 108977
and that receives and cares for children who are emotionally or 108978
behaviorally disturbed, who are chemically dependent, who have 108979
developmental disabilities, or who otherwise have exceptional 108980
needs. 108981
- Sec. 5103.021.** (A) As used in this section, a "scholars residential center" is a center that meets all of the following: 108982
108983
- (1) The center is a certified affiliate in good standing 108984
of a national organization with a mission to help underserved 108985
children in middle school and high school in a comprehensive 108986
manner that is academically focused and service-oriented and in 108987
a family-like setting. 108988
- (2) The center is private and not-for-profit. 108989
- (3) The center does not receive Title IV-E funding or any 108990
associated Title IV funds related to child welfare. 108991
- (4) The center only accepts children placed by their 108992
parents or legal custodian. 108993
- (5) The center is voluntary and uses a competitive 108994

selection process. 108995

(B) The director of ~~job and family services~~ children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code to implement standards regarding a scholars residential center. The rules shall be substantially similar, as determined by the director, to other similarly situated providers of residential care for children, including rules provided in Chapters 5101:2-5 and 5101:2-9 of the Administrative Code, except that the rules shall reflect all of the following: 108996 108997 108998 108999 109000 109001 109002 109003

(1) A center is not subject to any policy that is not specific or relevant to the center. 109004 109005

(2) A center is not required to provide discharge summaries. 109006 109007

(3) A center is permitted to request agency waivers. 109008

(4) A center is not required to implement case plans or service plans. 109009 109010

(5) Training requirements for center staff are limited to completion of all of the following: 109011 109012

(a) Orientation training; 109013

(b) Current American red cross, American heart association, or equivalent first aid and cardiopulmonary resuscitation certification; 109014 109015 109016

(c) One hour of annual trauma training. 109017

(6) A center is not subject to existing rules regarding: 109018

(a) Recreation and leisure activity requirements, provided that the center has a recreation area available and permits children to swim if a person who has completed life-saving or 109019 109020 109021

water safety training is present; 109022

(b) Visiting and communications policies, provided that 109023
the center ensures that children have contact with their family; 109024

(c) Qualified residential treatment program requirements; 109025

(d) Treatment-focused requirements established for 109026
residential agencies. 109027

(7) A center shall provide notification and documentation 109028
of critical incidents to parents and legal custodians. 109029

(C) The director shall certify a scholars residential 109030
center that submits an application to the director, on a form 109031
prescribed by the director, that indicates to the director's 109032
satisfaction that the center meets the standards set forth in 109033
rules adopted under division (B) of this section. 109034

Sec. 5103.039. (A) The department of children and youth 109035
may suspend, without a prior hearing, the certificate of an 109036
institution or association, as defined in section 5103.02 of the 109037
Revised Code, which includes a foster caregiver, if any of the 109038
following occur: 109039

(1) A child dies or suffers a serious injury while placed 109040
or residing with the institution or association, including a 109041
foster home, as defined in section 5103.02 of the Revised Code. 109042

(2) A public children services agency receives a report 109043
pursuant to section 2151.421 of the Revised Code, and the person 109044
alleged to have inflicted abuse or neglect on the child who is 109045
the subject of the report is any of the following: 109046

(a) A principal of the institution or association; 109047

(b) An employee or volunteer of the institution or 109048

association who has not immediately been placed on 109049
administrative leave or released from employment; 109050

(c) Any person who resides in the foster home. 109051

(3) One of the following is charged by an indictment, 109052
information, or complaint with an offense relating to the death, 109053
injury, abuse, or neglect of a child: 109054

(a) A principal of the institution or association; 109055

(b) An employee or volunteer of the institution or 109056
association who has not immediately been placed on 109057
administrative leave or released from employment. 109058

(4) The department, the recommending agency, a public 109059
children services agency, or a county department of job and 109060
family services determines that a principal, employee, or 109061
volunteer of the institution or association, including a foster 109062
caregiver, or a person residing in the foster home, created a 109063
serious risk to the health or safety of a child placed therein 109064
that resulted in or could have resulted in a child's death or 109065
injury. 109066

(5) The department determines that the owner of the 109067
institution or association or the foster caregiver does not meet 109068
the requirements of section 2151.86, 5103.0310, or 5103.053 of 109069
the Revised Code. 109070

(B) In suspending a license under division (A) of this 109071
section, the department shall comply with section 119.07 of the 109072
Revised Code. A principal of an institution or association, 109073
including a foster caregiver, may request an adjudicatory 109074
hearing before the department pursuant to sections 119.06 and 109075
119.12 of the Revised Code. If a hearing is requested and the 109076
department does not issue its final adjudication order within 109077

one hundred twenty days after the suspension, the suspension is 109078
void on the one hundred twenty-first day after the suspension, 109079
unless the hearing on the suspension is continued on agreement 109080
by the parties or for good cause. 109081

(C) A summary suspension imposed under this section shall 109082
remain in effect until any of the following occurs: 109083

(1) The public children services agency completes its 109084
investigation of the report pursuant to section 2151.421 of the 109085
Revised Code and determines that all of the allegations are 109086
unsubstantiated. 109087

(2) All criminal charges are disposed of through dismissal 109088
or a finding of not guilty. 109089

(3) The department issues pursuant to Chapter 119. of the 109090
Revised Code a final order terminating the suspension. 109091

(D) An institution or association shall not have children 109092
placed in the institution or association while a summary 109093
suspension remains in effect. Upon the issuance of the order of 109094
suspension, the department shall place a hold on the certificate 109095
or indicate that the certificate is suspended in Ohio's 109096
statewide automated child welfare information system. 109097

(E) The director of children and youth may adopt rules in 109098
accordance with Chapter 119. of the Revised Code establishing 109099
standards and procedures for the summary suspension of 109100
certificates. 109101

(F) This section does not limit the authority of the 109102
department to revoke a certificate pursuant to section 5103.03 109103
of the Revised Code. 109104

(G) As used in this section, "principal" means any of the 109105

following: 109106

(1) The institution or association's administrator or 109107
director; 109108

(2) The institution or association's owners or partners; 109109

(3) Members of the institution or association's governing 109110
body; 109111

(4) A foster caregiver. 109112

Sec. 5103.0329. ~~(A)~~ A recommending agency may submit a 109113
request to the department of children and youth, on a case-by- 109114
case basis only, to waive any non-safety standards for a kinship 109115
caregiver seeking foster home certification. Non-safety 109116
standards include training hours and other requirements under 109117
sections 5103.031 and 5103.032 of the Revised Code and standards 109118
established by rules adopted under sections 5103.03 and 109119
5103.0316 of the Revised Code, in accordance with 42 U.S.C. 671 109120
(a) (10). 109121

~~(B) "Kinship caregiver" has the same meaning as in section~~ 109122
~~5101.85 of the Revised Code.~~ 109123

Sec. 5103.0520. (A) As used in this section, "group home" 109124
has the same meaning as "group home for children" in section 109125
5103.05 of the Revised Code. 109126

(B) Not later than two hundred seventy days after the 109127
effective date of this section, the director of children and 109128
youth shall adopt rules in accordance with Chapter 119. of the 109129
Revised Code to establish requirements regarding all of the 109130
following for group homes: 109131

(1) The use of the Ohio professional registry, as operated 109132
by the Ohio child care resource and referral association or its 109133

successor organization or entity, to complete background checks 109134
or criminal records checks pursuant to section 2151.86, 109135
5103.037, 5103.0310, or 5103.053 of the Revised Code for any 109136
owner, board president, administrator, officer, operator, staff, 109137
volunteer, intern, and subcontractor of a group home; 109138

(2) Training on behavioral intervention, including the use 109139
of de-escalation, for all new and existing individuals working 109140
at a group home; 109141

(3) The supervision of children, including a ratio of at 109142
least one staff person for every five children or, if the group 109143
home accepts placement of fewer than five children, one staff 109144
person for every four children. 109145

(C) The operator of a group home shall comply with the 109146
ratio requirements established in rules adopted under division 109147
(B) (3) of this section as a requirement for certification. 109148

(D) The director of children and youth may suspend or 109149
revoke the certificate of a group home in accordance with 109150
Chapter 119. of the Revised Code for any violation under this 109151
section or rules adopted under this section. 109152

Sec. 5103.09. (A) As used in this section, "Title IV-E 109153
agency" has the same meaning as in section 5101.132 of the 109154
Revised Code. 109155

(B) Upon receiving the care and placement of a child, a 109156
Title IV-E agency shall determine if the child is eligible for 109157
or receiving benefits administered by the United States social 109158
security administration, the United States department of 109159
veterans affairs, the Ohio public employee retirement system, 109160
the Ohio police and fire pension fund, the state teachers 109161
retirement system of Ohio, the school employees retirement 109162

system of Ohio, or the Ohio highway patrol retirement system. If 109163
the child is eligible for or receiving such benefits, the agency 109164
shall not use the child's benefits to pay for or reimburse the 109165
agency, county, or state for any cost of the child's care. 109166

(C) The director of children and youth may adopt rules in 109167
accordance with section 111.15 of the Revised Code to implement 109168
this section, including the establishment of new procedures 109169
necessary to assist a Title IV-E agency in complying with this 109170
section. 109171

Sec. 5103.15. (A) (1) The parents, guardian, or other 109172
persons having the custody of a child may enter into an 109173
agreement with any public children services agency or private 109174
child placing agency, whereby the child is placed without the 109175
approval of the juvenile court in the temporary custody of the 109176
agency for a period of time of up to thirty days, except that an 109177
agreement for temporary custody can be for a period of time of 109178
up to sixty days without court approval if the agreement is 109179
executed solely for the purpose of obtaining the adoption of a 109180
child who is less than six months of age on the date of the 109181
execution of the agreement. 109182

(2) Except as provided in division (A) (3) of this section 109183
for agreements entered into to obtain the adoption of a child 109184
under the age of six months, any public children services agency 109185
or private child placing agency that obtains, without court 109186
approval, temporary custody of a child pursuant to an agreement 109187
executed in accordance with this division may request the 109188
juvenile court of the county in which the child has a residence 109189
or legal settlement for an original thirty-day extension of the 109190
temporary custody agreement. Upon the filing of a request for 109191
the extension of the temporary custody agreement, the juvenile 109192

court shall determine whether the extension is in the best 109193
interest of the child and may extend the temporary custody 109194
agreement for a period of thirty days beyond the initial thirty- 109195
day period for which court approval is not required by this 109196
division. The agency requesting the original extension shall 109197
file a case plan, prepared pursuant to section 2151.412 of the 109198
Revised Code, with the court at the same time that it files its 109199
request for an extension. 109200

At the expiration of the original thirty-day extension 109201
period, the agency may request the juvenile court to grant an 109202
additional thirty-day extension of the temporary custody 109203
agreement. Upon the filing of the request for the additional 109204
extension, the juvenile court may extend the temporary custody 109205
agreement for a period of thirty days beyond the original 109206
thirty-day extension period if it determines that the additional 109207
extension is in the best interest of the child. The agency shall 109208
file an updated version of the child's case plan at the same 109209
time that it files its request for an additional extension. 109210

At the expiration of an additional thirty-day extension 109211
period and at the expiration of the original thirty-day 109212
extension period if the agency does not request an additional 109213
thirty-day extension, the agency shall either return the child 109214
to the child's parents, guardian, or other person having custody 109215
of the child or file a complaint with the court pursuant to 109216
section 2151.27 of the Revised Code requesting temporary or 109217
permanent custody of the child. The complaint shall be 109218
accompanied by a case plan prepared in accordance with section 109219
2151.412 of the Revised Code. 109220

(3) Any public children services agency or private child 109221
placing agency that obtains, without court approval and solely 109222

for the purpose of obtaining the adoption of the child, 109223
temporary custody of a child who is under the age of six months 109224
pursuant to an agreement executed in accordance with this 109225
division may request the juvenile court in the county in which 109226
the child has a residence or legal settlement to grant a thirty 109227
day extension of the temporary custody agreement. Upon the 109228
filing of the request, the court shall determine whether the 109229
extension is in the best interest of the child and may extend 109230
the temporary custody agreement for a period of thirty days 109231
beyond the sixty day period for which the court approval is not 109232
required by this division. The agency requesting the extension 109233
shall file a case plan, prepared pursuant to section 2151.412 of 109234
the Revised Code, with the court at the same time that it files 109235
its request for an extension. 109236

At the expiration of the thirty day extension, the agency 109237
shall either return the child to the parents, guardian, or other 109238
person having custody of the child or file a complaint with the 109239
court pursuant to section 2151.27 of the Revised Code requesting 109240
temporary or permanent custody of the child. The complaint shall 109241
be accompanied by a case plan prepared in accordance with 109242
section 2151.412 of the Revised Code. 109243

(B) (1) Subject to juvenile court approval, the following 109244
may enter into an agreement with a public children services 109245
agency or private child placing agency surrendering the child 109246
into the permanent custody of that agency: 109247

(a) The parents, guardian, or other persons having custody 109248
of the child; 109249

(b) The parents of a child who is in the temporary custody 109250
of a public children services agency or private child placing 109251
agency. 109252

(2) An agency that enters into an agreement under division 109253
(B) (1) of this section may take and care for the child or place 109254
the child in a family home. 109255

(3) A private child placing agency or public children 109256
services agency that seeks permanent custody of a child pursuant 109257
to division (B) (1) of this section shall file a request with the 109258
juvenile court of the county in which the child has a residence 109259
or legal settlement for approval of the agency's permanent 109260
surrender agreement with the parents, guardian, or other persons 109261
having custody of the child. Not later than fourteen business 109262
days after the request is filed, the juvenile court shall 109263
determine whether the permanent surrender agreement is in the 109264
best interest of the child. The court may approve the permanent 109265
surrender agreement if it determines that the agreement is in 109266
the best interest of the child and, in the case of an agreement 109267
between a parent and an agency, the requirements of section 109268
5103.151 of the Revised Code are met. The agency requesting the 109269
approval of the permanent surrender agreement shall file with 109270
the court an original or amended case plan, prepared pursuant to 109271
section 2151.412 of the Revised Code, at the same time that it 109272
files its request for the approval of the permanent surrender 109273
agreement. 109274

(4) Notwithstanding division (B) (1) of this section, the 109275
parents of a child less than six months of age may enter into an 109276
agreement with a private child placing agency surrendering the 109277
child into the permanent custody of the agency without juvenile 109278
court approval if the agreement is executed solely for the 109279
purpose of obtaining the adoption of the child. The agency 109280
shall, not later than two business days after entering into the 109281
agreement, notify the juvenile court. The agency also shall 109282
notify the court not later than two business days after the 109283

agency places the child for adoption. The court shall journalize 109284
the notices it receives under division (B) (4) of this section. 109285

(C) The agreements provided for in this section shall be 109286
in writing, on forms prescribed and furnished by the department_ 109287
of children and youth, and may contain any proper and legal 109288
stipulations for proper care of the child, and may authorize the 109289
public children services agency or private child placing agency 109290
when such agreements are for permanent care and custody to 109291
appear in any proceeding for the legal adoption of the child, 109292
and consent to the child's adoption, as provided in section 109293
3107.06 of the Revised Code. If an agreement for permanent care 109294
and custody of a child is executed, social and medical histories 109295
shall be completed in relation to the child in accordance with 109296
section 3107.09 of the Revised Code. The adoption order of the 109297
probate court judge made upon the consent shall be binding upon 109298
the child and the child's parents, guardian, or other person, as 109299
if those persons were personally in court and consented to the 109300
order, whether made party to the proceeding or not. 109301

(D) An agreement entered into under this section by a 109302
parent under age eighteen is as valid as an agreement entered 109303
into by a parent age eighteen or older. 109304

Sec. 5103.155. As used in this section, "children with 109305
special needs" has the same meaning as in rules adopted under 109306
section 5153.163 of the Revised Code. 109307

If the department of ~~job and family services~~ children and 109308
youth determines that money in the putative father registry fund 109309
created under section 2101.16 of the Revised Code is more than 109310
is needed to perform its duties related to the putative father 109311
registry, the department may ~~transfer~~ use surplus moneys in the 109312
fund to ~~the department of children and youth to promote~~ adoption 109313

of children with special needs. 109314

Sec. 5103.18. (A) (1) Prior to certification as a foster 109315
home under section 5103.03 of the Revised Code, a recommending 109316
agency shall obtain a summary report of a search of the uniform 109317
statewide automated child welfare information system, 109318
established under section ~~5101.13~~5180.40 of the Revised Code, 109319
from an entity listed in section ~~5101.132~~5180.402 of the 109320
Revised Code. 109321

(2) Whenever a prospective foster parent or any other 109322
person eighteen years of age or older who resides with a 109323
prospective foster parent has resided in another state within 109324
the five-year period immediately prior to the date on which a 109325
criminal records check is requested for the person under 109326
division (A) of section 2151.86 of the Revised Code, the 109327
recommending agency shall request a check of the central 109328
registry of abuse and neglect of this state from the department 109329
of children and youth regarding the prospective foster parent or 109330
the person eighteen years of age or older who resides with the 109331
prospective foster parent to enable the agency to check any 109332
child abuse and neglect registry maintained by that other state. 109333
The recommending agency shall make the request and shall review 109334
the results of the check before the prospective foster parent 109335
may be finally approved for placement of a child. Information 109336
received pursuant to such a request shall be considered for 109337
purposes of this chapter as if it were a summary report required 109338
under division (A) of this section. The department of children 109339
and youth shall comply with any request to check the central 109340
registry that is similar to the request described in this 109341
division and that is received from any other state. 109342

(B) (1) The summary report required under division (A) of 109343

this section shall contain, if applicable, a chronological list of abuse and neglect determinations or allegations of which a person seeking to become a foster caregiver of a child is subject and in regards to which a public children services agency has done one of the following:

(a) Determined that abuse or neglect occurred;

(b) Initiated an investigation, and the investigation is ongoing;

(c) Initiated an investigation, and the agency was unable to determine whether abuse or neglect occurred.

(2) The summary report required under division (A) of this section shall not contain any of the following:

(a) An abuse and neglect determination of which a person seeking to become a foster caregiver of a child is subject and in regards to which a public children services agency determined that abuse or neglect did not occur;

(b) Information or reports the dissemination of which is prohibited by, or interferes with eligibility under, the "Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 5101 et seq., as amended;

(c) The name of the person who or entity that made, or participated in the making of, the report of abuse or neglect.

(C) (1) A foster home certification may be denied based on a summary report containing the information described under division (B) (1) (a) of this section, when considered within the totality of the circumstances.

(2) A foster home certification shall not be denied solely based on a summary report containing the information described

under division (B) (1) (b) or (c) of this section. 109372

(D) The director of children and youth shall adopt rules 109373
in accordance with Chapter 119. of the Revised Code necessary 109374
for the implementation and execution of this section. 109375

Sec. 5103.30. The Ohio child welfare training program is 109376
hereby established in the department of children and youth as a 109377
statewide program. The program shall provide all of the 109378
following: 109379

(A) The training that section 3107.014 of the Revised Code 109380
requires an assessor to complete; 109381

(B) The preplacement training that sections 5103.031 and 109382
5103.033 of the Revised Code require a prospective foster 109383
caregiver to complete; 109384

(C) The continuing training that sections 5103.032 and 109385
5103.033 of the Revised Code require a foster caregiver to 109386
complete; 109387

(D) The training that section 5153.122 of the Revised Code 109388
requires a PCSA caseworker to complete; 109389

(E) The training that section 5153.123 of the Revised Code 109390
requires a PCSA caseworker supervisor to complete; 109391

(F) The training required under section ~~5101.1414~~ 109392
5180.4211 of the Revised Code for a case manager and supervisor. 109393

Sec. 5103.32. (A) As used in this section: 109394

(1) "Title IV-B" means Title IV-B of the "Social Security 109395
Act of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended. 109396

(2) "Title IV-E" means Title IV-E of the "Social Security 109397
Act," 94 Stat. 501, 42 U.S.C. 670(1980). 109398

(3) "Title XX" has the same meaning as in section 5101.46 of the Revised Code. 109399
109400

(B) For purposes of adequately funding the Ohio child welfare training program, the department of children and youth may use any of the following: 109401
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(1) The federal financial participation funds withheld pursuant to division (E) of section ~~5101.141~~ 5180.42 of the Revised Code in an amount determined by the department; 109404
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(2) Funds available under Title XX, Title IV-B, and Title IV-E to pay for training costs; 109407
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(3) Other available state or federal funds; 109409

(4) Funds that a person, including a foundation, makes available for the program. 109410
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Sec. 5103.41. The department of ~~job and family services~~ children and youth, in consultation with the Ohio child welfare training program steering committee, shall designate training regions in the state. The department ~~of children and youth~~, at times it selects, shall review the composition of the training regions. The committee, at times it selects, shall also review the training regions' composition and provide the department recommendations on changes. The department ~~of children and youth~~ may change the composition of the training regions as the department considers necessary. 109412
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The department may make a grant to a public children services agency that establishes and maintains a regional training center under this section for the purpose of wholly or partially subsidizing the operation of the center. The department shall specify in the grant all of the center's duties, including the duties specified in section 5103.42 of the 109422
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Revised Code.	109428
Sec. 5104.01. As used in this chapter:	109429
(A) "Administrator" means the person responsible for the daily operation of a center, type A home, or approved child day camp. The administrator and the owner may be the same person.	109430 109431 109432
(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code.	109433 109434
(C) "Authorized representative" means an individual employed by a center, type A home, or approved child day camp that is owned by a person other than an individual and who is authorized by the owner to do all of the following:	109435 109436 109437 109438
(1) Communicate on the owner's behalf;	109439
(2) Submit on the owner's behalf applications for licensure or approval;	109440 109441
(3) Enter into on the owner's behalf provider agreements for publicly funded child care.	109442 109443
(D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care funded by the child care block grant act.	109444 109445 109446 109447
(E) "Career pathways model" means an alternative pathway to meeting the requirements to be a child care staff member or administrator that does both of the following:	109448 109449 109450
(1) Uses a framework approved by the director of children and youth to document formal education, training, experience, and specialized credentials and certifications;	109451 109452 109453
(2) Allows the child care staff member or administrator to	109454

achieve a designation as an early childhood professional level 109455
one, two, three, four, five, or six. 109456

(F) "Caretaker parent" means the father or mother of a 109457
child whose presence in the home is needed as the caretaker of 109458
the child, a person who has legal custody of a child and whose 109459
presence in the home is needed as the caretaker of the child, a 109460
guardian of a child whose presence in the home is needed as the 109461
caretaker of the child, and any other person who stands in loco 109462
parentis with respect to the child and whose presence in the 109463
home is needed as the caretaker of the child. 109464

(G) "Chartered nonpublic school" means a school that meets 109465
standards for nonpublic schools prescribed by the director of 109466
education and workforce for nonpublic schools pursuant to 109467
section 3301.07 of the Revised Code. 109468

(H) "Child" includes an infant, toddler, preschool-age 109469
child, or school-age child. 109470

(I) "Child care block grant act" means the "Child Care and 109471
Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 109472
U.S.C. 9858, as amended. 109473

(J) "Child day camp" means a program in which only school- 109474
age children attend or participate, that operates for no more 109475
than twelve hours per day and no more than fifteen weeks during 109476
the summer. For purposes of this division, the maximum twelve 109477
hours of operation time does not include transportation time 109478
from a child's home to a child day camp and from a child day 109479
camp to a child's home. 109480

(K) "Child care" means all of the following: 109481

(1) Administering to the needs of infants, toddlers, 109482
preschool-age children, and school-age children outside of 109483

school hours;	109484
(2) By persons other than their parents, guardians, or custodians;	109485 109486
(3) For part of the twenty-four-hour day;	109487
(4) In a place other than a child's own home, except that an in-home aide provides child care in the child's own home;	109488 109489
(5) By a provider required by this chapter to be licensed or approved by the department of children and youth, certified by a county department of job and family services, or under contract with the department to provide publicly funded child care as described in section 5104.32 of the Revised Code.	109490 109491 109492 109493 109494
(L) "Child care center" and "center" mean any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven or more children at one time. "Child care center" and "center" do not include any of the following:	109495 109496 109497 109498 109499
(1) A place located in and operated by a hospital, as defined in section 3727.01 of the Revised Code, in which the needs of children are administered to, if all the children whose needs are being administered to are monitored under the on-site supervision of a physician licensed under Chapter 4731. of the Revised Code or a registered nurse licensed under Chapter 4723. of the Revised Code, and the services are provided only for children who, in the opinion of the child's parent, guardian, or custodian, are exhibiting symptoms of a communicable disease or other illness or are injured;	109500 109501 109502 109503 109504 109505 109506 109507 109508 109509
(2) A child day camp;	109510
(3) A place that provides care, if all of the following	109511

apply:	109512
(a) An organized religious body provides the care;	109513
(b) A parent, custodian, or guardian of at least one child receiving care is on the premises and readily accessible at all times;	109514 109515 109516
(c) The care is not provided for more than thirty days a year;	109517 109518
(d) The care is provided only for preschool-age and school-age children.	109519 109520
(M) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.	109521 109522 109523 109524
(N) "Child care resource and referral services" means all of the following services:	109525 109526
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	109527 109528 109529
(2) Provision of individualized consumer education to families seeking child care;	109530 109531
(3) Provision of timely referrals of available child care providers to families seeking child care;	109532 109533
(4) Recruitment of child care providers;	109534
(5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child care providers, employers, and the community;	109535 109536 109537 109538

- (6) Collection and analysis of data on the supply of and demand for child care in the community; 109539
109540
- (7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs; 109541
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109543
- (8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community; 109544
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- (9) Provision of written educational materials to caretaker parents and informational resources to child care providers; 109547
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- (10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of children and youth; 109550
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- (11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family child care homes. 109555
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- (O) "Child care staff member" means an employee of a child care center, type A family child care home, licensed type B family child care home, or approved child day camp who is primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a child care staff member when not involved in other duties. 109559
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- (P) "Drop-in child care center," "drop-in center," "drop-in type A family child care home," and "drop-in type A home" mean a center or type A home that provides child care or 109565
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publicly funded child care for children on a temporary, 109568
irregular basis. 109569

(Q) "Early learning and development program" has the same 109570
meaning as "licensed child care program." 109571

(R) "Employee" means a person who either: 109572

(1) Receives compensation for duties performed in a child 109573
care center, type A family child care home, licensed type B 109574
family child care home, or approved child day camp; 109575

(2) Is assigned specific working hours or duties in a 109576
child care center, type A family child care home, licensed type 109577
B family child care home, or approved child day camp. 109578

~~(R)~~(S) "Employer" means a person, firm, institution, 109579
organization, or agency that operates a child care center, type 109580
A family child care home, licensed type B family child care 109581
home, or approved child day camp subject to licensure or 109582
approval under this chapter. 109583

~~(S)~~(T) "Federal poverty line" means the official poverty 109584
guideline as revised annually in accordance with section 673(2) 109585
of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 109586
511, 42 U.S.C. 9902, as amended, for a family size equal to the 109587
size of the family of the person whose income is being 109588
determined. 109589

~~(T)~~(U) "Head start program" means a school-readiness 109590
program that satisfies all of the following: 109591

(1) Is for children from birth to age five who are from 109592
low-income families; 109593

(2) Receives funds distributed under the "Improving Head 109594
Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as 109595

amended; 109596

(3) Is licensed as a child care program. 109597

~~(U)~~ (V) "Home education" has the same meaning as in section 109598
3321.042 of the Revised Code. 109599

~~(V)~~ (W) "Home education learning pod" means a voluntary 109600
association of parents who direct their children's education 109601
through home education and includes the following 109602
characteristics: 109603

(1) The parents choose to group their children together in 109604
a home or other location at various times, which may include 109605
hours when home education is not provided. 109606

(2) The pod includes only the parents' children who are 109607
receiving home education, except that it also may include 109608
siblings of those children, or other children who are under the 109609
care of the parents, regardless of age. 109610

(3) At least one parent of any of the children 109611
participating in the pod must be on the premises while the pod 109612
is meeting. 109613

~~(W)~~ (X) "Homeless child care" means child care provided to 109614
a child who satisfies any of the following: 109615

(1) Is homeless as defined in 42 U.S.C. 11302; 109616

(2) Is a homeless child or youth as defined in 42 U.S.C. 109617
11434a; 109618

(3) Resides temporarily with a caretaker in a facility 109619
providing emergency shelter for homeless families or is 109620
determined by a county department of job and family services to 109621
be homeless. 109622

~~(X)~~(Y) "Income" means gross income, as defined in section 109623
5107.10 of the Revised Code, less any amounts required by 109624
federal statutes or regulations to be disregarded. 109625

~~(Y)~~(Z) "Indicator checklist" means an inspection tool, 109626
used in conjunction with an instrument-based program monitoring 109627
information system, that contains selected licensing 109628
requirements that are statistically reliable indicators or 109629
predictors of a child care center's, type A family child care 109630
home's, or licensed type B family child care home's compliance 109631
with licensing requirements. 109632

~~(Z)~~(AA) "Infant" means a child who is less than eighteen 109633
months of age. 109634

~~(AA)~~(BB) "In-home aide" means a person who does not reside 109635
with the child but provides care in the child's home and is 109636
certified by a county director of job and family services 109637
pursuant to section 5104.12 of the Revised Code to provide 109638
publicly funded child care to a child in a child's own home 109639
pursuant to this chapter and any rules adopted under it. 109640

~~(BB)~~(CC) "Instrument-based program monitoring information 109641
system" means a method to assess compliance with licensing 109642
requirements for child carecenters, type A family child care 109643
homes, and licensed type B family child care homes in which each 109644
licensing requirement is assigned a weight indicative of the 109645
relative importance of the requirement to the health, growth, 109646
and safety of the children that is used to develop an indicator 109647
checklist. 109648

~~(CC)~~(DD) "License capacity" means the maximum number in 109649
each age category of children who may be cared for in a child 109650
care center, type A family child care home, or licensed type B 109651

family child care home at one time as determined by the director 109652
of children and youth considering building occupancy limits 109653
established by the department of commerce, amount of available 109654
indoor floor space and outdoor play space, and amount of 109655
available play equipment, materials, and supplies. 109656

~~(DD)~~ (EE) "Licensed child care program" means any of the 109657
following: 109658

(1) A child care center licensed by the department of 109659
children and youth pursuant to this chapter; 109660

(2) A type A family child care home or type B family child 109661
care home licensed by the department of children and youth 109662
pursuant to this chapter; 109663

(3) A licensed preschool program or licensed school child 109664
program. 109665

~~(EE)~~ (FF) "Licensed preschool program" or "licensed school 109666
child program" means a preschool program or school child 109667
program, as defined in section 3301.52 of the Revised Code, that 109668
is licensed by the department of children and youth pursuant to 109669
sections 3301.52 to 3301.59 of the Revised Code. 109670

~~(FF)~~ (GG) "Licensed type B family child care home" and 109671
"licensed type B home" mean a type B family child care home for 109672
which there is a valid license issued by the director of 109673
children and youth pursuant to section 5104.03 of the Revised 109674
Code. 109675

~~(GG)~~ (HH) "Licensee" means the owner of a child care 109676
center, type A family child care home, or type B family child 109677
care home that is licensed pursuant to this chapter and who is 109678
responsible for ensuring compliance with this chapter and rules 109679
adopted pursuant to this chapter. 109680

~~(HH)~~ (II) "Operate a child day camp" means to operate, 109681
establish, manage, conduct, or maintain a child day camp. 109682

~~(II)~~ (JJ) "Owner" includes a person, as defined in section 109683
1.59 of the Revised Code, or government entity. 109684

~~(JJ)~~ (KK) "Parent cooperative child care center," "parent 109685
cooperative center," "parent cooperative type A family child 109686
care home," and "parent cooperative type A home" mean a 109687
corporation or association organized for providing educational 109688
services to the children of members of the corporation or 109689
association, without gain to the corporation or association as 109690
an entity, in which the services of the corporation or 109691
association are provided only to children of the members of the 109692
corporation or association, ownership and control of the 109693
corporation or association rests solely with the members of the 109694
corporation or association, and at least one parent-member of 109695
the corporation or association is on the premises of the center 109696
or type A home during its hours of operation. 109697

~~(KK)~~ (LL) "Part-time child care center," "part-time 109698
center," "part-time type A family child care home," and "part- 109699
time type A home" mean a center or type A home that provides 109700
child care or publicly funded child care for not more than four 109701
hours a day for any child or not more than fifteen consecutive 109702
weeks per year, regardless of the number of hours per day. 109703

~~(LL)~~ (MM) "Place of worship" means a building where 109704
activities of an organized religious group are conducted and 109705
includes the grounds and any other buildings on the grounds used 109706
for such activities. 109707

~~(MM)~~ (NN) "Preschool-age child" means a child who is three 109708
years old or older but is not a school-age child. 109709

~~(NN)~~ (OO) "Protective child care" means publicly funded child care for the direct care and protection of a child to whom all of the following apply:

(1) A case plan has been prepared and maintained for the child pursuant to section 2151.412 of the Revised Code.

(2) The case plan indicates a need for protective care.

(3) The child resides with a parent, stepparent, guardian, or another person who stands in loco parentis as defined in rules adopted under section 5104.38 of the Revised Code.

~~(OO)~~ (PP) "Publicly funded child care" means administering to the needs of infants, toddlers, preschool-age children, and school-age children under age thirteen during any part of the twenty-four-hour day by persons other than their caretaker parents for remuneration wholly or in part with federal or state funds, including funds available under the child care block grant act, Title IV-A, and Title XX, distributed by the department of children and youth.

~~(PP)~~ (QQ) "Religious activities" means any of the following: worship or other religious services; religious instruction; Sunday school classes or other religious classes conducted during or prior to worship or other religious services; youth or adult fellowship activities; choir or other musical group practices or programs; meals; festivals; or meetings conducted by an organized religious group.

~~(QQ)~~ (RR) "School-age child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old or, in the case of a child who is receiving special needs child care, is less than eighteen years old.

~~(RR)~~ (SS) "Serious risk noncompliance" means a licensure or certification rule violation that leads to a great risk of harm to, or death of, a child, and is observable, not inferable.

~~(SS)~~ (TT) "Special needs child care" means child care provided to a child who is less than eighteen years of age and either has one or more chronic health conditions or does not meet age appropriate expectations in one or more areas of development, including social, emotional, cognitive, communicative, perceptual, motor, physical, and behavioral development and that may include on a regular basis such services, adaptations, modifications, or adjustments needed to assist in the child's function or development.

~~(TT)~~ (UU) "Title IV-A" means Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended.

~~(UU)~~ (VV) "Title XX" means Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended.

~~(VV)~~ (WW) "Toddler" means a child who is at least eighteen months of age but less than three years of age.

~~(WW)~~ (XX) "Type A family child care home" and "type A home" mean the permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted. "Type A family child care home" and "type A home" do not include any child day

camp. 109768

~~(XX)~~(YY) "Type B family child care home" and "type B home" 109769
mean a permanent residence of the provider in which care is 109770
provided for one to six children at one time and in which no 109771
more than three children are under two years of age at one time. 109772
In counting children for the purposes of this division, any 109773
children under six years of age who are related to the provider 109774
and who are on the premises of the type B home shall be counted. 109775
"Type B family child care home" and "type B home" do not include 109776
any child day camp. 109777

Sec. 5104.12. (A) (1) A county director of job and family 109778
services may certify in-home aides to provide publicly funded 109779
child care pursuant to this chapter and any rules adopted under 109780
it. Any in-home aide who receives a certificate pursuant to this 109781
section to provide publicly funded child care is an independent 109782
contractor and is not an employee of the county department of 109783
job and family services that issues the certificate. 109784

(2) Every person desiring to receive certification as an 109785
in-home aide shall apply for certification to a county director 109786
of job and family services on such forms as the director of 109787
children and youth prescribes. A county director shall provide 109788
at no charge to each applicant a copy of rules for certifying 109789
in-home aides adopted pursuant to this chapter. 109790

(B) To be eligible for certification as an in-home aide, a 109791
person shall not be either of the following: 109792

(1) The owner of a center or home whose license was 109793
revoked pursuant to section 5104.04 of the Revised Code within 109794
the previous five years; 109795

(2) An in-home aide whose certificate was revoked under 109796

division (C) (2) of this section within the previous five years. 109797

(C) (1) If the county director of job and family services 109798
determines that the applicant complies with this chapter and any 109799
rules adopted under it, the county director shall certify the 109800
person as an in-home aide and issue the person a certificate to 109801
provide publicly funded child care ~~for twenty-four months~~. The 109802
county director shall furnish a copy of the certificate to the 109803
parent, custodian, or guardian. The certificate shall state the 109804
name and address of the in-home aide, ~~the expiration date of the~~
~~certification~~, and the name and telephone number of the county 109805
director who issued the certificate. 109806
109807

(2) The county director may revoke the certificate in 109808
either of the following circumstances: 109809

(a) The county director determines, pursuant to rules 109810
adopted under Chapter 119. of the Revised Code, that revocation 109811
is necessary; 109812

(b) The in-home aide does not comply with division (C) (2) 109813
of section 5104.32 of the Revised Code. 109814

(D) (1) The county director of job and family services 109815
shall inspect every home of a child who is receiving publicly 109816
funded child care in the child's own home while the in-home aide 109817
is providing the services. Inspections may be unannounced. Upon 109818
receipt of a complaint, the county director shall investigate 109819
the in-home aide, shall investigate the home of a child who is 109820
receiving publicly funded child care in the child's own home, 109821
and division (D) (2) of this section applies regarding the 109822
complaint. The caretaker parent shall permit the county director 109823
to inspect any part of the child's home. The county director 109824
shall prepare a written inspection report and furnish one copy 109825

each to the in-home aide and the caretaker parent within a 109826
reasonable time after the inspection. 109827

(2) Upon receipt of a complaint as described in division 109828
(D) (1) of this section, in addition to the investigations that 109829
are required under that division, both of the following apply: 109830

(a) If the complaint alleges that a child suffered 109831
physical harm while receiving publicly funded child care in the 109832
child's own home from an in-home aide or that the noncompliance 109833
with law or act alleged in the complaint involved, resulted in, 109834
or poses a substantial risk of physical harm to a child 109835
receiving publicly funded child care in the child's own home 109836
from an in-home aide, the county director shall inspect the home 109837
of the child. 109838

(b) If division (D) (2) (a) of this section does not apply 109839
regarding the complaint, the county director may inspect the 109840
home of the child. 109841

(3) Division (D) (2) of this section does not limit, 109842
restrict, or negate any duty of the county director to inspect a 109843
home of a child who is receiving publicly funded child care from 109844
an in-home aide that otherwise is imposed under this section, or 109845
any authority of the county director to inspect such a home that 109846
otherwise is granted under this section when the county director 109847
believes the inspection is necessary and it is permitted under 109848
the grant. 109849

Sec. 5104.29. (A) ~~As used in this section, "early learning~~ 109850
~~and development program" has the same meaning as "licensed child~~ 109851
~~care program" as defined in section 5104.01 of the Revised Code.~~ 109852

~~(B)~~ There is hereby created in the department of children 109853
and youth the step up to quality program, under which the 109854

department of children and youth, in cooperation with the 109855
department of education and workforce, shall develop a tiered 109856
quality rating and improvement system for all early learning and 109857
development programs in this state. The step up to quality 109858
program shall include all of the following components: 109859

(1) Quality program standards for early learning and 109860
development programs; 109861

(2) Accountability measures that include tiered ratings 109862
representing each program's level of quality; 109863

(3) Program and provider outreach and support to help 109864
programs meet higher standards and promote participation in the 109865
step up to quality program; 109866

(4) Financial incentives for early learning and 109867
development programs that provide publicly funded child care and 109868
are linked to achieving and maintaining quality standards; 109869

(5) Parent and consumer education to help parents learn 109870
about program quality and ratings so they can make informed 109871
choices on behalf of their children. 109872

~~(C)~~(B) The step up to quality program shall have the 109873
following goals: 109874

(1) Increasing the number of low-income children, special 109875
needs children, and children with limited English proficiency 109876
participating in quality early learning and development 109877
programs; 109878

(2) Providing families with an easy-to-use tool for 109879
evaluating the quality of early learning and development 109880
programs; 109881

(3) Recognizing and supporting early learning and 109882

development programs that achieve higher levels of quality; 109883

(4) Providing incentives and supports to help early 109884
learning and development programs implement continuous quality 109885
improvement systems. 109886

~~(D)~~ (C) Under the step up to quality program, participating 109887
early learning and development programs may be eligible for 109888
grants, technical assistance, training, and other assistance. 109889
Programs that maintain a quality rating may be eligible for 109890
unrestricted monetary awards. 109891

~~(E)~~ (D) The tiered ratings developed pursuant to this 109892
section shall be based on an early learning and development 109893
program's performance in meeting program standards in the 109894
following four domains: 109895

(1) Learning and development; 109896

(2) Administration and leadership practices; 109897

(3) Staff quality and professional development; 109898

(4) Family and community partnerships. 109899

The ratings developed under this section shall not take 109900
into consideration whether an administrator or employee of an 109901
early learning and development program holds or obtains a 109902
bachelor's, master's, or doctoral degree. 109903

~~(F)~~ (E) The director of children and youth, in 109904
collaboration with the director of education and workforce, 109905
shall adopt rules in accordance with Chapter 119. of the Revised 109906
Code to implement the step up to quality program described in 109907
this section. 109908

Sec. 5104.30. (A) The department of children and youth is 109909

hereby designated as the state agency responsible for 109910
administration and coordination of federal and state funding for 109911
publicly funded child care in this state. Publicly funded child 109912
care shall be provided to the following: 109913

(1) Recipients of transitional child care as provided 109914
under section 5104.34 of the Revised Code; 109915

(2) Participants in the Ohio works first program 109916
established under Chapter 5107. of the Revised Code; 109917

(3) Individuals who would be participating in the Ohio 109918
works first program if not for a sanction under section 5107.16 109919
of the Revised Code and who continue to participate in a work 109920
activity, developmental activity, or alternative work activity 109921
pursuant to an assignment under section 5107.42 of the Revised 109922
Code; 109923

(4) A family receiving publicly funded child care on 109924
October 1, 1997, until the family's income reaches one hundred 109925
fifty per cent of the federal poverty line; 109926

(5) Subject to available funds, other individuals 109927
determined eligible in accordance with rules adopted under 109928
section 5104.38 of the Revised Code. 109929

The department shall apply to the United States department 109930
of health and human services for authority to operate a 109931
coordinated program for publicly funded child care, if the 109932
director of children and youth determines that the application 109933
is necessary. For purposes of this section, the department of 109934
children and youth may enter into agreements with other state 109935
agencies that are involved in regulation or funding of child 109936
care. The department shall consider the special needs of migrant 109937
workers when it administers and coordinates publicly funded 109938

child care and shall develop appropriate procedures for 109939
accommodating the needs of migrant workers for publicly funded 109940
child care. 109941

(B) The department of children and youth shall distribute 109942
state and federal funds for publicly funded child care, 109943
including appropriations of state funds for publicly funded 109944
child care and appropriations of federal funds available under 109945
the child care block grant act, Title IV-A, and Title XX. The 109946
department may use any state funds appropriated for publicly 109947
funded child care as the state share required to match any 109948
federal funds appropriated for publicly funded child care. 109949

(C) In the use of federal funds available under the child 109950
care block grant act, all of the following apply: 109951

(1) The department may use the federal funds to hire staff 109952
to prepare any rules required under this chapter and to 109953
administer and coordinate federal and state funding for publicly 109954
funded child care. 109955

(2) Not more than five per cent of the aggregate amount of 109956
the federal funds received for a fiscal year may be expended for 109957
administrative costs. 109958

(3) The department shall allocate and use at least four 109959
per cent of the federal funds for the following: 109960

(a) Activities designed to provide comprehensive consumer 109961
education to parents and the public; 109962

(b) Activities that increase parental choice; 109963

(c) Activities, including child care resource and referral 109964
services, designed to improve the quality, and increase the 109965
supply, of child care; 109966

(d) Establishing the step up to quality program pursuant 109967
to section 5104.29 of the Revised Code. 109968

(4) The department shall ensure that the federal funds 109969
will be used only to supplement, and will not be used to 109970
supplant, federal, state, and local funds available on the 109971
effective date of the child care block grant act for publicly 109972
funded child care and related programs. If authorized by rules 109973
adopted by the department pursuant to section 5104.42 of the 109974
Revised Code, county departments of job and family services may 109975
purchase child care from funds obtained through any other means. 109976

(D) The department shall encourage the development of 109977
suitable child care throughout the state, especially in areas 109978
with high concentrations of recipients of public assistance and 109979
families with low incomes. The department shall encourage the 109980
development of suitable child care designed to accommodate the 109981
special needs of migrant workers. On request, the department, 109982
through its employees or contracts with state or community child 109983
care resource and referral service organizations, shall provide 109984
consultation to groups and individuals interested in developing 109985
child care. The department of children and youth may enter into 109986
interagency agreements with the department of education and 109987
workforce, the chancellor of higher education, the department of 109988
development, and other state agencies and entities whenever the 109989
cooperative efforts of the other state agencies and entities are 109990
necessary for the department of children and youth to fulfill 109991
its duties and responsibilities under this chapter. 109992

The department shall develop and maintain a registry of 109993
persons providing child care. The director shall adopt rules in 109994
accordance with Chapter 119. of the Revised Code establishing 109995
procedures and requirements for the registry's administration. 109996

(E) (1) The director shall adopt rules in accordance with 109997
Chapter 119. of the Revised Code establishing both of the 109998
following: 109999

(a) ~~Reimbursement~~ Payment rates for providers of publicly 110000
funded child care not later than the first day of July in each 110001
odd-numbered year; 110002

(b) A procedure for ~~reimbursing and~~ paying providers of 110003
publicly funded child care. 110004

(2) In establishing ~~reimbursement~~ payment rates under 110005
division (E) (1) (a) of this section, the director shall do all of 110006
the following: 110007

(a) Use the information obtained from the market rate 110008
survey developed and conducted in accordance with 45 C.F.R. 110009
98.45; 110010

(b) Establish an enhanced ~~reimbursement~~ payment rate for 110011
providers who ~~provide child care for~~ enroll children whose 110012
caretaker parents ~~who~~ work nontraditional hours; 110013

(c) With regard to the step up to quality program 110014
established pursuant to section 5104.29 of the Revised Code, 110015
establish enhanced ~~reimbursement~~ payment rates for child care 110016
providers that participate in the program. 110017

(3) In establishing ~~reimbursement~~ payment rates under 110018
division (E) (1) (a) of this section, the director may establish 110019
different ~~reimbursement~~ payment rates based on any of the 110020
following: 110021

(a) Geographic location of the provider; 110022

(b) Type of care provided; 110023

(c) Age of the child served;	110024
(d) Special needs of the child served;	110025
(e) Whether the expanded hours of service are provided;	110026
(f) Whether weekend service is provided;	110027
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;	110028 110029
(h) Any other factors the director considers appropriate.	110030
<u>Sec. 5104.302. In addition to establishing payment rates for publicly funded child care providers in each odd-numbered year, as required by section 5104.30 of the Revised Code, the director of children and youth may contract with a third-party entity to analyze information regarding the prices charged for child care for the subsequent even-numbered year.</u>	110031 110032 110033 110034 110035 110036
Sec. 5104.32. (A) All purchases of publicly funded child care shall be made under a contract entered into by a licensed child care center, licensed type A family child care home, licensed type B family child care home, certified in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child care provider and the department of children and youth. All contracts for publicly funded child care shall be contingent upon the availability of state and federal funds. The department shall prescribe a standard form to be used for all contracts for the purchase of publicly funded child care, regardless of the source of public funds used to purchase the child care. To the extent permitted by federal law and notwithstanding any other provision of the Revised Code that regulates state contracts or contracts involving the expenditure of state or federal funds, all contracts for publicly funded child care shall be entered into	110037 110038 110039 110040 110041 110042 110043 110044 110045 110046 110047 110048 110049 110050 110051 110052

in accordance with the provisions of this chapter and are exempt 110053
from any other provision of the Revised Code that regulates 110054
state contracts or contracts involving the expenditure of state 110055
or federal funds. 110056

(B) Each contract for publicly funded child care shall 110057
specify at least the following: 110058

(1) That the provider of publicly funded child care agrees 110059
to be paid ~~for rendering services at the lower of the rate~~ 110060
~~customarily charged by the provider for children enrolled for~~ 110061
~~child care or the reimbursement rate of payment established~~ 110062
pursuant to section 5104.30 of the Revised Code; 110063

(2) ~~That, if a provider provides child care to an~~ 110064
~~individual potentially eligible for publicly funded child care~~ 110065
~~who is subsequently determined to be eligible, the department~~ 110066
~~agrees to pay for all child care provided between the date the~~ 110067
~~county department of job and family services receives the~~ 110068
~~individual's completed application and the date the individual's~~ 110069
~~eligibility is determined;~~ 110070

~~(3) Whether the county department of job and family~~ 110071
services, the provider, or a child care resource and referral 110072
service organization will make eligibility determinations, 110073
whether the provider or a child care resource and referral 110074
service organization will be required to collect information to 110075
be used by the county department to make eligibility 110076
determinations, and the time period within which the provider or 110077
child care resource and referral service organization is 110078
required to complete required eligibility determinations or to 110079
transmit to the county department any information collected for 110080
the purpose of making eligibility determinations; 110081

~~(4)~~(3) That the provider, other than a border state child care provider, shall continue to be licensed, approved, or certified pursuant to this chapter and shall comply with all standards and other requirements in this chapter and in rules adopted pursuant to this chapter for maintaining the provider's license, approval, or certification;

~~(5)~~(4) That, in the case of a border state child care provider, the provider shall continue to be licensed, certified, or otherwise approved by the state in which the provider is located and shall comply with all standards and other requirements established by that state for maintaining the provider's license, certificate, or other approval;

~~(6)~~(5) Whether the provider will be paid by the department of children and youth or in some other manner as prescribed by rules adopted under section 5104.42 of the Revised Code;

~~(7)~~(6) That the contract is subject to the availability of state and federal funds.

(C) (1) The department shall establish an automated child care system to track child attendance and enrollment and calculate payments for publicly funded child care. Not later than July 1, 2026, and thereafter, the department shall calculate payments for publicly funded child care based on a child's enrollment, as described in 45 C.F.R. 98.45(m), rather than on a child's attendance.

(2) Each eligible provider that provides publicly funded child care shall participate in the automated child care system. A provider participating in the system shall not do any of the following:

(a) Use or have possession of a personal identification number or password issued to a caretaker parent under the automated child care system;	110111 110112 110113
(b) Falsify <u>child attendance or enrollment records</u> ;	110114
(c) Knowingly seek or accept payment for publicly funded child care that was not provided <u>for a child not enrolled with the provider or for which the provider was not eligible</u> ;	110115 110116 110117
(d) Knowingly seek or accept payment for child care provided to <u>for</u> a child who resides in the provider's own home.	110118 110119
(D) The department may withhold any money due under this chapter and may recover through any appropriate method any money erroneously paid under this chapter if evidence demonstrates that a provider of publicly funded child care failed to comply with either of the following:	110120 110121 110122 110123 110124
(1) The terms of the contract entered into under this section;	110125 110126
(2) This chapter or any rules adopted under it.	110127
(E) If the department has evidence that a provider has employed an individual who is ineligible for employment under section 5104.013 of the Revised Code and the provider has not released the individual from employment upon notice that the individual is ineligible, the department may terminate immediately the contract entered into under this section to provide publicly funded child care.	110128 110129 110130 110131 110132 110133 110134
(F) Any decision by the department concerning publicly funded child care, including the recovery of funds, overpayment determinations, and contract terminations is final and is not subject to appeal, hearing, or further review under Chapter 119.	110135 110136 110137 110138

of the Revised Code. 110139

Sec. 5104.34. (A) (1) Each county department of job and 110140
family services shall implement procedures for making 110141
determinations of eligibility for publicly funded child care. 110142
Under those procedures, the eligibility determination for each 110143
applicant shall be made no later than thirty calendar days from 110144
the date the county department receives a completed application 110145
for publicly funded child care. Each applicant shall be notified 110146
promptly of the results of the eligibility determination. An 110147
applicant aggrieved by a decision or delay in making an 110148
eligibility determination may appeal the decision or delay to 110149
the department of children and youth in accordance with section 110150
5101.35 of the Revised Code. The due process rights of 110151
applicants shall be protected. 110152

To the extent permitted by federal law, the county 110153
department may make all determinations of eligibility for 110154
publicly funded child care, may contract with child care 110155
providers or child care resource and referral service 110156
organizations for the providers or resource and referral service 110157
organizations to make all or any part of the determinations, and 110158
may contract with child care providers or child care resource 110159
and referral service organizations for the providers or resource 110160
and referral service organizations to collect specified 110161
information for use by the county department in making 110162
determinations. If a county department contracts with a child 110163
care provider or a child care resource and referral service 110164
organization for eligibility determinations or for the 110165
collection of information, the contract shall require the 110166
provider or resource and referral service organization to make 110167
each eligibility determination no later than thirty calendar 110168
days from the date the provider or resource and referral 110169

organization receives a completed application that is the basis 110170
of the determination and to collect and transmit all necessary 110171
information to the county department within a period of time 110172
that enables the county department to make each eligibility 110173
determination no later than thirty days after the filing of the 110174
application that is the basis of the determination. 110175

The county department may station employees of the 110176
department in various locations throughout the county to collect 110177
information relevant to applications for publicly funded child 110178
care and to make eligibility determinations. The county 110179
department, child care provider, and child care resource and 110180
referral service organization shall make each determination of 110181
eligibility for publicly funded child care no later than thirty 110182
days after the filing of the application that is the basis of 110183
the determination, shall make each determination in accordance 110184
with any relevant rules adopted pursuant to section 5104.38 of 110185
the Revised Code, and shall notify promptly each applicant for 110186
publicly funded child care of the results of the determination 110187
of the applicant's eligibility. 110188

The director of children and youth shall adopt rules in 110189
accordance with Chapter 119. of the Revised Code for monitoring 110190
the eligibility determination process. In accordance with those 110191
rules, the state department shall monitor eligibility 110192
determinations made by county departments of job and family 110193
services and shall direct any entity that is not in compliance 110194
with this division or any rule adopted under this division to 110195
implement corrective action specified by the department. 110196

(2) (a) All eligibility determinations for publicly funded 110197
child care shall be made in accordance with rules adopted 110198
pursuant to division (A) of section 5104.38 of the Revised Code. 110199

Except as otherwise provided in this section, all of the 110200
following apply: 110201

(i) Publicly funded child care may be provided only to 110202
eligible infants, toddlers, preschool-age children, school-age 110203
children under age thirteen, or children receiving special needs 110204
child care. 110205

(ii) For an applicant to be eligible for publicly funded 110206
child care, the caretaker parent must be employed or 110207
participating in a program of education or training for an 110208
amount of time reasonably related to the time that the parent's 110209
children are receiving publicly funded child care. This 110210
restriction does not apply to families whose children are 110211
eligible for protective child care. 110212

(iii) The eligibility period for publicly funded child 110213
care shall be at least twelve months. 110214

~~(b) In accordance with rules adopted under division (B) of 110215
section 5104.38 of the Revised Code, an applicant may receive 110216
publicly funded child care while the county department 110217
determines eligibility. An applicant may receive publicly funded 110218
child care while a county department determines eligibility only 110219
once during a twelve-month period. If the county department 110220
determines that an applicant is not eligible for publicly funded 110221
child care, the child care provider shall be paid for providing 110222
publicly funded child care for up to five days after that 110223
determination if the county department received a completed 110224
application with all required documentation. A program may 110225
appeal a denial of payment under this division. 110226~~

~~(e) If a caretaker parent who has been determined eligible 110227
to receive publicly funded child care no longer meets the 110228~~

requirements of division (A) (2) (a) (ii) of this section, the 110229
caretaker parent may continue to receive publicly funded child 110230
care for a period of at least three but not more than four 110231
months not to extend beyond the caretaker parent's eligibility 110232
period. 110233

~~(d)~~ (c) If a child turns thirteen, or if a child receiving 110234
special needs child care turns eighteen, during the eligibility 110235
period, the caretaker parent may continue to receive publicly 110236
funded child care until the end of that eligibility period. 110237

Subject to available funds, the department of children and 110238
youth shall allow a family to receive publicly funded child care 110239
unless the family's income exceeds the maximum income 110240
eligibility limit. Initial and continued eligibility for 110241
publicly funded child care is subject to available funds unless 110242
the family is receiving child care pursuant to division (A) (1), 110243
(2), (3), or (4) of section 5104.30 of the Revised Code. If the 110244
department must limit eligibility due to lack of available 110245
funds, it shall give first priority for publicly funded child 110246
care to an assistance group whose income is not more than the 110247
maximum income eligibility limit that received transitional 110248
child care in the previous month but is no longer eligible 110249
because the eligibility period has expired. Such an assistance 110250
group shall continue to receive priority for publicly funded 110251
child care until its income exceeds the maximum income 110252
eligibility limit. 110253

(3) An assistance group that ceases to participate in the 110254
Ohio works first program established under Chapter 5107. of the 110255
Revised Code is eligible for transitional child care at any time 110256
during the immediately following twelve-month period that both 110257
of the following apply: 110258

(a) The assistance group requires child care due to employment; 110259
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(b) The assistance group's income is not more than one hundred fifty per cent of the federal poverty line. 110261
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An assistance group ineligible to participate in the Ohio works first program pursuant to section 5101.83 or section 5107.16 of the Revised Code is not eligible for transitional child care. 110263
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(B) To the extent permitted by federal law, the department of children and youth may require a caretaker parent determined to be eligible for publicly funded child care to pay a fee according to the schedule of fees established in rules adopted under section 5104.38 of the Revised Code. The department shall make protective child care services and homeless child care services available to children without regard to the income or assets of the caretaker parent of the child. 110267
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(C) A caretaker parent receiving publicly funded child care shall report to the entity that determined eligibility any changes in status with respect to employment or participation in a program of education or training not later than ten calendar days after the change occurs. 110275
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(D) If the department of children and youth determines that available resources are not sufficient to provide publicly funded child care to all eligible families who request it, the department may establish a waiting list. The department may establish separate waiting lists within the waiting list based on income. 110280
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(E) A caretaker parent shall not receive publicly funded child care from more than one child care provider per child 110286
110287

during a week, unless a county department grants the family an exemption for one of the following reasons:

(1) The child needs additional care during non-traditional hours;

(2) The child needs to change providers in the middle of the week and the hours of care provided by the providers do not overlap;

(3) The child's provider is closed on scheduled school days off or on calamity days.

(F) As used in this section, "maximum income eligibility limit" means the amount of income specified in rules adopted under division (A) of section 5104.38 of the Revised Code.

Sec. 5104.36. The licensee or administrator of a child care center, type A family child care home, or licensed type B family child care home, an in-home aide providing child care services, the director or administrator of an approved child day camp, and a border state child care provider shall keep a record for each eligible child enrolled with the center, home, in-home aide, camp, or provider, to be made available to the county department of job and family services or the department of children and youth on request. The record shall include all of the following:

(A) The name and date of birth of the child;

(B) The name and address of the child's caretaker parent;

(C) The name and address of the caretaker parent's place of employment or program of education or training;

(D) The hours for which the child has been enrolled with the center, home, in-home aide, camp, or provider and the hours

for which child care services have been provided for the child; 110316

(E) Any other information required by the county 110317
department of job and family services or the department of 110318
children and youth. 110319

Sec. 5104.37. (A) In addition to the duties described in 110320
division (D) of section 5104.30 of the Revised Code, the 110321
director of ~~job and family services~~ children and youth shall 110322
engage in activities to do the following: 110323

(1) Encourage the establishment and licensure of family 110324
~~day-care~~ child care homes in this state, especially in areas 110325
with the greatest need for child care; 110326

(2) Connect families and caretaker parents in need of 110327
child care with family ~~day-care~~ child care homes not meeting the 110328
license capacity specified on their licenses, as described in 110329
division (E) of section 5104.03 of the Revised Code. 110330

(B) The director may contract with one or more third-party 110331
entities to assist the director in performing the duties 110332
described in division (A) of this section. 110333

(C) Not later than May 30, 2023, and periodically 110334
thereafter, the director shall submit to the general assembly a 110335
report documenting any barriers that may prevent the 110336
establishment or licensure of family ~~day-care~~ child care homes. 110337
The director shall submit the required report in accordance with 110338
section 101.68 of the Revised Code. 110339

Sec. 5104.38. In addition to any other rules adopted under 110340
this chapter, the director of children and youth shall adopt 110341
rules in accordance with Chapter 119. of the Revised Code 110342
governing financial and administrative requirements for publicly 110343
funded child care and establishing all of the following: 110344

(A) Procedures and criteria to be used in making 110345
determinations of eligibility for publicly funded child care 110346
that give priority to children of families with lower incomes 110347
and procedures and criteria for eligibility for publicly funded 110348
protective child care or homeless child care. The rules shall 110349
specify the maximum amount of income a family may have for 110350
initial and continued eligibility. The maximum amount shall not 110351
exceed three hundred per cent of the federal poverty line. The 110352
rules may specify exceptions to the eligibility requirements in 110353
the case of a family that previously received publicly funded 110354
child care and is seeking to have the child care reinstated 110355
after the family's eligibility was terminated. 110356

~~(B) Procedures under which an applicant for publicly 110357
funded child care may receive publicly funded child care while 110358
the county department of job and family services determines 110359
eligibility and under which a child care provider may appeal a 110360
denial of payment under division (A) (2) (b) of section 5104.34 of 110361
the Revised Code; 110362~~

~~(C) A schedule of fees requiring all eligible caretaker 110363
parents to pay a fee for publicly funded child care according to 110364
income and family size, which shall be uniform for all types of 110365
publicly funded child care, except as authorized by rule, and, 110366
to the extent permitted by federal law, shall permit the use of 110367
state and federal funds to pay the customary deposits and other 110368
advance payments that a provider charges all children who 110369
receive child care from that provider. 110370~~

~~(D) (C) A formula for determining the amount of state and 110371
federal funds appropriated for publicly funded child care that 110372
may be allocated to a county department to use for 110373
administrative purposes; 110374~~

~~(E)~~(D) Procedures to be followed by the department and county departments in recruiting individuals and groups to become providers of child care; 110375
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110377

~~(F)~~(E) Procedures to be followed in establishing state or local programs designed to assist individuals who are eligible for publicly funded child care in identifying the resources available to them and to refer the individuals to appropriate sources to obtain child care; 110378
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~~(G)~~(F) Procedures to deal with fraud and abuse committed by either recipients or providers of publicly funded child care; 110383
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~~(H)~~(G) Procedures for establishing a child care grant or loan program in accordance with the child care block grant act; 110385
110386

~~(I)~~(H) Standards and procedures for applicants to apply for grants and loans, and for the department to make grants and loans; 110387
110388
110389

~~(J)~~(I) A definition of "person who stands in loco parentis" for the purposes of division ~~(NN)~~(3)~~(OO)~~(3) of section 5104.01 of the Revised Code; 110390
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110392

~~(K)~~(J) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department; 110393
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~~(L)~~(K) If the director establishes a different ~~reimbursement~~payment rate under division (E) (3) (d) of section 5104.30 of the Revised Code, standards and procedures for determining the amount of the higher payment that is to be issued to a child care provider based on the special needs of the child being served; 110398
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~~(M)~~ (L) To the extent permitted by federal law, procedures for enrolling and paying for up to thirty days of child care for a child whose caretaker parent is seeking employment, taking part in employment orientation activities, or taking part in activities in anticipation of enrolling in or attending an education or training program or activity, if the employment or the education or training program or activity is expected to begin within the thirty-day period; 110404
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~~(N)~~ (M) Any other rules necessary to carry out sections 5104.30 to 5104.43 of the Revised Code. 110412
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Sec. 5104.41. A child and the child's caretaker who are otherwise ineligible for publicly funded child care are eligible for homeless child care for ~~the lesser of the following:~~ 110414
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~~(A) Not more than ninety days;~~ 110417

~~(B) The period of time they reside in a facility providing emergency shelter for homeless families or the period of time in which the county department determines they are homeless~~ twelve months. 110418
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110421

Sec. 5104.53. (A) As used in this section: 110422

(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 110423
110424

(2) "Resource caregiver" has the same meaning as in section 5103.02 of the Revised Code. 110425
110426

(B) The early childhood education grant program is created in the department of children and youth. Subject to available funds, the program shall support and invest in early learning and development programs operating in this state by awarding grants to programs that meet the conditions of this section in 110427
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an amount that corresponds to the number of eligible children 110432
served by the programs. 110433

(C) To be eligible for a grant under this section, an 110434
early learning and development program shall meet each of the 110435
following conditions: 110436

(1) The program is rated through the step up to quality 110437
program established under section 5104.29 of the Revised Code at 110438
the tiered rating specified by the department in rules adopted 110439
under this section. 110440

(2) The program provides early learning and development 110441
services to one or more preschool-age children described in 110442
division (D) of this section. 110443

(3) The program meets any other eligibility condition 110444
specified by the department in rules adopted under this section. 110445

(D) A preschool-age child who meets all of the following 110446
conditions, as determined by a county department of job and 110447
family services, is eligible to participate in the early 110448
childhood education grant program if a slot is available: 110449

(1) Either the amount of the child's family income does 110450
not exceed two hundred per cent of the federal poverty line or 110451
the child meets one of the following conditions: 110452

(a) An IEP has been developed for the child; 110453

(b) The child is placed with a resource caregiver as 110454
described in Chapter 5103. of the Revised Code, with such 110455
placement documented by either a family case plan or kinship 110456
permanency incentive payments; 110457

(c) The child is homeless as described in division (V) of 110458
section 5104.01 of the Revised Code. 110459

(2) The child is a citizen of the United States or a 110460
qualified alien. 110461

(3) The child meets any other eligibility condition 110462
specified by the department in rules adopted under this section. 110463

(E) Any funds appropriated to the department for purposes 110464
of the early childhood education grant program shall be used as 110465
follows: 110466

(1) In each fiscal year, not more than two per cent of 110467
appropriated funds shall be used for program support and 110468
technical assistance. 110469

(2) Appropriated funds other than those described in 110470
division (E) (1) of this section shall be distributed to grant 110471
recipients. 110472

(F) In accordance with Chapter 119. of the Revised Code, 110473
the director shall adopt rules to implement this section and 110474
administer the early childhood education grant program, 110475
including rules addressing all of the following topics: 110476

(1) Eligibility conditions and other requirements for 110477
participation in the grant program by early learning and 110478
development programs, including the tiered rating at which a 110479
program becomes eligible to participate; 110480

(2) Eligibility conditions for children participating in 110481
the early childhood education grant program if a slot is 110482
available; 110483

(3) Standards, procedures, and requirements to apply for 110484
and distribute funds to participating early learning and 110485
development programs; 110486

(4) In the event funds are distributed in error under the 110487

program, methods by which the department may recover those 110488
funds. 110489

Sec. 5104.60. The director of children and youth shall 110490
contract with a third-party entity to develop a registry 110491
information system to provide, on an ongoing basis, training and 110492
professional development opportunities to the employees of early 110493
learning and development programs that receive funding under the 110494
child care block grant act. The registry information system 110495
shall be known as the Ohio professional registry. 110496

In developing the registry information system, the third- 110497
party entity shall comply with requirements set forth in the 110498
child care block grant act and 45 C.F.R. Part 98. 110499

Sec. 5104.99. (A) Whoever violates section 5104.02 of the 110500
Revised Code shall be punished as follows: 110501

(1) For each offense, the offender shall be fined not less 110502
than one hundred dollars nor more than five hundred dollars 110503
multiplied by the number of children receiving child care at the 110504
child care center or type A family child care home that either 110505
exceeds the number of children to which a type B family ~~day-care~~ 110506
child care home may provide child care or, if the offender is a 110507
licensed type A family child care home that is operating as a 110508
child care center without being licensed as a center, exceeds 110509
the license capacity of the type A home. 110510

(2) In addition to the fine specified in division (A) (1) 110511
of this section, all of the following apply: 110512

(a) Except as provided in divisions (A) (2) (b), (c), and 110513
(d) of this section, the court shall order the offender to 110514
reduce the number of children to which it provides child care to 110515
a number that does not exceed either the number of children to 110516

which a type B family child care home may provide child care or, 110517
if the offender is a licensed type A family child care home that 110518
is operating as a child care center without being licensed as a 110519
center, the license capacity of the type A home. 110520

(b) If the offender previously has been convicted of or 110521
pleaded guilty to one violation of section 5104.02 of the 110522
Revised Code, the court shall order the offender to cease the 110523
provision of child care to any person until it obtains a child 110524
care center license or a type A family child care home license, 110525
as appropriate, under section 5104.03 of the Revised Code. 110526

(c) If the offender previously has been convicted of or 110527
pleaded guilty to two violations of section 5104.02 of the 110528
Revised Code, the offender is guilty of a misdemeanor of the 110529
first degree, and the court shall order the offender to cease 110530
the provision of child care to any person until it obtains a 110531
child care center license or a type A family child care home 110532
license, as appropriate, under section 5104.03 of the Revised 110533
Code. The court shall impose the fine specified in division (A) 110534
(1) of this section and may impose an additional fine provided 110535
that the total amount of the fines so imposed does not exceed 110536
the maximum fine authorized for a misdemeanor of the first 110537
degree under section 2929.28 of the Revised Code. 110538

(d) If the offender previously has been convicted of or 110539
pleaded guilty to three or more violations of section 5104.02 of 110540
the Revised Code, the offender is guilty of a felony of the 110541
fifth degree, and the court shall order the offender to cease 110542
the provision of child care to any person until it obtains a 110543
child care center license or a type A family child care home 110544
license, as appropriate, under section 5104.03 of the Revised 110545
Code. The court shall impose the fine specified in division (A) 110546

(1) of this section and may impose an additional fine provided 110547
that the total amount of the fines so imposed does not exceed 110548
the maximum fine authorized for a felony of the fifth degree 110549
under section 2929.18 of the Revised Code. 110550

(B) Whoever violates section 5104.09 of the Revised Code 110551
is guilty of a misdemeanor of the third degree. 110552

Sec. 5117.07. (A) On or before the first day of October, 110553
the director of development shall review all applications 110554
submitted under division (C) of section 5117.03 of the Revised 110555
Code and shall determine the eligibility of each applicant to 110556
receive a credit or payment. The total income and current total 110557
income amounts set forth in division (A) of this section are 110558
subject to adjustment under section 5117.071 of the Revised 110559
Code. 110560

(1) An applicant is eligible for a credit of thirty per 110561
cent if the applicant is a head of household, has a total income 110562
of five thousand dollars or less or a current total income of 110563
two thousand five hundred dollars or less, owns and occupies or 110564
rents and occupies a household receiving the source of energy 110565
for its primary heating system from an energy company and such 110566
energy is separately metered, and is either of the following: 110567

(a) Sixty-five years of age or older; 110568

(b) Permanently and totally disabled. 110569

(2) An applicant is eligible for a credit of twenty-five 110570
per cent if the applicant is a head of household, has a total 110571
income of more than five thousand dollars but not more than nine 110572
thousand dollars or a current total income of more than two 110573
thousand five hundred dollars but not more than four thousand 110574
five hundred dollars, is sixty-five years of age or older or 110575

permanently and totally disabled, and owns and occupies or rents 110576
and occupies a household receiving the source of energy for its 110577
primary heating system from an energy company and such energy is 110578
separately metered. 110579

(3) An applicant is eligible for a payment if either of 110580
the following applies to the applicant: 110581

(a) The applicant would be eligible for the credit under 110582
division (A) (1) or (2) of this section but for the fact that the 110583
source of energy for the primary heating system of the 110584
applicant's household is not separately metered; 110585

(b) The applicant is a head of household, has a total 110586
income of no more than nine thousand dollars or a current total 110587
income of no more than four thousand five hundred dollars, is 110588
sixty-five years of age or older or permanently and totally 110589
disabled, and owns and occupies or rents and occupies a 110590
household receiving the source of energy for its primary heating 110591
system from an energy dealer. 110592

(4) In the case of a multiple unit dwelling for which 110593
separate metering for the source of energy for its primary 110594
heating system is not provided, more than one applicant 110595
occupying such dwelling may be determined eligible for a payment 110596
under division (A) (3) (a) of this section. 110597

(B) Notwithstanding division (A) of this section: 110598

(1) No head of household who resides in public housing or 110599
receives a rent subsidy from a government agency is eligible for 110600
a credit or payment unless the person's rent subsidy does not 110601
reflect the costs of that person's household receiving the 110602
source of energy for its primary heating system; 110603

(2) A resident of a nursing home, hospital, or other 110604

extended health care facility is not eligible for a credit or 110605
payment for the costs of providing the source of energy for the 110606
primary heating system of the facility. 110607

(C) The director shall establish a procedure whereby the 110608
director~~commissioner~~ can verify total income and current total 110609
income for the calendar year in which an applicant is determined 110610
eligible for a payment or credit. If a person receives a credit 110611
or payment that the person is ineligible to receive under 110612
division (A) of this section as determined by the director, that 110613
person shall refund to the director the credit or payment, or 110614
excess portion of a credit or payment, that person received. The 110615
sum refunded shall be deposited in the state treasury to the 110616
credit of the ~~universal service~~ electric partnership plan fund 110617
created in section 4928.51 of the Revised Code. 110618

(D) The director may request an additional certification 110619
of permanent and total disability for any applicant claiming 110620
such status on an application renewal form submitted under 110621
section 5117.03 of the Revised Code. Such certification shall be 110622
requested from the person or agency named on the form pursuant 110623
to division (B)(1) of section 5117.03 of the Revised Code. If 110624
such additional certification is refused due to a conclusion by 110625
the person or agency that the applicant is not permanently and 110626
totally disabled, the director shall determine the applicant 110627
ineligible for any credit or payment. If such additional 110628
certification is unavailable or refused for any other reason, 110629
the director may determine the applicant to be eligible for a 110630
credit or payment provided the director~~commissioner~~ has good 110631
cause to believe the applicant is permanently and totally 110632
disabled. 110633

(E) On or before the first day of October, the director 110634

shall notify each applicant of the disposition of the 110635
applicant's application under divisions (A) and (B) of this 110636
section. At the same time, the director ~~tax commissioner~~ shall 110637
notify the applicant, regardless of whether the applicant's 110638
application is approved or disapproved, that the applicant may 110639
be eligible to participate in a state or federal weatherization 110640
program and should contact the applicant's community action 110641
agency for further information. If an application is 110642
disapproved, the applicant may appeal to the director for a 110643
hearing on the matter. A notice of disapproval shall include a 110644
detailed explanation of the applicant's right of appeal under 110645
this chapter. Any such appeal shall be on an appeal form 110646
prescribed by the director and shall be filed with the director 110647
within twenty days of the receipt of the notice of disapproval. 110648

Sec. 5117.12. (A) On or before the thirty-first day of 110649
August of each year, each energy company shall file a written 110650
report with the director of development regarding the impact, if 110651
any, of the requirements of division (E) of section 5117.11 of 110652
the Revised Code on the number of uncollectible and past due 110653
residential accounts for the twelve-month period ending on the 110654
preceding thirty-first day of July. The report shall include 110655
such information as is prescribed by the director. The 110656
information shall be based on actual reviews of residential 110657
customer accounts and shall be presented in verifiable form. The 110658
director may consult with the public utilities commission and 110659
the consumers' counsel in prescribing the contents of such 110660
reports and complying with the requirements of division (C) (4) 110661
of this section. 110662

(B) Before the thirty-first day of January of each year, 110663
the director shall prepare a written report including a final 110664
review of the Ohio energy credit program for which applications 110665

were required to be mailed or provided by the fifteenth day of 110666
June of the second preceding calendar year pursuant to section 110667
5117.03 of the Revised Code and an interim review of the program 110668
for which applications were required to be mailed or provided by 110669
the fifteenth day of June of the preceding calendar year under 110670
such section. On or before the thirty-first day of January of 110671
each year, the director shall provide written copies of such 110672
report to the speaker of the house of representatives, president 110673
of the senate, minority leaders of the house of representatives 110674
and senate, chairpersons of the house finance and appropriations 110675
committee and senate finance committee, chairpersons of the 110676
committees of the house of representatives and senate 110677
customarily entrusted with matters concerning public utilities, 110678
clerk of the house of representatives, and clerk of the senate. 110679

(C) Each report prepared under division (B) of this 110680
section shall include a review of: 110681

(1) Program costs; 110682

(2) The number of persons receiving credits or payments 110683
under the program; 110684

(3) Progress in the implementation of any changes in the 110685
program made by the general assembly within the period covered 110686
by the report; 110687

(4) The impact, if any, of the requirements of division 110688
(E) of section 5117.11 of the Revised Code on the number of 110689
uncollectible and past due residential accounts of energy 110690
companies for the twelve-month period ending on the preceding 110691
thirty-first day of July; 110692

(5) The impact of any federal energy assistance programs 110693
available to the same groups of people as are eligible for the 110694

energy credit program under sections 5117.01 to 5117.12 of the Revised Code, together with any recommendations on modifications that may, because of the federal programs, be needed in the energy credit program;

(6) Any suggestions for improving the program;

(7) Any other matters considered appropriate by the director.

(D) The director shall consult with ~~the auditor of state,~~ energy companies, energy dealers, department of aging, and commission on Hispanic-Latino affairs in the preparation of any report under this section. The director may require information from such agencies for the purpose of preparing such report.

Sec. 5119.01. (A) As used in this chapter:

(1) "Addiction" means the chronic and habitual use of alcoholic beverages, the use of a drug of abuse as defined in section 3719.011 of the Revised Code, or the use of gambling by an individual to the extent that the individual no longer can control the individual's use of alcohol, the individual becomes physically or psychologically dependent on the drug, the individual's use of alcohol or drugs endangers the health, safety, or welfare of the individual or others, or the individual's gambling causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.

(2) "Addiction services" means services, including intervention, for the treatment of persons with alcohol, drug, or gambling addictions, and for the prevention of such addictions.

(3) "Alcohol and drug addiction services" means services,

including intervention, for the treatment of persons with 110724
alcohol use disorder or persons who abuse drugs of abuse and for 110725
the prevention of alcohol use disorder and drug addiction. 110726

(4) "Alcohol use disorder" means a medical condition 110727
characterized by an individual's impaired ability to stop or 110728
control the individual's alcohol use despite adverse social, 110729
occupational, or health consequences. An alcohol use disorder 110730
may be classified as mild, moderate, or severe. 110731

(5) "Certifiable services and supports" means all of the 110732
following: 110733

(a) Alcohol and drug addiction services; 110734

(b) Mental health services; 110735

(c) The types of recovery supports that are specified in 110736
rules adopted under section 5119.36 of the Revised Code as 110737
requiring certification under that section. 110738

(6) "Community addiction services provider" means an 110739
agency, association, corporation or other legal entity, 110740
individual, or program that provides one or more of the 110741
following: 110742

(a) Alcohol and drug addiction services that are certified 110743
by the director of ~~mental behavioral health and addiction~~ 110744
~~services~~ under section 5119.36 of the Revised Code; 110745

(b) Gambling addiction services; 110746

(c) Recovery supports that are related to alcohol and drug 110747
addiction services or gambling addiction services and paid for 110748
with federal, state, or local funds administered by the 110749
department of ~~mental behavioral health and addiction services~~ or 110750
a board of alcohol, drug addiction, and mental health services. 110751

(7) "Community mental health services provider" means an agency, association, corporation, individual, or program that provides either of the following:

(a) Mental health services that are certified by the director of ~~mental-behavioral health and addiction services~~ under section 5119.36 of the Revised Code;

(b) Recovery supports that are related to mental health services and paid for with federal, state, or local funds administered by the department of ~~mental-behavioral health and addiction services~~ or a board of alcohol, drug addiction, and mental health services.

(8) "Drug addiction" means the use of a drug of abuse, as defined in section 3719.011 of the Revised Code, by an individual to the extent that the individual becomes physically or psychologically dependent on the drug or endangers the health, safety, or welfare of the individual or others.

(9) "Gambling addiction" means the use of gambling by an individual to the extent that it causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.

(10) "Gambling addiction services" means services for the treatment of persons who have a gambling addiction and for the prevention of gambling addiction.

(11) "Hospital" means a hospital or inpatient unit licensed by the department of ~~mental-behavioral health and addiction services~~ under section 5119.33 of the Revised Code, and any institution, hospital, or other place established, controlled, or supervised by the department under this chapter.

(12) "Included opioid and co-occurring drug addiction services and recovery supports" means the addiction services and recovery supports that, pursuant to section 340.033 of the Revised Code, are included in the array of services and recovery supports for all levels of opioid and co-occurring drug addiction required to be included in the community-based continuum of care established under section 340.032 of the Revised Code.

(13) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.

(14) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

(15) "Mental health services" means services for the assessment, care, or treatment of persons who have a mental illness and for the prevention of mental illness.

(16) "Opioid treatment program" has the same meaning as in 42 C.F.R. 8.2.

(17) "Recovery housing residence" means a residence for individuals recovering from alcohol use disorder or drug addiction that provides an alcohol-free and drug-free living environment, peer support, assistance with obtaining alcohol and drug addiction services, and other recovery assistance for alcohol use disorder and drug addiction.

(18) "Recovery supports" means assistance that is intended to help an individual with alcohol use disorder, drug addiction, or mental illness, or a member of such an individual's family, initiate and sustain the individual's recovery from alcohol use

disorder, drug addiction, or mental illness. "Recovery supports" 110810
does not mean alcohol and drug addiction services or mental 110811
health services. 110812

(19) (a) "Residence," except when referring to a recovery 110813
housing residence or the meaning of "residence" in section 110814
5119.90 of the Revised Code, means a person's physical presence 110815
in a county with intent to remain there, except in either of the 110816
following circumstances: 110817

(i) If a person is receiving a mental health treatment 110818
service at a facility that includes nighttime sleeping 110819
accommodations, "residence" means that county in which the 110820
person maintained the person's primary place of residence at the 110821
time the person entered the facility; 110822

(ii) If a person is committed pursuant to section 2945.38, 110823
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 110824
"residence" means the county where the criminal charges were 110825
filed. 110826

(b) When the residence of a person is disputed, the matter 110827
of residence shall be referred to the department of ~~mental-~~ 110828
behavioral health and addiction services for investigation and 110829
determination. Residence shall not be a basis for a board of 110830
alcohol, drug addiction, and mental health services to deny 110831
services to any person present in the board's service district, 110832
and the board shall provide services for a person whose 110833
residence is in dispute while residence is being determined and 110834
for a person in an emergency situation. 110835

(B) Any reference in this chapter to a board of alcohol, 110836
drug addiction, and mental health services also refers to an 110837
alcohol and drug addiction services board or a community mental 110838

health board in a service district in which an alcohol and drug 110839
addiction services board or a community mental health board has 110840
been established under section 340.021 or former section 340.02 110841
of the Revised Code. 110842

Sec. 5119.011. (A) Whenever the term "~~department of mental~~ 110843
~~health," the term "Ohio department of mental health," the term-~~ 110844
~~"department of alcohol and drug addiction services," or the term~~ 110845
~~"Ohio department of alcohol and drug addiction services"~~ 110846
"department of mental health and addiction services" is used, 110847
referred to, or designated in any statute, rule, contract, 110848
grant, or other document, the use, reference, or designation 110849
shall be construed to mean the department of mental behavioral 110850
~~health and addiction services.~~ 110851

(B) Whenever the term "~~director of mental health" or the~~ 110852
~~term "director of alcohol and drug addiction services"~~ "director 110853
of mental health and addiction services" is used, referred to, 110854
or designated in any statute, rule, contract, grant, or other 110855
document, the use, reference, or designation shall be construed 110856
to mean the director of mental behavioral health and addiction- 110857
~~services.~~ 110858

Sec. 5119.04. The department of mental behavioral health 110859
~~and addiction services~~ and any institutions under its 110860
supervision or jurisdiction shall, where applicable, be in 110861
substantial compliance with standards set forth for psychiatric 110862
facilities by the joint commission or medical assistance 110863
standards under Title XIX of the "Social Security Act," 49 Stat. 110864
620 (1935), 42 U.S.C. 301, as amended, or other applicable 110865
standards. 110866

The requirements of this section are in addition to any 110867
other requirements established by the Revised Code and nothing 110868

in this section shall be construed to limit any rights, 110869
privileges, protections, or immunities which may exist under the 110870
constitution and laws of the United States or this state. 110871

Sec. 5119.05. Subject to the rules of the director of 110872
~~mental behavioral health and addiction services~~, each 110873
institution under the jurisdiction of the department shall be 110874
under the management and control of a managing officer to be 110875
known as a chief executive officer or by another appropriate 110876
title. Such managing officer shall be appointed by the director 110877
of ~~mental behavioral health and addiction services~~, and shall be 110878
in the unclassified service and serve at the pleasure of the 110879
director. Each managing officer shall be of good moral character 110880
and have skill, ability, and experience in the managing 110881
officer's profession. 110882

The managing officer, under the director, shall serve as 110883
the appointing authority of the institution to which such 110884
managing officer is appointed. Subject to civil service rules, 110885
the managing officer shall have the power to appoint and remove 110886
employees of the institution. On behalf of the institution, the 110887
managing officer has the authority and responsibility for 110888
entering into contracts and other agreements for the efficient 110889
operations of the institution. 110890

Sec. 5119.051. The department of ~~mental behavioral health~~ 110891
~~and addiction services~~ shall keep in its office a proper and 110892
complete set of books and accounts with each institution, which 110893
shall clearly show the nature and amount of every expenditure 110894
authorized and made at such institution, and which shall contain 110895
an account of all appropriations made by the general assembly 110896
and of all other funds, together with the disposition of such 110897
funds. 110898

The department shall prescribe the form of vouchers, 110899
records, and methods of keeping accounts at each of the 110900
institutions, which shall be as nearly uniform as possible. The 110901
department may examine the records of each institution at any 110902
time. 110903

The department may authorize any of its bookkeepers, 110904
accountants, or employees to examine and check the records, 110905
accounts, and vouchers or take an inventory of the property of 110906
any institution, or do whatever is necessary, and pay the actual 110907
and reasonable expenses incurred in such service when an 110908
itemized account is filed and approved. 110909

Sec. 5119.06. The department of ~~mental-behavioral~~ health 110910
~~and addiction services~~ shall keep in its office, accessible only 110911
to its employees, except by the consent of the department or the 110912
order of the judge of a court of record, a record showing the 110913
name, residence, sex, age, nativity, occupation, condition, and 110914
date of entrance or commitment of every patient in the 110915
institutions governed by it, the date, cause, and terms of 110916
discharge and the condition of such person at the time of 110917
leaving, and also a record of all transfers from one institution 110918
to another, and, if such person dies while in the care or 110919
custody of the department, the date and cause of death. These 110920
and such other facts as the department requires shall be 110921
furnished by the managing officer of each institution within 110922
twenty-four hours after the commitment, entrance, death, or 110923
discharge of a patient. 110924

In case of an accident or injury or peculiar death of a 110925
patient the managing officer shall make a special report to the 110926
department within twenty-four hours thereafter, giving the 110927
circumstances as fully as possible. 110928

Sec. 5119.07. A person, firm, or corporation may file a petition in the court of common pleas of the county in which a benevolent institution of the department of ~~mental~~ behavioral health and ~~addiction services~~ is located, in which petition the desire to erect or carry on at a less distance than that prescribed in section 3767.19 of the Revised Code shall be set forth, the business prohibited, the precise point of its establishment, and the reasons and circumstances, in its opinion, why the erection or carrying on of the business would not annoy or endanger the health, convenience, or recovery of the patients of such institution. The petitioner shall give notice in a newspaper of general circulation in the county of the pendency and prayer of the petition for at least six consecutive weeks before the day set for hearing the petition and serve a written notice upon the managing officer of the institution at least thirty days before the day set for hearing the petition.

If, upon the hearing of the petition, it appears that the notice has been given as required and the court is of the opinion that no good reason exists why such establishment may not be erected or such business carried on and that by the erection or carrying on of the business at the point named, the institution will sustain no detriment, the court may issue an order granting the prayer of the petitioner. Thereafter the petitioner may locate such establishment or carry on such business at the point named in the petition.

Sec. 5119.08. (A) As used in this section, "felony" has the same meaning as in section 109.511 of the Revised Code.

(B) (1) Subject to division (C) of this section, upon the recommendation of the director of ~~mental~~ behavioral health ~~and~~

~~addiction services~~, the managing officer of an institution under 110959
the jurisdiction of the department of ~~mental~~-behavioral health 110960
~~and addiction services~~ may designate one or more employees to be 110961
special police officers of the department. The special police 110962
officers shall take an oath of office, wear the badge of office, 110963
and give bond for the proper and faithful discharge of their 110964
duties in an amount that the director requires. 110965

(2) In accordance with section 109.77 of the Revised Code, 110966
the special police officers shall be required to complete 110967
successfully a peace officer basic training program approved by 110968
the Ohio peace officer training commission and to be certified 110969
by the commission. The cost of the training shall be paid by the 110970
department of ~~mental~~-behavioral health ~~and addiction services~~. 110971

(3) Special police officers, on the premises of 110972
institutions under the jurisdiction of the department of ~~mental~~- 110973
behavioral health ~~and addiction services~~ and subject to the 110974
rules of the department, shall protect the property of the 110975
institutions and the persons and property of patients in the 110976
institutions, suppress riots, disturbances, and breaches of the 110977
peace, and enforce the laws of the state and the rules of the 110978
department for the preservation of good order. They may arrest 110979
any person without a warrant and detain the person until a 110980
warrant can be obtained under the circumstances described in 110981
division (F) of section 2935.03 of the Revised Code. 110982

(C) (1) The managing officer of an institution under the 110983
jurisdiction of the department of ~~mental~~-behavioral health ~~and~~ 110984
~~addiction services~~ shall not designate an employee as a special 110985
police officer of the department pursuant to division (B) (1) of 110986
this section on a permanent basis, on a temporary basis, for a 110987
probationary term, or on other than a permanent basis if the 110988

employee previously has been convicted of or has pleaded guilty to a felony. 110989
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(2) (a) The managing officer of an institution under the jurisdiction of the department of ~~mental-behavioral health and addiction services~~ shall terminate the employment as a special police officer of the department of an employee designated as a special police officer under division (B) (1) of this section if that employee does either of the following: 110991
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(i) Pleads guilty to a felony; 110997

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated plea agreement as provided in division (D) of section 2929.43 of the Revised Code in which the employee agrees to surrender the certificate awarded to that employee under section 109.77 of the Revised Code. 110998
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(b) The managing officer shall suspend from employment as a special police officer of the department an employee designated as a special police officer under division (B) (1) of this section if that employee is convicted, after trial, of a felony. If the special police officer files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if the special police officer does not file a timely appeal, the managing officer shall terminate the employment of that special police officer. If the special police officer files an appeal that results in that special police officer's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against that special police officer, the managing officer shall reinstate that special police officer. A special police officer of the department who is reinstated under division (C) (2) (b) of this section shall not receive any back pay unless that special 111003
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police officer's conviction of the felony was reversed on 111019
appeal, or the felony charge was dismissed, because the court 111020
found insufficient evidence to convict the special police 111021
officer of the felony. 111022

(3) Division (C) of this section does not apply regarding 111023
an offense that was committed prior to January 1, 1997. 111024

(4) The suspension from employment, or the termination of 111025
the employment, of a special police officer under division (C) 111026
(2) of this section shall be in accordance with applicable 111027
collective bargaining agreements. 111028

Sec. 5119.091. The attorney general shall attend to all 111029
claims instituted on behalf of or against the department of 111030
~~mental-behavioral health and addiction services~~ or any 111031
institution under the jurisdiction of the department and the 111032
managing officer thereof, except such institutions as are 111033
privately owned or operated under a license from the department 111034
of ~~mental-behavioral health and addiction services~~, and shall 111035
represent the public hospital in proceedings under section 111036
5122.15 of the Revised Code. The department of ~~mental-behavioral~~ 111037
~~health and addiction services~~ shall reimburse the attorney 111038
general for the compensation of assistant attorneys general 111039
required to represent the public hospital in proceedings under 111040
section 5122.15 of the Revised ~~code~~Code and shall also pay the 111041
costs of litigation incurred by the attorney general under that 111042
section. 111043

If a writ of habeas corpus is applied for, the clerk of 111044
the court shall give notice of the time and place of hearing to 111045
the attorney general. 111046

Sec. 5119.10. (A) The director of ~~mental-behavioral health~~ 111047

~~and addiction services~~ is the chief executive and appointing 111048
authority of the department of ~~mental behavioral health and~~ 111049
~~addiction services~~. The director may organize the department for 111050
its efficient operation, including creating divisions or offices 111051
as necessary. The director may establish procedures for the 111052
governance of the department, conduct of its employees and 111053
officers, performance of its business, and custody, use, and 111054
preservation of departmental records, papers, books, documents, 111055
and property. Whenever the Revised Code imposes a duty upon or 111056
requires an action of the department or any of its institutions, 111057
the director or the director's designee shall perform the action 111058
or duty in the name of the department, except that the medical 111059
director appointed pursuant to section 5119.11 of the Revised 111060
Code shall be responsible for decisions relating to medical 111061
diagnosis, treatment, rehabilitation, quality assurance, and the 111062
clinical aspects of the following: licensure of hospitals and 111063
residential facilities, research, community addiction and mental 111064
health plans, and certification and delivery of addiction 111065
services and mental health services. 111066

(B) The director shall: 111067

(1) Adopt rules for the proper execution of the powers and 111068
duties of the department with respect to the institutions under 111069
its control, and require the performance of additional duties by 111070
the officers of the institutions as necessary to fully meet the 111071
requirements, intents, and purposes of this chapter. In case of 111072
an apparent conflict between the powers conferred upon any 111073
managing officer and those conferred by such sections upon the 111074
department, the presumption shall be conclusive in favor of the 111075
department. 111076

(2) Adopt rules for the nonpartisan management of the 111077

institutions under the department's control. An officer or 111078
employee of the department or any officer or employee of any 111079
institution under its control who, by solicitation or otherwise, 111080
exerts influence directly or indirectly to induce any other 111081
officer or employee of the department or any of its institutions 111082
to adopt the exerting officer's or employee's political views or 111083
to favor any particular person, issue, or candidate for office 111084
shall be removed from the exerting officer's or employee's 111085
office or position, by the department in case of an officer or 111086
employee, and by the governor in case of the director. 111087

(3) Appoint such employees, including the medical 111088
director, as are necessary for the efficient conduct of the 111089
department, and prescribe their titles and duties; 111090

(4) Prescribe the forms of affidavits, applications, 111091
medical certificates, orders of hospitalization and release, and 111092
all other forms, reports, and records that are required in the 111093
hospitalization or admission and release of all persons to the 111094
institutions under the control of the department, or are 111095
otherwise required under this chapter or Chapter 5122. of the 111096
Revised Code; 111097

(5) Exercise the powers and perform the duties relating to 111098
addiction and mental health facilities, addiction services, 111099
mental health services, 9-8-8 suicide and crisis response, and 111100
recovery supports that are assigned to the director under this 111101
chapter and Chapter 340. of the Revised Code; 111102

(6) Develop and implement clinical evaluation and 111103
monitoring of services that are operated by the department; 111104

(7) Adopt rules establishing standards for the performance 111105
of evaluations by a forensic center or other psychiatric program 111106

or facility of the mental condition of defendants ordered by the 111107
court under section 2919.271, or 2945.371 of the Revised Code, 111108
and for the treatment of defendants who have been found 111109
incompetent to stand trial and ordered by the court under 111110
section 2945.38, 2945.39, 2945.401, or 2945.402 of the Revised 111111
Code to receive treatment in facilities; 111112

(8) On behalf of the department, have the authority and 111113
responsibility for entering into contracts and other agreements 111114
with providers, agencies, institutions, and other entities, both 111115
public and private, as necessary for the department to carry out 111116
its duties under this chapter and Chapters 340., 2919., 2945., 111117
and 5122. of the Revised Code. Chapter 125. of the Revised Code 111118
does not apply to contracts the director enters into under this 111119
section for addiction services, mental health services, or 111120
recovery supports provided to individuals who have an addiction 111121
or mental illness by providers, agencies, institutions, and 111122
other entities not owned or operated by the department. 111123

(9) Adopt rules in accordance with Chapter 119. of the 111124
Revised Code specifying the supplemental services that may be 111125
provided through a trust authorized by section 5815.28 of the 111126
Revised Code; 111127

(10) Adopt rules in accordance with Chapter 119. of the 111128
Revised Code establishing standards for the maintenance and 111129
distribution to a beneficiary of assets of a trust authorized by 111130
section 5815.28 of the Revised Code. 111131

(C) The director may contract with hospitals licensed by 111132
the department under section 5119.33 of the Revised Code for the 111133
care and treatment of patients with mental illnesses, or with 111134
persons, organizations, or agencies for the custody, evaluation, 111135
supervision, care, or treatment of persons with mental illnesses 111136

receiving services elsewhere than within the enclosure of a 111137
hospital operated under section 5119.14 of the Revised Code. 111138

Sec. 5119.11. (A) The director of ~~mental~~behavioral health 111139
~~and addiction services~~ shall appoint a medical director who is 111140
eligible or certified by the American board of psychiatry and 111141
neurology or the American osteopathic board of neurology and 111142
psychiatry, and has at least five years of clinical and two 111143
years of administrative experience. The medical director shall 111144
also have certification or substantial training and experience 111145
in the field of addiction medicine or addiction psychiatry. The 111146
medical director shall be responsible for decisions relating to 111147
medical diagnosis, treatment, prevention, rehabilitation, 111148
quality assurance, and the clinical aspects of addiction 111149
services and mental health services involving all of the 111150
following: 111151

(1) Licensure of hospitals, residential facilities, and 111152
outpatient facilities; 111153

(2) Research; 111154

(3) Community addiction and mental health plans; 111155

(4) Certification and delivery of addiction and mental 111156
health services. 111157

(B) The medical director shall also exercise clinical 111158
supervision of the chief clinical officers of hospitals and 111159
institutions under the jurisdiction of the department and shall 111160
review and approve decisions relating to the employment of the 111161
chief clinical officers. The medical director or the medical 111162
director's designee shall advise the director on matters 111163
relating to licensure, research, the certification and delivery 111164
of addiction services and mental health services, and community 111165

addiction and mental health plans. The medical director shall 111166
participate in the development of guidelines for community 111167
addiction and mental health plans. The director of ~~mental-~~ 111168
behavioral health and addiction services may establish other 111169
duties of the medical director. 111170

Sec. 5119.14. (A) The department of ~~mental-behavioral~~ 111171
health and ~~addiction services~~ shall maintain, operate, manage, 111172
and govern state institutions and other services for the care 111173
and treatment of persons with mental illnesses. 111174

(B) (1) The department of ~~mental-behavioral~~ health and 111175
~~addiction services~~ may, with the approval of the governor, 111176
designate the name and purpose of any institutions under its 111177
jurisdiction and may change, with the approval of the governor, 111178
the designation and name when necessary. 111179

(2) The department shall divide the state into districts 111180
for the purpose of designating the institution in which persons 111181
with mental illnesses are hospitalized and may change the 111182
districts. 111183

~~(3)~~ (C) Subject to section 5139.08 and pursuant to Chapter 111184
5122. of the Revised Code and on the agreement of the 111185
~~departments~~ department of mental-behavioral health and addiction 111186
~~services~~ and department of youth services, the department of 111187
~~mental-behavioral health and addiction services~~ may receive from 111188
the department of youth services for psychiatric observation, 111189
diagnosis, or treatment any person eighteen years of age or 111190
older in the custody of the department of youth services. The 111191
departments may enter into a written agreement specifying the 111192
procedures necessary to implement this division. 111193

~~(C)~~ (D) The department of ~~mental-behavioral~~ health and 111194

~~addiction services~~ shall designate hospitals, facilities, and 111195
community mental health services providers for the custody, 111196
care, and special treatment of, and authorize payment for such 111197
custody, care, and special treatment provided to, persons who 111198
are charged with a crime and who are found incompetent to stand 111199
trial or not guilty by reason of insanity. 111200

~~(D)~~ (E) The department of ~~mental behavioral health and~~ 111201
~~addiction services~~ may do any of the following: 111202

(1) Require reports from the managing officer of any 111203
institution under the department's jurisdiction, relating to the 111204
admission, examination, comprehensive evaluation, diagnosis, 111205
release, or discharge of any patient; 111206

(2) Visit each institution regularly to review its 111207
operations and to investigate complaints made by any patient or 111208
by any person on behalf of a patient, provided these duties may 111209
be performed by a person designated by the director. 111210

~~(E)~~ (F) The department of ~~mental behavioral health and~~ 111211
~~addiction services~~ may provide or contract to provide addiction 111212
services for offenders incarcerated in the state prison system. 111213

~~(F)~~ (G) In addition to the powers expressly conferred on 111214
the department of behavioral health, the department ~~of mental~~ 111215
~~health and addiction services~~ shall have all other powers and 111216
authority necessary for the full and efficient exercise of the 111217
executive, administrative, and fiscal supervision over the state 111218
institutions described in this section. 111219

Sec. 5119.141. ~~The~~ In addition to the powers and duties 111220
expressly conferred on the department of behavioral health, the 111221
department ~~of mental health and addiction services~~ has all the 111222
~~authority~~ may take any other action it considers necessary to 111223

carry out ~~its powers and duties under~~ the purposes of this 111224
chapter and Chapters 340., 2919., 2945., and 5122. of the 111225
Revised Code, ~~including~~. Actions authorized by this section 111226
include the authority to adopt rules pursuant to Chapter 119. of 111227
the Revised Code that may be necessary to carry out the purposes 111228
of this chapter and Chapters 340., 2919., 2945., and 5122. of 111229
the Revised Code. 111230

Sec. 5119.15. The department of ~~mental~~ behavioral health 111231
~~and addiction services~~ may make such investigations as are 111232
necessary in the performance of its duties and to that end the 111233
director of ~~mental~~ behavioral health and addiction services 111234
shall have the same power as a judge of a county court to 111235
administer oaths and to enforce the attendance and testimony of 111236
witnesses and the production of books or papers. 111237

The department shall keep a record of such investigations 111238
stating the time, place, charges or subject, witnesses summoned 111239
and examined, and its conclusions. 111240

In matters involving the conduct of an officer, a 111241
stenographic report of the evidence shall be taken and a copy of 111242
such report, with all documents introduced, kept on file at the 111243
office of the department. 111244

The fees of witnesses for attendance and travel shall be 111245
the same as in the court of common pleas, but no officer or 111246
employee of the institution under investigation is entitled to 111247
such fees. 111248

Any judge of the probate court or of the court of common 111249
pleas, upon application of the department, may compel the 111250
attendance of witnesses, the production of books or papers, and 111251
the giving of testimony before the department, by a judgment for 111252

contempt or otherwise, in the same manner as in cases before 111253
such courts. 111254

The department of ~~mental behavioral health and addiction~~ 111255
~~services~~ may appoint and commission any competent agency or 111256
person, to serve without compensation, as a special agent, 111257
investigator, or representative to perform a designated duty for 111258
the department. Specific credentials shall be given by the 111259
department to each person so designated. Each credential shall 111260
state the: 111261

(A) Name of the agent, investigator, or representative; 111262

(B) Agency with which such person is connected; 111263

(C) Purpose of appointment; 111264

(D) Date of expiration of appointment; 111265

(E) Such information as the department considers proper. 111266

Sec. 5119.161. The department of ~~mental behavioral health-~~ 111267
~~and addiction services~~, in conjunction with the department of 111268
job and family services, shall develop a joint state plan to 111269
improve the accessibility and timeliness of alcohol and drug 111270
addiction services for individuals identified by a public 111271
children services agency as in need of those services. The plan 111272
shall address the fact that Ohio works first participants may be 111273
among the persons receiving services under section 340.15 of the 111274
Revised Code and shall require the department of job and family 111275
services to seek federal funds available under Title IV-A of the 111276
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 111277
amended, for the provision of the services to Ohio works first 111278
participants who are receiving services under section 340.15 of 111279
the Revised Code. 111280

The departments shall review and amend the plan as 111281
necessary. 111282

Sec. 5119.17. (A) The department of ~~mental-behavioral~~ 111283
~~health and addiction services,~~ in accordance with division (B) 111284
of this section, shall give priority to developing, and promptly 111285
shall develop, with available public and private resources a 111286
program that does all of the following: 111287

(1) Provides a manner of identifying the aggregate number 111288
of pregnant women in this state who are addicted to a drug of 111289
abuse; 111290

(2) Provides for an effective means of intervention to 111291
eliminate the addiction of pregnant women to drugs of abuse 111292
prior to the birth of their children; 111293

(3) Gives priority to the treatment of pregnant women 111294
addicted to drugs of abuse, including by requiring community 111295
addiction services providers that receive public funds to give 111296
priority to pregnant women referred for treatment; 111297

(4) Provides for the continued monitoring of women who 111298
were addicted to a drug of abuse during their pregnancies, after 111299
the birth of their children, and for the availability of 111300
treatment and rehabilitation for those women; 111301

(5) Provides a manner of determining the aggregate number 111302
of children who are born in this state to women who are 111303
addicted, at the time of birth, to a drug of abuse, and of 111304
children who are born in this state with an addiction to or a 111305
dependency on a drug of abuse; 111306

(6) Provides for the continued monitoring of children who 111307
are born in this state to women who are addicted, at the time of 111308
birth, to a drug of abuse, or who are born in this state with an 111309

addiction to or dependency on a drug of abuse, after their 111310
birth; 111311

(7) Provides for the treatment and rehabilitation of any 111312
child who is born to a woman who is addicted, at the time of 111313
birth, to a drug of abuse, and of any child who is born with an 111314
addiction to or dependency on a drug of abuse. 111315

(B) In developing the program described in division (A) of 111316
this section, the department may obtain information from the 111317
department of health and the department of job and family 111318
services, and those departments shall cooperate with the 111319
department of ~~mental-behavioral health and addiction services~~ in 111320
its development and implementation of the program. 111321

(C) Immediately upon its development of the program 111322
described in division (A) of this section, the department shall 111323
implement the program. 111324

(D) Any record or information that is obtained or 111325
maintained by the department in connection with the program 111326
described in division (A) of this section and could enable the 111327
identification of any woman or child described in division (A) 111328
(1) or (5) of this section is not a public record subject to 111329
inspection or copying under section 149.43 of the Revised Code. 111330

(E) A community addiction services provider that receives 111331
public funds shall not refuse to treat a person solely because 111332
the person is pregnant if appropriate treatment is offered by 111333
the provider. 111334

Sec. 5119.18. An appointing authority may appoint a person 111335
who holds a certified or permanent position in the classified 111336
service within the department of ~~mental-behavioral health and~~ 111337
~~addiction services~~ to a position in the unclassified service 111338

within the department. A person appointed pursuant to this 111339
section to a position in the unclassified service shall retain 111340
the right to resume the position and status held by the person 111341
in the classified service immediately prior to the person's 111342
appointment to the position in the unclassified service, 111343
pursuant to division (D) of section 124.11 of the Revised Code. 111344

A person who holds a position in the classified service 111345
and who is appointed to a position in the unclassified service 111346
on or after January 1, 2016, shall have the right to resume a 111347
position in the classified service under this section only 111348
within five years after the effective date of the person's 111349
appointment in the unclassified service. 111350

Sec. 5119.181. (A) No appointing officer shall appoint a 111351
person to fill a position in either the classified or 111352
unclassified service of the department of ~~mental~~behavioral 111353
~~health and addiction services~~ if the person has been convicted 111354
of or pleaded guilty to a violation of the following: 111355

(1) Any felony contained in the Revised Code, if the 111356
felony bears a direct and substantial relationship to the 111357
position being filled; 111358

(2) Any crime contained in the Revised Code constituting a 111359
misdemeanor of the first degree on the first offense and a 111360
felony on subsequent offenses, if the crime bears a direct and 111361
substantial relationship to the position being filled; 111362

(3) An existing or former law of this state, any other 111363
state, or the United States, if the law violated is 111364
substantially equivalent to any of the offenses described in 111365
division (A) (1) or (2) of this section. 111366

(B) The director of ~~mental~~behavioral health ~~and addiction~~ 111367

~~services~~ shall adopt rules, in accordance with Chapter 119. of 111368
the Revised Code, to implement this section. 111369

(C) The director or an appointing officer shall request 111370
the bureau of criminal identification and investigation created 111371
by section 109.51 of the Revised Code or, at the director's or 111372
appointing officer's discretion, any other state or federal 111373
agency, to supply the director or appointing officer with a 111374
written report regarding the criminal records of any applicant. 111375
For each investigation undertaken at the department's request 111376
under this section, the department shall pay a reasonable fee to 111377
the bureau or other state or federal agency conducting the 111378
investigation. The amount of the fee shall be determined by the 111379
bureau or other state or federal agency conducting the 111380
investigation and shall be sufficient to cover the costs of 111381
conducting the investigation. The report made by the bureau or 111382
other state or federal agency is not a public record for 111383
purposes of section 149.43 of the Revised Code and shall not be 111384
made available to any person, except the applicant, the 111385
director, the appointing officer or the appointing officer's 111386
designees, or any hearing officer involved in a case denying 111387
employment. 111388

(D) As used in this section, "applicant" means a person 111389
who is under final consideration for appointment to a position 111390
in the classified or unclassified service of the department of 111391
~~mental behavioral health and addiction services.~~ 111392

Sec. 5119.182. The department of ~~mental behavioral health~~ 111393
~~and addiction services~~ may require any of its employees and each 111394
officer and employee of every institution under its control who 111395
may be charged with custody or control of any money or property 111396
belonging to the state or who is required to give bond, to give 111397

a surety company bond, properly conditioned, in a sum to be 111398
fixed by the department which when approved by the department, 111399
shall be filed in the office of the secretary of state. The cost 111400
of such bonds, when approved by the department, shall be paid 111401
from funds available for the department. The bonds required or 111402
authorized by this section may, in the discretion of the 111403
director of ~~mental~~behavioral health ~~and addiction services~~, be 111404
individual, schedule, or blanket bonds. 111405

Sec. 5119.184. The department of ~~mental~~behavioral health 111406
~~and addiction services~~ may provide educational grants or tuition 111407
reimbursements to upgrade the education, training, and 111408
professional achievement of its employees, whenever it 111409
determines that provision of such grants or reimbursements is 111410
essential to the achievement of its goals. The department may 111411
enter into agreements with its employees for the purposes of 111412
this section. The agreements may require, as a condition of each 111413
grant or reimbursement, that the employee continue employment 111414
with the department or with another federal, state, or local 111415
public agency designated by the department for a period of time 111416
stated in the agreement. If an employee does not fulfill the 111417
employment requirement stated in the agreement, the department 111418
may take action to recover the amount of all educational grants 111419
or tuition reimbursements paid to the employee under this 111420
section, plus interest at the rate of ten per cent per year 111421
calculated from the date of payment of each grant or 111422
reimbursement. 111423

Sec. 5119.185. (A) As used in this section: 111424

(1) "Advanced practice registered nurse" has the same 111425
meaning as in section 4723.01 of the Revised Code. 111426

(2) "Clinician" means any of the following: 111427

- (a) An advanced practice registered nurse; 111428
- (b) A physician; 111429
- (c) A physician assistant. 111430
- (3) "Physician" means an individual authorized under 111431
Chapter 4731. of the Revised Code to practice medicine and 111432
surgery or osteopathic medicine and surgery. 111433
- (4) "Physician assistant" means an individual who holds a 111434
current, valid license to practice as a physician assistant 111435
issued under Chapter 4730. of the Revised Code. 111436
- (B) The department of ~~mental-behavioral health and~~ 111437
~~addiction services~~ may establish a clinician recruitment program 111438
under which the department agrees to repay all or part of the 111439
principal and interest of a government or other educational loan 111440
incurred by a clinician who agrees to provide services to 111441
inpatients and outpatients of institutions under the 111442
department's administration. To be eligible to participate in 111443
the program, a clinician must have attended the following: 111444
- (1) In the case of a physician, a school that was, at the 111445
time of attendance, a medical school or osteopathic medical 111446
school in this country accredited by the ~~liason~~ liaison 111447
committee on medical education or the American osteopathic 111448
association, or a medical school or osteopathic medical school 111449
located outside this country that was acknowledged by the world 111450
health organization and verified by a member state of that 111451
organization as operating within that state's jurisdiction; 111452
- (2) In the case of a physician assistant, a school that 111453
was, at the time of attendance, accredited by the accreditation 111454
review commission on education for the physician assistant or a 111455
regional or specialized and professional accrediting agency 111456

recognized by the council for higher education accreditation; 111457

(3) In the case of an advanced practice registered nurse, 111458
a school that was, at the time of attendance, accredited by a 111459
national or regional accrediting organization. 111460

(C) The department shall enter into a contract with each 111461
clinician it recruits under this section. Each contract shall 111462
include at least the following terms: 111463

(1) The clinician agrees to provide a specified scope of 111464
health care services for a specified number of hours per week 111465
and a specified number of years to patients of one or more 111466
specified institutions administered by the department. 111467

(2) The department agrees to repay all or a specified 111468
portion of the principal and interest of a government or other 111469
educational loan taken by the clinician for the following 111470
expenses if the clinician meets the service obligation agreed to 111471
and the expenses were incurred while the clinician was enrolled 111472
in, for up to a maximum of four years, a school that qualifies 111473
the clinician to participate in the program: 111474

(a) Tuition; 111475

(b) Other educational expenses for specific purposes, 111476
including fees, books, and laboratory expenses, in amounts 111477
determined to be reasonable in accordance with rules adopted 111478
under division (D) of this section; 111479

(c) Room and board, in an amount determined to be 111480
reasonable in accordance with rules adopted under division (D) 111481
of this section. 111482

(3) The clinician agrees to pay the department a specified 111483
amount, which shall be not less than the amount already paid by 111484

the department pursuant to its agreement, as damages if the 111485
clinician fails to complete the service obligation agreed to or 111486
fails to comply with other specified terms of the contract. The 111487
contract may vary the amount of damages based on the portion of 111488
the clinician's service obligation that remains uncompleted as 111489
determined by the department. 111490

(4) Other terms agreed upon by the parties. 111491

(D) If the department elects to implement the clinician 111492
recruitment program, it shall adopt rules in accordance with 111493
Chapter 119. of the Revised Code that establish all of the 111494
following: 111495

(1) Criteria for designating institutions for which 111496
clinicians will be recruited; 111497

(2) Criteria for selecting clinicians for participation in 111498
the program; 111499

(3) Criteria for determining the portion of a clinician's 111500
loan that the department will agree to repay; 111501

(4) Criteria for determining reasonable amounts of the 111502
expenses described in divisions (C) (2) (b) and (c) of this 111503
section; 111504

(5) Procedures for monitoring compliance by clinicians 111505
with the terms of their contracts; 111506

(6) Any other criteria or procedures necessary to 111507
implement the program. 111508

Sec. 5119.186. (A) The director of ~~mental-behavioral~~ 111509
~~health and addiction services~~ or the managing officer of an 111510
institution of the department may enter into an agreement with 111511
boards of trustees or boards of directors of one or more 111512

institutions of higher education or hospitals licensed pursuant 111513
to section 5119.33 of the Revised Code to establish, manage, and 111514
conduct collaborative training efforts for students enrolled in 111515
courses of studies for occupations or professions that involve 111516
the care and treatment for persons receiving addiction or mental 111517
health services. 111518

(B) Such collaborative training efforts may include but 111519
are not limited to programs in psychiatry, psychology, nursing, 111520
social work, counseling professions, and others considered 111521
appropriate by the director of ~~mental behavioral health and~~ 111522
~~addiction services~~. Any such program shall be approved or 111523
accredited by its respective professional organization or state 111524
board having jurisdiction over the profession. 111525

(1) The department shall require that the following be 111526
provided for in agreements between the department and 111527
institutions of higher education or hospitals licensed pursuant 111528
to section 5119.33 of the Revised Code: 111529

(a) Establishment of inter-disciplinary committees to 111530
advise persons responsible for training programs. Each committee 111531
shall have representation drawn from the geographical community 111532
the institution of higher education or hospital serves and shall 111533
include representatives of agencies, boards, targeted 111534
populations as determined by the department, racial and ethnic 111535
minority groups, and publicly funded programs; 111536

(b) Funding procedures; 111537

(c) Specific outcomes and accomplishments that are 111538
expected or required of a program under such agreement; 111539

(d) The types of services to be provided under such 111540
agreement. 111541

(2) The department may require that the following be provided for in agreements between the department and institutions of higher education or hospitals licensed pursuant to section 5119.33 of the Revised Code:

(a) Special arrangements for individual residents or trainees to encourage their employment in publicly funded settings upon completion of their training;

(b) Procedures for the selection of residents or trainees to promote the admission, retention, and graduation of women, minorities, and disabled persons;

(c) Cross-cultural training and other subjects considered necessary to enhance training efforts and the care and treatment of patients and clients;

(d) Funding of faculty positions oriented toward meeting the needs of publicly funded programs.

Subject to appropriations by the general assembly, the director of ~~mental-behavioral health and addiction services~~ has final approval of the funding of these collaborative training efforts.

Sec. 5119.187. The courses of study for the instruction and training of all persons in institutions under the control of the department of ~~mental-behavioral health and addiction services~~ shall be subject to the approval of the superintendent of public instruction.

All teachers employed in institutions under the control of the department of ~~mental-behavioral health and addiction services~~ shall possess such educator licenses or have such qualifications and approval as the superintendent of public instruction, after consulting with the officers in charge of the

institutions, prescribes for the various types of service in the 111571
institutions. 111572

Sec. 5119.188. (A) As used in this section, "state 111573
correctional institution" has the same meaning as in section 111574
2967.01 of the Revised Code. 111575

(B) The department of ~~mental-behavioral health and~~ 111576
~~addiction services~~ shall develop a program that is designed to 111577
educate and train the employees of each state correctional 111578
institution, the employees of each department of youth services 111579
institution, and other persons associated by contract or 111580
otherwise with each state correctional institution or each 111581
department of youth services institution, who will be 111582
responsible for the conduct of, or otherwise providing treatment 111583
or rehabilitation services pursuant to, a substance abuse 111584
treatment or rehabilitation program offered in the institution 111585
to adult prisoners or juvenile offenders. Upon the development 111586
of the educational and training program, the department of 111587
~~mental-behavioral health and addiction services~~ promptly shall 111588
commence its implementation. The department of ~~mental-behavioral~~ 111589
~~health and addiction services~~ may charge to the department of 111590
rehabilitation and correction and to the department of youth 111591
services a reasonable annual fee that reflects the expenses 111592
incurred by it during the immediately preceding calendar year in 111593
preparing and offering the educational and training program 111594
during that year to the respective employees and other 111595
associated persons described in this division. 111596

The director of rehabilitation and correction and the 111597
director of youth services shall require the respective 111598
employees and other associated persons described in this 111599
division to attend and successfully complete the educational and 111600

training program developed pursuant to this division as a 111601
condition of their continuing to have responsibility for the 111602
conduct of, or their continuing to provide treatment or 111603
rehabilitation services pursuant to, any treatment or 111604
rehabilitation program that is offered in a state correctional 111605
institution or in a department of youth services institution to 111606
adult prisoners or juvenile offenders. If the department of 111607
~~mental behavioral health and addiction services~~ charges a 111608
reasonable annual fee as described in this division, the 111609
director involved shall cause that fee to be paid from any 111610
available funds of the department of rehabilitation and 111611
correction or any available funds of the department of youth 111612
services. 111613

(C) The department of rehabilitation and correction and 111614
the department of ~~mental behavioral health and addiction~~ 111615
~~services~~ jointly shall develop program specifications for the 111616
alcohol and drug addiction treatment programs offered in state 111617
correctional institutions. 111618

Sec. 5119.19. (A) As used in this section: 111619

(1) "Community-based correctional facility" has the same 111620
meaning as in section 2929.01 of the Revised Code. 111621

(2) "Drug used in medication-assisted treatment" means a 111622
drug approved by the United States food and drug administration 111623
for use in medication-assisted treatment, regardless of the 111624
method the drug is administered or the form in which it is 111625
dispensed, including an oral drug, an injectable drug, or a 111626
long-acting or extended-release drug. "Drug used in medication- 111627
assisted treatment" includes all of the following: 111628

(a) A full agonist; 111629

- (b) A partial agonist; 111630
- (c) An antagonist. 111631
- (3) "Drug used in withdrawal management or detoxification" 111632
means a drug approved by the United States food and drug 111633
administration for use in, or a drug in standard use for, 111634
mitigating opioid or alcohol withdrawal symptoms or assisting 111635
with detoxification, regardless of the method the drug is 111636
administered or the form in which it is dispensed, including an 111637
oral drug, an injectable drug, or a long-acting or extended- 111638
release drug. "Drug used in withdrawal management or 111639
detoxification" includes all of the following: 111640
- (a) A full agonist; 111641
- (b) A partial agonist; 111642
- (c) An antagonist; 111643
- (d) An alpha-2 adrenergic agonist. 111644
- (4) "Medication-assisted treatment" has the same meaning 111645
as in section 340.01 of the Revised Code. 111646
- (5) "Prescribed drug" has the same meaning as in section 111647
5164.01 of the Revised Code. 111648
- (6) (a) "Psychotropic drug" means, except as provided in 111649
division (A) (6) (b) of this section, a drug that has the 111650
capability of changing or controlling mental functioning or 111651
behavior through direct pharmacological action. "Psychotropic 111652
drug" includes all of the following: 111653
- (i) Antipsychotic medications, including those 111654
administered or dispensed in a long-acting injectable form; 111655
- (ii) Antidepressant medications; 111656

(iii) Anti-anxiety medications; 111657

(iv) Mood stabilizing medications. 111658

(b) "Psychotropic drug" excludes a stimulant prescribed 111659
for the treatment of attention deficit hyperactivity disorder. 111660

(7) "Withdrawal management or detoxification" means a set 111661
of medical interventions aimed at managing the acute physical 111662
symptoms of intoxication and withdrawal. Withdrawal management 111663
seeks to minimize the physical harm caused by the intoxication 111664
and withdrawal from a substance of abuse. Detoxification denotes 111665
a clearing of toxins from the body of the patient who is acutely 111666
intoxicated, dependent on a substance of abuse, or both. 111667

(B) There is hereby created a program to be known as the 111668
behavioral health drug reimbursement ~~program. The program, which~~ 111669
shall be administered by the department of ~~mental-behavioral~~ 111670
~~health and addiction services.~~ 111671

The purpose of the program is to provide state 111672
~~reimbursement~~ financial assistance to counties for the cost of 111673
the following drugs that are administered or dispensed to 111674
inmates of county jails in this state and individuals confined 111675
in community-based correctional facilities in this state: 111676
psychotropic drugs, drugs used in medication-assisted treatment, 111677
and drugs used in withdrawal management or detoxification. 111678

Each county shall ensure that inmates of county jails and 111679
individuals confined in community-based correctional facilities 111680
have access to all behavioral health drugs specified in this 111681
division that are prescribed drugs covered by the fee-for- 111682
service component of the medicaid program. 111683

(C) The department, based on factors it considers 111684
appropriate, shall allocate an amount to each county for 111685

~~reimbursement of drug costs that have been or will be incurred~~ 111686
by the county pursuant to this section. 111687

(D) The director of ~~mental behavioral health and addiction~~ 111688
~~services~~ may adopt rules as necessary to implement this section. 111689
The rules, if adopted, shall be adopted in accordance with 111690
Chapter 119. of the Revised Code. 111691

Sec. 5119.20. (A) As used in this section: 111692

"Electroencephalogram (EEG) combined transcranial magnetic 111693
stimulation" means treatment in which transcranial magnetic 111694
stimulation (TMS) frequency pulses are tuned to the patient's 111695
physiology and biometric data. 111696

"First responder" has the meaning defined in section 111697
2903.01 of the Revised Code. 111698

"Law enforcement officer" has the meaning defined in 111699
section 9.69 of the Revised Code. 111700

(B) The director of ~~mental behavioral health and addiction~~ 111701
~~services~~ shall establish a program to make electroencephalogram 111702
(EEG) combined transcranial magnetic stimulation available for 111703
veterans, first responders, and law enforcement officers. 111704
Eligible individuals must have substance use disorders, mental 111705
illness, sleep disorders, traumatic brain injuries, sexual 111706
trauma, post traumatic stress disorder and accompanying 111707
comorbidities, concussions or other brain trauma, or other 111708
issues identified by the individual's qualified medical 111709
practitioner as issues that would warrant treatment under the 111710
program. The program shall be operated in conjunction with a 111711
supplier selected under this section. 111712

(C) The director shall choose a location for the program 111713
and for up to ten branch sites, and shall enter into a contract 111714

for the purchase of services related to the program. Each branch 111715
site may operate one or more portable units or EEG combined 111716
neuromodulation portable units if the director determines that 111717
portable units or EEG combined neuromodulation portable units 111718
are necessary to expand access to care. The contract shall 111719
include provisions requiring the supplier to create and conduct 111720
a clinical trial, to establish and operate a clinical practice, 111721
to evaluate outcomes of the clinical trial and the clinical 111722
practice, to expend payments received from the state as needed 111723
for purposes of the program, and to report quarterly regarding 111724
the program to the president of the senate and to the standing 111725
committee of the senate that generally considers legislation 111726
regarding veterans affairs. 111727

(D) There is the electroencephalogram (EEG) combined 111728
transcranial magnetic stimulation fund in the state treasury. It 111729
shall consist of moneys appropriated to it by the general 111730
assembly. The director, with the approval of the controlling 111731
board, may authorize a disbursement from the fund for services 111732
rendered under the contract. 111733

(E) The director shall adopt rules under Chapter 119. of 111734
the Revised Code as necessary to administer this section. 111735

(F) The supplier, in conducting the clinical trial and in 111736
operating the clinical practice, shall adhere to all of the 111737
following: 111738

(1) The United States food and drug administration 111739
regulations governing the conduct of clinical practice and 111740
clinical trials; 111741

(2) A peer-to-peer support network shall be made available 111742
by the supplier to any individual receiving treatment under the 111743

program. 111744

(3) The program protocol shall use adapted stimulation 111745
frequency and intensity modulation based on EEG and motor 111746
threshold testing as well as clinical symptoms and signs, and 111747
biometrics. 111748

(4) Each individual who receives treatment under the 111749
program also shall receive neurophysiological monitoring, 111750
monitoring for symptoms of substance use and mental health 111751
disorders, and access to counseling and wellness programming. 111752
Each individual also shall participate in the peer-to-peer 111753
support network established by the supplier. 111754

(5) Clinical protocols and outcomes of the clinical trial, 111755
and of any treatment provided by the clinical practice, shall be 111756
collected and reported quarterly in a report provided by the 111757
supplier to the director of ~~mental behavioral~~ health and 111758
~~addiction services~~ and to the United States food and drug 111759
administration. 111760

(6) Any individual who receives treatment at the clinical 111761
practice shall be eligible for a minimum of two 111762
electroencephalograms, plus an additional electroencephalogram 111763
for every ten treatments, during the course of the individual's 111764
treatment. 111765

(7) The report required by this section shall include a 111766
thorough accounting of the use and expenditure of all funds 111767
received from the state under this section. 111768

(G) Contracts entered into under this section are subject 111769
to section 9.231 and Chapter 125. of the Revised Code. 111770

(H) Operation of the program established under this 111771
section is contingent upon an appropriation by the general 111772

assembly designated for that purpose. 111773

Sec. 5119.201. (A) The director of ~~mental-behavioral~~ 111774
~~health and addiction services~~ may acquire by purchase, lease, or 111775
otherwise such real and personal property rights in the name of 111776
the state as are necessary for the purposes of the department. 111777

(B) When it is necessary for a state institution under the 111778
jurisdiction of the department to acquire any real estate, 111779
right-of-way, or easement in real estate in order to accomplish 111780
the purposes for which it was organized or is being conducted, 111781
and the department is unable to agree with the owner of such 111782
property upon the price to be paid for the property, such 111783
property may be appropriated in the manner provided for the 111784
appropriation of property for other state purposes. 111785

(C) The director may work with the department of 111786
administrative services to sell, lease, or exchange portions of 111787
real and personal property of the department when the sale, 111788
lease, or exchange is advantageous to the state. Money received 111789
from such sales, leases, or exchanges shall be credited to the 111790
~~the~~ department of ~~mental-behavioral~~ health and ~~addiction-~~ 111791
~~services~~ trust fund, created in section 5119.46 of the Revised 111792
Code. 111793

(D) Any instrument by which real property is acquired 111794
pursuant to this section shall identify the agency of the state 111795
that has the use and benefit of the real property as specified 111796
in section 5301.012 of the Revised Code. 111797

Sec. 5119.21. (A) The department of ~~mental-behavioral~~ 111798
~~health and addiction services~~ shall: 111799

(1) To the extent the department has available resources 111800
and in consultation with boards of alcohol, drug addiction, and 111801

mental health services, support the community-based continuum of 111802
care that the boards are required by section 340.032 of the 111803
Revised Code to establish. The department shall provide the 111804
support on a district or multi-district basis. The department 111805
shall assist in identifying resources, and may prioritize 111806
support, for one or more of the elements of the community-based 111807
continuum of care. For the purpose of division (A) (10) of 111808
section 340.032 of the Revised Code and to the extent the 111809
department determines is necessary, the department shall define 111810
additional elements to be included in the community-based 111811
continuum of care. 111812

(2) Provide training, consultation, and technical 111813
assistance regarding addiction services, mental health services, 111814
recovery supports, and appropriate prevention, recovery, and 111815
mental health promotion activities, including those that are 111816
culturally competent, to employees of the department, community 111817
addiction services providers, community mental health services 111818
providers, and boards of alcohol, drug addiction, and mental 111819
health services; 111820

(3) To the extent the department has available resources, 111821
promote and support a full range of addiction services, mental 111822
health services, and recovery supports that are available and 111823
accessible to all residents of this state, especially for 111824
severely emotionally disturbed children and adolescents, adults 111825
with severe mental disabilities, pregnant women, parents, 111826
guardians or custodians of children at risk of abuse or neglect, 111827
and other special target populations, including racial and 111828
ethnic minorities, as determined by the department; 111829

(4) Develop standards and measures for both of the 111830
following: 111831

- (a) Evaluating the effectiveness of addiction services, 111832
including opioid treatment programs, of mental health services, 111833
and of recovery supports; 111834
- (b) Increasing the accountability of community addiction 111835
services providers and community mental health services 111836
providers. 111837
- (5) Design and set criteria for the determination of 111838
priority populations; 111839
- (6) Promote, direct, conduct, and coordinate scientific 111840
research, taking ethnic and racial differences into 111841
consideration, concerning all of the following: 111842
- (a) The causes and prevention of mental illness and 111843
addiction; 111844
- (b) Methods of providing effective addiction services, 111845
mental health services, and recovery supports; 111846
- (c) Means of enhancing the mental health of and recovery 111847
from addiction of all residents of this state. 111848
- (7) Foster the establishment and availability of 111849
vocational rehabilitation services and the creation of 111850
employment opportunities for individuals with addiction and 111851
mental health needs, including members of racial and ethnic 111852
minorities; 111853
- (8) Establish a program to protect and promote the rights 111854
of persons receiving addiction services, mental health services, 111855
and recovery supports, including the issuance of guidelines on 111856
informed consent and other rights; 111857
- (9) Promote the involvement of persons who are receiving 111858
or have received addiction services, mental health services, and 111859

recovery supports including families and other persons having a 111860
close relationship to a person receiving those services and 111861
supports, in the planning, evaluation, delivery, and operation 111862
of addiction services, mental health services, and recovery 111863
supports; 111864

(10) Notify and consult with the relevant constituencies 111865
that may be affected by rules, standards, and guidelines issued 111866
by the department of ~~mental behavioral health and addiction~~ 111867
~~services~~. These constituencies shall include consumers of 111868
addiction services, mental health services, and recovery 111869
supports and the families of such consumers. These 111870
constituencies may include public and private providers, 111871
employee organizations, and others when appropriate. Whenever 111872
the department proposes the adoption, amendment, or rescission 111873
of rules under Chapter 119. of the Revised Code, the 111874
notification and consultation required by this division shall 111875
occur prior to the commencement of proceedings under Chapter 111876
119. The department shall adopt rules under Chapter 119. of the 111877
Revised Code that establish procedures for the notification and 111878
consultation required by this division. 111879

(11) Provide consultation to the department of 111880
rehabilitation and correction concerning the delivery of 111881
addiction services and mental health services in state 111882
correctional institutions; 111883

(12) Promote and coordinate efforts in the provision of 111884
addiction services by other state agencies, as defined in 111885
section 1.60 of the Revised Code; courts; hospitals; clinics; 111886
physicians in private practice; public health authorities; 111887
boards of alcohol, drug addiction, and mental health services; 111888
community addiction services providers; law enforcement 111889

agencies; and related groups; 111890

(13) Provide to each court of record, and biennially 111891
update, a list of the treatment and education programs within 111892
that court's jurisdiction that the court may require an 111893
offender, sentenced pursuant to section 4511.19 of the Revised 111894
Code, to attend; 111895

(14) Make the warning sign described in sections 3313.752, 111896
3345.41, and 3707.50 of the Revised Code available on the 111897
department's internet web site; 111898

(15) Provide a program of gambling addiction services on 111899
behalf of the state lottery commission, pursuant to an agreement 111900
entered into with the director of the commission under division 111901
(K) of section 3770.02 of the Revised Code, and provide a 111902
program of gambling addiction services on behalf of the Ohio 111903
casino control commission, under an agreement entered into with 111904
the executive director of the commission under section 3772.062 111905
of the Revised Code. Under Section 6(C)(3) of Article XV, Ohio 111906
Constitution, the department may enter into agreements with 111907
boards of alcohol, drug addiction, and mental health services, 111908
including boards with districts in which a casino facility is 111909
not located, and nonprofit organizations to provide addiction 111910
services, and with state institutions of higher education or 111911
private nonprofit institutions that possess a certificate of 111912
authorization issued under Chapter 1713. of the Revised Code to 111913
perform related research. 111914

(B) The department may accept and administer grants from 111915
public or private sources for carrying out any of the duties 111916
enumerated in this section. 111917

(C) The department may adopt rules in accordance with 111918

Chapter 119. of the Revised Code as necessary to implement the 111919
requirements of this chapter. 111920

Sec. 5119.211. The department of behavioral health may 111921
establish a process and standards for the state certification of 111922
certified community behavioral health clinics. The process and 111923
standards may be based on the provisions of section 223 of the 111924
"Protecting Access to Medicare Act of 2014," 42 U.S.C. 1396a 111925
note. 111926

If the department establishes a process and standards for 111927
the state certification of certified community behavioral health 111928
clinics, the department may coordinate with local, state, and 111929
federal government entities for the development and 111930
establishment of the clinics. 111931

The director of behavioral health may adopt rules as the 111932
director considers necessary to implement this section. If the 111933
director adopts rules, the rules shall be adopted in accordance 111934
with Chapter 119. of the Revised Code. 111935

Sec. 5119.22. The director of ~~mental-behavioral health-and~~ 111936
~~addiction services,~~ with respect to all mental health and 111937
addiction facilities, addiction services, mental health 111938
services, and recovery supports established and operated or 111939
provided under Chapter 340. of the Revised Code, shall do all of 111940
the following: 111941

(A) Adopt rules pursuant to Chapter 119. of the Revised 111942
Code that may be necessary to carry out the purposes of this 111943
chapter and Chapters 340. and 5122. of the Revised Code. 111944

(B) Review and evaluate the community-based continuum of 111945
care required by section 340.032 of the Revised Code to be 111946
established in each service district, taking into account the 111947

findings and recommendations of the board of alcohol, drug 111948
addiction, and mental health services of the district submitted 111949
under division (A) (4) of section 340.03 of the Revised Code and 111950
the priorities and plans of the department of ~~mental~~ behavioral 111951
~~health and addiction services~~, including the needs of residents 111952
of the district currently receiving services in state-operated 111953
hospitals, and make recommendations for needed improvements to 111954
boards of alcohol, drug addiction, and mental health services; 111955

(C) At the director's discretion, provide to boards of 111956
alcohol, drug addiction, and mental health services state or 111957
federal funds, in addition to those allocated under section 111958
5119.23 of the Revised Code, for special programs or projects 111959
the director considers necessary but for which local funds are 111960
not available; 111961

(D) Establish criteria by which each board of alcohol, 111962
drug addiction, and mental health services reviews and evaluates 111963
the quality, effectiveness, and efficiency of the facility 111964
services, addiction services, mental health services, and 111965
recovery supports for which it contracts under section 340.036 111966
of the Revised Code. The criteria shall include requirements 111967
ensuring appropriate utilization of the services and supports. 111968
The department shall assess each board's evaluation of the 111969
services and supports and the compliance of each board with this 111970
section, Chapter 340. of the Revised Code, and other state or 111971
federal law and regulations. The department, in cooperation with 111972
the board, periodically shall review and evaluate the quality, 111973
effectiveness, and efficiency of the facility services, 111974
addiction services, mental health services, and recovery 111975
supports for which each board contracts under section 340.036 of 111976
the Revised Code and the facilities, addiction services, and 111977
mental health services that each board operates or provides 111978

under section 340.037 of the Revised Code. The department shall 111979
collect information that is necessary to perform these 111980
functions. 111981

(E) To the extent the director determines necessary and 111982
after consulting with boards of alcohol, drug addiction, and 111983
mental health services, community addiction services providers, 111984
and community mental health services providers, develop and 111985
operate, or contract for the operation of, a community 111986
behavioral health information system or systems. The department 111987
shall specify the information that must be provided by the 111988
boards and providers for inclusion in the system or systems. 111989

Boards of alcohol, drug addiction, and mental health 111990
services, community addiction services providers, and community 111991
mental health services providers shall submit information 111992
requested by the department in the form and manner and in 111993
accordance with time frames prescribed by the department. 111994
Information collected by the department may include all of the 111995
following: 111996

(1) Information on addiction services, mental health 111997
services, and recovery supports provided; 111998

(2) Financial information regarding expenditures of 111999
federal, state, or local funds; 112000

(3) Information about persons served. 112001

The department shall not collect any personal information 112002
from the boards or providers except as required or permitted by 112003
state or federal law for purposes related to payment, health 112004
care operations, program and service evaluation, reporting 112005
activities, research, system administration, and oversight. 112006

(F) In consultation with representatives of boards of 112007

alcohol, drug addiction, and mental health services and after 112008
consideration of recommendations made by the medical director 112009
appointed under section 5119.11 of the Revised Code, establish 112010
all of the following: 112011

(1) Guidelines, including a timetable, for the boards' 112012
development and submission of proposed community addiction and 112013
mental health plans, budgets, and lists of addiction services, 112014
mental health services, and recovery supports under sections 112015
340.03 and 340.08 of the Revised Code; 112016

(2) Procedures, including a timetable, for the director's 112017
review and approval or disapproval of the plans, budgets, and 112018
lists; 112019

(3) Procedures for corrective action regarding the plans, 112020
budgets, and lists, including submission of revised or new 112021
plans, budgets, and lists; 112022

(4) Procedures for the director to follow in offering 112023
technical assistance to boards to assist them in making the 112024
plans, budgets, and lists acceptable or in making proposed 112025
amendments to approved plans, budgets, and lists meet criteria 112026
for approval; 112027

(5) Procedures for issuing time-limited waivers under 112028
section 5119.221 of the Revised Code. 112029

(G) Review each board's proposed community addiction and 112030
mental health plan, budget, and list of addiction services, 112031
mental health services, and recovery supports submitted pursuant 112032
to sections 340.03 and 340.08 of the Revised Code and approve or 112033
disapprove the plan, the budget, and the list in whole or in 112034
part. The director shall disapprove a board's proposed budget in 112035
whole or in part if the proposed budget would not make available 112036

in the board's service district the essential elements of the 112037
community-based continuum of care required by section 340.032 of 112038
the Revised Code, including, except as otherwise authorized by a 112039
time-limited waiver issued under section 5119.221 of the Revised 112040
Code, an array of addiction services and recovery supports for 112041
all levels of opioid and co-occurring drug addiction. 112042

Prior to a final decision to disapprove a plan, budget, or 112043
list in whole or in part, a representative of the director shall 112044
meet with the board and discuss the reason for the action the 112045
director proposes to take and any corrective action that should 112046
be taken to make the plan, budget, or list acceptable to the 112047
director. In addition, the director shall offer technical 112048
assistance to the board to assist it to make the plan, budget, 112049
or list acceptable. The director shall give the board a 112050
reasonable time in which to revise the plan, budget, or list. 112051
The board thereafter shall submit a revised plan, budget, or 112052
list or a new plan, budget, or list. 112053

(H) Approve or disapprove all or part of proposed 112054
amendments that a board of alcohol, drug addiction, or mental 112055
health services submits under section 340.03 or 340.08 of the 112056
Revised Code to an approved community addiction and mental 112057
health plan, budget, or list of addiction services, mental 112058
health services, and recovery supports. 112059

If the director disapproves of all or part of any proposed 112060
amendment, the director shall provide the board an opportunity 112061
to present its position. The director shall inform the board of 112062
the reasons for the disapproval and of the criteria that must be 112063
met before the proposed amendment may be approved. The director 112064
shall give the board a reasonable time within which to meet the 112065
criteria and shall offer technical assistance to the board to 112066

help it meet the criteria. 112067

Sec. 5119.221. (A) The director of ~~mental~~-behavioral
~~health and addiction services~~, in accordance with procedures 112068
established under division (F) (5) of section 5119.22 of the 112069
Revised Code, may issue to a board of alcohol, drug addiction, 112070
and mental health services a time-limited waiver of the 112071
requirement of section 340.033 of the Revised Code that 112072
ambulatory detoxification and medication-assisted treatment be 112073
made available within the borders of the board's service 112074
district if the director determines that both of the following 112075
apply: 112076
112077

(1) The board seeking the waiver has made reasonable 112078
efforts to make ambulatory detoxification and medication- 112079
assisted treatment available within the borders of the board's 112080
service district; 112081

(2) Ambulatory detoxification and medication-assisted 112082
treatment can be made available through one or more contracts 112083
between the board seeking the waiver and community addiction 112084
services providers that are located not more than thirty miles 112085
beyond the borders of the board's service district. 112086

(B) Each waiver issued under this section shall specify 112087
the amount of time for which it is in effect and whether it 112088
applies to ambulatory detoxification, medication-assisted 112089
treatment, or both. 112090

Sec. 5119.23. (A) The department of ~~mental~~-behavioral
~~health and addiction services~~ shall establish a methodology for 112091
allocating to boards of alcohol, drug addiction, and mental 112092
health services the funds appropriated by the general assembly 112093
to the department for the purpose of the community-based 112094
112095

continuum of care that each board establishes under section 112096
340.032 of the Revised Code. The department shall establish the 112097
methodology after notifying and consulting with relevant 112098
constituencies as required by division (A)(10) of section 112099
5119.21 of the Revised Code. The methodology may provide for the 112100
funds to be allocated to boards on a district or multi-district 112101
basis. 112102

(B) Subject to section 5119.25 of the Revised Code, and to 112103
required submissions and approvals under sections 340.08 and 112104
5119.22 of the Revised Code, the department shall allocate the 112105
funds to the boards in a manner consistent with the methodology, 112106
this section, other state and federal laws, rules, and 112107
regulations. 112108

(C) In consultation with boards, community addiction 112109
services providers, community mental health services providers, 112110
and persons receiving addiction services, mental health 112111
services, and recovery supports, the department shall establish 112112
guidelines for the use of funds allocated under this section. 112113

Sec. 5119.24. (A) As used in this section, "administrative 112114
function" means a function related to one or more of the 112115
following: 112116

(1) Continuous quality improvement; 112117

(2) Utilization review; 112118

(3) Resource development; 112119

(4) Fiscal administration; 112120

(5) General administration; 112121

(6) Any other function related to administration that is 112122
required by Chapter 340. of the Revised Code. 112123

(B) Each board of alcohol, drug addiction, and mental health services shall submit an annual report to the department of ~~mental behavioral health and addiction services~~ specifying how the board used funds allocated to the board under section 5119.23 of the Revised Code for administrative functions in the year preceding the report's submission. The director of ~~mental behavioral health and addiction services~~ shall establish the date by which the report must be submitted each year.

Sec. 5119.25. (A) The director of ~~mental behavioral health and addiction services~~ may withhold funds, in whole or in part, that otherwise are to be allocated to a board of alcohol, drug addiction, and mental health services under section 5119.23 of the Revised Code if either of the following circumstances apply:

(1) The board fails to comply with Chapter 340. or 5119. of the Revised Code or rules of the department of ~~mental behavioral health and addiction services~~;

(2) The board denies available service on the basis of race, color, religion, ancestry, military status, sex, age, national origin, disability as defined in section 4112.01 of the Revised Code, or developmental disability.

(B) The director shall withhold funds, in whole or in part, that otherwise are to be allocated to a board under section 5119.23 of the Revised Code if either of the following circumstances apply:

(1) The director, under division (G) of section 5119.22 of the Revised Code, disapproves all or part of the board's proposed community addiction and mental health plan, budget, or list of addiction services, mental health services, and recovery supports;

(2) The board's use of state and federal funds fails to 112153
comply with the board's approved budget, including approved 112154
amendments to the budget. 112155

(C) The director shall issue a notice identifying the 112156
areas of noncompliance and the action necessary to achieve 112157
compliance. The director may offer technical assistance to the 112158
board to achieve compliance. The board shall have thirty days 112159
from receipt of the notice of noncompliance to present its 112160
position that it is in compliance or to submit to the director 112161
evidence of corrective action the board took to achieve 112162
compliance. Before withholding funds, the director or the 112163
director's designee shall hold a hearing within thirty days of 112164
receipt of the board's position or evidence to determine if 112165
there are continuing violations and that either assistance is 112166
rejected or the board is unable, or has failed, to achieve 112167
compliance. The director may appoint a representative from 112168
another board of alcohol, drug addiction, and mental health 112169
services to serve as a mentor for the board in developing and 112170
executing a plan of corrective action to achieve compliance. Any 112171
such representative shall be from a board that is in compliance 112172
with Chapter 340. of the Revised Code, this chapter, and the 112173
department's rules. Subsequent to the hearing process, if it is 112174
determined that compliance has not been achieved, the director 112175
may allocate all or part of the withheld funds to one or more 112176
community mental health services providers or community 112177
addiction services providers to provide the mental health 112178
service, addiction service, or recovery support for which the 112179
board is not in compliance until the time that there is 112180
compliance. 112181

(D) The director shall adopt rules in accordance with 112182
Chapter 119. of the Revised Code to implement this section. 112183

Sec. 5119.27. (A) As used in this section: 112184

(1) "Community control sanction" has the same meaning as 112185
in section 2929.01 of the Revised Code. 112186

(2) "Federally assisted," "program," and "substance use 112187
disorder" have the same meanings as in 42 C.F.R. 2.11 and as 112188
further described in 42 C.F.R. 2.12(b). 112189

(3) "Post-release control sanction" has the same meaning 112190
as in section 2967.01 of the Revised Code. 112191

(B) In accordance with 42 U.S.C. 290dd-2, records or 112192
information created or maintained by a federally assisted 112193
program for the treatment of substance use disorders shall be 112194
kept confidential and may be disclosed only for the purposes and 112195
under the circumstances expressly authorized under 42 C.F.R. 112196
Part 2. 112197

(C) When the person, with respect to whom any record or 112198
information referred to in division (B) of this section is 112199
maintained, gives consent in the form of a written release 112200
signed by the person, the content of the record or information 112201
may be disclosed if the written release conforms to all of the 112202
requirements set forth in 42 C.F.R. 2.31. 112203

(D) In accordance with 42 C.F.R. 2.35, a person who is 112204
subject to a community control sanction, a post-release control 112205
sanction, is on parole, or is ordered to intervention in lieu of 112206
conviction, and who has agreed to participate in a federally 112207
assisted program for the treatment of substance use disorders as 112208
a condition of the community control sanction, post-release 112209
control sanction, parole, or intervention order, shall consent 112210
to the release of records and information relating to the 112211
progress of treatment, frequency of treatment, adherence to 112212

treatment requirements, and probable outcome of treatment. 112213
Release of information and records under this division shall be 112214
limited to the court or governmental personnel having the 112215
responsibility for supervising the person's community control 112216
sanction, post-release control sanction, parole, or intervention 112217
order. A person, described in this division, who refuses to 112218
allow disclosure may be considered in violation of the 112219
conditions of the person's community control sanction, post- 112220
release control sanction, parole, or intervention order. 112221

(E) In accordance with 42 C.F.R. 2.52 and 2.53, disclosure 112222
of a person's record may be made without the person's consent to 112223
qualified personnel for the purpose of conducting scientific 112224
research, management, financial audits, or program evaluation, 112225
but these personnel may not identify, directly or indirectly, 112226
any particular person in any report of the research, audit, or 112227
evaluation, or otherwise disclose a person's identity in any 112228
manner. 112229

(F) In accordance with 42 C.F.R. 2.66, upon the request of 112230
a prosecuting attorney or the director of mental-behavioral 112231
~~health-and-addiction services~~, a court of competent jurisdiction 112232
may order the disclosure of records or information referred to 112233
in division (B) of this section if the court has reason to 112234
believe that a federally assisted program for the treatment of 112235
substance use disorders is being operated or used in a manner 112236
contrary to law. The use of any information or record so 112237
disclosed shall be limited to the prosecution of persons who are 112238
or may be charged with any offense related to the illegal 112239
operation or use of the program, or to the decision to withdraw 112240
the authority of a the program to continue operation. For 112241
purposes of this division the court shall do all of the 112242
following: 112243

(1) Limit disclosure to those parts of the person's record 112244
considered essential to fulfill the objective for which the 112245
order was granted; 112246

(2) Require, where appropriate, that all information be 112247
disclosed in chambers; 112248

(3) Include any other appropriate measures to keep 112249
disclosure to a minimum, consistent with the protection of the 112250
persons seeking or receiving services, the provider-client 112251
relationship, and the administration of the program. 112252

Sec. 5119.28. (A) All records, and reports, other than 112253
court journal entries or court docket entries, identifying a 112254
person and pertaining to the person's mental health condition, 112255
assessment, provision of care, treatment, or recovery supports, 112256
or payment for assessment, care, treatment, or recovery supports 112257
that are maintained in connection with any services certified by 112258
the department of ~~mental behavioral health and addiction~~ 112259
~~services~~, any recovery supports paid for with funds administered 112260
by the department or a board of alcohol, drug addiction, and 112261
mental health services, or any hospitals or facilities licensed 112262
or operated by the department, shall be kept confidential and 112263
shall not be disclosed by any person except: 112264

(1) If the person identified, or the person's legal 112265
guardian, if any, or if the person is a minor, the person's 112266
parent or legal guardian, consents; 112267

(2) When disclosure is provided for in this chapter or 112268
Chapter 340. or 5122. of the Revised Code or in accordance with 112269
other provisions of state or federal law authorizing such 112270
disclosure; 112271

(3) That hospitals, boards of alcohol, drug addiction, and 112272

mental health services, licensed facilities, and community 112273
mental health services providers may release necessary 112274
information to insurers and other third-party payers, including 112275
government entities responsible for processing and authorizing 112276
payment, to obtain payment for goods and services furnished to 112277
the person; 112278

(4) Pursuant to a court order signed by a judge; 112279

(5) That a person shall be granted access to the person's 112280
own psychiatric and medical records, unless access specifically 112281
is restricted in a person's treatment plan for clear treatment 112282
reasons; 112283

(6) That the department of ~~mental~~ behavioral health and 112284
~~addiction services~~ may exchange psychiatric records and other 112285
pertinent information with community mental health services 112286
providers and boards of alcohol, drug addiction, and mental 112287
health services relating to the person's care or services. 112288
Records and information that may be exchanged pursuant to this 112289
division shall be limited to medication history, physical health 112290
status and history, financial status, summary of course of 112291
treatment, summary of treatment needs, and a discharge summary, 112292
if any. 112293

(7) That the department of ~~mental~~ behavioral health and 112294
~~addiction services~~, hospitals and community providers operated 112295
by the department, hospitals licensed by the department under 112296
section 5119.33 of the Revised Code, and community mental health 112297
services providers may exchange psychiatric records and other 112298
pertinent information with payers and other providers of 112299
treatment and health services if the purpose of the exchange is 112300
to facilitate continuity of care for the person or for the 112301
emergency treatment of the person; 112302

(8) That the department of ~~mental~~ behavioral health and ~~addiction services~~ and community mental health services providers may exchange psychiatric records and other pertinent information with boards of alcohol, drug addiction, and mental health services for purposes of any board function set forth in Chapter 340. of the Revised Code. Boards of alcohol, drug addiction, and mental health services shall not access any personal information from the department or providers except as required or permitted by this section, or Chapter 340. or 5122. of the Revised Code for purposes related to payment, care coordination, health care operations, program and service evaluation, reporting activities, research, system administration, oversight, or other authorized purposes.

(9) That a person's family member who is involved in the provision, planning, and monitoring of services to the person may receive medication information, a summary of the person's diagnosis and prognosis, and a list of the services and personnel available to assist the person and the person's family, if the person's treatment provider determines that the disclosure would be in the best interests of the person. No such disclosure shall be made unless the person is notified first and receives the information and does not object to the disclosure.

(10) That community mental health services providers may exchange psychiatric records and certain other information with the board of alcohol, drug addiction, and mental health services and other providers in order to provide services to a person involuntarily committed to a board. Release of records under this division shall be limited to medication history, physical health status and history, financial status, summary of course of treatment, summary of treatment needs, and discharge summary, if any.

(11) That information may be disclosed to the executor or 112334
the administrator of an estate of a deceased person when the 112335
information is necessary to administer the estate; 112336

(12) That information may be disclosed to staff members of 112337
the appropriate board or to staff members designated by the 112338
director of ~~mental-behavioral health and addiction services~~ for 112339
the purpose of evaluating the quality, effectiveness, and 112340
efficiency of mental health services and recovery supports and 112341
determining if the services and supports meet minimum standards. 112342
Information obtained during such evaluations shall not be 112343
retained with the name of any person. 112344

(13) That records pertaining to the person's diagnosis, 112345
course of treatment, treatment needs, and prognosis shall be 112346
disclosed and released to the appropriate prosecuting attorney 112347
if the person was committed pursuant to section 2945.38, 112348
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or 112349
to the attorney designated by the board for proceedings pursuant 112350
to involuntary commitment under Chapter 5122. of the Revised 112351
Code; 112352

(14) That the department of ~~mental-behavioral health and~~ 112353
~~addiction services~~ may exchange psychiatric hospitalization 112354
records, other mental health treatment records, and other 112355
pertinent information with the department of rehabilitation and 112356
correction and with the department of youth services to ensure 112357
continuity of care for inmates and offenders who are receiving 112358
mental health services in an institution of the department of 112359
rehabilitation and correction or the department of youth 112360
services and may exchange psychiatric hospitalization records, 112361
other mental health treatment records, and other pertinent 112362
information with boards of alcohol, drug addiction, and mental 112363

health services and community mental health services providers 112364
to ensure continuity of care for inmates or offenders who are 112365
receiving mental health services in an institution and are 112366
scheduled for release within six months. The release of records 112367
under this division is limited to records regarding an inmate's 112368
or offender's medication history, physical health status and 112369
history, summary of course of treatment, summary of treatment 112370
needs, and a discharge summary, if any. 112371

(15) That a community mental health services provider that 112372
ceases to operate may transfer to either a community mental 112373
health services provider that assumes its caseload or to the 112374
board of alcohol, drug addiction, and mental health services of 112375
the service district in which the person resided at the time 112376
mental health services or recovery supports were most recently 112377
provided any records concerning the services or supports that 112378
have not been transferred elsewhere at the person's request; 112379

(16) That records and reports relating to a person who has 112380
been deceased for fifty years or more are no longer considered 112381
confidential. 112382

(B) Before records are disclosed pursuant to divisions (A) 112383
(3), (6), and (10) of this section, the custodian of the records 112384
shall attempt to obtain the person's consent for the disclosure. 112385

(C) No person shall reveal the content of a medical record 112386
of a person that is confidential pursuant to this section, 112387
except as authorized by law. 112388

Sec. 5119.29. The department of ~~mental-behavioral health-~~ 112389
~~and addiction services,~~ in conjunction with boards of alcohol, 112390
drug addiction, and mental health services and community mental 112391
health boards, shall develop a coordinated system for tracking 112392

and monitoring persons found not guilty by reason of insanity 112393
and committed pursuant to section 2945.40 of the Revised Code 112394
who have been granted a conditional release and persons found 112395
incompetent to stand trial and committed pursuant to section 112396
2945.39 of the Revised Code who have been granted a conditional 112397
release. The system shall do all of the following: 112398

(A) Centralize responsibility for the tracking of those 112399
persons; 112400

(B) Develop uniformity in monitoring those persons; 112401

(C) Develop a mechanism to allow prompt rehospitalization, 112402
reinstitutionalization, or detention when a violation of the 112403
conditional release or decompensation occurs. 112404

Sec. 5119.30. The department of ~~mental-behavioral~~ health 112405
~~and addiction services~~ promptly shall develop and maintain a 112406
program that continually provides the courts of this state with 112407
relevant information pertaining to addiction services and 112408
programs available both within their jurisdictions and statewide 112409
in order to facilitate the ability of the courts to utilize 112410
treatment and rehabilitation alternatives in addition to or in 112411
lieu of imposing sentences of imprisonment upon appropriate 112412
offenders. 112413

Sec. 5119.31. The department of administrative services 112414
shall purchase all supplies needed for the proper support and 112415
maintenance of the institutions under the control of the 112416
department of ~~mental-behavioral~~ health ~~and addiction services~~ in 112417
accordance with the competitive selection procedures of Chapter 112418
125. of the Revised Code and such rules as the department of 112419
administrative services adopts. All bids shall be publicly 112420
opened on the day and hour and at the place specified in the 112421

advertisement. 112422

Preference shall be given to bidders in localities wherein 112423
the institution is located, if the price is fair and reasonable 112424
and not greater than the usual price; but bids not meeting the 112425
specifications shall be rejected. 112426

The department of administrative services may require such 112427
security as it considers proper to accompany the bids and shall 112428
fix the security to be given by the contractor. 112429

The department of administrative services may reject any 112430
or all bids and secure new bids, if for any reason it is deemed 112431
for the best interest of the state to do so, and it may 112432
authorize the managing officer of any institution to purchase 112433
perishable goods and supplies for use in cases of emergency, in 112434
which cases such managing officer shall certify such fact in 112435
writing and the department of administrative services shall 112436
record the reasons for such purchase. 112437

Sec. 5119.311. The department of ~~mental~~behavioral health 112438
~~and addiction services~~ may examine into, with or without expert 112439
assistance, the question of the mental and physical condition of 112440
any person committed to or involuntarily confined in any 112441
hospital for persons with mental illnesses, or restrained of 112442
liberty at any place within this state by reason of alleged 112443
mental illness and may order and compel the discharge of any 112444
such person who is not a person with a mental illness subject to 112445
court order as defined in division (B) of section 5122.01 of the 112446
Revised Code and direct what disposition shall be made of the 112447
person. The order of discharge shall be signed by the director 112448
of ~~mental~~behavioral health ~~and addiction services~~. Upon receipt 112449
of such order by the superintendent or other person in charge of 112450
the building in which the person named in such order is 112451

confined, such person shall forthwith be discharged or otherwise 112452
disposed of according to the terms of said order, and any 112453
further or other detention of such person is unlawful. No such 112454
order shall be made in favor of any person committed and held 112455
for trial on a criminal charge, in confinement by an order of a 112456
judge or court made in a criminal proceeding, or in any case 112457
unless notice is given to the superintendent or other person 112458
having charge of the building in which the alleged person with a 112459
mental illness is detained, and a reasonable opportunity is 112460
allowed the person in charge to justify further detention of the 112461
person confined. 112462

Sec. 5119.32. The department of ~~mental~~behavioral health 112463
~~and addiction services~~ is hereby designated as the state 112464
administrative agency for the substance abuse prevention 112465
treatment block grant and the community mental health services 112466
block grant authorized by the "Public Health Services Act," 95 112467
Stat. 357, 543, 42 U.S.C. 300x, as amended, and similar alcohol, 112468
drug abuse, or mental health programs that are specified in an 112469
appropriations act. 112470

Sec. 5119.33. ~~(A)(1)~~(A) The department of ~~mental~~behavioral health ~~and addiction services~~ shall inspect and 112471
license all hospitals that receive persons with mental 112472
illnesses, except those hospitals managed by the department. No 112473
hospital may receive for care or treatment, either at public or 112474
private expense, any person who is or appears to have a mental 112475
illness, whether or not so adjudicated, unless the hospital has 112476
received a license from the department authorizing it to receive 112477
for care or treatment persons with mental illnesses or the 112478
hospital is managed by the department. 112479
112480

~~(2) No such license shall be granted to a hospital for the~~ 112481

~~treatment of persons with mental illnesses unless both of the~~ 112482
~~following are the case:—~~ 112483

~~(a) The department is satisfied, after investigation, that~~ 112484
~~the hospital is managed and operated by qualified persons, is~~ 112485
~~adequately staffed and equipped to operate, and has on its staff~~ 112486
~~one or more qualified physicians responsible for the medical~~ 112487
~~care of the patients confined there. At least one such physician~~ 112488
~~shall be a psychiatrist.—~~ 112489

~~(b) The department has not been notified under section~~ 112490
~~5119.334 of the Revised Code or is not otherwise aware that the~~ 112491
~~hospital, or any owner, sponsor, medical director,~~ 112492
~~administrator, or principal of the hospital, has been the~~ 112493
~~subject of an adverse action, as defined in that section, taken~~ 112494
~~during the three-year period immediately preceding the date of~~ 112495
~~application.—~~ 112496

(B) The department shall adopt rules under Chapter 119. of 112497
the Revised Code prescribing minimum standards for the operation 112498
of hospitals for the care and treatment of persons with mental 112499
illnesses and establishing standards and procedures for the 112500
issuance, renewal, or revocation of full, probationary, and 112501
interim licenses. No license shall be granted to any hospital 112502
established or used for the care of persons with mental 112503
illnesses unless such hospital is operating in accordance with 112504
this section and rules adopted pursuant to this section. A full 112505
license shall expire one year after the date of issuance, a 112506
probationary license shall expire at the time prescribed by rule 112507
adopted pursuant to Chapter 119. of the Revised Code by the 112508
director of mental behavioral health and addiction services, and 112509
an interim license shall expire ninety days after the date of 112510
issuance. A full, probationary, or interim license may be 112511

renewed, except that an interim license may be renewed only 112512
twice. The department may fix reasonable fees for licenses and 112513
for license renewals. Such hospitals are subject to inspection 112514
and on-site review by the department. 112515

(C) Except as otherwise provided in Chapter 5122. of the 112516
Revised Code, neither the director of ~~mental-behavioral health-~~ 112517
~~and addiction services~~; an employee of the department; a board 112518
of alcohol, drug addiction, and mental health services or 112519
employee of a community mental health services provider; nor any 112520
other public official shall hospitalize any person with a mental 112521
illness for care or treatment in any hospital that is not 112522
licensed in accordance with this section. 112523

(D) (1) The department may issue an order suspending the 112524
admission of patients with mental illnesses to a hospital for 112525
care or treatment if it finds either of the following: 112526

(a) The hospital is not in compliance with rules adopted 112527
by the director pursuant to this section. 112528

(b) The hospital has been cited for more than one 112529
violation of statutes or rules during any previous period of 112530
time during which the hospital is licensed pursuant to this 112531
section. 112532

(2) (a) Except as provided in division (D) (2) (b) of this 112533
section, proceedings initiated to suspend the admission of 112534
patients are governed by Chapter 119. of the Revised Code. 112535

(b) If a suspension of admissions is proposed because the 112536
director has determined that the licensee has demonstrated a 112537
pattern of serious noncompliance or that a violation creates a 112538
substantial risk to the health and safety of patients, the 112539
director may issue an order imposing the suspension of 112540

admissions before providing an opportunity for an adjudication 112541
under Chapter 119. of the Revised Code. The director shall lift 112542
the order for the suspension of admissions if the director 112543
determines that the violation that formed the basis for the 112544
order has been corrected. 112545

(3) Appeals from proceedings initiated to order the 112546
suspension of admissions shall be conducted in accordance with 112547
Chapter 119. of the Revised Code, unless the order was issued 112548
before providing an opportunity for an adjudication, in which 112549
case all of the following apply: 112550

(a) The licensee may request a hearing not later than ten 112551
days after being served in accordance with sections 119.05 and 112552
119.07 of the Revised Code. 112553

(b) If a timely request for a hearing that includes the 112554
licensee's current address is made, the hearing shall commence 112555
not later than thirty days after the department receives the 112556
request. 112557

(c) After commencing, the hearing shall continue 112558
uninterrupted, except for Saturdays, Sundays, and legal 112559
holidays, unless other interruptions are agreed to by the 112560
licensee and the director. 112561

(d) If the hearing is conducted by a hearing examiner, the 112562
hearing examiner shall file a report and recommendations with 112563
the department not later than ten days after the last of the 112564
following: 112565

(i) The close of the hearing; 112566

(ii) If a transcript of the proceedings is ordered, the 112567
hearing examiner receives the transcript; 112568

- (iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs. 112569
112570
- (e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the licensee, or the licensee's attorney, if applicable, not later than five days after the report is filed with the department. 112571
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- (f) Not later than five days after receiving the report and recommendations, the licensee may file objections with the department. 112575
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- (g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and recommendations. 112578
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- (h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions if the department determines the violation that formed the basis for the order has been corrected. 112582
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- (E) (1) ~~Any license issued by the department under this section may be revoked or not renewed by the department~~ The department may deny, refuse to renew, or revoke a license for any of the following reasons: 112586
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112589
- (a) The hospital is ~~no longer~~ not a suitable place for the care or treatment of persons with mental illnesses. 112590
112591
- (b) The hospital refuses to be subject to inspection or on-site review by the department. 112592
112593
- (c) The hospital ~~has failed~~ fails to furnish humane, kind, and adequate treatment and care. 112594
112595
- (d) The hospital fails to comply with the licensure rules 112596

of the department. 112597

(e) The department finds that the hospital is not managed 112598
and operated by qualified persons, is not adequately staffed and 112599
equipped to operate, or does not have on its staff one or more 112600
qualified physicians, including at least one psychiatrist, who 112601
is responsible for the care of the patients in the hospital. 112602

(f) The department has been notified under section 112603
5119.334 of the Revised Code or otherwise becomes aware that the 112604
hospital, any owner, sponsor, medical director, administrator, 112605
or principal of the hospital, or any subsidiary of the hospital, 112606
owner, or sponsor has been the subject of an adverse action, as 112607
defined in that section, taken during the three-year period 112608
immediately preceding the date of notification or date of 112609
becoming aware of the adverse action. 112610

(2) Proceedings initiated to deny applications for full or 112611
probationary licenses, to refuse to renew full or probationary 112612
licenses, or to revoke full or probationary licenses are 112613
governed by Chapter 119. of the Revised Code. If an order has 112614
been issued suspending the admission of patients, the order 112615
remains in effect during the pendency of those proceedings. 112616

(F) (1) In a proceeding initiated to suspend the admission 112617
of patients, to deny an application for a full or probationary 112618
license, to refuse to renew a full or probationary license, or 112619
to revoke a full or probationary license, the department may 112620
order the suspension, denial, refusal, or revocation regardless 112621
of whether some or all of the deficiencies that prompted the 112622
proceedings have been corrected at the time of the hearing. 112623

(2) When the department issues an order suspending the 112624
admission of patients, denies an application for a full or 112625

probationary license, refuses to renew a full or probationary license, or revokes a full or probationary license, the department shall not grant an opportunity for submitting a plan of correction.

(G) The department may inspect, conduct an on-site review, and review the records of any hospital that the department has reason to believe is operating without a license.

Sec. 5119.331. If the department of ~~mental-behavioral~~ health and ~~addiction services~~ determines that a hospital not licensed by the department is receiving for care or treatment any person who is or appears to have a mental illness, the department may request in writing that the attorney general petition the court of common pleas in the county where the hospital is located to enjoin the hospital from continued operation in violation of section 5119.33 of the Revised Code.

Sec. 5119.332. No third-party payer shall directly or indirectly reimburse, nor shall any person be obligated to pay any hospital for psychiatric services for which a license is required under section 5119.33 of the Revised Code unless the hospital is licensed by the department of ~~mental-behavioral~~ health and ~~addiction services~~.

As used in this section, "third-party payer" means a health insuring corporation licensed under Chapter 1751. of the Revised Code, an insurance company that issues sickness and accident insurance in conformity with Chapter 3923. of the Revised Code, a state-financed health insurance program under Chapter 3701., 4123., or 5101. of the Revised Code, or any self-insurance plan.

Sec. 5119.333. No person shall keep or maintain a hospital

for the care or treatment of persons with mental illnesses 112655
unless it is licensed by the department of ~~mental behavioral~~ 112656
~~health and addiction services~~, as provided by section 5119.33 of 112657
the Revised Code. 112658

Sec. 5119.334. (A) As used in this section, "adverse 112659
action" means an action by a state, provincial, federal, or 112660
other licensing or regulatory authority other than the 112661
department of behavioral health to deny, revoke, suspend, place 112662
on probation, or otherwise restrict a license, certificate, or 112663
other approval to operate a hospital or practice a health care 112664
profession. 112665

(B) (1) When submitting an application for initial or 112666
renewed licensure of a hospital under section 5119.33 of the 112667
Revised Code, the applicant shall notify the department of 112668
~~mental behavioral health and addiction services~~ of any adverse 112669
action taken against any of the following during the three-year 112670
period immediately preceding the date of application: 112671

(a) The hospital or the hospital's; 112672

(b) Any owner, sponsor, medical director, administrator, 112673
or any of its principals within principal of the three-year 112674
period immediately preceding the date of applicationhospital; 112675

(c) Any subsidiary of the hospital, owner, or sponsor. 112676

(2) Not later than seven days after receiving a notice of 112677
adverse action ~~from a licensing or regulatory authority that is~~ 112678
~~other than the department of mental health and addiction~~ 112679
~~services~~, the holder of a hospital license issued under section 112680
5119.33 of the Revised Code shall notify the department of the 112681
action. 112682

(C) To notify the department as required by this section, 112683

a copy of the notice of adverse action shall be provided to the 112684
department. 112685

Sec. 5119.34. (A) As used in this section and sections 112686
5119.341 to 5119.343 of the Revised Code: 112687

(1) "Accommodations" means housing, daily meal 112688
preparation, laundry, housekeeping, arranging for 112689
transportation, social and recreational activities, maintenance, 112690
security, and other services that do not constitute personal 112691
care services or skilled nursing care. 112692

(2) "ADAMHS board" means a board of alcohol, drug 112693
addiction, and mental health services. 112694

(3) "Adult" means a person who is eighteen years of age or 112695
older, other than a person described in division (A) (4) of this 112696
section who is between eighteen and twenty-one years of age. 112697

(4) "Child" means a person who is under eighteen years of 112698
age or a person with a mental disability who is under twenty-one 112699
years of age. 112700

(5) ~~"Community mental health services provider" means a~~ 112701
~~community mental health services provider as defined in section~~ 112702
~~5119.01 of the Revised Code.~~ 112703

~~(6) "Community mental health services" means any mental~~ 112704
~~health services certified by the department pursuant to section~~ 112705
~~5119.36 of the Revised Code.~~ 112706

~~(7)~~ "Operator" means the person or persons, firm, 112707
partnership, agency, governing body, association, corporation, 112708
or other entity that is responsible for the administration and 112709
management of a residential facility and that is the applicant 112710
for a residential facility license. 112711

- ~~(8)~~(6) "Personal care services" means services including, 112712
but not limited to, the following: 112713
- (a) Assisting residents with activities of daily living; 112714
- (b) Assisting residents with self-administration of 112715
medication in accordance with rules adopted under this section; 112716
- (c) Preparing special diets, other than complex 112717
therapeutic diets, for residents pursuant to the instructions of 112718
a physician or a licensed dietitian, in accordance with rules 112719
adopted under this section. 112720
- "Personal care services" does not include "skilled nursing 112721
care" as defined in section 3721.01 of the Revised Code. A 112722
facility need not provide more than one of the services listed 112723
in division ~~(A)~~~~(8)~~(A)(6) of this section to be considered to be 112724
providing personal care services. 112725
- ~~(9)~~(7) "Room and board" means the provision of sleeping 112726
and living space, meals or meal preparation, laundry services, 112727
housekeeping services, or any combination thereof. 112728
- ~~(10)~~(8) "Residential state supplement program" means the 112729
program established under section 5119.41 of the Revised Code. 112730
- ~~(11)~~(9) "Supervision" means any of the following: 112731
- (a) Observing a resident to ensure the resident's health, 112732
safety, and welfare while the resident engages in activities of 112733
daily living or other activities; 112734
- (b) Reminding a resident to perform or complete an 112735
activity, such as reminding a resident to engage in personal 112736
hygiene or other self-care activities; 112737
- (c) Assisting a resident in making or keeping an 112738

appointment. 112739

~~(12)~~(10) "Unrelated" means that a resident is not related 112740
to the owner or operator of a residential facility or to the 112741
owner's or operator's spouse as a parent, grandparent, child, 112742
stepchild, grandchild, brother, sister, niece, nephew, aunt, or 112743
uncle, or as the child of an aunt or uncle. 112744

(B) (1) A "residential facility" is a publicly or privately 112745
operated home or facility that falls into one of the following 112746
categories: 112747

(a) Class one facilities provide accommodations, 112748
supervision, personal care services, and mental health services 112749
for one or more unrelated adults with mental illness or one or 112750
more unrelated children or adolescents with severe emotional 112751
disturbances; 112752

(b) Class two facilities provide accommodations, 112753
supervision, and personal care services to any of the following: 112754

(i) One or two unrelated persons with mental illness; 112755

(ii) One or two unrelated adults who are receiving 112756
payments under the residential state supplement program; 112757

(iii) Three to sixteen unrelated adults. 112758

(c) Class three facilities provide room and board for five 112759
or more unrelated adults with mental illness. 112760

(2) "Residential facility" does not include any of the 112761
following: 112762

(a) A hospital subject to licensure under section 5119.33 112763
of the Revised Code or an institution maintained, operated, 112764
managed, and governed by the department of ~~mental~~behavioral 112765

~~health and addiction services~~ for the hospitalization of persons 112766
with mental illnesses pursuant to section 5119.14 of the Revised 112767
Code; 112768

(b) A residential facility licensed under section 5123.19 112769
of the Revised Code or otherwise regulated by the department of 112770
developmental disabilities; 112771

(c) An institution or association subject to certification 112772
under section 5103.03 of the Revised Code; 112773

(d) A facility operated by a hospice care program licensed 112774
under section 3712.04 of the Revised Code that is used 112775
exclusively for care of hospice patients; 112776

(e) A nursing home, residential care facility, or home for 112777
the aging as defined in section 3721.02 of the Revised Code; 112778

(f) A facility licensed under section 5119.37 of the 112779
Revised Code to operate an opioid treatment program; 112780

(g) Any facility that receives funding for operating costs 112781
from the department of development under any program established 112782
to provide emergency shelter housing or transitional housing for 112783
the homeless; 112784

(h) A terminal care facility for the homeless that has 112785
entered into an agreement with a hospice care program under 112786
section 3712.07 of the Revised Code; 112787

(i) A facility approved by the veterans administration 112788
under section 104(a) of the "Veterans Health Care Amendments of 112789
1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used 112790
exclusively for the placement and care of veterans; 112791

(j) The residence of a relative or guardian of a person 112792
with mental illness. 112793

(C) Nothing in division (B) of this section shall be 112794
construed to permit personal care services to be imposed on a 112795
resident who is capable of performing the activity in question 112796
without assistance. 112797

(D) Except in the case of a residential facility described 112798
in division (B) (1) (a) of this section, members of the staff of a 112799
residential facility shall not administer medication to the 112800
facility's residents, but may do any of the following: 112801

(1) Remind a resident when to take medication and watch to 112802
ensure that the resident follows the directions on the 112803
container; 112804

(2) Assist a resident in the self-administration of 112805
medication by taking the medication from the locked area where 112806
it is stored, in accordance with rules adopted pursuant to this 112807
section, and handing it to the resident. If the resident is 112808
physically unable to open the container, a staff member may open 112809
the container for the resident. 112810

(3) Assist a resident who is physically impaired but 112811
mentally alert, such as a resident with arthritis, cerebral 112812
palsy, or Parkinson's disease, in removing oral or topical 112813
medication from containers and in consuming or applying the 112814
medication, upon request by or with the consent of the resident. 112815
If a resident is physically unable to place a dose of medicine 112816
to the resident's mouth without spilling it, a staff member may 112817
place the dose in a container and place the container to the 112818
mouth of the resident. 112819

(E) A person operating or seeking to operate a residential 112820
facility shall apply for licensure of the facility to the 112821
department of ~~mental-behavioral health-and-addiction services~~. 112822

The application shall be submitted by the operator. When 112823
applying for the license, the applicant shall pay to the 112824
department the application fee specified in rules adopted under 112825
division (N) of this section. The fee is nonrefundable. 112826

The department shall send a copy of an application to the 112827
ADAMHS board serving the county in which the person operates or 112828
seeks to operate the facility. The ADAMHS board shall review the 112829
application and provide to the department any information about 112830
the applicant or the facility that the board would like the 112831
department to consider in reviewing the application. 112832

~~(F) The department of mental behavioral health and 112833
addiction services shall inspect and license the operation of 112834
residential facilities. The department may issue a license to 112835
operate a residential facility only if all of the following are 112836
the case: 112837~~

~~(1) The department is satisfied, after investigation, that 112838
the facility is managed and operated by qualified persons and is 112839
adequately staffed and equipped to operate. 112840~~

~~(2) The department has not been notified under section 112841
5119.343 of the Revised Code or is not otherwise aware that the 112842
residential facility or any owner, operator, or manager of the 112843
residential facility has been the subject of an adverse action, 112844
as defined in that section, taken during the three-year period 112845
immediately preceding the date of application. 112846~~

~~(3) The department has not been notified or is not 112847
otherwise aware that the residential facility or any owner, 112848
operator, or manager of the facility has been the subject of an 112849
adverse action, as defined in that section, taken at any time 112850
based on an act or omission that violated the right of a 112851~~

~~residential facility resident to be free from abuse, neglect, or
exploitation.~~ 112852
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The department may issue full, probationary, and interim 112854
licenses. A full license shall expire up to three years after 112855
the date of issuance, a probationary license shall expire in a 112856
shorter period of time as specified in rules adopted by the 112857
director of ~~mental behavioral health and addiction services~~ 112858
under division (N) of this section, and an interim license shall 112859
expire ninety days after the date of issuance. A license may be 112860
renewed in accordance with rules adopted by the director under 112861
division (N) of this section. The renewal application shall be 112862
submitted by the operator. When applying for renewal of a 112863
license, the applicant shall pay to the department the renewal 112864
fee specified in rules adopted under division (N) of this 112865
section. The fee is nonrefundable. 112866

(G) (1) If the department finds any of the following with 112867
respect to a residential facility, the department may issue an 112868
order suspending the admission of residents to the facility, 112869
refuse to issue or renew a license for the facility, or revoke 112870
the facility's license: 112871

(a) The facility is not in compliance with rules adopted 112872
by the director pursuant to division (N) of this section; 112873

(b) Any facility operated by the applicant or licensee has 112874
been cited for a pattern of serious noncompliance or repeated 112875
violations of statutes or rules during the period of current or 112876
previous licenses; 112877

(c) The applicant or licensee submits false or misleading 112878
information as part of a license application, renewal, or 112879
investigation. 112880

(d) The facility is not managed and operated by qualified persons or adequately staffed and equipped to operate. 112881
112882

(e) The department has been notified under section 5119.343 of the Revised Code or otherwise becomes aware that the facility, any owner, operator, or manager of the facility, or any subsidiary of the facility, owner, or operator has been the subject of an adverse action, as defined in that section, taken during the three-year period immediately preceding the date of notification or date of becoming aware of the adverse action. 112883
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(f) The department has been notified under section 5119.343 of the Revised Code or otherwise becomes aware that the facility, any owner, operator, or manager of the facility, or any subsidiary of the facility, owner, or operator has been the subject of an adverse action, as defined in that section, taken at any time based on an act or omission that violated the right of a residential facility resident to be free from abuse, neglect, or exploitation. 112890
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(2) Proceedings initiated to deny applications for full or probationary licenses, to refuse to renew full or probationary licenses, or to revoke full or probationary licenses are governed by Chapter 119. of the Revised Code. If an order has been issued suspending the admission of residents to the facility, the order remains in effect during the pendency of those proceedings. 112898
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Proceedings initiated to suspend the admission of residents to a facility are governed by Chapter 119. of the Revised Code, except as provided in division (H) of this section. 112905
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(3) In a proceeding initiated to suspend the admission of 112909

residents to a facility, to deny an application for a full or 112910
probationary license, to refuse to renew a full or probationary 112911
license, or to revoke a full or probationary license, the 112912
department may order the suspension, denial, refusal, or 112913
revocation regardless of whether some or all of the deficiencies 112914
that prompted the proceedings have been corrected at the time of 112915
the hearing. 112916

(4) When the department issues an order suspending the 112917
admission of residents to a facility, denies an application for 112918
a full or probationary license, refuses to renew a full or 112919
probationary license, or revokes a full or probationary license, 112920
the department shall not grant an opportunity for submitting a 112921
plan of correction. 112922

(H) (1) If a suspension of admissions of residents to a 112923
facility is proposed because the director has determined that 112924
the licensee has demonstrated a pattern of serious noncompliance 112925
or that a violation creates a substantial risk to the health and 112926
safety of residents, the director may issue an order imposing 112927
the suspension of admissions before providing an opportunity for 112928
an adjudication under Chapter 119. of the Revised Code. The 112929
director shall lift the order for the suspension of admissions 112930
if the director determines that the violation that formed the 112931
basis for the order has been corrected. 112932

(2) Appeals from proceedings initiated to order the 112933
suspension of admissions to a facility shall be conducted in 112934
accordance with Chapter 119. of the Revised Code, unless the 112935
order was issued before providing an opportunity for an 112936
adjudication, in which case all of the following apply: 112937

(a) The licensee may request a hearing not later than ten 112938
days after being served in accordance with sections 119.05 and 112939

119.07 of the Revised Code. 112940

(b) If a timely request for a hearing that includes the 112941
licensee's current address is made, the hearing shall commence 112942
not later than thirty days after the department receives the 112943
request. 112944

(c) After commencing, the hearing shall continue 112945
uninterrupted, except for Saturdays, Sundays, and legal 112946
holidays, unless other interruptions are agreed to by the 112947
licensee and the director. 112948

(d) If the hearing is conducted by a hearing examiner, the 112949
hearing examiner shall file a report and recommendations with 112950
the department not later than ten days after the last of the 112951
following: 112952

(i) The close of the hearing; 112953

(ii) If a transcript of the proceedings is ordered, the 112954
hearing examiner receives the transcript; 112955

(iii) If post-hearing briefs are timely filed, the hearing 112956
examiner receives the briefs. 112957

(e) The hearing examiner shall send a written copy of the 112958
report and recommendations, by certified mail, to the licensee, 112959
or the licensee's attorney, if applicable, not later than five 112960
days after the report is filed with the department. 112961

(f) Not later than five days after receiving the report 112962
and recommendations, the licensee may file objections with the 112963
department. 112964

(g) Not later than fifteen days after the hearing examiner 112965
files the report and recommendations, the department shall issue 112966
an order approving, modifying, or disapproving the report and 112967

recommendations. 112968

(h) Notwithstanding the pendency of the hearing, the 112969
department shall lift the order for the suspension of admissions 112970
if the department determines the violation that formed the basis 112971
for the order has been corrected. 112972

(I) The department may issue an interim license to operate 112973
a residential facility if both of the following conditions are 112974
met: 112975

(1) The department determines that the closing of or the 112976
need to remove residents from another residential facility has 112977
created an emergency situation requiring immediate removal of 112978
residents and an insufficient number of licensed beds are 112979
available. 112980

(2) The residential facility applying for an interim 112981
license meets standards established for interim licenses in 112982
rules adopted by the director under division (N) of this 112983
section. 112984

An interim license shall be valid for ninety days and may 112985
be renewed by the director no more than twice. Proceedings 112986
initiated to deny applications for or to revoke interim licenses 112987
under this division are not subject to Chapter 119. of the 112988
Revised Code. 112989

(J) (1) The department of ~~mental~~ behavioral health and 112990
~~addiction services~~ may conduct an inspection of a residential 112991
facility as follows: 112992

(a) Prior to issuance of a license for the facility; 112993

(b) Prior to renewal of the license; 112994

(c) To determine whether the facility has completed a plan 112995

of correction required pursuant to division (J) (2) of this 112996
section and corrected deficiencies to the satisfaction of the 112997
department and in compliance with this section and rules adopted 112998
pursuant to it; 112999

(d) Upon complaint by any individual or agency; 113000

(e) At any time the director considers an inspection to be 113001
necessary in order to determine whether the facility is in 113002
compliance with this section and rules adopted pursuant to this 113003
section. 113004

(2) In conducting inspections the department may conduct 113005
an on-site examination and evaluation of the residential 113006
facility and its personnel, activities, and services. The 113007
department shall have access to examine and copy all records, 113008
accounts, and any other documents relating to the operation of 113009
the residential facility, including records pertaining to 113010
residents, and shall have access to the facility in order to 113011
conduct interviews with the operator, staff, and residents. 113012
Following each inspection and review, the department shall 113013
complete a report listing any deficiencies, and including, when 113014
appropriate, a time table within which the operator shall 113015
correct the deficiencies. The department may require the 113016
operator to submit a plan of correction describing how the 113017
deficiencies will be corrected. 113018

(K) No person shall do any of the following: 113019

(1) Operate a residential facility unless the facility 113020
holds a valid license; 113021

(2) Violate any of the conditions of licensure after 113022
having been granted a license; 113023

(3) Interfere with a state or local official's inspection 113024

or investigation of a residential facility; 113025

(4) Violate any of the provisions of this section or any 113026
rules adopted pursuant to this section. 113027

(L) The following may enter a residential facility at any 113028
time: 113029

(1) Employees designated by the director of ~~mental-~~ 113030
behavioral health and addiction services; 113031

(2) Employees of an ADAMHS board under either of the 113032
following circumstances: 113033

(a) When a resident of the facility is receiving services 113034
from a community mental health services provider under contract 113035
with that ADAMHS board or another ADAMHS board; 113036

(b) When authorized by section 340.05 of the Revised Code. 113037

(3) Employees of a community mental health services 113038
provider under either of the following circumstances: 113039

(a) When the provider has a person receiving services 113040
residing in the facility; 113041

(b) When the provider is acting as an agent of an ADAMHS 113042
board other than the board with which it is under contract. 113043

(4) Representatives of the state long-term care ombudsman 113044
program when the facility provides accommodations, supervision, 113045
and personal care services for three to sixteen unrelated adults 113046
or to one or two unrelated adults who are receiving payments 113047
under the residential state supplement program. 113048

The persons specified in division (L) of this section 113049
shall be afforded access to examine and copy all records, 113050
accounts, and any other documents relating to the operation of 113051

the residential facility, including records pertaining to 113052
residents. 113053

(M) Employees of the department of ~~mental~~ behavioral 113054
~~health and addiction services~~ may enter, for the purpose of 113055
investigation, any institution, residence, facility, or other 113056
structure which has been reported to the department as, or that 113057
the department has reasonable cause to believe is, operating as 113058
a residential facility without a valid license. 113059

(N) The director of behavioral health shall adopt and may 113060
amend and rescind rules pursuant to Chapter 119. of the Revised 113061
Code governing the licensing and operation of residential 113062
facilities. The rules shall establish all of the following: 113063

(1) Minimum standards for the health, safety, adequacy, 113064
and cultural competency of treatment of and services for persons 113065
in residential facilities; 113066

(2) Procedures for the issuance, renewal, or revocation of 113067
the licenses of residential facilities; 113068

(3) Procedures for conducting background investigations 113069
for prospective or current operators, employees, volunteers, and 113070
other non-resident occupants who may have direct access to 113071
facility residents; 113072

(4) The fee to be paid when applying for a new residential 113073
facility license or renewing the license; 113074

(5) Procedures for the operator of a residential facility 113075
to follow when notifying the ADAMHS board serving the county in 113076
which the facility is located when the facility is serving 113077
residents with mental illness or severe mental disability, 113078
including the circumstances under which the operator is required 113079
to make such a notification; 113080

(6) Procedures for the issuance and termination of orders	113081
of suspension of admission of residents to a residential	113082
facility;	113083
(7) Measures to be taken by residential facilities	113084
relative to residents' medication;	113085
(8) Requirements relating to preparation of special diets;	113086
(9) The maximum number of residents who may be served in a	113087
residential facility;	113088
(10) The rights of residents of residential facilities and	113089
procedures to protect such rights;	113090
(11) Standards and procedures under which the director may	113091
waive the requirements of any of the rules adopted.	113092
(O) (1) The department <u>of behavioral health</u> may withhold	113093
the source of any complaint reported as a violation of this	113094
section when the department determines that disclosure could be	113095
detrimental to the department's purposes or could jeopardize the	113096
investigation. The department may disclose the source of any	113097
complaint if the complainant agrees in writing to such	113098
disclosure and shall disclose the source upon order by a court	113099
of competent jurisdiction.	113100
(2) Any person who makes a complaint under division (O) (1)	113101
of this section, or any person who participates in an	113102
administrative or judicial proceeding resulting from such a	113103
complaint, is immune from civil liability and is not subject to	113104
criminal prosecution, other than for perjury, unless the person	113105
has acted in bad faith or with malicious purpose.	113106
(P) (1) The director of mental behavioral health and	113107
addiction services may petition the court of common pleas of the	113108

county in which a residential facility is located for an order 113109
enjoining any person from operating a residential facility 113110
without a license or from operating a licensed facility when, in 113111
the director's judgment, there is a present danger to the health 113112
or safety of any of the occupants of the facility. The court 113113
shall have jurisdiction to grant such injunctive relief upon a 113114
showing that the respondent named in the petition is operating a 113115
facility without a license or there is a present danger to the 113116
health or safety of any residents of the facility. 113117

(2) When the court grants injunctive relief in the case of 113118
a facility operating without a license, the court shall issue, 113119
at a minimum, an order enjoining the facility from admitting new 113120
residents to the facility and an order requiring the facility to 113121
assist with the safe and orderly relocation of the facility's 113122
residents. 113123

(3) If injunctive relief is granted against a facility for 113124
operating without a license and the facility continues to 113125
operate without a license, the director shall refer the case to 113126
the attorney general for further action. 113127

(Q) The director of behavioral health may fine a person 113128
for violating division (K) of this section. The fine shall be 113129
five hundred dollars for a first offense; for each subsequent 113130
offense, the fine shall be one thousand dollars. The director's 113131
actions in imposing a fine shall be taken in accordance with 113132
Chapter 119. of the Revised Code. 113133

Sec. 5119.342. (A) Upon petition by the director of ~~mental~~ 113134
behavioral health and addiction services, the court of common 113135
pleas or the probate court may appoint a receiver to take 113136
possession of and operate a residential facility licensed 113137
pursuant to section 5119.34 of the Revised Code, when conditions 113138

existing at the residential facility present a substantial risk 113139
of physical or mental harm to residents and no other remedies at 113140
law are adequate to protect the health, safety, and welfare of 113141
the residents. 113142

Petitions filed pursuant to this section shall include: 113143

(1) A description of the specific conditions existing at 113144
the residential facility which present a substantial risk of 113145
physical or mental harm to residents; 113146

(2) A statement of the absence of other adequate remedies 113147
at law; 113148

(3) The number of individuals residing at the facility; 113149

(4) A statement that the facts have been brought to the 113150
attention of the owner or licensee and that conditions have not 113151
been remedied within a reasonable period of time or that the 113152
conditions, though remedied periodically, habitually exist at 113153
the residential facility as a pattern or practice; and 113154

(5) The name and address of the person holding the license 113155
for the residential facility. 113156

(B) A court in which a petition is filed pursuant to this 113157
section shall notify the person holding the license for the 113158
facility of the filing. The department shall send notice of the 113159
filing to the following, as appropriate: the Ohio protection and 113160
advocacy system as defined in section 5123.60 of the Revised 113161
Code; facility owner; facility operator; board of alcohol, drug 113162
addiction, and mental health services; board of health; 113163
department of developmental disabilities; department of job and 113164
family services; facility residents; and residents' families and 113165
guardians. The court shall provide a hearing on the petition 113166
within five court days of the time it was filed, except that the 113167

court may appoint a receiver prior to that time if it determines 113168
that the circumstances necessitate such action. 113169

Following a hearing on the petition, and upon a 113170
determination that the appointment of a receiver is warranted, 113171
the court shall appoint a receiver and notify the department of 113172
~~mental-behavioral health and addiction services~~ and appropriate 113173
persons of this action. 113174

In setting forth the powers of the receiver, the court may 113175
generally authorize the receiver to do all that is prudent and 113176
necessary to safely and efficiently operate the residential 113177
facility within the requirements of state and federal law, but 113178
shall require the receiver to obtain court approval prior to 113179
making any single expenditure of more than five thousand dollars 113180
to correct deficiencies in the structure or furnishings of a 113181
facility. The court shall closely review the conduct of the 113182
receiver and shall require regular and detailed reports. 113183

(C) A receivership established pursuant to this section 113184
shall be terminated, following notification of the appropriate 113185
parties and a hearing, if the court determines either of the 113186
following: 113187

(1) The residential facility has been closed and the 113188
former residents have been relocated to an appropriate facility; 113189

(2) Circumstances no longer exist at the residential 113190
facility which present a substantial risk of physical or mental 113191
harm to residents, and there is no deficiency in the residential 113192
facility that is likely to create a future risk of harm. 113193

Notwithstanding division (C) (2) of this section, the court 113194
shall not terminate a receivership for a residential facility 113195
that has previously operated under another receivership unless 113196

the responsibility for the operation of the facility is 113197
transferred to an operator approved by the court and the 113198
department of ~~mental behavioral health and addiction services~~. 113199

(D) Except for the department of ~~mental behavioral health~~ 113200
~~and addiction services~~ or appropriate board of alcohol, drug 113201
addiction, and mental health services, no party or person 113202
interested in an action shall be appointed a receiver pursuant 113203
to this section. 113204

To assist the court in identifying persons qualified to be 113205
named as receivers, the director of ~~mental behavioral health and~~ 113206
~~addiction services~~ shall maintain a list of the names of such 113207
persons. The department of ~~mental behavioral health and~~ 113208
~~addiction services~~, the department of job and family services, 113209
and the department of health shall provide technical assistance 113210
to any receiver appointed pursuant to this section. 113211

Before entering upon the duties of receiver, the receiver 113212
must be sworn to perform the duties faithfully, and, with surety 113213
approved by the court, judge, or clerk, execute a bond to such 113214
person, and in such sum as the court or judge directs, to the 113215
effect that such receiver will faithfully discharge the duties 113216
of receiver in the action, and obey the orders of the court 113217
therein. 113218

(1) Under the control of the appointing court, a receiver 113219
may do the following: 113220

(a) Bring and defend actions in the appointee's name as 113221
receiver; 113222

(b) Take and keep possession of property. 113223

(2) The court shall authorize the receiver to do the 113224
following: 113225

(a) Collect payment for all goods and services provided to the residents or others during the period of the receivership at the same rate as was charged by the licensee at the time the petition for receivership was filed, unless a different rate is set by the court;

(b) Honor all leases, mortgages, and secured transactions governing all buildings, goods, and fixtures of which the receiver has taken possession, but, in the case of a rental agreement only to the extent of payments that are for the use of the property during the period of the receivership, or, in the case of a purchase agreement, only to the extent that payments come due during the period of the receivership;

(c) If transfer of residents is necessary, provide for the orderly transfer of residents by:

(i) Cooperating with all appropriate state and local agencies in carrying out the transfer of residents to alternative community placements;

(ii) Providing for the transportation of residents' belongings and records;

(iii) Helping to locate alternative placements and develop plans for transfer;

(iv) Encouraging residents or guardians to participate in transfer planning except when an emergency exists and immediate transfer is necessary.

(d) Make periodic reports on the status of the residential facility to the court; the appropriate state agencies; and the board of alcohol, drug addiction, and mental health services. Each report shall be made available to residents, their guardians, and families.

(e) Compromise demands or claims; and 113255

(f) Generally do such acts respecting the residential 113256
facility as the court authorizes. 113257

Notwithstanding any other provision of law, contracts 113258
which are necessary to carry out the powers and duties of the 113259
receiver need not be competitively bid. 113260

Sec. 5119.343. (A) As used in this section, "adverse 113261
action" means an action by a state, provincial, federal, or 113262
other licensing or regulatory authority other than the 113263
department of behavioral health to deny, revoke, suspend, place 113264
on probation, or otherwise restrict a license, certificate, or 113265
other approval to operate a residential facility or practice a 113266
health care profession. 113267

(B) (1) When submitting an application for initial or 113268
renewed licensure of a residential facility under section 113269
5119.34 of the Revised Code, the applicant shall notify the 113270
department of ~~mental behavioral health and addiction services~~ of 113271
any adverse action taken against any of the following during the 113272
three-year period immediately preceding the date of application: 113273

(a) The residential facility or the facility's; 113274

(b) Any owner, operator, or manager within of the three- 113275
year period immediately preceding the date of 113276
application facility; 113277

(c) Any subsidiary of the facility, owner, or operator. 113278

(2) Not later than seven days after receiving a notice of 113279
adverse action ~~from a licensing or regulatory authority that is~~ 113280
~~other than the department of mental health and addiction~~ 113281
~~services~~, the holder of a residential facility license issued 113282

under section 5119.34 of the Revised Code shall notify the 113283
department of the action. 113284

(3) To notify the department as required by this section, 113285
a copy of the notice of adverse action shall be provided to the 113286
department. 113287

Sec. 5119.345. The department of behavioral health shall 113288
publish a directory of all residential facilities licensed under 113289
section 5119.34 of the Revised Code on the department's web 113290
site. For each facility, the directory shall include all of the 113291
following: 113292

(A) The name of the facility; 113293

(B) The facility's full address; 113294

(C) The facility's categorization as a class one, class 113295
two, or class three facility; 113296

(D) The services offered at the facility. 113297

Sec. 5119.35. (A) Except as provided in division (B) of 113298
this section, if a mental health service or alcohol and drug 113299
addiction service has been specified in rules adopted under this 113300
section as a service that is required to be certified, no person 113301
or government entity shall provide that service unless it has 113302
been certified under section 5119.36 of the Revised Code. 113303

(B) Division (A) of this section does not apply to either 113304
of the following: 113305

(1) An individual who holds a valid license, certificate, 113306
or registration issued by this state authorizing the practice of 113307
a health care profession that includes the performance of any 113308
service that is required to be certified as described in this 113309
section, regardless of whether the service is performed as part 113310

of a sole proprietorship, partnership, or group practice; 113311

(2) An individual who provides any service that is 113312
required to be certified as described in this section as part of 113313
an employment or contractual relationship with a hospital 113314
outpatient clinic that is accredited by an accreditation agency 113315
or organization approved by the director of ~~mental~~ behavioral 113316
~~health and addiction services~~. 113317

(C) (1) If the director of ~~mental~~ behavioral ~~health and~~ 113318
~~addiction services~~ determines that a person or government entity 113319
is violating division (A) of this section, the director may 113320
request, in writing, that the attorney general petition the 113321
court of common pleas in the county where the person or 113322
government entity is located or providing the services to enjoin 113323
the person or government entity from engaging in the conduct 113324
that violates division (A) of this section. 113325

(2) No person or government entity that is subject to this 113326
section is eligible to receive, for a service that is subject to 113327
this section, any federal funds, state funds, or funds 113328
administered by a board of alcohol, drug addiction, and mental 113329
health services, unless that service has been certified under 113330
section 5119.36 of the Revised Code. This limitation is in 113331
addition to the injunction that may be sought under division (C) 113332
(1) of this section for a violation of division (A) of this 113333
section. 113334

(D) The director may adopt rules in accordance with 113335
Chapter 119. of the Revised Code to specify mental health 113336
services and alcohol and drug addiction services that are 113337
required to be certified under section 5119.36 of the Revised 113338
Code. 113339

Sec. 5119.36. (A) A person or government entity that seeks 113340
initial certification of one or more certifiable services and 113341
supports, or that seeks to renew certification of one or more 113342
certifiable services and supports, shall submit an application 113343
to the director of ~~mental behavioral health and addiction~~ 113344
~~services~~. On receipt of the application, the director shall 113345
determine whether the standards established by ~~divisions~~ 113346
division (B) ~~and (C)~~ of this section and any rules adopted under 113347
this section are satisfied or continue to be satisfied by the 113348
applicant. As part of the determination the director may conduct 113349
an on-site review of the applicant. In doing so, the director 113350
may conduct the review in cooperation with a board of alcohol, 113351
drug addiction, and mental health services that seeks to 113352
contract or has a contract with the applicant under section 113353
340.036 of the Revised Code. 113354

Not later than fourteen days after receipt of an ~~initial~~ 113355
~~or renewal~~ application for initial or renewed certification, the 113356
director shall inform the board of alcohol, drug addiction, and 113357
mental health services serving the alcohol, drug addiction, and 113358
mental health service district in which the applicant's 113359
certifiable services and supports will be provided of the 113360
receipt of the application. On the board's request, the director 113361
shall provide the board with a copy of the application. 113362

Not later than thirty days after a provider's 113363
certification ceases to be valid for any reason, including the 113364
provider's failure to renew the certification prior to 113365
expiration, the director's acceptance of the provider's 113366
surrender of the certification, or the issuance of a final order 113367
for disciplinary action under division ~~(G)~~ (F) or ~~(M)~~ (L) of this 113368
section, the director shall provide notice to the applicable 113369
board of alcohol, drug addiction, and mental health services of 113370

the reason the certification ceased to be valid and the date it became invalid. 113371
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(B) (1) Except as provided in division (B) (4) of this section, beginning on ~~the effective date of this amendment~~ October 3, 2023, an applicant seeking initial certification of certifiable services and supports shall be accredited by one or more national accrediting organizations specified in division (B) (3) of this section for certifiable services and supports for which national accreditation exists for such services and supports or equivalent services and supports. 113373
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(2) Except as provided in division (B) (4) of this section, beginning October 1, 2025, an applicant seeking to renew certification of certifiable services and supports shall be accredited by one or more national accrediting organizations specified in division (B) (3) of this section for certifiable services and supports for which national accreditation exists for such services and supports or equivalent services and supports. 113381
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(3) For purposes of divisions (B) (1) and (2) of this section, the director shall accept appropriate accreditation of an applicant's certifiable services and supports from any of the following national accrediting organizations: 113389
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(a) The joint commission; 113393

(b) The commission on accreditation of rehabilitation facilities; 113394
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(c) The council on accreditation; 113396

(d) Any other national accrediting organization the director considers appropriate. 113397
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(4) The accreditation requirements of divisions (B) (1) and 113399
(2) of this section do not apply to an applicant seeking an 113400
initial or renewed certification to provide prevention services, 113401
as that term is defined in rules adopted under this section. For 113402
such applicants, accreditation is optional. 113403

~~(C) In addition to meeting the accreditation standard set 113404
forth in division (B) of this section, an applicant seeking 113405
initial or renewed certification of one or more certifiable 113406
services and supports is eligible to receive the certification 113407
only if both of the following are the case, as determined by the 113408
director:— 113409~~

~~(1) The applicant has adequate staff and equipment to 113410
provide the certifiable services and supports;— 113411~~

~~(2) The department has not been notified under section 113412
5119.367 of the Revised Code or is not otherwise aware that the 113413
applicant, or any owner or principal of the applicant, has been 113414
the subject of an adverse action, as defined in that section, 113415
taken during the three-year period immediately preceding the 113416
date of application.— 113417~~

~~(D) (1) (C) (1) Except as provided in division (D) (2) (C) (2) 113418
of this section, if the director determines that an applicant 113419
has paid any required certification fee, that the applicant's 113420
accreditation of certifiable services and supports is current 113421
and appropriate for the services and supports for which the 113422
applicant is seeking initial or renewed certification, ~~that the 113423
applicant meets the requirements of division (C) of this 113424
section,~~ and that the applicant meets any other requirements 113425
established by this section or rules adopted under it, the 113426
director shall certify the services and supports or renew the 113427
certification of the services and supports, as applicable. 113428~~

Except as provided in division ~~(J)~~(I) of this section, the 113429
director shall issue or renew the certification without further 113430
evaluation of the services and supports. 113431

(2) Prior to October 1, 2025, if an applicant that seeks 113432
to renew certification of certifiable services and supports is 113433
not accredited to provide those services and supports by one or 113434
more national accrediting organizations specified in division 113435
(B) (3) of this section, the director shall conduct an evaluation 113436
of the applicant to determine whether the applicant's 113437
certifiable services and supports satisfy the standards for 113438
certification. The evaluation is in addition to any on-site 113439
review conducted under division (A) of this section and shall be 113440
performed in cooperation with a board of alcohol, drug 113441
addiction, and mental health services that seeks to contract or 113442
has a contract with the applicant under section 340.036 of the 113443
Revised Code. If the director determines that an applicant has 113444
paid any required certification fee, that the applicant's 113445
certifiable services and supports satisfy the standards for 113446
renewed certification, ~~that the applicant meets the requirements~~ 113447
~~of division (C) of this section,~~ and that the applicant meets 113448
any other requirements established by this section or the rules 113449
adopted under it, the director shall certify the certifiable 113450
services and supports. 113451

~~(E)~~(D) For purposes of the accreditation requirements of 113452
this section, both of the following apply: 113453

(1) The director may review the accrediting organizations 113454
specified in division (B) (3) of this section to evaluate whether 113455
the accreditation standards and processes used by the 113456
organizations are consistent with service delivery models the 113457
director considers appropriate for mental health services, 113458

alcohol and drug addiction services, or physical health 113459
services. The director may communicate to an accrediting 113460
organization any identified concerns, trends, needs, and 113461
recommendations. 113462

(2) The director shall require a community mental health 113463
services provider and a community addiction services provider to 113464
notify the director not later than ten days after any change in 113465
the provider's accreditation status. The provider may notify the 113466
director by providing a copy of the relevant document the 113467
provider received from the accrediting organization. 113468

~~(F)~~ (E) The director may require a community mental health 113469
services provider or a community addiction services provider to 113470
submit to the director cost reports pertaining to the provider. 113471

~~(G)~~ (F) The director may refuse to certify certifiable 113472
services and supports, refuse to renew certification, or revoke 113473
certification if any of the following apply to an applicant for 113474
certification or the holder of the certification: 113475

(1) The applicant or holder is not in compliance with 113476
rules adopted under this section. 113477

(2) The applicant or holder has been cited for a pattern 113478
of serious noncompliance or repeated violations of statutes or 113479
rules during the current certification period or any previous 113480
certification period. 113481

(3) The applicant or holder has been found to be in 113482
violation of section 5119.396 of the Revised Code; 113483

(4) The applicant or holder submits false or misleading 113484
information as part of a certification application, renewal, or 113485
investigation. 113486

(5) The applicant does not have adequate staff and equipment to provide the certifiable services and supports. 113487
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(6) The department has been notified under section 5119.367 of the Revised Code or is otherwise aware that the applicant, any owner or principal of the applicant, or any subsidiary of the applicant or owner has been the subject of an adverse action, as defined in that section, taken during the three-year period immediately preceding the date of notification or date of becoming aware of the adverse action. 113489
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~~(H)~~ (G) Proceedings initiated to deny applications to certify certifiable services and supports, to refuse to renew certification, or to revoke certification are governed by Chapter 119. of the Revised Code. If an order has been issued suspending admissions to a community addiction services provider, as provided in division ~~(M)~~ (L) of this section, the order remains in effect during the pendency of those proceedings. 113496
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~~(I)~~ (H) The director may conduct an on-site review or otherwise evaluate a community mental health services provider or a community addiction services provider at any time based on cause, including complaints made by or on behalf of persons receiving mental health services or alcohol and drug addiction services and confirmed or alleged deficiencies brought to the attention of the director. This authority does not affect the director's duty to conduct the inspections required by section 5119.37 of the Revised Code. 113504
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In conducting an on-site review under this division, the director may do so in cooperation with a board of alcohol, drug addiction, and mental health services that seeks to contract or has a contract with the applicant under section 340.036 of the 113513
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Revised Code. In conducting any other evaluation under this 113517
division, the director shall do so in cooperation with such a 113518
board. 113519

~~(J)~~(I) If the director proposes to take action under 113520
division ~~(G)~~(F) of this section, the director shall notify the 113521
board of alcohol, drug addiction, and mental health services 113522
serving the alcohol, drug addiction, and mental health service 113523
district in which the certifiable services and supports will be 113524
or were provided, and provide the board opportunity to respond 113525
as specified in division (A) of this section with respect to 113526
initial or renewal applications. 113527

When a final order is issued by the director under 113528
division ~~(G)~~(F) of this section, the director may request that 113529
the appropriate board of alcohol, drug addiction, and mental 113530
health services reallocate any funds for the certifiable 113531
services and supports the applicant was to provide to a 113532
community mental health services provider or community addiction 113533
services provider whose certifiable services and supports 113534
satisfy the standards. If the board does not reallocate such 113535
funds in a reasonable period of time, the director may withhold 113536
state and federal funds for the certifiable services and 113537
supports and allocate those funds directly to a community mental 113538
health services provider or community addiction services 113539
provider whose certifiable services and supports satisfy the 113540
standards. 113541

~~(K)~~(J) Each applicant seeking initial or renewed 113542
certification of its certifiable services and supports shall pay 113543
a fee for the certification required by this section, unless the 113544
applicant is exempt under rules adopted under this section. Fees 113545
shall be paid into the state treasury to the credit of the sale 113546

of goods and services fund created pursuant to section 5119.45 113547
of the Revised Code. 113548

~~(L)~~(K) The director shall adopt rules in accordance with 113549
Chapter 119. of the Revised Code to implement this section. The 113550
rules shall do all of the following: 113551

(1) Subject to section 340.034 of the Revised Code, 113552
specify the types of recovery supports that are required to be 113553
certified under this section; 113554

(2) Establish certification standards for certifiable 113555
services and supports that are consistent with nationally 113556
recognized applicable standards and facilitate participation in 113557
federal assistance programs. The rules shall include as 113558
certification standards only requirements that improve the 113559
quality of certifiable services and supports or the health and 113560
safety of persons receiving certifiable services and supports. 113561
The standards shall address at a minimum all of the following: 113562

(a) Reporting major unusual incidents to the director; 113563

(b) Procedures for applicants for and persons receiving 113564
certifiable services and supports to file grievances and 113565
complaints; 113566

(c) Seclusion; 113567

(d) Restraint; 113568

(e) Requirements regarding the physical facilities in 113569
which certifiable services and supports are provided; 113570

(f) Requirements with regard to health, safety, adequacy, 113571
and cultural specificity and sensitivity; 113572

(g) Standards for evaluating certifiable services and 113573

supports; 113574

(h) Standards and procedures for granting full, 113575
probationary, and interim certification of the certifiable 113576
services and supports of an applicant; 113577

(i) Standards and procedures for revoking the 113578
certification of a community mental health services provider's 113579
or community addiction services provider's certifiable services 113580
and supports that do not continue to meet the minimum standards 113581
established pursuant to this section; 113582

(j) The limitations to be placed on a provider whose 113583
certifiable services and supports are granted probationary or 113584
interim certification; 113585

(k) Development of written policies addressing the rights 113586
of persons receiving certifiable services and supports, 113587
including all of the following: 113588

(i) The right to a copy of the written policies addressing 113589
the rights of persons receiving certifiable services and 113590
supports; 113591

(ii) The right at all times to be treated with 113592
consideration and respect for the person's privacy and dignity; 113593

(iii) The right to have access to the person's own 113594
psychiatric, medical, or other treatment records unless access 113595
is specifically restricted in the person's treatment plan for 113596
clear treatment reasons; 113597

(iv) The right to have a client rights officer provided by 113598
the provider or board of alcohol, drug addiction, and mental 113599
health services advise the person of the person's rights, 113600
including the person's rights under Chapter 5122. of the Revised 113601

Code if the person is committed to the provider or board. 113602

(1) Documentation that must be submitted as evidence of 113603
holding appropriate accreditation; 113604

(m) A process by which the director may review the 113605
accreditation standards and process used by the national 113606
accrediting organizations specified in division (B) (3) of this 113607
section. 113608

(3) Establish the process for certification of certifiable 113609
services and supports; 113610

(4) Set the amount of initial and renewal certification 113611
fees and any reasons for which applicants may be exempt from the 113612
fees; 113613

(5) Specify the type of notice and hearing to be provided 113614
prior to a decision on whether to reallocate funds; 113615

(6) Establish a process by which the director, based on 113616
deficiencies identified as a result of conducting an on-site 113617
review or otherwise evaluating a community mental health 113618
services provider or community addiction services provider under 113619
division ~~(I)~~(H) of this section, may take any range of 113620
correction actions, including revocation of the provider's 113621
certification. 113622

~~(M)~~(L) (1) The director may issue an order suspending 113623
admissions to a community addiction services provider that 113624
provides overnight accommodations if the director finds either 113625
of the following: 113626

(a) The provider's certifiable services and supports are 113627
not in compliance with rules adopted under this section; 113628

(b) The provider has been cited for more than one 113629

violation of statutes or rules during any previous certification 113630
period of the provider. 113631

(2) (a) Except as provided in division ~~(M) (2) (b)~~ (L) (2) (b) 113632
of this section, proceedings initiated to suspend admissions to 113633
a community addiction services provider that provides overnight 113634
accommodations are governed by Chapter 119. of the Revised Code. 113635

(b) If a suspension of admissions is proposed because the 113636
director has determined that the provider has demonstrated a 113637
pattern of serious noncompliance or that a violation creates a 113638
substantial risk to the health and safety of patients, the 113639
director may issue an order suspending admissions before 113640
providing an opportunity for an adjudication under Chapter 119. 113641
of the Revised Code. The director shall lift the order for the 113642
suspension of admissions if the director determines that the 113643
violation that formed the basis for the order has been 113644
corrected. 113645

(3) Appeals from proceedings initiated to order the 113646
suspension of admissions shall be conducted in accordance with 113647
Chapter 119. of the Revised Code, unless the order was issued 113648
before providing an opportunity for an adjudication, in which 113649
case all of the following apply: 113650

(a) The provider may request a hearing not later than ten 113651
days after being served in accordance with sections 119.05 and 113652
119.07 of the Revised Code. 113653

(b) If a timely request for a hearing that includes the 113654
provider's current address is made, the hearing shall commence 113655
not later than thirty days after the department receives the 113656
request. 113657

(c) After commencing, the hearing shall continue 113658

uninterrupted, except for Saturdays, Sundays, and legal 113659
holidays, unless other interruptions are agreed to by the 113660
provider and the director. 113661

(d) If the hearing is conducted by a hearing examiner, the 113662
hearing examiner shall file a report and recommendations with 113663
the department not later than ten days after the last of the 113664
following: 113665

(i) The close of the hearing; 113666

(ii) If a transcript of the proceedings is ordered, the 113667
hearing examiner receives the transcript; 113668

(iii) If post-hearing briefs are timely filed, the hearing 113669
examiner receives the briefs. 113670

(e) The hearing examiner shall send a written copy of the 113671
report and recommendations, by certified mail, to the provider, 113672
or the provider's attorney, if applicable, not later than five 113673
days after the report is filed with the department. 113674

(f) Not later than five days after receiving the report 113675
and recommendations, the provider may file objections with the 113676
department. 113677

(g) Not later than fifteen days after the hearing examiner 113678
files the report and recommendations, the department shall issue 113679
an order approving, modifying, or disapproving the report and 113680
recommendations. 113681

(h) Notwithstanding the pendency of the hearing, the 113682
department shall lift the order for the suspension of admissions 113683
if the department determines the violation that formed the basis 113684
for the order has been corrected. 113685

~~(N) (1)~~ (M) (1) In a proceeding initiated to suspend 113686

admissions to a community addiction services provider that 113687
provides overnight accommodations, to deny an application for 113688
certification of certifiable services and supports, to refuse to 113689
renew certification, or to revoke certification, the department 113690
may order the suspension, denial, refusal, or revocation 113691
regardless of whether some or all of the deficiencies that 113692
prompted the proceedings have been corrected at the time of the 113693
hearing. 113694

(2) When the department issues an order suspending 113695
admissions to a community addiction services provider that 113696
provides overnight accommodations, denies an application for 113697
certification of certifiable services and supports, refuses to 113698
renew certification, or revokes a certification, the department 113699
shall not grant an opportunity for submitting a plan of 113700
correction. 113701

~~(O)~~ (N) The department of ~~mental behavioral~~ health and 113702
~~addiction services~~ shall maintain a current list of community 113703
addiction services providers and shall provide a copy of the 113704
list to a judge of a court of common pleas who requests a copy 113705
for the use of the judge under division (H) of section 2925.03 113706
of the Revised Code. The list shall identify each provider by 113707
its name, its address, and the county in which it is located. 113708

~~(P)~~ (O) No person shall represent in any manner that a 113709
community mental health services provider's or community 113710
addiction services provider's certifiable services and supports 113711
are certified by the director if the certifiable services and 113712
supports are not so certified at the time the representation is 113713
made. 113714

~~(O)~~ (P) If a board of alcohol, drug addiction, and mental 113715
health services requests the department of ~~mental behavioral~~ 113716

~~health and addiction services~~ to investigate a community mental 113717
health services provider or community addiction services 113718
provider pursuant to this section, the department shall initiate 113719
the investigation not later than ten business days after receipt 113720
of the request. If the department initiates an investigation of 113721
a community mental health services provider or community 113722
addiction services provider under this section for any other 113723
reason, the department shall notify the board of alcohol, drug 113724
addiction, and mental health services serving the applicable 113725
alcohol, drug addiction, and mental health service district of 113726
the investigation and the reason for the investigation not later 113727
than three business days after the investigation begins. On the 113728
board's request, the department shall provide the board with 113729
information specifying the status of the investigation and the 113730
final disposition of the investigation. 113731

Sec. 5119.362. (A) In accordance with rules adopted under 113732
section 5119.363 of the Revised Code, each community addiction 113733
services provider shall do all of the following: 113734

(1) Maintain a waiting list for the provider's included 113735
opioid and co-occurring drug addiction services and recovery 113736
supports; 113737

(2) Notify an individual included on the provider's 113738
waiting list when the provider has a slot available for the 113739
individual and, if the individual does not contact the provider 113740
about the slot within a period of time specified in the rules, 113741
contact the individual to determine why the individual did not 113742
contact the provider and to assess whether the individual still 113743
needs the included opioid and co-occurring drug addiction 113744
services and recovery supports; 113745

(3) Remove an individual from the waiting list if either 113746

of the following applies: 113747

(a) The individual withdraws the individual's request for 113748
included opioid and co-occurring drug addiction services and 113749
recovery supports; 113750

(b) When the provider notifies the individual about an 113751
available slot, the individual does not contact the provider 113752
about the slot within the period of time specified in the rules 113753
or otherwise vacates the slot before beginning to receive the 113754
services and supports. 113755

(4) As part of the process of maintaining the waiting 113756
list, determine both of the following: 113757

(a) For each individual who seeks from the provider 113758
included opioid and co-occurring drug addiction services and 113759
recovery supports, the number of days that starts with the day 113760
the individual first contacts the provider about accessing the 113761
services and supports and ends on the following day: 113762

(i) If the individual is required to be assessed for the 113763
individual's clinical need for the services and supports, the 113764
day of the assessment; 113765

(ii) If the individual is not required to be assessed for 113766
the individual's clinical need for the services and supports, 113767
the first day of the individual's access to the services and 113768
supports. 113769

(b) For each such individual who is required to be 113770
assessed for the individual's clinical need for the services and 113771
supports, the number of days that starts with the day of the 113772
assessment and ends with the first day of the individual's 113773
access to the services and supports. 113774

(5) Using information the provider acquires by maintaining the waiting list, determine whether included opioid and co-occurring drug addiction services and recovery supports are insufficient to meet the needs of individuals on the waiting list; 113775
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(6) Subject to division (B) of this section, report all of the following information not later than the last day of each month to the department of ~~mental behavioral health and addiction services~~: 113780
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113782
113783

(a) An unduplicated count of all individuals who were included on the provider's waiting list during the immediately preceding month and each type of included opioid and co-occurring drug addiction services and recovery supports for which they were waiting; 113784
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(b) The total number of days each such individual had been on the provider's waiting list during the immediately preceding month; 113789
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(c) The last known type of residential setting in which each such individual resided during the immediately preceding month; 113792
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(d) The total number of individuals who did not contact the provider after receiving, during the immediately preceding month, the notices under division (A) (2) of this section about the provider having slots available for the individuals and, if known, the reasons the contacts were not made; 113795
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(e) The total number of such individuals who withdrew, in the immediately preceding month, their requests for included opioid and co-occurring drug addiction services and recovery supports, each type of service and support that those 113800
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individuals had requested or been assessed as having a clinical need for, and, if known, the reasons those individuals withdrew their requests;

(f) An unduplicated count of all individuals who were referred to another community addiction services provider because the referring provider does not provide the type of included opioid and co-occurring drug addiction services and recovery supports that those individuals had requested or been assessed as having a clinical need for and each type of service and support for which those individuals were referred;

(g) All other information specified in the rules.

(B) Each report that a community addiction services provider provides to the department under this section shall do both of the following:

(1) For the purposes of divisions (A)(6)(a) and (f) of this section, specify the counties of residence of the individuals in the unduplicated counts and include identifying information required by the rules adopted under section 5119.363 of the Revised Code so that the department is able to identify any individuals who are inadvertently duplicated in the counts;

(2) For the purpose of the information reported under division (A)(6)(c) of this section, identify the types of residential settings at least as either institutional or noninstitutional.

Sec. 5119.363. The director of ~~mental-behavioral~~ health ~~and addiction services~~ shall adopt rules governing the duties of community addiction services providers under section 5119.362 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

The director shall adopt rules under this section that 113833
authorize the department of ~~mental-behavioral health and~~ 113834
~~addiction services~~ to determine an advanced practice registered 113835
nurse's, physician assistant's, or physician's compliance with 113836
section 3719.064 of the Revised Code if such practitioner works 113837
for a community addiction services provider. 113838

Sec. 5119.364. (A) The department of ~~mental-behavioral~~ 113839
~~health and addiction services~~ shall do both of the following 113840
with the reports it receives from community addiction services 113841
providers under section 5119.362 of the Revised Code: 113842

(1) Subject to division (B) of this section, make the 113843
reports available on the department's internet web site; 113844

(2) Make the reports available in an electronic format to 113845
boards of alcohol, drug addiction, and mental health services in 113846
a manner that provides the information about an individual 113847
contained in a report to the board that serves the individual's 113848
county. 113849

(B) In making the reports available on the department's 113850
web site, the department shall present the information contained 113851
in the reports on both a statewide aggregate basis and county- 113852
level aggregate basis. The information on the web site shall be 113853
updated monthly after the community addiction services providers 113854
submit new reports to the department. 113855

Sec. 5119.365. The director of ~~mental-behavioral~~ 113856
~~health and addiction services~~ shall adopt rules in accordance with 113857
Chapter 119. of the Revised Code to do both of the following: 113858

(A) Streamline the intake procedures used by a community 113859
addiction services provider accepting and beginning to serve a 113860
new individual, including procedures regarding intake forms and 113861

questionnaires; 113862

(B) Enable a community addiction services provider to 113863
retain an individual as an active patient even though the 113864
patient last received services from the provider more than 113865
thirty days before resumption of services so that the individual 113866
and provider do not have to repeat the intake procedures. 113867

Sec. 5119.366. The director of ~~mental~~-behavioral health 113868
~~and addiction services~~ shall require that each board of alcohol, 113869
drug addiction, and mental health services ensure that each 113870
community mental health services provider and community 113871
addiction services provider with which it contracts under 113872
section 340.036 of the Revised Code to provide certifiable 113873
services and supports establish grievance procedures consistent 113874
with rules adopted under section 5119.36 of the Revised Code 113875
that are available to all persons seeking or receiving 113876
certifiable services and supports from a community mental health 113877
services provider or community addiction services provider. 113878

Sec. 5119.367. (A) As used in this section, "adverse 113879
action" means an action by a state, provincial, federal, or 113880
other licensing or regulatory authority other than the 113881
department of behavioral health to deny, revoke, suspend, place 113882
on probation, or otherwise restrict a license, certification, or 113883
other approval to provide certifiable services and supports or 113884
an equivalent to certifiable services and supports. 113885

(B) (1) When submitting an application for initial or 113886
renewed certification of one or more certifiable services and 113887
supports, the applicant shall notify the department of ~~mental~~-behavioral health ~~and addiction services~~ of any adverse action 113888
taken against the following during the three-year period 113889
immediately preceding the date of application: 113891

(a) The applicant ~~or any~~; 113892

(b) Any owner or principal of the applicant ~~within~~; 113893

(c) Any subsidiary of the ~~three-year period immediately~~
~~preceding the date of application~~applicant or owner. 113894
113895

(2) Not later than seven days after receiving a notice of 113896
adverse action ~~from a licensing or regulatory authority that is~~ 113897
~~other than the department of mental health and addiction~~ 113898
~~services, an applicant for initial or renewed certification or~~ 113899
the holder of a certification issued under section 5119.36 of 113900
the Revised Code shall notify the department of the action. 113901

(C) To notify the department as required by this section, 113902
a copy of the notice of adverse action shall be provided to the 113903
department. 113904

Sec. 5119.368. (A) As used in this section, "telehealth 113905
services" has the same meaning as in section 4743.09 of the 113906
Revised Code. 113907

(B) Each community mental health services provider and 113908
community addiction services provider shall establish written 113909
policies and procedures describing how the provider will ensure 113910
that staff persons assisting clients with receiving telehealth 113911
services or providing telehealth services are fully trained in 113912
using equipment necessary for providing the services. 113913

(C) Prior to providing telehealth services to a client, a 113914
provider shall describe to the client the potential risks 113915
associated with receiving treatment through telehealth services 113916
and shall document that the client was provided with the risks 113917
and agreed to assume those risks. The risks communicated to a 113918
client shall address the following: 113919

(1) Clinical aspects of receiving treatment through telehealth services;	113920 113921
(2) Security considerations when receiving treatment through telehealth services;	113922 113923
(3) Confidentiality for individual and group counseling.	113924
(D) It is the responsibility of the provider, to the extent possible, to ensure contractually that any entity or individuals involved in the transmission of information through telehealth mechanisms guarantee that the confidentiality of the information is protected.	113925 113926 113927 113928 113929
(E) Every provider shall have a contingency plan for providing telehealth services to clients in the event that technical problems occur during the provision of those services.	113930 113931 113932
(F) Providers shall maintain, at a minimum, the following information pertaining to local resources:	113933 113934
(1) The local suicide prevention telephone hotline, if available, or the national suicide prevention telephone hotline.	113935 113936
(2) Contact information for the local police and fire departments.	113937 113938
The provider shall provide the client written information on how to access assistance in a crisis, including one caused by equipment malfunction or failure.	113939 113940 113941
(G) It is the responsibility of the provider to ensure that equipment meets standards sufficient to do the following:	113942 113943
(1) To the extent possible, ensure confidentiality of communication;	113944 113945
(2) Provide for interactive communication between the	113946

provider and the client; 113947

(3) When providing telehealth services using synchronous 113948
technology, ensure that video or audio are sufficient to enable 113949
real-time interaction between the client and the provider and to 113950
ensure the quality of the service provided. 113951

(H) A mental health facility or unit that is serving as a 113952
client site shall be maintained in such a manner that 113953
appropriate staff persons are on hand at the facility or unit in 113954
the event of a malfunction with the equipment used to provide 113955
telehealth services. 113956

(I) (1) All telehealth services provided by interactive 113957
videoconferencing shall meet both of the following conditions: 113958

(a) Begin with the verification of the client through a 113959
name and password or personal identification number when 113960
treatment services are being provided; 113961

(b) Be provided in accordance with state and federal law. 113962

(2) When providing telehealth services in accordance with 113963
this section, a provider shall comply with all requirements 113964
under state and federal law regarding the protection of patient 113965
information. Each provider shall ensure that any username or 113966
password information and any electronic communications between 113967
the provider and a client are securely transmitted and stored. 113968

(J) The department of ~~mental behavioral health and~~ 113969
~~addiction services~~ may adopt rules as it considers necessary to 113970
implement this section. The rules shall be adopted in accordance 113971
with Chapter 119. of the Revised Code. Any such rules adopted by 113972
the department are not subject to the requirements of division 113973
(F) of section 121.95 of the Revised Code. 113974

Sec. 5119.37. (A) (1) (a) Except as provided in division (A) 113975
(1) (b) of this section, no person or government entity shall 113976
operate an opioid treatment program requiring certification, as 113977
certification is defined in 42 C.F.R. 8.2, unless the person or 113978
government entity is a community addiction services provider and 113979
the program is licensed under this section. 113980

(b) Division (A) (1) (a) of this section does not apply to a 113981
program operated by the United States department of veterans 113982
affairs. 113983

(2) No community addiction services provider licensed 113984
under this section shall operate an opioid treatment program in 113985
a manner inconsistent with this section and the rules adopted 113986
under it. 113987

(B) A community addiction services provider seeking a 113988
license to operate an opioid treatment program shall apply to 113989
the department of ~~mental behavioral health and addiction~~ 113990
~~services~~. The department shall review all applications received. 113991

(C) The department may issue a license to operate an 113992
opioid treatment program to a community addiction services 113993
provider only if all of the following apply: 113994

(1) During the three-year period immediately preceding the 113995
date of application, the provider ~~or any owner, sponsor, medical~~ 113996
~~director, administrator, or principal of the provider has and~~ 113997
each of the following, as the case may be, have been in good 113998
standing to operate an opioid treatment program in all other 113999
locations where the provider or such other person has been 114000
operating a similar program, ~~as~~: an owner, sponsor, medical 114001
director, administrator, or principal of the provider; a 114002
subsidiary of the provider; or a subsidiary of the provider's 114003

owner or sponsor. Good standing shall be evidenced by both of 114004
the following: 114005

(a) Not having been denied a license, certificate, or 114006
similar approval to operate an opioid treatment program by this 114007
state or another jurisdiction; 114008

(b) Not having been the subject of any of the following in 114009
this state or another jurisdiction: 114010

(i) An action that resulted in the suspension or 114011
revocation of the license, certificate, or similar approval of 114012
the provider or other person; 114013

(ii) A voluntary relinquishment, withdrawal, or other 114014
action taken by the provider or other person to avoid suspension 114015
or revocation of the license, certificate, or similar approval; 114016

(iii) A disciplinary action that was based, in whole or in 114017
part, on the provider or other person engaging in the 114018
inappropriate prescribing, dispensing, administering, personally 114019
furnishing, diverting, storing, supplying, compounding, or 114020
selling of a controlled substance or other dangerous drug. 114021

(2) It affirmatively appears to the department that the 114022
provider is adequately staffed and equipped to operate an opioid 114023
treatment program. 114024

(3) It affirmatively appears to the department that the 114025
provider will operate an opioid treatment program in strict 114026
compliance with all laws relating to drug abuse and the rules 114027
adopted by the department. 114028

(4) Except as provided in division (D) of this section and 114029
section 5119.371 of the Revised Code, if the provider is seeking 114030
an initial license for a particular location, the proposed 114031

opioid treatment program is not located on a parcel of real estate that is within a radius of five hundred linear feet of the boundaries of a parcel of real estate having situated on it a public or private school, child care center licensed under Chapter 5104. of the Revised Code, or child-serving agency regulated by the department under this chapter.

(5) The provider meets any additional requirements established by the department in rules adopted under division (F) of this section.

(D) The department may waive the requirement of division (C) (4) of this section if it receives, from each public or private school, child care center, or child-serving agency that is within the five hundred linear feet radius described in that division, a letter of support for the location. The department shall determine whether a letter of support is satisfactory for purposes of waiving the requirement.

(E) (1) Except as provided in division (E) (2) of this section, a license to operate an opioid treatment program shall expire two years from the date of issuance. Licenses may be renewed.

(2) In circumstances in which the director of ~~mental-behavioral health and addiction services~~ has concerns regarding compliance of a community addiction services provider licensed as an opioid treatment program, the department shall notify the provider of those concerns and stipulate that the provider's license expires annually on a date determined by the department.

(F) The department shall establish procedures and adopt rules for licensing, inspection, and supervision of community addiction services providers that operate an opioid treatment

program. The rules shall establish standards for the control, 114061
storage, furnishing, use, dispensing, and administering of 114062
medications used in medication-assisted treatment; prescribe 114063
minimum standards for the operation of the opioid treatment 114064
program component of the provider's operations; and comply with 114065
federal laws and regulations. 114066

All rules adopted under this division shall be adopted in 114067
accordance with Chapter 119. of the Revised Code. All actions 114068
taken by the department regarding the licensing of providers to 114069
operate opioid treatment programs shall be conducted in 114070
accordance with Chapter 119. of the Revised Code, except as 114071
provided in division (L) of this section. 114072

(G) (1) The department shall inspect all community 114073
addiction services providers licensed to operate an opioid 114074
treatment program. Inspections shall be conducted at least 114075
biennially and may be conducted more frequently. 114076

In addition, the department may inspect any provider or 114077
other person that it reasonably believes to be operating an 114078
opioid treatment program without a license issued under this 114079
section. 114080

(2) When conducting an inspection, the department may do 114081
both of the following: 114082

(a) Examine and copy all records, accounts, and other 114083
documents relating to the provider's or other person's 114084
operations, including records pertaining to patients or clients; 114085

(b) Conduct interviews with any individual employed by or 114086
contracted or otherwise associated with the provider or person, 114087
including an administrator, staff person, patient, or client. 114088

(3) No person or government entity shall interfere with a 114089

state or local government official acting on behalf of the 114090
department while conducting an inspection. 114091

(H) A community addiction services provider shall not 114092
administer or dispense methadone in a tablet, powder, or 114093
intravenous form. Methadone shall be administered or dispensed 114094
only in a liquid form intended for ingestion. 114095

A community addiction services provider shall not 114096
administer or dispense a medication used in medication-assisted 114097
treatment for pain or other medical reasons. 114098

(I) As used in this division, "program sponsor" means a 114099
person who assumes responsibility for the operation and 114100
employees of the opioid treatment program component of a 114101
community addiction services provider's operations. 114102

A provider shall not permit an individual to act as a 114103
program sponsor, medical director, or director of the provider 114104
if the individual is receiving a medication used in medication- 114105
assisted treatment from any community addiction services 114106
provider. 114107

(J) The department may issue orders to ensure compliance 114108
with all laws relating to drug abuse and the rules adopted under 114109
this section. Subject to section 5119.27 of the Revised Code, 114110
the department may hold hearings, require the production of 114111
relevant matter, compel testimony, issue subpoenas, and make 114112
adjudications. Upon failure of a person without lawful excuse to 114113
obey a subpoena or to produce relevant matter, the department 114114
may apply to a court of common pleas for an order compelling 114115
compliance. 114116

(K) The department may refuse to issue, or may withdraw or 114117
revoke, a license to operate an opioid treatment program. A 114118

license may be refused if a community addiction services 114119
provider does not meet the requirements of division (C) of this 114120
section. A license may be withdrawn at any time the department 114121
determines that the provider no longer meets the requirements 114122
for receiving the license. A license may be revoked in 114123
accordance with division (L) of this section. 114124

Once a license is issued under this section, the 114125
department shall not consider the requirement of division (C) (4) 114126
of this section in determining whether to renew, withdraw, or 114127
revoke the license or whether to reissue the license as a result 114128
of a change in ownership. 114129

(L) If the department finds reasonable cause to believe 114130
that a community addiction services provider licensed under this 114131
section is in violation of any state or federal law or rule 114132
relating to drug abuse, the department may issue an order 114133
immediately revoking the license, subject to division (M) of 114134
this section. The department shall set a date not more than 114135
fifteen days later than the date of the order of revocation for 114136
a hearing on the continuation or cancellation of the revocation. 114137
For good cause, the department may continue the hearing on 114138
application of any interested party. In conducting hearings, the 114139
department has all the authority and power set forth in division 114140
(J) of this section. Following the hearing, the department shall 114141
either confirm or cancel the revocation. The hearing shall be 114142
conducted in accordance with Chapter 119. of the Revised Code, 114143
except that the provider shall not be permitted to operate an 114144
opioid treatment program pending the hearing or pending any 114145
appeal from an adjudication made as a result of the hearing. 114146
Notwithstanding any provision of Chapter 119. of the Revised 114147
Code to the contrary, a court shall not stay or suspend any 114148
order of revocation issued by the department under this division 114149

pending judicial appeal. 114150

(M) The department shall not revoke a license to operate 114151
an opioid treatment program unless all clients receiving 114152
medication used in medication-assisted treatment from the 114153
community addiction services provider are provided adequate 114154
substitute medication or treatment. For purposes of this 114155
division, the department may transfer the clients to other 114156
providers licensed to operate opioid treatment programs or 114157
replace any or all of the administrators and staff of the 114158
provider with representatives of the department who shall 114159
continue on a provisional basis the opioid treatment component 114160
of the provider's operations. 114161

(N) Each time the department receives an application from 114162
a community addiction services provider for a license to operate 114163
an opioid treatment program, issues or refuses to issue a 114164
license, or withdraws or revokes a license, the department shall 114165
notify the board of alcohol, drug addiction, and mental health 114166
services of each alcohol, drug addiction, and mental health 114167
service district in which the provider operates. 114168

(O) Whenever it appears to the department from files, upon 114169
complaint, or otherwise, that a community addiction services 114170
provider has engaged in any practice declared to be illegal or 114171
prohibited by section 3719.61 of the Revised Code, or any other 114172
state or federal laws or regulations relating to drug abuse, or 114173
when the department believes it to be in the best interest of 114174
the public and necessary for the protection of the citizens of 114175
the state, the department may request criminal proceedings by 114176
laying before the prosecuting attorney of the proper county any 114177
evidence of criminality which may come to its knowledge. 114178

(P) The department shall maintain a current list of 114179

community addiction services providers licensed by the 114180
department under this section and shall provide a copy of the 114181
current list to a judge of a court of common pleas who requests 114182
a copy for the use of the judge under division (H) of section 114183
2925.03 of the Revised Code and to a board of alcohol, drug 114184
addiction, and mental health services that requests a copy for 114185
purposes of division (I) (3) of section 340.08 of the Revised 114186
Code. The list of licensed community addiction services 114187
providers shall identify each licensed provider by its name, its 114188
address, and the county in which it is located. 114189

Sec. 5119.371. (A) On application by a community addiction 114190
services provider that has purchased or leased real property to 114191
be used as the location of an opioid treatment program subject 114192
to licensure under section 5119.37 of the Revised Code, the 114193
department of ~~mental-behavioral health and addiction services~~ 114194
shall determine whether the location of the proposed program 114195
complies with the requirements of division (C) (4) of section 114196
5119.37 of the Revised Code by not being located on a parcel of 114197
real estate that is within a radius of five hundred linear feet 114198
of the boundaries of a parcel of real estate having situated on 114199
it a public or private school, child care center licensed under 114200
Chapter 5104. of the Revised Code, or child-serving agency 114201
regulated by the department under this chapter. 114202

If the department determines that the location is in 114203
compliance with division (C) (4) of section 5119.37 of the 114204
Revised Code, the department shall issue a declaration stating 114205
that the location is in compliance. The declaration is valid for 114206
two years from the date of issuance. 114207

The department shall provide to the provider either a copy 114208
of the declaration or a notice that the department has 114209

determined that the location is not in compliance with division 114210
(C) (4) of section 5119.37 of the Revised Code. 114211

If, before expiration of the declaration, a community 114212
addiction services provider applies for a license to operate an 114213
opioid treatment program, the department shall not consider the 114214
requirement of division (C) (4) of section 5119.37 of the Revised 114215
Code in determining whether to issue the license. 114216

(B) A community addiction services provider seeking to 114217
relocate an opioid treatment program licensed under section 114218
5119.37 of the Revised Code may apply for and be granted a 114219
declaration under division (A) of this section. If, before 114220
expiration of the declaration, the provider applies for issuance 114221
of a license due to relocation, the department shall not 114222
consider the requirement of division (C) (4) of section 5119.37 114223
of the Revised Code in determining whether to reissue the 114224
license due to relocation. 114225

Sec. 5119.38. A drivers' intervention program may be used 114226
as an alternative to a term of imprisonment for an offender 114227
sentenced pursuant to division (G) (1) (a) of section 4511.19 of 114228
the Revised Code, if it is certified by the director of ~~mental-~~ 114229
behavioral health and addiction services pursuant to this 114230
section. No drivers' intervention program shall be used as an 114231
alternative to a term of imprisonment that is imposed pursuant 114232
to division (G) (1) (b), (c), (d), or (e) of section 4511.19 of 114233
the Revised Code. 114234

To qualify for certification by the director and to 114235
receive funds from the statewide treatment and prevention fund 114236
created by section 4301.30 of the Revised Code in any amounts 114237
and at any times that the director determines are appropriate, a 114238
drivers' intervention program shall meet state minimum standards 114239

that the director shall establish by rule. The rules shall 114240
include, but are not limited to, standards governing program 114241
course hours and content, qualifications of program personnel, 114242
methods of identifying and testing participants to isolate 114243
participants with alcohol and drug abuse problems, referral of 114244
such persons to community addiction services providers, the 114245
prompt notification of courts by program operators of the 114246
completion of the programs by persons required by courts to 114247
attend them, and record keeping, including methods of tracking 114248
participants for a reasonable time after they have left the 114249
program. 114250

The director shall issue a certificate to any qualified 114251
drivers' intervention program. The certificate is valid for 114252
three years. 114253

Sec. 5119.39. (A) The department of ~~mental-behavioral~~ 114254
~~health and addiction services~~ shall monitor the operation of 114255
recovery housing in this state by doing either of the following: 114256

(1) Certifying recovery housing residences through a 114257
process established by the department; 114258

(2) Accepting accreditation, or its equivalent for 114259
recovery housing, from one or more of the following: 114260

(a) The Ohio affiliate of the national alliance for 114261
recovery residences; 114262

(b) Oxford house, inc.; 114263

(c) Any other organization that is designated by the 114264
department for purposes of this section. 114265

(B) If the department certifies recovery housing 114266
residences, the department shall, in rules adopted under section 114267

5119.397 of the Revised Code, establish requirements for initial certification and renewal certification, as well as grounds and procedures for disciplinary action against operators of recovery housing residences.

Sec. 5119.391. (A) The department of ~~mental-behavioral~~ health and ~~addiction services~~ shall monitor the establishment of recovery housing residences in this state.

(B) For purposes of division (A) of this section, and within the timeframe specified in division (C) of this section, each person or government entity that will operate a recovery housing residence on or after ~~the effective date of this section~~ October 3, 2023, including any recovery housing that was established and in operation prior to ~~the effective date of this section~~ October 3, 2023, shall file with the department, on a form prescribed by the department, all of the following information:

(1) The name of the recovery housing residence and any other name under which the residence does business;

(2) The address of the recovery housing residence;

(3) The name of the person or government entity operating the residence;

(4) The primary telephone number and electronic mail address for the recovery housing operator;

(5) The date the recovery housing residence was first occupied, or will be occupied, by its first resident;

(6) Information related to any existing accreditation or its equivalent that the recovery housing residence has obtained or is in the process of obtaining;

(7) Any other information the department considers appropriate. 114296
114297

(C) The form required by division (B) of this section shall be filed with the department as follows: 114298
114299

(1) For a recovery housing residence that began operating before the effective date of this section, not later than thirty days after ~~the effective date of this section~~ October 3, 2023; 114300
114301
114302

(2) For a recovery housing residence that will begin operating on or after ~~the effective date of this section~~ October 3, 2023, not later than thirty days after the first resident begins occupying the residence. 114303
114304
114305
114306

(D) If the department accepts accreditation or its equivalent from an organization specified in section 5119.39 of the Revised Code, the department may provide copies of forms filed in accordance with this section to any such organization. 114307
114308
114309
114310

Sec. 5119.392. (A) Beginning January 1, 2025, no person or government entity shall operate a recovery housing residence unless either of the following applies: 114311
114312
114313

(1) (a) If the department of ~~mental behavioral health and addiction services~~ certifies recovery housing residences, the recovery housing residence is certified by the department. 114314
114315
114316

(b) If the department accepts accreditation or its equivalent from an organization specified in section 5119.39 of the Revised Code, the residence is accredited by such an organization. 114317
114318
114319
114320

(2) The recovery housing residence has been operating for not more than eighteen months and is actively engaged in efforts to obtain certification or accreditation, as applicable. For 114321
114322
114323

purposes of identifying this eighteen-month timeframe, a 114324
recovery housing residence is considered to begin operating on 114325
the date that the first resident occupies the residence, as 114326
specified on the form filed in accordance with section 5119.391 114327
of the Revised Code. 114328

(B) If the director of ~~mental-behavioral health and~~ 114329
~~addiction services~~ determines that a recovery housing residence 114330
is operating in violation of this section, the director may 114331
request, in writing, that the attorney general petition the 114332
court of common pleas of the county in which the recovery 114333
housing residence is located for an order enjoining operation of 114334
the recovery housing residence. 114335

Sec. 5119.393. (A) The department of ~~mental-behavioral~~ 114336
~~health and addiction services~~ shall establish a procedure to 114337
receive and investigate complaints from residents, staff, and 114338
the public regarding recovery housing residences. The department 114339
may contract with one or more of the organizations specified in 114340
section 5119.39 of the Revised Code to fulfill some or all of 114341
the functions associated with receiving and investigating 114342
complaints. 114343

(B) Any organization under contract with the department to 114344
receive and investigate complaints shall make reports to the 114345
department as follows: 114346

(1) Not less than monthly, the contractor shall report the 114347
status of each pending investigation and shall report the 114348
outcome of each investigation that has been completed since the 114349
last report was made; 114350

(2) As soon as practicable, but not later than ten days 114351
after making an adverse decision, if a contractor's 114352

accreditation or its equivalent is accepted by the department 114353
for purposes of section 5119.39 of the Revised Code, the 114354
contractor shall report that decision to the department in a 114355
manner prescribed by the department. 114356

Sec. 5119.394. (A) The department of ~~mental~~behavioral 114357
~~health and addiction services~~ shall establish and maintain a 114358
registry of recovery housing residences that meet the criteria 114359
described in division (A) (1) or (2) of section 5119.392 of the 114360
Revised Code. For each residence, the registry shall include all 114361
of the following: 114362

(1) Any information from the form required by division (B) 114363
of section 5119.391 of the Revised Code that the department 114364
chooses to include in the registry; 114365

(2) If a complaint received under section 5119.393 of the 114366
Revised Code has been investigated and substantiated, a 114367
description of the complaint, the date the complaint was 114368
submitted to the department or its contractor, and the outcome 114369
of the investigation; 114370

(3) Any other information the department considers 114371
appropriate. 114372

(B) The department shall immediately remove from the 114373
registry a recovery housing residence that ceases to meet the 114374
criteria described in division (A) (1) or (2) of section 5119.392 114375
of the Revised Code, including if the criteria described in 114376
those divisions ceases to be met because the residence has had 114377
its certification or accreditation, as applicable, revoked or 114378
not renewed. 114379

(C) The department shall make the registry available to 114380
the public on the department's web site. 114381

Sec. 5119.395. (A) Beginning January 1, 2025, no person or 114382
government entity shall advertise or represent any residence or 114383
other building to be a recovery housing residence, sober living 114384
home, or any other alcohol and drug free housing for persons 114385
recovering from alcohol use disorder or drug addiction unless 114386
the residence or building meets either of the following 114387
conditions: 114388

(1) The residence or building is on the registry 114389
established and maintained under section 5119.394 of the Revised 114390
Code; 114391

(2) The residence or building is regulated by the 114392
department of rehabilitation and correction under section 114393
2967.14 of the Revised Code. 114394

(B) If the director of ~~mental-behavioral~~ health and 114395
~~addiction services~~ determines that a person or government entity 114396
is violating division (A) of this section, the director may 114397
request, in writing, that the attorney general petition the 114398
court of common pleas of the county where the person or 114399
government entity is operating the residence or other building 114400
to enjoin that person or government entity from engaging in the 114401
conduct that violates division (A) of this section. 114402

Sec. 5119.397. The director of ~~mental-behavioral~~ health 114403
~~and addiction services~~ may adopt rules in accordance with 114404
Chapter 119. of the Revised Code to implement sections 5119.39 114405
to 5119.396 of the Revised Code. 114406

Sec. 5119.40. (A) As used in this section, "individual 114407
with a mental illness" and "specialized services" have the same 114408
meanings as in section 5165.03 of the Revised Code. 114409

(B) (1) Except as provided in division (B) (2) of this 114410

section and rules adopted under division (E) (3) of this section, 114411
for purposes of section 5165.03 of the Revised Code, the 114412
department of ~~mental behavioral health and addiction services~~ 114413
shall determine in accordance with the "Social Security Act," 114414
section 1919(e) (7), 42 U.S.C. 1396r(e) (7), and regulations 114415
adopted under section 1919(f) (8) (A) of that act, 42 U.S.C. 114416
1396r(f) (8) (A), whether, because of the individual's physical 114417
and mental condition, an individual with a mental illness 114418
seeking admission to a nursing facility requires the level of 114419
services provided by a nursing facility and, if the individual 114420
requires that level of services, whether the individual requires 114421
specialized services for mental illness. The determination 114422
required by this division shall be based on an independent 114423
physical and mental evaluation performed by a person or entity 114424
other than the department. 114425

(2) Except as provided in division (B) (3) of this section, 114426
a determination under division (B) (1) of this section is not 114427
required for any of the following: 114428

(a) An individual seeking readmission to a nursing 114429
facility after having been transferred from a nursing facility 114430
to a hospital for care; 114431

(b) An individual who meets all of the following 114432
conditions: 114433

(i) The individual is admitted to the nursing facility 114434
directly from a hospital after receiving inpatient care at the 114435
hospital; 114436

(ii) The individual requires nursing facility services for 114437
the condition for which care in the hospital was received; 114438

(iii) The individual's attending physician has certified, 114439

before admission to the nursing facility, that the individual is 114440
likely to require less than thirty days of nursing facility 114441
services. 114442

(c) An individual transferred from one nursing facility to 114443
another nursing facility, with or without an intervening 114444
hospital stay. 114445

(3) A determination under division (B) (1) of this section 114446
is required for an individual described in division (B) (2) (a) or 114447
(b) of this section if the hospital from which the individual is 114448
transferred or directly admitted to a nursing facility is either 114449
of the following: 114450

(a) A hospital that the department maintains, operates, 114451
manages, and governs under section 5119.14 of the Revised Code 114452
for the care and treatment of persons with mental illnesses; 114453

(b) A free-standing hospital, or unit of a hospital, 114454
licensed by the department under section 5119.33 of the Revised 114455
Code. 114456

(C) Except as provided in rules adopted under division (E) 114457
(3) of this section, the department of ~~mental-behavioral~~ health 114458
~~and addiction services~~ shall review and determine for each 114459
resident of a nursing facility who has a mental illness, whether 114460
the resident, because of the resident's physical and mental 114461
condition, requires the level of services provided by a nursing 114462
facility and whether the resident requires specialized services 114463
for mental illness. The review and determination shall be 114464
conducted in accordance with section 1919(e) (7) of the "Social 114465
Security Act" and the regulations adopted under section 1919(f) 114466
(8) (A) of the act and based on an independent physical and 114467
mental evaluation performed by a person or entity other than the 114468

department. The review and determination shall be completed 114469
promptly after a nursing facility has notified the department 114470
that there has been a significant change in the resident's 114471
mental or physical condition. 114472

(D) (1) In the case of a nursing facility resident who has 114473
continuously resided in a nursing facility for at least thirty 114474
months before the date of a review and determination under 114475
division (C) of this section, if the resident is determined not 114476
to require the level of services provided by a nursing facility, 114477
but is determined to require specialized services for mental 114478
illness, the department, in consultation with the resident's 114479
family or legal representative and care givers, shall do all of 114480
the following: 114481

(a) Inform the resident of the institutional and 114482
noninstitutional alternatives covered under the state plan for 114483
medical assistance; 114484

(b) Offer the resident the choice of remaining in the 114485
nursing facility or receiving covered services in an alternative 114486
institutional or noninstitutional setting; 114487

(c) Clarify the effect on eligibility for services under 114488
the state plan for medical assistance if the resident chooses to 114489
leave the facility, including its effect on readmission to the 114490
facility; 114491

(d) Provide for or arrange for the provision of 114492
specialized services for the resident's mental illness in the 114493
setting chosen by the resident. 114494

(2) In the case of a nursing facility resident who has 114495
continuously resided in a nursing facility for less than thirty 114496
months before the date of the review and determination under 114497

division (C) of this section, if the resident is determined not 114498
to require the level of services provided by a nursing facility, 114499
but is determined to require specialized services for mental 114500
illness, or if the resident is determined to require neither the 114501
level of services provided by a nursing facility nor specialized 114502
services for mental illness, the department shall act in 114503
accordance with its alternative disposition plan approved by the 114504
United States department of health and human services under 114505
section 1919(e) (7) (E) of the "Social Security Act." 114506

(3) In the case of an individual who is determined under 114507
division (B) or (C) of this section to require both the level of 114508
services provided by a nursing facility and specialized services 114509
for mental illness, the department of ~~mental-behavioral~~ health 114510
~~and addiction services~~ shall provide or arrange for the 114511
provision of the specialized services needed by the individual 114512
or resident while residing in a nursing facility. 114513

(E) The department of ~~mental-behavioral~~ health ~~and~~ 114514
~~addiction services~~ shall adopt rules in accordance with Chapter 114515
119. of the Revised Code that do all of the following: 114516

(1) Establish criteria to be used in making the 114517
determinations required by divisions (B) and (C) of this 114518
section. The criteria shall not exceed the criteria established 114519
by regulations adopted by the United States department of health 114520
and human services under section 1919(f) (8) (A) of the "Social 114521
Security Act." 114522

(2) Specify information to be provided by the individual 114523
or nursing facility resident being assessed; 114524

(3) Specify any circumstances, in addition to 114525
circumstances listed in division (B) of this section, under 114526

which determinations under divisions (B) and (C) of this section 114527
are not required to be made. 114528

Sec. 5119.41. (A) The department of ~~mental-behavioral~~ 114529
~~health and addiction services~~ shall implement the residential 114530
state supplement program under which the state supplements the 114531
amounts received by aged, blind, or disabled adults as 114532
supplemental security income payments under Title XVI of the 114533
"Social Security Act," 42 U.S.C. 1381 et seq., or as social 114534
security benefits or social security disability insurance 114535
benefits under Title II of the "Social Security Act," 42 U.S.C. 114536
401 et seq. Residential state supplement payments shall be used 114537
for the provision of accommodations, supervision, and personal 114538
care services to recipients of supplemental security income 114539
payments, social security benefits, and social security 114540
disability insurance benefits who the department determines are 114541
at risk of needing institutional care. 114542

In implementing the program, the department may designate 114543
one or more entities to be responsible for providing 114544
administrative services regarding the program. The department 114545
may designate an entity either by entering into a contract with 114546
the entity to ~~provide~~ provide the services or by otherwise 114547
delegating to the entity the responsibility to provide the 114548
services. 114549

(B) To be eligible for residential state supplement 114550
payments, an individual must satisfy all eligibility 114551
requirements established by rules adopted under this section. 114552

(C) The director of ~~mental-behavioral~~ health and addiction 114553
~~services~~ and the medicaid director shall adopt rules as 114554
necessary to implement the residential state supplement program, 114555
including the requirements that an individual must satisfy to be 114556

eligible for payments under the program. The rules shall be 114557
adopted in accordance with Chapter 119. of the Revised Code. 114558

The rules adopted by the director of ~~mental-behavioral~~ 114559
~~health and addiction services~~ may establish the method to be 114560
used to determine the payment an eligible individual will 114561
receive under the program. The amount the general assembly 114562
appropriates for the program may be a factor included in the 114563
method that director establishes. 114564

To the extent permitted by Title XVI of the "Social 114565
Security Act" and any other provision of federal law, the rules 114566
adopted by the medicaid director may establish standards for 114567
adjusting the eligibility requirements concerning the level of 114568
impairment an individual must have so that the amount 114569
appropriated for the program by the general assembly is adequate 114570
for the number of eligible individuals. The rules shall not 114571
limit the eligibility of individuals who are disabled solely on 114572
a basis classifying disabilities as physical or mental. 114573

(D) The county department of job and family services of 114574
the county in which an applicant for the residential state 114575
supplement program resides or the department of medicaid shall 114576
determine whether the applicant meets income and resource 114577
requirements for the program. 114578

The county department of job and family services or the 114579
department of medicaid shall notify each individual who is 114580
denied approval for payments under the program of the 114581
individual's right to a hearing. On request, the hearing shall 114582
be provided in accordance with section 5101.35 of the Revised 114583
Code. 114584

(E) An individual in a licensed or certified living 114585

arrangement receiving state supplementation on November 15, 114586
1990, under former section 5101.531 of the Revised Code shall 114587
not become ineligible for payments under this program solely by 114588
reason of the individual's living arrangement as long as the 114589
individual remains in the living arrangement in which the 114590
individual resided on November 15, 1990. 114591

Sec. 5119.42. (A) As used in this section, "private, 114592
nonprofit organization" means a private association, 114593
organization, corporation, or other entity that is tax exempt 114594
under section 501(a) and described in section 501(c) of the 114595
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 501. 114596

(B) To the extent funds are available and on application 114597
by boards of alcohol, drug addiction, and mental health 114598
services, the director of ~~mental behavioral health and addiction~~ 114599
~~services~~ may approve state reimbursement of, or state grants 114600
for, community construction programs including residential 114601
housing for persons with severe mental disabilities and persons 114602
with substance use disorders. The director may also approve an 114603
application for reimbursement or a grant for such programs 114604
submitted by other governmental entities or by private, 114605
nonprofit organizations, after the application has been reviewed 114606
and recommended for approval or disapproval by the board of 114607
alcohol, drug addiction, and mental health services for the 114608
district from which the application came, and the application is 114609
consistent with the board's approved community addiction and 114610
mental health plan submitted under division (A) of section 114611
340.03 of the Revised Code and the board's approved budget and 114612
list of addiction services, mental health services, and recovery 114613
supports submitted under divisions (A) and (B) of section 340.08 114614
of the Revised Code. 114615

(C) (1) The director of ~~mental behavioral health and~~ 114616
~~addiction services~~ shall adopt rules in accordance with Chapter 114617
119. of the Revised Code that specify procedures for applying 114618
for state reimbursement of and state grants for community 114619
construction programs, including residential housing for persons 114620
with severe mental disabilities and persons with substance use 114621
disorders and procedures and criteria for approval of such 114622
reimbursement and grants. 114623

(2) The director of ~~mental behavioral health and addiction~~ 114624
~~services~~ shall not approve state reimbursement or a state grant 114625
unless all of the following conditions are met: 114626

(a) The applicant includes with the application a plan 114627
specifying the services, in addition to housing, that will be 114628
provided to persons who will reside in the residential housing. 114629
Services specified may include any of the services described in 114630
section 340.09 of the Revised Code. 114631

(b) The director is satisfied that the residential housing 114632
for persons with severe mental disabilities will be developed to 114633
promote the maximum practical integration of persons with severe 114634
mental disabilities with persons at the same site who do not 114635
have severe mental disabilities. 114636

(c) The use of any funds distributed pursuant to the 114637
reimbursement or grant will not subject any obligation from 114638
which the funds are derived to federal income taxation. 114639

(3) The director may enter into an agreement establishing 114640
terms for any reimbursement or grant approved under this 114641
division with the organization, board, or other government 114642
entity that is the recipient of the reimbursement or grant. Any 114643
such agreement is subject to any covenant or agreement 114644

pertaining to any obligation issued to provide funds for the 114645
reimbursement or grant. 114646

Sec. 5119.421. (A) This section applies to a board of 114647
alcohol, drug addiction, and mental health services, another 114648
governmental entity, or a private, nonprofit organization that 114649
received a grant or reimbursement under section 5119.42 of the 114650
Revised Code for a facility on which the department of ~~mental-~~ 114651
behavioral health and addiction services holds a security 114652
interest. 114653

(B) A board of alcohol, drug addiction, and mental health 114654
services, another governmental entity, or a private, nonprofit 114655
organization to which this section applies may apply to the 114656
director of ~~mental-~~behavioral health and addiction services for 114657
approval to sell its facility and acquire, construct, or 114658
renovate a replacement facility pursuant to this section. The 114659
director shall prescribe the form of the application. Before 114660
submitting an application to the director, a governmental entity 114661
or private, nonprofit organization must obtain approval of the 114662
application from the board of alcohol, drug addiction, and 114663
mental health services with jurisdiction over the service 114664
district in which the existing facility is located. The director 114665
shall approve an application for a replacement project upon 114666
determining that the project provides for the continuation of 114667
appropriate mental health and addiction services to the 114668
population served by the board, entity, or organization. 114669

(C) A board, entity, or organization that obtains approval 114670
for a project under division (B) of this section shall pay the 114671
proceeds of the sale of its facility to the director of ~~mental-~~ 114672
behavioral health and addiction services. The director shall 114673
deposit the proceeds to the credit of the community capital 114674

replacement facilities fund. 114675

(D) When a board, entity, or organization that has sold 114676
its facility notifies the director of ~~mental behavioral health~~ 114677
~~and addiction services~~ that it is ready to acquire, construct, 114678
or renovate a replacement facility, the director shall do one of 114679
the following: 114680

(1) If the replacement facility is located in the same 114681
alcohol, drug addiction, and mental health service district as 114682
the original facility, and if the purposes for which the 114683
replacement facility will be used are the same as or similar to 114684
those for the original facility, the director shall pay to the 114685
board, entity, or organization from the community capital 114686
replacement facilities fund an amount equal to the lesser of an 114687
amount equal to the proceeds of the sale of the original 114688
facility or the amount of the state's agreed-upon participation 114689
(as a per cent of the total cost) in the cost of the replacement 114690
facility. If the amount of the state's agreed-upon participation 114691
in the cost of the replacement facility is less than the value 114692
of the state's security interest in the original facility, the 114693
difference between the state's agreed-upon participation in the 114694
cost of the replacement facility and the value of the state's 114695
security interest in the original facility shall be retained in 114696
the community capital replacement facilities fund, and any 114697
excess proceeds shall be paid to the board, entity, or 114698
organization. 114699

(2) If the replacement facility is located in a different 114700
alcohol, drug addiction, and mental health service district than 114701
the original facility, or if the purposes for which the 114702
replacement facility will be used are not the same as or similar 114703
to those for the original facility, the director shall request 114704

controlling board approval for release of funds for the project. 114705
If the controlling board so approves, the director shall pay to 114706
the board, entity, or organization from the community capital 114707
replacement facilities fund the lesser of an amount equal to the 114708
proceeds of the sale of the original facility or the amount of 114709
the state's agreed-upon participation (as a per cent of the 114710
total cost) in the cost of the replacement facility. If the 114711
amount of the state's agreed-upon participation in the cost of 114712
the replacement facility is less than the value of the state's 114713
security interest in the original facility, the difference 114714
between the state's agreed-upon participation in the cost of the 114715
replacement facility and the value of the state's security 114716
interest in the original facility shall be retained in the 114717
community capital replacement facilities fund, and any excess 114718
proceeds shall be paid to the board, entity, or organization. 114719

(E) The director of ~~mental-behavioral health and addiction~~ 114720
~~services~~ and a board, entity, or organization shall enter into 114721
an agreement specifying the terms of any payment made to the 114722
board, entity, or organization under division (D) of this 114723
section. The terms may include provision for the department of 114724
~~mental-behavioral health and addiction services~~ to hold a 114725
security interest in the facility. 114726

(F) (1) When approving an application under division (B) of 114727
this section, the director of ~~mental-behavioral health and~~ 114728
~~addiction services~~ shall establish a deadline by which the 114729
board, entity, or organization must notify the director that it 114730
is ready to acquire, construct, or renovate a replacement 114731
facility. If the board, entity, or organization does not notify 114732
the director on or before the deadline, the director may cancel 114733
the project. Upon canceling the project, the director shall pay 114734
to the board, entity, or organization from the community capital 114735

replacement facilities fund an amount equal to the portion of 114736
the proceeds of the sale of the original facility that exceeds 114737
the value of the state's security interest in the facility. 114738

(2) Notwithstanding the deadline established under 114739
division (F)(1) of this section, if at any time a board, entity, 114740
or organization notifies the director that it does not intend to 114741
acquire, construct, or renovate a replacement facility under 114742
this section, the director shall cancel the replacement project 114743
and pay to the board, entity, or organization from the community 114744
capital replacement facilities fund an amount equal to the 114745
portion of the proceeds of the sale of the original facility 114746
that exceeds the value of the state's security interest in the 114747
facility. 114748

(G) If a replacement project is canceled after the sale of 114749
the original facility, the director of ~~mental~~-behavioral health 114750
~~and addiction services~~ shall use funds equal to the value of the 114751
state's security interest in the original facility for 114752
additional grants or reimbursements under section 5119.42 of the 114753
Revised Code. The director shall obtain the approval of the 114754
controlling board before releasing the additional grants or 114755
reimbursements. 114756

(H) The community capital replacement facilities fund is 114757
hereby created in the state treasury. The director of ~~mental~~- 114758
behavioral health ~~and addiction services~~ shall use the fund for 114759
the purposes of this section. 114760

Sec. 5119.43. (A) The director of ~~mental~~-behavioral health 114761
~~and addiction services~~ may enter into agreements with any 114762
person, political subdivision, or state agency for the sale or 114763
lease of land or facilities under the jurisdiction of the 114764
director of ~~mental~~-behavioral health ~~and addiction services~~ in 114765

the following manner: 114766

(1) The director of ~~mental-behavioral health and addiction~~ 114767
~~services~~ shall designate lands and facilities that are not 114768
needed by the department of ~~mental-behavioral health and~~ 114769
~~addiction services~~ and are under the jurisdiction of the 114770
department. 114771

(2) The director of ~~mental-behavioral health and addiction~~ 114772
~~services~~ shall have a preliminary appraisal made of any lands or 114773
facilities designated under division (A) (1) of this section by a 114774
disinterested professional appraiser from the department of 114775
administrative services. The appraiser shall deliver to the 114776
director of ~~mental-behavioral health and addiction services~~ a 114777
signed certificate of the probable market value of the lands and 114778
facilities as determined from the preliminary appraisal. 114779

(3) The director of ~~mental-behavioral health and addiction~~ 114780
~~services~~ shall certify to the clerk of the house of 114781
representatives and to the clerk of the senate a list of all 114782
lands and facilities which may be sold or leased, and shall 114783
include with the list the results of the preliminary appraisals 114784
of the lands and facilities, a general description of the land 114785
and facilities, and a description of the current use of the land 114786
and facilities. 114787

(4) Every list of lands and facilities certified by the 114788
director of ~~mental-behavioral health and addiction services~~ to 114789
the clerk of the house of representatives and to the clerk of 114790
the senate under division (A) (3) of this section, shall 114791
immediately be transmitted by the respective clerks to the 114792
committees in the house and the senate to which land conveyance 114793
bills are usually referred. If either committee files in its 114794
clerk's office, within sixty calendar days of the original 114795

certification of the lands and facilities by the director of 114796
~~mental behavioral health and addiction services~~, a report 114797
disapproving the sale or lease of any lands or facilities, the 114798
sale or lease of the lands or facilities disapproved in the 114799
report shall not be made under this section. With respect to a 114800
sale or lease of lands and facilities that has not been 114801
disapproved under this division, the director of ~~mental-~~ 114802
behavioral health and addiction services shall certify those 114803
lands and facilities to the director of administrative services. 114804

(5) After certification to the director of administrative 114805
services under division (A) (4) of this section, the director of 114806
~~mental behavioral health and addiction services~~ shall have a 114807
formal appraisal made of the lands and facilities by a 114808
disinterested professional appraiser from the department of 114809
administrative services. The director of ~~mental behavioral~~ 114810
health and addiction services may accept the formal appraisal or 114811
may reject it and order a new formal appraisal by a 114812
disinterested professional appraiser who shall not be from the 114813
department of administrative services. The director of ~~mental-~~ 114814
behavioral health and addiction services may then sell or lease 114815
the lands or facilities in accordance with this division and 114816
department of administrative services procedures as set forth in 114817
Chapter 123. of the Revised Code. Any such deed or lease shall 114818
be prepared and recorded pursuant to section 5301.13 of the 114819
Revised Code. The department of administrative services shall be 114820
the sole agent for the state and shall complete the sale or 114821
lease of the lands or facilities, up to and including the 114822
closing thereof, after the director of ~~mental behavioral~~ health 114823
~~and addiction services~~ approves the sale price. The director of 114824
~~mental behavioral health and addiction services~~ and the director 114825
of administrative services may, if it is determined to be in the 114826

best interests of the state, agree to sell surplus land for an 114827
amount less than the formal appraised value but shall not sell 114828
any land for less than two-thirds of the formal appraised value. 114829

(B) Coincident with the certification made under division 114830
(A) (3) of this section concerning lands which may be sold, the 114831
director of ~~mental-behavioral health and addiction services~~ 114832
shall give written notice of intention to sell the lands by 114833
certified mail to the executive officer of each county, 114834
township, municipal corporation, and school district within 114835
which the lands are situated. In each notice, the director of 114836
~~mental-behavioral health and addiction services~~ shall specify 114837
the conditions under which the lands shall be sold, including 114838
whether the lands will be sold as a single unit or sold in 114839
specific parcels that the director designates, and shall solicit 114840
from the subdivision offers to purchase the lands in accordance 114841
with the conditions the director of ~~mental-behavioral health and~~ 114842
~~addiction services~~ has specified and at a price equal to the 114843
preliminary appraised value determined pursuant to division (A) 114844
(2) of this section. If, within thirty days of having certified 114845
the lands to the director of administrative services under 114846
division (A) (4) of this section, the director of ~~mental-~~ 114847
~~behavioral health and addiction services~~ receives from the 114848
executive officer of a subdivision a written offer to purchase 114849
the lands at or above the price specified in the original notice 114850
from the director of ~~mental-behavioral health and addiction-~~ 114851
~~services~~ to the officer, provided such offer otherwise complies 114852
with the conditions of purchase specified in the original notice 114853
from the director of ~~mental-behavioral health and addiction-~~ 114854
~~services~~, the director of ~~mental-behavioral health and addiction~~ 114855
~~services~~ shall forthwith enter into an agreement to sell the 114856
lands to the subdivision. The agreement shall incorporate any 114857

and all terms that are acceptable to both parties and that are 114858
consistent with the terms specified in the original notice from 114859
the director of ~~mental-behavioral health and addiction services~~. 114860
If no offer to purchase is received by the director of ~~mental-~~ 114861
~~behavioral health and addiction services~~ within the thirty-day 114862
period provided in this division, the original notice from the 114863
director of ~~mental-behavioral health and addiction services~~- 114864
shall be considered withdrawn and the director of ~~mental-~~ 114865
~~behavioral health and addiction services~~ shall be under no 114866
obligation to sell any of the lands specified in the notice to 114867
the subdivision. If two or more offers to purchase the same 114868
parcels of land are received by the director of ~~mental-~~ 114869
~~behavioral health and addiction services~~ within the required 114870
time period from the executive officers of two or more 114871
subdivisions, the director of ~~mental-behavioral health and-~~ 114872
~~addiction services~~ shall accept the offer or offers to purchase 114873
that the director considers to be in the best interests of the 114874
state and of the department of ~~mental-behavioral health and-~~ 114875
~~addiction services~~ and shall proceed to enter into agreements of 114876
sale pursuant to this division. If all of the original notices 114877
from the director of ~~mental-behavioral health and addiction-~~ 114878
~~services~~ relating to a given parcel of land become withdrawn, 114879
the director of ~~mental-behavioral health and addiction services-~~ 114880
may thereupon proceed to sell the parcel as otherwise provided 114881
in this section. No subdivision may commence an action to 114882
enforce the provisions of this division, or to seek any other 114883
legal or equitable remedy relative to this division, with 114884
respect to any lands certified to the director of administrative 114885
services under division (A) (4) of this section, except within 114886
sixty days of the date on which the lands were so certified. 114887

(C) Any agreement under this section shall be at such 114888

terms as will be in the best interests of the state and the 114889
department of ~~mental behavioral health and addiction services~~. 114890
However, the terms of any agreement for sale shall include a 114891
provision that the purchaser will abide by any comprehensive 114892
plan for the area that has been adopted by the local government 114893
in which the property is located before the parties enter into 114894
the agreement. No lease shall be of a duration greater than 114895
fifteen years. No agreement, except an agreement entered into 114896
under division (B) of this section, shall be entered into before 114897
the proposal to sell or lease the land or facilities has been 114898
advertised once each week for four weeks in a newspaper of 114899
general circulation in every county in which the lands or 114900
facilities are located and if the preliminary appraised value of 114901
the land to be sold or leased is more than one hundred thousand 114902
dollars, advertisement shall be made once each week for four 114903
weeks in at least two newspapers in the state having a daily 114904
circulation of one hundred thousand or more. If a city in this 114905
state is served by more than one newspaper having a circulation 114906
of one hundred thousand or more, advertisement may be made in 114907
only one of the newspapers serving the city. 114908

(D) Each deed or lease prepared and recorded pursuant to 114909
this section shall contain a recital stating that all provisions 114910
of this section have been complied with. The recital shall be 114911
considered binding and conclusive against all subdivisions of 114912
the state provided no action has been commenced pursuant to 114913
division (B) of this section. Any deed or lease containing such 114914
a recital shall be conclusively presumed to have been executed 114915
in compliance with this section insofar as title or other 114916
interest of any bona fide purchasers, lessees, or transferees of 114917
the property is concerned. 114918

(E) Nothing in this section shall be construed as 114919

establishing a precedent for the disposal of state lands and 114920
facilities by other departments of the state. 114921

Sec. 5119.431. When it is necessary for a state 114922
institution under the jurisdiction of the department of ~~mental-~~ 114923
behavioral health and addiction services to acquire any real 114924
estate, right of way, or easement in real estate in order to 114925
accomplish the purposes for which it was organized or is being 114926
conducted, and the department is unable to agree with the owner 114927
of such property upon the price to be paid therefor, such 114928
property may be appropriated in the manner provided for the 114929
appropriation of property for other state purposes. 114930

Any instrument by which real property is acquired pursuant 114931
to this section shall identify the agency of the state that has 114932
the use and benefit of the real property as specified in section 114933
5301.012 of the Revised Code. 114934

Sec. 5119.44. As used in this section, "free clinic" has 114935
the same meaning as in section 2305.2341 of the Revised Code. 114936

(A) The department of ~~mental-~~ behavioral health and- 114937
~~addiction services~~ may provide certain goods and services for 114938
the department of ~~mental-~~ behavioral health and addiction- 114939
~~services~~, the department of developmental disabilities, the 114940
department of rehabilitation and correction, the department of 114941
youth services, and other state, county, or municipal agencies 114942
requesting such goods and services when the department of ~~mental-~~ 114943
behavioral health and addiction services determines that it is 114944
in the public interest, and considers it advisable, to provide 114945
these goods and services. The department of ~~mental-~~ behavioral 114946
health and ~~addiction services~~ also may provide goods and 114947
services to agencies operated by the United States government 114948
and to public or private nonprofit agencies, other than free 114949

clinics, that are funded in whole or in part by the state if the 114950
public or private nonprofit agencies are designated for 114951
participation in this program by the director of ~~mental-~~ 114952
behavioral health and addiction services for community addiction 114953
services providers and community mental health services 114954
providers, the director of developmental disabilities for 114955
community developmental disabilities agencies, the director of 114956
rehabilitation and correction for community rehabilitation and 114957
correction agencies, or the director of youth services for 114958
community youth services agencies. 114959

Designated community agencies or services providers shall 114960
receive goods and services through the department of ~~mental-~~ 114961
behavioral health and addiction services only in those cases 114962
where the designating state agency certifies that providing such 114963
goods and services to the agency or services provider will 114964
conserve public resources to the benefit of the public and where 114965
the provision of such goods and services is considered feasible 114966
by the department of ~~mental-~~ behavioral health and addiction- 114967
~~services.~~ 114968

(B) The department of ~~mental-~~ behavioral health and- 114969
~~addiction services~~ may permit free clinics to purchase certain 114970
goods and services to the extent the purchases fall within the 114971
exemption to the Robinson-Patman Act, 15 U.S.C. 13 et seq., 114972
applicable to nonprofit institutions, in 15 U.S.C. 13c, as 114973
amended. 114974

(C) The goods and services that may be provided by the 114975
department of ~~mental-~~ behavioral health and addiction services- 114976
under divisions (A) and (B) of this section may include: 114977

(1) Procurement, storage, processing, and distribution of 114978
food and professional consultation on food operations; 114979

- (2) Procurement, storage, and distribution of medical and laboratory supplies, dental supplies, medical records, forms, optical supplies, and sundries; 114980
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- (3) Procurement, storage, repackaging, distribution, and dispensing of drugs, the provision of professional pharmacy consultation, and drug information services; 114983
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- (4) Other goods and services. 114986
- (D) The department of ~~mental-behavioral health and addiction services~~ may provide the goods and services designated in division (C) of this section to its institutions and to state-operated community-based mental health or addiction services providers. 114987
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- (E) After consultation with and advice from the director of developmental disabilities, the director of rehabilitation and correction, and the director of youth services, the department of ~~mental-behavioral health and addiction services~~ may provide the goods and services designated in division (C) of this section to the department of developmental disabilities, the department of rehabilitation and correction, and the department of youth services. 114992
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- (F) The cost of administration of this section shall be determined by the department of ~~mental-behavioral health and addiction services~~ and paid by the agencies, services providers, or free clinics receiving the goods and services to the department for deposit in the state treasury to the credit of the Ohio pharmacy services fund, which is hereby created. The fund shall be used to pay the cost of administration of this section to the department. 115000
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- (G) Whenever a state agency fails to make a payment for 115008

goods and services provided under this section within thirty-one 115009
days after the date the payment was due, the office of budget 115010
and management may transfer moneys from the state agency to the 115011
department of ~~mental behavioral health and addiction services~~. 115012
The amount transferred shall not exceed the amount of overdue 115013
payments. Prior to making a transfer under this division, the 115014
office of budget and management shall apply any credits the 115015
state agency has accumulated in payments for goods and services 115016
provided under this section. 115017

(H) Purchases of goods and services under this section are 115018
not subject to section 307.86 of the Revised Code. 115019

Sec. 5119.45. Unless otherwise specifically provided by 115020
law, all moneys received by the department of ~~mental behavioral~~ 115021
~~health and addiction services~~ from the sale of goods and 115022
services, including, but not limited to, shared service 115023
agreements with other governmental entities and nongovernmental 115024
entities, employee housing and cafeteria receipts, fees for 115025
copying services, and sales of other tangible personal property 115026
under the department's control, shall be paid into the state 115027
treasury to the credit of the sale of goods and services fund, 115028
which is hereby created. Moneys received by the department 115029
pursuant to section 5119.44 of the Revised Code shall not be 115030
paid into the fund. The department shall use the moneys in the 115031
fund for paying operating expenses of the department. 115032

Sec. 5119.46. There is hereby created in the state 115033
treasury the department of ~~mental behavioral health and~~ 115034
~~addiction services~~ trust fund. ~~Not later than the first day of~~ 115035
~~September of each year, the director of mental health and~~ 115036
~~addiction services shall certify to the director of budget and~~ 115037
~~management the amount of all of the unexpended, unencumbered~~ 115038

~~balances of general revenue fund appropriations made to the~~ 115039
~~department of mental health and addiction services for the~~ 115040
~~previous fiscal year, excluding funds appropriated for rental~~ 115041
~~payments to the Ohio public facilities commission. On receipt of~~ 115042
~~the certification, the director of budget and management shall~~ 115043
~~transfer cash to the trust fund in an amount up to, but not~~ 115044
~~exceeding, the total of the amounts certified by the director of~~ 115045
~~mental health and addiction services.~~ 115046

~~In addition, the~~ The trust fund shall receive all amounts, 115047
subject to any provisions in bond documents, received from the 115048
sale or lease of lands and facilities by the department. 115049

All moneys in the trust fund ~~shall be used by the~~ 115050
~~department of mental health and addiction services to pay for~~ 115051
~~expenditures the department incurs in performing any of its~~ 115052
~~duties under this chapter~~ are subject to appropriation by the 115053
general assembly or may be used with the approval of the 115054
controlling board. The use of moneys in the trust fund pursuant 115055
to this section does not represent an ongoing commitment to the 115056
continuation of the trust fund or to the use of moneys in the 115057
trust fund. 115058

Sec. 5119.47. The director of ~~mental~~ behavioral health ~~and~~ 115059
~~addiction services~~ shall administer the problem casino gambling 115060
and addictions fund. The director shall use the money in the 115061
fund to support gambling addiction services, alcohol and drug 115062
addiction services, other services that relate to gambling 115063
addiction and substance abuse, and research that relates to 115064
gambling addiction and substance abuse. Treatment and prevention 115065
services supported by money in the fund under this section shall 115066
be services that are certified by the department of ~~mental~~ 115067
behavioral health ~~and addiction services.~~ 115068

The director shall prepare an annual report describing the use of the fund for these purposes. The director shall submit the report to the Ohio casino control commission, the speaker and minority leader of the house of representatives, the president and minority leader of the senate, and the governor.

Sec. 5119.48. (A) The department of ~~mental-behavioral~~ health and ~~addiction services~~ shall create the all roads lead to home program. The program shall include all of the following initiatives:

(1) A media campaign. As part of the campaign, the department shall develop public service announcements and shall make the announcements available to television and radio media outlets. The announcements shall be made available beginning on January 1, 2018, ~~and~~. Thereafter, the announcements shall be made at least twice annually, once between January and March of each year, and once in September of each year as part of national recovery month.

(2) A web site ~~as~~ that meets the requirements described in division (C) of this section;

(3) A twenty-four-hour hotline, that is operated by a call center, for the purpose of helping individuals access addiction services.

(B) The media campaign described in division (A) (1) of this section shall do all of the following:

(1) Include messages to reduce the stigma associated with seeking help for drug addiction;

(2) Provide directions for people who are in need of drug addiction assistance to a web-based location that includes all of the following:

- (a) Information on where to find help for drug addiction; 115098
- (b) Information on intervention and referral options; 115099
- (c) Contact information for ~~county board~~ boards of alcohol, drug addiction-assistance authorities, and mental health services. 115100
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- (3) Prioritize its efforts in media markets that have the highest rates of drug overdose deaths in this state; 115103
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- (4) Utilize television and radio public service announcements provided to media outlets, as well as internet advertising models such as low-cost social media outlets. 115105
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- (C) Before January 1, 2018, for purposes of division (A) (2) of this section, the department shall create a web site as described in division (A) (2) of this section that is interactive and offers all of the following components: 115108
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- (1) If reasonably available for use, an evidence-based self-reporting screening tool approved by the department's medical director; 115112
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- (2) Community detoxification and withdrawal management options and community treatment options; 115115
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- (3) A searchable database of certified substance abuse providers organized by zip code; 115117
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- (4) Information on recovery supports, including recovery housing residences; 115119
115120
- (5) Clinical information regarding what a person may expect during detoxification, withdrawal, and treatment. 115121
115122
- (D) The department may contract with private vendors for the creation and maintenance of the ~~interactive~~ web site 115123
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described in division (C) of this section. 115125

Sec. 5119.49. (A) The director of ~~mental~~behavioral health 115126
~~and addiction services~~ shall collaborate with the state board of 115127
pharmacy and attorney general in the establishment and 115128
administration of a drug take-back program, as provided under 115129
section 4729.69 of the Revised Code. 115130

(B) The department may accept grants, gifts, or donations 115131
for purposes of the program. Money received under this division 115132
shall be deposited into the drug take-back program fund 115133
established under section 109.90 of the Revised Code. 115134

Sec. 5119.50. The director of ~~mental~~behavioral health ~~and~~ 115135
~~addiction services~~ may accept, hold, and administer in trust on 115136
behalf of the state, if it is for the public interest, any 115137
grant, gift, devise, or bequest of money or property made to the 115138
state for the use or benefit of any institution described in 115139
section 5119.14 of the Revised Code or for the use and benefit 115140
of persons with mental illnesses under its control. If the trust 115141
so provides, the money or property may be used for any work 115142
which the department of ~~mental~~behavioral health ~~and addiction~~
~~services~~ is authorized to undertake. 115143
115144

The department shall keep such gift, grant, devise, or 115145
bequest as a distinct property or fund and, if it is in money, 115146
shall invest it in the manner provided by law. The department 115147
may deposit in a proper trust company or savings bank any money 115148
left in trust during a specified life or lives and shall adopt 115149
rules governing the deposit, transfer, withdrawal, or investment 115150
of such money and the income thereof. 115151

The department shall, in the manner prescribed by the 115152
director of budget and management pursuant to section 126.21 of 115153

the Revised Code, account for all money or property received or 115154
expended under this section. The records, together with a 115155
statement certified by the depository showing the funds 115156
deposited there to the credit of the trust, shall be open to 115157
public inspection. The director of budget and management may 115158
require the department to file a report with the director on any 115159
particular portion, or the whole, of any trust property received 115160
or expended by it. 115161

The department shall, upon the expiration of any trust 115162
according to its terms, dispose of the funds or property held 115163
thereunder in the manner provided in the instrument creating the 115164
trust. If the instrument creating the trust failed to make any 115165
terms of disposition, or if no trust was in evidence, then the 115166
decedent patient's money, saving or commercial deposits, 115167
dividends or distributions, bonds, or any other interest-bearing 115168
debt certificate or stamp issued by the United States government 115169
shall escheat to the state. All such unclaimed intangible 115170
personal property of a former patient shall be retained by the 115171
managing officer in such institution for the period of one year, 115172
during which time every possible effort shall be made to find 115173
such former patient or the former patient's legal 115174
representative. 115175

If, after a period of one year from the time the patient 115176
has left the institution or has died, the managing officer has 115177
been unable to locate such person or the person's legal 115178
representative, then upon proper notice of such fact the 115179
director shall at that time formulate in writing a method of 115180
disposition on the minutes of the department authorizing the 115181
managing officer to convert such intangible personal property to 115182
cash to be paid into the state treasury to the credit of the 115183
general revenue fund. 115184

The department shall include in its annual report a statement of all money and property and the terms and conditions relating thereto.

Sec. 5119.51. (A) As used in this section, "supplemental services" has the same meaning as in section 5815.28 of the Revised Code.

(B) There is hereby created in the state treasury the services fund for individuals with mental illness. On the death of the beneficiary of a trust created pursuant to section 5815.28 of the Revised Code, the portion of the remaining assets of the trust specified in the trust instrument shall be deposited to the credit of the fund. Money credited to the fund shall be used for individuals with mental illness.

Supplemental services may be provided through the department or boards of alcohol, drug addiction, and mental health services. In accordance with Chapter 119. of the Revised Code, the department of ~~mental behavioral health and addiction services~~ may adopt any rules necessary to implement this section.

Sec. 5119.52. Each managing officer of an institution under the jurisdiction of the department of ~~mental behavioral health and addiction services~~ as described in section 5119.14 of the Revised Code, with the approval of the director of ~~mental behavioral health and addiction services~~, may establish local institution funds designated as follows:

(A) Industrial and entertainment fund created and maintained for the entertainment and welfare of the patients of the institution. The director shall establish rules for the operation of the industrial and entertainment fund.

(B) Commissary fund created and maintained for the benefit 115214
of patients in the institution. Commissary revenue over and 115215
above operating costs and reserve shall be considered profits. 115216
All profits from the commissary fund operations shall be paid 115217
into the industrial and entertainment fund and used only for the 115218
entertainment and welfare of patients. The director shall 115219
establish rules for the operation of the commissary fund. 115220

Sec. 5119.54. The treasurer of state shall have charge of 115221
all funds under the jurisdiction of the department of ~~mental-~~ 115222
behavioral health and addiction services and shall pay out the 115223
same only in accordance with this chapter. 115224

The department shall cause to be furnished a contract of 115225
indemnity to cover all funds received by it or by its managing 115226
officers, employees, or agents while the funds are in the 115227
possession of such managing officers, employees or agents. Such 115228
funds are designated as follows: 115229

(A) Funds which are due and payable to the treasurer of 115230
state as provided by Chapter 131. of the Revised Code; 115231

(B) Those funds which are held in trust by the managing 115232
officers, employees, or agents of the institution as local funds 115233
or accounts under the jurisdiction of the department. 115234

Such contract of indemnity shall be made payable to the 115235
state and the premium for such contract of indemnity may be paid 115236
from any of the moneys received for the use of the department 115237
under this chapter and Chapters 5121. and 5122. of the Revised 115238
Code. 115239

Funds collected from various sources, such as the sale of 115240
goods, and all miscellaneous articles, shall be transmitted on 115241
or before Monday of each week to the treasurer of state and a 115242

detailed statement of such collections shall be made to the 115243
department. 115244

Sec. 5119.55. The department of ~~mental-behavioral~~ health 115245
~~and addiction services~~ may pay an amount for personal use to 115246
each individual residing in a state institution as described in 115247
section 5119.14 of the Revised Code who would be eligible for 115248
supplemental security income benefits at the reduced rate 115249
established by Title XVI of the "Social Security Act," 42 U.S.C. 115250
1381 et seq., if the medicaid program covers services provided 115251
in such institutions. The amount paid by the department shall 115252
not exceed the reduced supplemental security income benefit rate 115253
established by Title XVI of the "Social Security Act." 115254

Sec. 5119.56. Money or property deposited with managing 115255
officers of institutions under the jurisdiction of the 115256
department of ~~mental-behavioral~~ health ~~and addiction services~~ by 115257
any patient under the department's control or by relatives, 115258
guardians, conservators, and others for the special benefit of 115259
such patient, as well as all other funds and all other income 115260
paid to the patient, the patient's estate, or on the patient's 115261
behalf, or paid to the managing officer or to the institution as 115262
representative payee or otherwise paid on the patient's behalf, 115263
shall remain in the hands of such officers in appropriate 115264
accounts for use accordingly. The managing officer shall keep 115265
itemized book accounts of the receipt and disposition of such 115266
money and property, which book shall be open at all times to the 115267
inspection of the department. The director of ~~mental-behavioral~~ 115268
health ~~and addiction services~~ shall adopt rules governing the 115269
deposit, transfer, withdrawal, or investment of the funds and 115270
the income thereof, as well as rules under which such funds and 115271
income shall be paid by managing officers for the support of the 115272
patients pursuant to Chapter 5121. of the Revised Code, or for 115273

their other needs. 115274

Whenever any patient confined in any state institution 115275
subject to the jurisdiction of the department dies, escapes, or 115276
is discharged from such institution, and any personal funds of 115277
such person remain in the hands of the managing officer thereof 115278
and no demand for such funds is made upon such managing officer 115279
by the owner of the funds or the owner's legally appointed 115280
representative, the managing officer shall hold the funds in the 115281
personal deposit fund for a period of at least one year during 115282
which time the managing officer shall make every effort possible 115283
to locate the owner or the owner's legally appointed 115284
representative. 115285

If at the end of this period no demand has been made for 115286
the funds, the managing officer shall dispose of the funds as 115287
follows: 115288

(A) All money in a personal deposit fund in excess of ten 115289
dollars due for the support of a patient shall be paid in 115290
accordance with the provisions of Chapter 5121. of the Revised 115291
Code. 115292

(B) All money in a personal deposit fund in excess of ten 115293
dollars not due for the support of a patient shall be placed to 115294
the credit of the institution's local account designated as the 115295
"industrial and entertainment" fund. 115296

(C) The first ten dollars to the credit of a patient shall 115297
be placed to the credit of the institution's local account 115298
designated as the "industrial and entertainment" fund. 115299

Whenever any patient in any state institution subject to 115300
the jurisdiction of the department dies, escapes, or is 115301
discharged from such institution, and any personal effects of 115302

such person remain in the hands of the managing officer thereof, 115303
and no demand is made upon such managing officer by the owner of 115304
the property or the owner's legally appointed representative, 115305
the managing officer shall hold and dispose of such property in 115306
the following manner. 115307

All the miscellaneous personal effects shall be held for a 115308
period of at least one year, during which time the managing 115309
officer shall make every effort possible to locate the owner or 115310
the owner's legal representative. If at the end of this period, 115311
no demand has been made by the owner of the property or the 115312
owner's legal representative, the managing officer shall file 115313
with the county recorder of the county of commitment of such 115314
owner, all deeds, wills, contract mortgages, or assignments. The 115315
balance of the personal effects shall be sold at public auction 115316
after being duly advertised, and the funds turned over to the 115317
treasurer of state for credit to the general revenue fund. If 115318
any of the property is not of a type to be filed with the county 115319
recorder and is not salable at public auction, then the managing 115320
officer of the institution shall destroy such property. 115321

Sec. 5119.60. The department of ~~mental~~behavioral health 115322
~~and addiction services~~ shall submit an annual report to the 115323
governor that shall describe the services the department offers 115324
and how appropriated funds have been spent. The report shall 115325
include all of the following: 115326

(A) The utilization of state hospitals by each alcohol, 115327
drug addiction, and mental health service district; 115328

(B) The number of persons served by community addiction 115329
services providers that receive funds distributed by the 115330
department, with a breakdown into categories including age, sex, 115331
race, the type of drug to which the person is addicted, and any 115332

other categories the director of ~~mental-behavioral health and~~ 115333
~~addiction services~~ considers significant; 115334

(C) The number of persons with severe mental disabilities 115335
served in each district; 115336

(D) The number and types of addiction services, mental 115337
health services, and recovery supports provided to persons with 115338
severe mental disabilities through state-operated services, 115339
community addiction services providers, and community mental 115340
health services providers; 115341

(E) A report measuring the success of community addiction 115342
services providers, based on the measures for accountability 115343
developed by the department, including the percentage of persons 115344
served by such community addiction services providers who have 115345
not relapsed; 115346

(F) Any other information that the director considers 115347
significant or is requested by the governor. 115348

Sec. 5119.61. (A) The department of ~~mental-behavioral~~ 115349
~~health and addiction services~~ shall collect and compile 115350
statistics and other information on the care and treatment of 115351
persons with mental disabilities, and the care, treatment, and 115352
rehabilitation of persons with alcohol use disorder, persons 115353
with drug dependencies, persons in danger of drug dependence, 115354
and persons with or in danger of developing a gambling addiction 115355
in this state. The information shall include, without 115356
limitation, information on the number of such persons, the type 115357
of drug involved, if any, the type of care, treatment, or 115358
rehabilitation prescribed or undertaken, and the success or 115359
failure of the care, treatment, or rehabilitation. The 115360
department shall collect information about addiction services, 115361

mental health services, and recovery supports delivered and 115362
persons served as required for reporting and evaluation relating 115363
to state and federal funds expended for such purposes. 115364

(B) No community addiction services provider or community 115365
mental health services provider shall fail to supply statistics 115366
and other information within its knowledge and with respect to 115367
its addiction services, mental health services, and recovery 115368
supports upon request of the department. 115369

(C) Communications by a person seeking aid in good faith 115370
for alcohol use disorder or drug dependence are confidential, 115371
and this section does not require the collection or permit the 115372
disclosure of information which reveals or comprises the 115373
identity of any person seeking aid. 115374

(D) Based on the information collected and compiled under 115375
division (A) of this section, the department shall develop a 115376
project to assess the outcomes of persons served by community 115377
addiction services providers and community mental health 115378
services providers that receive funds distributed by the 115379
department. 115380

(E) The director of ~~mental behavioral health and addiction~~ 115381
~~services~~ may fine a community addiction services provider or 115382
community mental health services provider for violating division 115383
(B) of this section. In determining whether to impose a fine, 115384
the director shall consider whether the provider has engaged in 115385
a pattern of noncompliance. If a fine is imposed, it shall be 115386
one thousand dollars for a first failure to comply with division 115387
(B) of this section and two thousand dollars for each subsequent 115388
failure. The director's actions in imposing a fine shall be 115389
taken in accordance with Chapter 119. of the Revised Code. 115390

All fines collected under this division shall be deposited 115391
in the state treasury to the credit of the department's 115392
statewide treatment and prevention fund created by section 115393
4301.30 of the Revised Code. 115394

Sec. 5119.71. Pursuant to Article X of the compact set 115395
forth in section 5119.70 of the Revised Code, the director of 115396
~~mental-behavioral health and addiction services~~ and the director 115397
of developmental disabilities each shall designate an officer 115398
who shall be the compact administrator for the department and 115399
who, acting jointly with like officers of other party states, 115400
shall adopt rules to carry out more effectively the terms of the 115401
compact. The compact administrators of each department shall 115402
serve subject to the pleasure of the governor and shall 115403
cooperate with all departments, agencies, and officers of and in 115404
the government of this state and its subdivisions in 115405
facilitating the proper administration of the compact or of any 115406
supplementary agreements entered into by this state thereunder. 115407

Sec. 5119.82. There is hereby established a 9-8-8 115408
administrator within the department of ~~mental-behavioral health~~ 115409
~~and addiction services~~ to oversee the administration of the 9-8- 115410
8 suicide prevention and mental health crisis hotline system 115411
statewide. 115412

Sec. 5119.85. (A) As used in this section, "telephone 115413
company" has the same meaning as in section 128.01 of the 115414
Revised Code. 115415

(B) Except for willful or wanton misconduct, a telephone 115416
company, a provider of interconnected voice over internet 115417
protocol service, and any other installer, maintainer, or 115418
provider, through the sale or otherwise, of customer premises 115419
equipment, or service used for or with the 9-8-8 hotline, and 115420

their respective officers, directors, employees, agents, 115421
suppliers, corporate parents, and affiliates are not liable in 115422
damages in a civil action for injuries, death or loss to persons 115423
or property incurred by any person resulting from such an 115424
entity's or its officers', directors', employees', agents', or 115425
suppliers' participation in or acts or omissions in connection 115426
with participating in or developing, maintaining, or operating 115427
the 9-8-8 hotline. 115428

Sec. 5119.89. The director of ~~mental-behavioral health and~~ 115429
~~addiction services~~ shall consult with the superintendent of 115430
insurance as required by section 3901.90 of the Revised Code to 115431
develop consumer and payer education on ~~mental-behavioral health~~ 115432
~~and addiction services~~ insurance parity and establish and 115433
promote a consumer hotline to collect information and help 115434
consumers understand and access their insurance benefits. 115435

The department of ~~mental-behavioral health and addiction-~~ 115436
~~services~~ and the department of insurance shall jointly report 115437
annually on the departments' efforts, which shall include 115438
information on consumer and payer outreach activities and 115439
identification of trends and barriers to access and coverage in 115440
this state. The departments shall submit the report to the 115441
general assembly, the joint medicaid oversight committee, and 115442
the governor, not later than the thirtieth day of January of 115443
each year. 115444

Sec. 5119.90. As used in sections 5119.90 to 5119.98 of 115445
the Revised Code: 115446

(A) "Alcohol and other drug abuse" means alcohol use 115447
disorder or drug addiction. 115448

(B) "Another drug" means a controlled substance as defined 115449

in section 3719.01 of the Revised Code or a harmful intoxicant 115450
as defined in section 2925.01 of the Revised Code. 115451

(C) "Board of alcohol, drug addiction, and mental health 115452
services" means a board of alcohol, drug addiction, and mental 115453
health services established under section 340.02 or 340.021 of 115454
the Revised Code. 115455

(D) "Danger" or "threat of danger to self, family, or 115456
others" means substantial physical harm or threat of substantial 115457
physical harm upon self, family, or others. 115458

(E) "Hospital" has the same meaning as in section 3701.01 115459
or 3727.01 of the Revised Code but does not include either a 115460
hospital operated by the department of ~~mental~~behavioral health 115461
~~and addiction services~~ or an inpatient unit licensed by the 115462
department. 115463

(F) "Intoxicated" means being under the influence of 115464
alcohol, another drug, or both alcohol and another drug and, as 115465
a result, having a significantly impaired ability to function. 115466

(G) "Petitioner" means a person who institutes a 115467
proceeding under sections 5119.91 to 5119.98 of the Revised 115468
Code. 115469

(H) "Probate court" means the probate division of the 115470
court of common pleas. 115471

(I) "Qualified health professional" means a person that is 115472
properly credentialed or licensed to conduct a drug and alcohol 115473
assessment and diagnosis under Ohio law. 115474

(J) "Residence" means the legal residence of a person as 115475
determined by applicable principles governing conflicts of law. 115476

(K) "Respondent" means a person alleged in a petition 115477

filed or hearing under sections 5119.91 to 5119.98 of the 115478
Revised Code to be a person who is experiencing alcohol and 115479
other drug abuse and who may be ordered under those sections to 115480
undergo treatment. 115481

(L) "Treatment" means services and programs for the care 115482
and rehabilitation of intoxicated persons and persons 115483
experiencing alcohol and other drug abuse. "Treatment" includes 115484
residential treatment, a halfway house setting, and an intensive 115485
outpatient or outpatient level of care. 115486

Sec. 5119.99. (A) Whoever violates section 5119.333 of the 115487
Revised Code is guilty of a misdemeanor of the first degree. 115488

(B) Whoever violates section 5119.27 or 5119.28, division 115489
~~(P)~~(O) of section 5119.36, or division (A)(1) or (2) of section 115490
5119.37 of the Revised Code is guilty of a felony of the fifth 115491
degree. 115492

Sec. 5120.16. (A) Persons sentenced to any institution, 115493
division, or place under the control of the department of 115494
rehabilitation and correction are committed to the control, 115495
care, and custody of the department. Subject to division ~~(B)~~(C) 115496
of this section, the director of rehabilitation and correction 115497
or the director's designee may direct that persons sentenced to 115498
the department, or to any institution or place within the 115499
department, shall be conveyed by the sheriff initially to an 115500
appropriate facility established and maintained by the 115501
department, or committed electronically in accordance with 115502
division (B) of this section, for reception, examination, 115503
observation, and classification of the persons so sentenced. 115504
Prior to removal of an individual on an out of jurisdiction 115505
detainer, the sheriff shall convey the sentenced person to the 115506
department of rehabilitation and correction or electronically 115507

commit the sentenced person in accordance with division (B) of 115508
this section. 115509

If a presentence investigation report was not prepared 115510
pursuant to section 2947.06 or 2951.03 of the Revised Code or 115511
Criminal Rule 32.2 regarding any person sentenced to the 115512
department or to any institution or place within the department, 115513
the director or the director's designee may order the 115514
department's field staff to conduct an offender background 115515
investigation and prepare an offender background investigation 115516
report regarding the person. The investigation and report shall 115517
be conducted in accordance with division (A) of section 2951.03 115518
of the Revised Code and the report shall contain the same 115519
information as a presentence investigation report prepared 115520
pursuant to that section. 115521

When the examination, observation, and classification of 115522
the person have been completed by the facility and a written 115523
report of the examination, observation, and classification is 115524
filed with the commitment papers, the director or the director's 115525
designee, subject to division (B) of this section, shall assign 115526
the person to a suitable state institution or place maintained 115527
by the state within the director's department or shall designate 115528
that the person is to be housed in a county, multicounty, 115529
municipal, municipal-county, or multicounty-municipal jail or 115530
workhouse, if authorized by section 5120.161 of the Revised 115531
Code, there to be confined, cared for, treated, trained, and 115532
rehabilitated until paroled, released in accordance with section 115533
2929.20, 2967.26, 2967.28, or 5120.036 of the Revised Code, or 115534
otherwise released under the order of the court that imposed the 115535
person's sentence. No person committed by a probate court, a 115536
trial court pursuant to section 2945.40, 2945.401, or 2945.402 115537
of the Revised Code subsequent to a finding of not guilty by 115538

reason of insanity, or a juvenile court shall be assigned to a 115539
state correctional institution. 115540

If a person is sentenced, committed, or assigned for the 115541
commission of a felony to any one of the institutions or places 115542
maintained by the department or to a county, multicounty, 115543
municipal, municipal-county, or multicounty-municipal jail or 115544
workhouse, the department, by order duly recorded and subject to 115545
division (B) of this section, may transfer the person to any 115546
other institution, or, if authorized by section 5120.161 of the 115547
Revised Code, to a county, multicounty, municipal, municipal- 115548
county, or multicounty-municipal jail or workhouse. 115549

(B) An agreement may be entered into between a court of 115550
common pleas and the department of rehabilitation and correction 115551
under which persons may be electronically committed to the 115552
department of rehabilitation and correction. 115553

(C) If the case of a child who is alleged to be a 115554
delinquent child is transferred for criminal prosecution to the 115555
appropriate court having jurisdiction of the offense pursuant to 115556
section 2152.12 of the Revised Code, if the child is convicted 115557
of or pleads guilty to a felony in that case, if the child is 115558
sentenced to a prison term, as defined in section 2901.01 of the 115559
Revised Code, and if the child is under eighteen years of age 115560
when delivered to the custody of the department of 115561
rehabilitation and correction, all of the following apply 115562
regarding the housing of the child: 115563

(1) Until the child attains eighteen years of age, subject 115564
to divisions ~~(B) (2)~~ (C) (2), (3), and (4) of this section, the 115565
department shall house the child in a housing unit in a state 115566
correctional institution separate from inmates who are eighteen 115567
years of age or older. 115568

(2) The department is not required to house the child in 115569
the manner described in division ~~(B)(1)~~(C)(1) of this section if 115570
the child does not observe the rules and regulations of the 115571
institution or the child otherwise creates a security risk by 115572
being housed separately. 115573

(3) If the department receives too few inmates who are 115574
under eighteen years of age to fill a housing unit in a state 115575
correctional institution separate from inmates who are eighteen 115576
years of age or older, as described in division ~~(B)(1)~~(C)(1) of 115577
this section, the department may house the child in a housing 115578
unit in a state correctional institution that includes both 115579
inmates who are under eighteen years of age and inmates who are 115580
eighteen years of age or older and under twenty-one years of 115581
age. 115582

(4) Upon the child's attainment of eighteen years of age, 115583
the department may house the child with the adult population of 115584
the state correctional institution. 115585

~~(C)~~(D) The director or the director's designee shall 115586
develop a policy for dealing with problems related to infection 115587
with the human immunodeficiency virus. The policy shall include 115588
methods of identifying individuals committed to the custody of 115589
the department who are at high risk of infection with the virus 115590
and counseling those individuals. 115591

Arrangements for housing individuals diagnosed as having 115592
AIDS or an AIDS-related condition shall be made by the 115593
department based on security and medical considerations and in 115594
accordance with division ~~(B)~~(C) of this section, if applicable. 115595

Sec. 5120.51. (A) (1) If the director of rehabilitation and 115596
correction determines that a bill introduced in the general 115597

assembly is likely to have a ~~significant~~ more than a de minimis 115598
impact on the population of, or the cost of operating, any or 115599
all state correctional institutions under the administration of 115600
the department of rehabilitation and correction, the department 115601
shall prepare a population and cost impact statement for the 115602
bill, in accordance with division (A) (2) of this section. 115603

(2) A population and cost impact statement required for a 115604
bill shall estimate the increase or decrease in the correctional 115605
institution population that likely would result if the bill were 115606
enacted, shall estimate, in dollars, the amount by which 115607
revenues or expenditures likely would increase or decrease if 115608
the bill were enacted, and briefly shall explain each of the 115609
estimates. 115610

A population and cost impact statement required for a bill 115611
initially shall be prepared after the bill is referred to a 115612
committee of the general assembly in the house of origination 115613
but before the meeting of the committee at which the committee 115614
is scheduled to vote on whether to recommend the bill for 115615
passage. A copy of the statement shall be distributed to each 115616
member of the committee that is considering the bill and to the 115617
member of the general assembly who introduced it. If the bill is 115618
recommended for passage by the committee, the department shall 115619
update the statement before the bill is taken up for final 115620
consideration by the house of origination. A copy of the updated 115621
statement shall be distributed to each member of that house and 115622
to the member of the general assembly who introduced the bill. 115623
If the bill is passed by the house of origination and is 115624
introduced in the second house, the provisions of this division 115625
concerning the preparation, updating, and distribution of the 115626
statement in the house of origination also apply in the second 115627
house. 115628

(B) The governor or any member of the general assembly, at 115629
any time, may request the department to prepare a population and 115630
cost impact statement for any bill introduced in the general 115631
assembly. Upon receipt of a request, the department promptly 115632
shall prepare a statement that includes the estimates and 115633
explanations described in division (A) (2) of this section and 115634
present a copy of it to the governor or member who made the 115635
request. 115636

(C) In the preparation of a population and cost impact 115637
statement required by division (A) or (B) of this section, the 115638
department shall use a technologically sophisticated system 115639
capable of estimating future state correctional institution 115640
populations. The system shall have the capability to adjust its 115641
estimates based on actual and proposed changes in sentencing 115642
laws and trends, sentence durations, parole rates, crime rates, 115643
and any other data that affect state correctional institution 115644
populations. The department, in conjunction with the advisory 115645
committee appointed under division (E) of this section, shall 115646
review and update the data used in the system, not less than 115647
once every six months, to improve the accuracy of the system. 115648

(D) At least once every six months, the department shall 115649
provide to the correctional institution inspection committee a 115650
copy of the estimates of state correctional institution 115651
populations obtained through use of the system described in 115652
division (C) of this section and a description of the 115653
assumptions regarding sentencing laws and trends, sentence 115654
durations, parole rates, crime rates, and other relevant data 115655
that were made by the department to obtain the estimates. 115656
Additionally, a copy of the estimates and a description of the 115657
assumptions made to obtain them shall be provided, upon 115658
reasonable request, to other legislative staff, including the 115659

staff of the legislative service commission, to the office of 115660
budget and management, and to the division of criminal justice 115661
services in the department of public safety. 115662

(E) The correctional institution inspection committee 115663
shall appoint an advisory committee to review the operation of 115664
the system for estimating future state correctional institution 115665
populations that is used by the department in the preparation of 115666
population cost impact statements pursuant to this section and 115667
to join with the department in its reviews and updating of the 115668
data used in the system under division (C) of this section. The 115669
advisory committee shall be comprised of at least one 115670
prosecuting attorney, at least one common pleas court judge, at 115671
least one public defender, at least one person who is a member 115672
or staff employee of the committee, and at least one 115673
representative of the division of criminal justice services in 115674
the department of public safety. 115675

Sec. 5120.85. (A) As used in this section: 115676

(1) "Correction officer" means a correction officer, 115677
corporal, sergeant, lieutenant, or captain, and the equivalents 115678
of all such persons, at an institution under the control of the 115679
department of rehabilitation and correction. 115680

(2) "Killed in the line of duty" has the same meaning as 115681
in section 742.63 of the Revised Code. 115682

(B) (1) The director of rehabilitation and correction shall 115683
notify the director of administrative services when a correction 115684
officer is killed in the line of duty. On receiving the notice, 115685
the director of administrative services shall enroll the 115686
surviving spouse of the deceased correction officer in any 115687
health, medical, hospital, dental, surgical, or vision benefit 115688

the department of administrative services contracts for under 115689
section 124.82 of the Revised Code or otherwise provides for the 115690
benefit of state employees who are paid directly by warrant of 115691
the director of budget and management. Receiving benefits under 115692
this section does not make the surviving spouse a state 115693
employee. 115694

(2) A surviving spouse is ineligible to participate in a 115695
health, medical, hospital, dental, surgical, or vision benefit 115696
under division (B) (1) of this section if the spouse is either of 115697
the following: 115698

(a) An employee paid directly by warrant of the director 115699
of budget and management who is eligible to participate in those 115700
benefits pursuant to section 124.82 of the Revised Code; 115701

(b) Eligible to enroll in the medicare program established 115702
by Title XVIII of the "Social Security Act," 42 U.S.C. 1395c. 115703

(C) The department of rehabilitation and correction shall 115704
pay the department of administrative services for the total cost 115705
of a surviving spouse's health, medical, hospital, dental, 115706
surgical, or vision benefit under division (B) (1) of this 115707
section, plus any applicable administrative costs. 115708

(D) A surviving spouse who is receiving a health, medical, 115709
hospital, dental, surgical, or vision benefit under division (B) 115710
(1) of this section shall apply to the director of 115711
administrative services to participate in any health, medical, 115712
hospital, dental, surgical, or vision benefit available under 115713
section 124.824 of the Revised Code as soon as practicable after 115714
the spouse's application for a death benefit paid under section 115715
742.63 of the Revised Code is approved by the board of trustees 115716
of the Ohio police and fire pension fund. 115717

Sec. 5121.30. As used in sections 5121.30 to 5121.56 of	115718
the Revised Code:	115719
(A) "Countable assets" means all of the following:	115720
(1) Cash;	115721
(2) Bank deposits;	115722
(3) Securities;	115723
(4) Individual retirement accounts;	115724
(5) Qualified employer plans, including 401(k) and Keogh	115725
plans;	115726
(6) Annuities;	115727
(7) Funds in a trust created under section 5815.28 of the	115728
Revised Code;	115729
(8) Investment property and income;	115730
(9) The cash surrender values of life insurance policies;	115731
(10) Assets acquired by gift, bequest, devise, or	115732
inheritance;	115733
(11) Any other asset determined by the department of	115734
mental health and addiction services to be equivalent to the	115735
assets enumerated in this division.	115736
(B) "Federal poverty level" or "FPL" means the income	115737
level represented by the poverty guidelines as revised annually	115738
by the United States department of health and human services in	115739
accordance with section 673(2) of the "Omnibus Reconciliation	115740
Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a	115741
family size equal to the size of the family of the person whose	115742
income is being determined.	115743

(C) "Federal poverty guidelines" means the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(D) "Hospital" means an institution, hospital, or other place established, controlled, or supervised by the department of mental health and addiction services under Chapter 5119. of the Revised Code, except when otherwise described only as a hospital operated by the department.

(E) "Liable relative" means all of the following:

(1) A patient's spouse;

(2) A patient's mother or father, or both, if the patient is under eighteen years of age;

(3) A patient's guardian.

(F) "Patient" means a person admitted to a hospital for inpatient care or treatment, including a person transferred to a hospital from a state correctional institution or a person under indictment or conviction who has been transferred to a hospital.

Sec. 5121.32. On an annual basis, the department of mental health and addiction services shall determine both of the following using generally accepted governmental accounting principles:

(A) The ~~applicable~~ per diem charge for each hospital operated by the department;

(B) The ancillary per diem rate for each hospital operated

by the department. 115772

In determining a hospital's ~~applicable~~ per diem charge and 115773
ancillary per diem rate, the department shall consider the 115774
average actual per diem cost of maintaining and treating a 115775
patient at the hospital or, at the department's discretion, the 115776
average actual per diem cost of maintaining and treating a 115777
patient in a unit of the hospital. 115778

Sec. 5121.33. (A) Except as provided in sections 5121.35, 115779
5121.43, 5121.46, 5121.47, 5121.49, and 5121.52 of the Revised 115780
Code, the department of mental health and addiction services 115781
shall, for each billing cycle, charge a patient, patient's 115782
estate, or liable relative ~~an amount equal to the sum of the~~ 115783
~~following:~~ 115784

~~(A) The applicable per diem charge multiplied the amount~~ 115785
~~calculated under division (B) of this section for care and~~ 115786
~~treatment the patient receives in a hospital operated by the~~ 115787
~~department.~~ 115788

(B) The amount to be charged under division (A) of this 115789
section shall be calculated by multiplying the hospital's per 115790
diem charge or ancillary per diem rate determined under section 115791
5121.32 of the Revised Code, whichever the department determines 115792
applies, by the number of days the patient was admitted to the 115793
hospital. 115794

~~(B) An amount that was previously billed but not paid~~ 115795
~~during the period that is covered by the billing cycle.~~ 115796

Sec. 5121.34. (A) A patient, patient's estate, and 115797
patient's liable relatives shall be jointly and severally liable 115798
for amounts charged by the department of mental health and 115799
addiction services in accordance with section 5121.33 or 5121.35 115800

of the Revised Code. In no case shall any of the foregoing 115801
persons be liable for more than one hundred per cent of the full 115802
~~sum~~ amount charged under section 5121.33 of the Revised Code. 115803

(B) Collections of support payments shall be made by the 115804
department and, subject to meeting prior requirements for 115805
payment and crediting of such collections and other available 115806
receipts, in accordance with the bond proceedings applicable to 115807
obligations issued pursuant to section 154.20 of the Revised 115808
Code. The collections and other available receipts designated by 115809
the director of mental health and addiction services for deposit 115810
in the special accounts, together with insurance contract 115811
payments provided for in section 5121.43 of the Revised Code, 115812
shall be remitted to the treasurer of state for deposit in the 115813
state treasury to the credit of the mental health operating 115814
fund, which is hereby created, to be used for the general 115815
purposes of the department. The department shall make refunds of 115816
overpayment of support charges from the mental health operating 115817
fund. 115818

Sec. 5121.41. (A) If the assets of a patient, patient's 115819
estate, or liable relative do not exceed the countable asset 115820
limit in section 5121.40 of the Revised Code and the annual 115821
income of the patient, estate, or relative does not exceed four 115822
hundred per cent of the federal poverty level, the patient, 115823
estate, or relative shall be charged an amount discounted from 115824
the amount the department charges under section 5121.33 of the 115825
Revised Code for the first thirty days the patient is admitted 115826
as an inpatient in a hospital and for which the patient is 115827
liable for the cost of care. The amount of the discount shall be 115828
computed according to the following schedule: 115829

Annual Gross Income 115830

Expressed as a Percentage of FPL

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115832

	1	2	3	4	5	6	7
A Inpatient Days at a Hospital	0 - 175	176 - 199	200 - 249	250 - 299	300 - 349	350 - 400	

Percentage discount from charged amount

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115834

	1	2	3	4	5	6	7
A 1 - 14	100	90	70	50	30	10	
B 15 - 30	100	95	75	55	35	15	

(B) A patient, estate, or relative who is charged a discounted amount for the first thirty days the patient is admitted as an inpatient and who has an annual income not greater than one hundred seventy-five per cent of the federal poverty level shall not be charged for the days the patient is admitted beyond the thirtieth day.

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(C) A patient, estate, or relative who is charged a discounted amount for the first thirty days the patient is admitted as an inpatient and who has an annual income greater than one hundred seventy-five per cent of the federal poverty level shall be charged an amount equal to the sum of the following for the days the patient is admitted beyond the thirtieth day:

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(1) The ancillary per diem rate that applies to the hospital, as determined under section 5121.32 of the Revised Code, multiplied by the number of days the patient was admitted to the hospital;

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(2) An amount that was previously charged but not paid. 115852

Sec. 5121.43. (A) If a patient is covered by an insurance 115853
policy or other contract that provides for payment of expenses 115854
for care and treatment for mental illness at or from a hospital 115855
~~under the jurisdiction of~~ operated by the department of mental 115856
health and addiction services, ~~sections 5121.33 to 5121.55 of~~ 115857
~~the Revised Code are inapplicable to the extent that the policy~~ 115858
~~or contract is in force. Any insurance carrier or other third~~ 115859
~~party payor providing coverage for such care and treatment shall~~ 115860
~~pay for the patient's support obligation in amounts equal to the~~ 115861
~~lesser of amounts charged by the department under section~~ 115862
~~5121.33 of the Revised Code or the benefits provided under the~~ 115863
~~policy or other contract. Whether or not an insured, owner of,~~ 115864
~~or other person having an interest in such policy or other~~ 115865
~~contract is liable for support payments, the all of the~~ 115866
following apply with respect to the amount owed to the 115867
department for such care and treatment: 115868

(1) The insured, policy owner, or other person having an 115869
interest in the policy or other contract shall assign payment 115870
directly to the department of all assignable benefits under the 115871
policy or other contract and shall pay to the department, within 115872
ten days of receipt, all insurance or other benefits received as 115873
reimbursement or payment for expenses incurred by the patient or 115874
for any other reason. ~~If the insured, policy owner, or other~~ 115875
~~person refuses to assign payment to the department or refuses to~~ 115876
~~pay received reimbursements or payments to the department within~~ 115877
~~ten days of receipt, the total liability of the insured, policy~~ 115878
~~owner, or other person for the services is an amount equal to~~ 115879
~~the per diem charge for the hospital where the patient was~~ 115880
~~admitted multiplied by the number of days the patient was~~ 115881
~~admitted.~~ 115882

(2) (a) Regardless of the coverage provided by the policy or other contract, the patient, patient's estate, or patient's liable relative is liable to the department for the actual cost of care and treatment calculated under section 5121.33 of the Revised Code. 115883
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(b) If the amount the department receives through the assignment of benefits, as required by division (A) (1) of this section, is less than the actual cost of care and treatment that is calculated under section 5121.33 of the Revised Code, the department shall charge the patient, patient's estate, or liable relative the lesser of the following: 115888
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(i) The amount calculated under section 5121.33 of the Revised Code that remains after subtracting the amount the department receives through the assignment of benefits; 115894
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(ii) The amount calculated under section 5121.33 of the Revised Code that applies after the department takes into consideration the exceptions described in sections 5121.35, 5121.46, 5121.47, 5121.49, and 5121.52 of the Revised Code. 115897
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(3) In no event shall ~~this total~~ a patient, patient's estate, or liable relative have liability ~~exceed~~ under this section for an amount that exceeds either, as the case may be, the department's actual cost of providing care and treatment to a patient calculated under section 5121.33 of the Revised Code or the amount that is charged under division (A) (2) (b) of this section. 115901
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(B) With respect to the requirements of division (A) (1) of this section, both of the following apply: 115908
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(1) The department may disqualify patients and liable relatives who have failed to assign benefits in accordance with 115910
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division (A) (1) of this section, and retained third party funds, 115912
from future discounts that otherwise may have been available. 115913

(2) The department may request that the attorney general 115914
petition a court of competent jurisdiction to compel ~~the~~ an 115915
insured, policy owner ~~of~~, or other person having an interest in 115916
the policy or other contract to comply with the assignment 115917
requirements ~~in~~ of division (A) (1) of this section. 115918

Sec. 5122.01. As used in this chapter and Chapter 5119. of 115919
the Revised Code: 115920

(A) "Mental illness" means a substantial disorder of 115921
thought, mood, perception, orientation, or memory that grossly 115922
impairs judgment, behavior, capacity to recognize reality, or 115923
ability to meet the ordinary demands of life. 115924

(B) "Person with a mental illness subject to court order" 115925
means a person with a mental illness who, because of the 115926
person's illness: 115927

(1) Represents a substantial risk of physical harm to self 115928
as manifested by evidence of threats of, or attempts at, suicide 115929
or serious self-inflicted bodily harm; 115930

(2) Represents a substantial risk of physical harm to 115931
others as manifested by evidence of recent homicidal or other 115932
violent behavior, evidence of recent threats that place another 115933
in reasonable fear of violent behavior and serious physical 115934
harm, or other evidence of present dangerousness; 115935

(3) Represents a substantial and immediate risk of serious 115936
physical impairment or injury to self as manifested by evidence 115937
that the person is unable to provide for and is not providing 115938
for the person's basic physical needs because of the person's 115939
mental illness and that appropriate provision for those needs 115940

cannot be made immediately available in the community; 115941

(4) Would benefit from treatment for the person's mental 115942
illness and is in need of such treatment as manifested by 115943
evidence of behavior that creates a grave and imminent risk to 115944
substantial rights of others or the person; 115945

(5) (a) Would benefit from treatment as manifested by 115946
evidence of behavior that indicates all of the following: 115947

(i) The person is unlikely to survive safely in the 115948
community without supervision, based on a clinical 115949
determination. 115950

(ii) The person has a history of lack of compliance with 115951
treatment for mental illness and one of the following applies: 115952

(I) At least twice within the thirty-six months prior to 115953
the filing of an affidavit seeking court-ordered treatment of 115954
the person under section 5122.111 of the Revised Code, the lack 115955
of compliance has been a significant factor in necessitating 115956
hospitalization in a hospital or receipt of services in a 115957
forensic or other mental health unit of a correctional facility, 115958
provided that the thirty-six-month period shall be extended by 115959
the length of any hospitalization or incarceration of the person 115960
that occurred within the thirty-six-month period. 115961

(II) Within the forty-eight months prior to the filing of 115962
an affidavit seeking court-ordered treatment of the person under 115963
section 5122.111 of the Revised Code, the lack of compliance 115964
resulted in one or more acts of serious violent behavior toward 115965
self or others or threats of, or attempts at, serious physical 115966
harm to self or others, provided that the forty-eight-month 115967
period shall be extended by the length of any hospitalization or 115968
incarceration of the person that occurred within the forty- 115969

eight-month period. 115970

(iii) The person, as a result of the person's mental 115971
illness, is unlikely to voluntarily participate in necessary 115972
treatment. 115973

(iv) In view of the person's treatment history and current 115974
behavior, the person is in need of treatment in order to prevent 115975
a relapse or deterioration that would be likely to result in 115976
substantial risk of serious harm to the person or others. 115977

(b) An individual who meets only the criteria described in 115978
division (B) (5) (a) of this section is not subject to 115979
hospitalization. 115980

(C) (1) "Patient" means, subject to division (C) (2) of this 115981
section, a person who is admitted either voluntarily or 115982
involuntarily to a hospital or other place under section 115983
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code 115984
subsequent to a finding of not guilty by reason of insanity or 115985
incompetence to stand trial or under this chapter, who is under 115986
observation or receiving treatment in such place. 115987

(2) "Patient" does not include a person admitted to a 115988
hospital or other place under section 2945.39, 2945.40, 115989
2945.401, or 2945.402 of the Revised Code to the extent that the 115990
reference in this chapter to patient, or the context in which 115991
the reference occurs, is in conflict with any provision of 115992
sections 2945.37 to 2945.402 of the Revised Code. 115993

(D) "Licensed physician" means a person licensed under the 115994
laws of this state to practice medicine or a medical officer of 115995
the government of the United States while in this state in the 115996
performance of the person's official duties. 115997

(E) "Psychiatrist" means a licensed physician who has 115998

satisfactorily completed a residency training program in 115999
psychiatry, as approved by the residency review committee of the 116000
American medical association, the committee on post-graduate 116001
education of the American osteopathic association, or the 116002
American osteopathic board of neurology and psychiatry, or who 116003
on July 1, 1989, has been recognized as a psychiatrist by the 116004
Ohio state medical association or the Ohio osteopathic 116005
association on the basis of formal training and five or more 116006
years of medical practice limited to psychiatry. 116007

(F) "Hospital" means a hospital or inpatient unit licensed 116008
by the department of ~~mental behavioral health and addiction~~ 116009
~~services~~ under section 5119.33 of the Revised Code, and any 116010
institution, hospital, or other place established, controlled, 116011
or supervised by the department under Chapter 5119. of the 116012
Revised Code. 116013

(G) "Public hospital" means a facility that is tax- 116014
supported and under the jurisdiction of the department of ~~mental~~ 116015
~~behavioral health and addiction services~~. 116016

(H) "Community mental health services provider" means an 116017
agency, association, corporation, individual, or program that 116018
provides community mental health services that are certified by 116019
the director of ~~mental behavioral health and addiction services~~ 116020
under section 5119.36 of the Revised Code. 116021

(I) "Licensed clinical psychologist" means a person who 116022
holds a current, valid psychologist license issued under section 116023
4732.12 of the Revised Code, and in addition, meets the 116024
educational requirements set forth in division (B) of section 116025
4732.10 of the Revised Code and has a minimum of two years' 116026
full-time professional experience, or the equivalent as 116027
determined by rule of the state board of psychology, at least 116028

one year of which shall be a predoctoral internship, in clinical 116029
psychological work in a public or private hospital or clinic or 116030
in private practice, diagnosing and treating problems of mental 116031
illness or intellectual disability under the supervision of a 116032
psychologist who is licensed or who holds a diploma issued by 116033
the American board of professional psychology, or whose 116034
qualifications are substantially similar to those required for 116035
licensure by the state board of psychology when the supervision 116036
has occurred prior to enactment of laws governing the practice 116037
of psychology. 116038

(J) "Health officer" means any public health physician; 116039
public health nurse; or other person authorized or designated by 116040
a city or general health district or a board of alcohol, drug 116041
addiction, and mental health services to perform the duties of a 116042
health officer under this chapter. 116043

(K) "Chief clinical officer" means the medical director of 116044
a hospital, community mental health services provider, or board 116045
of alcohol, drug addiction, and mental health services, or, if 116046
there is no medical director, the licensed physician responsible 116047
for the treatment provided by a hospital or community mental 116048
health services provider. The chief clinical officer may 116049
delegate to the attending physician responsible for a patient's 116050
care the duties imposed on the chief clinical officer by this 116051
chapter. In the case of a community mental health services 116052
provider, the chief clinical officer shall be designated by the 116053
governing body of the services provider and shall be a licensed 116054
physician or licensed clinical psychologist who supervises 116055
diagnostic and treatment services. A licensed physician or 116056
licensed clinical psychologist designated by the chief clinical 116057
officer may perform the duties and accept the responsibilities 116058
of the chief clinical officer in the chief clinical officer's 116059

absence. 116060

(L) "Working day" or "court day" means Monday, Tuesday, 116061
Wednesday, Thursday, and Friday, except when such day is a 116062
holiday. 116063

(M) "Indigent" means unable without deprivation of 116064
satisfaction of basic needs to provide for the payment of an 116065
attorney and other necessary expenses of legal representation, 116066
including expert testimony. 116067

(N) "Respondent" means the person whose detention, 116068
commitment, hospitalization, continued hospitalization or 116069
commitment, or discharge is being sought in any proceeding under 116070
this chapter. 116071

(O) "Ohio protection and advocacy system" has the same 116072
meaning as in section 5123.60 of the Revised Code. 116073

(P) "Independent expert evaluation" means an evaluation 116074
conducted by a licensed clinical psychologist, psychiatrist, or 116075
licensed physician who has been selected by the respondent or 116076
the respondent's counsel and who consents to conducting the 116077
evaluation. 116078

(Q) "Court" means the probate division of the court of 116079
common pleas. 116080

(R) "Expunge" means: 116081

(1) The removal and destruction of court files and 116082
records, originals and copies, and the deletion of all index 116083
references; 116084

(2) The reporting to the person of the nature and extent 116085
of any information about the person transmitted to any other 116086
person by the court; 116087

(3) Otherwise insuring that any examination of court files 116088
and records in question shall show no record whatever with 116089
respect to the person; 116090

(4) That all rights and privileges are restored, and that 116091
the person, the court, and any other person may properly reply 116092
that no such record exists, as to any matter expunged. 116093

(S) "Residence" means a person's physical presence in a 116094
county with intent to remain there, except that: 116095

(1) If a person is receiving a mental health service at a 116096
facility that includes nighttime sleeping accommodations, 116097
residence means that county in which the person maintained the 116098
person's primary place of residence at the time the person 116099
entered the facility; 116100

(2) If a person is committed pursuant to section 2945.38, 116101
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 116102
residence means the county where the criminal charges were 116103
filed. 116104

When the residence of a person is disputed, the matter of 116105
residence shall be referred to the department of ~~mental~~ 116106
behavioral health and addiction services for investigation and 116107
determination. Residence shall not be a basis for a board of 116108
alcohol, drug addiction, and mental health services to deny 116109
services to any person present in the board's service district, 116110
and the board shall provide services for a person whose 116111
residence is in dispute while residence is being determined and 116112
for a person in an emergency situation. 116113

(T) "Admission" to a hospital or other place means that a 116114
patient is accepted for and stays at least one night at the 116115
hospital or other place. 116116

(U) "Prosecutor" means the prosecuting attorney, village solicitor, city director of law, or similar chief legal officer who prosecuted a criminal case in which a person was found not guilty by reason of insanity, who would have had the authority to prosecute a criminal case against a person if the person had not been found incompetent to stand trial, or who prosecuted a case in which a person was found guilty.

(V) (1) "Treatment plan" means a written statement of reasonable objectives and goals for an individual established by the treatment team, with specific criteria to evaluate progress towards achieving those objectives.

(2) The active participation of the patient in establishing the objectives and goals shall be documented. The treatment plan shall be based on patient needs and include services to be provided to the patient while the patient is hospitalized, after the patient is discharged, or in an outpatient setting. The treatment plan shall address services to be provided. In the establishment of the treatment plan, consideration should be given to the availability of services, which may include but are not limited to all of the following:

- (a) Community psychiatric supportive treatment;
- (b) Assertive community treatment;
- (c) Medications;
- (d) Individual or group therapy;
- (e) Peer support services;
- (f) Financial services;
- (g) Housing or supervised living services;

(h) Alcohol or substance abuse treatment;	116144
(i) Any other services prescribed to treat the patient's mental illness and to either assist the patient in living and functioning in the community or to help prevent a relapse or a deterioration of the patient's current condition.	116145 116146 116147 116148
(3) If the person subject to the treatment plan has executed an advance directive for mental health treatment, the treatment team shall consider any directions included in such advance directive in developing the treatment plan.	116149 116150 116151 116152
(W) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	116153 116154
(X) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.	116155 116156
(Y) "Local correctional facility" has the same meaning as in section 2903.13 of the Revised Code.	116157 116158
(Z) "Clinical nurse specialist" and "certified nurse practitioner" have the same meanings as in section 4723.01 of the Revised Code.	116159 116160 116161
Sec. 5122.03. A patient admitted under section 5122.02 of the Revised Code who requests release in writing, or whose release is requested in writing by the patient's counsel, legal guardian, parent, spouse, or adult next of kin shall be released forthwith, except when any of the following is the case:	116162 116163 116164 116165 116166
(A) The patient was admitted on the patient's own application and the request for release is made by a person other than the patient, release may be conditional upon the agreement of the patient.	116167 116168 116169 116170
(B) The patient was, within the past twelve months, a	116171

defendant described in division (B) (1) (a) (v) (I) of section 116172
2945.38 of the Revised Code and the chief clinical officer of 116173
the hospital decides not to file or cause to be filed an 116174
affidavit under section 5122.11 of the Revised Code as described 116175
in division (C) of this section. In that circumstance, the chief 116176
clinical officer shall immediately notify the trial court or 116177
prosecutor described in division (B) (1) (a) (v) (I) of section 116178
2945.38 of the Revised Code of the chief clinical officer's 116179
decision and intent to release the patient. Not later than three 116180
court days after being notified of the intent to release, the 116181
trial court or prosecutor may file or cause to be filed with the 116182
court of the county where the patient is hospitalized, or the 116183
court of the county where the patient resides, an affidavit 116184
under section 5122.11 of the Revised Code. If such an affidavit 116185
is filed, the patient's release must be postponed until a 116186
hearing under section 5122.141 of the Revised Code is held. 116187

(C) The chief clinical officer of the hospital, within 116188
three court days from the receipt of the request for release, 116189
files or causes to be filed with the court of the county where 116190
the patient is hospitalized or of the county where the patient 116191
is a resident, an affidavit under section 5122.11 of the Revised 116192
Code. Release may be postponed until the hearing held under 116193
section 5122.141 of the Revised Code. A telephone communication 116194
within three court days from the receipt of the request for 116195
release from the chief clinical officer to the court, indicating 116196
that the required affidavit has been mailed, is sufficient 116197
compliance with the time limit for filing such affidavit. 116198

Unless the patient is released within three days from the 116199
receipt of the request by the chief clinical officer, the 116200
request shall serve as a request for an initial hearing under 116201
section 5122.141 of the Revised Code. If the court finds that 116202

the patient is a person with a mental illness subject to court order, all provisions of this chapter with respect to involuntary hospitalization apply to such person.

Judicial proceedings for hospitalization shall not be commenced with respect to a voluntary patient except pursuant to this section.

Sections 5121.30 to 5121.56 of the Revised Code apply to persons received in a hospital operated by the department of ~~mental behavioral health and addiction services~~ on a voluntary application.

The chief clinical officer of the hospital shall provide reasonable means and arrangements for informing patients of their rights to release as provided in this section and for assisting them in making and presenting requests for release or for a hearing under section 5122.141 of the Revised Code.

Before a patient is released from a public hospital, the chief clinical officer shall, when possible, ~~notify~~ provide notice of the patient's pending release to the board of alcohol, drug addiction, and mental health services serving the patient's county of residence ~~of the patient's pending release after~~ Before the notice is given, the chief clinical officer ~~has informed~~ shall inform the patient that the board will be so notified.

Sec. 5122.10. (A) (1) Any of the following who has reason to believe that a person is a person with a mental illness subject to court order and represents a substantial risk of physical harm to self or others if allowed to remain at liberty pending examination may take the person into custody and may immediately transport the person to a hospital or,

notwithstanding section 5119.33 of the Revised Code, to a 116232
general hospital not licensed by the department of ~~mental~~ 116233
behavioral health and addiction services where the person may be 116234
held for the period prescribed in this section: 116235

(a) A psychiatrist; 116236

(b) A licensed physician; 116237

(c) A licensed clinical psychologist; 116238

(d) A clinical nurse specialist who is certified as a 116239
psychiatric-mental health CNS by the American nurses 116240
credentialing center; 116241

(e) A certified nurse practitioner who is certified as a 116242
psychiatric-mental health NP by the American nurses 116243
credentialing center; 116244

(f) A health officer; 116245

(g) A parole officer; 116246

(h) A police officer; 116247

(i) A sheriff. 116248

(2) If the chief of the adult parole authority or a parole 116249
or probation officer with the approval of the chief of the 116250
authority has reason to believe that a parolee, an offender 116251
under a community control sanction or post-release control 116252
sanction, or an offender under transitional control is a person 116253
with a mental illness subject to court order and represents a 116254
substantial risk of physical harm to self or others if allowed 116255
to remain at liberty pending examination, the chief or officer 116256
may take the parolee or offender into custody and may 116257
immediately transport the parolee or offender to a hospital or, 116258

notwithstanding section 5119.33 of the Revised Code, to a 116259
general hospital not licensed by the department of ~~mental~~ 116260
behavioral health and addiction services where the parolee or 116261
offender may be held for the period prescribed in this section. 116262

(B) A written statement shall be given to the hospital by 116263
the individual authorized under division (A) (1) or (2) of this 116264
section to transport the person. The statement shall specify the 116265
circumstances under which such person was taken into custody and 116266
the reasons for the belief that the person is a person with a 116267
mental illness subject to court order and represents a 116268
substantial risk of physical harm to self or others if allowed 116269
to remain at liberty pending examination. This statement shall 116270
be made available to the respondent or the respondent's attorney 116271
upon request of either. 116272

(C) Every reasonable and appropriate effort shall be made 116273
to take persons into custody in the least conspicuous manner 116274
possible. A person taking the respondent into custody pursuant 116275
to this section shall explain to the respondent: the name and 116276
professional designation and affiliation of the person taking 116277
the respondent into custody; that the custody-taking is not a 116278
criminal arrest; and that the person is being taken for 116279
examination by mental health professionals at a specified mental 116280
health facility identified by name. 116281

(D) If a person taken into custody under this section is 116282
transported to a general hospital, the general hospital may 116283
admit the person, or provide care and treatment for the person, 116284
or both, notwithstanding section 5119.33 of the Revised Code, 116285
but by the end of twenty-four hours after arrival at the general 116286
hospital, the person shall be transferred to a hospital as 116287
defined in section 5122.01 of the Revised Code. 116288

(E) A person transported or transferred to a hospital or community mental health services provider under this section shall be examined by the staff of the hospital or services provider within twenty-four hours after arrival at the hospital or services provider. If to conduct the examination requires that the person remain overnight, the hospital or services provider shall admit the person in an unclassified status until making a disposition under this section. After the examination, if the chief clinical officer of the hospital or services provider believes that the person is not a person with a mental illness subject to court order, the chief clinical officer shall release or discharge the person immediately unless a court has issued a temporary order of detention applicable to the person under section 5122.11 of the Revised Code. After the examination, if the chief clinical officer believes that the person is a person with a mental illness subject to court order, the chief clinical officer may detain the person for not more than three court days following the day of the examination and during such period admit the person as a voluntary patient under section 5122.02 of the Revised Code or file an affidavit under section 5122.11 of the Revised Code. If neither action is taken and a court has not otherwise issued a temporary order of detention applicable to the person under section 5122.11 of the Revised Code, the chief clinical officer shall discharge the person at the end of the three-day period unless the person has been sentenced to the department of rehabilitation and correction and has not been released from the person's sentence, in which case the person shall be returned to that department.

Sec. 5122.15. (A) Full hearings shall be conducted in a manner consistent with this chapter and with due process of law. The hearings shall be conducted by a judge of the probate court

or a referee designated by a judge of the probate court and may 116320
be conducted in or out of the county in which the respondent is 116321
held. Any referee designated under this division shall be an 116322
attorney. 116323

(1) With the consent of the respondent, the following 116324
shall be made available to counsel for the respondent: 116325

(a) All relevant documents, information, and evidence in 116326
the custody or control of the state or prosecutor; 116327

(b) All relevant documents, information, and evidence in 116328
the custody or control of the hospital in which the respondent 116329
currently is held, or in which the respondent has been held 116330
pursuant to this chapter; 116331

(c) All relevant documents, information, and evidence in 116332
the custody or control of any hospital, facility, or person not 116333
included in division (A) (1) (a) or (b) of this section. 116334

(2) The respondent has the right to attend the hearing and 116335
to be represented by counsel of the respondent's choice. The 116336
right to attend the hearing may be waived only by the respondent 116337
or counsel for the respondent after consultation with the 116338
respondent. 116339

(3) If the respondent is not represented by counsel, is 116340
absent from the hearing, and has not validly waived the right to 116341
counsel, the court shall appoint counsel immediately to 116342
represent the respondent at the hearing, reserving the right to 116343
tax costs of appointed counsel to the respondent, unless it is 116344
shown that the respondent is indigent. If the court appoints 116345
counsel, or if the court determines that the evidence relevant 116346
to the respondent's absence does not justify the absence, the 116347
court shall continue the case. 116348

(4) The respondent shall be informed that the respondent 116349
may retain counsel and have independent expert evaluation. If 116350
the respondent is unable to obtain an attorney, the respondent 116351
shall be represented by court-appointed counsel. If the 116352
respondent is indigent, court-appointed counsel and independent 116353
expert evaluation shall be provided as an expense under section 116354
5122.43 of the Revised Code. 116355

(5) The hearing shall be closed to the public, unless 116356
counsel for the respondent, with the permission of the 116357
respondent, requests that the hearing be open to the public. 116358

(6) If the hearing is closed to the public, the court, for 116359
good cause shown, may admit persons who have a legitimate 116360
interest in the proceedings. If the respondent, the respondent's 116361
counsel, or the designee of the director or of the chief 116362
clinical officer objects to the admission of any person, the 116363
court shall hear the objection and any opposing argument and 116364
shall rule upon the admission of the person to the hearing. 116365

(7) The affiant under section 5122.11 of the Revised Code 116366
shall be subject to subpoena by either party. 116367

(8) The court shall examine the sufficiency of all 116368
documents filed and shall inform the respondent, if present, and 116369
the respondent's counsel of the nature and content of the 116370
documents and the reason for which the respondent is being 116371
detained, or for which the respondent's placement is being 116372
sought. 116373

(9) The court shall receive only reliable, competent, and 116374
material evidence. 116375

(10) Unless proceedings are initiated pursuant to section 116376
5120.17 or 5139.08 of the Revised Code, an attorney that the 116377

board designates shall present the case demonstrating that the 116378
respondent is a person with a mental illness subject to court 116379
order. The attorney shall offer evidence of the diagnosis, 116380
prognosis, record of treatment, if any, and less restrictive 116381
treatment plans, if any. In proceedings pursuant to section 116382
5120.17 or 5139.08 of the Revised Code, the attorney general 116383
shall designate an attorney who shall present the case 116384
demonstrating that the respondent is a person with a mental 116385
illness subject to court order. The attorney shall offer 116386
evidence of the diagnosis, prognosis, record of treatment, if 116387
any, and less restrictive treatment plans, if any. 116388

(11) The respondent or the respondent's counsel has the 116389
right to subpoena witnesses and documents and to examine and 116390
cross-examine witnesses. 116391

(12) The respondent has the right, but shall not be 116392
compelled, to testify, and shall be so advised by the court. 116393

(13) On motion of the respondent or the respondent's 116394
counsel for good cause shown, or on the court's own motion, the 116395
court may order a continuance of the hearing. 116396

(14) If the respondent is represented by counsel and the 116397
respondent's counsel requests a transcript and record, or if the 116398
respondent is not represented by counsel, the court shall make 116399
and maintain a full transcript and record of the proceeding. If 116400
the respondent is indigent and the transcript and record is 116401
made, a copy shall be provided to the respondent upon request 116402
and be treated as an expense under section 5122.43 of the 116403
Revised Code. 116404

(15) To the extent not inconsistent with this chapter, the 116405
Rules of Civil Procedure are applicable. 116406

(B) Unless, upon completion of the hearing the court finds 116407
by clear and convincing evidence that the respondent is a person 116408
with a mental illness subject to court order, it shall order the 116409
respondent's discharge immediately. 116410

(C) If, upon completion of the hearing, the court finds by 116411
clear and convincing evidence that the respondent is a person 116412
with a mental illness subject to court order, the court shall 116413
order the respondent for a period not to exceed ninety days to 116414
any of the following: 116415

(1) A hospital operated by the department of ~~mental~~ 116416
behavioral health and addiction services if the respondent is 116417
committed pursuant to section 5139.08 of the Revised Code; 116418

(2) A nonpublic hospital; 116419

(3) The veterans' administration or other agency of the 116420
United States government; 116421

(4) A board of alcohol, drug addiction, and mental health 116422
services or services provider the board designates; 116423

(5) Receive private psychiatric or psychological care and 116424
treatment; 116425

(6) Any other suitable facility or person consistent with 116426
the diagnosis, prognosis, and treatment needs of the respondent. 116427
A jail or other local correctional facility is not a suitable 116428
facility. 116429

(D) Any order made pursuant to division (C) (2), (3), (5), 116430
or (6) of this section shall be conditioned upon the receipt by 116431
the court of consent by the hospital, facility, agency, or 116432
person to accept the respondent and may include a requirement 116433
that a person or entity described in division (C) (2), (3), (5), 116434

or (6) of this section inform the board of alcohol, drug 116435
addiction, and mental health services or community mental health 116436
services provider the board designates about the progress of the 116437
respondent with the treatment plan. 116438

(E) In determining the entity or person to which the 116439
respondent is to be committed under division (C) of this 116440
section, the court shall consider all of the following: 116441

(1) The respondent's diagnosis and prognosis made by a 116442
psychiatrist, licensed clinical psychologist, clinical nurse 116443
specialist who is certified as a psychiatric-mental health 116444
clinical nurse specialist by the American nurses credentialing 116445
center, or certified nurse practitioner who is certified as a 116446
psychiatric-mental health nurse practitioner by the American 116447
nurses credentialing center; 116448

(2) The respondent's preferences; 116449

(3) The respondent's projected treatment plan. 116450

The court shall order the implementation of the least 116451
restrictive alternative available and consistent with treatment 116452
goals. If the court determines that the least restrictive 116453
alternative available that is consistent with treatment goals is 116454
inpatient hospitalization, the court's order shall so state. 116455

(F) During the ninety-day period the entity or person 116456
shall examine and treat the respondent. If the respondent is 116457
receiving treatment in an outpatient setting, or receives 116458
treatment in an outpatient setting during a subsequent period of 116459
continued commitment under division (H) of this section, the 116460
entity or person to whom the respondent is committed shall 116461
determine the appropriate outpatient treatment for the 116462
respondent. If, at any time prior to the expiration of the 116463

ninety-day period, it is determined by the entity or person that 116464
the respondent's treatment needs could be equally well met in an 116465
available and appropriate less restrictive setting, both of the 116466
following apply: 116467

(1) The respondent shall be released from the care of the 116468
entity or person immediately and shall be referred to the court 116469
together with a report of the findings and recommendations of 116470
the entity or person; 116471

(2) The entity or person shall notify the respondent's 116472
counsel or the attorney designated by a board of alcohol, drug 116473
addiction, and mental health services or, if the respondent was 116474
committed to a board or a services provider designated by the 116475
board, it shall place the respondent in the least restrictive 116476
setting available consistent with treatment goals and notify the 116477
court and the respondent's counsel of the placement. 116478

The court shall dismiss the case or order placement in the 116479
least restrictive setting. 116480

(G) (1) Except as provided in division (G) (2) of this 116481
section, any person for whom proceedings for treatment have been 116482
commenced pursuant to section 5122.11 of the Revised Code, may 116483
apply at any time for voluntary admission or treatment to the 116484
entity or person to which the person was committed. Upon 116485
admission as a voluntary patient the chief clinical officer of 116486
the entity or the person immediately shall notify the court, the 116487
patient's counsel, and the attorney designated by the board, if 116488
the attorney has entered the proceedings, in writing of that 116489
fact, and, upon receipt of the notice, the court shall dismiss 116490
the case. 116491

(2) A person who is found incompetent to stand trial or 116492

not guilty by reason of insanity and who is committed pursuant 116493
to section 2945.39, 2945.40, 2945.401, or 2945.402 of the 116494
Revised Code shall not voluntarily commit the person pursuant to 116495
this section until after the final termination of the 116496
commitment, as described in division (J) of section 2945.401 of 116497
the Revised Code. 116498

(H) If, at the end of the first ninety-day period or any 116499
subsequent period of continued commitment, there has been no 116500
disposition of the case, either by discharge or voluntary 116501
admission or treatment, the entity or person shall discharge the 116502
patient immediately, unless at least ten days before the 116503
expiration of the period the attorney the board designates or 116504
the prosecutor files with the court an application for continued 116505
commitment. The application of the attorney or the prosecutor 116506
shall include a written report containing the diagnosis, 116507
prognosis, past treatment, a list of alternative treatment 116508
settings and plans, and identification of the treatment setting 116509
that is the least restrictive consistent with treatment needs. 116510
The attorney the board designates or the prosecutor shall file 116511
the written report at least three days prior to the full 116512
hearing. A copy of the application and written report shall be 116513
provided to the respondent's counsel immediately. 116514

The court shall hold a full hearing on applications for 116515
continued commitment at the expiration of the first ninety-day 116516
period and at least every two years after the expiration of the 116517
first ninety-day period. 116518

Hearings following any application for continued 116519
commitment are mandatory and may not be waived. 116520

For a respondent who is ordered to receive treatment in an 116521
outpatient setting, if at any time after the first ninety-day 116522

period the entity or person to whom the respondent was ordered 116523
determines that the respondent has demonstrated voluntary 116524
consent for treatment, that entity or person shall immediately 116525
notify the respondent, the respondent's counsel, the attorney 116526
designated by the board, and the court. The entity or person 116527
shall submit to the court a report of the findings and 116528
recommendations. The court may dismiss the case upon review of 116529
the facts. 116530

Upon request of a person who is involuntarily committed 116531
under this section, or the person's counsel, that is made more 116532
than one hundred eighty days after the person's last full 116533
hearing, mandatory or requested, the court shall hold a full 116534
hearing on the person's continued commitment. Upon the 116535
application of a person involuntarily committed under this 116536
section, supported by an affidavit of a psychiatrist or licensed 116537
clinical psychologist, alleging that the person no longer is a 116538
person with a mental illness subject to court order, the court 116539
for good cause shown may hold a full hearing on the person's 116540
continued commitment prior to the expiration of one hundred 116541
eighty days after the person's last full hearing. Section 116542
5122.12 of the Revised Code applies to all hearings on continued 116543
commitment. 116544

If the court, after a hearing for continued commitment 116545
finds by clear and convincing evidence that the respondent is a 116546
person with a mental illness subject to court order, the court 116547
may order continued commitment at places or to persons specified 116548
in division (C) of this section. 116549

(I) Unless the admission is pursuant to section 5120.17 or 116550
5139.08 of the Revised Code, the chief clinical officer of the 116551
entity admitting a respondent pursuant to a judicial proceeding, 116552

within ten working days of the admission, shall make a report of 116553
the admission to the board of alcohol, drug addiction, and 116554
mental health services serving the respondent's county of 116555
residence. 116556

(J) A referee appointed by the court may make all orders 116557
that a judge may make under this section and sections 5122.11 116558
and 5122.141 of the Revised Code, except an order of contempt of 116559
court. The orders of a referee take effect immediately. Within 116560
fourteen days of the making of an order by a referee, a party 116561
may file written objections to the order with the court. The 116562
filed objections shall be considered a motion, shall be 116563
specific, and shall state their grounds with particularity. 116564
Within ten days of the filing of the objections, a judge of the 116565
court shall hold a hearing on the objections and may hear and 116566
consider any testimony or other evidence relating to the 116567
respondent's mental condition. At the conclusion of the hearing, 116568
the judge may ratify, rescind, or modify the referee's order. 116569

(K) An order of the court under division (C), (H), or (J) 116570
of this section is a final order. 116571

(L) Before a board, or a services provider the board 116572
designates, may place an unconsenting respondent in an inpatient 116573
setting from a less restrictive placement, the board or services 116574
provider shall do all of the following: 116575

(1) Determine that the respondent is in immediate need of 116576
treatment in an inpatient setting because the respondent 116577
represents a substantial risk of physical harm to the respondent 116578
or others if allowed to remain in a less restrictive setting; 116579

(2) On the day of placement in the inpatient setting or on 116580
the next court day, file with the court a motion for transfer to 116581

an inpatient setting or communicate to the court by telephone 116582
that the required motion has been mailed; 116583

(3) Ensure that every reasonable and appropriate effort is 116584
made to take the respondent to the inpatient setting in the 116585
least conspicuous manner possible; 116586

(4) Immediately notify the board's designated attorney and 116587
the respondent's attorney. 116588

At the respondent's request, the court shall hold a 116589
hearing on the motion and make a determination pursuant to 116590
division (E) of this section within five days of the placement. 116591

(M) Before a board, or a services provider the board 116592
designates, may move a respondent from one residential placement 116593
to another, the board or services provider shall consult with 116594
the respondent about the placement. If the respondent objects to 116595
the placement, the proposed placement and the need for it shall 116596
be reviewed by a qualified mental health professional who 116597
otherwise is not involved in the treatment of the respondent. 116598

(N) The entity or person to whom the respondent was 116599
ordered for treatment in an outpatient setting may submit a 116600
report to the court indicating that the respondent has either 116601
failed to comply with the treatment plan or begun to demonstrate 116602
signs of decompensation that may be grounds for hospitalization. 116603
On receipt of the report, the court shall promptly schedule a 116604
hearing to review the case. The court shall conduct the hearing 116605
in a manner consistent with this chapter and due process of law. 116606
The board shall receive notice of the hearing and the board and 116607
entity or person treating the respondent shall submit a report 116608
to the court with a plan for appropriate alternative treatment, 116609
if any, or recommend that the court discontinue the court- 116610

ordered treatment. The court shall consider available and 116611
appropriate alternative placements but shall not impose criminal 116612
sanctions that result in confinement in a jail or other local 116613
correctional facility based on the respondent's failure to 116614
comply with the treatment plan. The court may not order the 116615
respondent to a more restrictive placement unless the criteria 116616
specified in division (L) of this section are met and may not 116617
order the respondent to an inpatient setting unless the court 116618
determines by clear and convincing evidence presented by the 116619
board that the respondent meets the criteria specified in 116620
divisions (A) and (B) (1), (2), (3), or (4) of section 5122.01 of 116621
the Revised Code. 116622

Sec. 5122.20. The director of ~~mental-behavioral health and~~ 116623
~~addiction services~~ or the director's designee may transfer, or 116624
authorize the transfer of, an involuntary patient, or a 116625
consenting voluntary patient hospitalized pursuant to section 116626
5122.02 or sections 5122.11 to 5122.15 of the Revised Code, from 116627
one public hospital to another, or to a hospital, community 116628
mental health services provider, or other facility offering 116629
treatment or other services for mental illness, if the medical 116630
director of the department of ~~mental-behavioral health and~~ 116631
~~addiction services~~ determines that it would be consistent with 116632
the medical needs of the patient to do so. If such a transfer is 116633
made to a private facility, the transfer shall be conditioned 116634
upon the consent of the facility. 116635

Before an involuntary patient may be transferred to a more 116636
restrictive setting, the chief clinical officer shall file a 116637
motion with the court requesting the court to amend its order of 116638
placement issued under section 5122.15 of the Revised Code. At 116639
the patient's request, the court shall hold a hearing on the 116640
motion at which the patient has the same rights as at a full 116641

hearing under section 5122.15 of the Revised Code. The hearing 116642
shall be held within ten days after the date on which the 116643
respondent was transferred to the more restrictive setting or on 116644
which the motion was filed, whichever is earlier. On the motion 116645
of the respondent, the respondent's counsel, or the chief 116646
clinical officer, or on its own motion, and for good cause 116647
shown, the court may order a continuance of the hearing for up 116648
to ten days. 116649

Whenever an involuntary patient is transferred, written 116650
notice of the transfer shall be given to the patient's legal 116651
guardian, parents, spouse, and counsel, or, if none is known, to 116652
the patient's nearest known relative or friend. If the patient 116653
is a minor, the department, before making such a transfer, shall 116654
make a minute of the order for the transfer and the reason for 116655
it upon its record and shall send a certified copy at least 116656
seven days prior to the transfer to the person shown by its 116657
record to have had the care or custody of the minor immediately 116658
prior to the minor's commitment. Whenever a consenting voluntary 116659
patient is transferred, the notification shall be given only at 116660
the patient's request. The chief clinical officer shall advise a 116661
voluntary patient who is being transferred that the patient may 116662
decide if the notification shall be given. In all such 116663
transfers, due consideration shall be given to the wishes of the 116664
patient, and the relationship of the patient to the patient's 116665
family, legal guardian, or friends, so as to maintain the 116666
relationship and encourage visits beneficial to the patient. 116667

When a voluntary patient whose medical or psychological 116668
needs are found by the chief clinical officer to warrant a 116669
transfer refuses to be transferred to an alternate facility, the 116670
chief clinical officer may file an affidavit for a hearing under 116671
section 5122.11 of the Revised Code. 116672

Sec. 5122.21. (A) The chief clinical officer shall as 116673
frequently as practicable, and at least once every thirty days, 116674
examine or cause to be examined every patient, and, whenever the 116675
chief clinical officer determines that the conditions justifying 116676
involuntary hospitalization or commitment no longer obtain, 116677
shall discharge the patient not under indictment or conviction 116678
for crime and immediately make a report of the discharge to the 116679
department of ~~mental behavioral health and addiction services~~. 116680
The chief clinical officer may discharge a patient who is under 116681
an indictment, a sentence of imprisonment, a community control 116682
sanction, or a post-release control sanction or on parole ten 116683
days after written notice of intent to discharge the patient has 116684
been given by personal service or certified mail, return receipt 116685
requested, to the court having criminal jurisdiction over the 116686
patient. Except when the patient was found not guilty by reason 116687
of insanity and the defendant's commitment is pursuant to 116688
section 2945.40 of the Revised Code, the chief clinical officer 116689
has final authority to discharge a patient who is under an 116690
indictment, a sentence of imprisonment, a community control 116691
sanction, or a post-release control sanction or on parole. 116692

(B) After a finding pursuant to section 5122.15 of the 116693
Revised Code that a person is a person with a mental illness 116694
subject to court order, the chief clinical officer of the 116695
hospital or community mental health services provider to which 116696
the person is ordered or to which the person is transferred 116697
under section 5122.20 of the Revised Code, may grant a discharge 116698
without the consent or authorization of any court. 116699

Upon discharge, the chief clinical officer shall notify 116700
the court that caused the judicial hospitalization of the 116701
discharge from the hospital. 116702

Sec. 5122.23. The chief clinical officer of a public 116703
hospital shall immediately report to the department of ~~mental-~~ 116704
behavioral health and addiction services and the board of 116705
alcohol, drug addiction, and mental health services serving the 116706
patient's county of residence the removal, death, escape, 116707
discharge, or trial visit of any patient hospitalized under 116708
section 5122.15 of the Revised Code, or the return of such an 116709
escaped or visiting patient to the department, the probate judge 116710
of the county from which such patient was hospitalized, and the 116711
probate judge of the county of residence of such patient. In 116712
case of death, the chief clinical officer also shall notify one 116713
or more of the nearest relatives of the deceased patient, if 116714
known to the chief clinical officer, by letter, telegram, or 116715
telephone. If the place of residence of such relative is unknown 116716
to the chief clinical officer, immediately upon receiving 116717
notification the probate judge shall in the speediest manner 116718
possible notify such relatives, if known to the probate judge. 116719

The chief clinical officer of a public hospital, upon the 116720
request of the probate judge of the county from which a patient 116721
was hospitalized or the probate judge of the county of residence 116722
of such a patient, shall make a report to the judge of the 116723
condition of any patient under the care, treatment, custody, or 116724
control of the chief clinical officer. 116725

Sec. 5122.26. (A) If a patient is absent without leave, on 116726
a verbal or written order issued within five days of the time of 116727
the unauthorized absence by the department of ~~mental-~~behavioral 116728
~~health and addiction services~~, the chief clinical officer of the 116729
hospital from which the patient is absent without leave, or the 116730
court of either the county from which the patient was committed 116731
or in which the patient is found, any health or police officer 116732
or sheriff may take the patient into custody and transport the 116733

patient to the hospital in which the patient was hospitalized or 116734
to a place that is designated in the order. The officer 116735
immediately shall report such fact to the entity that issued the 116736
order. 116737

The chief clinical officer of a hospital may discharge a 116738
patient who is under an indictment, a sentence of imprisonment, 116739
a community control sanction, or a post-release control sanction 116740
or on parole and who has been absent without leave for more than 116741
thirty days but shall give written notice of the discharge to 116742
the court with criminal jurisdiction over the patient. The chief 116743
clinical officer of a hospital may discharge any other patient 116744
who has been absent without leave for more than fourteen days. 116745

The chief clinical officer shall take all proper measures 116746
for the apprehension of an escaped patient. The expense of the 116747
return of an escaped patient shall be borne by the hospital 116748
where the patient is hospitalized. 116749

(B) (1) Subject to division (B) (2) of this section, no 116750
patient hospitalized under Chapter 5122. of the Revised Code 116751
whose absence without leave was caused or contributed to by the 116752
patient's mental illness shall be subject to a charge of escape. 116753

(2) Division (B) (1) of this section does not apply to any 116754
person who was hospitalized, institutionalized, or confined in a 116755
facility under an order made pursuant to or under authority of 116756
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, 116757
or 2945.402 of the Revised Code and who escapes from the 116758
facility, from confinement in a vehicle for transportation to or 116759
from the facility, or from supervision by an employee of the 116760
facility that is incidental to hospitalization, 116761
institutionalization, or confinement in the facility and that 116762
occurs outside the facility, in violation of section 2921.34 of 116763

the Revised Code. 116764

Sec. 5122.27. The chief clinical officer of the hospital 116765
or the chief clinical officer's designee shall assure that all 116766
patients hospitalized or committed pursuant to this chapter 116767
shall: 116768

(A) Receive, within twenty days of their admission 116769
sufficient professional care to assure that an evaluation of 116770
current status, differential diagnosis, probable prognosis, and 116771
description of the current treatment plan is stated on the 116772
official chart; 116773

(B) Have a written treatment plan consistent with the 116774
evaluation, diagnosis, prognosis, and goals which shall be 116775
provided, upon request of the patient or patient's counsel, to 116776
the patient's counsel and to any private physician or licensed 116777
clinical psychologist designated by the patient or the patient's 116778
counsel or to the Ohio protection and advocacy system; 116779

(C) Receive treatment consistent with the treatment plan. 116780
The department of ~~mental-behavioral health and addiction-~~ 116781
~~services~~ shall set standards for treatment provided to such 116782
patients, consistent wherever possible with standards set by the 116783
joint commission. 116784

(D) Receive periodic reevaluations of the treatment plan 116785
by the professional staff at intervals not to exceed ninety 116786
days; 116787

(E) Be provided with adequate medical treatment for 116788
physical disease or injury; 116789

(F) Receive humane care and treatment, including without 116790
limitation, the following: 116791

(1) The least restrictive environment consistent with the treatment plan;	116792 116793
(2) The necessary facilities and personnel required by the treatment plan;	116794 116795
(3) A humane psychological and physical environment;	116796
(4) The right to obtain current information concerning the patient's treatment program and expectations in terms that the patient can reasonably understand;	116797 116798 116799
(5) Participation in programs designed to afford the patient substantial opportunity to acquire skills to facilitate return to the community or to terminate an involuntary commitment;	116800 116801 116802 116803
(6) The right to be free from unnecessary or excessive medication;	116804 116805
(7) Freedom from restraints or isolation unless it is stated in a written order by the chief clinical officer or the chief clinical officer's designee, or the patient's individual physician or psychologist in a private or general hospital.	116806 116807 116808 116809
If the chief clinical officer of the hospital is unable to provide the treatment required by divisions (C), (E), and (F) of this section for any patient hospitalized pursuant to Chapter 5122. of the Revised Code, the chief clinical officer shall immediately notify the patient, the court, the Ohio protection and advocacy system, the director of mental-behavioral health- and addiction services , and the patient's counsel and legal guardian, if known. If within ten days after receipt of such notification by the director, the director is unable to effect a transfer of the patient, pursuant to section 5122.20 of the Revised Code, to a hospital, community mental health services	116810 116811 116812 116813 116814 116815 116816 116817 116818 116819 116820

provider, or other medical facility where treatment is 116821
available, or has not received an order of the court to the 116822
contrary, the involuntary commitment of any patient hospitalized 116823
pursuant to Chapter 5122. of the Revised Code and defined as a 116824
person with a mental illness subject to court order under 116825
division (B) (4) of section 5122.01 of the Revised Code shall 116826
automatically be terminated. 116827

Sec. 5122.31. (A) All certificates, applications, records, 116828
and reports made for the purpose of this chapter and sections 116829
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 116830
Code, other than court journal entries or court docket entries, 116831
and directly or indirectly identifying a patient or former 116832
patient or person whose hospitalization or commitment has been 116833
sought under this chapter, shall be kept confidential and shall 116834
not be disclosed by any person except: 116835

(1) If the person identified, or the person's legal 116836
guardian, if any, or if the person is a minor, the person's 116837
parent or legal guardian, consents, and if the disclosure is in 116838
the best interests of the person, as may be determined by the 116839
court for judicial records and by the chief clinical officer for 116840
medical records; 116841

(2) When disclosure is provided for in this chapter or 116842
Chapters 340. or 5119. of the Revised Code or in accordance with 116843
other provisions of state or federal law authorizing such 116844
disclosure; 116845

(3) That hospitals, boards of alcohol, drug addiction, and 116846
mental health services, and community mental health services 116847
providers may release necessary medical information to insurers 116848
and other third-party payers, including government entities 116849
responsible for processing and authorizing payment, to obtain 116850

payment for goods and services furnished to the patient; 116851

(4) Pursuant to a court order signed by a judge; 116852

(5) That a patient shall be granted access to the 116853
patient's own psychiatric and medical records, unless access 116854
specifically is restricted in a patient's treatment plan for 116855
clear treatment reasons; 116856

(6) That hospitals and other institutions and facilities 116857
within the department of ~~mental-behavioral health and addiction-~~ 116858
~~services~~ may exchange psychiatric records and other pertinent 116859
information with other hospitals, institutions, and facilities 116860
of the department, and with community mental health services 116861
providers and boards of alcohol, drug addiction, and mental 116862
health services with which the department has a current 116863
agreement for patient care or services. Records and information 116864
that may be released pursuant to this division shall be limited 116865
to medication history, physical health status and history, 116866
financial status, summary of course of treatment in the 116867
hospital, summary of treatment needs, and a discharge summary, 116868
if any. 116869

(7) That hospitals within the department and other 116870
institutions and facilities within the department may exchange 116871
psychiatric records and other pertinent information with payers 116872
and other providers of treatment, health services, and recovery 116873
supports if the purpose of the exchange is to facilitate 116874
continuity of care for a patient or for the emergency treatment 116875
of an individual; 116876

(8) That a patient's family member who is involved in the 116877
provision, planning, and monitoring of services to the patient 116878
may receive medication information, a summary of the patient's 116879

diagnosis and prognosis, and a list of the services and 116880
personnel available to assist the patient and the patient's 116881
family, if the patient's treating physician determines that the 116882
disclosure would be in the best interests of the patient. No 116883
such disclosure shall be made unless the patient is notified 116884
first and receives the information and does not object to the 116885
disclosure. 116886

(9) That community mental health services providers may 116887
exchange psychiatric records and certain other information with 116888
the board of alcohol, drug addiction, and mental health services 116889
and other services providers in order to provide services to a 116890
person involuntarily committed to a board. Release of records 116891
under this division shall be limited to medication history, 116892
physical health status and history, financial status, summary of 116893
course of treatment, summary of treatment needs, and discharge 116894
summary, if any. 116895

(10) That information may be disclosed to the executor or 116896
the administrator of an estate of a deceased patient when the 116897
information is necessary to administer the estate; 116898

(11) That records in the possession of the Ohio history 116899
connection may be released to the closest living relative of a 116900
deceased patient upon request of that relative; 116901

(12) That records pertaining to the patient's diagnosis, 116902
course of treatment, treatment needs, and prognosis shall be 116903
disclosed and released to the appropriate prosecuting attorney 116904
if the patient was committed pursuant to section 2945.38, 116905
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or 116906
to the attorney designated by the board for proceedings pursuant 116907
to involuntary commitment under this chapter. 116908

(13) That the department of ~~mental~~ behavioral health and ~~addiction services~~ may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with the department of rehabilitation and correction and with the department of youth services to ensure continuity of care for inmates or offenders who are receiving mental health services in an institution of the department of rehabilitation and correction or the department of youth services and may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with boards of alcohol, drug addiction, and mental health services and community mental health services providers to ensure continuity of care for inmates or offenders who are receiving mental health services in an institution and are scheduled for release within six months. The release of records under this division is limited to records regarding an inmate's or offender's medication history, physical health status and history, summary of course of treatment, summary of treatment needs, and a discharge summary, if any;

(14) That records and reports relating to a person who has been deceased for fifty years or more are no longer considered confidential.

(B) Before records are disclosed pursuant to divisions (A) (3), (6), and (9) of this section, the custodian of the records shall attempt to obtain the patient's consent for the disclosure. No person shall reveal the contents of a medical record of a patient except as authorized by law.

(C) The managing officer of a hospital who releases necessary medical information under division (A) (3) of this section to allow an insurance carrier or other third party payor

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to comply with section 5121.43 of the Revised Code shall neither 116939
be subject to criminal nor civil liability. 116940

Sec. 5122.32. (A) As used in this section: 116941

(1) "Quality assurance committee" means a committee that 116942
is appointed in the central office of the department of ~~mental-~~ 116943
behavioral health and addiction services by the director of 116944
~~mental-behavioral health and addiction services~~, a committee of 116945
a hospital or community setting program, or a duly authorized 116946
subcommittee of a committee of that nature and that is 116947
designated to carry out quality assurance program activities. 116948

(2) "Quality assurance program" means a comprehensive 116949
program within the department of ~~mental-behavioral health and-~~ 116950
~~addiction services~~ to systematically review and improve the 116951
quality of medical and mental health services within the 116952
department and its hospitals and community setting programs, the 116953
safety and security of persons receiving or administering 116954
medical and mental health services within the department and its 116955
hospitals and community setting programs, and the efficiency and 116956
effectiveness of the utilization of staff and resources in the 116957
delivery of medical and mental health services within the 116958
department and its hospitals and community setting programs. 116959
"Quality assurance program" includes the central office quality 116960
assurance committees, morbidity and mortality review committees, 116961
quality assurance programs of community setting programs, 116962
quality assurance committees of hospitals operated by the 116963
department of ~~mental-behavioral health and addiction services~~, 116964
and the office of licensure and certification of the department. 116965

(3) "Quality assurance program activities" include 116966
collecting or compiling information and reports required by a 116967
quality assurance committee, receiving, reviewing, or 116968

implementing the recommendations made by a quality assurance 116969
committee, and credentialing, privileging, infection control, 116970
tissue review, peer review, utilization review including access 116971
to patient care records, patient care assessment records, and 116972
medical and mental health records, medical and mental health 116973
resource management, mortality and morbidity review, and 116974
identification and prevention of medical or mental health 116975
incidents and risks, whether performed by a quality assurance 116976
committee or by persons who are directed by a quality assurance 116977
committee. 116978

(4) "Quality assurance records" means the proceedings, 116979
discussion, records, findings, recommendations, evaluations, 116980
opinions, minutes, reports, and other documents or actions that 116981
emanate from quality assurance committees, quality assurance 116982
programs, or quality assurance program activities. "Quality 116983
assurance records" does not include aggregate statistical 116984
information that does not disclose the identity of persons 116985
receiving or providing medical or mental health services in 116986
department of ~~mental behavioral health and addiction services~~ 116987
hospitals or community setting programs. 116988

(B) (1) Except as provided in division (E) of this section, 116989
quality assurance records are confidential and are not public 116990
records under section 149.43 of the Revised Code, and shall be 116991
used only in the course of the proper functions of a quality 116992
assurance program. 116993

(2) Except as provided in division (E) of this section, no 116994
person who possesses or has access to quality assurance records 116995
and who knows that the records are quality assurance records 116996
shall willfully disclose the contents of the records to any 116997
person or entity. 116998

(C) (1) Except as provided in division (E) of this section, 116999
no quality assurance record shall be subject to discovery, and 117000
is not admissible in evidence, in any judicial or administrative 117001
proceeding. 117002

(2) Except as provided in division (E) of this section, no 117003
member of a quality assurance committee or a person who is 117004
performing a function that is part of a quality assurance 117005
program shall be permitted or required to testify in a judicial 117006
or administrative proceeding with respect to quality assurance 117007
records or with respect to any finding, recommendation, 117008
evaluation, opinion, or other action taken by the committee, 117009
member, or person. 117010

(3) Information, documents, or records otherwise available 117011
from original sources are not to be construed as being 117012
unavailable for discovery or admission in evidence in a judicial 117013
or administrative proceeding merely because they were presented 117014
to a quality assurance committee. No person testifying before a 117015
quality assurance committee or person who is a member of a 117016
quality assurance committee shall be prevented from testifying 117017
as to matters within the person's knowledge, but the witness 117018
cannot be asked about the witness' testimony before the quality 117019
assurance committee or about an opinion formed by the person as 117020
a result of the quality assurance committee proceedings. 117021

(D) (1) A person who, without malice and in the reasonable 117022
belief that the information is warranted by the facts known to 117023
the person, provides information to a person engaged in quality 117024
assurance program activities is not liable for damages in a 117025
civil action for injury, death, or loss to person or property to 117026
any person as a result of providing the information. 117027

(2) A member of a quality assurance committee, a person 117028

engaged in quality assurance program activities, and an employee 117029
of the department of ~~mental behavioral health and addiction~~ 117030
~~services~~ shall not be liable in damages in a civil action for 117031
injury, death, or loss to person or property to any person for 117032
any acts, omissions, decisions, or other conduct within the 117033
scope of the functions of the quality assurance program. 117034

(3) Nothing in this section shall relieve any institution 117035
or individual from liability arising from the treatment of a 117036
patient. 117037

(E) Quality assurance records may be disclosed, and 117038
testimony may be provided concerning quality assurance records, 117039
only to the following persons or entities: 117040

(1) Persons who are employed or retained by the department 117041
of ~~mental behavioral health and addiction services~~ and who have 117042
authority to evaluate or implement the recommendations of a 117043
state-operated hospital, community setting program, or central 117044
office quality assurance committee; 117045

(2) Public or private agencies or organizations if needed 117046
to perform a licensing or accreditation function related to 117047
department of ~~mental behavioral health and addiction services~~ 117048
hospitals or community setting programs, or to perform 117049
monitoring of a hospital or program of that nature as required 117050
by law. 117051

(F) A disclosure of quality assurance records pursuant to 117052
division (E) of this section does not otherwise waive the 117053
confidential and privileged status of the disclosed quality 117054
assurance records. 117055

(G) Nothing in this section shall limit the access of the 117056
Ohio protection and advocacy system to records or personnel as 117057

required under section 5123.601 of the Revised Code. Nothing in 117058
this section shall limit the admissibility of documentary or 117059
testimonial evidence in an action brought by the Ohio protection 117060
and advocacy system in its own name or on behalf of a client. 117061

Sec. 5122.33. The department of ~~mental~~behavioral health 117062
~~and addiction services~~ may prescribe the form of applications, 117063
reports, records, and medical certificates provided for under 117064
this chapter, and the information required to be contained 117065
therein; require reports from the chief clinical officer of any 117066
public hospital relating to the admission, examination, 117067
diagnosis, release, or discharge of any patient; visit each such 117068
hospital regularly to review the admission procedures of all new 117069
patients admitted between visits; investigate by personal visit 117070
complaints made by any patient or by any person on behalf of a 117071
patient; and adopt such rules as are reasonably necessary to 117072
effectuate the provisions of this chapter. 117073

Sec. 5122.341. (A) As used in this section: 117074

(1) "Facility or provider" means, in the context of a 117075
person committed to the department of ~~mental~~behavioral health 117076
~~and addiction services~~ under sections 2945.37 to 2945.402 of the 117077
Revised Code, any entity in which the department of ~~mental~~ 117078
behavioral health ~~and addiction services~~ places such a person. 117079

(2) "Person committed to the department" means a person 117080
committed to the department of ~~mental~~behavioral health ~~and~~ 117081
~~addiction services~~ under sections 2945.37 to 2945.402 of the 117082
Revised Code. 117083

(B) No member of a board of directors, or employee, of a 117084
facility or provider in which the department of ~~mental~~ 117085
behavioral health ~~and addiction services~~ places a person 117086

committed to the department is liable for injury or damages 117087
caused by any action or inaction taken within the scope of the 117088
board member's official duties or employee's employment relating 117089
to the commitment of, and services provided to, the person 117090
committed to the department, unless the action or inaction 117091
constitutes willful or wanton misconduct. A board member's or 117092
employee's action or inaction does not constitute willful or 117093
wanton misconduct if the board member or employee acted in good 117094
faith and reasonably under the circumstances and with the 117095
knowledge reasonably attributable to the board member or 117096
employee. 117097

The immunity from liability conferred by this section is 117098
in addition to and not in limitation of any immunity conferred 117099
by any other section of the Revised Code or by judicial 117100
precedent. 117101

Sec. 5122.36. If the legal residence of a person with a 117102
mental illness is in another county of the state, the necessary 117103
expense of the person's return is a proper charge against the 117104
county of legal residence. If an adjudication and order of 117105
hospitalization by the probate court of the county of temporary 117106
residence are required, the regular probate court fees and 117107
expenses incident to the order of hospitalization under this 117108
chapter and any other expense incurred on the person's behalf 117109
shall be charged to and paid by the county of the person's legal 117110
residence upon the approval and certification of the probate 117111
judge of the county of the person's legal residence. The 117112
ordering court shall send to the probate court of the person's 117113
county of legal residence a certified copy of the commitment 117114
order from the ordering court. The receiving court shall enter 117115
and record the commitment order. The certified commitment order 117116
is prima facie evidence of the residence of the person. When the 117117

residence of the person cannot be established as represented by 117118
the ordering court, the matter of residence shall be referred to 117119
the department of ~~mental-behavioral health and addiction-~~ 117120
~~services~~ for investigation and determination. 117121

Sec. 5122.44. As used in sections 5122.44 to 5122.47 of 117122
the Revised Code: 117123

(A) "Compilation" means a written list of the following 117124
information, as the department of ~~mental-behavioral health and-~~ 117125
~~addiction services~~ is able to reasonably ascertain, for every 117126
patient who was buried, entombed, or inurned prior to March 31, 117127
2005, in a cemetery located on the grounds of or adjacent to the 117128
grounds of a public hospital: 117129

(1) Name; 117130

(2) Date of birth; 117131

(3) Date of death or burial; 117132

(4) Specific physical location of the burial, entombment, 117133
or inurnment, including the plot or grave site number if 117134
available. 117135

(B) "Patient" means an individual who died while admitted 117136
to a public hospital that was under the control of the 117137
department of ~~mental-behavioral health and addiction services.~~ 117138

(C) "Record" has the same meaning as in section 149.011 of 117139
the Revised Code. 117140

(D) "State agency" means every organized body, office, or 117141
agency established by the laws of the state for the exercise of 117142
any function of state government. 117143

Sec. 5122.45. The department of ~~mental-behavioral health~~ 117144

~~and addiction services~~ shall create a separate compilation for 117145
each cemetery located on the grounds of or adjacent to the 117146
grounds of a public hospital that is under the control of the 117147
department on March 31, 2005. The compilation shall be created 117148
within a reasonable time not exceeding three years after March 117149
31, 2005. The department shall use its best efforts to create 117150
the most complete compilations possible using records in the 117151
department's possession and records obtained in accordance with 117152
section 5122.46 of the Revised Code. 117153

Sec. 5122.46. The Ohio history connection and each state 117154
agency shall, at the request of the department of ~~mental-~~ 117155
behavioral health ~~and addiction services~~, provide the department 117156
access to records and information in the possession of the Ohio 117157
history connection or state agency for purposes of creating 117158
compilations. 117159

Sec. 5122.47. The department of ~~mental-~~behavioral health 117160
~~and addiction services~~ shall deposit a copy of each compilation 117161
with the Ohio history connection and the state library as soon 117162
as a compilation is completed. The department shall not disclose 117163
any record or information used to create a compilation except as 117164
provided in sections 149.43 and 5122.31 of the Revised Code. 117165

Sec. 5123.081. (A) As used in this section: 117166

(1) (a) "Applicant" means any of the following: 117167

(i) A person who is under final consideration for 117168
appointment to or employment with the department of 117169
developmental disabilities or a county board of developmental 117170
disabilities; 117171

(ii) A person who is being transferred to the department 117172
or a county board; 117173

(iii) An employee who is being recalled to or reemployed by the department or a county board after a layoff;	117174 117175
(iv) A person under final consideration for a direct services position with a provider or subcontractor.	117176 117177
(b) Neither of the following is an applicant:	117178
(i) A person who is employed by a responsible entity in a position for which a criminal records check is required by this section and either is being considered for a different position with the responsible entity or is returning after a leave of absence or seasonal break in employment, unless the responsible entity has reason to believe that the person has committed a disqualifying offense;	117179 117180 117181 117182 117183 117184 117185
(ii) A person who is to provide only respite care under a family support services program established under section 5126.11 of the Revised Code if a family member of the individual with a developmental disability who is to receive the respite care selects the person.	117186 117187 117188 117189 117190
(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	117191 117192
(3) "Direct services position" means an employment position in which the employee has the opportunity to be alone with or exercises supervision or control over one or more individuals with developmental disabilities.	117193 117194 117195 117196
(4) "Disqualifying offense" means any of the offenses listed or described in divisions (A) (3) (a) to (e) of section 109.572 of the Revised Code.	117197 117198 117199
(5) (a) "Employee" means either of the following:	117200
(i) A person appointed to or employed by the department of	117201

developmental disabilities or a county board of developmental 117202
disabilities; 117203

(ii) A person employed in a direct services position by a 117204
provider or subcontractor. 117205

(b) "Employee" does not mean a person who provides only 117206
respite care under a family support services program established 117207
under section 5126.11 of the Revised Code if a family member of 117208
the individual with a developmental disability who receives the 117209
respite care selected the person. 117210

(6) "Minor drug possession offense" has the same meaning 117211
as in section 2925.01 of the Revised Code. 117212

(7) "Provider" means a person that provides specialized 117213
services to individuals with developmental disabilities and 117214
employs one or more persons in direct services positions. 117215

(8) "Responsible entity" means the following: 117216

(a) The department of developmental disabilities in the 117217
case of either of the following: 117218

(i) A person who is an applicant because the person is 117219
under final consideration for appointment to or employment with 117220
the department, being transferred to the department, or being 117221
recalled to or reemployed by the department after a layoff; 117222

(ii) A person who is an employee because the person is 117223
appointed to or employed by the department. 117224

(b) A county board of developmental disabilities in the 117225
case of either of the following: 117226

(i) A person who is an applicant because the person is 117227
under final consideration for appointment to or employment with 117228

the county board, being transferred to the county board, or 117229
being recalled to or reemployed by the county board after a 117230
layoff; 117231

(ii) A person who is an employee because the person is 117232
appointed to or employed by the county board. 117233

(c) A provider in the case of either of the following: 117234

(i) A person who is an applicant because the person is 117235
under final consideration for a direct services position with 117236
the provider; 117237

(ii) A person who is an employee because the person is 117238
employed in a direct services position by the provider. 117239

(d) A subcontractor in the case of either of the 117240
following: 117241

(i) A person who is an applicant because the person is 117242
under final consideration for a direct services position with 117243
the subcontractor; 117244

(ii) A person who is an employee because the person is 117245
employed in a direct services position by the subcontractor. 117246

(9) "Specialized services" means any program or service 117247
designed and operated to serve primarily individuals with 117248
developmental disabilities, including a program or service 117249
provided by an entity licensed or certified by the department of 117250
developmental disabilities. If there is a question as to whether 117251
a provider or subcontractor is providing specialized services, 117252
the provider or subcontractor may request that the director of 117253
developmental disabilities make a determination. The director's 117254
determination is final. 117255

(10) "Subcontractor" means a person to which both of the 117256

following apply: 117257

(a) The person has either of the following: 117258

(i) A subcontract with a provider to provide specialized 117259
services included in the contract between the provider and the 117260
department of developmental disabilities or a county board of 117261
developmental disabilities; 117262

(ii) A subcontract with another subcontractor to provide 117263
specialized services included in a subcontract between the other 117264
subcontractor and a provider or other subcontractor. 117265

(b) The person employs one or more persons in direct 117266
services positions. 117267

(B) A responsible entity shall not employ an applicant or 117268
continue to employ an employee if either of the following 117269
applies: 117270

(1) The applicant or employee fails to comply with 117271
division (D) (3) of this section. 117272

(2) Except as provided in rules adopted under this 117273
section, the applicant or employee is found by a criminal 117274
records check required by this section to have been convicted 117275
of, pleaded guilty to, or been found eligible for intervention 117276
in lieu of conviction for a disqualifying offense. 117277

(C) Before employing an applicant in a position for which 117278
a criminal records check is required by this section, a 117279
responsible entity shall require the applicant to submit a 117280
statement with the applicant's signature attesting that the 117281
applicant has not been convicted of, pleaded guilty to, or been 117282
found eligible for intervention in lieu of conviction for a 117283
disqualifying offense. The responsible entity also shall require 117284

the applicant to sign an agreement under which the applicant 117285
agrees to notify the responsible entity within fourteen calendar 117286
days if, while employed by the responsible entity, the applicant 117287
is formally charged with, is convicted of, pleads guilty to, or 117288
is found eligible for intervention in lieu of conviction for a 117289
disqualifying offense. The agreement shall provide that the 117290
applicant's failure to provide the notification may result in 117291
termination of the applicant's employment. 117292

(D) (1) As a condition of employing any applicant in a 117293
position for which a criminal records check is required by this 117294
section, a responsible entity shall request the superintendent 117295
of the bureau of criminal identification and investigation to 117296
conduct a criminal records check of the applicant. If rules 117297
adopted under this section require an employee to undergo a 117298
criminal records check, a responsible entity shall request the 117299
superintendent to conduct a criminal records check of the 117300
employee at times specified in the rules as a condition of the 117301
responsible entity's continuing to employ the employee in a 117302
position for which a criminal records check is required by this 117303
section. If an applicant or employee does not present proof that 117304
the applicant or employee has been a resident of this state for 117305
the five-year period immediately prior to the date upon which 117306
the criminal records check is requested, the responsible entity 117307
shall request that the superintendent obtain information from 117308
the federal bureau of investigation as a part of the criminal 117309
records check. If the applicant or employee presents proof that 117310
the applicant or employee has been a resident of this state for 117311
that five-year period, the responsible entity may request that 117312
the superintendent include information from the federal bureau 117313
of investigation in the criminal records check. For purposes of 117314
this division, an applicant or employee may provide proof of 117315

residency in this state by presenting, with a ~~notarized~~ statement asserting that the applicant or employee has been a resident of this state for that five-year period, a valid driver's license, notification of registration as an elector, a copy of an officially filed federal or state tax form identifying the applicant's or employee's permanent residence, or any other document the responsible entity considers acceptable.

(2) A responsible entity shall do all of the following:

(a) Provide to each applicant and employee for whom a criminal records check is required by this section a copy of the form prescribed pursuant to division (C) (1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C) (2) of section 109.572 of the Revised Code;

(b) Obtain the completed form and standard impression sheet from the applicant or employee;

(c) Forward the completed form and standard impression sheet to the superintendent at the time the criminal records check is requested.

(3) Any applicant or employee who receives pursuant to this division a copy of the form prescribed pursuant to division (C) (1) of section 109.572 of the Revised Code and a copy of the standard impression sheet prescribed pursuant to division (C) (2) of that section and who is requested to complete the form and provide a set of the applicant's or employee's fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the standard impression sheet with the impressions of the

applicant's or employee's fingerprints. 117345

(4) A responsible entity shall pay to the bureau of 117346
criminal identification and investigation the fee prescribed 117347
pursuant to division (C)(3) of section 109.572 of the Revised 117348
Code for each criminal records check requested and conducted 117349
pursuant to this section. 117350

(E) A responsible entity may request any other state or 117351
federal agency to supply the responsible entity with a written 117352
report regarding the criminal record of an applicant or 117353
employee. If an employee holds an occupational or professional 117354
license or other credentials, the responsible entity may request 117355
that the state or federal agency that regulates the employee's 117356
occupation or profession supply the responsible entity with a 117357
written report of any information pertaining to the employee's 117358
criminal record that the agency obtains in the course of 117359
conducting an investigation or in the process of renewing the 117360
employee's license or other credentials. The responsible entity 117361
may consider the reports when determining whether to employ the 117362
applicant or to continue to employ the employee. 117363

(F) As a condition of employing an applicant in a position 117364
for which a criminal records check is required by this section 117365
and that involves transporting individuals with developmental 117366
disabilities or operating a responsible entity's vehicles for 117367
any purpose, the responsible entity shall obtain the applicant's 117368
driving record from the bureau of motor vehicles. If rules 117369
adopted under this section require a responsible entity to 117370
obtain an employee's driving record, the responsible entity 117371
shall obtain the employee's driving record from the bureau at 117372
times specified in the rules as a condition of continuing to 117373
employ the employee. The responsible entity may consider the 117374

applicant's or employee's driving record when determining 117375
whether to employ the applicant or to continue to employ the 117376
employee. 117377

(G) A responsible entity may employ an applicant 117378
conditionally pending receipt of a report regarding the 117379
applicant requested under this section. The responsible entity 117380
shall request the report before employing the applicant 117381
conditionally. The responsible entity shall terminate the 117382
applicant's employment if it is determined from a report that 117383
the applicant failed to inform the responsible entity that the 117384
applicant had been convicted of, pleaded guilty to, or been 117385
found eligible for intervention in lieu of conviction for a 117386
disqualifying offense. 117387

(H) A responsible entity may charge an applicant a fee for 117388
costs the responsible entity incurs in obtaining a report 117389
regarding the applicant under this section if the responsible 117390
entity notifies the applicant of the amount of the fee at the 117391
time of the applicant's initial application for employment and 117392
that, unless the fee is paid, the responsible entity will not 117393
consider the applicant for employment. The fee shall not exceed 117394
the amount of the fee, if any, the responsible entity pays for 117395
the report. 117396

(I) (1) Any report obtained pursuant to this section is not 117397
a public record for purposes of section 149.43 of the Revised 117398
Code and shall not be made available to any person, other than 117399
the following: 117400

(a) The applicant or employee who is the subject of the 117401
report or the applicant's or employee's representative; 117402

(b) The responsible entity that requested the report or 117403

its representative; 117404

(c) The department if a county board, provider, or 117405
subcontractor is the responsible entity that requested the 117406
report and the department requests the responsible entity to 117407
provide a copy of the report to the department; 117408

(d) A county board if a provider or subcontractor is the 117409
responsible entity that requested the report and the county 117410
board requests the responsible entity to provide a copy of the 117411
report to the county board; 117412

(e) Any court, hearing officer, or other necessary 117413
individual involved in a case dealing with any of the following: 117414

(i) The denial of employment to the applicant or employee; 117415

(ii) The denial, suspension, or revocation of a 117416
certificate under section 5123.166 or 5123.45 of the Revised 117417
Code; 117418

(iii) A civil or criminal action regarding the medicaid 117419
program or a program the department administers. 117420

(2) An applicant or employee for whom the responsible 117421
entity has obtained reports under this section may submit a 117422
written request to the responsible entity to have copies of the 117423
reports sent to any state agency, entity of local government, or 117424
private entity. The applicant or employee shall specify in the 117425
request the agencies or entities to which the copies are to be 117426
sent. On receiving the request, the responsible entity shall 117427
send copies of the reports to the agencies or entities 117428
specified. 117429

(3) A responsible entity may request that a state agency, 117430
entity of local government, or private entity send copies to the 117431

responsible entity of any report regarding a records check or 117432
criminal records check that the agency or entity possesses, if 117433
the responsible entity obtains the written consent of the 117434
individual who is the subject of the report. 117435

(4) A responsible entity shall provide each applicant and 117436
employee with a copy of any report obtained about the applicant 117437
or employee under this section. 117438

(J) The director of developmental disabilities shall adopt 117439
rules in accordance with Chapter 119. of the Revised Code to 117440
implement this section. 117441

(1) The rules may do the following: 117442

(a) Require employees to undergo criminal records checks 117443
under this section; 117444

(b) Require responsible entities to obtain the driving 117445
records of employees under this section; 117446

(c) If the rules require employees to undergo criminal 117447
records checks, require responsible entities to obtain the 117448
driving records of employees, or both, exempt one or more 117449
classes of employees from the requirements. 117450

(2) The rules shall do all of the following: 117451

(a) If the rules require employees to undergo criminal 117452
records checks, require responsible entities to obtain the 117453
driving records of employees, or both, specify the times at 117454
which the criminal records checks are to be conducted and the 117455
driving records are to be obtained; 117456

(b) Specify circumstances under which a responsible entity 117457
may employ an applicant or employee who is found by a criminal 117458
records check required by this section to have been convicted 117459

of, pleaded guilty to, or been found eligible for intervention 117460
in lieu of conviction for a disqualifying offense but meets 117461
standards in regard to rehabilitation set by the director; 117462

(c) Require a responsible entity to request a criminal 117463
records check under this section before employing an applicant 117464
conditionally as permitted under division (G) of this section. 117465

Sec. 5123.16. (A) As used in sections 5123.16 to ~~5123.1611~~ 117466
5123.1613 of the Revised Code: 117467

(1) "Applicant" means any of the following: 117468

(a) The chief executive officer of a business that applies 117469
under section 5123.161 of the Revised Code for a certificate to 117470
provide supported living; 117471

(b) The chief executive officer of a business that seeks 117472
renewal of the business's supported living certificate under 117473
section 5123.164 of the Revised Code; 117474

(c) An individual who applies under section 5123.161 of 117475
the Revised Code for a certificate to provide supported living 117476
as an independent provider; 117477

(d) An independent provider who seeks renewal of the 117478
independent provider's supported living certificate under 117479
section 5123.164 of the Revised Code. 117480

(2) "Business" means an association, corporation, 117481
nonprofit organization, partnership, trust, or other group of 117482
persons. "Business" does not mean an independent provider. 117483

(3) "Criminal records check" has the same meaning as in 117484
section 109.572 of the Revised Code. 117485

(4) "Disqualifying offense" means any of the offenses 117486

listed or described in divisions (A) (3) (a) to (e) of section	117487
109.572 of the Revised Code.	117488
(5) "Independent provider" means a provider who provides	117489
supported living on a self-employed basis and does not employ,	117490
directly or through contract, another person to provide the	117491
supported living.	117492
(6) "Provider" means a person or government entity	117493
certified by the director of developmental disabilities to	117494
provide supported living. For the purpose of division (A) (8) of	117495
this section, "provider" includes a person or government entity	117496
that seeks or previously held a certificate to provide supported	117497
living.	117498
(7) "Minor drug possession offense" has the same meaning	117499
as in section 2925.01 of the Revised Code.	117500
(8) "Related party" means any of the following:	117501
(a) In the case of a provider who is an individual, any of	117502
the following:	117503
(i) The spouse of the provider;	117504
(ii) A parent or stepparent of the provider or provider's	117505
spouse;	117506
(iii) A child of the provider or provider's spouse;	117507
(iv) A sibling, half sibling, or stepsibling of the	117508
provider or provider's spouse;	117509
(v) A grandparent of the provider or provider's spouse;	117510
(vi) A grandchild of the provider or provider's spouse.	117511
(b) In the case of a provider that is a person other than	117512
an individual, any of the following:	117513

- (i) Any person or government entity that directly or indirectly controls the provider's day-to-day operations (including as a general manager, business manager, financial manager, administrator, or director), regardless of whether the person or government entity exercises the control pursuant to a contract or other arrangement and regardless of whether the person or government entity is required to file an Internal Revenue Code form W-2 for the provider;
- (ii) An officer of the provider, including the chief executive officer, president, vice-president, secretary, and treasurer;
- (iii) A member of the provider's board of directors or trustees;
- (iv) A person owning a financial interest of five per cent or more in the provider, including a direct, indirect, security, or mortgage financial interest;
- (v) The spouse, parent, stepparent, child, sibling, half sibling, stepsibling, grandparent, or grandchild of any of the persons specified in divisions (A) (8) (b) (i) to (iv) of this section;
- (vi) A person over which the provider has control of the day-to-day operation;
- (vii) A corporation that has a subsidiary relationship with the provider.
- (c) In the case of a provider that is a government entity, any of the following:
- (i) Any person or government entity that directly or indirectly controls the provider's day-to-day operations

(including as a general manager, financial manager, administrator, or director), regardless of whether the person or government entity exercises the control pursuant to a contract or other arrangement;

(ii) An officer of the provider;

(iii) A member of the provider's governing board;

(iv) A person or government entity over which the provider has control of the day-to-day operation.

(B) No person or government entity may provide supported living without a valid supported living certificate issued by the director of developmental disabilities.

(C) A county board of developmental disabilities may provide supported living only to the extent permitted by rules adopted under section 5123.1611 of the Revised Code.

Sec. 5123.168. The director of developmental disabilities ~~may issue an adjudication order in accordance with Chapter 119. of the Revised Code to~~ shall terminate a supported living certificate if the certificate holder has not billed for supported living for ~~twelve~~ twenty-four consecutive months. To terminate a supported living certificate under this section, the director shall send a notice by certified mail to the certificate holder at the address on file with the department of developmental disabilities explaining why the certificate is terminated.

Sec. 5123.169. (A) The director of developmental disabilities shall not issue a supported living certificate to an applicant or renew an applicant's supported living certificate if either of the following applies:

(1) The applicant fails to comply with division (C) (2) of this section; 117570
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(2) Except as provided in rules adopted under section 5123.1611 of the Revised Code, the applicant is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. 117572
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(B) Before issuing a supported living certificate to an applicant or renewing an applicant's supported living certificate, the director shall require the applicant to submit a statement with the applicant's signature attesting that the applicant has not been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. The director also shall require the applicant to sign an agreement under which the applicant agrees to notify the director within fourteen calendar days if, while holding a supported living certificate, the applicant is formally charged with, is convicted of, pleads guilty to, or is found eligible for intervention in lieu of conviction for a disqualifying offense. The agreement shall provide that the applicant's failure to provide the notification may result in action being taken by the director against the applicant under section 5123.166 of the Revised Code. 117577
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(C) (1) As a condition of receiving a supported living certificate or having a supported living certificate renewed, an applicant shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check of the applicant. If an applicant does not present proof to the director that the applicant has been a resident of this state for the five-year period immediately prior to the 117593
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date that the applicant applies for issuance or renewal of the supported living certificate, the director shall require the applicant to request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check. If the applicant presents proof to the director that the applicant has been a resident of this state for that five-year period, the director may require the applicant to request that the superintendent include information from the federal bureau of investigation in the criminal records check. For purposes of this division, an applicant may provide proof of residency in this state by presenting, with a ~~notarized~~ statement asserting that the applicant has been a resident of this state for that five-year period, a valid driver's license, notification of registration as an elector, a copy of an officially filed federal or state tax form identifying the applicant's permanent residence, or any other document the director considers acceptable.

(2) Each applicant shall do all of the following:

(a) Obtain a copy of the form prescribed pursuant to division (C) (1) of section 109.572 of the Revised Code and a standard impression sheet prescribed pursuant to division (C) (2) of section 109.572 of the Revised Code;

(b) Complete the form and provide the applicant's fingerprint impressions on the standard impression sheet;

(c) Forward the completed form and standard impression sheet to the superintendent at the time the criminal records check is requested;

(d) Instruct the superintendent to submit the completed report of the criminal records check directly to the director;

(e) Pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C) (3) of section 109.572 of the Revised Code for each criminal records check of the applicant requested and conducted pursuant to this section.

(D) The director may request any other state or federal agency to supply the director with a written report regarding the criminal record of an applicant. The director may consider the reports when determining whether to issue a supported living certificate to the applicant or to renew an applicant's supported living certificate.

(E) An applicant who seeks to be an independent provider or is an independent provider seeking renewal of the applicant's supported living certificate shall obtain the applicant's driving record from the bureau of motor vehicles and provide a copy of the record to the director if the supported living that the applicant will provide involves transporting individuals with developmental disabilities. The director may consider the applicant's driving record when determining whether to issue the applicant a supported living certificate or to renew the applicant's supported living certificate.

(F) (1) A report obtained pursuant to this section is not a public record for purposes of section 149.43 of the Revised Code and shall not be made available to any person, other than the following:

(a) The applicant who is the subject of the report or the applicant's representative;

(b) The director or the director's representative;

(c) Any court, hearing officer, or other necessary

individual involved in a case dealing with any of the following: 117658

(i) The denial of a supported living certificate or 117659
refusal to renew a supported living certificate; 117660

(ii) The denial, suspension, or revocation of a 117661
certificate under section 5123.45 of the Revised Code; 117662

(iii) A civil or criminal action regarding the medicaid 117663
program. 117664

(2) An applicant for whom the director has obtained 117665
reports under this section may submit a written request to the 117666
director to have copies of the reports sent to any person or 117667
state or local government entity. The applicant shall specify in 117668
the request the person or entities to which the copies are to be 117669
sent. On receiving the request, the director shall send copies 117670
of the reports to the persons or entities specified. 117671

(3) The director may request that a person or state or 117672
local government entity send copies to the director of any 117673
report regarding a records check or criminal records check that 117674
the person or entity possesses, if the director obtains the 117675
written consent of the individual who is the subject of the 117676
report. 117677

(4) The director shall provide each applicant with a copy 117678
of any report obtained about the applicant under this section. 117679

Sec. 5123.1613. (A) A person who has been granted 117680
guardianship of an individual with a developmental disability 117681
shall not provide supported living to that individual either as 117682
an independent provider or as an employee or contractor of a 117683
supported living certificate holder unless there is a 117684
relationship by blood, adoption, or marriage between the 117685
guardian and the individual. 117686

(B) A supported living certificate holder owned or 117687
operated by a guardian of an individual with a developmental 117688
disability shall not provide supported living to that individual 117689
unless there is a relationship by blood, adoption, or marriage 117690
between the guardian and the individual. 117691

Sec. 5123.191. (A) The court of common pleas or a judge 117692
thereof in the judge's county, or the probate court, may appoint 117693
a receiver to take possession of and operate a residential 117694
facility licensed by the department of developmental 117695
disabilities, in causes pending in such courts respectively, 117696
when conditions existing at the facility present a substantial 117697
risk of physical or mental harm to residents and no other 117698
remedies at law are adequate to protect the health, safety, and 117699
welfare of the residents. Conditions at the facility that may 117700
present such risk of harm include, but are not limited to, 117701
instances when any of the following occur: 117702

(1) The residential facility is in violation of state or 117703
federal law or regulations. 117704

(2) The facility has had its license revoked or procedures 117705
for revocation have been initiated, or the facility is closing 117706
or intends to cease operations. 117707

(3) Arrangements for relocating residents need to be made. 117708

(4) Insolvency of the operator, licensee, or landowner 117709
threatens the operation of the facility. 117710

(5) The facility or operator has demonstrated a pattern 117711
and practice of repeated violations of state or federal laws or 117712
regulations. 117713

(B) A court in which a petition is filed pursuant to this 117714
section shall notify the person holding the license for the 117715

facility and the department of developmental disabilities of the 117716
filing. The court shall order the department to notify the 117717
facility owner, facility operator, county board of developmental 117718
disabilities, facility residents, and residents' parents and 117719
guardians of the filing of the petition. 117720

The court shall provide a hearing on the petition within 117721
five court days of the time it was filed, except that the court 117722
may appoint a receiver prior to that time if it determines that 117723
the circumstances necessitate such action. Following a hearing 117724
on the petition, and upon a determination that the appointment 117725
of a receiver is warranted, the court shall appoint a receiver 117726
and notify the department of developmental disabilities and 117727
appropriate persons of this action. 117728

(C) A residential facility for which a receiver has been 117729
named is deemed to be in compliance with section 5123.19 and 117730
Chapter 3721. of the Revised Code for the duration of the 117731
receivership. 117732

(D) When the operating revenue of a residential facility 117733
in receivership is insufficient to meet its operating expenses, 117734
including the cost of bringing the facility into compliance with 117735
state or federal laws or regulations, the court may order the 117736
state to provide necessary funding, except as provided in 117737
division (K) of this section. The state shall provide such 117738
funding, subject to the approval of the controlling board. The 117739
court may also order the appropriate authorities to expedite all 117740
inspections necessary for the issuance of licenses or the 117741
certification of a facility, and order a facility to be closed 117742
if it determines that reasonable efforts cannot bring the 117743
facility into substantial compliance with the law. 117744

(E) In establishing a receivership, the court shall set 117745

forth the powers and duties of the receiver. The court may 117746
generally authorize the receiver to do all that is prudent and 117747
necessary to safely and efficiently operate the residential 117748
facility within the requirements of state and federal law, but 117749
shall require the receiver to obtain court approval prior to 117750
making any single expenditure of more than five thousand dollars 117751
to correct deficiencies in the structure or furnishings of a 117752
facility. The court shall closely review the conduct of the 117753
receiver it has appointed and shall require regular and detailed 117754
reports. The receivership shall be reviewed at least every sixty 117755
days. 117756

(F) A receivership established pursuant to this section 117757
shall be terminated, following notification of the appropriate 117758
parties and a hearing, if the court determines either of the 117759
following: 117760

(1) The residential facility has been closed and the 117761
former residents have been relocated to an appropriate facility. 117762

(2) Circumstances no longer exist at the facility that 117763
present a substantial risk of physical or mental harm to 117764
residents, and there is no deficiency in the facility that is 117765
likely to create a future risk of harm. 117766

Notwithstanding division (F) (2) of this section, the court 117767
shall not terminate a receivership for a residential facility 117768
that has previously operated under another receivership unless 117769
the responsibility for the operation of the facility is 117770
transferred to an operator approved by the court and the 117771
department of developmental disabilities. 117772

(G) The department of developmental disabilities may, upon 117773
its own initiative or at the request of an owner, operator, or 117774

resident of a residential facility, or at the request of a 117775
resident's guardian or relative or a county board of 117776
developmental disabilities, petition the court to appoint a 117777
receiver to take possession of and operate a residential 117778
facility. When the department has been requested to file a 117779
petition by any of the parties listed above, it shall, within 117780
forty-eight hours of such request, either file such a petition 117781
or notify the requesting party of its decision not to file. If 117782
the department refuses to file, the requesting party may file a 117783
petition with the court requesting the appointment of a receiver 117784
to take possession of and operate a residential facility. 117785

Petitions filed pursuant to this division shall include 117786
the following: 117787

(1) A description of the specific conditions existing at 117788
the facility which present a substantial risk of physical or 117789
mental harm to residents; 117790

(2) A statement of the absence of other adequate remedies 117791
at law; 117792

(3) The number of individuals residing at the facility; 117793

(4) A statement that the facts have been brought to the 117794
attention of the owner or licensee and that conditions have not 117795
been remedied within a reasonable period of time or that the 117796
conditions, though remedied periodically, habitually exist at 117797
the facility as a pattern or practice; 117798

(5) The name and address of the person holding the license 117799
for the facility and the address of the department of 117800
developmental disabilities. 117801

The court may award to an operator appropriate costs and 117802
expenses, including reasonable attorney's fees, if it determines 117803

that a petitioner has initiated a proceeding in bad faith or 117804
merely for the purpose of harassing or embarrassing the 117805
operator. 117806

(H) Except for the department of developmental 117807
disabilities or a county board of developmental disabilities, no 117808
party or person interested in an action shall be appointed a 117809
receiver pursuant to this section. 117810

To assist the court in identifying persons qualified to be 117811
named as receivers, the director of developmental disabilities 117812
shall maintain a list of the names of such persons. The director 117813
shall, in accordance with Chapter 119. of the Revised Code, 117814
establish standards for evaluating persons desiring to be 117815
included on such a list. 117816

(I) Before a receiver enters upon the duties of that 117817
person, the receiver must be sworn to perform the duties of 117818
receiver faithfully, and, with surety approved by the court, 117819
judge, or clerk, execute a bond to such person, and in such sum 117820
as the court or judge directs, to the effect that such receiver 117821
will faithfully discharge the duties of receiver in the action, 117822
and obey the orders of the court therein. 117823

(J) Under the control of the appointing court, a receiver 117824
may bring and defend actions in the receiver's own name as 117825
receiver and take and keep possession of property. 117826

The court shall authorize the receiver to do the 117827
following: 117828

(1) Collect payment for all goods and services provided to 117829
the residents or others during the period of the receivership at 117830
the same rate as was charged by the licensee at the time the 117831
petition for receivership was filed, unless a different rate is 117832

set by the court; 117833

(2) Honor all leases, mortgages, and secured transactions 117834
governing all buildings, goods, and fixtures of which the 117835
receiver has taken possession and continues to use, subject to 117836
the following conditions: 117837

(a) In the case of a rental agreement, only to the extent 117838
of payments that are for the use of the property during the 117839
period of the receivership; 117840

(b) In the case of a purchase agreement only to the extent 117841
of payments that come due during the period of the receivership. 117842

(3) If transfer of residents is necessary, provide for the 117843
orderly transfer of residents by doing the following: 117844

(a) Cooperating with all appropriate state and local 117845
agencies in carrying out the transfer of residents to 117846
alternative community placements; 117847

(b) Providing for the transportation of residents' 117848
belongings and records; 117849

(c) Helping to locate alternative placements and develop 117850
discharge plans; 117851

(d) Preparing residents for the trauma of discharge; 117852

(e) Permitting residents or guardians to participate in 117853
transfer or discharge planning except when an emergency exists 117854
and immediate transfer is necessary. 117855

(4) Make periodic reports on the status of the residential 117856
program to the appropriate state agency, county board of 117857
developmental disabilities, parents, guardians, and residents; 117858

(5) Compromise demands or claims; 117859

(6) Generally do such acts respecting the residential facility as the court authorizes.

(K) Neither the receiver nor the department of developmental disabilities is liable for debts incurred by the owner or operator of a residential facility for which a receiver has been appointed.

(L) The department of developmental disabilities may contract for the operation of a residential facility in receivership. The department shall establish the conditions of a contract. Notwithstanding any other provision of law, contracts that are necessary to carry out the powers and duties of the receiver need not be competitively bid.

(M) The department of developmental disabilities, the department of ~~job and family services~~ children and youth, and the department of health shall provide technical assistance to any receiver appointed pursuant to this section.

Sec. 5123.41. As used in this section and sections 5123.42 to 5123.47 of the Revised Code:

(A) "Adult services" has the same meaning as in section 5126.01 of the Revised Code.

(B) "Certified supported living provider" means a person or government entity certified under section 5123.161 of the Revised Code.

(C) "Drug" has the same meaning as in section 4729.01 of the Revised Code.

(D) "Family member" means a parent, sibling, spouse, son, daughter, grandparent, aunt, uncle, cousin, or guardian of an individual with a developmental disability if the individual

with a developmental disability lives with the person and is 117888
dependent on the person to the extent that, if the supports were 117889
withdrawn, another living arrangement would have to be found. 117890

(E) "Family support services" has the same meaning as in 117891
section 5126.01 of the Revised Code. 117892

~~(E)~~ (F) "Health-related activities" means the following: 117893

- (1) Taking vital signs; 117894
- (2) Application of clean dressings that do not require 117895
health assessment; 117896
- (3) Basic measurement of bodily intake and output; 117897
- (4) Oral suctioning; 117898
- (5) Use of glucometers; 117899
- (6) External urinary catheter cleaning; 117900
- (7) Emptying and replacing ostomy bags; 117901
- (8) Collection of specimens by noninvasive means; 117902
- (9) Pulse oximetry reading; 117903
- (10) Use of continuous positive airway pressure machines; 117904
- (11) Application of percussion vests; 117905
- (12) Use of cough assist devices and insufflators; 117906
- (13) Application of prescribed compression hosiery. 117907

~~(F)~~ (G) "Licensed health professional authorized to 117908
prescribe drugs" has the same meaning as in section 4729.01 of 117909
the Revised Code. 117910

~~(G)~~ (H) "Metered dose inhaled medication" means a 117911

premeasured medication administered by inhalation using a hand-held dispenser or aerosol nebulizer. 117912
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~~(H)~~(I) "Developmental disabilities personnel" means the 117914
employees and the workers under contract who provide specialized 117915
services to individuals with developmental disabilities. 117916
"Developmental disabilities personnel" includes those who 117917
provide the services as follows: 117918

(1) Through direct employment with the department of 117919
developmental disabilities or a county board of developmental 117920
disabilities; 117921

(2) Through an entity under contract with the department 117922
of developmental disabilities or a county board of developmental 117923
disabilities; 117924

(3) Through direct employment or by being under contract 117925
with private entities, including private entities that operate 117926
residential facilities. 117927

~~(I)~~(J) "Nursing delegation" means the process established 117928
in rules adopted by the board of nursing pursuant to Chapter 117929
4723. of the Revised Code under which a registered nurse or 117930
licensed practical nurse acting at the direction of a registered 117931
nurse transfers the performance of a particular nursing activity 117932
or task to another person who is not otherwise authorized to 117933
perform the activity or task. 117934

~~(J)~~(K) "Over-the-counter medication" means a drug that may 117935
be sold and purchased without a prescription. 117936

~~(K)~~(L) "Prescribed medication" means a drug that is to be 117937
administered according to the instructions of a licensed health 117938
professional authorized to prescribe drugs. 117939

~~(I)~~ (M) "Residential facility" means a facility licensed under section 5123.19 of the Revised Code. 117940
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~~(M)~~ (N) "Specialized services" has the same meaning as in section 5123.50 of the Revised Code. 117942
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~~(N)~~ (O) "Topical over-the-counter musculoskeletal medication" means an over-the-counter medication that is applied topically or passes through the skin to provide relief from discomfort in the muscles, joints, or bones. 117944
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Sec. 5123.42. (A) Developmental disabilities personnel who are not specifically authorized by other provisions of the Revised Code to administer medications or perform health-related activities may do so pursuant to this section as part of the specialized services the developmental disabilities personnel provide to individuals with developmental disabilities in the following categories: 117948
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(1) Recipients of early intervention, preschool, and school-age services offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code; 117955
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(2) Recipients of adult services, if the services are received in a setting where seventeen or more individuals receive the services and the services are offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code; 117958
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(3) Recipients of adult services, if the services are received in a setting where not more than sixteen individuals receive the services and the services are offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code; 117962
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(4) Recipients of family support services offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code; 117966
117967
117968

(5) Recipients of services from certified supported living providers, if the services are offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code;	117969 117970 117971
(6) Recipients of residential support services from certified home and community-based services providers, if the services are received in a community living arrangement that includes not more than four individuals with developmental disabilities and the services are offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code;	117972 117973 117974 117975 117976 117977
(7) Recipients of services not included in divisions (A) (1) to (6) of this section that are offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code;	117978 117979 117980
(8) Residents of a residential facility with not more than five resident beds;	117981 117982
(9) Residents of a residential facility with at least six resident beds.	117983 117984
(B) (1) In the case of individuals described in divisions (A) (1) to (9) of this section, developmental disabilities personnel may do all of the following without nursing delegation and without a certificate issued under section 5123.45 of the Revised Code:	117985 117986 117987 117988 117989
(a) Activate a vagal <u>vagus</u> nerve stimulator;	117990
(b) Use an epinephrine autoinjector to <u>To treat anaphylaxis, administer prescribed epinephrine either by autoinjector or intranasally;</u>	117991 117992 117993
(c) Administer topical over-the-counter medications for the purpose of cleaning, protecting, or comforting the skin, hair, nails, teeth, or oral surfaces, but not for the purpose of	117994 117995 117996

treating an open wound or a condition that requires a medical 117997
diagnosis, including a fungal infection. 117998

(2) The authority of developmental disabilities personnel 117999
to ~~activate a vagal nerve stimulator, use an epinephrine~~ 118000
~~autoinjector, and~~ perform the health-related activity or 118001
administer ~~topical over-the-counter~~ the medications described in 118002
division (B) (1) of this section is subject to all of the 118003
following: 118004

(a) ~~To activate a vagal nerve stimulator or use an~~ 118005
~~epinephrine autoinjector,~~ developmental Developmental 118006
disabilities personnel shall successfully complete the training 118007
course or courses developed under section 5123.43 of the Revised 118008
Code for developmental disabilities personnel. Developmental 118009
disabilities personnel shall ~~activate a vagal nerve stimulator~~ 118010
~~or use an epinephrine autoinjector~~ perform the health-related 118011
activity or administer the medications described in division (B) 118012
(1) of this section only as authorized by the training 118013
completed. 118014

(b) The employer of developmental disabilities personnel 118015
shall ensure that the personnel have been trained specifically 118016
with respect to each individual for whom they ~~activate a vagal~~ 118017
~~nerve stimulator or use an epinephrine autoinjector~~ perform the 118018
health-related activity or administer the medications described 118019
in division (B) (1) of this section. Developmental disabilities 118020
personnel shall not ~~activate a vagal nerve stimulator or use an~~ 118021
~~epinephrine autoinjector~~ perform such an activity or administer 118022
such medications for any individual for whom they have not been 118023
specifically trained. 118024

(c) If the employer of developmental disabilities 118025
personnel believes that the personnel have not or will not 118026

~~safely activate a vagal nerve stimulator or use an epinephrine-
autoinjector~~ perform the health-related activity or administer
the medications described in division (B) (1) of this section,
the employer shall prohibit the developmental disabilities
personnel from continuing or commencing to do so. Developmental
disabilities personnel shall not engage in the action or actions
subject to an employer's prohibition.

(d) Developmental disabilities personnel shall activate a
~~vagal-vagus~~ nerve stimulator, ~~use an-~~ administer prescribed
epinephrine either by autoinjector or intranasally, or
administer topical over-the-counter medications in accordance
with the manufacturer's instructions.

(C) (1) In the case of recipients of early intervention,
preschool, and school-age services, as specified in division (A)
(1) of this section, all of the following apply:

(a) With nursing delegation, developmental disabilities
personnel may perform health-related activities.

(b) With nursing delegation, developmental disabilities
personnel may administer oral and topical prescribed medications
and topical over-the-counter musculoskeletal medications.

(c) With nursing delegation, developmental disabilities
personnel may administer oxygen and metered dose inhaled
medications.

(d) With nursing delegation, developmental disabilities
personnel may administer prescribed medications through
gastrostomy and jejunostomy tubes, if the tubes being used are
stable and labeled.

(e) With nursing delegation, developmental disabilities
personnel may administer routine doses of insulin through

subcutaneous injections, inhalation, and insulin pumps. 118056

(f) With nursing delegation, developmental disabilities 118057
personnel may administer prescribed medications for the 118058
treatment of metabolic glyceimic disorders through subcutaneous 118059
injections. 118060

(2) In the case of individuals described in divisions (A) 118061
(2), (7), and (9) of this section, all of the following apply: 118062

(a) With nursing delegation, developmental disabilities 118063
personnel may perform health-related activities. 118064

(b) With nursing delegation, developmental disabilities 118065
personnel may administer oral and topical prescribed medications 118066
and topical over-the-counter musculoskeletal medications. 118067

(c) With nursing delegation, developmental disabilities 118068
personnel may administer oxygen and metered dose inhaled 118069
medications. 118070

(d) With nursing delegation, developmental disabilities 118071
personnel may administer prescribed medications through 118072
gastrostomy and jejunostomy tubes, if the tubes being used are 118073
stable and labeled. 118074

(e) With nursing delegation, developmental disabilities 118075
personnel may administer routine doses of insulin through 118076
subcutaneous injections, inhalation, and insulin pumps. 118077

(f) With nursing delegation, developmental disabilities 118078
personnel may administer prescribed medications for the 118079
treatment of metabolic glyceimic disorders through subcutaneous 118080
injections. 118081

(3) In the case of individuals described in divisions (A) 118082
(3), (4), (5), (6), and (8) of this section, all of the 118083

following apply: 118084

(a) Without nursing delegation, developmental disabilities 118085
personnel may perform health-related activities. 118086

(b) Without nursing delegation, developmental disabilities 118087
personnel may administer oral and topical prescribed medications 118088
and topical over-the-counter musculoskeletal medications. 118089

(c) Without nursing delegation, developmental disabilities 118090
personnel may administer oxygen and metered dose inhaled 118091
medications. 118092

(d) With nursing delegation, developmental disabilities 118093
personnel may administer prescribed medications through 118094
gastrostomy and jejunostomy tubes, if the tubes being used are 118095
stable and labeled. 118096

(e) With nursing delegation, developmental disabilities 118097
personnel may administer routine doses of insulin through 118098
subcutaneous injections, inhalation, and insulin pumps. 118099

(f) With nursing delegation, developmental disabilities 118100
personnel may administer prescribed medications for the 118101
treatment of metabolic glyceimic disorders through subcutaneous 118102
injections. 118103

(D) The authority of developmental disabilities personnel 118104
to administer medications and perform health-related activities 118105
pursuant to division (C) of this section is subject to all of 118106
the following: 118107

(1) To administer medications or perform health-related 118108
activities for individuals in the categories specified under 118109
divisions (A) (1) to (9) of this section, developmental 118110
disabilities personnel shall obtain the certificate or 118111

certificates required by the department of developmental 118112
disabilities and issued under section 5123.45 of the Revised 118113
Code. Developmental disabilities personnel shall administer 118114
medications and perform health-related activities only as 118115
authorized by the certificate or certificates held. 118116

(2) If nursing delegation is required under division (C) 118117
of this section, developmental disabilities personnel shall not 118118
act without nursing delegation or in a manner that is 118119
inconsistent with the delegation. 118120

(3) The employer of developmental disabilities personnel 118121
shall ensure that the personnel have been trained specifically 118122
with respect to each individual for whom they administer 118123
medications or perform health-related activities. Developmental 118124
disabilities personnel shall not administer medications or 118125
perform health-related activities for any individual for whom 118126
they have not been specifically trained. 118127

(4) If the employer of developmental disabilities 118128
personnel believes that the developmental disabilities personnel 118129
have not or will not safely administer medications or perform 118130
health-related activities, the employer shall prohibit the ~~the~~ 118131
personnel from continuing or commencing to do so. Developmental 118132
disabilities personnel shall not engage in the action or actions 118133
subject to an employer's prohibition. 118134

(E) In accordance with section 5123.46 of the Revised 118135
Code, the department of developmental disabilities shall adopt 118136
rules governing its implementation of this section. The rules 118137
shall include the following: 118138

(1) Requirements for documentation of the administration 118139
of medications and performance of health-related activities by 118140

developmental disabilities personnel pursuant to the authority 118141
granted under this section; 118142

(2) Procedures for reporting errors that occur in the 118143
administration of medications and performance of health-related 118144
activities by developmental disabilities personnel pursuant to 118145
the authority granted under this section; 118146

(3) Other standards and procedures the department 118147
considers necessary for implementation of this section. 118148

Sec. 5123.423. A family member may administer medications 118149
or perform health-related activities as described in section 118150
5123.42 of the Revised Code without either of the following: 118151
nursing delegation or a certificate issued under section 5123.45 118152
of the Revised Code. 118153

Sec. 5123.47. (A) As used in this section: 118154

(1) "In-home care" means the supportive services provided 118155
within the home of an individual with a developmental disability 118156
who receives funding for the services through a county board of 118157
developmental disabilities, including any recipient of 118158
residential services funded as home and community-based 118159
services, family support services provided under section 5126.11 118160
of the Revised Code, or supported living provided in accordance 118161
with sections 5126.41 to 5126.47 of the Revised Code. "In-home 118162
care" includes care that is provided outside an individual's 118163
home in places incidental to the home, and while traveling to 118164
places incidental to the home, except that "in-home care" does 118165
not include care provided in the facilities of a county board of 118166
developmental disabilities or care provided in schools. 118167

(2) "Parent" means either parent of a child, including an 118168
adoptive parent but not a foster parent. 118169

(3) "Unlicensed in-home care worker" means an individual 118170
who provides in-home care on a self-employed basis and does not 118171
employ, either directly or through contract, another person to 118172
provide the in-home care, but who is not a health care 118173
professional. 118174

~~(4) "Family member" means a parent, sibling, spouse, son,~~ 118175
~~daughter, grandparent, aunt, uncle, cousin, or guardian of the~~ 118176
~~individual with a developmental disability if the individual~~ 118177
~~with a developmental disability lives with the person and is~~ 118178
~~dependent on the person to the extent that, if the supports were~~ 118179
~~withdrawn, another living arrangement would have to be found.~~ 118180

~~(5)~~—"Health care professional" means any of the following: 118181

(a) A dentist who holds a valid license issued under 118182
Chapter 4715. of the Revised Code; 118183

(b) A registered or licensed practical nurse who holds a 118184
valid license issued under Chapter 4723. of the Revised Code; 118185

(c) An optometrist who holds a valid license issued under 118186
Chapter 4725. of the Revised Code; 118187

(d) A pharmacist who holds a valid license issued under 118188
Chapter 4729. of the Revised Code; 118189

(e) A person who holds a valid license or certificate 118190
issued under Chapter 4731. of the Revised Code to practice 118191
medicine and surgery, osteopathic medicine and surgery, 118192
podiatric medicine and surgery, or a limited brand of medicine; 118193

(f) A physician assistant who holds a valid license issued 118194
under Chapter 4730. of the Revised Code; 118195

(g) An occupational therapist or occupational therapy 118196
assistant or a physical therapist or physical therapist 118197

assistant who holds a valid license issued under Chapter 4755. 118198
of the Revised Code; 118199

(h) A respiratory care professional who holds a valid 118200
license issued under Chapter 4761. of the Revised Code; 118201

(i) A certified mental health assistant who holds a valid 118202
license issued under Chapter 4772. of the Revised Code. 118203

~~(6)~~(5) "Health care task" means a task that is prescribed, 118204
ordered, ~~delegated,~~ or otherwise directed by a health care 118205
professional acting within the scope of the professional's 118206
practice. "Health care task" includes the administration of ~~oral~~ 118207
~~and topical prescribed medications; administration of nutrition~~ 118208
~~and medications through gastrostomy and jejunostomy tubes that~~ 118209
~~are stable and labeled; administration of oxygen and metered~~ 118210
~~dose inhaled medications; administration of insulin through~~ 118211
~~subcutaneous injections, inhalation, and insulin pumps; and~~ 118212
~~administration of prescribed medications for the treatment of~~ 118213
~~metabolic glycemic disorders through subcutaneous injections.~~ 118214

(B) Except as provided in division ~~(E)~~(F) of this section, 118215
a family member of an individual with a developmental disability 118216
may authorize an unlicensed in-home care worker to perform 118217
health care tasks as part of the in-home care the worker 118218
provides to the individual, if all of the following apply: 118219

(1) The family member is the primary supervisor of the 118220
care. 118221

(2) At the time the family member both authorizes the 118222
unlicensed in-home care worker to perform health care tasks and 118223
supervises the care provided to the individual, the family 118224
member is not acting as a paid provider for the individual. 118225

(3) The unlicensed in-home care worker has been selected 118226

by the family member or the individual receiving care and is 118227
under the direct supervision of the family member. 118228

~~(3) The unlicensed in-home care worker is providing the 118229
care through an employment or other arrangement entered into 118230
directly with the family member and is not otherwise employed by 118231
or under contract with a person or government entity to provide 118232
services to individuals with developmental disabilities. 118233~~

(4) The health care task is completed in accordance with 118234
standard, written instructions. 118235

(5) Performance of the health care task requires no 118236
judgment based on specialized health care knowledge or 118237
expertise. 118238

(6) The outcome of the health care task is reasonably 118239
predictable. 118240

(7) Performance of the health care task requires no 118241
complex observation of the individual receiving the care. 118242

(8) Improper performance of the health care task will 118243
result in only minimal complications that are not life- 118244
threatening. 118245

(C) A family member who authorizes an unlicensed in-home 118246
care worker to perform health care tasks under this section 118247
shall ~~obtain~~ do all of the following: 118248

(1) Obtain a prescription, if applicable, and written 118249
instructions from a health care professional for the care to be 118250
provided to the individual. ~~The family member shall authorize;~~ 118251

(2) Authorize the unlicensed in-home care worker to 118252
provide the care by preparing a written document granting the 118253
authority. ~~The family member shall provide;~~ 118254

(3) Provide the unlicensed in-home care worker with 118255
appropriate training and written instructions in accordance with 118256
the instructions obtained from the health care professional. ~~The~~ 118257
~~family member or a health care professional shall be;~~ 118258

(4) Be available to communicate with the unlicensed in- 118259
home care worker either in person or by telecommunication while 118260
the in-home care worker performs a health care task. 118261

(D) Before an unlicensed in-home care worker may perform 118262
the health care tasks authorized by a family member under this 118263
section, the worker shall accept the written document described 118264
in division (C) (2) of this section granting the worker that 118265
authority. 118266

(E) A family member who authorizes an unlicensed in-home 118267
care worker to ~~administer oral and topical prescribed~~ 118268
~~medications or perform other~~ health care tasks retains full 118269
responsibility for the health and safety of the individual 118270
receiving the care and for ensuring that the worker provides the 118271
care appropriately and safely. No entity that funds or monitors 118272
the provision of in-home care may be held liable for the results 118273
of the care provided under this section by an unlicensed in-home 118274
care worker, including such entities as the county board of 118275
developmental disabilities and the department of developmental 118276
disabilities. 118277

An unlicensed in-home care worker who is authorized under 118278
this section by a family member to provide care to an individual 118279
may not be held liable for any injury caused in providing the 118280
care, unless the worker provides the care in a manner that is 118281
not in accordance with the training and instructions received or 118282
the worker acts in a manner that constitutes willful or wanton 118283
misconduct. 118284

~~(E)~~ (F) A county board of developmental disabilities may
evaluate the authority granted by a family member under this
section to an unlicensed in-home care worker at any time it
considers necessary and shall evaluate the authority on receipt
of a complaint. ~~If~~ In evaluating the authority, the board shall
use appropriately licensed health care professionals.

If, after its evaluation, the board determines that a
family member has acted in a manner that is inappropriate for
the health and safety of the individual receiving the care, then
all of the following apply:

(1) The authorization granted by the family member to an
unlicensed in-home care worker is void, ~~and the~~ .

(2) The family member may not authorize other unlicensed
in-home care workers to provide the care. ~~In making such a~~
~~determination, the~~

(3) The board shall use ~~authorize~~ appropriately licensed
~~health care professionals and or certified providers to instead~~
perform the health care tasks.

(4) The board shall provide the family member an
opportunity to file a complaint under section 5126.06 of the
Revised Code.

Sec. 5124.15. (A) Except as otherwise provided by section
5124.101 of the Revised Code, sections 5124.151 to 5124.154 of
the Revised Code, and division (B) of this section, the total
per medicaid day payment rate that the department of
developmental disabilities shall pay to an ICF/IID provider for
ICF/IID services the provider's ICF/IID provides during a fiscal
year shall equal the sum of all of the following:

(1) The per medicaid day capital component rate determined

for the ICF/IID under section 5124.17 of the Revised Code; 118314

(2) The per medicaid day direct care costs component rate 118315
determined for the ICF/IID under section 5124.19 of the Revised 118316
Code; 118317

(3) The per medicaid day indirect care costs component 118318
rate determined for the ICF/IID under section 5124.21 of the 118319
Revised Code; 118320

(4) The per medicaid day other protected costs component 118321
rate determined for the ICF/IID under section 5124.23 of the 118322
Revised Code; 118323

(5) The sum of the following: 118324

(a) The per medicaid day quality incentive payment 118325
determined for the ICF/IID under section 5124.24 of the Revised 118326
Code; 118327

(b) A direct support personnel payment equal to two and 118328
four-hundredths per cent of the ICF/IID's desk-reviewed, actual, 118329
allowable, per medicaid day direct care costs from the 118330
applicable cost report year; 118331

(c) ~~A~~ For state fiscal year 2026, a professional workforce 118332
development payment equal to thirteen and fifty-five hundredths 118333
~~for state fiscal year 2024 and twenty and eighty-one hundredths~~ 118334
~~during fiscal year 2025~~ ten and four hundred five thousandths 118335
per cent of the ICF/IID's desk-reviewed, actual, allowable, per 118336
medicaid day direct care costs from the applicable cost report 118337
year. 118338

(B) The department shall adjust the total per medicaid day 118339
payment rate otherwise determined for an ICF/IID under this 118340
section as directed by the general assembly through the 118341

enactment of law governing medicaid payments to ICF/IID 118342
providers. 118343

(C) (1) In addition to paying an ICF/IID provider the total 118344
per medicaid day payment rate determined for the provider's 118345
ICF/IID under divisions (A) and (B) of this section for a fiscal 118346
year, the department may do either or both of the following: 118347

(a) In accordance with section 5124.25 of the Revised 118348
Code, pay the provider a rate add-on for ventilator-dependent 118349
outlier ICF/IID services if the rate add-on is to be paid under 118350
that section and the department approves the provider's 118351
application for the rate add-on; 118352

(b) In accordance with section 5124.26 of the Revised 118353
Code, pay the provider for outlier ICF/IID services the ICF/IID 118354
provides to residents identified as needing intensive behavioral 118355
health support services if the rate add-on is to be paid under 118356
that section and the department approves the provider's 118357
application for the rate add-on. 118358

(2) The rate add-ons are not to be part of the ICF/IID's 118359
total per medicaid day payment rate. 118360

Sec. 5126.222. (A) A superintendent of a county board of 118361
developmental disabilities shall ensure that a service and 118362
support administrator, a conditional status service and support 118363
administrator, and a service and support administration 118364
supervisor successfully completes a web-based training program 118365
established by the department of developmental disabilities not 118366
later than thirty days after being hired. The training shall 118367
include all of the following topics: 118368

(1) Empowering individuals serviced through the 118369
development of person-centered individual service plans; 118370

<u>(2) Coordinating services;</u>	118371
<u>(3) Enhancing team effectiveness;</u>	118372
<u>(4) Understanding medicaid;</u>	118373
<u>(5) An overview of ICFs/IID;</u>	118374
<u>(6) An overview of medicaid home and community-based</u>	118375
<u>services waivers administered by the department of developmental</u>	118376
<u>disabilities and county boards of developmental disabilities,</u>	118377
<u>including self-directed services, budget authority, and employer</u>	118378
<u>authority;</u>	118379
<u>(7) Targeted case management;</u>	118380
<u>(8) Employment navigation.</u>	118381
<u>(B) Before a superintendent of a county board of</u>	118382
<u>developmental disabilities renews the certification of a service</u>	118383
<u>and support administrator or service and support administration</u>	118384
<u>supervisor, the superintendent shall ensure that the renewal</u>	118385
<u>applicant has successfully completed the training program</u>	118386
<u>described in division (A) of this section.</u>	118387
Sec. 5139.05. (A) The juvenile court may commit any child	118388
to the department of youth services as authorized in Chapter	118389
2152. of the Revised Code, provided that any child so committed	118390
shall be at least ten years of age at the time of the child's	118391
delinquent act, and, if the child is ten or eleven years of age,	118392
the delinquent act is a violation of section 2909.03 of the	118393
Revised Code or would be aggravated murder, murder, or a first	118394
or second degree felony offense of violence if committed by an	118395
adult. Any order to commit a child to an institution under the	118396
control and management of the department shall have the effect	118397
of ordering that the child be committed to the department and	118398

assigned to an institution or placed in a community corrections 118399
facility in accordance with division (E) of section 5139.36 of 118400
the Revised Code as follows: 118401

(1) For an indefinite term consisting of the prescribed 118402
minimum period specified by the court under division (A)(1) of 118403
section 2152.16 of the Revised Code and a maximum period not to 118404
exceed the child's attainment of twenty-one years of age, if the 118405
child was committed pursuant to section 2152.16 of the Revised 118406
Code; 118407

(2) Until the child's attainment of twenty-one years of 118408
age, if the child was committed for aggravated murder or murder 118409
pursuant to section 2152.16 of the Revised Code; 118410

(3) For a period of commitment that shall be in addition 118411
to, and shall be served consecutively with and prior to, a 118412
period of commitment described in division (A)(1) or (2) of this 118413
section, if the child was committed pursuant to section 2152.17 118414
of the Revised Code; 118415

(4) If the child is ten or eleven years of age, to an 118416
institution, a residential care facility, a residential 118417
facility, or a facility licensed by the department of ~~job and~~ 118418
~~family services~~ children and youth that the department of youth 118419
services considers best designated for the training and 118420
rehabilitation of the child and protection of the public. The 118421
child shall be housed separately from children who are twelve 118422
years of age or older until the child is released or discharged 118423
or until the child attains twelve years of age, whichever occurs 118424
first. Upon the child's attainment of twelve years of age, if 118425
the child has not been released or discharged, the department is 118426
not required to house the child separately. 118427

(B) (1) Except as otherwise provided in section 5139.54 of the Revised Code, the release authority of the department of youth services, in accordance with section 5139.51 of the Revised Code and at any time after the end of the minimum period specified under division (A) (1) of section 2152.16 of the Revised Code, may grant the release from custody of any child committed to the department.

The order committing a child to the department of youth services shall state that the child has been adjudicated a delinquent child and state the minimum period. The jurisdiction of the court terminates at the end of the minimum period except as follows:

(a) In relation to judicial release procedures, supervision, and violations;

(b) With respect to functions of the court related to the revocation of supervised release that are specified in sections 5139.51 and 5139.52 of the Revised Code;

(c) In relation to its duties relating to serious youthful offender dispositional sentences under sections 2152.13 and 2152.14 of the Revised Code.

(2) When a child has been committed to the department under section 2152.16 of the Revised Code, the department shall retain legal custody of the child until one of the following:

(a) The department discharges the child to the exclusive management, control, and custody of the child's parent or the guardian of the child's person or, if the child is eighteen years of age or older, discharges the child.

(b) The committing court, upon its own motion, upon petition of the parent, guardian of the person, or next friend

of a child, or upon petition of the department, terminates the 118457
department's legal custody of the child. 118458

(c) The committing court grants the child a judicial 118459
release to court supervision under section 2152.22 of the 118460
Revised Code. 118461

(d) The department's legal custody of the child is 118462
terminated automatically by the child attaining twenty-one years 118463
of age. 118464

(e) If the child is subject to a serious youthful offender 118465
dispositional sentence, the adult portion of that dispositional 118466
sentence is imposed under section 2152.14 of the Revised Code. 118467

(C) When a child is committed to the department of youth 118468
services, the department may assign the child to a hospital for 118469
mental, physical, and other examination, inquiry, or treatment 118470
for the period of time that is necessary. The department may 118471
remove any child in its custody to a hospital for observation, 118472
and a complete report of every observation at the hospital shall 118473
be made in writing and shall include a record of observation, 118474
treatment, and medical history and a recommendation for future 118475
treatment, custody, and maintenance. The department shall 118476
thereupon order the placement and treatment that it determines 118477
to be most conducive to the purposes of Chapters 2151. and 5139. 118478
of the Revised Code. The committing court and all public 118479
authorities shall make available to the department all pertinent 118480
data in their possession with respect to the case. 118481

(D) Records maintained by the department of youth services 118482
pertaining to the children in its custody shall be accessible 118483
only to department employees, except by consent of the 118484
department, upon the order of the judge of a court of record, or 118485

as provided in divisions (D) (1) and (2) of this section. These 118486
records shall not be considered "public records," as defined in 118487
section 149.43 of the Revised Code. 118488

(1) Except as otherwise provided by a law of this state or 118489
the United States, the department of youth services may release 118490
records that are maintained by the department of youth services 118491
and that pertain to children in its custody to the department of 118492
rehabilitation and correction regarding persons who are under 118493
the jurisdiction of the department of rehabilitation and 118494
correction and who have previously been committed to the 118495
department of youth services. The department of rehabilitation 118496
and correction may use those records for the limited purpose of 118497
carrying out the duties of the department of rehabilitation and 118498
correction. Records released by the department of youth services 118499
to the department of rehabilitation and correction shall remain 118500
confidential and shall not be considered public records as 118501
defined in section 149.43 of the Revised Code. 118502

(2) The department of youth services shall provide to the 118503
superintendent of the school district in which a child 118504
discharged or released from the custody of the department is 118505
entitled to attend school under section 3313.64 or 3313.65 of 118506
the Revised Code the records described in divisions (D) (4) (a) to 118507
(d) of section 2152.18 of the Revised Code. Subject to the 118508
provisions of section 3319.321 of the Revised Code and the 118509
Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, as 118510
amended, the records released to the superintendent shall remain 118511
confidential and shall not be considered public records as 118512
defined in section 149.43 of the Revised Code. 118513

(E) (1) When a child is committed to the department of 118514
youth services, the department, orally or in writing, shall 118515

notify the parent, guardian, or custodian of a child that the 118516
parent, guardian, or custodian may request at any time from the 118517
superintendent of the institution in which the child is located 118518
any of the information described in divisions (E) (1) (a), (b), 118519
(c), and (d) of this section. The parent, guardian, or custodian 118520
may provide the department with the name, address, and telephone 118521
number of the parent, guardian, or custodian, and, until the 118522
department is notified of a change of name, address, or 118523
telephone number, the department shall use the name, address, 118524
and telephone number provided by the parent, guardian, or 118525
custodian to provide notices or answer inquiries concerning the 118526
following information: 118527

(a) When the department of youth services makes a 118528
permanent assignment of the child to a facility, the department, 118529
orally or in writing and on or before the third business day 118530
after the day the permanent assignment is made, shall notify the 118531
parent, guardian, or custodian of the child of the name of the 118532
facility to which the child has been permanently assigned. 118533

If a parent, guardian, or custodian of a child who is 118534
committed to the department of youth services requests, orally 118535
or in writing, the department to provide the parent, guardian, 118536
or custodian with the name of the facility in which the child is 118537
currently located, the department, orally or in writing and on 118538
or before the next business day after the day on which the 118539
request is made, shall provide the name of that facility to the 118540
parent, guardian, or custodian. 118541

(b) If a parent, guardian, or custodian of a child who is 118542
committed to the department of youth services, orally or in 118543
writing, asks the superintendent of the institution in which the 118544
child is located whether the child is being disciplined by the 118545

personnel of the institution, what disciplinary measure the 118546
personnel of the institution are using for the child, or why the 118547
child is being disciplined, the superintendent or the 118548
superintendent's designee, on or before the next business day 118549
after the day on which the request is made, shall provide the 118550
parent, guardian, or custodian with written or oral responses to 118551
the questions. 118552

(c) If a parent, guardian, or custodian of a child who is 118553
committed to the department of youth services, orally or in 118554
writing, asks the superintendent of the institution in which the 118555
child is held whether the child is receiving any medication from 118556
personnel of the institution, what type of medication the child 118557
is receiving, or what condition of the child the medication is 118558
intended to treat, the superintendent or the superintendent's 118559
designee, on or before the next business day after the day on 118560
which the request is made, shall provide the parent, guardian, 118561
or custodian with oral or written responses to the questions. 118562

(d) When a major incident occurs with respect to a child 118563
who is committed to the department of youth services, the 118564
department, as soon as reasonably possible after the major 118565
incident occurs, shall notify the parent, guardian, or custodian 118566
of the child that a major incident has occurred with respect to 118567
the child and of all the details of that incident that the 118568
department has ascertained. 118569

(2) The failure of the department of youth services to 118570
provide any notification required by or answer any requests made 118571
pursuant to division (E) of this section does not create a cause 118572
of action against the state. 118573

(F) The department of youth services, as a means of 118574
punishment while the child is in its custody, shall not prohibit 118575

a child who is committed to the department from seeing that 118576
child's parent, guardian, or custodian during standard 118577
visitation periods allowed by the department of youth services 118578
unless the superintendent of the institution in which the child 118579
is held determines that permitting that child to visit with the 118580
child's parent, guardian, or custodian would create a safety 118581
risk to that child, that child's parents, guardian, or 118582
custodian, the personnel of the institution, or other children 118583
held in that institution. 118584

(G) As used in this section: 118585

(1) "Permanent assignment" means the assignment or 118586
transfer for an extended period of time of a child who is 118587
committed to the department of youth services to a facility in 118588
which the child will receive training or participate in 118589
activities that are directed toward the child's successful 118590
rehabilitation. "Permanent assignment" does not include the 118591
transfer of a child to a facility for judicial release hearings 118592
pursuant to section 2152.22 of the Revised Code or for any other 118593
temporary assignment or transfer to a facility. 118594

(2) "Major incident" means the escape or attempted escape 118595
of a child who has been committed to the department of youth 118596
services from the facility to which the child is assigned; the 118597
return to the custody of the department of a child who has 118598
escaped or otherwise fled the custody and control of the 118599
department without authorization; the allegation of any sexual 118600
activity with a child committed to the department; physical 118601
injury to a child committed to the department as a result of 118602
alleged abuse by department staff; an accident resulting in 118603
injury to a child committed to the department that requires 118604
medical care or treatment outside the institution in which the 118605

child is located; the discovery of a controlled substance upon 118606
the person or in the property of a child committed to the 118607
department; a suicide attempt by a child committed to the 118608
department; a suicide attempt by a child committed to the 118609
department that results in injury to the child requiring 118610
emergency medical services outside the institution in which the 118611
child is located; the death of a child committed to the 118612
department; an injury to a visitor at an institution under the 118613
control of the department that is caused by a child committed to 118614
the department; and the commission or suspected commission of an 118615
act by a child committed to the department that would be an 118616
offense if committed by an adult. 118617

(3) "Sexual activity" has the same meaning as in section 118618
2907.01 of the Revised Code. 118619

(4) "Controlled substance" has the same meaning as in 118620
section 3719.01 of the Revised Code. 118621

(5) "Residential care facility" and "residential facility" 118622
have the same meanings as in section 2151.011 of the Revised 118623
Code. 118624

Sec. 5139.08. The department of youth services may enter 118625
into an agreement with the director of rehabilitation and 118626
correction pursuant to which the department of youth services, 118627
in accordance with division (C) (2) of section 5139.06 and 118628
section 5120.162 of the Revised Code, may transfer to a 118629
correctional medical center established by the department of 118630
rehabilitation and correction, children who are within its 118631
custody for diagnosis or treatment of an illness, physical 118632
condition, or other medical problem. The department of youth 118633
services may enter into any other agreements with the director 118634
of children and youth, the director of job and family services, 118635

the director of mental health and addiction services, the 118636
director of developmental disabilities, the director of 118637
rehabilitation and correction, with the courts having probation 118638
officers or other public officials, and with private agencies or 118639
institutions for separate care or special treatment of children 118640
subject to the control of the department of youth services. The 118641
department of youth services may, upon the request of a juvenile 118642
court not having a regular probation officer, provide probation 118643
services for such court. 118644

Upon request by the department of youth services, any 118645
public agency or group care facility established or administered 118646
by the state for the care and treatment of children and youth 118647
shall, consistent with its functions, accept and care for any 118648
child whose custody is vested in the department in the same 118649
manner as it would be required to do if custody had been vested 118650
by a court in such agency or group care facility. If the 118651
department has reasonable grounds to believe that any child or 118652
youth whose custody is vested in it is mentally ill or has an 118653
intellectual disability, the department may file an affidavit 118654
under section 5122.11 or 5123.76 of the Revised Code. The 118655
department's affidavit for admission of a child or youth to such 118656
institution shall be filed with the probate court of the county 118657
from which the child was committed to the department. Such court 118658
may request the probate court of the county in which the child 118659
is held to conduct the hearing on the application, in which case 118660
the court making such request shall bear the expenses of the 118661
proceeding. If the department files such an affidavit, the child 118662
or youth may be kept in such institution until a final decision 118663
on the affidavit is made by the appropriate court. 118664

Sec. 5139.34. (A) Funds may be appropriated to the 118665
department of youth services for the purpose of granting state 118666

subsidies to counties. A county or the juvenile court that 118667
serves a county shall use state subsidies granted to the county 118668
pursuant to this section only in accordance with divisions (B) 118669
(2) (a) and (3) (a) of section 5139.43 of the Revised Code and the 118670
rules pertaining to the state subsidy funds that the department 118671
adopts pursuant to division (D) of section 5139.04 of the 118672
Revised Code. The department shall not grant financial 118673
assistance pursuant to this section for the provision of care 118674
and services for children in a placement facility unless the 118675
facility has been certified, licensed, or approved by a state or 118676
national agency with certification, licensure, or approval 118677
authority, including, but not limited to, the department of ~~job-~~ 118678
~~and family services~~ children and youth, department of education 118679
and workforce, department of mental health and addiction 118680
services, department of developmental disabilities, or American 118681
correctional association. For the purposes of this section, 118682
placement facilities do not include a state institution or a 118683
county or district children's home. 118684

The department of youth services also shall not grant 118685
financial assistance pursuant to this section for the provision 118686
of care and services for children, including, but not limited 118687
to, care and services in a detention facility, in another 118688
facility, or in out-of-home placement, unless the minimum 118689
standards applicable to the care and services that the 118690
department prescribes in rules adopted pursuant to division (D) 118691
of section 5139.04 of the Revised Code have been satisfied. 118692

(B) The department of youth services shall apply the 118693
following formula to determine the amount of the annual grant 118694
that each county is to receive pursuant to division (A) of this 118695
section, subject to the appropriation for this purpose to the 118696
department made by the general assembly: 118697

(1) Each county shall receive a basic annual grant of 118698
fifty thousand dollars. 118699

(2) The sum of the basic annual grants provided under 118700
division (B) (1) of this section shall be subtracted from the 118701
total amount of funds appropriated to the department of youth 118702
services for the purpose of making grants pursuant to division 118703
(A) of this section to determine the remaining portion of the 118704
funds appropriated. The remaining portion of the funds 118705
appropriated shall be distributed on a per capita basis to each 118706
county that has a population of more than twenty-five thousand 118707
for that portion of the population of the county that exceeds 118708
twenty-five thousand. 118709

(C) (1) Prior to a county's receipt of an annual grant 118710
pursuant to this section, the juvenile court that serves the 118711
county shall prepare, submit, and file in accordance with 118712
division (B) (3) (a) of section 5139.43 of the Revised Code an 118713
annual grant agreement and application for funding that is for 118714
the combined purposes of, and that satisfies the requirements 118715
of, this section and section 5139.43 of the Revised Code. In 118716
addition to the subject matters described in division (B) (3) (a) 118717
of section 5139.43 of the Revised Code or in the rules that the 118718
department adopts to implement that division, the annual grant 118719
agreement and application for funding shall address fiscal 118720
accountability and performance matters pertaining to the 118721
programs, care, and services that are specified in the agreement 118722
and application and for which state subsidy funds granted 118723
pursuant to this section will be used. 118724

(2) The county treasurer of each county that receives an 118725
annual grant pursuant to this section shall deposit the state 118726
subsidy funds so received into the county's felony delinquent 118727

care and custody fund created pursuant to division (B)(1) of 118728
section 5139.43 of the Revised Code. Subject to exceptions 118729
prescribed in section 5139.43 of the Revised Code that may apply 118730
to the disbursement, the department shall disburse the state 118731
subsidy funds to which a county is entitled in a lump sum 118732
payment that shall be made in July of each calendar year. 118733

(3) Upon an order of the juvenile court that serves a 118734
county and subject to appropriation by the board of county 118735
commissioners of that county, a county treasurer shall disburse 118736
from the county's felony delinquent care and custody fund the 118737
state subsidy funds granted to the county pursuant to this 118738
section for use only in accordance with this section, the 118739
applicable provisions of section 5139.43 of the Revised Code, 118740
and the county's approved annual grant agreement and application 118741
for funding. 118742

(4) The moneys in a county's felony delinquent care and 118743
custody fund that represent state subsidy funds granted pursuant 118744
to this section are subject to appropriation by the board of 118745
county commissioners of the county; shall be disbursed by the 118746
county treasurer as required by division (C)(3) of this section; 118747
shall be used in the manners referred to in division (C)(3) of 118748
this section; shall not revert to the county general fund at the 118749
end of any fiscal year; shall carry over in the felony 118750
delinquent care and custody fund from the end of any fiscal year 118751
to the next fiscal year; shall be in addition to, and shall not 118752
be used to reduce, any usual annual increase in county funding 118753
that the juvenile court is eligible to receive or the current 118754
level of county funding of the juvenile court and of any 118755
programs, care, or services for alleged or adjudicated 118756
delinquent children, unruly children, or juvenile traffic 118757
offenders or for children who are at risk of becoming delinquent 118758

children, unruly children, or juvenile traffic offenders; and 118759
shall not be used to pay for the care and custody of felony 118760
delinquents who are in the care and custody of an institution 118761
pursuant to a commitment, recommitment, or revocation of a 118762
release on parole by the juvenile court of that county or who 118763
are in the care and custody of a community corrections facility 118764
pursuant to a placement by the department as described in 118765
division (E) of section 5139.36 of the Revised Code. 118766

(5) As a condition of the continued receipt of state 118767
subsidy funds pursuant to this section, each county and the 118768
juvenile court that serves each county that receives an annual 118769
grant pursuant to this section shall comply with divisions (B) 118770
(3) (b), (c), and (d) of section 5139.43 of the Revised Code. 118771

Sec. 5145.32. Every officer or employee of a correctional 118772
institution under the control or supervision of the department 118773
of rehabilitation and correction, and every contractor, or 118774
employee of such contractor, upon entering the grounds of a 118775
state correctional institution, shall be subject to screening to 118776
prevent the conveyance of drugs of abuse into the institution. 118777

Sec. 5153.10. Each public children services agency shall 118778
designate an executive officer known as the "executive 118779
director," who shall not be in the classified civil service. The 118780
superintendent of the children's home, the county director of 118781
job and family services, or other individual may serve as the 118782
executive director. 118783

The agency shall, from time to time, inquire into 118784
community conditions affecting the welfare of children and study 118785
the work of the agency and its relation to the work of other 118786
organizations whose functions are related to child welfare. The 118787
agency may, after consultation with the executive director, 118788

adopt rules of general application, not inconsistent with law or 118789
with the rules adopted by the director of ~~job and family~~ 118790
~~services~~ children and youth. 118791

Sec. 5153.122. Each PCSA caseworker hired after January 1, 118792
2007, shall complete in-service training during the first year 118793
of the caseworker's continuous employment as a PCSA caseworker, 118794
except that the executive director of the public children 118795
services agency may waive the training requirement for a school 118796
of social work graduate who participated in the university 118797
partnership program described in division (E) of section 118798
~~5101.141~~ 5180.42 of the Revised Code and as provided in section 118799
5153.124 of the Revised Code. The training shall consist of 118800
courses in all of the following: 118801

(A) Recognizing, accepting reports of, and preventing 118802
child abuse, neglect, and dependency; 118803

(B) Assessing child safety; 118804

(C) Assessing risks; 118805

(D) Interviewing persons; 118806

(E) Investigating cases; 118807

(F) Intervening; 118808

(G) Providing services to children and their families; 118809

(H) The importance of and need for accurate data; 118810

(I) Preparation for court; 118811

(J) Maintenance of case record information; 118812

(K) The legal duties of PCSA caseworkers to protect the 118813
constitutional and statutory rights of children and families 118814
from the initial time of contact during investigation through 118815

treatment, including instruction regarding parents' rights and 118816
the limitations that the Fourth Amendment to the United States 118817
Constitution places upon caseworkers and their investigations; 118818

(L) Content on other topics relevant to child abuse, 118819
neglect, and dependency, including permanency strategies, 118820
concurrent planning, and adoption as an option for unintended 118821
pregnancies. 118822

After a PCSA caseworker's first year of continuous 118823
employment as a PCSA caseworker, the caseworker annually shall 118824
complete thirty-six hours of training in areas relevant to the 118825
caseworker's assigned duties. 118826

During the first two years of continuous employment as a 118827
PCSA caseworker, each PCSA caseworker shall complete training in 118828
recognizing the signs of domestic violence and its relationship 118829
to child abuse as established in rules the director of children 118830
and youth shall adopt pursuant to Chapter 119. of the Revised 118831
Code. 118832

Sec. 5153.16. (A) Except as provided in section 2151.422 118833
of the Revised Code, in accordance with rules adopted under 118834
section 5153.166 of the Revised Code, and on behalf of children 118835
in the county whom the public children services agency considers 118836
to be in need of public care or protective services, the public 118837
children services agency shall do all of the following: 118838

(1) Make an investigation concerning any child alleged to 118839
be an abused, neglected, or dependent child; 118840

(2) Enter into agreements with the parent, guardian, or 118841
other person having legal custody of any child, or with the 118842
department of children and youth, department of mental health 118843
and addiction services, department of developmental 118844

disabilities, other department, any certified organization 118845
within or outside the county, or any agency or institution 118846
outside the state, having legal custody of any child, with 118847
respect to the custody, care, or placement of any child, or with 118848
respect to any matter, in the interests of the child, provided 118849
the permanent custody of a child shall not be transferred by a 118850
parent to the public children services agency without the 118851
consent of the juvenile court; 118852

(3) Enter into a contract with an agency providing 118853
prevention services in an effort to prevent neglect or abuse, to 118854
enhance a child's welfare, and to preserve the family unit 118855
intact when referring a family for prevention services under 118856
division (J) of section 2151.421 of the Revised Code. 118857

(4) Accept custody of children committed to the public 118858
children services agency by a court exercising juvenile 118859
jurisdiction; 118860

(5) Provide such care as the public children services 118861
agency considers to be in the best interests of any child 118862
adjudicated to be an abused, neglected, or dependent child the 118863
agency finds to be in need of public care or service; 118864

(6) Provide social services to any unmarried girl 118865
adjudicated to be an abused, neglected, or dependent child who 118866
is pregnant with or has been delivered of a child; 118867

(7) Make available to the children with medical handicaps 118868
program of the department of health at its request any 118869
information concerning a child with a disability found to be in 118870
need of treatment under sections 3701.021 to 3701.028 of the 118871
Revised Code who is receiving services from the public children 118872
services agency; 118873

- (8) Provide temporary emergency care for any child 118874
considered by the public children services agency to be in need 118875
of such care, without agreement or commitment; 118876
- (9) Find certified foster homes, within or outside the 118877
county, for the care of children, including children with 118878
disabilities from other counties attending special schools in 118879
the county; 118880
- (10) Subject to the approval of the board of county 118881
commissioners and the department of children and youth, 118882
establish and operate a training school or enter into an 118883
agreement with any municipal corporation or other political 118884
subdivision of the county respecting the operation, acquisition, 118885
or maintenance of any children's home, training school, or other 118886
institution for the care of children maintained by such 118887
municipal corporation or political subdivision; 118888
- (11) Acquire and operate a county children's home, 118889
establish, maintain, and operate a receiving home for the 118890
temporary care of children, or procure certified foster homes 118891
for this purpose; 118892
- (12) Enter into an agreement with the trustees of any 118893
district children's home, respecting the operation of the 118894
district children's home in cooperation with the other county 118895
boards in the district; 118896
- (13) Cooperate with, make its services available to, and 118897
act as the agent of persons, courts, the department of children 118898
and youth, the department of health, and other organizations 118899
within and outside the state, in matters relating to the welfare 118900
of children, except that the public children services agency 118901
shall not be required to provide supervision of or other 118902

services related to the exercise of parenting time rights 118903
granted pursuant to section 3109.051 or 3109.12 of the Revised 118904
Code or companionship or visitation rights granted pursuant to 118905
section 3109.051, 3109.11, or 3109.12 of the Revised Code unless 118906
a juvenile court, pursuant to Chapter 2151. of the Revised Code, 118907
or a common pleas court, pursuant to division (E)(6) of section 118908
3113.31 of the Revised Code, requires the provision of 118909
supervision or other services related to the exercise of the 118910
parenting time rights or companionship or visitation rights; 118911

(14) Make investigations at the request of any 118912
superintendent of schools in the county or the principal of any 118913
school concerning the application of any child adjudicated to be 118914
an abused, neglected, or dependent child for release from 118915
school, where such service is not provided through a school 118916
attendance department; 118917

(15) Administer funds provided under Title IV-E of the 118918
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 118919
amended, in accordance with rules adopted under section ~~5101.141~~ 118920
5180.42 of the Revised Code; 118921

(16) In addition to administering Title IV-E adoption 118922
assistance funds, enter into agreements to make adoption 118923
assistance payments under section 5153.163 of the Revised Code; 118924

(17) Implement a system of safety and risk assessment, in 118925
accordance with rules adopted by the director of children and 118926
youth, to assist the public children services agency in 118927
determining the risk of abuse or neglect to a child; 118928

(18) Enter into a plan of cooperation with the board of 118929
county commissioners under section 307.983 of the Revised Code 118930
and comply with each fiscal agreement the board enters into 118931

under section 307.98 of the Revised Code that include family 118932
services duties of public children services agencies and 118933
contracts the board enters into under sections 307.981 and 118934
307.982 of the Revised Code that affect the public children 118935
services agency; 118936

(19) Make reasonable efforts to prevent the removal of an 118937
alleged or adjudicated abused, neglected, or dependent child 118938
from the child's home, eliminate the continued removal of the 118939
child from the child's home, or make it possible for the child 118940
to return home safely, except that reasonable efforts of that 118941
nature are not required when a court has made a determination 118942
under division (A) (2) of section 2151.419 of the Revised Code; 118943

(20) Make reasonable efforts to place the child in a 118944
timely manner in accordance with the permanency plan approved 118945
under division (E) of section 2151.417 of the Revised Code and 118946
to complete whatever steps are necessary to finalize the 118947
permanent placement of the child; 118948

(21) Administer a Title IV-A program identified under 118949
division (A) (4) (c) or (h) of section 5101.80 of the Revised Code 118950
that the department of children and youth provides for the 118951
public children services agency to administer under the 118952
department's supervision pursuant to section 5101.801 of the 118953
Revised Code; 118954

(22) Administer the kinship permanency incentive program 118955
created under section ~~5101.802~~ 5180.52 of the Revised Code under 118956
the supervision of the director of children and youth; 118957

(23) Provide independent living services pursuant to 118958
sections 2151.81 to 2151.84 of the Revised Code; 118959

(24) File a missing child report with a local law 118960

enforcement agency upon becoming aware that a child in the custody of the public children services agency is or may be missing.

(B) The public children services agency shall use the system implemented pursuant to division (A) (17) of this section in connection with an investigation undertaken pursuant to division (G) (1) of section 2151.421 of the Revised Code to assess both of the following:

(1) The ongoing safety of the child;

(2) The appropriateness of the intensity and duration of the services provided to meet child and family needs throughout the duration of a case.

(C) Except as provided in section 2151.422 of the Revised Code, in accordance with rules of the director of children and youth, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency may do the following:

(1) Provide or find, with other child serving systems, specialized foster care for the care of children in a specialized foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code;

(2) (a) Except as limited by divisions (C) (2) (b) and (c) of this section, contract with the following for the purpose of assisting the agency with its duties:

(i) County departments of job and family services;

(ii) Boards of alcohol, drug addiction, and mental health

services;	118989
(iii) County boards of developmental disabilities;	118990
(iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code;	118991 118992
(v) Private and government providers of services;	118993
(vi) Managed care organizations and prepaid health plans.	118994
(b) A public children services agency contract under division (C) (2) (a) of this section regarding the agency's duties under section 2151.421 of the Revised Code may not provide for the entity under contract with the agency to perform any service not authorized by the department's rules.	118995 118996 118997 118998 118999
(c) Only a county children services board appointed under section 5153.03 of the Revised Code that is a public children services agency may contract under division (C) (2) (a) of this section. If an entity specified in division (B) or (C) of section 5153.02 of the Revised Code is the public children services agency for a county, the board of county commissioners may enter into contracts pursuant to section 307.982 of the Revised Code regarding the agency's duties.	119000 119001 119002 119003 119004 119005 119006 119007
Sec. 5153.163. (A) As used in this section:	119008
(1) "Adoptive parent" means, as the context requires, a prospective adoptive parent or an adoptive parent.	119009 119010
(2) "Relative" has the same meaning as in section 5101.141 <u>5180.42</u> of the Revised Code.	119011 119012
(B) (1) Before a child's adoption is finalized, a public children services agency may enter into an agreement with the child's adoptive parent under which the agency, to the extent	119013 119014 119015

state funds are available, may make state adoption maintenance 119016
subsidy payments as needed on behalf of the child when all of 119017
the following apply: 119018

(a) The child is a child with special needs. 119019

(b) The child was placed in the adoptive home by a public 119020
children services agency or a private child placing agency and 119021
may legally be adopted. 119022

(c) The adoptive parent has the capability of providing 119023
the permanent family relationships needed by the child. 119024

(d) The needs of the child are beyond the economic 119025
resources of the adoptive parent. 119026

(e) Acceptance of the child as a member of the adoptive 119027
parent's family would not be in the child's best interest 119028
without payments on the child's behalf under this section. 119029

(f) The gross income of the adoptive parent's family does 119030
not exceed one hundred twenty per cent of the median income of a 119031
family of the same size, including the child, as most recently 119032
determined for this state by the secretary of health and human 119033
services under Title XX of the "Social Security Act," 88 Stat. 119034
2337, 42 U.S.C.A. 1397, as amended. 119035

(g) The child is not eligible for adoption assistance 119036
payments under Title IV-E of the "Social Security Act," 94 Stat. 119037
501 (1980), 42 U.S.C.A. 671, as amended. 119038

(2) State adoption maintenance subsidy payment agreements 119039
must be made by either the public children services agency that 119040
has permanent custody of the child or the public children 119041
services agency of the county in which the private child placing 119042
agency that has permanent custody of the child is located. 119043

(3) State adoption maintenance subsidy payments shall be made in accordance with the agreement between the public children services agency and the adoptive parent and are subject to an annual redetermination of need.

(4) Payments under this division may begin either before or after issuance of the final adoption decree, except that payments made before issuance of the final adoption decree may be made only while the child is living in the adoptive parent's home. Preadoption payments may be made for not more than twelve months, unless the final adoption decree is not issued within that time because of a delay in court proceedings. Payments that begin before issuance of the final adoption decree may continue after its issuance.

(C) (1) A public children services agency may enter into an agreement with a child's relative under which the agency, to the extent state funds are available, may provide state kinship guardianship assistance as needed on behalf of the child when all of the following apply:

(a) The relative has cared for the eligible child as a foster caregiver as defined by section 5103.02 of the Revised Code for at least six consecutive months.

(b) Both of the following apply:

(i) A juvenile court issued an order granting legal custody of the child to the relative, or a probate court issued an order granting guardianship of the child to the relative, and the order is not a temporary court order.

(ii) The relative has committed to care for the child on a permanent basis.

(c) The relative signed a state kinship guardianship

assistance agreement prior to assuming legal guardianship or 119073
legal custody of the child. 119074

(d) The child had been removed from home pursuant to a 119075
voluntary placement agreement or as a result of a judicial 119076
determination to the effect that continuation in the home would 119077
be contrary to the welfare of the child. 119078

(e) Returning the child home or adoption are not 119079
appropriate permanency options for the child. 119080

(f) The child demonstrates a strong attachment to the 119081
relative and the relative has a strong commitment to caring 119082
permanently for the child. 119083

(g) With respect to a child who has attained fourteen 119084
years of age, the child has been consulted regarding the state 119085
kinship guardianship assistance arrangement. 119086

(h) The child is not eligible for kinship guardianship 119087
assistance payments under Title IV-E of the "Social Security 119088
Act," 42 U.S.C. 673(d), as amended. 119089

(2) The public children services agency that had custody 119090
of a child immediately prior to a court granting legal custody 119091
or guardianship of the child to a relative of the child 119092
described in division (C)(1) of this section is authorized to 119093
enter into a state kinship guardianship assistance agreement 119094
with that relative. 119095

(3) State kinship guardianship assistance for a child 119096
shall be provided in accordance with a state kinship 119097
guardianship assistance agreement entered into between the 119098
public children services agency and relative of the child 119099
described in division (C)(1) of this section and is subject to 119100
an annual redetermination of need. 119101

~~(4) Not later than fifteen months after September 30, 2021, if the amended state plan submitted under Title IV-E to implement 42 U.S.C. 673(d) as described in section 5101.1416 of the Revised Code is approved, division (C) of this section shall be implemented.~~

(D) No payment shall be made under division (B) or (C) of this section on behalf of any person eighteen years of age or older beyond the end of the school year during which the person attains the age of eighteen or on behalf of a person with a mental or physical disability twenty-one years of age or older.

(E) The director of children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code that are needed to implement this section. The rules shall establish all of the following:

(1) The application process for all forms of assistance provided under this section;

(2) The method to determine the amount of assistance payable under division (B) of this section;

(3) The definition of "child with special needs" for this section;

(4) The process whereby a child's continuing need for services provided under division (B) or (C) of this section is annually redetermined;

(5) Any other rule, requirement, or procedure the department considers appropriate for the implementation of this section.

(F) The state adoption special services subsidy program ceases to exist on July 1, 2004, except that, subject to the

findings of the annual redetermination process established under 119130
division (E) of this section and the child's individual need for 119131
services, a public children services agency may continue to 119132
provide state adoption special services subsidy payments on 119133
behalf of a child for whom payments were being made prior to 119134
July 1, 2004. 119135

(G) Benefits and services provided under this section are 119136
inalienable whether by way of assignment, charge, or otherwise 119137
and exempt from execution, attachment, garnishment, and other 119138
like processes. 119139

Sec. 5160.25. (A) Regarding individuals with end-stage 119140
renal disease in this state, the department of medicaid shall do 119141
all of the following: 119142

(1) Evaluate medicare application requirements and review 119143
state policies and procedures related to patients who are sixty- 119144
five years of age or younger that have end-stage renal disease; 119145

(2) Review and identify whether there exist medicare 119146
eligibility gaps for individuals with end-stage renal disease; 119147

(3) Take steps to address any eligibility gaps identified 119148
under division (A) (2) of this section to improve patient access 119149
to medicare benefits; 119150

(4) Develop a process to assist patients with end-stage 119151
renal disease apply for medicare benefits. 119152

(B) Not later than September 1, 2026, the department shall 119153
prepare and submit a report to the general assembly in 119154
accordance with section 101.68 of the Revised Code. The report 119155
shall detail the department's review conducted in accordance 119156
with division (A) of this section, including the feasibility of 119157
developing a process to assist patients with end-stage renal 119158

disease apply for medicare benefits. If the department 119159
determines assisting patients apply for medicare benefits is not 119160
feasible, the report shall include the results of the 119161
department's finding and the steps the department took to reach 119162
its conclusion. 119163

Sec. 5160.37. (A) A medical assistance recipient's 119164
enrollment in a medical assistance program gives an automatic 119165
right of recovery to the department of medicaid and a county 119166
department of job and family services against the liability of a 119167
third party for the cost of medical assistance paid on behalf of 119168
the recipient. When an action or claim is brought against a 119169
third party by a medical assistance recipient, any payment, 119170
settlement or compromise of the action or claim, or any court 119171
award or judgment, is subject to the recovery right of the 119172
department of medicaid or county department. Except in the case 119173
of a medical assistance recipient who receives medical 119174
assistance through a medicaid managed care organization, the 119175
department's or county department's claim shall not exceed the 119176
amount of medical assistance paid by the department or county 119177
department on behalf of the recipient. A payment, settlement, 119178
compromise, judgment, or award that excludes the cost of medical 119179
assistance paid for by the department or county department shall 119180
not preclude a department from enforcing its rights under this 119181
section. 119182

(B) (1) In the case of a medical assistance recipient who 119183
receives medical assistance through a medicaid managed care 119184
organization that has a capitation agreement with a provider, 119185
the amount of the department's or county department's claim 119186
shall be the amount the medicaid managed care organization would 119187
have paid in the absence of a capitation agreement. 119188

(2) In the case of a medical assistance recipient who receives medical assistance through a medicaid managed care organization that does not have a capitation agreement with a provider, the amount of the department's or county department's claim shall be the amount the medicaid managed care organization pays for medical assistance rendered to the recipient, even if that amount is more than the amount the department or county department pays to the medicaid managed care organization for the recipient's medical assistance.

(C) A medical assistance recipient, and the recipient's attorney, if any, shall cooperate with the departments. In furtherance of this requirement, the medical assistance recipient, or the recipient's attorney, if any, shall, not later than thirty days after initiating informal recovery activity or filing a legal recovery action against a third party, provide written notice of the activity or action to the department of medicaid or county department if it has paid for medical assistance under a medical assistance program.

(D) The written notice that must be given under division (C) of this section shall disclose the identity and address of any third party against whom the medical assistance recipient has or may have a right of recovery.

(E) No settlement, compromise, judgment, or award or any recovery in any action or claim by a medical assistance recipient where the department or county department has a right of recovery shall be made final without first giving the department or county department written notice as described in division (C) of this section and a reasonable opportunity to perfect its rights of recovery. If the department or county department is not given the appropriate written notice, the

medical assistance recipient and, if there is one, the 119219
recipient's attorney, are liable to reimburse the department or 119220
county department for the recovery received to the extent of 119221
medical assistance payments made by the department or county 119222
department. 119223

(F) The department or county department shall be permitted 119224
to enforce its recovery rights against the third party even 119225
though it accepted prior payments in discharge of its rights 119226
under this section if, at the time the department or county 119227
department received such payments, it was not aware that 119228
additional medical expenses had been incurred but had not yet 119229
been paid by the department or county department. The third 119230
party becomes liable to the department or county department as 119231
soon as the third party is notified in writing of the valid 119232
claims for recovery under this section. 119233

(G) (1) Subject to division (G) (2) of this section, the 119234
right of recovery of the department or county department does 119235
not apply to that portion of any judgment, award, settlement, or 119236
compromise of a claim, to the extent of attorneys' fees, costs, 119237
or other expenses incurred by a medical assistance recipient in 119238
securing the judgment, award, settlement, or compromise, or to 119239
the extent of medical, surgical, and hospital expenses paid by 119240
such recipient from the recipient's own resources. 119241

(2) Reasonable attorneys' fees, not to exceed one-third of 119242
the total judgment, award, settlement, or compromise, plus costs 119243
and other expenses incurred by the medical assistance recipient 119244
in securing the judgment, award, settlement, or compromise, 119245
shall first be deducted from the total judgment, award, 119246
settlement, or compromise. After fees, costs, and other expenses 119247
are deducted from the total judgment, award, settlement, or 119248

compromise, there shall be a rebuttable presumption that the 119249
department of medicaid or county department shall receive no 119250
less than one-half of the remaining amount, or the actual amount 119251
of medical assistance paid, whichever is less. A party may rebut 119252
the presumption in accordance with division (L) (1) ~~or~~, (2), or 119253
(3) of this section, as applicable. 119254

(H) A right of recovery created by this section may be 119255
enforced separately or jointly by the department of medicaid or 119256
county department. To enforce its recovery rights, the 119257
department or county department may do any of the following: 119258

(1) Intervene or join in any action or proceeding brought 119259
by the medical assistance recipient or on the recipient's behalf 119260
against any third party who may be liable for the cost of 119261
medical assistance paid; 119262

(2) Institute and pursue legal proceedings against any 119263
third party who may be liable for the cost of medical assistance 119264
paid; 119265

(3) Initiate legal proceedings in conjunction with any 119266
injured, diseased, or disabled medical assistance recipient or 119267
the recipient's attorney or representative. 119268

(I) A medical assistance recipient shall not assess 119269
attorney fees, costs, or other expenses against the department 119270
of medicaid or a county department when the department or county 119271
department enforces its right of recovery created by this 119272
section. 119273

(J) The right of recovery given to the department under 119274
this section includes payments made by a third party under 119275
contract with a person having a duty to support. 119276

(K) The department of medicaid may assign to a medical 119277

assistance provider the right of recovery given to the 119278
department under this section with respect to any claim for 119279
which the department has notified the provider that the 119280
department intends to recoup the department's prior payment for 119281
the claim. 119282

(L) (1) Prior to any payment to the department or a county 119283
department pursuant to the department's or county department's 119284
right of recovery under this section, a party that desires to 119285
rebut the presumption in division (G) of this section shall 119286
submit to the department or county department a request for a 119287
hearing in accordance with the procedure the department 119288
establishes in rules required by division (O) of this section. 119289
The amount sought by the department or county department shall 119290
be held in escrow or in an interest on lawyers' trust account 119291
until the hearing examiner renders a decision or the case is 119292
otherwise concluded. A party successfully rebuts the presumption 119293
by a showing of clear and convincing evidence that a different 119294
allocation is warranted. 119295

(2) A medical assistance recipient who has repaid money, 119296
on or after September 29, 2007, to the department or a county 119297
department pursuant to the department's or county department's 119298
right of recovery under this section, section 5160.38 of the 119299
Revised Code, or former section 5101.58 or 5101.59 of the 119300
Revised Code may request a hearing to rebut the presumption in 119301
division (G) of this section. The request shall be made in 119302
accordance with the procedure the department establishes for 119303
this purpose in rules required by division (O) of this section. 119304
It must be made not later than one hundred eighty days after 119305
September 29, 2015, or ninety days after the payment is made, 119306
whichever is later. A party successfully rebuts the presumption 119307
by a showing of clear and convincing evidence that a different 119308

allocation is warranted. 119309

(3) A medical assistance recipient who has repaid money, 119310
between April 6, 2007 and September 28, 2007, to the department 119311
or a county department pursuant to the department's or county 119312
department's right of recovery under this section, section 119313
5160.38 of the Revised Code, or former section 5101.58 or 119314
5101.59 of the Revised Code may request a hearing to rebut the 119315
presumption in division (G) of this section. The request shall 119316
be made not later than one hundred eighty days after the 119317
effective date of this amendment in accordance with the 119318
procedure the department establishes for this purpose in rules 119319
required by division (O) of this section. The presumption is 119320
successfully rebutted if the requestor demonstrates by clear and 119321
convincing evidence that a different allocation is warranted. 119322

(4) With respect to a hearing requested under division (L) 119323
(1) ~~or~~, (2), or (3) of this section, all of the following are 119324
the case: 119325

(a) The hearing examiner may consider, but is not bound by 119326
the allocation of, medical expenses specified in a settlement 119327
agreement between the medical assistance recipient and the 119328
relevant third party; 119329

(b) The department or county department may raise 119330
affirmative defenses during the hearing, including the existence 119331
of a prior settlement with the medical assistance recipient, the 119332
doctrine of accord and satisfaction, or the common law principle 119333
of res judicata; 119334

(c) If the parties agree, live testimony shall not be 119335
presented at the hearing; 119336

(d) The hearing may be governed by rules adopted under 119337

section 5160.02 of the Revised Code. If such rules are adopted, 119338
Chapter 119. of the Revised Code applies to the hearing only to 119339
the extent specified in those rules; 119340

(e) The hearing examiner's decision is binding on the 119341
department or county department and the medical assistance 119342
recipient unless the decision is reversed or modified on appeal 119343
to the medicaid director as described in division (M) of this 119344
section; 119345

(f) A request for a hearing may be submitted by any of the 119346
following: 119347

(i) The medical assistance recipient; 119348

(ii) The medical assistance recipient's authorized 119349
representative; 119350

(iii) The executor or administrator of a medical 119351
assistance recipient's estate authorized to make or pursue a 119352
request; 119353

(iv) A court-appointed guardian; 119354

(v) An attorney who has been directly retained by the 119355
medical assistance recipient, or the recipient's parent, legal 119356
guardian, or court-appointed guardian. 119357

(M) (1) A medical assistance recipient who disagrees with a 119358
hearing examiner's decision under division (L) of this section 119359
may file an administrative appeal with the medicaid director in 119360
accordance with the procedure the department establishes for 119361
this purpose in rules required by division (O) of this section. 119362
A hearing is not required during the administrative appeal, but 119363
the director or the director's designee shall review the hearing 119364
examiner's decision and any prior relevant administrative 119365

action. After the review, the director or the director's 119366
designee shall affirm, modify, remand, or reverse the hearing 119367
decision. A decision made under this division is final and 119368
binding on the department or county department and the medical 119369
assistance recipient unless it is reversed or modified on appeal 119370
to a court of common pleas as described in division (N) of this 119371
section. 119372

(2) An administrative appeal may be governed by rules 119373
adopted under section 5160.02 of the Revised Code. If such rules 119374
are adopted, Chapter 119. of the Revised Code applies to an 119375
administrative appeal only to the extent specified in those 119376
rules. 119377

(N) A party to an administrative appeal described in 119378
division (M) of this section may file an appeal with a court of 119379
common pleas in accordance with section 119.12 of the Revised 119380
Code. 119381

(O) The medicaid director shall adopt rules under section 119382
5160.02 of the Revised Code as necessary to implement this 119383
section, including rules establishing procedures a party may use 119384
to request a hearing under division (L) (1) ~~or~~, (2), or (3) of 119385
this section or an administrative appeal under division (M) (1) 119386
of this section. The rules shall be adopted in accordance with 119387
Chapter 119. of the Revised Code. 119388

(P) Divisions (L) to (N) of this section are remedial in 119389
nature and shall be liberally construed by the courts of this 119390
state in accordance with section 1.11 of the Revised Code. Those 119391
divisions specify the sole remedy available to a party who 119392
claims the department or a county department has received or is 119393
to receive more money than entitled to receive under this 119394
section, section 5160.38 of the Revised Code, or former section 119395

5101.58 or 5101.59 of the Revised Code. 119396

Sec. 5162.08. (A) Notwithstanding any provision of law to 119397
the contrary, and in accordance with section 5166.03 of the 119398
Revised Code, the department of medicaid shall not seek or 119399
implement an amendment to the medicaid state plan or a medicaid 119400
waiver under section 1115 or 1915 of the "Social Security Act," 119401
42 U.S.C. 1315 and 42 U.S.C. 1396n, that would expand medicaid 119402
coverage to any additional individuals or class of individuals 119403
or increase any net costs to the state, without first providing 119404
notice to the joint medicaid oversight committee and the 119405
standing committees in the house of representatives and the 119406
senate with jurisdiction over medicaid. 119407

(B) The department shall provide regular updates to those 119408
committees, on a schedule determined by the chairpersons of each 119409
committee, regarding the status of any amendment to the medicaid 119410
state plan or medicaid waiver described in division (A) of this 119411
section and shall seek input from the committees to design any 119412
amendment or waiver. 119413

Sec. 5162.132. ~~Annually~~ (A) Not later than the thirty-first 119414
day of December of each year, the department of medicaid shall 119415
prepare a report on the department's efforts to minimize fraud, 119416
waste, and abuse in the medicaid program. The report shall 119417
include all of the following for the most recently concluded 119418
state fiscal year: 119419

(1) Improper medicaid payments and expenditures, including 119420
the individual and total dollar amounts for claims that were 119421
determined to be the result of fraud, waste, or abuse; 119422

(2) Federal and state recovered funds, including the 119423
dollar amounts per claim and the total dollar amounts concerning 119424

~~(D)~~—The average amount of earned income of participants' families; 119454
119455

~~(E)~~(D) The average amount of time participants have participated in the program; 119456
119457

~~(F)~~(E) The types of other health insurance participants have been able to obtain. 119458
119459

Sec. 5162.25. (A) As used in this section: 119460

(1) "State directed payment program" means a payment program authorized by the United States centers for medicare and medicaid services under 42 C.F.R. 438.6(c). 119461
119462
119463

(2) "Preprint" means a form created by the United States centers for medicare and medicaid services to request approval of a state directed payment program, as required under 42 C.F.R. 438.6(c). 119464
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119466
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(B) (1) Except as provided in division (B) (2) or (3) of this section, the medicaid director shall comply with this section for all new and existing state directed payment programs. 119468
119469
119470
119471

(2) The medicaid director shall not establish more than fifty state directed payment programs during a fiscal biennium. 119472
119473

(3) This section does not apply to a state directed payment program that is funded by the department of medicaid or the hospital franchise permit fee program. 119474
119475
119476

(C) All of the following apply to a state directed payment program that is subject to this section: 119477
119478

(1) The program shall comply with the requirements of 42 C.F.R. 438.6(c), including all of the following: 119479
119480

(a) The program shall be approved by the United States centers for medicare and medicaid services, and the director shall seek approval for the program in accordance with section 5162.07 of the Revised Code. 119481
119482
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119484

(b) Directed payments under the program shall not exceed the average commercial rate for all providers participating under a preprint unless exempted by a value-based purchasing agreement approved by the United States centers for medicare and medicaid services. 119485
119486
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(c) The program shall be subject to an evaluation plan, in accordance with 42 C.F.R. 438.6(c) (2) (ii) (D). 119490
119491

(2) The program shall be for hospital providers and services or professional services provided by hospitals. 119492
119493

(3) Unless otherwise determined by the medicaid director, only one state directed payment preprint may be approved for each of the following provider classes: 119494
119495
119496

(a) Inpatient and outpatient hospital services; 119497

(b) Physician services; 119498

(c) Children's hospitals participating in the outcomes acceleration for kids quality initiative. 119499
119500

(D) A hospital provider participating in a state directed payment program shall do all of the following: 119501
119502

(1) Enter into one or more contracts related to the state directed payment program as necessary, as determined by the department; 119503
119504
119505

(2) Comply with all average commercial rate reporting requirements established by the department, related to the 119506
119507

requirements set forth in 42 C.F.R. 438.6(c) (2) (iii); 119508

(3) Comply with the department's state directed payment 119509
quality measure set, including the metrics and targets set by 119510
the department for the state directed payment program to advance 119511
the goals and objectives specified in the department's quality 119512
strategy, as specified in 42 C.F.R. 438.6(c) (2) (ii) (C) and 42 119513
C.F.R. 438.340; 119514

(4) Cooperate with any evaluation or reporting 119515
requirements established by the department related to the 119516
requirements set forth in 42 C.F.R. 438.6(c) (2) (ii) (D) and (F). 119517

(E) For any preprint effective for a rating period 119518
beginning on or after January 1, 2027, a hospital provider 119519
contract required under division (D) (1) of this section shall be 119520
executed not later than the first day of October preceding the 119521
first fiscal year of a biennium. A contract required under this 119522
section may be entered into in accordance with section 5162.32 119523
of the Revised Code. 119524

(F) The department shall enter into an agreement with the 119525
authorized representative of each entity participating in a 119526
state directed payment program established under this section. 119527
No agreement entered into under this section shall be valid and 119528
enforceable unless the director of budget and management first 119529
certifies that there is a balance in the appropriation used to 119530
support state directed payment programs that is not already 119531
obligated under existing directed payment programs, in an amount 119532
at least equal to the cost in the current fiscal year of the 119533
state directed payment program that is the subject of the 119534
agreement. 119535

(G) (1) All funds supporting a state directed payment 119536

program shall comply with the requirements specified in 42 119537
C.F.R. 433.51. No hospital provider may participate in a state 119538
directed payment program unless sufficient funds are obligated 119539
and appropriated. 119540

(2) The department shall not at any time provide general 119541
revenue funds or other state funds for a state directed payment 119542
program that is subject to this section. The director shall 119543
terminate or decline to establish any state directed payment 119544
program if either of the following is the case: 119545

(a) Local funding is not available or sufficient to 119546
sustain the program. 119547

(b) The federal government restricts or limits the 119548
availability of federal funds to support state directed payment 119549
programs or otherwise requires the state to utilize general 119550
revenue funds or other state funds as a condition of 119551
establishing or maintaining a state directed payment program. 119552

(H) The department shall not utilize more than two per 119553
cent of funds received to support a state directed payment 119554
program established under this section, including federal 119555
financial participation, for the administration of state 119556
directed payment programs. Additionally, the department shall 119557
not utilize more than two per cent of funds received to support 119558
a state directed payment program established under this section, 119559
including federal financial participation, for the 119560
administration of the department and the medicaid program. 119561

Sec. 5163.03. ~~(A) Subject to section 5163.05 of the~~ 119562
~~Revised Code, the~~ The medicaid program shall cover all mandatory 119563
eligibility groups. 119564

(B) The medicaid program shall cover all of the optional 119565

eligibility groups that state statutes require the medicaid program to cover. 119566
119567

(C) The medicaid program may cover any of the optional eligibility groups to which either of the following applies: 119568
119569

(1) State statutes expressly permit the medicaid program to cover the optional eligibility group. 119570
119571

(2) The medicaid program covers the optional eligibility group ~~on the effective date of this amendment~~ November 22, 2017. 119572
119573

(D) The medicaid program shall not cover an optional eligibility group to which either of the following applies: 119574
119575

(1) State statutes prohibit the medicaid program from covering the optional eligibility group. 119576
119577

(2) Except as provided in divisions (B) and (C) (1) of this section, the medicaid program does not cover the optional eligibility group ~~on the effective date of this amendment~~ November 22, 2017. 119578
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119581

Sec. 5163.04. (A) If the federal medical assistance percentage for medical assistance provided to members of the expansion eligibility group is set below ninety per cent, the department of medicaid shall do both of the following: 119582
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119584
119585

(1) Immediately discontinue all medical assistance for members of the group. 119586
119587

(2) Not later than fifteen business days after the change to the federal medical assistance percentage, certify to the director of budget and management, the joint medicaid oversight committee, the president of the senate, and the speaker of the house of representatives the state and federal shares of total actual expenditure for the expansion eligibility group for the 119588
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119593

most recently completed month prior to the change. 119594

(B) (1) Except as provided in division (B) (2) of this 119595
section, the state share amount certified under division (A) (2) 119596
of this section shall be multiplied by the number of months 119597
remaining in the fiscal year. The amount calculated under this 119598
division shall remain in the general revenue fund until the end 119599
of the fiscal year, at which time the funds shall be transferred 119600
in accordance with section 131.44 of the Revised Code. 119601

(2) If the change to the federal medical assistance 119602
percentage described in division (A) of this section occurs 119603
during the first year of a fiscal biennium, the state share 119604
amount certified under division (A) (2) of this section shall be 119605
multiplied by twelve for the second year of the fiscal biennium. 119606
The amount calculated under this division shall remain in the 119607
general revenue fund until the end of the fiscal biennium, at 119608
which time the funds shall be transferred in accordance with 119609
section 131.44 of the Revised Code. 119610

Sec. 5163.091. Under the medicaid buy-in for workers with 119611
disabilities program, an individual who does ~~all~~both of the 119612
following in accordance with rules authorized by section 119613
5163.098 of the Revised Code qualifies for the medicaid program: 119614

(A) Applies for the medicaid buy-in for workers with 119615
disabilities program; 119616

(B) Provides satisfactory evidence of all of the 119617
following: 119618

(1) That the individual is at least sixteen years of age 119619
and under sixty-five years of age; 119620

(2) Except as provided in section 5163.096 of the Revised 119621
Code, that one of the following applies to the individual: 119622

(a) The individual is considered disabled for the purpose 119623
of the supplemental security income program, regardless of 119624
whether the individual receives supplemental security income 119625
benefits, and the individual has earnings from employment. 119626

(b) The individual is an employed individual with a 119627
medically improved disability. 119628

(3) That the value of the individual's resources, less 119629
amounts disregarded pursuant to rules authorized by section 119630
5163.098 of the Revised Code, does not exceed the amount 119631
provided for by section 5163.092 of the Revised Code; 119632

(4) That the individual's income, less amounts disregarded 119633
pursuant to section 5163.093 of the Revised Code, does not 119634
exceed two hundred fifty per cent of the federal poverty line; 119635

(5) That the individual meets the additional eligibility 119636
requirements for the medicaid buy-in for workers with 119637
disabilities program established in rules authorized by section 119638
5163.098 of the Revised Code. 119639

~~(C) To the extent required by section 5163.094 of the~~ 119640
~~Revised Code, pays the premium established under that section.~~ 119641

Sec. 5163.093. For the purpose of determining whether an 119642
individual is within the income eligibility limit for the 119643
medicaid buy-in for workers with disabilities program, all of 119644
the following apply: 119645

(A) Twenty thousand dollars of the individual's earned 119646
income shall be disregarded. 119647

(B) No amount that the individual's employer pays to 119648
obtain health insurance for one or more members of the 119649
individual's family, ~~including any amount of a premium~~ 119650

~~established under section 5163.094 of the Revised Code that the~~ 119651
~~employer pays,~~ shall be treated as the individual's income. 119652

(C) Any other amounts, if any, specified in rules 119653
authorized by section 5163.098 of the Revised Code shall be 119654
disregarded from the individual's earned income, unearned 119655
income, or both. 119656

Sec. 5163.094. An individual ~~whose income exceeds one~~ 119657
~~hundred fifty per cent of the federal poverty line shall not be~~ 119658
~~required to pay an annual a premium as a condition of qualifying~~ 119659
for the medicaid buy-in for workers with disabilities program. 119660
~~The amount of the premium shall be determined as follows:~~ 119661

~~(A) Subtract one hundred fifty per cent of the federal~~ 119662
~~poverty line, as applicable for a family size equal to the size~~ 119663
~~of the individual's family, from the amount of the income of the~~ 119664
~~individual's family;~~ 119665

~~(B) Subtract an amount specified in rules authorized by~~ 119666
~~section 5163.098 of the Revised Code from the difference~~ 119667
~~determined under division (A) of this section;~~ 119668

~~(C) Multiply the difference determined under division (B)~~ 119669
~~of this section by one tenth.~~ 119670

Sec. 5163.098. (A) The medicaid director shall adopt rules 119671
under section 5163.02 of the Revised Code as necessary to 119672
implement the medicaid buy-in for workers with disabilities 119673
program. The rules shall do all of the following: 119674

(1) Specify assets, asset values, and amounts to be 119675
disregarded in determining asset and income eligibility limits 119676
for the program; 119677

(2) Establish meanings for the terms "earned income," 119678

"health insurance," "resources," "spouse," and "unearned
income";

(3) Establish additional eligibility requirements for the
program that must be established for the United States secretary
of health and human services to approve the program;

~~(4) For the purpose of division (B) of section 5163.094 of
the Revised Code, specify an amount to be subtracted from the
difference determined under division (A) of that section.~~

(B) The director may adopt rules under section 5163.02 of
the Revised Code to specify amounts to be disregarded from an
individual's earned income, unearned income, or both under
division (C) of section 5163.093 of the Revised Code for the
purpose of determining whether the individual is within the
income eligibility limit for the medicaid buy-in for workers
with disabilities program.

Sec. 5163.104. As used in this section, "presumptive
eligibility error rate" has the same meaning as in section
5163.103 of the Revised Code.

Quarterly, the department of medicaid shall report to the
general assembly the presumptive eligibility error rate for
presumptive eligibility determinations made during the previous
quarter. Reports made under this section shall be submitted to
the general assembly in accordance with section 101.68 of the
Revised Code.

Sec. 5163.11. To the extent permissible under federal law,
the department of medicaid shall redetermine the eligibility of
members of the expansion eligibility group for medicaid benefits
every six months.

Sec. 5163.30. (A) As used in this section:

- (1) "Assets" include all of an individual's income and resources and those of the individual's spouse, including any income or resources the individual or spouse is entitled to but does not receive because of action by any of the following:
- (a) The individual or spouse;
 - (b) A person or government entity, including a court or administrative agency, with legal authority to act in place of or on behalf of the individual or spouse;
 - (c) A person or government entity, including a court or administrative agency, acting at the direction or on the request of the individual or spouse.
- (2) "Home and community-based services" means home and community-based services furnished under a medicaid waiver granted by the United States secretary of health and human services under the "Social Security Act," section 1915(c) or (d), 42 U.S.C. 1396n(c) or (d).
- (3) "Institutionalized individual" means a resident of a nursing facility, an inpatient in a medical institution for whom a payment is made based on a level of care provided in a nursing facility, or an individual described in the "Social Security Act," section 1902(a)(10)(A)(ii)(VI), 42 U.S.C. 1396a(a)(10)(A)(ii)(VI).
- (4) "Look-back date" means the date that is a number of months specified in rules adopted under section 5163.02 of the Revised Code immediately before either of the following:
- (a) The date an individual becomes an institutionalized individual if the individual is eligible for medicaid on that date;

(b) The date an individual applies for medicaid while an institutionalized individual. 119736
119737

(5) "Nursing facility equivalent services" means services 119738
that are covered by the medicaid program, equivalent to nursing 119739
facility services, provided by an institution that provides the 119740
same level of care as a nursing facility, and provided to an 119741
inpatient of the institution who is a medicaid recipient 119742
eligible for medicaid-covered nursing facility equivalent 119743
services. 119744

(6) "Undue hardship" means being deprived of either of the 119745
following: 119746

(a) Medical care such that an individual's health or life 119747
is endangered; 119748

(b) Food, clothing, shelter, or other necessities of life. 119749

(B) Except as provided in division (C) of this section and 119750
rules adopted under section 5163.02 of the Revised Code, an 119751
institutionalized individual is ineligible for nursing facility 119752
services, nursing facility equivalent services, and home and 119753
community-based services if the individual or individual's 119754
spouse disposes of assets for less than fair market value on or 119755
after the look-back date. The institutionalized individual's 119756
ineligibility shall begin on a date determined in accordance 119757
with rules adopted under section 5163.02 of the Revised Code and 119758
shall continue for a number of months determined in accordance 119759
with such rules. 119760

(C) (1) An institutionalized individual may be granted a 119761
waiver of all or a portion of the period of ineligibility to 119762
which the individual would otherwise be subjected under division 119763
(B) of this section if the ineligibility would cause an undue 119764

hardship for the individual. 119765

(2) An institutionalized individual ~~shall~~may be granted a 119766
waiver of all or a portion of the period of ineligibility if the 119767
administrator of the nursing facility in which the individual 119768
resides has notified the individual of a proposed transfer or 119769
discharge under section 3721.16 of the Revised Code due to 119770
failure to pay for the care the nursing facility has provided to 119771
the individual, the individual or the individual's sponsor 119772
requests a hearing on the proposed transfer or discharge in 119773
accordance with section 3721.161 of the Revised Code, and the 119774
transfer or discharge is upheld by a final determination that is 119775
not subject to further appeal. 119776

(3) An institutionalized individual may be granted a 119777
waiver of all of the period of ineligibility if all of the 119778
assets that were disposed of for less than fair market value are 119779
returned to the individual or individual's spouse or if the 119780
individual or individual's spouse receives cash or other 119781
personal or real property that equals the difference between 119782
what the individual or individual's spouse received for the 119783
assets and the fair market value of the assets. Except as 119784
provided in division (C) (1) or (2) of this section, no waiver of 119785
any part of the period of ineligibility shall be granted if the 119786
amount the individual or individual's spouse receives is less 119787
than the difference between what the individual or individual's 119788
spouse received for the assets and the fair market value of the 119789
assets. 119790

(4) Waivers shall be granted in accordance with rules 119791
adopted under section 5163.02 of the Revised Code. 119792

(D) To secure compliance with this section, the medicaid 119793
director may require an individual, as a condition of initial or 119794

continued eligibility for medicaid, to provide documentation of 119795
the individual's assets up to five years before the date the 119796
individual becomes an institutionalized individual if the 119797
individual is eligible for medicaid on that date or the date the 119798
individual applies for medicaid while an institutionalized 119799
individual. Documentation may include tax returns, records from 119800
financial institutions, and real property records. 119801

Sec. 5163.50. (A) The department of medicaid shall issue 119802
one or more requests for information relating to medicaid 119803
eligibility data and operations to identify and assess systems 119804
and solutions that may be available to improve or augment the 119805
management, efficiency, frequency, and accuracy of medicaid 119806
eligibility determinations and processing. The requests for 119807
information shall include systems and data relating to all of 119808
the following: 119809

- (1) Medicaid enrollee or applicant identity verification; 119810
- (2) Medicaid enrollee death verification; 119811
- (3) Employment and wages; 119812
- (4) Lottery winnings; 119813
- (5) Residency verification including residency relating to 119814
concurrent enrollment in medicaid programs in other states; 119815
- (6) Household composition; 119816
- (7) Medicaid enrollee incarceration status; 119817
- (8) Third-party liability verification; 119818
- (9) Asset verification; 119819
- (10) Any other records or systems the department considers 119820
appropriate in order to strengthen program integrity, reduce 119821

costs, and reduce fraud, waste, and abuse in the medicaid 119822
program. 119823

(B) As part of the considerations under division (A) of 119824
this section, the department shall consider augmenting existing 119825
vendor arrangements relating to processing and managing medicaid 119826
eligibility cases. 119827

(C) The department may procure one or more vendors to 119828
implement any solutions identified as cost effective and 119829
feasible. Any vendor compensation under this section shall be 119830
performance-based. 119831

Sec. 5164.093. (A) As used in this section, "rapid whole 119832
genome sequencing" means an investigation of the entire human 119833
genome, including coding and non-coding regions and 119834
mitochondrial deoxyribonucleic acid, to identify disease-causing 119835
genetic changes, and includes patient-only whole genome 119836
sequencing and duo and trio whole genome sequencing of the 119837
patient and biological parent or parents. 119838

(B) Beginning one year after the effective date of this 119839
section, and subject to approval from the centers for medicare 119840
and medicaid services, the medicaid program shall reimburse 119841
medicaid providers for rapid whole genome sequencing for 119842
patients who are Medicaid recipients and meet all of the 119843
following criteria: 119844

(1) The patient is under one year of age. 119845

(2) The patient has a complex or acute illness of unknown 119846
etiology that is not confirmed to be caused by an environmental 119847
exposure, toxic ingestion, infection with normal response to 119848
therapy, or trauma. 119849

(3) The patient is receiving hospital services in an 119850

intensive care unit or other high acuity care unit within a 119851
hospital. 119852

(C) A laboratory performing the rapid whole genome 119853
sequencing provided pursuant to this section shall return the 119854
preliminary positive results within seven days and final results 119855
within fifteen days from the date of receipt of the sample. 119856

(D) Payment provided pursuant to this section may be 119857
subject to any of the following evidence-based medical necessity 119858
criteria: 119859

(1) The patient has symptoms that suggest a broad 119860
differential diagnosis that would require an evaluation by 119861
multiple genetic tests if rapid whole genome sequencing is not 119862
performed. 119863

(2) The patient's treating health care provider has 119864
determined that timely identification of a molecular diagnosis 119865
is necessary to guide clinical decision-making and testing 119866
results may guide the treatment or management of the patient's 119867
condition. 119868

(3) The patient has a family genetic history related to 119869
the patient's condition. 119870

(4) The patient has a complex or acute illness of unknown 119871
etiology including at least one of the following conditions: 119872

(a) Congenital anomalies involving at least two organ 119873
systems or complex or multiple congenital anomalies in one organ 119874
system; 119875

(b) Specific organ malformations highly suggestive of a 119876
genetic etiology; 119877

(c) Abnormal laboratory tests or abnormal chemistry 119878

<u>profiles suggesting the presence of a genetic disease, complex</u>	119879
<u>metabolic disorder, or inborn error of metabolism;</u>	119880
<u>(d) Refractory or severe hypoglycemia or hyperglycemia;</u>	119881
<u>(e) Abnormal response to therapy related to an underlying</u>	119882
<u>medical condition affecting vital organs or bodily systems;</u>	119883
<u>(f) Severe muscle weakness, rigidity, or spasticity;</u>	119884
<u>(g) A high-risk stratification for a brief, resolved,</u>	119885
<u>unexplained, and recurrent event that is any of the following:</u>	119886
<u>(i) An event without respiratory infection;</u>	119887
<u>(ii) A witnessed seizure-like event;</u>	119888
<u>(iii) A cardiopulmonary resuscitation event.</u>	119889
<u>(h) Refractory seizures;</u>	119890
<u>(i) Abnormal cardiac diagnostic testing results suggestive</u>	119891
<u>of possible channelopathies, arrhythmias, cardiomyopathies,</u>	119892
<u>myocarditis, or structural heart disease;</u>	119893
<u>(j) Abnormal diagnostic imaging studies suggestive of an</u>	119894
<u>underlying genetic condition;</u>	119895
<u>(k) Abnormal physiologic function studies suggestive of an</u>	119896
<u>underlying genetic etiology.</u>	119897
<u>(E) The director may add conditions to those specified in</u>	119898
<u>division (D) (4) of this section based on new medical evidence</u>	119899
<u>and may provide coverage for rapid whole genome sequencing or</u>	119900
<u>other next-generation sequencing and genetic testing in addition</u>	119901
<u>to the reimbursement required under this section.</u>	119902
<u>(F) (1) Except as provided in division (F) (2) of this</u>	119903
<u>section, genetic data generated as a result of performing rapid</u>	119904

whole genome sequencing pursuant to this section shall have a 119905
primary use of assisting the ordering health care professional 119906
and treating care team to diagnose and treat the patient, and as 119907
protected health information it shall be subject to the 119908
requirements applicable to protected health information set 119909
forth in the "Health Insurance Portability and Accountability 119910
Act of 1996," 42 U.S.C. 1320d et seq., the "Health Information 119911
Technology for Economic and Clinical Health Act of 2009," 42 119912
U.S.C. 17921 et seq., and any other applicable law regarding 119913
protected health information. 119914

(2) Genetic data generated from rapid whole genome 119915
sequencing reimbursed under this section can be used in 119916
scientific research if consent for such use of the data has been 119917
expressly given by the patient's legal guardian. The patient, 119918
the patient's legal guardian, or the patient's health care 119919
provider with the patient or the patient's guardian's consent, 119920
may request access to the results of the testing for use in 119921
other clinical settings. A health care provider may only charge 119922
a fee to the patient based on the direct costs of producing the 119923
results in a format usable in other clinical settings. A patient 119924
or a patient's legal guardian shall have the right to rescind 119925
the original consent to the use of the data in scientific 119926
research at any time, and upon receipt of a written revocation 119927
of the consent the health care provider or other entity using 119928
the data shall cease use and expunge the data from any data 119929
repository where it is held. 119930

(G) The director shall take any actions necessary to 119931
implement the provisions of this section, including: 119932

(1) Adopting rules authorized by section 5166.02 of the 119933
Revised Code; 119934

(2) Any other administrative action determined to be 119935
necessary to implement the requirements of this section. 119936

Sec. 5165.19. (A) (1) Semiannually, except as provided in 119937
division (A) (2) of this section, the department of medicaid 119938
shall determine each nursing facility's per medicaid day payment 119939
rate for direct care costs by multiplying the facility's 119940
semiannual case-mix score determined under section 5165.192 of 119941
the Revised Code by the cost per case-mix unit determined under 119942
division (C) of this section for the facility's peer group. 119943

(2) Beginning January 1, 2024, during state fiscal years 119944
2024 and 2025, the department shall determine each nursing 119945
facility's per medicaid day payment rate for direct care costs 119946
by multiplying the cost per case-mix unit determined under 119947
division (C) of this section for the facility's peer group by 119948
the case-mix score specified in division (A) (2) (a) or (b) of 119949
this section, as selected by the nursing facility not later than 119950
October 1, 2023. If the nursing facility does not make a 119951
selection by October 1, 2023, the case-mix score specified in 119952
division (A) (2) (a) of this section shall apply. The case-mix 119953
score may be either of the following: 119954

(a) The semiannual case-mix score determined for the 119955
facility under division (A) (1) of this section; 119956

(b) The facility's quarterly case-mix score from March 31, 119957
2023, which shall apply to the facility's direct care rate from 119958
January 1, 2024, to June 30, 2025. 119959

(B) For the purpose of determining nursing facilities' 119960
rates for direct care costs, the department shall establish 119961
three peer groups. 119962

(1) Each nursing facility located in any of the following 119963

counties shall be placed in peer group one: Brown, Butler, 119964
Clermont, Clinton, Hamilton, and Warren. 119965

(2) Each nursing facility located in any of the following 119966
counties shall be placed in peer group two: Allen, Ashtabula, 119967
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 119968
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 119969
Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 119970
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 119971
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. 119972

(3) Each nursing facility located in any of the following 119973
counties shall be placed in peer group three: Adams, Ashland, 119974
Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, 119975
Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, Harrison, 119976
Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, 119977
Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, Muskingum, 119978
Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, Shelby, 119979
Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, and 119980
Wyandot. 119981

(C) (1) ~~The~~ Except as provided in division (C) (4) of this 119982
section, the department shall determine a cost per case-mix unit 119983
for each peer group established under division (B) of this 119984
section. The cost per case-mix unit determined under this 119985
division for a peer group shall be used for subsequent years 119986
until the department conducts a rebasing. To determine a peer 119987
group's cost per case-mix unit, the department shall do both of 119988
the following: 119989

(a) Determine the cost per case-mix unit for each nursing 119990
facility in the peer group for the applicable calendar year by 119991
dividing each facility's desk-reviewed, actual, allowable, per 119992
diem direct care costs for the applicable calendar year by the 119993

facility's annual average case-mix score determined under 119994
section 5165.192 of the Revised Code for the applicable calendar 119995
year; 119996

(b) Subject to division (C)(2) of this section, identify 119997
which nursing facility in the peer group is at the seventieth 119998
percentile of the cost per case-mix units determined under 119999
division (C)(1)(a) of this section. 120000

(2) In making the identification under division (C)(1)(b) 120001
of this section, the department shall exclude both of the 120002
following: 120003

(a) Nursing facilities that participated in the medicaid 120004
program under the same provider for less than twelve months in 120005
the applicable calendar year; 120006

(b) Nursing facilities whose cost per case-mix unit is 120007
more than one standard deviation from the mean cost per case-mix 120008
unit for all nursing facilities in the nursing facility's peer 120009
group for the applicable calendar year. 120010

(3) The department shall not redetermine a peer group's 120011
cost per case-mix unit under this division based on additional 120012
information that it receives after the peer group's per case-mix 120013
unit is determined. The department shall redetermine a peer 120014
group's cost per case-mix unit only if it made an error in 120015
determining the peer group's cost per case-mix unit based on 120016
information available to the department at the time of the 120017
original determination. 120018

(4) The department shall multiply each cost per case-mix 120019
unit determined under division (C)(1) of this section by the 120020
peer group average case-mix score in effect on December 31, 120021
2025, divided by the peer group average case-mix score 120022

determined under section 5165.192 of the Revised Code for the 120023
semiannual period beginning January 1, 2026. The product 120024
determined under this division for each nursing facility's peer 120025
group shall be the cost per case-mix unit used to determine the 120026
nursing facility's per medicaid day payment rate for direct care 120027
costs under division (A) (1) of this section for the period 120028
beginning January 1, 2026, and ending on the day before the 120029
department's next rebasing conducted after that date takes 120030
effect. 120031

Sec. 5165.192. (A) (1) Except as provided in division (B) 120032
of this section and in accordance with the process specified in 120033
rules authorized by this section, the department of medicaid 120034
shall do all of the following: 120035

(a) Every quarter, determine the following two case-mix 120036
scores for each nursing facility: 120037

(i) A quarterly case-mix score that includes each resident 120038
who is a medicaid recipient and is not a low case-mix resident; 120039

(ii) A quarterly case-mix score that includes each 120040
resident regardless of payment source. 120041

(b) Every six months, determine a semiannual average case- 120042
mix score for each nursing facility by using the quarterly case- 120043
mix scores determined for the nursing facility pursuant to 120044
division (A) (1) (a) (i) of this section; 120045

(c) After the end of each calendar year, determine an 120046
annual average case-mix score for each nursing facility by using 120047
the quarterly case-mix scores determined for the nursing 120048
facility pursuant to division (A) (1) (a) (ii) of this section. 120049

(2) When determining case-mix scores under division (A) (1) 120050
of this section, the department shall use all of the following: 120051

(a) Data from a resident assessment instrument specified 120052
in rules authorized by section 5165.191 of the Revised Code; 120053

(b) Except as provided in rules authorized by this 120054
section, the case-mix values established by the United States 120055
department of health and human services; 120056

(c) Except as modified in rules authorized by this 120057
section, the grouper methodology used on ~~June 30, 1999~~October 1, 120058
2019, for the patient driven payment model nursing index, by the 120059
United States department of health and human services for 120060
prospective payment of skilled nursing facilities under the 120061
medicare program. 120062

(B) (1) Subject to division (B) (2) of this section, the 120063
department, for one or more months of a calendar quarter, may 120064
assign to a nursing facility a case-mix score that is five per 120065
cent less than the nursing facility's case-mix score for the 120066
immediately preceding calendar quarter if any of the following 120067
apply: 120068

(a) The provider does not timely submit complete and 120069
accurate resident assessment data necessary to determine the 120070
nursing facility's case-mix score for the calendar quarter; 120071

(b) The nursing facility was subject to an exception 120072
review under section 5165.193 of the Revised Code for the 120073
immediately preceding calendar quarter; 120074

(c) The nursing facility was assigned a case-mix score for 120075
the immediately preceding calendar quarter. 120076

(2) Before assigning a case-mix score to a nursing 120077
facility due to the submission of incorrect resident assessment 120078
data, the department shall permit the provider to correct the 120079
data. The department may assign the case-mix score if the 120080

provider fails to submit the corrected resident assessment data 120081
not later than the earlier of the forty-fifth day after the end 120082
of the calendar quarter to which the data pertains or the 120083
deadline for submission of such corrections established by 120084
regulations adopted by the United States department of health 120085
and human services under Title XVIII and Title XIX. 120086

(3) If, for more than six months in a calendar year, a 120087
provider is paid a rate determined for a nursing facility using 120088
a case-mix score assigned to the nursing facility under division 120089
(B) (1) of this section, the department may assign the nursing 120090
facility a cost per case-mix unit that is five per cent less 120091
than the nursing facility's actual or assigned cost per case-mix 120092
unit for the immediately preceding calendar year. The department 120093
may use the assigned cost per case-mix unit, instead of 120094
determining the nursing facility's actual cost per case-mix unit 120095
in accordance with section 5165.19 of the Revised Code, to 120096
establish the nursing facility's rate for direct care costs for 120097
the fiscal year immediately following the calendar year for 120098
which the cost per case-mix unit is assigned. 120099

(4) The department shall take action under division (B) 120100
(1), (2), or (3) of this section only in accordance with rules 120101
authorized by this section. The department shall not take an 120102
action that affects rates for prior payment periods except in 120103
accordance with sections 5165.41 and 5165.42 of the Revised 120104
Code. 120105

(C) The medicaid director shall adopt rules under section 120106
5165.02 of the Revised Code as necessary to implement this 120107
section. 120108

(1) The rules shall do all of the following: 120109

- (a) Specify the process for determining the semiannual and annual average case-mix scores for nursing facilities; 120110
120111
- ~~(b) Adjust the case-mix values specified in division (A) (2) (b) of this section to reflect changes in relative wage differentials that are specific to this state;~~ 120112
120113
120114
- ~~(c) Express all of those case-mix values in numeric terms that are different from the terms specified by the United States department of health and human services but that do not alter the relationship of the case-mix values to one another;~~ 120115
120116
120117
120118
- ~~(d)~~ Modify the grouper methodology specified in division (A) (2) (c) of this section as follows: 120119
120120
- ~~(i) Establish a different hierarchy for assigning residents to case-mix categories under the methodology;~~ 120121
120122
- ~~(ii) Allow the use of the index maximizer element of the methodology;~~ 120123
120124
- ~~(iii) Incorporate changes to the grouper methodology for the patient driven payment model nursing index used by the United States department of health and human services ~~makes~~ after June 30, 1999 on October 1, 2019, for prospective payment of skilled nursing facilities under the medicare program;~~ 120125
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- ~~(iv)~~ (ii) Make other changes the department determines are necessary. 120130
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- ~~(e)~~ (c) Establish procedures under which resident assessment data shall be reviewed for accuracy and providers shall be notified of any data that requires correction; 120132
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- ~~(f)~~ (d) Establish procedures for providers to correct resident assessment data and specify a reasonable period of time by which providers shall submit the corrections. The procedures 120135
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may limit the content of corrections in the manner required by 120138
regulations adopted by the United States department of health 120139
and human services under Title XVIII and Title XIX. 120140

~~(g)~~(e) Specify when and how the department will assign 120141
case-mix scores or costs per case-mix unit to a nursing facility 120142
under division (B) of this section if information necessary to 120143
calculate the nursing facility's case-mix score is not provided 120144
or corrected in accordance with the procedures established by 120145
the rules. 120146

(2) Notwithstanding any other provision of this chapter, 120147
the rules may provide for the exclusion of case-mix scores 120148
assigned to a nursing facility under division (B) of this 120149
section from the determination of the nursing facility's 120150
semiannual or annual average case-mix score and the cost per 120151
case-mix unit for the nursing facility's peer group. 120152

Sec. 5165.26. (A) As used in this section: 120153

(1) "Base rate" means the portion of a nursing facility's 120154
total per medicaid day payment rate determined under divisions 120155
(A) and (B) of section 5165.15 of the Revised Code. 120156

(2) "CMS" means the United States centers for medicare and 120157
medicaid services. 120158

(3) "Long-stay resident" means an individual who has 120159
resided in a nursing facility for at least one hundred one days. 120160

(4) "Nursing facilities for which a quality score was 120161
determined" includes nursing facilities that are determined to 120162
have a quality score of zero. 120163

(5) "SFF list" means the list of nursing facilities that 120164
the United States department of health and human services 120165

creates under the special focus facility program. 120166

(6) "Special focus facility program" means the program 120167
conducted by the United States secretary of health and human 120168
services pursuant to section 1919(f)(10) of the "Social Security 120169
Act," 42 U.S.C. 1396r(f)(10). 120170

(B) Subject to divisions (D) and (E) and except as 120171
provided in division (F) of this section, the department of 120172
medicaid shall determine each nursing facility's per medicaid 120173
day quality incentive payment rate as follows: 120174

(1) Determine the sum of the quality scores determined 120175
under division (C) of this section for all nursing facilities. 120176

(2) Determine the average quality score by dividing the 120177
sum determined under division (B)(1) of this section by the 120178
number of nursing facilities for which a quality score was 120179
determined. 120180

(3) Determine the sum of the total number of medicaid days 120181
for all of the calendar year preceding the fiscal year for which 120182
the rate is determined for all nursing facilities for which a 120183
quality score was determined. 120184

(4) Multiply the average quality score determined under 120185
division (B)(2) of this section by the sum determined under 120186
division (B)(3) of this section. 120187

(5) Determine the value per quality point by determining 120188
the quotient of the following: 120189

(a) The sum determined under division (E)(2) of this 120190
section. 120191

(b) The product determined under division (B)(4) of this 120192
section. 120193

(6) Multiply the value per quality point determined under division (B) (5) of this section by the nursing facility's quality score determined under division (C) of this section.

(C) (1) Except as provided in divisions (C) (2) and (3) of this section, a nursing facility's quality score for a state fiscal year shall be the sum of the following:

(a) The total number of points that CMS assigned to the nursing facility under CMS's nursing facility five-star quality rating system for the following quality metrics, or CMS's successor metrics as described below, based on the most recent four-quarter average data, or the average data for fewer quarters in the case of successor metrics, available in the database maintained by CMS and known as nursing home compare in the most recent month of the calendar year during which the fiscal year for which the rate is determined begins:

(i) The percentage of the nursing facility's long-stay residents at high risk for pressure ulcers who had pressure ulcers;

(ii) The percentage of the nursing facility's long-stay residents who had a urinary tract infection;

(iii) The percentage of the nursing facility's long-stay residents whose ability to move independently worsened;

(iv) The percentage of the nursing facility's long-stay residents who had a catheter inserted and left in their bladder.

If CMS ceases to publish any of the metrics specified in division (C) (1) (a) of this section, the department shall use the nursing facility quality metrics on the same topics that CMS subsequently publishes.

(b) Seven and five-tenths points for fiscal year 2024 and 120222
three points for fiscal year 2025 and subsequent fiscal years if 120223
the nursing facility's occupancy rate is greater than seventy- 120224
five per cent. For purposes of this division, the department 120225
shall utilize the facility's occupancy rate for licensed beds 120226
reported on its cost report for the calendar year preceding the 120227
fiscal year for which the rate is determined or, if the facility 120228
is not required to be licensed, the facility's occupancy rate 120229
for certified beds. If the facility surrenders licensed or 120230
certified beds before the first day of July of the calendar year 120231
in which the fiscal year begins, the department shall calculate 120232
a nursing facility's occupancy rate by dividing the inpatient 120233
days reported on the facility's cost report for the calendar 120234
year preceding the fiscal year for which the rate is determined 120235
by the product of the number of days in the calendar year and 120236
the facility's number of licensed, or if applicable, certified 120237
beds on the first day of July of the calendar year in which the 120238
fiscal year begins. 120239

(c) Beginning with state fiscal year 2025, the total 120240
number of points that CMS assigned to the nursing facility under 120241
CMS's nursing facility five-star quality rating system for the 120242
following quality metrics, or successor metrics designated by 120243
CMS, based on the most recent four-quarter average data 120244
available in the database maintained by CMS and known as nursing 120245
home compare in the most recent month of the calendar year 120246
during which the fiscal year for which the rate is determined 120247
begins: 120248

(i) The percentage of the nursing facility's long-stay 120249
residents whose need for help with daily activities has 120250
increased; 120251

(ii) The percentage of the nursing facility's long-stay residents experiencing one or more falls with major injury; 120252
120253

(iii) The percentage of the nursing facility's long-stay residents who were administered an antipsychotic medication; 120254
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(iv) Adjusted total nurse staffing hours per resident per day using quintiles instead of deciles by using the points assigned to the higher of the two deciles that constitute the quintile. 120256
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If CMS ceases to publish any of the metrics specified in division (C)(1)(c) of this section, the department shall use the nursing facility quality metrics on the same topics CMS subsequently publishes. 120260
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(2) In determining a nursing facility's quality score for a state fiscal year, the department shall make the following adjustment to the number of points that CMS assigned to the nursing facility for each of the quality metrics specified in divisions (C)(1)(a) and (c) of this section: 120264
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(a) Unless division (C)(2)(b) or (c) of this section applies, divide the number of the nursing facility's points for the quality metric by twenty. 120269
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(b) If CMS assigned the nursing facility to the lowest percentile for the quality metric, reduce the number of the nursing facility's points for the quality metric to zero. 120272
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(c) If the nursing facility's total number of points calculated for or during a state fiscal year for all of the quality metrics specified in divisions (C)(1)(a), and if applicable, division (C)(1)(c) of this section is less than a number of points that is equal to the twenty-fifth percentile of all nursing facilities, calculated using the points for the July 120275
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1 rate setting of that fiscal year reduce the nursing facility's 120281
points to zero until the next point calculation. If a facility's 120282
recalculated points under division (C) (3) of this section are 120283
below the number of points determined to be the twenty-fifth 120284
percentile for that fiscal year, the facility shall receive zero 120285
points for the remainder of that fiscal year. 120286

(3) A nursing facility's quality score shall be 120287
recalculated for the second half of the state fiscal year based 120288
on the most recent four quarter average data, or the average 120289
data for fewer quarters in the case of successor metrics, 120290
available in the database maintained by CMS and known as the 120291
care compare, in the most recent month of the calendar year 120292
during which the fiscal year for which the rate is determined 120293
begins. The metrics specified by division (C) (1) (b) of this 120294
section shall not be recalculated. In redetermining the quality 120295
payment for each facility based on the recalculated points, the 120296
department shall use the same per point value determined for the 120297
quality payment at the start of the fiscal year. 120298

(D) A nursing facility shall not receive a quality 120299
incentive payment if the Department of Health assigned the 120300
nursing facility to the SFF list under the special focus 120301
facility program and the nursing facility is listed in table A, 120302
on the first day of May of the calendar year for which the rate 120303
is being determined. 120304

(E) The total amount to be spent on quality incentive 120305
payments under division (B) of this section for a fiscal year 120306
shall be determined as follows: 120307

(1) Determine the following amount for each nursing 120308
facility: 120309

(a) The amount that is five and two-tenths per cent of the nursing facility's base rate for nursing facility services provided on the first day of the state fiscal year plus one dollar and seventy-nine cents plus sixty per cent of the per diem amount by which the nursing facility's rate for direct care costs determined for the fiscal year under section 5165.19 of the Revised Code changed as a result of the rebasing conducted under section 5165.36 of the Revised Code.

(b) Multiply the amount determined under division (E) (1) (a) of this section by the number of the nursing facility's medicaid days for the calendar year preceding the fiscal year for which the rate is determined.

(2) Determine the sum of the products determined under division (E) (1) (b) of this section for all nursing facilities for which the product was determined for the state fiscal year.

(3) To the sum determined under division (E) (2) of this section, add one hundred twenty-five million dollars.

(F) (1) Beginning July 1, 2023, a new nursing facility shall receive a quality incentive payment for the fiscal year in which the new facility obtains an initial provider agreement and the immediately following fiscal year equal to the median quality incentive payment determined for nursing facilities for the fiscal year. For the state fiscal year after the immediately following fiscal year and subsequent fiscal years, the quality incentive payment shall be determined under division (C) of this section.

(2) A nursing facility that undergoes a change of operator with an effective date of July 1, ~~2023~~2025, or later shall not receive a quality incentive payment until the earlier of the

first day of January or the first day of July that is at least 120339
six months after the effective date of the change of operator. 120340
Thereafter any quality incentive payment shall be determined 120341
under division (C) of this section. 120342

~~(3) A nursing facility that undergoes a change of owner 120343
with an effective date of July 1, 2023, or later shall not 120344
receive a quality incentive payment until the earlier of the 120345
first day of January or the first day of July that is at least 120346
six months after the effective date of the change of owner if, 120347
within one year after the change of owner, there is an increase 120348
in the lease payments or other financial obligations of the 120349
operator to the owner above the payments or obligations 120350
specified by the agreement between the previous owner and the 120351
operator. Thereafter, any quality incentive payments for the 120352
facility shall be determined under division (C) of this section. 120353~~

Sec. 5166.03. The medicaid director may not submit a 120354
request to the United States secretary of health and human 120355
services for a medicaid waiver under the "Social Security Act," 120356
section 1115, 42 U.S.C. 1315, unless the director provides the 120357
speaker of the house of representatives and president of the 120358
senate written notice of the director's intent to submit the 120359
request at least ten days before the date the director submits 120360
the request to the United States secretary. The notice shall 120361
include a detailed explanation of the medicaid waiver the 120362
director proposes to seek and confirmation that the department 120363
of medicaid has complied with the requirements of section 120364
5162.08 of the Revised Code. 120365

Sec. 5167.01. As used in this chapter: 120366

(A) "340B ~~covered entity~~grantee" means an entity described 120367
in section 340B(a) (4) (A)-(K) of the "Public Health Service Act," 120368

42 U.S.C. 256b(a)(4) (A)-(K) that is designated as an active (A)-(K) entity under the health resources and services administration covered entity daily report, and includes any pharmacy under contract with the entity to dispense drugs on behalf of the entity. 120369
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(B) "Affiliated company" means an entity, including a third-party payer or specialty pharmacy, with common ownership, members of a board of directors, or managers, or that is a parent company, subsidiary company, jointly held company, or holding company with respect to the other entity. 120374
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(C) "Care management system" means the system established under section 5167.03 of the Revised Code. 120379
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(D) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 120381
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(E) "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code. 120383
120384

(F) "Emergency services" has the same meaning as in the "Social Security Act," section 1932(b)(2), 42 U.S.C. 1396u-2(b)(2). 120385
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(G) "Enrollee" means a medicaid recipient who participates in the care management system and enrolls in a medicaid MCO plan. 120388
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(H) "ICDS participant" ~~has~~ and "integrated care delivery system" have the same ~~meaning~~ meanings as in section 5164.01 of the Revised Code. 120391
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(I) "ICDS successor program" means a fully integrated dual eligible special needs plan established in accordance with 42 C.F.R. 422.107, that the department of medicaid utilizes as a 120394
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replacement for the integrated care delivery system. 120397

(J) "Medicaid managed care organization" means a managed care organization under contract with the department of medicaid pursuant to section 5167.10 of the Revised Code. 120398
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~~(J)~~ (K) "Medicaid MCO plan" means a plan that a medicaid managed care organization, pursuant to its contract with the department of medicaid under section 5167.10 of the Revised Code, makes available to medicaid recipients participating in the care management system. 120401
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~~(K)~~ (L) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 120406
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~~(L)~~ (M) "Network provider" has the same meaning as in 42 C.F.R. 438.2. 120408
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~~(M)~~ (N) "Nursing facility services" has the same meaning as in section 5165.01 of the Revised Code. 120410
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~~(N)~~ (O) "Part B drug" means a drug or biological described in section 1842(o)(1)(C) of the "Social Security Act," 42 U.S.C. 1395u(o)(1)(C). 120412
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~~(O)~~ (P) "Pharmacy benefit manager" has the same meaning as in section 3959.01 of the Revised Code. 120415
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~~(P)~~ (Q) "Practice of pharmacy" has the same meaning as in section 4729.01 of the Revised Code. 120417
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~~(Q)~~ (R) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code. 120419
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~~(R)~~ (S) "Prior authorization requirement" has the same meaning as in section 5160.34 of the Revised Code. 120421
120422

~~(S)~~ (T) "Provider" means any person or government entity 120423

that furnishes services to a medicaid recipient enrolled in a 120424
medicaid MCO plan, regardless of whether the person or entity 120425
has a provider agreement. 120426

~~(T)~~(U) "Provider agreement" has the same meaning as in 120427
section 5164.01 of the Revised Code. 120428

~~(U)~~(V) "State pharmacy benefit manager" means the pharmacy 120429
benefit manager selected by and under contract with the medicaid 120430
director under section 5167.24 of the Revised Code. 120431

~~(V)~~(W) "Third-party administrator" means any person who 120432
adjusts or settles claims on behalf of an insuring entity in 120433
connection with life, dental, health, prescription drugs, or 120434
disability insurance or self-insurance programs and includes a 120435
pharmacy benefit manager. 120436

Sec. 5167.03. (A) As part of the medicaid program, the 120437
department of medicaid shall establish a care management system. 120438
The department shall implement the system in some or all 120439
counties. 120440

(B) The department shall designate the medicaid recipients 120441
who are required or permitted to participate in the care 120442
management system. Those who shall be required to participate in 120443
the system include medicaid recipients who receive cognitive 120444
behavioral therapy as described in division (A) (2) of section 120445
5167.16 of the Revised Code. Except as provided in section 120446
5166.406 of the Revised Code, no medicaid recipient 120447
participating in the healthy Ohio program established under 120448
section 5166.40 of the Revised Code shall participate in the 120449
system. 120450

~~The~~ (C) Except as otherwise provided in this section, the 120451
general assembly's authorization through the enactment of 120452

legislation is needed before home and community-based services 120453
available under a medicaid waiver component or nursing facility 120454
services are included in the care management system, ~~except that~~ 120455
. ICDS participants, or participants in the ICDS successor 120456
program, may be required or permitted to obtain such services 120457
under the system. Medicaid recipients who receive such services 120458
may be designated for voluntary or mandatory participation in 120459
the system in order to receive other health care services 120460
included in the system. 120461

~~The~~ (D) The department may require or permit participants 120462
in the care management system to do either or both of the 120463
following: 120464

~~(A)~~ (1) Obtain health care services from providers 120465
designated by the department; 120466

~~(B)~~ (2) Enroll in a medicaid MCO plan. 120467

Sec. 5167.09. The department of medicaid shall include all 120468
of the following on the department's managed care financial 120469
dashboard: 120470

(A) Actuarial metrics for annual and quarterly cost 120471
reports, delineated by the following categories: 120472

(1) Adults for whom financial eligibility for the medicaid 120473
program is determined by utilizing the modified adjusted gross 120474
income standard and who are not members of the expansion 120475
eligibility group; 120476

(2) Children for whom financial eligibility for the 120477
medicaid program is determined by utilizing the modified 120478
adjusted gross income standard; 120479

(3) Individuals in the aged, blind, and disabled 120480

<u>eligibility group who are twenty-one years of age or older;</u>	120481
<u>(4) Individuals in the aged, blind, and disabled</u>	120482
<u>eligibility group who are twenty years of age or younger;</u>	120483
<u>(5) Individuals who are members of the expansion</u>	120484
<u>eligibility group;</u>	120485
<u>(6) Individuals who are members of the adoption and foster</u>	120486
<u>kids eligibility group;</u>	120487
<u>(7) All other individuals eligible for medicaid benefits</u>	120488
<u>who are not included in another category described in division</u>	120489
<u>(A) of this section.</u>	120490
<u>(B) Quarterly and annual composite per member per month</u>	120491
<u>category of service reports for each managed care organization</u>	120492
<u>providing services under the care management system, delineated</u>	120493
<u>into the following categories:</u>	120494
<u>(1) Inpatient services;</u>	120495
<u>(2) Outpatient facility services;</u>	120496
<u>(3) Professional services;</u>	120497
<u>(4) Radiology, pathology, and laboratory services;</u>	120498
<u>(5) Pharmacy services;</u>	120499
<u>(6) Behavioral health services;</u>	120500
<u>(7) All other services.</u>	120501
<u>(C) As used in this section, "expansion eligibility group"</u>	120502
<u>has the same meaning as in section 5163.01 of the Revised Code.</u>	120503
Sec. 5167.123. (A) No contract between a medicaid managed	120504
care organization, including a third-party administrator, and a	120505
340B covered entity <u>grantee</u> shall contain any of the following	120506

provisions: 120507

(1) A payment rate for a prescribed drug provided by a 340B grantee to an individual as a result of health care services provided by the grantee directly to the individual, that is less than the ~~national average drug acquisition cost rate for that drug as determined by the United States centers for medicare and medicaid services, measured at the time the drug is administered or dispensed, or, if no such rate is available at that time, a reimbursement rate that is less than the wholesale acquisition cost of the drug, as defined in 42 U.S.C. 1395w-3a(e)(6)(B)~~ payment rate applied to health care providers that are not 340B grantees; 120508
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(2) A fee that is not imposed on a health care provider that is not a 340B ~~covered entity~~ grantee; 120519
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(3) A fee amount that exceeds the amount for a health care provider that is not a 340B ~~covered entity~~ grantee. 120521
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(B) The organization, or its contracted third-party administrators, shall not discriminate against a 340B ~~covered entity~~ grantee in a manner that prevents or interferes with a medicaid recipient's choice to receive a prescription drug from a 340B ~~covered entity or its contracted pharmacies~~ grantee. 120523
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(C) Any provision of a contract entered into between the organization and a 340B ~~covered entity~~ grantee that is contrary to division (A) of this section is unenforceable and shall be replaced with the dispensing fee or payment rate that applies for health care providers that are not 340B ~~covered entities~~ grantees. 120528
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(D) A medicaid managed care organization or a third-party administrator shall provide a payment rate for all prescribed 120534
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drugs obtained through the federal 340B drug pricing program by 120536
providers that are not 340B grantees that is equal to the 120537
payment rate for those prescribed drugs that is specified in the 120538
medicaid state plan. 120539

(E) Any payment made pursuant to a payment rate described 120540
in this section is subject to audit by the department of 120541
medicaid under section 5160.20 of the Revised Code. 120542

Sec. 5168.08. (A) Before or during each program year, the 120543
department of medicaid shall issue to each hospital the 120544
preliminary determination of the amount that the hospital is 120545
assessed under section 5168.06 of the Revised Code during the 120546
program year. The preliminary determination of a hospital's 120547
assessment shall be calculated for a cost-reporting period that 120548
is specified in rules adopted under section 5168.02 of the 120549
Revised Code. 120550

The department shall consult with hospitals each year when 120551
determining the date on which it will issue the preliminary 120552
determinations in order to minimize hospitals' cash flow 120553
difficulties. 120554

If no hospital submits a request for reconsideration under 120555
division (B) of this section, the preliminary determination 120556
constitutes the final reconciliation of each hospital's 120557
assessment under section 5168.06 of the Revised Code. The final 120558
reconciliation ~~is~~ constitutes an interim final order and may be 120559
subject to adjustments under-made by the United States centers 120560
for medicare and medicaid services pursuant to division (D) of 120561
this section. 120562

(B) Not later than fourteen days after the preliminary 120563
determinations are issued, any hospital may submit to the 120564

department a written request to reconsider the preliminary 120565
determinations. The request shall be accompanied by written 120566
materials setting forth the basis for the reconsideration, which 120567
may be delivered to the department by regular mail, electronic 120568
mail, or in-person delivery. ~~If one or more hospitals submit a~~ 120569
~~request, the department shall hold a public hearing not later~~ 120570
~~than thirty days after the preliminary determinations are issued~~ 120571
~~to reconsider the preliminary determinations. The department~~ 120572
~~shall issue to each hospital a written notice of the date, time,~~ 120573
~~and place of the hearing at least ten days prior to the hearing.~~ 120574
On the basis of the evidence submitted to the department ~~or~~ 120575
~~presented at the public hearing,~~ the department shall reconsider 120576
and may adjust the preliminary determinations. The result of the 120577
reconsideration is the final reconciliation of the hospital's 120578
assessment under section 5168.06 of the Revised Code. The final 120579
reconciliation ~~is~~ constitutes an interim final order and may be 120580
subject to adjustments ~~under~~ by the United States centers for 120581
medicare and medicaid services pursuant to division (D) of this 120582
section. 120583

(C) The department shall issue to each hospital a written 120584
notice of its assessment for the program year under the final 120585
reconciliation. A hospital may appeal the final reconciliation 120586
of its assessment to the court of common pleas of Franklin 120587
county, pursuant to Chapter 2505. of the Revised Code. The 120588
complete record of the proceedings shall include all 120589
documentation considered by the department in issuing the final 120590
reconciliation. While a judicial appeal is pending, the hospital 120591
shall pay, in accordance with the schedules required by division 120592
(B) of section 5168.06 of the Revised Code, any amount of its 120593
assessment that is not in dispute into the hospital care 120594
assurance program fund created in section 5168.11 of the Revised 120595

Code. 120596

(D) In the course of any program year, the department may 120597
adjust the assessment rate or rates established in rules 120598
pursuant to section 5168.06 of the Revised Code or adjust the 120599
amounts of intergovernmental transfers required under section 120600
5168.07 of the Revised Code and, as a result of the adjustment, 120601
adjust each hospital's assessment and intergovernmental 120602
transfer, to reflect refinements made by the United States 120603
centers for medicare and medicaid services during that program 120604
year to the limits it prescribed under the "Social Security 120605
Act," section 1923(f), 42 U.S.C. 1396r-4(f). When adjusted, the 120606
assessment rate or rates must comply with division (A) of 120607
section 5168.06 of the Revised Code. An adjusted 120608
intergovernmental transfer must comply with division (A) of 120609
section 5168.07 of the Revised Code. The department shall notify 120610
hospitals of adjustments made under this division and adjust for 120611
the remainder of the program year the installments paid by 120612
hospitals under sections 5168.06 and 5168.07 of the Revised Code 120613
in accordance with rules adopted under section 5168.02 of the 120614
Revised Code. 120615

Sec. 5168.11. (A) Except as provided in section 5162.52 of 120616
the Revised Code, all payments of assessments by hospitals under 120617
section 5168.06 of the Revised Code and all intergovernmental 120618
transfers under section 5168.07 of the Revised Code shall be 120619
deposited in the state treasury to the credit of the hospital 120620
care assurance program fund, hereby created. All investment 120621
earnings of the hospital care assurance program fund shall be 120622
credited to the fund. The department of medicaid shall maintain 120623
records that show the amount of money in the hospital care 120624
assurance program fund at any time that has been paid by each 120625
hospital and the amount of any investment earnings on that 120626

amount. All moneys credited to the hospital care assurance 120627
program fund shall be used solely to make payments to hospitals 120628
under division (D) of this section and section 5168.09 of the 120629
Revised Code. 120630

(B) All federal matching funds received as a result of the 120631
department distributing funds from the hospital care assurance 120632
program fund to hospitals under section 5168.09 of the Revised 120633
Code shall be credited to the health care - federal fund created 120634
under section 5162.50 of the Revised Code. 120635

(C) All distributions of funds to hospitals under section 120636
5168.09 of the Revised Code are conditional on: 120637

(1) Expiration of the time for appeals under section 120638
5168.08 of the Revised Code without the filing of an appeal, or 120639
on court determinations, in the event of appeals, that the 120640
hospital is entitled to the funds; 120641

(2) The sum of the following being sufficient to 120642
distribute the funds after the final determination of any 120643
appeals: 120644

(a) The available money in the hospital care assurance 120645
program fund; 120646

(b) The available portion of the money in the health care 120647
- federal fund that is credited to that fund pursuant to 120648
division (B) of this section. 120649

(3) The hospital's compliance with section 5168.14 of the 120650
Revised Code. 120651

(D) If an audit conducted by the department, pursuant to 120652
42 C.F.R. 455.304, of the amounts of payments made and funds 120653
received by hospitals under sections 5168.06, 5168.07, and 120654

5168.09 of the Revised Code identifies amounts that, due to errors by the department, a hospital should not have been required to pay but did pay, should have been required to pay but did not pay, should not have received but did receive, or should have received but did not receive, the department shall:

(1) Make payments to any hospital that the audit reveals paid amounts it should not have been required to pay or did not receive amounts it should have received;

(2) Take action to recover from a hospital any amounts that the audit reveals it should have been required to pay but did not pay or that it should not have received but did receive.

Payments made under division (D) (1) of this section shall be made from the hospital care assurance program fund. Amounts recovered under division (D) (2) of this section shall be deposited to the credit of that fund. ~~Any hospital may appeal the amount~~ An action authorized under Chapter 2721. of the Revised Code and filed in Franklin county shall be the exclusive remedy for any hospital that disagrees with the amount that the hospital is to be paid under division (D) (1) or the amount that is to be recovered from the hospital under division (D) (2) of this section to the court of common pleas of Franklin county. While any judicial proceeding is pending under division (D) of this section, a hospital shall pay to the hospital care assurance program fund any amount identified pursuant to division (D) (2) of this section that is not in dispute.

Sec. 5168.22. (A) Before or during each assessment program year, the department of medicaid shall issue to each hospital the preliminary determination of the amount that the hospital is assessed under section 5168.21 of the Revised Code for the assessment program year. Except as provided in division (B) of

this section, the preliminary determination becomes the final 120685
determination for the assessment program year fifteen days after 120686
the preliminary determination is issued to the hospital. 120687

(B) A hospital may request that the department reconsider 120688
the preliminary determination issued to the hospital under 120689
division (A) of this section by submitting to the department a 120690
written request for a reconsideration not later than fourteen 120691
days after the hospital's preliminary determination is issued to 120692
the hospital. The request must be accompanied by written 120693
materials setting forth the basis for the reconsideration, which 120694
may be delivered to the department by regular mail, electronic 120695
mail, or in-person delivery. On receipt of the timely request, 120696
the department shall reconsider the preliminary determination 120697
and may adjust the preliminary determination on the basis of the 120698
written materials accompanying the request. The result of the 120699
reconsideration is the final determination of the hospital's 120700
assessment under section 5168.21 of the Revised Code for the 120701
assessment program year. 120702

(C) The department shall issue to each hospital a written 120703
notice of the final determination of its assessment for the 120704
assessment program year. A hospital may appeal the final 120705
determination to the court of common pleas of Franklin county, 120706
pursuant to Chapter 2505. of the Revised Code. The complete 120707
record of the proceedings shall include all documentation 120708
considered by the department in issuing the final determination. 120709
While a judicial appeal is pending, the hospital shall pay, in 120710
accordance with section 5168.23 of the Revised Code, any amount 120711
of its assessment that is not in dispute. 120712

Sec. 5168.25. There is hereby created in the state 120713
treasury the hospital assessment fund. All installment payments 120714

made by hospitals under section 5168.23 of the Revised Code and 120715
all recoveries the department of medicaid makes under section 120716
5168.24 of the Revised Code shall be deposited into the fund. 120717
~~All investment earnings of the fund shall be credited to the~~ 120718
~~fund.~~ The department shall use money in the fund to pay for the 120719
costs of the medicaid program, including the program's 120720
administrative costs. 120721

Sec. ~~5104.50~~ 5180.04. (A) The governor shall create the 120722
~~early childhood~~ children and youth advisory council in 120723
accordance with 42 U.S.C. 9837b(b) (1) and 20 U.S.C. 1441 and 120724
shall appoint one of its members to serve as chairperson of the 120725
council with the director of children and youth serving as co- 120726
chairperson. ~~The~~ 120727

(B) (1) The council shall serve as both the state advisory 120728
council on early childhood education and care, as described in 120729
42 U.S.C. 9837b(b) (1), and the state interagency coordinating 120730
council, as described in 20 U.S.C. 1441. ~~In addition to the~~ 120731
~~duties specified in 42 U.S.C. 9837b(b) (1), the~~ 120732

(2) The council shall ~~promote~~ advise the governor on the 120733
availability, accessibility, affordability, and quality of 120734
services provided through the prenatal and child-serving 120735
systems. This includes fostering a continuum of care that 120736
promotes family-centered programs and services that acknowledge 120737
and support the social, emotional, cognitive, intellectual, and 120738
physical development of children and the vital role of families 120739
in ensuring the well-being and success of children. 120740

(3) The ~~early childhood advisory~~ council shall advise the 120741
director of children and youth on matters affecting the 120742
licensing of centers, type A homes, and type B homes and the 120743
certification of in-home aides. The council shall make an annual 120744

report to the director that addresses the availability, 120745
affordability, accessibility, and quality of child care and that 120746
summarizes the recommendations and plans of action that the 120747
council has proposed to the director during the preceding fiscal 120748
year. The director shall provide copies of the report to the 120749
governor, speaker and minority leader of the house of 120750
representatives, and the president and minority leader of the 120751
senate and, on request, shall make copies available to the 120752
public. 120753

(C) (1) The advisory council shall include up to twenty- 120754
five members appointed by the governor, including the following: 120755

(a) At least one representative of the department of 120756
children and youth; 120757

(b) At least one representative of the department of 120758
medicaid; 120759

(c) At least one representative of the department of job 120760
and family services; 120761

(d) At least one representative of the department of 120762
behavioral health ; 120763

(e) At least one representative of the department of 120764
education and workforce; 120765

(f) At least one representative of the department of 120766
health; 120767

(g) At least one representative of the department of 120768
developmental disabilities; 120769

(h) At least one representative of the department of youth 120770
services; 120771

<u>(i) At least one representative from each of the following stakeholder groups, selected from multi-sized municipal corporations and geographically diverse areas of the state, including rural, urban, and suburban areas:</u>	120772
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	120774
	120775
<u>(i) Maternal and infant vitality;</u>	120776
<u>(ii) Early intervention;</u>	120777
<u>(iii) Home visiting;</u>	120778
<u>(iv) Early childhood education;</u>	120779
<u>(v) Child care centers providing publicly funded child care;</u>	120780
	120781
<u>(vi) Family child care homes providing publicly funded child care;</u>	120782
	120783
<u>(vii) School child programs;</u>	120784
<u>(viii) Preschool programs;</u>	120785
<u>(ix) Children's services.</u>	120786
<u>(2) In making appointments to the advisory council, the governor shall ensure that the membership of the council reasonably represents the population of the state.</u>	120787
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	120789
<u>(D)(1) The advisory council shall create topic-specific advisory groups that address a continuum of services including the following:</u>	120790
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	120792
<u>(a) Early childhood education and care;</u>	120793
<u>(b) Children services;</u>	120794
<u>(c) Maternal and infant vitality;</u>	120795
<u>(d) Early childhood mental health services and supports;</u>	120796

<u>(e) Early intervention services.</u>	120797
<u>(2) No representative of the department of children and youth shall serve as a chairperson for a topic-specific advisory group.</u>	120798 120799 120800
<u>(3) The governor shall appoint additional members as necessary to the early childhood education and care advisory group and the early intervention services advisory group to satisfy the requirements of 42 U.S.C. 9837b(b) (1) and 20 U.S.C. 1441.</u>	120801 120802 120803 120804 120805
<u>(4) The director of children and youth shall appoint each representative appointed pursuant to division (C) (1) (i) of this section to at least one topic-specific advisory group.</u>	120806 120807 120808
Sec. 5180.14. (A) As used in this section and sections 5180.15, 5180.16, and 5180.17 of the Revised Code:	120809 120810
(1) "Child care center," "type A family child care home," and "licensed type B family child care home" have the same meanings as in section 5104.01 of the Revised Code.	120811 120812 120813
(2) "Child care facility" means a child care center, a type A family child care home, or a licensed type B family child care home.	120814 120815 120816
(3) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.	120817 120818
(4) "Freestanding birthing center" has the same meaning as in section 3701.503 of the Revised Code.	120819 120820
(5) "Hospital" has the same meaning as in section 3722.01 of the Revised Code to which either of the following applies:	120821 120822
(a) The hospital has a maternity unit.	120823

(b) The hospital receives for care infants who have been 120824
transferred to it from other facilities and who have never been 120825
discharged to their residences following birth. 120826

(6) "Infant" means a child who is less than one year of 120827
age. 120828

(7) "Maternity unit" means the distinct portion of a 120829
hospital in which maternity services are provided. 120830

(8) "Other person responsible for the infant" includes a 120831
foster caregiver. 120832

(9) "Parent" means either parent, unless the parents are 120833
separated or divorced or their marriage has been dissolved or 120834
annulled, in which case "parent" means the parent who is the 120835
residential parent and legal custodian of the child. "Parent" 120836
also means a prospective adoptive parent with whom a child is 120837
placed. 120838

(10) "Shaken baby syndrome" means signs and symptoms, 120839
including, but not limited to, retinal hemorrhages in one or 120840
both eyes, subdural hematoma, or brain swelling, resulting from 120841
the violent shaking or the shaking and impacting of the head of 120842
an infant or small child. 120843

(B) The director of children and youth shall establish the 120844
shaken baby syndrome education program by doing all of the 120845
following: 120846

(1) Developing educational materials that present readily 120847
comprehensible information on shaken baby syndrome; 120848

(2) Making available on the department of children and 120849
youth web site in an easily accessible format the educational 120850
materials developed under division (B)(1) of this section; 120851

(3) Annually assessing the effectiveness of the shaken baby syndrome education program by doing all of the following: 120852
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(a) Evaluating the reports received pursuant to section ~~5101.135~~ 5180.405 of the Revised Code; 120854
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(b) Reviewing the content of the educational materials to determine if updates or improvements should be made; 120856
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(c) Reviewing the manner in which the educational materials are distributed, as described in section 5180.15 of the Revised Code, to determine if modifications to that manner should be made. 120858
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(C) In meeting the requirements under division (B) of this section, the director shall develop educational materials that, to the extent possible, minimize administrative or financial burdens on any of the entities or persons listed in section 5180.15 of the Revised Code. 120862
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Sec. 5180.21. (A) The department of children and youth shall establish the help me grow program as the state's evidence-based parent support program that encourages early prenatal and well-baby care, as well as provides parenting education to promote the comprehensive health and development of children. The program shall provide home visiting services to families with a pregnant woman or child under five years of age that meet the eligibility requirements established in rules adopted under this section. Home visiting services shall be provided through evidence-based home visiting models or innovative, promising home visiting models recommended by the ~~Ohio home visiting consortium~~ children and youth advisory council created under section ~~5180.23~~ 5180.04 of the Revised Code. 120867
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(B) Families shall be referred to the appropriate home 120881
visiting services through the central intake and referral system 120882
created under section 5180.22 of the Revised Code. 120883

(C) To the extent possible, the goals of the help me grow 120884
program shall be consistent with the goals of the federal home 120885
visiting program, as specified by the maternal and child health 120886
bureau of the health resources and services administration in 120887
the United States department of health and human services or its 120888
successor. 120889

(D) The director of children and youth shall enter into an 120890
interagency agreement with one or more state agencies, including 120891
the department of developmental disabilities, department of job 120892
and family services, department of medicaid, commission on 120893
minority health, Ohio fatherhood commission, and children's 120894
trust fund board, to implement the help me grow program, to 120895
ensure coordination of early childhood programs, and to maximize 120896
reimbursement for the help me grow program from any federal 120897
source. 120898

In addition to creating the central intake and referral 120899
system as described in section 5180.22 of the Revised Code, the 120900
department of children and youth shall ensure there is a 120901
consistent comprehensive screening and connection program to 120902
support the coordination of home visiting services across the 120903
state, including through the department of health, department of 120904
developmental disabilities, department of job and family 120905
services, department of medicaid, and commission on minority 120906
health. Following the program's establishment, the department of 120907
children and youth shall evaluate the program's effectiveness in 120908
coordinating home visiting services at least once annually. 120909

(E) The director may distribute help me grow program funds 120910

through contracts, grants, or subsidies to entities providing 120911
services under the program. 120912

(F) As a condition of receiving payments for home visiting 120913
services, providers shall report to the director data on the 120914
program performance indicators, specified in rules adopted under 120915
division (G) of this section, that are used to assess progress 120916
toward achieving all of the following: 120917

(1) The benchmark domains established for the federal home 120918
visiting program, including improvement in maternal and newborn 120919
health; reduction in child injuries, abuse, and neglect; 120920
improved school readiness and achievement; reduction in crime 120921
and domestic violence; and improved family economic self- 120922
sufficiency; 120923

(2) Improvement in birth outcomes and reduction in 120924
stillbirths, as that term is defined in section 5180.12 of the 120925
Revised Code; 120926

(3) Reduction in tobacco use by pregnant women, new 120927
parents, and others living in households with children. 120928

The providers shall report the data in the format and 120929
within the time frames specified in the rules. 120930

The director shall prepare an annual report on the data 120931
received from the providers. Each report shall include an 120932
evaluation addressing the number of families and children 120933
served, the number and type of services provided, health and 120934
developmental outcomes for participating families and children, 120935
and variation in outcomes between the types of home visiting 120936
programs specified in division (B) (3) of section 5180.22 of the 120937
Revised Code. The director shall submit the report to the 120938
general assembly in accordance with section 101.68 of the 120939

Revised Code and make the report available on the internet web site maintained by the department of children and youth. 120940
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(G) Pursuant to Chapter 119. of the Revised Code, the director shall adopt rules that are necessary and proper to implement this section. The rules shall specify all of the following: 120942
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(1) Subject to division (H) of this section, eligibility requirements for home visiting services; 120946
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(2) Eligibility requirements for providers of home visiting services; 120948
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(3) Standards and procedures for the provision of program services, including data collection, program monitoring, and program evaluation; 120950
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(4) Procedures for appealing the denial of an application for program services or the termination of services; 120953
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(5) Procedures for appealing the denial of an application to become a provider of program services or the termination of the department's approval of a provider; 120955
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(6) Procedures for addressing complaints; 120958

(7) The program performance indicators on which data must be reported by providers of home visiting services under division (F) of this section, which, to the extent possible, shall be consistent with federal reporting requirements for federally funded home visiting services; 120959
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(8) The format in which reports must be submitted under division (F) of this section and the time frames within which the reports must be submitted; 120964
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(9) Criteria for payment of approved providers of program services; 120967
120968

(10) Any other rules necessary to implement the program. 120969

(H) When adopting rules required by division (G) (1) of this section, the director shall specify that families residing in the urban and rural communities specified in rules adopted under section 3701.142 of the Revised Code and families in the child welfare system are to receive priority over other families for home visiting services. 120970
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(I) The department, in collaboration with the departments of job and family services and medicaid, shall propose strategies to increase the workforce capacity of home visiting service providers and parenting support professionals, including efforts to incentivize and retain such providers and professionals in this state. 120976
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Sec. 5180.22. (A) The department of children and youth shall create a central intake and referral system for all home visiting programs operating in this state. Through a competitive bidding process, the department of children and youth may select one or more persons or government entities to operate the system. In its oversight of the one or more system operators, the department shall streamline the system to ensure families and children receive services from home visiting programs as described in division (B) (3) of this section. 120982
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(B) If the department of children and youth chooses to select one or more system operators as described in division (A) of this section, a contract with any system operator shall require that the system do all of the following: 120991
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(1) Serve as a single point of entry for access, 120995

assessment, and referral of families and children to appropriate 120996
home visiting services based on each family's location of 120997
residence; 120998

(2) Use a standardized form or other mechanism to assess 120999
each family member's risk factors and social determinants of 121000
health; 121001

(3) Ensure that families and children are referred to and 121002
receive services from home visiting programs that are 121003
appropriate to their level of needs, including the following: 121004

(a) Programs using home visiting contractors that provide 121005
services within a pathways community HUB certified by the 121006
pathways community HUB institute; 121007

(b) Programs that provide services using the early head 121008
start home-based option. 121009

(C) The standardized form or other mechanism described in 121010
division (B) (2) of this section shall be agreed to by the ~~home-~~ 121011
~~visiting consortium~~ children and youth advisory council created 121012
under section ~~5180.23~~ 5180.04 of the Revised Code. 121013

(D) A contract entered into under division (B) of this 121014
section shall require a system operator to issue an annual 121015
report to the department of children and youth that includes 121016
data regarding referrals made by the central intake and referral 121017
system, costs associated with the referrals, and the quality of 121018
services received by families and children who were referred to 121019
services through the system. The report shall be distributed to 121020
the ~~home-visiting consortium~~ children and youth advisory council 121021
created under section ~~5180.23~~ 5180.04 of the Revised Code. 121022

(E) Nothing in this section is intended to do any of the 121023
following: 121024

(1) Prohibit the department of children and youth from using alternative promotional materials or names for the central intake and referral system;

(2) Require the use of help me grow program promotional materials or names;

(3) Prohibit providers, central coordinators, the department of children and youth, or stakeholders from using the help me grow name for promotional materials for home visiting.

Sec. ~~5101.76~~ 5180.26. (A) A residential camp, as defined in section 2151.011 of the Revised Code, a child day camp, as defined in section 5104.01 of the Revised Code, or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code may procure epinephrine autoinjectors for use in emergency situations identified under division (C) (5) of this section by doing one of the following:

(1) Having a licensed health professional authorized to prescribe drugs, acting in accordance with section 4723.483, 4730.433, or 4731.96 of the Revised Code, personally furnish the epinephrine autoinjectors to the camp or issue a prescription for them in the name of the camp;

(2) Obtaining a prescriber-issued protocol that includes definitive orders for epinephrine autoinjectors and the dosages of epinephrine to be administered through them.

A camp that elects to procure epinephrine autoinjectors under this section is encouraged to maintain at least two epinephrine autoinjectors at all times.

(B) A camp that elects to procure epinephrine autoinjectors under this section shall adopt a policy governing their maintenance and use. Before adopting the policy, the camp shall consult with a licensed health professional authorized to prescribe drugs.

(C) The policy adopted under division (B) of this section shall do all of the following:

(1) Identify the one or more locations in which an epinephrine autoinjector must be stored;

(2) Specify the conditions under which an epinephrine autoinjector must be stored, replaced, and disposed;

(3) Specify the individuals employed by or under contract with the camp who may access and use an epinephrine autoinjector to provide a dosage of epinephrine to an individual in an emergency situation identified under division (C) (5) of this section;

(4) Specify any training that employees or contractors specified under division (C) (3) of this section must complete before being authorized to access and use an epinephrine autoinjector;

(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of anaphylaxis, in which employees or contractors specified under division (C) (3) of this section may access and use an epinephrine autoinjector;

(6) Specify that assistance from an emergency medical service provider must be requested immediately after an epinephrine autoinjector is used;

(7) Specify the individuals to whom a dosage of

epinephrine may be administered through an epinephrine 121082
autoinjector in an emergency situation specified under division 121083
(C) (5) of this section. 121084

(D) (1) The following are not liable in damages in a civil 121085
action for injury, death, or loss to person or property that 121086
allegedly arises from an act or omission associated with 121087
procuring, maintaining, accessing, or using an epinephrine 121088
autoinjector under this section, unless the act or omission 121089
constitutes willful or wanton misconduct: 121090

(a) A camp; 121091

(b) A camp employee or contractor; 121092

(c) A licensed health professional authorized to prescribe 121093
drugs who personally furnishes or prescribes epinephrine 121094
autoinjectors, provides a consultation, or issues a protocol 121095
pursuant to this section. 121096

(2) This section does not eliminate, limit, or reduce any 121097
other immunity or defense that a camp or camp employee or 121098
contractor or licensed health professional may be entitled to 121099
under Chapter 2744. or any other provision of the Revised Code 121100
or under the common law of this state. 121101

(E) A camp may accept donations of epinephrine 121102
autoinjectors from a wholesale distributor of dangerous drugs, 121103
as defined in section 4729.01 of the Revised Code, and may 121104
accept donations of money from any person to purchase 121105
epinephrine autoinjectors. 121106

(F) A camp that elects to procure epinephrine 121107
autoinjectors under this section shall report to the department 121108
of children and youth each procurement and occurrence in which 121109
an epinephrine autoinjector is used from a camp's supply of 121110

epinephrine autoinjectors. 121111

(G) As used in this section, "licensed health professional 121112
authorized to prescribe drugs" and "prescriber" have the same 121113
meanings as in section 4729.01 of the Revised Code. 121114

Sec. ~~5101.77~~ 5180.261. (A) As used in this section, 121115
"inhaler" means a device that delivers medication to alleviate 121116
asthmatic symptoms, is manufactured in the form of a metered 121117
dose inhaler or dry powdered inhaler, and may include a spacer, 121118
holding chamber, or other device that attaches to the inhaler 121119
and is used to improve the delivery of the medication. 121120

(B) A residential camp, as defined in section 2151.011 of 121121
the Revised Code, a child day camp, as defined in section 121122
5104.01 of the Revised Code, or a child day camp operated by any 121123
county, township, municipal corporation, township park district 121124
created under section 511.18 of the Revised Code, park district 121125
created under section 1545.04 of the Revised Code, or joint 121126
recreation district established under section 755.14 of the 121127
Revised Code may procure inhalers for use in emergency 121128
situations identified under division (D) (5) of this section. A 121129
camp that elects to procure inhalers under this section is 121130
encouraged to maintain at least two inhalers at all times. 121131

(C) A camp that elects to procure inhalers under this 121132
section shall adopt a policy governing their maintenance and 121133
use. Before adopting the policy, the camp shall consult with a 121134
licensed health professional authorized to prescribe drugs, as 121135
defined in section 4729.01 of the Revised Code. 121136

(D) A component of a policy adopted by a camp under 121137
division (C) of this section shall be a prescriber-issued 121138
protocol specifying definitive orders for inhalers, including 121139

the dosages of medication to be administered through them, the 121140
number of times that each inhaler may be used before disposal, 121141
and the methods of disposal. The policy also shall do all of the 121142
following: 121143

(1) Identify the one or more locations in which an inhaler 121144
must be stored; 121145

(2) Specify the conditions under which an inhaler must be 121146
stored, replaced, and disposed; 121147

(3) Specify the individuals employed by or under contract 121148
with the camp who may access and use an inhaler to provide a 121149
dosage of medication to an individual in an emergency situation 121150
identified under division (D) (5) of this section; 121151

(4) Specify any training that employees or contractors 121152
specified under division (D) (3) of this section must complete 121153
before being authorized to access and use an inhaler; 121154

(5) Identify the emergency situations, including when an 121155
individual exhibits signs and symptoms of asthma, in which 121156
employees or contractors specified under division (D) (3) of this 121157
section may access and use an inhaler; 121158

(6) Specify that assistance from an emergency medical 121159
service provider must be requested immediately after an employee 121160
or contractor, other than a licensed health professional, uses 121161
an inhaler; 121162

(7) Specify the individuals to whom a dosage of medication 121163
may be administered through an inhaler in an emergency situation 121164
specified under division (D) (5) of this section. 121165

(E) A camp or camp employee or contractor is not liable in 121166
damages in a civil action for injury, death, or loss to person 121167

or property that allegedly arises from an act or omission 121168
associated with procuring, maintaining, accessing, or using an 121169
inhaler under this section, unless the act or omission 121170
constitutes willful or wanton misconduct. 121171

This section does not eliminate, limit, or reduce any 121172
other immunity or defense that a camp or camp employee or 121173
contractor may be entitled to under Chapter 2744. or any other 121174
provision of the Revised Code or under the common law of this 121175
state. 121176

(F) A camp may accept donations of inhalers from a 121177
wholesale distributor of dangerous drugs, as defined in section 121178
4729.01 of the Revised Code, and may accept donations of money 121179
from any person to purchase inhalers. 121180

(G) A camp that elects to procure inhalers under this 121181
section shall report to the department of children and youth 121182
each procurement and occurrence in which an inhaler is used from 121183
a camp's supply of inhalers. 121184

Sec. ~~5101.78~~ 5180.262. (A) As used in this section, 121185
"licensed health professional authorized to prescribe drugs" and 121186
"prescriber" have the same meanings as in section 4729.01 of the 121187
Revised Code. 121188

(B) A residential camp, as defined in section 2151.011 of 121189
the Revised Code; a child day camp, as defined in section 121190
5104.01 of the Revised Code; or a child day camp operated by any 121191
county, township, municipal corporation, township park district 121192
created under section 511.18 of the Revised Code, park district 121193
created under section 1545.04 of the Revised Code, or joint 121194
recreation district established under section 755.14 of the 121195
Revised Code may procure injectable or nasally administered 121196

glucagon for use in emergency situations identified under 121197
division (D) (5) of this section by doing one of the following: 121198

(1) Having a licensed health professional authorized to 121199
prescribe drugs, acting in accordance with section 4723.4811, 121200
4730.437, or 4731.92 of the Revised Code, personally furnish the 121201
injectable or nasally administered glucagon to the camp or issue 121202
a prescription for the drug in the name of the camp; 121203

(2) Obtaining a prescriber-issued protocol that includes 121204
definitive orders for injectable or nasally administered 121205
glucagon and the dosages to be administered; 121206

A camp that elects to procure injectable or nasally 121207
administered glucagon under this section is encouraged to 121208
maintain at least two doses of the drug at all times. 121209

(C) A camp that elects to procure injectable or nasally 121210
administered glucagon under this section shall adopt a policy 121211
governing maintenance and use of the drug. Before adopting the 121212
policy, the camp shall consult with a licensed health 121213
professional authorized to prescribe drugs. 121214

(D) The policy adopted under division (C) of this section 121215
shall do all of the following: 121216

(1) Identify the one or more locations at the camp in 121217
which injectable or nasally administered glucagon must be 121218
stored; 121219

(2) Specify the conditions under which injectable or 121220
nasally administered glucagon must be stored, replaced, or 121221
disposed; 121222

(3) Specify the individuals employed by or under contract 121223
with the camp, or who volunteer at the camp, who may access and 121224

use injectable or nasally administered glucagon in an emergency situation identified under division (D) (5) of this section; 121225
121226

(4) Specify any training that employees, contractors, or volunteers specified under division (D) (3) of this section must complete before being authorized to access and use injectable or nasally administered glucagon; 121227
121228
121229
121230

(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of severe hypoglycemia, in which employees, contractors, or volunteers specified under division (D) (3) of this section may access and use injectable or nasally administered glucagon; 121231
121232
121233
121234
121235

(6) Specify that assistance from an emergency medical service provider must be requested immediately after a dose of glucagon is administered; 121236
121237
121238

(7) Specify the individuals to whom a dose of glucagon may be administered in an emergency situation specified under division (D) (5) of this section. 121239
121240
121241

(E) (1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using injectable or nasally administered glucagon under this section, unless the act or omission constitutes willful or wanton misconduct: 121242
121243
121244
121245
121246
121247

(a) A camp; 121248

(b) A camp employee, contractor, or volunteer; 121249

(c) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes injectable or nasally administered glucagon, provides a consultation, or 121250
121251
121252

issues a protocol pursuant to this section; 121253

(2) This section does not eliminate, limit, or reduce any 121254
other immunity or defense that a camp; camp employee, 121255
contractor, or volunteer; or licensed health professional may be 121256
entitled to under Chapter 2744. or any other provision of the 121257
Revised Code or under the common law of this state. 121258

(F) A camp may accept donations of injectable or nasally 121259
administered glucagon from a wholesale distributor of dangerous 121260
drugs or manufacturer of dangerous drugs, as defined in section 121261
4729.01 of the Revised Code, and may accept donations of money 121262
from any person to purchase the drug. 121263

(G) A camp that elects to procure injectable or nasally 121264
administered glucagon under this section shall report to the 121265
department of children and youth each procurement and each 121266
occurrence in which a dose of the drug is used from the camp's 121267
supply. 121268

Sec. ~~3738.01~~ 5180.27. (A) As used in this section and 121269
sections ~~3738.02-5180.271~~ to ~~3738.09-5180.278~~ of the Revised 121270
Code, "pregnancy-associated death" means the death of a woman 121271
while pregnant or anytime within one year of pregnancy 121272
regardless of cause. 121273

(B) There is hereby established in the department of 121274
~~health-children and youth~~ a pregnancy-associated mortality 121275
review (PAMR) board to identify and review all pregnancy- 121276
associated deaths statewide for the purpose of reducing the 121277
incidence of those deaths. 121278

Sec. ~~3738.02~~ 5180.271. The PAMR board may not conduct a 121279
review of a pregnancy-associated death while an investigation of 121280
the death or prosecution of a person for causing the death is 121281

pending unless the prosecuting attorney agrees to allow the 121282
review. The law enforcement agency conducting the criminal 121283
investigation, on the conclusion of the investigation, and the 121284
prosecuting attorney prosecuting the case, on the conclusion of 121285
the prosecution, shall notify the chairperson of the PAMR board 121286
of the conclusion. 121287

Sec. ~~3738.03~~ 5180.272. All of the following apply with 121288
respect to the PAMR board: 121289

(A) The director of ~~health~~ children and youth shall 121290
appoint the board's members. In doing so, the director shall 121291
make a good faith effort to select members who represent all 121292
regions of the state and multiple areas of expertise and 121293
constituencies concerned with the care of pregnant and 121294
postpartum women. 121295

(B) The board, by a majority vote of a quorum of its 121296
members, shall select an individual to serve as its chairperson. 121297
The board may replace a chairperson in the same manner. 121298

(C) An appointed member shall hold office until a 121299
successor is appointed. The director of ~~health~~ children and 121300
youth shall fill a vacancy as soon as practicable. 121301

(D) A member shall not receive any compensation for, and 121302
shall not be paid for any expenses incurred pursuant to, 121303
fulfilling the member's duties on the board. 121304

(E) The board shall meet at the call of the board's 121305
chairperson as often as the chairperson determines necessary for 121306
timely completion of pregnancy-associated death reviews. The 121307
reviews shall be conducted in accordance with rules adopted 121308
under section ~~3738.09~~ 5180.278 of the Revised Code. 121309

(F) The department of ~~health~~ children and youth shall 121310

provide meeting space, staff services, and other technical 121311
assistance required by the board in carrying out its duties. 121312

Sec. ~~3738.04~~ 5180.273. The PAMR board shall seek to reduce 121313
the incidence of pregnancy-associated deaths in this state by 121314
doing all of the following: 121315

(A) Promoting cooperation, collaboration, and 121316
communication between all groups, professions, agencies, and 121317
entities that serve pregnant and postpartum women and families; 121318

(B) Recommending and developing plans for implementing 121319
service and program changes, as well as changes to the groups, 121320
professions, agencies, and entities that serve pregnant and 121321
postpartum women and families; 121322

(C) Providing the department of ~~health~~children and youth 121323
with aggregate data, trends, and patterns regarding pregnancy- 121324
associated deaths using data and other relevant information 121325
specified in rules adopted under section ~~3738.09~~5180.278 of the 121326
Revised Code; 121327

(D) Developing effective interventions to reduce the 121328
mortality of pregnant and postpartum women. 121329

Sec. ~~3738.05~~ 5180.274. (A) Notwithstanding section 121330
3701.243 and any other section of the Revised Code pertaining to 121331
confidentiality, and except as provided in division (B) of this 121332
section, an individual, government entity, agency that provides 121333
services specifically to individuals or families, law 121334
enforcement agency, health care provider, or other public or 121335
private entity that provided services to a woman whose death is 121336
being reviewed by the PAMR board shall submit to the board a 121337
copy of any record it possesses that the board requests. In 121338
addition, such an individual or entity may make available to the 121339

board additional information, documents, or reports that could 121340
be useful to the board's investigation. 121341

(B) No person, government entity, law enforcement agency, 121342
or prosecuting attorney shall provide any information regarding 121343
a pregnancy-associated death while an investigation of the death 121344
or prosecution of a person for causing the death is pending 121345
unless the prosecuting attorney agrees to allow the review. 121346

(C) A family member of the deceased may decline to 121347
participate in an interview as part of the review process. In 121348
that case, the review shall continue without the family member's 121349
participation. 121350

Sec. ~~3738.06~~ 5180.275. (A) Any record, document, report, 121351
or other information presented to the PAMR board, as well as all 121352
statements made by board members during board meetings, all work 121353
products of the board, and data submitted to the department of 121354
~~health-children and youth~~ by the board, other than the biennial 121355
reports described in section ~~3738.08-5180.277~~ of the Revised 121356
Code, are confidential and not a public record under section 121357
149.43 of the Revised Code. Such materials shall be used by the 121358
board and department only in the exercise of the proper 121359
functions of the board and department. 121360

(B) No person shall permit or encourage the unauthorized 121361
dissemination of confidential information described in division 121362
(A) of this section. 121363

~~(C) Whoever violates division (B) of this section is~~ 121364
~~guilty of a misdemeanor of the second degree.~~ 121365

Sec. ~~3738.07~~ 5180.276. (A) An individual or public or 121366
private entity providing records, documents, reports, or other 121367
information to the PAMR board is immune from any civil liability 121368

for injury, death, or loss to person or property that otherwise 121369
might be incurred or imposed as a result of providing the 121370
records, documents, reports, or information to the board. 121371

(B) Each board member is immune from any civil liability 121372
for injury, death, or loss to person or property that might 121373
otherwise be incurred or imposed as a result of the member's 121374
participation on the board. 121375

Sec. ~~3738-08~~ 5180.277. (A) The PAMR board shall prepare a 121376
biennial report that does all of the following: 121377

(1) Summarizes the board's findings from the reviews 121378
completed in the immediately preceding two calendar years, 121379
including any trends or patterns identified by the board; 121380

(2) Makes recommendations on how pregnancy-associated 121381
deaths may be prevented, including changes that should be made 121382
to policies and laws; 121383

(3) Includes any other information related to pregnancy- 121384
associated mortality the board considers useful. 121385

(B) A report shall not contain individually identifiable 121386
information regarding any woman whose death was reviewed by the 121387
board. 121388

(C) The board shall submit a copy of each report to the 121389
director of ~~health~~children and youth, the general assembly, and 121390
the governor. The copy to the general assembly shall be 121391
submitted in accordance with section 101.68 of the Revised Code. 121392
The initial report shall be submitted not later than March 1, 121393
2020, with subsequent reports submitted not later than March 1 121394
every two years thereafter. 121395

The director shall make a copy of each report available on 121396

the department of ~~health's~~ children and youth's web site. 121397

(D) Reports prepared under this section are public records 121398
under section 149.43 of the Revised Code. 121399

Sec. ~~3738.09~~ 5180.278. The director of ~~health~~ children and 121400
youth shall adopt rules that are necessary for the 121401
implementation of sections ~~3738.01~~ 5180.27 to ~~3738.08~~ 5180.277 121402
of the Revised Code, including rules that do all of the 121403
following: 121404

(A) Establish a procedure for the PAMR board to follow in 121405
conducting pregnancy-associated death reviews; 121406

(B) Specify the data and other relevant information the 121407
board must use when conducting pregnancy-associated death 121408
reviews; 121409

(C) Establish guidelines for the board to follow to 121410
prevent an unauthorized dissemination of confidential 121411
information in violation of division (B) of section ~~3738.06~~ 121412
5180.275 of the Revised Code. 121413

The rules shall be adopted in accordance with Chapter 119. 121414
of the Revised Code. 121415

Sec. ~~5101.13~~ 5180.40. (A) The department of children and 121416
youth shall establish and maintain a uniform statewide automated 121417
child welfare information system in accordance with the 121418
requirements of 42 ~~U.S.C.A.~~ U.S.C. 674(a) (3) (C) and related 121419
federal regulations and guidelines. The information system shall 121420
contain records regarding any of the following: 121421

(1) Investigations of children and families, and 121422
children's care in out-of-home care, in accordance with sections 121423
2151.421 and 5153.16 of the Revised Code; 121424

(2) Care and treatment provided to children and families; 121425

(3) Any other information related to children and families 121426
that state or federal law, regulation, or rule requires the 121427
department or a public children services agency to maintain. 121428

~~(B) The department shall plan implementation of the 121429
information system on a county-by-county basis and shall 121430
finalize statewide implementation by all public children- 121431
services agencies as described in section 5153.02 of the Revised 121432
Code not later than January 1, 2008. 121433~~

~~(C) The department shall promptly notify all public 121434
children services agencies of the initiation and completion of 121435
statewide implementation of the statewide information system 121436
established under division (A) of this section. 121437~~

~~(D) "Out-of-home care" has the same meaning as in section 121438
2151.011 of the Revised Code. 121439~~

Sec. ~~5101.131~~ 5180.401. Except as provided in section 121440
~~5101.132~~ 5180.402 of the Revised Code, information contained in 121441
or obtained from the information system established and 121442
maintained under section ~~5101.13~~ 5180.40 of the Revised Code is 121443
confidential and is not subject to disclosure pursuant to 121444
section 149.43 or 1347.08 of the Revised Code. 121445

Sec. ~~5101.132~~ 5180.402. (A) Information contained in the 121446
information system established and maintained under section 121447
~~5101.13~~ 5180.40 of the Revised Code may be accessed or entered 121448
only as follows: 121449

(1) The department of job and family services, the 121450
department of children and youth, a public children services 121451
agency, a title IV-E agency, a prosecuting attorney, a private 121452
child placing agency, and a private noncustodial agency may 121453

access or enter the information when either of the following is 121454
the case: 121455

(a) The access or entry is directly connected with 121456
assessment, investigation, or services regarding a child or 121457
family; 121458

(b) The access or entry is permitted by state or federal 121459
law, rule, or regulation. 121460

(2) A person may access or enter the information in a 121461
manner, to the extent, and for the purposes authorized by rules 121462
adopted by the department. 121463

(B) As used in this section, "title IV-E agency" means a 121464
public children services agency or a public entity with which 121465
the department of job and family services or department of 121466
children and youth has a title IV-E subgrant agreement in 121467
effect. 121468

Sec. ~~5101.133~~ 5180.403. No person shall access or use 121469
information contained in the information system established and 121470
maintained under section ~~5101.13~~5180.40 of the Revised Code 121471
other than in accordance with section ~~5101.132~~5180.402 of the 121472
Revised Code or rules authorized by that section. 121473

No person shall disclose information obtained from the 121474
information system established and maintained under section 121475
~~5101.13~~5180.40 of the Revised Code in a manner not specified by 121476
rules authorized by section ~~5101.134~~5180.404 of the Revised 121477
Code. 121478

Sec. ~~5101.134~~ 5180.404. (A) Notwithstanding any provision 121479
of the Revised Code that requires confidentiality of information 121480
that is contained in the uniform statewide automated child 121481
welfare information system established in section ~~5101.13~~ 121482

5180.40 of the Revised Code, the department of children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code regarding a private child placing agency's or private noncustodial agency's access, data entry, and use of information in the uniform statewide automated child welfare information system.

(B) (1) The department of children and youth may adopt rules in accordance with section 111.15 of the Revised Code, as if they were internal management rules, as necessary to carry out the purposes of sections ~~5101.13~~ 5180.40 to ~~5101.133~~ 5180.403 of the Revised Code.

(2) The department may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to carry out the purposes of division (A) (2) of section ~~5101.132~~ 5180.402 of the Revised Code.

(C) Public children services agencies shall implement and use the information system established pursuant to section ~~5101.13~~ 5180.40 of the Revised Code in accordance with rules adopted by the department.

Sec. ~~5101.135~~ 5180.405. (A) A public children services employee who is entering a report of an investigation of child abuse in the statewide automated child welfare information system, as required by section ~~5101.13~~ 5180.40 of the Revised Code, shall make a notation on each case of child abuse that indicates whether the child abuse arose from an act that caused the child to suffer from, or resulted in the child suffering from, shaken baby syndrome.

(B) On the first day of March of each year, the department of children and youth shall report to the director of health the

number of reports of child abuse that arose from an act that 121512
caused the child to suffer from, or resulted in the child 121513
suffering from, shaken baby syndrome and that arose during the 121514
calendar year immediately preceding the calendar year in which 121515
the report is made, as determined by an examination of the 121516
statewide automated child welfare information system established 121517
and maintained under section ~~5101.13~~5180.40 of the Revised 121518
Code. 121519

(C) As used in this section, "shaken baby syndrome" has 121520
the same meaning as in section 5180.14 of the Revised Code. 121521

Sec. ~~5101.136~~ 5180.406. If a person requests the 121522
department of ~~job and family services~~children and youth to 121523
conduct a search of whether that person's name has been placed 121524
or remains in the statewide automated child welfare information 121525
system as an alleged perpetrator of child abuse or neglect and a 121526
search reveals that a "substantiated" disposition exists, the 121527
department shall send a letter to the person who requested the 121528
search indicating a "match." 121529

Sec. ~~5101.137~~ 5180.407. The department of ~~job and family~~
~~services~~children and youth shall work with stakeholders to 121530
establish an expungement policy regarding dispositions of child 121531
abuse or neglect in Ohio's central registry on child abuse and 121532
neglect by March 1, 2024. 121533
121534

Sec. ~~5101.14~~ 5180.41. (A) As used in this section and 121535
section ~~5101.144~~5180.411 of the Revised Code, "children 121536
services" means services provided to children pursuant to 121537
Chapter 5153. of the Revised Code. 121538

(B) Within available funds, the department of children and 121539
youth shall distribute funds to the counties within thirty days 121540

after the beginning of each calendar quarter for a part of the 121541
counties' costs for children services. 121542

Funds provided to the county under this section shall be 121543
deposited into the children services fund created pursuant to 121544
section ~~5101.144~~5180.411 of the Revised Code. 121545

(C) In each fiscal year, the amount of funds available for 121546
distribution under this section shall be allocated to counties 121547
as follows: 121548

(1) If the amount is less than the amount initially 121549
appropriated for the immediately preceding fiscal year, each 121550
county shall receive an amount equal to the percentage of the 121551
funding it received in the immediately preceding fiscal year, 121552
exclusive of any releases from or additions to the allocation or 121553
any sanctions imposed under this section; 121554

(2) If the amount is equal to the amount initially 121555
appropriated for the immediately preceding fiscal year, each 121556
county shall receive an amount equal to the amount it received 121557
in the preceding fiscal year, exclusive of any releases from or 121558
additions to the allocation or any sanctions imposed under this 121559
section; 121560

(3) If the amount is greater than the amount initially 121561
appropriated for the immediately preceding fiscal year, each 121562
county shall receive the amount determined under division (C) (2) 121563
of this section as a base allocation, plus a percentage of the 121564
amount that exceeds the amount initially appropriated for the 121565
immediately preceding fiscal year. The amount exceeding the 121566
amount initially appropriated in the immediately preceding 121567
fiscal year shall be allocated to the counties as follows: 121568

(a) Twelve per cent divided equally among all counties; 121569

(b) Forty-eight per cent in the ratio that the number of residents of the county under the age of eighteen bears to the total number of such persons residing in this state;

(c) Forty per cent in the ratio that the number of residents of the county with incomes under the federal poverty guideline bears to the total number of such persons in this state.

As used in division (C) (3) (c) of this section, "federal poverty guideline" means the poverty guideline as defined by the United States office of management and budget and revised by the United States secretary of health and human services in accordance with section 673 of the "Community Services Block Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended.

(D) Within ninety days after the end of each state fiscal biennium, each county shall return any unspent funds to the department.

(E) The director of children and youth may adopt the following rules in accordance with section 111.15 of the Revised Code:

(1) Rules that are necessary for the allocation of funds under this section;

(2) Rules prescribing reports on expenditures to be submitted by the counties as necessary for the implementation of this section.

Sec. ~~5101.144~~ 5180.411. Each county shall deposit all funds its public children services agency receives from appropriations made by the board of county commissioners or any other source for the purpose of providing children services into a special fund in the county treasury known as the children

services fund. A county shall use money in the fund only for the 121599
purposes of meeting the expenses of providing children services. 121600

Sec. ~~5101.141~~ 5180.42. (A) As used in sections ~~5101.141~~ 121601
~~5180.42~~ to ~~5101.1417~~-~~5180.4214~~ of the Revised Code: 121602

(1) "Adopted young adult" means a person: 121603

(a) Who was in the temporary or permanent custody of a 121604
public children services agency; 121605

(b) Who was adopted at the age of sixteen or seventeen and 121606
attained the age of sixteen before a Title IV-E adoption 121607
assistance agreement became effective; 121608

(c) Who has attained the age of eighteen; and 121609

(d) Who has not yet attained the age of twenty-one. 121610

(2) "Child" means any of the following: 121611

(a) A person who meets the requirements of division (B) (3) 121612
of section 5153.01 of the Revised Code; 121613

(b) An adopted young adult; 121614

(c) An emancipated young adult. 121615

(3) "Emancipated young adult" means a person: 121616

(a) Who was in the temporary or permanent custody of a 121617
public children services agency, a planned permanent living 121618
arrangement, or in the Title-IV-E-eligible care and placement 121619
responsibility of a juvenile court or other governmental agency 121620
that provides Title IV-E reimbursable placement services; 121621

(b) Whose custody, arrangement, or care and placement was 121622
terminated on or after the person's eighteenth birthday; and 121623

(c) Who has not yet attained the age of twenty-one. 121624

(4) "Kinship guardianship young adult" means an individual	121625
that meets the following criteria:	121626
(a) Was in the temporary or permanent custody of a public	121627
children services agency or a planned permanent living	121628
arrangement prior to the commitment described in division (A) (4)	121629
(b) of this section;	121630
(b) Was committed to the legal custody or legal	121631
guardianship of a kinship caregiver at the age of sixteen or	121632
seventeen and attained the age of sixteen before a Title IV-E	121633
kinship guardianship assistance agreement became effective;	121634
(c) Has attained the age of eighteen;	121635
(d) Has not yet attained the age of twenty-one.	121636
(5) "Relative" means, with respect to a child, any of the	121637
following who is eighteen years of age or older:	121638
(a) The following individuals related by blood or adoption	121639
to the child:	121640
(i) Grandparents, including grandparents with the prefix	121641
"great," "great-great," or "great-great-great";	121642
(ii) Siblings;	121643
(iii) Aunts, uncles, nephews, and nieces, including such	121644
relatives with the prefix "great," "great-great," "grand," or	121645
"great-grand";	121646
(iv) First cousins and first cousins once removed.	121647
(b) Stepparents and stepsiblings of the child;	121648
(c) Spouses and former spouses of individuals named in	121649
divisions (A) (5) (a) and (b) of this section;	121650

(d) A legal guardian of the child; 121651

(e) A legal custodian of the child; 121652

(f) Any nonrelative adult that has a familiar and long- 121653
standing relationship or bond with the child or the family, 121654
which relationship or bond will ensure the child's social ties. 121655

(6) "Representative" means a person with whom the 121656
department of children and youth has entered into a contract, 121657
pursuant to division (B) (2) (b) of this section. 121658

(7) "Title IV-E" means Title IV-E of the "Social Security 121659
Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 121660

(B) (1) Except as provided in divisions (B) (2) ~~and~~ (3) ~~and~~ 121661
~~and~~ (4) of this section, the department of children and youth 121662
shall act as the single state agency to administer federal 121663
payments for foster care, kinship guardianship assistance, and 121664
adoption assistance made pursuant to Title IV-E. The director of 121665
children and youth shall adopt rules to implement this 121666
authority. Rules governing financial and administrative 121667
requirements applicable to public children services agencies and 121668
government entities that provide Title IV-E reimbursable 121669
placement services to children shall be adopted in accordance 121670
with section 111.15 of the Revised Code, as if they were 121671
internal management rules. Rules governing requirements 121672
applicable to private child placing agencies and private 121673
noncustodial agencies and rules establishing eligibility, 121674
program participation, and other requirements concerning Title 121675
IV-E shall be adopted in accordance with Chapter 119. of the 121676
Revised Code. A public children services agency to which the 121677
department distributes Title IV-E funds shall administer the 121678
funds in accordance with those rules. 121679

~~(2) If the~~ (2) (a) The department shall implement the state 121680
plan is as amended under divisions (A) and (B) of section 121681
5101.1411-5180.428 of the Revised Code, both of the following 121682
shall apply:— 121683

~~(a) Implementation of the amendments to the plan shall~~ 121684
~~begin fifteen months after September 13, 2016, the effective~~ 121685
~~date of H.B. 50 of the 131st general assembly, if both of the~~ 121686
~~following apply:—~~ 121687

~~(i) The plan as amended is approved by the secretary of~~ 121688
~~health and human services;—~~ 121689

~~(ii) The~~ if the general assembly has appropriated 121690
sufficient funds to operate the program required under the plan 121691
as amended. 121692

(b) The department shall have, exercise, and perform all 121693
new duties required under the plan as amended. In doing so, the 121694
department may contract with another person to carry out those 121695
new duties, to the extent permitted under Title IV-E. 121696

~~(3) If the state plan is amended under division (C) of~~ 121697
~~section 5101.1411 of the Revised Code, both of the following~~ 121698
~~apply:—~~ 121699

~~(a) Implementation of the amendments to the plan shall~~ 121700
~~begin fifteen months after September 30, 2021, if both of the~~ 121701
~~following apply:—~~ 121702

~~(i) The plan as amended is approved by the secretary of~~ 121703
~~health and human services.—~~ 121704

~~(ii) The general assembly has appropriated sufficient~~ 121705
~~funds to operate the program required under the plan as amended.~~ 121706

~~(b) The department shall perform all new duties required~~ 121707

~~under the amended plan. In doing so, the department may contract with another person to carry out those new duties, to the extent permitted under Title IV-E.~~ 121708
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~~(4) If The department shall implement the state plan ~~is as~~ amended under section ~~5101.1416~~ 5180.4213 of the Revised Code, and ~~is approved by the secretary of health and human services,~~ implementation of the amendments to the plan shall begin fifteen months after September 30, 2021.~~ 121711
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(C) (1) Except with regard to the new duties imposed on the department or its contractor under ~~divisions~~ division (B) (2) (b) and ~~(B) (3) (b)~~ of this section that are not imposed on the county, the county, on behalf of each child eligible for foster care maintenance payments under Title IV-E, shall make payments to cover the cost of providing all of the following: 121716
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121719
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(a) The child's food, clothing, shelter, daily supervision, and school supplies; 121722
121723

(b) The child's personal incidentals; 121724

(c) Reasonable travel to the child's home for visitation. 121725

(2) In addition to payments made under division (C) (1) of this section, the county may, on behalf of each child eligible for foster care maintenance payments under Title IV-E, make payments to cover the cost of providing the following: 121726
121727
121728
121729

(a) Liability insurance with respect to the child; 121730

(b) If the county is participating in the demonstration project established under division (A) of section ~~5101.142~~ 5180.421 of the Revised Code, services provided under the project. 121731
121732
121733
121734

(3) With respect to a child who is in a child-care 121735

institution, including any type of group home designed for the 121736
care of children or any privately operated program consisting of 121737
two or more certified foster homes operated by a common 121738
administrative unit, the foster care maintenance payments made 121739
by the county on behalf of the child shall include the 121740
reasonable cost of the administration and operation of the 121741
institution, group home, or program, as necessary to provide the 121742
items described in divisions (C) (1) and (2) of this section. 121743

(D) To the extent that either foster care maintenance 121744
payments under division (C) of this section, Title IV-E kinship 121745
guardianship assistance, or Title IV-E adoption assistance 121746
payments for maintenance costs require the expenditure of county 121747
funds, the board of county commissioners shall report the nature 121748
and amount of each expenditure of county funds to the 121749
department. 121750

(E) The department shall distribute to public children 121751
services agencies that incur and report expenditures of the type 121752
described in division (D) of this section federal financial 121753
participation received for administrative and training costs 121754
incurred in the operation of foster care maintenance, kinship 121755
guardianship assistance, and adoption assistance programs. The 121756
department may withhold not more than three per cent of the 121757
federal financial participation received. The funds withheld may 121758
be used only to fund the following: 121759

(1) The Ohio child welfare training program established 121760
under section 5103.30 of the Revised Code; 121761

(2) The university partnership program for college and 121762
university students majoring in social work who have committed 121763
to work for a public children services agency upon graduation; 121764

(3) Efforts supporting organizational excellence, 121765
including voluntary activities to be accredited by a nationally 121766
recognized accreditation organization. 121767

The funds withheld shall be in addition to any 121768
administration and training cost for which the department is 121769
reimbursed through its own cost allocation plan. 121770

(F) All federal financial participation funds received by 121771
a county pursuant to this section shall be deposited into the 121772
county's children services fund created pursuant to section 121773
~~5101.144~~5180.411 of the Revised Code. 121774

~~(G)~~ (G) (1) The department shall periodically publish and 121775
distribute the maximum amounts that the department will 121776
reimburse public children services agencies for making payments 121777
on behalf of children eligible for foster care maintenance 121778
payments. 121779

(2) The department may issue a request for proposals to 121780
establish statewide rate cards for placement and care of 121781
children eligible for foster care maintenance payments. If a 121782
request for proposals is issued, the department shall review and 121783
accept the reasonable cost of providing the items described in 121784
division (C) of this section. 121785

(H) The department, by and through its director, is hereby 121786
authorized to develop, participate in the development of, 121787
negotiate, and enter into one or more interstate compacts on 121788
behalf of this state with agencies of any other states, for the 121789
provision of social services to children in relation to whom all 121790
of the following apply: 121791

(1) They have special needs. 121792

(2) This state or another state that is a party to the 121793

interstate compact is providing kinship guardianship assistance 121794
or adoption assistance on their behalf. 121795

(3) They move into this state from another state or move 121796
out of this state to another state. 121797

Sec. ~~5101.142~~ 5180.421. (A) The department of children and 121798
youth may apply to the United States secretary of health and 121799
human services for a waiver of requirements established under 121800
Title IV-E, or regulations adopted thereunder, to conduct a 121801
demonstration project expanding eligibility for and services 121802
provided under Title IV-E. The department may enter into 121803
agreements with the secretary necessary to implement the 121804
demonstration project, including agreements establishing the 121805
terms and conditions of the waiver authorizing the project. If a 121806
demonstration project is to be established, the department shall 121807
do all of the following: 121808

(1) Have the director of children and youth adopt rules in 121809
accordance with Chapter 119. of the Revised Code governing the 121810
project. The rules shall be consistent with the agreements the 121811
department enters into with the secretary. 121812

(2) Enter into agreements with public children services 121813
agencies that the department selects for participation in the 121814
project. The department shall not select an agency that objects 121815
to participation or refuses to be bound by the terms and 121816
conditions of the project. 121817

(3) Contract with persons or governmental agencies 121818
providing services under the project; 121819

(4) Amend the state plan required by section 471 of the 121820
"Social Security Act," 42 ~~U.S.C.A.~~ U.S.C. 671, as amended, as 121821
needed to implement the project; 121822

- (5) Conduct ongoing evaluations of the project; 121823
- (6) Perform other administrative and operational 121824
activities required by the agreement with the secretary. 121825
- (B) The department may apply to the United States 121826
secretary of health and human services for a waiver of the 121827
requirements established under Title IV-B of the "Social 121828
Security Act of 1967," ~~81 Stat. 821, 42 U.S.C.A.~~U.S.C. 620 or 121829
regulations adopted thereunder and established under any other 121830
federal law or regulations that affect the children services 121831
functions prescribed by Chapter 5153. of the Revised Code, to 121832
conduct demonstration projects or otherwise improve the 121833
effectiveness and efficiency of the children services function. 121834
- Sec. ~~5101.145~~ 5180.422.** (A) In adopting rules under 121835
section ~~5101.141-5180.42~~ of the Revised Code regarding financial 121836
requirements applicable to public children services agencies, 121837
private child placing agencies, private noncustodial agencies, 121838
and government entities that provide Title IV-E reimbursable 121839
placement services to children, the department of children and 121840
youth ~~shall~~may establish both of the following: 121841
- (1) A single form for the agencies or entities to report 121842
costs reimbursable under Title IV-E and costs reimbursable under 121843
medicaid; 121844
- (2) Procedures to monitor cost reports submitted by the 121845
agencies or entities. 121846
- (B) The procedures established under division (A) (2) of 121847
this section shall ~~be implemented not later than October 1,~~ 121848
~~2003. The procedures shall be used to do both of the following:~~ 121849
- (1) Determine which of the costs are reimbursable under 121850
Title IV-E; 121851

(2) Ensure that costs reimbursable under medicaid are 121852
excluded from determinations made under division (B) (1) of this 121853
section. 121854

Sec. ~~5101.146~~ 5180.423. The department of children and 121855
youth shall establish the following penalties, which shall be 121856
enforced at the discretion of the department, for the failure of 121857
a public children services agency, private child placing agency, 121858
private noncustodial agency, or government entity that provides 121859
Title IV-E reimbursable placement services to children to comply 121860
with procedures the department establishes to ensure fiscal 121861
accountability: 121862

(A) For initial failure, the department and the agency or 121863
entity involved shall jointly develop and implement a corrective 121864
action plan according to a specific schedule. If requested by 121865
the agency or entity involved, the department shall provide 121866
technical assistance to the agency or entity to ensure the 121867
fiscal accountability procedures and goals of the plan are met. 121868

(B) For subsequent failures or failure to achieve the 121869
goals of the plan described in division (A) of this section, one 121870
of the following: 121871

(1) For public children services agencies, the department 121872
may take any action permitted under division (C) (2), (4), (5), 121873
or (6) of section 5101.24 of the Revised Code. 121874

(2) For private child placing agencies or private 121875
noncustodial agencies, cancellation of any Title IV-E 121876
allowability rates for the agency involved pursuant to section 121877
~~5101.141~~ 5180.42 of the Revised Code or revocation pursuant to 121878
Chapter 119. of the Revised Code of that agency's certificate 121879
issued under section 5103.03 of the Revised Code; 121880

(3) For government entities, other than public children services agencies, that provide Title IV-E reimbursable placement services to children, cancellation of any Title IV-E allowability rates for the entity involved pursuant to section ~~5101.141~~5180.42 of the Revised Code. 121881
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Sec. ~~5101.147~~ 5180.424. If a public children services agency fails to comply with the fiscal accountability procedures established by the department of children and youth, the department shall notify the board of county commissioners of the county served by the agency. If a private child placing agency or private noncustodial agency fails to comply with the fiscal accountability procedures, the department shall notify the executive director of each public children services agency that has entered into a contract for services with the private child placing agency or private noncustodial agency. 121886
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Sec. ~~5101.148~~ 5180.425. If the department of children and youth sanctions a public children services agency, private child placing agency, or private noncustodial agency, it shall take every possible precaution to ensure that any foster children that have been placed by the agency under sanction are not unnecessarily removed from the certified foster homes in which they reside. 121896
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Sec. ~~5101.149~~ 5180.426. Money from the children services fund shall not be used to provide a personal loan to any individual. 121903
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Sec. ~~5101.1410~~ 5180.427. In addition to the remedies available under sections ~~5101.146~~ and ~~5101.24~~ and 5180.423 of the Revised Code, the department of children and youth may certify a claim to the attorney general under section 131.02 of the Revised Code for the attorney general to take action under 121906
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that section against a public children services agency, private 121911
child placing agency, private noncustodial agency, or government 121912
entity that provides Title IV-E reimbursable placement services 121913
to children if all of the following are the case: 121914

(A) The agency or entity files a cost report with the 121915
department pursuant to rules adopted under division (B) of 121916
section ~~5101.141~~5180.42 of the Revised Code. 121917

(B) The department receives and distributes federal Title 121918
IV-E reimbursement funds based on the cost report. 121919

(C) The agency's or entity's misstatement, 121920
misclassification, overstatement, understatement, or other 121921
inclusion or omission of any cost included in the cost report 121922
causes the United States department of health and human services 121923
to disallow all or part of the federal Title IV-E reimbursement 121924
funds the department received and distributed. 121925

(D) The agency's or entity's misstatement, 121926
misclassification, overstatement, understatement, or other 121927
inclusion or omission of any cost included in the cost report is 121928
not the direct result of a written directive concerning the 121929
agency or entity's cost report that the department issued to the 121930
agency or entity. 121931

Sec. ~~5101.1411~~ 5180.428. (A) (1) The director of ~~job and~~ 121932
~~family services children and youth~~ shall, ~~not later than nine~~ 121933
~~months after September 13, 2016, the effective date of H.B. 50~~ 121934
~~of the 131st general assembly, submit an amendment to the state~~ 121935
~~plan required by 42 U.S.C. 671 to the United States secretary of~~ 121936
~~health and human services to implement 42 U.S.C. 675(8) to make~~ 121937
federal payments for foster care under Title IV-E directly to, 121938
or on behalf of, any emancipated young adult who meets the 121939

following requirements: 121940

(a) The emancipated young adult signs a voluntary participation agreement. 121941
121942

(b) The emancipated young adult satisfies division (D) of this section. 121943
121944

(2) Any emancipated young adult who meets the requirements of division (A) (1) of this section may apply for foster care payments and make the appropriate application at any time. 121945
121946
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(B) (1) The director of ~~job and family services children and youth shall, not later than nine months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to~~ implement 42 U.S.C. 675(8) to make federal payments for adoption assistance under Title IV-E available to any parent who meets all of the following requirements: 121948
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(a) The parent adopted a person who is an adopted young adult and the parent entered into an adoption assistance agreement under 42 U.S.C. 673 while the adopted person was age sixteen or seventeen. 121956
121957
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121959

(b) The parent maintains parental responsibility for the adopted young adult. 121960
121961

(c) The adopted young adult satisfies division (D) of this section. 121962
121963

(2) Any parent who meets the requirements of division (B) (1) of this section that are applicable to a parent may request an extension of adoption assistance payments at any time before the adopted young adult reaches age twenty-one. 121964
121965
121966
121967

(3) An adopted young adult who is eligible to receive adoption assistance payments is not considered an emancipated young adult and is therefore not eligible to receive payment under division (A) of this section.

(C) (1) The director of ~~job and family services~~ children and youth shall, ~~not later than nine months after September 30, 2021, submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to~~ implement 42 U.S.C. 673(d) to provide kinship guardianship assistance under Title IV-E available to any relative who meets all of the following requirements:

(a) Both of the following apply:

(i) A juvenile court issued an order granting legal custody of a person who is a kinship guardianship young adult to the relative, or a probate court issued an order granting guardianship of a person who is a kinship guardianship young adult to the relative, and the order is not a temporary court order.

(ii) The relative entered into a kinship guardianship assistance agreement under 42 U.S.C. 673(d) while the kinship guardianship young adult was age sixteen or seventeen.

(b) The relative maintains parental responsibility for the kinship guardianship young adult.

(c) The kinship guardianship young adult satisfies division (D) of this section.

(2) Any person who meets the requirements of division (C) (1) of this section may request an extension of kinship guardianship assistance at any time before the kinship guardianship young adult reaches age twenty-one.

(3) A kinship guardianship young adult who is eligible to receive kinship guardianship assistance is not considered an emancipated young adult and is therefore not eligible to receive assistance under division (A) of this section.

(D) In addition to other requirements, an adopted, kinship guardianship, or emancipated young adult must meet at least one of the following criteria:

(1) Is completing secondary education or a program leading to an equivalent credential;

(2) Is enrolled in an institution that provides post-secondary or vocational education;

(3) Is participating in a program or activity designed to promote, or remove barriers to, employment;

(4) Is employed for at least eighty hours per month;

(5) Is incapable of doing any of the activities described in divisions (D)(1) to (4) of this section due to a physical or mental condition, which incapacity is supported by regularly updated information in the person's case record or plan.

(E) Any emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or any relative described in division (C)(1) of this section who is receiving kinship guardianship assistance, or any parent receiving adoption assistance payments, may refuse the payments at any time.

(F)(1) An emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are

received, or any relative described in division (C) (1) of this 122025
section who is receiving kinship guardianship assistance and the 122026
kinship guardianship young adult, or a parent receiving adoption 122027
assistance payments and the adopted young adult shall be 122028
eligible for services set forth in the federal, "Fostering 122029
Connections to Success and Increasing Adoptions Act of 2008," 122030
P.L. 110-351, ~~122 Stat. 3949.~~ 122031

(2) An emancipated young adult described in division (A) 122032
(1) of this section who is directly receiving foster care 122033
payments, or on whose behalf such foster care payments are 122034
received, pursuant to this section, may be eligible to reside in 122035
a supervised independent living setting, including apartment 122036
living, room and board arrangements, college or university 122037
dormitories, host homes, and shared roommate settings. 122038

(G) Any determination by the department of ~~job and family~~ 122039
~~services or the department of children and youth~~ that denies or 122040
terminates foster care assistance, kinship guardianship 122041
assistance, ~~kinship support program payments,~~ or adoption 122042
assistance payments shall be subject to a state hearing pursuant 122043
to section 5101.35 of the Revised Code. 122044

Sec. ~~5101.1412~~ 5180.429. (A) Without the approval of a 122045
court, an emancipated young adult who receives payments, or on 122046
whose behalf payments are received, under division (A) of 122047
section ~~5101.1411~~ 5180.428 of the Revised Code, may enter into a 122048
voluntary participation agreement with the department of 122049
children and youth, or its representative, for the emancipated 122050
young adult's care and placement. The agreement shall stay in 122051
effect until one of the following occurs: 122052

(1) The emancipated young adult enrolled in the program 122053
notifies the department, or its representative, that they want 122054

to terminate the agreement. 122055

(2) The emancipated young adult becomes ineligible for the 122056
program. 122057

(B) In order to maintain Title IV-E eligibility for the 122058
emancipated young adult, both of the following apply: 122059

(1) Not later than one hundred eighty days after the 122060
effective date of the voluntary participation agreement, the 122061
department or its representative must petition the court for, 122062
and obtain, a judicial determination that the emancipated young 122063
adult's best interest is served by continuing the care and 122064
placement with the department or its representative. 122065

(2) Not later than twelve months after the effective date 122066
of the voluntary participation agreement, and at least once 122067
every twelve months thereafter, the department or its 122068
representative must petition the court for, and obtain, a 122069
judicial determination that the department or its representative 122070
has made reasonable efforts to finalize a permanency plan to 122071
prepare the emancipated young adult for independence. 122072

Sec. ~~5101.1413~~ 5180.4210. Notwithstanding section ~~5101.1411~~ 122073
~~5180.42~~ of the Revised Code and any rules adopted thereunder, 122074
the department of children and youth shall pay the full 122075
nonfederal share of payments made pursuant to section ~~5101.1411~~ 122076
~~5180.428~~ of the Revised Code. No public children services agency 122077
shall be responsible for the cost of any payments made pursuant 122078
to section ~~5101.1411~~ 5180.428 of the Revised Code. 122079

Sec. ~~5101.1414~~ 5180.4211. (A) The department of children 122080
and youth shall adopt rules necessary to carry out the purposes 122081
of sections ~~5101.1411~~ 5180.428 to ~~5101.1413~~ 5180.4210 of the 122082
Revised Code, including rules that do all of the following: 122083

(1) Allow an emancipated young adult described in division 122084
(A) (1) of section ~~5101.1411~~ 5180.428 of the Revised Code who is 122085
directly receiving foster care payments, or on whose behalf such 122086
foster care payments are received, or an adopted young adult 122087
whose adoptive parents are receiving adoption assistance 122088
payments, to maintain eligibility while transitioning into, or 122089
out of, qualified employment or educational activities; 122090

(2) Require that a thirty-day notice of termination be 122091
given by the department to an emancipated young adult described 122092
in division (A) (1) of section ~~5101.1411~~ 5180.428 of the Revised 122093
Code who is receiving foster care payments, or on whose behalf 122094
such foster care payments are received, or to a parent receiving 122095
adoption assistance payments for an adopted young adult 122096
described in division (B) (1) of section ~~5101.1411~~ 5180.428 of 122097
the Revised Code, who is determined to be ineligible for 122098
payments; 122099

(3) Establish the scope of practice and training necessary 122100
for case managers and supervisors who care for emancipated young 122101
adults described in division (A) (1) of section ~~5101.1411~~ 122102
5180.428 of the Revised Code who are receiving foster care 122103
payments, or on whose behalf such foster care payments are 122104
received, under section ~~5101.1411~~ 5180.428 of the Revised Code. 122105

(B) The department of children and youth shall create an 122106
advisory council to evaluate and make recommendations for 122107
statewide implementation of sections ~~5101.1411~~ 5180.428 and 122108
~~5101.1412~~ 5180.429 of the Revised Code. 122109

Sec. ~~5101.1415~~ 5180.4212. The provisions of divisions (A) 122110
and (D) to (G) of section ~~5101.1411~~ 5180.428 of the Revised Code 122111
shall not apply if the person is eligible for temporary or 122112
permanent custody until age twenty-one pursuant to a 122113

dispositional order under sections 2151.353, 2151.414, and 122114
2151.415 of the Revised Code. 122115

Sec. ~~5101.1416~~ 5180.4213. (A) ~~Not later than nine months~~ 122116
~~after the effective date of this section , the~~ The director of 122117
~~job and family services~~ children and youth shall submit an 122118
~~amendment to the state plan required by 42 U.S.C. 671 to the~~ 122119
~~United States secretary of health and human services to~~ 122120
implement 42 U.S.C. 673(d) to provide kinship guardianship 122121
assistance under Title IV-E on behalf of a child to a relative 122122
who meets the following requirements: 122123

(1) The relative has cared for the eligible child pursuant 122124
to division (B) of this section as a foster caregiver as defined 122125
by section 5103.02 of the Revised Code for at least six 122126
consecutive months. 122127

(2) Both of the following apply: 122128

(a) A juvenile court issued an order granting legal 122129
custody of the child to the relative, or a probate court issued 122130
an order granting guardianship of the child to the relative, and 122131
the order is not a temporary court order. 122132

(b) The relative has committed to care for the child on a 122133
permanent basis. 122134

(3) The relative signs a kinship guardianship assistance 122135
agreement required by 42 U.S.C. 673. 122136

(B) A child is an eligible child for kinship guardianship 122137
assistance under this section if the following are met: 122138

(1) The child has been removed from his or her home 122139
pursuant to a voluntary placement agreement or as a result of a 122140
judicial determination to the effect that continuation in the 122141

home would be contrary to the welfare of the child. 122142

(2) The child has been eligible for foster care 122143
maintenance payments under section ~~5101.141~~5180.42 of the 122144
Revised Code while residing for at least six consecutive months 122145
in the home of a relative described in division (A) of this 122146
section. 122147

(3) Returning the child home or adoption of the child are 122148
not appropriate permanency options for the child. 122149

(4) The child demonstrates a strong attachment to the 122150
child's relative described in division (A) of this section and 122151
the relative has a strong commitment to caring permanently for 122152
the child. 122153

(5) With respect to a child who has attained fourteen 122154
years of age, the child has been consulted regarding the kinship 122155
guardianship arrangement. 122156

Sec. ~~5101.1417~~ 5180.4214. The department of children and 122157
youth shall adopt rules necessary to carry out the purposes of 122158
sections ~~5101.141~~5180.42, ~~5101.1411~~5180.428, and ~~5101.1416~~ 122159
5180.4213 of the Revised Code, and 42 U.S.C. 673(d) of the 122160
"Social Security Act," including rules that do all of the 122161
following: 122162

(A) Allow a kinship guardianship young adult described in 122163
division (C) of section ~~5101.1411~~5180.428 of the Revised Code 122164
on whose behalf kinship guardianship assistance is received, to 122165
maintain eligibility while transitioning into, or out of, 122166
qualified employment or educational activities; 122167

(B) Require that a thirty-day notice of termination be 122168
given by the department to a person receiving kinship 122169
guardianship assistance for a kinship guardianship young adult 122170

described in division (C) of section ~~5101.1411~~5180.428 of the Revised Code, who is determined to be ineligible for assistance. 122171
122172

Sec. ~~5101.1418~~ 5180.43. (A) (1) If, after a child's 122173
adoption is finalized, the department of children and youth 122174
considers the child to be in need of public care or protective 122175
services, the department may, to the extent state funds are 122176
available for this purpose, enter into an agreement with the 122177
child's adoptive parent under which the department may make post 122178
adoption special services subsidy payments on behalf of the 122179
child as needed when both of the following apply: 122180

(a) The child has a physical or developmental disability 122181
or mental or emotional condition that either: 122182

(i) Existed before the adoption petition was filed; or 122183

(ii) Developed after the adoption petition was filed and 122184
can be directly attributed to factors in the child's preadoption 122185
background, medical history, or biological family's background 122186
or medical history. 122187

(b) The department determines the expenses necessitated by 122188
the child's disability or condition are beyond the adoptive 122189
parent's economic resources. 122190

(2) Services for which the department may make post 122191
adoption special services subsidy payments on behalf of a child 122192
under this section shall include medical, surgical, psychiatric, 122193
psychological, and counseling services, including residential 122194
treatment. 122195

(3) The department shall establish clinical standards to 122196
evaluate a child's physical or developmental disability or 122197
mental or emotional condition and assess the child's need for 122198
services. 122199

(4) The total dollar value of post adoption special services subsidy payments made on a child's behalf shall not exceed ten thousand dollars in any fiscal year, unless the department determines that extraordinary circumstances exist that necessitate further funding of services for the child. Under such extraordinary circumstances, the value of the payments made on the child's behalf shall not exceed fifteen thousand dollars in any fiscal year.

(5) The adoptive parent or parents of a child who receives post adoption special services subsidy payments shall pay at least five per cent of the total cost of all services provided to the child; except that the department may waive this requirement if the gross annual income of the child's adoptive family is not more than two hundred per cent of the federal poverty guideline.

(6) The department may use other sources of revenue to make post adoption special services subsidy payments, in addition to any state funds appropriated for that purpose.

(7) The department may contract with another person to carry out any of the duties described in this section.

(B) No payment shall be made on behalf of any person eighteen years of age or older beyond the end of the school year during which the person attains the age of eighteen or on behalf of a mentally or physically disabled person twenty-one years of age or older.

(C) The director of children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code necessary to implement this section. The rules shall establish all of the following:

(1) The application process for all forms of assistance provided under this section;	122229 122230
(2) Standards for determining the children who qualify to receive assistance provided under this section;	122231 122232
(3) The method of determining the amount, duration, and scope of services provided to a child;	122233 122234
(4) The method of transitioning the post adoption special services subsidy program from public children services agencies to the department;	122235 122236 122237
(5) Any other rule, requirement, or procedure the department considers appropriate for the implementation of this section.	122238 122239 122240
(D) The department shall implement this section not later than July 1, 2022.	122241 122242
Sec. 5101.15 <u>5180.44</u>. Within available funds the department of children and youth may reimburse counties in accordance with this section for a portion of the salaries paid to child welfare workers employed under section 5153.12 of the Revised Code. No county with a population of eighty thousand or less, according to the latest census accepted by the department as official, shall be entitled to reimbursement on the salaries of more than two child welfare workers, and no county with a population of more than eighty thousand, according to such census, shall be entitled to reimbursement on the salaries of more than two child welfare workers plus one additional child welfare worker for each one hundred thousand of population in excess of eighty thousand.	122243 122244 122245 122246 122247 122248 122249 122250 122251 122252 122253 122254 122255
The maximum reimbursement to which a county may be entitled on any child welfare worker shall be as follows:	122256 122257

(A) Twenty-seven hundred dollars a year for a child 122258
welfare worker who is a graduate of an accredited high school, 122259
college, or university; 122260

(B) Thirty-three hundred dollars a year for a child 122261
welfare worker who has one year or more of graduate training in 122262
social work or a field which the department finds to be related 122263
to social work; 122264

(C) Thirty-nine hundred dollars a year for a child welfare 122265
worker who has completed two years of social work training. 122266

The salary of the executive director, designated in 122267
accordance with section 5153.10 of the Revised Code, shall be 122268
subject to reimbursement under this section, provided that the 122269
executive director qualifies under division (A), (B), or (C) of 122270
this section. No funds shall be allocated under this section 122271
until the director of children and youth has approved a plan of 122272
child welfare services for the county submitted by the public 122273
children services agency. 122274

Sec. ~~5101.19~~ 5180.45. As used in sections ~~5101.19~~ 5180.45 122275
to ~~5101.194~~ 5180.454 of the Revised Code: 122276

(A) "Adopted child" means a person who is less than 122277
eighteen years of age when the person becomes subject to a final 122278
order of adoption, an interlocutory order of adoption, or when 122279
the adoption is recognized by this state under section 3107.18 122280
of the Revised Code. 122281

(B) "Adoption" includes an adoption arranged by an 122282
attorney, a public children services agency, private child 122283
placing agency, or a private noncustodial agency, an interstate 122284
adoption, or an international or foreign adoption. 122285

(C) "Adoptive parent" means the person or persons who 122286

obtain parental rights and responsibilities over an adopted 122287
child pursuant to a final order of adoption, an interlocutory 122288
order of adoption, or an adoption recognized by this state under 122289
section 3107.18 of the Revised Code. 122290

(D) "Casework services" means services performed or 122291
arranged by a public children services agency, private child 122292
placing agency, private noncustodial agency, or public entity 122293
with whom the department of children and youth has a Title IV-E 122294
subgrant agreement in effect, to manage the progress, provide 122295
supervision and protection of the child and the child's parent, 122296
guardian, or custodian. 122297

(E) "Foster caregiver" has the same meaning as in section 122298
5103.02 of the Revised Code. 122299

(F) "Qualified professional" means an individual that is, 122300
but not limited to, any one of the following: 122301

(1) Audiologist; 122302

(2) Orthopedist; 122303

(3) Physician; 122304

(4) Certified nurse practitioner; 122305

(5) Physician assistant; 122306

(6) Psychiatrist; 122307

(7) Psychologist; 122308

(8) School psychologist; 122309

(9) Licensed marriage and family therapist; 122310

(10) Speech and language pathologist; 122311

(11) Licensed independent social worker; 122312

(12) Licensed professional clinical counselor;	122313
(13) Licensed social worker who is under the direct supervision of a licensed independent social worker;	122314 122315
(14) Licensed professional counselor who is under the direct supervision of a licensed professional clinical counselor.	122316 122317 122318
(G) "Special needs" means any of the following:	122319
(1) A developmental disability as defined in section 5123.01 of the Revised Code;	122320 122321
(2) A physical or mental impairment that substantially limits one or more of the major life activities;	122322 122323
(3) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems;	122324 122325 122326
(4) Any mental or psychological disorder;	122327
(5) A medical condition causing distress, pain, dysfunction, or social problems as diagnosed by a qualified professional that results in ongoing medical treatment.	122328 122329 122330
Sec. 5101.191 <u>5180.451</u>. (A) The director of children and youth shall establish and administer the Ohio adoption grant program in accordance with sections 5101.19 <u>5180.45</u> to 5101.194 <u>5180.454</u> of the Revised Code.	122331 122332 122333 122334
(B) The director shall provide one, but not both, <u>either</u> of the following one-time payments for an adopted child to the child's adoptive parent if the requirements of division (A) of section 5101.192 <u>5180.452</u> of the Revised Code, but not division (B) of that section, are satisfied regarding the child:	122335 122336 122337 122338 122339

- (1) Ten thousand dollars; 122340
- (2) Fifteen thousand dollars, if the parent was a foster caregiver who cared for the child prior to adoption. 122341
122342
- (C) The director shall provide a one-time payment for an adopted child of twenty thousand dollars to the child's adoptive parent if the requirements of divisions (A) and (B) of section ~~5101.192~~ 5180.452 of the Revised Code are satisfied regarding the child. 122343
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- (D) The payment described in divisions (B) and (C) of this section shall be provided to all eligible applicants to the extent state funds are available for this purpose. 122348
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122350
- Sec. ~~5101.192~~ 5180.452.** (A) To receive a grant payment under division (B) of section ~~5101.191~~ 5180.451 of the Revised Code, all of the following must be satisfied: 122351
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122353
- (1) The adoptive parent has not previously received a grant payment from the Ohio adoption grant program for the adopted child for whom the parent is seeking payment. 122354
122355
122356
- (2) The adoptive parent does not also currently claim an adoption tax credit pursuant to former section 5747.37 of the Revised Code for the adopted child for whom the parent is seeking payment. 122357
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- (3) The adoptive parent applies for the grant not later than one year after the final adoption order, interlocutory order of adoption, or recognition of the adoption by this state under section 3107.18 of the Revised Code for the adopted child for whom the grant payment is sought. 122361
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- (4) The adoption was not by a parent whose spouse is a biological or adoptive parent of the child prior to the adoption 122366
122367

for which the payment is sought. 122368

(5) The adoption is finalized on or after January 1, 2023. 122369

(6) The adoptive parent was a resident of Ohio at the time 122370
the adoption was finalized. 122371

(B) To receive a grant payment under division (C) of 122372
section ~~5101.191~~5180.451 of the Revised Code, both of the 122373
following must be satisfied: 122374

(1) The requirements of division (A) of this section must 122375
be satisfied. 122376

(2) A qualified professional who does not provide casework 122377
services to the adopted child diagnoses the child with one or 122378
more special needs in the professional's area of expertise prior 122379
to the final order of adoption, interlocutory order of adoption, 122380
or recognition of the adoption by this state under section 122381
3107.18 of the Revised Code. 122382

Sec. ~~5101.193~~ 5180.453. (A) The director of children and 122383
youth shall adopt rules to administer and implement the Ohio 122384
adoption grant program. The director, in consultation with the 122385
tax commissioner, shall also adopt rules authorizing the 122386
department to withhold and remit to the Internal Revenue Service 122387
federal income tax from grant payments under division (B) of 122388
section ~~5101.191~~5180.451 of the Revised Code, provided such 122389
withholding is authorized under federal law or approved by the 122390
Internal Revenue Service. 122391

(B) No application fee shall be charged for the grant 122392
program. 122393

(C) Notwithstanding any law to the contrary, the director 122394
may require, as necessary to administer the Ohio adoption grant 122395

program, either or both of the following: 122396

(1) ~~The submission~~ Certified copies of any court or legal 122397
document necessary to prove a final order of adoption, an 122398
interlocutory order of adoption, or recognition of the adoption 122399
under section 3107.18 of the Revised Code; 122400

(2) Any department, agency, court, or division of the 122401
state, including the department of health, to provide any 122402
document related to the adoption. 122403

~~(D)~~ (D) (1) No person shall knowingly produce or submit any 122404
false or misleading documentation or information to the 122405
department of children and youth in an effort to qualify for or 122406
obtain a grant from the Ohio adoption grant program. 122407

(2) Whoever violates division (D) (1) of this section is 122408
guilty of falsification in accordance with section 2921.13 of 122409
the Revised Code. 122410

(E) Notwithstanding any provision of section 121.95 of the 122411
Revised Code to the contrary, a regulatory restriction contained 122412
in a rule adopted under section ~~5101.193~~ 5180.453 of the Revised 122413
Code is not subject to sections 121.95 to 121.953 of the Revised 122414
Code. 122415

Sec. ~~5101.194~~ 5180.454. Any document provided to the 122416
department of children and youth under division (C) of section 122417
~~5101.193~~ 5180.453 of the Revised Code remains ~~a~~ : 122418

(A) A public record under section 149.43 of the Revised 122419
Code if it was a public record under that section before being 122420
provided to the department; 122421

(B) Confidential if it was confidential under any state or 122422
federal law before being provided to the department. 122423

Sec. ~~5101.85~~ 5180.50. As used in sections ~~5101.851~~ 5180.51 to ~~5101.856~~ 5180.514 of the Revised Code, "kinship caregiver" means any of the following who is eighteen years of age or older and is caring for a child in place of the child's parents:

(A) The following individuals related by blood or adoption to the child:

(1) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";

(2) Siblings;

(3) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand";

(4) First cousins and first cousins once removed.

(B) Stepparents and stepsiblings of the child;

(C) Spouses and former spouses of individuals named in divisions (A) and (B) of this section;

(D) A legal guardian of the child;

(E) A legal custodian of the child;

(F) Any nonrelative adult that has a familiar and long-standing relationship or bond with the child or the family, which relationship or bond will ensure the child's social ties.

Sec. ~~5101.851~~ 5180.51. The department of children and youth shall establish a statewide kinship care navigator program to assist kinship caregivers who are seeking information regarding, or assistance obtaining, services and benefits available at the state and local level that address the needs of those caregivers residing in each county. The program shall

provide to kinship caregivers information and referral services 122451
and assistance obtaining support services including the 122452
following: 122453

(A) Publicly funded child care; 122454

(B) Respite care; 122455

(C) Training related to caring for special needs children; 122456

(D) A toll-free telephone number that may be called to 122457
obtain basic information about the rights of, and services 122458
available to, kinship caregivers; 122459

(E) Legal services. 122460

Sec. ~~5101.853~~ 5180.511. The director of children and youth 122461
shall divide the state into not less than five and not greater 122462
than twelve regions, for the kinship care navigator program 122463
under section ~~5101.851~~ 5180.51 of the Revised Code. The director 122464
shall take the following into consideration when establishing 122465
the regions: 122466

(A) The population size; 122467

(B) The estimated number of kinship caregivers; 122468

(C) The expertise of kinship navigators; 122469

(D) Any other factor the director considers relevant. 122470

Sec. ~~5101.854~~ 5180.512. The program in each kinship care 122471
navigator region established under section ~~5101.853~~ 5180.511 of 122472
the Revised Code shall provide information and referral services 122473
and assistance in obtaining support services for kinship 122474
caregivers within its region. 122475

Sec. ~~5101.855~~ 5180.513. The department of children and 122476
youth shall adopt rules to implement the kinship care navigator 122477

program. The rules shall be adopted under Chapter 119. of the 122478
Revised Code, except that rules governing fiscal and 122479
administrative matters related to implementation of the program 122480
are internal management rules and shall be adopted under section 122481
111.15 of the Revised Code. 122482

Sec. ~~5101.856~~ 5180.514. (A) (1) The kinship care navigator 122483
program shall be funded to the extent that general revenue funds 122484
have been appropriated by the general assembly for that purpose. 122485

(2) The director of children and youth shall take any 122486
action necessary to obtain funds available for the kinship care 122487
navigator program under Title IV-E of the "Social Security Act," 122488
~~94 Stat. 501 (1980)~~, 42 U.S.C. 670, as amended. 122489

(B) The department shall pay the full nonfederal share for 122490
the kinship care navigator program. No county department of job 122491
and family services or public children services agency shall be 122492
responsible for the cost of the program. 122493

Sec. ~~5101.802~~ 5180.52. (A) As used in this section: 122494

(1) "Custodian," "guardian," and "minor child" have the 122495
same meanings as in section 5107.02 of the Revised Code. 122496

(2) "Federal poverty guidelines" has the same meaning as 122497
in section 5101.46 of the Revised Code. 122498

(3) "Kinship caregiver" has the same meaning as in section 122499
~~5101.85~~ 5180.50 of the Revised Code. 122500

(B) Subject to division (E) of section 5101.801 of the 122501
Revised Code, there is hereby created the kinship permanency 122502
incentive program to promote permanency for a minor child in the 122503
legal and physical custody of a kinship caregiver. The program 122504
shall provide an initial one-time incentive payment to the 122505

kinship caregiver to defray the costs of initial placement of 122506
the minor child in the kinship caregiver's home. The program may 122507
provide additional permanency incentive payments for the minor 122508
child at six-month intervals, based on the availability of 122509
funds. An eligible caregiver may receive a maximum of eight 122510
incentive payments per minor child. 122511

(C) A kinship caregiver may participate in the program if 122512
all of the following requirements are met: 122513

(1) The kinship caregiver applies to a public children 122514
services agency in accordance with the application process 122515
established in rules authorized by division (E) of this section; 122516

(2) Not earlier than July 1, 2005, a juvenile court issues 122517
an order granting legal custody to the kinship caregiver, or a 122518
probate court grants guardianship to the kinship caregiver, 122519
except that a temporary court order is not sufficient to meet 122520
this requirement; 122521

(3) The kinship caregiver is either the minor child's 122522
custodian or guardian; 122523

(4) The minor child resides with the kinship caregiver 122524
pursuant to a placement approval process established in rules 122525
authorized by division (E) of this section; 122526

(5) Excluding any income excluded under rules adopted 122527
under division (E) of this section, the gross income of the 122528
kinship caregiver's family, including the minor child, does not 122529
exceed three hundred per cent of the federal poverty guidelines. 122530

(6) The kinship caregiver is not receiving kinship 122531
guardianship assistance under Title IV-E of the "Social Security 122532
Act," 42 U.S.C. 673(d), as amended, or the program described in 122533
section ~~5101.1411~~5180.428 of the Revised Code or the program 122534

described in section 5153.163 of the Revised Code. 122535

(D) Public children services agencies shall make initial 122536
and ongoing eligibility determinations for the kinship 122537
permanency incentive program in accordance with rules authorized 122538
by division (E) of this section. The director of children and 122539
youth shall supervise public children services agencies' duties 122540
under this section. 122541

(E) The director of children and youth shall adopt rules 122542
under division (C) of section 5101.801 of the Revised Code as 122543
necessary to implement the kinship permanency incentive program. 122544
The rules shall establish all of the following: 122545

(1) The application process for the program; 122546

(2) The placement approval process through which a minor 122547
child is placed with a kinship caregiver for the kinship 122548
caregiver to be eligible for the program; 122549

(3) The initial and ongoing eligibility determination 122550
process for the program, including the computation of income 122551
eligibility; 122552

(4) The amount of the incentive payments provided under 122553
the program; 122554

(5) The method by which the incentive payments are 122555
provided to a kinship caregiver. 122556

(F) The amendments made to this section by Am. Sub. H.B. 122557
119 of the 127th general assembly shall not affect the 122558
eligibility of any kinship caregiver whose eligibility was 122559
established before June 30, 2007. 122560

Sec. ~~5101.88~~ 5180.53. As used in sections ~~5101.881-~~ 122561
5180.531 to ~~5101.8811-~~5180.536 of the Revised Code: 122562

(A) "Cost-of-living adjustment" has the same meaning as in section 5107.04 of the Revised Code. 122563
122564

(B) "Kinship caregiver" has the same meaning as in section 5101.85-5180.50 of the Revised Code. 122565
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Sec. ~~5101.881~~ 5180.531. There is hereby established the kinship support program. The department of children and youth shall coordinate and administer the program to the extent funds are appropriated and allocated for this purpose. 122567
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Sec. ~~5101.884~~ 5180.532. The kinship support program shall provide financial payments to kinship caregivers who: 122571
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(A) Receive placement of a child who is in the temporary or permanent custody of a public children services agency or under the Title IV-E agency with legal responsibility for the care and placement of the child; and 122573
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(B) Do not have foster home certification under section 5103.03 of the Revised Code. 122577
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Sec. ~~5101.885~~ 5180.533. Kinship support program payments under section ~~5101.884~~ 5180.532 of the Revised Code shall be ten dollars and twenty cents per child, per day, to the extent funds are available. The department of children and youth shall increase the payment amount on January 1, 2022, and on the first day of each January thereafter by the cost-of-living adjustment made in the immediately preceding December. 122579
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Sec. ~~5101.886~~ 5180.534. Kinship support program payments shall be made to kinship caregivers ~~as follows:~~ 122586
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~~(A) For not more than nine months after the effective date of this section, if a child has been placed with the kinship caregiver as of the effective date of this section;~~ 122588
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~~(B) For not more than than nine months after the placement of a child with the kinship caregiver, if the placement occurs during the nine-month period that begins on the effective date of this section;~~ 122591
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122594

~~(C) For for not more than six months after the date of placement of a child with the kinship caregiver, if the placement occurs after the nine-month period that began on the effective date of this section.~~ 122595
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Sec. ~~5101.887~~ 5180.535. Kinship support program payments under section ~~5101.884~~ 5180.532 of the Revised Code shall cease when any of the following occur: 122599
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(A) The kinship caregiver obtains foster home certification under section 5103.03 of the Revised Code. 122602
122603

(B) In accordance with section ~~5101.886~~ 5180.534 of the Revised Code; 122604
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(C) Placement with the kinship caregiver is terminated or otherwise ceases. 122606
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Sec. ~~5101.8811~~ 5180.536. The director of children and youth may adopt rules for the administration of the kinship support program in accordance with section 111.15 of the Revised Code. 122608
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Sec. ~~5101.8812~~ 5180.56. Benefits and services provided under the kinship guardianship assistance program, extended kinship guardianship assistance program, kinship support program, and kinship permanency incentive program are inalienable whether by way of assignment, charge, or otherwise and exempt from execution, attachment, ~~guardianship~~ garnishment, and other like processes. 122612
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Sec. ~~5101.889~~ 5180.57. A kinship caregiver, on obtaining 122619
foster home certification under section 5103.03 of the Revised 122620
Code, shall receive foster care maintenance payments equal to 122621
the custodial agency rate as determined by the certifying 122622
agency, which is either the custodial agency, private child 122623
placing agency, or private non-custodial agency. 122624

Sec. ~~5101.34~~ 5180.70. (A) There is hereby created in the 122625
department of children and youth the Ohio commission on 122626
fatherhood. The commission shall consist of the following 122627
members: 122628

(1) (a) Four members of the house of representatives 122629
appointed by the speaker of the house, not more than two of whom 122630
are members of the same political party. Two of the members must 122631
be from legislative districts that include a county or part of a 122632
county that is among the one-third of counties in this state 122633
with the highest number per capita of households headed by 122634
females. 122635

(b) Two members of the senate appointed by the president 122636
of the senate, each from a different political party. One of the 122637
members must be from a legislative district that includes a 122638
county or part of a county that is among the one-third of 122639
counties in this state with the highest number per capita of 122640
households headed by females. 122641

(2) The governor, or the governor's designee; 122642

(3) One representative of the judicial branch of 122643
government appointed by the chief justice of the supreme court; 122644

(4) The directors of health, children and youth, 122645
rehabilitation and correction, mental health and addiction 122646
services, youth services, and education and workforce, or their 122647

designees; 122648

(5) One representative of the Ohio family and children 122649
first cabinet council created under section 121.37 of the 122650
Revised Code appointed by the chairperson of the council; 122651

(6) Five representatives of the general public appointed 122652
by the governor. These members shall have extensive experience 122653
in issues related to fatherhood. 122654

(B) Members appointed to the Ohio commission on fatherhood 122655
shall serve two-year terms. A member appointed pursuant to 122656
division (A)(1) of this section shall serve on the commission 122657
until the end of the general assembly from which the member was 122658
appointed or until the member ceases to serve in the chamber of 122659
the general assembly in which the member serves at the time of 122660
appointment, whichever occurs first. The governor or the 122661
governor's designee shall serve on the commission until the 122662
governor ceases to be governor. The directors or their designees 122663
shall serve on the commission until they cease, or the director 122664
a designee represents ceases, to be director. Each member shall 122665
serve on the commission from the date of appointment until the 122666
end of the term for which the member was appointed. Members may 122667
be reappointed. 122668

Vacancies shall be filled in the manner provided for 122669
original appointments. Any member appointed to fill a vacancy 122670
occurring prior to the expiration date of the term for which the 122671
member's predecessor was appointed shall serve on the commission 122672
for the remainder of that term. A member shall continue to serve 122673
on the commission subsequent to the expiration date of the 122674
member's term until the member's successor is appointed or until 122675
a period of sixty days has elapsed, whichever occurs first. 122676
Members shall serve without compensation but shall be reimbursed 122677

for necessary expenses. 122678

Sec. ~~5101.341~~ 5180.701. (A) The Ohio commission on 122679
fatherhood shall elect a chairperson from among its members in 122680
every odd-numbered year. 122681

(B) The governor shall appoint an individual to serve as 122682
the commission's executive director. The executive director 122683
shall serve at the pleasure of the governor and shall report to 122684
the director of children and youth or the director's designee. 122685

The governor shall fix the executive director's salary on 122686
the basis of the executive director's experience and the 122687
executive director's responsibilities and duties. The executive 122688
director shall be in the unclassified civil service. 122689

The department of children and youth shall provide staff 122690
and other support services as necessary for the commission to 122691
fulfill its duties. 122692

(C) The commission may accept gifts, grants, donations, 122693
contributions, benefits, and other funds from any public agency 122694
or private source to carry out any or all of the commission's 122695
duties. The funds shall be deposited into the Ohio commission on 122696
fatherhood fund, which is hereby created in the state treasury. 122697
All gifts, grants, donations, contributions, benefits, and other 122698
funds received by the commission pursuant to this division shall 122699
be used solely to support the operations of the commission. 122700

Sec. ~~5101.342~~ 5180.702. The Ohio commission on fatherhood 122701
shall do both of the following: 122702

(A) Organize a state summit on fatherhood every four 122703
years; 122704

(B) Prepare a report each year that does the following: 122705

(1) Identifies resources available to fund fatherhood-	122706
related programs and explores the creation of initiatives to do	122707
the following:	122708
(a) Build the parenting skills of fathers;	122709
(b) Provide employment-related services for low-income,	122710
noncustodial fathers;	122711
(c) Prevent premature fatherhood;	122712
(d) Provide services to fathers who are inmates in or have	122713
just been released from imprisonment in a state correctional	122714
institution, as defined in section 2967.01 of the Revised Code,	122715
or in any other detention facility, as defined in section	122716
2921.01 of the Revised Code, so that they are able to maintain	122717
or reestablish their relationships with their families;	122718
(e) Reconcile fathers with their families;	122719
(f) Increase public awareness of the critical role fathers	122720
play.	122721
(2) Describes the commission's expectations for the	122722
outcomes of fatherhood-related programs and initiatives and the	122723
methods the commission uses for conducting annual measures of	122724
those outcomes;	122725
(3) Evaluates the number of fathers and children served	122726
and the number and types of additional services provided as a	122727
result of the recommendations made to the director of job and	122728
family services pursuant to section 5101.805 <u>5180.704</u> of the	122729
Revised Code;	122730
<u>(4) Evaluates the performance of the nonprofit community-</u>	122731
<u>based organizations that received grants under section 5180.706</u>	122732
<u>of the Revised Code.</u>	122733

The commission shall submit each report to the general assembly in accordance with section 101.68 of the Revised Code. 122734
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(C) Pursuant to section ~~5101.805~~ 5180.704 of the Revised Code, the commission may make recommendations to the director of ~~job and family services~~ children and youth regarding funding, approval, and implementation of fatherhood programs in this state that meet at least one of the four purposes of the temporary assistance for needy families block grant, as specified in 42 U.S.C. 601. 122736
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(D) The portion of the report prepared pursuant to ~~division~~ divisions (B) (2) and (4) of this section shall be prepared by the commission in collaboration with the director of children and youth. 122743
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(E) The commission shall submit each report prepared pursuant to division (B) of this section to the president and minority leader of the senate, speaker and minority leader of the house of representatives, governor, and chief justice of the supreme court. The first report is due not later than one year after the last of the initial appointments to the commission is made under section ~~5101.341~~ 5180.701 of the Revised Code. 122747
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Sec. ~~5101.343~~ 5180.703. Sections 101.82 to 101.87 of the Revised Code do not apply to the Ohio commission on fatherhood. 122754
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Sec. ~~5101.805~~ 5180.704. (A) Subject to division (E) of section 5101.801 of the Revised Code, the Ohio commission on fatherhood, created under section ~~5101.34~~ 5180.70 of the Revised Code, may make recommendations to the director of ~~job and family services~~ children and youth concerning the funding, approval, and implementation of fatherhood programs in this state that meet at least one of the four purposes of the temporary 122756
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assistance for needy families block grant, as specified in 42 U.S.C. 601. 122763
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(B) The department of ~~job and family services~~ children and youth may provide funding under this section to government entities and, to the extent permitted by federal law, private, not-for-profit entities with which the department enters into agreements under division (B) (4) of section 5101.801 of the Revised Code. 122765
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Sec. 5180.705. (A) The department of children and youth, through the Ohio commission on fatherhood, must contract for the development and implementation of the responsible fatherhood initiative (RFI). The initiative must provide an opportunity for every father in the state to obtain information and inspiration that will motivate and enable him to enhance his abilities as a father, recognizing that some fathers have greater challenges than others and would benefit from greater support. 122771
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(B) The initiative must include the following: 122779

(1) A statewide media campaign that increases the awareness of the importance of fathers being involved in their children's lives. The media campaign may include print, television, digital, and social media elements and appearances by and involvement from public figures and influencers. 122780
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(2) Resources and information for fathers and father figures to increase engagement and involvement in their children's lives. 122785
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(C) (1) The department must contract for the development and implementation of the initiative with a nonprofit (RFI manager) organization that has both of the following: 122788
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(a) A history of focusing on responsible fatherhood, 122791

including providing online resources to fathers, and engaging 122792
fathers, father figures, and children through community-based 122793
and school-based events to encourage responsible fatherhood; 122794

(b) The organizational capacity to manage a statewide 122795
initiative and successfully carry out the requirements of this 122796
section. 122797

(2) The organization must collaborate with other relevant 122798
government agencies and private organizations to develop and 122799
implement the initiative. Those agencies and organizations must 122800
collaborate with the contracted organization to carry out the 122801
initiative. 122802

(3) The RFI manager must be solely responsible for 122803
developing, collaborating, and managing the RFI media campaign 122804
and the resources, content, and information for fathers. 122805

Sec. 5180.706. (A) The department of children and youth, 122806
through the Ohio commission on fatherhood, must award grants to 122807
eligible nonprofit organizations, as described in section 122808
5180.705 of the Revised Code, to address the needs of fathers. 122809
The department must award the following types of grants: 122810

(1) Grants that comprehensively address the needs of 122811
fathers, such as assisting them in finding employment, managing 122812
child support obligations, transitioning from a period of 122813
incarceration, accessing health care, understanding child 122814
development, and enhancing parenting skills. Services provided 122815
must be tailored to the needs of the father being served. Case 122816
management services must be provided by the grant recipient, 122817
either directly or by subcontract, to the fathers who are served 122818
by the grants under this section. If the father receiving case 122819
management services through a grant awarded under this section 122820

has a child receiving services from a public children services agency because the child is the subject of an abuse, neglect, or dependency proceeding, the case management services may be coordinated. 122821
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(2) Grants that provide evidence-based parenting education specifically for fathers. The grants under this section must not require case management services. 122825
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(B) The department must prioritize applicants for a grant based on the following: 122828
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(1) Need in a geographic area and the population to be served by the grant as indicated by the following: 122830
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(a) Unemployment rates; 122832

(b) Incarceration rates; 122833

(c) Housing instability; 122834

(d) The number of single-parent households; 122835

(e) The number of public benefit recipients; 122836

(f) Graduation rates; 122837

(g) Levels of academic achievement. 122838

(2) Whether an applicant has a primary mission of, or a history of a significant focus on and effective work towards, addressing the needs of men in their role as fathers; 122839
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(3) Applicant current and historical involvement in the community being served; 122842
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(4) Applicant commitment and capability to employ competent staff who can effectively engage with the fathers being served, including individuals who share similar 122844
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backgrounds as the fathers being served; 122847

(5) The number of individuals the applicant plans to serve 122848
through the grant and the projected costs for the program; 122849

(6) Applicant organizational capacity to effectively meet 122850
the requirements of the grant and to deliver the programs 122851
proposed by the applicant. The department may offer technical 122852
assistance to applicants and grant recipients that have lower 122853
organizational capacity if they have, or their leadership has, 122854
significant experience serving fathers. 122855

(C) Grants are to be awarded for not more than three 122856
years, with subsequent funding contingent on compliance with 122857
grant requirements and adequate performance. Grant recipients 122858
must submit reports to the department in a format and at 122859
intervals, which must be at least annually, prescribed by the 122860
department. The RFI manager contracted with under section 122861
5180.705 of the Revised Code may be a recipient of grants under 122862
this section. 122863

Sec. 5180.707. (A) A nonprofit organization that receives 122864
a grant under section 5180.706 of the Revised Code must address 122865
the unique needs of the fathers of children who are served by 122866
the organization. The organization must do all of the following: 122867

(1) Conduct an initial assessment of its engagement with 122868
those fathers and its provision of and referral to father- 122869
oriented services; 122870

(2) Create an action plan to address any gaps identified 122871
through the assessment and implement the action plan; 122872

(3) Engage with the Ohio commission on fatherhood to build 122873
relationships with fathers, help identify their needs, assist 122874
them in accessing services, and communicate with the 122875

organization about the challenges faced by these fathers and how 122876
to appropriately meet their unique needs. 122877

(B) The Ohio commission on fatherhood must annually review 122878
how all recipient organizations are meeting the needs of 122879
fathers, including how the organizations are helping fathers 122880
establish positive, stable relationships with their children and 122881
assisting fathers in receiving needed services. All recipient 122882
organizations must provide any relevant information on how they 122883
are meeting the needs of these fathers to the commission. The 122884
information must be included in the annual report required under 122885
section 5180.702 of the Revised Code. 122886

Sec. ~~5101.804~~ 5180.71. (A) Subject to division (E) of 122887
section 5101.801 of the Revised Code, there is hereby created 122888
the Ohio parenting and pregnancy program to provide services for 122889
pregnant women and parents or other relatives caring for 122890
children twelve months of age or younger that do both of the 122891
following: 122892

(1) Promote childbirth, parenting, and alternatives to 122893
abortion; 122894

(2) Meet one or more of the four purposes of the temporary 122895
assistance for needy families block grant as specified in 42 122896
U.S.C. 601. 122897

(B) To the extent permitted by federal law, the department 122898
of children and youth may provide funds under the program to 122899
entities with which the department enters into agreements under 122900
division (B)(3) of section 5101.801 of the Revised Code. In 122901
accordance with criteria the department develops, the department 122902
may solicit proposals from entities seeking to provide services 122903
under the program. The department may enter into an agreement 122904

with an entity only if it meets all of the following conditions: 122905

(1) Is a private, not-for-profit entity; 122906

(2) Is an entity whose primary purpose is to promote 122907
childbirth, rather than abortion, through counseling and other 122908
services, including parenting and adoption support; 122909

(3) Provides services to pregnant women and parents or 122910
other relatives caring for children twelve months of age or 122911
younger, including clothing, counseling, diapers, food, 122912
furniture, health care, parenting classes, postpartum recovery, 122913
shelter, and any other supportive services, programs, or related 122914
outreach; 122915

(4) Does not charge pregnant women and parents or other 122916
relatives caring for children twelve months of age or younger a 122917
fee for any services received; 122918

(5) Is not involved in or associated with any abortion 122919
activities, including providing abortion counseling or referrals 122920
to abortion clinics, performing abortion-related medical 122921
procedures, or engaging in pro-abortion advertising; 122922

(6) Does not discriminate in its provision of services on 122923
the basis of race, religion, color, age, marital status, 122924
national origin, disability, or gender. 122925

(C) An entity that has entered into an agreement with the 122926
department under division (B) (3) of section 5101.801 of the 122927
Revised Code may enter into a subcontract with another entity 122928
under which the other entity provides all or part of the 122929
services described in division (B) (3) of this section. A 122930
subcontract may be entered into with another entity only if that 122931
entity meets all of the following conditions: 122932

- (1) Is a private, not-for-profit entity; 122933
- (2) Is physically and financially separate from any 122934
entity, or component of an entity, that engages in abortion 122935
activities; 122936
- (3) Is not involved in or associated with any abortion 122937
activities, including providing abortion counseling or referrals 122938
to abortion clinics, performing abortion-related medical 122939
procedures, or engaging in pro-abortion advertising. 122940
- (D) The director of children and youth shall adopt rules 122941
under division (C) of section 5101.801 of the Revised Code as 122942
necessary to implement the Ohio parenting and pregnancy program. 122943
- Sec. ~~3701.65~~ 5180.72.** (A) There is hereby created in the 122944
state treasury the "choose life" fund. The fund shall consist of 122945
the contributions that are paid to the registrar of motor 122946
vehicles by applicants who voluntarily elect to obtain "choose 122947
life" license plates pursuant to section 4503.91 of the Revised 122948
Code and any money returned to the fund under division (E) (1) (d) 122949
of this section. All investment earnings of the fund shall be 122950
credited to the fund. 122951
- (B) (1) At least annually, the director of ~~health~~children 122952
and youth shall distribute the money in the fund to any private, 122953
nonprofit organization that is eligible to receive funds under 122954
this section and that applies for funding under division (C) of 122955
this section. 122956
- (2) The director shall allocate the funds to each county 122957
in proportion to the number of "choose life" license plates 122958
issued during the preceding year to vehicles registered in each 122959
county. The director shall distribute funds allocated for a 122960
county as follows: 122961

(a) To one or more eligible organizations located within the county;	122962 122963
(b) If no eligible organization located within the county applies for funding, to one or more eligible organizations located in contiguous counties;	122964 122965 122966
(c) If no eligible organization located within the county or a contiguous county applies for funding, to one or more eligible organizations within any other county.	122967 122968 122969
(3) The director shall ensure that any funds allocated for a county are distributed equally among eligible organizations that apply for funding within the county.	122970 122971 122972
(C) Any organization seeking funds under this section annually shall apply for distribution of the funds based on the county in which the organization is located. An organization also may apply for funding in a county in which it is not located if it demonstrates that it provides services for pregnant women residing in that county. The director shall develop an application form and may determine the schedule and procedures that an organization shall follow when annually applying for funds. The application shall inform the applicant of the conditions for receiving and using funds under division (E) of this section. The application shall require evidence that the organization meets all of the following requirements:	122973 122974 122975 122976 122977 122978 122979 122980 122981 122982 122983 122984
(1) Is a private, nonprofit organization;	122985
(2) Is committed to counseling pregnant women about the option of adoption;	122986 122987
(3) Provides services within the state to pregnant women who are planning to place their children for adoption, including counseling and meeting the material needs of the women;	122988 122989 122990

(4) Does not charge women for any services received;	122991
(5) Is not involved or associated with any abortion activities, including counseling for or referrals to abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising;	122992 122993 122994 122995
(6) Does not discriminate in its provision of any services on the basis of race, religion, color, age, marital status, national origin, disability, gender, or age;	122996 122997 122998
(7) If the organization is applying for funding in a county in which it is not located, provides services for pregnant women residing in that county.	122999 123000 123001
(D) The director shall not distribute funds to an organization that does not provide verifiable evidence of the requirements specified in the application under division (C) of this section and shall not provide additional funds to any organization that fails to comply with division (E) of this section in regard to its previous receipt of funds under this section.	123002 123003 123004 123005 123006 123007 123008
(E) (1) An organization receiving funds under this section shall do all of the following:	123009 123010
(a) Use not more than sixty per cent of the funds distributed to it for the material needs of pregnant women who are planning to place their children for adoption or for infants awaiting placement with adoptive parents, including clothing, housing, medical care, food, utilities, and transportation;	123011 123012 123013 123014 123015
(b) Use not more than forty per cent of the funds distributed to it for counseling, training, or advertising;	123016 123017
(c) Not use any of the funds distributed to it for	123018

administrative expenses, legal expenses, or capital 123019
expenditures; 123020

(d) Annually return to the fund created under division (A) 123021
of this section any unused money that exceeds ten per cent of 123022
the money distributed to the organization. 123023

(2) The organization annually shall submit to the director 123024
an audited financial statement verifying its compliance with 123025
division (E) (1) of this section. 123026

(F) The director, in accordance with Chapter 119. of the 123027
Revised Code, shall adopt rules to implement this section. 123028

It is not the intent of the general assembly that the 123029
department create a new position within the department to 123030
implement and administer this section. It is the intent of the 123031
general assembly that the implementation and administration of 123032
this section be accomplished by existing department personnel. 123033

(G) If funds that have been allocated to a county for any 123034
previous year have not been distributed to one or more eligible 123035
organizations, the director may distribute those funds in 123036
accordance with this section. 123037

Sec. ~~5180.40~~ 5180.73. To increase participation in 123038
evidence-based parenting education programs, the department of 123039
children and youth shall ensure state departments, agencies, and 123040
boards have information to communicate with parents, caregivers, 123041
and child care providers about such programs to promote their 123042
benefits, including their parenting, caregiving, and educational 123043
resources. 123044

Sec. 5180.99. (A) Whoever violates division (B) of section 123045
5180.275 of the Revised Code is guilty of a misdemeanor of the 123046
second degree. 123047

(B) Whoever violates section 5180.403 of the Revised Code 123048
is guilty of a misdemeanor of the fourth degree. 123049

Sec. 5303.34. (A) As used in this section, "bad faith" 123050
means a trespass committed with either of the following: 123051

(1) Actual knowledge that the entry onto, and the 123052
extraction of minerals from, the property was unlawful; 123053

(2) Willful or wanton disregard for the lawful property or 123054
mineral rights of another person and with the intent of 123055
depriving the lawful owner of the owner's minerals. 123056

"Bad faith" shall not be presumed and does not include an 123057
entry onto property based on a reasonable belief that such 123058
entry, or the extraction occurring after such entry, was lawful. 123059

(B) In an action brought by a person who owns mineral 123060
rights against any person who trespasses on the land containing 123061
such minerals and unlawfully extracts, exploits, or otherwise 123062
converts the minerals, damages shall be equal to one of the 123063
following: 123064

(1) In the case of minerals, such as coal, stone, or ore, 123065
that are extracted by underground or surface mining methods, the 123066
revenue received from the sale of the minerals measured at the 123067
mouth of the mine, less the cost of extraction, less any sums 123068
previously paid; 123069

(2) In the case of minerals, such as hydrocarbons, in 123070
liquid or gaseous states that are extracted by drilling, the 123071
revenue received from the sale of such minerals measured at the 123072
wellhead, less the cost of extraction, less any sums previously 123073
paid. 123074

(C) When calculating damages under division (B) (1) or (2) 123075

of this section, if the person who trespassed is determined to 123076
have trespassed on the land in bad faith, no reduction for the 123077
cost of extraction shall be allowed, and the damaged party is 123078
entitled to the full revenue received from the sale of the 123079
minerals measured at the mouth of the mine or at the wellhead, 123080
as applicable, regardless of extraction method, less any sums 123081
previously paid. The damaged party is not entitled to punitive 123082
damages. 123083

Sec. 5310.06. All money received by the clerk of the 123084
probate court or the clerk of the court of common pleas under 123085
section 5310.05 of the Revised Code shall be paid at least once 123086
a month to the treasurer of state, who shall, ~~with the advice~~ 123087
~~and approval of the secretary of state and the auditor of state,~~ 123088
invest, reinvest, and keep invested such funds in bonds and 123089
securities of the United States, or of this state, or of any 123090
county, township, district, or municipal corporation of this 123091
state, or in approved mortgages on ~~income-producing~~ income- 123092
producing lands that are registered, provided that no loan shall 123093
be made by mortgage on any land which is not assessed, at the 123094
latest general assessment, for at least twice the amount of the 123095
loan, exclusive of improvements. 123096

Sec. 5310.47. Abolition of land registration in a county 123097
does not bar ~~either of the following:~~ 123098

~~(A) A~~ a person who is deprived of land, any interest 123099
therein, or any encumbrance thereon as the result of a decree 123100
obtained by fraud in a case relating to registered land or to 123101
the initial registration of land from filing a complaint to open 123102
up and review the case as provided in section 5309.23 or 5309.81 123103
of the Revised Code. 123104

~~(B) A person who has a cause of action under section~~ 123105

~~5310.07 of the Revised Code from commencing and prosecuting an~~ 123106
~~action as provided in that section, subject to the period of~~ 123107
~~limitation provided in section 5310.12 of the Revised Code. If~~ 123108
~~judgment is rendered for the plaintiff in such an action,~~ 123109
~~recovery shall be had as provided in sections 5310.09 to 5310.11~~ 123110
~~and 5310.13 of the Revised Code.~~ 123111

Sec. 5323.02. (A) An owner of residential rental property 123112
shall file with the county auditor of the county in which the 123113
property is located the following information: 123114

(1) The name, address, and telephone number of the owner; 123115

(2) If the residential rental property is owned by a 123116
trust, business trust, estate, partnership, limited partnership, 123117
limited liability company, association, corporation, or any 123118
other business entity, the name, address, and telephone number 123119
of the following: 123120

(a) A trustee, in the case of a trust or business trust; 123121

(b) The executor or administrator, in the case of an 123122
estate; 123123

(c) A general partner, in the case of a partnership or a 123124
limited partnership; 123125

(d) A member, manager, or officer, in the case of a 123126
limited liability company; 123127

(e) An associate, in the case of an association; 123128

(f) An officer, in the case of a corporation; 123129

(g) A member, manager, or officer, in the case of any 123130
other business entity. 123131

(3) The street address and permanent parcel number of the 123132

residential rental property. 123133

(B) The information required under division (A) of this 123134
section shall be filed and maintained on the tax list or the 123135
real property record. 123136

(C) An owner of residential rental property shall update 123137
the information required under division (A) of this section 123138
within sixty days after any change in the information occurs. 123139

(D) The county auditor shall provide an owner of 123140
residential rental property located in a county that has a 123141
population of more than two hundred thousand according to the 123142
most recent decennial census with notice pursuant to division 123143
(B) of section 323.131 of the Revised Code of the requirement to 123144
file the information required under division (A) of this section 123145
and the requirement to update that information under division 123146
(C) of this section. 123147

(E) The owner of residential real property shall comply 123148
with the requirements under divisions (A) and (C) of this 123149
section within sixty days after receiving the notice provided 123150
under division (D) of this section, division ~~(D)~~(E) of section 123151
319.202, or division (B) of section 323.131 of the Revised Code. 123152

(F) Any agent designated by the owner to manage the 123153
property on the owner's behalf may file or update any 123154
information, or do anything otherwise required by this section, 123155
on the owner's behalf. 123156

Sec. 5501.57. The department of transportation shall 123157
collect and analyze data regarding building permits that have 123158
been issued for residential and commercial developments that are 123159
or will be constructed after the effective date of this section 123160
in order to assess if the transportation facilities impacted by 123161

the developments are adequate to properly handle any increased 123162
traffic that results from anticipated growth associated with the 123163
developments. The department shall use such data in the 123164
department's transportation construction planning. 123165

Sec. 5501.91. (A) As used in this section, "port 123166
authority" means a port authority created under Chapter 4582. of 123167
the Revised Code. 123168

(B) There is hereby established the Ohio maritime 123169
assistance program, which the department of transportation shall 123170
administer. Under the program, a port authority may apply to the 123171
department for a grant to be used as prescribed in division (D) 123172
of this section. In order to be eligible for a grant under this 123173
section, a port authority is required to meet either of the 123174
following requirements: 123175

(1) At the time of application for a grant, the port 123176
authority owns or is the co-applicant with the owner of an 123177
active marine cargo terminal located on one of the following: 123178

(a) The shore of Lake Erie or the Ohio river~~or on~~; 123179

(b) On a Lake Erie tributary; 123180

(c) On an Ohio river tributary. 123181

(2) At the time of application for a grant, the port 123182
authority is located in, or has jurisdiction within, a federally 123183
qualified opportunity zone and the federally qualified 123184
opportunity zone has an active marine cargo terminal with a 123185
stevedoring operation that is located on the shore of Lake Erie 123186
or the Ohio river. 123187

(C) (1) Every applicant for a grant shall submit with its 123188
application a written business justification for the investment 123189

that indicates the operational and market need for the project 123190
in a form the director of transportation shall prescribe. 123191

(2) The department shall evaluate all grant applications 123192
according to the following criteria: 123193

(a) The degree to which the proposed project will increase 123194
the efficiency or capacity of maritime cargo terminal 123195
operations; 123196

(b) Whether the project will result in the handling of new 123197
types of cargo or an increase in cargo volume; 123198

(c) Whether the project will meet an identified supply 123199
chain need or benefit Ohio firms that export goods to foreign 123200
markets, or import goods to Ohio for use in manufacturing or for 123201
value-added distribution; 123202

(d) Any other criteria the director determines to be 123203
appropriate. 123204

(3) If a grant application does not meet the criteria 123205
specified in divisions (C) (2) (b) and (c) of this section, an 123206
applicant is not eligible for a grant under this section. 123207

(D) A port authority shall use a grant awarded under this 123208
section only for any of the following purposes: 123209

(1) Land acquisition and site development for marine cargo 123210
terminal and associated uses, including demolition and 123211
environmental remediation; 123212

(2) Construction of wharves, quay walls, bulkheads, 123213
jetties, revetments, breakwaters, shipping channels, dredge 123214
disposal facilities, projects for the beneficial use of dredge 123215
material, and other structures and improvements directly related 123216
to maritime commerce and harbor infrastructure; 123217

(3) Construction and repair of warehouses, transit sheds, 123218
railroad tracks, roadways, gates and gatehouses, fencing, 123219
bridges, offices, shipyards, and other improvements needed for 123220
marine cargo terminal and associated uses, including shipyards; 123221

(4) Acquisition of cargo handling equipment, including 123222
mobile shore cranes, stationary cranes, tow motors, fork lifts, 123223
yard tractors, craneways, conveyor and bulk material handling 123224
equipment, and all types of ship loading and unloading 123225
equipment; 123226

(5) Planning and design services and other services 123227
associated with construction. 123228

(E) A port authority shall pay a matching amount of at 123229
least one dollar for each grant dollar received for the proposed 123230
project. 123231

(F) The director of transportation shall govern the 123232
program established under this section, including the grant 123233
application, evaluation, award processes, and how the grant 123234
money may be spent by a port authority. 123235

Sec. 5502.262. (A) As used in this section: 123236

(1) "Administrator" means the superintendent, principal, 123237
chief administrative officer, or other person having supervisory 123238
authority of any of the following: 123239

(a) A city, exempted village, local, or joint vocational 123240
school district; 123241

(b) A community school established under Chapter 3314. of 123242
the Revised Code, as required through reference in division (A) 123243
(11)(d) of section 3314.03 of the Revised Code; 123244

(c) A STEM school established under Chapter 3326. of the 123245

Revised Code, as required through reference in section 3326.11	123246
of the Revised Code;	123247
(d) A college-preparatory boarding school established	123248
under Chapter 3328. of the Revised Code;	123249
(e) A district or school operating a career-technical	123250
education program approved by the department of education and	123251
workforce under section 3317.161 of the Revised Code;	123252
(f) A chartered nonpublic school;	123253
(g) An educational service center;	123254
(h) A preschool program or school-age child care program	123255
licensed by the department of education and workforce;	123256
(i) Any other facility that primarily provides educational	123257
services to children subject to regulation by the department of	123258
education and workforce.	123259
(2) "Emergency management test" means a regularly	123260
scheduled drill, exercise, or activity designed to assess and	123261
evaluate an emergency management plan under this section.	123262
(3) "Building" means any school, school building,	123263
facility, program, or center.	123264
(4) "Regional mobile training officer" means the regional	123265
mobile training officer appointed under section 5502.70 of the	123266
Revised Code for the region in which a district, school, center,	123267
program, or facility is located.	123268
(B) (1) Each administrator shall develop and adopt a	123269
comprehensive emergency management plan, in accordance with	123270
rules adopted pursuant to division (F) of this section, for each	123271
building under the administrator's control. The administrator	123272

shall examine the environmental conditions and operations of 123273
each building to determine potential hazards to student and 123274
staff safety and shall propose operating changes to promote the 123275
prevention of potentially dangerous problems and circumstances. 123276
In developing the plan for each building, the administrator 123277
shall involve community law enforcement and safety officials, 123278
parents of students who are assigned to the building, and 123279
teachers and nonteaching employees who are assigned to the 123280
building. The administrator may involve the regional mobile 123281
training officer in the development of the plan. The 123282
administrator shall incorporate remediation strategies into the 123283
plan for any building where documented safety problems have 123284
occurred. 123285

(2) Each administrator shall also incorporate into the 123286
emergency management plan adopted under division (B)(1) of this 123287
section all of the following: 123288

(a) A protocol for addressing serious threats to the 123289
safety of property, students, employees, or administrators; 123290

(b) A protocol for responding to any emergency events that 123291
occur and compromise the safety of property, students, 123292
employees, or administrators. This protocol shall include, but 123293
not be limited to, all of the following: 123294

(i) A floor plan that is unique to each floor of the 123295
building; 123296

(ii) A site plan that includes all building property and 123297
surrounding property; 123298

(iii) An emergency contact information sheet. 123299

(c) A threat assessment plan developed as prescribed in 123300
section 5502.263 of the Revised Code. A building may use the 123301

model plan developed by the department of public safety under 123302
that section; 123303

(d) A protocol for school threat assessment teams 123304
established under section 3313.669 of the Revised Code; 123305

(e) A protocol that addresses student use of cellular 123306
telephones during an active threat or emergency. 123307

(3) Each protocol described in division (B) of this 123308
section shall include procedures determined to be appropriate by 123309
the administrator for responding to threats and emergency 123310
events, respectively, including such things as notification of 123311
appropriate law enforcement personnel, calling upon specified 123312
emergency response personnel for assistance, and informing 123313
parents of affected students. 123314

Prior to the opening day of each school year, the 123315
administrator shall inform each student or child enrolled in the 123316
school and the student's or child's parent of the parental 123317
notification procedures included in the protocol. 123318

(4) Each administrator shall keep a copy of the emergency 123319
management plan adopted pursuant to this section in a secure 123320
place. 123321

(C) (1) The administrator shall submit to the director of 123322
public safety, in accordance with rules adopted pursuant to 123323
division (F) of this section, an electronic copy of the 123324
emergency management plan prescribed by division (B) of this 123325
section not less than once every three years, whenever a major 123326
modification to the building requires changes in the procedures 123327
outlined in the plan, and whenever information on the emergency 123328
contact information sheet changes. 123329

(2) The administrator also shall file a copy of the plan 123330

with each law enforcement agency that has jurisdiction over the school building and, upon request, to any of the following:

(a) The fire department that serves the political subdivision in which the building is located;

(b) The emergency medical service organization that serves the political subdivision in which the building is located;

(c) The county emergency management agency for the county in which the building is located;

(d) The regional mobile training officer.

(3) Upon receipt of an emergency management plan, the director shall post the information on the contact and information management system and submit the information in accordance with rules adopted pursuant to division (F) of this section, to the attorney general, who shall post that information on the Ohio law enforcement gateway or its successor.

(4) Any department or entity to which copies of an emergency management plan are filed under this section shall keep the copies in a secure place.

(D) (1) Not later than the first day of September of each year, each administrator shall review the emergency management plan and certify to the director that the plan is current and accurate.

(2) Anytime that an administrator updates the emergency management plan pursuant to division (C) (1) of this section, the administrator shall file copies, not later than the tenth day after the revision is adopted and in accordance with rules adopted pursuant to division (F) of this section, to the

director and to any entity with which the administrator filed a 123359
copy under division (C) (2) of this section. 123360

(E) Each administrator shall do both of the following: 123361

(1) Prepare and conduct at least one annual emergency 123362
management test, as defined in division (A) (2) of this section, 123363
in accordance with rules adopted pursuant to division (F) of 123364
this section; 123365

(2) Grant access to each building under the control of the 123366
administrator to law enforcement personnel and to entities 123367
described in division (C) (2) of this section, to enable the 123368
personnel and entities to hold training sessions for responding 123369
to threats and emergency events affecting the building, provided 123370
that the access occurs outside of student instructional hours 123371
and the administrator, or the administrator's designee, is 123372
present in the building during the training sessions. 123373

(F) The director of public safety, in consultation with 123374
representatives from the education community and in accordance 123375
with Chapter 119. of the Revised Code, shall adopt rules 123376
regarding emergency management plans under this section, 123377
including the content of the plans and procedures for filing the 123378
plans. The rules shall specify that plans and information 123379
required under division (B) of this section be submitted on 123380
standardized forms developed by the director for such purpose. 123381
The rules shall also specify the requirements and procedures for 123382
emergency management tests conducted pursuant to division (E) (1) 123383
of this section. Failure to comply with the rules may result in 123384
discipline pursuant to section 3319.31 of the Revised Code or 123385
any other action against the administrator as prescribed by 123386
rule. 123387

(G) Division (B) of section 3319.31 of the Revised Code 123388
applies to any administrator who is subject to the requirements 123389
of this section and is not exempt under division (H) of this 123390
section and who is an applicant for a license or holds a license 123391
from the state board of education pursuant to section 3319.22 of 123392
the Revised Code. 123393

(H) (1) The director may exempt any administrator from the 123394
requirements of this section, if the director determines that 123395
the requirements do not otherwise apply to a building or 123396
buildings under the control of that administrator. 123397

(2) The director shall exempt from the requirements of 123398
this section the administrator of an online learning school, 123399
established under section 3302.42 of the Revised Code, unless 123400
students of that school participate in in-person instruction or 123401
assessments at a location that is not covered by an existing 123402
emergency management plan, developed under this section as of 123403
December 14, 2021. 123404

(I) Copies of the emergency management plan, including all 123405
records related to the plan, emergency management tests, and 123406
information required under division (B) of this section are 123407
security records and are not public records pursuant to section 123408
149.433 of the Revised Code. In addition, the information posted 123409
to the contact and information management system, pursuant to 123410
division (C) (3) (b) of this section, is exempt from public 123411
disclosure or release in accordance with sections 149.43, 123412
149.433, and 5502.03 of the Revised Code. 123413

Notwithstanding section 149.433 of the Revised Code, a 123414
floor plan filed with the attorney general pursuant to this 123415
section is not a public record to the extent it is a record kept 123416
by the attorney general. 123417

Sec. 5502.29. (A) As used in this section, "political subdivision" has the same meaning as in section 5502.41 of the Revised Code.

(B) Political subdivisions, in collaboration with other public and private agencies within this state, may develop mutual assistance or aid agreements for reciprocal emergency management assistance or aid for purposes of preparing for, responding to, and recovering from an incident, disaster, exercise, training activity, planned event, or emergency, any of which requires additional resources. In time of any incident, disaster, exercise, training activity, planned event, or emergency, any of which requires additional resources, each political subdivision may render assistance in accordance with such mutual assistance or aid agreements. Such mutual assistance or aid agreements shall not in any manner relieve the chief elected official of any political subdivision of the responsibility for providing emergency management.

(C) Political subdivisions, in collaboration with political subdivisions in adjacent states, may develop agreements for mutual assistance or aid for purposes of preparing for, responding to, and recovering from an incident, disaster, exercise, training activity, planned event, or emergency, any of which requires additional resources. Each political subdivision may render assistance in accordance with the mutual assistance or aid agreements. A mutual assistance or aid agreement with political subdivisions in adjacent states shall be approved by the chief elected officials of the agreeing political subdivisions or their designees and shall be prepared in accordance with the laws, regulations, ordinances, and resolutions applicable to the agreeing political subdivisions.

(D) When engaged in preparation for, response to, or 123448
recovery from an incident, disaster, exercise, training 123449
activity, planned event, or emergency, any of which requires 123450
additional resources, and in accordance with the applicable 123451
mutual assistance or aid agreement, personnel from political 123452
subdivisions outside this state shall be permitted to provide 123453
services within this state in accordance with this section and 123454
the terms of the mutual assistance or aid agreement. 123455

(E) Personnel of the responding political subdivision 123456
shall continue under their local command and control structure, 123457
but shall be under the operational control of the appropriate 123458
officials within the incident management system of the political 123459
subdivision receiving the assistance or aid. 123460

(F) Nothing in this section shall be construed to prohibit 123461
a private company or its employees from participating in the 123462
provision of mutual assistance or aid, if the responding 123463
political subdivision approves the participation and the 123464
contract between the political subdivision and the private 123465
company permits the participation. 123466

(G) Nothing in this section shall be construed to prohibit 123467
personnel of political subdivisions in this state from 123468
responding to a request for mutual assistance or aid resulting 123469
from an incident, disaster, exercise, training activity, planned 123470
event, or emergency, any of which requires additional resources, 123471
when the personnel are responding as part of a regional response 123472
team that is under the operational control of the incident 123473
command structure. 123474

(H) Whenever a person from outside this state who is 123475
subject to a mutual assistance or aid agreement authorized by 123476
this section holds a license, certificate, or other permit 123477

issued by any state evidencing qualification for professional, 123478
mechanical, or other skills, such license, certificate, or other 123479
permit shall be recognized by this state as authorizing the 123480
person to render assistance or aid in this state involving such 123481
skill to meet the request for assistance or aid, so long as the 123482
person is acting within the scope of the person's license, 123483
certificate, or other permit. 123484

(I) ~~Personnel~~ (1) Except as provided in division (I) (2) of 123485
this section, personnel rendering assistance or aid pursuant to 123486
a mutual assistance or aid agreement authorized by this section 123487
remain employees or agents of their respective political 123488
subdivisions, including for purposes of tort liability and 123489
immunity from tort liability, and nothing in this section or any 123490
mutual assistance or aid agreement entered into pursuant to this 123491
section creates an employment relationship between the political 123492
subdivision requesting aid and the employees or agents of the 123493
political subdivision rendering aid. 123494

(2) For purposes of Chapters 4121. and 4123. of the 123495
Revised Code, personnel rendering intrastate mutual assistance 123496
or aid outside their respective political subdivisions pursuant 123497
to a mutual assistance or aid agreement authorized by this 123498
section shall be considered employees of the emergency 123499
management agency established within the department of public 123500
safety while rendering such intrastate mutual assistance or aid. 123501

(J) Responding political subdivisions and the personnel of 123502
that political subdivision, while rendering assistance or aid 123503
under this section, or while in route to or from rendering 123504
assistance or aid under this section, in a political subdivision 123505
in an adjacent state under an agreement authorized by this 123506
section, shall be deemed to be exercising governmental functions 123507

as defined in section 2744.01 of the Revised Code, shall have 123508
the defenses to and immunities from civil liability provided in 123509
sections 2744.02 and 2744.03 of the Revised Code, and shall be 123510
entitled to all applicable limitations on recoverable damages 123511
under section 2744.05 of the Revised Code. 123512

(K) All pension, disability, death benefits, workers' 123513
compensation, and other benefits enjoyed by personnel rendering 123514
interstate or intrastate mutual assistance or aid shall extend 123515
to the services they perform outside their respective political 123516
subdivisions to the same extent as while acting within the 123517
boundaries of the political subdivisions, and, subject to 123518
division (I) (2) of this section, personnel are entitled to the 123519
rights and benefits of Chapter 4123. of the Revised Code to the 123520
same extent as while performing service within the boundaries of 123521
the political subdivisions. 123522

Sec. 5502.41. (A) As used in this section: 123523

(1) "Chief executive of a participating political 123524
subdivision" means the elected chief executive of a 123525
participating political subdivision or, if the political 123526
subdivision does not have an elected chief executive, a member 123527
of the political subdivision's governing body or an employee of 123528
the political subdivision appointed by the governing body's 123529
members to be its representative for purposes of the intrastate 123530
mutual aid program created pursuant to this section. 123531

(2) "Countywide emergency management agency" means a 123532
countywide emergency management agency established under section 123533
5502.26 of the Revised Code. 123534

(3) "Emergency" means any period during which the congress 123535
of the United States, a chief executive as defined in section 123536

5502.21 of the Revised Code, or a chief executive of a 123537
participating political subdivision has declared or proclaimed 123538
that an emergency exists. 123539

(4) "Participating political subdivision" means each 123540
political subdivision in this state except a political 123541
subdivision that enacts or adopts, by appropriate legislation, 123542
ordinance, resolution, rule, bylaw, or regulation signed by its 123543
chief executive, a decision not to participate in the intrastate 123544
mutual aid program created by this section and that provides a 123545
copy of the legislation, ordinance, resolution, rule, bylaw, or 123546
regulation to the state emergency management agency and to the 123547
countywide emergency management agency, regional authority for 123548
emergency management, or program for emergency management within 123549
the political subdivision. 123550

(5) "Planned event" means a scheduled nonemergency 123551
activity as defined by the national incident management system 123552
adopted under section 5502.28 of the Revised Code as the state's 123553
standard procedure for incident management. "Planned event" 123554
includes, but is not limited to, a sporting event, concert, or 123555
parade. 123556

(6) "Political subdivision" or "subdivision" has the same 123557
meaning as in section 2744.01 of the Revised Code and also 123558
includes a health district established under Chapter 3709. of 123559
the Revised Code. 123560

(7) "Program for emergency management within a political 123561
subdivision" means a program for emergency management created by 123562
a political subdivision under section 5502.271 of the Revised 123563
Code. 123564

(8) "Regional authority for emergency management" means a 123565

regional authority for emergency management established under 123566
section 5502.27 of the Revised Code. 123567

(9) "Regional response team" means a group of persons from 123568
participating political subdivisions who provide mutual 123569
assistance or aid in preparation for, response to, or recovery 123570
from an incident, disaster, exercise, training activity, planned 123571
event, or emergency, any of which requires additional resources. 123572
"Regional response team" includes, but is not limited to, an 123573
incident management team, hazardous materials response team, 123574
water rescue team, bomb team, or search and rescue team. 123575

(B) There is hereby created the intrastate mutual aid 123576
program to be known as "the intrastate mutual aid compact" to 123577
complement existing mutual aid agreements. The program shall 123578
have two purposes: 123579

(1) Provide for mutual assistance or aid among the 123580
participating political subdivisions for purposes of preparing 123581
for, responding to, and recovering from an incident, disaster, 123582
exercise, training activity, planned event, or emergency, any of 123583
which requires additional resources; 123584

(2) Establish a method by which a participating political 123585
subdivision may seek assistance or aid that resolves many of the 123586
common issues facing political subdivisions before, during, and 123587
after an incident, disaster, exercise, training activity, 123588
planned event, or emergency, any of which requires additional 123589
resources, and that ensures, to the extent possible, eligibility 123590
for available state and federal disaster assistance or other 123591
funding. 123592

(C) Each countywide emergency management agency, regional 123593
authority for emergency management, and program for emergency 123594

management within a political subdivision, in coordination with 123595
all departments, divisions, boards, commissions, agencies, and 123596
other instrumentalities within that political subdivision, shall 123597
establish procedures or plans that, to the extent possible, 123598
accomplish both of the following: 123599

(1) Identify hazards that potentially could affect the 123600
participating political subdivisions served by that agency, 123601
authority, or program; 123602

(2) Identify and inventory the current services, 123603
equipment, supplies, personnel, and other resources related to 123604
the preparedness, response, and recovery activities of the 123605
participating political subdivisions served by that agency, 123606
authority, or program. 123607

(D) (1) The executive director of the state emergency 123608
management agency shall coordinate with the countywide emergency 123609
management agencies, regional authorities for emergency 123610
management, and programs for emergency management within a 123611
political subdivision in identifying and formulating appropriate 123612
procedures or plans to resolve resource shortfalls. 123613

(2) During and after the formulation of the procedures or 123614
plans to resolve resource shortfalls, there shall be ongoing 123615
consultation and coordination among the executive director of 123616
the state emergency management agency; the countywide emergency 123617
management agencies, regional authorities for emergency 123618
management, and programs for emergency management within a 123619
political subdivision; and all departments, divisions, boards, 123620
commissions, agencies, and other instrumentalities of, and 123621
having emergency response functions within, each participating 123622
political subdivision, regarding this section, local procedures 123623
and plans, and the resolution of the resource shortfalls. 123624

(E) (1) A participating political subdivision that is 123625
impacted by an incident, disaster, exercise, training activity, 123626
planned event, or emergency, any of which requires additional 123627
resources, may request mutual assistance or aid by doing either 123628
of the following: 123629

(a) Declaring a state of emergency and issuing a request 123630
for assistance or aid from any other participating political 123631
subdivision; 123632

(b) Issuing to another participating political subdivision 123633
a verbal or written request for assistance or aid. If the 123634
request is made verbally, a written confirmation of the request 123635
shall be made not later than seventy-two hours after the verbal 123636
request is made. 123637

(2) Requests for assistance or aid made under division (E) 123638
(1) of this section shall be made through the emergency 123639
management agency of a participating political subdivision or an 123640
official designated by the chief executive of the participating 123641
political subdivision from which the assistance or aid is 123642
requested and shall provide the following information: 123643

(a) A description of the incident, disaster, exercise, 123644
training activity, planned event, or emergency; 123645

(b) A description of the assistance or aid needed; 123646

(c) An estimate of the length of time the assistance or 123647
aid will be needed; 123648

(d) The specific place and time for staging of the 123649
assistance or aid and a point of contact at that location. 123650

(F) A participating political subdivision shall provide 123651
assistance or aid to another participating political subdivision 123652

that is impacted by an incident, disaster, exercise, training 123653
activity, planned event, or emergency, any of which requires 123654
additional resources. The provision of the assistance or aid is 123655
subject to the following conditions: 123656

(1) The responding political subdivision may withhold 123657
resources necessary to provide for its own protection. 123658

(2) Personnel of the responding political subdivision 123659
shall continue under their local command and control structure, 123660
but shall be under the operational control of the appropriate 123661
officials within the incident management system of the 123662
participating political subdivision receiving assistance or aid. 123663

(3) Responding law enforcement officers acting pursuant to 123664
this section have the same authority to enforce the law as when 123665
acting within the territory of their regular employment. 123666

(4) For purposes of Chapters 4121. and 4123. of the 123667
Revised Code, personnel of the responding political subdivision 123668
shall be considered employees of the emergency management agency 123669
established within the department of public safety while 123670
rendering mutual assistance or aid to the participating 123671
political subdivision. 123672

(G) (1) Nothing in this section shall do any of the 123673
following: 123674

(a) Alter the duties and responsibilities of emergency 123675
response personnel; 123676

(b) Prohibit a private company from participating in the 123677
provision of mutual assistance or aid pursuant to the compact 123678
created pursuant to this section if the participating political 123679
subdivision approves the participation and the contract with the 123680
private company allows for the participation; 123681

(c) Prohibit employees of participating political subdivisions from responding to a request for mutual assistance or aid precipitated by an incident, disaster, exercise, training activity, planned event, or emergency, any of which requires additional resources, when the employees are responding as part of a regional response team that is under the operational control of the incident command structure;

(d) Authorize employees of participating political subdivisions to respond to an incident, disaster, exercise, training activity, planned event, or emergency, any of which requires additional resources, without a request from a participating political subdivision.

(2) This section does not preclude a participating political subdivision from entering into a mutual aid or other agreement with another political subdivision, and does not affect any other agreement to which a participating political subdivision may be a party, or any request for assistance or aid that may be made, under any other section of the Revised Code, including, but not limited to, any mutual aid arrangement under this chapter, any fire protection or emergency medical services contract under section 9.60 of the Revised Code, sheriffs' requests for assistance to preserve the public peace and protect persons and property under section 311.07 of the Revised Code, any agreement for mutual assistance or aid in police protection under section 737.04 of the Revised Code, any agreement for law enforcement services between universities and colleges and political subdivisions under section 3345.041 or 3345.21 of the Revised Code, and mutual aid agreements among emergency planning districts for hazardous substances or chemicals response under sections 3750.02 and 3750.03 of the Revised Code.

(H) (1) ~~Personnel~~ Subject to division (F) (4) of this 123712
section, personnel of a responding participating political 123713
subdivision who suffer injury or death in the course of, and 123714
arising out of, their employment while rendering assistance or 123715
aid under this section to another participating political 123716
subdivision are entitled to all applicable benefits under 123717
Chapters 4121. and 4123. of the Revised Code. 123718

(2) Personnel of a responding participating political 123719
subdivision shall be considered, while rendering assistance or 123720
aid under this section in another participating political 123721
subdivision, to be agents of the responding political 123722
subdivision for purposes of tort liability and immunity from 123723
tort liability under the law of this state. 123724

(3) (a) A responding participating political subdivision 123725
and the personnel of that political subdivision, while rendering 123726
assistance or aid under this section, or while in route to or 123727
from rendering assistance or aid under this section, in another 123728
participating political subdivision, shall be deemed to be 123729
exercising governmental functions as defined in section 2744.01 123730
of the Revised Code, shall have the defenses to and immunities 123731
from civil liability provided in sections 2744.02 and 2744.03 of 123732
the Revised Code, and shall be entitled to all applicable 123733
limitations on recoverable damages under section 2744.05 of the 123734
Revised Code. 123735

(b) A participating political subdivision requesting 123736
assistance or aid and the personnel of that political 123737
subdivision, while requesting or receiving assistance or aid 123738
under this section from any other participating political 123739
subdivision, shall be deemed to be exercising governmental 123740
functions as defined in section 2744.01 of the Revised Code, 123741

shall have the defenses to and immunities from civil liability 123742
provided in sections 2744.02 and 2744.03 of the Revised Code, 123743
and shall be entitled to all applicable limitations on 123744
recoverable damages under section 2744.05 of the Revised Code. 123745

(I) If a person holds a license, certificate, or other 123746
permit issued by a participating political subdivision 123747
evidencing qualification in a professional, mechanical, or other 123748
skill, and if the assistance or aid of that person is asked for 123749
under this section by a participating political subdivision, the 123750
person shall be deemed to be licensed or certified in or 123751
permitted by the participating political subdivision receiving 123752
the assistance or aid to render the assistance or aid, subject 123753
to any limitations and conditions the chief executive of the 123754
participating political subdivision receiving the assistance or 123755
aid may prescribe by executive order or otherwise. 123756

(J) (1) Subject to division (K) of this section and except 123757
as provided in division (J) (2) of this section, any 123758
participating political subdivision rendering assistance or aid 123759
under this section in another participating political 123760
subdivision shall be reimbursed by the participating political 123761
subdivision receiving the assistance or aid for any loss or 123762
damage to, or expense incurred in the operation of, any 123763
equipment used in rendering the assistance or aid, for any 123764
expense incurred in the provision of any service used in 123765
rendering the assistance or aid, and for all other costs 123766
incurred in responding to the request for assistance or aid. To 123767
avoid duplication of payments, insurance proceeds available to 123768
cover any loss or damage to equipment of a participating 123769
political subdivision rendering assistance or aid shall be 123770
considered in the reimbursement by the participating political 123771
subdivision receiving the assistance or aid. 123772

(2) A participating political subdivision rendering assistance or aid under this section to another participating political subdivision shall not be reimbursed for ~~either of the following:~~

~~(a) The first eight hours of mutual assistance or aid it provides to the political subdivision receiving the assistance or aid;~~

~~(b) Expenses the participating political subdivision incurs under division (H) (1) of this section.~~

(K) A participating political subdivision rendering assistance or aid under this section may do any of the following:

(1) Assume, in whole or in part, any loss, damage, expense, or cost the political subdivision incurs in rendering the assistance or aid;

(2) Loan, without charge, any equipment, or donate any service, to the political subdivision receiving the assistance or aid;

(3) Enter into agreements with one or more other participating political subdivisions to establish different allocations of losses, damages, expenses, or costs among such political subdivisions.

Sec. 5505.045. (A) No person shall knowingly fail to file a complete and accurate campaign finance statement or independent expenditure statement in accordance with section 5505.044 of the Revised Code.

(B) No person, during the course of a person seeking nomination for, and during any campaign for, election to the

state highway patrol retirement board, shall knowingly and with 123801
intent to affect the nomination or the outcome of the campaign 123802
do any of the following by means of campaign materials, an 123803
advertisement on radio or television or in a newspaper or 123804
periodical, a public speech, press release, or otherwise: 123805

(1) With regard to a candidate, identify the candidate in 123806
a manner that implies that the candidate is a member of the 123807
board or use the term "re-elect" when the candidate is not 123808
currently a member of the board; 123809

(2) Make a false statement concerning the formal schooling 123810
or training completed or attempted by a candidate; a degree, 123811
diploma, certificate, scholarship, grant, award, prize, or honor 123812
received, earned, or held by a candidate; or the period of time 123813
during which a candidate attended any school, college, community 123814
technical school, or institution; 123815

(3) Make a false statement concerning the professional, 123816
occupational, or vocational licenses held by a candidate, or 123817
concerning any position the candidate held for which the 123818
candidate received a salary or wages; 123819

(4) Make a false statement that a candidate or board 123820
member has been indicted or convicted of a theft offense, 123821
extortion, or other crime involving financial corruption or 123822
moral turpitude; 123823

(5) Make a statement that a candidate has been indicted 123824
for any crime or has been the subject of a finding by the Ohio 123825
elections commission, the secretary of state, or the Ohio 123826
election integrity commission without disclosing the outcome of 123827
any legal proceedings resulting from the indictment or finding; 123828

(6) Make a false statement that a candidate or board 123829

member has a record of treatment or confinement for mental disorder; 123830
123831

(7) Make a false statement that a candidate or board member has been subjected to military discipline for criminal misconduct or dishonorably discharged from the armed services; 123832
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(8) Falsely identify the source of a statement, issue statements under the name of another person without authorization, or falsely state the endorsement of or opposition to a candidate by a person or publication; 123835
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(9) Make a false statement concerning the voting record of a candidate or board member; 123839
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(10) Post, publish, circulate, distribute, or otherwise disseminate a false statement concerning a candidate, either knowing the same to be false or with reckless disregard of whether it was false or not, if the statement is designed to promote the election, nomination, or defeat of the candidate. 123841
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~~Sec. 5505.046. The secretary of state, or any person acting on personal knowledge and subject to the penalties of perjury, may file a A complaint with the Ohio elections commission alleging a violation of section 5505.045 of the Revised Code may be filed in accordance with section 3517.16 of the Revised Code. The complaint shall be made on a form prescribed and provided by the commission.~~ 123846
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~~On receipt of a complaint under this section, the commission shall hold a hearing open to the public to determine whether the violation alleged in the complaint has occurred. The commission may administer oaths and issue subpoenas to any person in the state compelling the attendance of witnesses and the production of relevant papers, books, accounts, and reports.~~ 123853
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~~On the refusal of any person to obey a subpoena or to be sworn
or to answer as a witness, the commission may apply to the court
of common pleas of Franklin county under section 2705.03 of the
Revised Code. The court shall hold contempt proceedings in
accordance with Chapter 2705. of the Revised Code.~~

~~The commission shall provide the person accused of the
violation at least seven days prior notice of the time, date,
and place of the hearing. The accused may be represented by an
attorney and shall have an opportunity to present evidence, call
witnesses, and cross-examine witnesses.~~

~~At the hearing, the commission shall determine whether the
violation alleged in the complaint has occurred. If the
commission determines that a violation of division (A) of
section 5505.045 of the Revised Code has occurred, the
commission shall either impose a fine under section 5505.99 of
the Revised Code or enter a finding that good cause has been
shown not to impose the fine. If the commission determines that
a violation of division (B) of section 5505.045 of the Revised
Code has occurred, the commission shall impose the fine
described in section 5505.99 of the Revised Code, refer the
matter to the appropriate prosecutor, or enter a finding that
good cause has been shown to not impose a fine or refer the
matter to the appropriate prosecutor.~~

Sec. 5505.99. (A) Whoever violates division (A) of section
5505.045 of the Revised Code shall be fined not more than one
hundred dollars for each day of the violation.

(B) Whoever violates division (B) of section 5505.045 of
the Revised Code shall be imprisoned for not more than six
months or fined not more than five thousand dollars, or both.

~~(C) Fines imposed by the Ohio elections commission under
this section shall be paid into the Ohio elections commission
fund created under section 3513.10 of the Revised Code.~~

Sec. 5521.01. The director of transportation, upon the
request by and the approval of the legislative authority of a
village, shall maintain, repair, and apply standard longitudinal
pavement marking lines as the director considers appropriate, or
may establish, construct, reconstruct, improve, or widen any
section of a state highway within the limits of a village. The
director also may erect regulatory and warning signs, as defined
in the manual adopted under section 4511.09 of the Revised Code,
on any section of a state highway within the limits of a
village. The director may establish, construct, reconstruct,
improve, widen, maintain, or repair any section of state highway
within the limits of a city, including the elimination of
railway grade crossings, and pay the entire or any part of the
cost and expense thereof from state funds, but in all cases the
director first shall obtain the consent of the legislative
authority of the municipal corporation, except that the director
need not obtain the consent of the municipal corporation if the
existing highway being changed or the location of an additional
highway being established was not within the corporate limits of
the municipal corporation at the time the director determines
the establishment or change should be made, or if the director
is acting pursuant to section 5501.49 of the Revised Code.

Any written agreement for street maintenance and repairs,
including maintenance and repairs of a state highway located
within a municipal corporation, that was entered into by the
Ohio department of highways is binding on any of its successors,
including the Ohio department of transportation. The director
shall not terminate or modify the terms of any such agreement

without the consent of the municipal corporation, unless the 123919
agreement stipulates that the director may terminate the 123920
agreement. 123921

Except as provided in section 5501.49 of the Revised Code, 123922
when in the opinion of the director there is urgent need to 123923
establish a state highway, which is to be designated a federal 123924
aid highway, or a federal aid interstate highway within a 123925
municipal corporation or, in the opinion of the director, any 123926
federal aid highway or interstate federal aid highway is in 123927
urgent need of repair, reconstruction, widening, improvement, or 123928
relocation, so as to accommodate the traveling public, the 123929
director shall submit a written request to the legislative 123930
authority of the municipal corporation for its consent to the 123931
desired establishment or improvement. The legislative authority, 123932
within sixty days after the written request has been received 123933
from the director, either shall grant its consent to the 123934
establishment or improvement or refuse consent by filing in 123935
writing with the director a statement of its reasons for 123936
refusing consent and any alternate proposals it considers 123937
reasonable. If the legislative authority fails to act or refuses 123938
consent, the director, upon consideration of the reasons for 123939
rejection, may make a resolution declaring the necessity of the 123940
establishment or improvement, and then proceed in the same 123941
manner as if consent had been given. A certified copy of the 123942
resolution shall be served upon the municipal legislative 123943
authority, which, within twenty days from the date of service, 123944
may appeal to the court of common pleas of the county in which 123945
the municipal corporation is situated, upon the reasonableness 123946
and necessity of the action provided for in the resolution. In 123947
the hearing upon appeal, the director shall introduce the record 123948
of the director's proceedings, including the director's findings 123949

with respect to factors referred to in section 5521.011 of the Revised Code, and such other competent evidence as the director desires in support of the director's resolution, and the municipality likewise may introduce competent evidence opposing the resolution, and findings. The court may affirm or revoke the resolution. The decision of the common pleas court may be appealed to the court of appeals and the supreme court as in other cases. If the court affirms the resolution, the director may proceed with the establishment or improvement with or without the cooperation of the municipal corporation. Any such municipal corporation may cooperate with the director in the work and pay such portion of the cost as is agreed upon between the municipal corporation and the director. The legislative authority of any municipal corporation desiring to cooperate, by resolution, may propose such cooperation to the director, and a copy of the resolution, which shall set forth the proportion of the cost and expense to be contributed by the municipal corporation, shall be filed with the director. The director shall cause to be prepared the necessary surveys, plans, profiles, cross sections, estimates, and specifications and shall file copies of them with the legislative authority of the municipal corporation. After the legislative authority has approved the surveys, plans, profiles, cross sections, estimates, and specifications, and after the municipal corporation has provided the funds necessary to meet the portion of the cost of the work assumed by it, the municipal corporation shall enter into a contract with the state providing for payment by the municipal corporation of the agreed portion of the cost. The form of the contract shall be prescribed by the attorney general, and such contracts shall be submitted to the director and approved before the receipt of bids. Section 5705.41 of the Revised Code applies to such contract to be made by the

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municipal corporation, and a duplicate of the certificate of the 123982
chief fiscal officer of the municipal corporation shall be filed 123983
in the office of the director. That part of the cost of the work 123984
assumed by the municipal corporation shall be paid from the 123985
proceeds of taxes or special assessments, or both, or from the 123986
proceeds of notes or bonds issued and sold in anticipation of 123987
the collection of the taxes and assessments. For the purpose of 123988
providing funds for the payment of that part of the cost of the 123989
work assumed by the municipal corporation, the municipal 123990
corporation has the same authority to make special assessments, 123991
levy taxes, and issue bonds or notes, in anticipation of the 123992
collection of the same, as it has with respect to improvements 123993
constructed under the sole supervision and control of the 123994
municipal corporation. All such assessments shall be made, taxes 123995
levied, and bonds or notes issued and sold under such conditions 123996
and restrictions as may be provided with respect to assessments, 123997
taxes, bonds, or notes made, levied, issued, or sold in 123998
connection with improvements of the same class and character 123999
constructed under the sole supervision and control of the 124000
municipal corporation. The improvement shall be constructed 124001
under the sole supervision of the director. The proportion of 124002
the cost and expense payable by the municipal corporation shall 124003
be paid by the proper officers thereof, upon the requisition of 124004
the director, and at times during the progress of the work as 124005
may be determined by the director or as may be otherwise 124006
provided by law. 124007

Sec. 5525.03. (A) All prospective bidders other than 124008
environmental remediators and specialty contractors for which 124009
there are no classes of work provided for in the rules adopted 124010
by the director of transportation shall apply for qualification 124011
on forms prescribed and furnished by the director. The 124012

application shall be ~~accompanied by a certificate of compliance~~ 124013
~~with affirmative action programs issued pursuant to section 9.47~~ 124014
~~of the Revised Code and~~ dated no earlier than one hundred eighty 124015
days before the date fixed for the award of the contract for a 124016
particular project. 124017

(B) The director shall act upon an application for 124018
qualification within thirty days after it is presented to the 124019
director. Upon the receipt of any application for qualification, 124020
the director shall examine the application to determine whether 124021
the applicant is competent and responsible and possesses the 124022
financial resources required by section 5525.04 of the Revised 124023
Code. If the applicant is found to possess the qualifications 124024
prescribed by sections 5525.02 to 5525.09 of the Revised Code 124025
and by rules adopted by the director, ~~including a certificate of~~ 124026
~~compliance with affirmative action programs,~~ a certificate of 124027
qualification shall be issued to the applicant, which shall be 124028
valid for the period of one year or such shorter period of time 124029
as the director prescribes, unless revoked by the director for 124030
cause as defined by rules adopted by the director under section 124031
5525.05 of the Revised Code. 124032

(C) The certificate of qualification shall contain a 124033
statement fixing the aggregate amount of work, for any or all 124034
owners, that the applicant may have under construction and 124035
uncompleted at any one time and may contain a statement limiting 124036
such bidder to the submission of bids upon a certain class of 124037
work. Subject to any restriction as to amount or class of work 124038
therein contained, the certificate of qualification shall 124039
authorize its holder to bid on all work on which bids are taken 124040
by the department of transportation during the period of time 124041
therein specified. 124042

(D) An applicant who has received a certificate of 124043
qualification and desires to amend the certificate by the dollar 124044
amount or by the classes of work may submit to the director such 124045
documentation as the director considers appropriate. The 124046
director shall review the documentation submitted by the 124047
applicant and, within fifteen days, shall either amend the 124048
certificate of qualification or deny the request. If the 124049
director denies the request to amend the certificate, the 124050
applicant may appeal that decision to the director's 124051
prequalification review board in accordance with section 5525.07 124052
of the Revised Code. Two or more persons, partnerships, or 124053
corporations may bid jointly on any one project, but only on 124054
condition that prior to the time bids are taken on the project 124055
the bidders make a joint application for qualification and 124056
obtain a joint certificate qualification. 124057

(E) The director may debar from participating in future 124058
contracts with the department any bidding company as well as any 124059
partner of a partnership, or the officers and directors of an 124060
association or corporation if the certificate of qualification 124061
of the company, partnership, association, or corporation is 124062
revoked or not renewed by the director. When the director 124063
reasonably believes that grounds for revocation and debarment 124064
exist, the director shall send the bidding company and any 124065
individual involved a notice of proposed revocation and 124066
debarment indicating the grounds for such action as established 124067
in rules adopted by the director under section 5525.05 of the 124068
Revised Code and the procedure for requesting a hearing. The 124069
notice and hearing shall be in accordance with Chapter 119. of 124070
the Revised Code. If the bidding company or individual does not 124071
respond with a request for a hearing in the manner specified in 124072
Chapter 119. of the Revised Code, the director shall revoke the 124073

certificate and issue the debarment decision without a hearing 124074
and shall notify the bidding company or individual of the 124075
decision by certified mail, return receipt requested. 124076

(F) The debarment period may be of any length determined 124077
by the director and the director may modify or rescind the 124078
debarment at any time. During the period of debarment, the 124079
director shall not issue a certificate of qualification for any 124080
company, partnership, association, or corporation affiliated 124081
with a debarred individual. After the debarment period expires, 124082
the bidding company or individual, and any partnership, 124083
association, or corporation affiliated with the individual may 124084
make an application for qualification if such entity or 124085
individual is not otherwise debarred. 124086

Sec. 5537.01. As used in this chapter: 124087

(A) "Commission" means the Ohio turnpike and 124088
infrastructure commission created by section 5537.02 of the 124089
Revised Code or, if that commission is abolished, the board, 124090
body, officer, or commission succeeding to the principal 124091
functions thereof or to which the powers given by this chapter 124092
to the commission are given by law. 124093

(B) "Turnpike project" means any express or limited access 124094
highway, super highway, or motorway constructed, operated, or 124095
improved, under the jurisdiction of the commission and pursuant 124096
to this chapter, ~~at a location or locations reviewed by the~~ 124097
~~turnpike legislative review committee~~ and approved by the 124098
governor, including all bridges, tunnels, overpasses, 124099
underpasses, interchanges, entrance plazas, approaches, those 124100
portions of connecting public roads that serve interchanges and 124101
are determined by the commission and the director of 124102
transportation to be necessary for the safe merging of traffic 124103

between the turnpike project and those public roads, toll 124104
booths, service facilities, and administration, storage, and 124105
other buildings, property, and facilities that the commission 124106
considers necessary for the operation or policing of the 124107
turnpike project, together with all property and rights which 124108
may be acquired by the commission for the construction, 124109
maintenance, or operation of the turnpike project, and includes 124110
any sections or extensions of a turnpike project designated by 124111
the commission as such for the particular purpose. Each turnpike 124112
project shall be separately designated, by name or number, and 124113
may be constructed, improved, or extended in such sections as 124114
the commission may from time to time determine. Construction 124115
includes the improvement and renovation of a previously 124116
constructed turnpike project, including additional interchanges, 124117
whether or not the turnpike project was initially constructed by 124118
the commission. 124119

(C) "Infrastructure project" means any public express or 124120
limited access highway, super highway, or motorway, including 124121
all bridges, tunnels, overpasses, underpasses, interchanges, 124122
entrance plazas, approaches, and those portions of connecting 124123
public roads that serve interchanges, that is constructed or 124124
improved, in whole or in part, with infrastructure funding 124125
approved pursuant to criteria established under section 5537.18 124126
of the Revised Code. 124127

(D) "Cost," as applied to construction of a turnpike 124128
project or an infrastructure project, includes the cost of 124129
construction, including bridges over or under existing highways 124130
and railroads, acquisition of all property acquired either by 124131
the commission or by the owner of the infrastructure project for 124132
the construction, demolishing or removing any buildings or 124133
structures on land so acquired, including the cost of acquiring 124134

any lands to which the buildings or structures may be moved, 124135
site clearance, improvement, and preparation, diverting public 124136
roads, interchanges with public roads, access roads to private 124137
property, including the cost of land or easements therefor, all 124138
machinery, furnishings, and equipment, communications 124139
facilities, financing expenses, interest prior to and during 124140
construction and for one year after completion of construction, 124141
traffic estimates, indemnity and surety bonds and premiums on 124142
insurance, title work and title commitments, insurance, and 124143
guarantees, engineering, feasibility studies, and legal 124144
expenses, plans, specifications, surveys, estimates of cost and 124145
revenues, other expenses necessary or incident to determining 124146
the feasibility or practicability of constructing or operating a 124147
turnpike project or an infrastructure project, administrative 124148
expenses, and any other expense that may be necessary or 124149
incident to the construction of the turnpike project or an 124150
infrastructure project, the financing of the construction, and 124151
the placing of the turnpike project or an infrastructure project 124152
in operation. Any obligation or expense incurred by the 124153
department of transportation with the approval of the commission 124154
for surveys, borings, preparation of plans and specifications, 124155
and other engineering services in connection with the 124156
construction of a turnpike project or an infrastructure project, 124157
or by the federal government with the approval of the commission 124158
for any public road projects which must be reimbursed as a 124159
condition to the exercise of any of the powers of the commission 124160
under this chapter, shall be regarded as a part of the cost of 124161
the turnpike project or an infrastructure project and shall be 124162
reimbursed to the state or the federal government, as the case 124163
may be, from revenues, state taxes, or the proceeds of bonds as 124164
authorized by this chapter. 124165

(E) "Owner" includes all persons having any title or interest in any property authorized to be acquired by the commission for turnpike projects under this chapter, or the public entity for whom an infrastructure project is funded, in whole or in part, by the commission under this chapter.

(F) "Revenues" means all tolls, service revenues, investment income on special funds, rentals, gifts, grants, and all other moneys coming into the possession of or under the control of the commission by virtue of this chapter, except the proceeds from the sale of bonds. "Revenues" does not include state taxes.

(G) "Public roads" means all public highways, roads, and streets in the state, whether maintained by a state agency or any other governmental agency.

(H) "Public utility facilities" means tracks, pipes, mains, conduits, cables, wires, towers, poles, and other equipment and appliances of any public utility.

(I) "Financing expenses" means all costs and expenses relating to the authorization, issuance, sale, delivery, authentication, deposit, custody, clearing, registration, transfer, exchange, fractionalization, replacement, payment, and servicing of bonds including, without limitation, costs and expenses for or relating to publication and printing, postage, delivery, preliminary and final official statements, offering circulars, and informational statements, travel and transportation, underwriters, placement agents, investment bankers, paying agents, registrars, authenticating agents, remarketing agents, custodians, clearing agencies or corporations, securities depositories, financial advisory services, certifications, audits, federal or state regulatory

agencies, accounting and computation services, legal services 124196
and obtaining approving legal opinions and other legal opinions, 124197
credit ratings, redemption premiums, and credit enhancement 124198
facilities. 124199

(J) "Bond proceedings" means the resolutions, trust 124200
agreements, certifications, notices, sale proceedings, leases, 124201
lease-purchase agreements, assignments, credit enhancement 124202
facility agreements, and other agreements, instruments, and 124203
documents, as amended and supplemented, or any one or more or 124204
any combination thereof, authorizing, or authorizing or 124205
providing for the terms and conditions applicable to, or 124206
providing for the security or sale or award or liquidity of, 124207
bonds, and includes the provisions set forth or incorporated in 124208
those bonds and bond proceedings. 124209

(K) "Bond service charges" means principal, including any 124210
mandatory sinking fund or mandatory redemption requirements for 124211
the retirement of bonds, and interest and any redemption premium 124212
payable on bonds, as those payments come due and are payable to 124213
the bondholder or to a person making payment under a credit 124214
enhancement facility of those bond service charges to a 124215
bondholder. 124216

(L) "Bond service fund" means the applicable fund created 124217
by the bond proceedings for and pledged to the payment of bond 124218
service charges on bonds provided for by those proceedings, 124219
including all moneys and investments, and earnings from 124220
investments, credited and to be credited to that fund as 124221
provided in the bond proceedings. 124222

(M) "Bonds" means bonds, notes, including notes 124223
anticipating bonds or other notes, commercial paper, 124224
certificates of participation, or other evidences of obligation, 124225

including any interest coupons pertaining thereto, issued by the 124226
commission pursuant to this chapter. 124227

(N) "Infrastructure fund" means the applicable fund or 124228
funds created by the bond proceedings, which shall be used to 124229
pay or defray the cost of infrastructure projects recommended by 124230
the director of transportation and evaluated and approved by the 124231
commission. 124232

(O) "Net revenues" means revenues lawfully available to 124233
pay both current operating expenses of the commission and bond 124234
service charges in any fiscal year or other specified period, 124235
less current operating expenses of the commission and any amount 124236
necessary to maintain a working capital reserve for that period. 124237

(P) "Pledged revenues" means net revenues, moneys and 124238
investments, and earnings on those investments, in the 124239
applicable bond service fund and any other special funds, and 124240
the proceeds of any bonds issued for the purpose of refunding 124241
prior bonds, all as lawfully available and by resolution of the 124242
commission committed for application as pledged revenues to the 124243
payment of bond service charges on particular issues of bonds. 124244

(Q) "Service facilities" means service stations, 124245
restaurants, and other facilities for food service, roadside 124246
parks and rest areas, parking, camping, tenting, rest, and 124247
sleeping facilities, hotels or motels, and all similar and other 124248
facilities providing services to the traveling public in 124249
connection with the use of a turnpike project and owned, leased, 124250
licensed, or operated by the commission. 124251

(R) "Service revenues" means those revenues of the 124252
commission derived from its ownership, leasing, licensing, or 124253
operation of service facilities. 124254

(S) "Special funds" means the applicable bond service fund 124255
and any accounts and subaccounts in that fund, any other funds 124256
or accounts permitted by and established under, and identified 124257
as a "special fund" or "special account" in, the bond 124258
proceedings, including any special fund or account established 124259
for purposes of rebate or other requirements under federal 124260
income tax laws. 124261

(T) "State agencies" means the state, officers of the 124262
state, and boards, departments, branches, divisions, or other 124263
units or agencies of the state. 124264

(U) "State taxes" means receipts of the commission from 124265
the proceeds of state taxes or excises levied and collected, or 124266
appropriated by the general assembly to the commission, for the 124267
purposes and functions of the commission. State taxes do not 124268
include tolls, or investment earnings on state taxes except on 124269
those state taxes referred to in Section 5a of Article XII, Ohio 124270
Constitution. 124271

(V) "Tolls" means tolls, special fees or permit fees, or 124272
other charges by the commission to the owners, lessors, lessees, 124273
or operators of motor vehicles for the operation of or the right 124274
to operate those vehicles on a turnpike project. 124275

(W) "Credit enhancement facilities" means letters of 124276
credit, lines of credit, standby, contingent, or firm securities 124277
purchase agreements, insurance, or surety arrangements, 124278
guarantees, and other arrangements that provide for direct or 124279
contingent payment of bond service charges, for security or 124280
additional security in the event of nonpayment or default in 124281
respect of bonds, or for making payment of bond service charges 124282
and at the option and on demand of bondholders or at the option 124283
of the commission or upon certain conditions occurring under put 124284

or similar arrangements, or for otherwise supporting the credit 124285
or liquidity of the bonds, and includes credit, reimbursement, 124286
marketing, remarketing, indexing, carrying, interest rate hedge, 124287
and subrogation agreements, and other agreements and 124288
arrangements for payment and reimbursement of the person 124289
providing the credit enhancement facility and the security for 124290
that payment and reimbursement. 124291

(X) "Person" has the same meaning as in section 1.59 of 124292
the Revised Code and, unless the context otherwise provides, 124293
also includes any governmental agency and any combination of 124294
those persons. 124295

(Y) "Refund" means to fund and retire outstanding bonds, 124296
including advance refunding with or without payment or 124297
redemption prior to stated maturity. 124298

(Z) "Governmental agency" means any state agency, federal 124299
agency, political subdivision, or other local, interstate, or 124300
regional governmental agency, and any combination of those 124301
agencies. 124302

(AA) "Property" has the same meaning as in section 1.59 of 124303
the Revised Code, and includes interests in property. 124304

(BB) "Administrative agent," "agent," "commercial paper," 124305
"floating rate interest structure," "indexing agent," "interest 124306
rate hedge," "interest rate period," "put arrangement," and 124307
"remarketing agent" have the same meanings as in section 9.98 of 124308
the Revised Code. 124309

(CC) "Outstanding," as applied to bonds, means outstanding 124310
in accordance with the terms of the bonds and the applicable 124311
bond proceedings. 124312

(DD) "Ohio turnpike system" or "system" means all existing 124313

and future turnpike projects constructed, operated, and 124314
maintained under the jurisdiction of the commission. 124315

(EE) "Ohio turnpike and infrastructure system" means 124316
turnpike projects and infrastructure projects funded by the 124317
commission existing on and after July 1, 2013, that facilitate 124318
access to, use of, and egress from the Ohio turnpike system, and 124319
also facilitate access to and from areas of population, 124320
commerce, and industry that are connected to the Ohio turnpike 124321
system. 124322

Sec. 5537.02. (A) There is hereby created a commission to 124323
be known on and after July 1, 2013, as the "Ohio turnpike and 124324
infrastructure commission." The commission is a body both 124325
corporate and politic, constituting an instrumentality of the 124326
state, and the exercise by it of the powers conferred by this 124327
chapter in the construction, operation, and maintenance of the 124328
Ohio turnpike system, and also in entering into agreements with 124329
the department of transportation to pay the cost or a portion of 124330
the costs of infrastructure projects, are and shall be held to 124331
be essential governmental functions of the state. Chapter 2744. 124332
of the Revised Code applies to the commission and the commission 124333
is a political subdivision of the state for purposes of that 124334
chapter. The commission is subject to all provisions of law 124335
generally applicable to state agencies which do not conflict 124336
with this chapter. 124337

(B) (1) The commission shall consist of ten members as 124338
follows: 124339

(a) Six members appointed by the governor with the advice 124340
and consent of the senate, no more than three of whom shall be 124341
members of the same political party; 124342

(b) The director of transportation, or the director's
designee, who shall be a voting member, and the director of
budget and management, or the director's designee. The directors
or their designees, as applicable, shall serve as ex officio
members, without compensation;

(c) One member of the senate, appointed by the president
of the senate, ~~who shall represent either a district in which is
located or through which passes a portion of a turnpike project
that is part of the Ohio turnpike system or a district located
in the vicinity of a turnpike project that is part of the Ohio
turnpike system;~~

(d) One member of the house of representatives, appointed
by the speaker of the house of representatives, ~~who shall
represent either a district in which is located or through which
passes a portion of a turnpike project that is part of the Ohio
turnpike system or a district located in the vicinity of a
turnpike project that is part of the Ohio turnpike system.~~

(2) The members appointed by the governor shall be
residents of the state, shall have been qualified electors
therein for a period of at least five years next preceding their
appointment. In making the appointments, the governor may
appoint persons who reside in different geographic areas of the
state, taking into consideration the various turnpike and
infrastructure projects in the state. Members appointed to the
commission prior to July 1, 2013, shall serve terms of eight
years commencing on the first day of July and ending on the
thirtieth day of June. Thereafter, members appointed by the
governor shall serve terms of five years commencing on the first
day of July and ending on the thirtieth day of June. Those
members appointed by the president of the senate or the speaker

of the house of representatives shall serve a term of the 124373
remainder of the general assembly during which the senator or 124374
representative is appointed. Each appointed member shall hold 124375
office from the date of appointment until the end of the term 124376
for which the member was appointed. If a commission member dies 124377
or resigns, or if a senator or representative who is a member of 124378
the commission ceases to be a senator or representative, or if 124379
an ex officio member ceases to hold the applicable office, the 124380
vacancy shall be filled in the same manner as provided in 124381
division (B)(1) of this section. Any member who fills a vacancy 124382
occurring prior to the end of the term for which the member's 124383
predecessor was appointed shall, if appointed by the governor, 124384
hold office for the remainder of such term or, if appointed by 124385
the president of the senate or the speaker of the house of 124386
representatives, shall hold office for the remainder of the term 124387
or for a shorter period of time as determined by the president 124388
or the speaker. Any member appointed by the governor shall 124389
continue in office subsequent to the expiration date of the 124390
member's term until the member's successor takes office, or 124391
until a period of sixty days has elapsed, whichever occurs 124392
first. A member of the commission is eligible for reappointment. 124393
Each member of the commission appointed by the governor, before 124394
entering upon the member's duties, shall take an oath as 124395
provided by Section 7 of Article XV, Ohio Constitution. The 124396
governor, the president of the senate, or the speaker of the 124397
house of representatives, may at any time remove their 124398
respective appointees to the commission for misfeasance, 124399
nonfeasance, or malfeasance in office. 124400

(3) (a) A member of the commission who is appointed by the 124401
president of the senate or the speaker of the house of 124402
representatives shall not participate in any vote of the 124403

commission. Serving as an appointed member of the commission 124404
under divisions (B) (1) (c), (1) (d), or (2) of this section does 124405
not constitute grounds for resignation from the senate or the 124406
house of representatives under section 101.26 of the Revised 124407
Code. 124408

(b) The director of budget and management shall not 124409
participate in any vote of the commission. 124410

(C) The voting members of the commission shall elect one 124411
of the voting members as chairperson and another as vice- 124412
chairperson, and shall appoint a secretary-treasurer who need 124413
not be a member of the commission. Four of the voting members of 124414
the commission constitute a quorum, and the affirmative vote of 124415
four voting members is necessary for any action taken by the 124416
commission. No vacancy in the membership of the commission 124417
impairs the rights of a quorum to exercise all the rights and 124418
perform all the duties of the commission. 124419

(D) Each member of the commission appointed by the 124420
governor shall give a surety bond to the commission in the penal 124421
sum of twenty-five thousand dollars and the secretary-treasurer 124422
shall give such a bond in at least the penal sum of fifty 124423
thousand dollars. The commission may require any of its officers 124424
or employees to file surety bonds including a blanket bond as 124425
provided in section 3.06 of the Revised Code. Each such bond 124426
shall be in favor of the commission and shall be conditioned 124427
upon the faithful performance of the duties of the office, 124428
executed by a surety company authorized to transact business in 124429
this state, approved by the governor, and filed in the office of 124430
the secretary of state. The costs of the surety bonds shall be 124431
paid or reimbursed by the commission from revenues. Each member 124432
of the commission appointed by the governor shall receive an 124433

annual salary of five thousand dollars, payable in monthly 124434
installments. Each member shall be reimbursed for the member's 124435
actual expenses necessarily incurred in the performance of the 124436
member's duties. All costs and expenses incurred by the 124437
commission in carrying out this chapter shall be payable solely 124438
from revenues and state taxes, and no liability or obligation 124439
shall be incurred by the commission beyond the extent to which 124440
revenues have been provided for pursuant to this chapter. 124441

Sec. 5537.03. In order to remove present and anticipated 124442
impediments and potential hazards on the congested highways in 124443
this state, to facilitate vehicular traffic throughout the 124444
state, to finance infrastructure projects that improve and 124445
enhance mobility in Ohio, and also to promote the agricultural, 124446
recreational, tourism, and commercial, industrial, and economic 124447
development of the state, and to provide for the general welfare 124448
by the construction, improvement, and maintenance of modern 124449
express highways embodying safety devices, including without 124450
limitation center divisions, ample shoulder widths, long sight 124451
distances, multiple lanes in each direction, and grade 124452
separations at intersections with other public roads and 124453
railroads, the Ohio turnpike and infrastructure commission may 124454
do the following: 124455

(A) Subject to section 5537.26 of the Revised Code, 124456
construct, maintain, repair, and operate a system of turnpike 124457
projects ~~at locations that are reviewed by the turnpike~~ 124458
~~legislative review committee and approved by the governor,~~ and 124459
in accordance with alignment and design standards that are 124460
approved by the director of transportation, and issue revenue 124461
bonds of this state, payable solely from pledged revenues, to 124462
pay the cost of those projects. The turnpikes and turnpike 124463
projects authorized by this chapter are hereby or shall be made 124464

part of the Ohio turnpike system. 124465

(B) Provide the infrastructure funds to pay the cost or a 124466
portion of the cost of infrastructure projects as recommended by 124467
the director of transportation pursuant to a determination made 124468
by the commission based on criteria set forth in rules adopted 124469
by the commission under section 5537.18 of the Revised Code. A 124470
determination by the commission to provide infrastructure funds 124471
for an infrastructure project shall be conclusive and 124472
incontestable. 124473

Sec. 5537.27. The Ohio turnpike and infrastructure 124474
commission, the director of transportation or the director's 124475
designee, and another person designated by the governor shall 124476
establish a procedure whereby a political subdivision or other 124477
government agency or agencies may submit a written application 124478
to the commission, requesting the commission to construct and 124479
operate a turnpike project within the boundaries of the 124480
subdivision, agency, or agencies making the request. The 124481
procedure shall include a requirement that the commission send a 124482
written reply to the subdivision, agency, or agencies, 124483
explaining the disposition of the request. The procedure 124484
established pursuant to this section shall not become effective 124485
unless it is approved by the commission and by the director or 124486
the director's designee and the designee of the governor, ~~and~~ 124487
~~shall require submission of the proposed turnpike project to the~~ 124488
~~turnpike legislative review committee if the project must be~~ 124489
~~approved by the governor.~~ 124490

Sec. 5540.02. (A) A transportation improvement district 124491
may be created by the board of county commissioners of a county. 124492
The board, by resolution, shall determine the structure of the 124493
board of trustees of the transportation improvement district it 124494

creates by adopting the structure contained either in division 124495
(C) (1) or (2) of this section. 124496

(B) A transportation improvement district is a body both 124497
corporate and politic, and the exercise by it of the powers 124498
conferred by this chapter in the financing, construction, 124499
maintenance, repair, and operation of a project are and shall be 124500
held to be essential governmental functions. 124501

(C) (1) If the board of county commissioners so elects, a 124502
transportation improvement district shall be governed by a board 124503
of trustees consisting of the following members: 124504

(a) Two members appointed by the board of county 124505
commissioners; 124506

(b) Three members appointed by the legislative authority 124507
of the most populous municipal corporation in the district; 124508

(c) Two members appointed by the legislative authority of 124509
the second most populous municipal corporation in the district; 124510

(d) Two members appointed by the board of township 124511
trustees of the township in the county that is most populous in 124512
its unincorporated area; 124513

(e) The county engineer; 124514

(f) One member appointed by the legislative authority of 124515
any township or municipal corporation that cannot otherwise 124516
appoint a member to the board pursuant to this section, and that 124517
is wholly or partially within the area of the transportation 124518
improvement district as the district was originally designated 124519
by the board of county commissioners; 124520

(g) If the area of a transportation improvement district 124521
is expanded by the board of county commissioners, the 124522

legislative authority of any township or municipal corporation 124523
that is wholly or partially within the area of expansion and 124524
that cannot otherwise appoint a member to the board pursuant to 124525
this section, with the consent of the board of trustees of the 124526
district, may appoint one member to the board; 124527

(h) One member appointed by the regional planning 124528
commission for the county, who shall be a nonvoting member of 124529
the board; 124530

~~(i) One member appointed at the discretion of the speaker 124531
of the house of representatives, who, if appointed, shall be a 124532
nonvoting member of the board and who may be a member of the 124533
house of representatives. 124534~~

One of each of the appointments made by the board of 124535
county commissioners, the legislative authority of a municipal 124536
corporation, and the board of township trustees under divisions 124537
(C) (1) (a), (b), (c), and (d) of this section, shall be members 124538
of the chamber of commerce for the respective political 124539
subdivision. 124540

Whenever the addition of members to the board of trustees 124541
of a transportation improvement district pursuant to division 124542
(C) (1) (f) or (g) of this section results in an even number of 124543
total voting members on the board, the board of trustees of the 124544
district may appoint an additional person to its membership to 124545
maintain an odd number of voting members. 124546

(2) As an alternative to the structure prescribed in 124547
division (C) (1) of this section, a board of county 124548
commissioners, by resolution, may elect that the transportation 124549
improvement district it creates be governed by a board of 124550
trustees consisting of ~~the following members:—~~ 124551

~~(a) Five five members appointed by the board of county commissioners;~~ 124552
124553

~~(b) One member appointed at the discretion of the speaker of the house of representatives, who, if appointed, shall be a nonvoting member of the board and who may be a member of the house of representatives.~~ 124554
124555
124556
124557

(D) Each appointed member of the board shall hold office 124558
for a term of two years but subject to removal at the pleasure 124559
of the authority that appointed the member. Members may be 124560
reappointed. Except as otherwise provided in this division, any 124561
vacancy on the board shall be filled in the same manner as the 124562
original appointment. Any vacancy on a board appointed under 124563
division (C)(1) of this section lasting longer than thirty days 124564
due to the failure of the legislative authority of a municipal 124565
corporation or a board of township trustees to make an 124566
appointment shall be filled by the board of trustees of the 124567
transportation improvement district. 124568

(E) The voting members of the board shall elect from the 124569
entire board membership a chairperson, vice-chairperson, and 124570
secretary-treasurer. A majority of the voting members of the 124571
board constitutes a quorum, the affirmative vote of which is 124572
necessary for any action of the district. No vacancy in the 124573
membership of the board impairs the right of a quorum to 124574
exercise all the rights and perform all duties of the district. 124575

(F) The board of county commissioners of any county, the 124576
legislative authority of any municipal corporation, and the 124577
board of township trustees of any township may make 124578
appropriations from moneys available to them and not otherwise 124579
appropriated to pay costs incurred by the district in the 124580
exercise of its functions under this chapter, provided those 124581

moneys are available to use for that purpose. 124582

(G) An organizational meeting of the board of trustees of 124583
a transportation improvement district created under this section 124584
shall be held at the time and place designated by the board 124585
member who has served the most years as a member of the board of 124586
county commissioners that created the transportation improvement 124587
district. 124588

Sec. 5595.02. (A) The boards of county commissioners of 124589
two or more counties may undertake a regional transportation 124590
improvement project for the purpose of completing transportation 124591
improvements within the territory of the counties. The project 124592
shall be administered by a governing board in accordance with a 124593
cooperative agreement. 124594

~~(B)~~(B) (1) The cooperative agreement shall provide for the 124595
creation of a governing board consisting of ~~one~~ the following 124596
individuals: 124597

(a) One county commissioner from each county that is a 124598
party to the agreement or a designee appointed by the board of 124599
county commissioners of the county for the purpose of serving on 124600
the governing board, ~~and the~~; 124601

(b) The county engineer of each such county or a designee 124602
appointed by the county engineer for the purpose of serving on 124603
the governing board. 124604

(2) The cooperative agreement may authorize the chief 124605
executive officer of the JobsOhio network partner that covers 124606
the majority of the area encompassed by the regional 124607
transportation improvement project or a designee appointed by 124608
the chief executive officer to serve as an additional member of 124609
the governing board. Membership 124610

(3) Membership on the board is not a direct or indirect interest in a contract or expenditure of money by the county. The board is a public body for the purposes of section 121.22 of the Revised Code and a public office for the purposes of section 149.43 of the Revised Code. Chapter 2744. of the Revised Code applies to the board.

(C) The governing board of a regional transportation improvement project is a body both corporate and politic, and the exercise by it of the powers conferred by this chapter in the financing, construction, maintenance, repair, and operation of transportation improvements are essential governmental functions.

(D) A board of county commissioners, in accordance with the cooperative agreement, may make appropriations to pay costs incurred by the governing board in the exercise of its functions under this chapter so long as such costs are approved by the director of transportation under section 5595.12 of the Revised Code.

Sec. 5701.11. The effective date to which this section refers is the effective date of this section as amended by H.B. 14 of the 136th general assembly.

(A) (1) Except as provided under division (A) (2) or (B) of this section, any reference in Title LVII or section 149.311, 3123.90, 3770.07, 3770.071, 3770.072, 3770.073, ~~or~~ 3772.37, or 3775.16 of the Revised Code to the Internal Revenue Code, to the Internal Revenue Code "as amended," to other laws of the United States, or to other laws of the United States, "as amended," means the Internal Revenue Code or other laws of the United States as they exist on the effective date.

(2) This section does not apply to any reference in Title 124640
LVII of the Revised Code to the Internal Revenue Code as of a 124641
date certain specifying the day, month, and year, or to other 124642
laws of the United States as of a date certain specifying the 124643
day, month, and year. 124644

(B) (1) For purposes of applying section 5733.04, 5745.01, 124645
or 5747.01 of the Revised Code to a taxpayer's taxable year 124646
ending after March 15, 2023, and before the effective date, a 124647
taxpayer may irrevocably elect to incorporate the provisions of 124648
the Internal Revenue Code or other laws of the United States 124649
that are in effect for federal income tax purposes for that 124650
taxable year if those provisions differ from the provisions 124651
that, under division (A) of this section, would otherwise apply. 124652
The filing by the taxpayer for that taxable year of a report or 124653
return that incorporates the provisions of the Internal Revenue 124654
Code or other laws of the United States applicable for federal 124655
income tax purposes for that taxable year, and that does not 124656
include any adjustments to reverse the effects of any 124657
differences between those provisions and the provisions that 124658
would otherwise apply, constitutes the making of an irrevocable 124659
election under this division for that taxable year. 124660

(2) Elections under prior versions of division (B) (1) of 124661
this section remain in effect for the taxable years to which 124662
they apply. 124663

Sec. 5703.052. (A) There is hereby created in the state 124664
treasury the tax refund fund, from which refunds shall be paid 124665
for amounts illegally or erroneously assessed or collected, or 124666
for any other reason overpaid, with respect to taxes levied by 124667
Chapter 4301., 4305., 5726., 5728., 5729., 5731., 5733., 5735., 124668
5736., 5739., 5741., 5743., 5747., 5748., 5749., 5751., or 5753. 124669

and sections 3737.71, 3905.35, 3905.36, 4303.33, 5707.03, 124670
5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 of the Revised 124671
Code. Refunds for fees levied under sections 3734.90 to 124672
3734.9014 of the Revised Code, wireless 9-1-1 charges imposed 124673
under section 128.40 of the Revised Code, next generation 9-1-1 124674
access fees imposed under sections 128.41 and 128.42 of the 124675
Revised Code, or any penalties assessed with respect to such 124676
fees or charges, that are illegally or erroneously assessed or 124677
collected, or for any other reason overpaid, also shall be paid 124678
from the fund. Refunds for amounts illegally or erroneously 124679
assessed or collected by the tax commissioner, or for any other 124680
reason overpaid, that are due under section 1509.50 of the 124681
Revised Code shall be paid from the fund. Refunds for amounts 124682
illegally or erroneously assessed or collected by the 124683
commissioner, or for any other reason overpaid to the 124684
commissioner, under sections 718.80 to 718.95 of the Revised 124685
Code shall be paid from the fund. However, refunds for amounts 124686
illegally or erroneously assessed or collected by the 124687
commissioner, or for any other reason overpaid to the 124688
commissioner, with respect to taxes levied under section 124689
5739.101 of the Revised Code shall not be paid from the tax 124690
refund fund, but shall be paid as provided in section 5739.104 124691
of the Revised Code. 124692

(B) (1) Upon certification by the tax commissioner to the 124693
treasurer of state of a tax refund, a wireless 9-1-1 charge 124694
refund, a next generation 9-1-1 access fee refund, or another 124695
amount refunded, or by the superintendent of insurance of a 124696
domestic or foreign insurance tax refund, the treasurer of state 124697
shall place the amount certified to the credit of the fund. The 124698
certified amount transferred shall be derived from the receipts 124699
of the same tax, fee, wireless 9-1-1 charge, next generation 9- 124700

1-1 access fee, or other amount from which the refund arose. 124701

(2) When a refund is for a tax, fee, wireless 9-1-1 124702
charge, next generation 9-1-1 access fee, or other amount that 124703
is not levied by the state or that was illegally or erroneously 124704
distributed to a taxing jurisdiction, the tax commissioner shall 124705
recover the amount of that refund from the next distribution of 124706
that tax, fee, wireless 9-1-1 charge, next generation 9-1-1 124707
access fee, or other amount that otherwise would be made to the 124708
taxing jurisdiction. If the amount to be recovered would exceed 124709
twenty-five per cent of the next distribution of that tax, fee, 124710
wireless 9-1-1 charge, next generation 9-1-1 access fee, or 124711
other amount, the commissioner may spread the recovery over more 124712
than one future distribution, taking into account the amount to 124713
be recovered and the amount of the anticipated future 124714
distributions. In no event may the commissioner spread the 124715
recovery over a period to exceed ~~thirty-six~~ seventy-two months. 124716

Sec. 5703.21. (A) Except as provided in divisions (B) and 124717
(C) of this section, no agent of the department of taxation, 124718
except in the agent's report to the department or when called on 124719
to testify in any court or proceeding, shall divulge any 124720
information acquired by the agent as to the transactions, 124721
property, or business of any person while acting or claiming to 124722
act under orders of the department. Whoever violates this 124723
provision shall thereafter be disqualified from acting as an 124724
officer or employee or in any other capacity under appointment 124725
or employment of the department. 124726

(B) (1) For purposes of an audit pursuant to section 117.15 124727
of the Revised Code, or an audit of the department pursuant to 124728
Chapter 117. of the Revised Code, or an audit, pursuant to that 124729
chapter, the objective of which is to express an opinion on a 124730

financial report or statement prepared or issued pursuant to 124731
division (A) (7) or (9) of section 126.21 of the Revised Code, 124732
the officers and employees of the auditor of state charged with 124733
conducting the audit shall have access to and the right to 124734
examine any state tax returns and state tax return information 124735
in the possession of the department to the extent that the 124736
access and examination are necessary for purposes of the audit. 124737
Any information acquired as the result of that access and 124738
examination shall not be divulged for any purpose other than as 124739
required for the audit or unless the officers and employees are 124740
required to testify in a court or proceeding under compulsion of 124741
legal process. Whoever violates this provision shall thereafter 124742
be disqualified from acting as an officer or employee or in any 124743
other capacity under appointment or employment of the auditor of 124744
state. 124745

(2) For purposes of an internal audit pursuant to section 124746
126.45 of the Revised Code, the officers and employees of the 124747
office of internal audit in the office of budget and management 124748
charged with directing the internal audit shall have access to 124749
and the right to examine any state tax returns and state tax 124750
return information in the possession of the department to the 124751
extent that the access and examination are necessary for 124752
purposes of the internal audit. Any information acquired as the 124753
result of that access and examination shall not be divulged for 124754
any purpose other than as required for the internal audit or 124755
unless the officers and employees are required to testify in a 124756
court or proceeding under compulsion of legal process. Whoever 124757
violates this provision shall thereafter be disqualified from 124758
acting as an officer or employee or in any other capacity under 124759
appointment or employment of the office of internal audit. 124760

(3) As provided by section 6103(d) (2) of the Internal 124761

Revenue Code, any federal tax returns or federal tax information 124762
that the department has acquired from the internal revenue 124763
service, through federal and state statutory authority, may be 124764
disclosed to the auditor of state or the office of internal 124765
audit solely for purposes of an audit of the department. 124766

(4) For purposes of Chapter 3739. of the Revised Code, an 124767
agent of the department of taxation may share information with 124768
the division of state fire marshal that the agent finds during 124769
the course of an investigation. 124770

(C) Division (A) of this section does not prohibit any of 124771
the following: 124772

(1) Divulging information contained in applications, 124773
complaints, and related documents filed with the department 124774
under section 5715.27 of the Revised Code or in applications 124775
filed with the department under section 5715.39 of the Revised 124776
Code; 124777

(2) Providing to the attorney general information the 124778
department obtains under division (J) of section 1346.01 of the 124779
Revised Code; 124780

(3) Permitting properly authorized officers, employees, or 124781
agents of a municipal corporation from inspecting reports or 124782
information pursuant to section 718.84 of the Revised Code or 124783
rules adopted under section 5745.16 of the Revised Code; 124784

(4) Providing information regarding the name, account 124785
number, or business address of a holder of a vendor's license 124786
issued pursuant to section 5739.17 of the Revised Code, a holder 124787
of a direct payment permit issued pursuant to section 5739.031 124788
of the Revised Code, or a seller having a use tax account 124789
maintained pursuant to section 5741.17 of the Revised Code, or 124790

information regarding the active or inactive status of a 124791
vendor's license, direct payment permit, or seller's use tax 124792
account; 124793

(5) Providing to a county auditor notices or documents 124794
concerning or affecting the taxable value of property in the 124795
county auditor's county. Unless authorized by law to disclose 124796
documents so provided, the county auditor shall not disclose 124797
such documents; 124798

(6) Providing to a county auditor a sales or use tax 124799
return or audit information under section 333.06 of the Revised 124800
Code; 124801

(7) Disclosing to a state or federal government agency, 124802
for use in the performance of that agency's official duties in 124803
this state, information in the possession of the tax 124804
commissioner necessary to verify compliance with any provision 124805
of the Revised Code or federal law relating to that agency. 124806
Unless disclosure is otherwise authorized by law, information 124807
provided to any state or federal government agency under this 124808
section remains confidential and is not subject to further 124809
disclosure; 124810

(8) Disclosing to a current or former employee, for use in 124811
preparation of the employee's income tax return, the account 124812
number issued by the tax commissioner to an employer for use in 124813
filing returns and making payments under section 5747.07 of the 124814
Revised Code. The commissioner may require the employee to 124815
provide evidence of current or past employment before such 124816
disclosure; 124817

(9) Publishing or disclosing the amount of revenue 124818
distributed to a county, municipal corporation, township, school 124819

district, or any other political subdivision from any tax or 124820
fund administered by the tax commissioner; 124821

(10) Disclosing to a county auditor information in or 124822
discovered pursuant to the property tax relief screening system 124823
created in section 5703.83 of the Revised Code. 124824

Sec. 5703.37. (A) (1) Except as provided in division (B) of 124825
this section, whenever service of a notice or order is required 124826
in the manner provided in this section, a copy of the notice or 124827
order shall be served upon the person affected thereby either by 124828
personal service, by certified mail, or by a delivery service 124829
authorized under section 5703.056 of the Revised Code that 124830
notifies the tax commissioner of the date of delivery. 124831

(2) In lieu of serving a copy of a notice or order through 124832
one of the means provided in division (A) (1) of this section, 124833
the commissioner may serve a notice or order upon the person 124834
affected thereby through alternative means as provided in this 124835
section, including, but not limited to, delivery by secure 124836
electronic mail as provided in division (F) of this section or 124837
by ordinary mail. Delivery by such means satisfies the 124838
requirements for delivery under this section. 124839

(B) (1) (a) If certified or ordinary mail is returned 124840
because of an undeliverable address, the commissioner shall 124841
first utilize reasonable means to ascertain a new last known 124842
address, including the use of a change of address service 124843
offered by the United States postal service or an authorized 124844
delivery service under section 5703.056 of the Revised Code. If, 124845
after using reasonable means, the commissioner is unable to 124846
ascertain a new last known address, the assessment is final for 124847
purposes of section 131.02 of the Revised Code sixty days after 124848
the notice or order ~~sent by certified mail~~ is first returned to 124849

the commissioner, and the commissioner shall certify the notice 124850
or order, if applicable, to the attorney general for collection 124851
under section 131.02 of the Revised Code. 124852

(b) Notwithstanding certification to the attorney general 124853
under division (B)(1)(a) of this section, once the commissioner 124854
or attorney general, or the designee of either, makes an initial 124855
contact with the person to whom the notice or order is directed, 124856
the person may protest an assessment by filing a petition for 124857
reassessment within sixty days after the initial contact. The 124858
certification of an assessment under division (B)(1)(a) of this 124859
section is prima-facie evidence that delivery is complete and 124860
that the notice or order is served. 124861

(2) If mailing of a notice or order by certified or 124862
ordinary mail is returned for some cause other than an 124863
undeliverable address or if a person does not access an 124864
electronic notice or order within the time provided in division 124865
(F) of this section, the commissioner shall resend the notice or 124866
order by ordinary mail. The notice or order shall show the date 124867
the commissioner sends the notice or order and include the 124868
following statement: 124869

"This notice or order is deemed to be served on the 124870
addressee under applicable law ten days from the date this 124871
notice or order was mailed by the commissioner as shown on the 124872
notice or order, and all periods within which an appeal may be 124873
filed apply from and after that date." 124874

Unless the mailing is returned because of an undeliverable 124875
address, the mailing of that information is prima-facie evidence 124876
that delivery of the notice or order was completed ten days 124877
after the commissioner ~~sent~~ resent the notice or order by 124878
ordinary mail and that the notice or order was served. 124879

If the ~~ordinary mail mailing~~ is subsequently returned 124880
because of an undeliverable address, the commissioner shall 124881
proceed under division (B) (1) (a) of this section. A person may 124882
challenge the presumption of delivery and service under this 124883
division in accordance with division (C) of this section. 124884

(C) (1) A person disputing the presumption of delivery and 124885
service under division (B) of this section bears the burden of 124886
proving by a preponderance of the evidence that the address to 124887
which the notice or order was sent was not an address with which 124888
the person was associated at the time the commissioner 124889
originally mailed the notice or order ~~by certified mail~~. For the 124890
purposes of this section, a person is associated with an address 124891
at the time the commissioner originally mailed the notice or 124892
order if, at that time, the person was residing, receiving legal 124893
documents, or conducting business at the address; or if, before 124894
that time, the person had conducted business at the address and, 124895
when the notice or order was mailed, the person's agent or the 124896
person's affiliate was conducting business at the address. For 124897
the purposes of this section, a person's affiliate is any other 124898
person that, at the time the notice or order was mailed, owned 124899
or controlled at least twenty per cent, as determined by voting 124900
rights, of the addressee's business. 124901

(2) If the person elects to protest an assessment 124902
certified to the attorney general for collection, the person 124903
must do so within sixty days after the attorney general's 124904
initial contact with the person. The attorney general may enter 124905
into a compromise with the person under sections 131.02 and 124906
5703.06 of the Revised Code if the person does not file a 124907
petition for reassessment with the commissioner. 124908

(D) Nothing in this section prohibits the commissioner or 124909

the commissioner's designee from delivering a notice or order by 124910
personal service. 124911

(E) Collection actions taken pursuant to section 131.02 of 124912
the Revised Code upon any assessment being challenged under 124913
division (B) (1) (b) of this section shall be stayed upon the 124914
pendency of an appeal under this section. If a petition for 124915
reassessment is filed pursuant to this section on a claim that 124916
has been certified to the attorney general for collection, the 124917
claim shall be uncertified. 124918

(F) (1) The commissioner may serve a notice or order upon 124919
the person affected by the notice or order or that person's 124920
authorized representative through secure electronic means 124921
associated with the person's or representative's last known 124922
address, but only with the person's consent. The commissioner 124923
must inform the recipient, electronically or by mail, that a 124924
notice or order is available for electronic review and provide 124925
instructions to access and print the notice or order. The types 124926
of electronic notification the commissioner may use include 124927
electronic mail, text message, or any other form of electronic 124928
communication. The recipient's electronic access of the notice 124929
or order satisfies the requirements for delivery under this 124930
section. If the recipient fails to access the notice or order 124931
electronically within ten business days, then the commissioner 124932
shall inform the recipient a second time, electronically or by 124933
mail, that a notice or order is available for electronic review 124934
and provide instructions to access and print the notice or 124935
order. If the recipient fails to access the notice or order 124936
electronically within ten business days of the second 124937
notification, the notice or order shall be served upon the 124938
person through the means provided in division (B) (2) of this 124939
section. 124940

(2) The tax commissioner shall establish a system to issue notification of assessments to taxpayers through secure electronic means.

(G) As used in this section:

(1) "Last known address" means the address the department has at the time the document is originally sent by certified or ordinary mail, or any address the department can ascertain using reasonable means such as the use of a change of address service offered by the United States postal service or an authorized delivery service under section 5703.056 of the Revised Code. For documents sent by secure electronic means, "last known address" means an electronic mode of communication that is identified on a form prescribed by the commissioner for such purpose or that is associated with the person or the authorized representative of the person as of the date the notification was sent on the Ohio business gateway, as defined in section 718.01 of the Revised Code, as of the date the notification was sent or another electronic filing or payment system prescribed by the commissioner.

(2) "Undeliverable address" means an address to which the United States postal service or an authorized delivery service under section 5703.056 of the Revised Code is not able to deliver a notice or order, except when the reason for nondelivery is because the addressee fails to acknowledge or accept the notice or order.

Sec. 5703.70. (A) On the filing of an application for refund under section 718.91, 3734.905, 4307.05, 4307.07, 5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07, ~~5739.071~~, 5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 5749.08,

5751.08, or 5753.06 of the Revised Code, or an application for 124971
compensation under section 5739.061 of the Revised Code, if the 124972
tax commissioner determines that the amount of the refund or 124973
compensation to which the applicant is entitled is less than the 124974
amount claimed in the application, the commissioner shall give 124975
the applicant written notice by ordinary mail of the amount. The 124976
notice shall be sent to the address shown on the application 124977
unless the applicant notifies the commissioner of a different 124978
address. The applicant shall have sixty days from the date the 124979
commissioner mails the notice to provide additional information 124980
to the commissioner or request a hearing, or both. 124981

(B) If the applicant neither requests a hearing nor 124982
provides additional information to the tax commissioner within 124983
the time prescribed by division (A) of this section, the 124984
commissioner shall take no further action, and the refund or 124985
compensation amount denied becomes final. 124986

(C) (1) If the applicant requests a hearing within the time 124987
prescribed by division (A) of this section, the tax commissioner 124988
shall assign a time and place for the hearing and notify the 124989
applicant of such time and place, but the commissioner may 124990
continue the hearing from time to time, as necessary. After the 124991
hearing, the commissioner may make such adjustments to the 124992
refund or compensation as the commissioner finds proper, and 124993
shall issue a final determination thereon. 124994

(2) If the applicant does not request a hearing, but 124995
provides additional information, within the time prescribed by 124996
division (A) of this section, the commissioner shall review the 124997
information, make such adjustments to the refund or compensation 124998
as the commissioner finds proper, and issue a final 124999
determination thereon. The commissioner may review such 125000

information and make such adjustments as many times as the 125001
commissioner finds proper before the issuance of a final 125002
determination. 125003

(3) If the applicant requests a hearing and provides 125004
additional information within the time prescribed by division 125005
(A) of this section, the commissioner may review the information 125006
and make such adjustments to the refund or compensation as the 125007
commissioner finds proper. The commissioner may review such 125008
information and make such adjustments as many times as the 125009
commissioner finds proper before the issuance of a final 125010
determination. 125011

The commissioner shall assign a time and place for the 125012
hearing and notify the applicant of such time and place, but the 125013
commissioner may continue the hearing from time to time, as 125014
necessary. After the hearing, the commissioner may make any 125015
additional adjustments to the refund or compensation as the 125016
commissioner finds proper and shall issue a final determination 125017
thereon. 125018

(4) The commissioner shall serve a copy of the final 125019
determination made under division (C) (1), (2), or (3) of this 125020
section on the applicant in the manner provided in section 125021
5703.37 of the Revised Code, and the decision is final, subject 125022
to appeal under section 5717.02 of the Revised Code. 125023

(D) The tax commissioner shall certify to the director of 125024
budget and management and treasurer of state for payment from 125025
the tax refund fund created by section 5703.052 of the Revised 125026
Code, the amount of the refund to be refunded under division (B) 125027
or (C) of this section. The commissioner also shall certify to 125028
the director and treasurer of state for payment from the general 125029
revenue fund the amount of compensation to be paid under 125030

division (B) or (C) of this section. 125031

Sec. 5703.83. (A) The department of taxation shall 125032
establish policies, procedures, and internal controls, including 125033
implementing a property tax relief screening system to evaluate 125034
the eligibility of owners of real property and manufactured and 125035
mobile homes in this state that receive one or both of the 125036
following reductions in taxes: 125037

(1) The reduction authorized under division (B) of section 125038
323.152 of the Revised Code; 125039

(2) The reductions authorized under division (A) of 125040
section 323.152 and section 4503.065 of the Revised Code. 125041

(B) Each county auditor shall have access to the property 125042
tax relief screening system authorized under this section. If a 125043
county auditor discovers an error in the system relative to real 125044
property or a manufactured or mobile home, the auditor shall 125045
notify the department of taxation of the error. 125046

(C) If the department of taxation discovers through the 125047
property tax relief screening system that real property or a 125048
manufactured or mobile home was granted one or more of the 125049
reductions described in divisions (A) (1) and (2) of this section 125050
for one or more tax years in which the property or home was not 125051
eligible for the reduction, the department shall notify the 125052
county auditor of the county in which the property or 125053
manufactured or mobile home is located. 125054

(D) The tax commissioner, on or before the last day of 125055
each calendar year, beginning in 2026, shall annually submit to 125056
the general assembly a report in accordance with division (B) of 125057
section 101.68 of the Revised Code that lists the number, 125058
arranged by county, of parcels of real property or manufactured 125059

or mobile homes that were identified through the property tax relief screening system as not eligible for a reduction in taxes since the inception of the system, for the first report, or since the preceding report.

Sec. 5705.01. As used in this chapter:

(A) "Subdivision" means any county; municipal corporation; township; township police district; joint police district; township fire district; joint fire district; joint ambulance district; joint emergency medical services district; fire and ambulance district; joint recreation district; township waste disposal district; township road district; community college district; technical college district; detention facility district; a district organized under section 2151.65 of the Revised Code; a combined district organized under sections 2152.41 and 2151.65 of the Revised Code; a joint-county alcohol, drug addiction, and mental health service district; a drainage improvement district created under section 6131.52 of the Revised Code; a lake facilities authority created under Chapter 353. of the Revised Code; a union cemetery district; a county school financing district; a city, local, exempted village, cooperative education, joint vocational school district; a regional student education district created under section 3313.83 of the Revised Code; or a career-technical cooperative education district created under section 3313.831 of the Revised Code.

(B) "Municipal corporation" means all municipal corporations, including those that have adopted a charter under Article XVIII, Ohio Constitution.

(C) "Taxing authority" or "bond issuing authority" means, in the case of any county, the board of county commissioners; in

the case of a municipal corporation, the council or other 125090
legislative authority of the municipal corporation; in the case 125091
of a city, local, exempted village, cooperative education, or 125092
joint vocational school district, the board of education; in the 125093
case of a community college district, the board of trustees of 125094
the district; in the case of a technical college district, the 125095
board of trustees of the district; in the case of a detention 125096
facility district, a district organized under section 2151.65 of 125097
the Revised Code, or a combined district organized under 125098
sections 2152.41 and 2151.65 of the Revised Code, the joint 125099
board of county commissioners of the district; in the case of a 125100
township, the board of township trustees; in the case of a joint 125101
police district, the joint police district board; in the case of 125102
a joint fire district, the board of fire district trustees; in 125103
the case of a joint recreation district, the joint recreation 125104
district board of trustees; in the case of a joint-county 125105
alcohol, drug addiction, and mental health service district, the 125106
district's board of alcohol, drug addiction, and mental health 125107
services; in the case of a joint ambulance district or a fire 125108
and ambulance district, the board of trustees of the district; 125109
in the case of a union cemetery district, the legislative 125110
authority of the municipal corporation and the board of township 125111
trustees, acting jointly as described in section 759.341 of the 125112
Revised Code; in the case of a drainage improvement district, 125113
the board of county commissioners of the county in which the 125114
drainage district is located; in the case of a lake facilities 125115
authority, the board of directors; in the case of a joint 125116
emergency medical services district, the joint board of county 125117
commissioners of all counties in which all or any part of the 125118
district lies; and in the case of a township police district, a 125119
township fire district, a township road district, or a township 125120
waste disposal district, the board of township trustees of the 125121

township in which the district is located. "Taxing authority" 125122
also means the educational service center governing board that 125123
serves as the taxing authority of a county school financing 125124
district as provided in section 3311.50 of the Revised Code, the 125125
board of directors of a regional student education district 125126
created under section 3313.83 of the Revised Code, and the board 125127
of directors of a career-technical cooperative education 125128
district created under section 3313.831 of the Revised Code. 125129

(D) "Fiscal officer" in the case of a county, means the 125130
county auditor; in the case of a municipal corporation, the city 125131
auditor or village clerk, or an officer who, by virtue of the 125132
charter, has the duties and functions of the city auditor or 125133
village clerk, except that in the case of a municipal university 125134
the board of directors of which have assumed, in the manner 125135
provided by law, the custody and control of the funds of the 125136
university, the chief accounting officer of the university shall 125137
perform, with respect to the funds, the duties vested in the 125138
fiscal officer of the subdivision by sections 5705.41 and 125139
5705.44 of the Revised Code; in the case of a school district, 125140
the treasurer of the board of education; in the case of a county 125141
school financing district, the treasurer of the educational 125142
service center governing board that serves as the taxing 125143
authority; in the case of a township, the township fiscal 125144
officer; in the case of a joint police district, the treasurer 125145
of the district; in the case of a joint fire district, the clerk 125146
of the board of fire district trustees; in the case of a joint 125147
ambulance district, the clerk of the board of trustees of the 125148
district; in the case of a joint emergency medical services 125149
district, the person appointed as fiscal officer pursuant to 125150
division (D) of section 307.053 of the Revised Code; in the case 125151
of a fire and ambulance district, the person appointed as fiscal 125152

officer pursuant to division (B) of section 505.375 of the Revised Code; in the case of a joint recreation district, the person designated pursuant to section 755.15 of the Revised Code; in the case of a union cemetery district, the clerk of the municipal corporation designated in section 759.34 of the Revised Code; in the case of a children's home district, educational service center, general health district, joint-county alcohol, drug addiction, and mental health service district, county library district, detention facility district, district organized under section 2151.65 of the Revised Code, a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, or a metropolitan park district for which no treasurer has been appointed pursuant to section 1545.07 of the Revised Code, the county auditor of the county designated by law to act as the auditor of the district; in the case of a metropolitan park district which has appointed a treasurer pursuant to section 1545.07 of the Revised Code, that treasurer; in the case of a drainage improvement district, the auditor of the county in which the drainage improvement district is located; in the case of a lake facilities authority, the fiscal officer designated under section 353.02 of the Revised Code; in the case of a regional student education district, the fiscal officer appointed pursuant to section 3313.83 of the Revised Code; in the case of a career-technical cooperative education district, the fiscal officer appointed pursuant to section 3313.831 of the Revised Code; and in all other cases, the officer responsible for keeping the appropriation accounts and drawing warrants for the expenditure of the moneys of the district or taxing unit.

(E) "Permanent improvement" or "improvement" means any property, asset, or improvement with an estimated life or

usefulness of five years or more, including land and interests 125184
therein, and reconstructions, enlargements, and extensions 125185
thereof having an estimated life or usefulness of five years or 125186
more. 125187

(F) "Current operating expenses" and "current expenses" 125188
mean the lawful expenditures of a subdivision, except those for 125189
permanent improvements, and except payments for interest, 125190
sinking fund, and retirement of bonds, notes, and certificates 125191
of indebtedness of the subdivision. 125192

(G) "Debt charges" means interest, sinking fund, and 125193
retirement charges on bonds, notes, or certificates of 125194
indebtedness. 125195

(H) "Taxing unit" means any subdivision or other 125196
governmental district having authority to levy taxes on the 125197
property in the district or issue bonds that constitute a charge 125198
against the property of the district, including conservancy 125199
districts, metropolitan park districts, sanitary districts, road 125200
districts, and other districts. 125201

(I) "District authority" means any board of directors, 125202
trustees, commissioners, or other officers controlling a 125203
district institution or activity that derives its income or 125204
funds from two or more subdivisions, such as the educational 125205
service center, the trustees of district children's homes, the 125206
district board of health, a joint-county alcohol, drug 125207
addiction, and mental health service district's board of 125208
alcohol, drug addiction, and mental health services, detention 125209
facility districts, a joint recreation district board of 125210
trustees, districts organized under section 2151.65 of the 125211
Revised Code, combined districts organized under sections 125212
2152.41 and 2151.65 of the Revised Code, and other such boards. 125213

(J) "Tax list" and "tax duplicate" mean the general tax lists and duplicates prescribed by sections 319.28 and 319.29 of the Revised Code.

(K) "Property" as applied to a tax levy means taxable property listed on general tax lists and duplicates.

(L) "Association library district" means a territory, the boundaries of which are defined by the state library board pursuant to division (I) of section 3375.01 of the Revised Code, in which a library association or private corporation maintains a free public library.

(M) "Library district" means a territory, the boundaries of which are defined by the state library board pursuant to section 3375.01 of the Revised Code, in which the board of trustees of a county, municipal corporation, school district, or township public library maintains a free public library.

(N) "Qualifying library levy" means either of the following:

(1) A levy for the support of a library association or private corporation that has an association library district with boundaries that are not identical to those of a subdivision;

(2) A levy proposed under section 5705.23 of the Revised Code for the support of the board of trustees of a public library that has a library district with boundaries that are not identical to those of a subdivision.

(O) "School library district" means a school district in which a free public library has been established that is under the control and management of a board of library trustees as provided in section 3375.15 of the Revised Code.

- (P) ~~"The county auditor's appraised Market value"~~ means the true value in money of real property. 125243
125244
- (Q) (1) "Effective rate" means one of the following: 125245
- (a) For a levy that is the renewal of an existing levy or an existing levy extended to additional territory, the effective tax rate of the levy on class one property, as most recently determined by the county auditor under section 323.08 of the Revised Code; 125246
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- (b) For a levy that is the increase of an existing levy, the effective tax rate of the portion of the levy equal to the rate of the existing levy on class one property, as most recently determined by the county auditor under section 323.08 of the Revised Code, plus the rate of the additional portion of the levy; 125251
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- (c) For a levy that is the decrease of an existing levy, the effective tax rate of the levy on class one property, as most recently determined by the county auditor under section 323.08 of the Revised Code, and as proportionately reduced to account for the decrease pursuant to rules adopted by the tax commissioner. 125257
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125262
- (2) As used in division (Q) (1) of this section: 125263
- (a) "Effective tax rate" has the same meaning in section 323.08 of the Revised Code. 125264
125265
- (b) "Class one property" means real property classified as residential or agricultural under section 5713.041 of the Revised Code. 125266
125267
125268
- (R) "Qualifying subdivision" means a taxing unit, created by one or more member authorities, with a taxing authority or 125269
125270

any other governing authority the majority of the members of 125271
which are not required to be elected local officials. 125272

(S) "Elected local official" means a member of a board of 125273
township trustees, a board of county commissioners, a 125274
legislative authority of a municipal corporation, a board of 125275
education of a city, local, or exempted village school district, 125276
or an educational service center governing board, or any other 125277
township, county, or municipal official serving in an elected 125278
office. 125279

(T) "Member authority" means the board of commissioners of 125280
a county, the board of trustees of a township, the legislative 125281
authority of a municipal corporation, the board of education of 125282
a city, local, or exempted village school district, or the 125283
educational service center governing board that either created 125284
or joined a qualifying subdivision and remains a member thereof 125285
or has territory therein. 125286

Sec. 5705.03. (A) The taxing authority of each subdivision 125287
may levy taxes annually, subject to the limitations of sections 125288
5705.01 to 5705.47 of the Revised Code, on the real and personal 125289
property within the subdivision for the purpose of paying the 125290
current operating expenses of the subdivision and acquiring or 125291
constructing permanent improvements. The taxing authority of 125292
each subdivision and taxing unit shall, subject to the 125293
limitations of such sections, levy such taxes annually as are 125294
necessary to pay the interest and sinking fund on and retire at 125295
maturity the bonds, notes, and certificates of indebtedness of 125296
such subdivision and taxing unit, including levies in 125297
anticipation of which the subdivision or taxing unit has 125298
incurred indebtedness. 125299

(B) (1) When a taxing authority determines that it is 125300

necessary to levy a tax outside the ten-mill limitation for any 125301
purpose authorized by the Revised Code, the taxing authority 125302
shall certify to the county auditor a resolution or ordinance 125303
requesting that the county auditor certify to the taxing 125304
authority the amounts described in division (B)(2) of this 125305
section. The resolution or ordinance shall state all of the 125306
following: 125307

(a) The proposed rate of the tax, expressed in mills for 125308
each one dollar of taxable value, or the dollar amount of 125309
revenue to be generated by the proposed tax; 125310

(b) The purpose of the tax; 125311

(c) Whether the tax is an additional levy, a renewal ~~or a~~ 125312
~~replacement~~ of an existing tax, a renewal ~~or replacement~~ of an 125313
existing tax with an increase or a decrease, a reduction or 125314
decrease of an existing tax, or an extension of an existing tax 125315
to additional territory; 125316

(d) The section of the Revised Code authorizing submission 125317
of the question of the tax; 125318

(e) The term of years of the tax or if the tax is for a 125319
continuing period of time; 125320

(f) That the tax is to be levied upon the entire territory 125321
of the subdivision or, if authorized by the Revised Code, a 125322
description of the portion of the territory of the subdivision 125323
in which the tax is to be levied; 125324

(g) The date of the election at which the question of the 125325
tax shall appear on the ballot; 125326

(h) That the ballot measure shall be submitted to the 125327
entire territory of the subdivision or, if authorized by the 125328

Revised Code, a description of the portion of the territory of 125329
the subdivision to which the ballot measure shall be submitted; 125330

(i) The tax year in which the tax will first be levied and 125331
the calendar year in which the tax will first be collected; 125332

(j) Each such county in which the subdivision has 125333
territory. 125334

(2) Upon receipt of a resolution or ordinance certified 125335
under division (B) (1) of this section, the county auditor shall 125336
certify to the taxing authority each of the following, as 125337
applicable to that levy: 125338

(a) The total current tax valuation of the subdivision. 125339

(b) The number of mills for each one dollar of taxable 125340
value that is required to generate a specified amount of 125341
revenue. 125342

(c) Either of the following: 125343

(i) If the levy is to renew, renew and increase, renew and 125344
decrease, reduce or decrease, or extend to additional territory 125345
an existing levy that is subject to reduction under section 125346
319.301 of the Revised Code, the levy's effective rate, 125347
expressed in dollars, rounded to the nearest dollar, for each 125348
one hundred thousand dollars of ~~the county auditor's appraised~~ 125349
market value; 125350

(ii) For all other levies, the levy's rate, described in 125351
division (B) (2) (b) or (d) of this section, expressed in dollars, 125352
rounded to the nearest dollar, for each one hundred thousand 125353
dollars of the ~~county auditor's appraised~~ market value. 125354

(d) The dollar amount of revenue, rounded to the nearest 125355
dollar, that would be generated by a specified number of mills 125356

for each one dollar of taxable value. 125357

(e) For any levy or portion of a levy except a levy or 125358
portion of a levy to pay debt charges, an estimate of the levy's 125359
annual collections, rounded to the nearest dollar, which shall 125360
be calculated assuming that the amount of the tax list of the 125361
taxing authority remains throughout the life of the levy the 125362
same as the amount of the tax list most recently certified by 125363
the auditor under division (A) of section 319.28 of the Revised 125364
Code. 125365

(f) If the purpose of the tax is for current expenses or 125366
current operating expenses and the resolution is certified by a 125367
city, local, or exempted village school district, the amount by 125368
which the carry-over balance in the district's general operating 125369
budget from the preceding fiscal year exceeds the district's 125370
general fund expenditures made in the preceding fiscal year, 125371
expressed both in dollars and as a percentage of those 125372
expenditures. This amount and percentage shall be determined on 125373
the basis of the most recent certification made by the district 125374
to the county budget commission under section 5705.36 of the 125375
Revised Code. 125376

If a subdivision is located in more than one county, the 125377
county auditor shall obtain from the county auditor of each 125378
other county in which the subdivision is located the current tax 125379
valuation for the portion of the subdivision in that county. The 125380
county auditor shall issue the certification to the taxing 125381
authority within ten days after receiving the taxing authority's 125382
resolution or ordinance requesting it. 125383

(3) Upon receiving the certification from the county 125384
auditor under division (B) (2) of this section, unless the 125385
percentage certified under division (B) (2) (f) of this section is 125386

one hundred per cent or more, the taxing authority may adopt a 125387
resolution or ordinance stating the rate of the tax levy, 125388
expressed in mills for each one dollar of taxable value and the 125389
rate or effective rate, as applicable, in dollars for each one 125390
hundred thousand dollars of ~~the county auditor's appraised~~ 125391
market value, as estimated by the county auditor, and that the 125392
taxing authority will proceed with the submission of the 125393
question of the tax to electors. The taxing authority shall 125394
certify this resolution or ordinance, a copy of the county 125395
auditor's certifications, and the resolution or ordinance the 125396
taxing authority adopted under division (B) (1) of this section 125397
to the proper county board of elections in the manner and within 125398
the time prescribed by the section of the Revised Code governing 125399
submission of the question. The county board of elections shall 125400
not submit the question of the tax to electors unless a copy of 125401
the county auditor's certification accompanies the resolutions 125402
or ordinances the taxing authority certifies to the board. 125403
Before requesting a taxing authority to submit a tax levy, any 125404
agency or authority authorized to make that request shall first 125405
request the certification from the county auditor provided under 125406
this section. 125407

(4) This division is supplemental to, and not in 125408
derogation of, any similar requirement governing the 125409
certification by the county auditor of the tax valuation of a 125410
subdivision or necessary tax rates for the purposes of the 125411
submission of the question of a tax in excess of the ten-mill 125412
limitation, including ~~sections~~ section 133.18 and ~~5705.195~~ of 125413
the Revised Code. 125414

(C) All taxes levied on property shall be extended on the 125415
tax list and duplicate by the county auditor of the county in 125416
which the property is located, and shall be collected by the 125417

county treasurer of such county in the same manner and under the 125418
same laws and rules as are prescribed for the assessment and 125419
collection of county taxes. The proceeds of any tax levied by or 125420
for any subdivision when received by its fiscal officer shall be 125421
deposited in its treasury to the credit of the appropriate fund. 125422

Sec. 5705.12. In addition to the funds provided for by 125423
sections 5705.09, 5705.121, 5705.13, and 5705.131 of the Revised 125424
Code, the taxing authority of a subdivision may establish, with 125425
the approval of and in the manner prescribed by the auditor of 125426
state, such other funds as are desirable, and may provide by 125427
ordinance or resolution that money derived from specified 125428
sources other than the general property tax shall be paid 125429
directly into such funds. ~~The auditor of state shall consult~~ 125430
~~with the tax commissioner before approving such funds.~~ 125431

Sec. 5705.121. A municipal corporation may establish in 125432
the manner provided by law a sanitary police pension fund, an 125433
urban redevelopment tax increment equivalent fund, or a cemetery 125434
fund. 125435

A township may establish by law a cemetery fund. 125436

A subdivision that levies a tax for the purpose described 125437
in division (ZZ) or (AAA) of section 5705.19 of the Revised Code 125438
shall establish a general capital and infrastructure fund to 125439
which the proceeds from that levy shall be credited. By 125440
resolution or ordinance, the taxing authority may establish 125441
accounts within that fund for any of the several particular 125442
purposes for which such money may lawfully be spent, may 125443
eliminate such accounts when no longer necessary or desirable, 125444
and may transfer money between such accounts. Money in the fund 125445
may not be used to pay the compensation of officers or employees 125446
of the subdivision. 125447

The board of health of a city or general health district 125448
may establish the home health services fund referred to in 125449
section 3709.15 of the Revised Code. 125450

Sec. 5705.13. (A) A taxing authority of a subdivision, by 125451
resolution or ordinance, may establish reserve balance accounts 125452
to accumulate currently available resources for the following 125453
purposes: 125454

(1) To stabilize subdivision budgets against cyclical 125455
changes in revenues and expenditures; 125456

(2) Except as otherwise provided by this section, to 125457
provide for the payment of claims and deductibles under an 125458
individual or joint self-insurance program for the subdivision, 125459
if the subdivision is permitted by law to establish such a 125460
program; 125461

(3) To provide for the payment of claims, assessments, and 125462
deductibles under a self-insurance program, individual 125463
retrospective ratings plan, group rating plan, group 125464
retrospective rating plan, medical only program, deductible 125465
plan, or large deductible plan for workers' compensation. 125466

The ordinance or resolution establishing a reserve balance 125467
account shall state the purpose for which the account is 125468
established, the fund in which the account is to be established, 125469
and the total amount of money to be reserved in the account. 125470

Not more than one reserve balance account may be 125471
established for each of the purposes permitted under divisions 125472
(A) (2) and (3) of this section. Money to the credit of a reserve 125473
balance account may be expended only for the purpose for which 125474
the account was established. 125475

A reserve balance account established for the purpose 125476

described in division (A) (1) of this section may be established 125477
in the general fund or in one or more special funds for 125478
operating purposes of the subdivision. The amount of money to be 125479
reserved in such an account in any fiscal year shall not exceed 125480
five per cent of the revenue credited in the preceding fiscal 125481
year to the fund in which the account is established, or, in the 125482
case of a reserve balance account of a county or of a township, 125483
the greater of that amount or one-sixth of the expenditures 125484
during the preceding fiscal year from the fund in which the 125485
account is established. ~~Subject to division (F) of section~~ 125486
~~5705.29 of the Revised Code, any reserve balance in an account~~ 125487
~~established under division (A) (1) of this section shall not be~~ 125488
~~considered part of the unencumbered balance or revenue of the~~ 125489
~~subdivision under division (A) of section 5705.35 or division~~ 125490
~~(A) (1) of section 5705.36 of the Revised Code.~~ 125491

At any time, a taxing authority of a subdivision, by 125492
resolution or ordinance, may reduce or eliminate the reserve 125493
balance in a reserve balance account established for the purpose 125494
described in division (A) (1) of this section. 125495

A reserve balance account established for the purpose 125496
described in division (A) (2) or (3) of this section shall be 125497
established in the general fund of the subdivision or by the 125498
establishment of a separate internal service fund established to 125499
account for the operation of an individual or joint self- 125500
insurance program described in division (A) (2) of this section 125501
or a workers' compensation program or plan described in division 125502
(A) (3) of this section, and shall be based on sound actuarial 125503
principles. The total amount of money in a reserve balance 125504
account for self-insurance may be expressed in dollars or as the 125505
amount determined to represent an adequate reserve according to 125506
sound actuarial principles. 125507

A taxing authority of a subdivision, by resolution or ordinance, may rescind a reserve balance account established under this division. If a reserve balance account is rescinded, money that has accumulated in the account shall be transferred to the fund or funds from which the money originally was transferred.

(B) A taxing authority of a subdivision, by resolution or ordinance, may establish a special revenue fund for the purpose of accumulating resources for the payment of accumulated sick leave and vacation leave, and for payments in lieu of taking compensatory time off, upon the termination of employment or the retirement of officers and employees of the subdivision. The special revenue fund may also accumulate resources for payment of salaries during any fiscal year when the number of pay periods exceeds the usual and customary number of pay periods. Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the Revised Code, the taxing authority, by resolution or ordinance, may transfer money to the special revenue fund from any other fund of the subdivision from which such payments may lawfully be made. The taxing authority, by resolution or ordinance, may rescind a special revenue fund established under this division. If a special revenue fund is rescinded, money that has accumulated in the fund shall be transferred to the fund or funds from which the money originally was transferred.

(C) A taxing authority of a subdivision, by resolution or ordinance, may establish a capital projects fund for the purpose of accumulating resources for the acquisition, construction, or improvement of fixed assets of the subdivision. For the purposes of this section, "fixed assets" includes motor vehicles. More than one capital projects fund may be established and may exist at any time. The ordinance or resolution shall identify the

source of the money to be used to acquire, construct, or improve 125539
the fixed assets identified in the resolution or ordinance, the 125540
amount of money to be accumulated for that purpose, the period 125541
of time over which that amount is to be accumulated, and the 125542
fixed assets that the taxing authority intends to acquire, 125543
construct, or improve with the money to be accumulated in the 125544
fund. 125545

A taxing authority of a subdivision shall not accumulate 125546
money in a capital projects fund for more than ten years after 125547
the resolution or ordinance establishing the fund is adopted. If 125548
the subdivision has not entered into a contract for the 125549
acquisition, construction, or improvement of fixed assets for 125550
which money was accumulated in such a fund before the end of 125551
that ten-year period, the fiscal officer of the subdivision 125552
shall transfer all money in the fund to the fund or funds from 125553
which that money originally was transferred or the fund that 125554
originally was intended to receive the money. 125555

A taxing authority of a subdivision, by resolution or 125556
ordinance, may rescind a capital projects fund. If a capital 125557
projects fund is rescinded, money that has accumulated in the 125558
fund shall be transferred to the fund or funds from which the 125559
money originally was transferred. 125560

Notwithstanding sections 5705.14, 5705.15, and 5705.16 of 125561
the Revised Code, the taxing authority of a subdivision, by 125562
resolution or ordinance, may transfer money to the capital 125563
projects fund from any other fund of the subdivision that may 125564
lawfully be used for the purpose of acquiring, constructing, or 125565
improving the fixed assets identified in the resolution or 125566
ordinance. 125567

Sec. 5705.131. A taxing authority of a subdivision may 125568

establish a nonexpendable trust fund for the purpose of 125569
receiving donations or contributions that the donor or 125570
contributor requires to be maintained intact. The principal of 125571
such fund may be invested, and the investment earnings on the 125572
principal shall be credited to the fund. ~~The principal of the~~ 125573
~~fund, and any additions to principal arising from sources other~~ 125574
~~than the reinvestment of investment earnings arising from the~~ 125575
~~fund, shall not be considered part of the unencumbered balance~~ 125576
~~or revenue of the subdivision under division (A) of section~~ 125577
~~5705.35 or division (A) (1) of section 5705.36 of the Revised~~ 125578
~~Code. Only investment earnings arising from investment of the~~ 125579
~~principal or investment of such additions to principal may be~~ 125580
~~considered an unencumbered balance or revenue of the subdivision~~ 125581
~~under that division.~~ 125582

Sec. 5705.132. In addition to any reserve balance account 125583
established under section 5705.13 of the Revised Code, a board 125584
of township trustees, by resolution, may establish a reserve 125585
balance account to accumulate currently available resources for 125586
any purpose for which the board may lawfully expend money of the 125587
township other than for the purposes for which a reserve balance 125588
account may be established under section 5705.13 of the Revised 125589
Code. Money may be transferred to the reserve balance account 125590
from another fund or account of the township only if money in 125591
that fund or account may lawfully be expended for the purpose 125592
for which the reserve balance account is created. A reserve 125593
balance account created under this section may exist for not 125594
more than five fiscal years beginning with the first fiscal year 125595
in which money is credited to the account. The total amount of 125596
money to the credit of all reserve balance accounts established 125597
under this section at any time in any fiscal year shall not 125598
exceed five per cent of the total of the township's revenue from 125599

all sources for the preceding fiscal year and any unencumbered 125600
balances carried over to the current fiscal year from the 125601
preceding fiscal year. Money in a reserve balance account shall 125602
be expended only for the purpose for which the account is 125603
established. More than one reserve balance account may be 125604
established under this section. 125605

The resolution establishing a reserve balance account 125606
shall state the specific purpose for which the account is 125607
established, the fund within which the account is established, 125608
the fund or account from which money shall be transferred to the 125609
account, and the number of years the account will exist. The 125610
resolution shall specify the maximum total amount of money that 125611
may be credited to the account during its existence and the 125612
maximum amount of money to be credited to the account each 125613
fiscal year the account exists. The board, by subsequent 125614
resolution, may change the amount to be credited and the source 125615
from which money is transferred, subject to the limitations of 125616
this section. 125617

The board, by resolution, may rescind a reserve balance 125618
account established under this section before the expiration of 125619
the account. The board, by resolution, may extend the life of a 125620
reserve balance account, provided that the total number of years 125621
the fund exists shall not exceed five fiscal years beginning 125622
with the first fiscal year in which money is credited to the 125623
account. 125624

Upon the expiration or rescission of a reserve balance 125625
account established under this section, any unexpended balance 125626
in the account shall be transferred to the fund or account from 125627
which money in the account was originally transferred. If money 125628
in the account originally was transferred from more than one 125629

fund or account, a pro rata share of the unexpended balance 125630
shall be transferred to each such fund or account proportionate 125631
to the amount originally transferred from that fund or account. 125632

~~The balance to the credit of a reserve balance account 125633
shall not be considered part of the unencumbered balance or 125634
revenue of the township under division (A) of section 5705.35 or 125635
division (A) (1) of section 5705.36 of the Revised Code. 125636~~

Sec. 5705.14. No transfer shall be made from one fund of a 125637
subdivision to any other fund, by order of the court or 125638
otherwise, except as follows: 125639

(A) The unexpended balance in a bond fund that is no 125640
longer needed for the purpose for which such fund was created 125641
shall be transferred to the sinking fund or bond retirement fund 125642
from which such bonds are payable. 125643

(B) The unexpended balance in any specific permanent 125644
improvement fund, other than a bond fund, after the payment of 125645
all obligations incurred in the acquisition of such improvement, 125646
shall be transferred to the sinking fund or bond retirement fund 125647
of the subdivision; provided that if such money is not required 125648
to meet the obligations payable from such funds, it may be 125649
transferred to a special fund for the acquisition of permanent 125650
improvements, or, with the approval of the court of common pleas 125651
of the county in which such subdivision is located, to the 125652
general fund of the subdivision. 125653

(C) (1) Except as provided in division (C) (2) of this 125654
section, the unexpended balance in the sinking fund or bond 125655
retirement fund of a subdivision, after all indebtedness, 125656
interest, and other obligations for the payment of which such 125657
fund exists have been paid and retired, shall be transferred, in 125658

the case of the sinking fund, to the bond retirement fund, and 125659
in the case of the bond retirement fund, to the sinking fund; 125660
provided that if such transfer is impossible by reason of the 125661
nonexistence of the fund to receive the transfer, such 125662
unexpended balance, with the approval of the court of common 125663
pleas of the county in which such division is located, may be 125664
transferred to any other fund of the subdivision. 125665

(2) Money in a bond fund or bond retirement fund of a 125666
city, local, exempted village, cooperative education, or joint 125667
vocational school district may be transferred to a specific 125668
permanent improvement fund provided that the county budget 125669
commission of the county in which the school district is located 125670
approves the transfer upon its determination that the money 125671
transferred will not be required to meet the obligations payable 125672
from the bond fund or bond retirement fund. In arriving at such 125673
a determination, the county budget commission shall consider the 125674
balance of the bond fund or bond retirement fund, the 125675
outstanding obligations payable from the fund, and the sources 125676
and timing of the fund's revenue. 125677

(D) The unexpended balance in any special fund, other than 125678
an improvement fund, existing in accordance with division (D), 125679
(F), or (G) of section 5705.09 or section 5705.12 of the Revised 125680
Code, may be transferred to the general fund or to the sinking 125681
fund or bond retirement fund after the termination of the 125682
activity, service, or other undertaking for which such special 125683
fund existed, but only after the payment of all obligations 125684
incurred and payable from such special fund. 125685

(E) Money may be transferred from the general fund to any 125686
other fund of the subdivision. 125687

(F) Moneys retained or received by a county under section 125688

4501.04 or division (A) (2) of section 5735.27 of the Revised Code may be transferred from the fund into which they were deposited to the sinking fund or bond retirement fund from which any principal, interest, or charges for which such moneys may be used is payable.

(G) Moneys retained or received by a municipal corporation under section 4501.04 or division (A) (1) of section 5735.27 of the Revised Code may be transferred from the fund into which they were deposited to the sinking fund or bond retirement fund from which any principal, interest, or charges for which such moneys may be used is payable.

(H) (1) Money may be transferred from the county developmental disabilities general fund to the county developmental disabilities capital fund established under section 5705.091 of the Revised Code or to any other fund created for the purposes of the county board of developmental disabilities, so long as money in the fund to which the money is transferred can be spent for the particular purpose of the transferred money. The county board of developmental disabilities may request, by resolution, that the board of county commissioners make the transfer. The county board of developmental disabilities shall transmit a certified copy of the resolution to the board of county commissioners. Upon receiving the resolution, the board of county commissioners may make the transfer. Money transferred to a fund shall be credited to an account appropriate to its particular purpose.

(2) An unexpended balance in an account in the county developmental disabilities capital fund or any other fund created for the purposes of the county board of developmental disabilities may be transferred back to the county developmental

disabilities general fund. The transfer may be made if the 125719
unexpended balance is no longer needed for its particular 125720
purpose and all outstanding obligations have been paid. Money 125721
transferred back to the county developmental disabilities 125722
general fund shall be credited to an account for current 125723
expenses within that fund. The county board of developmental 125724
disabilities may request, by resolution, that the board of 125725
county commissioners make the transfer. The county board of 125726
developmental disabilities shall transmit a certified copy of 125727
the resolution to the board of county commissioners. Upon 125728
receiving the resolution, the board of county commissioners may 125729
make the transfer. 125730

(I) Money may be transferred from the public assistance 125731
fund established under section 5101.161 of the Revised Code to 125732
either of the following funds, so long as the money to be 125733
transferred from the public assistance fund may be spent for the 125734
purposes for which money in the receiving fund may be used: 125735

(1) The children services fund established under section 125736
~~5101.144~~5180.411 of the Revised Code; 125737

(2) The child support enforcement administrative fund 125738
established, as authorized under rules adopted by the director 125739
of job and family services, in the county treasury for use by 125740
any county family services agency. 125741

(J) Notwithstanding this section, money in any fund or 125742
account of a village dissolved in accordance with sections 125743
703.31 to 703.39 of the Revised Code may be transferred by the 125744
receiver-trustee to a special account for the purpose of paying 125745
the debts, obligations, and liabilities of the dissolved village 125746
or to the general fund of any township into which the territory 125747
of the village is dissolved for any purpose that directly or 125748

indirectly benefits the former territory of the dissolved 125749
village. 125750

(K) Except in the case of transfer pursuant to division 125751
(E) or (J) of this section, transfers authorized by this section 125752
shall only be made by resolution of the taxing authority passed 125753
with the affirmative vote of two-thirds of the members. 125754

Sec. 5705.17. (A) As used in this section: 125755

(1) "Qualifying levy" means any levy in excess of the ten- 125756
mill limitation for current expenses or current operating 125757
expenses. 125758

(2) "School district" means a city, local, or exempted 125759
village school district. 125760

(B) Notwithstanding anything in the Revised Code to the 125761
contrary, any election notice and ballot language for qualifying 125762
levy submitted to electors by a school district shall display 125763
the information certified by the county auditor in division (B) 125764
(2)(f) of section 5705.03 of the Revised Code. The secretary of 125765
state shall prescribe the form of the notice and ballot to 125766
incorporate this information. 125767

Sec. 5705.194. The board of education of any city, local, 125768
exempted village, cooperative education, or joint vocational 125769
school district at any time before the effective date of this 125770
amendment may declare by resolution, by a vote of two-thirds of 125771
all of its members, that the revenue that will be raised by all 125772
tax levies which the district is authorized to impose, when 125773
combined with state and federal revenues, will be insufficient 125774
to provide for the emergency requirements of the school district 125775
or to avoid an operating deficit, and that it is therefore 125776
necessary to levy an additional tax in excess of the ten-mill 125777

limitation. The resolution shall be confined to a single purpose 125778
and shall specify that purpose. If the levy is proposed to renew 125779
all or a portion of the proceeds derived from one or more 125780
existing levies imposed pursuant to this section, it shall be 125781
called a renewal levy and shall be so designated on the ballot. 125782
If two or more existing levies are to be included in a single 125783
renewal levy but are not scheduled to expire in the same year, 125784
the resolution shall specify that the existing levies to be 125785
renewed shall not be levied after the year preceding the year in 125786
which the renewal levy is first imposed. Notwithstanding the 125787
original purpose of any one or more existing levies that are to 125788
be in any single renewal levy, the purpose of the renewal levy 125789
may be either to avoid an operating deficit or to provide for 125790
the emergency requirements of the school district. The 125791
resolution shall further specify the amount of money it is 125792
necessary to raise for the specified purpose for each calendar 125793
year the millage is to be imposed; if a renewal levy, whether 125794
the levy is to renew all, or a portion of, the proceeds derived 125795
from one or more existing levies; and the number of years in 125796
which the millage is to be in effect, which may include a levy 125797
upon the current year's tax list. The number of years may be any 125798
number not exceeding ten. 125799

The question shall be submitted at a special election on a 125800
date specified in the resolution. The date shall not be earlier 125801
than eighty days after the adoption and certification of the 125802
resolution to the county auditor and shall be consistent with 125803
the requirements of section 3501.01 of the Revised Code. A 125804
resolution for a renewal levy shall not be placed on the ballot 125805
unless the question is submitted on a date on which a special 125806
election may be held under division (D) of section 3501.01 of 125807
the Revised Code, except for the first Tuesday after the first 125808

Monday in August, during the last year the levy to be renewed 125809
may be extended on the real and public utility property tax list 125810
and duplicate, or at any election held in the ensuing year, 125811
except that if the resolution proposes renewing two or more 125812
existing levies, the question shall be submitted on the date of 125813
the general or primary election held during the last year at 125814
least one of the levies to be renewed may be extended on that 125815
list and duplicate, or at any election held during the ensuing 125816
year. For purposes of this section ~~and sections 5705.197 and~~ 125817
section 5705.199 of the Revised Code, a levy shall be considered 125818
to be an "existing levy" through the year following the last 125819
year it can be placed on the real and public utility property 125820
tax list and duplicate. 125821

The submission of questions to the electors under this 125822
section is subject to the limitation on the number of election 125823
dates established by section 5705.214 of the Revised Code. 125824

The resolution shall go into immediate effect upon its 125825
passage, and no publication of the resolution shall be necessary 125826
other than that provided for in the notice of election. A copy 125827
of the resolution shall immediately after its passing be 125828
certified to the county auditor of the proper county. ~~Section~~ 125829
~~5705.195 of the Revised Code shall govern the arrangements for~~ 125830
~~the submission of questions to the electors under this section~~ 125831
~~and other matters concerning the election.~~ Publication of notice 125832
of the election shall be made in one newspaper of general 125833
circulation in the county once a week for two consecutive weeks, 125834
or as provided in section 7.16 of the Revised Code, prior to the 125835
election. If the board of elections operates and maintains a web 125836
site, the board of elections shall post notice of the election 125837
on its web site for thirty days prior to the election. If a 125838
majority of the electors voting on the question submitted in an 125839

election vote in favor of the levy, the board of education of 125840
the school district may make the additional levy necessary to 125841
raise the amount specified in the resolution for the purpose 125842
stated in the resolution. The tax levy shall be included in the 125843
next tax budget that is certified to the county budget 125844
commission. 125845

After the approval of the levy and prior to the time when 125846
the first tax collection from the levy can be made, the board of 125847
education may anticipate a fraction of the proceeds of the levy 125848
and issue anticipation notes in an amount not exceeding the 125849
total estimated proceeds of the levy to be collected during the 125850
first year of the levy. 125851

The notes shall be issued as provided in section 133.24 of 125852
the Revised Code, shall have principal payments during each year 125853
after the year of their issuance over a period not to exceed 125854
five years, and may have principal payment in the year of their 125855
issuance. 125856

Sec. 5705.199. (A) At any time before the effective date 125857
of this amendment the board of education of a city, local, 125858
exempted village, cooperative education, or joint vocational 125859
school district, by a vote of two-thirds of all its members, may 125860
declare by resolution that the revenue that will be raised by 125861
all tax levies that the district is authorized to impose, when 125862
combined with state and federal revenues, will be insufficient 125863
to provide for the necessary requirements of the school 125864
district, and that it is therefore necessary to levy a tax in 125865
excess of the ten-mill limitation for the purpose of providing 125866
for the necessary requirements of the school district. Such a 125867
levy shall be proposed as a substitute for all or a portion of 125868
one or more existing levies imposed under ~~sections~~ section 125869

5705.194 ~~to 5705.197~~ of the Revised Code or under this section, 125870
by levying a tax as follows: 125871

(1) In the initial year the levy is in effect, the levy 125872
shall be in a specified amount of money equal to the aggregate 125873
annual dollar amount of proceeds derived from the levy or 125874
levies, or portion thereof, being substituted. 125875

(2) In each subsequent year the levy is in effect, the 125876
levy shall be in a specified amount of money equal to the sum of 125877
the following: 125878

(a) The dollar amount of the proceeds derived from the 125879
levy in the prior year; and 125880

(b) The dollar amount equal to the product of the total 125881
taxable value of all taxable real property in the school 125882
district in the then-current year, excluding carryover property 125883
as defined in section 319.301 of the Revised Code, multiplied by 125884
the annual levy, expressed in mills for each one dollar of 125885
taxable value, that was required to produce the annual dollar 125886
amount of the levy under this section in the prior year; 125887
provided, that the amount under division (A) (2) (b) of this 125888
section shall not be less than zero. 125889

~~(B) The resolution proposing the substitute levy shall 125890
specify the annual dollar amount the levy is to produce in its 125891
initial year; the first calendar year in which the levy will be 125892
due; and the term of the levy expressed in years, which may be 125893
any number not exceeding ten, or for a continuing period of 125894
time. The resolution shall specify the date of holding the 125895
election, which shall not be earlier than ninety days after 125896
certification of the resolution to the board of elections, and 125897
which shall be consistent with the requirements of section 125898~~

~~3501.01 of the Revised Code. If two or more existing levies are to be included in a single substitute levy, but are not scheduled to expire in the same year, the resolution shall specify that the existing levies to be substituted shall not be levied after the year preceding the year in which the substitute levy is first imposed.~~

~~The resolution shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided for in the notice of election. A copy of the resolution shall immediately after its passage be certified to the county auditor in the manner provided by section 5705.195 of the Revised Code, and sections 5705.194 and 5705.196 of the Revised Code shall govern the arrangements for the submission of the question and other matters concerning the notice of election and the election, except as may be provided otherwise in this section.~~

~~(C) The form of the ballot to be used at the election on the question of a levy under this section shall be as follows:~~

~~"Shall a tax levy substituting for an existing levy be imposed by the _____ (here insert name of school district) for the purpose of providing for the necessary requirements of the school district in the initial sum of \$_____ (here insert the annual dollar amount the levy is to produce in its initial year), and a levy of taxes be made outside of the ten-mill limitation estimated by the county auditor to require _____ mills for each \$1 of taxable value, which amounts to \$_____ for each \$100,000 of the county auditor's appraised value for the initial year of the tax, for a period of _____ (here insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of~~

~~time), commencing in _____ (first year the tax is to be levied), first due in calendar year _____ (first calendar year in which the tax shall be due), with the sum of such tax to increase only if and as new land or real property improvements not previously taxed by the school district are added to its tax list?~~ 125929
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125935

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

~~If the levy submitted is a proposal to substitute all or a portion of more than one existing levy, the form of the ballot may be changed so long as the ballot reflects the number of levies to be substituted and that none of the existing levies to be substituted will be levied after the year preceding the year in which the substitute levy is first imposed. The form of the ballot shall be modified by substituting the statement "Shall a tax levy substituting for an existing levy" with "Shall a tax levy substituting for existing levies" and adding the following statement after "added to its tax list?" and before "For the Tax Levy":~~ 125936
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~~"If approved, any remaining tax years on any of the _____ (here insert the number of existing levies) existing levies will not be collected after _____ (here insert the current tax year or, if not the current tax year, the applicable tax year)."~~ 125947
125948
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125950
125951

~~(D) The submission of questions to the electors under this section is subject to the limitation on the number of election dates established by section 5705.214 of the Revised Code.~~ 125952
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125954

~~(E)~~—If a majority of the electors voting on the question 125955
so submitted in an election vote in favor of the levy, the board 125956
of education may make the necessary levy within the school 125957
district at the rate and for the purpose stated in the 125958
resolution. The tax levy shall be included in the next tax 125959
budget that is certified to the county budget commission. 125960

~~(F)~~(C) A levy for a continuing period of time may be 125961
decreased pursuant to section 5705.261 of the Revised Code. 125962

~~(G)~~ A levy under this section substituting for all or a 125963
portion of one or more existing levies imposed under sections 125964
5705.194 to 5705.197 of the Revised Code or under this section 125965
shall be treated as having renewed the levy or levies being 125966
substituted for purposes of the payments made under sections 125967
5751.20 to 5751.22 of the Revised Code. 125968

~~(H)~~(D) After the approval of a levy on the current tax 125969
list and duplicate, and prior to the time when the first tax 125970
collection from the levy can be made, the board of education may 125971
anticipate a fraction of the proceeds of the levy and issue 125972
anticipation notes in a principal amount not exceeding fifty per 125973
cent of the total estimated proceeds of the levy to be collected 125974
during the first year of the levy. The notes shall be issued as 125975
provided in section 133.24 of the Revised Code, shall have 125976
principal payments during each year after the year of their 125977
issuance over a period not to exceed five years, and may have a 125978
principal payment in the year of their issuance. 125979

Sec. 5705.21. (A) At any time, the board of education of 125980
any city, local, exempted village, cooperative education, or 125981
joint vocational school district, by a vote of two-thirds of all 125982
its members, may declare by resolution that the amount of taxes 125983
that may be raised within the ten-mill limitation by levies on 125984

the current tax list will be insufficient to provide an adequate amount for the necessary requirements of the school district, that it is necessary to levy a tax in excess of such limitation for one of the purposes specified in division (A), (D), (F), (H), or (DD) of section 5705.19 of the Revised Code, for general permanent improvements, for the purpose of operating a cultural center, for the purpose of providing for school safety and security, or for the purpose of providing education technology, and that the question of such additional tax levy shall be submitted to the electors of the school district at a special election on a day to be specified in the resolution. In the case of a qualifying library levy for the support of a library association or private corporation, the question shall be submitted to the electors of the association library district. If the resolution states that the levy is for the purpose of operating a cultural center, the ballot shall state that the levy is "for the purpose of operating the_____ (name of cultural center)."

As used in this division, "cultural center" means a freestanding building, separate from a public school building, that is open to the public for educational, musical, artistic, and cultural purposes; "education technology" means, but is not limited to, computer hardware, equipment, materials, and accessories, equipment used for two-way audio or video, and software; "general permanent improvements" means permanent improvements without regard to the limitation of division (F) of section 5705.19 of the Revised Code that the improvements be a specific improvement or a class of improvements that may be included in a single bond issue; and "providing for school safety and security" includes but is not limited to providing for permanent improvements to provide or enhance security,

employment of or contracting for the services of safety 126016
personnel, providing mental health services and counseling, or 126017
providing training in safety and security practices and 126018
responses. 126019

A resolution adopted under this division shall be confined 126020
to a single purpose and shall specify the amount of the increase 126021
in rate that it is necessary to levy, the purpose of the levy, 126022
and the number of years during which the increase in rate shall 126023
be in effect. The number of years may be any number not 126024
exceeding five or, if the levy is for current expenses of the 126025
district or for general permanent improvements, for a continuing 126026
period of time. 126027

(B) (1) The board of education of a qualifying school 126028
district, by resolution, by a vote of two-thirds of all of its 126029
members, may declare that it is necessary to levy a tax in 126030
excess of the ten-mill limitation for the purpose of paying the 126031
current expenses of partnering community schools and, if any of 126032
the levy proceeds are so allocated, of the district. A 126033
qualifying school district that is not a municipal school 126034
district may allocate all of the levy proceeds to partnering 126035
community schools. A municipal school district shall allocate a 126036
portion of the levy proceeds to the current expenses of the 126037
district. The resolution shall declare that the question of the 126038
additional tax levy shall be submitted to the electors of the 126039
school district at a special election on a day to be specified 126040
in the resolution. The resolution shall state the purpose of the 126041
levy, the rate of the tax expressed in mills for each one dollar 126042
of taxable value, the number of such mills to be levied for the 126043
current expenses of the partnering community schools and the 126044
number of such mills, if any, to be levied for the current 126045
expenses of the school district, the number of years the tax 126046

will be levied, and the first year the tax will be levied. The 126047
number of years the tax may be levied may be any number not 126048
exceeding ten years, or for a continuing period of time. 126049

The levy of a tax for the current expenses of a partnering 126050
community school under this section and the distribution of 126051
proceeds from the tax by a qualifying school district to 126052
partnering community schools is hereby determined to be a proper 126053
public purpose. 126054

(2) (a) If any portion of the levy proceeds are to be 126055
allocated to the current expenses of the qualifying school 126056
district, the form of the ballot at an election held pursuant to 126057
division (B) of this section shall be as follows: 126058

"Shall a levy be imposed by the _____ (insert the name 126059
of the qualifying school district) for the purpose of current 126060
expenses of the school district and of partnering community 126061
schools, that the county auditor estimates will collect \$ _____ 126062
annually, at a rate not exceeding _____ mills for each \$1 of 126063
taxable value, of which _____ (insert the number of mills to be 126064
allocated to partnering community schools) mills is to be 126065
allocated to partnering community schools, which amounts to 126066
\$ _____ for each \$100,000 of ~~the county auditor's appraised~~ 126067
~~market value,~~ for _____ (insert the number of years the levy is 126068
to be imposed, or that it will be levied for a continuing period 126069
of time), beginning _____ (insert first year the tax is to be 126070
levied), which will first be payable in calendar year _____ 126071
(insert the first calendar year in which the tax would be 126072
payable)? 126073

126074

	FOR THE TAX LEVY
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	AGAINST THE TAX LEVY	"
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(b) If all of the levy proceeds are to be allocated to the current expenses of partnering community schools, the form of the ballot shall be as follows:

"Shall a levy be imposed by the _____ (insert the name of the qualifying school district) for the purpose of current expenses of partnering community schools, that the county auditor estimates will collect \$ _____ annually, at a rate not exceeding _____ mills for each \$1 of taxable value which amounts to \$ _____ for each \$100,000 of ~~the county auditor's appraised market value~~, for _____ (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time), beginning _____ (insert first year the tax is to be levied), which will first be payable in calendar year _____ (insert the first calendar year in which the tax would be payable)?

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

(3) Upon each receipt of a tax distribution by the qualifying school district, the board of education shall credit the portion allocated to partnering community schools to the partnering community schools fund. All income from the investment of money in the partnering community schools fund shall be credited to that fund.

(a) If the qualifying school district is a municipal school district, the board of education shall distribute the partnering community schools amount among the then qualifying

community schools not more than forty-five days after the school district receives and deposits each tax distribution. From each tax distribution, each such partnering community school shall receive a portion of the partnering community schools amount in the proportion that the number of its resident students bears to the aggregate number of resident students of all such partnering community schools as of the date of receipt and deposit of the tax distribution.

(b) If the qualifying school district is not a municipal school district, the board of education may distribute all or a portion of the amount in the partnering community schools fund during a fiscal year to partnering community schools on or before the first day of June of the preceding fiscal year. Each such partnering community school shall receive a portion of the amount distributed by the board from the partnering community schools fund during the fiscal year in the proportion that the number of its resident students bears to the aggregate number of resident students of all such partnering community schools as of the date the school district received and deposited the most recent tax distribution. On or before the fifteenth day of June of each fiscal year, the board of education shall announce an estimated allocation to partnering community schools for the ensuing fiscal year. The board is not required to allocate to partnering community schools the entire partnering community schools amount in the fiscal year in which a tax distribution is received and deposited in the partnering community schools fund. The estimated allocation shall be published on the web site of the school district and expressed as a dollar amount per resident student. The actual allocation to community schools in a fiscal year need not conform to the estimate published by the school district so long if the estimate was made in good faith.

Distributions by a school district under division (B) (3) 126131
(b) of this section shall be made in accordance with 126132
distribution agreements entered into by the board of education 126133
and each partnering community school eligible for distributions 126134
under this division. The distribution agreements shall be 126135
certified to the department of education each fiscal year before 126136
the thirtieth day of July. Each agreement shall provide for at 126137
least three distributions by the school district to the 126138
partnering community school during the fiscal year and shall 126139
require the initial distribution be made on or before the 126140
thirtieth day of July. 126141

(c) For the purposes of division (B) of this section, the 126142
number of resident students shall be the number of such students 126143
reported under section 3317.03 of the Revised Code and 126144
established by the department of education as of the date of 126145
receipt and deposit of the tax distribution. 126146

(4) To the extent an agreement whereby the qualifying 126147
school district and a community school endorse each other's 126148
programs is necessary for the community school to qualify as a 126149
partnering community school under division (B) (6) (b) of this 126150
section, the board of education of the school district shall 126151
certify to the department of education the agreement along with 126152
the determination that such agreement satisfies the requirements 126153
of that division. The board's determination is conclusive. 126154

(5) For the purposes of Chapter 3317. of the Revised Code 126155
or other laws referring to the "taxes charged and payable" for a 126156
school district, the taxes charged and payable for a qualifying 126157
school district that levies a tax under division (B) of this 126158
section includes only the taxes charged and payable under that 126159
levy for the current expenses of the school district, and does 126160

not include the taxes charged and payable for the current 126161
expenses of partnering community schools. The taxes charged and 126162
payable for the current expenses of partnering community schools 126163
shall not affect the calculation of "state education aid" as 126164
defined in section 5751.20 of the Revised Code. 126165

(6) As used in division (B) of this section: 126166

(a) "Qualifying school district" means a municipal school 126167
district, as defined in section 3311.71 of the Revised Code or a 126168
school district that contains within its territory a partnering 126169
community school. 126170

(b) "Partnering community school" means a community school 126171
established under Chapter 3314. of the Revised Code that is 126172
located within the territory of the qualifying school district 126173
and meets one of the following criteria: 126174

(i) If the qualifying school district is a municipal 126175
school district, the community school is sponsored by the 126176
district or is a party to an agreement with the district whereby 126177
the district and the community school endorse each other's 126178
programs; 126179

(ii) If the qualifying school district is not a municipal 126180
school district, the community school is sponsored by a sponsor 126181
that was rated as "exemplary" in the ratings most recently 126182
published under section 3314.016 of the Revised Code before the 126183
resolution proposing the levy is certified to the board of 126184
elections. 126185

(c) "Partnering community schools amount" means the 126186
product obtained, as of the receipt and deposit of the tax 126187
distribution, by multiplying the amount of a tax distribution by 126188
a fraction, the numerator of which is the number of mills per 126189

dollar of taxable value of the property tax to be allocated to 126190
partnering community schools, and the denominator of which is 126191
the total number of mills per dollar of taxable value authorized 126192
by the electors in the election held under division (B) of this 126193
section, each as set forth in the resolution levying the tax. If 126194
the resolution allocates all of the levy proceeds to partnering 126195
community schools, the "partnering schools amount" equals the 126196
amount of the tax distribution. 126197

(d) "Partnering community schools fund" means a separate 126198
fund established by the board of education of a qualifying 126199
school district for the deposit of partnering community school 126200
amounts under this section. 126201

(e) "Resident student" means a student enrolled in a 126202
partnering community school who is entitled to attend school in 126203
the qualifying school district under section 3313.64 or 3313.65 126204
of the Revised Code. 126205

(f) "Tax distribution" means a distribution of proceeds of 126206
the tax authorized by division (B) of this section under section 126207
321.24 of the Revised Code and distributions that are 126208
attributable to that tax under sections 323.156 and 4503.068 of 126209
the Revised Code or other applicable law. 126210

(C) A resolution adopted under this section shall specify 126211
the date of holding the election, which shall not be earlier 126212
than ninety days after the adoption and certification of the 126213
resolution and which shall be consistent with the requirements 126214
of section 3501.01 of the Revised Code. 126215

A resolution adopted under this section may propose to 126216
renew one or more existing levies imposed under division (A) or 126217
(B) of this section or to ~~increase or decrease~~ a single levy 126218

imposed under either such division. 126219

If the board of education imposes one or more existing 126220
levies for the purpose specified in division (F) of section 126221
5705.19 of the Revised Code, the resolution may propose to renew 126222
one or more of those existing levies, or to ~~increase or decrease~~ 126223
a single such existing levy, for the purpose of general 126224
permanent improvements. 126225

If the resolution proposes to renew two or more existing 126226
levies, the levies shall be levied for the same purpose. The 126227
resolution shall identify those levies and the rates at which 126228
they are levied. The resolution also shall specify that the 126229
existing levies shall not be extended on the tax lists after the 126230
year preceding the year in which the renewal levy is first 126231
imposed, regardless of the years for which those levies 126232
originally were authorized to be levied. 126233

If the resolution proposes to renew an existing levy 126234
imposed under division (B) of this section, the rates allocated 126235
to the qualifying school district and to partnering community 126236
schools each may be increased or decreased or remain the same, 126237
and the total rate may be ~~increased, decreased,~~ or remain the 126238
same. The resolution and notice of election shall specify the 126239
number of the mills to be levied for the current expenses of the 126240
partnering community schools and the number of the mills, if 126241
any, to be levied for the current expenses of the qualifying 126242
school district. 126243

A resolution adopted under this section shall go into 126244
immediate effect upon its passage, and no publication of the 126245
resolution shall be necessary other than that provided for in 126246
the notice of election. A copy of the resolution shall 126247
immediately after its passing be certified, along with the 126248

county auditor's certification provided under section 5705.03 of 126249
the Revised Code, to the board of elections of the proper county 126250
in the manner provided by section 5705.25 of the Revised Code. 126251
That section shall govern the arrangements for the submission of 126252
such question and other matters concerning the election to which 126253
that section refers, including publication of notice of the 126254
election, except that the election shall be held on the date 126255
specified in the resolution. In the case of a resolution adopted 126256
under division (B) of this section, the publication of notice of 126257
that election shall state the number of the mills, if any, to be 126258
levied for the current expenses of partnering community schools 126259
and the number of the mills to be levied for the current 126260
expenses of the qualifying school district. If a majority of the 126261
electors voting on the question so submitted in an election vote 126262
in favor of the levy, the board of education may make the 126263
necessary levy within the school district or, in the case of a 126264
qualifying library levy for the support of a library association 126265
or private corporation, within the association library district, 126266
at the additional rate, or at any lesser rate in excess of the 126267
ten-mill limitation on the tax list, for the purpose stated in 126268
the resolution. A levy for a continuing period of time may be 126269
reduced pursuant to section 5705.261 of the Revised Code. The 126270
tax levy shall be included in the next tax budget that is 126271
certified to the county budget commission. 126272

(D) (1) After the approval of a levy on the current tax 126273
list and duplicate for current expenses, for recreational 126274
purposes, for community centers provided for in section 755.16 126275
of the Revised Code, or for a public library of the district 126276
under division (A) of this section, and prior to the time when 126277
the first tax collection from the levy can be made, the board of 126278
education may anticipate a fraction of the proceeds of the levy 126279

and issue anticipation notes in a principal amount not exceeding 126280
fifty per cent of the total estimated proceeds of the levy to be 126281
collected during the first year of the levy. 126282

(2) After the approval of a levy for general permanent 126283
improvements for a specified number of years or for permanent 126284
improvements having the purpose specified in division (F) of 126285
section 5705.19 of the Revised Code, the board of education may 126286
anticipate a fraction of the proceeds of the levy and issue 126287
anticipation notes in a principal amount not exceeding fifty per 126288
cent of the total estimated proceeds of the levy remaining to be 126289
collected in each year over a period of five years after the 126290
issuance of the notes. 126291

The notes shall be issued as provided in section 133.24 of 126292
the Revised Code, shall have principal payments during each year 126293
after the year of their issuance over a period not to exceed 126294
five years, and may have a principal payment in the year of 126295
their issuance. 126296

(3) After approval of a levy for general permanent 126297
improvements for a continuing period of time, the board of 126298
education may anticipate a fraction of the proceeds of the levy 126299
and issue anticipation notes in a principal amount not exceeding 126300
fifty per cent of the total estimated proceeds of the levy to be 126301
collected in each year over a specified period of years, not 126302
exceeding ten, after the issuance of the notes. 126303

The notes shall be issued as provided in section 133.24 of 126304
the Revised Code, shall have principal payments during each year 126305
after the year of their issuance over a period not to exceed ten 126306
years, and may have a principal payment in the year of their 126307
issuance. 126308

(4) After the approval of a levy on the current tax list and duplicate under division (B) of this section, and prior to the time when the first tax collection from the levy can be made, the board of education may anticipate a fraction of the proceeds of the levy for the current expenses of the school district and issue anticipation notes in a principal amount not exceeding fifty per cent of the estimated proceeds of the levy to be collected during the first year of the levy and allocated to the school district. The portion of the levy proceeds to be allocated to partnering community schools under that division shall not be included in the estimated proceeds anticipated under this division and shall not be used to pay debt charges on any anticipation notes.

The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(E) The submission of questions to the electors under this section is subject to the limitation on the number of election dates established by section 5705.214 of the Revised Code.

(F) The board of education of any school district that levies a tax under this section for the purpose of providing for school safety and security may report to the department of education how the district is using revenue from that tax.

The board of education of any school district that proposes to levy a tax for the purpose of providing for school safety and security may share the proceeds of the tax with chartered nonpublic schools, as defined by section 3310.01 of the Revised Code, that are located in the territory of the

school district as provided in this division. The resolution 126339
levying the tax and the form of the ballot shall state that 126340
proceeds from the levy are to be shared with chartered nonpublic 126341
schools and shall state the percentage of the proceeds that is 126342
to be shared with those schools. 126343

If a percentage of the proceeds of such a tax are to be 126344
shared with chartered nonpublic schools under this division, 126345
such proceeds shall be shared with all chartered nonpublic 126346
schools located in the territory of the school district. Of the 126347
percentage of the proceeds to be shared with chartered nonpublic 126348
schools, each such school shall receive an amount that bears the 126349
same proportion of that percentage that the number of resident 126350
students attending that school bears to the total number of 126351
resident students attending all such schools in the territory of 126352
the school district. For the purposes of this section, a 126353
resident student is a student enrolled in a chartered nonpublic 126354
school located in the territory of the school district who is 126355
entitled to attend school in the school district under section 126356
3313.64 or 3313.65 of the Revised Code. 126357

All proceeds of the levy shall be credited to a fund of 126358
the school district created for that purpose, and the board of 126359
education shall pay each chartered nonpublic school its share of 126360
the proceeds from that fund not less frequently than once after 126361
each settlement of taxes under divisions (A) and (C) of section 126362
321.24 of the Revised Code. Any chartered nonpublic school 126363
receiving payments under this section shall use all of such 126364
payments only for providing for school safety and security. 126365

Sec. 5705.212. (A) (1) The board of education of any school 126366
district, at any time and by a vote of two-thirds of all of its 126367
members, may declare by resolution that the amount of taxes that 126368

may be raised within the ten-mill limitation will be 126369
insufficient to provide an adequate amount for the present and 126370
future requirements of the school district, that it is necessary 126371
to levy not more than five taxes in excess of that limitation 126372
for current expenses, and that each of the proposed taxes first 126373
will be levied in a different year, over a specified period of 126374
time. The board shall identify the taxes proposed under this 126375
section as follows: the first tax to be levied shall be called 126376
the "original tax." Each tax subsequently levied shall be called 126377
an "incremental tax." The rate of each incremental tax shall be 126378
identical, but the rates of such incremental taxes need not be 126379
the same as the rate of the original tax. The resolution also 126380
shall state that the question of these additional taxes shall be 126381
submitted to the electors of the school district at a special 126382
election. The resolution shall specify separately for each tax 126383
proposed: the amount of the increase in rate that it is 126384
necessary to levy, expressed separately for the original tax and 126385
each incremental tax; that the purpose of the levy is for 126386
current expenses; the number of years during which the original 126387
tax shall be in effect; a specification that the last year in 126388
which the original tax is in effect shall also be the last year 126389
in which each incremental tax shall be in effect; and the year 126390
in which each tax first is proposed to be levied. The original 126391
tax may be levied for any number of years not exceeding ten, or 126392
for a continuing period of time. The resolution shall specify 126393
the date of holding the special election, which shall not be 126394
earlier than ninety days after the adoption and certification of 126395
the resolution and shall be consistent with the requirements of 126396
section 3501.01 of the Revised Code. 126397

(2) The board of education, by a vote of two-thirds of all 126398
of its members, may adopt a resolution proposing to renew taxes 126399

levied other than for a continuing period of time under division 126400
(A) (1) of this section. Such a resolution shall provide for 126401
levying a tax and specify all of the following: 126402

(a) That the tax shall be called and designated on the 126403
ballot as a renewal levy; 126404

(b) The rate of the renewal tax, which shall be a single 126405
rate that combines the rate of the original tax and each 126406
incremental tax into a single rate. The rate of the renewal tax 126407
shall not exceed the aggregate rate of the original and 126408
incremental taxes. 126409

(c) The number of years, not to exceed ten, that the 126410
renewal tax will be levied, or that it will be levied for a 126411
continuing period of time; 126412

(d) That the purpose of the renewal levy is for current 126413
expenses; 126414

(e) Subject to the certification and notification 126415
requirements of section 5705.251 of the Revised Code, that the 126416
question of the renewal levy shall be submitted to the electors 126417
of the school district at the general election held during the 126418
last year the original tax may be extended on the real and 126419
public utility property tax list and duplicate or at a special 126420
election held during the ensuing year. 126421

(3) A resolution adopted under division (A) (1) or (2) of 126422
this section shall go into immediate effect upon its adoption 126423
and no publication of the resolution is necessary other than 126424
that provided for in the notice of election. Immediately after 126425
its adoption, a copy of the resolution shall be certified to the 126426
board of elections of the proper county in the manner provided 126427
by division (A) of section 5705.251 of the Revised Code, and 126428

that division shall govern the arrangements for the submission 126429
of the question and other matters concerning the election to 126430
which that section refers. The election shall be held on the 126431
date specified in the resolution. If a majority of the electors 126432
voting on the question so submitted in an election vote in favor 126433
of the taxes or a renewal tax, the board of education, if the 126434
original or a renewal tax is authorized to be levied for the 126435
current year, immediately may make the necessary levy within the 126436
school district at the authorized rate, or at any lesser rate in 126437
excess of the ten-mill limitation, for the purpose stated in the 126438
resolution. No tax shall be imposed prior to the year specified 126439
in the resolution as the year in which it is first proposed to 126440
be levied. The rate of the original tax and the rate of each 126441
incremental tax shall be cumulative, so that the aggregate rate 126442
levied in any year is the sum of the rates of both the original 126443
tax and all incremental taxes levied in or prior to that year 126444
under the same proposal. A tax levied for a continuing period of 126445
time under this section may be reduced pursuant to section 126446
5705.261 of the Revised Code. 126447

(B) Notwithstanding section 133.30 of the Revised Code, 126448
after the approval of a tax to be levied in the current or the 126449
succeeding year and prior to the time when the first tax 126450
collection from that levy can be made, the board of education 126451
may anticipate a fraction of the proceeds of the levy and issue 126452
anticipation notes in an amount not to exceed fifty per cent of 126453
the total estimated proceeds of the levy to be collected during 126454
the first year of the levy. The notes shall be sold as provided 126455
in Chapter 133. of the Revised Code. If anticipation notes are 126456
issued, they shall mature serially and in substantially equal 126457
amounts during each year over a period not to exceed five years; 126458
and the amount necessary to pay the interest and principal as 126459

the anticipation notes mature shall be deemed appropriated for 126460
those purposes from the levy, and appropriations from the levy 126461
by the board of education shall be limited each fiscal year to 126462
the balance available in excess of that amount. 126463

If the auditor of state has certified a deficit pursuant 126464
to section 3313.483 of the Revised Code, the notes authorized 126465
under this section may be sold in accordance with Chapter 133. 126466
of the Revised Code, except that the board may sell the notes 126467
after providing a reasonable opportunity for competitive 126468
bidding. 126469

(C) (1) The board of education of a qualifying school 126470
district, at any time and by a vote of two-thirds of all its 126471
members, may declare by resolution that it is necessary to levy 126472
not more than five taxes in excess of the ten-mill limitation 126473
for the current expenses of partnering community schools and, if 126474
any of the levy proceeds are so allocated, of the school 126475
district, and that each of the proposed taxes first will be 126476
levied in a different year, over a specified period of time. A 126477
qualifying school district that is not a municipal school 126478
district may allocate all of the levy proceeds to partnering 126479
community schools. A municipal school district shall allocate a 126480
portion of the levy proceeds to the current expenses of the 126481
district. The board shall identify the taxes proposed under this 126482
division in the same manner as in division (A) (1) of this 126483
section. The rate of each incremental tax shall be identical, 126484
but the rates of such incremental taxes need not be the same as 126485
the rate of the original tax. In addition to the specifications 126486
required of the resolution in division (A) of this section, the 126487
resolution shall state the number of the mills to be levied each 126488
year for the current expenses of the partnering community 126489
schools and the number of the mills, if any, to be levied each 126490

year for the current expenses of the school district. The number 126491
of mills for the current expenses of partnering community 126492
schools shall be the same for each of the incremental taxes, and 126493
the number of mills for the current expenses of the qualifying 126494
school district shall be the same for each of the incremental 126495
taxes. 126496

The levy of taxes for the current expenses of a partnering 126497
community school under division (C) of this section and the 126498
distribution of proceeds from the tax by a qualifying school 126499
district to partnering community schools is hereby determined to 126500
be a proper public purpose. 126501

(2) The board of education, by a vote of two-thirds of all 126502
of its members, may adopt a resolution proposing to renew taxes 126503
levied other than for a continuing period of time under division 126504
(C) (1) of this section. In such a renewal levy, the rates 126505
allocated to the qualifying school district and to partnering 126506
community schools each may be increased or decreased or remain 126507
the same, and the total rate may be ~~increased,~~ ~~decreased,~~ or 126508
remain the same. In addition to the requirements of division (A) 126509
(2) of this section, the resolution shall state the number of 126510
the mills to be levied for the current expenses of the 126511
partnering community schools and the number of the mills to be 126512
levied for the current expenses of the school district. 126513

(3) A resolution adopted under division (C) (1) or (2) of 126514
this section is subject to the rules and procedures prescribed 126515
by division (A) (3) of this section. 126516

(4) The proceeds of each tax levied under division (C) (1) 126517
or (2) of this section shall be credited and distributed in the 126518
manner prescribed by division (B) (3) of section 5705.21 of the 126519
Revised Code, and divisions (B) (4), (5), and (6) of that section 126520

apply to taxes levied under division (C) of this section. 126521

(5) Notwithstanding section 133.30 of the Revised Code, 126522
after the approval of a tax to be levied under division (C) (1) 126523
or (2) of this section, in the current or succeeding year and 126524
prior to the time when the first tax collection from that levy 126525
can be made, the board of education may anticipate a fraction of 126526
the proceeds of the levy for the current expenses of the 126527
qualifying school district and issue anticipation notes in a 126528
principal amount not exceeding fifty per cent of the estimated 126529
proceeds of the levy to be collected during the first year of 126530
the levy and allocated to the school district. The portion of 126531
levy proceeds to be allocated to partnering community schools 126532
shall not be included in the estimated proceeds anticipated 126533
under this division and shall not be used to pay debt charges on 126534
any anticipation notes. 126535

The notes shall be sold as provided in Chapter 133. of the 126536
Revised Code. If anticipation notes are issued, they shall 126537
mature serially and in substantially equal amounts during each 126538
year over a period not to exceed five years. The amount 126539
necessary to pay the interest and principal as the anticipation 126540
notes mature shall be deemed appropriated for those purposes 126541
from the levy, and appropriations from the levy by the board of 126542
education shall be limited each fiscal year to the balance 126543
available in excess of that amount. 126544

If the auditor of state has certified a deficit pursuant 126545
to section 3313.483 of the Revised Code, the notes authorized 126546
under this section may be sold in accordance with Chapter 133. 126547
of the Revised Code, except that the board may sell the notes 126548
after providing a reasonable opportunity for competitive 126549
bidding. 126550

As used in division (C) of this section, "qualifying school district" and "partnering community schools" have the same meanings as in section 5705.21 of the Revised Code.

(D) The submission of questions to the electors under this section is subject to the limitation on the number of election dates established by section 5705.214 of the Revised Code.

(E) When a school board certifies a resolution to the county auditor under division (B) (1) of section 5705.03 of the Revised Code proposing to levy a tax under division (A) (1) or (C) (1) of this section, the county auditor shall certify, in addition to the other information the auditor is required to certify under that section, an estimate of both the levy's annual collections for the tax year for which the original tax applies and the levies' aggregate annual collections for the tax year for which the final incremental tax applies, in both cases rounded to the nearest dollar, which shall be calculated assuming that the amount of the tax list of the taxing authority remains throughout the life of the levy the same as the amount of the tax list most recently certified by the county auditor under division (A) of section 319.28 of the Revised Code. If a school district is located in more than one county, the county auditor shall obtain from the county auditor of each other county in which the district is located the current tax valuation for the portion of the district in that county.

Sec. 5705.213. (A) (1) The board of education of any school district, at any time and by a vote of two-thirds of all of its members, may declare by resolution that the amount of taxes that may be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the present and future requirements of the school district and that it is

necessary to levy a tax in excess of that limitation for current 126581
expenses. The resolution also shall state that the question of 126582
the additional tax shall be submitted to the electors of the 126583
school district at a special election. The resolution shall 126584
specify, for each year the levy is in effect, the amount of 126585
money that the levy is proposed to raise, which may, for years 126586
after the first year the levy is made, be expressed in terms of 126587
a dollar or percentage increase over the prior year's amount. 126588
The resolution also shall specify that the purpose of the levy 126589
is for current expenses, the number of years during which the 126590
tax shall be in effect which may be for any number of years not 126591
exceeding ten, and the year in which the tax first is proposed 126592
to be levied. The resolution shall specify the date of holding 126593
the special election, which shall not be earlier than ninety- 126594
five days after the adoption and certification of the resolution 126595
to the county auditor and not earlier than ninety days after 126596
certification to the board of elections. The date of the 126597
election shall be consistent with the requirements of section 126598
3501.01 of the Revised Code. 126599

(2) The board of education, by a vote of two-thirds of all 126600
of its members, may adopt a resolution proposing to renew a tax 126601
levied under division (A) (1) of this section. Such a resolution 126602
shall provide for levying a tax and specify all of the 126603
following: 126604

(a) That the tax shall be called and designated on the 126605
ballot as a renewal levy; 126606

(b) The amount of the renewal tax, which shall be no more 126607
than the amount of tax levied during the last year the tax being 126608
renewed is authorized to be in effect; 126609

(c) The number of years, not to exceed ten, that the 126610

renewal tax will be levied, or that it will be levied for a 126611
continuing period of time; 126612

(d) That the purpose of the renewal levy is for current 126613
expenses; 126614

(e) Subject to the certification and notification 126615
requirements of section 5705.251 of the Revised Code, that the 126616
question of the renewal levy shall be submitted to the electors 126617
of the school district at the general election held during the 126618
last year the tax being renewed may be extended on the real and 126619
public utility property tax list and duplicate or at a special 126620
election held during the ensuing year. 126621

(3) A resolution adopted under division (A) (1) or (2) of 126622
this section shall go into immediate effect upon its adoption 126623
and no publication of the resolution is necessary other than 126624
that provided for in the notice of election. Immediately after 126625
its adoption, a copy of the resolution shall be certified to the 126626
county auditor of the proper county, who shall, within ten days, 126627
calculate and certify to the board of education the estimated 126628
levy, for the first year, and for each subsequent year for which 126629
the tax is proposed to be in effect. The estimates shall be made 126630
both in mills for each one dollar of taxable value and in 126631
dollars for each one hundred thousand dollars of ~~the county~~ 126632
~~auditor's appraised market~~ value. In making the estimates, the 126633
auditor shall assume that the amount of the tax list remains 126634
throughout the life of the levy, the same as the tax list most 126635
recently certified by the county auditor under division (A) of 126636
section 319.28 of the Revised Code. 126637

If the board desires to proceed with the submission of the 126638
question, it shall certify its resolution, with the estimated 126639
tax levy expressed in mills for each one dollar of taxable value 126640

and dollars for each one hundred thousand dollars of ~~the county~~ 126641
~~auditor's appraised market value~~ for each year that the tax is 126642
proposed to be in effect, to the board of elections of the 126643
proper county in the manner provided by division (A) of section 126644
5705.251 of the Revised Code. Section 5705.251 of the Revised 126645
Code shall govern the arrangements for the submission of the 126646
question and other matters concerning the election to which that 126647
section refers. The election shall be held on the date specified 126648
in the resolution. If a majority of the electors voting on the 126649
question so submitted in an election vote in favor of the tax, 126650
and if the tax is authorized to be levied for the current year, 126651
the board of education immediately may make the additional levy 126652
necessary to raise the amount specified in the resolution or a 126653
lesser amount for the purpose stated in the resolution. 126654

(4) The submission of questions to the electors under this 126655
section is subject to the limitation on the number of election 126656
dates established by section 5705.214 of the Revised Code. 126657

(B) Notwithstanding section 133.30 of the Revised Code, 126658
after the approval of a tax to be levied in the current or the 126659
succeeding year and prior to the time when the first tax 126660
collection from that levy can be made, the board of education 126661
may anticipate a fraction of the proceeds of the levy and issue 126662
anticipation notes in an amount not to exceed fifty per cent of 126663
the total estimated proceeds of the levy to be collected during 126664
the first year of the levy. The notes shall be sold as provided 126665
in Chapter 133. of the Revised Code. If anticipation notes are 126666
issued, they shall mature serially and in substantially equal 126667
amounts during each year over a period not to exceed five years; 126668
and the amount necessary to pay the interest and principal as 126669
the anticipation notes mature shall be deemed appropriated for 126670
those purposes from the levy, and appropriations from the levy 126671

by the board of education shall be limited each fiscal year to 126672
the balance available in excess of that amount. 126673

If the auditor of state has certified a deficit pursuant 126674
to section 3313.483 of the Revised Code, the notes authorized 126675
under this section may be sold in accordance with Chapter 133. 126676
of the Revised Code, except that the board may sell the notes 126677
after providing a reasonable opportunity for competitive 126678
bidding. 126679

Sec. 5705.215. (A) The governing board of an educational 126680
service center that is the taxing authority of a county school 126681
financing district, upon receipt of identical resolutions 126682
adopted within a sixty-day period by ~~a majority~~ two-thirds of 126683
~~the~~ all members of the board of education of each school 126684
district that is within the territory of the county school 126685
financing district, may submit a tax levy to the electors of the 126686
territory in the same manner as a school board may submit a levy 126687
under division (C) of section 5705.21 of the Revised Code, 126688
except that: 126689

(1) The levy may be for a period not to exceed ten years, 126690
or, if the levy is solely for the purpose or purposes described 126691
in division (A) (2) (a), (c), or (f) of this section, for a 126692
continuing period of time. 126693

(2) The purpose of the levy shall be one or more of the 126694
following: 126695

(a) For current expenses for the provision of special 126696
education and related services within the territory of the 126697
district; 126698

(b) For permanent improvements within the territory of the 126699
district for special education and related services; 126700

(c) For current expenses for specified educational programs within the territory of the district; 126701
126702

(d) For permanent improvements within the territory of the district for specified educational programs; 126703
126704

(e) For permanent improvements within the territory of the district; 126705
126706

(f) For current expenses for school safety and security and mental health services, including training and employment of or contracting for the services of safety personnel, mental health personnel, social workers, and counselors. 126707
126708
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126710

(B) If the levy provides for but is not limited to current expenses, the resolutions shall apportion the annual rate of the levy between current expenses and the other purposes. The apportionment need not be the same for each year of the levy, but the respective portions of the rate actually levied each year for current expenses and the other purposes shall be limited by that apportionment. 126711
126712
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(C) Prior to the application of section 319.301 of the Revised Code, the rate of a levy that is limited to, or to the extent that it is apportioned to, purposes other than current expenses shall be reduced in the same proportion in which the district's total valuation increases during the life of the levy because of additions to such valuation that have resulted from improvements added to the tax list and duplicate. 126718
126719
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(D) After the approval of a county school financing district levy under this section, the taxing authority may anticipate a fraction of the proceeds of such levy and may from time to time during the life of such levy, but in any given year prior to the time when the tax collection from such levy can be 126725
126726
126727
126728
126729

made for that year, issue anticipation notes in an amount not 126730
exceeding fifty per cent of the estimated proceeds of the levy 126731
to be collected in each year up to a period of five years after 126732
the date of the issuance of such notes, less an amount equal to 126733
the proceeds of such levy obligated for each year by the 126734
issuance of anticipation notes, provided that the total amount 126735
maturing in any one year shall not exceed fifty per cent of the 126736
anticipated proceeds of the levy for that year. Each issue of 126737
notes shall be sold as provided in Chapter 133. of the Revised 126738
Code, and shall, except for the limitation that the total amount 126739
of such notes maturing in any one year shall not exceed fifty 126740
per cent of the anticipated proceeds of such levy for that year, 126741
mature serially in substantially equal installments during each 126742
year over a period not to exceed five years after their 126743
issuance. 126744

(E) (1) In a resolution to be submitted to the taxing 126745
authority of a county school financing district under division 126746
(A) of this section calling for a ballot issue on the question 126747
of the levying of a tax for a continuing period of time by the 126748
taxing authority, the board of education of a school district 126749
that is part of the territory of the county school financing 126750
district also may propose to reduce the rate of one or more of 126751
that school district's property taxes levied for a continuing 126752
period of time in excess of the ten-mill limitation. The 126753
reduction in the rate of a property tax may be any amount, not 126754
exceeding the rate at which the tax is authorized to be levied. 126755
The reduction in the rate of a tax shall first take effect in 126756
the same year that the county school financing district tax 126757
takes effect, and shall continue for each year that the county 126758
school financing district tax is in effect. A board of 126759
education's resolution proposing to reduce the rate of one or 126760

more of its school district property taxes shall, in addition to 126761
including information required for a resolution under division 126762
(B) (1) of section 5705.03 of the Revised Code, specifically 126763
identify each such tax and shall state for each tax the maximum 126764
rate at which it currently may be levied and the maximum rate at 126765
which it could be levied after the proposed reduction, expressed 126766
in mills for each one dollar of taxable value. 126767

Before submitting the resolution to the taxing authority 126768
of the county school financing district, the board of education 126769
of the school district shall certify a copy of it to the tax 126770
commissioner and the county auditor. The county auditor shall 126771
certify to the board all information required under division (B) 126772
(2) of section 5705.03 of the Revised Code, in the manner 126773
required under that division, and both of the following: 126774

(a) An estimate of the levy's annual collections beginning 126775
for the first year for which the reduction applies, rounded to 126776
the nearest dollar, which shall be calculated assuming that the 126777
amount of the tax list of the taxing authority remains 126778
throughout the life of the reduced levy the same as the amount 126779
of the tax list most recently certified by the county auditor 126780
under division (A) of section 319.28 of the Revised Code. 126781

If a school district is located in more than one county, 126782
the county auditor shall obtain from the county auditor of each 126783
other county in which the district is located the current tax 126784
valuation for the portion of the district in that county. 126785

(b) The effective rate of the levy for the last year 126786
before the proposed reduction and the first year that the 126787
reduction applies, both expressed in dollars for each one 126788
hundred thousand dollars of ~~the county auditor's appraised~~ 126789
market value. 126790

The tax commissioner, within ten days of receiving the resolution, shall certify to the board the reduction in the school district's total effective tax rate for each class of property that would have resulted if the proposed reduction in the rate or rates had been in effect the previous year. As used in this paragraph, "effective tax rate" has the same meaning as in section 323.08 of the Revised Code.

After receiving these certifications from the commissioner and the auditor, the board may amend its resolution to change the proposed property tax rate reduction before submitting the resolution to the financing district taxing authority, provided the board certifies a copy of the amended resolution to the county auditor with a request to provide the information required under divisions (E) (1) (a) and (b) of this section and the auditor transmits that information to the taxing authority.

If the board of education of a school district that is part of the territory of a county school financing district adopts a resolution proposing to reduce the rate of one or more of its property taxes in conjunction with the levying of a tax by the financing district, the resolution submitted by the board to the taxing authority of the financing district under division (A) of this section does not have to be identical in this respect to the resolutions submitted by the boards of education of the other school districts that are part of the territory of the county school financing district.

(2) Each school district that is part of the territory of a county school financing district may tailor to its own situation a proposed reduction in one or more property tax rates in conjunction with the proposed levying of a tax by the county school financing district; if one such school district proposes

a reduction in one or more tax rates, another school district 126821
may propose a reduction of a different size or may propose no 126822
reduction. Within each school district that is part of the 126823
territory of the county school financing district, the electors 126824
shall vote on one ballot issue combining the question of the 126825
levying of the tax by the taxing authority of the county school 126826
financing district with, if any such reduction is proposed, the 126827
question of the reduction in the rate of one or more taxes of 126828
the school district. If a majority of the electors of the county 126829
school financing district voting on the question of the proposed 126830
levying of a tax by the taxing authority of the financing 126831
district vote to approve the question, any tax reductions 126832
proposed by school districts that are part of the territory of 126833
the financing district also are approved. 126834

(3) The form of the ballot for an issue proposing to levy 126835
a county school financing district tax in conjunction with the 126836
reduction of the rate of one or more school district taxes shall 126837
be as follows: 126838

"Shall the _____ (name of the county school financing 126839
district) be authorized to levy an additional tax for _____ 126840
(purpose stated in the resolutions), that the county auditor 126841
estimates will collect \$_____ annually, at a rate not exceeding 126842
_____ mills for each \$1 of taxable value, which amounts to 126843
\$_____ for each \$100,000 of ~~the county auditor's appraised~~ 126844
market value, for a continuing period of time? If the county 126845
school financing district tax is approved, the rate of an 126846
existing tax currently levied by the _____ (name of the school 126847
district of which the elector is a resident) at the rate of 126848
_____ mills shall be reduced to _____ mills for each \$1 of 126849
taxable value, which amounts to a reduction from \$_____ 126850
(effective rate) to \$_____ (effective rate) for each \$100,000 126851

of ~~the county auditor's appraised~~ market value, that the county 126852
 auditor estimates will collect \$_____ annually, until any such 126853
 time as the county school financing district tax is decreased or 126854
 repealed. 126855
 126856

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

If the board of education of the school district proposes 126857
 to reduce the rate of more than one of its existing taxes, the 126858
 second sentence of the ballot language shall be modified for 126859
 residents of that district to express the rates and effective 126860
 rates at which those taxes currently are levied and the rates 126861
 and effective rates to which they would be reduced as well as 126862
 each levy's estimated annual collections, as provided by the 126863
 county auditor under division (E) (1) (a) of this section. If the 126864
 board of education of the school district does not propose to 126865
 reduce the rate of any of its taxes, the second sentence of the 126866
 ballot language shall not be used for residents of that 126867
 district. In any case, the first sentence of the ballot language 126868
 shall be the same for all the electors in the county school 126869
 financing district, but the second sentence shall be different 126870
 in each school district depending on whether and in what amount 126871
 the board of education of the school district proposes to reduce 126872
 the rate of one or more of its property taxes. 126873

(4) If the rate of a school district property tax is 126874
 reduced pursuant to this division, the tax commissioner shall 126875
 compute the percentage required to be computed for that tax 126876
 under division (D) of section 319.301 of the Revised Code each 126877
 year the rate is reduced as if the tax had been levied in the 126878

preceding year at the rate to which it has been reduced. If the 126879
reduced rate of a tax is increased under division (E) (5) of this 126880
section, the commissioner shall compute the percentage required 126881
to be computed for that tax under division (D) of section 126882
319.301 of the Revised Code each year the rate is increased as 126883
if the tax had been levied in the preceding year at the rate to 126884
which it has been increased. 126885

(5) After the levying of a county school financing 126886
district tax in conjunction with the reduction of the rate of 126887
one or more school district taxes is approved by the electors 126888
under this division, if the rate of the county school financing 126889
district tax is decreased pursuant to an election under section 126890
5705.261 of the Revised Code, the rate of each school district 126891
tax that had been reduced shall be increased by the number of 126892
mills obtained by multiplying the number of mills of the 126893
original reduction by the same percentage that the financing 126894
district tax rate is decreased. If the county school financing 126895
district tax is repealed pursuant to an election under section 126896
5705.261 of the Revised Code, each school district may resume 126897
levying the property taxes that had been reduced at the full 126898
rate originally approved by the electors. A reduction in the 126899
rate of a school district property tax under this division is a 126900
reduction in the rate at which the board of education may levy 126901
that tax only for the period during which the county school 126902
financing district tax is levied prior to any decrease or repeal 126903
under section 5705.261 of the Revised Code. The resumption of 126904
the authority of the board of education to levy an increased or 126905
the full rate of tax does not constitute the levying of a new 126906
tax in excess of the ten-mill limitation. 126907

(F) If a county school financing district has a tax in 126908
effect under this section, the territory of a city, local, or 126909

exempted village school district that is not a part of the 126910
county school financing district shall not become a part of the 126911
county school financing district unless approved by the electors 126912
of the city, local, or exempted village school district in 126913
accordance with division (C) of section 3311.50 of the Revised 126914
Code. 126915

Sec. 5705.217. (A) The board of education of a city, 126916
local, or exempted village school district, at any time by a 126917
vote of two-thirds of all its members, may declare by resolution 126918
that the amount of taxes that can be raised within the ten-mill 126919
limitation will be insufficient to provide an adequate amount 126920
for the present and future requirements of the school district; 126921
that it is necessary to levy an additional tax in excess of that 126922
limitation for the purposes of providing funds for current 126923
operating expenses and for general permanent improvements as 126924
defined in section 5705.21 of the Revised Code; and that the 126925
question of the tax shall be submitted to the electors of the 126926
district at a special election. The tax may be levied for a 126927
specified number of years not exceeding five or for a continuing 126928
period of time. The resolution shall specify the proposed tax 126929
rate, the first year the tax will be levied, and the number of 126930
years it will be levied, or that it will be levied for a 126931
continuing period of time. The resolution shall apportion the 126932
annual rate of the tax between current operating expenses and 126933
permanent improvements. The apportionment may but need not be 126934
the same for each year of the tax, but the respective portions 126935
of the rate actually levied each year for current operating 126936
expenses and permanent improvements shall be limited by the 126937
apportionment. 126938

The resolution shall specify the date of holding the 126939
special election, which shall not be earlier than ninety days 126940

after certification of the resolution to the board of elections 126941
and shall be consistent with the requirements of section 3501.01 126942
of the Revised Code. The resolution shall go into immediate 126943
effect upon its passage, and no publication of it is necessary 126944
other than that provided in the notice of election. The board of 126945
education shall certify a copy of the resolution to the board of 126946
elections immediately after its adoption. Section 5705.25 of the 126947
Revised Code governs the arrangements and form of the ballot for 126948
the submission of the question to the electors. 126949

If a majority of the electors voting on the question vote 126950
in favor of the tax, the board of education may make the levy at 126951
the additional rate, or at any lesser rate in excess of the ten- 126952
mill limitation. If the tax is for a continuing period of time, 126953
it may be decreased in accordance with section 5705.261 of the 126954
Revised Code. 126955

A board of education may adopt a resolution to renew one 126956
or more existing levies imposed under this section, or to 126957
~~increase or decrease~~ the rate of a tax levied under this 126958
section, for the purpose of providing funds for either current 126959
expenses and general permanent improvements or solely for 126960
general permanent improvements. 126961

(B) (1) After the approval of a tax for current operating 126962
expenses under this section and prior to the time the first 126963
collection and distribution from the levy can be made, the board 126964
of education may anticipate a fraction of the proceeds of such 126965
levy and issue anticipation notes in a principal amount not 126966
exceeding fifty per cent of the total estimated proceeds of the 126967
tax to be collected during the first year of the levy. 126968

(2) After the approval of a tax for general permanent 126969
improvements levied under this section for a specified number of 126970

years, the board of education may anticipate a fraction of the 126971
proceeds of such tax and issue anticipation notes in a principal 126972
amount not exceeding fifty per cent of the total estimated 126973
proceeds of the tax remaining to be collected in each year over 126974
a specified period of years, not exceeding the number of years 126975
for which the tax was levied, after issuance of the notes. 126976

(3) After the approval of a tax for general permanent 126977
improvements levied under this section for a continuing period 126978
of time, the board of education may anticipate a fraction of the 126979
proceeds of such tax and issue anticipation notes in a principal 126980
amount not exceeding fifty per cent of the total estimated 126981
proceeds of the tax to be collected in each year over a 126982
specified period of years, not exceeding ten, after issuance of 126983
the notes. 126984

Anticipation notes under this section shall be issued as 126985
provided in section 133.24 of the Revised Code. Notes issued 126986
under division (B) (1) or (2) of this section shall have 126987
principal payments during each year after the year of their 126988
issuance over a period not to exceed five years, and may have a 126989
principal payment in the year of their issuance. Notes issued 126990
under division (B) (3) of this section shall have principal 126991
payments during each year after the year of their issuance over 126992
a period not to exceed ten years, and may have a principal 126993
payment in the year of their issuance. 126994

(C) The submission of a question to the electors under 126995
this section is subject to the limitation on the number of 126996
elections that can be held in a year under section 5705.214 of 126997
the Revised Code. 126998

Sec. 5705.218. (A) The board of education of a city, 126999
local, or exempted village school district, at any time by a 127000

vote of two-thirds of all its members, may declare by resolution 127001
that it may be necessary for the school district to issue 127002
general obligation bonds for permanent improvements. The 127003
resolution shall state all of the following: 127004

(1) The necessity and purpose of the bond issue; 127005

(2) The date of the special election at which the question 127006
shall be submitted to the electors; 127007

(3) The amount, approximate date, estimated rate of 127008
interest, and maximum number of years over which the principal 127009
of the bonds may be paid; 127010

(4) The necessity of levying a tax outside the ten-mill 127011
limitation to pay debt charges on the bonds and any anticipatory 127012
securities. 127013

On adoption of the resolution, the board shall certify a 127014
copy of it to the county auditor. The county auditor promptly 127015
shall estimate and certify to the board the average annual 127016
property tax rate, expressed in mills for each one dollar of 127017
taxable value and in dollars for each one hundred thousand 127018
dollars of ~~the county auditor's appraised market~~ value, required 127019
throughout the stated maturity of the bonds to pay debt charges 127020
on the bonds in the same manner as under division (C) of section 127021
133.18 of the Revised Code. 127022

(B) After receiving the county auditor's certification 127023
under division (A) of this section, the board of education of 127024
the city, local, or exempted village school district, by a vote 127025
of two-thirds of all its members, may declare by resolution that 127026
the amount of taxes that can be raised within the ten-mill 127027
limitation will be insufficient to provide an adequate amount 127028
for the present and future requirements of the school district; 127029

that it is necessary to issue general obligation bonds of the 127030
school district for permanent improvements and to levy an 127031
additional tax in excess of the ten-mill limitation to pay debt 127032
charges on the bonds and any anticipatory securities; that it is 127033
necessary for a specified number of years or for a continuing 127034
period of time to levy additional taxes in excess of the ten- 127035
mill limitation to provide funds for the acquisition, 127036
construction, enlargement, renovation, and financing of 127037
permanent improvements or to pay for current operating expenses, 127038
or both; and that the question of the bonds and taxes shall be 127039
submitted to the electors of the school district at a special 127040
election, which shall not be earlier than ninety days after 127041
certification of the resolution to the board of elections, and 127042
the date of which shall be consistent with section 3501.01 of 127043
the Revised Code. The resolution shall specify all of the 127044
following: 127045

(1) The county auditor's estimate of the average annual 127046
property tax rate required throughout the stated maturity of the 127047
bonds to pay debt charges on the bonds; 127048

(2) The proposed rate of the tax, if any, for current 127049
operating expenses expressed in mills for each one dollar of 127050
taxable value and in dollars for each one hundred thousand 127051
dollars of ~~the county auditor's appraised~~ market value, the 127052
first year the tax will be levied, and the number of years it 127053
will be levied, or that it will be levied for a continuing 127054
period of time; 127055

(3) The proposed rate of the tax, if any, for permanent 127056
improvements expressed in mills for each one dollar of taxable 127057
value and in dollars for each one hundred thousand dollars of 127058
~~the county auditor's appraised~~ market value, the first year the 127059

tax will be levied, and the number of years it will be levied, 127060
or that it will be levied for a continuing period of time. 127061

The resolution shall apportion the annual rate of the tax 127062
between current operating expenses and permanent improvements, 127063
if both taxes are proposed. The apportionment may but need not 127064
be the same for each year of the tax, but the respective 127065
portions of the rate actually levied each year for current 127066
operating expenses and permanent improvements shall be limited 127067
by the apportionment. The resolution shall go into immediate 127068
effect upon its passage, and no publication of it is necessary 127069
other than that provided in the notice of election. The board of 127070
education shall certify a copy of the resolution, along with 127071
copies of the auditor's estimates and its resolution under 127072
division (A) of this section, to the board of elections 127073
immediately after its adoption. 127074

(C) The board of elections shall make the arrangements for 127075
the submission to the electors of the school district of the 127076
question proposed under division (B) or (J) of this section, and 127077
the election shall be conducted, canvassed, and certified in the 127078
same manner as regular elections in the district for the 127079
election of county officers. The resolution shall be put before 127080
the electors as one ballot question, with a favorable vote 127081
indicating approval of the bond issue, the levy to pay debt 127082
charges on the bonds and any anticipatory securities, the 127083
current operating expenses levy, the permanent improvements 127084
levy, and the levy for the current expenses of a qualifying 127085
school district and of partnering community schools, as those 127086
levies may be proposed. The board of elections shall publish 127087
notice of the election in a newspaper of general circulation in 127088
the school district once a week for two consecutive weeks, or as 127089
provided in section 7.16 of the Revised Code, prior to the 127090

election. If a board of elections operates and maintains a web site, that board also shall post notice of the election on its web site for thirty days prior to the election. The notice of election shall state all of the following:

(1) The principal amount of the proposed bond issue;

(2) The permanent improvements for which the bonds are to be issued;

(3) The maximum number of years over which the principal of the bonds may be paid;

(4) The estimated additional average annual property tax rate to pay the debt charges on the bonds, as certified by the county auditor and expressed in mills for each one dollar of taxable value and in dollars for each one hundred thousand dollars of ~~the county auditor's appraised~~ market value;

(5) The proposed rate of the additional tax, if any, for current operating expenses expressed in mills for each one dollar of taxable value and in dollars for each one hundred thousand dollars of ~~the county auditor's appraised~~ market value and, if the question is proposed under division (J) of this section, the portion of the rate to be allocated to the school district and the portion to be allocated to partnering community schools;

(6) The number of years the current operating expenses tax will be in effect, or that it will be in effect for a continuing period of time;

(7) The proposed rate of the additional tax, if any, for permanent improvements expressed in mills for each one dollar of taxable value and in dollars for each one hundred thousand dollars of ~~the county auditor's appraised~~ market value;

(8) The number of years the permanent improvements tax 127120
will be in effect, or that it will be in effect for a continuing 127121
period of time; 127122

(9) The annual estimated collections, if applicable, of 127123
the current operating expenses levy and permanent improvements 127124
levy, as certified by the county auditor; 127125

(10) The time and place of the special election. 127126

(D) The form of the ballot for an election under this 127127
section is as follows: 127128

"Shall the _____ school district be authorized to do 127129
the following: 127130

(1) Issue bonds for the purpose of _____ in the 127131
principal amount of \$_____, to be repaid annually over a 127132
maximum period of _____ years, and levy a property tax outside 127133
the ten-mill limitation, estimated by the county auditor to 127134
average over the bond repayment period _____ mills for each \$1 127135
of taxable value, which amounts to \$_____ for each \$100,000 of 127136
~~the county auditor's appraised market~~ value, to pay the annual 127137
debt charges on the bonds, and to pay debt charges on any notes 127138
issued in anticipation of those bonds?" 127139

If either a levy for permanent improvements or a levy for 127140
current operating expenses is proposed, or both are proposed, 127141
the ballot also shall contain the following language, as 127142
appropriate: 127143

"(2) Levy an additional property tax to provide funds for 127144
the acquisition, construction, enlargement, renovation, and 127145
financing of permanent improvements, that the county auditor 127146
estimates will collect \$_____ annually, at a rate not exceeding 127147
_____ mills for each \$1 of taxable value, which amounts to 127148

\$_____ for each \$100,000 of ~~the county auditor's appraised~~ 127149
market value, for _____ (number of years of the levy, or a 127150
continuing period of time)? 127151

(3) Levy an additional property tax to pay current 127152
operating expenses, that the county auditor estimates will 127153
collect \$_____ annually, at a rate not exceeding _____ mills 127154
for each \$1 of taxable value, which amounts to \$_____ for each 127155
\$100,000 of ~~the county auditor's appraised~~ market value, for 127156
_____ (number of years of the levy, or a continuing period of 127157
time)? 127158
127159

	FOR THE BOND ISSUE AND LEVY (OR LEVIES)
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)

"

If the question is proposed under division (J) of this 127160
section, the form of the ballot shall be modified as prescribed 127161
by division (J) (4) of this section. 127162

(E) The board of elections promptly shall certify the 127163
results of the election to the tax commissioner and the county 127164
auditor of the county in which the school district is located. 127165
If a majority of the electors voting on the question vote for 127166
it, the board of education may proceed with issuance of the 127167
bonds and with the levy and collection of the property tax or 127168
taxes at the additional rate or any lesser rate in excess of the 127169
ten-mill limitation. Any securities issued by the board of 127170
education under this section are Chapter 133. securities, as 127171
that term is defined in section 133.01 of the Revised Code. 127172

(F) (1) After the approval of a tax for current operating 127173
expenses under this section and prior to the time the first 127174

collection and distribution from the levy can be made, the board 127175
of education may anticipate a fraction of the proceeds of such 127176
levy and issue anticipation notes in a principal amount not 127177
exceeding fifty per cent of the total estimated proceeds of the 127178
tax to be collected during the first year of the levy. 127179

(2) After the approval of a tax under this section for 127180
permanent improvements having a specific purpose, the board of 127181
education may anticipate a fraction of the proceeds of such tax 127182
and issue anticipation notes in a principal amount not exceeding 127183
fifty per cent of the total estimated proceeds of the tax 127184
remaining to be collected in each year over a period of five 127185
years after issuance of the notes. 127186

(3) After the approval of a tax under this section for 127187
general permanent improvements as defined under section 5705.21 127188
of the Revised Code, the board of education may anticipate a 127189
fraction of the proceeds of such tax and issue anticipation 127190
notes in a principal amount not exceeding fifty per cent of the 127191
total estimated proceeds of the tax to be collected in each year 127192
over a specified period of years, not exceeding ten, after 127193
issuance of the notes. 127194

Anticipation notes under this section shall be issued as 127195
provided in section 133.24 of the Revised Code. Notes issued 127196
under division (F) (1) or (2) of this section shall have 127197
principal payments during each year after the year of their 127198
issuance over a period not to exceed five years, and may have a 127199
principal payment in the year of their issuance. Notes issued 127200
under division (F) (3) of this section shall have principal 127201
payments during each year after the year of their issuance over 127202
a period not to exceed ten years, and may have a principal 127203
payment in the year of their issuance. 127204

(G) A tax for current operating expenses or for permanent improvements levied under this section for a specified number of years may be renewed ~~or replaced~~ in the same manner as a tax for current operating expenses or for permanent improvements levied under section 5705.21 of the Revised Code. A tax for current operating expenses or for permanent improvements levied under this section for a continuing period of time may be decreased in accordance with section 5705.261 of the Revised Code.

(H) The submission of a question to the electors under this section is subject to the limitation on the number of elections that can be held in a year under section 5705.214 of the Revised Code.

(I) A school district board of education proposing a ballot measure under this section to generate local resources for a project under the school building assistance expedited local partnership program under section 3318.36 of the Revised Code may combine the questions under division (D) of this section with a question for the levy of a property tax to generate moneys for maintenance of the classroom facilities acquired under that project as prescribed in section 3318.361 of the Revised Code.

(J) (1) After receiving the county auditor's certifications under division (A) of this section, the board of education of a qualifying school district, by a vote of two-thirds of all its members, may declare by resolution that it is necessary to levy a tax in excess of the ten-mill limitation for the purpose of paying the current expenses of the school district and of partnering community schools, as defined in section 5705.21 of the Revised Code; that it is necessary to issue general obligation bonds of the school district for permanent

improvements of the district and to levy an additional tax in 127235
excess of the ten-mill limitation to pay debt charges on the 127236
bonds and any anticipatory securities; and that the question of 127237
the bonds and taxes shall be submitted to the electors of the 127238
school district at a special election, which shall not be 127239
earlier than ninety days after certification of the resolution 127240
to the board of elections, and the date of which shall be 127241
consistent with section 3505.01 of the Revised Code. 127242

The levy of taxes for the current expenses of a partnering 127243
community school under division (J) of this section and the 127244
distribution of proceeds from the tax by a qualifying school 127245
district to partnering community schools is hereby determined to 127246
be a proper public purpose. 127247

(2) The tax for the current expenses of the school 127248
district and of partnering community schools is subject to the 127249
requirements of divisions (B) (3), (4), and (5) of section 127250
5705.21 of the Revised Code. 127251

(3) In addition to the required specifications of the 127252
resolution under division (B) of this section, the resolution 127253
shall express the rate of the tax in mills for each one dollar 127254
of taxable value and in dollars for each one hundred thousand 127255
dollars of ~~the county auditor's appraised~~ market value, state 127256
the number of the mills to be levied for the current expenses of 127257
the partnering community schools and the number of the mills to 127258
be levied for the current expenses of the school district, 127259
specify the number of years (not exceeding ten) the tax will be 127260
levied or that it will be levied for a continuing period of 127261
time, and state the first year the tax will be levied. 127262

The resolution shall go into immediate effect upon its 127263
passage, and no publication of it is necessary other than that 127264

provided in the notice of election. The board of education shall 127265
 certify a copy of the resolution, along with copies of the 127266
 auditor's estimate and its resolution under division (A) of this 127267
 section, to the board of elections immediately after its 127268
 adoption. 127269

(4) The form of the ballot shall be modified by replacing 127270
 the ballot form set forth in division (D) (3) of this section 127271
 with the following: 127272

"Levy an additional property tax for the purpose of the 127273
 current expenses of the school district and of partnering 127274
 community schools, that the county auditor estimates will 127275
 collect \$_____ annually, at a rate not exceeding _____ mills 127276
 for each \$1 of taxable value (of which _____ (insert the number 127277
 of mills to be allocated to partnering community schools) mills 127278
 is to be allocated to partnering community schools), which 127279
 amounts to \$_____ for each \$100,000 of ~~the county auditor's~~ 127280
~~appraised market~~ value, for _____ (insert the number of years 127281
 the levy is to be imposed, or that it will be levied for a 127282
 continuing period of time)? 127283

	FOR THE BOND ISSUE AND LEVY (OR LEVIES)
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)

"

(5) After the approval of a tax for the current expenses 127285
 of the school district and of partnering community schools under 127286
 division (J) of this section, and prior to the time the first 127287
 collection and distribution from the levy can be made, the board 127288
 of education may anticipate a fraction of the proceeds of the 127289
 levy for the current expenses of the school district and issue 127290
 anticipation notes in a principal amount not exceeding fifty per 127291

cent of the estimated proceeds of the levy to be collected 127292
during the first year of the levy and allocated to the school 127293
district. The portion of levy proceeds to be allocated to 127294
partnering community schools shall not be included in the 127295
estimated proceeds anticipated under this division and shall not 127296
be used to pay debt charges on any anticipation notes. 127297

The notes shall be issued as provided in section 133.24 of 127298
the Revised Code, shall have principal payments during each year 127299
after the year of their issuance over a period not to exceed 127300
five years, and may have a principal payment in the year of 127301
their issuance. 127302

(6) A tax for the current expenses of the school district 127303
and of partnering community schools levied under division (J) of 127304
this section for a specified number of years may be renewed ~~or~~ 127305
~~replaced~~ in the same manner as a tax for the current expenses of 127306
a school district and of partnering community schools levied 127307
under division (B) of section 5705.21 of the Revised Code. A tax 127308
for the current expenses of the school district and of 127309
partnering community schools levied under this division for a 127310
continuing period of time may be decreased in accordance with 127311
section 5705.261 of the Revised Code. 127312

(7) The proceeds from the issuance of the general 127313
obligation bonds under division (J) of this section shall be 127314
used solely to pay for permanent improvements of the school 127315
district and not for permanent improvements of partnering 127316
community schools. 127317

Sec. 5705.219. (A) As used in this section: 127318

(1) "Eligible school district" means a city, local, or 127319
exempted village school district in which the taxes charged and 127320

payable for current expenses on residential/agricultural real 127321
property in the tax year preceding the year in which the levy 127322
authorized by this section will be submitted for elector 127323
approval or rejection are greater than two per cent of the 127324
taxable value of the residential/agricultural real property. 127325

(2) "Residential/agricultural real property" and 127326
"nonresidential/agricultural real property" means the property 127327
classified as such under section 5713.041 of the Revised Code. 127328

(3) "Effective tax rate" and "taxes charged and payable" 127329
have the same meanings as in division (B) of section 319.301 of 127330
the Revised Code. 127331

(B) On or after January 1, 2010, but before January 1, 127332
2015, the board of education of an eligible school district, by 127333
a vote of two-thirds of all its members, may adopt a resolution 127334
proposing to convert existing levies imposed for the purpose of 127335
current expenses into a levy raising a specified amount of tax 127336
money by repealing all or a portion of one or more of those 127337
existing levies and imposing a levy in excess of the ten-mill 127338
limitation that will raise a specified amount of money for 127339
current expenses of the district. 127340

The board of education shall certify a copy of the 127341
resolution to the tax commissioner not later than one hundred 127342
five days before the election upon which the repeal and levy 127343
authorized by this section will be proposed to the electors. 127344
Within ten days after receiving the copy of the resolution, the 127345
tax commissioner shall determine each of the following and 127346
certify the determinations to the board of education: 127347

(1) The dollar amount to be raised by the proposed levy, 127348
which shall be the product of: 127349

(a) The difference between the aggregate effective tax rate for residential/agricultural real property for the tax year preceding the year in which the repeal and levy will be proposed to the electors and twenty mills for each one dollar of taxable value; 127350
127351
127352
127353
127354

(b) The total taxable value of all property on the tax list of real and public utility property for the tax year preceding the year in which the repeal and levy will be proposed to the electors. 127355
127356
127357
127358

(2) The estimated tax rate of the proposed levy. 127359

(3) The existing levies and any portion of an existing levy to be repealed upon approval of the question. Levies shall be repealed in reverse chronological order from most recently imposed to least recently imposed until the sum of the effective tax rates repealed for residential/agricultural real property is equal to the difference calculated in division (B) (1) (a) of this section. 127360
127361
127362
127363
127364
127365
127366

(4) The sum of the following: 127367

(a) The total taxable value of nonresidential/agricultural real property for the tax year preceding the year in which the repeal and levy will be proposed to the electors multiplied by the difference between (i) the aggregate effective tax rate for nonresidential/agricultural real property for the existing levies and any portion of an existing levy to be repealed and (ii) the amount determined under division (B) (1) (a) of this section, but not less than zero; 127368
127369
127370
127371
127372
127373
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127375

(b) The total taxable value of public utility tangible personal property for the tax year preceding the year in which the repeal and levy will be proposed to the electors multiplied 127376
127377
127378

by the difference between (i) the aggregate voted tax rate for 127379
the existing levies and any portion of an existing levy to be 127380
repealed and (ii) the amount determined under division (B) (1) (a) 127381
of this section, but not less than zero. 127382

(C) Upon receipt of the certification from the tax 127383
commissioner under division (B) of this section, a majority of 127384
the members of the board of education may adopt a resolution 127385
proposing the repeal of the existing levies as identified in the 127386
certification and the imposition of a levy in excess of the ten- 127387
mill limitation that will raise annually the amount certified by 127388
the commissioner. If the board determines that the tax should be 127389
for an amount less than that certified by the commissioner, the 127390
board may request that the commissioner redetermine the rate 127391
under division (B) (2) of this section on the basis of the lesser 127392
amount the levy is to raise as specified by the board. The 127393
amount certified under division (B) (4) and the levies to be 127394
repealed as certified under division (B) (3) of this section 127395
shall not be redetermined. Within ten days after receiving a 127396
timely request specifying the lesser amount to be raised by the 127397
levy, the commissioner shall redetermine the rate and recertify 127398
it to the board as otherwise provided in division (B) of this 127399
section. Only one such request may be made by the board of 127400
education of an eligible school district. 127401

The resolution shall state the first calendar year in 127402
which the levy will be due; the existing levies and any portion 127403
of an existing levy that will be repealed, as certified by the 127404
commissioner; the term of the levy expressed in years, which may 127405
be any number not exceeding ten, or that it will be levied for a 127406
continuing period of time; and the date of the election, which 127407
shall be the date of a primary or general election. 127408

Immediately upon its passage, the resolution shall go into effect and shall be certified by the board of education to the county auditor of the proper county. The county auditor and the board of education shall proceed as required under section 5705.195 of the Revised Code, as that section existed before the effective date of its repeal by this act. No publication of the resolution is necessary other than that provided for in the notice of election. Section 5705.196 of the Revised Code, as that section existed before the effective date of its repeal by this act, shall govern the matters concerning the election. The submission of a question to the electors under this section is subject to the limitation on the number of election dates established by section 5705.214 of the Revised Code.

(D) The form of the ballot to be used at the election provided for in this section shall be as follows:

"Shall the existing levy of _____ (insert the voted millage rate of the levy to be repealed), currently being charged against residential and agricultural property by the _____ (insert the name of school district) at a rate of _____ (insert the residential/agricultural real property effective tax rate of the levy being repealed) for the purpose of _____ (insert the purpose of the existing levy) be repealed, and shall a levy be imposed by the _____ (insert the name of school district) in excess of the ten-mill limitation for the necessary requirements of the school district in the sum of _____ (insert the annual amount the levy is to produce), estimated by the tax commissioner to require _____ (insert the number of mills) mills for each one dollar of valuation, which amounts to _____ (insert the rate expressed in dollars and cents) for each one hundred dollars of valuation for the initial year of the tax, for a

period of _____ (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time), commencing in _____ (insert the first year the tax is to be levied), first due in calendar year _____ (insert the first calendar year in which the tax shall be due)?

	FOR THE RENEWAL OF THE TAX LEVY
	AGAINST THE RENEWAL OF THE TAX LEVY

"

127446

	FOR THE REPEAL AND TAX
	AGAINST THE REPEAL AND TAX

"

If the question submitted is a proposal to repeal all or a portion of more than one existing levy, the form of the ballot shall be modified by substituting the statement "shall the existing levy of" with "shall existing levies of" and inserting the aggregate voted and aggregate effective tax rates to be repealed.

(E) If a majority of the electors voting on the question submitted in an election vote in favor of the repeal and levy, the result shall be certified immediately after the canvass by the board of elections to the board of education. The board of education may make the levy necessary to raise the amount specified in the resolution for the purpose stated in the resolution and shall certify it to the county auditor, who shall extend it on the current year tax lists for collection. After the first year, the levy shall be included in the annual tax budget that is certified to the county budget commission.

(F) A levy imposed under this section for a continuing period of time may be decreased or repealed pursuant to section 5705.261 of the Revised Code. If a levy imposed under this section is decreased, the amount calculated under division (B) (4) of this section and paid under section 5705.2110 of the Revised Code shall be decreased by the same proportion as the levy is decreased. If the levy is repealed, no further payments shall be made to the district under that section.

(G) At any time, the board of education, by a vote of two-thirds of all of its members, may adopt a resolution to renew a tax levied under this section. The resolution shall provide for levying the tax and specifically all of the following:

(1) That the tax shall be called, and designated on the ballot as, a renewal levy;

(2) The amount of the renewal tax, which shall be no more than the amount of tax previously collected;

(3) The number of years, not to exceed ten, that the renewal tax will be levied, or that it will be levied for a continuing period of time;

(4) That the purpose of the renewal tax is for current expenses.

The board shall certify a copy of the resolution to the board of elections not later than ninety days before the date of the election at which the question is to be submitted, which shall be the date of a primary or general election.

(H) The form of the ballot to be used at the election on the question of renewing a levy under this section shall be as follows:

"Shall a tax levy renewing an existing levy of _____ 127491
 (insert the annual dollar amount the levy is to produce each 127492
 year), estimated to require _____ (insert the number of 127493
 mills) mills for each \$1 of taxable value, which amounts to 127494
 \$_____ for each \$100,000 of ~~the county auditor's appraised~~ 127495
~~market~~ value, be imposed by the _____ (insert the name of 127496
 school district) for the purpose of current expenses for a 127497
 period of _____ (insert the number of years the levy is to 127498
 be imposed, or that it will be levied for a continuing period of 127499
 time), commencing in _____ (insert the first year the tax 127500
 is to be levied), first due in calendar year _____ (insert 127501
 the first calendar year in which the tax shall be due)? 127502
 127503

	FOR THE RENEWAL OF THE TAX LEVY
	AGAINST THE RENEWAL OF THE TAX LEVY

If the levy submitted is to be for less than the amount of 127504
 money previously collected, the form of the ballot shall be 127505
 modified to add "and reducing" after "renewing" and to add 127506
 before "estimated to require" the statement "be approved at a 127507
 tax rate necessary to produce \$_____ (insert the lower 127508
 annual dollar amount the levy is to produce each year)." 127509

Sec. 5705.2111. (A) If the board of directors of a 127510
 regional student education district created under section 127511
 3313.83 of the Revised Code desires to levy a tax in excess of 127512
 the ten-mill limitation throughout the district for the purpose 127513
 of funding the services to be provided by the district to 127514
 students enrolled in the school districts of which the district 127515
 is composed and their immediate family members, the board shall 127516
 propose the levy to each of the boards of education of those 127517

school districts. The proposal shall specify the rate or amount 127518
of the tax, the number of years the tax will be levied or that 127519
it will be levied for a continuing period of time, and that the 127520
aggregate rate of the tax shall not exceed three mills per 127521
dollar of taxable value in the regional student education 127522
district. 127523

(B) (1) If ~~a majority~~ two-thirds of the members of the 127524
boards of education of each of the school districts of which the 127525
regional student education district is composed approves the 127526
proposal for the tax levy, the board of directors of the 127527
regional student education district may adopt a resolution 127528
approved by a majority of the board's full membership declaring 127529
the necessity of levying the proposed tax in excess of the ten- 127530
mill limitation throughout the district for the purpose of 127531
funding the services to be provided by the district to students 127532
enrolled in the school districts of which the district is 127533
composed and their immediate family members. The resolution 127534
shall provide for the question of the tax to be submitted to the 127535
electors of the district at a general, primary, or special 127536
election on a day to be specified in the resolution that is 127537
consistent with the requirements of section 3501.01 of the 127538
Revised Code and that occurs at least ninety days after the 127539
resolution is certified to the board of elections. The 127540
resolution shall specify the rate or amount of the tax and the 127541
number of years the tax will be levied or that the tax will be 127542
levied for a continuing period of time. The aggregate rate of 127543
tax levied by a regional student education district under this 127544
section at any time shall not exceed three mills per dollar of 127545
taxable value in the district. A tax levied under this section 127546
may be renewed, subject to section 5705.25 of the Revised Code, ~~or~~ 127547
~~or replaced as provided in section 5705.192 of the Revised Code.~~ 127548

(2) The resolution shall take effect immediately upon passage, and no publication of the resolution is necessary other than that provided in the notice of election. The resolution shall be certified and submitted in the manner provided under section 5705.25 of the Revised Code, and that section governs the arrangements governing submission of the question and other matters concerning the election.

Sec. 5705.2113. The fiscal board of a qualifying partnership may declare that it is necessary to issue general obligation bonds for the purpose of acquiring classroom facilities and necessary appurtenances and to levy a tax in excess of the ten-mill limitation to pay debt charges on the bonds as provided in section 133.18 of the Revised Code, subject to the following:

(A) The issuance of the bonds and the levy of the tax is subject to approval by a majority of the electors in the combined territory of all participating school districts, not necessarily by a majority of electors in each participating school district.

(B) Before proposing the question of issuing bonds to the electors, the fiscal board shall obtain identical resolutions adopted by ~~a majority~~ two-thirds of the members of the board of education of each participating school district specifying all of the matters required by division (B) of section 133.18 of the Revised Code.

(C) The maximum maturity of the bonds shall be fifteen years, notwithstanding section 133.20 of the Revised Code.

(D) The bonds are Chapter 133. securities for the purposes of Chapter 133. of the Revised Code and other law applying to

Chapter 133. securities, except as otherwise provided in this 127578
section. 127579

(E) The combined territory and tax valuation of all 127580
participating school districts is the territory and tax 127581
valuation of the subdivision for the purposes of that section. 127582

(F) The fiscal board is a "taxing authority" for the 127583
purposes of Chapter 133. of the Revised Code with respect to the 127584
tax and bonds authorized under this section, and the treasurer 127585
of the school district serving as the fiscal board is the fiscal 127586
officer for the purposes of that chapter. 127587

Sec. 5705.2114. (A) If the board of directors of a career- 127588
technical cooperative education district created under section 127589
3313.831 of the Revised Code desires to levy a tax in excess of 127590
the ten-mill limitation throughout the district for the purpose 127591
of funding the services to be provided by the district to 127592
students enrolled in the school districts of which the district 127593
is composed, the board shall propose the levy to each of the 127594
boards of education of those school districts. The proposal 127595
shall specify the rate or amount of the tax, the number of years 127596
the tax will be levied or that it will be levied for a 127597
continuing period of time, and that the aggregate rate of the 127598
tax shall not exceed three mills per dollar of taxable value in 127599
the career-technical cooperative education district. 127600

(B) (1) If a majority of the boards of education of the 127601
school districts of which the career-technical cooperative 127602
education district is composed approves the proposal for the tax 127603
levy, the board of directors of the career-technical cooperative 127604
education district may adopt a resolution approved by a majority 127605
of the board's full membership declaring the necessity of 127606
levying the proposed tax in excess of the ten-mill limitation 127607

throughout the district for the purpose of funding the services 127608
to be provided by the district to students enrolled in the 127609
school districts of which the district is composed. The 127610
resolution shall provide for the question of the tax to be 127611
submitted to the electors of the district at a general, primary, 127612
or special election on a day to be specified in the resolution 127613
that is consistent with the requirements of section 3501.01 of 127614
the Revised Code and that occurs at least ninety days after the 127615
resolution is certified to the board of elections. The 127616
resolution shall specify the rate or amount of the tax and the 127617
number of years the tax will be levied or that the tax will be 127618
levied for a continuing period of time. The aggregate rate of 127619
tax levied by a career-technical cooperative education district 127620
under this section at any time shall not exceed three mills per 127621
dollar of taxable value in the district. A tax levied under this 127622
section may be renewed, subject to section 5705.25 of the 127623
Revised Code, except that the tax may not be renewed and 127624
increased. 127625

(2) The resolution shall take effect immediately upon 127626
passage, and no publication of the resolution is necessary other 127627
than that provided in the notice of election. The resolution 127628
shall be certified and submitted in the manner provided under 127629
section 5705.25 of the Revised Code, and that section governs 127630
the arrangements governing submission of the question and other 127631
matters concerning the election. 127632

Sec. 5705.221. (A) At any time, the board of county 127633
commissioners of any county by a majority vote of the full 127634
membership may declare by resolution and certify to the board of 127635
elections of the county that the amount of taxes which may be 127636
raised within the ten-mill limitation by levies on the current 127637
tax duplicate will be insufficient to provide the necessary 127638

requirements of the county's alcohol, drug addiction, and mental 127639
health service district established pursuant to Chapter 340. of 127640
the Revised Code, or the county's contribution to a joint-county 127641
district of which the county is a part, and that it is necessary 127642
to levy a tax in excess of such limitation for the operation of 127643
community addiction services providers and community mental 127644
health services providers and the acquisition, construction, 127645
renovation, financing, maintenance, and operation of alcohol and 127646
drug addiction facilities and mental health facilities. 127647

Such resolution shall conform to section 5705.19 of the 127648
Revised Code, except that the increased rate may be in effect 127649
for any number of years not exceeding ten. 127650

The resolution shall be certified and submitted in the 127651
manner provided in section 5705.25 of the Revised Code, except 127652
that it may be placed on the ballot in any election, and except 127653
as otherwise provided in division (G) of this section. The 127654
resolution shall be certified to the board of elections not less 127655
than ninety days before the election at which it will be voted 127656
upon. 127657

If the majority of the electors voting on a levy to 127658
supplement general fund appropriations for the support of the 127659
comprehensive community addiction and mental health services 127660
providers vote in favor of the levy, the board may levy a tax 127661
within the county at the additional rate outside the ten-mill 127662
limitation during the specified period, for the purpose stated 127663
in the resolution. 127664

(B) When electors have approved a tax levy under this 127665
section, the board of county commissioners may anticipate a 127666
fraction of the proceeds of the levy and, from time to time, 127667
issue anticipation notes in accordance with section 5705.191 or 127668

5705.193 of the Revised Code. 127669

(C) The county auditor who is the fiscal officer of the 127670
alcohol, drug addiction, and mental health service district, 127671
upon receipt of a resolution from the board of alcohol, drug 127672
addiction, and mental health services, shall establish for the 127673
district a capital improvements account or a reserve balance 127674
account, or both, as specified in the resolution. The capital 127675
improvements account shall be a contingency fund for the 127676
necessary acquisition, replacement, renovation, or construction 127677
of facilities and movable and fixed equipment. Upon the request 127678
of the board, funds not needed to pay for current expenses may 127679
be appropriated to the capital improvements account, in amounts 127680
such that the account does not exceed twenty-five per cent of 127681
the replacement value of all capital facilities and equipment 127682
currently used by the board for programs and services. Other 127683
funds which are available for current capital expenses from 127684
federal, state, or local sources may also be appropriated to 127685
this account. 127686

The reserve balance account shall contain those funds that 127687
are not needed to pay for current operating expenses and not 127688
deposited in the capital improvements account but that will be 127689
needed to pay for operating expenses in the future. Upon the 127690
request of a board, such funds shall be appropriated to the 127691
reserve balance account. Payments from the capital improvements 127692
account and the reserve balance account shall be made by the 127693
county treasurer who is the custodian of funds for the district 127694
upon warrants issued by the county auditor who is the fiscal 127695
officer of the district pursuant to orders of the board. 127696

(D) If a board of county commissioners levies a tax under 127697
this section for the county's contribution to a joint-county 127698

district of which the county is a part, revenue from the tax 127699
shall only be expended for the benefit of the residents of the 127700
county. 127701

(E) If a board of county commissioners levies a tax under 127702
this section for the county's contribution to a joint-county 127703
district of which the county is a part and that district expands 127704
or contracts due to the addition or withdrawal of another 127705
county, the board, provided that county remains a part of the 127706
newly expanded or contracted joint-county district, shall 127707
continue to levy and collect that tax, pursuant to the terms 127708
originally approved by electors, for the county's contribution 127709
to the newly expanded or contracted joint-county district of 127710
which the county is a part. Notwithstanding ~~sections 5705.192-~~ 127711
~~and section 5705.25~~ of the Revised Code, the election notice and 127712
ballot language of a renewal ~~or replacement~~ of such a levy shall 127713
identify the name of the newly expanded or contracted joint- 127714
county district. 127715

(F) If a board of county commissioners levies a tax under 127716
this section for the county's contribution to a joint-county 127717
district of which the county is a part and the county withdraws 127718
from the district, the board shall continue to levy and collect 127719
that tax, pursuant to the terms originally approved by electors, 127720
for one of the following purposes, if either situation applies: 127721

(1) For the county's contribution to a newly joined joint- 127722
county district, if the county joins such a joint-county 127723
district in the tax year after the year in which the county 127724
withdraws from the other joint-county district; 127725

(2) To provide the necessary requirements of the county's 127726
alcohol, drug addiction, and mental health service district, if 127727
the county establishes such a district under Chapter 340. of the 127728

Revised Code in the tax year after the year in which the county
withdraws from the joint-county district. 127729
127730

Notwithstanding ~~sections 5705.192 and~~ section 5705.25 of
the Revised Code, the election notice and ballot language of a
renewal ~~or replacement~~ of such a levy shall identify the name of
the newly established district or newly joined joint-county
district. 127731
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(G) Division (G) of this section applies only if all of
the following apply: 127736
127737

(1) The county withdraws from a joint-county district. 127738

(2) The board of alcohol, drug addiction, and mental
health services of that joint-county district levies a tax under
section 5705.19 of the Revised Code in the tax year for which
the county withdraws from the joint-county district. 127739
127740
127741
127742

(3) The board of county commissioners of the withdrawing
county adopts a resolution under division (A) of this section
proposing a tax under this section that specifies that the first
tax year the tax is to be levied by the board is the tax year
after the year the tax described in division (G) (2) of this
section expires or is renewed ~~or replaced~~, as authorized under
division (B) of section 340.01 of the Revised Code. 127743
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The proposed tax described in division (G) (3) of this
section may be a renewal, renewal and decrease, or renewal and
increase of the tax described in division (G) (2) of this
section, except that, notwithstanding section 5705.25 of the
Revised Code, the election notice and ballot language of a
renewal of such a levy shall identify the county as the
subdivision within which the tax will be levied and not the
joint-county district from which the county withdrew. 127750
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~~Alternatively, the tax described in division (G) (3) of
this section may be a replacement, replacement and decrease, or
replacement and increase of the tax described in division (G) (2)
of this section, as authorized under section 5705.192 of the
Revised Code, except that, notwithstanding that section, the
election notice and ballot language of a replacement of such a
levy shall identify the county as the subdivision within which
the tax will be levied and not the joint county district from
which the county withdrew.~~

Sec. 5705.222. (A) At any time the board of county
commissioners of any county by a majority vote of the full
membership may declare by resolution and certify to the board of
elections of the county that the amount of taxes which may be
raised within the ten-mill limitation by levies on the current
tax duplicate will be insufficient to provide the necessary
requirements of the county board of developmental disabilities
established pursuant to Chapter 5126. of the Revised Code and
that it is necessary to levy a tax in excess of such limitation
for the operation of community programs and services authorized
by county boards of developmental disabilities, for the
acquisition, construction, renovation, financing, maintenance,
and operation of developmental disabilities facilities, or for
both of such purposes.

The resolution shall conform to section 5705.19 of the
Revised Code, except that the increased rate may be in effect
for any number of years not exceeding ten or for a continuing
period of time.

The resolution shall be certified and submitted in the
manner provided in section 5705.25 of the Revised Code, except
that it may be placed on the ballot in any election, and shall

be certified to the board of elections not less than ninety days 127788
before the election at which it will be voted upon. 127789

If the majority of the electors voting on a levy for the 127790
support of the programs and services of the county board of 127791
developmental disabilities vote in favor of the levy, the board 127792
of county commissioners may levy a tax within the county at the 127793
additional rate outside the ten-mill limitation during the 127794
specified or continuing period, for the purpose stated in the 127795
resolution. 127796

The county board of developmental disabilities, within its 127797
budget and with the approval of the board of county 127798
commissioners through annual appropriations, shall use the 127799
proceeds of a levy approved under this section or division (L) 127800
of section 5705.19 of the Revised Code solely for the purposes 127801
authorized by that section or division. 127802

A board of county commissioners that levies a tax under 127803
this section or for the purpose authorized by division (L) of 127804
section 5705.19 of the Revised Code, by a majority vote of the 127805
full membership, may adopt a resolution to renew such a levy, or 127806
renew two or more such levies as a single ballot question, in 127807
the manner provided by section 5705.25 of the Revised Code for 127808
the renewal of existing levies. The purpose of the renewal levy 127809
may be for any of the purposes authorized for a levy imposed 127810
under this section or division (L) of section 5705.19 of the 127811
Revised Code. The term of the renewal levy may be for any number 127812
of years not exceeding ten or for a continuing period of time. 127813

(B) When electors have approved a tax levy under this 127814
section, the county commissioners may anticipate a fraction of 127815
the proceeds of the levy and issue anticipation notes in 127816
accordance with section 5705.191 or 5705.193 of the Revised 127817

Code. 127818

(C) The county auditor, upon receipt of a resolution from 127819
the county board of developmental disabilities, shall establish 127820
a capital improvements account or a reserve balance account, or 127821
both, as specified in the resolution. The capital improvements 127822
account shall be a contingency account for the necessary 127823
acquisition, replacement, renovation, or construction of 127824
facilities and movable and fixed equipment. Upon the request of 127825
the county board of developmental disabilities, moneys not 127826
needed to pay for current expenses may be appropriated to this 127827
account, in amounts such that this account does not exceed 127828
twenty-five per cent of the replacement value of all capital 127829
facilities and equipment currently used by the county board of 127830
developmental disabilities for developmental disabilities 127831
programs and services. Other moneys available for current 127832
capital expenses from federal, state, or local sources may also 127833
be appropriated to this account. 127834

The reserve balance account shall contain those moneys 127835
that are not needed to pay for current operating expenses and 127836
not deposited in the capital improvements account but that will 127837
be needed to pay for operating expenses in the future. Upon the 127838
request of a county board of developmental disabilities, the 127839
board of county commissioners may appropriate county funds, 127840
including funds from federal and state sources, to the reserve 127841
balance account. 127842

The total balance in a reserve balance account shall not 127843
exceed forty per cent of the county board of developmental 127844
disabilities' expenditures for all services in the preceding 127845
calendar year. 127846

~~Amounts in a capital improvements account or reserve~~ 127847

~~balance account that are not in excess of the limitations— 127848~~
~~prescribed in this division shall be considered reasonable and— 127849~~
~~shall not be taken into consideration by the county budget— 127850~~
~~commission when determining whether to reduce the taxing— 127851~~
~~authority of a county under section 5705.32 of the Revised Code. 127852~~

Sec. 5705.233. (A) As used in this section, "criminal 127853
justice facility" means any facility located within the county 127854
in which a tax is levied under this section and for which the 127855
board of commissioners of such county may make an appropriation 127856
under section 307.45 of the Revised Code. 127857

(B) The board of county commissioners of any county, at 127858
any time, may declare by resolution that it may be necessary for 127859
the county to issue general obligation bonds for permanent 127860
improvements to a criminal justice facility, including the 127861
acquisition, construction, enlargement, renovation, or 127862
maintenance of such a facility. The resolution shall state all 127863
of the following: 127864

(1) The necessity and purpose of the bond issue; 127865

(2) The date of the general or special election at which 127866
the question shall be submitted to the electors; 127867

(3) The amount, approximate date, estimated rate of 127868
interest, and maximum number of years over which the principal 127869
of the bonds may be paid; 127870

(4) The necessity of levying a tax outside the ten-mill 127871
limitation to pay debt charges on the bonds and any anticipatory 127872
securities. 127873

On adoption of the resolution, the board of county 127874
commissioners shall certify a copy of it to the county auditor. 127875
The county auditor promptly shall estimate and certify to the 127876

board the average annual property tax rate, expressed in mills 127877
for each one dollar of taxable value and in dollars for each one 127878
hundred thousand dollars of ~~the county auditor's appraised~~ 127879
market value, required throughout the stated maturity of the 127880
bonds to pay debt charges on the bonds, in the same manner as 127881
under division (C) of section 133.18 of the Revised Code. Except 127882
as provided in division (C) of this section, division (B) of 127883
section 5705.03 of the Revised Code does not apply to tax levy 127884
proceedings initiated under this section. 127885

(C) After receiving the county auditor's certification 127886
under division (B) of this section and, if applicable, section 127887
5705.03 of the Revised Code, the board of county commissioners 127888
may declare by resolution that the amount of taxes that can be 127889
raised within the ten-mill limitation will be insufficient to 127890
provide an adequate amount for the present and future criminal 127891
justice requirements of the county; that it is necessary to 127892
issue general obligation bonds of the county for permanent 127893
improvements to a criminal justice facility and to levy an 127894
additional tax in excess of the ten-mill limitation to pay debt 127895
charges on the bonds and any anticipatory securities; that it is 127896
necessary for a specified number of years or for a continuing 127897
period of time to levy additional taxes in excess of the ten- 127898
mill limitation to provide funds for the acquisition, 127899
construction, enlargement, renovation, maintenance, and 127900
financing of permanent improvements to such a criminal justice 127901
facility or to pay for operating expenses of the facility and 127902
other criminal justice services for which the board may make an 127903
appropriation under section 307.45 of the Revised Code, or both; 127904
and that the question of the bonds and taxes shall be submitted 127905
to the electors of the county at a general or special election, 127906
which shall not be earlier than ninety days after certification 127907

of the resolution to the board of elections, and the date of 127908
which shall be consistent with section 3501.01 of the Revised 127909
Code. The resolution shall specify all of the following: 127910

(1) The county auditor's estimate of the average annual 127911
property tax rate required throughout the stated maturity of the 127912
bonds to pay debt charges on the bonds; 127913

(2) The proposed rate of the tax, if any, for operating 127914
expenses and criminal justice services, the first year the tax 127915
will be levied, and the number of years it will be levied, or 127916
that it will be levied for a continuing period of time; 127917

(3) The proposed rate of the tax, if any, for permanent 127918
improvements to a criminal justice facility, the first year the 127919
tax will be levied, and the number of years it will be levied, 127920
or that it will be levied for a continuing period of time. 127921

The resolution shall go into immediate effect upon its 127922
passage, and no publication of it is necessary other than that 127923
provided in the notice of election, except that division (B) of 127924
section 5705.03 of the Revised Code applies if the resolution 127925
proposes an additional tax for operating expenses and criminal 127926
justice services or permanent improvements. The board of county 127927
commissioners shall certify, immediately after its adoption, a 127928
copy of the resolution, along with copies of the auditor's 127929
certifications under division (B) of this section or section 127930
5705.03 of the Revised Code, if applicable, and the board's 127931
resolution under division (B) of this section, to the board of 127932
elections. 127933

(D) The board of elections shall make the arrangements for 127934
the submission of the question proposed under division (C) of 127935
this section to the electors of the county, and the election 127936

shall be conducted, canvassed, and certified in the same manner 127937
as regular elections in the county for the election of county 127938
officers. The resolution shall be put before the electors as one 127939
ballot question, with a favorable vote indicating approval of 127940
the bond issue, the levy to pay debt charges on the bonds and 127941
any anticipatory securities, the operating expenses and criminal 127942
justice services levy, and the permanent improvements levy, as 127943
those levies may be proposed. The board of elections shall 127944
publish notice of the election in a newspaper of general 127945
circulation in the county once a week for two consecutive weeks, 127946
or as provided in section 7.16 of the Revised Code, before the 127947
election. If a board of elections operates and maintains a web 127948
site, that board also shall post notice of the election on its 127949
web site for thirty days before the election. The notice of 127950
election shall state all of the following: 127951

(1) The principal amount of the proposed bond issue; 127952

(2) The permanent improvements for which the bonds are to 127953
be issued; 127954

(3) The maximum number of years over which the principal 127955
of the bonds may be paid; 127956

(4) The estimated additional average annual property tax 127957
rate, expressed in mills for each one dollar of taxable value 127958
and in dollars for each one hundred thousand dollars of ~~the~~ 127959
~~county auditor's appraised market~~ value, to pay the debt charges 127960
on the bonds, as certified by the county auditor; 127961

(5) The proposed rate of the additional tax, if any, for 127962
operating expenses and criminal justice services; 127963

(6) The number of years the operating expenses or criminal 127964
justice services tax will be in effect, or that it will be in 127965

effect for a continuing period of time; 127966

(7) The proposed rate of the additional tax, if any, for 127967
permanent improvements; 127968

(8) The number of years the permanent improvements tax 127969
will be in effect, or that it will be in effect for a continuing 127970
period of time; 127971

(9) The estimated annual collections, if applicable, of 127972
the current operating expenses or criminal justice services levy 127973
and permanent improvements levy, as certified by the county 127974
auditor; 127975

(10) The time and place of the election. 127976

(E) The form of the ballot for an election under this 127977
section is as follows: 127978

"Shall _____ be authorized to do the following: 127979

(1) Issue bonds for the purpose of _____ in the 127980
principal amount of \$_____, to be repaid annually over a 127981
maximum period of _____ years, and levy a property tax outside 127982
the ten-mill limitation, estimated by the county auditor to 127983
average over the bond repayment period _____ mills for each \$1 127984
of taxable value, which amounts to \$_____ for each \$100,000 of 127985
~~the county auditor's appraised market~~ value, to pay the annual 127986
debt charges on the bonds, and to pay debt charges on any notes 127987
issued in anticipation of those bonds?" 127988

If either a levy for permanent improvements or a levy for 127989
operating expenses and criminal justice services is proposed, or 127990
both are proposed, the ballot also shall contain the following 127991
language, as appropriate: 127992

"(2) Levy an additional property tax to provide funds for 127993

the acquisition, construction, enlargement, renovation, 127994
maintenance, and financing of permanent improvements to a 127995
criminal justice facility, that the county auditor estimates 127996
will collect \$_____ annually, at a rate not exceeding _____ 127997
mills for each \$1 of taxable value, which amounts to \$_____ 127998
for each \$100,000 of ~~the county auditor's appraised market~~ 127999
value, for _____ (number of years of the levy, or a continuing 128000
period of time)? 128001

(3) Levy an additional property tax to pay operating 128002
expenses of a criminal justice facility and provide other 128003
criminal justice services, that the county auditor estimates 128004
will collect \$_____ annually, at a rate not exceeding _____ 128005
mills for each \$1 of taxable value, which amounts to \$_____ 128006
for each \$100,000 of ~~the county auditor's appraised market~~ 128007
value, for _____ (number of years of the levy, or a continuing 128008
period of time)? 128009

FOR THE BOND ISSUE AND LEVY (OR LEVIES) 128010

AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)" 128011

(F) The board of elections promptly shall certify the 128012
results of the election to the tax commissioner and the county 128013
auditor. If a majority of the electors voting on the question 128014
vote for it, the board of county commissioners may proceed with 128015
issuance of the bonds and the levy and collection of the 128016
property tax for the debt service on the bonds and any 128017
anticipatory securities in the same manner and subject to the 128018
same limitations as for securities issued under section 133.18 128019
of the Revised Code, and with the levy and collection of the 128020
property tax or taxes for operating expenses and criminal 128021
justice services and for permanent improvements at the 128022
additional rate or any lesser rate in excess of the ten-mill 128023

limitation. Any securities issued by the board of commissioners 128024
under this section are Chapter 133. securities, as that term is 128025
defined in section 133.01 of the Revised Code. 128026

(G) (1) After the approval of a tax for operating expenses 128027
and criminal justice services under this section and before the 128028
time the first collection and distribution from the levy can be 128029
made, the board of county commissioners may anticipate a 128030
fraction of the proceeds of the levy and issue anticipation 128031
notes in a principal amount not exceeding fifty per cent of the 128032
total estimated proceeds of the tax to be collected during the 128033
first year of the levy. 128034

(2) After the approval of a tax under this section for 128035
permanent improvements to a criminal justice facility, the board 128036
of county commissioners may anticipate a fraction of the 128037
proceeds of the tax and issue anticipation notes in a principal 128038
amount not exceeding fifty per cent of the total estimated 128039
proceeds of the tax remaining to be collected in each year over 128040
a period of five years after issuance of the notes. 128041

Anticipation notes under this section shall be issued as 128042
provided in section 133.24 of the Revised Code. Notes issued 128043
under division (G) of this section shall have principal payments 128044
during each year after the year of their issuance over a period 128045
not to exceed five years, and may have a principal payment in 128046
the year of their issuance. 128047

(H) A tax for operating expenses and criminal justice 128048
services or for permanent improvements levied under this section 128049
for a specified number of years may be renewed ~~or replaced~~ in 128050
the same manner as a tax for current operating expenses or 128051
permanent improvements levied under section 5705.19 of the 128052
Revised Code. A tax levied under this section for a continuing 128053

period of time may be decreased in accordance with section 128054
5705.261 of the Revised Code. 128055

Sec. 5705.25. (A) (1) A copy of any resolution adopted as 128056
provided in section 5705.19 or 5705.2111 of the Revised Code 128057
shall be certified by the taxing authority to the board of 128058
elections of the proper county not less than ninety days before 128059
the general election in any year, and the board shall submit the 128060
proposal to the electors of the subdivision at the succeeding 128061
November election. In the case of a qualifying library levy, the 128062
board shall submit the question to the electors of the library 128063
district or association library district. 128064

(2) Except as otherwise provided in this division, a 128065
resolution to renew or to renew and increase or renew and 128066
decrease an existing levy, regardless of the section of the 128067
Revised Code under which the tax was imposed, shall not be 128068
placed on the ballot unless the question is submitted at the 128069
general election held during the last year the tax to be renewed 128070
may be extended on the real and public utility property tax list 128071
and duplicate, or at any election held in the ensuing year. The 128072
limitation of the foregoing sentence does not apply to a 128073
resolution to renew and increase or to renew and decrease an 128074
existing levy that was imposed under section 5705.191 of the 128075
Revised Code to supplement the general fund for the purpose of 128076
making appropriations for one or more of the following purposes: 128077
for public assistance, human or social services, relief, 128078
welfare, hospitalization, health, and support of general 128079
hospitals. The limitation of the second preceding sentence also 128080
does not apply to a resolution that proposes to renew two or 128081
more existing levies imposed under section 5705.222 or division 128082
(L) of section 5705.19 of the Revised Code, or under section 128083
5705.21 or 5705.217 of the Revised Code, in which case the 128084

question shall be submitted on the date of the general or 128085
primary election held during the last year at least one of the 128086
levies to be renewed may be extended on the real and public 128087
utility property tax list and duplicate, or at any election held 128088
during the ensuing year. A resolution proposing to renew or 128089
renew and increase or decrease an existing levy may specify that 128090
the renewal, increase, or decrease of the existing levy shall be 128091
extended on the tax list for the tax year specified in the 128092
resolution, which may be the last year the existing levy may be 128093
extended on the list or the ensuing year. If the renewal, 128094
increase, or decrease is to be extended on the tax list for the 128095
last tax year the existing levy would otherwise be extended, the 128096
existing levy shall not be extended on the tax list for that 128097
last year unless the question of the renewal, increase, or 128098
decrease is not approved by a majority of electors voting on the 128099
question, in which case the existing levy shall be extended on 128100
the tax list for that last year. 128101

For purposes of this section, a levy shall be considered 128102
to be an "existing levy" through the year following the last 128103
year it can be placed on the tax list and duplicate. 128104

(3) The board of elections shall make the necessary 128105
arrangements for the submission of such questions to the 128106
electors of such subdivision, library district, or association 128107
library district, and the election shall be conducted, 128108
canvassed, and certified in the same manner as regular elections 128109
in such subdivision, library district, or association library 128110
district for the election of county officers. Notice of the 128111
election shall be published in a newspaper of general 128112
circulation in the subdivision, library district, or association 128113
library district once a week for two consecutive weeks, or as 128114
provided in section 7.16 of the Revised Code, prior to the 128115

election. If the board of elections operates and maintains a web site, the board of elections shall post notice of the election on its web site for thirty days prior to the election. The notice shall state the purpose, the levy's estimated annual collections if the levy is not to pay debt charges, the proposed increase in rate, expressed in mills for each one dollar of taxable value, either that rate or the effective rate, as applicable, expressed in dollars for each one hundred thousand dollars of ~~the county auditor's appraised market~~ value, the number of years during which the increase will be in effect, the first month and year in which the tax will be levied, and the time and place of the election.

(B) The form of the ballots cast at an election held pursuant to division (A) of this section shall be as follows:

"An additional tax for the benefit of (name of subdivision or public library) _____ for the purpose of (purpose stated in the resolution) _____, that the county auditor estimates will collect \$_____ annually, at a rate not exceeding _____ mills for each \$1 of taxable value, which amounts to \$_____ for each \$100,000 of ~~the county auditor's appraised market~~ value, for _____ (life of indebtedness or number of years the levy is to run).

	For the Tax Levy	
	Against the Tax Levy	"

(C) If the levy is to be in effect for a continuing period of time, the notice of election and the form of ballot shall so state instead of setting forth a specified number of years for the levy.

If the additional tax or the renewal, increase, or 128143
decrease of an existing levy is to be placed on the current tax 128144
list, the form of the ballot shall be modified by adding, after 128145
the statement of the number of years the levy is to run, the 128146
phrase ", commencing in _____ (first year the tax is to be 128147
levied), first due in calendar year _____ (first calendar 128148
year in which the tax shall be due)." 128149

If the levy submitted is a proposal to renew, increase, or 128150
decrease an existing levy, the form of the ballot specified in 128151
division (B) of this section must be changed by substituting for 128152
the words "An additional" at the beginning of the form, the 128153
words "A renewal of a" in case of a proposal to renew an 128154
existing levy in the same amount; the words "A renewal of 128155
_____ mills and an increase of _____ mills for each \$1 of 128156
taxable value to constitute a" in the case of an increase; or 128157
the words "A renewal of part of an existing levy, being a 128158
reduction of _____ mills for each \$1 of taxable value, to 128159
constitute a" in the case of a decrease in the proposed levy. 128160
Additionally, the effective rate, in lieu of the rate, shall be 128161
expressed for each one hundred thousand dollars of ~~the county-~~ 128162
~~auditor's appraised market~~ value. 128163

If the levy submitted is a proposal to renew two or more 128164
existing levies imposed under section 5705.222 or division (L) 128165
of section 5705.19 of the Revised Code, or under section 5705.21 128166
or 5705.217 of the Revised Code, the form of the ballot 128167
specified in division (B) of this section shall be modified by 128168
substituting for the words "an additional tax" the words "a 128169
renewal of ____ (insert the number of levies to be renewed) 128170
existing taxes." 128171

If the levy submitted is a levy under section 5705.72 of 128172

the Revised Code or a proposal to renew, increase, or decrease 128173
an existing levy imposed under that section, the name of the 128174
subdivision shall be "the unincorporated area of _____ 128175
(name of township)."
128176

If the levy is for the payment of debt charges, the form 128177
of the ballot shall be modified by omitting the phrase ", that 128178
the county auditor estimates will collect \$_____ annually." 128179

The question covered by a resolution adopted under this 128180
section shall be submitted as a separate proposition but may be 128181
printed on the same ballot with any other proposition submitted 128182
at the same election, other than the election of officers. More 128183
than one such question may be submitted at the same election. 128184

(D) A levy voted in excess of the ten-mill limitation 128185
under this section shall be certified to the tax commissioner. 128186
In the first year of the levy, it shall be extended on the tax 128187
lists after the February settlement succeeding the election. If 128188
the additional tax is to be placed upon the tax list of the 128189
current year, as specified in the resolution providing for its 128190
submission, the result of the election shall be certified 128191
immediately after the canvass by the board of elections to the 128192
taxing authority, who shall make the necessary levy and certify 128193
it to the county auditor, who shall extend it on the tax lists 128194
for collection. After the first year, the tax levy shall be 128195
included in the annual tax budget that is certified to the 128196
county budget commission. 128197

(E) A tax levied under section 5705.2111 of the Revised 128198
Code shall not be renewed and increased. 128199

Sec. 5705.251. (A) A copy of a resolution adopted under 128200
section 5705.212 or 5705.213 of the Revised Code shall be 128201

certified by the board of education to the board of elections of 128202
the proper county not less than ninety days before the date of 128203
the election specified in the resolution, and the board of 128204
elections shall submit the proposal to the electors of the 128205
school district at a special election to be held on that date. 128206
The board of elections shall make the necessary arrangements for 128207
the submission of the question or questions to the electors of 128208
the school district, and the election shall be conducted, 128209
canvassed, and certified in the same manner as regular elections 128210
in the school district for the election of county officers. 128211
Notice of the election shall be published in a newspaper of 128212
general circulation in the subdivision once a week for two 128213
consecutive weeks, or as provided in section 7.16 of the Revised 128214
Code, prior to the election. If the board of elections operates 128215
and maintains a web site, the board of elections shall post 128216
notice of the election on its web site for thirty days prior to 128217
the election. 128218

(1) In the case of a resolution adopted under section 128219
5705.212 of the Revised Code, the notice shall state separately, 128220
for each tax being proposed, the purpose; the proposed increase 128221
in rate, expressed in dollars for each one hundred thousand 128222
dollars of ~~the county auditor's appraised~~ market value as well 128223
as in mills for each one dollar of taxable value; the number of 128224
years during which the increase will be in effect; and the first 128225
calendar year in which the tax will be due. The notice shall 128226
also state the original tax's estimated annual collections and 128227
the estimated aggregate annual collections of all such taxes. 128228
For an election on the question of a renewal levy, the notice 128229
shall state the purpose; the levy's estimated annual 128230
collections; the proposed rate, expressed in mills for each one 128231
dollar of taxable value; the effective rate, expressed in 128232

dollars for each one hundred thousand dollars of ~~the county~~ 128233
~~auditor's appraised market value~~; and the number of years the 128234
tax will be in effect. If the resolution is adopted under 128235
division (C) of that section, the rate of each tax being 128236
proposed shall be expressed as both the total rate and the 128237
portion of the total rate to be allocated to the qualifying 128238
school district and the portion to be allocated to partnering 128239
community schools. 128240

(2) In the case of a resolution adopted under section 128241
5705.213 of the Revised Code, the notice shall state the 128242
purpose; the amount proposed to be raised by the tax in the 128243
first year it is levied; the estimated average additional tax 128244
rate for the first year it is proposed to be levied, expressed 128245
in mills for each one dollar of taxable value and in dollars for 128246
each one hundred thousand dollars of ~~the county auditor's~~ 128247
~~appraised market value~~; the number of years during which the 128248
increase will be in effect; and the first calendar year in which 128249
the tax will be due. The notice also shall state the amount by 128250
which the amount to be raised by the tax may be increased in 128251
each year after the first year. The amount of the allowable 128252
increase may be expressed in terms of a dollar increase over, or 128253
a percentage of, the amount raised by the tax in the immediately 128254
preceding year. For an election on the question of a renewal 128255
levy, the notice shall state the purpose; the amount proposed to 128256
be raised by the tax; the estimated tax rate, expressed in mills 128257
for each one dollar of taxable value and in dollars for each one 128258
hundred thousand dollars of ~~the county auditor's appraised~~ 128259
~~market value~~; and the number of years the tax will be in effect. 128260

In any case, the notice also shall state the time and 128261
place of the election. 128262

(B) (1) The form of the ballot in an election on taxes 128263
proposed under section 5705.212 of the Revised Code shall be as 128264
follows: 128265

"Shall the _____ school district be authorized to 128266
levy taxes for current expenses, the aggregate rate of which may 128267
increase in _____ (number) increment(s) of not more than _____ 128268
mill(s) for each \$1 of taxable value, from an original rate of 128269
_____ mill(s) for each \$1 of taxable value, which amounts to 128270
\$_____ for each \$100,000 of ~~the county auditor's appraised-~~ 128271
~~market value,~~ that the county auditor estimates will collect 128272
\$_____ annually, to a maximum rate of _____ mill(s) for each \$1 128273
of taxable value, which amounts to \$_____ for each \$100,000 of 128274
~~the county auditor's appraised market value,~~ that the county 128275
auditor estimates will collect \$_____ annually? The original tax 128276
is first proposed to be levied in _____ (the first year of the 128277
tax), and the incremental tax in _____ (the first year of the 128278
increment) (if more than one incremental tax is proposed in the 128279
resolution, the first year that each incremental tax is proposed 128280
to be levied shall be stated in the preceding format, and the 128281
increments shall be referred to as the first, second, third, or 128282
fourth increment, depending on their number). The aggregate rate 128283
of tax so authorized will _____ (insert either, "expire 128284
with the original rate of tax which shall be in effect for 128285
_____ years" or "be in effect for a continuing period of 128286
time"). 128287

	FOR THE TAX LEVIES	"
	AGAINST THE TAX LEVIES	

If the tax is proposed by a qualifying school district 128289

under division (C) (1) of section 5705.212 of the Revised Code, 128290
the form of the ballot shall be modified by adding, after the 128291
phrase "each \$1 of taxable value," the following: "(of which 128292
_____ mills is to be allocated to partnering community 128293
schools)." 128294

(2) The form of the ballot in an election on the question 128295
of a renewal levy under section 5705.212 of the Revised Code 128296
shall be as follows: 128297

"Shall the _____ school district be authorized to 128298
renew a tax for current expenses, that the county auditor 128299
estimates will collect \$_____ annually, at a rate not exceeding 128300
_____ mills for each \$1 of taxable value, which amounts to 128301
\$_____ (effective rate) for each \$100,000 of ~~the county~~ 128302
~~auditor's appraised market value,~~ for _____ (number of 128303
years the levy shall be in effect, or a continuing period of 128304
time)? 128305
128306

	FOR THE TAX LEVIES	
	AGAINST THE TAX LEVIES	"

If the tax is proposed by a qualifying school district 128307
under division (C) (2) of section 5705.212 of the Revised Code 128308
and the total rate and the rates allocated to the school 128309
district and partnering community schools are to remain the same 128310
as those of the levy being renewed, the form of the ballot shall 128311
be modified by adding, after the phrase "each \$1 of taxable 128312
value," the following: "(of which _____ mills is to be 128313
allocated to partnering community schools)." If the total rate 128314
is to be increased, the form of the ballot shall state that the 128315
proposal is to renew the existing tax with an increase in rate 128316

and shall state the increase in rate, the total rate resulting 128317
from the increase, and, of that rate, the portion of the rate to 128318
be allocated to partnering community schools. If the total rate 128319
is to be decreased, the form of the ballot shall state that the 128320
proposal is to renew a part of the existing tax and shall state 128321
the reduction in rate, the total rate resulting from the 128322
decrease, and, of that rate, the portion of the rate to be 128323
allocated to partnering community schools. 128324

(3) If a tax proposed by a ballot form prescribed in 128325
division (B) (1) or (2) of this section is to be placed on the 128326
current tax list, the form of the ballot shall be modified by 128327
adding, after the statement of the number of years the levy is 128328
to be in effect, the phrase ", commencing in _____ (first 128329
year the tax is to be levied), first due in calendar year 128330
_____ (first calendar year in which the tax shall be due)." 128331

(C) The form of the ballot in an election on a tax 128332
proposed under section 5705.213 of the Revised Code shall be as 128333
follows: 128334

"Shall the _____ school district be authorized to levy 128335
the following tax for current expenses? The tax will first be 128336
levied in _____ (year) to raise \$_____. In the _____ (number 128337
of years) following years, the tax will increase by not more 128338
than _____ (per cent or dollar amount of increase) each year, 128339
so that, during _____ (last year of the tax), the tax will 128340
raise approximately _____ (dollars). The county auditor 128341
estimates that the rate will be _____ mill(s) for each \$1 of 128342
taxable value, which amounts to \$_____ for each \$100,000 of ~~the~~ 128343
~~county auditor's appraised market~~ value, both during _____ 128344
(first year of the tax) and _____ mill(s) for each \$1 of 128345
taxable value, which amounts to \$_____ for each \$100,000 of ~~the~~ 128346

~~county auditor's appraised market value~~, during _____ (last 128347
year of the tax). The tax will not be levied after _____ 128348
(year). 128349
128350

	FOR THE TAX LEVIES	"
	AGAINST THE TAX LEVIES	

The form of the ballot in an election on the question of a 128351
renewal levy under section 5705.213 of the Revised Code shall be 128352
as follows: 128353

"Shall the _____ school district be authorized to 128354
renew a tax for current expenses which will raise \$_____, 128355
estimated by the county auditor to be _____ mills for each 128356
\$1 of taxable value, which amounts to \$_____ for each 128357
\$100,000 of ~~the county auditor's appraised market value~~? The tax 128358
shall be in effect for _____ (the number of years the levy 128359
shall be in effect, or a continuing period of time). 128360
128361

	FOR THE TAX LEVIES	"
	AGAINST THE TAX LEVIES	

If the tax is to be placed on the current tax list, the 128362
form of the ballot shall be modified by adding, after the 128363
statement of the number of years the levy is to be in effect, 128364
the phrase ", commencing in _____ (first year the tax is to 128365
be levied), first due in calendar year _____ (first 128366
calendar year in which the tax shall be due)." 128367

(D) The question covered by a resolution adopted under 128368
section 5705.212 or 5705.213 of the Revised Code shall be 128369

submitted as a separate question, but may be printed on the same 128370
ballot with any other question submitted at the same election, 128371
other than the election of officers. More than one question may 128372
be submitted at the same election. 128373

(E) Taxes voted in excess of the ten-mill limitation under 128374
division (B) or (C) of this section shall be certified to the 128375
tax commissioner. If an additional tax is to be placed upon the 128376
tax list of the current year, as specified in the resolution 128377
providing for its submission, the result of the election shall 128378
be certified immediately after the canvass by the board of 128379
elections to the board of education. The board of education 128380
immediately shall make the necessary levy and certify it to the 128381
county auditor, who shall extend it on the tax list for 128382
collection. After the first year, the levy shall be included in 128383
the annual tax budget that is certified to the county budget 128384
commission. 128385

Sec. 5705.261. (A) The question of decrease of an 128386
increased rate of levy approved for a continuing period of time 128387
by the voters of a subdivision or, in the case of a qualifying 128388
library levy, the voters of the library district or association 128389
library district, may be initiated by the filing of a petition 128390
with the board of elections of the proper county not less than 128391
ninety days before the general election in any year requesting 128392
that an election be held on such question. Such petition shall 128393
state the amount of the proposed decrease in the rate of levy 128394
and shall be signed by qualified electors residing in the 128395
subdivision, library district, or association library district 128396
equal in number to at least ten per cent of the total number of 128397
votes cast in the subdivision, library district, or association 128398
library district for the office of governor at the most recent 128399
general election for that office. Only one such petition may be 128400

filed during each five-year period following the election at 128401
which the voters approved the increased rate for a continuing 128402
period of time. 128403

After determination by it that such petition is valid, the 128404
board of elections shall do both of the following: 128405

(1) Request that the county auditor certify to the board, 128406
in the same manner as required for a tax levy under section 128407
5705.03 of the Revised Code, an estimate of the levy's annual 128408
collections and the levy's effective rate in both the last year 128409
before the proposed decrease and the first year that the 128410
decrease applies, stated in dollars, rounded to the nearest 128411
dollar, for each one hundred thousand dollars of ~~the county-~~ 128412
~~auditor's appraised market~~ value. If the subdivision, library 128413
district, or association library district is located in more 128414
than one county, the county auditor shall obtain from the county 128415
auditor of each other county in which the subdivision or 128416
district is located the tax valuation applicable to the portion 128417
of the subdivision or district in that county. 128418

The county auditor shall certify such information to the 128419
board of elections within ten days after receiving the board's 128420
request. 128421

(2) Submit the question to the electors of the 128422
subdivision, library district, or association library district 128423
at the succeeding general election pursuant to division (B) of 128424
this section. 128425

(B) The election shall be conducted, canvassed, and 128426
certified in the same manner as regular elections in such 128427
subdivision, library district, or association library district 128428
for county offices. Notice of the election shall be published in 128429

a newspaper of general circulation in the district once a week 128430
for two consecutive weeks, or as provided in section 7.16 of the 128431
Revised Code, prior to the election. If the board of elections 128432
operates and maintains a web site, the board of elections shall 128433
post notice of the election on its web site for thirty days 128434
prior to the election. The notice shall state the purpose, the 128435
levy's estimated annual collections, the amount of the proposed 128436
decrease in rate, expressed in mills for each one dollar of 128437
taxable value, the effective rate of the levy in the year before 128438
the proposed decrease and the first year that the decrease 128439
applies, both expressed in dollars for each one hundred thousand 128440
dollars of ~~the county auditor's appraised~~ market value, and the 128441
time and place of the election. The form of the ballot cast at 128442
such election shall be prescribed by the secretary of state but 128443
must include all information required to be included in the 128444
notice. The question covered by the petition shall be submitted 128445
as a separate proposition but it may be printed on the same 128446
ballot with any other propositions submitted at the same 128447
election other than the election of officers. If a majority of 128448
the qualified electors voting on the question of a decrease at 128449
such election approve the proposed decrease in rate, the result 128450
of the election shall be certified immediately after the canvass 128451
by the board of elections to the appropriate taxing authority, 128452
which shall thereupon, after the current year, cease to levy 128453
such increased rate or levy such tax at such reduced rate upon 128454
the tax list of the subdivision, library district, or 128455
association library district. If notes have been issued in 128456
anticipation of the collection of such levy, the taxing 128457
authority shall continue to levy and collect under authority of 128458
the election authorizing the original levy such amounts as will 128459
be sufficient to pay the principal of and interest on such 128460
anticipation notes as the same fall due. 128461

In the case of a levy for the current expenses of a 128462
qualifying school district and of partnering community schools 128463
imposed under section 5705.192, as it existed before the 128464
effective date of this amendment, division (B) of section 128465
5705.21, division (C) of section 5705.212, or division (J) of 128466
section 5705.218 of the Revised Code for a continuing period of 128467
time, the rate allocated to the school district and to 128468
partnering community schools shall each be decreased by a number 128469
of mills per dollar that is proportionate to the decrease in the 128470
rate of the levy in proportion to the rate at which the levy was 128471
imposed before the decrease. 128472

Sec. 5705.27. There is hereby created in each county a 128473
county budget commission consisting of the county auditor, the 128474
county treasurer, and the prosecuting attorney. Upon petition 128475
filed with the board of elections, signed by the number of 128476
electors of the county equal in amount to three per cent of the 128477
total number of votes cast for governor at the most recent 128478
election therefor, there shall be submitted to the electors of 128479
the county at the next general election occurring not sooner 128480
than ninety days after the filing of the petition, the question 128481
"Shall the county budget commission consist of two additional 128482
members to be elected from the county?" Provision shall be made 128483
on the ballot for the election from the county at large of two 128484
additional members of the county budget commission who shall be 128485
electors of the county if a majority of the electors voting on 128486
the question shall have voted in the affirmative. In such 128487
counties, where the electors have voted in the affirmative, the 128488
county budget commission shall consist of such two elected 128489
members in addition to the county auditor, the county treasurer 128490
and the prosecuting attorney. Such members, who shall not hold 128491
any other public office, shall serve for a term of four years. 128492

~~The~~ 128493

The commission shall meet at the office of the county 128494
auditor in each county on the first Monday in February and on 128495
the first Monday in August, annually, and shall complete its 128496
work on or before the first day of September, annually, unless 128497
for good cause the tax commissioner extends the time for 128498
completing the work. The commission shall offer, during at least 128499
one public meeting annually, testimony from a member of the 128500
commission or an invited speaker describing the concept and 128501
function of taxes levied within the ten-mill limitation, how 128502
such taxes are allocated to various jurisdictions in the county, 128503
and the fiscal impact of such taxes in light of its exemption 128504
from the reduction authorized under section 319.301 of the 128505
Revised Code. A majority of members shall constitute a quorum, 128506
provided that no action of the commission shall be valid unless 128507
agreed to by a majority of the members of the commission. The 128508
auditor shall be the secretary of the commission and shall keep 128509
a full and accurate record of all proceedings. The auditor shall 128510
appoint such messengers and clerks as the commission deems 128511
necessary, and the budget commissioners shall be allowed their 128512
actual and necessary expenses. The elected members of the 128513
commission shall also receive twenty dollars for each day in 128514
attendance at commission meetings and in discharge of official 128515
duties. Any vacancy among such elected members shall be filled 128516
by the presiding judge of the court of common pleas. In 128517
adjusting the rates of taxation and fixing the amount of taxes 128518
to be levied each year, the commissioners shall be governed by 128519
the amount of the taxable property shown on the auditor's tax 128520
list for the current year; provided that if the auditor's tax 128521
list has not been completed, the auditor shall estimate, as 128522
nearly as practicable, the amount of the taxable property for 128523

such year, and such officers shall be governed by such estimate. 128524

In any county in which two members of the commission are 128525
elected, upon petition filed with the board of elections, signed 128526
by the number of electors of the county equal in amount to three 128527
per cent of the votes cast for governor at the most recent 128528
election therefor, there shall be submitted to the electors of 128529
the county at the next general election occurring not sooner 128530
than ninety days after the filing of the petition, the question 128531
"Shall the elected members be eliminated from the county budget 128532
commission?" If the majority of the electors voting thereon 128533
shall have voted in the affirmative, the county budget 128534
commission shall consist solely of the county auditor, the 128535
county treasurer, and the prosecuting attorney. 128536

Sec. 5705.28. (A) Except as provided in division (B) (1) or 128537
(2) of this section or in section 5705.281 of the Revised Code, 128538
the taxing authority of each subdivision or other taxing unit 128539
shall adopt a tax budget for the next succeeding fiscal year: 128540

(1) On or before the fifteenth day of January in the case 128541
of school districts and the city of Cincinnati; 128542

(2) On or before the fifteenth day of July in the case of 128543
all other subdivisions and taxing units. 128544

(B) (1) Before the first day of June in each year, the 128545
board of trustees of a school library district entitled to 128546
participate in any appropriation or revenue of a school district 128547
or to have a tax proposed by the board of education of a school 128548
district shall file with the board of education of the school 128549
district a tax budget for the ensuing fiscal year. On or before 128550
the fifteenth day of July in each year, the board of education 128551
of a school district to which a school library district tax 128552

budget was submitted under this division shall adopt such tax 128553
budget on behalf of the library district, but such budget shall 128554
not be part of the school district's tax budget. 128555

(2) (a) The taxing authority of a taxing unit that does not 128556
levy a tax is not required to adopt a tax budget pursuant to 128557
division (A) of this section. Instead, on or before the 128558
fifteenth day of July each year, such taxing authority shall 128559
adopt an operating budget for the taxing unit for the ensuing 128560
fiscal year. The operating budget shall include an estimate of 128561
receipts from all sources, a statement of all taxing unit 128562
expenses that are anticipated to occur, and the amount required 128563
for debt charges during the fiscal year. The operating budget is 128564
not required to be filed with the county auditor or the county 128565
budget commission. 128566

(b) Except for this section and sections 5705.36, 5705.38, 128567
5705.40, 5705.41, 5705.43, 5705.44, and 5705.45 of the Revised 128568
Code, a taxing unit that does not levy a tax is not a taxing 128569
unit for purposes of Chapter 5705. of the Revised Code. 128570
Documents prepared in accordance with such sections are not 128571
required to be filed with the county auditor or county budget 128572
commission. 128573

(c) The total appropriations from each fund of a taxing 128574
unit that does not levy a tax shall not exceed the total 128575
estimated revenue available for expenditures from the fund, and 128576
appropriations shall be made from each fund only for the 128577
purposes for which the fund is established. 128578

(C) (1) To assist in the preparation of the tax budget, the 128579
head of each department, board, commission, and district 128580
authority entitled to participate in any appropriation or 128581
revenue of a subdivision shall file with the taxing authority, 128582

or in the case of a municipal corporation, with its chief 128583
executive officer, before the forty-fifth day prior to the date 128584
on which the budget must be adopted, an estimate of contemplated 128585
revenue and expenditures for the ensuing fiscal year, in such 128586
form as is prescribed by the taxing authority of the subdivision 128587
~~or by the auditor of state.~~ The taxing authority shall include 128588
in its budget of expenditures the full amounts requested by 128589
district authorities, not to exceed the amount authorized by 128590
law, if such authorities may fix the amount of revenue they are 128591
to receive from the subdivision. In a municipal corporation in 128592
which a special levy for a municipal university has been 128593
authorized to be levied in excess of the ten-mill limitation, or 128594
is required by the charter of the municipal corporation, the 128595
taxing authority shall include an amount not less than the 128596
estimated yield of such levy, if such amount is requested by the 128597
board of directors of the municipal university. 128598

(2) A county board of developmental disabilities may 128599
include within its estimate of contemplated revenue and 128600
expenditures a reserve balance account in the community 128601
developmental disabilities residential services fund. The 128602
account shall contain money that is not needed to pay for 128603
current expenses for residential services and supported living 128604
but will be needed to pay for expenses for such services in the 128605
future or may be needed for unanticipated emergency expenses. On 128606
the request of the county board of developmental disabilities, 128607
the board of county commissioners shall include such an account 128608
in its budget of expenditures and appropriate money to the 128609
account from residential service moneys for the county board. 128610

(D) The board of trustees of any public library desiring 128611
to participate in the distribution of the county public library 128612
fund shall adopt appropriate rules extending the benefits of the 128613

library service of such library to all the inhabitants of the 128614
county on equal terms, unless such library service is by law 128615
available to all such inhabitants, and shall certify a copy of 128616
such rules to the taxing authority with its estimate of 128617
contemplated revenue and expenditures. Where such rules have 128618
been so certified or where the adoption of such rules is not 128619
required, the taxing authority shall include in its budget of 128620
receipts such amounts as are specified by such board as 128621
contemplated revenue from the county public library fund, and in 128622
its budget of expenditures the full amounts requested therefrom 128623
by such board. No library association, incorporated or 128624
unincorporated, is entitled to participate in the proceeds of 128625
the county public library fund unless such association both was 128626
organized and operating prior to January 1, 1968, and 128627
participated in the distribution of the proceeds of the county 128628
public library fund prior to December 31, 2005. 128629

Sec. 5705.29. This section does not apply to a subdivision 128630
or taxing unit for which the county budget commission has waived 128631
the requirement to adopt a tax budget pursuant to section 128632
5705.281 of the Revised Code. The tax budget shall present the 128633
following information ~~in such detail as is prescribed by the~~ 128634
~~auditor of state:~~ 128635

(A) (1) A statement of the necessary current operating 128636
expenses for the ensuing fiscal year for each department and 128637
division of the subdivision, classified as to personal services 128638
and other expenses, and the fund from which such expenditures 128639
are to be made. Except in the case of a school district, this 128640
estimate may include a contingent expense not designated for any 128641
particular purpose, and not to exceed three per cent of the 128642
total amount of appropriations for current expenses. In the case 128643
of a school district, this estimate may include a contingent 128644

expense not designated for any particular purpose and not to 128645
exceed thirteen per cent of the total amount of appropriations 128646
for current expenses. 128647

(2) A statement of the expenditures for the ensuing fiscal 128648
year necessary for permanent improvements, exclusive of any 128649
expense to be paid from bond issues, classified as to the 128650
improvements contemplated by the subdivision and the fund from 128651
which such expenditures are to be made; 128652

(3) The amounts required for the payment of final 128653
judgments; 128654

(4) A statement of expenditures for the ensuing fiscal 128655
year necessary for any purpose for which a special levy is 128656
authorized, and the fund from which such expenditures are to be 128657
made; 128658

(5) Comparative statements, so far as possible, in 128659
parallel columns of corresponding items of expenditures for the 128660
current fiscal year and the two preceding fiscal years. 128661

(B) (1) An estimate of receipts from other sources than the 128662
general property tax during the ensuing fiscal year, which shall 128663
include an estimate of unencumbered balances at the end of the 128664
current fiscal year, and the funds to which such estimated 128665
receipts are credited; 128666

(2) The amount each fund requires from the general 128667
property tax, which shall be the difference between the 128668
contemplated expenditure from the fund and the estimated 128669
receipts, as provided in this section. The section of the 128670
Revised Code under which the tax is authorized shall be set 128671
forth. 128672

(3) Comparative statements, so far as possible, in 128673

parallel columns of taxes and other revenues for the current 128674
fiscal year and the two preceding fiscal years; 128675

(4) Comparative statements, so far as possible, in 128676
parallel columns of all funds in control of the subdivision for 128677
the current fiscal year and the two preceding fiscal years not 128678
already included in the tax budget pursuant to divisions (B) (1) 128679
to (3) of this section. 128680

(C) (1) The amount required for debt charges; 128681

(2) The estimated receipts from sources other than the tax 128682
levy for payment of such debt charges, including the proceeds of 128683
refunding bonds to be issued to refund bonds maturing in the 128684
next succeeding fiscal year; 128685

(3) The net amount for which a tax levy shall be made, 128686
classified as to bonds authorized and issued prior to January 1, 128687
1922, and those authorized and issued subsequent to such date, 128688
and as to what portion of the levy will be within and what in 128689
excess of the ten-mill limitation. 128690

(D) An estimate of amounts from taxes authorized to be 128691
levied in excess of the ten-mill limitation on the tax rate, and 128692
the fund to which such amounts will be credited, together with 128693
the sections of the Revised Code under which each such tax is 128694
exempted from all limitations on the tax rate. 128695

(E) (1) A board of education may include in its budget for 128696
the fiscal year in which a levy proposed under section 5705.194, 128697
5705.199, 5705.21, 5705.213, or 5705.219, a property tax levy 128698
proposed under section 5748.09, or the original levy under 128699
section 5705.212 of the Revised Code is first extended on the 128700
tax list and duplicate an estimate of expenditures to be known 128701
as a voluntary contingency reserve balance, which shall not be 128702

greater than twenty-five per cent of the total amount of the 128703
levy estimated to be available for appropriation in such year. 128704

(2) A board of education may include in its budget for the 128705
fiscal year following the year in which a levy proposed under 128706
section 5705.194, 5705.199, 5705.21, 5705.213, or 5705.219, a 128707
property tax levy proposed under section 5748.09, or the 128708
original levy under section 5705.212 of the Revised Code is 128709
first extended on the tax list and duplicate an estimate of 128710
expenditures to be known as a voluntary contingency reserve 128711
balance, which shall not be greater than twenty per cent of the 128712
amount of the levy estimated to be available for appropriation 128713
in such year. 128714

(3) Except as provided in division (E) (4) of this section, 128715
the full amount of any reserve balance the board includes in its 128716
budget shall be retained by the county auditor and county 128717
treasurer out of the first semiannual settlement of taxes until 128718
the beginning of the next succeeding fiscal year, and thereupon, 128719
with the depository interest apportioned thereto, it shall be 128720
turned over to the board of education, to be used for the 128721
purposes of such fiscal year. 128722

(4) A board of education, by a two-thirds vote of all 128723
members of the board, may appropriate any amount withheld as a 128724
voluntary contingency reserve balance during the fiscal year for 128725
any lawful purpose, provided that prior to such appropriation 128726
the board of education has authorized the expenditure of all 128727
amounts appropriated for contingencies under section 5705.40 of 128728
the Revised Code. Upon request by the board of education, the 128729
county auditor shall draw a warrant on the district's account in 128730
the county treasury payable to the district in the amount 128731
requested. 128732

~~(F) Except as otherwise provided in this division, the county budget commission shall not reduce the taxing authority of a subdivision as a result of the creation of a reserve balance account. Except as otherwise provided in this division, the county budget commission shall not consider the amount in a reserve balance account of a township, county, or municipal corporation as an unencumbered balance or as revenue for the purposes of division (E) (3) or (4) of section 5747.51 of the Revised Code. The county budget commission may require documentation of the reasonableness of the reserve balance held in any reserve balance account. The commission shall consider any amount in a reserve balance account that it determines to be unreasonable as unencumbered and as revenue for the purposes of section 5747.51 of the Revised Code and may take such amounts into consideration when determining whether to reduce the taxing authority of a subdivision.~~

Sec. 5705.30. This section does not apply to a subdivision for which the county budget commission has waived the requirement to adopt a tax budget under section 5705.281 of the Revised Code.

~~In addition to the information required by section 5705.29 of the Revised Code, the budget of each subdivision and school library district shall include such other information as is prescribed by the auditor of state. At least two copies of the budget shall be filed in the office of the fiscal officer of the subdivision for public inspection not less than ten days before its adoption by the taxing authority, and such taxing authority shall hold at least one public hearing thereon, of which public notice shall be given by at least one publication not less than ten days prior to the date of hearing in the official publication of such subdivision, or in a newspaper having~~

general circulation in the subdivision. The budget, after 128764
adoption, shall be submitted to the county auditor on or before 128765
the twentieth day of July, or in the case of a school district 128766
or the city of Cincinnati, by the twentieth day of January. The 128767
tax commissioner may prescribe a later date for the submission 128768
of a subdivision's tax budget. Any subdivision that fails to 128769
submit its budget to the county auditor on or before the date 128770
prescribed by this section or a later date prescribed by the 128771
commissioner shall not receive an apportionment from the 128772
undivided local government fund distribution for the ensuing 128773
calendar year unless the commissioner determines that the budget 128774
was adopted by the subdivision on or before the fifth day before 128775
the date prescribed by this section for submitting the budget, 128776
but was not submitted by the date so prescribed or the later 128777
time prescribed by the commissioner because of ministerial error 128778
by the subdivision or its officers, employees, or other 128779
representatives. 128780

Sec. 5705.31. The county auditor shall present to the 128781
county budget commission the annual tax budgets submitted under 128782
sections 5705.01 to 5705.47 of the Revised Code, together with 128783
an estimate prepared by the auditor of the amount of any state 128784
levy, the rate of any school tax levy as previously determined, 128785
the tax commissioner's estimate of the amount to be received in 128786
the county public library fund, the tax rates provided under 128787
section 5705.281 of the Revised Code if adoption of the tax 128788
budget was waived under that section, and such other information 128789
as the commission requests or the tax commissioner prescribes. 128790
The budget commission shall examine such budget and ascertain 128791
the total amount proposed to be raised in the county for the 128792
purposes of each subdivision and other taxing units in the 128793
county. 128794

The commission shall ascertain that the following levies 128795
have been properly authorized and, if so authorized, shall 128796
approve them without modification: 128797

(A) All levies in excess of the ten-mill limitation in the 128798
first year they are levied, unless the levy is the renewal of an 128799
existing tax; 128800

(B) All levies for debt charges ~~not provided for by levies~~ 128801
~~in excess of the ten-mill limitation,~~ including levies necessary 128802
to pay notes issued for emergency purposes; 128803

(C) The levies prescribed by division (B) of sections 128804
742.33 and 742.34 of the Revised Code; 128805

(D) Except as otherwise provided in this division, a 128806
minimum levy within the ten-mill limitation for the current 128807
expense and debt service of each subdivision or taxing unit, 128808
which shall equal two-thirds of the average levy for current 128809
expenses and debt service allotted within the fifteen-mill 128810
limitation to such subdivision or taxing unit during the last 128811
five years the fifteen-mill limitation was in effect unless such 128812
subdivision or taxing unit requests an amount requiring a lower 128813
rate. Except as provided in section 5705.312 of the Revised 128814
Code, if the levies required in divisions (B) and (C) of this 128815
section for the subdivision or taxing unit equal or exceed the 128816
entire minimum levy of the subdivision as fixed, the minimum 128817
levies of the other subdivisions or taxing units shall be 128818
reduced by the commission to provide for the levies and an 128819
operating levy for the subdivision. Such additional levy shall 128820
be deducted from the minimum levies of each of the other 128821
subdivisions or taxing units, but the operating levy for a 128822
school district shall not be reduced below a figure equivalent 128823
to forty-five per cent of the millage available within the ten- 128824

mill limitation after all the levies in divisions (B) and (C) of 128825
this section have been provided for. 128826

If a municipal corporation and a township have entered 128827
into an annexation agreement under section 709.192 of the 128828
Revised Code in which they agree to reallocate their shares of 128829
the minimum levies established under this division and if that 128830
annexation agreement is submitted along with the annual tax 128831
budget of both the township and the municipal corporation, then, 128832
when determining the minimum levy under this division, the 128833
auditor shall allocate, to the extent possible, the minimum levy 128834
for that municipal corporation and township in accordance with 128835
their annexation agreement. 128836

~~(E) The levies prescribed by section 3709.29 of the~~ 128837
~~Revised Code.~~ 128838

Divisions (A) to ~~(E)~~ (D) of this section are mandatory, 128839
and commissions shall be without discretion to reduce such 128840
~~minimum levies~~ except as provided in ~~such divisions~~ section 128841
5705.316 of the Revised Code. 128842

If any debt charge is omitted from the budget, the 128843
commission shall include it therein. 128844

Sec. 5705.314. (A) If the board of education of a city, 128845
local, or exempted village school district proposes to change 128846
its levy within the ten-mill limitation in a manner that will 128847
result in an increase in the amount of real property taxes 128848
levied by the board in the tax year the change takes effect, the 128849
board shall hold a public hearing solely on the proposal and 128850
obtain approval from the county budget commission of each county 128851
in which the district has territory before adopting a resolution 128852
to implement the proposal. 128853

The (B) Before holding the board of education hearing 128854
required by division (A) of this section, the board shall 128855
publish notice of the hearing in a newspaper of general 128856
circulation in the school district once a week for two 128857
consecutive weeks or as provided in section 7.16 of the Revised 128858
Code. The second publication shall be not less than ten nor more 128859
than thirty days before the date of the hearing, and the notice 128860
shall include the date, time, place, and subject of the hearing, 128861
and a statement that the change proposed by the board may result 128862
in an increase in the amount of real property taxes levied by 128863
the board. At the time the board submits the notice for 128864
publication, the board shall send a copy of the notice to the 128865
auditor of the county where the school district is located or, 128866
if the school district is located in more than one county, to 128867
the auditor of each of those counties. Upon receipt of the 128868
notice, the county auditor shall certify a copy of the notice to 128869
the county budget commission. 128870

(C) Upon certification of a notice to a county budget 128871
commission pursuant to division (B) of this section, the county 128872
budget commission shall schedule a hearing for a date that is 128873
not less than ten and not more than thirty days after the date 128874
of certification. 128875

The hearing shall not be held on the same day as the 128876
hearing required by division (A) of this section, and if more 128877
than one county budget commission is required under this 128878
division to hold a hearing on the proposed levy, the county 128879
budget commission hearings shall not be held on the same day. 128880
Each commission shall publish the date, time, location, and 128881
purpose of the meeting on the county auditor's web site. The 128882
school district shall publish that information on the school's 128883
web site. 128884

During the hearing before each commission, the school district shall present evidence demonstrating the need to change the levy to the county budget commission. The district shall not change the levy unless, by majority vote, the county budget commission approves the need to change the levy. 128885
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Sec. 5705.316. A board of education of a city, local, or exempted village school district shall make the certification required under section 5705.36 of the Revised Code to the county auditor of each county in which the district is located on or before the fifteenth day of July. 128890
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The county budget commission or, if applicable, joint budget commission shall convene on or before the fifteenth day of August to review the certifications from each such school district to determine if the amount of carry-over balance in the district's general operating budget from the preceding fiscal year exceeds fifty per cent of the district's general fund expenditures made in the preceding fiscal year. A board may, by resolution, designate an amount of the district's carry-over balance as reserved for expenditure on current or future permanent improvements within the following three years. Upon certification of the resolution to the commission on or before the fifteenth day of July, the commission shall not consider the designated amount in determining whether the district's carry-over balance exceeded the threshold for those three years. If such funds are not expended as designated within those three years, the commission shall consider them as a part of the carry-over balance in all subsequent years. 128895
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If a district's carry-over balance exceeds that threshold, the commission shall reduce the rate of, or the annual amount of money to be raised by, any or all of the current expense taxes 128912
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levied by the district for the current tax year so as to reduce 128915
the district's collections by the amount by which the district's 128916
general operating budget carry-over balance exceeded the 128917
threshold. These reductions apply only for the current tax year 128918
and shall be made without regard to maintaining the reduction 128919
limit imposed under division (E) (2) of section 319.301 of the 128920
Revised Code. The tax commissioner shall treat such a reduction 128921
as a reduction in the rate at which the tax is authorized to be 128922
levied. 128923

This section does not apply to an island school district 128924
or a joint state school district. Nothing in this section 128925
prohibits a county budget commission from reducing the rate of a 128926
current levy as otherwise authorized by law. 128927

Sec. 5705.32. (A) The county budget commission shall 128928
adjust the estimated amounts required from the general property 128929
tax for each fund, as shown by the tax budgets or other 128930
information required to be provided under section 5705.281 of 128931
the Revised Code, so as to bring the tax levies required 128932
therefor within the limitations specified in sections 5705.01 to 128933
5705.47 of the Revised Code, for such levies, ~~but no levy shall~~ 128934
~~be reduced below a minimum fixed by law.~~ The commission may 128935
revise and adjust the estimate of balances and receipts from all 128936
sources for each fund and shall determine the total 128937
appropriations that may be made therefrom. 128938

(B) Except as otherwise provided in section 5705.31 of the 128939
Revised Code, the county budget commission may adjust the 128940
estimated amounts required from the general property tax for 128941
each fund, as shown by the tax budgets or other information 128942
required to be provided under section 5705.281 of the Revised 128943
Code, so as to bring the tax levies required therefor within 128944

levels the commission finds reasonable and prudent to avoid 128945
unnecessary, excessive, or unneeded collections. If the county 128946
budget commission adjusts amounts from any tax levied by a 128947
taxing unit other than a qualifying subdivision, the adjustment 128948
shall be subject to both of the following: 128949

(1) Except as authorized by section 5705.316 of the 128950
Revised Code, no levy shall be reduced below the level that 128951
would cause it to collect less than what the levy collected in 128952
the preceding year, unless funds are available from reserve 128953
balance accounts, nonexpendable trust funds, or carryover 128954
amounts to offset a reduction below that level, and the budget 128955
commission shall consider reserve balance accounts, 128956
nonexpendable trust funds, and carryover amounts for that 128957
purpose; 128958

(2) Except as authorized by section 5705.316 of the 128959
Revised Code, no levy may be reduced to a level that would cause 128960
a school district subject to division (A) of section 3317.01 of 128961
the Revised Code to levy less than twenty mills for current 128962
operating expenses as required by that division. 128963

(C) The commission shall fix the amount of the county 128964
public library fund to be distributed to each board of public 128965
library trustees that has qualified under section 5705.28 of the 128966
Revised Code for participation in the proceeds of such fund. The 128967
amount paid to all libraries in the county from such fund shall 128968
never be a smaller per cent of the fund than the average of the 128969
percentages of the county's classified taxes that were 128970
distributed to libraries in 1982, 1983, and 1984, as determined 128971
by the county auditor. The commission shall base the amount for 128972
distribution on the needs of such library for the construction 128973
of new library buildings, parts of buildings, improvements, 128974

operation, maintenance, or other expenses. In determining the 128975
needs of each library board of trustees, and in calculating the 128976
amount to be distributed to any library board of trustees on the 128977
basis of its needs, the commission shall make no reduction in 128978
its allocation from the fund on account of additional revenues 128979
realized by a library from increased taxes or service charges 128980
voted by its electorate, from revenues received through federal 128981
or state grants, projects, or programs, or from grants from 128982
private sources. 128983

~~(C)~~(D) Notwithstanding the fact that alternative methods 128984
of financing such needs are available, after fixing the amount 128985
to be distributed to libraries, the commission shall fix the 128986
amount, if any, of the county public library fund to be 128987
distributed to each board of township park commissioners, the 128988
county, and each municipal corporation in accordance with the 128989
following: 128990

(1) Each municipal corporation in the county shall receive 128991
a per cent of the remainder that equals the per cent that the 128992
county auditor determines the classified property taxes 128993
originating in such municipal corporation in 1984 were of the 128994
total of all of the county's classified property taxes in 1984. 128995
The commission may deduct from this amount any amount that the 128996
budget commission allows to the board of township park 128997
commissioners of a township park district, the boundaries of 128998
which are coextensive with or contained within the boundaries of 128999
the municipal corporation. 129000

(2) The county shall receive a per cent of the remainder 129001
that equals the per cent that the county auditor determines the 129002
classified property taxes originating outside of the boundaries 129003
of municipal corporations in the county in 1984 were of the 129004

total of all of the county's classified property taxes in 1984. 129005
The commission may deduct from this amount any amount that the 129006
budget commission allows to the board of township park 129007
commissioners of a township park district, the boundaries of 129008
which are not coextensive with or contained within those of any 129009
municipal corporation in the county. 129010

~~(D)~~(E) The commission shall separately set forth the 129011
amounts fixed and determined under divisions ~~(B)~~(C) and ~~(C)~~(D) 129012
of this section in the "official certificate of estimated 129013
resources," as provided in section 5705.35 of the Revised Code, 129014
and separately certify such amount to the county auditor who 129015
shall be guided thereby in the distribution of the county public 129016
library fund for and during the fiscal year. In determining such 129017
amounts, the commission shall be guided by the estimate 129018
certified by the tax commissioner and presented by the auditor 129019
under section 5705.31 of the Revised Code, as to the total 129020
amount of revenue to be received in the county public library 129021
fund during such fiscal year. 129022

~~(E)~~(1)(F) (1) At least five days before the date of any 129023
meeting at which the budget commission plans to discuss the 129024
distribution of the county public library fund, it shall notify 129025
each legislative authority and board of public library trustees, 129026
county commissioners, and township park commissioners eligible 129027
to participate in the distribution of the fund of the date, 129028
time, place, and agenda for the meeting. Any legislative 129029
authority or board entitled to notice under this division may 129030
designate an officer or employee of such legislative authority 129031
or board to whom the commission shall deliver the notice. 129032

(2) Before the final determination of the amount to be 129033
allotted to each subdivision from any source, the commission 129034

shall permit representatives of each subdivision and of each 129035
board of public library trustees to appear before it to explain 129036
its financial needs. 129037

~~(F)~~(G) If any public library receives and expends any 129038
funds allocated to it under this section for the construction of 129039
new library buildings or parts of buildings, such library shall 129040
be free and open to the inhabitants of the county in which it is 129041
located. Any board of library trustees that receives funds under 129042
this section and section 5747.48 of the Revised Code shall have 129043
its financial records open for public inspection at all 129044
reasonable times. 129045

Sec. 5705.321. (A) As used in this section: 129046

(1) "City, located wholly or partially in the county, with 129047
the greatest population" means the city, located wholly or 129048
partially in the county, with the greatest population residing 129049
in the county; however, if the county budget commission on or 129050
before January 1, 1998, adopted an alternative method of 129051
apportionment that was approved by the city, located partially 129052
in the county, with the greatest population but not the greatest 129053
population residing in the county, "city, located wholly or 129054
partially in the county, with the greatest population" means the 129055
city, located wholly or partially in the county, with the 129056
greatest population whether residing in the county or not, if 129057
this alternative meaning is adopted by action of the board of 129058
county commissioners and a majority of the boards of township 129059
trustees and legislative authorities of municipal corporations 129060
located wholly or partially in the county. 129061

(2) "Participating political subdivision" means a 129062
municipal corporation or township that satisfies all of the 129063
following: 129064

(a) It is located wholly or partially in the county. 129065

(b) It is not the city, located wholly or partially in the 129066
county, with the greatest population. 129067

(c) Public library fund moneys are apportioned to it under 129068
the county's alternative method or formula of apportionment in 129069
the current calendar year. 129070

(B) In lieu of the method of apportionment of the county 129071
public library fund provided by division ~~(C)~~(D) of section 129072
5705.32 of the Revised Code, the county budget commission may 129073
provide for the apportionment of the fund under an alternative 129074
method or on a formula basis as authorized by this section. 129075

Except as otherwise provided in division (C) of this 129076
section, the alternative method of apportionment shall have 129077
first been approved by all of the following governmental units: 129078
the board of county commissioners; the legislative authority of 129079
the city, located wholly or partially in the county, with the 129080
greatest population; and a majority of the boards of township 129081
trustees and legislative authorities of municipal corporations, 129082
located wholly or partially in the county, excluding the 129083
legislative authority of the city, located wholly or partially 129084
in the county, with the greatest population. In granting or 129085
denying approval for an alternative method of apportionment, the 129086
board of county commissioners, boards of township trustees, and 129087
legislative authorities of municipal corporations shall act by 129088
motion. A motion to approve shall be passed upon a majority vote 129089
of the members of a board of county commissioners, board of 129090
township trustees, or legislative authority of a municipal 129091
corporation, shall take effect immediately, and need not be 129092
published. 129093

Any alternative method of apportionment adopted and 129094
approved under this division may be revised, amended, or 129095
repealed in the same manner as it may be adopted and approved. 129096
If an alternative method of apportionment adopted and approved 129097
under this division is repealed, the county public library fund 129098
shall be apportioned among the subdivisions eligible to 129099
participate in the fund, commencing in the ensuing calendar 129100
year, under the apportionment provided in divisions ~~(B)~~(C) and 129101
~~(C)~~(D) of section 5705.32 of the Revised Code, unless the repeal 129102
occurs by operation of division (C) of this section or a new 129103
method for apportionment of the fund is provided in the action 129104
of repeal. 129105

(C) This division applies only in counties in which the 129106
city, located wholly or partially in the county, with the 129107
greatest population has a population of twenty thousand or less 129108
and a population that is less than fifteen per cent of the total 129109
population of the county. In such a county, the legislative 129110
authorities or boards of township trustees of two or more 129111
participating political subdivisions, which together have a 129112
population residing in the county that is a majority of the 129113
total population of the county, each may adopt a resolution to 129114
exclude the approval otherwise required of the legislative 129115
authority of the city, located wholly or partially in the 129116
county, with the greatest population. All of the resolutions to 129117
exclude that approval shall be adopted not later than the first 129118
Monday of August of the year preceding the calendar year in 129119
which distributions are to be made under an alternative method 129120
of apportionment. 129121

A motion granting or denying approval of an alternative 129122
method of apportionment under this division shall be adopted by 129123
a majority vote of the members of the board of county 129124

commissioners and by a majority vote of a majority of the boards 129125
of township trustees and legislative authorities of the 129126
municipal corporations located wholly or partially in the 129127
county, other than the city, located wholly or partially in the 129128
county, with the greatest population, shall take effect 129129
immediately, and need not be published. The alternative method 129130
of apportionment under this division shall be adopted and 129131
approved annually, not later than the first Monday of August of 129132
the year preceding the calendar year in which distributions are 129133
to be made under it. A motion granting approval of an 129134
alternative method of apportionment under this division repeals 129135
any existing alternative method of apportionment, effective with 129136
distributions to be made from the fund in the ensuing calendar 129137
year. An alternative method of apportionment under this division 129138
shall not be revised or amended after the first Monday of August 129139
of the year preceding the calendar year in which distributions 129140
are to be made under it. 129141

(D) In determining an alternative method of apportionment 129142
authorized by this section, the county budget commission may 129143
include in the method any factor considered to be appropriate 129144
and reliable, in the sole discretion of the county budget 129145
commission. 129146

(E) On the basis of any alternative method of 129147
apportionment adopted and approved as authorized by this 129148
section, as certified by the auditor to the county treasurer, 129149
the county treasurer shall make distribution of the money in the 129150
county public library fund to each subdivision eligible to 129151
participate in the fund, and the auditor, when the amount of 129152
those shares is in the custody of the treasurer in the amounts 129153
so computed to be due the respective subdivisions, shall at the 129154
same time certify to the tax commissioner the percentage share 129155

of the county as a subdivision. All money received into the 129156
treasury of a subdivision from the county public library fund in 129157
a county treasury shall be paid into the general fund and used 129158
for the current operating expenses of the subdivision. 129159

(F) The actions of the county budget commission taken 129160
pursuant to this section are final and may not be appealed to 129161
the board of tax appeals, except on the issues of abuse of 129162
discretion and failure to comply with the formula. 129163

Sec. 5705.35. (A) The certification of the budget 129164
commission to the taxing authority of each subdivision or taxing 129165
unit, as set forth in section 5705.34 of the Revised Code, shall 129166
show the various funds of such subdivisions other than funds to 129167
be created by transfer and shall be filed by the county budget 129168
commission with such taxing authority on or before the first day 129169
of March in the case of school districts and the city of 129170
Cincinnati and on or before the first day of September in each 129171
year in the case of all other taxing authorities. There shall be 129172
set forth on the credit side of each fund the estimated 129173
unencumbered balances and receipts, and if a tax is to be levied 129174
for such fund, the estimated revenue to be derived therefrom, 129175
the rate of the levy, and what portion thereof is within, and 129176
what in excess of, the ten-mill tax limitation, and on the debit 129177
side, the total appropriations that may be made therefrom. 129178
~~Subject to division (F) of section 5705.29 of the Revised Code,~~ 129179
~~any reserve balance in an account established under section~~ 129180
~~5705.13 of the Revised Code for the purpose described in~~ 129181
~~division (A) (1) of that section, and the principal of a~~ 129182
~~nonexpendable trust fund established under section 5705.131 of~~ 129183
~~the Revised Code and any additions to principal arising from~~ 129184
~~sources other than the reinvestment of investment earnings~~ 129185
~~arising from that fund, are not unencumbered balances for the~~ 129186

~~purposes of this section. The balance in a reserve balance~~ 129187
~~account established under section 5705.132 of the Revised Code~~ 129188
~~is not an unencumbered balance for the purposes of this~~ 129189
~~division.~~ 129190

There shall be attached to the certification a summary, 129191
which shall be known as the "official certificate of estimated 129192
resources," that shall state the total estimated resources of 129193
each fund of the subdivision that are available for 129194
appropriation in the fiscal year, other than funds to be created 129195
by transfer, and a statement of the amount of the total tax 129196
duplicate of the school district to be used in the collection of 129197
taxes for the following calendar year. Before the end of the 129198
fiscal year, the taxing authority of each subdivision and other 129199
taxing unit shall revise its tax budget, if one was adopted, so 129200
that the total contemplated expenditures from any fund during 129201
the ensuing fiscal year will not exceed the total appropriations 129202
that may be made from such fund, as determined by the budget 129203
commission in its certification; and such revised budget shall 129204
be the basis of the annual appropriation measure. 129205

(B) Revenue from real property taxes scheduled to be 129206
settled on or before the tenth day of August and the fifteenth 129207
day of February of a fiscal year under divisions (A) and (C) of 129208
section 321.24 of the Revised Code shall not be available for 129209
appropriation by a board of education prior to the fiscal year 129210
in which such latest scheduled settlement date occurs, except 129211
that moneys advanced to the treasurer of a board of education 129212
under division (A) (2) (b) of section 321.34 of the Revised Code 129213
shall be available for appropriation in the fiscal year in which 129214
they are paid to the treasurer under such section. If the date 129215
for any settlement of taxes is extended under division (E) of 129216
section 321.24 of the Revised Code, the latest date set forth in 129217

divisions (A) to (D) of that section shall be used to determine 129218
in which fiscal year the revenues are first available for 129219
appropriation. 129220

Sec. 5705.36. (A) (1) On or about the first day of each 129221
fiscal year, the fiscal officer of each subdivision and other 129222
taxing unit shall certify to the county auditor the total amount 129223
from all sources available for expenditures from each fund set 129224
up in the tax budget or, if adoption of a tax budget was waived 129225
under section 5705.281 of the Revised Code, from each fund 129226
created by or on behalf of the taxing authority. The amount 129227
certified shall include any unencumbered balances that existed 129228
at the end of the preceding year, ~~excluding any of the~~ 129229
~~following:~~ 129230

~~(a) Subject to division (F) of section 5705.29 of the~~ 129231
~~Revised Code, any reserve balance in an account established~~ 129232
~~under section 5705.13 of the Revised Code for the purpose~~ 129233
~~described in division (A) (1) of that section;~~ 129234

~~(b) The principal of a nonexpendable trust fund~~ 129235
~~established under section 5705.131 of the Revised Code and any~~ 129236
~~additions to principal arising from sources other than the~~ 129237
~~reinvestment of investment earnings arising from that fund;~~ 129238

~~(c) The balance in a reserve balance account established~~ 129239
~~under section 5705.132 of the Revised Code.~~ 129240

A school district's certification shall separately show 129241
the amount of any notes and unpaid and outstanding expenses on 129242
the preceding thirtieth day of June that are to be paid from 129243
property taxes that are to be settled during the current fiscal 129244
year under divisions (C) and (D) of section 321.24 of the 129245
Revised Code. The budget commission, taking into consideration 129246

the balances and revenues to be derived from taxation and other 129247
sources, shall revise its estimate of the amounts that will be 129248
credited to each fund from such sources, and shall certify to 129249
the taxing authority of each subdivision an amended official 129250
certificate of estimated resources. 129251

(2) Subject to divisions (A) (3) and (4) of this section, 129252
upon a determination by the fiscal officer of a subdivision that 129253
the revenue to be collected by the subdivision will be greater 129254
or less than the amount included in an official certificate, the 129255
fiscal officer may certify the amount of the deficiency or 129256
excess to the commission, and if the commission determines that 129257
the fiscal officer's certification is reasonable, the commission 129258
shall certify an amended official certificate reflecting the 129259
deficiency or excess. 129260

(3) Upon a determination by the fiscal officer of a 129261
subdivision that the revenue to be collected by the subdivision 129262
will be greater than the amount included in an official 129263
certificate and the legislative authority intends to appropriate 129264
and expend the excess revenue, the fiscal officer shall certify 129265
the amount of the excess to the commission, and if the 129266
commission determines that the fiscal officer's certification is 129267
reasonable, the commission shall certify an amended official 129268
certificate reflecting the excess. 129269

(4) Upon a determination by the fiscal officer of a 129270
subdivision that the revenue to be collected by the subdivision 129271
will be less than the amount included in an official certificate 129272
and that the amount of the deficiency will reduce available 129273
resources below the level of current appropriations, the fiscal 129274
officer shall certify the amount of the deficiency to the 129275
commission, and the commission shall certify an amended 129276

certificate reflecting the deficiency. 129277

(5) The total appropriations made during the fiscal year 129278
from any fund shall not exceed the amount set forth as available 129279
for expenditure from such fund in the official certificate of 129280
estimated resources, or any amendment thereof, certified prior 129281
to the making of the appropriation or supplemental 129282
appropriation. 129283

(B) At the time of settlement of taxes against which notes 129284
have been issued under division (D) of section 133.10 of the 129285
Revised Code and at the time a tax duplicate is delivered 129286
pursuant to section 319.28 or 319.29 of the Revised Code, the 129287
county auditor shall determine whether the total amount to be 129288
distributed to each school district from such settlement or 129289
duplicate, when combined with the amounts to be distributed from 129290
any subsequent settlement, will increase or decrease the amount 129291
available for appropriation during the current fiscal year from 129292
any fund. The county auditor shall certify this finding to the 129293
budget commission, which shall certify an amended official 129294
certificate reflecting the finding or certify to the school 129295
district that no amended certificate needs to be issued. 129296

Sec. 5705.38. (A) This division does not apply to school 129297
district appropriation measures. On or about the first day of 129298
each fiscal year, the taxing authority of each subdivision or 129299
other taxing unit shall pass an appropriation measure, and 129300
thereafter during the year it may pass any supplemental 129301
appropriation measures as it finds necessary, based on the 129302
revised tax budget or the official certificate of estimated 129303
resources or amendments of the certificate. If it desires to 129304
postpone the passage of the annual appropriation measure until 129305
an amended certificate is received based on the actual balances, 129306

it may pass a temporary appropriation measure for meeting the 129307
ordinary expenses of the taxing unit until no later than the 129308
first day of April or, in the case of the city of Cincinnati, 129309
the first day of October, of the current year, and the 129310
appropriations made in the temporary measure shall be chargeable 129311
to the appropriations in the annual appropriation measure for 129312
that fiscal year when passed. 129313

(B) A board of education shall pass its annual 129314
appropriation measure by the first day of October. If, by the 129315
first day of October, a board has not received either the 129316
amended certificates of estimated resources required by division 129317
(B) of section 5705.36 of the Revised Code or certifications 129318
that no amended certificates need be issued, the adoption of the 129319
annual appropriation measure shall be delayed until the amended 129320
certificates or certifications are received. Prior to the 129321
passage of the annual appropriation measure, the board may pass 129322
a temporary appropriation measure for meeting the ordinary 129323
expenses of the district until it passes an annual appropriation 129324
measure, and appropriations made in the temporary measure shall 129325
be chargeable to the appropriations in the annual appropriation 129326
measure for that fiscal year when passed. During the fiscal year 129327
and after the passage of the annual appropriation measure, a 129328
district may pass any supplemental appropriation measures as it 129329
finds necessary, based on the revised tax budget or the official 129330
certificate of estimated resources or amendments of the 129331
certificate. ~~School district appropriation measures shall be in-~~ 129332
~~the form as the auditor of state, after consultation with the~~ 129333
~~tax commissioner, prescribes.~~ 129334

(C) Appropriation measures shall be classified so as to 129335
set forth separately the amounts appropriated for each office, 129336
department, and division, and, within each, the amount 129337

appropriated for personal services. In the case of a municipal 129338
university, the board of directors of which have assumed, in the 129339
manner provided by law, custody and control of the funds of the 129340
university, funds shall be appropriated as a lump sum for the 129341
use of the university. 129342

Sec. 5705.391. (A) Not later than the thirty-first day of 129343
August of each fiscal year, each school district board of 129344
education shall submit to the department of education and 129345
workforce appropriations, revenue, and fund balance assumptions 129346
contained in the budget adopted by the board for that fiscal 129347
year and projections of expenditures, revenues, and fund balance 129348
for the three succeeding fiscal years. 129349

Not later than the last day of February of each fiscal 129350
year, each school district board of education shall submit 129351
updated appropriations, revenue, and fund balance information 129352
for the budget adopted for the fiscal year and updated 129353
projections of expenditures, revenues, and fund balance for the 129354
three succeeding fiscal years. 129355

The department of education and workforce and the auditor 129356
of state shall jointly adopt rules ~~requiring boards of education~~ 129357
~~to submit five-year~~ governing the submission of current budget 129358
information and three-year projections of operational revenues 129359
and expenditures by boards of education. The rules shall specify 129360
the information required for current budget information and 129361
three-year forecast submissions and any additional school 129362
district financial and operating information necessary for the 129363
audits and analyses conducted by the auditor of state or the 129364
department, including special and federal funds expenditures, 129365
revenues, and balances. The rules shall provide for the auditor 129366
of state or the department to examine the ~~five-year current~~ 129367

budget information and three-year projections and to determine 129368
whether any further fiscal analysis is needed to ascertain 129369
whether a district has the potential to incur a deficit during 129370
the first ~~three~~ two years of the ~~five-year~~ three-year period. 129371

The auditor of state or the department may conduct any 129372
further audits or analyses necessary to assess any district's 129373
fiscal condition. If further audits or analyses are conducted by 129374
the auditor of state, the auditor of state shall notify the 129375
department of the district's fiscal condition, and the 129376
department shall immediately notify the district of any 129377
potential to incur a deficit in the current fiscal year or of 129378
any strong indications that a deficit will be incurred in either 129379
of the ensuing two years. If such audits or analyses are 129380
conducted by the department, the department shall immediately 129381
notify the district and the auditor of state of such potential 129382
deficit or strong indications thereof. 129383

A district notified under this section shall take 129384
immediate steps to eliminate any deficit in the current fiscal 129385
year and shall begin to plan to avoid the projected future 129386
deficits. 129387

(B) The state board of education, in accordance with 129388
sections 3319.31 and 3319.311 of the Revised Code, may limit, 129389
suspend, or revoke a license as defined under section 3319.31 of 129390
the Revised Code that has been issued to any school employee 129391
found to have willfully contributed erroneous, inaccurate, or 129392
incomplete data required for the submission of the ~~five-~~ 129393
~~year~~ current budget information and -three-year projection 129394
required by this section. 129395

~~(C) The department and the auditor of state, in their~~ 129396
~~joint adoption of rules under division (A) of this section,~~ 129397

~~shall not require a board of education to submit its five-year
projection of operational revenues and expenditures prior to the
thirtieth day of November of any fiscal year.~~ 129398
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129400

~~(D) Beginning with submissions required in for fiscal year
2024-2026 and for each fiscal year in which a submission is
required under this section thereafter, the department and the
auditor shall label the projections regarding property tax
allocation in the projection as "state share of local property
taxes. state reimbursement for property tax credits."~~ 129401
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Sec. 5705.40. Any appropriation ordinance or measure may 129407
be amended or supplemented, provided that such amendment or 129408
supplement shall comply with all provisions of law governing the 129409
taxing authority in making an original appropriation and that no 129410
appropriation for any purpose shall be reduced below an amount 129411
sufficient to cover all unliquidated and outstanding contracts 129412
or obligations certified from or against the appropriation. 129413
Transfers may be made by resolution or ordinance from one 129414
appropriation item to another, except that a board of county 129415
commissioners shall, at the request of the county board of 129416
elections, adopt a resolution to transfer funds from one 129417
appropriation item of the board of elections to another 129418
appropriation item of the board of elections unless the board of 129419
county commissioners determines that the transfer is sought for 129420
the purpose of providing employee bonuses or salary increases 129421
other than increases necessary to reimburse employees for 129422
overtime worked. At the close of each fiscal year, the 129423
unencumbered balance of each appropriation shall revert to the 129424
respective fund from which it was appropriated and shall be 129425
subject to future appropriations, provided that funds unexpended 129426
at the end of such fiscal year previously appropriated for the 129427
payment of obligations unliquidated and outstanding, or 129428

previously appropriated pursuant to section 321.261 of the 129429
Revised Code for the collection of delinquent taxes, need not be 129430
reappropriated, ~~but such unexpended funds shall not be included~~ 129431
~~by any budget-making body or board or any county budget~~ 129432
~~commission in estimating the balance available for the purposes~~ 129433
~~of the next or any succeeding fiscal year.~~ 129434

The annual appropriation measure, or an amendment or 129435
supplement thereto, may contain an appropriation for 129436
contingencies not to exceed the amount authorized by section 129437
5705.29 of the Revised Code and in the case of a school district 129438
may also include a voluntary contingency reserve balance in the 129439
amount authorized by such section. By a two-thirds vote of all 129440
members of the taxing authority of a subdivision or taxing unit, 129441
expenditures may be authorized in pursuance of such contingency 129442
appropriation or voluntary contingency reserve balance for any 129443
lawful purpose for which public funds may be expended, if such 129444
purpose could not have reasonably been foreseen at the time of 129445
the adoption of the appropriation measure or, in the case of a 129446
voluntary contingency reserve balance, if the board of education 129447
requests payment of any portion of such balance. 129448

Sec. 5705.412. (A) As used in this section, "qualifying 129449
contract" means any agreement for the expenditure of money under 129450
which aggregate payments from the funds included in the school 129451
district's ~~five-year~~ three-year forecast under section 5705.391 129452
of the Revised Code will exceed the lesser of the following 129453
amounts: 129454

(1) Five hundred thousand dollars; 129455

(2) One per cent of the total revenue to be credited in 129456
the current fiscal year to the district's general fund, as 129457
specified in the district's most recent certificate of estimated 129458

resources certified under section 5705.36 of the Revised Code. 129459

(B) (1) Notwithstanding section 5705.41 of the Revised 129460
Code, no school district shall adopt any appropriation measure, 129461
make any qualifying contract, or increase during any school year 129462
any wage or salary schedule unless there is attached thereto a 129463
certificate, signed as required by this section, that the school 129464
district has in effect the authorization to levy taxes including 129465
the renewal ~~or replacement~~ of existing levies which, when 129466
combined with the estimated revenue from all other sources 129467
available to the district at the time of certification, are 129468
sufficient to provide the operating revenues necessary to enable 129469
the district to maintain all personnel and programs for all the 129470
days set forth in its adopted school calendars for the current 129471
fiscal year and for a number of days in succeeding fiscal years 129472
equal to the number of days instruction was held or is scheduled 129473
for the current fiscal year, as follows: 129474

(a) A certificate attached to an appropriation measure 129475
under this section shall cover only the fiscal year in which the 129476
appropriation measure is effective and shall not consider the 129477
renewal ~~or replacement~~ of an existing levy as the authority to 129478
levy taxes that are subject to appropriation in the current 129479
fiscal year unless the renewal ~~or replacement~~ levy has been 129480
approved by the electors and is subject to appropriation in the 129481
current fiscal year. 129482

(b) A certificate attached, in accordance with this 129483
section, to any qualifying contract shall cover the term of the 129484
contract. 129485

(c) A certificate attached under this section to a wage or 129486
salary schedule shall cover the term of the schedule. 129487

If the board of education has not adopted a school 129488
calendar for the school year beginning on the first day of the 129489
fiscal year in which a certificate is required, the certificate 129490
attached to an appropriation measure shall include the number of 129491
days on which instruction was held in the preceding fiscal year 129492
and other certificates required under this section shall include 129493
that number of days for the fiscal year in which the certificate 129494
is required and any succeeding fiscal years that the certificate 129495
must cover. 129496

The certificate shall be signed by the treasurer and 129497
president of the board of education and the superintendent of 129498
the school district, unless the district is in a state of fiscal 129499
emergency declared under Chapter 3316. of the Revised Code. In 129500
that case, the certificate shall be signed by a member of the 129501
district's financial planning and supervision commission who is 129502
designated by the commission for this purpose. 129503

(2) In lieu of the certificate required under division (B) 129504
of this section, an alternative certificate stating the 129505
following may be attached: 129506

(a) The contract is a multi-year contract for materials, 129507
equipment, or nonpayroll services essential to the education 129508
program of the district; 129509

(b) The multi-year contract demonstrates savings over the 129510
duration of the contract as compared to costs that otherwise 129511
would have been demonstrated in a single year contract, and the 129512
terms will allow the district to reduce the deficit it is 129513
currently facing in future years as demonstrated in its ~~five-~~ 129514
~~year~~ three-year forecast adopted in accordance with section 129515
5705.391 of the Revised Code. 129516

The certificate shall be signed by the treasurer and 129517
president of the board of education and the superintendent of 129518
the school district, unless the district is in a state of fiscal 129519
emergency declared under Chapter 3316. of the Revised Code. In 129520
that case, the certificate shall be signed by a member of the 129521
district's financial planning and supervision commission who is 129522
designated by the commission for this purpose. 129523

(C) Every qualifying contract made or wage or salary 129524
schedule adopted or put into effect without such a certificate 129525
shall be void, and no payment of any amount due thereon shall be 129526
made. 129527

(D) The department of education and workforce and the 129528
auditor of state jointly shall adopt rules governing the methods 129529
by which treasurers, presidents of boards of education, 129530
superintendents, and members of financial planning and 129531
supervision commissions shall estimate revenue and determine 129532
whether such revenue is sufficient to provide necessary 129533
operating revenue for the purpose of making certifications 129534
required by this section. 129535

(E) The auditor of state shall be responsible for 129536
determining whether school districts are in compliance with this 129537
section. At the time a school district is audited pursuant to 129538
section 117.11 of the Revised Code, the auditor of state shall 129539
review each certificate issued under this section since the 129540
district's last audit, and the appropriation measure, contract, 129541
or wage and salary schedule to which such certificate was 129542
attached. If the auditor of state determines that a school 129543
district has not complied with this section with respect to any 129544
qualifying contract or wage or salary schedule, the auditor of 129545
state shall notify the prosecuting attorney for the county, the 129546

city director of law, or other chief law officer of the school 129547
district. That officer may file a civil action in any court of 129548
appropriate jurisdiction to seek a declaration that the contract 129549
or wage or salary schedule is void, to recover for the school 129550
district from the payee the amount of payments already made 129551
under it, or both, except that the officer shall not seek to 129552
recover payments made under any collective bargaining agreement 129553
entered into under Chapter 4117. of the Revised Code. If the 129554
officer does not file such an action within one hundred twenty 129555
days after receiving notice of noncompliance from the auditor of 129556
state, any taxpayer may institute the action in the taxpayer's 129557
own name on behalf of the school district. 129558

(F) This section does not apply to any contract or 129559
increase in any wage or salary schedule that is necessary in 129560
order to enable a board of education to comply with division (B) 129561
of section 3317.13 of the Revised Code, provided the contract or 129562
increase does not exceed the amount required to be paid to be in 129563
compliance with such division. 129564

(G) Any officer, employee, or other person who expends or 129565
authorizes the expenditure of any public funds or authorizes or 129566
executes any contract or schedule contrary to this section, 129567
expends or authorizes the expenditure of any public funds on the 129568
void contract or schedule, or issues a certificate under this 129569
section which contains any false statements is liable to the 129570
school district for the full amount paid from the district's 129571
funds on the contract or schedule. The officer, employee, or 129572
other person is jointly and severally liable in person and upon 129573
any official bond that the officer, employee, or other person 129574
has given to the school district to the extent of any payments 129575
on the void claim, not to exceed ten thousand dollars. However, 129576
no officer, employee, or other person shall be liable for a 129577

mistaken estimate of available resources made in good faith and 129578
based upon reasonable grounds. If an officer, employee, or other 129579
person is found to have complied with rules jointly adopted by 129580
the department of education and workforce and the auditor of 129581
state under this section governing methods by which revenue 129582
shall be estimated and determined sufficient to provide 129583
necessary operating revenue for the purpose of making 129584
certifications required by this section, the officer, employee, 129585
or other person shall not be liable under this section if the 129586
estimates and determinations made according to those rules do 129587
not, in fact, conform with actual revenue. The prosecuting 129588
attorney of the county, the city director of law, or other chief 129589
law officer of the district shall enforce this liability by 129590
civil action brought in any court of appropriate jurisdiction in 129591
the name of and on behalf of the school district. If the 129592
prosecuting attorney, city director of law, or other chief law 129593
officer of the district fails, upon the written request of any 129594
taxpayer, to institute action for the enforcement of the 129595
liability, the attorney general, or the taxpayer in the 129596
taxpayer's own name, may institute the action on behalf of the 129597
subdivision. 129598

(H) This section does not require the attachment of an 129599
additional certificate beyond that required by section 5705.41 129600
of the Revised Code for current payrolls of, or contracts of 129601
employment with, any employees or officers of the school 129602
district. 129603

This section does not require the attachment of a 129604
certificate to a temporary appropriation measure if all of the 129605
following apply: 129606

(1) The amount appropriated does not exceed twenty-five 129607

per cent of the total amount from all sources available for 129608
expenditure from any fund during the preceding fiscal year; 129609

(2) The measure will not be in effect on or after the 129610
thirtieth day following the earliest date on which the district 129611
may pass an annual appropriation measure; 129612

(3) An amended official certificate of estimated resources 129613
for the current year, if required, has not been certified to the 129614
board of education under division (B) of section 5705.36 of the 129615
Revised Code. 129616

Sec. 5705.55. (A) The board of directors of a lake 129617
facilities authority, by a vote of two-thirds of all its 129618
members, may at any time declare by resolution that the amount 129619
of taxes which may be raised within the ten-mill limitation by 129620
levies on the current tax duplicate will be insufficient to 129621
provide an adequate amount for the necessary requirements of the 129622
authority, that it is necessary to levy a tax in excess of such 129623
limitation for any of the purposes specified in divisions (A), 129624
(B), (F), and (H) of section 5705.19 of the Revised Code, and 129625
that the question of such additional tax levy shall be submitted 129626
by the board to the electors residing within the boundaries of 129627
the impacted lake district on the day of a primary or general 129628
election. The resolution shall conform to section 5705.19 of the 129629
Revised Code, except that the tax levy may be in effect for no 129630
more than five years, as set forth in the resolution, unless the 129631
levy is for the payment of debt charges, and the total number of 129632
mills levied for each dollar of taxable valuation that may be 129633
levied under this section for any tax year shall not exceed one 129634
mill. If the levy is for the payment of debt charges, the levy 129635
shall be for the life of the bond indebtedness. 129636

The resolution shall specify the date of holding the 129637

election, which shall not be earlier than ninety days after the 129638
adoption and certification of the resolution to the board of 129639
elections. The resolution shall not include a levy on the 129640
current tax list and duplicate unless the election is to be held 129641
at or prior to the first Tuesday after the first Monday in 129642
November of the current tax year. 129643

The resolution shall be certified to the board of 129644
elections of the proper county or counties not less than ninety 129645
days before the date of the election. The resolution shall go 129646
into immediate effect upon its passage, and no publication of 129647
the resolution shall be necessary other than that provided in 129648
the notice of election. Section 5705.25 of the Revised Code 129649
shall govern the arrangements for the submission of such 129650
question and other matters concerning the election, to which 129651
that section refers, except that the election shall be held on 129652
the date specified in the resolution. If a majority of the 129653
electors voting on the question so submitted in an election vote 129654
in favor of the levy, the board of directors may forthwith make 129655
the necessary levy within the boundaries of the impacted lake 129656
district at the additional rate in excess of the ten-mill 129657
limitation on the tax list, for the purpose stated in the 129658
resolution. The tax levy shall be included in the next annual 129659
tax budget that is certified to the county budget commission. 129660

(B) The form of the ballot in an election held on the 129661
question of levying a tax proposed pursuant to this section 129662
shall be as follows or in any other form acceptable to the 129663
secretary of state: 129664

"A tax for the benefit of (name of lake facilities 129665
authority) _____ for the purpose of _____, that the 129666
county auditor estimates will collect \$_____ annually, at a rate 129667

not exceeding _____ mills for each \$1 of taxable value, 129668
 which amounts to \$ _____ for each \$100,000 of ~~the county~~ 129669
~~auditor's appraised market~~ value, for _____ (life of 129670
 indebtedness or number of years the levy is to run). 129671
 129672

	FOR THE TAX LEVIES	
	AGAINST THE TAX LEVIES	"

If the levy is for the payment of debt charges, the form 129673
 of the ballot shall be modified by omitting the phrase ", that 129674
 the county auditor estimates will collect \$ _____ annually." 129675

(C) On approval of the levy, notes may be issued in 129676
 anticipation of the collection of the proceeds of the tax levy, 129677
 other than the proceeds to be received for the payment of bond 129678
 debt charges, in the amount and manner and at the times as are 129679
 provided in section 5705.193 of the Revised Code, for the 129680
 issuance of notes by a county in anticipation of the proceeds of 129681
 a tax levy. The lake facilities authority may borrow money in 129682
 anticipation of the collection of current revenues as provided 129683
 in section 133.10 of the Revised Code. 129684

(D) If a tax is levied under this section in a tax year, 129685
 no other taxing authority of a subdivision or taxing unit, 129686
 including a port authority, may levy a tax on property in the 129687
 impacted lake district in the same tax year if the purpose of 129688
 the levy is substantially the same as the purpose for which the 129689
 lake facilities authority of the impacted lake district was 129690
 created. 129691

Sec. 5709.212. (A) ~~With~~ Except for applications filed for 129692
an industrial water pollution control facility, with every 129693

application for an exempt facility certificate filed pursuant to 129694
section 5709.21 of the Revised Code, the applicant shall pay a 129695
fee equal to one-half of one per cent of the total exempt 129696
facility project cost, not to exceed two thousand dollars. If 129697
the director of environmental protection is required to provide 129698
the opinion for an application for an air pollution control 129699
facility or noise pollution control facility, the fee shall be 129700
credited to the non-Title V clean air fund created in section 129701
3704.035 of the Revised Code for use in administering section 129702
5709.211 of the Revised Code, ~~unless the application is for an~~ 129703
~~industrial water pollution control facility. In such a case, the~~ 129704
~~fee shall be credited to the surface water protection fund~~ 129705
~~created in section 6111.038 of the Revised Code for use in~~ 129706
~~administering section 5709.211 of the Revised Code.~~ If the 129707
director of development or director of natural resources is 129708
required to provide the opinion for an application, the fee for 129709
each exempt facility application shall be credited to the exempt 129710
facility inspection fund, which is hereby created in the state 129711
treasury, for appropriation to the department of development 129712
~~services agency or department of natural resources, as~~ 129713
applicable, for use in administering section 5709.211 of the 129714
Revised Code. 129715

An applicant is not entitled to any tax exemption under 129716
section 5709.25 of the Revised Code until the fee required by 129717
this section is paid. The fee required by this section is not 129718
refundable, and is due with the application for an exempt 129719
facility certificate even if an exempt facility certificate 129720
ultimately is not issued or is withdrawn. Any application 129721
submitted without payment of the fee shall be deemed incomplete 129722
until the fee is paid. 129723

(B) The application fee imposed under division (A) of this 129724

section for a jointly owned facility shall be equal to one-half 129725
of one per cent of the total exempt facility project cost, not 129726
to exceed two thousand dollars for each facility that is the 129727
subject of the application. 129728

Sec. 5709.89. (A) As used in this section: 129729

(1) "Indebted subdivision" means a county, township, or 129730
municipal corporation that has accepted a residential 129731
development loan. 129732

(2) "Residential development loan" means a loan authorized 129733
under section 122.98 of the Revised Code. 129734

(B) The legislative authority of an indebted subdivision 129735
shall adopt a resolution or ordinance exempting from real 129736
property taxation improvements to each parcel of real property 129737
whose construction commenced as the result of infrastructure 129738
whose development, repair, or upgrade was funded by a 129739
residential development loan accepted by the subdivision. The 129740
resolution or ordinance shall be adopted and begin to apply in 129741
the same tax year in which such infrastructure is developed, 129742
repaired, or upgraded. 129743

The resolution or ordinance shall require the owner of the 129744
improvements exempted from taxation to make annual service 129745
payments in lieu of taxes to the county treasurer on or before 129746
the final dates for payment of real property taxes. Service 129747
payments in lieu of taxes required by a resolution or ordinance 129748
adopted under this section shall be charged and collected in the 129749
same manner and in the same amount as the real property taxes 129750
that would have been charged and payable against the 129751
improvements if not for the exemption. 129752

Service payment receipts shall be distributed at the same 129753

time and in the same manner as real property tax payments. The 129754
entire amount, however, shall be paid to the indebted 129755
subdivision. The county treasurer shall maintain a record of the 129756
service payments in lieu of taxes made from property in each 129757
indebted subdivision. 129758

The indebted subdivision shall use the payments solely to 129759
repay the residential development loan associated with the 129760
exempted improvements. An exemption from taxation under this 129761
section and the obligation to make service payments ends 129762
beginning for the tax year after the applicable residential 129763
development loan is fully repaid, including any applicable 129764
interest. The indebted subdivision shall notify the parcel's 129765
owner, the county auditor, and the county treasurer immediately 129766
after the loan is fully repaid of the tax year in which the 129767
exemption and payments are to end. 129768

Sec. 5709.92. (A) As used in this section: 129769

(1) "School district" means a city, local, or exempted 129770
village school district. 129771

(2) "Joint vocational school district" means a joint 129772
vocational school district created under section 3311.16 of the 129773
Revised Code, and includes a cooperative education school 129774
district created under section 3311.52 or 3311.521 of the 129775
Revised Code and a county school financing district created 129776
under section 3311.50 of the Revised Code. 129777

(3) "Total resources" means the sum of the amounts 129778
described in divisions (A) (3) (a) to (g) of this section less any 129779
reduction required under division (C) (3) (a) of this section. 129780

(a) The state education aid for fiscal year 2015; 129781

(b) The sum of the payments received in fiscal year 2015 129782

for current expense levy losses under division (C) (3) of section 129783
5727.85 and division (C) (12) of section 5751.21 of the Revised 129784
Code, as they existed at that time, excluding the portion of 129785
such payments attributable to levies for joint vocational school 129786
district purposes; 129787

(c) The sum of fixed-sum levy loss payments received by 129788
the school district in fiscal year 2015 under division (F) (1) of 129789
section 5727.85 and division (E) (1) of section 5751.21 of the 129790
Revised Code, as they existed at that time, for fixed-sum levies 129791
charged and payable for a purpose other than paying debt 129792
charges; 129793

(d) The district's taxes charged and payable against all 129794
property on the tax list of real and public utility property for 129795
current expense purposes for tax year 2014, including taxes 129796
charged and payable from emergency levies charged and payable 129797
under ~~sections~~ section 5705.194 ~~to 5705.197~~ of the Revised Code, 129798
excluding taxes levied for joint vocational school district 129799
purposes or levied under section 5705.23 of the Revised Code; 129800

(e) The amount certified for fiscal year 2015 under 129801
division (A) (2) of section 3317.08 of the Revised Code; 129802

(f) Distributions received during calendar year 2014 from 129803
taxes levied under section 718.09 of the Revised Code; 129804

(g) Distributions received during fiscal year 2015 from 129805
the gross casino revenue county student fund. 129806

(4) (a) "State education aid" for a school district means 129807
the sum of state amounts computed for the district under 129808
sections 3317.022 and 3317.0212 of the Revised Code after any 129809
amounts are added or subtracted under Section 263.240 of Am. 129810
Sub. H.B. 59 of the 130th general assembly, entitled 129811

"TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."	129812
	129813
(b) "State education aid" for a joint vocational district means the amount computed for the district under section 3317.16 of the Revised Code after any amounts are added or subtracted under Section 263.250 of Am. Sub. H.B. 59 of the 130th general assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS."	129814
	129815
	129816
	129817
	129818
	129819
(5) "Taxes charged and payable" means taxes charged and payable after the reduction required by section 319.301 of the Revised Code but before the reductions required by sections 319.302 and 323.152 of the Revised Code.	129820
	129821
	129822
	129823
(6) "Capacity quintile" means the capacity measure quintiles determined under division (B) of this section.	129824
	129825
(7) "Threshold per cent" means the following:	129826
(a) For a school district in the lowest capacity quintile, one per cent for fiscal year 2016 and two per cent for fiscal year 2017.	129827
	129828
	129829
(b) For a school district in the second lowest capacity quintile, one and one-fourth per cent for fiscal year 2016 and two and one-half per cent for fiscal year 2017.	129830
	129831
	129832
(c) For a school district in the third lowest capacity quintile, one and one-half per cent for fiscal year 2016 and three per cent for fiscal year 2017.	129833
	129834
	129835
(d) For a school district in the second highest capacity quintile, one and three-fourths per cent for fiscal year 2016 and three and one-half per cent for fiscal year 2017.	129836
	129837
	129838
(e) For a school district in the highest capacity	129839

quintile, two per cent for fiscal year 2016 and four per cent 129840
for fiscal year 2017. 129841

(f) For a joint vocational school district, two per cent 129842
for fiscal year 2016 and four per cent for fiscal year 2017. 129843

(8) "Current expense allocation" means the sum of the 129844
payments received by a school district or joint vocational 129845
school district in fiscal year 2015 for current expense levy 129846
losses under division (C) (3) of section 5727.85 and division (C) 129847
(12) of section 5751.21 of the Revised Code as they existed at 129848
that time, less any reduction required under division (C) (3) (b) 129849
of this section. 129850

(9) "Non-current expense allocation" means the sum of the 129851
payments received by a school district or joint vocational 129852
school district in fiscal year 2015 for levy losses under 129853
division (C) (3) (c) of section 5727.85 and division (C) (12) (c) of 129854
section 5751.21 of the Revised Code, as they existed at that 129855
time, and levy losses in fiscal year 2015 under division (H) of 129856
section 5727.84 of the Revised Code as that section existed at 129857
that time attributable to levies for and payments received for 129858
losses on levies intended to generate money for maintenance of 129859
classroom facilities. 129860

(10) "Operating TPP fixed-sum levy losses" means the sum 129861
of payments received by a school district in fiscal year 2015 129862
for levy losses under division (E) of section 5751.21 of the 129863
Revised Code, excluding levy losses for debt purposes. 129864

(11) "Operating S.B. 3 fixed-sum levy losses" means the 129865
sum of payments received by the school district in fiscal year 129866
2015 for levy losses under division (H) of section 5727.84 of 129867
the Revised Code, excluding levy losses for debt purposes. 129868

(12) "TPP fixed-sum debt levy losses" means the sum of 129869
payments received by a school district in fiscal year 2015 for 129870
levy losses under division (E) of section 5751.21 of the Revised 129871
Code for debt purposes. 129872

(13) "S.B. 3 fixed-sum debt levy losses" means the sum of 129873
payments received by the school district in fiscal year 2015 for 129874
levy losses under division (H) of section 5727.84 of the Revised 129875
Code for debt purposes. 129876

(14) "Qualifying levies" means qualifying levies described 129877
in section 5751.20 of the Revised Code as that section was in 129878
effect before July 1, 2015. 129879

(15) "Total taxable value" has the same meaning as in 129880
section 3317.02 of the Revised Code. 129881

(B) The department of education and workforce shall rank 129882
all school districts in the order of districts' capacity 129883
measures determined under former section 3317.018 of the Revised 129884
Code from lowest to highest, and divide such ranking into 129885
quintiles, with the first quintile containing the twenty per 129886
cent of school districts having the lowest capacity measure and 129887
the fifth quintile containing the twenty per cent of school 129888
districts having the highest capacity measure. This calculation 129889
and ranking shall be performed once, in fiscal year 2016. 129890

(C) (1) In fiscal year 2016, payments shall be made to 129891
school districts and joint vocational school districts equal to 129892
the sum of the amounts described in divisions (C) (1) (a) or (b) 129893
and (C) (1) (c) of this section. In fiscal year 2017, payments 129894
shall be made to school districts and joint vocational school 129895
districts equal to the amount described in division (C) (1) (a) or 129896
(b) of this section. 129897

(a) If the ratio of the current expense allocation to total resources is equal to or less than the district's threshold percent, zero;

(b) If the ratio of the current expense allocation to total resources is greater than the district's threshold percent, the difference between the current expense allocation and the product of the threshold percentage and total resources;

(c) For fiscal year 2016, the product of the non-current expense allocation multiplied by fifty per cent.

(2) In fiscal year 2018 and subsequent fiscal years, payments shall be made to school districts and joint vocational school districts equal to the difference obtained by subtracting the amount described in division (C) (2) (b) of this section from the amount described in division (C) (2) (a) of this section, provided that such amount is greater than zero.

(a) The sum of the payments received by the district under division (C) (1) (b) or (C) (2) of this section for the immediately preceding fiscal year;

(b) One-sixteenth of one per cent of the average of the total taxable value of the district for tax years 2014, 2015, and 2016.

(3) (a) "Total resources" used to compute payments under division (C) (1) of this section shall be reduced to the extent that payments distributed in fiscal year 2015 were attributable to levies no longer charged and payable for tax year 2014.

(b) "Current expense allocation" used to compute payments under division (C) (1) of this section shall be reduced to the extent that the payments distributed in fiscal year 2015 were attributable to levies no longer charged and payable for tax

year 2014. 129927

(4) The department of education and workforce shall report 129928
to each school district and joint vocational school district the 129929
apportionment of the payments under division (C) (1) of this 129930
section among the district's funds based on qualifying levies. 129931

(D) (1) Payments in the following amounts shall be made to 129932
school districts and joint vocational school districts in tax 129933
years 2016 through 2021: 129934

(a) In tax year 2016, the sum of the district's operating 129935
TPP fixed-sum levy losses and operating S.B. 3 fixed-sum levy 129936
losses. 129937

(b) In tax year 2017, the sum of the district's operating 129938
TPP fixed-sum levy losses and eighty per cent of operating S.B. 129939
3 fixed-sum levy losses. 129940

(c) In tax year 2018, the sum of eighty per cent of the 129941
district's operating TPP fixed-sum levy losses and sixty per 129942
cent of its operating S.B. 3 fixed-sum levy losses. 129943

(d) In tax year 2019, the sum of sixty per cent of the 129944
district's operating TPP fixed-sum levy losses and forty per 129945
cent of its operating S.B. 3 fixed-sum levy losses. 129946

(e) In tax year 2020, the sum of forty per cent of the 129947
district's operating TPP fixed-sum levy losses and twenty per 129948
cent of its operating S.B. 3 fixed-sum levy losses. 129949

(f) In tax year 2021, twenty per cent of the district's 129950
operating TPP fixed-sum levy losses. 129951

No payment shall be made under division (D) (1) of this 129952
section after tax year 2021. 129953

(2) Amounts are payable under division (D) of this section 129954
for fixed-sum levy losses only to the extent of such losses for 129955
qualifying levies that remain in effect for the current tax 129956
year. For this purpose, a qualifying levy levied under section 129957
5705.194 or 5705.213 of the Revised Code remains in effect for 129958
the current tax year only if a tax levied under either of those 129959
sections is charged and payable for the current tax year for an 129960
annual sum at least equal to the annual sum levied by the board 129961
of education for tax year 2004 under those sections less the 129962
amount of the payment under this division. 129963

(E) (1) For fixed-sum levies for debt purposes, payments 129964
shall be made to school districts and joint vocational school 129965
districts equal to one hundred per cent of the district's fixed- 129966
sum levy loss determined under division (E) of section 5751.20 129967
and division (H) of section 5727.84 of the Revised Code as in 129968
effect before July 1, 2015, and paid in tax year 2014. No 129969
payment shall be made for qualifying levies that are no longer 129970
charged and payable. 129971

(2) Beginning in 2016, by the thirty-first day of January 129972
of each year, the tax commissioner shall review the calculation 129973
of fixed-sum levy loss for debt purposes determined under 129974
division (E) of section 5751.20 and division (H) of section 129975
5727.84 of the Revised Code as in effect before July 1, 2015. If 129976
the commissioner determines that a fixed-sum levy that had been 129977
scheduled to be reimbursed in the current year is no longer 129978
charged and payable, a revised calculation for that year and all 129979
subsequent years shall be made. 129980

(F) (1) For taxes levied within the ten-mill limitation for 129981
debt purposes in tax year 1998 in the case of electric company 129982
tax value losses, and in tax year 1999 in the case of natural 129983

gas company tax value losses, payments shall be made to school districts and joint vocational school districts equal to one hundred per cent of the loss computed under division (D) of section 5727.85 of the Revised Code as in effect before July 1, 2015, as if the tax were a fixed-rate levy, but those payments shall extend through fiscal year 2016.

(2) For taxes levied within the ten-mill limitation for debt purposes in tax year 2005, payments shall be made to school districts and joint vocational school districts equal to one hundred per cent of the loss computed under division (D) of section 5751.21 of the Revised Code as in effect before July 1, 2015, as if the tax were a fixed-rate levy, but those payments shall extend through fiscal year 2018.

(G) If all the territory of a school district or joint vocational school district is merged with another district, or if a part of the territory of a school district or joint vocational school district is transferred to an existing or newly created district, the department of education and workforce, in consultation with the tax commissioner, shall adjust the payments made under this section as follows:

(1) For a merger of two or more districts, fixed-sum levy losses, total resources, current expense allocation, and non-current expense allocation of the successor district shall be the sum of such items for each of the districts involved in the merger.

(2) If property is transferred from one district to a previously existing district, the amount of the total resources, current expense allocation, and non-current expense allocation that shall be transferred to the recipient district shall be an amount equal to the total resources, current expense allocation,

and non-current expense allocation of the transferor district 130014
times a fraction, the numerator of which is the number of pupils 130015
being transferred to the recipient district, measured, in the 130016
case of a school district, by formula ADM as defined in section 130017
3317.02 of the Revised Code or, in the case of a joint vocational 130018
school district, by formula ADM as defined for a joint 130019
vocational school district in that section, and the denominator 130020
of which is the formula ADM of the transferor district. 130021

(3) After December 31, 2010, if property is transferred 130022
from one or more districts to a district that is newly created 130023
out of the transferred property, the newly created district 130024
shall be deemed not to have any total resources, current expense 130025
allocation, total allocation, or non-current expense allocation. 130026

(4) If the recipient district under division (G) (2) of 130027
this section or the newly created district under division (G) (3) 130028
of this section is assuming debt from one or more of the 130029
districts from which the property was transferred and any of the 130030
districts losing the property had fixed-sum levy losses, the 130031
department of education and workforce, in consultation with the 130032
tax commissioner, shall make an equitable division of the 130033
reimbursements for those losses. 130034

(H) The payments required by divisions (C), (D), (E), (F), 130035
and (I) of this section shall be distributed periodically to 130036
each school and joint vocational school district by the 130037
department of education and workforce unless otherwise provided 130038
for. Except as provided in division (D) of this section, if a 130039
levy that is a qualifying levy is not charged and payable in any 130040
year after 2014, payments to the school district or joint 130041
vocational school district shall be reduced to the extent that 130042
the payments distributed in fiscal year 2015 were attributable 130043

to the levy loss of that levy. 130044

(I) For fiscal years 2022 through 2026, if the total 130045
amount to be received under divisions (C) and (E) of this 130046
section by any school district that has a nuclear power plant 130047
located within its territory is less than the amount the 130048
district received under this section in fiscal year 2017, the 130049
district shall receive a supplemental payment equal to the 130050
difference between the amount to be received under those 130051
divisions for the fiscal year and the amount received under this 130052
section in fiscal year 2017. 130053

Sec. 5709.93. (A) As used in this section: 130054

(1) "Taxes charged and payable" means taxes charged and 130055
payable after the reduction required by section 319.301 of the 130056
Revised Code but before the reductions required by sections 130057
319.302 and 323.152 of the Revised Code. 130058

(2) "Threshold per cent" means two per cent for fiscal 130059
year 2016; and, for fiscal year 2017 and thereafter, the sum of 130060
the prior year's threshold per cent plus two percentage points. 130061

(3) "Public library" means a county, municipal, school 130062
district, or township public library that receives the proceeds 130063
of a tax levied under section 5705.23 of the Revised Code. 130064

(4) "Local taxing unit" means a subdivision or taxing 130065
unit, as defined in section 5705.01 of the Revised Code, a park 130066
district created under Chapter 1545. of the Revised Code, or a 130067
township park district established under section 511.23 of the 130068
Revised Code, but excludes school districts and joint vocational 130069
school districts. 130070

(5) "Municipal current expense allocation" means the sum 130071
of the payments received by a municipal corporation in calendar 130072

year 2014 for current expense levy losses under division (A) (1) 130073
(e) (ii) of section 5727.86 and division (A) (1) (c) (ii) of section 130074
5751.22 of the Revised Code as they existed at that time. 130075

(6) "Current expense allocation" means the sum of the 130076
payments received by a local taxing unit or public library in 130077
calendar year 2014 for current expense levy losses under 130078
division (A) (1) of section 5727.86 and divisions (A) (1) and (2) 130079
of section 5751.22 of the Revised Code as they existed at that 130080
time, less any reduction required under division (B) (2) of this 130081
section. 130082

(7) "TPP inside millage debt levy loss" means payments 130083
made to local taxing units in calendar year 2014 under division 130084
(A) (3) of section 5751.22 of the Revised Code as that section 130085
existed at that time. 130086

(8) "S.B. 3 inside millage debt levy loss" means payments 130087
made to local taxing units in calendar year 2014 under section 130088
(A) (4) of section 5727.86 of the Revised Code as that section 130089
existed at that time. 130090

(9) "Qualifying levy" means a levy for which payment was 130091
made in calendar year 2014 under division (A) (1) of section 130092
5727.86 and divisions (A) (1) and (2) of section 5751.22 of the 130093
Revised Code as they existed at that time. 130094

(10) "Total resources," in the case of county mental 130095
health and disability related functions, means the sum of the 130096
amounts in divisions (A) (10) (a) and (b) of this section less any 130097
reduction required under division (B) (1) of this section. 130098

(a) The sum of the payments received by the county for 130099
mental health and developmental disability related functions in 130100
calendar year 2014 under division (A) (1) of section 5727.86 and 130101

division (A) (1) of section 5751.22 of the Revised Code as they 130102
existed at that time; 130103

(b) With respect to taxes levied by the county for mental 130104
health and developmental disability related purposes, the taxes 130105
charged and payable for such purposes against all property on 130106
the tax list of real and public utility property for tax year 130107
2014. 130108

(11) "Total resources," in the case of county senior 130109
services related functions, means the sum of the amounts in 130110
divisions (A) (11) (a) and (b) of this section less any reduction 130111
required under division (B) (1) of this section. 130112

(a) The sum of the payments received by the county for 130113
senior services related functions in calendar year 2014 under 130114
division (A) (1) of section 5727.86 and division (A) (1) of 130115
section 5751.22 of the Revised Code as they existed at that 130116
time; 130117

(b) With respect to taxes levied by the county for senior 130118
services related purposes, the taxes charged and payable for 130119
such purposes against all property on the tax list of real and 130120
public utility property for tax year 2014. 130121

(12) "Total resources," in the case of county children's 130122
services related functions, means the sum of the amounts in 130123
divisions (A) (12) (a) and (b) of this section less any reduction 130124
required under division (B) (1) of this section. 130125

(a) The sum of the payments received by the county for 130126
children's services related functions in calendar year 2014 130127
under division (A) (1) of section 5727.86 and division (A) (1) of 130128
section 5751.22 of the Revised Code as they existed at that 130129
time; 130130

(b) With respect to taxes levied by the county for children's services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014.

(13) "Total resources," in the case of county public health related functions, means the sum of the amounts in divisions (A) (13) (a) and (b) of this section less any reduction required under division (B) (1) of this section.

(a) The sum of the payments received by the county for public health related functions in calendar year 2014 under division (A) (1) of section 5727.86 and division (A) (1) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014.

(14) "Total resources," in the case of all county functions not included in divisions (A) (10) to (13) of this section, means the sum of the amounts in divisions (A) (14) (a) to (e) of this section less any reduction required under division (B) (1) or (2) of this section.

(a) The sum of the payments received by the county for all other purposes in calendar year 2014 under division (A) (1) of section 5727.86 and division (A) (1) of section 5751.22 of the Revised Code as they existed at that time;

(b) The county's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under

division (J) of section 5747.51 of the Revised Code or division 130160
(F) of section 5747.53 of the Revised Code multiplied by the 130161
total amount actually distributed in calendar year 2014 from the 130162
county undivided local government fund; 130163

(c) With respect to taxes levied by the county for all 130164
other purposes, the taxes charged and payable for such purposes 130165
against all property on the tax list of real and public utility 130166
property for tax year 2014, excluding taxes charged and payable 130167
for the purpose of paying debt charges; 130168

(d) The sum of the amounts distributed to the county in 130169
calendar year 2014 for the taxes levied pursuant to sections 130170
5739.021 and 5741.021 of the Revised Code; 130171

(e) The sum of amounts distributed to the county from the 130172
gross casino revenue county fund from July 2014 through April 130173
2015. 130174

(15) "Total resources," in the case of a municipal 130175
corporation, means the sum of the amounts in divisions (A) (15) 130176
(a) to (h) of this section less any reduction required under 130177
division (B) (1) or (2) of this section. 130178

(a) The sum of the payments received by the municipal 130179
corporation in calendar year 2014 for current expense levy 130180
losses under division (A) (1) of section 5727.86 and division (A) 130181
(1) of section 5751.22 of the Revised Code as they existed at 130182
that time; 130183

(b) The municipal corporation's percentage share of county 130184
undivided local government fund allocations as certified to the 130185
tax commissioner for calendar year 2015 by the county auditor 130186
under division (J) of section 5747.51 of the Revised Code or 130187
division (F) of section 5747.53 of the Revised Code multiplied 130188

by the total amount actually distributed in calendar year 2014	130189
from the county undivided local government fund;	130190
(c) The sum of the amounts distributed to the municipal	130191
corporation in calendar year 2014 pursuant to section 5747.50 of	130192
the Revised Code;	130193
(d) With respect to taxes levied by the municipal	130194
corporation, the taxes charged and payable against all property	130195
on the tax list of real and public utility property for	130196
municipal current expenses for tax year 2014;	130197
(e) The amount of admissions tax collected by the	130198
municipal corporation in calendar year 2013, or if such	130199
information has not yet been reported to the tax commissioner,	130200
in the most recent year before 2013 for which the municipal	130201
corporation has reported data to the commissioner;	130202
(f) The amount of income taxes collected by the municipal	130203
corporation in calendar year 2013 as certified to the tax	130204
commissioner under section 5747.50 of the Revised Code in 2013,	130205
or if such information has not yet been reported to the	130206
commissioner, in the most recent year before 2014 for which the	130207
municipal corporation has reported such data to the	130208
commissioner;	130209
(g) The sum of the amounts distributed to the municipal	130210
corporation from the gross casino revenue host city fund from	130211
July 2014 through April 2015;	130212
(h) The sum of the amounts distributed to the municipal	130213
corporation from the gross casino revenue county fund from July	130214
2014 through April 2015.	130215
(16) "Total resources," in the case of a township, means	130216
the sum of the amounts in divisions (A) (16) (a) to (c) of this	130217

section less any reduction required under division (B) (1) or (2) 130218
of this section. 130219

(a) The sum of the payments received by the township in 130220
calendar year 2014 pursuant to division (A) (1) of section 130221
5727.86 of the Revised Code and division (A) (1) of section 130222
5751.22 of the Revised Code as they existed at that time, 130223
excluding payments received for debt purposes; 130224

(b) The township's percentage share of county undivided 130225
local government fund allocations as certified to the tax 130226
commissioner for calendar year 2015 by the county auditor under 130227
division (J) of section 5747.51 of the Revised Code or division 130228
(F) of section 5747.53 of the Revised Code multiplied by the 130229
total amount actually distributed in calendar year 2014 from the 130230
county undivided local government fund; 130231

(c) With respect to taxes levied by the township, the 130232
taxes charged and payable against all property on the tax list 130233
of real and public utility property for tax year 2014 excluding 130234
taxes charged and payable for the purpose of paying debt charges 130235
or from levies imposed under section 5705.23 of the Revised 130236
Code. 130237

(17) "Total resources," in the case of a local taxing unit 130238
that is not a county, municipal corporation, township, or public 130239
library means the sum of the amounts in divisions (A) (17) (a) to 130240
(e) of this section less any reduction required under division 130241
(B) (1) of this section. 130242

(a) The sum of the payments received by the local taxing 130243
unit in calendar year 2014 pursuant to division (A) (1) of 130244
section 5727.86 of the Revised Code and division (A) (1) of 130245
section 5751.22 of the Revised Code as they existed at that 130246

time; 130247

(b) The local taxing unit's percentage share of county 130248
undivided local government fund allocations as certified to the 130249
tax commissioner for calendar year 2015 by the county auditor 130250
under division (J) of section 5747.51 of the Revised Code or 130251
division (F) of section 5747.53 of the Revised Code multiplied 130252
by the total amount actually distributed in calendar year 2014 130253
from the county undivided local government fund; 130254

(c) With respect to taxes levied by the local taxing unit, 130255
the taxes charged and payable against all property on the tax 130256
list of real and public utility property for tax year 2014 130257
excluding taxes charged and payable for the purpose of paying 130258
debt charges or from a levy imposed under section 5705.23 of the 130259
Revised Code; 130260

(d) The amount received from the tax commissioner during 130261
calendar year 2014 for sales or use taxes authorized under 130262
sections 5739.023 and 5741.022 of the Revised Code; 130263

(e) For institutions of higher education receiving tax 130264
revenue from a local levy, as identified in section 3358.02 of 130265
the Revised Code, the final state share of instruction 130266
allocation for fiscal year 2014 as calculated by the chancellor 130267
of higher education and reported to the state controlling board. 130268

(18) "Total resources," in the case of a county, municipal 130269
corporation, school district, or township public library that 130270
receives the proceeds of a tax levied under section 5705.23 of 130271
the Revised Code, means the sum of the amounts in divisions (A) 130272
(18) (a) to (d) of this section less any reduction required under 130273
division (B) (1) of this section. 130274

(a) The sum of the payments received by the county, 130275

municipal corporation, school district, or township public library in calendar year 2014 pursuant to sections 5727.86 and 5751.22 of the Revised Code, as they existed at that time, for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code for the benefit of the public library;

(b) The public library's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund;

(c) With respect to a tax levied pursuant to section 5705.23 of the Revised Code for the benefit of the public library, the amount of such tax that is charged and payable against all property on the tax list of real and public utility property for tax year 2014 excluding any tax that is charged and payable for the purpose of paying debt charges;

(d) The sum of the amounts distributed to the library district from the county public library fund in calendar year 2014, as reported to the tax commissioner by the county auditor.

(19) "Municipal current expense property tax levies" means all property tax levies of a municipality, except those with the following levy names: library; airport resurfacing; bond or any levy name including the word "bond"; capital improvement or any levy name including the word "capital"; debt or any levy name including the word "debt"; equipment or any levy name including the word "equipment," unless the levy is for combined operating and equipment; employee termination fund; fire pension or any

levy containing the word "pension," including police pensions; 130306
fireman's fund or any practically similar name; sinking fund; 130307
road improvements or any levy containing the word "road"; fire 130308
truck or apparatus; flood or any levy containing the word 130309
"flood"; conservancy district; county health; note retirement; 130310
sewage, or any levy containing the words "sewage" or "sewer"; 130311
park improvement; parkland acquisition; storm drain; street or 130312
any levy name containing the word "street"; lighting, or any 130313
levy name containing the word "lighting"; and water. 130314

(20) "Operating fixed-rate levy loss" means, in the case 130315
of local taxing units other than municipal corporations, fixed- 130316
rate levy losses of levies imposed for purposes other than 130317
paying debt charges or, in the case of municipal corporations, 130318
fixed-rate levy losses of municipal current expense property tax 130319
levies. 130320

(21) (a) "Qualifying municipal corporation" means a 130321
municipal corporation in the territory of which a qualifying end 130322
user is located. 130323

(b) "Qualifying end user" means an end user of at least 130324
seven million qualifying kilowatt hours of electricity annually. 130325

(c) "Qualifying kilowatt hours" means kilowatt hours of 130326
electricity generated by a renewable energy resource, as defined 130327
in section 5727.01 of the Revised Code, using wind energy and 130328
the distribution of which is subject to the tax levied under 130329
section 5727.81 of the Revised Code for any measurement period 130330
beginning after June 30, 2015. 130331

(22) Any term used in this section has the same meaning as 130332
in section 5727.84 or 5751.20 of the Revised Code unless 130333
otherwise defined by this section. 130334

(B) (1) "Total resources" used to compute payments to be 130335
made under division (C) of this section shall be reduced to the 130336
extent that payments distributed in calendar year 2014 were 130337
attributable to levies no longer charged and payable. 130338

(2) "Current expense allocation" used to compute payments 130339
to be made under division (C) of this section shall be reduced 130340
to the extent that payments distributed in calendar year 2014 130341
were attributable to levies no longer charged and payable. 130342

(C) (1) Except as provided in division (D) of this section, 130343
the tax commissioner shall compute payments for operating fixed- 130344
rate levy losses of local taxing units and public libraries for 130345
fiscal year 2016 and each year thereafter as prescribed in 130346
divisions (C) (1) (a) and (b) of this section: 130347

(a) For public libraries and local taxing units other than 130348
municipal corporations: 130349

(i) If the ratio of current expense allocation to total 130350
resources is equal to or less than the threshold per cent, zero; 130351

(ii) If the ratio of current expense allocation to total 130352
resources is greater than the threshold per cent, the current 130353
expense allocation minus the product of total resources 130354
multiplied by the threshold per cent. 130355

(b) For municipal corporations: 130356

(i) If the ratio of the municipal current expense 130357
allocation to total resources is equal to or less than the 130358
threshold per cent, zero; 130359

(ii) If the ratio of the municipal current expense 130360
allocation to total resources is greater than the threshold per 130361
cent, the municipal current expense allocation minus the product 130362

of total resources multiplied by the threshold per cent. 130363

(2) For any local taxing unit or public library with 130364
operating fixed-rate levy losses greater than zero, the 130365
operating fixed-rate levy loss shall be allocated among all 130366
qualifying operating fixed-rate levies in proportion to each 130367
such levy's share of the payments received in tax year 2014. In 130368
fiscal year 2016 and thereafter, if a levy to which operating 130369
fixed-rate levy loss is allocated is no longer charged and 130370
payable, the payment to the local taxing unit or public library 130371
shall be reduced by the amount allocated to the levy that is no 130372
longer charged and payable. 130373

(D) (1) Except as provided in division (D) (2) of this 130374
section, the tax commissioner shall make payments to local 130375
taxing units equal to the sum of TPP inside millage debt levy 130376
loss and S.B. 3 inside millage debt levy loss. No payment shall 130377
be made if the levy for which the levy loss is computed is not 130378
charged and payable for debt purposes in fiscal year 2016 or any 130379
year thereafter. 130380

(2) No payment shall be made for TPP inside millage debt 130381
levy loss in calendar year 2018 or thereafter. No payment shall 130382
be made for S.B.3 inside millage debt levy loss in calendar year 130383
2017 or thereafter. 130384

(E) For a qualifying municipal corporation, the tax 130385
commissioner shall compute payments for fiscal year 2016 and 130386
each ensuing fiscal year in an amount equal to the amount of tax 130387
imposed under section 5727.81 of the Revised Code and paid on 130388
the basis of qualifying kilowatt hours of electricity 130389
distributed through the meter of a qualifying end user located 130390
in the municipal corporation for measurement periods ending in 130391
the preceding calendar year. The payment shall be computed 130392

regardless of whether the qualifying municipal corporation 130393
qualifies for a payment under any other division of this section 130394
for the fiscal year in which the payment is computed under this 130395
division. For the purposes of this division, the commissioner 130396
may require an electric distribution company distributing 130397
qualifying kilowatt hours or, if the end user is a self- 130398
assessing purchaser, the end user, to report to the commissioner 130399
the number of qualifying kilowatt hours distributed through the 130400
meter of the qualifying end user. 130401

(F) (1) The payments required to be made under divisions 130402
(C), (D), and (H) of this section shall be paid from the ~~local-~~ 130403
~~government tangible property tax replacement~~ general revenue 130404
fund to the county undivided income tax fund in the proper 130405
county treasury. Beginning in August 2015, one-half of the 130406
amount determined under each of those divisions shall be paid on 130407
or before the last day of August each year, and one-half shall 130408
be paid on or before the last day of February each year. Within 130409
thirty days after receipt of such payments, the county treasurer 130410
shall distribute amounts determined under this section to the 130411
proper local taxing unit or public library as if they had been 130412
levied and collected as taxes, and the local taxing unit or 130413
public library shall allocate the amounts so received among its 130414
funds in the same proportions as if those amounts had been 130415
levied and collected as taxes. 130416

(2) On or before the last day of August and of February of 130417
each fiscal year that follows a calendar year in which taxes are 130418
paid on the basis of qualifying kilowatt hours of electricity 130419
distributed through the meter of a qualifying end user located 130420
in a qualifying municipal corporation, one-half of the payment 130421
computed under division (E) of this section shall be paid from 130422
the ~~local government tangible personal property tax replacement-~~ 130423

general revenue fund directly to the qualifying municipal 130424
corporation. The municipal corporation shall credit the payments 130425
to a special fund created for the purpose of providing grants or 130426
other financial assistance to the qualifying end user or to 130427
compensate the municipal corporation for municipal income tax or 130428
other tax credits or reductions as the legislative authority may 130429
grant to the qualifying end user. Such grants or other financial 130430
assistance may be provided for by ordinance or resolution of the 130431
legislative authority of the qualifying municipal corporation 130432
and may continue for as long as is provided by the ordinance or 130433
resolution. 130434

(G) If all or a part of the territories of two or more 130435
local taxing units are merged, or unincorporated territory of a 130436
township is annexed by a municipal corporation, the tax 130437
commissioner shall adjust the payments made under this section 130438
to each of the local taxing units in proportion to the square 130439
mileage of the merged or annexed territory as a percentage of 130440
the total square mileage of the jurisdiction from which the 130441
territory originated, or as otherwise provided by a written 130442
agreement between the legislative authorities of the local 130443
taxing units certified to the commissioner not later than the 130444
first day of June of the calendar year in which the payment is 130445
to be made. 130446

(H) For fiscal years 2022 through 2026, if the total 130447
amount to be received under division (C) of this section by a 130448
joint fire district that has a nuclear power plant located 130449
within its territory is less than the amount the district 130450
received under this section in fiscal year 2017, the district 130451
shall receive a supplemental payment equal to the difference 130452
between the amount to be received under that division for the 130453
fiscal year and the amount received under this section in fiscal 130454

year 2017. 130455

Sec. 5713.34. (A) (1) Upon the conversion of all or any 130456
portion of a tract, lot, or parcel of land devoted exclusively 130457
to agricultural use a portion of the tax savings upon such 130458
converted land shall be recouped as provided for by Section 36, 130459
Article II, Ohio Constitution by levying a charge on such land 130460
in an amount equal to the amount of the tax savings on the 130461
converted land during the three tax years immediately preceding 130462
the year in which the conversion occurs. If the auditor 130463
discovers that agricultural land valued at the lowest valued 130464
soil type, pursuant to section 5713.31 of the Revised Code, 130465
because of its use for a conservation practice or designation as 130466
eligible conservation land ceases to meet that criteria sooner 130467
than thirty-six months after the initial certification, the 130468
auditor shall levy a charge on such agricultural land in an 130469
amount equal to the reduction in taxes resulting from the land's 130470
valuation at the lowest valued soil type, rather than valuation 130471
at its actual soil type, in all preceding years the land was so 130472
valued, not to exceed the most recent three years. The charges 130473
levied under this section shall constitute a lien of the state 130474
upon such converted land as of the first day of January of the 130475
tax year in which the charge is levied and shall continue until 130476
discharged as provided by law. 130477

(2) Upon the conversion of an adequately described portion 130478
of a tract, lot, or parcel of land, the county auditor shall 130479
divide any numbered permanent parcel into economic units and 130480
value each unit individually for the purpose of levying the 130481
charge under division (A) (1) of this section against only the 130482
converted portion. 130483

(3) A charge shall not be levied under this section for 130484

the conversion of a portion of a tract, lot, or parcel of land 130485
devoted exclusively to agricultural use if the conversion is 130486
incident to the construction or installation of an energy 130487
facility, as defined in section 5727.01 of the Revised Code, and 130488
if the remaining portion of the tract, lot, or parcel continues 130489
to be devoted exclusively to agricultural use. 130490

(B) Except as otherwise provided in division (C) or (D) of 130491
this section, a public entity that acquires by any means and 130492
converts land devoted exclusively to agricultural use and a 130493
private entity granted the power of eminent domain that acquires 130494
by any means and converts land devoted exclusively to 130495
agricultural use shall pay the charge levied by division (A) of 130496
this section and shall not, directly or indirectly, transfer the 130497
charge to the person from whom the land is acquired. A person 130498
injured by a violation of this division may recover, in a civil 130499
action, any damages resulting from the violation. 130500

(C) The charge levied by division (A) (1) of this section 130501
does not apply to the conversion of land that meets either of 130502
the following conditions: 130503

(1) The land is exempt from taxation pursuant to division 130504
(B) of section 5709.09 of the Revised Code and remains 130505
principally undeveloped. 130506

(2) The land is acquired by a public entity by means other 130507
than eminent domain and thereafter used exclusively for a public 130508
purpose that leaves the land principally undeveloped when either 130509
of the following conditions applies: 130510

~~(1)~~(a) In the case of land so acquired and converted by a 130511
park district created under Chapter 1545. of the Revised Code, 130512
the land is located within the boundaries of the park district. 130513

~~(2)~~(b) In the case of land so acquired and converted by a public entity other than a park district created under Chapter 1545. of the Revised Code, the land is located within the boundaries of any city, local, exempted village, or joint vocational school district that is wholly or partially located within the boundaries of the public entity that so acquired and converted the land.

If all or any portion of a tract, lot, or parcel of ~~such~~ land described in division (C) (1) or (2) of this section is later developed or otherwise converted to a purpose other than one of the purposes enumerated under division (E) (1) of this section, the charge levied by division (A) (1) of this section shall be levied against such developed or converted land as otherwise required by that division.

The county auditor of the county in which the land is located shall determine annually whether all or any portion of a tract, lot, or parcel of land formerly converted to a purpose enumerated under division (E) (1) of this section has been developed in such a way or converted to such a purpose as to require the charge levied by division (A) (1) of this section to be levied against the land so developed or converted.

(D) Division (B) of this section does not apply to a public entity that acquires by means other than eminent domain and converts land devoted exclusively to agricultural use to use for public, active or passive, outdoor education, recreation, or similar open space uses when either of the following conditions applies:

(1) In the case of land so acquired and converted by a park district created under Chapter 1545. of the Revised Code, the land is located outside the boundaries of the park district.

(2) In the case of land so acquired and converted by a public entity other than a park district created under Chapter 1545. of the Revised Code, the land is located outside the boundaries of any city, local, exempted village, or joint vocational school district that is wholly or partially located within the boundaries of the public entity that so acquired and converted the land.

(E) As used in divisions (C) and (D) of this section:

(1) "Principally undeveloped" means a parcel of real property that is used for public, active or passive, outdoor education, recreation, or similar open space uses and contains only the structures, roadways, and other facilities that are necessary for such uses.

(2) "Public entity" means any political subdivision of this state or any agency or instrumentality of a political subdivision.

Sec. 5715.19. (A) As used in this section:

"Member" has the same meaning as in section 1706.01 of the Revised Code.

"Internet identifier of record" has the same meaning as in section 9.312 of the Revised Code.

"Interim period" means, for each county, the tax year to which section 5715.24 of the Revised Code applies and each subsequent tax year until the tax year in which that section applies again.

"Legislative authority" means a board of county commissioners, a board of township trustees of any township with territory in the county, the board of education of any school

district with territory in the county, or the legislative 130572
authority of a municipal corporation with territory in the 130573
county. 130574

"Original complaint" means a complaint filed under 130575
division (A) of this section. 130576

"Counter-complaint" means a complaint filed under division 130577
(B) of this section in response to an original complaint. 130578

"Third party complainant" means a complainant other than 130579
the property owner, the owner's spouse, a tenant authorized to 130580
file an original complaint, or any person acting on behalf of a 130581
property owner. "Third party complainant" does not include a 130582
legislative authority or a mayor of a municipal corporation, but 130583
does include the prosecuting attorney or treasurer of a county_ 130584
or any person acting on behalf of a legislative authority or 130585
mayor. 130586

For purposes of this section, a person is considered to be 130587
acting on behalf of a legislative authority or mayor if the 130588
person is an official or employee of the political subdivision 130589
or has been hired, contracted, or directed by such an official 130590
or employee to file a complaint or counter-complaint under this 130591
section on behalf of the political subdivision. 130592

(1) Subject to division (A) (2) of this section, a 130593
complaint against any of the following determinations for the 130594
current tax year shall be filed with the county auditor on or 130595
before the thirty-first day of March of the ensuing tax year or 130596
the date of closing of the collection for the first half of real 130597
and public utility property taxes for the current tax year, 130598
whichever is later: 130599

(a) Any classification made under section 5713.041 of the 130600

Revised Code; 130601

(b) Any determination made under section 5713.32 or 130602
5713.35 of the Revised Code; 130603

(c) Any recoupment charge levied under section 5713.35 of 130604
the Revised Code; 130605

(d) The determination of the total valuation or assessment 130606
of any parcel that appears on the tax list, except parcels 130607
assessed by the tax commissioner pursuant to section 5727.06 of 130608
the Revised Code; 130609

(e) The determination of the total valuation of any parcel 130610
that appears on the agricultural land tax list, except parcels 130611
assessed by the tax commissioner pursuant to section 5727.06 of 130612
the Revised Code; 130613

(f) Any determination made under division (A) of section 130614
319.302 of the Revised Code. 130615

If such a complaint is filed by mail or certified mail, 130616
the date of the United States postmark placed on the envelope or 130617
sender's receipt by the postal service shall be treated as the 130618
date of filing. A private meter postmark on an envelope is not a 130619
valid postmark for purposes of establishing whether a complaint 130620
has been timely filed. 130621

Subject to division (A) (6) of this section, any person 130622
owning taxable real property in the county or in a taxing 130623
district with territory in the county; such a person's spouse; a 130624
tenant of the property owner, if the property is classified as 130625
to use for tax purposes as commercial or industrial, the lease 130626
requires the tenant to pay the entire amount of taxes charged 130627
against the property, and the lease allows, or the property 130628
owner otherwise authorizes, the tenant to file such a complaint 130629

with respect to the property; an individual who is retained by 130630
such a person or tenant and who holds a designation from a 130631
professional assessment organization, such as the institute for 130632
professionals in taxation, the national council of property 130633
taxation, or the international association of assessing 130634
officers; a public accountant who holds a permit under section 130635
4701.10 of the Revised Code, a general or residential real 130636
estate appraiser licensed or certified under Chapter 4763. of 130637
the Revised Code, or a real estate broker licensed under Chapter 130638
4735. of the Revised Code, who is retained by such a person or 130639
tenant; if the person or tenant is a firm, company, association, 130640
partnership, limited liability company, or corporation, an 130641
officer, a salaried employee, a partner, or a member of that 130642
person or tenant; if the person or tenant is a trust, a trustee 130643
of the trust; the prosecuting attorney or treasurer of the 130644
county; or the legislative authority of a subdivision or the 130645
mayor of a municipal corporation may file such a complaint 130646
regarding any such determination affecting any real property in 130647
the county, except that a person owning taxable real property in 130648
another county may file such a complaint only with regard to any 130649
such determination affecting real property in the county that is 130650
located in the same taxing district as that person's real 130651
property is located. The county auditor shall present to the 130652
county board of revision all complaints filed with the auditor. 130653

(2) No person, legislative authority, or officer shall 130654
file a complaint against the valuation or assessment of any 130655
parcel that appears on the tax list if it filed a complaint 130656
against the valuation or assessment of that parcel for any prior 130657
tax year in the same interim period, unless the person, 130658
legislative authority, or officer alleges that the valuation or 130659
assessment should be changed due to one or more of the following 130660

circumstances that occurred after the tax lien date for the tax year for which the prior complaint was filed and that the circumstances were not taken into consideration with respect to the prior complaint:

(a) The property was sold in an arm's length transaction, as described in section 5713.03 of the Revised Code;

(b) The property lost value due to some casualty;

(c) Substantial improvement was added to the property;

(d) An increase or decrease of at least fifteen per cent in the property's occupancy has had a substantial economic impact on the property.

(3) If a county board of revision, the board of tax appeals, or any court dismisses a complaint filed under this section or section 5715.13 of the Revised Code for the reason that the act of filing the complaint was the unauthorized practice of law or the person filing the complaint was engaged in the unauthorized practice of law, the party affected by a decrease in valuation or the party's agent, or the person owning taxable real property in the county or in a taxing district with territory in the county, may refile the complaint, notwithstanding division (A) (2) of this section.

(4) (a) No complaint filed under this section or section 5715.13 of the Revised Code shall be dismissed for the reason that the complaint fails to accurately identify the owner of the property that is the subject of the complaint.

(b) If a complaint fails to accurately identify the owner of the property that is the subject of the complaint, the board of revision shall exercise due diligence to ensure the correct property owner is notified as required by divisions (B) and (C)

of this section. 130690

(5) Notwithstanding division (A) (2) of this section, a 130691
person, legislative authority, or officer may file a complaint 130692
against the valuation or assessment of any parcel that appears 130693
on the tax list if it filed a complaint against the valuation or 130694
assessment of that parcel for any prior tax year in the same 130695
interim period if the person, legislative authority, or officer 130696
withdrew the complaint before the complaint was heard by the 130697
board. 130698

(6) The legislative authority of a subdivision, the mayor 130699
of a municipal corporation, or a third party complainant shall 130700
not file an original complaint with respect to property the 130701
subdivision or complainant does not own or lease unless both of 130702
the following conditions are met: 130703

(a) If the complaint is based on a determination described 130704
in division (A) (1) (d) or (e) of this section, ~~the property was~~ 130705
~~(i) sold~~ all of the following requirements are met: 130706

(i) The complaint seeks an increase in the valuation of 130707
the property based upon the sale of the property in an arm's 130708
length transaction, as described in section 5713.03 of the 130709
Revised Code, before, but not after, . 130710

(ii) That sale is evidenced by a conveyance fee statement, 130711
attached to the complaint, that declares the value of the 130712
property conveyed pursuant to section 319.202 of the Revised 130713
Code and that was filed during the two years preceding the tax 130714
lien date for the tax year for which the complaint is to be 130715
filed, and (ii) the . 130716

(iii) That sale price exceeds the true value of the 130717
property appearing on the tax list for that tax year by both ten 130718

per cent and the amount of the filing threshold determined under 130719
division (J) of this section~~+~~. 130720

(b) If the complaint is filed by a legislative authority~~-~~ 130721
~~or,~~ mayor, or third party complainant acting on behalf of a 130722
legislative authority or mayor, the legislative authority or, in 130723
the case of a mayor, the legislative authority of the municipal 130724
corporation, first adopts a resolution authorizing the filing of 130725
the original complaint at a public meeting of the legislative 130726
authority. 130727

(7) A resolution adopted under division (A) (6) (b) of this 130728
section shall include all of the following information: 130729

(a) Identification of the parcel or parcels that are the 130730
subject of the original complaint by street address, if 130731
available from online records of the county auditor, and by 130732
permanent parcel number; 130733

(b) The name of at least one of the record owners of the 130734
parcel or parcels; 130735

(c) The basis for the complaint under divisions (A) (1) (a) 130736
to (f) of this section relative to each parcel identified in the 130737
resolution; 130738

(d) The tax year for which the complaint will be filed, 130739
which shall be a year for which a complaint may be timely filed 130740
under this section at the time of the resolution's adoption. 130741

A legislative authority shall not adopt a resolution 130742
required under division (A) (6) (b) of this section that 130743
identifies more than one parcel under division (A) (7) (a) of this 130744
section, except that a single resolution may identify more than 130745
one parcel under that division if each parcel has the same 130746
record owner or the same record owners, as applicable. A 130747

legislative authority may adopt multiple resolutions required 130748
under division (A) (6) (b) of this section by a single vote, 130749
provided that the vote is separate from the question of whether 130750
to adopt any resolution that is not adopted under division (A) 130751
(6) (b) of this section. 130752

Before adopting a resolution required by division (A) (6) 130753
(b) of this section, the legislative authority shall mail a 130754
written notice to at least one of the record owners of the 130755
parcel or parcels identified in the resolution stating the 130756
intent of the legislative authority in adopting the resolution, 130757
the proposed date of adoption, and the basis for the complaint 130758
under divisions (A) (1) (a) to (f) of this section relative to 130759
each parcel identified in the resolution. The notice shall be 130760
sent by certified mail to the last known tax-mailing address of 130761
at least one of the record owners and, if different from that 130762
tax-mailing address, to the street address of the parcel or 130763
parcels identified in the resolution. Alternatively, if the 130764
legislative authority has record of an internet identifier of 130765
record associated with at least one of the record owners, the 130766
legislative authority may send the notice by ordinary mail and 130767
by that internet identifier of record. The notice shall be 130768
postmarked or, if sent by internet identifier of record, sent at 130769
least seven calendar days before the legislative authority 130770
adopts the resolution. 130771

A board of revision has jurisdiction to consider a 130772
complaint filed pursuant to a resolution adopted under division 130773
(A) (6) (b) of this section only if the legislative authority 130774
notifies the board of revision of the resolution in the manner 130775
prescribed in division ~~(A) (8)~~ (A) (8) (a) of this section. The 130776
failure to accurately identify the street address or the name of 130777
the record owners of the parcel in the resolution does not 130778

invalidate the resolution nor is it a cause for dismissal of the 130779
complaint. 130780

~~(8)~~(8) (a) A complaint form prescribed by a board of 130781
revision or the tax commissioner for the purpose of this section 130782
shall include a box that must be checked, when a legislative 130783
authority, mayor, or third party complainant acting on behalf of 130784
either files an original complaint, to indicate that a 130785
resolution authorizing the complaint was adopted in accordance 130786
with divisions (A) (6) (b) and (7) of this section and that notice 130787
was mailed or sent in accordance with division (A) (7) of this 130788
section before adoption of the resolution to at least one of the 130789
record owners of the property that is the subject of the 130790
complaint. 130791

(b) Any third party complainant shall submit, with the 130792
complaint, a sworn affidavit stating whether the third party 130793
complainant is or is not acting on behalf of a legislative 130794
authority or mayor. 130795

~~(B)~~(B) (1) Within thirty days after the last date such 130796
complaints may be filed, the auditor shall give notice of each 130797
complaint in which the stated amount of overvaluation, 130798
undervaluation, discriminatory valuation, illegal valuation, or 130799
incorrect determination is at least seventeen thousand five 130800
hundred dollars in taxable value to each property owner whose 130801
property is the subject of the complaint, if the complaint was 130802
not filed by the owner or the owner's spouse. A board of 130803
education, subject to this division; a property owner; the 130804
owner's spouse; a tenant of the owner, if that tenant would be 130805
eligible to file a complaint under division (A) of this section 130806
with respect to the property; an individual who is retained by 130807
such an owner or tenant and who holds a designation from a 130808

professional assessment organization, such as the institute for 130809
professionals in taxation, the national council of property 130810
taxation, or the international association of assessing 130811
officers; a public accountant who holds a permit under section 130812
4701.10 of the Revised Code, a general or residential real 130813
estate appraiser licensed or certified under Chapter 4763. of 130814
the Revised Code, or a real estate broker licensed under Chapter 130815
4735. of the Revised Code, who is retained by such an owner or 130816
tenant; or, if the owner or tenant is a firm, company, 130817
association, partnership, limited liability company, 130818
corporation, or trust, an officer, a salaried employee, a 130819
partner, a member, or trustee of that owner or tenant, may file 130820
a counter-complaint in support of or objecting to the amount of 130821
alleged overvaluation, undervaluation, discriminatory valuation, 130822
illegal valuation, or incorrect determination stated in a 130823
previously filed original complaint or objecting to the current 130824
valuation. 130825

(2) A board of education may file a counter-complaint only 130826
if the original complaint (a) was filed by the owner of the 130827
property that is the subject of the complaint, a tenant of that 130828
property owner, or any person acting on behalf of such owner or 130829
tenant, and (b) states an amount of overvaluation, 130830
undervaluation, discriminatory valuation, illegal valuation, or 130831
incorrect determination of at least seventeen thousand five 130832
hundred dollars in taxable value. 130833

The board shall file the counter-complaint within thirty 130834
days after the original complaint is filed or after the last day 130835
such complaints may be filed, whichever is later, and any other 130836
person shall file the counter-complaint within thirty days after 130837
receiving the notice required under this division. 130838

(3) Upon the filing of a counter-complaint, the board of education, property owner, or tenant shall be made a party to the action. 130839
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(C) Each board of revision shall notify any complainant and counter-complainant, and also the property owner, if the property owner's address is known, and the complaint is filed by one other than the property owner, not less than ten days prior to the hearing, either by certified mail or, if the board has record of an internet identifier of record associated with the owner, by ordinary mail and by that internet identifier of record of the time and place the same will be heard. The board of revision shall hear and render its decision on an original complaint within one hundred eighty days after the last day such a complaint may be filed with the board under division (A)(1) of this section or, if a counter-complaint is filed, within one hundred eighty days after such filing. If the original complaint is filed by the legislative authority of a subdivision, the mayor of a municipal corporation with territory in the county, or a third party complainant, and if the board of revision has not rendered its decision on the complaint within one year after the date the complaint was filed, the board may dismiss the complaint. 130842
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(D) The determination of any such original complaint or counter-complaint shall relate back to the date when the lien for taxes or recoupment charges for the current year attached or the date as of which liability for such year was determined. Liability for taxes and recoupment charges for such year and each succeeding year until the complaint is finally determined and for any penalty and interest for nonpayment thereof within the time required by law shall be based upon the determination, valuation, or assessment as finally determined. Each complaint 130861
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shall state the amount of overvaluation, undervaluation, 130870
discriminatory valuation, illegal valuation, or incorrect 130871
classification or determination upon which the complaint is 130872
based. The treasurer shall accept any amount tendered as taxes 130873
or recoupment charge upon property concerning which a complaint 130874
is then pending, computed upon the claimed valuation as set 130875
forth in the complaint. Unless dismissal is required under 130876
division (C) of this section, if an original complaint or 130877
counter-complaint filed for the current year is not determined 130878
by the board within the time prescribed for such determination, 130879
the complaint and any proceedings in relation thereto shall be 130880
continued by the board as a valid complaint for any ensuing year 130881
until that original complaint or counter-complaint is finally 130882
determined by the board or upon any appeal from a decision of 130883
the board. In such case, the original complaint and counter- 130884
complaint shall continue in effect without further filing by the 130885
original taxpayer, the original taxpayer's assignee, or any 130886
other person or entity authorized to file a complaint under this 130887
section. 130888

(E) If a taxpayer files a complaint as to the 130889
classification, valuation, assessment, or any determination 130890
affecting the taxpayer's own property and tenders less than the 130891
full amount of taxes or recoupment charges as finally 130892
determined, an interest charge shall accrue as follows: 130893

(1) If the amount finally determined is less than the 130894
amount billed but more than the amount tendered, the taxpayer 130895
shall pay interest at the rate per annum prescribed by section 130896
5703.47 of the Revised Code, computed from the date that the 130897
taxes were due on the difference between the amount finally 130898
determined and the amount tendered. This interest charge shall 130899
be in lieu of any penalty or interest charge under section 130900

323.121 of the Revised Code unless the taxpayer failed to file a complaint and tender an amount as taxes or recoupment charges within the time required by this section, in which case section 323.121 of the Revised Code applies.

(2) If the amount of taxes finally determined is equal to or greater than the amount billed and more than the amount tendered, the taxpayer shall pay interest at the rate prescribed by section 5703.47 of the Revised Code from the date the taxes were due on the difference between the amount finally determined and the amount tendered, such interest to be in lieu of any interest charge but in addition to any penalty prescribed by section 323.121 of the Revised Code.

(F) Upon request of a complainant, the tax commissioner shall determine the common level of assessment of real property in the county for the year stated in the request that is not valued under section 5713.31 of the Revised Code, which common level of assessment shall be expressed as a percentage of true value and the common level of assessment of lands valued under such section, which common level of assessment shall also be expressed as a percentage of the current agricultural use value of such lands. Such determination shall be made on the basis of the most recent available sales ratio studies of the commissioner and such other factual data as the commissioner deems pertinent.

(G) A complainant shall provide to the board of revision all information or evidence within the complainant's knowledge or possession that affects the real property that is the subject of the complaint. A complainant who fails to provide such information or evidence is precluded from introducing it on appeal to the board of tax appeals or the court of common pleas,

except that the board of tax appeals or court may admit and 130931
consider the evidence if the complainant shows good cause for 130932
the complainant's failure to provide the information or evidence 130933
to the board of revision. 130934

(H) In case of the pendency of any proceeding in court 130935
based upon an alleged excessive, discriminatory, or illegal 130936
valuation or incorrect classification or determination, the 130937
taxpayer may tender to the treasurer an amount as taxes upon 130938
property computed upon the claimed valuation as set forth in the 130939
complaint to the court. The treasurer may accept the tender. If 130940
the tender is not accepted, no penalty shall be assessed because 130941
of the nonpayment of the full taxes assessed. 130942

(I) A legislative authority, or any person acting on 130943
behalf of a legislative authority, may not enter into a private 130944
payment agreement with respect to any complaint filed or 130945
contemplated under this section or section 5715.13 of the 130946
Revised Code, and any such agreement is void and unenforceable. 130947
As used in this division, "private payment agreement" means any 130948
type of agreement in which a property owner, a tenant authorized 130949
to file a complaint under division (A) of this section, or any 130950
person acting on behalf of a property owner or such a tenant 130951
agrees to make one or more payments to a subdivision in exchange 130952
for the legislative authority of that subdivision, or any person 130953
acting on behalf of that subdivision, doing any of the 130954
following: 130955

(1) Refraining from filing a complaint or counter- 130956
complaint under this section; 130957

(2) Dismissing a complaint or counter-complaint filed 130958
under this section by the legislative authority ~~under this~~ 130959
~~section~~ or any person acting on behalf of the legislative 130960

<u>authority;</u>	130961
(3) Resolving a claim under this section by settlement agreement.	130962 130963
A "private payment agreement" does not include any agreement to resolve a claim under this section pursuant to which an agreed-upon valuation for the property that is the subject of the claim is approved by the county auditor and reflected on the tax list, provided that agreement does not require any payments described in this division.	130964 130965 130966 130967 130968 130969
(J) For the purpose of division (A) (6) (a) of this section, the filing threshold for tax year 2022 equals five hundred thousand dollars. For tax year 2023 and each tax year thereafter, the tax commissioner shall adjust the filing threshold used in that division by completing the following calculations in September of each year:	130970 130971 130972 130973 130974 130975
(1) Determine the percentage increase in the gross domestic product deflator determined by the bureau of economic analysis of the United States department of commerce from the first day of January of the preceding year to the last day of December of the preceding year;	130976 130977 130978 130979 130980
(2) Multiply that percentage increase by the filing threshold for the current year;	130981 130982
(3) Add the resulting product to the filing threshold for the current year;	130983 130984
(4) Round the resulting sum to the nearest multiple of one thousand dollars.	130985 130986
The commissioner shall certify the amount resulting from the adjustment to each county auditor not later than the first	130987 130988

day of October each year. The certified amount applies to 130989
complaints filed for the tax year in which the amount is 130990
certified. The commissioner shall not make the adjustment for 130991
any tax year in which the amount resulting from the adjustment 130992
would be less than the filing threshold for the current tax 130993
year. 130994

(K) Any person who knowingly makes a false statement in an 130995
affidavit furnished under division (A) (8) (b) of this section is 130996
guilty of falsification under division (A) (11) of section 130997
2921.13 of the Revised Code. 130998

Sec. 5717.01. An appeal from a decision of a county board 130999
of revision may be taken to the board of tax appeals within 131000
thirty days after notice of the decision of the county board of 131001
revision is mailed as provided in division (A) of section 131002
5715.20 of the Revised Code. Such an appeal may be taken by the 131003
county auditor, the tax commissioner, or any board, legislative 131004
authority, public official, or taxpayer authorized by section 131005
5715.19 of the Revised Code to file complaints against 131006
valuations or assessments with the auditor, except that a 131007
subdivision ~~that files an original complaint or counter-~~ 131008
~~complaint under that section with respect to property the~~ 131009
~~subdivision does not own or lease may not appeal the decision of~~ 131010
~~the board of revision with respect to that original complaint or~~ 131011
~~counter-complaint~~ or the legislative authority or mayor of a 131012
subdivision may file such an appeal only if the subdivision owns 131013
or leases the property that is the subject of the board of 131014
revision's decision, and except that no such appeal may be taken 131015
by a third party complainant, as defined in that section. Such 131016
appeal shall be taken by the filing of a notice of appeal, in 131017
person or by certified mail, express mail, facsimile 131018
transmission, electronic transmission, or by authorized delivery 131019

service, with the board of tax appeals and with the county board 131020
of revision. If notice of appeal is filed by certified mail, 131021
express mail, or authorized delivery service as provided in 131022
section 5703.056 of the Revised Code, the date of the United 131023
States postmark placed on the sender's receipt by the postal 131024
service or the date of receipt recorded by the authorized 131025
delivery service shall be treated as the date of filing. If 131026
notice of appeal is filed by facsimile transmission or 131027
electronic transmission, the date and time the notice is 131028
received by the board shall be the date and time reflected on a 131029
timestamp provided by the board's electronic system, and the 131030
appeal shall be considered filed with the board on the date 131031
reflected on that timestamp. Any timestamp provided by another 131032
computer system or electronic submission device shall not affect 131033
the time and date the notice is received by the board. Upon 131034
receipt of such notice of appeal such county board of revision 131035
shall notify all persons thereof who were parties to the 131036
proceeding before such county board of revision by either 131037
certified mail or, if the board has record of an internet 131038
identifier of record associated with such a person, by ordinary 131039
mail and by that internet identifier of record, and shall file 131040
proof of such notice or, in the case of ordinary mail, an 131041
affidavit attesting that the board sent the notice with the 131042
board of tax appeals. The county board of revision shall 131043
thereupon certify to the board of tax appeals a transcript of 131044
the record of the proceedings of the county board of revision 131045
pertaining to the original complaint, and all evidence offered 131046
in connection therewith. Such appeal may be heard by the board 131047
of tax appeals at its offices in Columbus or in the county where 131048
the property is listed for taxation, or the board of tax appeals 131049
may cause its examiners to conduct such hearing and to report to 131050
it their findings for affirmation or rejection. An appeal may 131051

proceed pursuant to section 5703.021 of the Revised Code on the 131052
small claims docket if the appeal qualifies under that section. 131053

The board of tax appeals may order the appeal to be heard 131054
on the record and the evidence certified to it by the county 131055
board of revision, or it may order the hearing of additional 131056
evidence, and it may make such investigation concerning the 131057
appeal as it deems proper. 131058

As used in this section, "internet identifier of record" 131059
has the same meaning as in section 9.312 of the Revised Code. 131060

Sec. 5725.01. As used in sections 5725.01 to 5725.26 of 131061
the Revised Code: 131062

(A) "Financial institution" means: 131063

(1) A national bank organized and existing as a national 131064
bank association pursuant to the "National Bank Act," 12 U.S.C. 131065
21; 131066

(2) A federal savings association or federal savings bank 131067
that is chartered under 12 U.S.C. 1464; 131068

(3) A bank, banking association, trust company, savings 131069
and loan association, savings bank, or other banking institution 131070
that is incorporated or organized under the laws of any state; 131071

(4) Any corporation organized under 12 U.S.C. 611 to 631; 131072

(5) Any agency or branch of a foreign depository as 131073
defined in 12 U.S.C. 3101; 131074

(6) A company licensed as a small business investment 131075
company under the "Small Business Investment Act of 1958," 72 131076
Stat. 689, 15 U.S.C. 661, as amended; or 131077

(7) A company chartered under the "Farm Credit Act of 131078

1933," 48 Stat. 257, 12 U.S.C. 1131(d), as amended. 131079

Corporations or institutions organized under the "Federal 131080
Farm Loan Act" and amendments thereto, insurance companies, and 131081
credit unions shall not be considered financial institutions or 131082
dealers in intangibles within the meaning of such sections. 131083

~~(B) (1)~~ (B) "Dealer in intangibles" includes every person 131084
who keeps an office or other place of business in this state and 131085
engages at such office or other place in a business that 131086
consists primarily of lending money, or discounting, buying, or 131087
selling bills of exchange, drafts, acceptances, notes, 131088
mortgages, or other evidences of indebtedness, or of buying or 131089
selling bonds, stocks, or other investment securities, whether 131090
on the person's own account with a view to profit, or as agent 131091
or broker for others, with a view to profit or personal 131092
earnings. Dealer in intangibles excludes institutions used 131093
exclusively for charitable purposes, insurance companies, and 131094
financial institutions. The investment of funds as personal 131095
accumulations or as business reserves or working capital does 131096
not constitute engaging in a business within the meaning of this 131097
division; but a person who, having engaged in a business that 131098
consists primarily of lending money, or discounting, buying, or 131099
selling bills of exchange, drafts, acceptances, notes, 131100
mortgages, or other evidences of indebtedness on the person's 131101
own account, remains in business primarily for the purpose of 131102
realizing upon the assets of the business is deemed a dealer in 131103
intangibles, though not presently engaged in a business that 131104
consists primarily of lending money or discounting or buying 131105
such securities. 131106

~~(2) The tax commissioner shall adopt a rule defining 131107
"primarily" as that term is used in division (B) (1) of this 131108~~

~~section.~~ 131109

(C) "Insurance company" includes every corporation, 131110
association, and society engaged in the business of insurance of 131111
any character, or engaged in the business of entering into 131112
contracts substantially amounting to insurance of any character, 131113
or of indemnifying or guaranteeing against loss or damage, or 131114
acting as surety on bonds or undertakings. "Insurance company" 131115
also includes any health insuring corporation as defined in 131116
section 1751.01 of the Revised Code. 131117

(D) "Domestic insurance company" includes every insurance 131118
company organized and existing under the laws of this state, and 131119
every unincorporated association and society formed under the 131120
laws of this state for the purpose of engaging in said business, 131121
except a company, association, or society that is an insurance 131122
holding company affiliate controlled by a nonresident affiliate 131123
and has risks in this state formerly written by its foreign 131124
affiliates in a total amount exceeding the risks outstanding on 131125
the taxpayer's latest annual report that arise from business 131126
initially written by it in this state; and excludes every 131127
foreign insurance company. As used in this division, terms 131128
defined in section 3901.32 of the Revised Code have the same 131129
meanings given to them in that section. 131130

(E) "Foreign insurance company" includes every insurance 131131
company organized or existing under the laws of any other state, 131132
territory, country, or the United States and every insurance 131133
holding company affiliate excepted under division (D) of this 131134
section. 131135

(F) "Credit union" means a nonprofit cooperative financial 131136
institution organized or chartered under the laws of this state, 131137
of another state, or of the United States. 131138

Sec. 5725.23. Taxes, interest, and penalties may be 131139
recovered from a delinquent domestic insurance company or person 131140
in an action brought in the name of the state in the court of 131141
common pleas of Franklin county or any county in which such 131142
company or person has an office or place of business, and such 131143
court shall have jurisdiction of such action regardless of the 131144
amount involved. The attorney general, on request of the 131145
superintendent of insurance or tax commissioner, shall institute 131146
such action in the court of common pleas of Franklin county or 131147
any other county the superintendent or commissioner directs. In 131148
any such action, it shall be sufficient to allege that the tax, 131149
interest, and penalty sought to be recovered stand charged on 131150
the tax list of domestic insurance company franchise taxes ~~or~~ 131151
~~intangible property taxes~~ in the office of the treasurer of 131152
state and have been unpaid for a period of forty-five days after 131153
having been placed thereon. Sums recovered in any such action 131154
shall be paid into the state treasury and distributed as 131155
provided in section 5725.24 of the Revised Code. 131156

Sec. 5725.35. There is allowed a credit against the tax 131157
imposed by section 5725.18 of the Revised Code for an insurance 131158
company subject to that tax that holds the rights to a tax 131159
credit certificate issued under section 122.09 of the Revised 131160
Code. The credit shall equal the dollar amount indicated on the 131161
certificate. The credit shall be claimed in the calendar year 131162
specified in the certificate or the ensuing calendar year and in 131163
the order required under section 5725.98 of the Revised Code. If 131164
the credit exceeds the amount of tax otherwise due in that year, 131165
the company may carry forward the excess for not more than five 131166
ensuing years, but the amount of the excess credit claimed 131167
against the tax for any year shall be deducted from the balance 131168
carried forward to the next year. 131169

No credit shall be claimed under this section to the 131170
extent the certificate was used to claim a credit under section 131171
5726.62, 5729.18, or 5747.87 of the Revised Code. 131172

Sec. 5725.38. Terms used in this section have the same 131173
meanings as in section 122.84 of the Revised Code. 131174

There is allowed a nonrefundable credit against the tax 131175
imposed by section 5725.18 of the Revised Code for a domestic 131176
insurance company that is issued, or to which is transferred, a 131177
tax credit certificate under section 122.84 of the Revised Code. 131178
The credit equals the amount stated on the certificate and may 131179
be claimed for the calendar year that includes the investment 131180
period that was the subject of the application for the 131181
certificate under that section or for the ensuing calendar year. 131182
For a credit issued during the July application round each year, 131183
the credit may also be claimed for the preceding calendar year. 131184
A taxpayer applying a credit for the preceding calendar year 131185
shall file an amended return or apply that amendment on the 131186
taxpayer's original return, for that year. 131187

The credit authorized in this section shall be claimed in 131188
the order required under section 5725.98 of the Revised Code. If 131189
the amount of a credit exceeds the tax otherwise due under 131190
section 5725.18 of the Revised Code after deducting all other 131191
credits preceding the credit in that order, the excess may be 131192
carried forward for not more than five ensuing calendar years. 131193
The amount of the excess credit claimed in any such year shall 131194
be deducted from the balance carried forward to the next 131195
calendar year. 131196

No credit shall be claimed under this section to the 131197
extent the credit was claimed under section 5726.61, 5729.21, or 131198
5747.86 of the Revised Code. 131199

Sec. 5726.03. (A) (1) Annually, on or before the fifteenth 131200
day of October, the reporting person for each taxpayer shall 131201
make a report in writing to the tax commissioner, in such form 131202
as the commissioner prescribes, and shall remit to the 131203
commissioner the amount of tax shown to be due on the report. 131204
The remittance shall be made payable to the treasurer of state. 131205
~~The commissioner shall make available, on the official internet-~~ 131206
~~web site of the department of taxation, copies of the forms-~~ 131207
~~prescribed by the commissioner for the purpose of making the-~~ 131208
~~annual report.~~ 131209

(2) An annual report shall be signed by the president, 131210
vice-president, secretary, treasurer, general manager, 131211
superintendent, or managing agent in this state of the reporting 131212
person. 131213

(3) An annual report shall contain the facts, figures, 131214
computations, and attachments that result in the determination 131215
of the amount of tax due from a taxpayer under this chapter. 131216

(B) (1) In the case of a financial institution described in 131217
division (H) (1) of section 5726.01 of the Revised Code, the 131218
annual report filed for a taxable year shall list, and include 131219
information related to, each person includable in an FR Y-9 131220
filed by the reporting person for that taxable year. 131221

(2) In the case of a financial institution described in 131222
division (H) (2) or (3) of section 5726.01 of the Revised Code, 131223
the annual report for a taxable year shall list, and include 131224
information related to, each person includable in a call report 131225
filed by the reporting person for that taxable year. 131226

(C) (1) The reporting person for a taxpayer shall remit 131227
each tax payment and, if required by the commissioner, file each 131228

annual or estimated tax report electronically. The commissioner 131229
may require reporting persons to use the Ohio business gateway 131230
as defined in section 718.01 of the Revised Code to file reports 131231
and remit the tax, or may provide another means for reporting 131232
persons to file and remit the tax electronically. 131233

(2) The payment of taxes as provided in division (C) of 131234
this section shall not affect a taxpayer's obligation to file an 131235
annual report required under division (A) of this section. 131236

(3) The reporting person for a taxpayer that is required 131237
to remit tax payments electronically under this section may 131238
apply to the tax commissioner, in the manner prescribed by the 131239
commissioner, to be excused from that requirement. The 131240
commissioner may excuse the taxpayer from the requirements of 131241
division (C) of this section for good cause. 131242

(4) If the reporting person for a taxpayer that is 131243
required to remit tax payments or file reports electronically 131244
under this section fails to do so, the commissioner may impose a 131245
penalty not to exceed the following: 131246

(a) For either of the first two reports the person so 131247
fails, five per cent of the amount of the payment that was 131248
required to be remitted; 131249

(b) For the third and any subsequent reports the person so 131250
fails, ten per cent of the amount of the payment that was 131251
required to be remitted. 131252

The penalty imposed under this section is in addition to 131253
any other penalty or charge imposed under this chapter and shall 131254
be considered as revenue arising from the tax levied under this 131255
chapter. A penalty may be collected by assessment in the manner 131256
prescribed by section 5726.20 of the Revised Code. The tax 131257

commissioner may abate all or a portion of such a penalty and 131258
may adopt rules governing such abatements. 131259

Sec. 5726.20. (A) The tax commissioner may make an 131260
assessment, based on any information in the commissioner's 131261
possession, against any person that fails to file a return or 131262
report or pay any tax as required by this chapter. The reporting 131263
person for a taxpayer shall file the annual report required 131264
under section 5726.03 of the Revised Code and remit the tax 131265
imposed by this chapter. Each person included in the annual 131266
report of the taxpayer is jointly and severally liable for the 131267
tax imposed by this chapter and any penalties and interest 131268
thereon. If the reporting person fails, for any reason, to file 131269
and remit any tax, the amount due may be collected by assessment 131270
against the reporting person and against any or all other 131271
persons required to be included in the annual report of the 131272
taxpayer as provided in section 5703.90 of the Revised Code. The 131273
commissioner shall make the assessment in the manner provided in 131274
this section. The commissioner shall give the person assessed 131275
written notice of the assessment as provided in section 5703.37 131276
of the Revised Code. With the notice, the commissioner shall 131277
provide instructions on the manner in which to petition for 131278
reassessment and request a hearing with respect to the petition. 131279

(B) No assessment shall be made or issued against a person 131280
under this section more than four years after the later of the 131281
final date the report subject to assessment was required to be 131282
filed or the date such report was filed. Such time limit may be 131283
extended if both the person and the commissioner consent in 131284
writing to the extension or if an agreement waiving or extending 131285
the time limit has been entered into pursuant to section 122.171 131286
of the Revised Code. Any such extension shall extend the four- 131287
year time limit prescribed in division (A) of section 5726.30 of 131288

the Revised Code for the same period of time. There shall be no 131289
bar or limit to an assessment against a person that fails to 131290
file a report subject to assessment as required by this chapter, 131291
or that files a fraudulent report. 131292

(C) Unless the person assessed, within sixty days after 131293
service of the notice of assessment, files with the tax 131294
commissioner, ~~either in person or by certified mail,~~ a written 131295
petition for reassessment signed by the person or the person's 131296
authorized agent having knowledge of the facts, the assessment 131297
shall become final, and the amount of the assessment is due and 131298
payable from the person assessed to the treasurer of state. A 131299
petition shall indicate the objections of the person assessed, 131300
but additional objections may be raised in writing if received 131301
by the commissioner prior to the date shown on the final 131302
determination. If a petition for reassessment has been properly 131303
filed, the commissioner shall proceed under section 5703.60 of 131304
the Revised Code. 131305

(D) (1) After an assessment becomes final, if any portion 131306
of the assessment, including any accrued interest, remains 131307
unpaid, a certified copy of the tax commissioner's entry making 131308
the assessment final may be filed in the office of the clerk of 131309
the court of common pleas in the county in which the person 131310
resides or has its principal place of business in this state, or 131311
in the office of the clerk of court of common pleas of Franklin 131312
county. 131313

(2) Immediately upon the filing of the entry, the clerk 131314
shall enter judgment for the state against the person assessed 131315
in the amount shown on the entry. The judgment may be filed by 131316
the clerk in a loose-leaf book entitled, "special judgments for 131317
the financial institution tax" and shall have the same effect as 131318

other judgments. Execution shall issue upon the judgment at the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

(3) If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date the tax commissioner issues the assessment until the date the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(E) If the tax commissioner believes that collection of the tax imposed by this chapter will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the person liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (D) of this section. Notice of the jeopardy assessment shall be served on the person assessed or the person's authorized agent in the manner provided in section 5703.37 of the Revised Code within five days of the filing of the entry with the clerk. The total amount assessed shall be immediately due and payable, unless the person assessed

files a petition for reassessment in accordance with division 131350
(C) of this section and provides security in a form satisfactory 131351
to the commissioner and in an amount sufficient to satisfy the 131352
unpaid balance of the assessment. Full or partial payment of the 131353
assessment shall not prejudice the commissioner's consideration 131354
of the petition for reassessment. 131355

(F) The tax commissioner shall immediately forward to the 131356
treasurer of state all amounts the commissioner receives under 131357
this section. Such amounts shall be considered as revenue 131358
arising from the tax imposed by this chapter. 131359

(G) If the tax commissioner possesses information 131360
indicating that the amount of tax a taxpayer is required to pay 131361
under this chapter exceeds the amount the reporting person for 131362
the taxpayer paid, the tax commissioner may audit a sample of 131363
the taxpayer's gross receipts over a representative period of 131364
time to ascertain the amount of tax due, and may issue an 131365
assessment based on the audit. The tax commissioner shall make a 131366
good faith effort to reach agreement with the taxpayer in 131367
selecting a representative sample. The tax commissioner may 131368
apply a sampling method only if the commissioner has prescribed 131369
the method by rule. 131370

(H) If the whereabouts of a person subject to this chapter 131371
is not known to the tax commissioner, the secretary of state is 131372
hereby deemed to be that person's agent for purposes of service 131373
of process or notice of any assessment, action, or proceedings 131374
instituted in this state against the person under this chapter. 131375
Such process or notice shall be served on such person by the 131376
commissioner or by an agent of the commissioner by leaving a 131377
true and attested copy of the process or notice at the office of 131378
the secretary of state at least fifteen days before the return 131379

day of such process or notice, and by sending a copy of the 131380
process or notice to such person by ordinary mail, with an 131381
endorsement thereon of the service upon the secretary of state, 131382
addressed to such person at the person's last known address. 131383

Sec. 5726.61. Terms used in this section have the same 131384
meanings as in section 122.84 of the Revised Code. 131385

A taxpayer may claim a nonrefundable credit against the 131386
tax imposed under section 5726.02 of the Revised Code for each 131387
person included in the annual report of the taxpayer to whom a 131388
certificate is issued under section 122.84 of the Revised Code 131389
or is transferred pursuant to that section. The credit equals 131390
the amount stated on the certificate and may be claimed for the 131391
taxable year that aligns with the calendar year that includes 131392
the investment period that was the subject of the application 131393
for the certificate under that section or for the ensuing 131394
calendar year. For a credit issued during the July application 131395
round each year, the credit may also be claimed for the 131396
preceding taxable year. A taxpayer applying a credit for the 131397
preceding taxable year shall file an amended report or apply 131398
that amendment on the taxpayer's original report, for that year. 131399

The credit authorized in this section shall be claimed in 131400
the order required under section 5726.98 of the Revised Code. If 131401
the amount of a credit exceeds the tax otherwise due under 131402
section 5726.02 of the Revised Code after deducting all other 131403
credits preceding the credit in that order, the excess may be 131404
carried forward for not more than five ensuing taxable years. 131405
The amount of the excess credit claimed in any such year shall 131406
be deducted from the balance carried forward to the next taxable 131407
year. 131408

No credit shall be claimed under this section to the 131409

extent the credit was claimed under section 5725.38, 5729.21, or 131410
5747.86 of the Revised Code. 131411

Sec. 5726.62. A taxpayer may claim a nonrefundable credit 131412
against the tax imposed under this chapter for each person 131413
included in the annual report of the taxpayer that holds the 131414
rights to a tax credit certificate that is issued on or after 131415
the effective date of this section under section 122.09 of the 131416
Revised Code. The credit shall equal the dollar amount indicated 131417
on the certificate and may be claimed for the taxable year that 131418
aligns with the calendar year specified in the certificate or 131419
with the ensuing calendar year and in the order required under 131420
section 5726.98 of the Revised Code. If the credit amount 131421
exceeds the tax otherwise due under section 5726.02 of the 131422
Revised Code after deducting all other credits preceding the 131423
credit in the order prescribed in section 5726.98 of the Revised 131424
Code, the excess may be carried forward for not more than five 131425
ensuing taxable years, but the amount of the excess credit 131426
claimed against the tax for any year shall be deducted from the 131427
balance carried forward to the next year. 131428

No credit shall be claimed under this section to the 131429
extent the certificate was used to claim a credit under section 131430
5725.35, 5729.18, or 5747.87 of the Revised Code. 131431

Sec. 5726.98. (A) To provide a uniform procedure for 131432
calculating the amount of tax due under section 5726.02 of the 131433
Revised Code, a taxpayer shall claim any credits to which the 131434
taxpayer is entitled under this chapter in the following order: 131435

The nonrefundable job retention credit under division (B) 131436
of section 5726.50 of the Revised Code; 131437

The nonrefundable credit for purchases of qualified low- 131438

income community investments under section 5726.54 of the Revised Code;	131439 131440
<u>The nonrefundable credit for transformational mixed use development tax credit certificate holders under section 5726.62 of the Revised Code;</u>	131441 131442 131443
The nonrefundable credit for qualified research expenses under section 5726.56 of the Revised Code;	131444 131445
The nonrefundable credit for qualifying dealer in intangibles taxes under section 5726.57 of the Revised Code;	131446 131447
The nonrefundable Ohio low-income housing tax credit under section 5726.58 of the Revised Code;	131448 131449
The nonrefundable affordable single-family home credit under section 5726.60 of the Revised Code;	131450 131451
The nonrefundable welcome home Ohio (WHO) program credit under section 122.633 of the Revised Code;	131452 131453
The nonrefundable opportunity zone investment credit under section 5726.61 of the Revised Code;	131454 131455
The refundable credit for rehabilitating an historic building under section 5726.52 of the Revised Code;	131456 131457
The refundable job retention or job creation credit under division (A) of section 5726.50 of the Revised Code;	131458 131459
The refundable credit under section 5726.53 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	131460 131461 131462
The refundable motion picture and Broadway theatrical production credit under section 5726.55 of the Revised Code;	131463 131464
The refundable credit for film and theater capital	131465

~~improvement projects under section 5726.59 of the Revised Code.~~ 131466

(B) For any credit except the refundable credits 131467
enumerated in this section, the amount of the credit for a 131468
taxable year shall not exceed the tax due after allowing for any 131469
other credit that precedes it in the order required under this 131470
section. Any excess amount of a particular credit may be carried 131471
forward if authorized under the section creating that credit. 131472
Nothing in this chapter shall be construed to allow a taxpayer 131473
to claim, directly or indirectly, a credit more than once for a 131474
taxable year. 131475

Sec. 5727.111. As used in this section, "convert" means to 131476
switch fuel input from one energy source to another and 131477
"repower" means to replace enough of the original taxable 131478
production equipment to make an original production facility 131479
equivalent to a new facility, such that at least eighty per cent 131480
of the true value of the taxable production equipment is derived 131481
from new taxable production equipment installed as part of the 131482
replacement project. The taxable property of each public 131483
utility, except a railroad company, and of each interexchange 131484
telecommunications company shall be assessed at the following 131485
percentages of true value: 131486

(A) In the case of a rural electric company, one of the 131487
following: 131488

(1) Fifty per cent in the case of its taxable transmission 131489
and distribution property or energy conversion equipment first 131490
subject to taxation in this state before tax year 2027; 131491

(2) Seven per cent in the case of its taxable production 131492
~~or~~ and energy conversion equipment first subject to taxation in 131493
this state for tax year 2027 and thereafter or any other taxable 131494

production equipment that is either converted or repowered;	131495
(3) Twenty-five per cent in the case of all its other taxable property.	131496 131497
(B) In the case of a telephone or telegraph company, twenty-five per cent for taxable property first subject to taxation in this state for tax year 1995 or thereafter for tax years before tax year 2007, and pursuant to division (H) of section 5711.22 of the Revised Code for tax year 2007 and thereafter, and the following for all other taxable property:	131498 131499 131500 131501 131502 131503
(1) For tax years prior to 2005, eighty-eight per cent;	131504
(2) For tax year 2005, sixty-seven per cent;	131505
(3) For tax year 2006, forty-six per cent;	131506
(4) For tax year 2007 and thereafter, pursuant to division (H) of section 5711.22 of the Revised Code.	131507 131508
(C) Twenty-five per cent in the case of (1) a natural gas company or (2) a water-works company for taxable property first subject to taxation in this state for tax year 2017 and thereafter.	131509 131510 131511 131512
(D) Eighty-eight per cent in the case of a water-works company for taxable property first subject to taxation in this state before tax year 2017, or a heating company.	131513 131514 131515
(E) In the case of an electric company, one of the following:	131516 131517
(1) Eighty-five per cent in the case of its taxable transmission and distribution property and energy conversion equipment first subject to taxation in this state before tax year 2027;	131518 131519 131520 131521

(2) Twenty-five per cent in the case of its other taxable transmission and distribution property;	131522 131523
(3) Seven per cent in the case of its taxable production and energy conversion equipment first subject to taxation in this state for tax year 2027 and thereafter or any other taxable production equipment that is either converted or repowered;	131524 131525 131526 131527
(4) Twenty-four per cent in the case of all its other taxable property.	131528 131529
(F) (1) Twenty-five per cent in the case of an interexchange telecommunications company for tax years before tax year 2007;	131530 131531 131532
(2) Pursuant to division (H) of section 5711.22 of the Revised Code for tax year 2007 and thereafter.	131533 131534
(G) Twenty-five per cent in the case of a water transportation company.	131535 131536
(H) In the case of an energy company, one of the following:	131537 131538
(1) Eighty-five per cent in the case of its taxable transmission and distribution property first subject to taxation in this state before tax year 2027;	131539 131540 131541
(2) Twenty-five per cent in the case of its other taxable transmission and distribution property;	131542 131543
(3) Seven per cent in the case of its taxable production or and energy conversion equipment first subject to taxation in this state for tax year 2027 and thereafter or any other taxable production equipment that is either converted or repowered;	131544 131545 131546 131547
(4) Twenty-four per cent in the case of its other taxable	131548

production equipment; 131549

(5) Eighty-five per cent in the case of all its other 131550
taxable property. 131551

(I) In the case of a pipeline company, one of the 131552
following: 131553

(1) Eighty-eight per cent of its taxable property first 131554
subject to taxation in this state before tax year 2027; 131555

(2) Twenty-five per cent in the case of all its other 131556
taxable property. 131557

Sec. 5727.26. (A) The tax commissioner may make an 131558
assessment, based on any information in the commissioner's 131559
possession, against any natural gas company or combined company 131560
that fails to file a return or pay any tax, interest, or 131561
additional charge as required by sections 5727.24 to 5727.29 of 131562
the Revised Code. The commissioner shall give the company 131563
assessed written notice of the assessment as provided in section 131564
5703.37 of the Revised Code. With the notice, the commissioner 131565
shall provide instructions on how to petition for reassessment 131566
and request a hearing on the petition. A penalty of up to 131567
fifteen per cent may be added to all amounts assessed under this 131568
section. The tax commissioner may adopt rules providing for the 131569
imposition and remission of the penalty. 131570

(B) Unless the company assessed, within sixty days after 131571
service of the notice of assessment, files with the tax 131572
commissioner, ~~either personally or by certified mail,~~ a written 131573
petition signed by the company's authorized agent having 131574
knowledge of the facts, the assessment becomes final, and the 131575
amount of the assessment is due and payable from the company 131576
assessed to the commissioner. The petition shall indicate the 131577

objections of the company assessed, but additional objections 131578
may be raised in writing if received by the commissioner prior 131579
to the date shown on the final determination. 131580

If a petition for reassessment has been properly filed, 131581
the commissioner shall proceed under section 5703.60 of the 131582
Revised Code. 131583

(C) After an assessment becomes final, if any portion of 131584
the assessment, including accrued interest, remains unpaid, a 131585
certified copy of the tax commissioner's entry making the 131586
assessment final may be filed in the office of the clerk of the 131587
court of common pleas in the county in which the natural gas 131588
company's or combined company's principal place of business is 131589
located, or in the office of the clerk of court of common pleas 131590
of Franklin county. 131591

Immediately on the filing of the entry, the clerk shall 131592
enter judgment for the state against the company assessed in the 131593
amount shown on the entry. The judgment may be filed by the 131594
clerk in a loose-leaf book entitled, "special judgments for the 131595
public utility excise tax on natural gas and combined 131596
companies," and shall have the same effect as other judgments. 131597
Execution shall issue upon the judgment at the request of the 131598
tax commissioner, and all laws applicable to sales on execution 131599
shall apply to sales made under the judgment. 131600

If the assessment is not paid in its entirety within sixty 131601
days after the day the assessment was issued, the portion of the 131602
assessment consisting of tax due shall bear interest at the rate 131603
per annum prescribed by section 5703.47 of the Revised Code from 131604
the day the tax commissioner issues the assessment until it is 131605
paid or until it is certified to the attorney general for 131606
collection under section 131.02 of the Revised Code, whichever 131607

comes first. If the unpaid portion of the assessment is 131608
certified to the attorney general for collection, the entire 131609
unpaid portion of the assessment shall bear interest at the rate 131610
per annum prescribed by section 5703.47 of the Revised Code from 131611
the date of certification until the date it is paid in its 131612
entirety. Interest shall be paid in the same manner as the tax 131613
and may be collected by the issuance of an assessment under this 131614
section. 131615

(D) If the tax commissioner believes that collection of 131616
the tax will be jeopardized unless proceedings to collect or 131617
secure collection of the tax are instituted without delay, the 131618
commissioner may issue a jeopardy assessment against the company 131619
liable for the tax. Immediately upon the issuance of the 131620
jeopardy assessment, the commissioner shall file an entry with 131621
the clerk of the court of common pleas in the manner prescribed 131622
by division (C) of this section. Notice of the jeopardy 131623
assessment shall be served on the company assessed or the 131624
company's authorized agent in the manner provided in section 131625
5703.37 of the Revised Code within five days of the filing of 131626
the entry with the clerk. The total amount assessed is 131627
immediately due and payable, unless the company assessed files a 131628
petition for reassessment in accordance with division (B) of 131629
this section and provides security in a form satisfactory to the 131630
commissioner and in an amount sufficient to satisfy the unpaid 131631
balance of the assessment. Full or partial payment of the 131632
assessment does not prejudice the commissioner's consideration 131633
of the petition for reassessment. 131634

(E) The tax commissioner shall immediately forward to the 131635
treasurer of state all amounts that the tax commissioner 131636
receives under this section, and such amounts shall be 131637
considered revenue arising from the tax imposed by section 131638

5727.24 of the Revised Code. 131639

(F) No assessment shall be made or issued against a 131640
natural gas company or combined company for the tax imposed by 131641
section 5727.24 of the Revised Code more than four years after 131642
the return date for the period in which the tax was reported, or 131643
more than four years after the return for the period was filed, 131644
whichever is later. 131645

Sec. 5727.38. On or before the first Monday of November, 131646
annually, the tax commissioner may assess an excise tax against 131647
a public utility subject to the excise tax under section 5727.30 131648
of the Revised Code. The tax shall be computed by multiplying 131649
the taxable gross receipts as determined by the commissioner 131650
under section 5727.33 of the Revised Code by six and three- 131651
fourths per cent in the case of pipe-line companies, and four 131652
and three-fourths per cent in the case of all other companies. 131653
The minimum tax for any such company for owning property or 131654
doing business in this state shall be fifty dollars. The 131655
assessment shall be ~~mailed to the taxpayer~~served on the public 131656
utility in the manner prescribed by section 5703.37 of the 131657
Revised Code. 131658

Sec. 5727.42. (A) The tax commissioner shall collect the 131659
excise tax imposed by section 5727.30 of the Revised Code and 131660
the taxpayer shall pay all taxes and any penalties thereon. 131661
Payments of the tax may be made by mail, in person, 131662
electronically if required to do so by section 5727.311 of the 131663
Revised Code, or by any other means authorized by the 131664
commissioner. The commissioner may adopt rules concerning the 131665
methods and timeliness of payment. 131666

(B) Each tax assessment issued pursuant to this section 131667
shall separately reflect the taxes and any penalty due, and any 131668

other information considered necessary. ~~The commissioner shall~~ 131669
~~mail the assessment to the taxpayer, and the mailing of it shall~~ 131670
~~be prima-facie evidence of receipt thereof by the taxpayer.~~The 131671
assessment shall be served on the taxpayer in the manner 131672
prescribed by section 5703.37 of the Revised Code. 131673

(C) The commissioner shall refund taxes levied and 131674
payments made for the tax imposed by section 5727.30 of the 131675
Revised Code as provided in this section, ~~but no refund shall be~~ 131676
~~made to a taxpayer having a delinquent claim certified pursuant-~~ 131677
~~to this section that remains unpaid. The commissioner may-~~ 131678
~~consult the attorney general regarding such claims.~~ 131679

(D) After receiving any excise tax annual statement for 131680
the tax imposed by section 5727.30 of the Revised Code, the 131681
commissioner shall: 131682

(1) Ascertain the difference between the total taxes owed 131683
and the sum of all payments made for that year. 131684

(2) If the difference is a deficiency, the commissioner 131685
shall issue an assessment. 131686

(3) If the difference is an excess, the commissioner shall 131687
issue a refund of that amount to the taxpayer. If the amount of 131688
the refund is less than that claimed by the taxpayer, the 131689
taxpayer, within sixty days of the issuance of the refund, may 131690
provide to the commissioner additional information to support 131691
the claim or may request a hearing. Upon receiving such 131692
information or request within that time, the commissioner shall 131693
follow the same procedures set forth in divisions (C) and (D) of 131694
section 5703.70 of the Revised Code for the determination of 131695
refund applications. 131696

If the taxpayer has a deficiency for one tax year and an 131697

excess for another tax year, or any combination thereof for more than two years, the commissioner may determine the net result and, depending on such result, proceed to issue an assessment or certify a refund.

(E) If a taxpayer fails to pay the amount of taxes required to be paid, or fails to make an estimated payment on or before the due date prescribed in division (B) of section 5727.31 of the Revised Code, the commissioner shall impose a penalty in the amount of fifteen per cent of the unpaid amount, and the commissioner shall issue an assessment for the unpaid amount and penalty. Unless a timely petition for reassessment is filed under section 5727.47 of the Revised Code, the attorney general shall proceed to collect the delinquent taxes and penalties thereon in the manner prescribed by law and notify the commissioner of all collections.

(F) If a taxpayer entitled to a refund under this section is indebted to the state for any tax or fee administered by the tax commissioner, or any charge, penalty, or interest arising from such a tax or fee, the amount refundable may be applied in satisfaction of that debt. If the amount refundable is less than the amount of the debt, it may be applied in partial satisfaction of the debt. If the amount refundable is greater than the amount of the debt, the amount remaining after satisfaction of the debt shall be refunded.

Sec. 5727.47. (A) Notice of each assessment certified or issued pursuant to section 5727.23 or 5727.38 of the Revised Code shall be ~~mailed to the public utility, and its mailing shall be prima-facie evidence of its receipt by the public utility to which it is addressed~~ served on the public utility or public utility property lessor in the manner prescribed by

section 5703.37 of the Revised Code. With the notice, the tax 131728
commissioner shall provide instructions on how to petition for 131729
reassessment and request a hearing on the petition. If a public 131730
utility objects to such an assessment, it may file with the 131731
commissioner, ~~either personally or by certified mail,~~ within 131732
sixty days after the mailing of the notice of assessment a 131733
written petition for reassessment signed by the utility's 131734
authorized agent having knowledge of the facts. The date the 131735
commissioner receives the petition shall be considered the date 131736
of filing. The petition shall indicate the utility's objections, 131737
but additional objections may be raised in writing if received 131738
by the commissioner prior to the date shown on the final 131739
determination. 131740

In the case of a petition seeking a reduction in taxable 131741
value filed with respect to an assessment certified under 131742
section 5727.23 of the Revised Code, the petitioner shall state 131743
in the petition the total amount of reduction in taxable value 131744
sought by the petitioner. If the petitioner objects to the 131745
percentage of true value at which taxable property is assessed 131746
by the commissioner, the petitioner shall state in the petition 131747
the total amount of reduction in taxable value sought both with 131748
and without regard to the objection pertaining to the percentage 131749
of true value at which its taxable property is assessed. If a 131750
petitioner objects to the commissioner's apportionment of the 131751
taxable value of the petitioner's taxable property, the 131752
petitioner shall distinctly state in the petition that the 131753
petitioner objects to the commissioner's apportionment, and, 131754
within forty-five days after filing the petition for 131755
reassessment, shall submit the petitioner's proposed 131756
apportionment of the taxable value of its taxable property among 131757
taxing districts. If a petitioner that objects to the 131758

commissioner's apportionment fails to state its objections to 131759
that apportionment in its petition for reassessment or fails to 131760
submit its proposed apportionment within forty-five days after 131761
filing the petition for reassessment, the commissioner shall 131762
dismiss the petitioner's objection to the commissioner's 131763
apportionment, and the taxable value of the petitioner's taxable 131764
property, subject to any adjustment to taxable value pursuant to 131765
the petition or appeal, shall be apportioned in the manner used 131766
by the commissioner in the preliminary or amended preliminary 131767
assessment certified under section 5727.23 of the Revised Code. 131768

If an additional objection seeking a reduction in taxable 131769
value in excess of the reduction stated in the original petition 131770
is properly and timely raised with respect to an assessment 131771
issued under section 5727.23 of the Revised Code, the petitioner 131772
shall state the total amount of the reduction in taxable value 131773
sought in the additional objection both with and without regard 131774
to any reduction in taxable value pertaining to the percentage 131775
of true value at which taxable property is assessed. If a 131776
petitioner fails to state the reduction in taxable value sought 131777
in the original petition or in additional objections properly 131778
raised after the petition is filed, the commissioner shall 131779
notify the petitioner of the failure in the manner provided in 131780
section 5703.37 of the Revised Code. If the petitioner fails to 131781
notify the commissioner in writing of the reduction in taxable 131782
value sought in the petition or in an additional objection 131783
within thirty days after receiving the commissioner's notice, 131784
the commissioner shall dismiss the petition or the additional 131785
objection in which that reduction is sought. 131786

(B) (1) Subject to divisions (B) (2) and (3) of this 131787
section, a public utility filing a petition for reassessment 131788
regarding an assessment certified or issued under section 131789

5727.23 or 5727.38 of the Revised Code shall pay the tax with respect to the assessment objected to as required by law. The acceptance of any tax payment by the tax commissioner or any county treasurer shall not prejudice any claim for taxes on final determination by the commissioner or final decision by the board of tax appeals or any court.

(2) If a public utility properly and timely files a petition for reassessment regarding an assessment certified under section 5727.23 of the Revised Code, the petitioner shall pay the tax as prescribed by divisions (B) (2) (a), (b), and (c) of this section:

(a) If the petitioner does not object to the commissioner's apportionment of the taxable value of the petitioner's taxable property, the petitioner is not required to pay the part of the tax otherwise due on the taxable value that the petitioner seeks to have reduced, subject to division (B) (2) (c) of this section.

(b) If the petitioner objects to the commissioner's apportionment of the taxable value of the petitioner's taxable property, the petitioner is not required to pay the tax otherwise due on the part of the taxable value apportioned to any taxing district that the petitioner objects to, subject to division (B) (2) (c) of this section. If, pursuant to division (A) of this section, the petitioner has, in a proper and timely manner, apportioned taxable value to a taxing district to which the commissioner did not apportion the petitioner's taxable value, the petitioner shall pay the tax due on the taxable value that the petitioner has apportioned to the taxing district, subject to division (B) (2) (c) of this section.

(c) If a petitioner objects to the percentage of true

value at which taxable property is assessed by the commissioner, 131820
the petitioner shall pay the tax due on the basis of the 131821
percentage of true value at which the public utility's taxable 131822
property is assessed by the commissioner. In any case, the 131823
petitioner's payment of tax shall not be less than the amount of 131824
tax due based on the taxable value reflected on the last appeal 131825
notice issued by the commissioner under division (C) of this 131826
section. Until the county auditor receives notification under 131827
division (E) of this section and proceeds under section 5727.471 131828
of the Revised Code to issue any refund that is found to be due, 131829
the county auditor shall not issue a refund for any increase in 131830
the reduction in taxable value that is sought by a petitioner 131831
later than forty-five days after the petitioner files the 131832
original petition as required under division (A) of this 131833
section. 131834

(3) Any part of the tax that, under division (B) (2) (a) or 131835
(b) of this section, is not paid shall be collected upon receipt 131836
of the notification as provided in section 5727.471 of the 131837
Revised Code with interest thereon computed in the same manner 131838
as interest is computed under division (E) of section 5715.19 of 131839
the Revised Code, subject to any correction of the assessment by 131840
the commissioner under division (E) of this section or the final 131841
judgment of the board of tax appeals or a court to which the 131842
board's final judgment is appealed. The penalty imposed under 131843
section 323.121 of the Revised Code shall apply only to the 131844
unpaid portion of the tax if the petitioner's tax payment is 131845
less than the amount of tax due based on the taxable value 131846
reflected on the last appeal notice issued by the commissioner 131847
under division (C) of this section. 131848

(C) Upon receipt of a properly filed petition for 131849
reassessment with respect to an assessment certified under 131850

section 5727.23 of the Revised Code, the tax commissioner shall 131851
notify the treasurer of state or the auditor of each county to 131852
which the assessment objected to has been certified. In the case 131853
of a petition with respect to an assessment certified under 131854
section 5727.23 of the Revised Code, the commissioner shall 131855
issue an appeal notice within thirty days after receiving the 131856
amount of the taxable value reduction and apportionment changes 131857
sought by the petitioner in the original petition or in any 131858
additional objections properly and timely raised by the 131859
petitioner. The appeal notice shall indicate the amount of the 131860
reduction in taxable value sought in the petition or in the 131861
additional objections and the extent to which the reduction in 131862
taxable value and any change in apportionment requested by the 131863
petitioner would affect the commissioner's apportionment of the 131864
taxable value among taxing districts in the county as shown in 131865
the assessment. If a petitioner is seeking a reduction in 131866
taxable value on the basis of a lower percentage of true value 131867
than the percentage at which the commissioner assessed the 131868
petitioner's taxable property, the appeal notice shall indicate 131869
the reduction in taxable value sought by the petitioner without 131870
regard to the reduction sought on the basis of the lower 131871
percentage and shall indicate that the petitioner is required to 131872
pay tax on the reduced taxable value determined without regard 131873
to the reduction sought on the basis of a lower percentage of 131874
true value, as provided under division (B) (2) (c) of this 131875
section. The appeal notice shall include a statement that the 131876
reduced taxable value and the apportionment indicated in the 131877
notice are not final and are subject to adjustment by the 131878
commissioner or by the board of tax appeals or a court on 131879
appeal. If the commissioner finds an error in the appeal notice, 131880
the commissioner may amend the notice, but the notice is only 131881
for informational and tax payment purposes; the notice is not 131882

subject to appeal by any person. The commissioner also shall 131883
~~mail~~ provide a copy of the appeal notice to the petitioner. Upon 131884
the request of a taxing authority, the county auditor may 131885
disclose to the taxing authority the extent to which a reduction 131886
in taxable value sought by a petitioner would affect the 131887
apportionment of taxable value to the taxing district or 131888
districts under the taxing authority's jurisdiction, but such a 131889
disclosure does not constitute a notice required by law to be 131890
given for the purpose of section 5717.02 of the Revised Code. 131891

(D) If the petitioner requests a hearing on the petition, 131892
the tax commissioner shall assign a time and place for the 131893
hearing on the petition and notify the petitioner of such time 131894
and place, but the commissioner may continue the hearing from 131895
time to time as necessary. 131896

(E) The tax commissioner may make corrections to the 131897
assessment as the commissioner finds proper. The commissioner 131898
shall serve a copy of the commissioner's final determination on 131899
the petitioner in the manner provided in section 5703.37 of the 131900
Revised Code. The commissioner's decision in the matter shall be 131901
final, subject to appeal under section 5717.02 of the Revised 131902
Code. With respect to a final determination issued for an 131903
assessment certified under section 5727.23 of the Revised Code, 131904
the commissioner also shall transmit a copy of the final 131905
determination to the applicable county auditor. In the absence 131906
of any further appeal, or when a decision of the board of tax 131907
appeals or of any court to which the decision has been appealed 131908
becomes final, the commissioner shall notify the public utility 131909
and, as appropriate, shall proceed under section 5727.42 of the 131910
Revised Code, or notify the applicable county auditor, who shall 131911
proceed under section 5727.471 of the Revised Code. 131912

The notification made under this division is not subject 131913
to further appeal. 131914

(F) On appeal, no adjustment shall be made in the tax 131915
commissioner's assessment certified under section 5727.23 of the 131916
Revised Code that reduces the taxable value of a petitioner's 131917
taxable property by an amount that exceeds the reduction sought 131918
by the petitioner in its petition for reassessment or in any 131919
additional objections properly and timely raised after the 131920
petition is filed with the commissioner. 131921

Sec. 5727.48. The tax commissioner, ~~on application by a~~ 131922
~~public utility,~~ may extend to ~~the~~ a public utility a further 131923
specified time, not to exceed thirty days, within which to file 131924
any report or statement required by this chapter to be filed 131925
with the commissioner, except reports required by sections 131926
5727.24 to 5727.29 of the Revised Code. A public utility ~~must~~ 131927
~~file such an application, in writing, with the commissioner~~ 131928
shall request this extension, in the form and manner prescribed 131929
by the commissioner, on or before the date that the report or 131930
statement is otherwise required to be filed. 131931

Sec. 5727.89. (A) The tax commissioner may make an 131932
assessment, based on any information in the commissioner's 131933
possession, against any natural gas distribution company, 131934
electric distribution company, self-assessing purchaser, or 131935
qualified end user that fails to file a return or pay any tax, 131936
interest, or additional charge as required by sections 5727.80 131937
to 5727.95 of the Revised Code. 131938

When information in the possession of the tax commissioner 131939
indicates that a person liable for the tax imposed by section 131940
5727.81 or 5727.811 of the Revised Code has not paid the full 131941
amount of tax due, the commissioner may audit a representative 131942

sample of the person's business and may issue an assessment 131943
based on the audit. The commissioner shall give the person 131944
assessed written notice of the assessment in the manner provided 131945
in section 5703.37 of the Revised Code. With the notice, the 131946
commissioner shall provide instructions on how to petition for 131947
reassessment and request a hearing on the petition. 131948

The tax commissioner may issue an assessment for which the 131949
tax imposed by section 5727.81 or 5727.811 of the Revised Code 131950
was due and unpaid on the date the person was informed by an 131951
agent of the tax commissioner of an investigation or audit of 131952
the person. Any payment of the tax for the period covered by the 131953
assessment, after the person is so informed, shall be credited 131954
against the assessment. 131955

A penalty of up to fifteen per cent may be added to all 131956
amounts assessed under this section. The commissioner may adopt 131957
rules providing for the imposition and remission of penalties. 131958

(B) Unless the party assessed files with the tax 131959
commissioner within sixty days after service of the notice of 131960
assessment, ~~either personally or by certified mail,~~ a written 131961
petition for reassessment signed by the party assessed or that 131962
party's authorized agent having knowledge of the facts, the 131963
assessment becomes final and the amount of the assessment is due 131964
and payable from the party assessed to the treasurer of state. 131965
The petition shall indicate the objections of the party 131966
assessed, but additional objections may be raised in writing if 131967
received by the commissioner prior to the date shown on the 131968
final determination. If the petition has been properly filed, 131969
the commissioner shall proceed under section 5703.60 of the 131970
Revised Code. 131971

(C) After an assessment becomes final, if any portion of 131972

the assessment, including accrued interest, remains unpaid, a 131973
certified copy of the tax commissioner's entry making the 131974
assessment final may be filed in the office of the clerk of the 131975
court of common pleas in the county in which the party assessed 131976
resides or in which the party's business is conducted. If the 131977
party assessed maintains no place of business in this state and 131978
is not a resident of this state, the certified copy of the entry 131979
may be filed in the office of the clerk of the court of common 131980
pleas of Franklin county. 131981

Immediately upon the filing of the entry, the clerk shall 131982
enter a judgment for the state against the person assessed in 131983
the amount shown on the entry. The judgment may be filed by the 131984
clerk in a loose-leaf book entitled "special judgments for the 131985
distribution excise taxes," and shall have the same effect as 131986
other judgments. Execution shall issue upon the judgment at the 131987
request of the tax commissioner, and all laws applicable to 131988
sales on execution shall apply to sales made under the judgment. 131989

If the assessment is not paid in its entirety within sixty 131990
days after the day the assessment was issued, the portion of the 131991
assessment consisting of tax due shall bear interest at the rate 131992
per annum prescribed by section 5703.47 of the Revised Code from 131993
the day the tax commissioner issues the assessment until the day 131994
the assessment is paid or until it is certified to the attorney 131995
general for collection under section 131.02 of the Revised Code, 131996
whichever comes first. If the unpaid portion of the assessment 131997
is certified to the attorney general for collection, the entire 131998
unpaid portion of the assessment shall bear interest at the rate 131999
per annum prescribed by section 5703.47 of the Revised Code from 132000
the date of certification until the date it is paid in its 132001
entirety. Interest shall be paid in the same manner as the tax 132002
and may be collected by the issuance of an assessment under this 132003

section. 132004

(D) If the tax commissioner believes that collection of 132005
the tax imposed by section 5727.81 or 5727.811 of the Revised 132006
Code will be jeopardized unless proceedings to collect or secure 132007
collection of the tax are instituted without delay, the 132008
commissioner may issue a jeopardy assessment against the person 132009
liable for the tax. Immediately upon the issuance of the 132010
jeopardy assessment, the commissioner shall file an entry with 132011
the clerk of the court of common pleas in the manner prescribed 132012
by division (C) of this section. Notice of the jeopardy 132013
assessment shall be served on the party assessed or the party's 132014
legal representative within five days of the filing of the entry 132015
with the clerk. The total amount assessed is immediately due and 132016
payable, unless the party assessed files a petition for 132017
reassessment in accordance with division (B) of this section and 132018
provides security in a form satisfactory to the commissioner and 132019
in an amount sufficient to satisfy the unpaid balance of the 132020
assessment. Full or partial payment of the assessment does not 132021
prejudice the commissioner's consideration of the petition for 132022
reassessment. 132023

(E) All money collected by the tax commissioner under this 132024
section shall be paid to the treasurer of state, and when paid 132025
shall be considered as revenue arising from the taxes imposed by 132026
sections 5727.81 and 5727.811 of the Revised Code. 132027

Sec. 5728.10. (A) If any person required to file a fuel 132028
use tax return by sections 5728.01 to 5728.14 of the Revised 132029
Code, fails to file the return within the time prescribed by 132030
those sections, files an incomplete return, files an incorrect 132031
return, or fails to remit the full amount of the tax due for the 132032
period covered by the return, the tax commissioner may make an 132033

assessment against the person, based upon any information in the 132034
commissioner's possession, for the period for which the tax was 132035
due. 132036

No assessment shall be made against any person for any tax 132037
imposed by this chapter more than four years after the return 132038
date for the period for which the tax was due or more than four 132039
years after the return for the period was filed, whichever is 132040
later. This section does not bar an assessment against any 132041
person who fails to file a fuel use tax return as required by 132042
this chapter, or who files a fraudulent fuel use tax return. 132043

A penalty of up to fifteen per cent may be added to the 132044
amount of every assessment made pursuant to this section. The 132045
commissioner may adopt rules providing for the imposition and 132046
remission of penalties added to assessments made under this 132047
section. 132048

The commissioner shall give the party assessed written 132049
notice of the assessment in the manner provided in section 132050
5703.37 of the Revised Code. With the notice, the commissioner 132051
shall provide instructions on how to petition for reassessment 132052
and request a hearing on the petition. 132053

(B) Unless the party assessed files with the tax 132054
commissioner within sixty days after service of the notice of 132055
assessment, ~~either personally or by certified mail,~~ a written 132056
petition for reassessment, signed by the party assessed, or by 132057
the party's authorized agent having knowledge of the facts, the 132058
assessment becomes final and the amount of the assessment is due 132059
and payable from the party assessed to the treasurer of state. 132060
The petition shall indicate the objections of the party 132061
assessed, but additional objections may be raised in writing if 132062
received by the commissioner prior to the date shown on the 132063

final determination. If the petition has been properly filed, 132064
the commissioner shall proceed under section 5703.60 of the 132065
Revised Code. 132066

(C) After an assessment becomes final, if any portion of 132067
the assessment remains unpaid, including accrued interest, a 132068
certified copy of the tax commissioner's entry making the 132069
assessment final may be filed in the office of the clerk of the 132070
court of common pleas in the county in which the party's place 132071
of business is located or the county in which the party assessed 132072
resides. If the party maintains no office in this state and is 132073
not a resident of this state, the certified copy of the entry 132074
may be filed in the office of the clerk of the court of common 132075
pleas of Franklin county. 132076

Immediately upon the filing of the entry, the clerk shall 132077
enter a judgment for the state of Ohio against the party 132078
assessed in the amount shown on the entry. The judgment may be 132079
filed by the clerk in a loose-leaf book entitled "special 132080
judgments for state fuel use tax," and shall have the same 132081
effect as other judgments. Execution shall issue upon the 132082
judgment upon the request of the commissioner, and all laws 132083
applicable to sales on execution shall apply to sales made under 132084
the judgment. 132085

If the assessment is not paid within sixty days after the 132086
day the assessment was issued, the portion of the assessment 132087
consisting of tax due shall bear interest at the rate per annum 132088
prescribed by section 5703.47 of the Revised Code from the day 132089
the commissioner issues the assessment until it is paid or until 132090
it is certified to the attorney general for collection under 132091
section 131.02 of the Revised Code, whichever comes first. If 132092
the unpaid portion of the assessment is certified to the 132093

attorney general for collection, the entire unpaid portion of 132094
the assessment shall bear interest at the rate per annum 132095
prescribed by section 5703.47 of the Revised Code from the date 132096
of certification until the date it is paid in its entirety. 132097
Interest shall be paid in the same manner as the tax and may be 132098
collected by the issuance of an assessment under this section. 132099

(D) All money collected by the tax commissioner under this 132100
section shall be paid into the state treasury in the same manner 132101
as the revenues deriving from the taxes imposed by section 132102
5728.06 of the Revised Code. 132103

Sec. 5729.10. If a company fails to pay the tax levied by 132104
section 5729.03 of the Revised Code, or to make any partial 132105
payment thereof as required by law after a statement thereof has 132106
been made and mailed to it, or if the annual statement required 132107
by law to be made by it is false or incorrect, the 132108
superintendent of insurance may revoke the license of such 132109
company doing business in this state. Upon failure to pay the 132110
tax or to make partial payment thereof according to law, the 132111
~~superintendent~~treasurer of state shall certify that fact to the 132112
attorney general, who shall thereupon begin an action against 132113
the company in the court of common pleas of Franklin county, or 132114
any other county ~~he~~the attorney general elects, to recover the 132115
amount of the tax. If such company ceases to do business in this 132116
state, it shall thereupon make a report to the superintendent of 132117
the gross amount of premiums not theretofore reported as 132118
provided in section 5729.02 or 5729.04 of the Revised Code 132119
received by it from policies covering risks within this state 132120
prior to such discontinuance of business, after deducting return 132121
premiums and considerations received for reinsurance not 132122
theretofore so reported, and shall forthwith pay to the 132123
~~superintendent~~treasurer of state a like per cent of tax 132124

thereon. 132125

Sec. 5729.18. There is allowed a credit against the tax 132126
imposed by section 5729.03 of the Revised Code for an insurance 132127
company subject to that tax that holds the rights to a tax 132128
credit certificate issued under section 122.09 of the Revised 132129
Code. The credit shall equal the dollar amount indicated on the 132130
certificate or the ensuing calendar year. The credit shall be 132131
claimed in the calendar year specified in the certificate and in 132132
the order required under section 5729.98 of the Revised Code. If 132133
the credit exceeds the amount of tax otherwise due in that year, 132134
the company may carry forward the excess for not more than five 132135
ensuing years, but the amount of the excess credit claimed 132136
against the tax for any year shall be deducted from the balance 132137
carried forward to the next year. 132138

No credit shall be claimed under this section to the 132139
extent the certificate was used to claim a credit under section 132140
5725.35, 5726.62, or 5747.87 of the Revised Code. 132141

Sec. 5729.21. Terms used in this section have the same 132142
meanings as in section 122.84 of the Revised Code. 132143

There is allowed a ~~nonrefunable~~ nonrefundable credit 132144
against the tax imposed by section 5729.03 of the Revised Code 132145
for a foreign insurance company that is issued, or to which is 132146
transferred, a tax credit certificate under section 122.84 of 132147
the Revised Code. The credit equals the amount stated on the 132148
certificate and may be claimed for the calendar year that 132149
includes the investment period that was the subject of the 132150
application for the certificate under that section or for the 132151
ensuing calendar year. For a credit issued during the July 132152
application round each year, the credit may also be claimed for 132153
the preceding calendar year. A taxpayer applying a credit for 132154

the preceding calendar year shall file an amended return or 132155
apply that amendment on the taxpayer's original return, for that 132156
year. 132157

The credit authorized in this section shall be claimed in 132158
the order required under section 5729.98 of the Revised Code. If 132159
the amount of a credit exceeds the tax otherwise due under 132160
section 5729.03 of the Revised Code after deducting all other 132161
credits preceding the credit in that order, the excess may be 132162
carried forward for not more than five ensuing calendar years. 132163
The amount of the excess credit claimed in any such year shall 132164
be deducted from the balance carried forward to the next 132165
calendar year. 132166

No credit shall be claimed under this section to the 132167
extent the credit was claimed under section 5725.38, 5726.61, or 132168
5747.86 of the Revised Code. 132169

A foreign insurance company shall not be required to pay 132170
any additional tax levied under section 5729.06 of the Revised 132171
Code as a result of claiming the tax credit authorized by this 132172
section. 132173

Sec. 5735.12. (A) Any person required by this chapter to 132174
file reports or pay the tax levied by this chapter who fails to 132175
do so within the time prescribed may be liable for an additional 132176
charge not exceeding the greater of ten per cent of the person's 132177
tax liability for that month or fifty dollars. The tax 132178
commissioner may remit all or a portion of the additional charge 132179
and may adopt rules relating to the remission of all or a 132180
portion of the charge. 132181

If any person required by this chapter to file reports or 132182
pay the taxes, interest, or additional charge levied by this 132183

chapter fails to file the report, files an incomplete or 132184
incorrect report, or fails to remit the full amount of the tax, 132185
interest, or additional charge due for the period covered by the 132186
report, the commissioner may make an assessment against the 132187
person based upon any information in the commissioner's 132188
possession. 132189

No assessment shall be made against any motor fuel dealer 132190
for taxes imposed by this chapter more than four years after the 132191
date on which the report on which the assessment was based was 132192
due or was filed, whichever is later. This section does not bar 132193
an assessment against any motor fuel dealer who fails to file a 132194
report required by section 5735.06 of the Revised Code, or who 132195
files a fraudulent motor fuel tax report. 132196

A penalty of up to fifteen per cent may be added to the 132197
amount of every assessment made under this section. The 132198
commissioner may adopt rules providing for the imposition and 132199
remission of penalties added to assessments made under this 132200
section. 132201

The commissioner shall give the party assessed written 132202
notice of the assessment in the manner provided in section 132203
5703.37 of the Revised Code. With the notice, the commissioner 132204
shall provide instructions on how to petition for reassessment 132205
and request a hearing on the petition. 132206

(B) Unless the party assessed files with the tax 132207
commissioner within sixty days after service of the notice of 132208
assessment, ~~either personally or by certified mail,~~ a written 132209
petition for reassessment in writing, signed by the party 132210
assessed or that party's authorized agent having knowledge of 132211
the facts, the assessment becomes final and the amount of the 132212
assessment is due and payable from the party assessed to the 132213

treasurer of state. The petition shall indicate the objections 132214
of the party assessed, but additional objections may be raised 132215
in writing if received by the commissioner prior to the date 132216
shown on the final determination. If the petition has been 132217
properly filed, the commissioner shall proceed under section 132218
5703.60 of the Revised Code. 132219

(C) After an assessment becomes final, if any portion of 132220
the assessment remains unpaid, including accrued interest, a 132221
certified copy of the tax commissioner's entry making the 132222
assessment final may be filed in the office of the clerk of the 132223
court of common pleas in the county in which the party assessed 132224
resides or in which the business of the party assessed is 132225
conducted. If the party assessed maintains no place of business 132226
in this state and is not a resident of this state, the certified 132227
copy of the entry may be filed in the office of the clerk of the 132228
court of common pleas of Franklin county. 132229

Immediately upon the filing of the entry, the clerk shall 132230
enter a judgment for the state against the party assessed in the 132231
amount shown on the entry. The judgment may be filed by the 132232
clerk in a loose-leaf book entitled "special judgments for state 132233
motor fuel tax," and shall have the same effect as other 132234
judgments. Execution shall issue upon the judgment upon the 132235
request of the tax commissioner, and all laws applicable to 132236
sales on execution shall apply to sales made under the judgment. 132237

If the assessment is not paid in its entirety within sixty 132238
days after the day the assessment was issued, the portion of the 132239
assessment consisting of tax due shall bear interest at the rate 132240
per annum prescribed by section 5703.47 of the Revised Code from 132241
the day the commissioner issues the assessment until it is paid 132242
or until it is certified to the attorney general for collection 132243

under section 131.02 of the Revised Code, whichever comes first. 132244
If the unpaid portion of the assessment is certified to the 132245
attorney general for collection, the entire unpaid portion of 132246
the assessment shall bear interest at the rate per annum 132247
prescribed by section 5703.47 of the Revised Code from the date 132248
of certification until the date it is paid in its entirety. 132249
Interest shall be paid in the same manner as the tax and may be 132250
collected by the issuance of an assessment under this section. 132251

(D) All money collected by the tax commissioner under this 132252
section shall be paid to the treasurer of state, and when paid 132253
shall be considered as revenue arising from the tax imposed by 132254
this chapter. 132255

(E) If the tax commissioner determines that the 132256
commissioner has erroneously refunded motor fuel tax to any 132257
person, the commissioner may make an assessment against the 132258
person for recovery of the erroneously refunded tax. 132259

Sec. 5736.09. (A) The tax commissioner may make an 132260
assessment, based on any information in the commissioner's 132261
possession, against any person that fails to file a return or 132262
pay any tax as required by this chapter. The commissioner shall 132263
give the person assessed written notice of the assessment as 132264
provided in section 5703.37 of the Revised Code. With the 132265
notice, the commissioner shall provide instructions on the 132266
manner in which to petition for reassessment and request a 132267
hearing with respect to the petition. 132268

(B) Unless the person assessed, within sixty days after 132269
service of the notice of assessment, files with the 132270
commissioner, ~~either personally or by certified mail,~~ a written 132271
petition signed by the person or the person's authorized agent 132272
having knowledge of the facts, the assessment becomes final, and 132273

the amount of the assessment is due and payable from the person 132274
assessed to the treasurer of state. The petition shall indicate 132275
the objections of the person assessed, but additional objections 132276
may be raised in writing if received by the commissioner prior 132277
to the date shown on the final determination. 132278

If a petition for reassessment has been properly filed, 132279
the commissioner shall proceed under section 5703.60 of the 132280
Revised Code. 132281

(C) (1) After an assessment becomes final, if any portion 132282
of the assessment, including accrued interest, remains unpaid, a 132283
certified copy of the commissioner's entry making the assessment 132284
final may be filed in the office of the clerk of the court of 132285
common pleas in the county in which the person resides or has 132286
its principal place of business in this state, or in the office 132287
of the clerk of court of common pleas of Franklin county. 132288

(2) Immediately upon the filing of the entry, the clerk 132289
shall enter judgment for the state against the person assessed 132290
in the amount shown on the entry. The judgment may be filed by 132291
the clerk in a loose-leaf book entitled, "special judgments for 132292
the petroleum activity tax" and shall have the same effect as 132293
other judgments. Execution shall issue upon the judgment at the 132294
request of the commissioner, and all laws applicable to sales on 132295
execution shall apply to sales made under the judgment. 132296

(3) If the assessment is not paid in its entirety within 132297
sixty days after the day the assessment was issued, the portion 132298
of the assessment consisting of tax due shall bear interest at 132299
the rate per annum prescribed by section 5703.47 of the Revised 132300
Code from the day the commissioner issues the assessment until 132301
it is paid or until it is certified to the attorney general for 132302
collection under section 131.02 of the Revised Code, whichever 132303

comes first. If the unpaid portion of the assessment is 132304
certified to the attorney general for collection, the entire 132305
unpaid portion of the assessment shall bear interest at the rate 132306
per annum prescribed by section 5703.47 of the Revised Code from 132307
the date of certification until the date it is paid in its 132308
entirety. Interest shall be paid in the same manner as the tax 132309
and may be collected by the issuance of an assessment under this 132310
section. 132311

(D) If the commissioner believes that collection of the 132312
tax will be jeopardized unless proceedings to collect or secure 132313
collection of the tax are instituted without delay, the 132314
commissioner may issue a jeopardy assessment against the person 132315
liable for the tax. Immediately upon the issuance of the 132316
jeopardy assessment, the commissioner shall file an entry with 132317
the clerk of the court of common pleas in the manner prescribed 132318
by division (C) of this section. Notice of the jeopardy 132319
assessment shall be served on the person assessed or the 132320
person's authorized agent in the manner provided in section 132321
5703.37 of the Revised Code within five days of the filing of 132322
the entry with the clerk. The total amount assessed is 132323
immediately due and payable, unless the person assessed files a 132324
petition for reassessment in accordance with division (B) of 132325
this section and provides security in a form satisfactory to the 132326
commissioner and in an amount sufficient to satisfy the unpaid 132327
balance of the assessment. Full or partial payment of the 132328
assessment does not prejudice the commissioner's consideration 132329
of the petition for reassessment. 132330

(E) The commissioner shall immediately forward to the 132331
treasurer of state all amounts the commissioner receives under 132332
this section, and such amounts shall be considered as revenue 132333
arising from the tax imposed under this chapter. 132334

(F) Except as otherwise provided in this division, no assessment shall be made or issued against a taxpayer for the tax imposed under this chapter more than four years after the due date for the filing of the return for the tax period for which the tax was reported, or more than four years after the return for the tax period was filed, whichever is later. The time limit may be extended if both the taxpayer and the commissioner consent in writing to the extension or enter into an agreement waiving or extending the time limit. Any such extension shall extend the four-year time limit in division (A) of section 5736.08 of the Revised Code for the same period of time. Nothing in this division bars an assessment against a taxpayer that fails to file a return required by this chapter or that files a fraudulent return.

(G) If the commissioner possesses information that indicates that the amount of tax a taxpayer is required to pay under this chapter exceeds the amount the taxpayer paid, the commissioner may audit a sample of the taxpayer's calculated gross receipts over a representative period of time to ascertain the amount of tax due, and may issue an assessment based on the audit. The commissioner shall make a good faith effort to reach agreement with the taxpayer in selecting a representative sample. The commissioner may apply a sampling method only if the commissioner has prescribed the method by rule.

(H) If the whereabouts of a person subject to this chapter is not known to the commissioner, the commissioner shall follow the procedures under section 5703.37 of the Revised Code.

Sec. 5739.01. As used in this chapter:

(A) "Person" includes individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships,

associations, joint-stock companies, joint ventures, clubs, 132365
societies, corporations, the state and its political 132366
subdivisions, and combinations of individuals of any form. 132367

(B) "Sale" and "selling" include all of the following 132368
transactions for a consideration in any manner, whether 132369
absolutely or conditionally, whether for a price or rental, in 132370
money or by exchange, and by any means whatsoever: 132371

(1) All transactions by which title or possession, or 132372
both, of tangible personal property, is or is to be transferred, 132373
or a license to use or consume tangible personal property is or 132374
is to be granted; 132375

(2) All transactions by which lodging by a hotel is or is 132376
to be furnished to transient guests; 132377

(3) All transactions by which: 132378

(a) An item of tangible personal property is or is to be 132379
repaired, except property, the purchase of which would not be 132380
subject to the tax imposed by section 5739.02 of the Revised 132381
Code; 132382

(b) An item of tangible personal property is or is to be 132383
installed, except property, the purchase of which would not be 132384
subject to the tax imposed by section 5739.02 of the Revised 132385
Code or property that is or is to be incorporated into and will 132386
become a part of a production, transmission, transportation, or 132387
distribution system for the delivery of a public utility 132388
service; 132389

(c) The service of washing, cleaning, waxing, polishing, 132390
or painting a motor vehicle is or is to be furnished; 132391

(d) Laundry and dry cleaning services are or are to be 132392

provided; 132393

(e) Automatic data processing, computer services, or 132394
electronic information services are or are to be provided for 132395
use in business when the true object of the transaction is the 132396
receipt by the consumer of automatic data processing, computer 132397
services, or electronic information services rather than the 132398
receipt of personal or professional services to which automatic 132399
data processing, computer services, or electronic information 132400
services are incidental or supplemental. Notwithstanding any 132401
other provision of this chapter, such transactions that occur 132402
between members of an affiliated group are not sales. An 132403
"affiliated group" means two or more persons related in such a 132404
way that one person owns or controls the business operation of 132405
another member of the group. In the case of corporations with 132406
stock, one corporation owns or controls another if it owns more 132407
than fifty per cent of the other corporation's common stock with 132408
voting rights. 132409

(f) Telecommunications service, including prepaid calling 132410
service, prepaid wireless calling service, or ancillary service, 132411
is or is to be provided, but not including coin-operated 132412
telephone service; 132413

(g) Landscaping and lawn care service is or is to be 132414
provided; 132415

(h) Private investigation and security service is or is to 132416
be provided; 132417

(i) Information services or tangible personal property is 132418
provided or ordered by means of a nine hundred telephone call; 132419

(j) Building maintenance and janitorial service is or is 132420
to be provided; 132421

(k) Exterminating service is or is to be provided;	132422
(l) Physical fitness facility service is or is to be provided;	132423 132424
(m) Recreation and sports club service is or is to be provided;	132425 132426
(n) Satellite broadcasting service is or is to be provided;	132427 132428
(o) Personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician, certified nurse-midwife, clinical nurse specialist, certified nurse practitioner, or chiropractor, or the cutting, coloring, or styling of an individual's hair.	132429 132430 132431 132432 132433 132434 132435 132436 132437
(p) The transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public convenience and necessity issued under 49 U.S.C. 41102;	132438 132439 132440 132441 132442 132443 132444
(q) Motor vehicle towing service is or is to be provided. As used in this division, "motor vehicle towing service" means the towing or conveyance of a wrecked, disabled, or illegally parked motor vehicle.	132445 132446 132447 132448
(r) Snow removal service is or is to be provided. As used in this division, "snow removal service" means the removal of	132449 132450

snow by any mechanized means, but does not include the providing 132451
of such service by a person that has less than five thousand 132452
dollars in sales of such service during the calendar year. 132453

(s) Electronic publishing service is or is to be provided 132454
to a consumer for use in business, except that such transactions 132455
occurring between members of an affiliated group, as defined in 132456
division (B) (3) (e) of this section, are not sales. 132457

(4) All transactions by which printed, imprinted, 132458
overprinted, lithographic, multilithic, blueprinted, 132459
photostatic, or other productions or reproductions of written or 132460
graphic matter are or are to be furnished or transferred; 132461

(5) The production or fabrication of tangible personal 132462
property for a consideration for consumers who furnish either 132463
directly or indirectly the materials used in the production of 132464
fabrication work; and include the furnishing, preparing, or 132465
serving for a consideration of any tangible personal property 132466
consumed on the premises of the person furnishing, preparing, or 132467
serving such tangible personal property. Except as provided in 132468
section 5739.03 of the Revised Code, a construction contract 132469
pursuant to which tangible personal property is or is to be 132470
incorporated into a structure or improvement on and becoming a 132471
part of real property is not a sale of such tangible personal 132472
property. The construction contractor is the consumer of such 132473
tangible personal property, provided that the sale and 132474
installation of carpeting, the sale and installation of 132475
agricultural land tile, the sale and erection or installation of 132476
portable grain bins, or the provision of landscaping and lawn 132477
care service and the transfer of property as part of such 132478
service is never a construction contract. 132479

As used in division (B) (5) of this section: 132480

(a) "Agricultural land tile" means fired clay or concrete tile, or flexible or rigid perforated plastic pipe or tubing, incorporated or to be incorporated into a subsurface drainage system appurtenant to land used or to be used primarily in production by farming, agriculture, horticulture, or floriculture. The term does not include such materials when they are or are to be incorporated into a drainage system appurtenant to a building or structure even if the building or structure is used or to be used in such production.

(b) "Portable grain bin" means a structure that is used or to be used by a person engaged in farming or agriculture to shelter the person's grain and that is designed to be disassembled without significant damage to its component parts.

(6) All transactions in which all of the shares of stock of a closely held corporation are transferred, or an ownership interest in a pass-through entity, as defined in section 5733.04 of the Revised Code, is transferred, if the corporation or pass-through entity is not engaging in business and its entire assets consist of boats, planes, motor vehicles, or other tangible personal property operated primarily for the use and enjoyment of the shareholders or owners;

(7) All transactions in which a warranty, maintenance or service contract, or similar agreement by which the vendor of the warranty, contract, or agreement agrees to repair or maintain the tangible personal property of the consumer is or is to be provided;

(8) ~~The transfer of copyrighted motion picture films used solely for advertising purposes, except that the transfer of such films for exhibition purposes is not a sale;~~

(9) All transactions by which tangible personal property 132510
is or is to be stored, except such property that the consumer of 132511
the storage holds for sale in the regular course of business; 132512

(10) All transactions in which "guaranteed auto 132513
protection" is provided whereby a person promises to pay to the 132514
consumer the difference between the amount the consumer receives 132515
from motor vehicle insurance and the amount the consumer owes to 132516
a person holding title to or a lien on the consumer's motor 132517
vehicle in the event the consumer's motor vehicle suffers a 132518
total loss under the terms of the motor vehicle insurance policy 132519
or is stolen and not recovered, if the protection and its price 132520
are included in the purchase or lease agreement; 132521

(11) (a) Except as provided in division (B) (11) (b) of this 132522
section, all transactions by which health care services are paid 132523
for, reimbursed, provided, delivered, arranged for, or otherwise 132524
made available by a medicaid health insuring corporation 132525
pursuant to the corporation's contract with the state. 132526

(b) If the centers for medicare and medicaid services of 132527
the United States department of health and human services 132528
determines that the taxation of transactions described in 132529
division (B) (11) (a) of this section constitutes an impermissible 132530
health care-related tax under the "Social Security Act," section 132531
1903(w), 42 U.S.C. 1396b(w), and regulations adopted thereunder, 132532
the medicaid director shall notify the tax commissioner of that 132533
determination. Beginning with the first day of the month 132534
following that notification, the transactions described in 132535
division (B) (11) (a) of this section are not sales for the 132536
purposes of this chapter or Chapter 5741. of the Revised Code. 132537
The tax commissioner shall order that the collection of taxes 132538
under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 132539

5741.021, 5741.022, and 5741.023 of the Revised Code shall cease 132540
for transactions occurring on or after that date. 132541

(12) All transactions by which a specified digital product 132542
is provided for permanent use or less than permanent use, 132543
regardless of whether continued payment is required. 132544

(13) All transactions by a delivery network company for 132545
the company's delivery network services, provided the company 132546
has a waiver issued under section 5741.072 of the Revised Code. 132547

Except as provided in this section, "sale" and "selling" 132548
do not include transfers of interest in leased property where 132549
the original lessee and the terms of the original lease 132550
agreement remain unchanged, or professional, insurance, or 132551
personal service transactions that involve the transfer of 132552
tangible personal property as an inconsequential element, for 132553
which no separate charges are made. 132554

(C) "Vendor" means the person providing the service or by 132555
whom the transfer effected or license given by a sale is or is 132556
to be made or given and, for sales described in division (B)(3) 132557
(i) of this section, the telecommunications service vendor that 132558
provides the nine hundred telephone service; if two or more 132559
persons are engaged in business at the same place of business 132560
under a single trade name in which all collections on account of 132561
sales by each are made, such persons shall constitute a single 132562
vendor. 132563

Physicians, certified nurse-midwives, clinical nurse 132564
specialists, certified nurse practitioners, dentists, hospitals, 132565
and veterinarians who are engaged in selling tangible personal 132566
property as received from others, such as eyeglasses, 132567
mouthwashes, dentifrices, or similar articles, are vendors. 132568

Veterinarians who are engaged in transferring to others for a consideration drugs, the dispensing of which does not require an order of a licensed veterinarian, physician, certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner under federal law, are vendors.

The operator of any peer-to-peer car sharing program shall be considered to be the vendor.

(D) (1) "Consumer" means the person for whom the service is provided, to whom the transfer effected or license given by a sale is or is to be made or given, to whom the service described in division (B) (3) (f) or (i) of this section is charged, or to whom the admission is granted.

(2) Physicians, certified nurse-midwives, clinical nurse specialists, certified nurse practitioners, dentists, hospitals, and blood banks operated by nonprofit institutions and persons licensed to practice veterinary medicine, surgery, and dentistry are consumers of all tangible personal property and services purchased by them in connection with the practice of medicine, dentistry, the rendition of hospital or blood bank service, or the practice of veterinary medicine, surgery, and dentistry. In addition to being consumers of drugs administered by them or by their assistants according to their direction, veterinarians also are consumers of drugs that under federal law may be dispensed only by or upon the order of a licensed veterinarian, physician, certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner, when transferred by them to others for a consideration to provide treatment to animals as directed by the veterinarian.

(3) A person who performs a facility management, or similar service contract for a contractee is a consumer of all

tangible personal property and services purchased for use in 132599
connection with the performance of such contract, regardless of 132600
whether title to any such property vests in the contractee. The 132601
purchase of such property and services is not subject to the 132602
exception for resale under division (E) of this section. 132603

(4) (a) In the case of a person who purchases printed 132604
matter for the purpose of distributing it or having it 132605
distributed to the public or to a designated segment of the 132606
public, free of charge, that person is the consumer of that 132607
printed matter, and the purchase of that printed matter for that 132608
purpose is a sale. 132609

(b) In the case of a person who produces, rather than 132610
purchases, printed matter for the purpose of distributing it or 132611
having it distributed to the public or to a designated segment 132612
of the public, free of charge, that person is the consumer of 132613
all tangible personal property and services purchased for use or 132614
consumption in the production of that printed matter. ~~That~~ 132615
~~person is not entitled to claim exemption under division (B)(42)~~ 132616
~~(f) of section 5739.02 of the Revised Code for any material~~ 132617
~~incorporated into the printed matter or any equipment, supplies,~~ 132618
~~or services primarily used to produce the printed matter.~~ 132619

(c) The distribution of printed matter to the public or to 132620
a designated segment of the public, free of charge, is not a 132621
sale to the members of the public to whom the printed matter is 132622
distributed or to any persons who purchase space in the printed 132623
matter for advertising or other purposes. 132624

(5) A person who makes sales of any of the services listed 132625
in division (B) (3) of this section is the consumer of any 132626
tangible personal property used in performing the service. The 132627
purchase of that property is not subject to the resale exception 132628

under division (E) of this section. 132629

(6) A person who engages in highway transportation for 132630
hire is the consumer of all packaging materials purchased by 132631
that person and used in performing the service, except for 132632
packaging materials sold by such person in a transaction 132633
separate from the service. 132634

(7) In the case of a transaction for health care services 132635
under division (B) (11) of this section, a medicaid health 132636
insuring corporation is the consumer of such services. The 132637
purchase of such services by a medicaid health insuring 132638
corporation is not subject to the exception for resale under 132639
division (E) of this section or to the exemptions provided under 132640
divisions (B) (12), (18), (19), and (22) of section 5739.02 of 132641
the Revised Code. 132642

(E) "Retail sale" and "sales at retail" include all sales, 132643
except those in which the purpose of the consumer is to resell 132644
the thing transferred or benefit of the service provided, by a 132645
person engaging in business, in the form in which the same is, 132646
or is to be, received by the person. 132647

(F) "Business" includes any activity engaged in by any 132648
person with the object of gain, benefit, or advantage, either 132649
direct or indirect. "Business" does not include the activity of 132650
a person in managing and investing the person's own funds. 132651

(G) "Engaging in business" means commencing, conducting, 132652
or continuing in business, and liquidating a business when the 132653
liquidator thereof holds itself out to the public as conducting 132654
such business. Making a casual sale is not engaging in business. 132655

(H) (1) (a) "Price," except as provided in divisions (H) (2), 132656
(3), and (4) of this section, means the total amount of 132657

consideration, including cash, credit, property, and services, 132658
for which tangible personal property or services are sold, 132659
leased, or rented, valued in money, whether received in money or 132660
otherwise, without any deduction for any of the following: 132661

(i) The vendor's cost of the property sold; 132662

(ii) The cost of materials used, labor or service costs, 132663
interest, losses, all costs of transportation to the vendor, all 132664
taxes imposed on the vendor, including the tax imposed under 132665
Chapter 5751. of the Revised Code, and any other expense of the 132666
vendor; 132667

(iii) Charges by the vendor for any services necessary to 132668
complete the sale; 132669

(iv) Delivery charges. As used in this division, "delivery 132670
charges" means charges by the vendor for preparation and 132671
delivery to a location designated by the consumer of tangible 132672
personal property or a service, including transportation, 132673
shipping, postage, handling, crating, and packing. 132674

(v) Installation charges; 132675

(vi) Credit for any trade-in. 132676

(b) "Price" includes consideration received by the vendor 132677
from a third party, if the vendor actually receives the 132678
consideration from a party other than the consumer, and the 132679
consideration is directly related to a price reduction or 132680
discount on the sale; the vendor has an obligation to pass the 132681
price reduction or discount through to the consumer; the amount 132682
of the consideration attributable to the sale is fixed and 132683
determinable by the vendor at the time of the sale of the item 132684
to the consumer; and one of the following criteria is met: 132685

(i) The consumer presents a coupon, certificate, or other document to the vendor to claim a price reduction or discount where the coupon, certificate, or document is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any vendor to whom the coupon, certificate, or document is presented;

(ii) The consumer identifies the consumer's self to the seller as a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group or organization.

(iii) The price reduction or discount is identified as a third party price reduction or discount on the invoice received by the consumer, or on a coupon, certificate, or other document presented by the consumer.

(c) "Price" does not include any of the following:

(i) Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a vendor and taken by a consumer on a sale;

(ii) Interest, financing, and carrying charges from credit extended on the sale of tangible personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(iii) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the consumer. For the purpose of this division, the tax imposed under Chapter 5751. of the Revised Code is not a tax directly on the consumer, even if the tax or a portion thereof is separately stated.

(iv) Notwithstanding divisions (H) (1) (b) (i) to (iii) of 132715
this section, any discount allowed by an automobile manufacturer 132716
to its employee, or to the employee of a supplier, on the 132717
purchase of a new motor vehicle from a new motor vehicle dealer 132718
in this state. 132719

(v) The dollar value of a gift card that is not sold by a 132720
vendor or purchased by a consumer and that is redeemed by the 132721
consumer in purchasing tangible personal property or services if 132722
the vendor is not reimbursed and does not receive compensation 132723
from a third party to cover all or part of the gift card value. 132724
For the purposes of this division, a gift card is not sold by a 132725
vendor or purchased by a consumer if it is distributed pursuant 132726
to an awards, loyalty, or promotional program. Past and present 132727
purchases of tangible personal property or services by the 132728
consumer shall not be treated as consideration exchanged for a 132729
gift card. 132730

(2) In the case of a sale of any new motor vehicle by a 132731
new motor vehicle dealer, as defined in section 4517.01 of the 132732
Revised Code, in which another motor vehicle is accepted by the 132733
dealer as part of the consideration received, "price" has the 132734
same meaning as in division (H) (1) of this section, reduced by 132735
the credit afforded the consumer by the dealer for the motor 132736
vehicle received in trade. 132737

(3) In the case of a sale of any watercraft or outboard 132738
motor by a watercraft dealer licensed in accordance with section 132739
1547.543 of the Revised Code, in which another watercraft, 132740
watercraft and trailer, or outboard motor is accepted by the 132741
dealer as part of the consideration received, "price" has the 132742
same meaning as in division (H) (1) of this section, reduced by 132743
the credit afforded the consumer by the dealer for the 132744

watercraft, watercraft and trailer, or outboard motor received 132745
in trade. As used in this division, "watercraft" includes an 132746
outdrive unit attached to the watercraft. 132747

(4) In the case of transactions for health care services 132748
under division (B)(11) of this section, "price" means the amount 132749
of managed care premiums received each month by a medicaid 132750
health insuring corporation. 132751

(I) "Receipts" means the total amount of the prices of the 132752
sales of vendors, provided that the dollar value of gift cards 132753
distributed pursuant to an awards, loyalty, or promotional 132754
program, and cash discounts allowed and taken on sales at the 132755
time they are consummated are not included, minus any amount 132756
deducted as a bad debt pursuant to section 5739.121 of the 132757
Revised Code. "Receipts" does not include the sale price of 132758
property returned or services rejected by consumers when the 132759
full sale price and tax are refunded either in cash or by 132760
credit. 132761

(J) "Place of business" means any location at which a 132762
person engages in business. 132763

(K) "Premises" includes any real property or portion 132764
thereof upon which any person engages in selling tangible 132765
personal property at retail or making retail sales and also 132766
includes any real property or portion thereof designated for, or 132767
devoted to, use in conjunction with the business engaged in by 132768
such person. 132769

(L) "Casual sale" means a sale of an item of tangible 132770
personal property, in person or online, that was obtained by the 132771
person making the sale, through purchase or otherwise, for the 132772
person's own use and was previously subject to any state's 132773

taxing jurisdiction on its sale or use, and includes such items 132774
acquired for the seller's use that are sold by an auctioneer 132775
employed directly by the person for such purpose, provided the 132776
location of such sales is not the auctioneer's physical 132777
permanent place of business. As used in this division, 132778
"permanent place of business" includes any physical location 132779
where such auctioneer has conducted more than two auctions 132780
during the year. 132781

(M) "Hotel" means every establishment kept, used, 132782
maintained, advertised, or held out to the public to be a place 132783
where sleeping accommodations are offered to guests, in which 132784
five or more rooms are used for the accommodation of such 132785
guests, whether the rooms are in one or several structures, 132786
except as otherwise provided in section 5739.091 of the Revised 132787
Code. 132788

(N) "Transient guests" means persons occupying a room or 132789
rooms for sleeping accommodations for less than thirty 132790
consecutive days. 132791

(O) "Making retail sales" means the effecting of 132792
transactions wherein one party is obligated to pay the price and 132793
the other party is obligated to provide a service or to transfer 132794
title to or possession of the item sold. "Making retail sales" 132795
does not include the preliminary acts of promoting or soliciting 132796
the retail sales, other than the distribution of printed matter 132797
which displays or describes and prices the item offered for 132798
sale, nor does it include delivery of a predetermined quantity 132799
of tangible personal property or transportation of property or 132800
personnel to or from a place where a service is performed. 132801

(P) "Used directly in the rendition of a public utility 132802
service" means that property that is to be incorporated into and 132803

will become a part of the consumer's production, transmission, transportation, or distribution system and that retains its classification as tangible personal property after such incorporation; fuel or power used in the production, transmission, transportation, or distribution system; and tangible personal property used in the repair and maintenance of the production, transmission, transportation, or distribution system, including only such motor vehicles as are specially designed and equipped for such use. Tangible personal property and services used primarily in providing highway transportation for hire are not used directly in the rendition of a public utility service. In this definition, "public utility" includes a citizen of the United States holding, and required to hold, a certificate of public convenience and necessity issued under 49 U.S.C. 41102.

(Q) "Refining" means removing or separating a desirable product from raw or contaminated materials by distillation or physical, mechanical, or chemical processes.

(R) "Assembly" and "assembling" mean attaching or fitting together parts to form a product, but do not include packaging a product.

(S) "Manufacturing operation" means a process in which materials are changed, converted, or transformed into a different state or form from which they previously existed and includes refining materials, assembling parts, and preparing raw materials and parts by mixing, measuring, blending, or otherwise committing such materials or parts to the manufacturing process. "Manufacturing operation" does not include packaging.

(T) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with

respect to a county that is a transit authority, the fiscal 132834
officer of the county transit board if one is appointed pursuant 132835
to section 306.03 of the Revised Code or the county auditor if 132836
the board of county commissioners operates the county transit 132837
system. 132838

(U) "Transit authority" means a regional transit authority 132839
created pursuant to section 306.31 of the Revised Code or a 132840
county in which a county transit system is created pursuant to 132841
section 306.01 of the Revised Code. For the purposes of this 132842
chapter, a transit authority must extend to at least the entire 132843
area of a single county. A transit authority that includes 132844
territory in more than one county must include all the area of 132845
the most populous county that is a part of such transit 132846
authority. County population shall be measured by the most 132847
recent census taken by the United States census bureau. 132848

(V) "Legislative authority" means, with respect to a 132849
regional transit authority, the board of trustees thereof, and 132850
with respect to a county that is a transit authority, the board 132851
of county commissioners. 132852

(W) "Territory of the transit authority" means all of the 132853
area included within the territorial boundaries of a transit 132854
authority as they from time to time exist. Such territorial 132855
boundaries must at all times include all the area of a single 132856
county or all the area of the most populous county that is a 132857
part of such transit authority. County population shall be 132858
measured by the most recent census taken by the United States 132859
census bureau. 132860

(X) "Providing a service" means providing or furnishing 132861
anything described in division (B) (3) of this section for 132862
consideration. 132863

(Y) (1) (a) "Automatic data processing" means processing of others' data, including keypunching or similar data entry services together with verification thereof, or providing access to computer equipment for the purpose of processing data.

(b) "Computer services" means providing services consisting of specifying computer hardware configurations and evaluating technical processing characteristics, computer programming, and training of computer programmers and operators, provided in conjunction with and to support the sale, lease, or operation of taxable computer equipment or systems.

(c) "Electronic information services" means providing access to computer equipment by means of telecommunications equipment for the purpose of either of the following:

(i) Examining or acquiring data stored in or accessible to the computer equipment;

(ii) Placing data into the computer equipment to be retrieved by designated recipients with access to the computer equipment.

"Electronic information services" does not include electronic publishing.

(d) "Automatic data processing, computer services, or electronic information services" shall not include personal or professional services.

(2) As used in divisions (B) (3) (e) and (Y) (1) of this section, "personal and professional services" means all services other than automatic data processing, computer services, or electronic information services, including but not limited to:

(a) Accounting and legal services such as advice on tax

matters, asset management, budgetary matters, quality control,	132892
information security, and auditing and any other situation where	132893
the service provider receives data or information and studies,	132894
alters, analyzes, interprets, or adjusts such material;	132895
(b) Analyzing business policies and procedures;	132896
(c) Identifying management information needs;	132897
(d) Feasibility studies, including economic and technical	132898
analysis of existing or potential computer hardware or software	132899
needs and alternatives;	132900
(e) Designing policies, procedures, and custom software	132901
for collecting business information, and determining how data	132902
should be summarized, sequenced, formatted, processed,	132903
controlled, and reported so that it will be meaningful to	132904
management;	132905
(f) Developing policies and procedures that document how	132906
business events and transactions are to be authorized, executed,	132907
and controlled;	132908
(g) Testing of business procedures;	132909
(h) Training personnel in business procedure applications;	132910
(i) Providing credit information to users of such	132911
information by a consumer reporting agency, as defined in the	132912
"Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15	132913
U.S.C. 1681a(f), or as hereafter amended, including but not	132914
limited to gathering, organizing, analyzing, recording, and	132915
furnishing such information by any oral, written, graphic, or	132916
electronic medium;	132917
(j) Providing debt collection services by any oral,	132918
written, graphic, or electronic means;	132919

(k) Providing digital advertising services;	132920
(l) Providing services to electronically file any federal, state, or local individual income tax return, report, or other related document or schedule with a federal, state, or local government entity or to electronically remit a payment of any such individual income tax to such an entity. For the purpose of this division, "individual income tax" does not include federal, state, or local taxes withheld by an employer from an employee's compensation.	132921 132922 132923 132924 132925 132926 132927 132928
The services listed in divisions (Y) (2) (a) to (l) of this section are not automatic data processing or computer services.	132929 132930
(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following:	132931 132932 132933
(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare;	132934 132935 132936 132937 132938
(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z) (1) of this section;	132939 132940 132941 132942 132943 132944 132945
(3) A person who leases a motor vehicle to and operates it for a person described by division (Z) (1) or (2) of this section.	132946 132947 132948

"Highway transportation for hire" does not include 132949
delivery network services. 132950

(AA) (1) "Telecommunications service" means the electronic 132951
transmission, conveyance, or routing of voice, data, audio, 132952
video, or any other information or signals to a point, or 132953
between or among points. "Telecommunications service" includes 132954
such transmission, conveyance, or routing in which computer 132955
processing applications are used to act on the form, code, or 132956
protocol of the content for purposes of transmission, 132957
conveyance, or routing without regard to whether the service is 132958
referred to as voice-over internet protocol service or is 132959
classified by the federal communications commission as enhanced 132960
or value-added. "Telecommunications service" does not include 132961
any of the following: 132962

(a) Data processing and information services that allow 132963
data to be generated, acquired, stored, processed, or retrieved 132964
and delivered by an electronic transmission to a consumer where 132965
the consumer's primary purpose for the underlying transaction is 132966
the processed data or information; 132967

(b) Installation or maintenance of wiring or equipment on 132968
a customer's premises; 132969

(c) Tangible personal property; 132970

(d) Advertising, including directory advertising; 132971

(e) Billing and collection services provided to third 132972
parties; 132973

(f) Internet access service; 132974

(g) Radio and television audio and video programming 132975
services, regardless of the medium, including the furnishing of 132976

transmission, conveyance, and routing of such services by the 132977
programming service provider. Radio and television audio and 132978
video programming services include, but are not limited to, 132979
cable service, as defined in 47 U.S.C. 522(6), and audio and 132980
video programming services delivered by commercial mobile radio 132981
service providers, as defined in 47 C.F.R. 20.3; 132982

(h) Ancillary service; 132983

(i) Digital products delivered electronically, including 132984
software, music, video, reading materials, or ring tones. 132985

(2) "Ancillary service" means a service that is associated 132986
with or incidental to the provision of telecommunications 132987
service, including conference bridging service, detailed 132988
telecommunications billing service, directory assistance, 132989
vertical service, and voice mail service. As used in this 132990
division: 132991

(a) "Conference bridging service" means an ancillary 132992
service that links two or more participants of an audio or video 132993
conference call, including providing a telephone number. 132994
"Conference bridging service" does not include 132995
telecommunications services used to reach the conference bridge. 132996

(b) "Detailed telecommunications billing service" means an 132997
ancillary service of separately stating information pertaining 132998
to individual calls on a customer's billing statement. 132999

(c) "Directory assistance" means an ancillary service of 133000
providing telephone number or address information. 133001

(d) "Vertical service" means an ancillary service that is 133002
offered in connection with one or more telecommunications 133003
services, which offers advanced calling features that allow 133004
customers to identify callers and manage multiple calls and call 133005

connections, including conference bridging service. 133006

(e) "Voice mail service" means an ancillary service that 133007
enables the customer to store, send, or receive recorded 133008
messages. "Voice mail service" does not include any vertical 133009
services that the customer may be required to have in order to 133010
utilize the voice mail service. 133011

(3) "900 service" means an inbound toll telecommunications 133012
service purchased by a subscriber that allows the subscriber's 133013
customers to call in to the subscriber's prerecorded 133014
announcement or live service, and which is typically marketed 133015
under the name "900 service" and any subsequent numbers 133016
designated by the federal communications commission. "900 133017
service" does not include the charge for collection services 133018
provided by the seller of the telecommunications service to the 133019
subscriber, or services or products sold by the subscriber to 133020
the subscriber's customer. 133021

(4) "Prepaid calling service" means the right to access 133022
exclusively telecommunications services, which must be paid for 133023
in advance and which enables the origination of calls using an 133024
access number or authorization code, whether manually or 133025
electronically dialed, and that is sold in predetermined units 133026
or dollars of which the number declines with use in a known 133027
amount. 133028

(5) "Prepaid wireless calling service" means a 133029
telecommunications service that provides the right to utilize 133030
mobile telecommunications service as well as other non- 133031
telecommunications services, including the download of digital 133032
products delivered electronically, and content and ancillary 133033
services, that must be paid for in advance and that is sold in 133034
predetermined units or dollars of which the number declines with 133035

use in a known amount. 133036

(6) "Value-added non-voice data service" means a 133037
telecommunications service in which computer processing 133038
applications are used to act on the form, content, code, or 133039
protocol of the information or data primarily for a purpose 133040
other than transmission, conveyance, or routing. 133041

(7) "Coin-operated telephone service" means a 133042
telecommunications service paid for by inserting money into a 133043
telephone accepting direct deposits of money to operate. 133044

(8) "Customer" has the same meaning as in section 5739.034 133045
of the Revised Code. 133046

(BB) "Laundry and dry cleaning services" means removing 133047
soil or dirt from towels, linens, articles of clothing, or other 133048
fabric items that belong to others and supplying towels, linens, 133049
articles of clothing, or other fabric items. "Laundry and dry 133050
cleaning services" does not include the provision of self- 133051
service facilities for use by consumers to remove soil or dirt 133052
from towels, linens, articles of clothing, or other fabric 133053
items. 133054

(CC) "Magazines distributed as controlled circulation 133055
publications" means magazines containing at least twenty-four 133056
pages, at least twenty-five per cent editorial content, issued 133057
at regular intervals four or more times a year, and circulated 133058
without charge to the recipient, provided that such magazines 133059
are not owned or controlled by individuals or business concerns 133060
which conduct such publications as an auxiliary to, and 133061
essentially for the advancement of the main business or calling 133062
of, those who own or control them. 133063

(DD) "Landscaping and lawn care service" means the 133064

services of planting, seeding, sodding, removing, cutting, 133065
trimming, pruning, mulching, aerating, applying chemicals, 133066
watering, fertilizing, and providing similar services to 133067
establish, promote, or control the growth of trees, shrubs, 133068
flowers, grass, ground cover, and other flora, or otherwise 133069
maintaining a lawn or landscape grown or maintained by the owner 133070
for ornamentation or other nonagricultural purpose. However, 133071
"landscaping and lawn care service" does not include the 133072
providing of such services by a person who has less than five 133073
thousand dollars in sales of such services during the calendar 133074
year. 133075

(EE) "Private investigation and security service" means 133076
the performance of any activity for which the provider of such 133077
service is required to be licensed pursuant to Chapter 4749. of 133078
the Revised Code, or would be required to be so licensed in 133079
performing such services in this state, and also includes the 133080
services of conducting polygraph examinations and of monitoring 133081
or overseeing the activities on or in, or the condition of, the 133082
consumer's home, business, or other facility by means of 133083
electronic or similar monitoring devices. "Private investigation 133084
and security service" does not include special duty services 133085
provided by off-duty police officers, deputy sheriffs, and other 133086
peace officers regularly employed by the state or a political 133087
subdivision. 133088

(FF) "Information services" means providing conversation, 133089
giving consultation or advice, playing or making a voice or 133090
other recording, making or keeping a record of the number of 133091
callers, and any other service provided to a consumer by means 133092
of a nine hundred telephone call, except when the nine hundred 133093
telephone call is the means by which the consumer makes a 133094
contribution to a recognized charity. 133095

(GG) "Research and development" means designing, creating, 133096
or formulating new or enhanced products, equipment, or 133097
manufacturing processes, and also means conducting scientific or 133098
technological inquiry and experimentation in the physical 133099
sciences with the goal of increasing scientific knowledge which 133100
may reveal the bases for new or enhanced products, equipment, or 133101
manufacturing processes. 133102

(HH) "Qualified research and development equipment" means 133103
either of the following: 133104

(1) Capitalized tangible personal property, and leased 133105
personal property that would be capitalized if purchased, used 133106
by a person primarily to perform research and development; 133107

(2) Any tangible personal property used by a megaproject 133108
operator primarily to perform research and development at the 133109
site of a megaproject that satisfies the criteria described in 133110
division (A) (11) (a) (ii) of section 122.17 of the Revised Code 133111
during the period that the megaproject operator has an agreement 133112
for such megaproject with the tax credit authority under 133113
division (D) of that section that remains in effect and has not 133114
expired or been terminated. 133115

"Qualified research and development equipment" does not 133116
include tangible personal property primarily used in testing, as 133117
defined in division (A) (4) of section 5739.011 of the Revised 133118
Code, or used for recording or storing test results, unless such 133119
property is primarily used by the consumer in testing the 133120
product, equipment, or manufacturing process being created, 133121
designed, or formulated by the consumer in the research and 133122
development activity or in recording or storing such test 133123
results. 133124

(II) "Building maintenance and janitorial service" means 133125
cleaning the interior or exterior of a building and any tangible 133126
personal property located therein or thereon, including any 133127
services incidental to such cleaning for which no separate 133128
charge is made. However, "building maintenance and janitorial 133129
service" does not include the providing of such service by a 133130
person who has less than five thousand dollars in sales of such 133131
service during the calendar year. As used in this division, 133132
"cleaning" does not include sanitation services necessary for an 133133
establishment described in 21 U.S.C. 608 to comply with rules 133134
and regulations adopted pursuant to that section. 133135

(JJ) "Exterminating service" means eradicating or 133136
attempting to eradicate vermin infestations from a building or 133137
structure, or the area surrounding a building or structure, and 133138
includes activities to inspect, detect, or prevent vermin 133139
infestation of a building or structure. 133140

(KK) "Physical fitness facility service" means all 133141
transactions by which a membership is granted, maintained, or 133142
renewed, including initiation fees, membership dues, renewal 133143
fees, monthly minimum fees, and other similar fees and dues, by 133144
a physical fitness facility such as an athletic club, health 133145
spa, or gymnasium, which entitles the member to use the facility 133146
for physical exercise. 133147

(LL) "Recreation and sports club service" means all 133148
transactions by which a membership is granted, maintained, or 133149
renewed, including initiation fees, membership dues, renewal 133150
fees, monthly minimum fees, and other similar fees and dues, by 133151
a recreation and sports club, which entitles the member to use 133152
the facilities of the organization. "Recreation and sports club" 133153
means an organization that has ownership of, or controls or 133154

leases on a continuing, long-term basis, the facilities used by 133155
its members and includes an aviation club, gun or shooting club, 133156
yacht club, card club, swimming club, tennis club, golf club, 133157
country club, riding club, amateur sports club, or similar 133158
organization. 133159

(MM) "Livestock" means farm animals commonly raised for 133160
food, food production, or other agricultural purposes, 133161
including, but not limited to, cattle, sheep, goats, swine, 133162
poultry, and captive deer. "Livestock" does not include 133163
invertebrates, amphibians, reptiles, domestic pets, animals for 133164
use in laboratories or for exhibition, or other animals not 133165
commonly raised for food or food production. 133166

(NN) "Livestock structure" means a building or structure 133167
used exclusively for the housing, raising, feeding, or 133168
sheltering of livestock, and includes feed storage or handling 133169
structures and structures for livestock waste handling. 133170

(OO) "Horticulture" means the growing, cultivation, and 133171
production of flowers, fruits, herbs, vegetables, sod, 133172
mushrooms, and nursery stock. As used in this division, "nursery 133173
stock" has the same meaning as in section 927.51 of the Revised 133174
Code. 133175

(PP) "Horticulture structure" means a building or 133176
structure used exclusively for the commercial growing, raising, 133177
or overwintering of horticultural products, and includes the 133178
area used for stocking, storing, and packing horticultural 133179
products when done in conjunction with the production of those 133180
products. 133181

(QQ) "Newspaper" means an unbound publication bearing a 133182
title or name that is regularly published, at least as 133183

frequently as biweekly, and distributed from a fixed place of
business to the public in a specific geographic area, and that
contains a substantial amount of news matter of international,
national, or local events of interest to the general public.

(RR) (1) "Feminine hygiene products" means tampons, panty
liners, menstrual cups, sanitary napkins, and other similar
tangible personal property designed for feminine hygiene in
connection with the human menstrual cycle, but does not include
grooming and hygiene products.

(2) "Grooming and hygiene products" means soaps and
cleaning solutions, shampoo, toothpaste, mouthwash,
antiperspirants, and sun tan lotions and screens, regardless of
whether any of these products are over-the-counter drugs.

(3) "Over-the-counter drugs" means a drug that contains a
label that identifies the product as a drug as required by 21
C.F.R. 201.66, which label includes a drug facts panel or a
statement of the active ingredients with a list of those
ingredients contained in the compound, substance, or
preparation.

(SS) (1) "Lease" or "rental" means any transfer of the
possession or control of tangible personal property for a fixed
or indefinite term, for consideration. "Lease" or "rental"
includes future options to purchase or extend, and agreements
described in 26 U.S.C. 7701(h) (1) covering motor vehicles and
trailers where the amount of consideration may be increased or
decreased by reference to the amount realized upon the sale or
disposition of the property. "Lease" or "rental" does not
include:

(a) A transfer of possession or control of tangible

personal property under a security agreement or a deferred 133213
payment plan that requires the transfer of title upon completion 133214
of the required payments; 133215

(b) A transfer of possession or control of tangible 133216
personal property under an agreement that requires the transfer 133217
of title upon completion of required payments and payment of an 133218
option price that does not exceed the greater of one hundred 133219
dollars or one per cent of the total required payments; 133220

(c) Providing tangible personal property along with an 133221
operator for a fixed or indefinite period of time, if the 133222
operator is necessary for the property to perform as designed. 133223
For purposes of this division, the operator must do more than 133224
maintain, inspect, or set up the tangible personal property. 133225

(2) "Lease" and "rental," as defined in division (SS) of 133226
this section, shall not apply to leases or rentals that exist 133227
before June 26, 2003. 133228

(3) "Lease" and "rental" have the same meaning as in 133229
division (SS) (1) of this section regardless of whether a 133230
transaction is characterized as a lease or rental under 133231
generally accepted accounting principles, the Internal Revenue 133232
Code, Title XIII of the Revised Code, or other federal, state, 133233
or local laws. 133234

(TT) "Mobile telecommunications service" has the same 133235
meaning as in the "Mobile Telecommunications Sourcing Act," Pub. 133236
L. No. 106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as 133237
amended, and, on and after August 1, 2003, includes related fees 133238
and ancillary services, including universal service fees, 133239
detailed billing service, directory assistance, service 133240
initiation, voice mail service, and vertical services, such as 133241

caller ID and three-way calling. 133242

(UU) "Certified service provider" has the same meaning as 133243
in section 5740.01 of the Revised Code. 133244

(VV) "Satellite broadcasting service" means the 133245
distribution or broadcasting of programming or services by 133246
satellite directly to the subscriber's receiving equipment 133247
without the use of ground receiving or distribution equipment, 133248
except the subscriber's receiving equipment or equipment used in 133249
the uplink process to the satellite, and includes all service 133250
and rental charges, premium channels or other special services, 133251
installation and repair service charges, and any other charges 133252
having any connection with the provision of the satellite 133253
broadcasting service. 133254

(WW) "Tangible personal property" means personal property 133255
that can be seen, weighed, measured, felt, or touched, or that 133256
is in any other manner perceptible to the senses. For purposes 133257
of this chapter and Chapter 5741. of the Revised Code, "tangible 133258
personal property" includes motor vehicles, electricity, water, 133259
gas, steam, and prewritten computer software. 133260

(XX) "Municipal gas utility" means a municipal corporation 133261
that owns or operates a system for the distribution of natural 133262
gas. 133263

(YY) "Computer" means an electronic device that accepts 133264
information in digital or similar form and manipulates it for a 133265
result based on a sequence of instructions. 133266

(ZZ) "Computer software" means a set of coded instructions 133267
designed to cause a computer or automatic data processing 133268
equipment to perform a task. 133269

(AAA) "Delivered electronically" means delivery of 133270

computer software from the seller to the purchaser by means 133271
other than tangible storage media. 133272

(BBB) "Prewritten computer software" means computer 133273
software, including prewritten upgrades, that is not designed 133274
and developed by the author or other creator to the 133275
specifications of a specific purchaser. The combining of two or 133276
more prewritten computer software programs or prewritten 133277
portions thereof does not cause the combination to be other than 133278
prewritten computer software. "Prewritten computer software" 133279
includes software designed and developed by the author or other 133280
creator to the specifications of a specific purchaser when it is 133281
sold to a person other than the purchaser. If a person modifies 133282
or enhances computer software of which the person is not the 133283
author or creator, the person shall be deemed to be the author 133284
or creator only of such person's modifications or enhancements. 133285
Prewritten computer software or a prewritten portion thereof 133286
that is modified or enhanced to any degree, where such 133287
modification or enhancement is designed and developed to the 133288
specifications of a specific purchaser, remains prewritten 133289
computer software; provided, however, that where there is a 133290
reasonable, separately stated charge or an invoice or other 133291
statement of the price given to the purchaser for the 133292
modification or enhancement, the modification or enhancement 133293
shall not constitute prewritten computer software. 133294

(CCC) (1) "Food" means substances, whether in liquid, 133295
concentrated, solid, frozen, dried, or dehydrated form, that are 133296
sold for ingestion or chewing by humans and are consumed for 133297
their taste or nutritional value. "Food" does not include 133298
alcoholic beverages, dietary supplements, soft drinks, or 133299
tobacco. 133300

- (2) As used in division (CCC) (1) of this section: 133301
- (a) "Dietary supplements" means any product, other than 133302
tobacco, that is intended to supplement the diet and that is 133303
intended for ingestion in tablet, capsule, powder, softgel, 133304
gelcap, or liquid form, or, if not intended for ingestion in 133305
such a form, is not represented as conventional food for use as 133306
a sole item of a meal or of the diet; that is required to be 133307
labeled as a dietary supplement, identifiable by the "supplement 133308
facts" box found on the label, as required by 21 C.F.R. 101.36; 133309
and that contains one or more of the following dietary 133310
ingredients: 133311
- (i) A vitamin; 133312
- (ii) A mineral; 133313
- (iii) An herb or other botanical; 133314
- (iv) An amino acid; 133315
- (v) A dietary substance for use by humans to supplement 133316
the diet by increasing the total dietary intake; 133317
- (vi) A concentrate, metabolite, constituent, extract, or 133318
combination of any ingredient described in divisions (CCC) (2) (a) 133319
(i) to (v) of this section. 133320
- (b) "Soft drinks" means nonalcoholic beverages that 133321
contain natural or artificial sweeteners. "Soft drinks" does not 133322
include beverages that contain milk or milk products, soy, rice, 133323
or similar milk substitutes, or that contains greater than fifty 133324
per cent vegetable or fruit juice by volume. 133325
- (DDD) "Drug" means a compound, substance, or preparation, 133326
and any component of a compound, substance, or preparation, 133327
other than food, dietary supplements, or alcoholic beverages 133328

that is recognized in the official United States pharmacopoeia, 133329
official homeopathic pharmacopoeia of the United States, or 133330
official national formulary, and supplements to them; is 133331
intended for use in the diagnosis, cure, mitigation, treatment, 133332
or prevention of disease; or is intended to affect the structure 133333
or any function of the body. 133334

(EEE) "Prescription" means an order, formula, or recipe 133335
issued in any form of oral, written, electronic, or other means 133336
of transmission by a duly licensed practitioner authorized by 133337
the laws of this state to issue a prescription. 133338

(FFF) "Durable medical equipment" means equipment, 133339
including repair and replacement parts for such equipment, that 133340
can withstand repeated use, is primarily and customarily used to 133341
serve a medical purpose, generally is not useful to a person in 133342
the absence of illness or injury, and is not worn in or on the 133343
body. "Durable medical equipment" does not include mobility 133344
enhancing equipment. 133345

(GGG) "Mobility enhancing equipment" means equipment, 133346
including repair and replacement parts for such equipment, that 133347
is primarily and customarily used to provide or increase the 133348
ability to move from one place to another and is appropriate for 133349
use either in a home or a motor vehicle, that is not generally 133350
used by persons with normal mobility, and that does not include 133351
any motor vehicle or equipment on a motor vehicle normally 133352
provided by a motor vehicle manufacturer. "Mobility enhancing 133353
equipment" does not include durable medical equipment. 133354

(HHH) "Prosthetic device" means a replacement, corrective, 133355
or supportive device, including repair and replacement parts for 133356
the device, worn on or in the human body to artificially replace 133357
a missing portion of the body, prevent or correct physical 133358

deformity or malfunction, or support a weak or deformed portion 133359
of the body. As used in this division, before July 1, 2019, 133360
"prosthetic device" does not include corrective eyeglasses, 133361
contact lenses, or dental prosthesis. On or after July 1, 2019, 133362
"prosthetic device" does not include dental prosthesis but does 133363
include corrective eyeglasses or contact lenses. 133364

(III)(1) "Fractional aircraft ownership program" means a 133365
program in which persons within an affiliated group sell and 133366
manage fractional ownership program aircraft, provided that at 133367
least one hundred airworthy aircraft are operated in the program 133368
and the program meets all of the following criteria: 133369

(a) Management services are provided by at least one 133370
program manager within an affiliated group on behalf of the 133371
fractional owners. 133372

(b) Each program aircraft is owned or possessed by at 133373
least one fractional owner. 133374

(c) Each fractional owner owns or possesses at least a 133375
one-sixteenth interest in at least one fixed-wing program 133376
aircraft. 133377

(d) A dry-lease aircraft interchange arrangement is in 133378
effect among all of the fractional owners. 133379

(e) Multi-year program agreements are in effect regarding 133380
the fractional ownership, management services, and dry-lease 133381
aircraft interchange arrangement aspects of the program. 133382

(2) As used in division (III)(1) of this section: 133383

(a) "Affiliated group" has the same meaning as in division 133384
(B)(3)(e) of this section. 133385

(b) "Fractional owner" means a person that owns or 133386

possesses at least a one-sixteenth interest in a program 133387
aircraft and has entered into the agreements described in 133388
division (III) (1) (e) of this section. 133389

(c) "Fractional ownership program aircraft" or "program 133390
aircraft" means a turbojet aircraft that is owned or possessed 133391
by a fractional owner and that has been included in a dry-lease 133392
aircraft interchange arrangement and agreement under divisions 133393
(III) (1) (d) and (e) of this section, or an aircraft a program 133394
manager owns or possesses primarily for use in a fractional 133395
aircraft ownership program. 133396

(d) "Management services" means administrative and 133397
aviation support services furnished under a fractional aircraft 133398
ownership program in accordance with a management services 133399
agreement under division (III) (1) (e) of this section, and 133400
offered by the program manager to the fractional owners, 133401
including, at a minimum, the establishment and implementation of 133402
safety guidelines; the coordination of the scheduling of the 133403
program aircraft and crews; program aircraft maintenance; 133404
program aircraft insurance; crew training for crews employed, 133405
furnished, or contracted by the program manager or the 133406
fractional owner; the satisfaction of record-keeping 133407
requirements; and the development and use of an operations 133408
manual and a maintenance manual for the fractional aircraft 133409
ownership program. 133410

(e) "Program manager" means the person that offers 133411
management services to fractional owners pursuant to a 133412
management services agreement under division (III) (1) (e) of this 133413
section. 133414

(JJJ) "Electronic publishing" means providing access to 133415
one or more of the following primarily for business customers, 133416

including the federal government or a state government or a political subdivision thereof, to conduct research: news; business, financial, legal, consumer, or credit materials; editorials, columns, reader commentary, or features; photos or images; archival or research material; legal notices, identity verification, or public records; scientific, educational, instructional, technical, professional, trade, or other literary materials; or other similar information which has been gathered and made available by the provider to the consumer in an electronic format. Providing electronic publishing includes the functions necessary for the acquisition, formatting, editing, storage, and dissemination of data or information that is the subject of a sale.

(KKK) "Medicaid health insuring corporation" means a health insuring corporation that holds a certificate of authority under Chapter 1751. of the Revised Code and is under contract with the department of medicaid pursuant to section 5167.10 of the Revised Code.

(LLL) "Managed care premium" means any premium, capitation, or other payment a medicaid health insuring corporation receives for providing or arranging for the provision of health care services to its members or enrollees residing in this state.

(MMM) "Captive deer" means deer and other cervidae that have been legally acquired, or their offspring, that are privately owned for agricultural or farming purposes.

(NNN) "Gift card" means a document, card, certificate, or other record, whether tangible or intangible, that may be redeemed by a consumer for a dollar value when making a purchase of tangible personal property or services.

(OOO) "Specified digital product" means an electronically transferred digital audiovisual work, digital audio work, or digital book. 133447
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As used in division (OOO) of this section: 133450

(1) "Digital audiovisual work" means a series of related images that, when shown in succession, impart an impression of motion, together with accompanying sounds, if any. 133451
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(2) "Digital audio work" means a work that results from the fixation of a series of musical, spoken, or other sounds, including digitized sound files that are downloaded onto a device and that may be used to alert the customer with respect to a communication. 133454
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(3) "Digital book" means a work that is generally recognized in the ordinary and usual sense as a book. 133459
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(4) "Electronically transferred" means obtained by the purchaser by means other than tangible storage media. 133461
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(PPP) "Digital advertising services" means providing access, by means of telecommunications equipment, to computer equipment that is used to enter, upload, download, review, manipulate, store, add, or delete data for the purpose of electronically displaying, delivering, placing, or transferring promotional advertisements to potential customers about products or services or about industry or business brands. 133463
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(QQQ) "Peer-to-peer car sharing program" has the same meaning as in section 4516.01 of the Revised Code. 133470
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(RRR) "Megaproject" and "megaproject operator" have the same meanings as in section 122.17 of the Revised Code. 133472
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(SSS) (1) "Diaper" means an absorbent garment worn by 133474

humans who are incapable of, or have difficulty, controlling 133475
their bladder or bowel movements. 133476

(2) "Children's diaper" means a diaper marketed to be worn 133477
by children. 133478

(3) "Adult diaper" means a diaper other than a children's 133479
diaper. 133480

(TTT) "Sales tax holiday" means three or more dates on 133481
which sales of all eligible tangible personal property are 133482
exempt from the taxes levied under sections 5739.02, 5739.021, 133483
5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of 133484
the Revised Code. 133485

(UUU) "Eligible tangible personal property" means any item 133486
of tangible personal property that meets both of the following 133487
requirements: 133488

(1) The price of the item does not exceed five hundred 133489
dollars; 133490

(2) The item is not a watercraft or outboard motor 133491
required to be titled pursuant to Chapter 1548. of the Revised 133492
Code, a motor vehicle, an alcoholic beverage, tobacco, a vapor 133493
product as defined in section 5743.01 of the Revised Code, or an 133494
item that contains marijuana as defined in section 3796.01 of 133495
the Revised Code. 133496

(VVV) "Alcoholic beverages" means beverages that are 133497
suitable for human consumption and contain one-half of one per 133498
cent or more of alcohol by volume. 133499

(WWW) "Tobacco" means cigarettes, cigars, chewing or pipe 133500
tobacco, or any other item that contains tobacco. 133501

(XXX) (1) "Delivery network company" means a person that 133502

operates a business platform, including a web site or mobile application, to facilitate delivery network services. 133503
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(2) "Delivery network courier" means an individual connected to a consumer through a delivery network company and who provides delivery network services to that consumer. 133505
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(3) "Delivery network services" means both of the following when performed as part of a single transaction: 133508
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(a) Pickup of a local product by a delivery network courier from a local merchant that is not under common ownership or control of the delivery network company through which the transaction was initiated, and which may include selection, collection, and purchase of the local product; 133510
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(b) Delivery by the delivery network courier of that local product to a location designated by the consumer that is not more than seventy-five miles from the local merchant's place of business where the pickup described in division (XXX) (3) (a) of this section occurs. 133515
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(4) "Local merchant" means a person engaged in selling local products from a temporary or fixed place of business in this state, including a kitchen, restaurant, grocery store, retail store, or convenience store. 133520
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(5) "Local product" means any tangible personal property, including food, but excluding freight, mail, or a package to which postage is affixed. 133524
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Sec. 5739.011. (A) As used in this section: 133527

(1) "Manufacturer" means a person who is engaged in manufacturing, processing, assembling, or refining a product for sale and, solely for the purposes of division (B) (12) of this 133528
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section, a person who meets all the qualifications of that 133531
division. 133532

(2) "Manufacturing facility" means a single location where 133533
a manufacturing operation is conducted, including locations 133534
consisting of one or more buildings or structures in a 133535
contiguous area owned or controlled by the manufacturer. 133536

(3) "Materials handling" means the movement of the product 133537
being or to be manufactured, during which movement the product 133538
is not undergoing any substantial change or alteration in its 133539
state or form. 133540

(4) "Testing" means a process or procedure to identify the 133541
properties or assure the quality of a material or product. 133542

(5) "Completed product" means a manufactured item that is 133543
in the form and condition as it will be sold by the 133544
manufacturer. An item is completed when all processes that 133545
change or alter its state or form or enhance its value are 133546
finished, even though the item subsequently will be tested to 133547
ensure its quality or be packaged for storage or shipment. 133548

(6) "Continuous manufacturing operation" means the process 133549
in which raw materials or components are moved through the steps 133550
whereby manufacturing occurs. Materials handling of raw 133551
materials or parts from the point of receipt or preproduction 133552
storage or of a completed product, to or from storage, to or 133553
from packaging, or to the place from which the completed product 133554
will be shipped, is not a part of a continuous manufacturing 133555
operation. 133556

(7) "Food" has the same meaning as in section 3717.01 of 133557
the Revised Code. 133558

(B) For purposes of division ~~(B) (42) (g)~~ (B) (42) (f) of 133559

section 5739.02 of the Revised Code, the "thing transferred" 133560
includes, but is not limited to, any of the following: 133561

(1) Production machinery and equipment that act upon the 133562
product or machinery and equipment that treat the materials or 133563
parts in preparation for the manufacturing operation; 133564

(2) Materials handling equipment that moves the product 133565
through a continuous manufacturing operation; equipment that 133566
temporarily stores the product during the manufacturing 133567
operation; or, excluding motor vehicles licensed to operate on 133568
public highways, equipment used in intraplant or interplant 133569
transfers of work in process where the plant or plants between 133570
which such transfers occur are manufacturing facilities operated 133571
by the same person; 133572

(3) Catalysts, solvents, water, acids, oil, and similar 133573
consumables that interact with the product and that are an 133574
integral part of the manufacturing operation; 133575

(4) Machinery, equipment, and other tangible personal 133576
property used during the manufacturing operation that control, 133577
physically support, produce power for, lubricate, or are 133578
otherwise necessary for the functioning of production machinery 133579
and equipment and the continuation of the manufacturing 133580
operation; 133581

(5) Machinery, equipment, fuel, power, material, parts, 133582
and other tangible personal property used to manufacture 133583
machinery, equipment, or other tangible personal property used 133584
in manufacturing a product for sale; 133585

(6) Machinery, equipment, and other tangible personal 133586
property used by a manufacturer to test raw materials, the 133587
product being manufactured, or the completed product; 133588

(7) Machinery and equipment used to handle or temporarily store scrap that is intended to be reused in the manufacturing operation at the same manufacturing facility;	133589 133590 133591
(8) Coke, gas, water, steam, and similar substances used in the manufacturing operation; machinery and equipment used for, and fuel consumed in, producing or extracting those substances; machinery, equipment, and other tangible personal property used to treat, filter, pump, or otherwise make the substance suitable for use in the manufacturing operation; and machinery and equipment used for, and fuel consumed in, producing electricity for use in the manufacturing operation;	133592 133593 133594 133595 133596 133597 133598 133599
(9) Machinery, equipment, and other tangible personal property used to transport or transmit electricity, coke, gas, water, steam, or similar substances used in the manufacturing operation from the point of generation, if produced by the manufacturer, or from the point where the substance enters the manufacturing facility, if purchased by the manufacturer, to the manufacturing operation;	133600 133601 133602 133603 133604 133605 133606
(10) Machinery, equipment, and other tangible personal property that treats, filters, cools, refines, or otherwise renders water, steam, acid, oil, solvents, or similar substances used in the manufacturing operation reusable, provided that the substances are intended for reuse and not for disposal, sale, or transportation from the manufacturing facility;	133607 133608 133609 133610 133611 133612
(11) Parts, components, and repair and installation services for items described in division (B) of this section;	133613 133614
(12) Machinery and equipment, detergents, supplies, solvents, and any other tangible personal property located at a manufacturing facility that are used in the process of removing	133615 133616 133617

soil, dirt, or other contaminants from, or otherwise preparing 133618
in a suitable condition for use, towels, linens, articles of 133619
clothing, floor mats, mop heads, or other similar items, to be 133620
supplied to a consumer as part of laundry and dry cleaning 133621
services, only when the towels, linens, articles of clothing, 133622
floor mats, mop heads, or other similar items belong to the 133623
provider of the services; 133624

(13) Equipment and supplies used to clean processing 133625
equipment that is part of a continuous manufacturing operation 133626
to produce food for human consumption. 133627

(C) For purposes of division ~~(B) (42) (g)~~ (B) (42) (f) of 133628
section 5739.02 of the Revised Code, the "thing transferred" 133629
does not include any of the following: 133630

(1) Tangible personal property used in administrative, 133631
personnel, security, inventory control, record-keeping, 133632
ordering, billing, or similar functions; 133633

(2) Tangible personal property used in storing raw 133634
materials or parts prior to the commencement of the 133635
manufacturing operation or used to handle or store a completed 133636
product, including storage that actively maintains a completed 133637
product in a marketable state or form; 133638

(3) Tangible personal property used to handle or store 133639
scrap or waste intended for disposal, sale, or other 133640
disposition, other than reuse in the manufacturing operation at 133641
the same manufacturing facility; 133642

(4) Tangible personal property that is or is to be 133643
incorporated into realty; 133644

(5) Machinery, equipment, and other tangible personal 133645
property used for ventilation, dust or gas collection, humidity 133646

or temperature regulation, or similar environmental control, 133647
except machinery, equipment, and other tangible personal 133648
property that totally regulates the environment in a special and 133649
limited area of the manufacturing facility where the regulation 133650
is essential for production to occur; 133651

(6) Tangible personal property used for the protection and 133652
safety of workers, unless the property is attached to or 133653
incorporated into machinery and equipment used in a continuous 133654
manufacturing operation; 133655

(7) Tangible personal property used to store fuel, water, 133656
solvents, acid, oil, or similar items consumed in the 133657
manufacturing operation; 133658

(8) Except as provided in division (B) (13) of this 133659
section, machinery, equipment, and other tangible personal 133660
property used to clean, repair, or maintain real or personal 133661
property in the manufacturing facility; 133662

(9) Motor vehicles registered for operation on public 133663
highways. 133664

(D) For purposes of division ~~(B) (42) (g)~~ (B) (42) (f) of 133665
section 5739.02 of the Revised Code, if the "thing transferred" 133666
is a machine used by a manufacturer in both a taxable and an 133667
exempt manner, it shall be totally taxable or totally exempt 133668
from taxation based upon its quantified primary use. If the 133669
"things transferred" are fungibles, they shall be taxed based 133670
upon the proportion of the fungibles used in a taxable manner. 133671

Sec. 5739.02. For the purpose of providing revenue with 133672
which to meet the needs of the state, for the use of the general 133673
revenue fund of the state, for the purpose of securing a 133674
thorough and efficient system of common schools throughout the 133675

state, for the purpose of affording revenues, in addition to 133676
those from general property taxes, permitted under 133677
constitutional limitations, and from other sources, for the 133678
support of local governmental functions, and for the purpose of 133679
reimbursing the state for the expense of administering this 133680
chapter, an excise tax is hereby levied on each retail sale made 133681
in this state. 133682

(A) (1) The tax shall be collected as provided in section 133683
5739.025 of the Revised Code. The rate of the tax shall be five 133684
and three-fourths per cent. The tax applies and is collectible 133685
when the sale is made, regardless of the time when the price is 133686
paid or delivered. 133687

(2) In the case of the lease or rental, with a fixed term 133688
of more than thirty days or an indefinite term with a minimum 133689
period of more than thirty days, of any motor vehicles designed 133690
by the manufacturer to carry a load of not more than one ton, 133691
watercraft, outboard motor, or aircraft, or of any tangible 133692
personal property, other than motor vehicles designed by the 133693
manufacturer to carry a load of more than one ton, to be used by 133694
the lessee or renter primarily for business purposes, the tax 133695
shall be collected by the vendor at the time the lease or rental 133696
is consummated and shall be calculated by the vendor on the 133697
basis of the total amount to be paid by the lessee or renter 133698
under the lease agreement. If the total amount of the 133699
consideration for the lease or rental includes amounts that are 133700
not calculated at the time the lease or rental is executed, the 133701
tax shall be calculated and collected by the vendor at the time 133702
such amounts are billed to the lessee or renter. In the case of 133703
an open-end lease or rental, the tax shall be calculated by the 133704
vendor on the basis of the total amount to be paid during the 133705
initial fixed term of the lease or rental, and for each 133706

subsequent renewal period as it comes due. As used in this 133707
division, "motor vehicle" has the same meaning as in section 133708
4501.01 of the Revised Code, and "watercraft" includes an 133709
outdrive unit attached to the watercraft. 133710

A lease with a renewal clause and a termination penalty or 133711
similar provision that applies if the renewal clause is not 133712
exercised is presumed to be a sham transaction. In such a case, 133713
the tax shall be calculated and paid on the basis of the entire 133714
length of the lease period, including any renewal periods, until 133715
the termination penalty or similar provision no longer applies. 133716
The taxpayer shall bear the burden, by a preponderance of the 133717
evidence, that the transaction or series of transactions is not 133718
a sham transaction. 133719

(3) Except as provided in division (A) (2) of this section, 133720
in the case of a sale, the price of which consists in whole or 133721
in part of the lease or rental of tangible personal property, 133722
the tax shall be measured by the installments of that lease or 133723
rental. 133724

(4) In the case of a sale of a physical fitness facility 133725
service or recreation and sports club service, the price of 133726
which consists in whole or in part of a membership for the 133727
receipt of the benefit of the service, the tax applicable to the 133728
sale shall be measured by the installments thereof. 133729

(B) The tax does not apply to the following: 133730

(1) Sales to the state or any of its political 133731
subdivisions, or to any other state or its political 133732
subdivisions if the laws of that state exempt from taxation 133733
sales made to this state and its political subdivisions 133734
including either of the following: 133735

(a) Sales or rentals of tangible personal property by construction contractors or subcontractors to provide temporary traffic control or temporary structures, including material and equipment used to comply with the Ohio manual of uniform traffic control devices adopted pursuant to section 4511.09 of the Revised Code, whereby the state or any of its political subdivisions take title to, or permanent or temporary possession of, such tangible personal property for use by the state or any of its political subdivisions, including for use by the general public thereof;

(b) Sales of services by construction contractors or subcontractors to provide temporary traffic control or structures, including labor used to comply with the Ohio manual of uniform traffic control devices adopted pursuant to section 4511.09 of the Revised Code, whereby the state or any of its political subdivisions, including the general public thereof, receive the benefit of such services.

As used in divisions (B)(1)(a) and (b) of this section, "temporary structures" include temporary roads, bridges, drains, and pavement.

(2) Sales of food for human consumption off the premises where sold;

(3) Sales of food sold to students only in a cafeteria, dormitory, fraternity, or sorority maintained in a private, public, or parochial school, college, or university;

(4) Sales of ~~newspapers and sales~~ or transfers of magazines distributed as controlled circulation publications;

(5) The furnishing, preparing, or serving of meals without charge by an employer to an employee provided the employer

records the meals as part compensation for services performed or 133765
work done; 133766

(6) (a) Sales of motor fuel upon receipt, use, 133767
distribution, or sale of which in this state a tax is imposed by 133768
the law of this state, but this exemption shall not apply to the 133769
sale of motor fuel on which a refund of the tax is allowable 133770
under division (A) of section 5735.14 of the Revised Code; and 133771
the tax commissioner may deduct the amount of tax levied by this 133772
section applicable to the price of motor fuel when granting a 133773
refund of motor fuel tax pursuant to division (A) of section 133774
5735.14 of the Revised Code and shall cause the amount deducted 133775
to be paid into the general revenue fund of this state; 133776

(b) Sales of motor fuel other than that described in 133777
division (B) (6) (a) of this section and used for powering a 133778
refrigeration unit on a vehicle other than one used primarily to 133779
provide comfort to the operator or occupants of the vehicle. 133780

(7) Sales of natural gas by a natural gas company or 133781
municipal gas utility, of water by a water-works company, or of 133782
steam by a heating company, if in each case the thing sold is 133783
delivered to consumers through pipes or conduits, and all sales 133784
of communications services by a telegraph company, all terms as 133785
defined in section 5727.01 of the Revised Code, and sales of 133786
electricity delivered through wires; 133787

(8) Casual sales by a person, or auctioneer employed 133788
directly by the person to conduct such sales, except as to such 133789
sales of motor vehicles, watercraft or outboard motors required 133790
to be titled under section 1548.06 of the Revised Code, 133791
watercraft documented with the United States coast guard, 133792
snowmobiles, and all-purpose vehicles as defined in section 133793
4519.01 of the Revised Code; 133794

(9) (a) Sales of services or tangible personal property, 133795
other than motor vehicles, mobile homes, and manufactured homes, 133796
by churches, organizations exempt from taxation under section 133797
501(c) (3) of the Internal Revenue Code of 1986, or nonprofit 133798
organizations operated exclusively for charitable purposes as 133799
defined in division (B) (12) of this section, provided that the 133800
number of days on which such tangible personal property or 133801
services, other than items never subject to the tax, are sold 133802
does not exceed six in any calendar year, except as otherwise 133803
provided in division (B) (9) (b) of this section. If the number of 133804
days on which such sales are made exceeds six in any calendar 133805
year, the church or organization shall be considered to be 133806
engaged in business and all subsequent sales by it shall be 133807
subject to the tax. In counting the number of days, all sales by 133808
groups within a church or within an organization shall be 133809
considered to be sales of that church or organization. 133810

(b) The limitation on the number of days on which tax- 133811
exempt sales may be made by a church or organization under 133812
division (B) (9) (a) of this section does not apply to sales made 133813
by student clubs and other groups of students of a primary or 133814
secondary school, or a parent-teacher association, booster 133815
group, or similar organization that raises money to support or 133816
fund curricular or extracurricular activities of a primary or 133817
secondary school. 133818

(c) Divisions (B) (9) (a) and (b) of this section do not 133819
apply to sales by a noncommercial educational radio or 133820
television broadcasting station. 133821

(10) Sales not within the taxing power of this state under 133822
the Constitution or laws of the United States or the 133823
Constitution of this state including either of the following: 133824

(a) Sales or rentals of tangible personal property by 133825
construction contractors or subcontractors to provide temporary 133826
traffic control or temporary structures, including material and 133827
equipment used to comply with the Ohio manual of uniform traffic 133828
control devices adopted pursuant to section 4511.09 of the 133829
Revised Code, whereby the United States takes title to, or 133830
permanent or temporary possession of, such tangible personal 133831
property for use by the United States including for use by the 133832
general public thereof; 133833

(b) Sales of services by construction contractors or 133834
subcontractors to provide temporary traffic control or 133835
structures, including labor used to comply with the Ohio manual 133836
of uniform traffic control devices adopted pursuant to section 133837
4511.09 of the Revised Code, whereby the United States, 133838
including the general public thereof, receives the benefit of 133839
such services. 133840

As used in divisions (B) (10) (a) and (b) of this section, 133841
"temporary structures" include temporary roads, bridges, drains, 133842
and pavement. 133843

(11) Except for transactions that are sales under division 133844
(B) (3) (p) of section 5739.01 of the Revised Code, the 133845
transportation of persons or property, unless the transportation 133846
is by a private investigation and security service; 133847

(12) Sales of tangible personal property or services to 133848
churches, to organizations exempt from taxation under section 133849
501(c) (3) of the Internal Revenue Code of 1986, and to any other 133850
nonprofit organizations operated exclusively for charitable 133851
purposes in this state, no part of the net income of which 133852
inures to the benefit of any private shareholder or individual, 133853
and no substantial part of the activities of which consists of 133854

carrying on propaganda or otherwise attempting to influence 133855
legislation; sales to offices administering one or more homes 133856
for the aged or one or more hospital facilities exempt under 133857
section 140.08 of the Revised Code; and sales to organizations 133858
described in division (D) of section 5709.12 of the Revised 133859
Code. 133860

"Charitable purposes" means the relief of poverty; the 133861
improvement of health through the alleviation of illness, 133862
disease, or injury; the operation of an organization exclusively 133863
for the provision of professional, laundry, printing, and 133864
purchasing services to hospitals or charitable institutions; the 133865
operation of a home for the aged, as defined in section 5701.13 133866
of the Revised Code; the operation of a radio or television 133867
broadcasting station that is licensed by the federal 133868
communications commission as a noncommercial educational radio 133869
or television station; the operation of a nonprofit animal 133870
adoption service or a county humane society; the promotion of 133871
education by an institution of learning that maintains a faculty 133872
of qualified instructors, teaches regular continuous courses of 133873
study, and confers a recognized diploma upon completion of a 133874
specific curriculum; the operation of a parent-teacher 133875
association, booster group, or similar organization primarily 133876
engaged in the promotion and support of the curricular or 133877
extracurricular activities of a primary or secondary school; the 133878
operation of a community or area center in which presentations 133879
in music, dramatics, the arts, and related fields are made in 133880
order to foster public interest and education therein; the 133881
production of performances in music, dramatics, and the arts; or 133882
the promotion of education by an organization engaged in 133883
carrying on research in, or the dissemination of, scientific and 133884
technological knowledge and information primarily for the 133885

public. 133886

Nothing in this division shall be deemed to exempt sales 133887
to any organization for use in the operation or carrying on of a 133888
trade or business, or sales to a home for the aged for use in 133889
the operation of independent living facilities as defined in 133890
division (A) of section 5709.12 of the Revised Code. 133891

(13) Building and construction materials and services sold 133892
to construction contractors for incorporation into a structure 133893
or improvement to real property under a construction contract 133894
with this state or a political subdivision of this state, or 133895
with the United States government or any of its agencies; 133896
building and construction materials and services sold to 133897
construction contractors for incorporation into a structure or 133898
improvement to real property that are accepted for ownership by 133899
this state or any of its political subdivisions, or by the 133900
United States government or any of its agencies at the time of 133901
completion of the structures or improvements; building and 133902
construction materials sold to construction contractors for 133903
incorporation into a horticulture structure or livestock 133904
structure for a person engaged in the business of horticulture 133905
or producing livestock; building materials and services sold to 133906
a construction contractor for incorporation into a house of 133907
public worship or religious education, or a building used 133908
exclusively for charitable purposes under a construction 133909
contract with an organization whose purpose is as described in 133910
division (B) (12) of this section; building materials and 133911
services sold to a construction contractor for incorporation 133912
into a building under a construction contract with an 133913
organization exempt from taxation under section 501(c) (3) of the 133914
Internal Revenue Code of 1986 when the building is to be used 133915
exclusively for the organization's exempt purposes; tangible 133916

personal property sold for incorporation into the construction 133917
of a sports facility under section 307.696 of the Revised Code; 133918
building and construction materials and services sold to a 133919
construction contractor for incorporation into real property 133920
outside this state if such materials and services, when sold to 133921
a construction contractor in the state in which the real 133922
property is located for incorporation into real property in that 133923
state, would be exempt from a tax on sales levied by that state; 133924
building and construction materials for incorporation into a 133925
transportation facility pursuant to a public-private agreement 133926
entered into under sections 5501.70 to 5501.83 of the Revised 133927
Code; until one calendar year after the construction of a 133928
convention center that qualifies for property tax exemption 133929
under section 5709.084 of the Revised Code is completed, 133930
building and construction materials and services sold to a 133931
construction contractor for incorporation into the real property 133932
comprising that convention center; and building and construction 133933
materials sold for incorporation into a structure or improvement 133934
to real property that is used primarily as, or primarily in 133935
support of, a manufacturing facility or research and development 133936
facility and that is to be owned by a megaproject operator upon 133937
completion and located at the site of a megaproject that 133938
satisfies the criteria described in division (A) (11) (a) (ii) of 133939
section 122.17 of the Revised Code, provided that the sale 133940
occurs during the period that the megaproject operator has an 133941
agreement for such megaproject with the tax credit authority 133942
under division (D) of section 122.17 of the Revised Code that 133943
remains in effect and has not expired or been terminated. 133944

This division does not apply to building and construction 133945
materials and services sold to construction contractors for 133946
incorporation into a structure or improvement to real property 133947

under a construction contract with a port authority if the 133948
contract is subject to section 4582.72 of the Revised Code but 133949
approval from the appropriate board of county commissioners, as 133950
required by that section, has not been obtained. 133951

(14) Sales of ships or vessels or rail rolling stock used 133952
or to be used principally in interstate or foreign commerce, and 133953
repairs, alterations, fuel, and lubricants for such ships or 133954
vessels or rail rolling stock; 133955

(15) Sales to persons primarily engaged in any of the 133956
activities mentioned in division (B) (42) (a), ~~(g)~~ (f), or ~~(h)~~ (g) 133957
of this section, to persons engaged in making retail sales, or 133958
to persons who purchase for sale from a manufacturer tangible 133959
personal property that was produced by the manufacturer in 133960
accordance with specific designs provided by the purchaser, of 133961
packages, including material, labels, and parts for packages, 133962
and of machinery, equipment, and material for use primarily in 133963
packaging tangible personal property produced for sale, 133964
including any machinery, equipment, and supplies used to make 133965
labels or packages, to prepare packages or products for 133966
labeling, or to label packages or products, by or on the order 133967
of the person doing the packaging, or sold at retail. "Packages" 133968
includes bags, baskets, cartons, crates, boxes, cans, bottles, 133969
bindings, wrappings, and other similar devices and containers, 133970
but does not include motor vehicles or bulk tanks, trailers, or 133971
similar devices attached to motor vehicles. "Packaging" means 133972
placing in a package. Division (B) (15) of this section does not 133973
apply to persons engaged in highway transportation for hire. 133974

(16) Sales of food to persons using supplemental nutrition 133975
assistance program benefits to purchase the food. As used in 133976
this division, "food" has the same meaning as in 7 U.S.C. 2012 133977

and federal regulations adopted pursuant to the Food and 133978
Nutrition Act of 2008. 133979

(17) Sales to persons engaged in farming, agriculture, 133980
horticulture, or floriculture, of tangible personal property for 133981
use or consumption primarily in the production by farming, 133982
agriculture, horticulture, or floriculture of other tangible 133983
personal property for use or consumption primarily in the 133984
production of tangible personal property for sale by farming, 133985
agriculture, horticulture, or floriculture; or material and 133986
parts for incorporation into any such tangible personal property 133987
for use or consumption in production; and of tangible personal 133988
property for such use or consumption in the conditioning or 133989
holding of products produced by and for such use, consumption, 133990
or sale by persons engaged in farming, agriculture, 133991
horticulture, or floriculture, except where such property is 133992
incorporated into real property; 133993

(18) Sales of drugs for a human being that may be 133994
dispensed only pursuant to a prescription; insulin as recognized 133995
in the official United States pharmacopoeia; urine and blood 133996
testing materials when used by diabetics or persons with 133997
hypoglycemia to test for glucose or acetone; hypodermic syringes 133998
and needles when used by diabetics for insulin injections; 133999
epoetin alfa when purchased for use in the treatment of persons 134000
with medical disease; hospital beds when purchased by hospitals, 134001
nursing homes, or other medical facilities; and medical oxygen 134002
and medical oxygen-dispensing equipment when purchased by 134003
hospitals, nursing homes, or other medical facilities; 134004

(19) Sales of prosthetic devices, durable medical 134005
equipment for home use, or mobility enhancing equipment, when 134006
made pursuant to a prescription and when such devices or 134007

equipment are for use by a human being. 134008

(20) Sales of emergency and fire protection vehicles and 134009
equipment to nonprofit organizations for use solely in providing 134010
fire protection and emergency services, including trauma care 134011
and emergency medical services, for political subdivisions of 134012
the state; 134013

(21) Sales of tangible personal property manufactured in 134014
this state, if sold by the manufacturer in this state to a 134015
retailer for use in the retail business of the retailer outside 134016
of this state and if possession is taken from the manufacturer 134017
by the purchaser within this state for the sole purpose of 134018
immediately removing the same from this state in a vehicle owned 134019
by the purchaser; 134020

(22) Sales of services provided by the state or any of its 134021
political subdivisions, agencies, instrumentalities, 134022
institutions, or authorities, or by governmental entities of the 134023
state or any of its political subdivisions, agencies, 134024
instrumentalities, institutions, or authorities; 134025

(23) Sales of motor vehicles to nonresidents of this state 134026
under the circumstances described in division (B) of section 134027
5739.029 of the Revised Code; 134028

(24) Sales to persons engaged in the preparation of eggs 134029
for sale of tangible personal property used or consumed directly 134030
in such preparation, including such tangible personal property 134031
used for cleaning, sanitizing, preserving, grading, sorting, and 134032
classifying by size; packages, including material and parts for 134033
packages, and machinery, equipment, and material for use in 134034
packaging eggs for sale; and handling and transportation 134035
equipment and parts therefor, except motor vehicles licensed to 134036

operate on public highways, used in intraplant or interplant 134037
transfers or shipment of eggs in the process of preparation for 134038
sale, when the plant or plants within or between which such 134039
transfers or shipments occur are operated by the same person. 134040
"Packages" includes containers, cases, baskets, flats, fillers, 134041
filler flats, cartons, closure materials, labels, and labeling 134042
materials, and "packaging" means placing therein. 134043

(25) (a) Sales of water to a consumer for residential use; 134044

(b) Sales of water by a nonprofit corporation engaged 134045
exclusively in the treatment, distribution, and sale of water to 134046
consumers, if such water is delivered to consumers through pipes 134047
or tubing. 134048

(26) Fees charged for inspection or reinspection of motor 134049
vehicles under section 3704.14 of the Revised Code; 134050

(27) Sales to persons licensed to conduct a food service 134051
operation pursuant to section 3717.43 of the Revised Code, of 134052
tangible personal property primarily used directly for the 134053
following: 134054

(a) To prepare food for human consumption for sale; 134055

(b) To preserve food that has been or will be prepared for 134056
human consumption for sale by the food service operator, not 134057
including tangible personal property used to display food for 134058
selection by the consumer; 134059

(c) To clean tangible personal property used to prepare or 134060
serve food for human consumption for sale. 134061

(28) Sales of animals by nonprofit animal adoption 134062
services or county humane societies; 134063

(29) Sales of services to a corporation described in 134064

division (A) of section 5709.72 of the Revised Code, and sales 134065
of tangible personal property that qualifies for exemption from 134066
taxation under section 5709.72 of the Revised Code; 134067

(30) Sales and installation of agricultural land tile, as 134068
defined in division (B) (5) (a) of section 5739.01 of the Revised 134069
Code; 134070

(31) Sales and erection or installation of portable grain 134071
bins, as defined in division (B) (5) (b) of section 5739.01 of the 134072
Revised Code; 134073

(32) The sale, lease, repair, and maintenance of, parts 134074
for, or items attached to or incorporated in, motor vehicles 134075
that are primarily used for transporting tangible personal 134076
property belonging to others by a person engaged in highway 134077
transportation for hire, except for packages and packaging used 134078
for the transportation of tangible personal property; 134079

(33) Sales to the state headquarters of any veterans' 134080
organization in this state that is either incorporated and 134081
issued a charter by the congress of the United States or is 134082
recognized by the United States veterans administration, for use 134083
by the headquarters; 134084

(34) Sales to a telecommunications service vendor, mobile 134085
telecommunications service vendor, or satellite broadcasting 134086
service vendor of tangible personal property and services used 134087
directly and primarily in transmitting, receiving, switching, or 134088
recording any interactive, one- or two-way electromagnetic 134089
communications, including voice, image, data, and information, 134090
through the use of any medium, including, but not limited to, 134091
poles, wires, cables, switching equipment, computers, and record 134092
storage devices and media, and component parts for the tangible 134093

personal property. The exemption provided in this division shall 134094
be in lieu of all other exemptions under division (B) (42) (a) or 134095
(n) of this section to which the vendor may otherwise be 134096
entitled, based upon the use of the thing purchased in providing 134097
the telecommunications, mobile telecommunications, or satellite 134098
broadcasting service. 134099

~~(35) (a) Sales where the purpose of the consumer is to use 134100
or consume the things transferred in making retail sales and 134101
consisting of newspaper inserts, catalogues, coupons, flyers, 134102
gift certificates, or other advertising material that prices and 134103
describes tangible personal property offered for retail sale. 134104~~

~~(b) Sales to direct marketing vendors of preliminary 134105
materials such as photographs, artwork, and typesetting that 134106
will be used in printing advertising material; and of printed 134107
matter that offers free merchandise or chances to win sweepstake 134108
prizes and that is mailed to potential customers with 134109
advertising material described in division (B) (35) (a) of this 134110
section; 134111~~

~~(c) Sales of equipment such as telephones, computers, 134112
facsimile machines, and similar tangible personal property 134113
primarily used to accept orders for direct marketing retail 134114
sales. 134115~~

~~(d) Sales of automatic food vending machines that preserve 134116
food with a shelf life of forty-five days or less by 134117
refrigeration and dispense it to the consumer. 134118~~

~~For purposes of division (B) (35) of this section, "direct 134119
marketing" means the method of selling where consumers order 134120
tangible personal property by United States mail, delivery 134121
service, or telecommunication and the vendor delivers or ships 134122~~

~~the tangible personal property sold to the consumer from a~~ 134123
~~warehouse, catalogue distribution center, or similar fulfillment~~ 134124
~~facility by means of the United States mail, delivery service,~~ 134125
~~or common carrier~~ (35) Sales of strollers meant for transporting 134126
children from infancy to about thirty-six months of age that 134127
meet the United States consumer product safety commission safety 134128
standard for carriages and strollers under 16 C.F.R. 1227.2. 134129

(36) Sales to a person engaged in the business of 134130
horticulture or producing livestock of materials to be 134131
incorporated into a horticulture structure or livestock 134132
structure; 134133

(37) Sales of personal computers, computer monitors, 134134
computer keyboards, modems, and other peripheral computer 134135
equipment to an individual who is licensed or certified to teach 134136
in an elementary or a secondary school in this state for use by 134137
that individual in preparation for teaching elementary or 134138
secondary school students; 134139

(38) Sales of tangible personal property that is not 134140
required to be registered or licensed under the laws of this 134141
state to a citizen of a foreign nation that is not a citizen of 134142
the United States, provided the property is delivered to a 134143
person in this state that is not a related member of the 134144
purchaser, is physically present in this state for the sole 134145
purpose of temporary storage and package consolidation, and is 134146
subsequently delivered to the purchaser at a delivery address in 134147
a foreign nation. As used in division (B) (38) of this section, 134148
"related member" has the same meaning as in section 5733.042 of 134149
the Revised Code, and "temporary storage" means the storage of 134150
tangible personal property for a period of not more than sixty 134151
days. 134152

(39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;

(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; energy conversion equipment as defined in section 5727.01 of the Revised Code; and tangible personal property and services used in the repair and maintenance of the production, transmission, or distribution system, including only those motor vehicles as are specially designed and equipped for such use. The exemption provided in this division shall be in lieu of all other exemptions in division (B) (42) (a) or ~~(n)~~(m) of this section to which a provider of electricity may otherwise be entitled based on the use of the tangible personal property or service purchased in generating, transmitting, or distributing electricity.

(41) Sales to a person providing services under division (B) (3) (p) of section 5739.01 of the Revised Code of tangible personal property and services used directly and primarily in providing taxable services under that section.

(42) Sales where the purpose of the purchaser is to do any of the following:

(a) To incorporate the thing transferred as a material or a part into tangible personal property to be produced for sale

by manufacturing, assembling, processing, or refining; or to use 134183
or consume the thing transferred directly in producing tangible 134184
personal property for sale by mining, including, without 134185
limitation, the extraction from the earth of all substances that 134186
are classed geologically as minerals, or directly in the 134187
rendition of a public utility service, except that the sales tax 134188
levied by this section shall be collected upon all meals, 134189
drinks, and food for human consumption sold when transporting 134190
persons. This paragraph does not exempt from "retail sale" or 134191
"sales at retail" the sale of tangible personal property that is 134192
to be incorporated into a structure or improvement to real 134193
property. 134194

(b) To hold the thing transferred as security for the 134195
performance of an obligation of the vendor; 134196

(c) To resell, hold, use, or consume the thing transferred 134197
as evidence of a contract of insurance; 134198

(d) To use or consume the thing directly in commercial 134199
fishing; 134200

(e) To incorporate the thing transferred as a material or 134201
a part into, or to use or consume the thing transferred directly 134202
in the production of, magazines distributed as controlled 134203
circulation publications; 134204

~~(f) To use or consume the thing transferred in the 134205
production and preparation in suitable condition for market and 134206
sale of printed, imprinted, overprinted, lithographic, 134207
multilithic, blueprinted, photostatic, or other productions or 134208
reproductions of written or graphic matter;— 134209~~

~~(g) To use the thing transferred, as described in section 134210
5739.011 of the Revised Code, primarily in a manufacturing 134211~~

operation to produce tangible personal property for sale; 134212

~~(h)~~(g) To use the benefit of a warranty, maintenance or 134213
service contract, or similar agreement, as described in division 134214
(B) (7) of section 5739.01 of the Revised Code, to repair or 134215
maintain tangible personal property, if all of the property that 134216
is the subject of the warranty, contract, or agreement would not 134217
be subject to the tax imposed by this section; 134218

~~(i)~~(h) To use the thing transferred as qualified research 134219
and development equipment; 134220

~~(j)~~(i) To use or consume the thing transferred primarily 134221
in storing, transporting, mailing, or otherwise handling 134222
purchased sales inventory in a warehouse, distribution center, 134223
or similar facility when the inventory is primarily distributed 134224
outside this state to retail stores of the person who owns or 134225
controls the warehouse, distribution center, or similar 134226
facility, to retail stores of an affiliated group of which that 134227
person is a member, or by means of direct marketing. This 134228
division does not apply to motor vehicles registered for 134229
operation on the public highways. As used in this division, 134230
"affiliated group" has the same meaning as in division (B) (3) (e) 134231
of section 5739.01 of the Revised Code and "direct marketing" 134232
~~has the same meaning as in division (B) (35) of this section~~means 134233
the method of selling where consumers order tangible personal 134234
property by United States mail, delivery service, or 134235
telecommunication and the vendor delivers or ships the tangible 134236
personal property sold to the consumer from a warehouse, 134237
catalogue distribution center, or similar fulfillment facility 134238
by means of the United States mail, delivery service, or common 134239
carrier. 134240

~~(k)~~(j) To use or consume the thing transferred to fulfill 134241

a contractual obligation incurred by a warrantor pursuant to a warranty provided as a part of the price of the tangible personal property sold or by a vendor of a warranty, maintenance or service contract, or similar agreement the provision of which is defined as a sale under division (B) (7) of section 5739.01 of the Revised Code;

~~(l)~~ (k) To use or consume the thing transferred in the production of a newspaper for distribution to the public;

~~(m)~~ (l) To use tangible personal property to perform a service listed in division (B) (3) of section 5739.01 of the Revised Code, if the property is or is to be permanently transferred to the consumer of the service as an integral part of the performance of the service;

~~(n)~~ (m) To use or consume the thing transferred primarily in producing tangible personal property for sale by farming, agriculture, horticulture, or floriculture. Persons engaged in rendering farming, agriculture, horticulture, or floriculture services for others are deemed engaged primarily in farming, agriculture, horticulture, or floriculture. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.

~~(o) To use or consume the thing transferred in acquiring, formatting, editing, storing, and disseminating data or information by electronic publishing;~~

~~(p) To provide the thing transferred to the owner or lessee of a motor vehicle that is being repaired or serviced, if the thing transferred is a rented motor vehicle and the purchaser is reimbursed for the cost of the rented motor vehicle~~

~~by a manufacturer, warrantor, or provider of a maintenance, service, or other similar contract or agreement, with respect to the motor vehicle that is being repaired or serviced;~~ 134271
134272
134273

~~(q)~~ (n) To use or consume the thing transferred directly in production of crude oil and natural gas for sale. Persons engaged in rendering production services for others are deemed engaged in production. 134274
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As used in division ~~(B) (42) (q)~~ (B) (42) (n) of this section, "production" means operations and tangible personal property directly used to expose and evaluate an underground reservoir that may contain hydrocarbon resources, prepare the wellbore for production, and lift and control all substances yielded by the reservoir to the surface of the earth. 134278
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(i) For the purposes of division ~~(B) (42) (q)~~ (B) (42) (n) of this section, the "thing transferred" includes, but is not limited to, any of the following: 134284
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134286

(I) Services provided in the construction of permanent access roads, services provided in the construction of the well site, and services provided in the construction of temporary impoundments; 134287
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(II) Equipment and rigging used for the specific purpose of creating with integrity a wellbore pathway to underground reservoirs; 134291
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134293

(III) Drilling and workover services used to work within a subsurface wellbore, and tangible personal property directly used in providing such services; 134294
134295
134296

(IV) Casing, tubulars, and float and centralizing equipment; 134297
134298

(V) Trailers to which production equipment is attached;	134299
(VI) Well completion services, including cementing of casing, and tangible personal property directly used in providing such services;	134300 134301 134302
(VII) Wireline evaluation, mud logging, and perforation services, and tangible personal property directly used in providing such services;	134303 134304 134305
(VIII) Reservoir stimulation, hydraulic fracturing, and acidizing services, and tangible personal property directly used in providing such services, including all material pumped downhole;	134306 134307 134308 134309
(IX) Pressure pumping equipment;	134310
(X) Artificial lift systems equipment;	134311
(XI) Wellhead equipment and well site equipment used to separate, stabilize, and control hydrocarbon phases and produced water;	134312 134313 134314
(XII) Tangible personal property directly used to control production equipment.	134315 134316
(ii) For the purposes of division (B) (42) (q) <u>(B) (42) (n)</u> of this section, the "thing transferred" does not include any of the following:	134317 134318 134319
(I) Tangible personal property used primarily in the exploration and production of any mineral resource regulated under Chapter 1509. of the Revised Code other than oil or gas;	134320 134321 134322
(II) Tangible personal property used primarily in storing, holding, or delivering solutions or chemicals used in well stimulation as defined in section 1509.01 of the Revised Code;	134323 134324 134325

(III) Tangible personal property used primarily in preparing, installing, or reclaiming foundations for drilling or pumping equipment or well stimulation material tanks;	134326 134327 134328
(IV) Tangible personal property used primarily in transporting, delivering, or removing equipment to or from the well site or storing such equipment before its use at the well site;	134329 134330 134331 134332
(V) Tangible personal property used primarily in gathering operations occurring off the well site, including gathering pipelines transporting hydrocarbon gas or liquids away from a crude oil or natural gas production facility;	134333 134334 134335 134336
(VI) Tangible personal property that is to be incorporated into a structure or improvement to real property;	134337 134338
(VII) Well site fencing, lighting, or security systems;	134339
(VIII) Communication devices or services;	134340
(IX) Office supplies;	134341
(X) Trailers used as offices or lodging;	134342
(XI) Motor vehicles of any kind;	134343
(XII) Tangible personal property used primarily for the storage of drilling byproducts and fuel not used for production;	134344 134345
(XIII) Tangible personal property used primarily as a safety device;	134346 134347
(XIV) Data collection or monitoring devices;	134348
(XV) Access ladders, stairs, or platforms attached to storage tanks.	134349 134350
The enumeration of tangible personal property in division	134351

~~(B) (42) (q) (ii)~~ (B) (42) (n) (ii) of this section is not intended to 134352
be exhaustive, and any tangible personal property not so 134353
enumerated shall not necessarily be construed to be a "thing 134354
transferred" for the purposes of division ~~(B) (42) (q)~~ (B) (42) (n) 134355
of this section. 134356

The commissioner shall adopt and promulgate rules under 134357
sections 119.01 to 119.13 of the Revised Code that the 134358
commissioner deems necessary to administer division ~~(B) (42) (q)~~ 134359
(B) (42) (n) of this section. 134360

As used in division (B) (42) of this section, "thing" 134361
includes all transactions included in divisions (B) (3) (a), (b), 134362
and (e) of section 5739.01 of the Revised Code. 134363

(43) Sales conducted through a coin operated device that 134364
activates vacuum equipment or equipment that dispenses water, 134365
whether or not in combination with soap or other cleaning agents 134366
or wax, to the consumer for the consumer's use on the premises 134367
in washing, cleaning, or waxing a motor vehicle, provided no 134368
other personal property or personal service is provided as part 134369
of the transaction. 134370

(44) Sales of replacement and modification parts for 134371
engines, airframes, instruments, and interiors in, and paint 134372
for, aircraft used primarily in a fractional aircraft ownership 134373
program, and sales of services for the repair, modification, and 134374
maintenance of such aircraft, and machinery, equipment, and 134375
supplies primarily used to provide those services. 134376

~~(45) Sales of telecommunications service that is used~~ 134377
~~directly and primarily to perform the functions of a call~~ 134378
~~center. As used in this division, "call center" means any~~ 134379
~~physical location where telephone calls are placed or received~~ 134380

~~in high volume for the purpose of making sales, marketing, customer service, technical support, or other specialized business activity, and that employs at least fifty individuals that engage in call center activities on a full-time basis, or sufficient individuals to fill fifty full-time equivalent positions~~
The fee imposed by section 3743.22 of the Revised Code, if it is separately stated on the invoice, bill of sale, or similar document given by the vendor to the consumer for a retail sale made in this state.

(46) Sales by a telecommunications service vendor of 900 service to a subscriber. This division does not apply to information services.

(47) Sales of value-added non-voice data service. This division does not apply to any similar service that is not otherwise a telecommunications service.

(48) Sales of feminine hygiene products.

(49) Sales of materials, parts, equipment, or engines used in the repair or maintenance of aircraft or avionics systems of such aircraft, and sales of repair, remodeling, replacement, or maintenance services in this state performed on aircraft or on an aircraft's avionics, engine, or component materials or parts. As used in division (B) (49) of this section, "aircraft" means aircraft of more than six thousand pounds maximum certified takeoff weight or used exclusively in general aviation.

(50) Sales of full flight simulators that are used for pilot or flight-crew training, sales of repair or replacement parts or components, and sales of repair or maintenance services for such full flight simulators. "Full flight simulator" means a replica of a specific type, or make, model, and series of

aircraft cockpit. It includes the assemblage of equipment and 134410
computer programs necessary to represent aircraft operations in 134411
ground and flight conditions, a visual system providing an out- 134412
of-the-cockpit view, and a system that provides cues at least 134413
equivalent to those of a three-degree-of-freedom motion system, 134414
and has the full range of capabilities of the systems installed 134415
in the device as described in appendices A and B of part 60 of 134416
chapter 1 of title 14 of the Code of Federal Regulations. 134417

(51) Any transfer or lease of tangible personal property 134418
between the state and JobsOhio in accordance with section 134419
4313.02 of the Revised Code. 134420

(52) (a) Sales to a qualifying corporation. 134421

(b) As used in division (B) (52) of this section: 134422

(i) "Qualifying corporation" means a nonprofit corporation 134423
organized in this state that leases from an eligible county 134424
land, buildings, structures, fixtures, and improvements to the 134425
land that are part of or used in a public recreational facility 134426
used by a major league professional athletic team or a class A 134427
to class AAA minor league affiliate of a major league 134428
professional athletic team for a significant portion of the 134429
team's home schedule, provided the following apply: 134430

(I) The facility is leased from the eligible county 134431
pursuant to a lease that requires substantially all of the 134432
revenue from the operation of the business or activity conducted 134433
by the nonprofit corporation at the facility in excess of 134434
operating costs, capital expenditures, and reserves to be paid 134435
to the eligible county at least once per calendar year. 134436

(II) Upon dissolution and liquidation of the nonprofit 134437
corporation, all of its net assets are distributable to the 134438

board of commissioners of the eligible county from which the 134439
corporation leases the facility. 134440

(ii) "Eligible county" has the same meaning as in section 134441
307.695 of the Revised Code. 134442

(53) Sales to or by a cable service provider, video 134443
service provider, or radio or television broadcast station 134444
regulated by the federal government of cable service or 134445
programming, video service or programming, audio service or 134446
programming, or electronically transferred digital audiovisual 134447
or audio work. As used in division (B) (53) of this section, 134448
"cable service" and "cable service provider" have the same 134449
meanings as in section 1332.01 of the Revised Code, and "video 134450
service," "video service provider," and "video programming" have 134451
the same meanings as in section 1332.21 of the Revised Code. 134452

~~(54) Sales of a digital audio work electronically 134453
transferred for delivery through use of a machine, such as a 134454
juke box, that does all of the following:— 134455~~

~~(a) Accepts direct payments to operate;— 134456~~

~~(b) Automatically plays a selected digital audio work for— 134457
a single play upon receipt of a payment described in division— 134458
(B) (54) (a) of this section;— 134459~~

~~(c) Operates exclusively for the purpose of playing— 134460
digital audio works in a commercial establishment~~eligible~~ 134461
tangible personal property occurring during the period of a 134462
sales tax holiday held pursuant to section 5739.41 of the 134463
Revised Code. 134464~~

(55) (a) Sales of the following occurring on the first 134465
Friday of August and the following Saturday and Sunday of any 134466
year, except in 2024 or any subsequent year in which a sales tax 134467

holiday is held pursuant to section 5739.41 of the Revised Code: 134468

(i) An item of clothing, the price of which is seventy- 134469
five dollars or less; 134470

(ii) An item of school supplies, the price of which is 134471
twenty dollars or less; 134472

(iii) An item of school instructional material, the price 134473
of which is twenty dollars or less. 134474

(b) As used in division (B) (55) of this section: 134475

(i) "Clothing" means all human wearing apparel suitable 134476
for general use. "Clothing" includes, but is not limited to, 134477
aprons, household and shop; athletic supporters; baby receiving 134478
blankets; bathing suits and caps; beach capes and coats; belts 134479
and suspenders; boots; coats and jackets; costumes; diapers, 134480
children and adult, including disposable diapers; earmuffs; 134481
footlets; formal wear; garters and garter belts; girdles; gloves 134482
and mittens for general use; hats and caps; hosiery; insoles for 134483
shoes; lab coats; neckties; overshoes; pantyhose; rainwear; 134484
rubber pants; sandals; scarves; shoes and shoe laces; slippers; 134485
sneakers; socks and stockings; steel-toed shoes; underwear; 134486
uniforms, athletic and nonathletic; and wedding apparel. 134487
"Clothing" does not include items purchased for use in a trade 134488
or business; clothing accessories or equipment; protective 134489
equipment; sports or recreational equipment; belt buckles sold 134490
separately; costume masks sold separately; patches and emblems 134491
sold separately; sewing equipment and supplies including, but 134492
not limited to, knitting needles, patterns, pins, scissors, 134493
sewing machines, sewing needles, tape measures, and thimbles; 134494
and sewing materials that become part of "clothing" including, 134495
but not limited to, buttons, fabric, lace, thread, yarn, and 134496

zippers. 134497

(ii) "School supplies" means items commonly used by a 134498
student in a course of study. "School supplies" includes only 134499
the following items: binders; book bags; calculators; cellophane 134500
tape; blackboard chalk; compasses; composition books; crayons; 134501
erasers; folders, expandable, pocket, plastic, and manila; glue, 134502
paste, and paste sticks; highlighters; index cards; index card 134503
boxes; legal pads; lunch boxes; markers; notebooks; paper, 134504
loose-leaf ruled notebook paper, copy paper, graph paper, 134505
tracing paper, manila paper, colored paper, poster board, and 134506
construction paper; pencil boxes and other school supply boxes; 134507
pencil sharpeners; pencils; pens; protractors; rulers; scissors; 134508
and writing tablets. "School supplies" does not include any item 134509
purchased for use in a trade or business. 134510

(iii) "School instructional material" means written 134511
material commonly used by a student in a course of study as a 134512
reference and to learn the subject being taught. "School 134513
instructional material" includes only the following items: 134514
reference books, reference maps and globes, textbooks, and 134515
workbooks. "School instructional material" does not include any 134516
material purchased for use in a trade or business. 134517

(56) (a) Sales of adult diapers or incontinence underpads 134518
sold pursuant to a prescription, for the benefit of a medicaid 134519
recipient with a diagnosis of incontinence, and by a medicaid 134520
provider that maintains a valid provider agreement under section 134521
5164.30 of the Revised Code with the department of medicaid, 134522
provided that the medicaid program covers diapers or 134523
incontinence underpads as an incontinence garment. 134524

(b) As used in division (B) (56) (a) of this section, 134525
"incontinence underpad" means an absorbent product, not worn on 134526

the body, designed to protect furniture or other tangible 134527
personal property from soiling or damage due to human 134528
incontinence. 134529

(57) Sales of investment metal bullion and investment 134530
coins. "Investment metal bullion" means any bullion described in 134531
section 408(m) (3) (B) of the Internal Revenue Code, regardless of 134532
whether that bullion is in the physical possession of a trustee. 134533
"Investment coin" means any coin composed primarily of gold, 134534
silver, platinum, or palladium. 134535

(58) Sales of tangible personal property used primarily 134536
for any of the following purposes by a megaproject operator at 134537
the site of a megaproject that satisfies the criteria described 134538
in division (A) (11) (a) (ii) of section 122.17 of the Revised 134539
Code, provided that the sale occurs during the period that the 134540
megaproject operator has an agreement for such megaproject with 134541
the tax credit authority under division (D) of section 122.17 of 134542
the Revised Code that remains in effect and has not expired or 134543
been terminated: 134544

(a) To store, transmit, convey, distribute, recycle, 134545
circulate, or clean water, steam, or other gases used in or 134546
produced as a result of manufacturing activity, including items 134547
that support or aid in the operation of such property; 134548

(b) To clean or prepare inventory, at any stage of storage 134549
or production, or equipment used in a manufacturing activity, 134550
including chemicals, solvents, catalysts, soaps, and other items 134551
that support or aid in the operation of property; 134552

(c) To regulate, treat, filter, condition, improve, clean, 134553
maintain, or monitor environmental conditions within areas where 134554
manufacturing activities take place; 134555

(d) To handle, transport, or convey inventory during production or manufacturing.	134556 134557
(59) Documentary services charges imposed pursuant to section 4517.261 or 4781.24 of the Revised Code.	134558 134559
(60) Sales of children's diapers.	134560
(61) Sales of therapeutic or preventative creams and wipes marketed primarily for use on the skin of children.	134561 134562
(62) Sales of a child restraint device or booster seat that meets the national highway traffic safety administration standard for child restraint systems under 49 C.F.R. 571.213.	134563 134564 134565
(63) Sales of cribs intended to provide sleeping accommodations for children that comply with the United States consumer product safety commission's safety standard for full-size baby cribs under 16 C.F.R. 1219 or the commission's safety standard for non-full-size baby cribs under 16 C.F.R. 1220.	134566 134567 134568 134569 134570
(64) Sales of strollers meant for transporting children from infancy to about thirty-six months of age that meet the United States consumer product safety commission safety standard for carriages and strollers under 16 C.F.R. 1227.2.	134571 134572 134573 134574
(65) The fee imposed by section 3743.22 of the Revised Code, if it is separately stated on the invoice, bill of sale, or similar document given by the vendor to the consumer for a retail sale made in this state.	134575 134576 134577 134578
(66) Sales of eligible tangible personal property occurring during the period of a sales tax holiday held pursuant to section 5739.41 of the Revised Code.	134579 134580 134581
(C) For the purpose of the proper administration of this chapter, and to prevent the evasion of the tax, it is presumed	134582 134583

that all sales made in this state are subject to the tax until 134584
the contrary is established. 134585

(D) The tax collected by the vendor from the consumer 134586
under this chapter is not part of the price, but is a tax 134587
collection for the benefit of the state, and of counties levying 134588
an additional sales tax pursuant to section 5739.021 or 5739.026 134589
of the Revised Code and of transit authorities levying an 134590
additional sales tax pursuant to section 5739.023 of the Revised 134591
Code. Except for the discount authorized under section 5739.12 134592
of the Revised Code and the effects of any rounding pursuant to 134593
section 5703.055 of the Revised Code, no person other than the 134594
state or such a county or transit authority shall derive any 134595
benefit from the collection or payment of the tax levied by this 134596
section or section 5739.021, 5739.023, or 5739.026 of the 134597
Revised Code. 134598

Sec. 5739.03. (A) Except as provided in section 5739.05 or 134599
section 5739.051 of the Revised Code, the tax imposed by or 134600
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 134601
the Revised Code shall be paid by the consumer to the vendor, 134602
and each vendor shall collect from the consumer, as a trustee 134603
for the state of Ohio, the full and exact amount of the tax 134604
payable on each taxable sale, in the manner and at the times 134605
provided as follows: 134606

(1) If the price is, at or prior to the provision of the 134607
service or the delivery of possession of the thing sold to the 134608
consumer, paid in currency passed from hand to hand by the 134609
consumer or the consumer's agent to the vendor or the vendor's 134610
agent, the vendor or the vendor's agent shall collect the tax 134611
with and at the same time as the price; 134612

(2) If the price is otherwise paid or to be paid, the 134613

vendor or the vendor's agent shall, at or prior to the provision 134614
of the service or the delivery of possession of the thing sold 134615
to the consumer, charge the tax imposed by or pursuant to 134616
section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised 134617
Code to the account of the consumer, which amount shall be 134618
collected by the vendor from the consumer in addition to the 134619
price. Such sale shall be reported on and the amount of the tax 134620
applicable thereto shall be remitted with the return for the 134621
period in which the sale is made, and the amount of the tax 134622
shall become a legal charge in favor of the vendor and against 134623
the consumer. 134624

(B) (1) (a) If any sale is claimed to be exempt under 134625
division (E) of section 5739.01 of the Revised Code or under 134626
section 5739.02 of the Revised Code, with the exception of 134627
divisions (B) (1) to (11), (28), (48), (54), (55), or (59), ~~or~~ 134628
~~(66)~~ of section 5739.02 of the Revised Code, the consumer must 134629
provide to the vendor, and the vendor must obtain from the 134630
consumer, a certificate specifying the reason that the sale is 134631
not legally subject to the tax. The certificate shall be in such 134632
form, and shall be provided either in a hard copy form or 134633
electronic form, as the tax commissioner prescribes. 134634

(b) A vendor that obtains a fully completed exemption 134635
certificate from a consumer is relieved of liability for 134636
collecting and remitting tax on any sale covered by that 134637
certificate. If it is determined the exemption was improperly 134638
claimed, the consumer shall be liable for any tax due on that 134639
sale under section 5739.02, 5739.021, 5739.023, or 5739.026 or 134640
Chapter 5741. of the Revised Code. Relief under this division 134641
from liability does not apply to any of the following: 134642

(i) A vendor that fraudulently fails to collect tax; 134643

- (ii) A vendor that solicits consumers to participate in the unlawful claim of an exemption; 134644
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- (iii) A vendor that accepts an exemption certificate from a consumer that claims an exemption based on who purchases or who sells property or a service, when the subject of the transaction sought to be covered by the exemption certificate is actually received by the consumer at a location operated by the vendor in this state, and this state has posted to its web site an exemption certificate form that clearly and affirmatively indicates that the claimed exemption is not available in this state; 134646
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- (iv) A vendor that accepts an exemption certificate from a consumer who claims a multiple points of use exemption under division (D) of section 5739.033 of the Revised Code, if the item purchased is tangible personal property, other than prewritten computer software. 134655
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- (2) The vendor shall maintain records, including exemption certificates, of all sales on which a consumer has claimed an exemption, and provide them to the tax commissioner on request. 134660
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- (3) The tax commissioner may establish an identification system whereby the commissioner issues an identification number to a consumer that is exempt from payment of the tax. The consumer must present the number to the vendor, if any sale is claimed to be exempt as provided in this section. 134663
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- (4) If no certificate is provided or obtained within ninety days after the date on which such sale is consummated, it shall be presumed that the tax applies. Failure to have so provided or obtained a certificate shall not preclude a vendor, within one hundred twenty days after the tax commissioner gives 134668
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written notice of intent to levy an assessment, from either 134673
establishing that the sale is not subject to the tax, or 134674
obtaining, in good faith, a fully completed exemption 134675
certificate. 134676

(5) Certificates need not be obtained nor provided where 134677
the identity of the consumer is such that the transaction is 134678
never subject to the tax imposed or where the item of tangible 134679
personal property sold or the service provided is never subject 134680
to the tax imposed, regardless of use, or when the sale is in 134681
interstate commerce. 134682

(6) If a transaction is claimed to be exempt under 134683
division (B) (13) of section 5739.02 of the Revised Code, the 134684
contractor shall obtain certification of the claimed exemption 134685
from the contractee. This certification shall be in addition to 134686
an exemption certificate provided by the contractor to the 134687
vendor. A contractee that provides a certification under this 134688
division shall be deemed to be the consumer of all items 134689
purchased by the contractor under the claim of exemption, if it 134690
is subsequently determined that the exemption is not properly 134691
claimed. The certification shall be in such form as the tax 134692
commissioner prescribes. 134693

(7) If a transaction is claimed to be exempt under 134694
division (B) (13) of section 5739.02 of the Revised Code, the 134695
person that leases a sports facility, as defined in section 134696
307.696 of the Revised Code, wholly owned by a county may 134697
provide and sign, on behalf of the county, an exemption 134698
certificate required under this section for that exemption. 134699

(C) As used in this division, "contractee" means a person 134700
who seeks to enter or enters into a contract or agreement with a 134701
contractor or vendor for the construction of real property or 134702

for the sale and installation onto real property of tangible 134703
personal property. 134704

Any contractor or vendor may request from any contractee a 134705
certification of what portion of the property to be transferred 134706
under such contract or agreement is to be incorporated into the 134707
realty and what portion will retain its status as tangible 134708
personal property after installation is completed. The 134709
contractor or vendor shall request the certification by 134710
certified mail delivered to the contractee, return receipt 134711
requested. Upon receipt of such request and prior to entering 134712
into the contract or agreement, the contractee shall provide to 134713
the contractor or vendor a certification sufficiently detailed 134714
to enable the contractor or vendor to ascertain the resulting 134715
classification of all materials purchased or fabricated by the 134716
contractor or vendor and transferred to the contractee. This 134717
requirement applies to a contractee regardless of whether the 134718
contractee holds a direct payment permit under section 5739.031 134719
of the Revised Code or provides to the contractor or vendor an 134720
exemption certificate as provided under this section. 134721

For the purposes of the taxes levied by this chapter and 134722
Chapter 5741. of the Revised Code, the contractor or vendor may 134723
in good faith rely on the contractee's certification. 134724
Notwithstanding division (B) of section 5739.01 of the Revised 134725
Code, if the tax commissioner determines that certain property 134726
certified by the contractee as tangible personal property 134727
pursuant to this division is, in fact, real property, the 134728
contractee shall be considered to be the consumer of all 134729
materials so incorporated into that real property and shall be 134730
liable for the applicable tax, and the contractor or vendor 134731
shall be excused from any liability on those materials. 134732

If a contractee fails to provide such certification upon 134733
the request of the contractor or vendor, the contractor or 134734
vendor shall comply with the provisions of this chapter and 134735
Chapter 5741. of the Revised Code without the certification. If 134736
the tax commissioner determines that such compliance has been 134737
performed in good faith and that certain property treated as 134738
tangible personal property by the contractor or vendor is, in 134739
fact, real property, the contractee shall be considered to be 134740
the consumer of all materials so incorporated into that real 134741
property and shall be liable for the applicable tax, and the 134742
construction contractor or vendor shall be excused from any 134743
liability on those materials. 134744

This division does not apply to any contract or agreement 134745
where the tax commissioner determines as a fact that a 134746
certification under this division was made solely on the 134747
decision or advice of the contractor or vendor. 134748

(D) Notwithstanding division (B) of section 5739.01 of the 134749
Revised Code, whenever the total rate of tax imposed under this 134750
chapter is increased after the date after a construction 134751
contract is entered into, the contractee shall reimburse the 134752
construction contractor for any additional tax paid on tangible 134753
property consumed or services received pursuant to the contract. 134754

(E) A vendor who files a petition for reassessment 134755
contesting the assessment of tax on sales for which the vendor 134756
obtained no valid exemption certificates and for which the 134757
vendor failed to establish that the sales were properly not 134758
subject to the tax during the one-hundred-twenty-day period 134759
allowed under division (B) of this section, may present to the 134760
tax commissioner additional evidence to prove that the sales 134761
were properly subject to a claim of exception or exemption. The 134762

vendor shall file such evidence within ninety days of the receipt by the vendor of the notice of assessment, except that, upon application and for reasonable cause, the period for submitting such evidence shall be extended thirty days.

The commissioner shall consider such additional evidence in reaching the final determination on the assessment and petition for reassessment.

(F) Whenever a vendor refunds the price, minus any separately stated delivery charge, of an item of tangible personal property on which the tax imposed under this chapter has been paid, the vendor shall also refund the amount of tax paid, minus the amount of tax attributable to the delivery charge.

Sec. 5739.07. (A) When, pursuant to this chapter, a vendor has paid taxes to the tax commissioner or the commissioner's agent, the commissioner shall refund to the vendor the amount of taxes paid, and any penalties assessed with respect to such taxes, if the vendor has refunded to the consumer the full amount of taxes the consumer paid illegally or erroneously or if the vendor has illegally or erroneously billed the consumer but has not collected the taxes from the consumer.

(B) When, pursuant to this chapter, a consumer has paid taxes directly to the tax commissioner or the commissioner's agent, and the payment or assessment was illegal or erroneous, the commissioner shall refund to the consumer the full amount of illegal or erroneous taxes paid and any penalties assessed with respect to such taxes.

(C) The commissioner shall refund to the consumer amounts paid illegally or erroneously to a vendor only if:

(1) The commissioner has not refunded the tax to the vendor and the vendor has not refunded the tax to the consumer; or

(2) The consumer has received a refund from a manufacturer or other person, other than the vendor, of the full purchase price, but not the tax, paid to the vendor in settlement of a complaint by the consumer about the property or service purchased.

The commissioner may require the consumer to obtain or the vendor to provide a written statement confirming that the vendor has not refunded the tax to the consumer and has not filed an application for refund of the tax with the commissioner.

(D) Subject to division (E) of this section, an application for refund shall be filed with the tax commissioner on the form prescribed by the commissioner within four years from the date of the illegal or erroneous payment, unless the vendor or consumer waives the time limitation under division (A) (3) of section 5739.16 of the Revised Code. If the time limitation is waived, the refund application period shall be extended for the same period as the waiver.

(E) An application for refund shall be filed in accordance with division (D) of this section unless a person is subject to an assessment that is subject to the time limit of division (B) of section 5703.58 of the Revised Code for amounts not reported and paid between the four-year time limit described in division (D) of this section and the seven-year limit described in division (B) of section 5703.58 of the Revised Code, in which case the person may file an application within six months after the date the assessment is issued. Any refund allowed under this division shall not exceed the amount of the assessment due for

the same period. 134822

(F) On the filing of an application for a refund, the 134823
commissioner shall determine the amount of refund to which the 134824
applicant is entitled. If the amount is not less than that 134825
claimed, the commissioner shall certify that amount to the 134826
director of budget and management and the treasurer of state for 134827
payment from the tax refund fund created by section 5703.052 of 134828
the Revised Code. If the amount is less than that claimed, the 134829
commissioner shall proceed in accordance with section 5703.70 of 134830
the Revised Code. 134831

(G) When a refund is granted under this section, it shall 134832
include interest thereon as provided by section 5739.132 of the 134833
Revised Code, except that no such interest shall be granted when 134834
a refund is granted for illegal or erroneous payments made 134835
pursuant to a direct payment permit issued under section 134836
5739.031 of the Revised Code or division (I) of section 122.175 134837
of the Revised Code. 134838

Sec. 5739.09. (A) (1) A board of county commissioners may, 134839
by resolution adopted by a majority of the members of the board, 134840
levy an excise tax not to exceed three per cent on transactions 134841
by which lodging by a hotel is or is to be furnished to 134842
transient guests. The board shall establish all regulations 134843
necessary to provide for the administration and allocation of 134844
the tax. The regulations may prescribe the time for payment of 134845
the tax, and may provide for the imposition of a penalty or 134846
interest, or both, for late payments, provided that the penalty 134847
does not exceed ten per cent of the amount of tax due, and the 134848
rate at which interest accrues does not exceed the rate per 134849
annum prescribed pursuant to section 5703.47 of the Revised 134850
Code. Except as otherwise provided in this section, the 134851

regulations shall provide, after deducting the real and actual 134852
costs of administering the tax, for the return to each municipal 134853
corporation or township that does not levy an excise tax on the 134854
transactions, a uniform percentage of the tax collected in the 134855
municipal corporation or in the unincorporated portion of the 134856
township from each transaction, not to exceed thirty-three and 134857
one-third per cent. Except as provided in this section, the 134858
remainder of the revenue arising from the tax shall be deposited 134859
in a separate fund and shall be spent either (a) to make 134860
contributions to the convention and visitors' bureau operating 134861
within the county, including a pledge and contribution of any 134862
portion of the remainder pursuant to an agreement authorized by 134863
section 307.678 or 307.695 of the Revised Code or (b) to pay, if 134864
authorized in the regulations, for public safety services in a 134865
resort area designated under section 5739.101 of the Revised 134866
Code. 134867

(2) If the board of county commissioners of an eligible 134868
county as defined in section 307.678 or 307.695 of the Revised 134869
Code adopts a resolution amending a resolution levying a tax 134870
under division (A) of this section to provide that revenue from 134871
the tax shall be used by the board as described in either 134872
division (D) of section 307.678 or division (H) of section 134873
307.695 of the Revised Code, the remainder of the revenue shall 134874
be used as described in the resolution making that amendment. 134875

(3) Except as provided in division (B), (C), (D), (E), 134876
(F), (G), (H), (I), (J), (K), or (Q) of this section, on and 134877
after May 10, 1994, a board of county commissioners may not levy 134878
an excise tax pursuant to division (A) of this section in any 134879
municipal corporation or township located wholly or partly 134880
within the county that has in effect an ordinance or resolution 134881
levying an excise tax pursuant to division (B) of section 134882

5739.08 of the Revised Code. 134883

(4) The board of a county that has levied a tax under 134884
division (M) of this section may, by resolution adopted within 134885
ninety days after July 15, 1985, by a majority of the members of 134886
the board, amend the resolution levying a tax under division (A) 134887
of this section to provide for a portion of that tax to be 134888
pledged and contributed in accordance with an agreement entered 134889
into under section 307.695 of the Revised Code. A tax, any 134890
revenue from which is pledged pursuant to such an agreement, 134891
shall remain in effect at the rate at which it is imposed for 134892
the duration of the period for which the revenue from the tax 134893
has been so pledged. 134894

(5) The board of county commissioners of an eligible 134895
county as defined in section 307.695 of the Revised Code may, by 134896
resolution adopted by a majority of the members of the board, 134897
amend a resolution levying a tax under division (A) of this 134898
section to provide that the revenue from the tax shall be used 134899
by the board as described in division (H) of section 307.695 of 134900
the Revised Code, in which case the tax shall remain in effect 134901
at the rate at which it was imposed for the duration of any 134902
agreement entered into by the board under section 307.695 of the 134903
Revised Code, the duration during which any securities issued by 134904
the board under that section are outstanding, or the duration of 134905
the period during which the board owns a project as defined in 134906
section 307.695 of the Revised Code, whichever duration is 134907
longest. 134908

(6) The board of county commissioners of an eligible 134909
county as defined in section 307.678 of the Revised Code may, by 134910
resolution, amend a resolution levying a tax under division (A) 134911
of this section to provide that revenue from the tax, not to 134912

exceed five hundred thousand dollars each year, may be used as 134913
described in division (E) of section 307.678 of the Revised 134914
Code. 134915

(7) Notwithstanding division (A) of this section, the 134916
board of county commissioners of a county described in division 134917
(H) (1) of this section may, by resolution, amend a resolution 134918
levying a tax under division (A) of this section to provide that 134919
all or a portion of the revenue from the tax, including any 134920
revenue otherwise required to be returned to townships or 134921
municipal corporations under that division, may be used or 134922
pledged for the payment of debt service on securities issued to 134923
pay the costs of constructing, operating, and maintaining sports 134924
facilities described in division (H) (2) of this section. 134925

(8) The board of county commissioners of a county 134926
described in division (I) of this section may, by resolution, 134927
amend a resolution levying a tax under division (A) of this 134928
section to provide that all or a portion of the revenue from the 134929
tax may be used for the purposes described in section 307.679 of 134930
the Revised Code. 134931

(B) A board of county commissioners that levies an excise 134932
tax under division (A) of this section on June 30, 1997, at a 134933
rate of three per cent, and that has pledged revenue from the 134934
tax to an agreement entered into under section 307.695 of the 134935
Revised Code or, in the case of the board of county 134936
commissioners of an eligible county as defined in section 134937
307.695 of the Revised Code, has amended a resolution levying a 134938
tax under division (M) of this section to provide that proceeds 134939
from the tax shall be used by the board as described in division 134940
(H) of section 307.695 of the Revised Code, may, at any time by 134941
a resolution adopted by a majority of the members of the board, 134942

amend the resolution levying a tax under division (A) of this 134943
section to provide for an increase in the rate of that tax up to 134944
seven per cent on each transaction; to provide that revenue from 134945
the increase in the rate shall be used as described in division 134946
(H) of section 307.695 of the Revised Code or be spent solely to 134947
make contributions to the convention and visitors' bureau 134948
operating within the county to be used specifically for 134949
promotion, advertising, and marketing of the region in which the 134950
county is located; and to provide that the rate in excess of the 134951
three per cent levied under division (A) of this section shall 134952
remain in effect at the rate at which it is imposed for the 134953
duration of the period during which any agreement is in effect 134954
that was entered into under section 307.695 of the Revised Code 134955
by the board of county commissioners levying a tax under 134956
division (A) of this section, the duration of the period during 134957
which any securities issued by the board under division (I) of 134958
section 307.695 of the Revised Code are outstanding, or the 134959
duration of the period during which the board owns a project as 134960
defined in section 307.695 of the Revised Code, whichever 134961
duration is longest. The amendment also shall provide that no 134962
portion of that revenue need be returned to townships or 134963
municipal corporations as would otherwise be required under 134964
division (A) of this section. 134965

(C) (1) As used in division (C) of this section, "cost" and 134966
"facility" have the same meanings as in section 351.01 of the 134967
Revised Code, and "convention center" has the same meaning as in 134968
section 307.695 of the Revised Code. 134969

(2) A board of county commissioners that levies a tax 134970
under division (A) of this section on March 18, 1999, at a rate 134971
of three per cent may, by resolution adopted not later than 134972
forty-five days after March 18, 1999, amend the resolution 134973

levying the tax to provide for all of the following: 134974

(a) That the rate of the tax shall be increased by not 134975
more than an additional four per cent on each transaction; 134976

(b) That all of the revenue from the increase in the rate 134977
shall be pledged and contributed to a convention facilities 134978
authority established by the board of county commissioners under 134979
Chapter 351. of the Revised Code on or before November 15, 1998, 134980
and used to pay costs of constructing, maintaining, operating, 134981
and promoting a facility in the county, including paying bonds, 134982
or notes issued in anticipation of bonds, as provided by that 134983
chapter; 134984

(c) That no portion of the revenue arising from the 134985
increase in rate need be returned to municipal corporations or 134986
townships as otherwise required under division (A) of this 134987
section; 134988

(d) That the increase in rate shall not be subject to 134989
diminution by initiative or referendum or by law while any 134990
bonds, or notes in anticipation of bonds, issued by the 134991
authority under Chapter 351. of the Revised Code to which the 134992
revenue is pledged, remain outstanding in accordance with their 134993
terms, unless provision is made by law or by the board of county 134994
commissioners for an adequate substitute therefor that is 134995
satisfactory to the trustee if a trust agreement secures the 134996
bonds. 134997

(3) Division (C) of this section does not apply to the 134998
board of county commissioners of any county in which a 134999
convention center or facility exists or is being constructed on 135000
November 15, 1998, or of any county in which a convention 135001
facilities authority levies a tax pursuant to section 351.021 of 135002

the Revised Code on that date. 135003

(D) (1) As used in division (D) of this section, "cost" has 135004
the same meaning as in section 351.01 of the Revised Code, and 135005
"convention center" has the same meaning as in section 307.695 135006
of the Revised Code. 135007

(2) A board of county commissioners that levies a tax 135008
under division (A) of this section on June 30, 2002, at a rate 135009
of three per cent may, by resolution adopted not later than 135010
September 30, 2002, amend the resolution levying the tax to 135011
provide for all of the following: 135012

(a) That the rate of the tax shall be increased by not 135013
more than an additional three and one-half per cent on each 135014
transaction; 135015

(b) That all of the revenue from the increase in rate 135016
shall be pledged and contributed to a convention facilities 135017
authority established by the board of county commissioners under 135018
Chapter 351. of the Revised Code on or before May 15, 2002, and 135019
be used to pay costs of constructing, expanding, maintaining, 135020
operating, or promoting a convention center in the county, 135021
including paying bonds, or notes issued in anticipation of 135022
bonds, as provided by that chapter; 135023

(c) That no portion of the revenue arising from the 135024
increase in rate need be returned to municipal corporations or 135025
townships as otherwise required under division (A) of this 135026
section; 135027

(d) That the increase in rate shall not be subject to 135028
diminution by initiative or referendum or by law while any 135029
bonds, or notes in anticipation of bonds, issued by the 135030
authority under Chapter 351. of the Revised Code to which the 135031

revenue is pledged, remain outstanding in accordance with their 135032
terms, unless provision is made by law or by the board of county 135033
commissioners for an adequate substitute therefor that is 135034
satisfactory to the trustee if a trust agreement secures the 135035
bonds. 135036

(3) Any board of county commissioners that, pursuant to 135037
division (D)(2) of this section, has amended a resolution 135038
levying the tax authorized by division (A) of this section may 135039
further amend the resolution to provide that the revenue 135040
referred to in division (D)(2)(b) of this section shall be 135041
pledged and contributed both to a convention facilities 135042
authority to pay the costs of constructing, expanding, 135043
maintaining, or operating one or more convention centers in the 135044
county, including paying bonds, or notes issued in anticipation 135045
of bonds, as provided in Chapter 351. of the Revised Code, and 135046
to a convention and visitors' bureau to pay the costs of 135047
promoting one or more convention centers in the county. 135048

(4) A county having a population of seven hundred thousand 135049
or less may not levy the increased rate described in division 135050
(D)(2) of this section on or after the first day of the first 135051
month beginning after the effective date of this amendment. 135052

(E)(1) As used in division (E) of this section: 135053

(a) "Port authority" means a port authority created under 135054
Chapter 4582. of the Revised Code. 135055

(b) "Port authority military-use facility" means port 135056
authority facilities on which or adjacent to which is located an 135057
installation of the armed forces of the United States, a reserve 135058
component thereof, or the national guard and at least part of 135059
which is made available for use, for consideration, by the armed 135060

forces of the United States, a reserve component thereof, or the national guard. 135061
135062

(2) For the purpose of contributing revenue to pay 135063
operating expenses of a port authority that operates a port 135064
authority military-use facility, the board of county 135065
commissioners of a county that created, participated in the 135066
creation of, or has joined such a port authority may do one or 135067
both of the following: 135068

(a) Amend a resolution previously adopted under division 135069
(A) of this section to designate some or all of the revenue from 135070
the tax levied under the resolution to be used for that purpose, 135071
notwithstanding that division; 135072

(b) Amend a resolution previously adopted under division 135073
(A) of this section to increase the rate of the tax by not more 135074
than an additional two per cent and use the revenue from the 135075
increase exclusively for that purpose. 135076

(3) If a board of county commissioners amends a resolution 135077
to increase the rate of a tax as authorized in division (E) (2) 135078
(b) of this section, the board also may amend the resolution to 135079
specify that the increase in rate of the tax does not apply to 135080
"hotels," as otherwise defined in section 5739.01 of the Revised 135081
Code, having fewer rooms used for the accommodation of guests 135082
than a number of rooms specified by the board. 135083

(F) (1) A board of county commissioners of a county 135084
organized under a county charter adopted pursuant to Article X, 135085
Section 3, Ohio Constitution, and that levies an excise tax 135086
under division (A) of this section at a rate of three per cent 135087
and levies an additional excise tax under division (O) of this 135088
section at a rate of one and one-half per cent may, by 135089

resolution adopted not later than January 1, 2008, by a majority 135090
of the members of the board, amend the resolution levying a tax 135091
under division (A) of this section to provide for an increase in 135092
the rate of that tax by not more than an additional one per cent 135093
on transactions by which lodging by a hotel is or is to be 135094
furnished to transient guests. Notwithstanding divisions (A) and 135095
(O) of this section, the resolution shall provide that all of 135096
the revenue from the increase in rate, after deducting the real 135097
and actual costs of administering the tax, shall be used to pay 135098
the costs of improving, expanding, equipping, financing, or 135099
operating a convention center by a convention and visitors' 135100
bureau in the county. 135101

(2) The increase in rate shall remain in effect for the 135102
period specified in the resolution, not to exceed ten years, and 135103
may be extended for an additional period of time not to exceed 135104
ten years thereafter by a resolution adopted by a majority of 135105
the members of the board. 135106

(3) The increase in rate shall be subject to the 135107
regulations adopted under division (A) of this section, except 135108
that the resolution may provide that no portion of the revenue 135109
from the increase in the rate shall be returned to townships or 135110
municipal corporations as would otherwise be required under that 135111
division. 135112

(G) (1) Division (G) of this section applies only to a 135113
county with a population greater than sixty-five thousand and 135114
less than seventy thousand according to the most recent federal 135115
decennial census and in which, on December 31, 2006, an excise 135116
tax is levied under division (A) of this section at a rate not 135117
less than and not greater than three per cent, and in which the 135118
most recent increase in the rate of that tax was enacted or took 135119

effect in November 1984. 135120

(2) The board of county commissioners of a county to which 135121
division (G) of this section applies, by resolution adopted by a 135122
majority of the members of the board, may increase the rate of 135123
the tax by not more than one per cent on transactions by which 135124
lodging by a hotel is or is to be furnished to transient guests. 135125
The increase in rate shall be for the purpose of paying expenses 135126
deemed necessary by the convention and visitors' bureau 135127
operating in the county to promote travel and tourism. 135128

(3) The increase in rate shall remain in effect for the 135129
period specified in the resolution, not to exceed twenty years, 135130
provided that the increase in rate may not continue beyond the 135131
time when the purpose for which the increase is levied ceases to 135132
exist. If revenue from the increase in rate is pledged to the 135133
payment of debt charges on securities, the increase in rate is 135134
not subject to diminution by initiative or referendum or by law 135135
for so long as the securities are outstanding, unless provision 135136
is made by law or by the board of county commissioners for an 135137
adequate substitute for that revenue that is satisfactory to the 135138
trustee if a trust agreement secures payment of the debt 135139
charges. 135140

(4) The increase in rate shall be subject to the 135141
regulations adopted under division (A) of this section, except 135142
that the resolution may provide that no portion of the revenue 135143
from the increase in the rate shall be returned to townships or 135144
municipal corporations as would otherwise be required under 135145
division (A) of this section. 135146

(5) A resolution adopted under division (G) of this 135147
section is subject to referendum under sections 305.31 to 305.99 135148
of the Revised Code. 135149

(H) (1) Division (H) of this section applies only to a county satisfying all of the following:

(a) The population of the county is greater than one hundred seventy-five thousand and less than two hundred twenty-five thousand according to the most recent federal decennial census.

(b) An amusement park with an average yearly attendance in excess of two million guests is located in the county.

(c) On December 31, 2014, an excise tax was levied in the county under division (A) of this section at a rate of three per cent.

(2) The board of county commissioners of a county to which division (H) of this section applies, by resolution adopted by a majority of the members of the board, may increase the rate of the tax by not more than one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The increase in rate shall be used to pay the costs of constructing and maintaining facilities owned by the county or by a port authority created under Chapter 4582. of the Revised Code, and designed to host sporting events and expenses deemed necessary by the convention and visitors' bureau operating in the county to promote travel and tourism with reference to the sports facilities, and to pay or pledge to the payment of debt service on securities issued to pay the costs of constructing, operating, and maintaining the sports facilities.

(3) The increase in rate shall remain in effect for the period specified in the resolution. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative

or referendum or by law for so long as the securities are 135179
outstanding, unless provision is made by law or by the board of 135180
county commissioners for an adequate substitute for that revenue 135181
that is satisfactory to the trustee if a trust agreement secures 135182
payment of the debt charges. 135183

(4) The increase in rate shall be subject to the 135184
regulations adopted under division (A) of this section, except 135185
that the resolution may provide that no portion of the revenue 135186
from the increase in the rate shall be returned to townships or 135187
municipal corporations as would otherwise be required under 135188
division (A) of this section. 135189

(I) (1) The board of county commissioners of a county with 135190
a population greater than seventy-five thousand and less than 135191
seventy-eight thousand, by resolution adopted by a majority of 135192
the members of the board not later than October 15, 2015, may 135193
increase the rate of the tax by not more than one per cent on 135194
transactions by which lodging by a hotel is or is to be 135195
furnished to transient guests. The increase in rate shall be for 135196
the purposes described in section 307.679 of the Revised Code or 135197
for the promotion of travel and tourism in the county, including 135198
travel and tourism to sports facilities. 135199

(2) The increase in rate shall remain in effect for the 135200
period specified in the resolution and as necessary to fulfill 135201
the county's obligations under a cooperative agreement entered 135202
into under section 307.679 of the Revised Code. If the 135203
resolution is adopted by the board before September 29, 2015, 135204
but after that enactment becomes law, the increase in rate shall 135205
become effective beginning on September 29, 2015. If revenue 135206
from the increase in rate is pledged to the payment of debt 135207
charges on securities, or to substitute for other revenues 135208

pledged to the payment of such debt, the increase in rate is not 135209
subject to diminution by initiative or referendum or by law for 135210
so long as the securities are outstanding, unless provision is 135211
made by law or by the board of county commissioners for an 135212
adequate substitute for that revenue that is satisfactory to the 135213
trustee if a trust agreement secures payment of the debt 135214
charges. 135215

(3) The increase in rate shall be subject to the 135216
regulations adopted under division (A) of this section, except 135217
that no portion of the revenue from the increase in the rate 135218
shall be returned to townships or municipal corporations as 135219
would otherwise be required under division (A) of this section. 135220

(J) (1) Division (J) of this section applies only to 135221
counties satisfying either of the following: 135222

(a) A county that, on July 1, 2015, does not levy an 135223
excise tax under division (A) of this section and that has a 135224
population of at least thirty-nine thousand but not more than 135225
forty thousand according to the 2010 federal decennial census; 135226

(b) A county that, on July 1, 2015, levies an excise tax 135227
under division (A) of this section at a rate of three per cent 135228
and that has a population of at least seventy-one thousand but 135229
not more than seventy-five thousand according to 2010 federal 135230
decennial census. 135231

(2) The board of county commissioners of a county to which 135232
division (J) of this section applies, by resolution adopted by a 135233
majority of the members of the board, may levy an excise tax at 135234
a rate not to exceed three per cent on transactions by which 135235
lodging by a hotel is or is to be furnished to transient guests 135236
for the purpose of acquiring, constructing, equipping, or 135237

repairing permanent improvements, as defined in section 133.01 135238
of the Revised Code. 135239

(3) If the board does not levy a tax under division (A) of 135240
this section, the board shall establish regulations necessary to 135241
provide for the administration of the tax, which may prescribe 135242
the time for payment of the tax and the imposition of penalty or 135243
interest subject to the limitations on penalty and interest 135244
provided in division (A) of this section. No portion of the 135245
revenue shall be returned to townships or municipal corporations 135246
in the county unless otherwise provided by resolution of the 135247
board. 135248

(4) The tax shall apply throughout the territory of the 135249
county, including in any township or municipal corporation 135250
levying an excise tax under division (A) or (B) of section 135251
5739.08 of the Revised Code. The levy of the tax is subject to 135252
referendum as provided under section 305.31 of the Revised Code. 135253

(5) The tax shall remain in effect for the period 135254
specified in the resolution. If revenue from the increase in 135255
rate is pledged to the payment of debt charges on securities, 135256
the increase in rate is not subject to diminution by initiative 135257
or referendum or by law for so long as the securities are 135258
outstanding unless provision is made by law or by the board for 135259
an adequate substitute for that revenue that is satisfactory to 135260
the trustee if a trust agreement secures payment of the debt 135261
charges. 135262

(K) (1) The board of county commissioners of an eligible 135263
county, as defined in section 307.678 of the Revised Code, that 135264
levies an excise tax under division (A) of this section on July 135265
1, 2017, at a rate of three per cent may, by resolution adopted 135266
by a majority of the members of the board, amend the resolution 135267

levying the tax to increase the rate of the tax by not more than 135268
an additional three per cent on each transaction. 135269

(2) No portion of the revenue shall be returned to 135270
townships or municipal corporations in the county unless 135271
otherwise provided by resolution of the board. Otherwise, the 135272
revenue from the increase in the rate shall be distributed and 135273
used in the same manner described under division (A) of this 135274
section or distributed or used to provide credit enhancement 135275
facilities as authorized under section 307.678 of the Revised 135276
Code. 135277

(3) The increase in rate shall remain in effect for the 135278
period specified in the resolution. If revenue from the increase 135279
in rate is pledged to the payment of debt charges on securities, 135280
the increase in rate is not subject to diminution by initiative 135281
or referendum or by law for so long as the securities are 135282
outstanding unless provision is made by law or by the board for 135283
an adequate substitute for that revenue that is satisfactory to 135284
the trustee if a trust agreement secures payment of the debt 135285
charges. 135286

(L) (1) As used in division (L) of this section: 135287

(a) "Eligible county" means a county that has a population 135288
greater than one hundred ninety thousand and less than two 135289
hundred thousand according to the 2010 federal decennial census 135290
and that levies an excise tax under division (A) of this section 135291
at a rate of three per cent. 135292

(b) "Professional sports facility" means a sports facility 135293
that is intended to house major or minor league professional 135294
athletic teams, including a stadium, together with all parking 135295
facilities, walkways, and other auxiliary facilities, real and 135296

personal property, property rights, easements, and interests 135297
that may be appropriate for, or used in connection with, the 135298
operation of the facility. 135299

(2) Subject to division (L)(3) of this section, the board 135300
of county commissioners of an eligible county, by resolution 135301
adopted by a majority of the members of the board, may increase 135302
the rate of the tax by not more than one per cent on 135303
transactions by which lodging by a hotel is or is to be 135304
furnished to transient guests. Revenue from the increase in rate 135305
shall be used for the purposes of paying the costs of 135306
constructing, improving, and maintaining a professional sports 135307
facility in the county and paying expenses considered necessary 135308
by the convention and visitors' bureau operating in the county 135309
to promote travel and tourism with respect to that professional 135310
sports facility. The tax shall take effect only after the 135311
convention and visitors' bureau enters into a contract for the 135312
construction, improvement, or maintenance of a professional 135313
sports facility that is or will be located on property acquired, 135314
in whole or in part, with revenue from the increased rate, and 135315
thereafter shall remain in effect for the period specified in 135316
the resolution. If revenue from the increase in rate is pledged 135317
to the payment of debt charges on securities, the increase in 135318
rate is not subject to diminution by initiative or referendum or 135319
by law for so long as the securities are outstanding, unless a 135320
provision is made by law or by the board of county commissioners 135321
for an adequate substitute for that revenue that is satisfactory 135322
to the trustee if a trust agreement secures payment of the debt 135323
charges. The increase in rate shall be subject to the 135324
regulations adopted under division (A) of this section, except 135325
that the resolution may provide that no portion of the revenue 135326
from the increase in the rate shall be returned to townships or 135327

municipal corporations as would otherwise be required under 135328
division (A) of this section. 135329

(3) If, on December 31, 2019, the convention and visitors' 135330
bureau has not entered into a contract for the construction, 135331
improvement, or maintenance of a professional sports facility 135332
that is or will be located on property acquired, in whole or in 135333
part, with revenue from the increased rate, the authority to 135334
levy the tax under division (L) (2) of this section is hereby 135335
repealed on that date. 135336

(M) (1) For the purposes described in section 307.695 of 135337
the Revised Code and to cover the costs of administering the 135338
tax, a board of county commissioners of a county where a tax 135339
imposed under division (A) of this section is in effect may, by 135340
resolution adopted within ninety days after July 15, 1985, by a 135341
majority of the members of the board, levy an additional excise 135342
tax not to exceed three per cent on transactions by which 135343
lodging by a hotel is or is to be furnished to transient guests. 135344
The tax authorized by division (M) of this section shall be in 135345
addition to any tax that is levied pursuant to divisions (A) to 135346
(L) of this section, but it shall not apply to transactions 135347
subject to a tax levied by a municipal corporation or township 135348
pursuant to section 5739.08 of the Revised Code. 135349

(2) The board shall establish all regulations necessary to 135350
provide for the administration and allocation of the tax. The 135351
regulations may prescribe the time for payment of the tax, and 135352
may provide for the imposition of a penalty or interest, or 135353
both, for late payments, provided that the penalty does not 135354
exceed ten per cent of the amount of tax due, and the rate at 135355
which interest accrues does not exceed the rate per annum 135356
prescribed pursuant to section 5703.47 of the Revised Code. 135357

(3) All revenues arising from the tax shall be expended in accordance with section 307.695 of the Revised Code. The board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code may, by resolution adopted by a majority of the members of the board, amend the resolution levying a tax under this division to provide that the revenue from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code.

(4) A tax imposed under this division shall remain in effect at the rate at which it is imposed for the duration of the period during which any agreement entered into by the board under section 307.695 of the Revised Code is in effect, the duration of the period during which any securities issued by the board under division (I) of section 307.695 of the Revised Code are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest.

(N) (1) For the purpose of providing contributions under division (B) (1) of section 307.671 of the Revised Code to enable the acquisition, construction, and equipping of a port authority educational and cultural facility in the county and, to the extent provided for in the cooperative agreement authorized by that section, for the purpose of paying debt service charges on bonds, or notes in anticipation of bonds, described in division (B) (1) (b) of that section, a board of county commissioners, by resolution adopted within ninety days after December 22, 1992, by a majority of the members of the board, may levy an additional excise tax not to exceed one and one-half per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The excise tax authorized by division (N) of this section shall be in addition to any tax

that is levied pursuant to divisions (A) to (M) of this section, 135389
to any excise tax levied pursuant to section 5739.08 of the 135390
Revised Code, and to any excise tax levied pursuant to section 135391
351.021 of the Revised Code. 135392

(2) The board of county commissioners shall establish all 135393
regulations necessary to provide for the administration and 135394
allocation of the tax that are not inconsistent with this 135395
section or section 307.671 of the Revised Code. The regulations 135396
may prescribe the time for payment of the tax, and may provide 135397
for the imposition of a penalty or interest, or both, for late 135398
payments, provided that the penalty does not exceed ten per cent 135399
of the amount of tax due, and the rate at which interest accrues 135400
does not exceed the rate per annum prescribed pursuant to 135401
section 5703.47 of the Revised Code. 135402

(3) All revenues arising from the tax shall be expended in 135403
accordance with section 307.671 of the Revised Code and division 135404
(N) of this section. The levy of a tax imposed under division 135405
(N) of this section may not commence prior to the first day of 135406
the month next following the execution of the cooperative 135407
agreement authorized by section 307.671 of the Revised Code by 135408
all parties to that agreement. 135409

(4) The tax shall remain in effect at the rate at which it 135410
is imposed for the period of time described in division (C) of 135411
section 307.671 of the Revised Code for which the revenue from 135412
the tax has been pledged by the county to the corporation 135413
pursuant to that section, but, to any extent provided for in the 135414
cooperative agreement, for no lesser period than the period of 135415
time required for payment of the debt service charges on bonds, 135416
or notes in anticipation of bonds, described in division (B) (1) 135417
(b) of that section. 135418

(O) (1) For the purpose of paying the costs of acquiring, 135419
constructing, equipping, and improving a municipal educational 135420
and cultural facility, including debt service charges on bonds 135421
provided for in division (B) of section 307.672 of the Revised 135422
Code, and for any additional purposes determined by the county 135423
in the resolution levying the tax or amendments to the 135424
resolution, including subsequent amendments providing for paying 135425
costs of acquiring, constructing, renovating, rehabilitating, 135426
equipping, and improving a port authority educational and 135427
cultural performing arts facility, as defined in section 307.674 135428
of the Revised Code, and including debt service charges on bonds 135429
provided for in division (B) of section 307.674 of the Revised 135430
Code, the legislative authority of a county, by resolution 135431
adopted within ninety days after June 30, 1993, by a majority of 135432
the members of the legislative authority, may levy an additional 135433
excise tax not to exceed one and one-half per cent on 135434
transactions by which lodging by a hotel is or is to be 135435
furnished to transient guests. The excise tax authorized by 135436
division (O) of this section shall be in addition to any tax 135437
that is levied pursuant to divisions (A) to (N) of this section, 135438
to any excise tax levied pursuant to section 5739.08 of the 135439
Revised Code, and to any excise tax levied pursuant to section 135440
351.021 of the Revised Code. 135441

(2) The legislative authority of the county shall 135442
establish all regulations necessary to provide for the 135443
administration and allocation of the tax. The regulations may 135444
prescribe the time for payment of the tax, and may provide for 135445
the imposition of a penalty or interest, or both, for late 135446
payments, provided that the penalty does not exceed ten per cent 135447
of the amount of tax due, and the rate at which interest accrues 135448
does not exceed the rate per annum prescribed pursuant to 135449

section 5703.47 of the Revised Code. 135450

(3) All revenues arising from the tax shall be expended in 135451
accordance with section 307.672 of the Revised Code and this 135452
division. The levy of a tax imposed under this division shall 135453
not commence prior to the first day of the month next following 135454
the execution of the cooperative agreement authorized by section 135455
307.672 of the Revised Code by all parties to that agreement. 135456
The tax shall remain in effect at the rate at which it is 135457
imposed for the period of time determined by the legislative 135458
authority of the county. That period of time shall not exceed 135459
fifteen years, except that the legislative authority of a county 135460
with a population of less than two hundred fifty thousand 135461
according to the most recent federal decennial census, by 135462
resolution adopted by a majority of its members before the 135463
original tax or any extension thereof expires, may extend the 135464
duration of the tax for an additional period of time. The 135465
additional period of time by which a legislative authority 135466
extends a tax levied under division (O) of this section shall 135467
not exceed fifteen years. 135468

(P) (1) The legislative authority of a county that has 135469
levied a tax under division (O) of this section may, by 135470
resolution adopted within one hundred eighty days after January 135471
4, 2001, by a majority of the members of the legislative 135472
authority, amend the resolution levying a tax under that 135473
division to provide for the use of the proceeds of that tax, to 135474
the extent that it is no longer needed for its original purpose 135475
as determined by the parties to a cooperative agreement 135476
amendment pursuant to division (D) of section 307.672 of the 135477
Revised Code, to pay costs of acquiring, constructing, 135478
renovating, rehabilitating, equipping, and improving a port 135479
authority educational and cultural performing arts facility, 135480

including debt service charges on bonds provided for in division 135481
(B) of section 307.674 of the Revised Code, and to pay all 135482
obligations under any guaranty agreements, reimbursement 135483
agreements, or other credit enhancement agreements described in 135484
division (C) of section 307.674 of the Revised Code. 135485

(2) The resolution may also provide for the extension of 135486
the tax at the same rate for the longer of the period of time 135487
determined by the legislative authority of the county, but not 135488
to exceed an additional twenty-five years, or the period of time 135489
required to pay all debt service charges on bonds provided for 135490
in division (B) of section 307.672 of the Revised Code and on 135491
port authority revenue bonds provided for in division (B) of 135492
section 307.674 of the Revised Code. 135493

(3) All revenues arising from the amendment and extension 135494
of the tax shall be expended in accordance with section 307.674 135495
of the Revised Code and divisions (O) and (P) of this section. 135496

(Q) (1) As used in division (Q) of this section: 135497

(a) "Convention facilities authority" has the same meaning 135498
as in section 351.01 of the Revised Code. 135499

(b) "Convention center" has the same meaning as in section 135500
307.695 of the Revised Code. 135501

(2) Notwithstanding any contrary provision of division (N) 135502
of this section, the legislative authority of a county with a 135503
population of one million or more according to the most recent 135504
federal decennial census that has levied a tax under division 135505
(N) of this section may, by resolution adopted by a majority of 135506
the members of the legislative authority, provide for the 135507
extension of such levy and may provide that the proceeds of that 135508
tax, to the extent that they are no longer needed for their 135509

original purpose as defined by a cooperative agreement entered 135510
into under section 307.671 of the Revised Code, shall be 135511
deposited into the county general revenue fund. The resolution 135512
shall provide for the extension of the tax at a rate not to 135513
exceed the rate specified in division (N) of this section for a 135514
period of time determined by the legislative authority of the 135515
county, but not to exceed an additional forty years. 135516

(3) The legislative authority of a county with a 135517
population of one million or more that has levied a tax under 135518
division (A) of this section may, by resolution adopted by a 135519
majority of the members of the legislative authority, increase 135520
the rate of the tax levied by such county under division (A) of 135521
this section to a rate not to exceed five per cent on 135522
transactions by which lodging by a hotel is or is to be 135523
furnished to transient guests. Notwithstanding any contrary 135524
provision of division (A) of this section, the resolution may 135525
provide that all collections resulting from the rate levied in 135526
excess of three per cent, after deducting the real and actual 135527
costs of administering the tax, shall be deposited in the county 135528
general fund. 135529

(4) The legislative authority of a county with a 135530
population of one million or more that has levied a tax under 135531
division (A) of this section may, by resolution adopted on or 135532
before August 30, 2004, by a majority of the members of the 135533
legislative authority, provide that all or a portion of the 135534
proceeds of the tax levied under division (A) of this section, 135535
after deducting the real and actual costs of administering the 135536
tax and the amounts required to be returned to townships and 135537
municipal corporations with respect to the first three per cent 135538
levied under division (A) of this section, shall be deposited in 135539
the county general fund, provided that such proceeds shall be 135540

used to satisfy any pledges made in connection with an agreement 135541
entered into under section 307.695 of the Revised Code. 135542

(5) No amount collected from a tax levied, extended, or 135543
required to be deposited in the county general fund under 135544
division (Q) of this section shall be contributed to a 135545
convention facilities authority, corporation, or other entity 135546
created after July 1, 2003, for the principal purpose of 135547
constructing, improving, expanding, equipping, financing, or 135548
operating a convention center unless the mayor of the municipal 135549
corporation in which the convention center is to be operated by 135550
that convention facilities authority, corporation, or other 135551
entity has consented to the creation of that convention 135552
facilities authority, corporation, or entity. Notwithstanding 135553
any contrary provision of section 351.04 of the Revised Code, if 135554
a tax is levied by a county under division (Q) of this section, 135555
the board of county commissioners of that county may determine 135556
the manner of selection, the qualifications, the number, and 135557
terms of office of the members of the board of directors of any 135558
convention facilities authority, corporation, or other entity 135559
described in division (Q) (5) of this section. 135560

(6) (a) No amount collected from a tax levied, extended, or 135561
required to be deposited in the county general fund under 135562
division (Q) of this section may be used for any purpose other 135563
than paying the direct and indirect costs of constructing, 135564
improving, expanding, equipping, financing, or operating a 135565
convention center and for the real and actual costs of 135566
administering the tax, unless, prior to the adoption of the 135567
resolution of the legislative authority of the county 135568
authorizing the levy, extension, increase, or deposit, the 135569
county and the mayor of the most populous municipal corporation 135570
in that county have entered into an agreement as to the use of 135571

such amounts, provided that such agreement has been approved by 135572
a majority of the mayors of the other municipal corporations in 135573
that county. The agreement shall provide that the amounts to be 135574
used for purposes other than paying the convention center or 135575
administrative costs described in division (Q) (6) (a) of this 135576
section be used only for the direct and indirect costs of 135577
capital improvements, including the financing of capital 135578
improvements, except that the agreement may subsequently be 135579
amended by the parties that have entered into that agreement to 135580
authorize such amounts to instead be used for any costs related 135581
to the promotion or support of tourism or tourism-related 135582
programs. 135583

(b) If the county in which the tax is levied has an 135584
association of mayors and city managers, the approval of that 135585
association of an agreement described in division (Q) (6) (a) of 135586
this section shall be considered to be the approval of the 135587
majority of the mayors of the other municipal corporations for 135588
purposes of that division. 135589

(7) Each year, the auditor of state shall conduct an audit 135590
of the uses of any amounts collected from taxes levied, 135591
extended, or deposited under division (Q) of this section and 135592
shall prepare a report of the auditor of state's findings. The 135593
auditor of state shall submit the report to the legislative 135594
authority of the county that has levied, extended, or deposited 135595
the tax, the speaker of the house of representatives, the 135596
president of the senate, and the leaders of the minority parties 135597
of the house of representatives and the senate. 135598

(R) (1) As used in division (R) of this section: 135599

(a) "Convention facilities authority" has the same meaning 135600
as in section 351.01 of the Revised Code. 135601

(b) "Convention center" has the same meaning as in section 135602
307.695 of the Revised Code. 135603

(2) Notwithstanding any contrary provision of division (N) 135604
of this section, the legislative authority of a county with a 135605
population of one million two hundred thousand or more according 135606
to the most recent federal decennial census or the most recent 135607
annual population estimate published or released by the United 135608
States census bureau at the time the resolution is adopted 135609
placing the levy on the ballot, that has levied a tax under 135610
division (N) of this section may, by resolution adopted by a 135611
majority of the members of the legislative authority, provide 135612
for the extension of such levy and may provide that the proceeds 135613
of that tax, to the extent that the proceeds are no longer 135614
needed for their original purpose as defined by a cooperative 135615
agreement entered into under section 307.671 of the Revised Code 135616
and after deducting the real and actual costs of administering 135617
the tax, shall be used for paying the direct and indirect costs 135618
of constructing, improving, expanding, equipping, financing, or 135619
operating a convention center. The resolution shall provide for 135620
the extension of the tax at a rate not to exceed the rate 135621
specified in division (N) of this section for a period of time 135622
determined by the legislative authority of the county, but not 135623
to exceed an additional forty years. 135624

(3) The legislative authority of a county with a 135625
population of one million two hundred thousand or more that has 135626
levied a tax under division (A) of this section may, by 135627
resolution adopted by a majority of the members of the 135628
legislative authority, increase the rate of the tax levied by 135629
such county under division (A) of this section to a rate not to 135630
exceed five per cent on transactions by which lodging by a hotel 135631
is or is to be furnished to transient guests. Notwithstanding 135632

any contrary provision of division (A) of this section, the 135633
resolution shall provide that all collections resulting from the 135634
rate levied in excess of three per cent, after deducting the 135635
real and actual costs of administering the tax, shall be used 135636
for paying the direct and indirect costs of constructing, 135637
improving, expanding, equipping, financing, or operating a 135638
convention center. 135639

(4) The legislative authority of a county with a 135640
population of one million two hundred thousand or more that has 135641
levied a tax under division (A) of this section may, by 135642
resolution adopted on or before July 1, 2008, by a majority of 135643
the members of the legislative authority, provide that all or a 135644
portion of the proceeds of the tax levied under division (A) of 135645
this section, after deducting the real and actual costs of 135646
administering the tax and the amounts required to be returned to 135647
townships and municipal corporations with respect to the first 135648
three per cent levied under division (A) of this section, shall 135649
be used to satisfy any pledges made in connection with an 135650
agreement entered into under section 307.695 of the Revised Code 135651
or shall otherwise be used for paying the direct and indirect 135652
costs of constructing, improving, expanding, equipping, 135653
financing, or operating a convention center. 135654

(5) Any amount collected from a tax levied or extended 135655
under division (R) of this section may be contributed to a 135656
convention facilities authority created before July 1, 2005, but 135657
no amount collected from a tax levied or extended under division 135658
(R) of this section may be contributed to a convention 135659
facilities authority, corporation, or other entity created after 135660
July 1, 2005, unless the mayor of the municipal corporation in 135661
which the convention center is to be operated by that convention 135662
facilities authority, corporation, or other entity has consented 135663

to the creation of that convention facilities authority, 135664
corporation, or entity. 135665

(S) As used in division (S) of this section, "soldiers' 135666
memorial" means a memorial constructed and funded under Chapter 135667
345. of the Revised Code. 135668

The board of county commissioners of a county with a 135669
population between one hundred three thousand and one hundred 135670
seven thousand according to the most recent federal decennial 135671
census, by resolution adopted by a majority of the members of 135672
the board within six months after September 15, 2014, may levy a 135673
tax not to exceed three per cent on transactions by which a 135674
hotel is or is to be furnished to transient guests. The purpose 135675
of the tax shall be to pay the costs of expanding, maintaining, 135676
or operating a soldiers' memorial and the costs of administering 135677
the tax. All revenue arising from the tax shall be credited to 135678
one or more special funds in the county treasury and shall be 135679
spent solely for the purposes of paying those costs. 135680

The board of county commissioners shall adopt all rules 135681
necessary to provide for the administration of the tax subject 135682
to the same limitations on imposing penalty or interest under 135683
division (A) of this section. 135684

(T) As used in division (T) of this section: 135685

(1) "Eligible county" means a county in which a county 135686
agricultural society or independent agricultural society is 135687
organized under section 1711.01 or 1711.02 of the Revised Code, 135688
provided the agricultural society owns a facility or site in the 135689
county at which an annual harness horse race is conducted where 135690
one-day attendance equals at least forty thousand attendees. 135691

(2) "Permanent improvements," "debt charges," and 135692

"financing costs" have the same meanings as in section 133.01 of the Revised Code. 135693
135694

(3) "Costs of permanent improvements" include all costs allowed in section 133.15 of the Revised Code. 135695
135696

A board of county commissioners of an eligible county, by resolution adopted by a majority of the members of the board, may levy an excise tax at the rate of up to three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests for the purpose of paying the costs of permanent improvements at sites at which one or more agricultural societies conduct fairs or exhibits, including paying financing costs and debt charges on bonds, or notes in anticipation of bonds, paying the costs of maintaining or operating such permanent improvements, and paying the costs of administering the tax. 135697
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A resolution adopted under division (T) of this section, other than a resolution that only extends the period of time for which the tax is levied, shall direct the board of elections to submit the question of the proposed lodging tax to the electors of the county at a special election held on the date specified by the board in the resolution, provided that the election occurs not less than ninety days after a certified copy of the resolution is transmitted to the board of elections. A resolution submitted to the electors under division (T) of this section shall not go into effect unless it is approved by a majority of those voting upon it. The resolution takes effect on the date the board of county commissioners receives notification from the board of elections of an affirmative vote. 135708
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The tax shall remain in effect for the period specified in the resolution, not to exceed five years, and may be extended 135721
135722

for an additional period of years that is at least the number of 135723
years required for payment of the debt charges on bonds or notes 135724
in anticipation of bonds authorized under this division but not 135725
in excess of fifteen years thereafter by a resolution adopted by 135726
a majority of the members of the board. A resolution extending 135727
the period of time for which the tax is in effect is not subject 135728
to approval of the electors of the county, but is subject to 135729
referendum under sections 305.31 to 305.99 of the Revised Code. 135730
All revenue arising from the tax shall be credited to one or 135731
more special funds in the county treasury and shall be spent 135732
solely for the purposes of paying the costs of such permanent 135733
improvements, including paying financing costs and debt charges 135734
on bonds, or notes in anticipation of bonds, and maintaining or 135735
operating the improvements. Revenue allocated for the use of a 135736
county agricultural society may be credited to the county 135737
agricultural society fund created in section 1711.16 of the 135738
Revised Code upon appropriation by the board. If revenue is 135739
credited to that fund, it shall be expended only as provided in 135740
that section. 135741

The board of county commissioners shall adopt all rules 135742
necessary to provide for the administration of the tax. The 135743
rules may prescribe the time for payment of the tax, and may 135744
provide for the imposition or penalty or interest, or both, for 135745
late payments, provided that the penalty does not exceed ten per 135746
cent of the amount of tax due, and the rate at which interest 135747
accrues does not exceed the rate per annum prescribed in section 135748
5703.47 of the Revised Code. 135749

The board of county commissioners may issue bonds, or 135750
notes in anticipation thereof, pursuant to Chapter 133. of the 135751
Revised Code, for the purpose of paying the costs of permanent 135752
improvements as authorized in this division and pledge the 135753

revenue arising from the tax for that purpose. The board of 135754
county commissioners may pledge or contribute the revenue 135755
arising from the tax levied under this division to a port 135756
authority created under Chapter 4582. of the Revised Code, and 135757
the port authority may issue bonds, or notes in anticipation 135758
thereof, pursuant to that chapter, for the purpose of paying the 135759
costs of permanent improvements as authorized in this division. 135760

(U) As used in division (U) of this section, "eligible 135761
county" means a county in which a tax is levied under division 135762
(A) of this section at a rate of three per cent and whose 135763
territory includes a part of Lake Erie the shoreline of which 135764
represents at least fifty per cent of the linear length of the 135765
county's border with other counties of this state. 135766

The board of county commissioners of an eligible county 135767
that has entered into an agreement with a port authority in the 135768
county under section 4582.56 of the Revised Code may levy an 135769
additional lodging tax on transactions by which lodging by a 135770
hotel is or is to be furnished to transient guests for the 135771
purpose of financing lakeshore improvement projects constructed 135772
or financed by the port authority under that section. The 135773
resolution levying the tax shall specify the purpose of the tax, 135774
the rate of the tax, which shall not exceed two per cent, and 135775
the number of years the tax will be levied or that it will be 135776
levied for a continuing period of time. The tax shall be 135777
administered pursuant to the regulations adopted by the board 135778
under division (A) of this section, except that all the proceeds 135779
of the tax levied under this division shall be pledged to the 135780
payment of the costs, including debt charges, of lakeshore 135781
improvements undertaken by a port authority pursuant to the 135782
agreement under section 4582.56 of the Revised Code. No revenue 135783
from the tax may be used to pay the current expenses of the port 135784

authority. 135785

A resolution levying a tax under division (U) of this 135786
section is subject to referendum under sections 305.31 to 305.41 135787
and 305.99 of the Revised Code. 135788

(V) (1) As used in division (V) of this section: 135789

(a) "Tourism development district" means a district 135790
designated by a municipal corporation under section 715.014 of 135791
the Revised Code or by a township under section 503.56 of the 135792
Revised Code. 135793

(b) "Lodging tax" means a tax levied pursuant to this 135794
section or section 5739.08 of the Revised Code. 135795

(c) "Tourism development district lodging tax proceeds" 135796
means all proceeds of a lodging tax derived from transactions by 135797
which lodging by a hotel located in a tourism development 135798
district is or is to be provided to transient guests. 135799

(d) "Eligible county" has the same meaning as in section 135800
307.678 of the Revised Code. 135801

(2) (a) Notwithstanding division (A) of this section, the 135802
board of county commissioners, board of township trustees, or 135803
legislative authority of any county, township, or municipal 135804
corporation that levies a lodging tax on September 29, 2017, and 135805
in which any part of a tourism development district is located 135806
on or after that date shall amend the ordinance or resolution 135807
levying the tax to require either of the following: 135808

(i) In the case of a tax levied by a county, that all 135809
tourism development district lodging tax proceeds from that tax 135810
be used exclusively to foster and develop tourism in the tourism 135811
development district; 135812

(ii) In the case of a tax levied by a township or 135813
municipal corporation, that all tourism development district 135814
lodging tax proceeds from that tax be used exclusively to foster 135815
and develop tourism in the tourism development district. 135816

(b) Notwithstanding division (A) of this section, any 135817
ordinance or resolution levying a lodging tax adopted on or 135818
after September 29, 2017, by a county, township, or municipal 135819
corporation in which any part of a tourism development district 135820
is located on or after that date shall require that all tourism 135821
development district lodging tax proceeds from that tax be used 135822
exclusively to foster and develop tourism in the tourism 135823
development district. 135824

(c) A county shall not use any of the proceeds described 135825
in division (V) (2) (a) (i) or (V) (2) (b) of this section unless the 135826
convention and visitors' bureau operating within the county 135827
approves the manner in which such proceeds are used to foster 135828
and develop tourism in the tourism development district. Upon 135829
obtaining such approval, the county may pay such proceeds to the 135830
bureau to use for the agreed-upon purpose. 135831

A municipal corporation or township shall not use any of 135832
the proceeds described in division (V) (2) (a) (ii) or (V) (2) (b) of 135833
this section unless the convention and visitors' bureau 135834
operating within the municipal corporation or township approves 135835
the manner in which such proceeds are used to foster and develop 135836
tourism in the tourism development district. Upon obtaining such 135837
approval, the municipal corporation or township may pay such 135838
proceeds to the bureau to use for the agreed-upon purpose. 135839

(3) (a) Notwithstanding division (A) of this section, the 135840
board of county commissioners of an eligible county that levies 135841
a lodging tax on March 23, 2018, may amend the resolution 135842

levying that tax to require that all or a portion of the 135843
proceeds of that tax otherwise required to be spent solely to 135844
make contributions to the convention and visitors' bureau 135845
operating within the county shall be used to foster and develop 135846
tourism in a tourism development district. 135847

(b) Notwithstanding division (A) of this section, the 135848
board of county commissioners of an eligible county that adopts 135849
a resolution levying a lodging tax on or after March 23, 2018, 135850
may require that all or a portion of the proceeds of that tax 135851
otherwise required to be spent solely to make contributions to 135852
the convention and visitors' bureau operating within the county 135853
pursuant to division (A) of this section shall be used to foster 135854
and develop tourism in a tourism development district. 135855

(c) A county shall not use any of the proceeds in the 135856
manner described in division (V) (3) (a) or (b) of this section 135857
unless the convention and visitors' bureau operating within the 135858
county approves the manner in which such proceeds are used to 135859
foster and develop tourism in the tourism development district. 135860
Upon obtaining such approval, the county may pay such proceeds 135861
to the bureau to use for the agreed upon purpose. 135862

(W) (1) As used in division (W) of this section: 135863

(a) "Eligible county" means a county with a population 135864
greater than three hundred thousand and less than three hundred 135865
fifty thousand that levies a tax under division (A) of this 135866
section at a rate of three per cent; 135867

(b) "Cost" and "facility" have the same meanings as in 135868
section 351.01 of the Revised Code. 135869

(2) A board of county commissioners of an eligible county, 135870
by resolution adopted by a majority of the members of the board, 135871

may levy an excise tax at the rate of up to three per cent on 135872
transactions by which lodging by a hotel is or is to be 135873
furnished to transient guests. All of the revenue from the tax 135874
shall be used to pay the costs of administering the tax or 135875
pledged and contributed to a convention facilities authority 135876
established by the board of county commissioners under Chapter 135877
351. of the Revised Code and used by the authority to pay the 135878
cost of constructing a facility in the county, including paying 135879
bonds, or notes issued in anticipation of bonds, as provided by 135880
that chapter, or paying the expenses of maintaining, operating, 135881
or promoting such a facility. No portion of the revenue arising 135882
from the tax need be returned to municipal corporations or 135883
townships as required for taxes levied under division (A) of 135884
this section. 135885

(3) A resolution adopted under division (W) of this 135886
section shall direct the board of elections to submit the 135887
question of the proposed lodging tax to the electors of the 135888
county at a special election held on the date specified by the 135889
board in the resolution, provided that the election occurs not 135890
less than ninety days after a certified copy of the resolution 135891
is transmitted to the board of elections. A resolution submitted 135892
to the electors under division (W) of this section shall not go 135893
into effect unless it is approved by a majority of those voting 135894
upon it. The resolution takes effect on the date the board of 135895
county commissioners receives notification from the board of 135896
elections of an affirmative vote. 135897

(4) Once the tax is approved by the electors of the county 135898
pursuant to division (W) (3) of this section, it shall not be 135899
subject to diminution by initiative or referendum or by law 135900
while any bonds, or notes in anticipation of bonds, issued by 135901
the authority under Chapter 351. of the Revised Code to which 135902

the revenue is pledged, remain outstanding in accordance with 135903
their terms, unless provision is made by law or by the board of 135904
county commissioners for an adequate substitute therefore that 135905
is satisfactory to the trustee if a trust agreement secures the 135906
bonds. 135907

(5) The tax authorized by division (W) of this section 135908
shall be in addition to any other tax that is levied pursuant to 135909
this section. 135910

(X) (1) As used in division (X) of this section: 135911

(a) "Convention facilities authority," "cost," and 135912
"facility" have the same meanings as in section 351.01 of the 135913
Revised Code, except that "facility" does not include a "sports 135914
facility," as that term is defined in that section, other than a 135915
facility intended to house a major league soccer team. 135916

(b) "Eligible county" means a county with a population 135917
greater than eight hundred thousand but less than one million 135918
that levies a tax under division (A) of this section. 135919

(c) "Port authority" means a port authority created under 135920
Chapter 4582. of the Revised Code. 135921

(2) A board of county commissioners or the legislative 135922
authority of an eligible county may, by resolution adopted by a 135923
majority of the members of the board or legislative authority, 135924
levy an excise tax at a rate not to exceed one per cent on 135925
transactions by which lodging by a hotel is or is to be 135926
furnished to transient guests. All revenue arising from the tax 135927
shall be used to pay the costs of administering the tax or 135928
pledged and contributed to the convention and visitors' bureau 135929
operating within the applicable eligible county, a convention 135930
facilities authority within the applicable eligible county, or a 135931

port authority and used by the convention and visitors' bureau, 135932
the convention facilities authority, or the port authority to 135933
pay the cost of acquiring, constructing, renovating, expanding, 135934
maintaining, or operating one or more facilities in the county, 135935
including paying bonds, or notes issued in anticipation of 135936
bonds, or paying the expenses of maintaining, operating, or 135937
promoting one or more facilities. No portion of the revenue 135938
arising from the tax need be returned to municipal corporations 135939
or townships as required for taxes levied under division (A) of 135940
this section. 135941

(3) The tax authorized by division (X) of this section 135942
shall be in addition to any other tax that is levied pursuant to 135943
this section. 135944

(4) Any board of county commissioners of an eligible 135945
county that, pursuant to division (D) (2) of this section, has 135946
amended a resolution levying the tax authorized by division (A) 135947
of this section may further amend the resolution to provide that 135948
all or a portion of the revenue referred to in division (D) (2) 135949
(b) of this section and division (A) of this section may be 135950
pledged and contributed to pay the costs of acquiring, 135951
constructing, renovating, expanding, maintaining, or operating 135952
one or more facilities in the county, including paying bonds, or 135953
notes issued in anticipation of bonds, or paying the expenses of 135954
maintaining, operating, or promoting one or more facilities. 135955

(Y) For the purpose of contributing revenue to pay for 135956
public safety services in a resort area designated under section 135957
5739.101 of the Revised Code, a board of county commissioners 135958
may amend a resolution adopted under division (A) of this 135959
section to increase the rate of the tax by not more than an 135960
additional one per cent, so long as the total tax rate levied 135961

under this section by that county does not exceed five per cent. 135962
The revenue from that increase shall be used exclusively to pay 135963
for public safety services in the resort area. 135964

Sec. 5739.092. (A) Except as provided in division (B) or 135965
(C) of this section, money collected by a county and distributed 135966
under section 5739.09 of the Revised Code to a convention and 135967
visitors' bureau in existence as of June 30, 2013, except for 135968
any such money pledged, as of that date, to the payment of debt 135969
service charges on bonds, notes, securities, or lease 135970
agreements, shall be used solely for tourism sales, marketing 135971
and promotion, and their associated costs, including operational 135972
and administrative costs of the bureau, sales and marketing, and 135973
maintenance of the physical bureau structure. 135974

(B) A convention and visitors' bureau that has entered 135975
into an agreement under section 307.678 of the Revised Code may 135976
use revenue it receives from a tax levied under division (A) of 135977
section 5739.09 of the Revised Code as described in division (E) 135978
of section 307.678 of the Revised Code. 135979

(C) The convention and visitors' bureau of a county with a 135980
population of less than one hundred thousand and annual receipts 135981
from one or more taxes levied pursuant to section 5739.09 of the 135982
Revised Code in excess of five hundred thousand dollars, may, in 135983
addition to the purposes specified in division (A) of this 135984
section, spend revenue from a tax levied under section 5739.09 135985
of the Revised Code to pay the costs of public safety services, 135986
an economic development project, or an infrastructure project, 135987
provided the services or project impact tourism. 135988

Sec. 5739.101. (A) The legislative authority of a 135989
municipal corporation, by ordinance or resolution, or of a 135990
township, by resolution, may declare the municipal corporation 135991

or township to be a resort area for the purposes of this 135992
section, if all of the following criteria are met: 135993

(1) According to statistics published by the federal 135994
government based on data compiled during the most recent 135995
decennial census of the United States, at least sixty-two per 135996
cent of total housing units in the municipal corporation or 135997
township are classified as "for seasonal, recreational, or 135998
occasional use"; 135999

(2) Entertainment and recreation facilities are provided 136000
within the municipal corporation or township that are primarily 136001
intended to provide seasonal leisure time activities for persons 136002
other than permanent residents of the municipal corporation or 136003
township; 136004

(3) The municipal corporation or township experiences 136005
seasonal peaks of employment and demand for government services 136006
as a direct result of the seasonal population increase. 136007

(B) For the purpose of providing revenue for its general 136008
fund, the legislative authority of a municipal corporation or 136009
township, in its ordinance or resolution declaring itself a 136010
resort area under this section, may levy a tax on the privilege 136011
of engaging in the business of either of the following: 136012

(1) Making sales in the municipal corporation or township, 136013
whether wholesale or retail, but including sales of food only to 136014
the extent such sales are subject to the tax levied under 136015
section 5739.02 of the Revised Code; 136016

(2) Intrastate transportation of passengers or property 136017
primarily to or from the municipal corporation or township by a 136018
railroad, watercraft, or motor vehicle subject to regulation by 136019
the public utilities commission, except not including 136020

transportation of passengers as part of a tour or cruise in 136021
which the passengers will stay in the municipal corporation or 136022
township for no more than one hour. 136023

The tax is imposed upon and shall be paid by the person 136024
making the sales or transporting the passengers or property. ~~The~~ 136025
Except as provided in division (G) of this section, the rate of 136026
the tax shall be one-half, one, or one and one-half per cent of 136027
the person's gross receipts derived from making the sales or 136028
transporting the passengers or property to or from the municipal 136029
corporation or township. 136030

(C) For the purpose of fostering and developing tourism in 136031
a tourism development district designated under section 503.56 136032
or 715.014 of the Revised Code, the legislative authority of a 136033
municipal corporation or township, by ordinance or resolution 136034
adopted on or before December 31, 2020, may levy a tax on the 136035
privilege of engaging in the business of making sales in the 136036
tourism development district, whether wholesale or retail, but 136037
including sales of food only to the extent such sales are 136038
subject to the tax levied under section 5739.02 of the Revised 136039
Code. 136040

The tax is imposed upon and shall be paid by the person 136041
making the sales. The rate of the tax shall be one-half, one, 136042
one and one-half, or two per cent of the person's gross receipts 136043
derived from making the sales in the tourism development 136044
district. 136045

(D) A tax levied under division (B) or (C) of this section 136046
shall take effect on the first day of the month that begins at 136047
least sixty days after the effective date of the ordinance or 136048
resolution by which it is levied. The legislative authority 136049
shall certify copies of the ordinance or resolution to the tax 136050

commissioner and treasurer of state within five days after its 136051
adoption. In addition, one time each week during the two weeks 136052
following the adoption of the ordinance or resolution, the 136053
legislative authority shall cause to be published in a newspaper 136054
of general circulation in the municipal corporation or township, 136055
or as provided in section 7.16 of the Revised Code, a notice 136056
explaining the tax and stating the rate of the tax, the date it 136057
will take effect, and that persons subject to the tax must 136058
register with the tax commissioner under section 5739.103 of the 136059
Revised Code. 136060

(E) No more than once a year, and subject to the rates 136061
prescribed in division (B) or (C) of this section, the 136062
legislative authority of the municipal corporation or township, 136063
by ordinance or resolution, may increase or decrease the rate of 136064
a tax levied under this section. The legislative authority, by 136065
ordinance or resolution, at any time may repeal such a tax. The 136066
legislative authority shall certify to the tax commissioner and 136067
treasurer of state copies of the ordinance or resolution 136068
repealing or changing the rate of the tax within five days after 136069
its adoption. In addition, one time each week during the two 136070
weeks following the adoption of the ordinance or resolution, the 136071
legislative authority shall cause to be published in a newspaper 136072
of general circulation in the municipal corporation or township, 136073
or as provided in section 7.16 of the Revised Code, notice of 136074
the repeal or change. 136075

(F) A person may separately or proportionately bill or 136076
invoice a tax levied pursuant to division (B) or (C) of this 136077
section to another person. 136078

(G) The legislative authority of a municipal corporation, 136079
by ordinance or resolution, or of a township, by resolution, may 136080

increase the rate of the tax levied under division (B) of this 136081
section to two or two and one-half per cent with the approval of 136082
a majority of the electors of the municipal corporation or 136083
township voting on the question at a general or special 136084
election. The municipal corporation or township shall certify a 136085
copy of the ordinance or resolution to the tax commissioner 136086
within five days after its adoption. In addition, one time each 136087
week during the two weeks following the adoption of the 136088
ordinance or resolution, the legislative authority shall cause 136089
to be published in a newspaper of general circulation in the 136090
municipal corporation or township, or as provided in section 136091
7.16 of the Revised Code, a notice explaining the tax and 136092
stating the current rate of the tax, what the rate would be if 136093
subject to the proposed increase, and the date it will take 136094
effect, if approved by electors. 136095

The legislative authority of the municipal corporation or 136096
township shall file with the board of elections at least ninety 136097
days before the day of the election a copy of the ordinance or 136098
resolution, which shall specify the date the election is to be 136099
held and directs the board of elections to conduct the election. 136100
The ballot shall be in the following form: "Shall the rate of a 136101
resort area tax levied by (name of municipal corporation or 136102
township) from % to % be passed? 136103

<u>For the resort area tax</u> <u>increase</u>	
<u>Against the resort area</u> <u>tax increase</u>	"

A tax levied under division (G) of this section takes 136105

effect on the first day of the calendar quarter that begins at 136106
least sixty-five days after the date the tax commissioner 136107
receives notice of the affirmative vote. 136108

Sec. 5739.12. (A) (1) Each person who has or is required to 136109
have a vendor's license, on or before the twenty-third day of 136110
each month, shall make and file a return for the preceding month 136111
in the form prescribed by the tax commissioner, and shall pay 136112
the tax shown on the return to be due. The return shall be filed 136113
electronically using the Ohio business gateway, as defined in 136114
section 718.01 of the Revised Code, the Ohio telefile system, or 136115
any other electronic means prescribed by the commissioner. 136116
Payment of the tax shown on the return to be due shall be made 136117
electronically in a manner approved by the commissioner. The 136118
commissioner may require a vendor that operates from multiple 136119
locations or has multiple vendor's licenses to report all tax 136120
liabilities on one consolidated return. The return shall show 136121
the amount of tax due from the vendor to the state for the 136122
period covered by the return and such other information as the 136123
commissioner deems necessary for the proper administration of 136124
this chapter. The commissioner may extend the time for making 136125
and filing returns and paying the tax, and may require that the 136126
return for the last month of any annual or semiannual period, as 136127
determined by the commissioner, be a reconciliation return 136128
detailing the vendor's sales activity for the preceding annual 136129
or semiannual period. The reconciliation return shall be filed 136130
by the last day of the month following the last month of the 136131
annual or semiannual period. The commissioner may remit all or 136132
any part of amounts or penalties that may become due under this 136133
chapter and may adopt rules relating thereto. Such return shall 136134
be filed electronically as directed by the tax commissioner, and 136135
payment of the amount of tax shown to be due thereon, after 136136

deduction of any discount provided for under this section, shall 136137
be made electronically in a manner approved by the tax 136138
commissioner. 136139

(2) Any person required to file returns and make payments 136140
electronically under division (A)(1) of this section may apply 136141
to the tax commissioner on a form prescribed by the commissioner 136142
to be excused from that requirement. For good cause shown, the 136143
commissioner may excuse the person from that requirement and may 136144
permit the person to file the returns and make the payments 136145
required by this section by nonelectronic means. 136146

(B)(1) If the return is filed and the amount of tax shown 136147
thereon to be due is paid on or before the date such return is 136148
required to be filed, the vendor shall be entitled to a discount 136149
of three-fourths of one per cent of the amount shown to be due 136150
on the return. The amount of the discount on the basis of sales 136151
other than the sales of motor vehicles shall not exceed seven 136152
hundred fifty dollars per vendor's license for each month 136153
covered by the return. 136154

(2) A vendor that has selected a certified service 136155
provider as its agent shall not be entitled to the discount if 136156
the certified service provider receives a monetary allowance 136157
pursuant to section 5739.06 of the Revised Code for performing 136158
the vendor's sales and use tax functions in this state. Amounts 136159
paid to the clerk of courts pursuant to section 4505.06 of the 136160
Revised Code shall be subject to the applicable discount. The 136161
discount shall be in consideration for prompt payment to the 136162
clerk of courts and for other services performed by the vendor 136163
in the collection of the tax. 136164

(C)(1) Upon application to the tax commissioner, a vendor 136165
who is required to file monthly returns may be relieved of the 136166

requirement to report and pay the actual tax due, provided that 136167
the vendor agrees to remit to the commissioner payment of not 136168
less than an amount determined by the commissioner to be the 136169
average monthly tax liability of the vendor, based upon a review 136170
of the returns or other information pertaining to such vendor 136171
for a period of not less than six months nor more than two years 136172
immediately preceding the filing of the application. Vendors who 136173
agree to the above conditions shall make and file an annual or 136174
semiannual reconciliation return, as prescribed by the 136175
commissioner. The reconciliation return shall be filed 136176
electronically as directed by the tax commissioner, and payment 136177
of the amount of tax shown to be due thereon, after deduction of 136178
any discount provided in this section, shall be made 136179
electronically in a manner approved by the commissioner. Failure 136180
of a vendor to comply with any of the above conditions may 136181
result in immediate reinstatement of the requirement of 136182
reporting and paying the actual tax liability on each monthly 136183
return, and the commissioner may at the commissioner's 136184
discretion deny the vendor the right to report and pay based 136185
upon the average monthly liability for a period not to exceed 136186
two years. The amount ascertained by the commissioner to be the 136187
average monthly tax liability of a vendor may be adjusted, based 136188
upon a review of the returns or other information pertaining to 136189
the vendor for a period of not less than six months nor more 136190
than two years preceding such adjustment. 136191

(2) The commissioner may authorize vendors whose tax 136192
liability is not such as to merit monthly returns, as 136193
ascertained by the commissioner upon the basis of administrative 136194
costs to the state, to make and file returns at less frequent 136195
intervals. When returns are filed at less frequent intervals in 136196
accordance with such authorization, the vendor shall be allowed 136197

the discount provided in this section in consideration for 136198
prompt payment with the return, provided the return is filed and 136199
payment is made of the amount of tax shown to be due thereon, at 136200
the time specified by the commissioner, but a vendor that has 136201
selected a certified service provider as its agent shall not be 136202
entitled to the discount. 136203

(D) Any vendor who fails to file a return or to pay the 136204
full amount of the tax shown on the return to be due in the 136205
manner prescribed under this section and the rules of the 136206
commissioner may, for each such return, be required to forfeit 136207
and pay into the state treasury an additional charge not 136208
exceeding fifty dollars or ten per cent of the tax required to 136209
be paid for the reporting period, whichever is greater, as 136210
revenue arising from the tax imposed by this chapter, and such 136211
sum may be collected by assessment in the manner provided in 136212
section 5739.13 of the Revised Code. The commissioner may remit 136213
all or a portion of the additional charge and may adopt rules 136214
relating to the imposition and remission of the additional 136215
charge. 136216

(E) If the amount required to be collected by a vendor 136217
from consumers is in excess of the applicable percentage of the 136218
vendor's receipts from sales that are taxable under section 136219
5739.02 of the Revised Code, or in the case of sales subject to 136220
a tax levied pursuant to section 5739.021, 5739.023, or 5739.026 136221
of the Revised Code, in excess of the percentage equal to the 136222
aggregate rate of such taxes and the tax levied by section 136223
5739.02 of the Revised Code, such excess shall be remitted along 136224
with the remittance of the amount of tax due under section 136225
5739.10 of the Revised Code. 136226

(F) The commissioner, if the commissioner deems it 136227

necessary in order to insure the payment of the tax imposed by 136228
this chapter, may require returns and payments to be made for 136229
other than monthly periods. 136230

(G) Any vendor required to file a return and pay the tax 136231
under this section whose total payment for a year equals or 136232
exceeds the amount shown in division (A) of section 5739.122 of 136233
the Revised Code is subject to the accelerated tax payment 136234
requirements in divisions (B) and (C) of that section. For a 136235
vendor that operates from multiple locations or has multiple 136236
vendor's licenses, in determining whether the vendor's total 136237
payment equals or exceeds the amount shown in division (A) of 136238
that section, the vendor's total payment amount shall be the 136239
amount of the vendor's total tax liability for the previous 136240
calendar year for all of the vendor's locations or licenses. 136241

Sec. 5739.13. (A) If any vendor collects the tax imposed 136242
by or pursuant to section 5739.02, 5739.021, 5739.023, or 136243
5739.026 of the Revised Code, and fails to remit the tax to the 136244
state as prescribed, or on the sale of a motor vehicle, 136245
watercraft, or outboard motor required to be titled, fails to 136246
remit payment to a clerk of a court of common pleas as provided 136247
in section 1548.06 or 4505.06 of the Revised Code, the vendor 136248
shall be personally liable for any tax collected and not 136249
remitted. The tax commissioner may make an assessment against 136250
such vendor based upon any information in the commissioner's 136251
possession. 136252

If any vendor fails to collect the tax or any consumer 136253
fails to pay the tax imposed by or pursuant to section 5739.02, 136254
5739.021, 5739.023, or 5739.026 of the Revised Code, on any 136255
transaction subject to the tax, the vendor or consumer shall be 136256
personally liable for the amount of the tax applicable to the 136257

transaction. The commissioner may make an assessment against 136258
either the vendor or consumer, as the facts may require, based 136259
upon any information in the commissioner's possession. 136260

An assessment against a vendor when the tax imposed by or 136261
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 136262
the Revised Code has not been collected or paid, shall not 136263
discharge the purchaser's or consumer's liability to reimburse 136264
the vendor for the tax applicable to such transaction. 136265

An assessment issued against either, pursuant to this 136266
section, shall not be considered an election of remedies, nor a 136267
bar to an assessment against the other for the tax applicable to 136268
the same transaction, provided that no assessment shall be 136269
issued against any person for the tax due on a particular 136270
transaction if the tax on that transaction actually has been 136271
paid by another. 136272

The commissioner may make an assessment against any vendor 136273
who fails to file a return or remit the proper amount of tax 136274
required by this chapter, or against any consumer who fails to 136275
pay the proper amount of tax required by this chapter. When 136276
information in the possession of the commissioner indicates that 136277
the amount required to be collected or paid under this chapter 136278
is greater than the amount remitted by the vendor or paid by the 136279
consumer, the commissioner may audit a sample of the vendor's 136280
sales or the consumer's purchases for a representative period, 136281
to ascertain the per cent of exempt or taxable transactions or 136282
the effective tax rate and may issue an assessment based on the 136283
audit. The commissioner shall make a good faith effort to reach 136284
agreement with the vendor or consumer in selecting a 136285
representative sample. 136286

The commissioner may make an assessment, based on any 136287

information in the commissioner's possession, against any person 136288
who fails to file a return or remit the proper amount of tax 136289
required by section 5739.102 of the Revised Code. 136290

The commissioner may issue an assessment on any 136291
transaction for which any tax imposed under this chapter or 136292
Chapter 5741. of the Revised Code was due and unpaid on the date 136293
the vendor or consumer was informed by an agent of the tax 136294
commissioner of an investigation or audit. If the vendor or 136295
consumer remits any payment of the tax for the period covered by 136296
the assessment after the vendor or consumer was informed of the 136297
investigation or audit, the payment shall be credited against 136298
the amount of the assessment. 136299

The commissioner shall give the party assessed written 136300
notice of the assessment in the manner provided in section 136301
5703.37 of the Revised Code. With the notice, the commissioner 136302
shall provide instructions on how to petition for reassessment 136303
and request a hearing on the petition. 136304

(B) Unless the party assessed files with the commissioner 136305
within sixty days after service of the notice of assessment, ~~—~~ 136306
~~either personally or by certified mail,~~ a written petition for 136307
reassessment, signed by the party assessed or that party's 136308
authorized agent having knowledge of the facts, the assessment 136309
becomes final and the amount of the assessment is due from the 136310
party assessed and payable to the treasurer of state and 136311
remitted to the tax commissioner. The petition shall indicate 136312
the objections of the party assessed, but additional objections 136313
may be raised in writing if received by the commissioner prior 136314
to the date shown on the final determination. If the petition 136315
has been properly filed, the commissioner shall proceed under 136316
section 5703.60 of the Revised Code. 136317

(C) After an assessment becomes final, if any portion of 136318
the assessment remains unpaid, including accrued interest, a 136319
certified copy of the commissioner's entry making the assessment 136320
final may be filed in the office of the clerk of the court of 136321
common pleas in the county in which the place of business of the 136322
party assessed is located or the county in which the party 136323
assessed resides. If the party assessed maintains no place of 136324
business in this state and is not a resident of this state, the 136325
certified copy of the entry may be filed in the office of the 136326
clerk of the court of common pleas of Franklin county. 136327

Immediately upon the filing of the entry, the clerk shall 136328
enter a judgment for the state against the party assessed in the 136329
amount shown on the entry. The judgment may be filed by the 136330
clerk in a loose-leaf book entitled "special judgments for 136331
state, county, and transit authority retail sales tax" or, if 136332
appropriate, "special judgments for resort area excise tax," and 136333
shall have the same effect as other judgments. Execution shall 136334
issue upon the judgment upon the request of the tax 136335
commissioner, and all laws applicable to sales on execution 136336
shall apply to sales made under the judgment except as otherwise 136337
provided in this chapter. 136338

If the assessment is not paid in its entirety within sixty 136339
days after the date the assessment was issued, the portion of 136340
the assessment consisting of tax due shall bear interest at the 136341
rate per annum prescribed by section 5703.47 of the Revised Code 136342
from the day the tax commissioner issues the assessment until 136343
the assessment is paid or until it is certified to the attorney 136344
general for collection under section 131.02 of the Revised Code, 136345
whichever comes first. If the unpaid portion of the assessment 136346
is certified to the attorney general for collection, the entire 136347
unpaid portion of the assessment shall bear interest at the rate 136348

per annum prescribed by section 5703.47 of the Revised Code from 136349
the date of certification until the date it is paid in its 136350
entirety. Interest shall be paid in the same manner as the tax 136351
and may be collected by issuing an assessment under this 136352
section. 136353

(D) All money collected by the tax commissioner under this 136354
section shall be paid to the treasurer of state, and when paid 136355
shall be considered as revenue arising from the taxes imposed by 136356
or pursuant to sections 5739.01 to 5739.31 of the Revised Code. 136357

Sec. 5739.132. (A) If a tax, fee, or charge due under this 136358
chapter or Chapter 128. or 5741. of the Revised Code is not paid 136359
on or before the day the payment is required to be paid, 136360
interest shall accrue on the unpaid tax, fee, or charge at the 136361
rate per annum prescribed by section 5703.47 of the Revised Code 136362
from the day the tax, fee, or charge was required to be paid 136363
until the tax, fee, or charge is paid or until the day an 136364
assessment is issued under section 5739.13 or 5739.15 of the 136365
Revised Code, whichever occurs first. Interest shall be paid in 136366
the same manner as the tax, fee, or charge, and may be collected 136367
by assessment. 136368

~~(B) Interest~~ (B) (1) Except as provided in division (B) (2) 136369
of this section, interest shall be allowed and paid on any 136370
refund granted pursuant to section 128.47, 5739.07, or 5741.10 136371
of the Revised Code from the date of the overpayment. The 136372
interest shall be computed at the rate per annum prescribed by 136373
section 5703.47 of the Revised Code. 136374

(2) No interest shall be allowed or paid on a refund of a 136375
tax levied pursuant to section 5739.021, 5739.026, 5741.021, or 136376
5741.023 of the Revised Code. 136377

Sec. 5739.31. (A) (1) No person shall engage in the 136378
business of selling at retail or sell at retail incidental to 136379
any other regularly conducted business without having a license 136380
therefor, as required by sections 5739.01 to 5739.31 of the 136381
Revised Code. 136382

(2) No person shall engage in the business of selling at 136383
retail as a transient vendor, as defined in section 5739.17 of 136384
the Revised Code, without first having obtained a license as 136385
required by that section. 136386

(B) No person shall continue to engage in the business of 136387
selling at retail or sell at retail incidental to any other 136388
regularly conducted business after the license issued to that 136389
person pursuant to section 5739.17 of the Revised Code has been 136390
suspended by the tax commissioner under division (B) (2) of 136391
section 5739.30 of the Revised Code, nor shall any person obtain 136392
a new license from ~~the any~~ county auditor or the tax 136393
commissioner while such suspension is in effect. If a 136394
corporation's license has been suspended, none of its officers, 136395
or employees having control or supervision of or charged with 136396
the responsibility of filing returns and making payments of tax 136397
due, shall obtain a license from ~~the any~~ county auditor or the 136398
tax commissioner during the period of such suspension. The tax 136399
commissioner may cancel any licenses granted while the 136400
suspension is in effect. 136401

Sec. 5743.021. (A) As used in this section, "qualifying 136402
regional arts and cultural district" means a regional arts and 136403
cultural district created under section 3381.04 of the Revised 136404
Code in a county ~~having that~~ either has a population of at least 136405
eight hundred thousand but not more than one million two hundred 136406
thousand or more according to the 2000 federal decennial 136407

~~censusor~~ has adopted a charter under Ohio Constitution, Article 136408
X, Section 3. 136409

(B) For one or more of the purposes for which a tax may be 136410
levied under section 3381.16 of the Revised Code and for the 136411
purposes of paying the expenses of administering the tax and the 136412
expenses charged by a board of elections to hold an election on 136413
a question submitted under this section, the board of county 136414
commissioners of a county that has within its territorial 136415
boundaries a qualifying regional arts and cultural district may 136416
levy a tax on the sale of cigarettes sold for resale at retail 136417
in the county composing the district computed on each cigarette 136418
sold. The rate of the tax, when added to the rate of any other 136419
tax concurrently levied by the board under this section, shall 136420
equal one of the following: 136421

(1) If the tax begins to apply before May 1, 2023, up to 136422
fifteen mills per cigarette; 136423

(2) If the tax begins to apply on or after ~~the first day~~ 136424
~~of the first month after the effective date of this amendment~~ May 136425
1, 2023, the rate, in mills per cigarette, specified in the 136426
resolution levying the tax. 136427

Only one sale of the same article shall be used in 136428
computing the amount of tax due. The tax may be levied for any 136429
number of years not exceeding ten years. 136430

The tax shall be levied pursuant to a resolution of the 136431
board of county commissioners approved by a majority of the 136432
electors in the county voting on the question of levying the 136433
tax. The resolution shall specify the rate of the tax, the 136434
number of years the tax will be levied, and the purposes for 136435
which the tax is levied. The election may be held on the date of 136436

a general, primary, or special election held not sooner than 136437
ninety days after the date the board certifies its resolution to 136438
the board of elections. If approved by the electors, the tax 136439
shall take effect on the first day of the month specified in the 136440
resolution but not sooner than the first day of the month that 136441
is at least sixty days after the certification of the election 136442
results by the board of elections. A copy of the resolution 136443
levying the tax shall be certified to the tax commissioner at 136444
least sixty days prior to the date on which the tax is to become 136445
effective. 136446

A board of county commissioners may adopt a resolution 136447
under this division proposing to replace a tax levied under 136448
division (B) (1) of this section with a tax levied under division 136449
(B) (2) of this section. Such a resolution shall state, in 136450
addition to other information required under this division, that 136451
the existing levy or levies terminate upon the passage of the 136452
replacement levy. The failure of the electors to approve a 136453
replacement levy does not terminate the existing levy or levies. 136454

(C) (1) The form of the ballot in an election held to 136455
propose a tax under division (B) (1) of this section shall be as 136456
follows, or in any other form acceptable to the secretary of 136457
state: 136458

"For the purpose of _____ (insert the purpose or 136459
purposes of the tax), shall an excise tax be levied throughout 136460
_____ County for the benefit of the _____ (name of 136461
the qualifying regional arts and cultural district) on the sale 136462
of cigarettes at wholesale at the rate of ____ mills per 136463
cigarette for ____ years? 136464

136465

	For the tax
--	-------------

	Against the tax	"
--	-----------------	---

(2) The form of the ballot in an election held to propose a tax under division (B)(2) of this section shall be as follows, or in any other form acceptable to the secretary of state:

"For the purpose of _____ (insert the purpose or purposes of the tax), shall an excise tax be levied throughout _____ County for the benefit of the _____ (name of the qualifying regional arts and cultural district) on the sale of cigarettes at wholesale at the rate of ___ mills per cigarette for ___ years?

	For the tax	
	Against the tax	"

" 136476

If the resolution of the board of county commissioners provides that an existing levy or levies will be terminated upon the passage of a replacement levy, the ballot must, for each levy that will be terminated, include a statement that: "An existing tax of ___ mills (stating the millage of the existing tax) per cigarette, having ___ years remaining, will be terminated and replaced upon the passage of this tax."

(D) All money arising from taxes levied on behalf of each district under this section and section 5743.321 of the Revised Code shall be credited as follows:

(1) To the tax refund fund created by section 5703.052 of the Revised Code, amounts equal to the refunds from each tax levied under this section and section 5743.321 of the Revised

Code and certified by the tax commissioner pursuant to section 136490
5743.05 of the Revised Code; 136491

(2) Following the crediting of amounts pursuant to 136492
division (D)(1) of this section: 136493

(a) To the permissive tax distribution fund created under 136494
section 4301.423 of the Revised Code, an amount equal to ninety- 136495
eight per cent of the remainder collected; 136496

(b) To the local excise tax administrative fund, which is 136497
hereby created in the state treasury, an amount equal to two per 136498
cent of such remainder, for use by the tax commissioner in 136499
defraying costs incurred in administering the tax. 136500

On or before the tenth day of each month, the tax 136501
commissioner shall distribute the amount credited to the 136502
permissive tax distribution fund during the preceding month by 136503
providing for payment of the appropriate amount to the county 136504
treasurer of the county in which the tax is levied. 136505

(E) No tax shall be levied under divisions (B)(1) and (2) 136506
of this section during the same month. 136507

Sec. 5743.024. (A) For the purposes of section 307.696 of 136508
the Revised Code, to pay the expenses of administering the tax, 136509
and to pay any or all of the charge the board of elections makes 136510
against the county to hold the election on the question of 136511
levying the tax, or for such purposes and to provide revenues to 136512
the county for permanent improvements, the board of county 136513
commissioners may levy a tax on sales of cigarettes sold for 136514
resale at retail in the county. The tax shall not exceed two and 136515
twenty-five hundredths of a mill per cigarette, and shall be 136516
computed on each cigarette sold. The tax may be levied for any 136517
number of years not exceeding twenty. Only one sale of the same 136518

article shall be used in computing the amount of tax due. 136519

The tax shall be levied pursuant to a resolution of the 136520
county commissioners approved by a majority of the electors in 136521
the county voting on the question of levying the tax. The 136522
resolution shall specify the rate of the tax, the number of 136523
years the tax will be levied, and the purposes for which the tax 136524
is levied. Such election may be held on the date of a general or 136525
special election held not sooner than ninety days after the date 136526
the board certifies its resolution to the board of elections. If 136527
approved by the electors, the tax shall take effect on the first 136528
day of the month specified in the resolution but not sooner than 136529
the first day of the month that is at least sixty days after the 136530
certification of the election results by the board of elections. 136531
A copy of the resolution levying the tax shall be certified to 136532
the tax commissioner at least sixty days prior to the date on 136533
which the tax is to become effective. 136534

A resolution under this section may be joined on the 136535
ballot as a single question with a resolution adopted under 136536
section 307.697 or 4301.421 of the Revised Code to levy a tax 136537
for the same purposes and for the purpose of paying the expenses 136538
of administering the tax. The form of the ballot in an election 136539
held pursuant to this section shall be as prescribed in section 136540
307.697 of the Revised Code. 136541

(B) All money arising from each county's taxes levied 136542
under this section and section 5743.323 of the Revised Code 136543
shall be credited as follows: 136544

(1) To the tax refund fund created by section 5703.052 of 136545
the Revised Code, amounts equal to the refunds from each tax 136546
levied under this section certified by the tax commissioner 136547
pursuant to section 5743.05 of the Revised Code; 136548

(2) Following the crediting of amounts pursuant to 136549
division (B) (1) of this section: 136550

(a) To the permissive tax distribution fund created by 136551
division (B) (1) of section 4301.423 of the Revised Code, an 136552
amount equal to ninety-eight per cent of the remainder 136553
collected; 136554

(b) To the local excise tax administrative fund, which is 136555
hereby created in the state treasury, an amount equal to two per 136556
cent of such remainder, for use by the tax commissioner in 136557
defraying costs incurred in administering the tax. 136558

On or before the tenth day of each month, the tax 136559
commissioner shall distribute the amount credited to the 136560
permissive tax distribution fund during the preceding month by 136561
providing for payment of the appropriate amount to the county 136562
treasurer of each county levying the tax. 136563

(C) The board of county commissioners of a county in which 136564
a tax is imposed under this section on the effective date of the 136565
amendment of this section by H.B. 59 of the 130th general 136566
assembly, September 29, 2013, may levy a tax for the purpose of 136567
section 307.673 of the Revised Code regardless of whether or not 136568
the cooperative agreement authorized under that section has been 136569
entered into prior to the day the resolution adopted under 136570
division (C) (1) or (2) of this section is adopted, for the 136571
purpose of reimbursing a county for costs incurred in the 136572
construction of a sports facility pursuant to an agreement 136573
entered into by the county under section 307.696 of the Revised 136574
Code, or for the purpose of paying the costs of capital repairs 136575
of and improvements to a sports facility. The tax shall be 136576
levied and approved in one of the manners prescribed by division 136577
(C) (1) or (2) of this section. 136578

(1) The tax may be levied pursuant to a resolution adopted 136579
by a majority of the members of the board of county 136580
commissioners not later than forty-five days after July 19, 136581
1995. A board of county commissioners approving a tax under 136582
division (C) (1) of this section may approve a tax under division 136583
(D) (1) of section 307.697 or division (B) (1) of section 4301.421 136584
of the Revised Code at the same time. Subject to the resolution 136585
being submitted to a referendum under sections 305.31 to 305.41 136586
of the Revised Code, the resolution shall take effect 136587
immediately, but the tax levied pursuant to the resolution shall 136588
not be levied prior to the day following the last day that any 136589
tax previously levied pursuant to this division may be levied. 136590

(2) The tax may be levied pursuant to a resolution adopted 136591
by a majority of the members of the board of county 136592
commissioners not later than September 1, 2015, and approved by 136593
a majority of the electors of the county voting on the question 136594
of levying the tax. The board of county commissioners shall 136595
certify a copy of the resolution to the board of elections 136596
immediately upon adopting a resolution under division (C) (2) of 136597
this section. The election may be held on the date of a general 136598
or special election held not sooner than ninety days after the 136599
date the board certifies its resolution to the board of 136600
elections. The form of the ballot shall be as prescribed by 136601
division (C) of section 307.697 of the Revised Code, except that 136602
the phrase "paying not more than one-half of the costs of 136603
providing a sports facility together with related redevelopment 136604
and economic development projects" shall be replaced by the 136605
phrase "paying the costs of constructing, renovating, improving, 136606
or repairing a sports facility and reimbursing a county for 136607
costs incurred by the county in the construction of a sports 136608
facility," and the phrase ", beginning _____ (here insert 136609

the earliest date the tax would take effect)" shall be appended 136610
after "years." A board of county commissioners submitting the 136611
question of a tax under division (C) (2) of this section may 136612
submit the question of a tax under division (D) (2) of section 136613
307.697 or division (B) (2) of section 4301.421 of the Revised 136614
Code as a single question, and the form of the ballot shall 136615
include each of the proposed taxes. 136616

If approved by a majority of electors voting on the 136617
question, the tax shall take effect on the day specified on the 136618
ballot, which shall not be earlier than the day following the 136619
last day that any tax previously levied pursuant to this 136620
division may be levied. 136621

The rate of a tax levied pursuant to division (C) (1) or 136622
(2) of this section shall not exceed the rate specified in 136623
division (A) of this section. A tax levied pursuant to division 136624
(C) (1) or (2) of this section may be levied for any number of 136625
years not exceeding twenty. 136626

A board of county commissioners adopting a resolution 136627
under this division shall certify a copy of the resolution to 136628
the tax commissioner immediately upon adoption of the 136629
resolution. 136630

(D) The board of county commissioners of a county whose 136631
population is greater than one million one hundred thousand but 136632
less than one million three hundred thousand may levy a tax 136633
under this division for the purpose of section 307.673 of the 136634
Revised Code regardless of whether or not the cooperative 136635
agreement authorized under that section has been entered into 136636
prior to the day the resolution adopted under division (D) of 136637
this section is adopted, for the purpose of reimbursing a county 136638
for costs incurred in the construction of a sports facility 136639

pursuant to an agreement entered into by the county under 136640
section 307.696 of the Revised Code, or for the purpose of 136641
paying the costs of constructing, equipping, furnishing, 136642
maintaining, renovating, improving, or repairing a sports 136643
facility. The tax may be levied for any number of years or for a 136644
continuing period of time. 136645

The tax may be levied pursuant to a resolution adopted by 136646
the board of county commissioners and approved by a majority of 136647
the electors of the county voting on the question of levying the 136648
tax. The board of county commissioners shall certify a copy of 136649
the resolution to the board of elections immediately upon 136650
adopting a resolution under division (D) of this section. The 136651
election may be held on the date of a general or special 136652
election held not sooner than ninety days after the date the 136653
board certifies its resolution to the board of elections. The 136654
form of the ballot shall be as follows: 136655

"For the purpose of _____ (state the purpose or 136656
purposes), shall an excise tax be levied by _____ county at 136657
the rate of _____ mills per cigarette on the sale of cigarettes 136658
at wholesale in the county for _____ (number of years or a 136659
continuing period of time), the tax beginning on _____ (the 136660
earliest date the tax would take effect)? 136661

	<u>Yes</u>	
	<u>No</u>	"

A board of county commissioners submitting the question of 136663
a tax under division (D) of this section may submit the question 136664
of a tax under section 5743.511, division (E) of section 136665
307.697, or division (C) of section 4301.421 of the Revised 136666

Code, or all, as a single question, provided that each tax is 136667
for the same purpose and period of time and the form of the 136668
ballot states the rate of each of the proposed taxes. 136669

If approved by a majority of electors voting on the 136670
question, the tax shall take effect on the date specified in the 136671
resolution but not sooner than the first day of the month that 136672
is at least sixty days after the certification of the election 136673
results by the board of elections. The tax levied under division 136674
(D) of this section may be approved and take effect before the 136675
expiration of the tax levied under division (C) of this section. 136676
The tax levied under division (D) of this section shall 136677
supersede and replace any tax levied under division (C) of this 136678
section, and the tax levied under division (C) of this section 136679
shall no longer be levied once the tax levied under division (D) 136680
of this section takes effect. 136681

The rate of tax levied pursuant to division (D) shall be 136682
imposed at a rate not to exceed four and one-half mills per each 136683
cigarette sold for resale at retail in the county. The tax 136684
levied pursuant to division (D) of this section shall be in 136685
addition to the tax imposed by section 5743.02 of the Revised 136686
Code. 136687

Only one sale of the same article shall be used in 136688
computing, reporting, and paying the amount of tax due. 136689

A board of county commissioners adopting a resolution 136690
under division (D) of this section shall certify a copy of the 136691
resolution to the tax commissioner immediately upon adoption of 136692
the resolution. 136693

(E) No tax shall be levied under division (A) of this 136694
section on or after September 23, 2008. This division does not 136695

apply to a tax levied under division (C) or (D) of this section, 136696
and does not prevent the collection of any tax levied under this 136697
section before September 23, 2008, so long as that tax remains 136698
effective. 136699

Sec. 5743.081. (A) If any wholesale dealer or retail 136700
dealer fails to pay the tax levied under section 5743.02, 136701
5743.021, 5743.024, or 5743.026 of the Revised Code as required 136702
by sections 5743.01 to 5743.20 of the Revised Code, and by the 136703
rules of the tax commissioner, or fails to collect the tax from 136704
the purchaser or consumer, the commissioner may make an 136705
assessment against the wholesale or retail dealer based upon any 136706
information in the commissioner's possession. 136707

The commissioner may make an assessment against any 136708
wholesale or retail dealer who fails to file a return required 136709
by section 5743.03 or 5743.025 of the Revised Code. 136710

No assessment shall be made against any wholesale or 136711
retail dealer for any taxes imposed under section 5743.02, 136712
5743.021, 5743.024, or 5743.026 of the Revised Code more than 136713
three years after the last day of the calendar month that 136714
immediately follows the monthly period prescribed in section 136715
5743.03 of the Revised Code in which the sale was made, or more 136716
than three years after the return for the month in which the 136717
sale was made is filed, whichever is later. This section does 136718
not bar an assessment against any wholesale or retail dealer who 136719
fails to file a return as required by section 5743.025 or 136720
5743.03 of the Revised Code, or who files a fraudulent return. 136721

A penalty of up to thirty per cent may be added to the 136722
amount of every assessment made under this section. The 136723
commissioner may adopt rules providing for the imposition and 136724
remission of penalties added to assessments made under this 136725

section. 136726

The commissioner shall give the party assessed written 136727
notice of the assessment in the manner provided in section 136728
5703.37 of the Revised Code. The notice shall specify separately 136729
any portion of the assessment that represents a county tax. With 136730
the notice, the commissioner shall provide instructions on how 136731
to petition for reassessment and request a hearing on the 136732
petition. 136733

(B) Unless the party assessed files with the tax 136734
commissioner within sixty days after service of the notice of 136735
assessment, ~~either personally or by certified mail,~~ a written 136736
petition for reassessment signed by the party assessed or that 136737
party's authorized agent having knowledge of the facts, the 136738
assessment becomes final and the amount of the assessment is due 136739
and payable from the party assessed to the treasurer of state. 136740
The petition shall indicate the objections of the party 136741
assessed, but additional objections may be raised in writing if 136742
received by the commissioner prior to the date shown on the 136743
final determination. If the petition has been properly filed, 136744
the commissioner shall proceed under section 5703.60 of the 136745
Revised Code. 136746

(C) After an assessment becomes final, if any portion of 136747
the assessment remains unpaid, including accrued interest, a 136748
certified copy of the tax commissioner's entry making the 136749
assessment final may be filed in the office of the clerk of the 136750
court of common pleas in the county in which the wholesale or 136751
retail dealer's place of business is located or the county in 136752
which the party assessed resides. If the party assessed 136753
maintains no place of business in this state and is not a 136754
resident of this state, the certified copy of the entry may be 136755

filed in the office of the clerk of the court of common pleas of Franklin county. 136756
136757

Immediately upon the filing of the commissioner's entry, 136758
the clerk shall enter a judgment for the state against the party 136759
assessed in the amount shown on the entry. The judgment may be 136760
filed by the clerk in a loose-leaf book entitled "special 136761
judgments for state cigarette sales tax," and shall have the 136762
same effect as other judgments. Execution shall issue upon the 136763
judgment upon the request of the tax commissioner, and all laws 136764
applicable to sales on execution shall apply to sales made under 136765
the judgment, except as otherwise provided in sections 5743.01 136766
to 5743.20 of the Revised Code. 136767

If the assessment is not paid in its entirety within sixty 136768
days after the assessment was issued, the portion of the 136769
assessment consisting of tax due shall bear interest at the rate 136770
per annum prescribed by section 5703.47 of the Revised Code from 136771
the day the commissioner issues the assessment until it is paid 136772
or until it is certified to the attorney general for collection 136773
under section 131.02 of the Revised Code, whichever comes first. 136774
If the unpaid portion of the assessment is certified to the 136775
attorney general for collection, the entire unpaid portion of 136776
the assessment shall bear interest at the rate per annum 136777
prescribed by section 5703.47 of the Revised Code from the date 136778
of certification until the date it is paid in its entirety. 136779
Interest shall be paid in the same manner as the tax and may be 136780
collected by the issuance of an assessment under this section. 136781

(D) All money collected by the tax commissioner under this 136782
section shall be paid to the treasurer of state, and when paid 136783
shall be considered as revenue arising from the taxes imposed by 136784
sections 5743.01 to 5743.20 of the Revised Code. 136785

Sec. 5743.323. (A) For the purposes of section 307.696 of 136786
the Revised Code and to pay the expenses of levying the tax or 136787
for such purposes and to provide revenues to the county for 136788
permanent improvements, the board of county commissioners of a 136789
county that levies a tax under division (A) of section 5743.024 136790
of the Revised Code shall by resolution adopted by a majority of 136791
the board levy a tax at the same rate on the use, consumption, 136792
or storage for consumption of cigarettes by consumers in the 136793
county, provided that the tax shall not apply if the tax levied 136794
by division (A) of section 5743.024 of the Revised Code has been 136795
paid. The tax shall take effect on the date that a tax levied 136796
under division (A) of section 5743.024 of the Revised Code takes 136797
effect, and shall remain in effect as long as the tax levied 136798
under such division remains effective. 136799

No tax shall be levied under division (A) of this section 136800
on or after September 23, 2008. This paragraph does not prevent 136801
the collection of any tax levied under this section before that 136802
date so long as that tax remains effective. 136803

(B) For the purposes of section 307.696 of the Revised 136804
Code and to pay the expenses of levying the tax or for such 136805
purposes and to provide revenues to the county for permanent 136806
improvements, the board of county commissioners of a county that 136807
levies a tax under division (C) of section 5743.024 of the 136808
Revised Code shall by resolution adopted by a majority of the 136809
board levy a tax at the same rate on the use, consumption, or 136810
storage for consumption of cigarettes by consumers in the 136811
county, provided that the tax shall not apply if the tax levied 136812
by division (C) of section 5743.024 of the Revised Code has been 136813
paid. The tax shall take effect on the date that a tax levied 136814
under division (C) of section 5743.024 of the Revised Code takes 136815
effect, and shall remain in effect as long as the tax levied 136816

under such division remains effective. 136817

(C) For the purposes set forth in division (D) of section 136818
5743.024 of the Revised Code and to pay the expenses of levying 136819
the tax or for such purposes and to provide revenues to the 136820
county for permanent improvements, the board of county 136821
commissioners of a county that levies a tax under division (D) 136822
of section 5743.024 of the Revised Code shall adopt a resolution 136823
levying a tax at the same rate, on the use, consumption, or 136824
storage for consumption of cigarettes by consumers in the 136825
county, provided that the tax shall not apply if the tax levied 136826
by division (D) of section 5743.024 of the Revised Code has been 136827
paid. The tax levied by division (C) of this section shall take 136828
effect on the date that a tax levied under division (D) of 136829
section 5743.024 of the Revised Code takes effect, and shall 136830
remain in effect as long as the tax levied under division (D) of 136831
section 5743.024 of the Revised Code remains effective. The tax 136832
levied under division (C) of this section shall be in addition 136833
to the tax levied under section 5743.32 of the Revised Code. 136834

Sec. 5743.511. The board of county commissioners of a 136835
county whose population is greater than one million one hundred 136836
thousand but less than one million three hundred thousand may 136837
levy a tax under this section for the purpose of section 307.673 136838
of the Revised Code regardless of whether or not the cooperative 136839
agreement authorized under that section has been entered into 136840
prior to the day the resolution adopted under this section is 136841
adopted, for the purpose of reimbursing a county for costs 136842
incurred in the construction of a sports facility pursuant to an 136843
agreement entered into by the county under section 307.696 of 136844
the Revised Code, or for the purpose of paying the costs of 136845
constructing, equipping, furnishing, maintaining, renovating, 136846
improving, or repairing a sports facility. The tax may be levied 136847

for any number of years or for a continuing period of time. 136848

The tax may be levied pursuant to a resolution adopted by 136849
the board of county commissioners and approved by a majority of 136850
the electors of the county voting on the question of levying the 136851
tax. The board of county commissioners shall certify a copy of 136852
the resolution to the board of elections immediately upon 136853
adopting a resolution under this section. The election may be 136854
held on the date of a general or special election held not 136855
sooner than ninety days after the date the board certifies its 136856
resolution to the board of elections. The form of the ballot 136857
shall be as follows: 136858

"For the purpose of _____ (state the purpose or 136859
purposes), shall an excise tax be levied by _____ county at 136860
the rate of _____ per cent of the price of other tobacco 136861
products (aside from little cigars) sold at wholesale in the 136862
county, _____ per cent of the price of little cigars sold at 136863
wholesale in the county, and _____ cents per vapor volume of 136864
vapor products sold at wholesale in the county, for _____ (number 136865
of years or a continuing period of time), the tax beginning on 136866
_____ (the earliest date the tax would take effect)? 136867
 136868

	<u>Yes</u>
	<u>No</u>

A board of county commissioners submitting the question of 136869
a tax under this section may submit the question of a tax under 136870
division (E) of section 307.697, division (C) of section 136871
4301.421, or division (D) of section 5743.024 of the Revised 136872
Code, or all, as a single question, provided that each tax is 136873
for the same purpose and period of time and the form of the 136874

ballot states the rate of each of the proposed taxes. 136875

If approved by a majority of electors voting on the 136876
question, the tax shall take effect on the date specified in the 136877
resolution but not sooner than the first day of the month that 136878
is at least sixty days after the certification of the election 136879
results by the board of elections. 136880

The rate of tax levied pursuant to this section shall be 136881
imposed as follows: 136882

(A) At a rate not to exceed eighty-five hundredths per 136883
cent of the wholesale price of other tobacco products, aside 136884
from little cigars, received by a distributor in the county, 136885
sold by a manufacturer to a retail dealer located in the county, 136886
or delivered to a consumer in the county for storage, use, or 136887
other consumption; 136888

(B) At a rate not to exceed one and eighty-five hundredths 136889
per cent of the wholesale price of little cigars received by a 136890
distributor in the county, sold by a manufacturer to a retail 136891
dealer located in the county, or delivered to a consumer in the 136892
county for storage, use, or other consumption; 136893

(C) At a rate not to exceed one-twentieth of one cent 136894
multiplied by the vapor volume of vapor products the first time 136895
such products are received by a vapor distributor in the county 136896
or when vapor products are delivered to a consumer in the county 136897
for storage, use, or other consumption. 136898

Only one sale of the same article shall be used in 136899
computing, reporting, and paying the amount of tax due. The tax 136900
levied under this section shall be in addition to the tax levied 136901
under section 5743.51 of the Revised Code. 136902

A board of county commissioners adopting a resolution 136903

under this section shall certify a copy of the resolution to the 136904
tax commissioner immediately upon adoption of the resolution. 136905

Sec. 5743.52. (A) Each distributor of tobacco products or 136906
vapor distributor subject to the tax levied by section 5743.51 136907
or 5743.511 of the Revised Code, on or before the twenty-third 136908
day of each month, shall file with the tax commissioner a return 136909
for the preceding month showing any information the tax 136910
commissioner finds necessary for the proper administration of 136911
this chapter, together with remittance of the tax due. The 136912
return and payment of the tax required by this section shall be 136913
filed and made electronically on or before the twenty-third day 136914
of the month following the reporting period. If the return is 136915
filed and the amount of tax shown on the return to be due is 136916
paid on or before the date the return is required to be filed, 136917
the distributor or vapor distributor is entitled to a discount 136918
equal to two and five-tenths per cent of the amount shown on the 136919
return to be due. 136920

(B) Any person who fails to timely file the return and 136921
make payment of taxes as required under this section, section 136922
5743.62, or section 5743.63 of the Revised Code may be required 136923
to pay an additional charge not exceeding the greater of fifty 136924
dollars or ten per cent of the tax due. Any additional charge 136925
imposed under this section may be collected by assessment as 136926
provided in section 5743.56 of the Revised Code. 136927

(C) If any tax due is not paid timely in accordance with 136928
this section or section 5743.62 or 5743.63 of the Revised Code, 136929
the person liable for the tax shall pay interest, calculated at 136930
the rate per annum as prescribed by section 5703.47 of the 136931
Revised Code, from the date the tax payment was due to the date 136932
of payment or to the date an assessment is issued under section 136933

5743.56 of the Revised Code, whichever occurs first. The 136934
commissioner may collect such interest by assessment pursuant to 136935
section 5743.56 of the Revised Code. 136936

(D) The commissioner may authorize the filing of returns 136937
and the payment of the tax required by this section, section 136938
5743.62, or section 5743.63 of the Revised Code for periods 136939
longer than a calendar month. 136940

(E) The commissioner may order any taxpayer to file with 136941
the commissioner security to the satisfaction of the 136942
commissioner conditioned upon filing the return and paying the 136943
taxes required under this section, section 5743.62, or section 136944
5743.63 of the Revised Code if the commissioner believes that 136945
the collection of the tax may be in jeopardy. 136946

Sec. 5743.521. In addition to the return required by 136947
section 5743.52 of the Revised Code, each retail dealer of 136948
tobacco products or vapor products in a county in which a tax is 136949
levied under section 5743.511 of the Revised Code shall, within 136950
thirty days after the date on which the tax takes effect, make 136951
and file a return, on a form prescribed by the tax commissioner, 136952
showing the total number of tobacco products or vapor products 136953
which such retail dealer had on hand as of the beginning of 136954
business on the date on which the tax takes effect and such 136955
other information as the commissioner deems necessary for the 136956
administration of that section. Each such retail dealer shall 136957
deliver the return together with a remittance of the additional 136958
amount of tax due on the tobacco products or the vapor products 136959
shown on such return to the commissioner. Any retail dealer of 136960
tobacco products or vapor products who fails to file a return 136961
under this section shall, for each day the retail dealer so 136962
fails, forfeit and pay into the state treasury the sum of one 136963

dollar as revenue arising from the tax imposed by section 136964
5743.511 of the Revised Code, and such sum may be collected by 136965
assessment in the manner provided in section 5743.56 of the 136966
Revised Code. For thirty days after the effective date of a tax 136967
imposed by section 5743.511 of the Revised Code, a retail dealer 136968
may possess for sale or sell in the county in which the tax is 136969
levied tobacco products or vapor products if the tax has or will 136970
be paid. 136971

Sec. 5743.54. (A) Each distributor of tobacco products and 136972
each vapor distributor of vapor products shall maintain complete 136973
and accurate records of all purchases and sales of tobacco 136974
products or vapor products, and shall procure and retain all 136975
invoices, bills of lading, and other documents relating to the 136976
purchases and sales of those products. The distributor or vapor 136977
distributor shall keep open records and documents during 136978
business hours for the inspection of the tax commissioner, and 136979
shall preserve them for a period of three years from the date 136980
the return was due or was filed, whichever is later, unless the 136981
commissioner, in writing, consents to their destruction within 136982
that period, or orders that they be kept for a longer period of 136983
time. 136984

(B) (1) Each distributor of tobacco products and each vapor 136985
distributor of vapor products subject to the tax levied by 136986
section 5743.51 or 5743.511 of the Revised Code shall mark on 136987
the invoices of tobacco products or vapor products sold that the 136988
tax levied by that section has been paid and shall indicate the 136989
distributor's or vapor distributor's account number as assigned 136990
by the commissioner. 136991

(2) Each vapor distributor subject to the tax imposed by 136992
section 5743.51 of the Revised Code shall mark on all invoices 136993

the total weight of the vapor product, rounded to the nearest 136994
one-tenth of one gram, if the vapor product is not sold in 136995
liquid form. If the vapor product is sold in liquid form, the 136996
invoice shall instead indicate the total volume of the vapor 136997
product, rounded to the nearest one-tenth of one milliliter. 136998

(C) No person shall make a false entry upon any invoice or 136999
record upon which an entry is required by this section and no 137000
person shall present any false entry for the inspection of the 137001
commissioner with the intent to evade the tax levied under 137002
section 5743.51, 5743.511, 5743.62, ~~or~~ 5743.621, 5743.63, or 137003
5743.631 of the Revised Code. 137004

Sec. 5743.55. Whenever the tax commissioner discovers any 137005
tobacco products or vapor products, subject to the tax levied 137006
under section 5743.51, 5743.511, 5743.62, ~~or~~ 5743.621, 5743.63, 137007
or 5743.631 of the Revised Code upon which the tax has not been 137008
paid or the commissioner has reason to believe the tax is being 137009
avoided, the commissioner may seize and take possession of the 137010
tobacco products or vapor products, which, upon seizure, shall 137011
be forfeited to the state. Within a reasonable time after 137012
seizure, the commissioner may sell the forfeited products. From 137013
the proceeds of this sale, the commissioner shall pay the costs 137014
incurred in the seizure and sale, and any proceeds remaining 137015
after the sale shall be considered as revenue arising from the 137016
tax. The seizure and sale shall not relieve any person from the 137017
fine or imprisonment provided for violation of sections 5743.51 137018
to 5743.66 of the Revised Code. The commissioner shall make the 137019
sale where it is most convenient and economical, but may order 137020
the destruction of the forfeited products if the quantity or 137021
quality is not sufficient to warrant their sale. 137022

Sec. 5743.56. (A) Any person required to pay the tax 137023

imposed by section 5743.51, 5743.511, 5743.62, ~~or 5743.621~~,
5743.63, or 5743.631 of the Revised Code is personally liable
for the tax. The tax commissioner may make an assessment, based
upon any information in the commissioner's possession, against
any person who fails to file a return or pay any tax, interest,
or additional charge as required by this chapter. The
commissioner shall give the person assessed written notice of
such assessment in the manner provided in section 5703.37 of the
Revised Code. With the notice, the commissioner shall provide
instructions on how to petition for reassessment and request a
hearing on the petition.

(B) When the information in the possession of the tax
commissioner indicates that a person liable for the tax imposed
by section 5743.51, 5743.511, 5743.62, ~~or 5743.621~~, 5743.63, or
5743.631 of the Revised Code has not paid the full amount of tax
due, the commissioner may audit a representative sample of the
person's business and may issue an assessment based on such
audit.

(C) A penalty of up to fifteen per cent may be added to
all amounts assessed under this section. The tax commissioner
may adopt rules providing for the imposition and remission of
such penalties.

(D) Unless the person assessed files with the tax
commissioner within sixty days after service of the notice of
assessment, ~~either personally or by certified mail~~, a written
petition for reassessment signed by the person assessed or that
person's authorized agent having knowledge of the facts, the
assessment becomes final and the amount of the assessment is due
and payable from the person assessed to the treasurer of state.
A petition shall indicate the objections of the person assessed,

but additional objections may be raised in writing if received 137054
by the commissioner prior to the date shown on the final 137055
determination. If the petition has been properly filed, the 137056
commissioner shall proceed under section 5703.60 of the Revised 137057
Code. 137058

(E) After an assessment becomes final, if any portion of 137059
the assessment, including accrued interest, remains unpaid, a 137060
certified copy of the tax commissioner's entry making the 137061
assessment final may be filed in the office of the clerk of the 137062
court of common pleas in the county in which the person assessed 137063
resides or in which the person assessed conducts business. If 137064
the person assessed maintains no place of business in this state 137065
and is not a resident of this state, the certified copy of the 137066
entry may be filed in the office of the clerk of the court of 137067
common pleas of Franklin county. 137068

Immediately upon the filing of the entry, the clerk shall 137069
enter a judgment for the state against the person assessed in 137070
the amount shown on the entry. The judgment may be filed by the 137071
clerk in a loose-leaf book entitled "special judgments for state 137072
tobacco products tax," and shall have the same effect as other 137073
judgments. Execution shall issue upon the judgment upon the 137074
request of the commissioner, and all laws applicable to sales on 137075
execution shall apply to sales made under the judgment. 137076

If the assessment is not paid in its entirety within sixty 137077
days after the day the assessment is issued, the portion of the 137078
assessment consisting of tax due shall bear interest at the rate 137079
per annum prescribed by section 5703.47 of the Revised Code from 137080
the day the commissioner issues the assessment until the 137081
assessment is paid or until it is certified to the attorney 137082
general for collection under section 131.02 of the Revised Code, 137083

whichever comes first. If the unpaid portion of the assessment 137084
is certified to the attorney general for collection, the entire 137085
unpaid portion of the assessment shall bear interest at the rate 137086
per annum prescribed by section 5703.47 of the Revised Code from 137087
the date of certification until the date it is paid in its 137088
entirety. Interest shall be paid in the same manner as the tax 137089
and may be collected by issuing an assessment under this 137090
section. 137091

(F) If the tax commissioner believes that collection of 137092
the tax will be jeopardized unless proceedings to collect or 137093
secure collection of the tax are instituted without delay, the 137094
commissioner may issue a jeopardy assessment against the person 137095
liable for the tax. Immediately upon the issuance of the 137096
jeopardy assessment, the commissioner shall file an entry with 137097
the clerk of the court of common pleas in the manner prescribed 137098
by division (E) of this section. Notice of the jeopardy 137099
assessment shall be served on the person assessed or the legal 137100
representative of the person assessed, as provided in section 137101
5703.37 of the Revised Code, within five days of the filing of 137102
the entry with the clerk. The total amount assessed is 137103
immediately due and payable, unless the person assessed files a 137104
petition for reassessment in accordance with division (D) of 137105
this section and provides security in a form satisfactory to the 137106
commissioner and in an amount sufficient to satisfy the unpaid 137107
balance of the assessment. Full or partial payment of the 137108
assessment does not prejudice the commissioner's consideration 137109
of the petition for reassessment. 137110

(G) All money collected by the tax commissioner under this 137111
section shall be paid to the treasurer of state as revenue 137112
arising from the tax imposed by sections 5743.51, 5743.62, and 137113
5743.63 of the Revised Code. 137114

Sec. 5743.57. (A) If any corporation, limited liability company, or business trust required to file returns pursuant to section 5743.52, 5743.62, or 5743.63 of the Revised Code fails to remit to the state any tax due under section 5743.51, 5743.511, 5743.62, or 5743.631 of the Revised Code, any of its employees having control or supervision of or charged with the responsibility of filing returns and making payments, and any of its officers, members, managers, trustees, or other persons who are responsible for the execution of the corporation's, limited liability company's, or business trust's fiscal responsibilities, is personally liable for the failure to remit the tax. The dissolution, termination, or bankruptcy of the corporation, limited liability company, or business trust does not discharge a responsible person's liability for the corporation's, limited liability company's, or business trust's failure to remit the tax due. The tax commissioner may assess a responsible person under section 5743.56 of the Revised Code.

(B) Except for assessments against responsible persons under division (A) of this section, no assessment of the tax imposed by section 5743.51, 5743.511, 5743.62, or 5743.631 of the Revised Code shall be made by the tax commissioner more than three years after the date on which the return for the period assessed was due or was filed, whichever date is later. This section does not bar an assessment when any of the following occurs:

(1) The person assessed failed to file a return required by section 5743.52, 5743.62, or 5743.63 of the Revised Code;

(2) The person assessed knowingly filed a false or fraudulent return;

(3) The person assessed and the tax commissioner have 137145
waived in writing the time limitation. 137146

Sec. 5743.59. (A) No retail dealer of tobacco products or 137147
vapor products shall have in the retail dealer's possession 137148
tobacco products or vapor products on which the tax imposed by 137149
section 5743.51 and, if applicable, section 5743.511 of the 137150
Revised Code has not been paid unless the retail dealer is 137151
licensed under section 5743.61 of the Revised Code. Payment may 137152
be evidenced by invoices from distributors or vapor distributors 137153
stating the tax has been paid. 137154

(B) The tax commissioner may inspect any place where 137155
tobacco products or vapor products subject to the tax levied 137156
under section 5743.51 or 5743.511 of the Revised Code are sold 137157
or stored. 137158

(C) No person shall prevent or hinder the commissioner 137159
from making a full inspection of any place where tobacco 137160
products or vapor products subject to the tax imposed by section 137161
5743.51 or 5743.511 of the Revised Code are sold or stored, or 137162
prevent or hinder the full inspection of invoices, books, or 137163
records required to be kept by section 5743.54 of the Revised 137164
Code. 137165

Sec. 5743.60. No person shall prepare for shipment, ship, 137166
transport, deliver, prepare for distribution, or distribute 137167
tobacco products or vapor products, or otherwise engage or 137168
participate in the business of distributing tobacco products or 137169
vapor products, with the intent to avoid payment of the tax 137170
levied by section 5743.51, 5743.511, 5743.62, ~~or 5743.621,~~ 137171
5743.63, or 5743.631 of the Revised Code, when the wholesale 137172
price of the tobacco products or, in the case of a tax levied 137173
under section 5743.511, 5743.621, or 5743.631 of the Revised 137174

Code, the vapor products exceeds three hundred dollars, or when 137175
the vapor volume of the vapor products exceeds five hundred 137176
milliliters or five hundred grams, as applicable, during any 137177
twelve-month period. 137178

Sec. 5743.62. (A) To provide revenue for the general 137179
revenue fund of the state, an excise tax is hereby levied on the 137180
seller of tobacco products or vapor products in this state at 137181
one of the following rates: 137182

(1) For tobacco products other than little cigars or 137183
premium cigars, seventeen per cent of the wholesale price of the 137184
tobacco product whenever the tobacco product is delivered to a 137185
consumer in this state for the storage, use, or other 137186
consumption of such tobacco products. 137187

(2) For little cigars, thirty-seven per cent of the 137188
wholesale price of the little cigars whenever the little cigars 137189
are delivered to a consumer in this state for the storage, use, 137190
or other consumption of the little cigars. 137191

(3) For premium cigars, whenever the premium cigars are 137192
delivered to a consumer in this state for the storage, use, or 137193
other consumption of the premium cigars, the lesser of seventeen 137194
per cent of the wholesale price of such premium cigars or the 137195
maximum tax amount per each such premium cigar. 137196

(4) For vapor products, one cent multiplied by the vapor 137197
volume of vapor products when the vapor products are delivered 137198
to a consumer in this state for the storage, use, or other 137199
consumption of the vapor products. 137200

The tax imposed by this section applies only to sellers 137201
having substantial nexus with this state, as defined in section 137202
5741.01 of the Revised Code. 137203

(B) A seller of tobacco products or vapor products who has substantial nexus with this state as defined in section 5741.01 of the Revised Code shall register with the tax commissioner and supply any information concerning the seller's contacts with this state as may be required by the tax commissioner. A seller who does not have substantial nexus with this state may voluntarily register with the tax commissioner. A seller who voluntarily registers with the tax commissioner is entitled to the same benefits and is subject to the same duties and requirements as a seller required to be registered with the tax commissioner under this division.

(C) Each seller of tobacco products or vapor products subject to the tax levied by this section or section 5743.621 of the Revised Code, on or before the twenty-third day of each month, shall file with the tax commissioner a return for the preceding month showing any information the tax commissioner finds necessary for the proper administration of sections 5743.51 to 5743.66 of the Revised Code, together with remittance of the tax due, payable to the treasurer of state. The return and payment of the tax required by this section shall be filed in such a manner that it is received by the tax commissioner on or before the twenty-third day of the month following the reporting period. If the return is filed and the amount of the tax shown on the return to be due is paid on or before the date the return is required to be filed, the seller is entitled to a discount equal to two and five-tenths per cent of the amount shown on the return to be due.

(D) The tax commissioner shall immediately forward to the treasurer of state all money received from the tax levied by this section, and the treasurer shall credit the amount to the general revenue fund.

(E) Each seller of tobacco products or vapor products 137235
subject to the tax levied by this section or section 5743.621 of 137236
the Revised Code shall mark on the invoices of tobacco products 137237
or vapor products sold that the tax levied by that section has 137238
been paid and shall indicate the seller's account number as 137239
assigned by the tax commissioner. 137240

Sec. 5743.621. For the same purposes for which it levies a 137241
tax under section 5743.511 of the Revised Code, the board of 137242
county commissioners of a county that levies a tax under that 137243
section shall adopt a resolution levying a tax at the same rate 137244
on the sellers of tobacco products or vapor products, as 137245
applicable, whenever the tobacco product or vapor product is 137246
delivered to a consumer in the county in which that tax is 137247
levied for the storage, use, or other consumption of such 137248
product. The tax shall take effect on the date that the tax 137249
levied under section 5743.511 of the Revised Code takes effect, 137250
and shall remain in effect as long as the tax levied under that 137251
section remains in effect. The tax imposed by this section 137252
applies only to sellers having substantial nexus with this 137253
state, as defined in section 5741.01 of the Revised Code. The 137254
tax levied under this section shall be in addition to the tax 137255
levied under section 5743.62 of the Revised Code. 137256

Sec. 5743.63. (A) To provide revenue for the general 137257
revenue fund of the state, an excise tax is hereby levied on the 137258
storage, use, or other consumption of tobacco products or vapor 137259
products at one of the following rates: 137260

(1) For tobacco products other than little cigars or 137261
premium cigars, seventeen per cent of the wholesale price of the 137262
tobacco product. 137263

(2) For little cigars, thirty-seven per cent of the 137264

wholesale price of the little cigars. 137265

(3) For premium cigars, the lesser of seventeen per cent 137266
of the wholesale price of the premium cigars or the maximum tax 137267
amount per each premium cigar. 137268

(4) For vapor products, one cent multiplied by the vapor 137269
volume of the vapor products. 137270

The tax levied under division (A) of this section is 137271
imposed only if the tax has not been paid by the seller as 137272
provided in section 5743.62 of the Revised Code, or by the 137273
distributor or vapor distributor as provided in section 5743.51 137274
of the Revised Code. 137275

(B) Each person subject to the tax levied by this section_ 137276
or section 5743.631 of the Revised Code, on or before the 137277
twenty-third day of each month, shall file with the tax 137278
commissioner a return for the preceding month showing any 137279
information the commissioner finds necessary for the proper 137280
administration of sections 5743.51 to 5743.66 of the Revised 137281
Code, together with remittance of the tax due, payable to the 137282
treasurer of state. The return and payment of the tax required 137283
by this section shall be filed in such a manner that it is 137284
received by the commissioner on or before the twenty-third day 137285
of the month following the reporting period. 137286

(C) The tax commissioner shall immediately forward to the 137287
treasurer of state all money received from the tax levied by 137288
this section, and the treasurer shall credit the amount to the 137289
general revenue fund. 137290

Sec. 5743.631. For the same purposes for which it levies a 137291
tax under section 5743.511 of the Revised Code, the board of 137292
county commissioners of a county that levies a tax under that 137293

section shall adopt a resolution levying a tax at the same rate 137294
on the use, consumption, or storage for consumption of tobacco 137295
products or vapor products, as applicable, by consumers in the 137296
county in which that tax is levied. The tax shall take effect on 137297
the date that the tax levied under section 5743.511 of the 137298
Revised Code takes effect and shall remain in effect as long as 137299
the tax levied under that section remains effective. The tax 137300
levied under this section is imposed only if the tax has not 137301
been paid by the seller as provided in section 5743.621 of the 137302
Revised Code, or by the distributor or vapor distributor as 137303
provided in section 5743.511 of the Revised Code. The tax levied 137304
under this section shall be in addition to the tax levied under 137305
section 5743.63 of the Revised Code. 137306

Sec. 5743.64. No person shall transport within this state 137307
tobacco products that have a wholesale value in excess of three 137308
hundred dollars, or vapor products with a vapor volume in excess 137309
of five hundred milliliters or five hundred grams, as 137310
applicable, unless the person has obtained consent to transport 137311
the tobacco products or vapor products from the tax commissioner 137312
prior to transportation. The consent is not required if the 137313
applicable tax levied under section 5743.51, 5743.511, 5743.62, 137314
~~or 5743.621, 5743.63, or 5743.631~~ of the Revised Code has been 137315
paid or will be paid by the distributor, vapor distributor, or 137316
seller. Application for the consent shall be in the form 137317
prescribed by the commissioner. 137318

Every person transporting tobacco products or vapor 137319
products with the department's consent shall have the consent 137320
with the person while transporting or possessing the tobacco 137321
products or vapor products within this state and shall produce 137322
the consent upon request of any law enforcement officer or 137323
authorized agent of the tax commissioner. 137324

Any person transporting tobacco products or vapor products 137325
without the consent required by this section shall be subject to 137326
the provisions of sections 5743.51 to 5743.66 of the Revised 137327
Code, including the tax imposed by section 5743.51, 5743.511, 137328
5743.62, ~~or 5743.621,~~ 5743.63, or 5743.631 of the Revised Code. 137329

Sec. 5745.03. (A) For each taxable year, each taxpayer 137330
shall file an annual report with the tax commissioner not later 137331
than the fifteenth day of the fourth month after the end of the 137332
taxpayer's taxable year, and shall remit with that report the 137333
amount of tax due as shown on the report less the amount paid 137334
for the year under section 5745.04 of the Revised Code. The 137335
~~remittance shall be made in the form prescribed by the~~ 137336
~~commissioner. If the amount payable with the report exceeds one~~ 137337
~~thousand dollars, the taxpayer shall remit the any amount due~~ 137338
with the report electronically in a manner prescribed by the 137339
commissioner. The commissioner shall credit ninety-eight and 137340
one-half per cent of such remittances to the municipal income 137341
tax fund, which is hereby created in the state treasury, and 137342
credit the remainder to the municipal income tax administrative 137343
fund, which is hereby created in the state treasury. 137344

(B) Any taxpayer that has been granted an extension for 137345
filing a federal income tax return ~~may request shall~~ 137346
automatically receive an extension for filing the return 137347
required under this section ~~by filing with the tax commissioner~~ 137348
~~a copy of the taxpayer's request for the federal filing~~ 137349
~~extension. The request shall be filed not later than the last~~ 137350
~~day for filing the return as required under division (A) of this~~ 137351
section. If such a request is properly and timely filed, and the 137352
commissioner shall extend the last day for filing the return 137353
required under this section ~~for the same period for which the~~ 137354
~~federal filing extension was granted. The commissioner may deny~~ 137355

~~the filing extension request only if the taxpayer fails to~~ 137356
~~timely file the request, fails to file a copy of the federal~~ 137357
~~extension request, owes past due taxes, interest, or penalty~~ 137358
~~under this chapter, or has failed to file a required report or~~ 137359
~~other document for a prior taxable year~~to the fifteenth day of 137360
the eleventh month after the last day of the taxable year to 137361
which the return relates. The granting of an extension under 137362
this section does not extend the last day for paying taxes 137363
without penalty pursuant to this chapter unless the commissioner 137364
extends the payment date. 137365

(C) A taxpayer that has not requested or received an 137366
extension for filing the taxpayer's federal income tax return 137367
may request that the commissioner grant the taxpayer a seven- 137368
month extension of the date for filing the taxpayer's tax 137369
return. If the commissioner receives the request on or before 137370
the date the tax return is due, the commissioner shall grant the 137371
taxpayer's extension request. 137372

(D) The annual report shall include statements of the 137373
following facts as of the last day of the taxpayer's taxable 137374
year: 137375

(1) The name of the taxpayer; 137376

~~(2) The name of the state or country under the laws of~~ 137377
~~which it is incorporated;~~ 137378

~~(3) The location of its principal office in this state~~ 137379
~~and, in the case of a taxpayer organized under the laws of~~ 137380
~~another state, the principal place of business in this state and~~ 137381
~~the name and address of the officer or agent of the taxpayer in~~ 137382
~~charge of the business conducted in this state;~~ 137383

~~(4) The names of the president, secretary, treasurer, and~~ 137384

~~statutory agent in this state, with the post office address of~~ 137385
~~each;~~ 137386

~~(5)~~ (2) The date on which the taxpayer's taxable year 137387
begins and ends; 137388

~~(6)~~ (3) The taxpayer's federal taxable income during the 137389
taxpayer's taxable year; 137390

~~(7)~~ (4) Any other information the tax commissioner requires 137391
for the proper administration of this chapter. 137392

~~(D)~~ (E) The tax commissioner may require any reports 137393
required under this chapter to be filed in an electronic format. 137394

~~(E)~~ (F) A municipal corporation may not require a taxpayer 137395
required to file a report under this section to file a report of 137396
the taxpayer's income, but a municipal corporation may require a 137397
taxpayer to report to the municipal corporation the value of the 137398
taxpayer's real and tangible personal property situated in the 137399
municipal corporation, compensation paid by the taxpayer to its 137400
employees in the municipal corporation, and sales made in the 137401
municipal corporation by the taxpayer, to the extent necessary 137402
for the municipal corporation to compute the taxpayer's 137403
municipal property, payroll, and sales factors for the municipal 137404
corporation. 137405

~~(F)~~ (G) On or before the thirty-first day of January each 137406
year, each municipal corporation imposing a tax on income shall 137407
certify to the tax commissioner the rate of the tax in effect on 137408
the first day of January of that year. If any municipal 137409
corporation fails to certify its income tax rate as required by 137410
this division, the commissioner shall notify the director of 137411
budget and management, who, upon receiving such notification, 137412
shall withhold from each payment made to the municipal 137413

corporation under section 5745.05 of the Revised Code fifty per 137414
cent of the amount of the payment otherwise due the municipal 137415
corporation under that section as computed on the basis of the 137416
tax rate most recently certified until the municipal corporation 137417
certifies the tax rate in effect on the first day of January of 137418
that year. 137419

The tax rate used to determine the tax payable to a 137420
municipal corporation under this section for a taxpayer's 137421
taxable year shall be the tax rate in effect in a municipal 137422
corporation on the first day of January in that taxable year. If 137423
a taxpayer's taxable year is for a period less than twelve 137424
months that does not include the first day of January, the tax 137425
rate used to determine the tax payable to a municipal 137426
corporation under this section for the taxpayer's taxable year 137427
shall be the tax rate in effect in a municipal corporation on 137428
the first day of January in the preceding taxable year. 137429

Sec. 5745.04. (A) As used in this section, "combined tax 137430
liability" means the total of a taxpayer's income tax 137431
liabilities to all municipal corporations in this state for a 137432
taxable year. 137433

(B) Each taxpayer shall file a declaration of estimated 137434
tax report with, and remit estimated taxes to, the tax 137435
commissioner, payable to the treasurer of state, at the times 137436
and in the amounts prescribed in divisions (B)(1) to (4) of this 137437
section. The first taxable year a taxpayer is subject to this 137438
chapter, the estimated taxes the taxpayer is required to remit 137439
under this section shall be based solely on the current taxable 137440
year and not on the liability for the preceding taxable year. 137441

(1) Not less than twenty-five per cent of the combined tax 137442
liability for the preceding taxable year or twenty per cent of 137443

the combined tax liability for the current taxable year shall 137444
have been remitted not later than the fifteenth day of the 137445
fourth month after the end of the preceding taxable year. 137446

(2) Not less than fifty per cent of the combined tax 137447
liability for the preceding taxable year or forty per cent of 137448
the combined tax liability for the current taxable year shall 137449
have been remitted not later than the fifteenth day of the sixth 137450
month after the end of the preceding taxable year. 137451

(3) Not less than seventy-five per cent of the combined 137452
tax liability for the preceding taxable year or sixty per cent 137453
of the combined tax liability for the current taxable year shall 137454
have been remitted not later than the fifteenth day of the ninth 137455
month after the end of the preceding taxable year. 137456

(4) Not less than one hundred per cent of the combined tax 137457
liability for the preceding taxable year or eighty per cent of 137458
the combined tax liability for the current taxable year shall 137459
have been remitted not later than the fifteenth day of the 137460
twelfth month after the end of the preceding taxable year. 137461

(C) Each taxpayer shall report on the declaration of 137462
estimated tax report the portion of the remittance that the 137463
taxpayer estimates that it owes to each municipal corporation 137464
for the taxable year. 137465

(D) Upon receiving a declaration of estimated tax report 137466
and remittance of estimated taxes under this section, the tax 137467
commissioner shall credit ninety-eight and one-half per cent of 137468
the remittance to the municipal income tax fund and credit the 137469
remainder to the municipal income tax administrative fund. 137470

(E) ~~If any remittance of estimated taxes is for one~~ 137471
~~thousand dollars or more, the~~ The taxpayer shall make the 137472

remittance of estimated taxes electronically as prescribed by 137473
section 5745.041 of the Revised Code. 137474

(F) Notwithstanding section 5745.08 or 5745.09 of the 137475
Revised Code, no penalty or interest shall be imposed on a 137476
taxpayer if the declaration of estimated tax report is properly 137477
filed, and the estimated tax is paid, within the time prescribed 137478
by division (B) of this section. 137479

Sec. 5745.09. (A) In case of any underpayment of the 137480
estimated tax under section 5745.04 of the Revised Code, ~~there~~ 137481
~~shall be added~~ the tax commissioner may add to the tax an amount 137482
determined at the rate per annum prescribed by section 5703.47 137483
of the Revised Code upon the amount of underpayment for the 137484
period of underpayment. 137485

(B) The amount of the underpayment shall be the excess of 137486
division (B) (1) over division (B) (2) of this section: 137487

(1) The amount of the estimated tax payment that would be 137488
required to be paid for the taxable year if the total estimated 137489
tax were equal to the total tax shown to be due on the annual 137490
report, or if no report was filed, the tax for such year; 137491

(2) The amount, if any, of the estimated tax paid on or 137492
before the last day prescribed for such payment. 137493

(C) The period of the underpayment shall run from the date 137494
the estimated tax payment was required to be made to the date on 137495
which such payment is made. For purposes of this section, a 137496
payment of estimated tax on any payment date shall be considered 137497
a payment of any previous underpayment only to the extent such 137498
payment exceeds the amount of the payment presently due. 137499

(D) All amounts collected under this section shall be 137500
considered as taxes collected under this chapter and shall be 137501

credited and distributed to municipal corporations in the same 137502
proportions as the taxpayer's taxes are distributed for the 137503
reporting period under section 5745.05 of the Revised Code or, 137504
if the taxpayer has filed the annual report for the year under 137505
section 5745.03 of the Revised Code, in the amounts found to be 137506
due to such municipal corporations on the basis of the annual 137507
report. 137508

Sec. 5745.12. (A) If any taxpayer required to file a 137509
report under this chapter fails to file the report within the 137510
time prescribed, files an incorrect report, or fails to remit 137511
the full amount of the tax due for the period covered by the 137512
report, the tax commissioner may make an assessment against the 137513
taxpayer for any deficiency for the period for which the report 137514
or tax is due, based upon any information in the commissioner's 137515
possession. 137516

The tax commissioner shall not make or issue an assessment 137517
against a taxpayer more than three years after the later of the 137518
final date the report subject to assessment was required to be 137519
filed or the date the report was filed. Such time limit may be 137520
extended if both the taxpayer and the commissioner consent in 137521
writing to the extension. Any such extension shall extend the 137522
three-year time limit in section 5745.11 of the Revised Code for 137523
the same period of time. There shall be no bar or limit to an 137524
assessment against a taxpayer that fails to file a report 137525
subject to assessment as required by this chapter, or that files 137526
a fraudulent report. The commissioner shall give the taxpayer 137527
assessed written notice of the assessment as provided in section 137528
5703.37 of the Revised Code. With the notice, the commissioner 137529
shall provide instructions on how to petition for reassessment 137530
and request a hearing on the petition. 137531

(B) Unless the taxpayer assessed files with the tax commissioner within sixty days after service of the notice of assessment, ~~either personally or by certified mail,~~ a written petition for reassessment signed by the authorized agent of the taxpayer assessed having knowledge of the facts, the assessment becomes final, and the amount of the assessment is due and payable from the taxpayer to the treasurer of state. The petition shall indicate the taxpayer's objections, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the taxpayer has an office or place of business in this state, the county in which the taxpayer's statutory agent is located, or Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment against the taxpayer assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for municipal income taxes," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the

assessment consisting of tax due shall bear interest at the rate 137562
per annum prescribed by section 5703.47 of the Revised Code from 137563
the day the commissioner issues the assessment until the 137564
assessment is paid or until it is certified to the attorney 137565
general for collection under section 131.02 of the Revised Code, 137566
whichever comes first. If the unpaid portion of the assessment 137567
is certified to the attorney general for collection, the entire 137568
unpaid portion of the assessment shall bear interest at the rate 137569
per annum prescribed by section 5703.47 of the Revised Code from 137570
the date of certification until the date it is paid in its 137571
entirety. Interest shall be paid in the same manner as the tax 137572
and may be collected by issuing an assessment under this 137573
section. 137574

(D) All money collected under this section shall be 137575
credited and distributed to the municipal corporation to which 137576
the money is owed based on the assessment issued under this 137577
section. 137578

(E) If the tax commissioner believes that collection of 137579
the tax imposed by this chapter will be jeopardized unless 137580
proceedings to collect or secure collection of the tax are 137581
instituted without delay, the commissioner may issue a jeopardy 137582
assessment against the taxpayer liable for the tax. Immediately 137583
upon the issuance of the jeopardy assessment, the commissioner 137584
shall file an entry with the clerk of the court of common pleas 137585
in the manner prescribed by division (C) of this section. Notice 137586
of the jeopardy assessment shall be served on the taxpayer 137587
assessed or the taxpayer's legal representative in the manner 137588
provided in section 5703.37 of the Revised Code within five days 137589
of the filing of the entry with the clerk. The total amount 137590
assessed is immediately due and payable, unless the taxpayer 137591
assessed files a petition for reassessment in accordance with 137592

division (B) of this section and provides security in a form 137593
satisfactory to the commissioner and in an amount sufficient to 137594
satisfy the unpaid balance of the assessment. Full or partial 137595
payment of the assessment does not prejudice the commissioner's 137596
consideration of the petition for reassessment. 137597

(F) Notwithstanding the fact that a petition for 137598
reassessment is pending, the taxpayer may pay all or a portion 137599
of the assessment that is the subject of the petition. The 137600
acceptance of a payment by the treasurer of state does not 137601
prejudice any claim for refund upon final determination of the 137602
petition. 137603

If upon final determination of the petition an error in 137604
the assessment is corrected by the tax commissioner, upon 137605
petition so filed or pursuant to a decision of the board of tax 137606
appeals or any court to which the determination or decision has 137607
been appealed, so that the amount due from the taxpayer under 137608
the corrected assessment is less than the portion paid, there 137609
shall be issued to the taxpayer, its assigns, or legal 137610
representative a refund in the amount of the overpayment as 137611
provided by section 5745.11 of the Revised Code, with interest 137612
on that amount as provided by section 5745.11 of the Revised 137613
Code. 137614

Sec. 5747.01. Except as otherwise expressly provided or 137615
clearly appearing from the context, any term used in this 137616
chapter that is not otherwise defined in this section has the 137617
same meaning as when used in a comparable context in the laws of 137618
the United States relating to federal income taxes or if not 137619
used in a comparable context in those laws, has the same meaning 137620
as in section 5733.40 of the Revised Code. Any reference in this 137621
chapter to the Internal Revenue Code includes other laws of the 137622

United States relating to federal income taxes.	137623
As used in this chapter:	137624
(A) "Adjusted gross income" or "Ohio adjusted gross income" means federal adjusted gross income, as defined and used in the Internal Revenue Code, adjusted as provided in this section:	137625 137626 137627 137628
(1) Add interest or dividends on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities.	137629 137630 137631 137632
(2) Add interest or dividends on obligations of any authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income taxes.	137633 137634 137635 137636 137637
(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.	137638 137639 137640 137641 137642 137643
(4) Deduct disability and survivor's benefits to the extent included in federal adjusted gross income.	137644 137645
(5) Deduct the following, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income:	137646 137647 137648
(a) Benefits under Title II of the Social Security Act and tier 1 railroad retirement;	137649 137650

(b) Railroad retirement benefits, other than tier 1 137651
railroad retirement benefits, to the extent such amounts are 137652
exempt from state taxation under federal law. 137653

(6) Deduct the amount of wages and salaries, if any, not 137654
otherwise allowable as a deduction but that would have been 137655
allowable as a deduction in computing federal adjusted gross 137656
income for the taxable year, had the work opportunity tax credit 137657
allowed and determined under sections 38, 51, and 52 of the 137658
Internal Revenue Code not been in effect. 137659

(7) Deduct any interest or interest equivalent on public 137660
obligations and purchase obligations to the extent that the 137661
interest or interest equivalent is included in federal adjusted 137662
gross income. 137663

(8) Add any loss or deduct any gain resulting from the 137664
sale, exchange, or other disposition of public obligations to 137665
the extent that the loss has been deducted or the gain has been 137666
included in computing federal adjusted gross income. 137667

(9) Deduct or add amounts, as provided under section 137668
5747.70 of the Revised Code, related to contributions made to or 137669
tuition units purchased under a qualified tuition program 137670
established pursuant to section 529 of the Internal Revenue 137671
Code. 137672

(10) (a) Deduct, to the extent not otherwise allowable as a 137673
deduction or exclusion in computing federal or Ohio adjusted 137674
gross income for the taxable year, the amount the taxpayer paid 137675
during the taxable year for medical care insurance and qualified 137676
long-term care insurance for the taxpayer, the taxpayer's 137677
spouse, and dependents. No deduction for medical care insurance 137678
under division (A) (10) (a) of this section shall be allowed 137679

either to any taxpayer who is eligible to participate in any 137680
subsidized health plan maintained by any employer of the 137681
taxpayer or of the taxpayer's spouse, or to any taxpayer who is 137682
entitled to, or on application would be entitled to, benefits 137683
under part A of Title XVIII of the "Social Security Act," 49 137684
Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of 137685
division (A)(10)(a) of this section, "subsidized health plan" 137686
means a health plan for which the employer pays any portion of 137687
the plan's cost. The deduction allowed under division (A)(10)(a) 137688
of this section shall be the net of any related premium refunds, 137689
related premium reimbursements, or related insurance premium 137690
dividends received during the taxable year. 137691

(b) Deduct, to the extent not otherwise deducted or 137692
excluded in computing federal or Ohio adjusted gross income 137693
during the taxable year, the amount the taxpayer paid during the 137694
taxable year, not compensated for by any insurance or otherwise, 137695
for medical care of the taxpayer, the taxpayer's spouse, and 137696
dependents, to the extent the expenses exceed seven and one-half 137697
per cent of the taxpayer's federal adjusted gross income. 137698

(c) For purposes of division (A)(10) of this section, 137699
"medical care" has the meaning given in section 213 of the 137700
Internal Revenue Code, subject to the special rules, 137701
limitations, and exclusions set forth therein, and "qualified 137702
long-term care" has the same meaning given in section 7702B(c) 137703
of the Internal Revenue Code. Solely for purposes of division 137704
(A)(10)(a) of this section, "dependent" includes a person who 137705
otherwise would be a "qualifying relative" and thus a 137706
"dependent" under section 152 of the Internal Revenue Code but 137707
for the fact that the person fails to meet the income and 137708
support limitations under section 152(d)(1)(B) and (C) of the 137709
Internal Revenue Code. 137710

(11) (a) Deduct any amount included in federal adjusted gross income solely because the amount represents a reimbursement or refund of expenses that in any year the taxpayer had deducted as an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable United States department of the treasury regulations. The deduction otherwise allowed under division (A) (11) (a) of this section shall be reduced to the extent the reimbursement is attributable to an amount the taxpayer deducted under this section in any taxable year.

(b) Add any amount not otherwise included in Ohio adjusted gross income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio adjusted gross income in any taxable year.

(12) Deduct any portion of the deduction described in section 1341(a) (2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:

(a) It is allowable for repayment of an item that was included in the taxpayer's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year;

(b) It does not otherwise reduce the taxpayer's adjusted gross income for the current or any other taxable year.

(13) Deduct an amount equal to the deposits made to, and net investment earnings of, a medical savings account during the taxable year, in accordance with section 3924.66 of the Revised Code. The deduction allowed by division (A) (13) of this section

does not apply to medical savings account deposits and earnings 137740
otherwise deducted or excluded for the current or any other 137741
taxable year from the taxpayer's federal adjusted gross income. 137742

(14) (a) Add an amount equal to the funds withdrawn from a 137743
medical savings account during the taxable year, and the net 137744
investment earnings on those funds, when the funds withdrawn 137745
were used for any purpose other than to reimburse an account 137746
holder for, or to pay, eligible medical expenses, in accordance 137747
with section 3924.66 of the Revised Code; 137748

(b) Add the amounts distributed from a medical savings 137749
account under division (A) (2) of section 3924.68 of the Revised 137750
Code during the taxable year. 137751

(15) Add any amount claimed as a credit under section 137752
5747.059 of the Revised Code to the extent that such amount 137753
satisfies either of the following: 137754

(a) The amount was deducted or excluded from the 137755
computation of the taxpayer's federal adjusted gross income as 137756
required to be reported for the taxpayer's taxable year under 137757
the Internal Revenue Code; 137758

(b) The amount resulted in a reduction of the taxpayer's 137759
federal adjusted gross income as required to be reported for any 137760
of the taxpayer's taxable years under the Internal Revenue Code. 137761

(16) Deduct the amount contributed by the taxpayer to an 137762
individual development account program established by a county 137763
department of job and family services pursuant to sections 137764
329.11 to 329.14 of the Revised Code for the purpose of matching 137765
funds deposited by program participants. On request of the tax 137766
commissioner, the taxpayer shall provide any information that, 137767
in the tax commissioner's opinion, is necessary to establish the 137768

amount deducted under division (A) (16) of this section. 137769

(17) (a) (i) Subject to divisions (A) (17) (a) (iii), (iv), and 137770
(v) of this section, add five-sixths of the amount of 137771
depreciation expense allowed by subsection (k) of section 168 of 137772
the Internal Revenue Code, including the taxpayer's 137773
proportionate or distributive share of the amount of 137774
depreciation expense allowed by that subsection to a pass- 137775
through entity in which the taxpayer has a direct or indirect 137776
ownership interest. 137777

(ii) Subject to divisions (A) (17) (a) (iii), (iv), and (v) 137778
of this section, add five-sixths of the amount of qualifying 137779
section 179 depreciation expense, including the taxpayer's 137780
proportionate or distributive share of the amount of qualifying 137781
section 179 depreciation expense allowed to any pass-through 137782
entity in which the taxpayer has a direct or indirect ownership 137783
interest. 137784

(iii) Subject to division (A) (17) (a) (v) of this section, 137785
for taxable years beginning in 2012 or thereafter, if the 137786
increase in income taxes withheld by the taxpayer is equal to or 137787
greater than ten per cent of income taxes withheld by the 137788
taxpayer during the taxpayer's immediately preceding taxable 137789
year, "two-thirds" shall be substituted for "five-sixths" for 137790
the purpose of divisions (A) (17) (a) (i) and (ii) of this section. 137791

(iv) Subject to division (A) (17) (a) (v) of this section, 137792
for taxable years beginning in 2012 or thereafter, a taxpayer is 137793
not required to add an amount under division (A) (17) of this 137794
section if the increase in income taxes withheld by the taxpayer 137795
and by any pass-through entity in which the taxpayer has a 137796
direct or indirect ownership interest is equal to or greater 137797
than the sum of (I) the amount of qualifying section 179 137798

depreciation expense and (II) the amount of depreciation expense 137799
allowed to the taxpayer by subsection (k) of section 168 of the 137800
Internal Revenue Code, and including the taxpayer's 137801
proportionate or distributive shares of such amounts allowed to 137802
any such pass-through entities. 137803

(v) If a taxpayer directly or indirectly incurs a net 137804
operating loss for the taxable year for federal income tax 137805
purposes, to the extent such loss resulted from depreciation 137806
expense allowed by subsection (k) of section 168 of the Internal 137807
Revenue Code and by qualifying section 179 depreciation expense, 137808
"the entire" shall be substituted for "five-sixths of the" for 137809
the purpose of divisions (A) (17) (a) (i) and (ii) of this section. 137810

The tax commissioner, under procedures established by the 137811
commissioner, may waive the add-backs related to a pass-through 137812
entity if the taxpayer owns, directly or indirectly, less than 137813
five per cent of the pass-through entity. 137814

(b) Nothing in division (A) (17) of this section shall be 137815
construed to adjust or modify the adjusted basis of any asset. 137816

(c) To the extent the add-back required under division (A) 137817
(17) (a) of this section is attributable to property generating 137818
nonbusiness income or loss allocated under section 5747.20 of 137819
the Revised Code, the add-back shall be situated to the same 137820
location as the nonbusiness income or loss generated by the 137821
property for the purpose of determining the credit under 137822
division (A) of section 5747.05 of the Revised Code. Otherwise, 137823
the add-back shall be apportioned, subject to one or more of the 137824
four alternative methods of apportionment enumerated in section 137825
5747.21 of the Revised Code. 137826

(d) For the purposes of division (A) (17) (a) (v) of this 137827

section, net operating loss carryback and carryforward shall not 137828
include the allowance of any net operating loss deduction 137829
carryback or carryforward to the taxable year to the extent such 137830
loss resulted from depreciation allowed by section 168(k) of the 137831
Internal Revenue Code and by the qualifying section 179 137832
depreciation expense amount. 137833

(e) For the purposes of divisions (A) (17) and (18) of this 137834
section: 137835

(i) "Income taxes withheld" means the total amount 137836
withheld and remitted under sections 5747.06 and 5747.07 of the 137837
Revised Code by an employer during the employer's taxable year. 137838

(ii) "Increase in income taxes withheld" means the amount 137839
by which the amount of income taxes withheld by an employer 137840
during the employer's current taxable year exceeds the amount of 137841
income taxes withheld by that employer during the employer's 137842
immediately preceding taxable year. 137843

(iii) "Qualifying section 179 depreciation expense" means 137844
the difference between (I) the amount of depreciation expense 137845
directly or indirectly allowed to a taxpayer under section 179 137846
of the Internal Revised Code, and (II) the amount of 137847
depreciation expense directly or indirectly allowed to the 137848
taxpayer under section 179 of the Internal Revenue Code as that 137849
section existed on December 31, 2002. 137850

(18) (a) If the taxpayer was required to add an amount 137851
under division (A) (17) (a) of this section for a taxable year, 137852
deduct one of the following: 137853

(i) One-fifth of the amount so added for each of the five 137854
succeeding taxable years if the amount so added was five-sixths 137855
of qualifying section 179 depreciation expense or depreciation 137856

expense allowed by subsection (k) of section 168 of the Internal Revenue Code; 137857
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(ii) One-half of the amount so added for each of the two succeeding taxable years if the amount so added was two-thirds of such depreciation expense; 137859
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(iii) One-sixth of the amount so added for each of the six succeeding taxable years if the entire amount of such depreciation expense was so added. 137862
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(b) If the amount deducted under division (A) (18) (a) of this section is attributable to an add-back allocated under division (A) (17) (c) of this section, the amount deducted shall be situated to the same location. Otherwise, the ~~add-back~~ deduction shall be apportioned using the apportionment factors for the taxable year in which the deduction is taken, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code. 137865
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(c) No deduction is available under division (A) (18) (a) of this section with regard to any depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount to the extent that such depreciation results in or increases a federal net operating loss carryback or carryforward. If no such deduction is available for a taxable year, the taxpayer may carry forward the amount not deducted in such taxable year to the next taxable year and add that amount to any deduction otherwise available under division (A) (18) (a) of this section for that next taxable year. The carryforward of amounts not so deducted shall continue until the entire addition required by division (A) (17) (a) of this section has been deducted. 137873
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(19) Deduct, to the extent not otherwise deducted or 137886
excluded in computing federal or Ohio adjusted gross income for 137887
the taxable year, the amount the taxpayer received during the 137888
taxable year as reimbursement for life insurance premiums under 137889
section 5919.31 of the Revised Code. 137890

(20) Deduct, to the extent not otherwise deducted or 137891
excluded in computing federal or Ohio adjusted gross income for 137892
the taxable year, the amount the taxpayer received during the 137893
taxable year as a death benefit paid by the adjutant general 137894
under section 5919.33 of the Revised Code. 137895

(21) Deduct, to the extent included in federal adjusted 137896
gross income and not otherwise allowable as a deduction or 137897
exclusion in computing federal or Ohio adjusted gross income for 137898
the taxable year, military pay and allowances received by the 137899
taxpayer during the taxable year for active duty service in the 137900
~~United States army, air force, navy, marine corps, or coast-~~ 137901
~~guard~~ uniformed services or reserve components thereof or the 137902
national guard. The deduction may not be claimed for military 137903
pay and allowances received by the taxpayer while the taxpayer 137904
is stationed in this state. 137905

(22) Deduct, to the extent not otherwise allowable as a 137906
deduction or exclusion in computing federal or Ohio adjusted 137907
gross income for the taxable year and not otherwise compensated 137908
for by any other source, the amount of qualified organ donation 137909
expenses incurred by the taxpayer during the taxable year, not 137910
to exceed ten thousand dollars. A taxpayer may deduct qualified 137911
organ donation expenses only once for all taxable years 137912
beginning with taxable years beginning in 2007. 137913

For the purposes of division (A) (22) of this section: 137914

(a) "Human organ" means all or any portion of a human liver, pancreas, kidney, intestine, or lung, and any portion of human bone marrow.

(b) "Qualified organ donation expenses" means travel expenses, lodging expenses, and wages and salary forgone by a taxpayer in connection with the taxpayer's donation, while living, of one or more of the taxpayer's human organs to another human being.

(23) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, amounts received by the taxpayer as retired personnel pay for service in the uniformed services or reserve components thereof, or the national guard, or received by the surviving spouse or former spouse of such a taxpayer under the survivor benefit plan on account of such a taxpayer's death. If the taxpayer receives income on account of retirement paid under the federal civil service retirement system or federal employees retirement system, or under any successor retirement program enacted by the congress of the United States that is established and maintained for retired employees of the United States government, and such retirement income is based, in whole or in part, on credit for the taxpayer's uniformed service, the deduction allowed under this division shall include only that portion of such retirement income that is attributable to the taxpayer's uniformed service, to the extent that portion of such retirement income is otherwise included in federal adjusted gross income and is not otherwise deducted under this section. Any amount deducted under division (A) (23) of this section is not included in a taxpayer's adjusted gross income for the purposes of section 5747.055 of the Revised Code. No amount may be deducted under division (A) (23) of this section on the basis

of which a credit was claimed under section 5747.055 of the Revised Code. 137946
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(24) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year from the military injury relief fund created in section 5902.05 of the Revised Code. 137948
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(25) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received as a veterans bonus during the taxable year from the Ohio department of veterans services as authorized by Section 2r of Article VIII, Ohio Constitution. 137953
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(26) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, any income derived from a transfer agreement or from the enterprise transferred under that agreement under section 4313.02 of the Revised Code. 137959
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(27) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, Ohio college opportunity or federal Pell grant amounts received by the taxpayer or the taxpayer's spouse or dependent pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 1070a, et seq., and used to pay room or board furnished by the educational institution for which the grant was awarded at the institution's facilities, including meal plans administered by the institution. For the purposes of this division, receipt of a grant includes the distribution of a grant directly to an educational institution and the crediting of the grant to the enrollee's account with the institution. 137964
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(28) Deduct from the portion of an individual's federal adjusted gross income that is business income, to the extent not otherwise deducted or excluded in computing federal adjusted gross income for the taxable year, one hundred twenty-five thousand dollars for each spouse if spouses file separate returns under section 5747.08 of the Revised Code or two hundred fifty thousand dollars for all other individuals. 137976
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(29) Deduct, as provided under section 5747.78 of the Revised Code, contributions to ABLE savings accounts made in accordance with sections 113.50 to 113.56 of the Revised Code. 137983
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(30) (a) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income during the taxable year, all of the following: 137986
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(i) Compensation paid to a qualifying employee described in division (A) (14) (a) of section 5703.94 of the Revised Code to the extent such compensation is for disaster work conducted in this state during a disaster response period pursuant to a qualifying solicitation received by the employee's employer; 137989
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(ii) Compensation paid to a qualifying employee described in division (A) (14) (b) of section 5703.94 of the Revised Code to the extent such compensation is for disaster work conducted in this state by the employee during the disaster response period on critical infrastructure owned or used by the employee's employer; 137994
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(iii) Income received by an out-of-state disaster business for disaster work conducted in this state during a disaster response period, or, if the out-of-state disaster business is a pass-through entity, a taxpayer's distributive share of the pass-through entity's income from the business conducting 138000
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disaster work in this state during a disaster response period, 138005
if, in either case, the disaster work is conducted pursuant to a 138006
qualifying solicitation received by the business. 138007

(b) All terms used in division (A) (30) of this section 138008
have the same meanings as in section 5703.94 of the Revised 138009
Code. 138010

(31) For a taxpayer who is a qualifying Ohio educator, 138011
deduct, to the extent not otherwise deducted or excluded in 138012
computing federal or Ohio adjusted gross income for the taxable 138013
year, the lesser of ~~two~~ three hundred ~~fifty~~ dollars or the 138014
amount of expenses described in subsections (a) (2) (D) (i) and 138015
(ii) of section 62 of the Internal Revenue Code paid or incurred 138016
by the taxpayer during the taxpayer's taxable year in excess of 138017
the amount the taxpayer is authorized to deduct for that taxable 138018
year under subsection (a) (2) (D) of that section. 138019

(32) Deduct, to the extent not otherwise deducted or 138020
excluded in computing federal or Ohio adjusted gross income for 138021
the taxable year, amounts received by the taxpayer as a 138022
disability severance payment, computed under 10 U.S.C. 1212, 138023
following discharge or release under honorable conditions from 138024
the armed forces of the United States, as defined in section 138025
5907.01 of the Revised Code. 138026

(33) Deduct, to the extent not otherwise deducted or 138027
excluded in computing federal adjusted gross income or Ohio 138028
adjusted gross income, amounts not subject to tax due to an 138029
agreement entered into under division (A) (2) of section 5747.05 138030
of the Revised Code. 138031

(34) Deduct amounts as provided under section 5747.79 of 138032
the Revised Code related to the taxpayer's qualifying capital 138033

gains and deductible payroll. 138034

To the extent a qualifying capital gain described under 138035
division (A) (34) of this section is business income, the 138036
taxpayer shall deduct those gains under this division before 138037
deducting any such gains under division (A) (28) of this section. 138038

(35) (a) For taxable years beginning in or after 2026, 138039
deduct, to the extent not otherwise deducted or excluded in 138040
computing federal or Ohio adjusted gross income for the taxable 138041
year: 138042

(i) One hundred per cent of the capital gain received by 138043
the taxpayer in the taxable year from a qualifying interest in 138044
an Ohio venture capital operating company attributable to the 138045
company's investments in Ohio businesses during the period for 138046
which the company was an Ohio venture operating company; and 138047

(ii) Fifty per cent of the capital gain received by the 138048
taxpayer in the taxable year from a qualifying interest in an 138049
Ohio venture capital operating company attributable to the 138050
company's investments in all other businesses during the period 138051
for which the company was an Ohio venture operating company. 138052

(b) Add amounts previously deducted by the taxpayer under 138053
division (A) (35) (a) of this section if the director of 138054
development certifies to the tax commissioner that the 138055
requirements for the deduction were not met. 138056

(c) All terms used in division (A) (35) of this section 138057
have the same meanings as in section 122.851 of the Revised 138058
Code. 138059

(d) To the extent a capital gain described in division (A) 138060
(35) (a) of this section is business income, the taxpayer shall 138061
apply that division before applying division (A) (28) of this 138062

section. 138063

(36) Add, to the extent not otherwise included in 138064
computing federal or Ohio adjusted gross income for any taxable 138065
year, the taxpayer's proportionate share of the amount of the 138066
tax levied under section 5747.38 of the Revised Code and paid by 138067
an electing pass-through entity for the taxable year. 138068

Notwithstanding any provision of the Revised Code to the 138069
contrary, the portion of the addition required by division (A) 138070
(36) of this section related to the apportioned business income 138071
of the pass-through entity shall be considered business income 138072
under division (B) of this section. Such addition is eligible 138073
for the deduction in division (A) (28) of this section, subject 138074
to the applicable dollar limitations, and the tax rate 138075
prescribed by division (A) (4) (a) of section 5747.02 of the 138076
Revised Code. The taxpayer shall provide, upon request of the 138077
tax commissioner, any documentation necessary to verify the 138078
portion of the addition that is business income under this 138079
division. 138080

(37) Deduct, to the extent not otherwise deducted or 138081
excluded in computing federal or Ohio adjusted gross income for 138082
the taxable year, amounts delivered to a qualifying institution 138083
pursuant to section 3333.128 of the Revised Code for the benefit 138084
of the taxpayer or the taxpayer's spouse or dependent. 138085

(38) Deduct, to the extent not otherwise deducted or 138086
excluded in computing federal or Ohio adjusted gross income for 138087
the taxable year, amounts received under the Ohio adoption grant 138088
program pursuant to section ~~5101.191~~ 5180.451 of the Revised 138089
Code. 138090

(39) Deduct, to the extent included in federal adjusted 138091

gross income, income attributable to amounts provided to a 138092
taxpayer for any of the purposes for which an exclusion would 138093
have been authorized under section 139 of the Internal Revenue 138094
Code if the train derailment near the city of East Palestine on 138095
February 3, 2023, had been a qualified disaster pursuant to that 138096
section, or to compensate for lost business resulting from that 138097
derailment, if such amounts are provided by any of the 138098
following: 138099

(a) A federal, state, or local government agency; 138100

(b) A railroad company, as that term is defined in section 138101
5727.01 of the Revised Code; 138102

(c) Any subsidiary, insurer, or agent of a railroad 138103
company or any related person. 138104

Notwithstanding any provision to the contrary, the 138105
derailment is not required to meet the definition of a 138106
"qualified disaster" pursuant to section 139 of the Internal 138107
Revenue Code to qualify for the deduction under this section. 138108

(40) Deduct, to the extent included in federal adjusted 138109
gross income, income attributable to loan repayments on behalf 138110
of the taxpayer under the rural practice incentive program under 138111
section 3333.135 of the Revised Code. 138112

(41) Add any income taxes deducted in computing federal or 138113
Ohio adjusted gross income to the extent the income taxes were 138114
derived from income subject to a tax levied in another state or 138115
the District of Columbia when such tax was enacted for purposes 138116
of complying with internal revenue service notice 2020-75. 138117

Notwithstanding any provision of the Revised Code to the 138118
contrary, the portion of the addition required by division (A) 138119
(41) of this section related to the apportioned business income 138120

of the pass-through entity shall be considered business income 138121
under division (B) of this section. Such addition is eligible 138122
for the deduction in division (A) (28) of this section, subject 138123
to the applicable dollar limitations, and the tax rate 138124
prescribed by division (A) (4) (a) of section 5747.02 of the 138125
Revised Code. The taxpayer shall provide, upon request of the 138126
tax commissioner, any documentation necessary to verify the 138127
portion of the addition that is business income under this 138128
division. 138129

(42) Deduct amounts contributed to a homeownership savings 138130
account and calculated pursuant to divisions (B) and (C) of 138131
section 5747.85 of the Revised Code. 138132

(43) If the taxpayer is the account owner, ~~add the amount~~ 138133
~~of funds withdrawn from a homeownership savings account not used~~ 138134
~~for eligible expenses, regardless of who deposited those funds~~ 138135
of a homeownership savings account, upon withdrawal or transfer 138136
of funds from the account, or closure of the account containing 138137
funds that are not used for eligible expenses, add the amount of 138138
such funds not used for an eligible expense. The addition 138139
required under this division shall not exceed the sum of the 138140
amounts deducted by the taxpayer for such account under division 138141
(A) (42) of this section in any taxable year and the amount of 138142
any funds deposited in the account by a contributor other than 138143
the account owner. As used in division (A) (43) of this section, 138144
"homeownership savings account," "contributor," "account owner," 138145
and "eligible expenses" have the same meanings as in section 138146
5747.85 of the Revised Code. 138147

(B) "Business income" means income, including gain or 138148
loss, arising from transactions, activities, and sources in the 138149
regular course of a trade or business and includes income, gain, 138150

or loss from real property, tangible property, and intangible property if the acquisition, rental, management, and disposition of the property constitute integral parts of the regular course of a trade or business operation. "Business income" includes income, including gain or loss, from a partial or complete liquidation of a business, including, but not limited to, gain or loss from the sale or other disposition of goodwill or the sale of an equity or ownership interest in a business.

As used in this division, the "sale of an equity or ownership interest in a business" means sales to which either or both of the following apply:

(1) The sale is treated for federal income tax purposes as the sale of assets.

(2) The seller materially participated, as described in 26 C.F.R. 1.469-5T, in the activities of the business during the taxable year in which the sale occurs or during any of the five preceding taxable years.

(C) "Nonbusiness income" means all income other than business income and may include, but is not limited to, compensation, rents and royalties from real or tangible personal property, capital gains, interest, dividends and distributions, patent or copyright royalties, or lottery winnings, prizes, and awards.

(D) "Compensation" means any form of remuneration paid to an employee for personal services.

(E) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any other person acting in any fiduciary capacity for any individual, trust, or estate.

(F) "Fiscal year" means an accounting period of twelve

months ending on the last day of any month other than December.	138180
(G) "Individual" means any natural person.	138181
(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.	138182 138183
(I) "Resident" means any of the following:	138184
(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;	138185 138186
(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I) (2) of this section.	138187 138188 138189 138190
(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part.	138191 138192 138193
For the purposes of division (I) (3) of this section:	138194
(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I) (3) (d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following:	138195 138196 138197 138198 138199 138200
(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I) (3) (e) (i) or (ii) of this section;	138201 138202 138203 138204
(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly	138205 138206

transferred assets to an irrevocable trust, but only if at least 138207
one of the trust's qualifying beneficiaries is domiciled in this 138208
state for the purposes of this chapter during all or some 138209
portion of the trust's current taxable year; 138210

(iii) A person who was domiciled in this state for the 138211
purposes of this chapter when the trust document or instrument 138212
or part of the trust document or instrument became irrevocable, 138213
but only if at least one of the trust's qualifying beneficiaries 138214
is a resident domiciled in this state for the purposes of this 138215
chapter during all or some portion of the trust's current 138216
taxable year. If a trust document or instrument became 138217
irrevocable upon the death of a person who at the time of death 138218
was domiciled in this state for purposes of this chapter, that 138219
person is a person described in division (I) (3) (a) (iii) of this 138220
section. 138221

(b) A trust is irrevocable to the extent that the 138222
transferor is not considered to be the owner of the net assets 138223
of the trust under sections 671 to 678 of the Internal Revenue 138224
Code. 138225

(c) With respect to a trust other than a charitable lead 138226
trust, "qualifying beneficiary" has the same meaning as 138227
"potential current beneficiary" as defined in section 1361(e) (2) 138228
of the Internal Revenue Code, and with respect to a charitable 138229
lead trust "qualifying beneficiary" is any current, future, or 138230
contingent beneficiary, but with respect to any trust 138231
"qualifying beneficiary" excludes a person or a governmental 138232
entity or instrumentality to any of which a contribution would 138233
qualify for the charitable deduction under section 170 of the 138234
Internal Revenue Code. 138235

(d) For the purposes of division (I) (3) (a) of this 138236

section, the extent to which a trust consists directly or 138237
indirectly, in whole or in part, of assets, net of any related 138238
liabilities, that were transferred directly or indirectly, in 138239
whole or part, to the trust by any of the sources enumerated in 138240
that division shall be ascertained by multiplying the fair 138241
market value of the trust's assets, net of related liabilities, 138242
by the qualifying ratio, which shall be computed as follows: 138243

(i) The first time the trust receives assets, the 138244
numerator of the qualifying ratio is the fair market value of 138245
those assets at that time, net of any related liabilities, from 138246
sources enumerated in division (I) (3) (a) of this section. The 138247
denominator of the qualifying ratio is the fair market value of 138248
all the trust's assets at that time, net of any related 138249
liabilities. 138250

(ii) Each subsequent time the trust receives assets, a 138251
revised qualifying ratio shall be computed. The numerator of the 138252
revised qualifying ratio is the sum of (1) the fair market value 138253
of the trust's assets immediately prior to the subsequent 138254
transfer, net of any related liabilities, multiplied by the 138255
qualifying ratio last computed without regard to the subsequent 138256
transfer, and (2) the fair market value of the subsequently 138257
transferred assets at the time transferred, net of any related 138258
liabilities, from sources enumerated in division (I) (3) (a) of 138259
this section. The denominator of the revised qualifying ratio is 138260
the fair market value of all the trust's assets immediately 138261
after the subsequent transfer, net of any related liabilities. 138262

(iii) Whether a transfer to the trust is by or from any of 138263
the sources enumerated in division (I) (3) (a) of this section 138264
shall be ascertained without regard to the domicile of the 138265
trust's beneficiaries. 138266

(e) For the purposes of division (I) (3) (a) (i) of this section: 138267
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(i) A trust is described in division (I) (3) (e) (i) of this section if the trust is a testamentary trust and the testator of that testamentary trust was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code. 138269
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(ii) A trust is described in division (I) (3) (e) (ii) of this section if the transfer is a qualifying transfer described in any of divisions (I) (3) (f) (i) to (vi) of this section, the trust is an irrevocable inter vivos trust, and at least one of the trust's qualifying beneficiaries is domiciled in this state for purposes of this chapter during all or some portion of the trust's current taxable year. 138274
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(f) For the purposes of division (I) (3) (e) (ii) of this section, a "qualifying transfer" is a transfer of assets, net of any related liabilities, directly or indirectly to a trust, if the transfer is described in any of the following: 138281
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(i) The transfer is made to a trust, created by the decedent before the decedent's death and while the decedent was domiciled in this state for the purposes of this chapter, and, prior to the death of the decedent, the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter. 138285
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(ii) The transfer is made to a trust to which the decedent, prior to the decedent's death, had directly or indirectly transferred assets, net of any related liabilities, while the decedent was domiciled in this state for the purposes of this chapter, and prior to the death of the decedent the 138291
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trust became irrevocable while the decedent was domiciled in 138296
this state for the purposes of this chapter. 138297

(iii) The transfer is made on account of a contractual 138298
relationship existing directly or indirectly between the 138299
transferor and either the decedent or the estate of the decedent 138300
at any time prior to the date of the decedent's death, and the 138301
decedent was domiciled in this state at the time of death for 138302
purposes of the taxes levied under Chapter 5731. of the Revised 138303
Code. 138304

(iv) The transfer is made to a trust on account of a 138305
contractual relationship existing directly or indirectly between 138306
the transferor and another person who at the time of the 138307
decedent's death was domiciled in this state for purposes of 138308
this chapter. 138309

(v) The transfer is made to a trust on account of the will 138310
of a testator who was domiciled in this state at the time of the 138311
testator's death for purposes of the taxes levied under Chapter 138312
5731. of the Revised Code. 138313

(vi) The transfer is made to a trust created by or caused 138314
to be created by a court, and the trust was directly or 138315
indirectly created in connection with or as a result of the 138316
death of an individual who, for purposes of the taxes levied 138317
under Chapter 5731. of the Revised Code, was domiciled in this 138318
state at the time of the individual's death. 138319

(g) The tax commissioner may adopt rules to ascertain the 138320
part of a trust residing in this state. 138321

(J) "Nonresident" means an individual or estate that is 138322
not a resident. An individual who is a resident for only part of 138323
a taxable year is a nonresident for the remainder of that 138324

taxable year.	138325
(K) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.	138326 138327
(L) "Return" means the notifications and reports required to be filed pursuant to this chapter for the purpose of reporting the tax due and includes declarations of estimated tax when so required.	138328 138329 138330 138331
(M) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the adjusted gross income is calculated pursuant to this chapter.	138332 138333 138334 138335
(N) "Taxpayer" means any person subject to the tax imposed by section 5747.02 of the Revised Code or any pass-through entity that makes the election under division (D) of section 5747.08 of the Revised Code.	138336 138337 138338 138339
(O) "Dependents" means one of the following:	138340
(1) For taxable years beginning on or after January 1, 2018, and before January 1, 2026, dependents as defined in the Internal Revenue Code;	138341 138342 138343
(2) For all other taxable years, dependents as defined in the Internal Revenue Code and as claimed in the taxpayer's federal income tax return for the taxable year or which the taxpayer would have been permitted to claim had the taxpayer filed a federal income tax return.	138344 138345 138346 138347 138348
(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major	138349 138350 138351 138352

portion of the services are performed. 138353

(Q) As used in sections 5747.50 to 5747.55 of the Revised Code: 138354
Code: 138355

(1) "Subdivision" means any county, municipal corporation, park district, or township. 138356
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(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like functions that are exercised under a charter adopted pursuant to the Ohio Constitution. 138358
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(R) "Overpayment" means any amount already paid that exceeds the figure determined to be the correct amount of the tax. 138362
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(S) "Taxable income" or "Ohio taxable income" applies only to estates and trusts, and means federal taxable income, as defined and used in the Internal Revenue Code, adjusted as follows: 138365
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(1) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities, but only to the extent that such net amount is not otherwise includible in Ohio taxable income and is described in either division (S)(1)(a) or (b) of this section: 138369
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(a) The net amount is not attributable to the S portion of an electing small business trust and has not been distributed to beneficiaries for the taxable year; 138377
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(b) The net amount is attributable to the S portion of an 138380

electing small business trust for the taxable year. 138381

(2) Add interest or dividends, net of ordinary, necessary, 138382
and reasonable expenses not deducted in computing federal 138383
taxable income, on obligations of any authority, commission, 138384
instrumentality, territory, or possession of the United States 138385
to the extent that the interest or dividends are exempt from 138386
federal income taxes but not from state income taxes, but only 138387
to the extent that such net amount is not otherwise includible 138388
in Ohio taxable income and is described in either division (S) 138389
(1) (a) or (b) of this section; 138390

(3) Add the amount of personal exemption allowed to the 138391
estate pursuant to section 642(b) of the Internal Revenue Code; 138392

(4) Deduct interest or dividends, net of related expenses 138393
deducted in computing federal taxable income, on obligations of 138394
the United States and its territories and possessions or of any 138395
authority, commission, or instrumentality of the United States 138396
to the extent that the interest or dividends are exempt from 138397
state taxes under the laws of the United States, but only to the 138398
extent that such amount is included in federal taxable income 138399
and is described in either division (S) (1) (a) or (b) of this 138400
section; 138401

(5) Deduct the amount of wages and salaries, if any, not 138402
otherwise allowable as a deduction but that would have been 138403
allowable as a deduction in computing federal taxable income for 138404
the taxable year, had the work opportunity tax credit allowed 138405
under sections 38, 51, and 52 of the Internal Revenue Code not 138406
been in effect, but only to the extent such amount relates 138407
either to income included in federal taxable income for the 138408
taxable year or to income of the S portion of an electing small 138409
business trust for the taxable year; 138410

(6) Deduct any interest or interest equivalent, net of 138411
related expenses deducted in computing federal taxable income, 138412
on public obligations and purchase obligations, but only to the 138413
extent that such net amount relates either to income included in 138414
federal taxable income for the taxable year or to income of the 138415
S portion of an electing small business trust for the taxable 138416
year; 138417

(7) Add any loss or deduct any gain resulting from sale, 138418
exchange, or other disposition of public obligations to the 138419
extent that such loss has been deducted or such gain has been 138420
included in computing either federal taxable income or income of 138421
the S portion of an electing small business trust for the 138422
taxable year; 138423

(8) Except in the case of the final return of an estate, 138424
add any amount deducted by the taxpayer on both its Ohio estate 138425
tax return pursuant to section 5731.14 of the Revised Code, and 138426
on its federal income tax return in determining federal taxable 138427
income; 138428

(9) (a) Deduct any amount included in federal taxable 138429
income solely because the amount represents a reimbursement or 138430
refund of expenses that in a previous year the decedent had 138431
deducted as an itemized deduction pursuant to section 63 of the 138432
Internal Revenue Code and applicable treasury regulations. The 138433
deduction otherwise allowed under division (S) (9) (a) of this 138434
section shall be reduced to the extent the reimbursement is 138435
attributable to an amount the taxpayer or decedent deducted 138436
under this section in any taxable year. 138437

(b) Add any amount not otherwise included in Ohio taxable 138438
income for any taxable year to the extent that the amount is 138439
attributable to the recovery during the taxable year of any 138440

amount deducted or excluded in computing federal or Ohio taxable 138441
income in any taxable year, but only to the extent such amount 138442
has not been distributed to beneficiaries for the taxable year. 138443

(10) Deduct any portion of the deduction described in 138444
section 1341(a)(2) of the Internal Revenue Code, for repaying 138445
previously reported income received under a claim of right, that 138446
meets both of the following requirements: 138447

(a) It is allowable for repayment of an item that was 138448
included in the taxpayer's taxable income or the decedent's 138449
adjusted gross income for a prior taxable year and did not 138450
qualify for a credit under division (A) or (B) of section 138451
5747.05 of the Revised Code for that year. 138452

(b) It does not otherwise reduce the taxpayer's taxable 138453
income or the decedent's adjusted gross income for the current 138454
or any other taxable year. 138455

(11) Add any amount claimed as a credit under section 138456
5747.059 of the Revised Code to the extent that the amount 138457
satisfies either of the following: 138458

(a) The amount was deducted or excluded from the 138459
computation of the taxpayer's federal taxable income as required 138460
to be reported for the taxpayer's taxable year under the 138461
Internal Revenue Code; 138462

(b) The amount resulted in a reduction in the taxpayer's 138463
federal taxable income as required to be reported for any of the 138464
taxpayer's taxable years under the Internal Revenue Code. 138465

(12) Deduct any amount, net of related expenses deducted 138466
in computing federal taxable income, that a trust is required to 138467
report as farm income on its federal income tax return, but only 138468
if the assets of the trust include at least ten acres of land 138469

satisfying the definition of "land devoted exclusively to
agricultural use" under section 5713.30 of the Revised Code,
regardless of whether the land is valued for tax purposes as
such land under sections 5713.30 to 5713.38 of the Revised Code.
If the trust is a pass-through entity investor, section 5747.231
of the Revised Code applies in ascertaining if the trust is
eligible to claim the deduction provided by division (S)(12) of
this section in connection with the pass-through entity's farm
income.

Except for farm income attributable to the S portion of an
electing small business trust, the deduction provided by
division (S)(12) of this section is allowed only to the extent
that the trust has not distributed such farm income.

(13) Add the net amount of income described in section
641(c) of the Internal Revenue Code to the extent that amount is
not included in federal taxable income.

(14) ~~Deduct~~ Add or deduct the amount the taxpayer would be
required to add or deduct under division ~~(A)(18)~~ (A)(17) or (18)
of this section if the taxpayer's Ohio taxable income ~~were~~ was
computed in the same manner as an individual's Ohio adjusted
gross income is computed under this section.

(15) Add, to the extent not otherwise included in
computing taxable income or Ohio taxable income for any taxable
year, the taxpayer's proportionate share of the amount of the
tax levied under section 5747.38 of the Revised Code and paid by
an electing pass-through entity for the taxable year.

(16) Add any income taxes deducted in computing federal
taxable income or Ohio taxable income to the extent the income
taxes were derived from income subject to a tax levied in

another state or the District of Columbia when such tax was 138499
enacted for purposes of complying with internal revenue service 138500
notice 2020-75. 138501

(T) "School district income" and "school district income 138502
tax" have the same meanings as in section 5748.01 of the Revised 138503
Code. 138504

(U) As used in divisions (A) (7), (A) (8), (S) (6), and (S) 138505
(7) of this section, "public obligations," "purchase 138506
obligations," and "interest or interest equivalent" have the 138507
same meanings as in section 5709.76 of the Revised Code. 138508

(V) "Limited liability company" means any limited 138509
liability company formed under former Chapter 1705. of the 138510
Revised Code as that chapter existed prior to February 11, 2022, 138511
Chapter 1706. of the Revised Code, or the laws of any other 138512
state. 138513

(W) "Pass-through entity investor" means any person who, 138514
during any portion of a taxable year of a pass-through entity, 138515
is a partner, member, shareholder, or equity investor in that 138516
pass-through entity. 138517

(X) "Banking day" has the same meaning as in section 138518
1304.01 of the Revised Code. 138519

(Y) "Month" means a calendar month. 138520

(Z) "Quarter" means the first three months, the second 138521
three months, the third three months, or the last three months 138522
of the taxpayer's taxable year. 138523

(AA) (1) "Modified business income" means the business 138524
income included in a trust's Ohio taxable income after such 138525
taxable income is first reduced by the qualifying trust amount, 138526

if any. 138527

(2) "Qualifying trust amount" of a trust means capital 138528
gains and losses from the sale, exchange, or other disposition 138529
of equity or ownership interests in, or debt obligations of, a 138530
qualifying investee to the extent included in the trust's Ohio 138531
taxable income, but only if the following requirements are 138532
satisfied: 138533

(a) The book value of the qualifying investee's physical 138534
assets in this state and everywhere, as of the last day of the 138535
qualifying investee's fiscal or calendar year ending immediately 138536
prior to the date on which the trust recognizes the gain or 138537
loss, is available to the trust. 138538

(b) The requirements of section 5747.011 of the Revised 138539
Code are satisfied for the trust's taxable year in which the 138540
trust recognizes the gain or loss. 138541

Any gain or loss that is not a qualifying trust amount is 138542
modified business income, qualifying investment income, or 138543
modified nonbusiness income, as the case may be. 138544

(3) "Modified nonbusiness income" means a trust's Ohio 138545
taxable income other than modified business income, other than 138546
the qualifying trust amount, and other than qualifying 138547
investment income, as defined in section 5747.012 of the Revised 138548
Code, to the extent such qualifying investment income is not 138549
otherwise part of modified business income. 138550

(4) "Modified Ohio taxable income" applies only to trusts, 138551
and means the sum of the amounts described in divisions (AA) (4) 138552
(a) to (c) of this section: 138553

(a) The fraction, calculated under section 5747.013, and 138554
applying section 5747.231 of the Revised Code, multiplied by the 138555

sum of the following amounts: 138556

(i) The trust's modified business income; 138557

(ii) The trust's qualifying investment income, as defined 138558
in section 5747.012 of the Revised Code, but only to the extent 138559
the qualifying investment income does not otherwise constitute 138560
modified business income and does not otherwise constitute a 138561
qualifying trust amount. 138562

(b) The qualifying trust amount multiplied by a fraction, 138563
the numerator of which is the sum of the book value of the 138564
qualifying investee's physical assets in this state on the last 138565
day of the qualifying investee's fiscal or calendar year ending 138566
immediately prior to the day on which the trust recognizes the 138567
qualifying trust amount, and the denominator of which is the sum 138568
of the book value of the qualifying investee's total physical 138569
assets everywhere on the last day of the qualifying investee's 138570
fiscal or calendar year ending immediately prior to the day on 138571
which the trust recognizes the qualifying trust amount. If, for 138572
a taxable year, the trust recognizes a qualifying trust amount 138573
with respect to more than one qualifying investee, the amount 138574
described in division (AA) (4) (b) of this section shall equal the 138575
sum of the products so computed for each such qualifying 138576
investee. 138577

(c) (i) With respect to a trust or portion of a trust that 138578
is a resident as ascertained in accordance with division (I) (3) 138579
(d) of this section, its modified nonbusiness income. 138580

(ii) With respect to a trust or portion of a trust that is 138581
not a resident as ascertained in accordance with division (I) (3) 138582
(d) of this section, the amount of its modified nonbusiness 138583
income satisfying the descriptions in divisions (B) (2) to (5) of 138584

section 5747.20 of the Revised Code, except as otherwise 138585
provided in division (AA) (4) (c) (ii) of this section. With 138586
respect to a trust or portion of a trust that is not a resident 138587
as ascertained in accordance with division (I) (3) (d) of this 138588
section, the trust's portion of modified nonbusiness income 138589
recognized from the sale, exchange, or other disposition of a 138590
debt interest in or equity interest in a section 5747.212 138591
entity, as defined in section 5747.212 of the Revised Code, 138592
without regard to division (A) of that section, shall not be 138593
allocated to this state in accordance with section 5747.20 of 138594
the Revised Code but shall be apportioned to this state in 138595
accordance with division (B) of section 5747.212 of the Revised 138596
Code without regard to division (A) of that section. 138597

If the allocation and apportionment of a trust's income 138598
under divisions (AA) (4) (a) and (c) of this section do not fairly 138599
represent the modified Ohio taxable income of the trust in this 138600
state, the alternative methods described in division (C) of 138601
section 5747.21 of the Revised Code may be applied in the manner 138602
and to the same extent provided in that section. 138603

(5) (a) Except as set forth in division (AA) (5) (b) of this 138604
section, "qualifying investee" means a person in which a trust 138605
has an equity or ownership interest, or a person or unit of 138606
government the debt obligations of either of which are owned by 138607
a trust. For the purposes of division (AA) (2) (a) of this section 138608
and for the purpose of computing the fraction described in 138609
division (AA) (4) (b) of this section, all of the following apply: 138610

(i) If the qualifying investee is a member of a qualifying 138611
controlled group on the last day of the qualifying investee's 138612
fiscal or calendar year ending immediately prior to the date on 138613
which the trust recognizes the gain or loss, then "qualifying 138614

investee" includes all persons in the qualifying controlled group on such last day. 138615
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(ii) If the qualifying investee, or if the qualifying investee and any members of the qualifying controlled group of which the qualifying investee is a member on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, separately or cumulatively own, directly or indirectly, on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount, more than fifty per cent of the equity of a pass-through entity, then the qualifying investee and the other members are deemed to own the proportionate share of the pass-through entity's physical assets which the pass-through entity directly or indirectly owns on the last day of the pass-through entity's calendar or fiscal year ending within or with the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount. 138617
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(iii) For the purposes of division (AA) (5) (a) (iii) of this section, "upper level pass-through entity" means a pass-through entity directly or indirectly owning any equity of another pass-through entity, and "lower level pass-through entity" means that other pass-through entity. 138634
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An upper level pass-through entity, whether or not it is also a qualifying investee, is deemed to own, on the last day of the upper level pass-through entity's calendar or fiscal year, the proportionate share of the lower level pass-through entity's physical assets that the lower level pass-through entity directly or indirectly owns on the last day of the lower level 138639
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pass-through entity's calendar or fiscal year ending within or 138645
with the last day of the upper level pass-through entity's 138646
fiscal or calendar year. If the upper level pass-through entity 138647
directly and indirectly owns less than fifty per cent of the 138648
equity of the lower level pass-through entity on each day of the 138649
upper level pass-through entity's calendar or fiscal year in 138650
which or with which ends the calendar or fiscal year of the 138651
lower level pass-through entity and if, based upon clear and 138652
convincing evidence, complete information about the location and 138653
cost of the physical assets of the lower pass-through entity is 138654
not available to the upper level pass-through entity, then 138655
solely for purposes of ascertaining if a gain or loss 138656
constitutes a qualifying trust amount, the upper level pass- 138657
through entity shall be deemed as owning no equity of the lower 138658
level pass-through entity for each day during the upper level 138659
pass-through entity's calendar or fiscal year in which or with 138660
which ends the lower level pass-through entity's calendar or 138661
fiscal year. Nothing in division (AA) (5) (a) (iii) of this section 138662
shall be construed to provide for any deduction or exclusion in 138663
computing any trust's Ohio taxable income. 138664

(b) With respect to a trust that is not a resident for the 138665
taxable year and with respect to a part of a trust that is not a 138666
resident for the taxable year, "qualifying investee" for that 138667
taxable year does not include a C corporation if both of the 138668
following apply: 138669

(i) During the taxable year the trust or part of the trust 138670
recognizes a gain or loss from the sale, exchange, or other 138671
disposition of equity or ownership interests in, or debt 138672
obligations of, the C corporation. 138673

(ii) Such gain or loss constitutes nonbusiness income. 138674

(6) "Available" means information is such that a person is 138675
able to learn of the information by the due date plus 138676
extensions, if any, for filing the return for the taxable year 138677
in which the trust recognizes the gain or loss. 138678

(BB) "Qualifying controlled group" has the same meaning as 138679
in section 5733.04 of the Revised Code. 138680

(CC) "Related member" has the same meaning as in section 138681
5733.042 of the Revised Code. 138682

(DD) (1) For the purposes of division (DD) of this section: 138683

(a) "Qualifying person" means any person other than a 138684
qualifying corporation. 138685

(b) "Qualifying corporation" means any person classified 138686
for federal income tax purposes as an association taxable as a 138687
corporation, except either of the following: 138688

(i) A corporation that has made an election under 138689
subchapter S, chapter one, subtitle A, of the Internal Revenue 138690
Code for its taxable year ending within, or on the last day of, 138691
the investor's taxable year; 138692

(ii) A subsidiary that is wholly owned by any corporation 138693
that has made an election under subchapter S, chapter one, 138694
subtitle A of the Internal Revenue Code for its taxable year 138695
ending within, or on the last day of, the investor's taxable 138696
year. 138697

(2) For the purposes of this chapter, unless expressly 138698
stated otherwise, no qualifying person indirectly owns any asset 138699
directly or indirectly owned by any qualifying corporation. 138700

~~(EE) For purposes of this chapter and Chapter 5751. of the 138701
Revised Code:~~ 138702

- ~~(1) "Trust" does not include a qualified pre-income tax trust.~~ 138703
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- ~~(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (EE) (3) of this section.~~ 138705
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- ~~(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the trustee of the trust.~~ 138708
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- ~~(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements:~~ 138719
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- ~~(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972;~~ 138721
138722
- ~~(b) The trust became irrevocable upon the creation of the trust; and~~ 138723
138724
- ~~(c) The grantor was domiciled in this state at the time the trust was created. "Casino gaming" has the same meaning as in section 3772.01 of the Revised Code, "lottery sports gaming" has the same meaning as in section 3770.23 of the Revised Code, "sports gaming" has the same meaning as in section 3775.01 of the Revised Code, and "video lottery terminal" has the same meaning as in section 3770.21 of the Revised Code.~~ 138725
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(FF) "Uniformed services" means all of the following:	138732
(1) "Armed forces of the United States" as defined in section 5907.01 of the Revised Code;	138733 138734
(2) The commissioned corps of the national oceanic and atmospheric administration;	138735 138736
(3) The commissioned corps of the public health service.	138737
(GG) "Taxable business income" means the amount by which an individual's business income that is included in federal adjusted gross income exceeds the amount of business income the individual is authorized to deduct under division (A) (28) of this section for the taxable year.	138738 138739 138740 138741 138742
(HH) "Employer" does not include a franchisor with respect to the franchisor's relationship with a franchisee or an employee of a franchisee, unless the franchisor agrees to assume that role in writing or a court of competent jurisdiction determines that the franchisor exercises a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademark, brand, or both. For purposes of this division, "franchisor" and "franchisee" have the same meanings as in 16 C.F.R. 436.1.	138743 138744 138745 138746 138747 138748 138749 138750 138751 138752
(II) "Modified adjusted gross income" means Ohio adjusted gross income plus any amount deducted under divisions (A) (28) and (34) of this section for the taxable year.	138753 138754 138755
(JJ) "Qualifying Ohio educator" means an individual who, for a taxable year, qualifies as an eligible educator, as that term is defined in section 62 of the Internal Revenue Code, and who holds a certificate, license, or permit described in Chapter 3319. or section 3301.071 of the Revised Code.	138756 138757 138758 138759 138760

(KK) "Professional employer organization," "professional employer organization agreement," and "professional employer organization reporting entity" have the same meanings as in section 4125.01 of the Revised Code. 138761
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(LL) "Alternate employer organization" and "alternate employer organization agreement" have the same meanings as in section 4133.01 of the Revised Code. 138765
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138767

Sec. 5747.02. (A) For the purpose of providing revenue for 138768
the support of schools and local government functions, to 138769
provide relief to property taxpayers, to provide revenue for the 138770
general revenue fund, and to meet the expenses of administering 138771
the tax levied by this chapter, there is hereby levied on every 138772
individual, trust, and estate residing in or earning or 138773
receiving income in this state, on every individual, trust, and 138774
estate earning or receiving lottery winnings, prizes, or awards 138775
pursuant to Chapter 3770. of the Revised Code, on every 138776
individual, trust, and estate earning or receiving winnings on 138777
casino or sports gaming, and on every individual, trust, and 138778
estate otherwise having nexus with or in this state under the 138779
Constitution of the United States, an annual tax measured as 138780
prescribed in divisions (A) (1) to (4) of this section. 138781

(1) In the case of trusts, the tax imposed by this section 138782
shall be measured by modified Ohio taxable income under division 138783
~~(D)~~(C) of this section and levied in the same amount as the tax 138784
is imposed on estates as prescribed in division (A) (2) of this 138785
section. 138786

(2) In the case of estates, the tax imposed by this 138787
section shall be measured by Ohio taxable income. ~~The~~If the 138788
estate has not more than twenty-six thousand fifty dollars of 138789
such income, the tax shall be levied on such income at the rate 138790

of 1.38462% for ~~the first twenty-six thousand fifty dollars of~~ 138791
~~such income and, for taxable years beginning in 2024, 1.31287%~~ 138792
for taxable years beginning in 2025, and 1.27448% for taxable 138793
years beginning in 2026 and thereafter. If the estate has income 138794
in excess of that amount, the tax shall be levied at the same 138795
rates prescribed in division (A) (3) of this section for 138796
individuals. 138797

(3) In the case of individuals, the tax imposed by this 138798
section on income other than taxable business income shall be 138799
measured by Ohio adjusted gross income, less taxable business 138800
income and less an exemption for the taxpayer, the taxpayer's 138801
spouse, and each dependent as provided in section 5747.025 of 138802
the Revised Code. If the balance thus obtained is equal to or 138803
less than twenty-six thousand fifty dollars, no tax shall be 138804
imposed on that balance. If the balance thus obtained is greater 138805
than twenty-six thousand fifty dollars, the tax is hereby levied 138806
as follows: 138807

(a) ~~For taxable years beginning in 2023:—~~ 138808
138809

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A ~~OHIO ADJUSTED GROSS INCOME LESS TAX~~
~~TAXABLE BUSINESS INCOME AND EXEMPTIONS~~
~~(INDIVIDUALS) OR MODIFIED OHIO TAXABLE~~
~~INCOME (TRUSTS) OR OHIO TAXABLE INCOME~~
~~(ESTATES)—~~

B ~~More than \$26,050 but not more than \$360.69 plus 2.75% of the~~
~~\$100,000— amount in excess of \$26,050—~~

C ~~More than \$100,000 but not more than \$2,394.32 plus 3.688% of the~~

(ESTATES)

B More than \$26,050 but not more than \$342.00 plus 2.75% of the
\$100,000 amount in excess of
\$26,050

C More than \$100,000 \$2,394.32 plus 3.125% of
the amount in excess of
\$100,000

(c) For taxable years beginning in 2026 and thereafter, 138815
\$332.00 plus 2.75% of the amount in excess of \$26,050. 138816

(4) (a) In the case of individuals, the tax imposed by this 138817
section on taxable business income shall equal three per cent of 138818
the result obtained by subtracting any amount allowed under 138819
division (A) (4) (b) of this section from the individual's taxable 138820
business income. 138821

(b) If the exemptions allowed to an individual under 138822
division (A) (3) of this section exceed the taxpayer's Ohio 138823
adjusted gross income less taxable business income, the excess 138824
shall be deducted from taxable business income before computing 138825
the tax under division (A) (4) (a) of this section. 138826

(5) Except as otherwise provided in this division, in 138827
August of each year, the tax commissioner shall make a new 138828
adjustment to the income amounts prescribed in divisions (A) (2) 138829
and (3) of this section by multiplying the percentage increase 138830
in the gross domestic product deflator computed that year under 138831
section 5747.025 of the Revised Code by each of the income 138832
amounts resulting from the adjustment under this division in the 138833
preceding year, adding the resulting product to the 138834
corresponding income amount resulting from the adjustment in the 138835

preceding year, and rounding the resulting sum to the nearest 138836
multiple of fifty dollars. The tax commissioner also shall 138837
recompute each of the tax dollar amounts to the extent necessary 138838
to reflect the new adjustment of the income amounts. To 138839
recompute the tax dollar amount corresponding to the lowest tax 138840
rate in division (A) (3) of this section, the commissioner shall 138841
multiply the tax rate prescribed in division (A) (2) of this 138842
section by the income amount specified in that division and as 138843
adjusted according to this paragraph. The rates of taxation 138844
shall not be adjusted. 138845

The adjusted amounts apply to taxable years beginning in 138846
the calendar year in which the adjustments are made and to 138847
taxable years beginning in each ensuing calendar year until a 138848
calendar year in which a new adjustment is made pursuant to this 138849
division. The tax commissioner shall not make a new adjustment 138850
in any year in which the amount resulting from the adjustment 138851
would be less than the amount resulting from the adjustment in 138852
the preceding year. 138853

~~(B) If the director of budget and management makes a 138854
certification to the tax commissioner under division (B) of 138855
section 131.44 of the Revised Code, the amount of tax as 138856
determined under divisions (A) (1) to (3) of this section shall 138857
be reduced by the percentage prescribed in that certification 138858
for taxable years beginning in the calendar year in which that 138859
certification is made. 138860~~

~~(C) (1)~~ (B) (1) The tax imposed by this section on a trust 138861
shall be computed by multiplying the Ohio modified taxable 138862
income of the trust by the rates prescribed by division (A) of 138863
this section. 138864

(2) A resident trust may claim a credit against the tax 138865

computed under division ~~(C)~~(B) of this section equal to the 138866
lesser of (a) the tax paid to another state or the District of 138867
Columbia on the resident trust's modified nonbusiness income, 138868
other than the portion of the resident trust's nonbusiness 138869
income that is qualifying investment income as defined in 138870
section 5747.012 of the Revised Code, or (b) the effective tax 138871
rate, based on modified Ohio taxable income, multiplied by the 138872
resident trust's modified nonbusiness income other than the 138873
portion of the resident trust's nonbusiness income that is 138874
qualifying investment income. The credit applies before any 138875
other applicable credits. 138876

(3) Any credit authorized against the tax imposed by this 138877
section applies to a trust subject to division ~~(C)~~(B) of this 138878
section only if the trust otherwise qualifies for the credit. To 138879
the extent that the trust distributes income for the taxable 138880
year for which a credit is available to the trust, the credit 138881
shall be shared by the trust and its beneficiaries. The tax 138882
commissioner and the trust shall be guided by applicable 138883
regulations of the United States treasury regarding the sharing 138884
of credits. 138885

~~(D)~~(C) For the purposes of this section, "trust" means any 138886
trust described in Subchapter J of Chapter 1 of the Internal 138887
Revenue Code, excluding trusts that are not irrevocable as 138888
defined in division (I) (3) (b) of section 5747.01 of the Revised 138889
Code and that have no modified Ohio taxable income for the 138890
taxable year, charitable remainder trusts, qualified funeral 138891
trusts and preneed funeral contract trusts established pursuant 138892
to sections 4717.31 to 4717.38 of the Revised Code that are not 138893
qualified funeral trusts, endowment and perpetual care trusts, 138894
qualified settlement trusts and funds, designated settlement 138895
trusts and funds, and trusts exempted from taxation under 138896

section 501(a) of the Internal Revenue Code. 138897

~~(E)~~(D) Nothing in division (A) (3) of this section shall 138898
prohibit an individual with an Ohio adjusted gross income, less 138899
taxable business income and exemptions, of twenty-six thousand 138900
fifty dollars or less from filing a return under this chapter to 138901
receive a refund of taxes withheld or to claim any refundable 138902
credit allowed under this chapter. 138903

Sec. 5747.021. In addition to the tax levied under section 138904
5747.02 of the Revised Code, the tax commissioner shall charge 138905
the tax imposed on the school district income of an individual 138906
~~or estate~~ by a school district under Chapter 5748. of the 138907
Revised Code by multiplying the rate certified to be charged 138908
under such chapter by the taxpayer's school district income with 138909
respect to that district. 138910

Sec. 5747.025. (A) The personal exemption for the 138911
taxpayer, the taxpayer's spouse, and each dependent shall be one 138912
of the following amounts, provided the taxpayer's modified 138913
adjusted gross income is less than seven hundred fifty thousand 138914
dollars for taxable years beginning in 2025 or five hundred 138915
thousand dollars for taxable years beginning in 2026 or 138916
thereafter: 138917

(1) Two thousand three hundred fifty dollars if the 138918
taxpayer's modified adjusted gross income for the taxable year 138919
as shown on an individual or joint annual return is less than or 138920
equal to forty thousand dollars; 138921

(2) Two thousand one hundred dollars if the taxpayer's 138922
modified adjusted gross income for the taxable year as shown on 138923
an individual or joint annual return is greater than forty 138924
thousand dollars but less than or equal to eighty thousand 138925

dollars; 138926

(3) One thousand eight hundred fifty dollars if the 138927
taxpayer's modified adjusted gross income for the taxable year 138928
as shown on an individual or joint annual return is greater than 138929
eighty thousand dollars. 138930

(B) For taxable years beginning in 2020 and thereafter, 138931
the personal exemption amounts prescribed in division (A) of 138932
this section shall be adjusted each year in the manner 138933
prescribed in division (C) of this section. In the case of an 138934
individual with respect to whom an exemption under section 138935
5747.02 of the Revised Code is allowable to another taxpayer for 138936
a taxable year beginning in the calendar year in which the 138937
individual's taxable year begins, the exemption amount 138938
applicable to such individual for such individual's taxable year 138939
shall be zero. 138940

(C) Except as otherwise provided in this division, in 138941
August of each year, the tax commissioner shall determine the 138942
percentage increase in the gross domestic product deflator 138943
determined by the bureau of economic analysis of the United 138944
States department of commerce from the first day of January of 138945
the preceding calendar year to the last day of December of the 138946
preceding year, and make a new adjustment to the personal 138947
exemption amount for taxable years beginning in the current 138948
calendar year by multiplying that amount by the percentage 138949
increase in the gross domestic product deflator for that period; 138950
adding the resulting product to the personal exemption amount 138951
for taxable years beginning in the preceding calendar year; and 138952
rounding the resulting sum upward to the nearest multiple of 138953
fifty dollars. The adjusted amount applies to taxable years 138954
beginning in the calendar year in which the adjustment is made 138955

and to taxable years beginning in each ensuing calendar year 138956
until a calendar year in which a new adjustment is made pursuant 138957
to this division. The commissioner shall not make a new 138958
adjustment in any calendar year in which the amount resulting 138959
from the adjustment would be less than the amount resulting from 138960
the adjustment in the preceding calendar year. 138961

Sec. 5747.05. As used in this section, "income tax" 138962
includes both a tax on net income and a tax measured by net 138963
income. 138964

The following credits shall be allowed against the 138965
aggregate income tax liability imposed by section 5747.02 of the 138966
Revised Code on individuals and estates: 138967

(A) (1) The amount of tax otherwise due under section 138968
5747.02 of the Revised Code on such portion of the combined 138969
adjusted gross income and taxable business income of any 138970
nonresident taxpayer that is not allocable or apportionable to 138971
this state pursuant to sections 5747.20 to 5747.23 of the 138972
Revised Code. The credit provided under this division shall not 138973
exceed the total tax due under section 5747.02 of the Revised 138974
Code. 138975

(2) The tax commissioner may enter into an agreement with 138976
the taxing authorities of any state or of the District of 138977
Columbia that imposes an income tax to provide that compensation 138978
paid in this state to a nonresident taxpayer shall not be 138979
subject to the tax levied in section 5747.02 of the Revised Code 138980
so long as compensation paid in such other state or in the 138981
District of Columbia to a resident taxpayer shall likewise not 138982
be subject to the income tax of such other state or of the 138983
District of Columbia. 138984

(B) The lesser of division (B) (1) or (2) of this section:	138985
(1) The aggregate amount of tax otherwise due under section 5747.02 of the Revised Code on such portion of the combined adjusted gross income and <u>taxable</u> business income of a resident taxpayer that in another state or in the District of Columbia is subjected to an income tax. The credit provided under division (B) (1) of this section shall not exceed the total tax due under section 5747.02 of the Revised Code.	138986 138987 138988 138989 138990 138991 138992
(2) The amount of income tax liability to another state or the District of Columbia on the portion of the combined adjusted gross income and <u>taxable</u> business income of a resident taxpayer that in another state or in the District of Columbia is subjected to an income tax. The credit provided under division (B) (2) of this section shall not exceed the total amount of tax otherwise due under section 5747.02 of the Revised Code.	138993 138994 138995 138996 138997 138998 138999
(3) For the purpose of divisions (B) (1) and (2) of this section, a resident taxpayer's combined adjusted gross income and <u>taxable</u> business income that is subject to an income tax levied in another state or in the District of Columbia includes income that is subject to either (a) a tax similar to the tax imposed by division (D) (1) (a) of section 5747.08 of the Revised Code or (b) a tax enacted for purposes of complying with internal revenue service notice 2020-75. In computing a resident taxpayer's income tax paid or accrued to another state or the District of Columbia, the deduction authorized by division (A) (28) of section 5747.01 of the Revised Code shall first be deducted against business income apportioned to this state.	139000 139001 139002 139003 139004 139005 139006 139007 139008 139009 139010 139011
(4) If the credit provided under division (B) of this section is affected by a change in either the portion of the combined adjusted gross income and <u>taxable</u> business income of a	139012 139013 139014

resident taxpayer subjected to an income tax in another state or 139015
the District of Columbia or the amount of income tax liability 139016
that has been paid to another state or the District of Columbia, 139017
the taxpayer shall report the change to the tax commissioner 139018
within ninety days of the change in such form as the 139019
commissioner requires. 139020

(a) In the case of an underpayment, the report shall be 139021
accompanied by payment of any additional tax due as a result of 139022
the reduction in credit together with interest on the additional 139023
tax and is a return subject to assessment under section 5747.13 139024
of the Revised Code solely for the purpose of assessing any 139025
additional tax due under this division, together with any 139026
applicable penalty and interest. It shall not reopen the 139027
computation of the taxpayer's tax liability under this chapter 139028
from a previously filed return no longer subject to assessment 139029
except to the extent that such liability is affected by an 139030
adjustment to the credit allowed by division (B) of this 139031
section. 139032

(b) In the case of an overpayment, an application for 139033
refund may be filed under this division within the ninety-day 139034
period prescribed for filing the report even if it is beyond the 139035
period prescribed in section 5747.11 of the Revised Code if it 139036
otherwise conforms to the requirements of such section. An 139037
application filed under this division shall only claim refund of 139038
overpayments resulting from an adjustment to the credit allowed 139039
by division (B) of this section unless it is also filed within 139040
the time prescribed in section 5747.11 of the Revised Code. It 139041
shall not reopen the computation of the taxpayer's tax liability 139042
except to the extent that such liability is affected by an 139043
adjustment to the credit allowed by division (B) of this 139044
section. 139045

(5) No credit shall be allowed under division (B) of this section: 139046
139047

(a) For income tax paid or accrued to another state or to the District of Columbia if the taxpayer, when computing federal adjusted gross income, has directly or indirectly deducted, or was required to directly or indirectly deduct, the amount of that income tax; 139048
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Division (B) (5) (a) of this section does not apply to income taxes included in the computation of Ohio adjusted gross income under division (A) (41) of section 5747.01 of the Revised Code and not deducted from Ohio adjusted gross income under division (A) (28) of that section or to income taxes included in Ohio taxable income under division (S) (16) of section 5747.01 of the Revised Code. 139053
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(b) For compensation that is not subject to the income tax of another state or the District of Columbia as the result of an agreement entered into by the tax commissioner under division (A) (3) of this section; or 139060
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(c) For income tax paid or accrued to another state or the District of Columbia if the taxpayer fails to furnish such proof as the tax commissioner shall require that such income tax liability has been paid. 139064
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(C) An individual who is a resident for part of a taxable year and a nonresident for the remainder of the taxable year is allowed the credits under divisions (A) and (B) of this section in accordance with rules prescribed by the tax commissioner. In no event shall the same income be subject to both credits. 139068
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(D) The credit allowed under division (A) of this section shall be calculated based upon the amount of tax due under 139073
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section 5747.02 of the Revised Code after subtracting any other 139075
credits that precede the credit under that division in the order 139076
required under section 5747.98 of the Revised Code. The credit 139077
allowed under division (B) of this section shall be calculated 139078
based upon the amount of tax due under section 5747.02 of the 139079
Revised Code after subtracting any other credits that precede 139080
the credit under that division in the order required under 139081
section 5747.98 of the Revised Code. 139082

(E) (1) On a joint return filed by a husband and wife, each 139083
of whom had adjusted gross income of at least five hundred 139084
dollars, exclusive of interest, dividends and distributions, 139085
royalties, rent, and capital gains, a credit equal to the lesser 139086
of six hundred fifty dollars or the percentage shown in column B 139087
that corresponds with the taxpayer's modified adjusted gross 139088
income, less exemptions for the taxable year, of the total 139089
amount of tax due after allowing for any other credit that 139090
precedes this credit as required under section 5747.98 of the 139091
Revised Code, subject to division (E) (2) of this section: 139092

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A	A.	B.
B	IF THE MODIFIED ADJUSTED GROSS INCOME, LESS EXEMPTIONS, FOR THE TAX YEAR IS:	THE CREDIT FOR THE TAXABLE YEAR IS:
C	\$25,000 or less	20%
D	More than \$25,000 but not more than \$50,000	15%

E	More than \$50,000 but not more than \$75,000	10%
F	More than \$75,000	5%

(2) The credit shall be claimed in the order required under section 5747.98 of the Revised Code.—No taxpayer shall claim this credit unless the taxpayer's modified adjusted gross income is less than seven hundred fifty thousand dollars for taxable years beginning in 2025 or less than five hundred thousand dollars for taxable years beginning in 2026 or thereafter.

(F) No claim for credit under this section shall be allowed unless the claimant furnishes such supporting information as the tax commissioner prescribes by rules.

Sec. 5747.062. As used in this section, ~~"transferee"~~:

"Transferee" has the same meaning as in section 3770.10 of the Revised Code, ~~and "recipient"~~.

"Recipient" includes a transferee.

"Lottery prize award" does not include a prize award from a video lottery terminal and does not include winnings from lottery sports gaming, except that "lottery prize award" includes winnings from lottery sports gaming wagers placed through a terminal described in division (B) (3) of section 3770.24 of the Revised Code.

(A) (1) Before making any other deduction required by Chapter 3770. of the Revised Code, the state lottery commission shall deduct and withhold an amount equal to ~~four~~ three and one-eighth per cent for calendar year 2025, after the effective date

of this amendment, and two and three-quarters per cent for 139118
calendar year 2026 and thereafter of the payment from each 139119
lottery prize award payment that is of an amount for which 139120
reporting to the internal revenue service of the amount is 139121
required by section 6041 of the Internal Revenue Code, as 139122
amended. 139123

(2) On or before the tenth day of each month, the state 139124
lottery commission, and each transferee required to deduct and 139125
withhold amounts pursuant to section 3770.072 of the Revised 139126
Code, shall file a return and remit to the tax commissioner all 139127
amounts deducted and withheld pursuant to this section during 139128
the preceding month. 139129

(3) On or before the thirty-first day of January of each 139130
year, the state lottery commission, and each transferee required 139131
to deduct and withhold amounts pursuant to section 3770.072 of 139132
the Revised Code, shall file with the commissioner an annual 139133
return, in the form prescribed by the tax commissioner, 139134
indicating the total amount deducted and withheld pursuant to 139135
this section or section 3770.072 of the Revised Code during the 139136
preceding calendar year. At the time of filing that return, the 139137
state lottery commission or transferee shall remit any amount 139138
deducted and withheld during the preceding calendar year that 139139
was not previously remitted. 139140

(4) The state lottery commission, and each transferee 139141
required to deduct and withhold amounts pursuant to section 139142
3770.072 of the Revised Code, shall issue to each person with 139143
respect to whom tax has been deducted and withheld by the 139144
commission or transferee pursuant to this section or section 139145
3770.072 of the Revised Code during the preceding calendar year, 139146
an information return in the form prescribed by the 139147

commissioner. 139148

(B) (1) Division (B) (1) of this section does not apply to 139149
persons classified for federal income tax purposes as 139150
associations taxable as corporations. 139151

Amounts withheld pursuant to this section or section 139152
3770.072 of the Revised Code shall be allowed as a credit 139153
against payment of the tax imposed pursuant to section 5747.02 139154
of the Revised Code upon the lottery prize award recipient, upon 139155
a beneficiary of such a recipient, or upon any investor in such 139156
a recipient if the recipient is a pass-through entity or 139157
disregarded entity, and shall be treated as taxes paid by the 139158
recipient, beneficiary, or investor for purposes of section 139159
5747.09 of the Revised Code. The credit is available to the 139160
recipient, beneficiary, or investor even if the commission or 139161
transferee does not remit to the tax commissioner the amount 139162
withheld. 139163

(2) Division (B) (2) of this section applies only to 139164
persons classified for federal income tax purposes as 139165
associations taxable as corporations. 139166

Amounts withheld pursuant to this section or section 139167
3770.072 of the Revised Code shall be treated as a credit 139168
against the tax imposed pursuant to section 5733.06 of the 139169
Revised Code for the tax year immediately following the date on 139170
which those amounts are deducted and withheld, upon the lottery 139171
prize award recipient, upon a beneficiary of such a recipient, 139172
or upon an investor in such a recipient if the recipient is a 139173
pass-through entity or disregarded entity, and shall be treated 139174
as paid by the recipient, beneficiary, or investor on the date 139175
on which those amounts are deducted and withheld. The credit is 139176
a refundable credit and shall be claimed in the order required 139177

under section 5733.98 of the Revised Code. The credit is 139178
available to the recipient, beneficiary, or investor even if the 139179
commission or transferee does not remit to the tax commissioner 139180
the amount withheld. 139181

(3) Nothing in division (B) (1) or (2) of this section 139182
shall be construed to allow more than one person to claim the 139183
credit for any portion of each amount deducted and withheld. 139184

(C) Failure of the commission or any transferee to deduct 139185
and withhold the required amounts from lottery prize awards or 139186
to remit amounts withheld as required by this section and 139187
section 3770.072 of the Revised Code shall not relieve a 139188
taxpayer described in division (B) of this section from 139189
liability for the tax imposed by section 5733.06 or 5747.02 of 139190
the Revised Code. 139191

Sec. 5747.063. The requirements imposed under this section 139192
are in addition to the municipal income tax withholding 139193
requirements under section 718.031 of the Revised Code. As used 139194
in this section, "sports gaming proprietor" and "sports gaming 139195
facility" have the same meanings as in section 3775.01 of the 139196
Revised Code. 139197

(A) (1) If Subject to division (F) of this section, if a 139198
person's winnings from casino gaming or from sports gaming are 139199
an amount for which reporting to the internal revenue service of 139200
the amount is required by section 6041 of the Internal Revenue 139201
Code, as amended, a casino operator or sports gaming proprietor 139202
shall deduct and withhold Ohio income tax from the person's 139203
winnings at a rate of four-three and one-eighth per cent for 139204
calendar year 2025, after the effective date of this amendment, 139205
and two and three-quarters per cent for calendar year 2026 and 139206
thereafter of the amount won. A person's amount of winnings from 139207

casino gaming shall be determined each time the person exchanges 139208
amounts won in tokens, chips, casino credit, or other prepaid 139209
representations of value for cash or a cash equivalent. The 139210
casino operator or sports gaming proprietor shall issue, to a 139211
person from whose winnings an amount has been deducted and 139212
withheld, a receipt for the amount deducted and withheld, and 139213
also shall obtain from the person additional information that 139214
will be necessary for the casino operator or sports gaming 139215
proprietor to prepare the returns required by this section. 139216

(2) If a person's winnings from casino gaming or sports 139217
gaming require reporting to the internal revenue service under 139218
division (A) (1) of this section, the casino operator or sports 139219
gaming proprietor also shall require the person to state in 139220
writing, under penalty of falsification, whether the person is 139221
in default under a support order. 139222

(B) Amounts deducted and withheld by a casino operator or 139223
sports gaming proprietor are held in trust for the benefit of 139224
the state. 139225

(1) On or before the tenth day of each month, the casino 139226
operator or sports gaming proprietor shall file a return 139227
electronically with the tax commissioner identifying the persons 139228
from whose winnings amounts were deducted and withheld, the 139229
amount of each such deduction and withholding during the 139230
preceding calendar month, the amount of the winnings from which 139231
each such amount was withheld, the type of casino gaming or 139232
sports gaming that resulted in such winnings, and any other 139233
information required by the tax commissioner. With the return, 139234
the casino operator or sports gaming proprietor shall remit 139235
electronically to the commissioner all the amounts deducted and 139236
withheld during the preceding month. 139237

(2) (a) A casino operator or sports gaming proprietor shall 139238
maintain a record of each written statement provided under 139239
division (A) (2) of this section in which a person admits to 139240
being in default under a support order. The casino operator or 139241
sports gaming proprietor shall make these records available to 139242
the director of job and family services upon request. 139243

(b) A casino operator or sports gaming proprietor shall 139244
maintain copies of receipts issued under division (A) (1) of this 139245
section and of written statements provided under division (A) (2) 139246
of this section and shall make these copies available to the tax 139247
commissioner upon request. 139248

(c) A casino operator or sports gaming proprietor shall 139249
maintain the information described in divisions (B) (2) (a) and 139250
(b) of this section in accordance with section 5747.17 of the 139251
Revised Code and any rules adopted pursuant thereto. 139252

(3) Annually, on or before the thirty-first day of 139253
January, a casino operator or sports gaming proprietor shall 139254
file an annual return electronically with the tax commissioner 139255
indicating the total amount deducted and withheld during the 139256
preceding calendar year. The casino operator or sports gaming 139257
proprietor shall remit electronically with the annual return any 139258
amount that was deducted and withheld and that was not 139259
previously remitted. If the identity of a person and the amount 139260
deducted and withheld with respect to that person were omitted 139261
on a monthly return, that information shall be indicated on the 139262
annual return. 139263

(4) (a) A casino operator or sports gaming proprietor who 139264
fails to file a return and remit the amounts deducted and 139265
withheld is personally liable for the amount deducted and 139266
withheld and not remitted. The commissioner may impose a penalty 139267

up to one thousand dollars if a return is filed late, if amounts 139268
deducted and withheld are remitted late, if a return is not 139269
filed, or if amounts deducted and withheld are not remitted. 139270
Interest accrues on past due amounts deducted and withheld at 139271
the rate prescribed in section 5703.47 of the Revised Code. The 139272
commissioner may collect past due amounts deducted and withheld 139273
and penalties and interest thereon by assessment under section 139274
5747.13 of the Revised Code as if they were income taxes 139275
collected by an employer. 139276

(b) If a casino operator or sports gaming proprietor sells 139277
the casino facility or sports gaming facility, or otherwise 139278
quits the casino or sports gaming business, the amounts deducted 139279
and withheld and any penalties and interest thereon are 139280
immediately due and payable. The successor shall withhold an 139281
amount of the purchase money that is sufficient to cover the 139282
amounts deducted and withheld and penalties and interest thereon 139283
until the predecessor casino operator or sports gaming 139284
proprietor produces either a receipt from the commissioner 139285
showing that the amounts deducted and withheld and penalties and 139286
interest thereon have been paid or a certificate from the 139287
commissioner indicating that no amounts deducted and withheld or 139288
penalties and interest thereon are due. If the successor fails 139289
to withhold purchase money, the successor is personally liable 139290
for payment of the amounts deducted and withheld and penalties 139291
and interest thereon, up to the amount of the purchase money. 139292

~~(C)(1)~~ (C) Annually, on or before the thirty-first day of 139293
January, a casino operator or sports gaming proprietor shall 139294
issue an information return to each person with respect to whom 139295
an amount has been deducted and withheld during the preceding 139296
calendar year. The information return shall show the total 139297
amount deducted from the person's winnings by the casino 139298

operator or sports gaming proprietor during the preceding 139299
calendar year. 139300

~~(2) Annually, on or before the thirty-first day of 139301
January, a casino operator or sports gaming proprietor shall 139302
provide to the commissioner a copy of each information return 139303
issued under division (C) (1) of this section for the preceding 139304
calendar year. The commissioner may require that the copies be 139305
transmitted electronically. 139306~~

(D) Amounts deducted and withheld shall be allowed as a 139307
credit against payment of the tax imposed by section 5747.02 of 139308
the Revised Code and shall be treated as taxes paid for purposes 139309
of section 5747.09 of the Revised Code. This division applies 139310
only to the person for whom the amount is deducted and withheld. 139311

(E) The failure of a casino operator or sports gaming 139312
proprietor to deduct and withhold the required amount from a 139313
person's winnings does not relieve the person from liability for 139314
the tax imposed by section 5747.02 of the Revised Code with 139315
respect to those winnings. And compliance with this section does 139316
not relieve a casino operator or sports gaming proprietor or a 139317
person who has winnings from casino gaming or sports gaming from 139318
compliance with relevant provisions of federal tax laws. 139319

(F) A sports gaming proprietor that offers lottery sports 139320
gaming through a terminal described in division (B) (3) of 139321
section 3770.24 of the Revised Code shall not withhold amounts 139322
under this section from winnings from wagers placed through that 139323
terminal. The state lottery commission shall withhold amounts 139324
from those winnings under section 5747.062 of the Revised Code. 139325

(G) The commissioner shall prescribe the form of the 139326
receipt and returns required by this section. The director of 139327

job and family services shall prescribe the form of the 139328
statement required by this section. 139329

~~(G)~~(H) The commissioner may adopt rules that are necessary 139330
to administer this section. 139331

Sec. 5747.064. The requirements imposed under this section 139332
are in addition to the municipal income tax withholding 139333
requirements under section 718.031 of the Revised Code. 139334

(A) As used in this section: 139335

~~(1) "Video lottery terminal",~~ "video lottery sales agent" 139336
has the same meaning as in section ~~3770.21~~ 3770.10 of the 139337
Revised Code. 139338

~~(2) "Lottery sports gaming" has the same meaning as in~~ 139339
~~section 3770.23 of the Revised Code.~~ 139340

(B) If a person's prize award from a video lottery 139341
terminal ~~or from lottery sports gaming offered in a video~~ 139342
~~lottery terminal facility~~ is an amount for which reporting to 139343
the internal revenue service of the amount is required by 139344
section 6041 of the Internal Revenue Code, as amended, the video 139345
lottery sales agent shall deduct and withhold Ohio income tax 139346
from the person's prize award at a rate of ~~four~~ three and one- 139347
eighth per cent for calendar year 2025, after the effective date 139348
of this amendment, and two and three-quarters per cent for 139349
calendar year 2026 and thereafter of the amount won. The video 139350
lottery sales agent shall issue, to a person from whose prize 139351
award an amount has been deducted or withheld, a receipt for the 139352
amount deducted and withheld, and also shall obtain from the 139353
person additional information that will be necessary for the 139354
video lottery sales agent to prepare the returns required by 139355
this section. 139356

(C) Amounts deducted and withheld by a video lottery sales agent are held in trust for the benefit of the state. 139357
139358

(1) On or before the tenth day of each month, the video lottery sales agent shall file a return electronically with the tax commissioner identifying the persons from whose prize awards amounts were deducted and withheld, the amount of each such deduction and withholding during the preceding month, the amount of the prize award from which each such amount was withheld, and any other information required by the commissioner. With the return, the video lottery sales agent shall remit electronically to the commissioner all the amounts deducted and withheld during the preceding month. 139359
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(2) A video lottery sales agent shall maintain a record of all receipts issued under division (B) of this section and shall make those records available to the commissioner upon request. Such records shall be maintained in accordance with section 5747.17 of the Revised Code and any rules adopted pursuant thereto. 139369
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(3) Annually, on or before the thirty-first day of January, a video lottery sales agent shall file an annual return electronically with the tax commissioner indicating the total amount deducted and withheld during the preceding calendar year. The video lottery sales agent shall remit electronically with the annual return any amount that was deducted and withheld and that was not previously remitted. If the identity of a person and the amount deducted and withheld with respect to that person were omitted on a monthly return, that information shall be indicated on the annual return. 139375
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(4) (a) A video lottery sales agent who fails to file a return and remit the amounts deducted and withheld is personally 139385
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liable for the amount deducted and withheld and not remitted. 139387
The commissioner may impose a penalty of up to one thousand 139388
dollars if a return is filed late, if amounts deducted and 139389
withheld are remitted late, if a return is not filed, or if 139390
amounts deducted and withheld are not remitted. Interest accrues 139391
on past due amounts deducted and withheld at the rate prescribed 139392
in section 5703.47 of the Revised Code. The commissioner may 139393
collect past due amounts deducted and withheld and penalties and 139394
interest thereon by assessment under section 5747.13 of the 139395
Revised Code as if they were income taxes collected by an 139396
employer. 139397

(b) If a video lottery sales agent ceases to operate video 139398
lottery terminals, the amounts deducted and withheld and any 139399
penalties and interest thereon are immediately due and payable. 139400
A successor of the video lottery sales agent that purchases the 139401
video lottery terminals from the agent shall withhold an amount 139402
of the purchase money that is sufficient to cover the amounts 139403
deducted and withheld and penalties and interest thereon until 139404
the predecessor video lottery sales agent produces either a 139405
receipt from the tax commissioner showing that the amounts 139406
deducted and withheld and penalties and interest thereon have 139407
been paid or a certificate from the commissioner indicating that 139408
no amounts deducted and withheld or penalties and interest 139409
thereon are due. If the successor fails to withhold purchase 139410
money, the successor is personally liable for payment of the 139411
amounts deducted and withheld and penalties and interest 139412
thereon, up to the amount of the purchase money. 139413

~~(D)~~ (1) (D) Annually, on or before the thirty-first day of 139414
January, a video lottery sales agent shall issue an information 139415
return to each person with respect to whom an amount has been 139416
deducted and withheld during the preceding calendar year. The 139417

information return shall show the total amount deducted from the 139418
person's prize award by the video lottery sales agent during the 139419
preceding year. 139420

~~(2) Annually, on or before the thirty-first day of 139421
January, a lottery sales agent shall provide to the tax- 139422
commissioner a copy of each information return issued under 139423
division (D) (1) of this section for the preceding calendar year. 139424
The commissioner may require that such copies be transmitted 139425
electronically. 139426~~

(E) Amounts deducted and withheld shall be allowed as a 139427
credit against payment of the tax imposed by section 5747.02 of 139428
the Revised Code and shall be treated as taxes paid for purposes 139429
of section 5747.09 of the Revised Code. This division applies 139430
only to the person for whom the amount is deducted and withheld. 139431

(F) The failure of a video lottery sales agent to deduct 139432
and withhold the required amount from a person's prize award 139433
does not relieve the person from liability for the tax imposed 139434
by section 5747.02 of the Revised Code with respect to that 139435
income. Compliance with this section does not relieve a video 139436
lottery sales agent or a person who has a prize award from 139437
compliance with relevant provisions of federal tax laws. 139438

(G) The commissioner shall prescribe the form of the 139439
receipt and returns required by this section and may promulgate 139440
any rules necessary to administer the section. 139441

Sec. 5747.07. (A) As used in this section: 139442

(1) "Partial weekly withholding period" means a period 139443
during which an employer directly, indirectly, or constructively 139444
pays compensation to, or credits compensation to the benefit of, 139445
an employee, and that consists of a consecutive Saturday, 139446

Sunday, Monday, and Tuesday or a consecutive Wednesday, 139447
Thursday, and Friday. There are two partial weekly withholding 139448
periods each week, except that a partial weekly withholding 139449
period cannot extend from one calendar year into the next 139450
calendar year; if the first day of January falls on a day other 139451
than Saturday or Wednesday, the partial weekly withholding 139452
period ends on the thirty-first day of December and there are 139453
three partial weekly withholding periods during that week. 139454

(2) "Undeposited taxes" means the taxes an employer is 139455
required to deduct and withhold from an employee's compensation 139456
pursuant to section 5747.06 of the Revised Code that have not 139457
been remitted to the tax commissioner pursuant to this section 139458
or section 5747.072 of the Revised Code. 139459

(3) A "week" begins on Saturday and concludes at the end 139460
of the following Friday. 139461

~~(4) "Professional employer organization," "professional 139462
employer organization agreement," and "professional employer 139463
organization reporting entity" have the same meanings as in 139464
section 4125.01 of the Revised Code. 139465~~

~~(5) "Alternate employer organization" and "alternate 139466
employer organization agreement" have the same meanings as in 139467
section 4133.01 of the Revised Code. 139468~~

~~(6) "Client employer" has the same meaning as in section 139469
4125.01 of the Revised Code in the context of a professional 139470
employer organization or a professional employer organization 139471
reporting entity, or the same meaning as in section 4133.01 of 139472
the Revised Code in the context of an alternate employer 139473
organization. 139474~~

(B) Except as provided in divisions (C) and (D) of this 139475

section and in division (A) of section 5747.072 of the Revised Code, every employer required to deduct and withhold any amount under section 5747.06 of the Revised Code shall file a return and shall pay the amount required by law as follows:

(1) An employer who accumulates or is required to accumulate undeposited taxes of one hundred thousand dollars or more during a partial weekly withholding period shall make the payment of the undeposited taxes by the close of the first banking day after the day on which the accumulation reaches one hundred thousand dollars. If required under division (I) of this section, the payment shall be made electronically under section 5747.072 of the Revised Code.

(2) Except as required by division (B)(1) of this section, an employer whose actual or required payments under this section were at least eighty-four thousand dollars during the twelve-month period ending on the thirtieth day of June of the preceding calendar year shall make the payment of undeposited taxes within three banking days after the close of a partial weekly withholding period during which the employer was required to deduct and withhold any amount under this chapter. If required under division (I) of this section, the payment shall be made electronically under section 5747.072 of the Revised Code.

(3) Except as required by divisions (B)(1) and (2) of this section, if an employer's actual or required payments were more than two thousand dollars during the twelve-month period ending on the thirtieth day of June of the preceding calendar year, the employer shall make the payment of undeposited taxes for each month during which they were required to be withheld no later than fifteen days following the last day of that month. The

employer shall file the return prescribed by the tax 139506
commissioner with the payment. 139507

(4) Except as required by divisions (B) (1), (2), and (3) 139508
of this section, an employer shall make the payment of 139509
undeposited taxes for each calendar quarter during which they 139510
were required to be withheld no later than the last day of the 139511
month following the last day of March, June, September, and 139512
December each year. The employer shall file the return 139513
prescribed by the tax commissioner with the payment. 139514

(C) The return and payment schedules prescribed by 139515
divisions (B) (1) and (2) of this section do not apply to the 139516
return and payment of undeposited school district income taxes 139517
arising from taxes levied pursuant to Chapter 5748. of the 139518
Revised Code. Undeposited school district income taxes shall be 139519
returned and paid pursuant to divisions (B) (3) and (4) of this 139520
section, as applicable. 139521

(D) (1) The requirements of division (B) of this section 139522
are met if the amount paid is not less than ninety-five per cent 139523
of the actual tax withheld or required to be withheld for the 139524
prior quarterly, monthly, or partial weekly withholding period, 139525
and the underpayment is not due to willful neglect. Any 139526
underpayment of withheld tax shall be paid within thirty days of 139527
the date on which the withheld tax was due without regard to 139528
division (D) (1) of this section. An employer described in 139529
division (B) (1) or (2) of this section shall make the payment 139530
electronically under section 5747.072 of the Revised Code. 139531

(2) If the tax commissioner believes that quarterly or 139532
monthly payments would result in a delay that might jeopardize 139533
the remittance of withholding payments, the commissioner may 139534
order that the payments be made weekly, or more frequently if 139535

necessary, and the payments shall be made no later than three 139536
banking days following the close of the period for which the 139537
jeopardy order is made. An order requiring weekly or more 139538
frequent payments shall be delivered to the employer in the 139539
manner provided in section 5703.37 of the Revised Code and 139540
remains in effect until the commissioner notifies the employer 139541
to the contrary. 139542

(3) If compelling circumstances exist concerning the 139543
remittance of undeposited taxes, the commissioner may order the 139544
employer to make payments under any of the payment schedules 139545
under division (B) of this section. The order shall be delivered 139546
to the employer in the manner provided in section 5703.37 of the 139547
Revised Code and shall remain in effect until the commissioner 139548
notifies the employer to the contrary. For purposes of division 139549
(D) (3) of this section, "compelling circumstances" exist if 139550
either or both of the following are true: 139551

(a) Based upon annualization of payments made or required 139552
to be made during the preceding calendar year and during the 139553
current calendar year, the employer would be required for the 139554
next calendar year to make payments under division (B) (2) of 139555
this section. 139556

(b) Based upon annualization of payments made or required 139557
to be made during the current calendar year, the employer would 139558
be required for the next calendar year to make payments under 139559
division (B) (2) of this section. 139560

(E) (1) In addition to other returns required to be filed 139561
and payments required to be made under this section, every 139562
employer required to deduct and withhold taxes shall file, not 139563
later than the thirty-first day of January of each year, an 139564
annual return covering, but not limited to, both the aggregate 139565

amount deducted and withheld and the aggregate amount required 139566
to be deducted and withheld during the entire preceding year for 139567
the tax imposed under section 5747.02 of the Revised Code and 139568
for each tax imposed under Chapter 5748. of the Revised Code. At 139569
the time of filing that return, the employer shall pay over any 139570
amounts of undeposited taxes for the preceding year, whether 139571
actually deducted and withheld or required to be deducted and 139572
withheld, that have not been previously paid. The employer shall 139573
make the annual report, to each employee and to the tax 139574
commissioner, of the compensation paid and each tax withheld, as 139575
the commissioner by rule may prescribe. 139576

(2) Each employer required to deduct and withhold any tax 139577
is liable for the payment of that amount required to be deducted 139578
and withheld, whether or not the tax has in fact been withheld, 139579
unless the failure to withhold was based upon the employer's 139580
good faith in reliance upon the statement of the employee as to 139581
liability, and the amount shall be deemed to be a special fund 139582
in trust for the general revenue fund. 139583

(F) Each employer shall file with the employer's annual 139584
return the following items of information on employees for whom 139585
withholding is required under section 5747.06 of the Revised 139586
Code: 139587

(1) The full name of each employee, the employee's 139588
address, the employee's school district of residence, and in the 139589
case of a nonresident employee, the employee's principal county 139590
of employment; 139591

(2) The social security number of each employee; 139592

(3) The total amount of compensation paid before any 139593
deductions to each employee for the period for which the annual 139594

return is made; 139595

(4) The amount of the tax imposed by section 5747.02 of 139596
the Revised Code and the amount of each tax imposed under 139597
Chapter 5748. of the Revised Code withheld from the compensation 139598
of the employee for the period for which the annual return is 139599
made. The commissioner may extend upon good cause the period for 139600
filing any notice or return required to be filed under this 139601
section and may adopt rules relating to extensions of time. If 139602
the extension results in an extension of time for the payment of 139603
the amounts withheld with respect to which the return is filed, 139604
the employer shall pay, at the time the amount withheld is paid, 139605
an amount of interest computed at the rate per annum prescribed 139606
by section 5703.47 of the Revised Code on that amount withheld, 139607
from the day that amount was originally required to be paid to 139608
the day of actual payment or to the day an assessment is issued 139609
under section 5747.13 of the Revised Code, whichever occurs 139610
first. 139611

(5) In addition to all other interest charges and 139612
penalties imposed, all amounts of taxes withheld or required to 139613
be withheld and remaining unpaid after the day the amounts are 139614
required to be paid shall bear interest from the date prescribed 139615
for payment at the rate per annum prescribed by section 5703.47 139616
of the Revised Code on the amount unpaid, in addition to the 139617
amount withheld, until paid or until the day an assessment is 139618
issued under section 5747.13 of the Revised Code, whichever 139619
occurs first. 139620

(G) An employee of a corporation, limited liability 139621
company, or business trust having control or supervision of or 139622
charged with the responsibility of filing the report and making 139623
payment, or an officer, member, manager, or trustee of a 139624

corporation, limited liability company, or business trust who is 139625
responsible for the execution of the corporation's, limited 139626
liability company's, or business trust's fiscal 139627
responsibilities, shall be personally liable for failure to file 139628
the report or pay the tax due as required by this section. The 139629
dissolution, termination, or bankruptcy of a corporation, 139630
limited liability company, or business trust does not discharge 139631
a responsible officer's, member's, manager's, employee's, or 139632
trustee's liability for a failure of the corporation, limited 139633
liability company, or business trust to file returns or pay tax 139634
due. 139635

(H) If an employer required to deduct and withhold income 139636
tax from compensation and to pay that tax to the state under 139637
sections 5747.06 and 5747.07 of the Revised Code sells the 139638
employer's business or stock of merchandise or quits the 139639
employer's business, the taxes required to be deducted and 139640
withheld and paid to the state pursuant to those sections prior 139641
to that time, together with any interest and penalties imposed 139642
on those taxes, become due and payable immediately, and that 139643
person shall make a final return within fifteen days after the 139644
date of selling or quitting business. The employer's successor 139645
shall withhold a sufficient amount of the purchase money to 139646
cover the amount of the taxes, interest, and penalties due and 139647
unpaid, until the former owner produces a receipt from the tax 139648
commissioner showing that the taxes, interest, and penalties 139649
have been paid or a certificate indicating that no such taxes 139650
are due. If the purchaser of the business or stock of 139651
merchandise fails to withhold purchase money, the purchaser 139652
shall be personally liable for the payment of the taxes, 139653
interest, and penalties accrued and unpaid during the operation 139654
of the business by the former owner. If the amount of taxes, 139655

interest, and penalties outstanding at the time of the purchase 139656
exceeds the total purchase money, the tax commissioner in the 139657
commissioner's discretion may adjust the liability of the seller 139658
or the responsibility of the purchaser to pay that liability to 139659
maximize the collection of withholding tax revenue. 139660

(I) An employer whose actual or required payments under 139661
this section exceeded eighty-four thousand dollars during the 139662
twelve-month period ending on the thirtieth day of June of the 139663
preceding calendar year shall make all payments required by this 139664
section for the year electronically under section 5747.072 of 139665
the Revised Code. 139666

(J) (1) Every professional employer organization, 139667
professional employer organization reporting entity, and 139668
alternate employer organization shall file a report with the tax 139669
commissioner within thirty days after commencing business in 139670
this state that includes all of the following information: 139671

(a) The name, address, number the employer receives from 139672
the secretary of state to do business in this state, if 139673
applicable, and federal employer identification number of each 139674
client employer of the organization or entity; 139675

(b) The date that each client employer became a client of 139676
the organization or entity; 139677

(c) The names and mailing addresses of the chief executive 139678
officer and the chief financial officer of each client employer 139679
for taxation of the client employer. 139680

(2) Beginning with the calendar quarter ending after a 139681
professional employer organization, professional employer 139682
organization reporting entity, or alternate employer 139683
organization files the report required under division (J) (1) of 139684

this section, and every calendar quarter thereafter, the 139685
organization or entity shall file an updated report with the tax 139686
commissioner. The organization or entity shall file the updated 139687
report not later than the last day of the month following the 139688
end of the calendar quarter and shall include all of the 139689
following information in the report: 139690

(a) If an entity became a client employer of the 139691
professional employer organization, professional employer 139692
organization reporting entity, or alternate employer 139693
organization at any time during the calendar quarter, all of the 139694
information required under division (J) (1) of this section for 139695
each new client employer; 139696

(b) If an entity terminated the professional employer 139697
organization agreement or the alternate employer organization 139698
agreement between the entity and the professional employer 139699
organization, professional employer organization reporting 139700
entity, or alternate employer organization, as applicable, at 139701
any time during the calendar quarter, the information described 139702
in division (J) (1) (a) of this section for that entity, the date 139703
during the calendar quarter that the entity ceased being a 139704
client of the organization or reporting entity, if applicable, 139705
or the date the entity ceased business operations in this state, 139706
if applicable; 139707

(c) If the name or mailing address of the chief executive 139708
officer or the chief financial officer of a client employer has 139709
changed since the professional employer organization, 139710
professional employer organization reporting entity, or 139711
alternate employer organization previously submitted a report 139712
under division (J) (1) or (2) of this section, the updated name 139713
or mailing address, or both, of the chief executive officer or 139714

the chief financial officer, as applicable; 139715

(d) If none of the events described in divisions (J) (2) (a) 139716
to (c) of this section occurred during the calendar quarter, a 139717
statement of that fact. 139718

Sec. 5747.071. (A) As used in this section: 139719

(1) "Retirement system" means the public employees 139720
retirement system, state teachers retirement system, school 139721
employees retirement system, Ohio police and fire pension fund, 139722
state highway patrol retirement system, and any municipal 139723
retirement system. 139724

(2) "Retirement plan" means a person, other than a 139725
retirement system, that manages a group or individual retirement 139726
account, fund, or plan. 139727

(3) "Benefits" means all annuities, allowances, pensions, 139728
and other benefits paid by a retirement system or retirement 139729
plan. 139730

~~(3)~~(4) "Recipient" means any person receiving benefits 139731
from a retirement system or retirement plan. 139732

(B) Any recipient may request the recipient's retirement 139733
system or retirement plan to deduct and withhold from the 139734
recipient's benefits an amount during the calendar year 139735
reasonably estimated to be equal to the tax due from the 139736
recipient under this chapter and Chapter 5748. of the Revised 139737
Code for the year with respect to the recipient's benefits from 139738
the retirement system or retirement plan that are included in 139739
the recipient's adjusted gross income. The request shall be made 139740
pursuant to an application filed with the retirement system or 139741
retirement plan, on a form the system or plan shall supply, and 139742
shall include ~~the~~ an estimate ~~of~~ from the recipient of the 139743

amount of state income taxes that will be due in the ensuing 139744
calendar year with respect to the benefits from the retirement 139745
system or retirement plan. 139746

(C) A retirement system or retirement plan with which an 139747
application is filed under this section, commencing with the 139748
calendar year following the year in which the application is 139749
filed, shall withhold from the benefits of the recipient an 139750
amount that equals for the calendar year, the amount of taxes 139751
that the recipient estimated would be due for the year. The 139752
amount to be withheld for a calendar year shall be apportioned 139753
throughout the calendar year. 139754

(D) A recipient may submit an amended application to 139755
increase or decrease the amount that will be withheld by the 139756
retirement system or retirement plan in an ensuing year. 139757

(E) A retirement system or retirement plan that withholds 139758
a portion of the benefits of a recipient under this section 139759
shall file returns and pay the amounts withheld in accordance 139760
with the requirements of section 5747.07 of the Revised Code. 139761
The tax commissioner may collect from a retirement plan past due 139762
amounts deducted and withheld and penalties and interest thereon 139763
by assessment under section 5747.13 of the Revised Code as if 139764
those amounts were income taxes collected by an employer. 139765

(F) Every retirement system or retirement plan required to 139766
deduct and withhold tax from benefits pursuant to this section 139767
shall furnish to the recipient, with respect to the benefits 139768
paid to the recipient during the calendar year, on or before the 139769
thirty-first day of January of the succeeding year, a written 139770
statement showing the amount of benefits deducted and withheld 139771
as state income tax, any amount deducted and withheld as school 139772
district income tax for each applicable school district, and 139773

such other information as the tax commissioner requires. 139774

(G) A retirement system or, in the case of a retirement 139775
plan, the tax commissioner may adopt rules governing withholding 139776
under this section. 139777

Sec. 5747.073. (A) As used in this section: 139778

(1) "Bulk filer" means a payroll service provider or 139779
similar entity that is registered with the tax commissioner to 139780
submit employer withholding tax returns in accordance with this 139781
section. 139782

(2) "Payroll service provider" means a third party that 139783
assists an employer with payroll administration and state 139784
employer withholding tax obligations. A payroll service provider 139785
may include a professional employer organization or alternate 139786
employer organization. 139787

(3) "Client company" means an employer on whose behalf a 139788
bulk filer agrees to submit employer withholding returns in 139789
accordance with this section. 139790

(B) (1) An employer may elect to use a bulk filer to comply 139791
with its state and school district income tax withholding 139792
obligations under this chapter. 139793

(2) (a) Within five days after becoming a client company, 139794
the employer shall notify the tax commissioner, in a format 139795
prescribed by the commissioner, of the name of the approved bulk 139796
filer it is electing to use and the taxes the bulk filer will be 139797
remitting on its behalf. 139798

(b) When using a bulk filer, the client company shall 139799
maintain all registrations required by the tax commissioner 139800
related to electronic filing and payment of the amounts 139801

described in divisions (A) and (E) of section 5747.06 of the 139802
Revised Code. 139803

(C) (1) The tax commissioner shall approve each bulk filer 139804
before the bulk filer can file withholding tax returns on behalf 139805
of client companies. The commissioner shall prescribe guidelines 139806
and conditions of participation in the bulk file program that 139807
include standards of conduct, software tests, and file formats. 139808

(2) The commissioner shall maintain a list of approved 139809
bulk filers on the department of taxation's official web site. 139810
Such information is not prohibited from disclosure under section 139811
5703.21 of the Revised Code. 139812

(3) Each bulk filer shall comply with all requirements of 139813
law pertaining to employers maintaining an office or transacting 139814
business in this state and paying compensation to an employee 139815
who is a taxpayer. 139816

(4) A bulk filer that is not a professional employer 139817
organization, professional employer organization reporting 139818
entity, or alternate employer organization shall file a report 139819
in the same manner and frequency as required of a professional 139820
employer organization, professional employer organization 139821
reporting entity, or alternate employer organization under 139822
division (J) of section 5747.07 of the Revised Code. For 139823
purposes of this division, "client company" shall be substituted 139824
for "client employer" wherever "client employer" appears in that 139825
division. 139826

(D) All returns, reports, and payments filed or remitted 139827
by a bulk filer shall be made through an electronic means as 139828
prescribed by the tax commissioner, regardless of the bulk 139829
filer's number of client companies, or the number of returns, 139830

reports, or payments being filed or remitted. The bulk filer 139831
shall register for and maintain all accounts needed to 139832
electronically make such filings and payments. 139833

(E) (1) A bulk filer's authorization under this section is 139834
valid until either of the following events occurs: 139835

(a) The bulk filer dissolves, loses its existence as the 139836
result of a merger, or otherwise ceases business; 139837

(b) The authorization is rescinded or suspended by the tax 139838
commissioner for failure to meet the guidelines and conditions 139839
of participation in the bulk file program, including any 139840
guidelines or conditions established or modified after the bulk 139841
filer receives its authorization. 139842

(2) A bulk filer shall notify its client companies within 139843
five days after the bulk filer's authorization is rescinded, 139844
suspended, or is otherwise no longer valid or active. If an 139845
entity no longer meets the requirements to be a bulk filer, the 139846
client companies of the former bulk filer shall immediately 139847
resume their state and school district withholding filing and 139848
payment obligations under this chapter. 139849

(F) (1) The tax commissioner may collect past due amounts 139850
from a bulk filer, including penalties and interest thereon, by 139851
assessment under section 5747.13 of the Revised Code as if the 139852
amounts were taxes collected by an employer. 139853

(2) A bulk filer is subject to all applicable penalties 139854
under Title LVII of the Revised Code as if the bulk filer were 139855
the client company. 139856

(3) Notwithstanding the commissioner's authority under 139857
division (F) (1) of this section, a client company remains 139858
subject to assessment if its bulk filer fails to timely file all 139859

returns or reports, or to timely remit any payment, on the 139860
client company's behalf. The use of a bulk filer does not 139861
abrogate the ability of the commissioner to hold employees, 139862
officers, members, managers, or trustees of the client company 139863
personally liable under division (G) of section 5747.07 of the 139864
Revised Code. 139865

(4) Any liability assessed against both a bulk filer and a 139866
client company shall be joint and several. 139867

(5) A client company is not responsible for filings or 139868
amounts that a bulk filer fails to make or remit on behalf of 139869
another client company. 139870

(6) A bulk filer is subject to division (H) of section 139871
5747.07 of the Revised Code as if it were an employer subject to 139872
that section. 139873

(G) A bulk filer may file a refund application pursuant to 139874
section 5747.11 of the Revised Code on behalf of one or more of 139875
its client companies. 139876

Sec. 5747.08. An annual return with respect to the tax 139877
imposed by section 5747.02 of the Revised Code and each tax 139878
imposed under Chapter 5748. of the Revised Code shall be made by 139879
every taxpayer for any taxable year for which the taxpayer is 139880
liable for the tax imposed by that section or under that 139881
chapter, unless the total credits allowed under division (E) of 139882
section 5747.05 and divisions (F) and (G) of section 5747.055 of 139883
the Revised Code for the year are equal to or exceed the tax 139884
imposed by section 5747.02 of the Revised Code, in which case no 139885
return shall be required unless the taxpayer is liable for a tax 139886
imposed pursuant to Chapter 5748. of the Revised Code. 139887

(A) If an individual is deceased, any return or notice 139888

required of that individual under this chapter shall be made and 139889
filed by that decedent's executor, administrator, or other 139890
person charged with the property of that decedent. 139891

(B) If an individual is unable to make a return or notice 139892
required by this chapter, the return or notice required of that 139893
individual shall be made and filed by the individual's duly 139894
authorized agent, guardian, conservator, fiduciary, or other 139895
person charged with the care of the person or property of that 139896
individual. 139897

(C) Returns or notices required of an estate or a trust 139898
shall be made and filed by the fiduciary of the estate or trust. 139899

(D) (1) (a) Except as otherwise provided in division (D) (1) 139900
(b) of this section, any pass-through entity may file a single 139901
return on behalf of one or more of the entity's investors other 139902
than an investor that is a person subject to the tax imposed 139903
under section 5733.06 of the Revised Code. The single return 139904
shall set forth the name, address, and social security number or 139905
other identifying number of each of those pass-through entity 139906
investors and shall indicate the distributive share of each of 139907
those pass-through entity investor's income taxable in this 139908
state in accordance with sections 5747.20 to 5747.231 of the 139909
Revised Code. Such pass-through entity investors for whom the 139910
pass-through entity elects to file a single return are not 139911
entitled to the exemption or credit provided for by sections 139912
5747.02 and 5747.022 of the Revised Code; shall calculate the 139913
tax before business credits at the highest rate of tax set forth 139914
in section 5747.02 of the Revised Code for the taxable year for 139915
which the return is filed; and are entitled to only their 139916
distributive share of the business credits as defined in 139917
division (D) (2) of this section. A single check drawn by the 139918

pass-through entity shall accompany the return in full payment 139919
of the tax due, as shown on the single return, for such 139920
investors, other than investors who are persons subject to the 139921
tax imposed under section 5733.06 of the Revised Code. 139922

(b) (i) A pass-through entity shall not include in such a 139923
single return any investor that is a trust to the extent that 139924
any direct or indirect current, future, or contingent 139925
beneficiary of the trust is a person subject to the tax imposed 139926
under section 5733.06 of the Revised Code. 139927

(ii) A pass-through entity shall not include in such a 139928
single return any investor that is itself a pass-through entity 139929
to the extent that any direct or indirect investor in the second 139930
pass-through entity is a person subject to the tax imposed under 139931
section 5733.06 of the Revised Code. 139932

(c) Except as provided by division (L) of this section, 139933
nothing in division (D) of this section precludes the tax 139934
commissioner from requiring such investors to file the return 139935
and make the payment of taxes and related interest, penalty, and 139936
interest penalty required by this section or section 5747.02, 139937
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 139938
of this section precludes such an investor from filing the 139939
annual return under this section, utilizing the refundable 139940
credit equal to the investor's proportionate share of the tax 139941
paid by the pass-through entity on behalf of the investor under 139942
division (I) of this section, and making the payment of taxes 139943
imposed under section 5747.02 of the Revised Code. Nothing in 139944
division (D) of this section shall be construed to provide to 139945
such an investor or pass-through entity any additional deduction 139946
or credit, other than the credit provided by division (I) of 139947
this section, solely on account of the entity's filing a return 139948

in accordance with this section. Such a pass-through entity also 139949
shall make the filing and payment of estimated taxes on behalf 139950
of the pass-through entity investors other than an investor that 139951
is a person subject to the tax imposed under section 5733.06 of 139952
the Revised Code. 139953

(2) For the purposes of this section, "business credits" 139954
means the credits listed in section 5747.98 of the Revised Code 139955
excluding the following credits: 139956

(a) The retirement income credit under division (B) of 139957
section 5747.055 of the Revised Code; 139958

(b) The senior citizen credit under division (F) of 139959
section 5747.055 of the Revised Code; 139960

(c) The lump sum distribution credit under division (G) of 139961
section 5747.055 of the Revised Code; 139962

(d) The dependent care credit under section 5747.054 of 139963
the Revised Code; 139964

(e) The lump sum retirement income credit under division 139965
(C) of section 5747.055 of the Revised Code; 139966

(f) The lump sum retirement income credit under division 139967
(D) of section 5747.055 of the Revised Code; 139968

(g) The lump sum retirement income credit under division 139969
(E) of section 5747.055 of the Revised Code; 139970

(h) The credit for displaced workers who pay for job 139971
training under section 5747.27 of the Revised Code; 139972

(i) The twenty-dollar personal exemption credit under 139973
section 5747.022 of the Revised Code; 139974

(j) The joint filing credit under division (E) of section 139975

5747.05 of the Revised Code;	139976
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	139977 139978
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	139979 139980
(m) The earned income tax credit under section 5747.71 of the Revised Code;	139981 139982
(n) The lead abatement credit under section 5747.26 of the Revised Code;	139983 139984
(o) The credit for education expenses under section 5747.72 of the Revised Code;	139985 139986
(p) The credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code.	139987 139988
(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return.	139989 139990 139991 139992 139993 139994 139995 139996
(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to	139997 139998 139999 140000 140001 140002 140003

limit or alter the liability, if any, imposed on pass-through 140004
entity investors for unpaid or underpaid taxes, interest, 140005
interest penalty, or penalties as a result of the pass-through 140006
entity's making the election provided for under division (D) of 140007
this section. For the purposes of division (D) of this section, 140008
"correct tax due" means the tax that would have been paid by the 140009
pass-through entity had the single return been filed in a manner 140010
reflecting the commissioner's findings. Nothing in division (D) 140011
of this section shall be construed to make or hold a pass- 140012
through entity liable for tax attributable to a pass-through 140013
entity investor's income from a source other than the pass- 140014
through entity electing to file the single return. 140015

(E) If a husband and wife file a joint federal income tax 140016
return for a taxable year, they shall file a joint return under 140017
this section for that taxable year, and their liabilities are 140018
joint and several, but, if the federal income tax liability of 140019
either spouse is determined on a separate federal income tax 140020
return, they shall file separate returns under this section. 140021

If either spouse is not required to file a federal income 140022
tax return and either or both are required to file a return 140023
pursuant to this chapter, they may elect to file separate or 140024
joint returns, and, pursuant to that election, their liabilities 140025
are separate or joint and several. If a husband and wife file 140026
separate returns pursuant to this chapter, each must claim the 140027
taxpayer's own exemption, but not both, as authorized under 140028
section 5747.02 of the Revised Code on the taxpayer's own 140029
return. 140030

(F) Each return or notice required to be filed under this 140031
section shall contain the signature of the taxpayer or the 140032
taxpayer's duly authorized agent and of the person who prepared 140033

the return for the taxpayer, and shall include the taxpayer's 140034
social security number. Each return shall be verified by a 140035
declaration under the penalties of perjury. The tax commissioner 140036
shall prescribe the form that the signature and declaration 140037
shall take. 140038

(G) Each return or notice required to be filed under this 140039
section shall be made and filed as required by section 5747.04 140040
of the Revised Code, on or before the fifteenth day of April of 140041
each year, on forms that the tax commissioner shall prescribe, 140042
together with remittance made payable to the treasurer of state 140043
in the combined amount of the state and all school district 140044
income taxes shown to be due on the form. 140045

Upon good cause shown, the commissioner may extend the 140046
period for filing any notice or return required to be filed 140047
under this section and may adopt rules relating to extensions. 140048
If the extension results in an extension of time for the payment 140049
of any state or school district income tax liability with 140050
respect to which the return is filed, the taxpayer shall pay at 140051
the time the tax liability is paid an amount of interest 140052
computed at the rate per annum prescribed by section 5703.47 of 140053
the Revised Code on that liability from the time that payment is 140054
due without extension to the time of actual payment. Except as 140055
provided in section 5747.132 of the Revised Code, in addition to 140056
all other interest charges and penalties, all taxes imposed 140057
under this chapter or Chapter 5748. of the Revised Code and 140058
remaining unpaid after they become due, except combined amounts 140059
due of one dollar or less, bear interest at the rate per annum 140060
prescribed by section 5703.47 of the Revised Code until paid or 140061
until the day an assessment is issued under section 5747.13 of 140062
the Revised Code, whichever occurs first. 140063

If the commissioner considers it necessary in order to 140064
ensure the payment of the tax imposed by section 5747.02 of the 140065
Revised Code or any tax imposed under Chapter 5748. of the 140066
Revised Code, the commissioner may require returns and payments 140067
to be made otherwise than as provided in this section. 140068

To the extent that any provision in this division 140069
conflicts with any provision in section 5747.026 of the Revised 140070
Code, the provision in that section prevails. 140071

(H) The amounts withheld pursuant to section 5747.06, 140072
5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of the 140073
Revised Code shall be allowed to the ultimate recipient of the 140074
income as credits against payment of the appropriate taxes 140075
imposed on the ultimate recipient by section 5747.02 and under 140076
Chapter 5748. of the Revised Code. As used in this division, 140077
"ultimate recipient" means the person who is required to report 140078
income from which amounts are withheld pursuant to section 140079
5747.06, 5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of 140080
the Revised Code on the annual return required to be filed under 140081
this section. 140082

(I) If a pass-through entity elects to file a single 140083
return under division (D) of this section and if any investor is 140084
required to file the annual return and make the payment of taxes 140085
required by this chapter on account of the investor's other 140086
income that is not included in a single return filed by a pass- 140087
through entity or any other investor elects to file the annual 140088
return, the investor is entitled to a refundable credit equal to 140089
the investor's proportionate share of the lesser of the tax due 140090
or the tax paid by the pass-through entity on behalf of the 140091
investor. The investor shall claim the credit for the investor's 140092
taxable year in which or with which ends the taxable year of the 140093

pass-through entity. Nothing in this chapter shall be construed 140094
to allow any credit provided in this chapter to be claimed more 140095
than once. For the purpose of computing any interest, penalty, 140096
or interest penalty, the investor shall be deemed to have paid 140097
the refundable credit provided by this division on the day that 140098
the pass-through entity paid the estimated tax or the tax giving 140099
rise to the credit. 140100

(J) The tax commissioner shall ensure that each return 140101
required to be filed under this section includes a box that the 140102
taxpayer may check to authorize a paid tax preparer who prepared 140103
the return to communicate with the department of taxation about 140104
matters pertaining to the return. The return or instructions 140105
accompanying the return shall indicate that by checking the box 140106
the taxpayer authorizes the department of taxation to contact 140107
the preparer concerning questions that arise during the 140108
processing of the return and authorizes the preparer only to 140109
provide the department with information that is missing from the 140110
return, to contact the department for information about the 140111
processing of the return or the status of the taxpayer's refund 140112
or payments, and to respond to notices about mathematical 140113
errors, offsets, or return preparation that the taxpayer has 140114
received from the department and has shown to the preparer. 140115

(K) The tax commissioner shall permit individual taxpayers 140116
to instruct the department of taxation to cause any refund of 140117
overpaid taxes to be deposited directly into a checking account, 140118
savings account, or an individual retirement account or 140119
individual retirement annuity, or preexisting college savings 140120
plan or program account offered by the Ohio tuition trust 140121
authority under Chapter 3334. of the Revised Code, as designated 140122
by the taxpayer, when the taxpayer files the annual return 140123
required by this section electronically. 140124

(L) If, for the taxable year, a nonresident or trust that 140125
is the owner of an electing pass-through entity, as defined in 140126
section 5747.38 of the Revised Code, does not have Ohio adjusted 140127
gross income or, in the case of a trust, modified Ohio taxable 140128
income other than from one or more electing pass-through 140129
entities, the nonresident or trust shall not be required to file 140130
an annual return under this section. Nothing in this division 140131
precludes such an owner from filing the annual return under this 140132
section, utilizing the refundable credit under section 5747.39 140133
of the Revised Code equal to the owner's proportionate share of 140134
the tax levied under section 5747.38 of the Revised Code and 140135
paid by the electing pass-through entity, and making the payment 140136
of taxes imposed under section 5747.02 of the Revised Code. 140137

(M) The tax commissioner may adopt rules to administer 140138
this section. 140139

Sec. 5747.09. (A) As used in this section: 140140

(1) "Estimated taxes" means the amount that the taxpayer 140141
estimates to be the taxpayer's combined tax liability under this 140142
chapter and Chapter 5748. of the Revised Code for the current 140143
taxable year. 140144

(2) "Tax liability" means the total taxes due for the 140145
taxable year, after allowing any credit to which the taxpayer is 140146
entitled, but prior to applying any estimated tax payment, 140147
withholding payment, or refund from another tax year. 140148

(3) "Taxes paid" include payments of estimated taxes made 140149
under division (C) of this section, taxes withheld from the 140150
taxpayer's compensation, and tax refunds applied by the taxpayer 140151
in payment of estimated taxes. 140152

(4) "Required installment" means a payment equal to 140153

twenty-five per cent of the lesser of the following: 140154

(a) Ninety per cent of the tax liability for the taxable 140155
year; 140156

(b) One hundred per cent of the tax liability shown on the 140157
return of a taxpayer for the preceding taxable year. 140158

Division (A) (4) (b) of this section applies only if the 140159
taxpayer filed a return under section 5747.08 of the Revised 140160
Code for the preceding taxable year and if the preceding taxable 140161
year was a twelve-month taxable year. 140162

(B) Every taxpayer shall make declaration of estimated 140163
taxes for the current taxable year, in the form that the tax 140164
commissioner shall prescribe, if the amount payable as estimated 140165
taxes, less the amount to be withheld from the taxpayer's 140166
compensation, is more than five hundred dollars. For purposes of 140167
this section, taxes withheld from compensation shall be 140168
considered as paid in equal amounts on each payment date unless 140169
the taxpayer establishes the dates on which all amounts were 140170
actually withheld, in which case the amounts withheld shall be 140171
considered as paid on the dates on which the amounts were 140172
actually withheld. Taxpayers filing joint returns pursuant to 140173
section 5747.08 of the Revised Code shall file joint 140174
declarations of estimated taxes. A taxpayer may amend a 140175
declaration under rules prescribed by the commissioner. A 140176
taxpayer having a taxable year of less than twelve months shall 140177
make a declaration under rules prescribed by the commissioner. 140178
The declaration of estimated taxes for an individual under a 140179
disability shall be made and filed by the person who is required 140180
to file the income tax return. 140181

The declaration of estimated taxes shall be filed on or 140182

before the fifteenth day of April of each year or on or before 140183
the fifteenth day of the fourth month after the taxpayer becomes 140184
subject to tax for the first time. 140185

Taxpayers reporting on a fiscal year basis shall file a 140186
declaration on or before the fifteenth day of the fourth month 140187
after the beginning of each fiscal year or period. 140188

The declaration shall be filed upon a form prescribed by 140189
the commissioner and furnished by or obtainable from the 140190
commissioner. 140191

The original declaration or any subsequent amendment may 140192
be increased or decreased on or before any subsequent quarterly 140193
payment day as provided in this section. 140194

(C) The required portion of the tax liability for the 140195
taxable year that shall be paid through estimated taxes made 140196
payable to the treasurer of state, including the application of 140197
tax refunds to estimated taxes, and withholding on or before the 140198
applicable payment date shall be as follows: 140199

(1) On or before the fifteenth day of the fourth month 140200
after the beginning of the taxable year, twenty-two and one-half 140201
per cent of the tax liability for the taxable year; 140202

(2) On or before the fifteenth day of the sixth month 140203
after the beginning of the taxable year, forty-five per cent of 140204
the tax liability for the taxable year; 140205

(3) On or before the fifteenth day of the ninth month 140206
after the beginning of the taxable year, sixty-seven and one- 140207
half per cent of the tax liability for the taxable year; 140208

(4) On or before the fifteenth day of the first month of 140209
the following taxable year, ninety per cent of the tax liability 140210

for the taxable year. 140211

When an amended return has been filed, the unpaid balance 140212
shown due on the amended return shall be paid in equal 140213
installments on or before the remaining payment dates. 140214

On or before the fifteenth day of the fourth month of the 140215
year following that for which the declaration or amended 140216
declaration was filed, an annual return shall be filed and any 140217
balance which may be due shall be paid with the return in 140218
accordance with section 5747.08 of the Revised Code. 140219

(D) In the case of any underpayment of estimated taxes, an 140220
interest penalty ~~shall~~ may be added to the taxes for the tax 140221
year at the rate per annum prescribed by section 5703.47 of the 140222
Revised Code upon the amount of underpayment for the period of 140223
underpayment, unless the underpayment is due to reasonable cause 140224
as described in division (E) of this section. The amount of the 140225
underpayment shall be determined as follows: 140226

(1) For the first payment of estimated taxes each year, 140227
the required installment less the amount of taxes paid by the 140228
date prescribed for that payment; 140229

(2) For the second payment of estimated taxes each year, 140230
the required installment less the amount of taxes paid by the 140231
date prescribed for that payment; 140232

(3) For the third payment of estimated taxes each year, 140233
the required installment less the amount of taxes paid by the 140234
date prescribed for that payment; 140235

(4) For the fourth payment of estimated taxes each year, 140236
the required installment less the amount of taxes paid by the 140237
date prescribed for that payment. 140238

The period of the underpayment shall run from the day the
estimated payment was required to be made to the date on which
the payment is made. For purposes of this section, a payment of
estimated taxes on or before any payment date shall be
considered a payment of any previous underpayment only to the
extent the payment of estimated taxes exceeds the amount of the
payment presently required to be paid to avoid any penalty.

The tax commissioner may abate, in whole or in part, the
interest penalty imposed under division (D) of this section. Any
such penalty imposed shall be in lieu of any other interest
charge or penalty imposed for failure to file an estimated
return and make estimated payments as required by this section.

(E) An underpayment of estimated taxes determined under
division (D) of this section shall be due to reasonable cause
and the interest penalty imposed by this section shall not be
added to the taxes for the tax year if either of the following
apply:

(1) The amount of tax that was paid equals at least ninety
per cent of the tax liability for the current taxable year,
determined by annualizing the income received during the year up
to the end of the month immediately preceding the month in which
the payment is due;

(2) The amount of tax that was paid equals at least one
hundred per cent of the tax liability shown on the return of the
taxpayer for the preceding taxable year, provided that the
immediately preceding taxable year reflected a period of twelve
months and the taxpayer filed a return under section 5747.08 of
the Revised Code for that year.

The tax commissioner may waive the requirement for filing

a declaration of estimated taxes for any class of taxpayers 140268
after finding that the waiver is reasonable and proper in view 140269
of administrative costs and other factors. 140270

Sec. 5747.10. (A) As used in this section: 140271

(1) "Audited partnership" means a partnership subject to 140272
an examination by the internal revenue service pursuant to 140273
subchapter C, chapter 63, subtitle F of the Internal Revenue 140274
Code resulting in a federal adjustment. 140275

(2) (a) "Direct investor" means a partner or other investor 140276
that holds a direct interest in a pass-through entity. 140277

(b) "Indirect investor" means a partner or other investor 140278
that holds an interest in a pass-through entity that itself 140279
holds an interest, directly or through another indirect partner 140280
or other investor, in a pass-through entity. 140281

(3) "Exempt partner" means a partner that is neither a 140282
pass-through entity nor a person subject to the tax imposed by 140283
section 5747.02 of the Revised Code. 140284

(4) "Federal adjustment" means a change to an item or 140285
amount required to be determined under the Internal Revenue Code 140286
that directly or indirectly affects a taxpayer's aggregate tax 140287
liability under section 5747.02 or Chapter 5748. of the Revised 140288
Code and that results from an action or examination by the 140289
internal revenue service, or from the filing of an amended 140290
federal tax return, a claim for a federal tax refund, or an 140291
administrative adjustment request filed by a partnership under 140292
section 6227 of the Internal Revenue Code. 140293

(5) "Federal adjustments return" means the form or other 140294
document prescribed by the tax commissioner for use by a 140295
taxpayer in reporting final federal adjustments. 140296

(6) "State partnership representative" means either of the following: 140297
140298

(a) The person who served as the partnership's representative for federal income tax purposes, pursuant to section 6223(a) of the Internal Revenue Code, during the corresponding federal partnership audit; 140299
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(b) The person designated, on a form prescribed by the tax commissioner, to serve as the partnership's representative during the state partnership audit. The commissioner may establish reasonable qualifications and procedures for a person to be designated as a state partnership representative under this division. 140303
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(7) A federal adjustment is "final" or "agreed to or finally determined for federal income tax purposes" on any of the following: 140309
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140311

(a) The day after which the period for appeal of a federal assessment has expired; 140312
140313

(b) The date on a refund check issued by the internal revenue service; or 140314
140315

(c) For agreements required to be signed by the internal revenue service and the taxpayer or audited partnership, the date on which the last party signed the agreement. 140316
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140318

(B) (1) If any of the facts, figures, computations, or attachments required in a taxpayer's annual return to determine the tax charged by this chapter or Chapter 5748. of the Revised Code must be altered as the result of a final federal adjustment, and the federal adjustment is not required to be reported under division (C) of this section, the taxpayer shall file an amended return with the tax commissioner in such form as 140319
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the commissioner requires. The amended return shall be filed not 140326
later than ninety days after the federal adjustment has been 140327
agreed to or finally determined for federal income tax purposes. 140328

(2) "One hundred eighty" shall be substituted for "ninety" 140329
in divisions (B)(1) and (E)(1) of this section if, for any 140330
taxable year, the final federal adjustment results from taxes 140331
paid by the taxpayer on an amount described in division (A)(32) 140332
of section 5747.01 of the Revised Code. 140333

(C) Except for adjustments required to be reported for 140334
federal purposes pursuant to section 6225(a)(2) of the Internal 140335
Revenue Code and adjustments that are taken into account on a 140336
federal amended return or similar report filed pursuant to 140337
section 6225(c)(2) of the Internal Revenue Code, partnerships 140338
and partners shall report final federal adjustments and make 140339
payments as required under division (C) of this section. 140340

(1) With respect to an action required or permitted to be 140341
taken by a partnership under this section, and any petition for 140342
reassessment or appeal to the board of tax appeals or any court 140343
with respect to such an action, the state partnership 140344
representative shall have the sole authority to act on behalf of 140345
the audited partnership, and the partnership's direct and 140346
indirect investors shall be bound by those actions. 140347

(2) Unless an audited partnership makes the election under 140348
division (C)(3) of this section: 140349

(a) The audited partnership, through its state partnership 140350
representative, shall do all of the following within ninety days 140351
after the federal adjustment is final: 140352

(i) File a federal adjustments return with the tax 140353
commissioner, including a copy of the notifications provided 140354

under division (C) (2) (a) (ii) of this section; 140355

(ii) Notify each of its direct investors, on a form 140356
prescribed by the commissioner, of the investor's distributive 140357
share of the final federal adjustments; 140358

(iii) File an amended tax return on behalf of its 140359
nonresident direct investors and pay any additional tax that 140360
would have been due under sections 5733.41 and 5747.41, or 140361
division (D) of section 5747.08, of the Revised Code with 140362
respect to those direct investors had the final federal 140363
adjustments been reported properly on the original filing. 140364

(b) Each direct investor that is subject to the tax 140365
imposed by section 5747.02 of the Revised Code shall file an 140366
original or amended tax return to include the investor's 140367
distributive share of the adjustments reported to the direct 140368
investor under division (C) (2) (a) of this section, and pay any 140369
additional tax due, within ninety days after the audited 140370
partnership files its federal adjustments return with the 140371
commissioner. 140372

(c) (i) Each direct and indirect investor of an audited 140373
partnership that is a pass-through entity and all investors in 140374
such a pass-through entity that are subject to the filing and 140375
payment requirements of Chapters 5733. and 5747. of the Revised 140376
Code are subject to the reporting and payment requirements of 140377
division (C) (2) or, upon a timely election, division (C) (3) of 140378
this section. 140379

(ii) Such direct and indirect investors shall make the 140380
required returns and payments within ninety days after the 140381
deadline for filing and furnishing statements under section 140382
6226(b) (4) of the Internal Revenue Code and applicable treasury 140383

regulations. 140384

(3) If an audited partnership makes the election under 140385
this division, the audited partnership, through its state 140386
partnership representative, shall do all of the following within 140387
ninety days after all federal adjustments are final: 140388

(a) File a federal adjustments return with the tax 140389
commissioner indicating the partnership has made the election 140390
under division (C) (3) of this section; 140391

(b) Pay the amount of combined additional tax due under 140392
division (D) (2) of this section, calculated by multiplying the 140393
highest rate of tax set forth in section 5747.02 of the Revised 140394
Code by the sum of the following: 140395

(i) The distributive shares of the final federal 140396
adjustments that are allocable or apportionable to this state of 140397
each investor who is a nonresident taxpayer or pass-through 140398
entity; 140399

(ii) The distributive share of the final federal 140400
adjustments for each investor who is a resident taxpayer. 140401

(c) Notify each of its direct investors, on a form 140402
prescribed by the commissioner, of the investor's distributive 140403
share of the final federal adjustments and the amount paid on 140404
their behalf pursuant to division (C) (3) (b) of this section. 140405

(4) (a) A direct investor of an audited partnership is not 140406
required to file an amended return or pay tax otherwise due 140407
under section 5747.02 of the Revised Code if the audited 140408
partnership properly reports and pays the tax under division (C) 140409
(3) of this section. 140410

(b) (i) Nothing in division (C) of this section precludes a 140411

direct or indirect investor in the audited partnership from 140412
filing a return to report the investor's share of the final 140413
federal adjustments. Such an investor who files a return and 140414
reports the income related to the final federal adjustments is 140415
entitled to a refundable credit for taxes paid by the audited 140416
partnership under division (C) (3) (b) of this section. The credit 140417
shall be computed and claimed in the same manner as the credit 140418
allowed under division (I) of section 5747.08 of the Revised 140419
Code. 140420

(ii) Notwithstanding division (C) (4) (b) (i) of this 140421
section, an exempt partner, whether a direct or indirect 140422
investor, may file an application for refund of its 140423
proportionate share of the amounts erroneously paid by the 140424
audited partnership pursuant to division (C) (3) (b) of this 140425
section on the exempt partner's behalf. 140426

(5) Upon request by an audited partnership, the tax 140427
commissioner may agree, in writing, to allow an alternative 140428
method of reporting and payment than required by division (C) (2) 140429
or (3) of this section. The request must be submitted to the 140430
commissioner in writing before the applicable deadline for 140431
filing a return under division (C) (2) (a) or (3) of this section. 140432
The commissioner's decision on whether to enter into an 140433
agreement under this division is not subject to further 140434
administrative review or appeal. 140435

(6) Nothing in division (C) of this section precludes 140436
either of the following: 140437

(a) A resident taxpayer from filing a return to claim the 140438
credit under division (B) of section 5747.05 or division ~~(D) (2)~~ 140439
(B) (2) of section 5747.02 of the Revised Code based upon any 140440
amounts paid by the audited partnership on such investor's 140441

behalf to another state. 140442

(b) The tax commissioner from issuing an assessment under 140443
this chapter against any direct or indirect investor for taxes 140444
due from the investor if an audited partnership, or direct and 140445
indirect investor of an audited partnership that is a pass- 140446
through entity, fails to timely file any return or remit any 140447
payment required by this section or underreports income or 140448
underpays tax on behalf of an indirect investor who is a 140449
resident taxpayer. 140450

(D) In the case of an underpayment, and unless otherwise 140451
agreed to in writing by the tax commissioner: 140452

(1) The taxpayer's amended return shall be accompanied by 140453
payment of any combined additional tax due together with 140454
interest thereon. An amended return required by this section is 140455
a return subject to assessment under section 5747.13 of the 140456
Revised Code for the purpose of assessing any additional tax due 140457
under this section, together with any applicable penalty and 140458
interest. It shall not reopen those facts, figures, 140459
computations, or attachments from a previously filed return no 140460
longer subject to assessment that are not affected, either 140461
directly or indirectly, by the final federal adjustment to the 140462
taxpayer's federal income tax return. 140463

(2) The audited partnership's federal adjustments return 140464
shall be accompanied by payment of any combined additional tax 140465
due together with interest thereon. The federal adjustments 140466
return required by this section is a return subject to 140467
assessment under section 5747.13 of the Revised Code for the 140468
purpose of assessing any additional tax due under this section, 140469
together with any applicable penalty and interest. It shall not 140470
reopen those facts, figures, computations, or attachments from a 140471

previously filed return no longer subject to assessment that are 140472
not affected, either directly or indirectly, by the final 140473
federal adjustment. 140474

(3) The tax commissioner may accept estimated payments of 140475
the tax arising from pending federal adjustments before the date 140476
for filing a federal adjustments return. The commissioner may 140477
adopt rules for the payment of such estimated taxes. 140478

(E) In the case of an overpayment, and unless otherwise 140479
agreed to in writing by the tax commissioner: 140480

(1) A taxpayer may file an application for refund under 140481
this division within the ninety-day period prescribed for filing 140482
the amended return even if it is filed beyond the period 140483
prescribed in section 5747.11 of the Revised Code if it 140484
otherwise conforms to the requirements of such section. An 140485
application filed under this division shall claim refund of 140486
overpayments resulting from alterations to only those facts, 140487
figures, computations, or attachments required in the taxpayer's 140488
annual return that are affected, either directly or indirectly, 140489
by the final federal adjustment to the taxpayer's federal income 140490
tax return unless it is also filed within the time prescribed in 140491
section 5747.11 of the Revised Code. It shall not reopen those 140492
facts, figures, computations, or attachments that are not 140493
affected, either directly or indirectly, by the adjustment to 140494
the taxpayer's federal income tax return. 140495

(2) (a) Except as otherwise provided in division (E) (2) (b) 140496
of this section, an audited partnership may file an application 140497
for a refund under this division within the ninety-day period 140498
prescribed for filing the federal adjustments return, even if it 140499
is filed beyond the period prescribed by section 5747.11 of the 140500
Revised Code, if it otherwise conforms to the requirements of 140501

that section. An application filed under this division may claim 140502
a refund of overpayments resulting only from final federal 140503
adjustments unless it is also filed within the time prescribed 140504
by section 5747.11 of the Revised Code. It shall not reopen 140505
those facts, figures, computations, or attachments that are not 140506
affected, either directly or indirectly, by the federal 140507
adjustment. 140508

(b) An audited partnership may not file an application for 140509
refund under division (E) of this section based on final federal 140510
adjustments described in section 6225(a)(2) of the Internal 140511
Revenue Code. 140512

(3) Any refund granted to a pass-through entity filing an 140513
application for refund under division (E) of this section shall 140514
be reduced by amounts previously claimed as a credit under 140515
section 5747.059 or division (I) of section 5747.08 of the 140516
Revised Code by the pass-through entity's direct or indirect 140517
investors. 140518

(F) Excluding the deadline in division (C)(2)(c)(ii) of 140519
this section, an audited partnership, or a direct or indirect 140520
investor of an audited partnership that is a pass-through 140521
entity, may automatically extend the deadline for reporting, 140522
payments, and refunds under this section by sixty days if the 140523
entity has ten thousand or more direct investors and notifies 140524
the commissioner of such extension, in writing, before the 140525
unextended deadline. 140526

Sec. 5747.113. (A) Any taxpayer claiming a refund under 140527
section 5747.11 of the Revised Code who wishes to contribute any 140528
part of the taxpayer's refund to the natural areas and preserves 140529
fund created in section 1517.11 of the Revised Code, the nongame 140530
and endangered wildlife fund created in section 1531.26 of the 140531

Revised Code, the military injury relief fund created in section 140532
5902.05 of the Revised Code, the Ohio history fund created in 140533
section 149.308 of the Revised Code, the breast and cervical 140534
cancer project income tax contribution fund created in section 140535
3701.601 of the Revised Code, the wishes for sick children 140536
income tax contribution fund created in section 3701.602 of the 140537
Revised Code, the companion animal fund created in section 140538
955.202 of the Revised Code, or all of those funds may designate 140539
on the taxpayer's income tax return the amount that the taxpayer 140540
wishes to contribute to the fund or funds. A designated 140541
contribution is irrevocable upon the filing of the return and 140542
shall be made in the full amount designated if the refund found 140543
due the taxpayer upon the initial processing of the taxpayer's 140544
return, after any deductions including those required by section 140545
5747.12 of the Revised Code, is greater than or equal to the 140546
designated contribution. If the refund due as initially 140547
determined is less than the designated contribution, the 140548
contribution shall be made in the full amount of the refund. The 140549
tax commissioner shall subtract the amount of the contribution 140550
from the amount of the refund initially found due the taxpayer 140551
and shall certify the difference to the director of budget and 140552
management and treasurer of state for payment to the taxpayer in 140553
accordance with section 5747.11 of the Revised Code. For the 140554
purpose of any subsequent determination of the taxpayer's net 140555
tax payment, the contribution shall be considered a part of the 140556
refund paid to the taxpayer. 140557

(B) The tax commissioner shall provide a space on the 140558
income tax return form in which a taxpayer may indicate that the 140559
taxpayer wishes to make a donation in accordance with this 140560
section. The tax commissioner shall also print in the 140561
instructions accompanying the income tax return form a 140562

description of the purposes for which the natural areas and 140563
preserves fund, the nongame and endangered wildlife fund, the 140564
military injury relief fund, the Ohio history fund, the breast 140565
and cervical cancer project income tax contribution fund, ~~and~~ 140566
the wishes for sick children income tax contribution fund, and 140567
the companion animal fund were created and the use of moneys 140568
from the income tax refund contribution system established in 140569
this section. No person shall designate on the person's income 140570
tax return any part of a refund claimed under section 5747.11 of 140571
the Revised Code as a contribution to any fund other than the 140572
natural areas and preserves fund, the nongame and endangered 140573
wildlife fund, the military injury relief fund, the Ohio history 140574
fund, the breast and cervical cancer project income tax 140575
contribution fund, ~~or~~ the wishes for sick children income tax 140576
contribution fund, or the companion animal fund. 140577

(C) The money collected under the income tax refund 140578
contribution system established in this section shall be 140579
deposited by the tax commissioner into the natural areas and 140580
preserves fund, the nongame and endangered wildlife fund, the 140581
military injury relief fund, the Ohio history fund, the breast 140582
and cervical cancer project income tax contribution fund, ~~and~~ 140583
the wishes for sick children income tax contribution fund, and 140584
the companion animal fund in the amounts designated on the tax 140585
returns. 140586

(D) If the total amount contributed to a fund under this 140587
section, as annually determined by the tax commissioner, is less 140588
than fifty thousand dollars in each of five consecutive calendar 140589
years, no person may designate a contribution to that fund for 140590
any taxable year ending after the last day of that five-year 140591
period. In such a case, the commissioner shall remove the space 140592
dedicated to the fund on the income tax return and the 140593

description of the fund in the instructions accompanying the 140594
income tax return. 140595

~~(E) The general assembly may authorize taxpayer refund 140596
contributions to no more than six funds under the income tax 140597
refund contribution system established in this section. If the 140598
general assembly authorizes income tax refund contributions to a 140599
fund other than the natural areas and preserves fund, the 140600
nongame and endangered wildlife fund, the military injury relief 140601
fund, the Ohio history fund, the breast and cervical cancer 140602
project income tax contribution fund, or the wishes for sick 140603
children income tax contribution fund, such contributions may be 140604
authorized only for a period of two calendar years. 140605~~

With the exception of the Ohio history fund and the 140606
companion animal fund, the general assembly may authorize income 140607
tax refund contributions to a fund only if all the money in the 140608
fund will be expended or distributed by a state agency as 140609
defined in section 1.60 of the Revised Code. 140610

(F) (1) The director of natural resources, in January of 140611
every odd-numbered year, shall report to the general assembly on 140612
the effectiveness of the income tax refund contribution system 140613
as it pertains to the natural areas and preserves fund and the 140614
nongame and endangered wildlife fund. The report shall include 140615
the amount of money contributed to each fund in each of the 140616
previous five years, the amount of money contributed directly to 140617
each fund in addition to or independently of the income tax 140618
refund contribution system in each of the previous five years, 140619
and the purposes for which the money was expended. 140620

(2) The director of veterans services, the director of the 140621
Ohio history connection, the director of the Ohio pet fund, and 140622
the director of health, in January of every odd-numbered year, 140623

each shall report to the general assembly on the effectiveness 140624
of the income tax refund contribution system as it pertains to 140625
the military injury relief fund, the Ohio history fund, the 140626
companion animal fund, the breast and cervical cancer project 140627
income tax contribution fund, and the wishes for sick children 140628
income tax contribution fund respectively. The report shall 140629
include the amount of money contributed to the fund in each of 140630
the previous five years, the amount of money contributed 140631
directly to the fund in addition to or independently of the 140632
income tax refund contribution system in each of the previous 140633
five years, and the purposes for which the money was expended. 140634

Sec. 5747.124. (A) As used in this section, "judgment 140635
creditor" excludes all state and federal agencies, 140636
instrumentalities, and political subdivisions. 140637

(B) If a person entitled to a refund under this chapter is 140638
a judgment debtor indebted to a judgment creditor, as defined in 140639
section 2716.01 of the Revised Code, the amount refundable shall 140640
be subject to an order of garnishment of property, other than 140641
personal earnings, issued under sections 2716.11 and 2716.13 of 140642
the Revised Code. Upon receipt of such an order, the tax 140643
commissioner shall pay the amount of the refund not already paid 140644
to the person entitled to the refund to the clerk of court that 140645
issued the order, unless otherwise payable in accordance with 140646
section 5747.12, 5747.121, 5747.122, or 5747.123 of the Revised 140647
Code, provided all of the following are true: 140648

(1) The judgment creditor has made reasonable efforts to 140649
collect the debt before submitting the garnishment order to the 140650
tax commissioners; 140651

(2) The principal balance of the judgment, excluding 140652
interest and post-judgment fees, is greater than two hundred 140653

fifty dollars; 140654

(3) The judgment underlying the garnishment order was 140655
issued not less than one and not more than seven years before it 140656
is submitted to the tax commissioner. 140657

(C) Any order of garnishment submitted under this section 140658
shall be satisfied after overdue child support subject to 140659
section 5747.121 of the Revised Code and debts described in 140660
division (A) of section 5747.12 of the Revised Code. 140661

(D) If the amount refundable is less than the amount 140662
stated on the order of garnishment, it may be applied in partial 140663
satisfaction of that amount. If the amount refundable is greater 140664
than the amount stated on the order, the amount remaining after 140665
satisfaction of the order shall be refunded. 140666

(E) The tax commissioner shall charge each respective 140667
judgment creditor a fee of fifteen dollars for the 140668
commissioner's cost in applying refunds to satisfy an order of 140669
garnishment. 140670

(F) If the tax commissioner receives multiple orders of 140671
garnishment of property, other than personal earnings for 140672
amounts owed by the same person, the commissioner shall satisfy 140673
the orders in the sequence they were received. 140674

(G) The tax commissioner may adopt rules to implement this 140675
section, including rules to apportion the amount of a tax return 140676
available to satisfy an order of garnishment in the case of 140677
persons filing a joint return who do not jointly owe the debt or 140678
certified claim. 140679

Sec. 5747.13. (A) If any employer collects the tax imposed 140680
by section 5747.02 or under Chapter 5748. of the Revised Code 140681
and fails to remit the tax as required by law, or fails to 140682

collect the tax, the employer is personally liable for any 140683
amount collected that the employer fails to remit, or any amount 140684
that the employer fails to collect. If any taxpayer fails to 140685
file a return or fails to pay the tax imposed by section 5747.02 140686
or under Chapter 5748. of the Revised Code, the taxpayer is 140687
personally liable for the amount of the tax. 140688

If any employer, taxpayer, qualifying entity, or electing 140689
pass-through entity required to file a return under this chapter 140690
fails to file the return within the time prescribed, files an 140691
incorrect return, fails to remit the full amount of the taxes 140692
due for the period covered by the return, or fails to remit any 140693
additional tax due as a result of a reduction in the amount of 140694
the credit allowed under division (B) of section 5747.05 of the 140695
Revised Code together with interest on the additional tax within 140696
the time prescribed by that division, the tax commissioner may 140697
make an assessment against any person liable for any deficiency 140698
for the period for which the return is or taxes are due, based 140699
upon any information in the commissioner's possession. 140700

An assessment issued against either the employer or the 140701
taxpayer pursuant to this section shall not be considered an 140702
election of remedies or a bar to an assessment against the other 140703
for failure to report or pay the same tax. No assessment shall 140704
be issued against any person if the tax actually has been paid 140705
by another. 140706

No assessment shall be made or issued against an employer, 140707
a taxpayer, a qualifying entity, or an electing pass-through 140708
entity more than four years after the final date the return 140709
subject to assessment was required to be filed or the date the 140710
return was filed, whichever is later. However, the commissioner 140711
may assess any balance due as the result of a reduction in the 140712

credit allowed under division (B) of section 5747.05 of the Revised Code, including applicable penalty and interest, within four years of the date on which the taxpayer reports a change in either the portion of the taxpayer's adjusted gross income subjected to an income tax or tax measured by income in another state or the District of Columbia, or the amount of liability for an income tax or tax measured by income to another state or the District of Columbia, as required by division (B)(4) of section 5747.05 of the Revised Code. Such time limits may be extended if both the employer, taxpayer, qualifying entity, or electing pass-through entity and the commissioner consent in writing to the extension or if an agreement waiving or extending the time limits has been entered into pursuant to section 122.171 of the Revised Code. Any such extension shall extend the four-year time limit in division (B) of section 5747.11 of the Revised Code for the same period of time. There shall be no bar or limit to an assessment against an employer for taxes withheld from employees and not remitted to the state, against an employer, a taxpayer, a qualifying entity, or an electing pass-through entity that fails to file a return subject to assessment as required by this chapter, or against an employer, a taxpayer, a qualifying entity, or an electing pass-through entity that files a fraudulent return.

The commissioner shall give the party assessed written notice of the assessment in the manner provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the party assessed files with the tax commissioner within sixty days after service of the notice of assessment, ~~either personally or by certified mail,~~ a written

petition for reassessment, signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final, and the amount of the assessment is due and payable from the party assessed to the commissioner with remittance made payable to the treasurer of state. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the employer's, taxpayer's, qualifying entity's, or electing pass-through entity's place of business is located or the county in which the party assessed resides. If the party assessed is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment against the party assessed in the amount shown on the entry. The judgment shall be filed by the clerk in one of two loose-leaf books, one entitled "special judgments for state and school district income taxes," and the other entitled "special judgments for qualifying entity and electing pass-through entity taxes." The judgment shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to

sales on execution shall apply to sales made under the judgment. 140775

If the assessment is not paid in its entirety within sixty 140776
days after the assessment was issued, the portion of the 140777
assessment consisting of tax due shall bear interest at the rate 140778
per annum prescribed by section 5703.47 of the Revised Code from 140779
the day the tax commissioner issues the assessment until it is 140780
paid or until it is certified to the attorney general for 140781
collection under section 131.02 of the Revised Code, whichever 140782
comes first. If the unpaid portion of the assessment is 140783
certified to the attorney general for collection, the entire 140784
unpaid portion of the assessment shall bear interest at the rate 140785
per annum prescribed by section 5703.47 of the Revised Code from 140786
the date of certification until the date it is paid in its 140787
entirety. Interest shall be paid in the same manner as the tax 140788
and may be collected by the issuance of an assessment under this 140789
section. 140790

(D) All money collected under this section shall be 140791
considered as revenue arising from the taxes imposed by this 140792
chapter or Chapter 5733. or 5748. of the Revised Code, as 140793
appropriate. 140794

(E) If the party assessed files a petition for 140795
reassessment under division (B) of this section, the person, on 140796
or before the last day the petition may be filed, shall pay the 140797
assessed amount, including assessed interest and assessed 140798
penalties, if any of the following conditions exists: 140799

(1) The person files a tax return reporting Ohio adjusted 140800
gross income, less the exemptions allowed by section 5747.025 of 140801
the Revised Code, in an amount less than one cent, and the 140802
reported amount is not based on the computations required under 140803
division (A) of section 5747.01 or section 5747.025 of the 140804

Revised Code. 140805

(2) The person files a tax return that the tax commissioner determines to be incomplete, false, fraudulent, or frivolous. 140806
140807
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(3) The person fails to file a tax return, and the basis for this failure is not either of the following: 140809
140810

(a) An assertion that the person has no nexus with this state; 140811
140812

(b) The computations required under division (A) of section 5747.01 of the Revised Code or the application of credits allowed under this chapter has the result that the person's tax liability is less than one dollar and one cent. 140813
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(F) Notwithstanding the fact that a petition for reassessment is pending, the petitioner may pay all or a portion of the assessment that is the subject of the petition. The acceptance of a payment by the treasurer of state does not prejudice any claim for refund upon final determination of the petition. 140817
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If upon final determination of the petition an error in the assessment is corrected by the tax commissioner, upon petition so filed or pursuant to a decision of the board of tax appeals or any court to which the determination or decision has been appealed, so that the amount due from the party assessed under the corrected assessment is less than the portion paid, there shall be issued to the petitioner or to the petitioner's assigns or legal representative a refund in the amount of the overpayment as provided by section 5747.11 of the Revised Code, with interest on that amount as provided by such section, subject to section 5747.12 of the Revised Code. 140823
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Sec. 5747.38. (A) As used in this section and section 140834
5747.39 of the Revised Code and in other sections of Chapter 140835
5747. of the Revised Code in the context of the tax imposed 140836
under this section: 140837

(1) "Electing pass-through entity" means a qualifying 140838
pass-through entity that elects to be subject to the tax levied 140839
under this section for a taxable year pursuant to division (C) 140840
of this section. 140841

(2) "Owner" means a person that is a partner, member, 140842
shareholder, or investor in an electing pass-through entity for 140843
any portion of the taxable year. 140844

(3) "Income" means the sum of owners' distributive shares 140845
of the income, gain, expense, or loss of an electing pass- 140846
through entity for the taxable year, as reported for federal 140847
income tax purposes. 140848

(4) "Qualifying taxable income" means the sum of the 140849
following: 140850

(a) The portion of an electing pass-through entity's 140851
income that is business income, subject to the applicable 140852
adjustments in divisions (A) (2) to (7) of section 5733.40 of the 140853
Revised Code, multiplied by the fraction described in division 140854
(B) (1) of that section; 140855

(b) The portion of the electing pass-through entity's 140856
income that is nonbusiness income allocated to this state under 140857
section 5747.20 of the Revised Code. 140858

(B) For the same purposes for which the tax is levied 140859
under section 5747.02 of the Revised Code, a tax is hereby 140860
levied on each electing pass-through entity on the entity's 140861
qualifying taxable income for the taxable year, at the following 140862

rates: 140863

(1) For an electing pass-through entity's taxable year 140864
that begins in 2022, five per cent; 140865

(2) For an electing pass-through entity's taxable year 140866
that begins in 2023 and in any year thereafter, the rate equal 140867
to the tax rate imposed on taxable business income under 140868
division (A) (4) (a) of section 5747.02 of the Revised Code 140869
applicable to that taxable year. 140870

(C) A pass-through entity that is not a disregarded 140871
entity, as defined in section 5733.01 of the Revised Code, may 140872
elect to be subject to the tax levied under this section by 140873
filing with the tax commissioner a form prescribed by the 140874
commissioner making such election on or before the deadline to 140875
file the return under section 5747.42 of the Revised Code for 140876
the taxable year. Such election applies only to the taxable year 140877
for which the election is made and is, once made, irrevocable 140878
for that year. 140879

(D) The Except as otherwise provided in this division, the 140880
tax levied under this section shall be calculated without regard 140881
to any deductions or credits otherwise permitted to be claimed 140882
by an owner of the electing pass-through entity in computing the 140883
owner's aggregate tax liability under section 5747.02 of the 140884
Revised Code. In calculating its tax due under this section, an 140885
electing pass-through entity may claim the refundable credits 140886
authorized under section 5747.059 or 5747.39 of the Revised Code 140887
or division (I) of section 5747.08 of the Revised Code if that 140888
credit is available to one or more of the entity's owners as if 140889
the entity were the owner or owners. 140890

(E) The tax levied under this section is intended to 140891

comply with the provisions of internal revenue service notice 140892
2020-75 in which such tax paid by an electing pass-through 140893
entity is deductible to the entity for federal income tax 140894
purposes. 140895

(F) The tax commissioner shall adopt rules to administer 140896
the tax levied under this section. Such rules shall include a 140897
description of how the adjustments to income under divisions (A) 140898
(36) and (S) (15) of section 5747.01 of the Revised Code and the 140899
credit under section 5747.39 of the Revised Code apply to direct 140900
or indirect owners of an electing pass-through entity based on 140901
various ownership structures. Any rule adopted under this 140902
section is not a regulatory restriction for the purpose of 140903
section 121.95 of the Revised Code. 140904

Sec. 5747.39. There is hereby allowed a refundable credit 140905
against a taxpayer's aggregate tax liability under section 140906
5747.02 of the Revised Code for a taxpayer who is an owner of an 140907
electing pass-through entity. The credit shall equal the owner's 140908
proportionate share of the lesser of the tax levied due or paid 140909
under section 5747.38 of the Revised Code ~~remitted by the~~ 140910
~~owner's~~ for the taxable year of the electing pass-through entity 140911
~~for that ends in the the taxable year of the taxpayer.~~ 140912

The credit shall be claimed for the taxpayer's taxable 140913
year that includes the last day of the electing pass-through 140914
entity's taxable year for which the tax levied under that 140915
section was paid and in the order required under section 5747.98 140916
of the Revised Code. If the credit exceeds the aggregate amount 140917
of tax otherwise due, the excess shall be refunded to the 140918
taxpayer. 140919

The tax commissioner may request that a taxpayer claiming 140920
a credit under this section furnish information as is necessary 140921

to support the claim for the credit under this section, and no 140922
credit shall be allowed unless the requested information is 140923
provided. 140924

Sec. 5747.40. Any term used in sections 5747.40 to 5747.43 140925
of the Revised Code has the same meaning as defined in section 140926
5733.40 of the Revised Code. 140927

The purpose of sections 5747.40 to 5747.43 of the Revised 140928
Code is to complement and to reinforce the tax levied under 140929
section 5747.02 of the Revised Code. Those sections do not apply 140930
to a pass-through entity if all of the investors of the pass- 140931
through entity are resident taxpayers for the purposes of this 140932
chapter for the entire qualifying taxable year of the pass- 140933
through entity, or to a trust if all of the beneficiaries of the 140934
trust are resident taxpayers for the purposes of this chapter 140935
for the entire qualifying taxable year of the trust, except that 140936
sections 5747.42 and 5747.43 of the Revised Code apply to all 140937
pass-through entities that elect to be subject to the tax levied 140938
under section 5747.38 of the Revised Code. 140939

Sec. 5747.43. (A) As used in this section: 140940

(1) "Estimated taxes" means the amount that a qualifying 140941
entity or electing pass-through entity estimates to be the sum 140942
of its liability under sections 5733.41 and 5747.41 or section 140943
5747.38 of the Revised Code for its current qualifying taxable 140944
year or taxable year, as applicable. 140945

(2) "Tax liability" means the total of the taxes and 140946
withholding taxes due under sections 5733.41 and 5747.41 of the 140947
Revised Code or the tax due under section 5747.38 of the Revised 140948
Code for the applicable taxable year prior to applying any 140949
estimated tax payment or refund from another year. 140950

(3) "Taxes paid" includes payments of estimated taxes made under division (C) of this section and tax refunds applied by the qualifying entity or electing pass-through entity in payment of estimated taxes.

(4) "Required installment" means a payment equal to twenty-five per cent of the lesser of the following:

(a) Ninety per cent of the tax liability for the qualifying taxable year;

(b) One hundred per cent of the tax liability shown on the return of a qualifying entity or an electing pass-through entity for the preceding taxable year.

Division (A) (4) (b) of this section applies only if the entity filed a return under section 5747.42 of the Revised Code for the preceding taxable year and if the preceding taxable year was a twelve-month taxable year.

(B) In addition to the return required to be filed pursuant to section 5747.42 of the Revised Code, each qualifying entity or electing pass-through entity that is subject to the tax imposed under section 5733.41 and to the withholding tax imposed by section 5747.41 of the Revised Code or that is subject to the tax imposed under section 5747.38 of the Revised Code shall file an estimated tax return and pay a portion of the entity's tax liability for its taxable year. The portion of those taxes required to be paid, and the last day prescribed for payment thereof, shall be as prescribed by divisions (B) (1), (2), (3), and (4) of this section:

(1) On or before the fifteenth day of the fourth month following after the last day of the first quarter of beginning of the entity's taxable year, twenty-two and one-half per cent

of the entity's estimated tax liability for that taxable year; 140980

(2) On or before the fifteenth day of the sixth month 140981
~~following after the last day of the second quarter of beginning~~ 140982
of the entity's taxable year, forty-five per cent of the 140983
entity's estimated tax liability for that taxable year; 140984

(3) On or before the fifteenth day of the ninth month 140985
~~following after the last day of the third quarter of beginning~~ 140986
of the entity's taxable year, sixty-seven and one-half per cent 140987
of the entity's estimated tax liability for that taxable year; 140988

(4) On or before the fifteenth day of the first month 140989
~~following of the last day of the fourth quarter of the entity's~~ 140990
following taxable year, ninety per cent of the entity's 140991
estimated tax liability for that taxable year. 140992

Payments of estimated taxes shall be made payable to the 140993
treasurer of state. 140994

(C) If a payment of estimated taxes is not paid in the 140995
full amount required under division (B) of this section, a 140996
penalty ~~shall~~ may be added to the taxes charged for the 140997
qualifying taxable year or taxable year, as applicable, unless 140998
the underpayment is due to reasonable cause as described in 140999
division (D) of this section. The penalty shall accrue at the 141000
rate per annum prescribed by section 5703.47 of the Revised Code 141001
upon the amount of underpayment from the day the estimated 141002
payment was required to be made to the day the payment is made. 141003

The amount of the underpayment upon which the penalty 141004
shall accrue shall be determined as follows: 141005

(1) For the first payment of estimated taxes each year, 141006
the required installment less the amount of taxes paid by the 141007
date prescribed for that payment; 141008

(2) For the second payment of estimated taxes each year, 141009
the required installment less the amount of taxes paid by the 141010
date prescribed for that payment; 141011

(3) For the third payment of estimated taxes each year, 141012
the required installment less the amount of taxes paid by the 141013
date prescribed for that payment; 141014

(4) For the fourth payment of estimated taxes each year, 141015
the required installment less the amount of taxes paid by the 141016
date prescribed for that payment. 141017

For the purposes of this section, a payment of estimated 141018
taxes on or before any payment date shall be considered a 141019
payment of a previous underpayment only to the extent the 141020
payment of estimated taxes exceeds the amount of the payment 141021
presently required to be paid to avoid any penalty. 141022

The tax commissioner may abate, in whole or in part, the 141023
penalty imposed under division (C) of this section. Any such 141024
penalty is in lieu of any other interest charge or penalty 141025
imposed for failure to file a declaration of estimated tax 141026
report and make estimated payments as required by this section. 141027

(D) An underpayment of estimated taxes determined under 141028
division (C) of this section is due to reasonable cause if any 141029
of the following apply: 141030

(1) The amount of tax that was paid equals at least ninety 141031
per cent of the tax liability for the current taxable year, 141032
determined by annualizing the income received during that year 141033
up to the end of the month immediately preceding the month in 141034
which the payment is due; 141035

(2) The amount of tax liability that was paid equals at 141036
least ninety per cent of the tax liability for the current 141037

taxable year; 141038

(3) The amount of tax liability that was paid equals at 141039
least one hundred per cent of the tax liability shown on the 141040
return of the entity for the preceding taxable year, provided 141041
that the immediately preceding taxable year reflected a period 141042
of twelve months and the entity filed a return under section 141043
5747.42 of the Revised Code for that year. 141044

(E)(1) Divisions (B) and (C) of this section do not apply 141045
for a taxable year if either of the following applies to the 141046
entity: 141047

(a) For the immediately preceding taxable year, the entity 141048
computes in good faith and in a reasonable manner that the sum 141049
of its adjusted qualifying amounts or its qualifying taxable 141050
income, as applicable, is ten thousand dollars or less. 141051

(b) For the taxable year the entity computes in good faith 141052
and in a reasonable manner that the sum of its adjusted 141053
qualifying amounts or its qualifying taxable income, as 141054
applicable, is ten thousand dollars or less. 141055

(2) Notwithstanding any other provision of Title LVII of 141056
the Revised Code to the contrary, the entity shall establish by 141057
a preponderance of the evidence that its computation of the 141058
adjusted qualifying amounts or qualifying taxable income, as 141059
applicable, for the immediately preceding taxable year and the 141060
taxable year was, in fact, made in good faith and in a 141061
reasonable manner. 141062

(F) The tax commissioner may waive the requirement for 141063
filing a declaration of estimated taxes for any class of 141064
qualifying entities if the commissioner finds the waiver is 141065
reasonable and proper in view of administrative costs and other 141066

factors. 141067

(G) Estimated taxes paid by a qualifying entity or an 141068
electing pass-through entity may be applied to satisfy the 141069
entity's tax liability under section 5733.41, 5747.38, or 141070
5747.41 of the Revised Code. Nothing in this section authorizes 141071
such an entity to apply estimated taxes paid against more than 141072
one tax. 141073

Sec. 5747.502. (A) As used in this section: 141074

(1) "Traffic law photo-monitoring device" has the same 141075
meaning as in section 4511.092 of the Revised Code. 141076

(2) "School zone" has the same meaning as in section 141077
4511.21 of the Revised Code. 141078

(3) "Transportation district" means a territorial district 141079
established by the director of transportation under section 141080
5501.14 of the Revised Code. 141081

(4) "District deputy director" means the person appointed 141082
and assigned by the director of transportation under section 141083
5501.14 of the Revised Code to administer the activities of a 141084
transportation district. 141085

(5) "Gross amount" means the entire amount of traffic 141086
camera fines and fees paid by a driver. 141087

(6) "Local government fund adjustment" or "LGF adjustment" 141088
means the sum of: 141089

(a) The gross amount of all traffic camera fines collected 141090
by a local authority during the preceding fiscal year, as 141091
reported under division (B)(1) of this section, if such a report 141092
is required; plus 141093

(b) The residual adjustment computed for the local authority under division (B) (4) of this section, if such an adjustment applies. 1411094
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(7) "Local government fund payments" or "LGF payments" means the payments a local authority would receive under sections 5747.503, 5747.51, and 5747.53, and division (C) of section 5747.50 of the Revised Code, as applicable, if not for the reductions required by divisions (C) and (D) of this section. 1411097
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(8) "Residual adjustment" means the most recent LGF adjustment computed for a local authority under division (B) (2) or (3) of this section minus the sum of the reductions applied after that computation under division (C) of this section to the local authority's LGF payments. 1411103
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(9) "Traffic camera fines" means civil fines for any violation of any local ordinance or resolution that are based upon evidence recorded by a traffic law photo-monitoring device. 1411108
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1411110

(10) "Qualifying village" has the same meaning as in section 5747.503 of the Revised Code. 1411111
1411112

(11) "Local authority" means a municipal corporation, county, or township. 1411113
1411114

(B) (1) Annually, on or before the thirty-first day of July, any local authority that directly or indirectly collected traffic camera fines during the preceding fiscal year shall file a report with the tax commissioner that includes a detailed statement of the gross amount of all traffic camera fines the local authority collected during that period and the gross amount of such fines that the local authority collected for violations that occurred within a school zone. 1411115
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(2) Annually, on or before the tenth day of August, and 141123
except as otherwise provided in this division, the commissioner 141124
shall compute a local government fund adjustment for each local 141125
authority that files a report under division (B)(1) of this 141126
section or with respect to which a residual adjustment applies. 141127
Subject to division (B)(3) of this section, the LGF adjustment 141128
shall be used by the commissioner to determine the amount of the 141129
reductions required under division (C) of this section for each 141130
of the next twelve months, starting with the month in which the 141131
LGF adjustment is computed. After those twelve months, the LGF 141132
adjustment ceases to apply and, if an LGF adjustment continues 141133
to be required, the amount of the reductions required under 141134
division (C) of this section shall be determined based on an 141135
updated LGF adjustment computed under this division. 141136

After the effective date of this amendment, no LGF 141137
adjustment shall be calculated for a county or township 141138
prohibited from operating a traffic law photo-monitoring device 141139
by section 4511.093 of the Revised Code. An LGF adjustment that 141140
applies to a county or township on the effective date of this 141141
amendment ceases to apply as of that date. 141142

(3) Upon receipt of a report described by division (B)(1) 141143
of this section that is not timely filed, the commissioner shall 141144
do both of the following: 141145

(a) If one or more payments to the local authority has 141146
been withheld under division (D) of this section because of the 141147
local authority's failure to file the report, notify the county 141148
auditor and county treasurer of the appropriate county that the 141149
report has been received and that, subject to division (C) of 141150
this section, payments to the local authority from the undivided 141151
local government fund are to resume. 141152

(b) Compute the local authority's LGF adjustment using the 141153
information in the report. An LGF adjustment computed under this 141154
division shall be used by the commissioner to determine the 141155
amount of the reductions required under division (C) of this 141156
section starting with the next required reduction. The LGF 141157
adjustment ceases to apply on the thirty-first day of the 141158
ensuing July, following which, if an LGF adjustment continues to 141159
be required, the amount of the reductions required under 141160
division (C) of this section shall be determined based on an 141161
updated LGF adjustment computed under division (B) (2) of this 141162
section. 141163

(4) Annually, on or before the tenth day of August, the 141164
commissioner shall compute a residual adjustment for each local 141165
authority whose LGF adjustment for the preceding year exceeds 141166
the amount by which the local authority's LGF payments were 141167
reduced during that year under division (C) of this section. The 141168
residual adjustment shall be used to compute the LGF adjustment 141169
for the ensuing year under division (B) (2) of this section. 141170

(C) The commissioner shall do the following, as 141171
applicable, respecting any local authority to which an LGF 141172
adjustment computed under division (B) of this section applies: 141173

(1) If the local authority is a municipal corporation with 141174
a population of one thousand or more, reduce payments to the 141175
municipal corporation under division (C) of section 5747.50 of 141176
the Revised Code by one-twelfth of the LGF adjustment. If one- 141177
twelfth of the LGF adjustment exceeds the amount of money the 141178
municipal corporation would otherwise receive under division (C) 141179
of section 5747.50 of the Revised Code, the commissioner also 141180
shall reduce payments to the appropriate county undivided local 141181
government fund under division (B) of section 5747.50 of the 141182

Revised Code by an amount equal to the lesser of (a) one-twelfth 141183
of the excess, or (b) the amount of the payment the municipal 141184
corporation would otherwise receive from the fund under section 141185
5747.51 or 5747.53 of the Revised Code. 141186

(2) If the local authority is a township or qualifying 141187
village, reduce the supplemental payments to the appropriate 141188
county undivided local government fund under section 5747.503 of 141189
the Revised Code by the lesser of one-twelfth of the LGF 141190
adjustment, or the amount of money the township or qualifying 141191
village would otherwise receive under that section. If one- 141192
twelfth of the LGF adjustment exceeds the amount of money the 141193
township or qualifying village would otherwise receive under 141194
section 5747.503 of the Revised Code, the commissioner also 141195
shall reduce payments to the appropriate county undivided local 141196
government fund under division (B) of section 5747.50 of the 141197
Revised Code by an amount equal to the lesser of (a) one-twelfth 141198
of the excess, or (b) the amount of the payment the township or 141199
qualifying village would otherwise receive from the fund under 141200
section 5747.51 or 5747.53 of the Revised Code. 141201

(3) If the local authority is a county, reduce payments to 141202
the appropriate county undivided local government fund under 141203
division (B) of section 5747.50 of the Revised Code by an amount 141204
equal to the lesser of (a) one-twelfth of the LGF adjustment, or 141205
(b) the amount of the payment the county would otherwise receive 141206
from the fund under section 5747.51 or 5747.53 of the Revised 141207
Code. 141208

(4) For any local authority, on or before the tenth day of 141209
each month a reduction is made under division (C) (1), (2), or 141210
(3) of this section, make a payment to the local authority in an 141211
amount equal to the lesser of (a) one-twelfth of the gross 141212

amount of traffic camera fines the local authority collected in 141213
the preceding fiscal year for violations that occurred within a 141214
school zone, as indicated on the report filed by the local 141215
authority pursuant to division (B) (1) of this section, or (b) 141216
the amount by which the local authority's LGF payments were 141217
reduced that month pursuant to division (C) (1), (2), or (3) of 141218
this section. Payments received by a local authority under this 141219
division shall be used by the local authority for school safety 141220
purposes. 141221

(D) Upon discovery, based on information in the 141222
commissioner's possession, that a local authority required to 141223
file a report under division (B) (1) of this section has failed 141224
to do so, the commissioner shall do the following, as 141225
applicable: 141226

(1) If the local authority is a municipal corporation with 141227
a population of one thousand or more, cease providing for 141228
payments to the municipal corporation under section 5747.50 of 141229
the Revised Code beginning with the next required payment and 141230
until such time as the report is received by the commissioner; 141231

(2) If the local authority is a township or qualifying 141232
village, reduce the supplemental payments to the appropriate 141233
county undivided local government fund under section 5747.503 of 141234
the Revised Code by an amount equal to the amount of such 141235
payments the local authority would otherwise receive under that 141236
section, beginning with the next required payment and until such 141237
time as the report is received by the commissioner; 141238

(3) For any local authority, reduce payments to the 141239
appropriate county undivided local government fund under 141240
division (B) of section 5747.50 of the Revised Code by an amount 141241
equal to the amount of such payments the local authority would 141242

otherwise receive under section 5747.51 or 5747.53 of the 141243
Revised Code, beginning with the next required payment and until 141244
such time as the report is received by the commissioner; 141245

(4) For any local authority, notify the county auditor and 141246
county treasurer that such payments are to cease until the 141247
commissioner notifies the auditor and treasurer under division 141248
(E) of this section that the payments are to resume. 141249

(E) The commissioner shall notify the county auditor and 141250
county treasurer on or before the day the commissioner first 141251
reduces a county undivided local government fund payment to that 141252
county under division (C) of this section. The notice shall 141253
include the full amount of the reduction, a list of the local 141254
authorities to which the reduction applies, and the amount of 141255
reduction attributed to each such local authority. The 141256
commissioner shall send an updated notice to the county auditor 141257
and county treasurer any time the amount the reduction 141258
attributed to any local authority changes. 141259

A county treasurer that receives a notice from the 141260
commissioner under this division or division (B) (3) (a) or (D) (4) 141261
of this section shall reduce, cease, or resume payments from the 141262
undivided local government fund to the local authority that is 141263
the subject of the notice as specified by the commissioner in 141264
the notice. Unless otherwise specified in the notice, the 141265
payments shall be reduced, ceased, or resumed beginning with the 141266
next required payment. 141267

~~(F)~~ (F) (1) There is hereby created in the state treasury 141268
the Ohio highway and transportation safety fund. On or before 141269
the tenth day of each month, the commissioner shall deposit in 141270
the fund an amount equal to the total amount by which payments 141271
to local authorities were reduced or ceased under division (C) 141272

or (D) of this section minus the total amount of payments made 141273
under division (C) (4) of this section. ~~The~~ Except as provided in 141274
division (F) (2) of this section, the amount deposited with 141275
respect to a local authority shall be credited to an account to 141276
be created in the fund for the transportation district in which 141277
that local authority is located. If the local authority is 141278
located within more than one transportation district, the amount 141279
credited to the account of each such transportation district 141280
shall be prorated on the basis of the number of centerline miles 141281
of public roads and highways in both the local authority and the 141282
respective districts. Amounts credited to a transportation 141283
district's account shall be used by the department of 141284
transportation and the district deputy director exclusively to 141285
enhance public safety on public roads and highways within that 141286
transportation district. 141287

(2) Notwithstanding division (F) (1) of this section, in 141288
fiscal year 2026, six million dollars of the amount in the Ohio 141289
highway and transportation safety fund, including any account 141290
thereof, shall be used for rail development infrastructure 141291
projects pursuant to an appropriation made by the general 141292
assembly. The amounts credited to each account of a 141293
transportation district pursuant to division (F) (1) of this 141294
section shall be reduced in the same proportion that the amount 141295
deposited in each account is of the total fund balance. 141296

Sec. 5747.51. (A) On or before the twenty-fifth day of 141297
July of each year, the tax commissioner shall make and certify 141298
to the county auditor of each county an estimate of the amount 141299
of the local government fund to be allocated to the undivided 141300
local government fund of each county for the ensuing calendar 141301
year, adjusting the total as required to account for 141302
subdivisions receiving local government funds under section 141303

5747.502 of the Revised Code. 141304

(B) At each annual regular session of the county budget 141305
commission convened pursuant to section 5705.27 of the Revised 141306
Code, each auditor shall present to the commission the 141307
certificate of the commissioner, the annual tax budget and 141308
estimates, and the records showing the action of the commission 141309
in its last preceding regular session. The commission, after 141310
extending to the representatives of each subdivision an 141311
opportunity to be heard, under oath administered by any member 141312
of the commission, and considering all the facts and information 141313
presented to it by the auditor, shall determine the amount of 141314
the undivided local government fund needed by and to be 141315
apportioned to each subdivision for current operating expenses, 141316
as shown in the tax budget of the subdivision. This 141317
determination shall be made pursuant to divisions (C) to (I) of 141318
this section, unless the commission has provided for a formula 141319
pursuant to section 5747.53 of the Revised Code. The 141320
commissioner shall reduce the amount of funds from the undivided 141321
local government fund to a subdivision required to receive 141322
reduced funds under section 5747.502 of the Revised Code. 141323

Nothing in this section prevents the budget commission, 141324
for the purpose of apportioning the undivided local government 141325
fund, from inquiring into the claimed needs of any subdivision 141326
as stated in its tax budget, or from adjusting claimed needs to 141327
reflect actual needs. For the purposes of this section, "current 141328
operating expenses" means the lawful expenditures of a 141329
subdivision, except those for permanent improvements and except 141330
payments for interest, sinking fund, and retirement of bonds, 141331
notes, and certificates of indebtedness of the subdivision. 141332

(C) The commission shall determine the combined total of 141333

the estimated expenditures, including transfers, from the 141334
general fund and any special funds other than special funds 141335
established for road and bridge; street construction, 141336
maintenance, and repair; state highway improvement; and gas, 141337
water, sewer, and electric public utilities operated by a 141338
subdivision, as shown in the subdivision's tax budget for the 141339
ensuing calendar year. 141340

(D) From the combined total of expenditures calculated 141341
pursuant to division (C) of this section, the commission shall 141342
deduct the following expenditures, if included in these funds in 141343
the tax budget: 141344

(1) Expenditures for permanent improvements as defined in 141345
division (E) of section 5705.01 of the Revised Code; 141346

(2) In the case of counties and townships, transfers to 141347
the road and bridge fund, and in the case of municipalities, 141348
transfers to the street construction, maintenance, and repair 141349
fund and the state highway improvement fund; 141350

(3) Expenditures for the payment of debt charges; 141351

(4) Expenditures for the payment of judgments. 141352

(E) In addition to the deductions made pursuant to 141353
division (D) of this section, revenues accruing to the general 141354
fund and any special fund considered under division (C) of this 141355
section from the following sources shall be deducted from the 141356
combined total of expenditures calculated pursuant to division 141357
(C) of this section: 141358

(1) Taxes levied within the ten-mill limitation, as 141359
defined in section 5705.02 of the Revised Code; 141360

(2) The budget commission allocation of estimated county 141361

public library fund revenues to be distributed pursuant to 141362
section 5747.48 of the Revised Code; 141363

(3) Estimated unencumbered balances as shown on the tax 141364
budget as of the thirty-first day of December of the current 141365
year in the general fund, but not any estimated balance in any 141366
special fund considered in division (C) of this section; 141367

(4) Revenue, including transfers, shown in the general 141368
fund and any special funds other than special funds established 141369
for road and bridge; street construction, maintenance, and 141370
repair; state highway improvement; and gas, water, sewer, and 141371
electric public utilities, from all other sources except those 141372
that a subdivision receives from an additional tax or service 141373
charge voted by its electorate or receives from special 141374
assessment or revenue bond collection. For the purposes of this 141375
division, where the charter of a municipal corporation prohibits 141376
the levy of an income tax, an income tax levied by the 141377
legislative authority of such municipal corporation pursuant to 141378
an amendment of the charter of that municipal corporation to 141379
authorize such a levy represents an additional tax voted by the 141380
electorate of that municipal corporation. For the purposes of 141381
this division, any measure adopted by a board of county 141382
commissioners pursuant to section 322.02, 4504.02, or 5739.021 141383
of the Revised Code, including those measures upheld by the 141384
electorate in a referendum conducted pursuant to section 141385
322.021, 4504.021, or 5739.022 of the Revised Code, shall not be 141386
considered an additional tax voted by the electorate. 141387

~~Subject to division (F) of section 5705.29 of the Revised~~ 141388
~~Code, money~~ Money in a reserve balance account established by a 141389
county, township, or municipal corporation under section 5705.13 141390
of the Revised Code shall not be considered an unencumbered 141391

balance or revenue under division (E) (3) or (4) of this section. 141392
Money in a reserve balance account established by a township 141393
under section 5705.132 of the Revised Code shall not be 141394
considered an unencumbered balance or revenue under division (E) 141395
(3) or (4) of this section. 141396

If a county, township, or municipal corporation has 141397
created and maintains a nonexpendable trust fund under section 141398
5705.131 of the Revised Code, the principal of the fund, and any 141399
additions to the principal arising from sources other than the 141400
reinvestment of investment earnings arising from such a fund, 141401
shall not be considered an unencumbered balance or revenue under 141402
division (E) (3) or (4) of this section. Only investment earnings 141403
arising from investment of the principal or investment of such 141404
additions to principal may be considered an unencumbered balance 141405
or revenue under those divisions. 141406

(F) The total expenditures calculated pursuant to division 141407
(C) of this section, less the deductions authorized in divisions 141408
(D) and (E) of this section, shall be known as the "relative 141409
need" of the subdivision, for the purposes of this section. 141410

(G) The budget commission shall total the relative need of 141411
all participating subdivisions in the county, and shall compute 141412
a relative need factor by dividing the total estimate of the 141413
undivided local government fund by the total relative need of 141414
all participating subdivisions. 141415

(H) The relative need of each subdivision shall be 141416
multiplied by the relative need factor to determine the 141417
proportionate share of the subdivision in the undivided local 141418
government fund of the county; provided, that the maximum 141419
proportionate share of a county shall not exceed the following 141420
maximum percentages of the total estimate of the undivided local 141421

government fund governed by the relationship of the percentage 141422
of the population of the county that resides within municipal 141423
corporations within the county to the total population of the 141424
county as reported in the reports on population in Ohio by the 141425
department of development as of the twentieth day of July of the 141426
year in which the tax budget is filed with the budget 141427
commission: 141428
141429

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A	Percentage of municipal population within the county:	Percentage share of the county shall not exceed:
B	Less than forty-one per cent	Sixty per cent
C	Forty-one per cent or more but less than eighty-one per cent	Fifty per cent
D	Eighty-one per cent or more	Thirty per cent

Where the proportionate share of the county exceeds the 141430
limitations established in this division, the budget commission 141431
shall adjust the proportionate shares determined pursuant to 141432
this division so that the proportionate share of the county does 141433
not exceed these limitations, and it shall increase the 141434
proportionate shares of all other subdivisions on a pro rata 141435
basis. In counties having a population of less than one hundred 141436
thousand, not less than ten per cent shall be distributed to the 141437
townships therein. 141438

(I) The proportionate share of each subdivision in the 141439
undivided local government fund determined pursuant to division 141440
(H) of this section for any calendar year shall not be less than 141441

the product of the average of the percentages of the undivided 141442
local government fund of the county as apportioned to that 141443
subdivision for the calendar years 1968, 1969, and 1970, 141444
multiplied by the total amount of the undivided local government 141445
fund of the county apportioned pursuant to former section 141446
5739.23 of the Revised Code for the calendar year 1970. For the 141447
purposes of this division, the total apportioned amount for the 141448
calendar year 1970 shall be the amount actually allocated to the 141449
county in 1970 from the state collected intangible tax as levied 141450
by section 5707.03 of the Revised Code and distributed pursuant 141451
to section 5725.24 of the Revised Code, plus the amount received 141452
by the county in the calendar year 1970 pursuant to division (B) 141453
(1) of former section 5739.21 of the Revised Code, and 141454
distributed pursuant to former section 5739.22 of the Revised 141455
Code. If the total amount of the undivided local government fund 141456
for any calendar year is less than the amount of the undivided 141457
local government fund apportioned pursuant to former section 141458
5739.23 of the Revised Code for the calendar year 1970, the 141459
minimum amount guaranteed to each subdivision for that calendar 141460
year pursuant to this division shall be reduced on a basis 141461
proportionate to the amount by which the amount of the undivided 141462
local government fund for that calendar year is less than the 141463
amount of the undivided local government fund apportioned for 141464
the calendar year 1970. 141465

(J) On the basis of such apportionment, the county auditor 141466
shall compute the percentage share of each such subdivision in 141467
the undivided local government fund and shall at the same time 141468
certify to the tax commissioner the percentage share of the 141469
county as a subdivision. No payment shall be made from the 141470
undivided local government fund, except in accordance with such 141471
percentage shares. 141472

Within ten days after the budget commission has made its 141473
apportionment, whether conducted pursuant to section 5747.51 or 141474
5747.53 of the Revised Code, the auditor shall publish a list of 141475
the subdivisions and the amount each is to receive from the 141476
undivided local government fund and the percentage share of each 141477
subdivision, in a newspaper or newspapers of countywide 141478
circulation, and send a copy of such allocation to the tax 141479
commissioner. 141480

The county auditor shall also send a copy of such 141481
allocation by ordinary or electronic mail to the fiscal officer 141482
of each subdivision entitled to participate in the allocation of 141483
the undivided local government fund of the county. This copy 141484
shall constitute the official notice of the commission action 141485
referred to in section 5705.37 of the Revised Code. 141486

All money received into the treasury of a subdivision from 141487
the undivided local government fund in a county treasury shall 141488
be paid into the general fund and used for the current operating 141489
expenses of the subdivision. 141490

If a municipal corporation maintains a municipal 141491
university, such municipal university, when the board of 141492
trustees so requests the legislative authority of the municipal 141493
corporation, shall participate in the money apportioned to such 141494
municipal corporation from the total local government fund, 141495
however created and constituted, in such amount as requested by 141496
the board of trustees, provided such sum does not exceed nine 141497
per cent of the total amount paid to the municipal corporation. 141498

If any public official fails to maintain the records 141499
required by sections 5747.50 to 5747.55 of the Revised Code or 141500
by the rules issued by the tax commissioner, the auditor of 141501
state, or the treasurer of state pursuant to such sections, or 141502

fails to comply with any law relating to the enforcement of such 141503
sections, the local government fund money allocated to the 141504
county may be withheld until such time as the public official 141505
has complied with such sections or such law or the rules issued 141506
pursuant thereto. 141507

Sec. 5747.86. Terms used in this section have the same 141508
meanings as in section 122.84 of the Revised Code. 141509

There is hereby allowed a nonrefundable credit against a 141510
taxpayer's aggregate tax liability under section 5747.02 of the 141511
Revised Code for a taxpayer who is issued, or to whom is 141512
transferred, a tax credit certificate under section 122.84 of 141513
the Revised Code. The credit equals the amount stated on the 141514
certificate and may be claimed for the taxable year that 141515
includes the first day of the investment period that was the 141516
subject of the application for the certificate under that 141517
section or for the ensuing taxable year. For a credit issued 141518
during the July application round each year, the credit may also 141519
be claimed for the preceding taxable year. A taxpayer applying a 141520
credit for the preceding taxable year shall file an amended 141521
return or apply that amendment on the taxpayer's original 141522
return, for that year. 141523

If the certificate is held by a pass-through entity, any 141524
taxpayer that is a direct or indirect investor in the pass- 141525
through entity on the last day of the entity's qualifying 141526
taxable year may claim the taxpayer's proportionate or 141527
distributive share of the credit against the taxpayer's 141528
aggregate amount of tax levied under section 5747.02 of the 141529
Revised Code. 141530

The credit shall be claimed in the order required under 141531
section 5747.98 of the Revised Code. If the credit exceeds the 141532

taxpayer's aggregate tax due under section 5747.02 of the 141533
Revised Code for that taxable year after allowing for credits 141534
that precede the credit under this section in that order, such 141535
excess shall be allowed as a credit in each of the ensuing five 141536
taxable years, but the amount of any excess credit allowed in 141537
any such taxable year shall be deducted from the balance carried 141538
forward to the ensuing taxable year. 141539

No credit shall be claimed under this section to the 141540
extent the credit was claimed under section 5725.38, 5726.61, or 141541
5729.21 of the Revised Code. 141542

Sec. 5747.87. There is allowed a nonrefundable credit 141543
against a taxpayer's aggregate tax liability under section 141544
5747.02 of the Revised Code for a taxpayer who holds the rights 141545
to a tax credit certificate that is issued on or after the 141546
effective date of this section under section 122.09 of the 141547
Revised Code. The credit equals the amount stated on the 141548
certificate and may be claimed for the taxable year ending in 141549
the calendar year specified in the certificate or in the ensuing 141550
calendar year. The credit shall be claimed in the order required 141551
under section 5747.98 of the Revised Code. If the credit exceeds 141552
the taxpayer's aggregate tax due under section 5747.02 of the 141553
Revised Code for that taxable year after allowing for credits 141554
that precede the credit under this section in that order, the 141555
excess may be carried forward for five ensuing taxable years, 141556
but the amount of any excess credit allowed in any such taxable 141557
year shall be deducted from the balance carried forward to the 141558
ensuing taxable year. Nothing in this section limits or 141559
disallows pass-through treatment of the credit if the person 141560
holding the rights to a tax credit certificate is a pass-through 141561
entity. 141562

No credit shall be claimed under this section to the extent the certificate was used to claim a credit under section 5725.35, 5726.62, or 5729.18 of the Revised Code.

Sec. 5747.98. (A) To provide a uniform procedure for calculating a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order:

Either the retirement income credit under division (B) of section 5747.055 of the Revised Code or the lump sum retirement income credits under divisions (C), (D), and (E) of that section;

Either the senior citizen credit under division (F) of section 5747.055 of the Revised Code or the lump sum distribution credit under division (G) of that section;

The dependent care credit under section 5747.054 of the Revised Code;

The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;

~~The campaign contribution credit under section 5747.29 of the Revised Code;~~

The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;

The joint filing credit under division ~~(G)~~(E) of section 5747.05 of the Revised Code;

The earned income credit under section 5747.71 of the Revised Code;

The nonrefundable credit for education expenses under

section 5747.72 of the Revised Code;	141590
The nonrefundable credit for donations to scholarship	141591
granting organizations under section 5747.73 of the Revised	141592
Code;	141593
The nonrefundable credit for tuition paid to a	141594
nonchartered nonpublic school under section 5747.75 of the	141595
Revised Code;	141596
The nonrefundable vocational job credit under section	141597
5747.057 of the Revised Code;	141598
The nonrefundable job retention credit under division (B)	141599
of section 5747.058 of the Revised Code;	141600
The enterprise zone credit under section 5709.66 of the	141601
Revised Code;	141602
The credit for beginning farmers who participate in a	141603
financial management program under division (B) of section	141604
5747.77 of the Revised Code;	141605
The credit for commercial vehicle operator training	141606
expenses under section 5747.82 of the Revised Code;	141607
The nonrefundable welcome home Ohio (WHO) program credit	141608
under section 122.633 of the Revised Code;	141609
<u>The nonrefundable credit for transformational mixed use</u>	141610
<u>development tax credit certificate holders under section 5747.87</u>	141611
<u>of the Revised Code;</u>	141612
The credit for selling or renting agricultural assets to	141613
beginning farmers under division (A) of section 5747.77 of the	141614
Revised Code;	141615
The credit for purchases of qualifying grape production	141616

property under section 5747.28 of the Revised Code;	141617
The small business investment credit under section 5747.81	141618
of the Revised Code;	141619
The nonrefundable lead abatement credit under section	141620
5747.26 of the Revised Code;	141621
The opportunity zone investment credit under section	141622
5747.86 of the Revised Code;	141623
The enterprise zone credits under section 5709.65 of the	141624
Revised Code;	141625
The research and development credit under section 5747.331	141626
of the Revised Code;	141627
The credit for rehabilitating a historic building under	141628
section 5747.76 of the Revised Code;	141629
The nonrefundable Ohio low-income housing tax credit under	141630
section 5747.83 of the Revised Code;	141631
The nonrefundable affordable single-family home credit	141632
under section 5747.84 of the Revised Code;	141633
The nonresident credit under division (A) of section	141634
5747.05 of the Revised Code;	141635
The credit for a resident's out-of-state income under	141636
division (B) of section 5747.05 of the Revised Code;	141637
The refundable motion picture and Broadway theatrical	141638
production credit under section 5747.66 of the Revised Code;	141639
The refundable credit for film and theater capital	141640
improvement projects under section 5747.67 of the Revised Code;	141641
The refundable jobs creation credit or job retention	141642

credit under division (A) of section 5747.058 of the Revised Code;	141643 141644
The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	141645 141646
The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	141647 141648 141649
The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	141650 141651 141652
The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	141653 141654
The refundable credit under section 5747.39 of the Revised Code for taxes levied under section 5747.38 of the Revised Code paid by an electing pass-through entity.	141655 141656 141657
(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (H) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the taxpayer's aggregate amount of tax due under section 5747.02 of the Revised Code, after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.	141658 141659 141660 141661 141662 141663 141664 141665 141666 141667 141668
Sec. 5748.01. As used in this chapter:	141669
(A) "School district income tax" means an income tax	141670

adopted under one of the following:	141671
(1) Former section 5748.03 of the Revised Code as it existed prior to its repeal by Amended Substitute House Bill No. 291 of the 115th general assembly;	141672 141673 141674
(2) Section 5748.03 of the Revised Code as enacted in Substitute Senate Bill No. 28 of the 118th general assembly;	141675 141676
(3) Section 5748.08 of the Revised Code as enacted in Amended Substitute Senate Bill No. 17 of the 122nd general assembly;	141677 141678 141679
(4) Section 5748.021 of the Revised Code;	141680
(5) Section 5748.081 of the Revised Code;	141681
(6) Section 5748.09 of the Revised Code.	141682
(B) "Individual" means an individual subject to the tax levied by section 5747.02 of the Revised Code.	141683 141684
(C) "Estate" means an estate subject to the tax levied by section 5747.02 of the Revised Code <u>"Market value" and "estimated effective rate" have the same meanings as in section 5705.01 of the Revised Code.</u>	141685 141686 141687 141688
(D) "Taxable year" means a taxable year as defined in division (M) of section 5747.01 of the Revised Code.	141689 141690
(E) "Taxable income" means:	141691
(1) In the case of an individual, one of the following, as specified in the resolution imposing the tax:	141692 141693
(a) <u>(1)</u> Modified adjusted gross income for the taxable year, as defined in section 5747.01 of the Revised Code, less the exemptions provided by section 5747.025 of the Revised Code;	141694 141695 141696

~~(b)(2)~~ Wages, salaries, tips, and other employee 141697
compensation to the extent included in modified adjusted gross 141698
income as defined in section 5747.01 of the Revised Code, and 141699
net earnings from self-employment, as defined in section 1402(a) 141700
of the Internal Revenue Code, to the extent included in modified 141701
adjusted gross income. 141702

~~(2) In the case of an estate, taxable income for the~~ 141703
~~taxable year as defined in division (S) of section 5747.01 of~~ 141704
~~the Revised Code.~~ 141705

(F) "Resident" of the school district means: 141706

~~(1) An~~ an individual who is a resident of this state as 141707
defined in division (I) of section 5747.01 of the Revised Code 141708
during all or a portion of the taxable year and who, during all 141709
or a portion of such period of state residency, is domiciled in 141710
the school district or lives in and maintains a permanent place 141711
of abode in the school district; 141712

~~(2) An estate of a decedent who, at the time of death, was~~ 141713
~~domiciled in the school district.~~ 141714

(G) "School district income" means: 141715

~~(1) With respect to an individual,~~ the portion of the 141716
taxable income of an individual that is received by the 141717
individual during the portion of the taxable year that the 141718
individual is a resident of the school district and the school 141719
district income tax is in effect in that school district. An 141720
individual may have school district income with respect to more 141721
than one school district. 141722

~~(2) With respect to an estate, the taxable income of the~~ 141723
~~estate for the portion of the taxable year that the school~~ 141724
~~district income tax is in effect in that school district.~~ 141725

(H) "Taxpayer" means an individual ~~or estate~~ having school district income upon which a school district income tax is imposed. 141726
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(I) "School district purposes" means any of the purposes for which a tax may be levied pursuant to division (A) of section 5705.21 of the Revised Code, including the combined purposes authorized by section 5705.217 of the Revised Code. 141729
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~~(J) "The county auditor's appraised value" and "effective rate" have the same meanings as in section 5705.01 of the Revised Code.~~ 141733
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Sec. 5748.02. (A) The board of education of any school district, except a joint vocational school district, may declare, by resolution, the necessity of raising annually a specified amount of money for school district purposes. The resolution shall specify whether the income that is to be subject to the tax is taxable income ~~of individuals and estates~~ as defined in ~~divisions (E)(1)(a) and~~ division (E)(1) or (2) of section 5748.01 of the Revised Code ~~or taxable income of individuals as defined in division (E)(1)(b) of that section.~~ A copy of the resolution shall be certified to the tax commissioner no later than one hundred days prior to the date of the election at which the board intends to propose a levy under this section. Upon receipt of the copy of the resolution, the tax commissioner shall estimate both of the following: 141736
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(1) The property tax rate that would have to be imposed in the current year by the district to produce an equivalent amount of money; 141750
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141752

(2) The income tax rate that would have had to have been in effect for the current year to produce an equivalent amount 141753
141754

of money from a school district income tax. 141755

Within ten days of receiving the copy of the board's 141756
resolution, the commissioner shall prepare these estimates and 141757
certify them to the board. Upon receipt of the certification, 141758
the board may adopt a resolution proposing an income tax under 141759
division (B) of this section at the estimated rate contained in 141760
the certification rounded to the nearest one-fourth of one per 141761
cent. The commissioner's certification applies only to the 141762
board's proposal to levy an income tax at the election for which 141763
the board requested the certification. If the board intends to 141764
submit a proposal to levy an income tax at any other election, 141765
it shall request another certification for that election in the 141766
manner prescribed in this division. 141767

(B) (1) Upon the receipt of a certification from the tax 141768
commissioner under division (A) of this section, a majority of 141769
the members of a board of education may adopt a resolution 141770
proposing the levy of an annual tax for school district purposes 141771
on school district income. The proposed levy may be for a 141772
continuing period of time or for a specified number of years. 141773
The resolution shall set forth the purpose for which the tax is 141774
to be imposed, the rate of the tax, which shall be the rate set 141775
forth in the commissioner's certification rounded to the nearest 141776
one-fourth of one per cent, the number of years the tax will be 141777
levied or that it will be levied for a continuing period of 141778
time, the date on which the tax shall take effect, which shall 141779
be the first day of January of any year following the year in 141780
which the question is submitted, and the date of the election at 141781
which the proposal shall be submitted to the electors of the 141782
district, which shall be on the date of a primary, general, or 141783
special election the date of which is consistent with section 141784
3501.01 of the Revised Code. The resolution shall specify 141785

whether the income that is to be subject to the tax is taxable 141786
~~income of individuals and estates as defined in divisions (E) (1)~~ 141787
~~(a) and division (E) (1) or (2) of section 5748.01 of the Revised~~ 141788
~~Code or taxable income of individuals as defined in division (E)~~ 141789
~~(1) (b) of that section.~~ The specification shall be the same as 141790
the specification in the resolution adopted and certified under 141791
division (A) of this section. 141792

If the tax is to be levied for current expenses and 141793
permanent improvements, the resolution shall apportion the 141794
annual rate of the tax. The apportionment may be the same or 141795
different for each year the tax is levied, but the respective 141796
portions of the rate actually levied each year for current 141797
expenses and for permanent improvements shall be limited by the 141798
apportionment. 141799

If the board of education currently imposes an income tax 141800
pursuant to this chapter that is due to expire and a question is 141801
submitted under this section for a proposed income tax to take 141802
effect upon the expiration of the existing tax, the board may 141803
specify in the resolution that the proposed tax renews the 141804
expiring tax. Two or more expiring income taxes may be renewed 141805
under this paragraph if the taxes are due to expire on the same 141806
date. If the tax rate being proposed is no higher than the total 141807
tax rate imposed by the expiring tax or taxes, the resolution 141808
may state that the proposed tax is not an additional income tax. 141809

(2) A board of education adopting a resolution under 141810
division (B) (1) of this section proposing a school district 141811
income tax for a continuing period of time and limited to the 141812
purpose of current expenses may propose in that resolution to 141813
reduce the rate or rates of one or more of the school district's 141814
property taxes levied for a continuing period of time in excess 141815

of the ten-mill limitation for the purpose of current expenses. 141816
The reduction in the rate of a property tax may be any amount, 141817
not exceeding the rate at which the tax is authorized to be 141818
levied. The reduction in the rate of a tax shall first take 141819
effect for the tax year that includes the day on which the 141820
school district income tax first takes effect, and shall 141821
continue for each tax year that both the school district income 141822
tax and the property tax levy are in effect. 141823

In addition to the matters required to be set forth in the 141824
resolution under division (B) (1) of this section, a resolution 141825
containing a proposal to reduce the rate of one or more property 141826
taxes shall state for each such tax the maximum rate at which it 141827
currently may be levied and the maximum rate at which the tax 141828
could be levied after the proposed reduction, expressed in mills 141829
for each one dollar of taxable value, and that the tax is levied 141830
for a continuing period of time. 141831

A board proposing to reduce the rate of one or more 141832
property taxes under division (B) (2) of this section shall 141833
comply with division (B) of section 5705.03 of the Revised Code. 141834
In addition to the amounts required in division (B) (2) of that 141835
section, the county auditor shall certify to the board the 141836
levy's effective rate for both the last year before the levy's 141837
proposed reduction and the first year that the reduction 141838
applies, both expressed in dollars for each one hundred thousand 141839
dollars of ~~the county auditor's appraised~~ market value. 141840

If a board of education proposes to reduce the rate of one 141841
or more property taxes under division (B) (2) of this section, 141842
the board, when it makes the certification required under 141843
division (A) of this section, shall designate the specific levy 141844
or levies to be reduced, the maximum rate at which each levy 141845

currently is authorized to be levied, and the rate by which each 141846
levy is proposed to be reduced. The tax commissioner, when 141847
making the certification to the board under division (A) of this 141848
section, also shall certify the reduction in the total effective 141849
tax rate for current expenses for each class of property that 141850
would have resulted if the proposed reduction in the rate or 141851
rates had been in effect the previous tax year. As used in this 141852
paragraph, "effective tax rate" has the same meaning as in 141853
section 323.08 of the Revised Code. 141854

(C) A resolution adopted under division (B) of this 141855
section shall go into immediate effect upon its passage, and no 141856
publication of the resolution shall be necessary other than that 141857
provided for in the notice of election. Immediately after its 141858
adoption and at least ninety days prior to the election at which 141859
the question will appear on the ballot, a copy of the resolution 141860
and, if applicable, the county auditor's certifications under 141861
section 5705.03 of the Revised Code shall be certified to the 141862
board of elections of the proper county, which shall submit the 141863
proposal to the electors on the date specified in the 141864
resolution. The board of education shall send to the tax 141865
commissioner a copy of the resolution certified to the board of 141866
elections. The form of the ballot shall be as provided in 141867
section 5748.03 of the Revised Code. Publication of notice of 141868
the election shall be made in a newspaper of general circulation 141869
in the county once a week for two consecutive weeks, or as 141870
provided in section 7.16 of the Revised Code, prior to the 141871
election. If the board of elections operates and maintains a web 141872
site, the board of elections shall post notice of the election 141873
on its web site for thirty days prior to the election. The 141874
notice shall contain the time and place of the election and the 141875
question to be submitted to the electors. The question covered 141876

by the resolution shall be submitted as a separate proposition, 141877
but may be printed on the same ballot with any other proposition 141878
submitted at the same election, other than the election of 141879
officers. 141880

(D) No board of education shall submit the question of a 141881
tax on school district income to the electors of the district 141882
more than twice in any calendar year. If a board submits the 141883
question twice in any calendar year, one of the elections on the 141884
question shall be held on the date of the general election. 141885

(E) (1) No board of education may submit to the electors of 141886
the district the question of a tax on school district income on 141887
~~the taxable income of individuals~~ as defined in division ~~(E) (1)~~ 141888
~~(b)~~ (E) (2) of section 5748.01 of the Revised Code if that tax 141889
would be in addition to an existing tax on ~~the taxable income of~~ 141890
~~individuals and estates~~ as defined in ~~divisions (E) (1) (a) and~~ 141891
~~(2)~~ division (E) (1) of that section. 141892

(2) No board of education may submit to the electors of 141893
the district the question of a tax on school district income on 141894
~~the taxable income of individuals and estates~~ as defined in 141895
~~divisions (E) (1) (a) and (2)~~ division (E) (1) of section 5748.01 141896
of the Revised Code if that tax would be in addition to an 141897
existing tax on ~~the taxable income of individuals~~ as defined in 141898
division ~~(E) (1) (b)~~ (E) (2) of that section. 141899

Sec. 5748.021. A board of education that levies a tax 141900
under section 5748.02 of the Revised Code on the school district 141901
income of individuals ~~and estates~~ as defined in divisions (G) 141902
and ~~(E) (1) (a) and (2)~~ (E) (1) of section 5748.01 of the Revised 141903
Code may declare, at any time, by a resolution adopted by a 141904
majority of its members, the necessity of raising annually a 141905
specified amount of money for school district purposes by 141906

replacing the existing tax with a tax on ~~the~~ school district 141907
income ~~of individuals~~ as defined in divisions ~~(G) (1)~~ (G) and ~~(E)~~ 141908
~~(1) (b)~~ (E) (2) of section 5748.01 of the Revised Code. The 141909
specified amount of money to be raised annually may be the same 141910
as, or more or less than, the amount of money raised annually by 141911
the existing tax. 141912

The board shall certify a copy of the resolution to the 141913
tax commissioner not later than the eighty-fifth day before the 141914
date of the election at which the board intends to propose the 141915
replacement to the electors of the school district. Not later 141916
than the tenth day after receiving the resolution, the tax 141917
commissioner shall estimate the tax rate that would be required 141918
in the school district annually to raise the amount of money 141919
specified in the resolution. The tax commissioner shall certify 141920
the estimate to the board. 141921

Upon receipt of the tax commissioner's estimate, the board 141922
may propose, by a resolution adopted by a majority of its 141923
members, to replace the existing tax on ~~the~~ school district 141924
income ~~of individuals and estates~~ as defined in divisions (G) 141925
and ~~(E) (1) (a) and (2)~~ (E) (1) of section 5748.01 of the Revised 141926
Code with the levy of an annual tax on ~~the~~ school district 141927
income ~~of individuals~~ as defined in divisions ~~(G) (1)~~ (G) and ~~(E)~~ 141928
~~(1) (b)~~ (E) (2) of section 5748.01 of the Revised Code. In the 141929
resolution, the board shall specify the rate of the replacement 141930
tax, whether the replacement tax is to be levied for a specified 141931
number of years or for a continuing time, the specific school 141932
district purposes for which the replacement tax is to be levied, 141933
the date on which the replacement tax will begin to be levied, 141934
the date of the election at which the question of the 141935
replacement is to be submitted to the electors of the school 141936
district, that the existing tax will cease to be levied and the 141937

replacement tax will begin to be levied if the replacement is 141938
approved by a majority of the electors voting on the 141939
replacement, and that if the replacement is not approved by a 141940
majority of the electors voting on the replacement the existing 141941
tax will remain in effect under its original authority for the 141942
remainder of its previously approved term. The resolution goes 141943
into immediate effect upon its adoption. Publication of the 141944
resolution is not necessary, and the information that will be 141945
provided in the notice of election is sufficient notice. At 141946
least seventy-five days before the date of the election at which 141947
the question of the replacement will be submitted to the 141948
electors of the school district, the board shall certify a copy 141949
of the resolution to the board of elections. The board of 141950
education shall send to the tax commissioner a copy of the 141951
resolution certified to the board of elections. 141952

The replacement tax shall have the same specific school 141953
district purposes as the existing tax, and its rate shall be the 141954
same as the tax commissioner's estimate rounded to the nearest 141955
one-fourth of one per cent. The replacement tax shall begin to 141956
be levied on the first day of January of the year following the 141957
year in which the question of the replacement is submitted to 141958
and approved by the electors of the school district or on the 141959
first day of January of a later year, as specified in the 141960
resolution. The date of the election shall be the date of an 141961
otherwise scheduled primary, general, or special election. 141962

The board of elections shall make arrangements to submit 141963
the question of the replacement to the electors of the school 141964
district on the date specified in the resolution. The board of 141965
elections shall publish notice of the election on the question 141966
of the replacement in one newspaper of general circulation in 141967
the school district once a week for four consecutive weeks or as 141968

provided in section 7.16 of the Revised Code. The notice shall 141969
set forth the question to be submitted to the electors and the 141970
time and place of the election thereon. 141971

The question shall be submitted to the electors of the 141972
school district as a separate proposition, but may be printed on 141973
the same ballot with other propositions that are submitted at 141974
the same election, other than the election of officers. The form 141975
of the ballot shall be substantially as follows: 141976

"Shall the existing tax of _____ (state the rate) on the 141977
school district income of individuals ~~and estates~~ imposed by 141978
_____ (state the name of the school district) be replaced by a 141979
tax of _____ (state the rate) on the earned income of 141980
individuals residing in the school district for _____ (state the 141981
number of years the tax is to be in effect or that it will be in 141982
effect for a continuing time), beginning _____ (state the date 141983
the new tax will take effect), for the purpose of _____ (state 141984
the specific school district purposes of the tax)? If the new 141985
tax is not approved, the existing tax will remain in effect 141986
under its original authority, for the remainder of its 141987
previously approved term. 141988
141989

	For replacing the existing tax with the new tax
	Against replacing the existing tax with the new tax

The board of elections shall conduct and canvass the 141990
election in the same manner as regular elections in the school 141991
district for the election of county officers. The board shall 141992
certify the results of the election to the board of education 141993
and to the tax commissioner. If a majority of the electors 141994
voting on the question vote in favor of the replacement, the 141995

existing tax shall cease to be levied, and the replacement tax shall begin to be levied, on the date specified in the ballot question. If a majority of the electors voting on the question vote against the replacement, the existing tax shall continue to be levied under its original authority, for the remainder of its previously approved term.

A board of education may not submit the question of replacing a tax more than twice in a calendar year. If a board submits the question more than once, one of the elections at which the question is submitted shall be on the date of a general election.

If a board of education later intends to renew a replacement tax levied under this section, it shall repeat the procedure outlined in this section to do so, the replacement tax then being levied being the "existing tax" and the renewed replacement tax being the "replacement tax."

Sec. 5748.03. (A) The form of the ballot on a question submitted to the electors under section 5748.02 of the Revised Code shall be as follows:

"Shall an annual income tax of _____ (state the proposed rate of tax) on the school district income of individuals ~~and of estates~~ be imposed by _____ (state the name of the school district), for _____ (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning _____ (state the date the tax would first take effect), for the purpose of _____ (state the purpose of the tax)?

	FOR THE TAX
--	-------------

	AGAINST THE TAX	"
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(B) (1) If the question submitted to electors proposes a school district income tax only on ~~the taxable income of~~ individuals as defined in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals ~~and of estates.~~"

(2) If the question submitted to electors proposes to renew one or more expiring income tax levies, the ballot shall be modified by adding the following language immediately after the name of the school district that would impose the tax: "to renew an income tax (or income taxes) expiring at the end of _____ (state the last year the existing income tax or taxes may be levied)."

(3) If the question includes a proposal under division (B) (2) of section 5748.02 of the Revised Code to reduce the rate of one or more school district property taxes, the ballot shall state that the purpose of the school district income tax is for current expenses, and the form of the ballot shall be modified by adding the following language immediately after the statement of the purpose of the proposed income tax: ", and shall the rate of an existing tax on property, currently levied for the purpose of current expenses at the rate of _____ mills, be REDUCED to _____ mills for each \$1 of taxable value, which amounts to a reduction from \$_____ (effective rate) to \$_____ (effective rate) for each \$100,000 of ~~the county auditor's appraised market~~ value, that the county auditor estimates will collect \$_____ annually, the reduction continuing until any such time as the income tax is repealed." In lieu of "for the tax" and "against

the tax," the phrases "for the issue" and "against the issue," 142053
respectively, shall be used. If a board of education proposes a 142054
reduction in the rates of more than one tax, the ballot language 142055
shall be modified accordingly to express the rates at which 142056
those taxes currently are levied and the rates to which the 142057
taxes will be reduced. 142058

(C) The board of elections shall certify the results of 142059
the election to the board of education and to the tax 142060
commissioner. If a majority of the electors voting on the 142061
question vote in favor of it, the income tax, the applicable 142062
provisions of Chapter 5747. of the Revised Code, and the 142063
reduction in the rate or rates of existing property taxes if the 142064
question included such a reduction shall take effect on the date 142065
specified in the resolution. If the question approved by the 142066
voters includes a reduction in the rate of a school district 142067
property tax, the board of education shall not levy the tax at a 142068
rate greater than the rate to which the tax is reduced, unless 142069
the school district income tax is repealed in an election under 142070
section 5748.04 of the Revised Code. 142071

(D) If the rate at which a property tax is levied and 142072
collected is reduced pursuant to a question approved under this 142073
section, the tax commissioner shall compute the percentage 142074
required to be computed for that tax under division (D) of 142075
section 319.301 of the Revised Code each year the rate is 142076
reduced as if the tax had been levied in the preceding year at 142077
the rate at which it has been reduced. If the rate of a property 142078
tax increases due to the repeal of the school district income 142079
tax pursuant to section 5748.04 of the Revised Code, the tax 142080
commissioner, for the first year for which the rate increases, 142081
shall compute the percentage as if the tax in the preceding year 142082
had been levied at the rate at which the tax was authorized to 142083

be levied prior to any rate reduction. 142084

Sec. 5748.04. (A) The question of the repeal of a school 142085
district income tax levied for more than five years may be 142086
initiated not more than once in any five-year period by filing 142087
with the board of elections of the appropriate counties not 142088
later than ninety days before the general election in any year 142089
after the year in which it is approved by the electors a 142090
petition requesting that an election be held on the question. 142091
The petition shall be signed by qualified electors residing in 142092
the school district levying the income tax equal in number to 142093
ten per cent of those voting for governor at the most recent 142094
gubernatorial election. 142095

The board of elections shall determine whether the 142096
petition is valid, and if it so determines, it shall do ~~both~~ all 142097
of the following: 142098

(1) Submit the question to the electors of the district at 142099
the next general election; 142100

(2) Send a copy of the petition to the tax commissioner; 142101

(3) If the rate of one or more property tax levies was 142102
reduced for the duration of the income tax levy pursuant to 142103
division (B) (2) of section 5748.02 of the Revised Code, request 142104
that the county auditor certify to the board, in the same manner 142105
as required for a tax levy under section 5705.03 of the Revised 142106
Code, an estimate of the levies' annual collections for the 142107
first year in which the levies are increased, rounded to the 142108
nearest dollar, and the levies' effective rates for the year 142109
before the proposed increase and the levies' effective rates for 142110
the first year that the increase applies, both of which shall be 142111
expressed in dollars, rounded to the nearest dollar, for each 142112

one hundred thousand dollars of ~~the county auditor's appraised~~ 142113
market value. 142114

The county auditor shall certify such information to the 142115
board of elections within ten days after receiving the board's 142116
request. If a school district is located in more than one 142117
county, the county auditor shall obtain from the county auditor 142118
of each other county in which the district is located the tax 142119
valuation applicable to the portion of the district in that 142120
county. 142121

The election shall be conducted, canvassed, and certified 142122
in the same manner as regular elections for county offices in 142123
the county. Notice of the election shall be published in a 142124
newspaper of general circulation in the district once a week for 142125
two consecutive weeks, or as provided in section 7.16 of the 142126
Revised Code, prior to the election. If the board of elections 142127
operates and maintains a web site, the board of elections shall 142128
post notice of the election on its web site for thirty days 142129
prior to the election. The notice shall state the time and place 142130
of the election and the question to be submitted to the 142131
electors. The form of the ballot cast at the election shall be 142132
as follows: 142133

"Shall the annual income tax of ____ per cent, currently 142134
levied on the school district income of individuals ~~and estates~~ 142135
by _____ (state the name of the school district) for the 142136
purpose of _____ (state purpose of the tax), be repealed? 142137
142138

	For repeal of the income tax
	Against repeal of the income tax

"

(B) (1) If the tax is imposed on taxable income as defined 142139
in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised 142140
Code, the form of the ballot shall be modified by stating that 142141
the tax currently is levied on the "earned income of individuals 142142
residing in the school district" in lieu of the "school district 142143
income of individuals ~~and estates.~~" 142144

(2) If the rate of one or more property tax levies was 142145
reduced for the duration of the income tax levy pursuant to 142146
division (B) (2) of section 5748.02 of the Revised Code, the form 142147
of the ballot shall be modified by adding the following language 142148
immediately after "repealed": ", and shall the rate of an 142149
existing tax on property for the purpose of current expenses, 142150
which rate was reduced for the duration of the income tax, be 142151
INCREASED from _____ mills to _____ mills for each \$1 of taxable 142152
value which amounts to an increase from \$_____ (effective rate) 142153
to \$_____ (effective rate) for each \$100,000 of ~~the county~~ 142154
~~auditor's appraised market value~~, that the county auditor 142155
estimates will collect \$_____ annually, beginning in _____ 142156
(state the first year for which the rate of the property tax 142157
will increase)." In lieu of "for repeal of the income tax" and 142158
"against repeal of the income tax," the phrases "for the issue" 142159
and "against the issue," respectively, shall be substituted. 142160

(3) If the rate of more than one property tax was reduced 142161
for the duration of the income tax, the ballot language shall be 142162
modified accordingly to express the rates at which those taxes 142163
currently are levied and the rates to which the taxes would be 142164
increased. 142165

(C) The question covered by the petition shall be 142166
submitted as a separate proposition, but it may be printed on 142167
the same ballot with any other proposition submitted at the same 142168

election other than the election of officers. If a majority of 142169
the qualified electors voting on the question vote in favor of 142170
it, the result shall be certified immediately after the canvass 142171
by the board of elections to the board of education of the 142172
school district and the tax commissioner, who shall thereupon, 142173
after the current year, cease to levy the tax, except that if 142174
notes have been issued pursuant to section 5748.05 of the 142175
Revised Code the tax commissioner shall continue to levy and 142176
collect under authority of the election authorizing the levy an 142177
annual amount, rounded upward to the nearest one-fourth of one 142178
per cent, as will be sufficient to pay the debt charges on the 142179
notes as they fall due. 142180

(D) If a school district income tax repealed pursuant to 142181
this section was approved in conjunction with a reduction in the 142182
rate of one or more school district property taxes as provided 142183
in division (B) (2) of section 5748.02 of the Revised Code, then 142184
each such property tax may be levied after the current year at 142185
the rate at which it could be levied prior to the reduction, 142186
subject to any adjustments required by the county budget 142187
commission pursuant to Chapter 5705. of the Revised Code. Upon 142188
the repeal of a school district income tax under this section, 142189
the board of education may resume levying a property tax, the 142190
rate of which has been reduced pursuant to a question approved 142191
under section 5748.02 of the Revised Code, at the rate the board 142192
originally was authorized to levy the tax. A reduction in the 142193
rate of a property tax under section 5748.02 of the Revised Code 142194
is a reduction in the rate at which a board of education may 142195
levy that tax only for the period during which a school district 142196
income tax is levied prior to any repeal pursuant to this 142197
section. The resumption of the authority to levy the tax upon 142198
such a repeal does not constitute a tax levied in excess of the 142199

one per cent limitation prescribed by Section 2 of Article XII, 142200
Ohio Constitution, or in excess of the ten-mill limitation. 142201

(E) This section does not apply to school district income 142202
tax levies that are levied for five or fewer years. 142203

Sec. 5748.08. (A) The board of education of a city, local, 142204
or exempted village school district, at any time by a vote of 142205
two-thirds of all its members, may declare by resolution that it 142206
may be necessary for the school district to do all of the 142207
following: 142208

(1) Raise a specified amount of money for school district 142209
purposes by levying an annual tax on school district income; 142210

(2) Issue general obligation bonds for permanent 142211
improvements, stating in the resolution the necessity and 142212
purpose of the bond issue and the amount, approximate date, 142213
estimated rate of interest, and maximum number of years over 142214
which the principal of the bonds may be paid; 142215

(3) Levy a tax outside the ten-mill limitation to pay debt 142216
charges on the bonds and any anticipatory securities; 142217

(4) Submit the question of the school district income tax 142218
and bond issue to the electors of the district at a special 142219
election. 142220

The resolution shall specify whether the income that is to 142221
be subject to the tax is taxable income ~~of individuals and~~ 142222
~~estates as defined in divisions (E)(1)(a) and division (E)(1) or~~ 142223
(2) of section 5748.01 of the Revised Code ~~or taxable income of~~ 142224
~~individuals as defined in division (E)(1)(b) of that section.~~ 142225

On adoption of the resolution, the board shall certify a 142226
copy of it to the tax commissioner and the county auditor no 142227

later than one hundred five days prior to the date of the 142228
special election at which the board intends to propose the 142229
income tax and bond issue. Not later than ten days of receipt of 142230
the resolution, the tax commissioner, in the same manner as 142231
required by division (A) of section 5748.02 of the Revised Code, 142232
shall estimate the rates designated in divisions (A)(1) and (2) 142233
of that section and certify them to the board. Not later than 142234
ten days of receipt of the resolution, the county auditor shall 142235
estimate and certify to the board the average annual property 142236
tax rate required throughout the stated maturity of the bonds to 142237
pay debt charges on the bonds, in the same manner as under 142238
division (C) of section 133.18 of the Revised Code. 142239

(B) On receipt of the tax commissioner's and county 142240
auditor's certifications prepared under division (A) of this 142241
section, the board of education of the city, local, or exempted 142242
village school district, by a vote of two-thirds of all its 142243
members, may adopt a resolution proposing for a specified number 142244
of years or for a continuing period of time the levy of an 142245
annual tax for school district purposes on school district 142246
income and declaring that the amount of taxes that can be raised 142247
within the ten-mill limitation will be insufficient to provide 142248
an adequate amount for the present and future requirements of 142249
the school district; that it is necessary to issue general 142250
obligation bonds of the school district for specified permanent 142251
improvements and to levy an additional tax in excess of the ten- 142252
mill limitation to pay the debt charges on the bonds and any 142253
anticipatory securities; and that the question of the bonds and 142254
taxes shall be submitted to the electors of the school district 142255
at a special election, which shall not be earlier than ninety 142256
days after certification of the resolution to the board of 142257
elections, and the date of which shall be consistent with 142258

section 3501.01 of the Revised Code. The resolution shall 142259
specify all of the following: 142260

(1) The purpose for which the school district income tax 142261
is to be imposed and the rate of the tax, which shall be the 142262
rate set forth in the tax commissioner's certification rounded 142263
to the nearest one-fourth of one per cent; 142264

(2) Whether the income that is to be subject to the tax is 142265
taxable income ~~of individuals and estates as defined in~~ 142266
~~divisions (E) (1) (a) and~~ division (E) (1) or (2) of section 142267
5748.01 of the Revised Code ~~or taxable income of individuals as~~ 142268
~~defined in division (E) (1) (b) of that section.~~ The specification 142269
shall be the same as the specification in the resolution adopted 142270
and certified under division (A) of this section. 142271

(3) The number of years the tax will be levied, or that it 142272
will be levied for a continuing period of time; 142273

(4) The date on which the tax shall take effect, which 142274
shall be the first day of January of any year following the year 142275
in which the question is submitted; 142276

(5) The amount of the estimated average annual property 142277
tax levy, expressed in mills for each one dollar of taxable 142278
value and dollars for each one hundred thousand dollars of ~~the~~ 142279
~~county auditor's appraised market~~ value, as certified by the 142280
county auditor under division (A) of this section. 142281

(C) A resolution adopted under division (B) of this 142282
section shall go into immediate effect upon its passage, and no 142283
publication of the resolution shall be necessary other than that 142284
provided for in the notice of election. Immediately after its 142285
adoption and at least ninety days prior to the election at which 142286
the question will appear on the ballot, the board of education 142287

shall certify a copy of the resolution, along with copies of the auditor's estimate and its resolution under division (A) of this section, to the board of elections of the proper county. The board of education shall send to the tax commissioner a copy of the resolution adopted under division (B) of this section and certified to the board of elections. The board of elections shall make the arrangements for the submission of the question to the electors of the school district, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the district for the election of county officers.

The resolution shall be put before the electors as one ballot question, with a majority vote indicating approval of the school district income tax, the bond issue, and the levy to pay debt charges on the bonds and any anticipatory securities. The board of elections shall publish the notice of the election in a newspaper of general circulation in the school district once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the election. If the board of elections operates and maintains a web site, it also shall post notice of the election on its web site for thirty days prior to the election. The notice of election shall state all of the following:

- (1) The questions to be submitted to the electors;
- (2) The rate of the school district income tax;
- (3) The principal amount of the proposed bond issue;
- (4) The permanent improvements for which the bonds are to be issued;
- (5) The maximum number of years over which the principal

of the bonds may be paid; 142317

(6) The estimated additional average annual property tax 142318
rate to pay the debt charges on the bonds, as certified by the 142319
county auditor, and expressed in mills for each one dollar of 142320
taxable value and in dollars for each one hundred thousand 142321
dollars of ~~the county auditor's appraised market~~ value; 142322

(7) The time and place of the special election. 142323

(D) The form of the ballot on a question submitted to the 142324
electors under this section shall be as follows: 142325

"Shall the _____ school district be authorized to do 142326
both of the following: 142327

(1) Impose an annual income tax of _____ (state the 142328
proposed rate of tax) on the school district income of 142329
individuals ~~and of estates~~, for _____ (state the number of 142330
years the tax would be levied, or that it would be levied for a 142331
continuing period of time), beginning _____ (state the date 142332
the tax would first take effect), for the purpose of _____ 142333
(state the purpose of the tax)? 142334

(2) Issue bonds for the purpose of _____ in the 142335
principal amount of \$_____, to be repaid annually over a 142336
maximum period of _____ years, and levy a property tax outside 142337
the ten-mill limitation estimated by the county auditor to 142338
average over the bond repayment period _____ mills for each \$1 142339
of taxable value, which amounts to \$_____ for each \$100,000 of 142340
~~the county auditor's appraised market~~ value, to pay the annual 142341
debt charges on the bonds, and to pay debt charges on any notes 142342
issued in anticipation of those bonds? 142343
142344

	FOR THE INCOME TAX AND BOND ISSUE	
	AGAINST THE INCOME TAX AND BOND ISSUE	"

(E) If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals ~~and of estates.~~"

(F) The board of elections promptly shall certify the results of the election to the tax commissioner and the county auditor of the county in which the school district is located. If a majority of the electors voting on the question vote in favor of it, the income tax and the applicable provisions of Chapter 5747. of the Revised Code shall take effect on the date specified in the resolution, and the board of education may proceed with issuance of the bonds and with the levy and collection of the property taxes to pay debt charges on the bonds, at the additional rate or any lesser rate in excess of the ten-mill limitation. Any securities issued by the board of education under this section are Chapter 133. securities, as that term is defined in section 133.01 of the Revised Code.

(G) After approval of a question under this section, the board of education may anticipate a fraction of the proceeds of the school district income tax in accordance with section 5748.05 of the Revised Code. Any anticipation notes under this division shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed

five years, and may have a principal payment in the year of 142372
their issuance. 142373

(H) The question of repeal of a school district income tax 142374
levied for more than five years may be initiated and submitted 142375
in accordance with section 5748.04 of the Revised Code. 142376

(I) No board of education shall submit a question under 142377
this section to the electors of the school district more than 142378
twice in any calendar year. If a board submits the question 142379
twice in any calendar year, one of the elections on the question 142380
shall be held on the date of the general election. 142381

Sec. 5748.081. A board of education of a school district 142382
that, under divisions (A) (1), (D) (1), and (E) of section 5748.08 142383
or under section 5748.09 of the Revised Code, levies a tax on 142384
the school district income of individuals ~~and estates~~ as defined 142385
in divisions (G) and ~~(E) (1) (a) and (2)~~ (E) (1) of section 5748.01 142386
of the Revised Code may replace that tax with a tax on ~~the~~ 142387
school district income ~~of individuals~~ as defined in divisions 142388
~~(G) (1) (G)~~ and ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised 142389
Code by following the procedure outlined in, and subject to the 142390
conditions specified in, section 5748.021 of the Revised Code, 142391
as if the existing tax levied under section 5748.08 or 5748.09 142392
were levied under section 5748.02 of the Revised Code. The tax 142393
commissioner and the board of elections shall perform duties in 142394
response to the actions of the board of education under this 142395
section as directed in section 5748.021 of the Revised Code. 142396

Sec. 5748.09. (A) The board of education of a city, local, 142397
or exempted village school district, at any time before the 142398
effective date of this amendment by a vote of two-thirds of all 142399
its members, may declare by resolution that it may be necessary 142400
for the school district to do all of the following: 142401

(1) Raise a specified amount of money for school district purposes by levying an annual tax on school district income; 142402
142403

(2) Levy an additional property tax in excess of the ten-mill limitation for the purpose of providing for the necessary requirements of the district, stating in the resolution the amount of money to be raised each year for such purpose; 142404
142405
142406
142407

(3) Submit the question of the school district income tax and property tax to the electors of the district at a special election. 142408
142409
142410

The resolution shall specify whether the income that is to be subject to the tax is taxable income ~~of individuals and estates as defined in divisions (E) (1) (a) and division (E) (1) or~~ division (E) (1) or (2) of section 5748.01 of the Revised Code ~~or taxable income of individuals as defined in division (E) (1) (b) of that section.~~ 142411
142412
142413
142414
142415

On adoption of the resolution, the board shall certify a copy of it to the tax commissioner and the county auditor not later than one hundred days prior to the date of the special election at which the board intends to propose the income tax and property tax. Not later than ten days after receipt of the resolution, the tax commissioner, in the same manner as required by division (A) of section 5748.02 of the Revised Code, shall estimate the rates designated in divisions (A) (1) and (2) of that section and certify them to the board. Not later than ten days after receipt of the resolution, the county auditor, ~~in the same manner as required by section 5705.195 of the Revised Code,~~ shall make the calculation specified in that section and certify it to the board. 142416
142417
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142428

(B) On receipt of the tax commissioner's and county auditor's certifications prepared under division (A) of this 142429
142430

section, the board of education of the city, local, or exempted 142431
village school district, by a vote of two-thirds of all its 142432
members, may adopt a resolution declaring that the amount of 142433
taxes that can be raised by all tax levies the district is 142434
authorized to impose, when combined with state and federal 142435
revenues, will be insufficient to provide an adequate amount for 142436
the present and future requirements of the school district, and 142437
that it is therefore necessary to levy, for a specified number 142438
of years or for a continuing period of time, an annual tax for 142439
school district purposes on school district income, and to levy, 142440
for a specified number of years not exceeding ten or for a 142441
continuing period of time, an additional property tax in excess 142442
of the ten-mill limitation for the purpose of providing for the 142443
necessary requirements of the district, and declaring that the 142444
question of the school district income tax and property tax 142445
shall be submitted to the electors of the school district at a 142446
special election, which shall not be earlier than ninety days 142447
after certification of the resolution to the board of elections, 142448
and the date of which shall be consistent with section 3501.01 142449
of the Revised Code. The resolution shall specify all of the 142450
following: 142451

(1) The purpose for which the school district income tax 142452
is to be imposed and the rate of the tax, which shall be the 142453
rate set forth in the tax commissioner's certification rounded 142454
to the nearest one-fourth of one per cent; 142455

(2) Whether the income that is to be subject to the tax is 142456
taxable income ~~of individuals and estates as defined in~~ 142457
~~divisions (E)(1)(a) and division (E)(1) or (2) of section~~ 142458
5748.01 of the Revised Code ~~or taxable income of individuals as~~ 142459
~~defined in division (E)(1)(b) of that section.~~ The specification 142460
shall be the same as the specification in the resolution adopted 142461

and certified under division (A) of this section. 142462

(3) The number of years the school district income tax 142463
will be levied, or that it will be levied for a continuing 142464
period of time; 142465

(4) The date on which the school district income tax shall 142466
take effect, which shall be the first day of January of any year 142467
following the year in which the question is submitted; 142468

(5) The amount of money it is necessary to raise for the 142469
purpose of providing for the necessary requirements of the 142470
district for each year the property tax is to be imposed; 142471

(6) The number of years the property tax will be levied, 142472
or that it will be levied for a continuing period of time; 142473

(7) The tax list upon which the property tax shall be 142474
first levied, which may be the current year's tax list; 142475

(8) The amount of the average tax levy, expressed in 142476
dollars for each one hundred thousand dollars of ~~the county~~ 142477
~~auditor's appraised market~~ value as well as in mills for each 142478
one dollar of taxable value, estimated by the county auditor 142479
under division (A) of this section. 142480

(C) A resolution adopted under division (B) of this 142481
section shall go into immediate effect upon its passage, and no 142482
publication of the resolution shall be necessary other than that 142483
provided for in the notice of election. Immediately after its 142484
adoption and at least ninety days prior to the election at which 142485
the question will appear on the ballot, the board of education 142486
shall certify a copy of the resolution, along with copies of the 142487
county auditor's certification and the resolution under division 142488
(A) of this section, to the board of elections of the proper 142489
county. The board of education shall send to the tax 142490

commissioner a copy of the resolution adopted under division (B) 142491
of this section and certified to the board of elections. The 142492
board of education shall make the arrangements for the 142493
submission of the question to the electors of the school 142494
district, and the election shall be conducted, canvassed, and 142495
certified in the same manner as regular elections in the 142496
district for the election of county officers. 142497

The resolution shall be put before the electors as one 142498
ballot question, with a majority vote indicating approval of the 142499
school district income tax and the property tax. The board of 142500
elections shall publish the notice of the election in a 142501
newspaper of general circulation in the school district once a 142502
week for two consecutive weeks, or as provided in section 7.16 142503
of the Revised Code, prior to the election. If the board of 142504
elections operates and maintains a web site, ~~also the board~~ 142505
shall also post the notice of the election on its web site for 142506
thirty days prior to the election. The notice of the election 142507
shall state all of the following: 142508

(1) The questions to be submitted to the electors as a 142509
single ballot question; 142510

(2) The rate of the school district income tax; 142511

(3) The number of years the school district income tax 142512
will be levied or that it will be levied for a continuing period 142513
of time; 142514

(4) The annual proceeds of the proposed property tax levy 142515
for the purpose of providing for the necessary requirements of 142516
the district; 142517

(5) The number of years during which the property tax levy 142518
shall be levied, or that it shall be levied for a continuing 142519

period of time; 142520

(6) The estimated average additional tax rate of the 142521
property tax, expressed in dollars for each one hundred thousand 142522
dollars of ~~the county auditor's appraised market~~ value as well 142523
as in mills for each one dollar of taxable value, outside the 142524
limitation imposed by Section 2 of Article XII, Ohio 142525
Constitution, as certified by the county auditor; 142526

(7) The time and place of the special election. 142527

(D) The form of the ballot on a question submitted to the 142528
electors under this section shall be as follows: 142529

"Shall the _____ school district be authorized to do both 142530
of the following: 142531

(1) Impose an annual income tax of _____ (state the 142532
proposed rate of tax) on the school district income of 142533
individuals ~~and of estates~~, for _____ (state the number of 142534
years the tax would be levied, or that it would be levied for a 142535
continuing period of time), beginning _____ (state the date 142536
the tax would first take effect), for the purpose of _____ 142537
(state the purpose of the tax)? 142538

(2) Impose a property tax levy outside of the ten-mill 142539
limitation for the purpose of providing for the necessary 142540
requirements of the district in the sum of \$ _____ 142541
(here insert annual amount the levy is to produce), estimated by 142542
the county auditor to average _____ mills for each \$1 142543
of taxable value, which amounts to \$ _____ for each 142544
\$100,000 of ~~the county auditor's appraised market~~ value, for 142545
_____ (state the number of years the tax is to be 142546
imposed or that it will be imposed for a continuing period of 142547
time), commencing in _____ (first year the tax is to be 142548

levied), first due in calendar year _____ (first calendar year in which the tax shall be due)?

	FOR THE INCOME TAX AND PROPERTY TAX
	AGAINST THE INCOME TAX AND PROPERTY TAX

If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals ~~and of estates.~~"

(E) The board of elections promptly shall certify the results of the election to the tax commissioner and the county auditor of the county in which the school district is located. If a majority of the electors voting on the question vote in favor of it:

(1) The income tax and the applicable provisions of Chapter 5747. of the Revised Code shall take effect on the date specified in the resolution.

(2) The board of education of the school district may make the additional property tax levy necessary to raise the amount specified on the ballot for the purpose of providing for the necessary requirements of the district. The property tax levy shall be included in the next tax budget that is certified to the county budget commission.

(F) (1) After approval of a question under this section, the board of education may anticipate a fraction of the proceeds

of the school district income tax in accordance with section 142575
5748.05 of the Revised Code. Any anticipation notes under this 142576
division shall be issued as provided in section 133.24 of the 142577
Revised Code, shall have principal payments during each year 142578
after the year of their issuance over a period not to exceed 142579
five years, and may have a principal payment in the year of 142580
their issuance. 142581

(2) After the approval of a question under this section 142582
and prior to the time when the first tax collection from the 142583
property tax levy can be made, the board of education may 142584
anticipate a fraction of the proceeds of the levy and issue 142585
anticipation notes in an amount not exceeding the total 142586
estimated proceeds of the levy to be collected during the first 142587
year of the levy. Any anticipation notes under this division 142588
shall be issued as provided in section 133.24 of the Revised 142589
Code, shall have principal payments during each year after the 142590
year of their issuance over a period not to exceed five years, 142591
and may have a principal payment in the year of their issuance. 142592

(G) (1) The question of repeal of a school district income 142593
tax levied for more than five years may be initiated and 142594
submitted in accordance with section 5748.04 of the Revised 142595
Code. 142596

(2) A property tax levy for a continuing period of time 142597
may be reduced in the manner provided under section 5705.261 of 142598
the Revised Code. 142599

(H) No board of education shall submit a question under 142600
this section to the electors of the school district more than 142601
twice in any calendar year. If a board submits the question 142602
twice in any calendar year, one of the elections on the question 142603
shall be held on the date of the general election. 142604

(I) If the electors of the school district approve a question under this section, and if the last calendar year the school district income tax is in effect and the last calendar year of collection of the property tax are the same, the board of education of the school district may propose, before the effective date of this amendment, to submit under this section the combined question of a school district income tax to take effect upon the expiration of the existing income tax and a property tax to be first collected in the calendar year after the calendar year of last collection of the existing property tax, and specify in the resolutions adopted under this section that the proposed taxes would renew the existing taxes. The form of the ballot on a question submitted to the electors under division (I) of this section shall be as follows:

"Shall the _____ school district be authorized to do both of the following:

(1) Impose an annual income tax of _____ (state the proposed rate of tax) on the school district income of individuals ~~and of estates~~ to renew an income tax expiring at the end of _____ (state the last year the existing income tax may be levied) for _____ (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning _____ (state the date the tax would first take effect), for the purpose of _____ (state the purpose of the tax)?

(2) Impose a property tax levy renewing an existing levy outside of the ten-mill limitation for the purpose of providing for the necessary requirements of the district in the sum of \$_____ (here insert annual amount the levy is to produce), estimated by the county auditor to average

_____ mills for each \$1 of taxable value, which 142635
 amounts to \$ _____ for each \$100,000 of ~~the county~~ 142636
~~auditor's appraised market~~ value, for _____ (state the 142637
 number of years the tax is to be imposed or that it will be 142638
 imposed for a continuing period of time), commencing in 142639
 _____ (first year the tax is to be levied), first due in 142640
 calendar year _____ (first calendar year in which the tax 142641
 shall be due)? 142642
 142643

	FOR THE INCOME TAX AND PROPERTY TAX	
	AGAINST THE INCOME TAX AND PROPERTY TAX	"

If the question submitted to electors proposes a school 142644
 district income tax only on the taxable income of individuals as 142645
 defined in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the 142646
 Revised Code, the form of the ballot shall be modified by 142647
 stating that the tax is to be levied on the "earned income of 142648
 individuals residing in the school district" in lieu of the 142649
 "school district income of individuals ~~and of estates.~~" 142650

(J) (1) If the electors of the school district approve a 142651
 question under this section, and if the last calendar year the 142652
 school district income tax is in effect and the last calendar 142653
 year in which the property tax is collected are the same, the 142654
 board of education of the school district may propose, before 142655
the effective date of this amendment, to submit under this 142656
 section the combined question of all of the following: 142657

(a) The renewal of the school district income tax levied 142658
 under this section, to take effect upon the expiration of the 142659
 existing income tax; 142660

(b) The renewal of the property tax levied under this section, to be levied beginning in the tax year after the tax year in which the existing property tax expires;

(c) The renewal of a property tax levied under section 5705.194 of the Revised Code, regardless of the year it expires, to be levied beginning in the same tax year that the tax described in division (J) (1) (b) of this section is first levied.

If the combined question is approved, the existing tax levied under section 5705.194 of the Revised Code may not be levied for the first tax year the renewal tax is levied or any following tax year.

(2) In its resolution to be submitted to the tax commissioner and county auditor, the board of education shall include, in addition to the applicable requirements of division (A) of this section, a declaration of the necessity for the renewal of the property tax levied under section 5705.194 of the Revised Code, the purpose of the tax as specified under that section, and the necessity of the submission of the question of the renewal of the school district income tax and both property taxes to the electors of the district at a special election. Not later than ten days after receipt of the resolution, the county auditor shall make a separate calculation and certification with respect to the renewal tax described in division (J) (1) (c) of this section ~~in the same manner as required by section 5705.195 of the Revised Code.~~

In its resolution adopted upon receipt of the commissioner's and county auditor's certifications, the board of education shall include, in addition to the applicable requirements of division (B) of this section, a declaration that the amount of taxes that can be raised by all tax levies the

district is authorized to impose, when combined with state and 142691
federal revenues, will be insufficient to provide an adequate 142692
amount for the present and future requirements of the school 142693
district, and that it is therefore necessary to renew the 142694
existing property tax being levied in excess of the ten-mill 142695
limitation under section 5705.194 of the Revised Code for the 142696
purpose as specified in that section, for a specified number of 142697
years not exceeding ten or for a continuing period of time, and 142698
that the question of the renewal of the school district income 142699
tax and of both property taxes shall be submitted to the 142700
electors of the school district at a special election as 142701
described in division (B) of this section. With respect to the 142702
renewal tax described in division (J) (1) (c) of this section, the 142703
resolution shall specify the amount of money it is necessary to 142704
raise for the specified purpose for each calendar year the 142705
millage is to be imposed, the tax year that tax is to be first 142706
levied, and the estimated rate of that tax, expressed in dollars 142707
for each one hundred thousand dollars of ~~the county auditor's~~ 142708
~~appraised market~~ value as well as in mills for each one dollar 142709
of taxable value, as certified by the county auditor. 142710

(3) In addition to the requirements of division (C) of 142711
this section, the notice of election shall separately state, 142712
with respect to the renewal tax described in division (J) (1) (c) 142713
of this section, the annual proceeds of the proposed levy for 142714
the specified purpose; the number of years the proposed tax will 142715
be levied, or that it shall be levied for a continuing period of 142716
time; and the estimated rate of the proposed levy, expressed in 142717
dollars for each one hundred thousand dollars of ~~the county~~ 142718
~~auditor's appraised market~~ value as well as in mills for each 142719
one dollar of taxable value, as certified by the county auditor. 142720

(4) The form of the ballot on a question submitted to the 142721

electors under division (J) of this section shall be identical 142722
to the form of the ballot prescribed in division (I) of this 142723
section, except that the following shall be added after the 142724
third paragraph and in place of the voting box: "(3) Impose a 142725
property tax levy renewing an existing levy outside of the ten- 142726
mill limitation for the purpose of _____ (here insert 142727
purpose of levy as specified in section 5705.194 of the Revised 142728
Code and determined by the board of education) in the sum of \$ 142729
_____ (here insert annual amount the levy is to produce), 142730
estimated by the county auditor to average _____ mills for 142731
each \$1 of taxable value, which amounts to \$_____ for each 142732
\$100,000 of ~~the county auditor's appraised market~~ value, for 142733
_____ (state the number of years the tax is to be imposed 142734
or that it will be imposed for a continuing period of time), 142735
commencing in _____ (first year the tax is to be levied), 142736
first due in calendar year _____ (first calendar year in 142737
which the tax shall be due)? 142738
142739

	FOR THE INCOME TAX AND PROPERTY TAXES
	AGAINST THE INCOME TAX AND PROPERTY TAXES" "

If the existing property tax being levied under section 142740
5705.194 of the Revised Code is scheduled to expire in a tax 142741
year different from that of the existing property tax being 142742
levied under this section, the form of the ballot shall be 142743
modified by adding the following statement at the end of the 142744
paragraph prescribed in this division: "If approved, any 142745
remaining tax years on the existing levy will not be levied 142746
after tax year _____ (last tax year the tax will be levied), 142747
last due in _____ (last calendar year in which the tax shall 142748
be due)." 142749

(5) If a majority of the electors voting on the question submitted under division (J) of this section vote in favor of it, the board of education of the school district may, in addition to any other authorization in the Revised Code and prior to the time when the first tax collection from the renewal tax levy can be made, anticipate a fraction of the proceeds of the renewal levy described in division (J)(1)(c) of this section and issue anticipation notes in an amount not exceeding the total estimated proceeds of the levy to be collected during the first year of the levy. Any such anticipation notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(K) The question of a renewal levy under division (I) or (J) of this section shall not be placed on the ballot unless the question is submitted on a date on which a special election may be held under section 3501.01 of the Revised Code, except for the first Tuesday after the first Monday in August, during the last year the existing property tax levy described in division (J)(1)(b) of this section may be extended on the real and public utility property tax list and duplicate, or at any election held in the ensuing year.

The failure by the electors to approve the question of a renewal levy under division (I) or (J) of this section does not terminate the authority previously granted by the electors to levy the taxes proposed to be renewed for their previously approved duration.

(L) If the electors of the school district approve a question under this section, the board of education of the

school district may propose to renew any of the existing taxes 142780
as individual ballot questions in accordance with section 142781
5748.02 of the Revised Code, for the school district income tax, 142782
or section 5705.194 of the Revised Code, for the property tax or 142783
taxes. 142784

Sec. 5749.02. (A) For the purpose of providing revenue to 142785
administer the state's coal mining and reclamation regulatory 142786
program, to meet the environmental and resource management needs 142787
of this state, and to reclaim land affected by mining, an excise 142788
tax is hereby levied on the privilege of engaging in the 142789
severance of natural resources from the soil or water of this 142790
state. The tax shall be imposed upon the severer at the rates 142791
prescribed by this section: 142792

(1) ~~Ten~~Eight cents per ton of coal; 142793

(2) Four cents per ton of salt; 142794

(3) Two cents per ton of limestone or dolomite; 142795

(4) Two cents per ton of sand and gravel; 142796

(5) Ten cents per barrel of oil; 142797

(6) Two and one-half cents per thousand cubic feet of 142798
natural gas; 142799

(7) One cent per ton of clay, sandstone or conglomerate, 142800
shale, gypsum, or quartzite; 142801

(8) Except as otherwise provided in this division or in 142802
rules adopted by the reclamation forfeiture fund advisory board 142803
under section 1513.182 of the Revised Code, an additional 142804
fourteen cents per ton of coal produced from an area under a 142805
coal mining and reclamation permit issued under Chapter 1513. of 142806
the Revised Code for which the performance security is provided 142807

under division (C) (2) of section 1513.08 of the Revised Code. 142808
Beginning July 1, 2007, if at the end of a fiscal biennium the 142809
balance of the reclamation forfeiture fund created in section 142810
1513.18 of the Revised Code is equal to or greater than ten 142811
million dollars, the rate levied shall be twelve cents per ton. 142812
Beginning July 1, 2007, if at the end of a fiscal biennium the 142813
balance of the fund is at least five million dollars, but less 142814
than ten million dollars, the rate levied shall be fourteen 142815
cents per ton. Beginning July 1, 2007, if at the end of a fiscal 142816
biennium the balance of the fund is less than five million 142817
dollars, the rate levied shall be sixteen cents per ton. 142818
Beginning July 1, 2009, not later than thirty days after the 142819
close of a fiscal biennium, the chief of the division of mineral 142820
resources management shall certify to the tax commissioner the 142821
amount of the balance of the reclamation forfeiture fund as of 142822
the close of the fiscal biennium. Any necessary adjustment of 142823
the rate levied shall take effect on the first day of the 142824
following January and shall remain in effect during the calendar 142825
biennium that begins on that date. 142826

(9) An additional one and two-tenths cents per ton of coal 142827
mined by surface mining methods. 142828

(B) After the director of budget and management transfers 142829
money from the severance tax receipts fund as required in 142830
division (H) of section 5749.06 of the Revised Code, money 142831
remaining in the severance tax receipts fund, except for money 142832
in the fund from the amounts due under section 1509.50 of the 142833
Revised Code, shall be credited as follows: 142834

(1) All of the moneys in the fund from the tax levied in 142835
division (A) (1) of this section shall be credited to the mining 142836
regulation and safety fund created in section 1513.30 of the 142837

Revised Code.	142838
(2) The money in the fund from the tax levied in division	142839
(A) (2) of this section shall be credited to the mining	142840
regulation and safety fund.	142841
(3) Of the moneys in the fund from the tax levied in	142842
divisions (A) (3) and (4) of this section, seven and five-tenths	142843
per cent shall be credited to the geological mapping fund and	142844
the remainder shall be credited to the mining regulation and	142845
safety fund created in section 1513.30 of the Revised Code.	142846
(4) Of the moneys in the fund from the tax levied in	142847
divisions (A) (5) and (6) of this section, ninety per cent shall	142848
be credited to the oil and gas well fund and ten per cent shall	142849
be credited to the geological mapping fund.	142850
(5) All of the moneys in the fund from the tax levied in	142851
division (A) (7) of this section shall be credited to the mining	142852
regulation and safety fund.	142853
(6) All of the moneys in the fund from the tax levied in	142854
division (A) (8) of this section shall be credited to the	142855
reclamation forfeiture fund.	142856
(7) All of the moneys in the fund from the tax levied in	142857
division (A) (9) of this section shall be credited to the mining	142858
regulation and safety fund.	142859
(C) When, at the close of any fiscal year, the chief finds	142860
that the balance of the reclamation forfeiture fund, plus the	142861
estimated revenues from the tax levied by division (A) (8) of	142862
this section for the remainder of the calendar year that	142863
includes the close of the fiscal year, are sufficient to	142864
complete the reclamation of all lands for which the performance	142865
security has been provided under division (C) (2) of section	142866

1513.08 of the Revised Code, the purposes for which the tax 142867
under division (A) (8) of this section is levied shall be deemed 142868
accomplished at the end of that calendar year. The chief, within 142869
thirty days after the close of the fiscal year, shall certify 142870
those findings to the tax commissioner, and the tax levied under 142871
division (A) (8) of this section shall cease to be imposed for 142872
the subsequent calendar year after the last day of that calendar 142873
year on coal produced under a coal mining and reclamation permit 142874
issued under Chapter 1513. of the Revised Code if the permittee 142875
has made tax payments under division (A) (8) of this section 142876
during each of the preceding five full calendar years. Not later 142877
than thirty days after the close of a fiscal year, the chief 142878
shall certify to the tax commissioner the identity of any 142879
permittees who accordingly no longer are required to pay the tax 142880
levied under division (A) (8) of this section for the subsequent 142881
calendar year. 142882

Sec. 5749.07. (A) If any severer required by this chapter 142883
to make and file returns and pay the tax levied by section 142884
5749.02 of the Revised Code, or any severer or owner liable for 142885
the amounts due under section 1509.50 of the Revised Code, fails 142886
to make such return or pay such tax or amounts, the tax 142887
commissioner may make an assessment against the severer or owner 142888
based upon any information in the commissioner's possession. 142889

No assessment shall be made or issued against any severer 142890
for any tax imposed by section 5749.02 of the Revised Code or 142891
against any severer or owner for any amount due under section 142892
1509.50 of the Revised Code more than four years after the 142893
return was due or was filed, whichever is later. This section 142894
does not bar an assessment against a severer or owner who fails 142895
to file a return as required by this chapter, or who files a 142896
fraudulent return. 142897

The commissioner shall give the party assessed written notice of such assessment in the manner provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the party assessed files with the commissioner within sixty days after service of the notice of assessment, ~~either personally or by certified mail,~~ a written petition for reassessment signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the party assessed to the treasurer of state. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the party assessed resides or in which the party's business is conducted. If the party assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of such entry, the clerk shall enter a judgment for the state against the party assessed in the

amount shown on the entry. The judgment may be filed by the 142928
clerk in a loose-leaf book entitled "special judgments for state 142929
severance tax," and shall have the same effect as other 142930
judgments. Execution shall issue upon the judgment upon the 142931
request of the commissioner, and all laws applicable to sales on 142932
execution shall apply to sales made under the judgment. 142933

If the assessment is not paid in its entirety within sixty 142934
days after the day the assessment is issued, the portion of the 142935
assessment consisting of tax due or amounts due under section 142936
1509.50 of the Revised Code shall bear interest at the rate per 142937
annum prescribed by section 5703.47 of the Revised Code from the 142938
day the commissioner issues the assessment until it is paid or 142939
until it is certified to the attorney general for collection 142940
under section 131.02 of the Revised Code, whichever comes first. 142941
If the unpaid portion of the assessment is certified to the 142942
attorney general for collection, the entire unpaid portion of 142943
the assessment shall bear interest at the rate per annum 142944
prescribed by section 5703.47 of the Revised Code from the date 142945
of certification until the date it is paid in its entirety. 142946
Interest shall be paid in the same manner as the tax and may be 142947
collected by the issuance of an assessment under this section. 142948

(D) All money collected by the commissioner under this 142949
section shall be paid to the treasurer of state, and when paid 142950
shall be considered as revenue arising from the tax imposed by 142951
section 5749.02 of the Revised Code and the amount due under 142952
section 1509.50 of the Revised Code, as applicable. 142953

Sec. 5751.01. As used in this chapter: 142954

(A) "Person" means, but is not limited to, individuals, 142955
combinations of individuals of any form, receivers, assignees, 142956
trustees in bankruptcy, firms, companies, joint-stock companies, 142957

business trusts, estates, partnerships, limited liability 142958
partnerships, limited liability companies, associations, joint 142959
ventures, clubs, societies, for-profit corporations, S 142960
corporations, qualified subchapter S subsidiaries, qualified 142961
subchapter S trusts, trusts, entities that are disregarded for 142962
federal income tax purposes, and any other entities. 142963

(B) "Consolidated elected taxpayer" means a group of two 142964
or more persons treated as a single taxpayer for purposes of 142965
this chapter as the result of an election made under section 142966
5751.011 of the Revised Code. 142967

(C) "Combined taxpayer" means a group of two or more 142968
persons treated as a single taxpayer for purposes of this 142969
chapter under section 5751.012 of the Revised Code. 142970

(D) "Taxpayer" means any person, or any group of persons 142971
in the case of a consolidated elected taxpayer or combined 142972
taxpayer treated as one taxpayer, required to register or pay 142973
tax under this chapter. "Taxpayer" does not include excluded 142974
persons. 142975

(E) "Excluded person" means any of the following: 142976

(1) Any person with not more than one hundred fifty 142977
thousand dollars of taxable gross receipts during the calendar 142978
year. Division (E)(1) of this section does not apply to a person 142979
that is a member of a consolidated elected taxpayer. 142980

(2) A public utility that paid the excise tax imposed by 142981
section 5727.24 or 5727.30 of the Revised Code based on one or 142982
more measurement periods that include the entire tax period 142983
under this chapter, except in the following circumstances: 142984

(a) A public utility that is a combined company is a 142985
taxpayer with regard to the following gross receipts: 142986

(i) Taxable gross receipts directly attributed to a public utility activity, but not directly attributed to an activity that is subject to the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code;

(ii) Taxable gross receipts that cannot be directly attributed to any activity, multiplied by a fraction whose numerator is the taxable gross receipts described in division (E) (2) (a) (i) of this section and whose denominator is the total taxable gross receipts that can be directly attributed to any activity;

(iii) Except for any differences resulting from the use of an accrual basis method of accounting for purposes of determining gross receipts under this chapter and the use of the cash basis method of accounting for purposes of determining gross receipts under section 5727.24 of the Revised Code, the gross receipts directly attributed to the activity of a natural gas company shall be determined in a manner consistent with division (D) of section 5727.03 of the Revised Code.

(b) A heating company that became exempt from the excise tax imposed by section 5727.30 of the Revised Code on May 1, 2023, shall not be an excluded person for tax periods beginning on or after July 1, 2023.

As used in division (E) (2) of this section, "combined company" and "public utility" have the same meanings as in section 5727.01 of the Revised Code.

(3) A financial institution, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter;

(4) A person directly or indirectly owned by one or more financial institutions, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter.

For the purposes of division (E)(4) of this section, a person owns another person under the following circumstances:

(a) In the case of corporations issuing capital stock, one corporation owns another corporation if it owns fifty per cent or more of the other corporation's capital stock with current voting rights;

(b) In the case of a limited liability company, one person owns the company if that person's membership interest, as defined in section 1706.01 of the Revised Code, is fifty per cent or more of the combined membership interests of all persons owning such interests in the company;

(c) In the case of a partnership, trust, or other unincorporated business organization other than a limited liability company, one person owns the organization if, under the articles of organization or other instrument governing the affairs of the organization, that person has a beneficial interest in the organization's profits, surpluses, losses, or distributions of fifty per cent or more of the combined beneficial interests of all persons having such an interest in the organization.

(5) A domestic insurance company or foreign insurance company, as defined in section 5725.01 of the Revised Code, that paid the insurance company premiums tax imposed by section 5725.18 or Chapter 5729. of the Revised Code, or an unauthorized

insurance company whose gross premiums are subject to tax under 143045
section 3905.36 of the Revised Code based on one or more 143046
measurement periods that include the entire tax period under 143047
this chapter; 143048

(6) A person that solely facilitates or services one or 143049
more securitizations of phase-in-recovery property pursuant to a 143050
final financing order as those terms are defined in section 143051
4928.23 of the Revised Code. For purposes of this division, 143052
"securitization" means transferring one or more assets to one or 143053
more persons and then issuing securities backed by the right to 143054
receive payment from the asset or assets so transferred. 143055

(7) Except as otherwise provided in this division, a pre- 143056
income tax trust ~~as defined in section 5747.01 of the Revised~~ 143057
~~Code~~ and any pass-through entity of which such pre-income tax 143058
trust owns or controls, directly, indirectly, or constructively 143059
through related interests, more than five per cent of the 143060
ownership or equity interests. ~~If the pre-income tax trust has~~ 143061
~~made a qualifying pre-income tax trust election under division~~ 143062
~~(EE) of section 5747.01 of the Revised Code, then the trust and~~ 143063
~~the pass-through entities of which it owns or controls,~~ 143064
~~directly, indirectly, or constructively through related~~ 143065
~~interests, more than five per cent of the ownership or equity~~ 143066
~~interests, shall not be excluded persons for purposes of the tax~~ 143067
~~imposed under section 5751.02 of the Revised Code~~As used in 143068
division (E) (7) of this section, "pre-income tax trust" means a 143069
trust that satisfies all of the following: 143070

(a) The document or instrument creating the trust was 143071
executed by the grantor before January 1, 1972; 143072

(b) The trust became irrevocable upon the creation of the 143073
trust; 143074

<u>(c) The grantor was domiciled in this state at the time</u>	143075
<u>the trust was created.</u>	143076
(8) Nonprofit organizations or the state and its agencies, instrumentalities, or political subdivisions.	143077 143078
(F) Except as otherwise provided in divisions (F) (2), (3), and (4) of this section, "gross receipts" means the total amount realized by a person, without deduction for the cost of goods sold or other expenses incurred, that contributes to the production of gross income of the person, including the fair market value of any property and any services received, and any debt transferred or forgiven as consideration.	143079 143080 143081 143082 143083 143084 143085
(1) The following are examples of gross receipts:	143086
(a) Amounts realized from the sale, exchange, or other disposition of the taxpayer's property to or with another;	143087 143088
(b) Amounts realized from the taxpayer's performance of services for another;	143089 143090
(c) Amounts realized from another's use or possession of the taxpayer's property or capital;	143091 143092
(d) Any combination of the foregoing amounts.	143093
(2) "Gross receipts" excludes the following amounts:	143094
(a) Interest income except interest on credit sales;	143095
(b) Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity as defined under section 5733.04 of the Revised Code;	143096 143097 143098 143099
(c) Receipts from the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal	143100 143101

Revenue Code, without regard to the length of time the person 143102
held the asset. Notwithstanding section 1221 of the Internal 143103
Revenue Code, receipts from hedging transactions also are 143104
excluded to the extent the transactions are entered into 143105
primarily to protect a financial position, such as managing the 143106
risk of exposure to (i) foreign currency fluctuations that 143107
affect assets, liabilities, profits, losses, equity, or 143108
investments in foreign operations; (ii) interest rate 143109
fluctuations; or (iii) commodity price fluctuations. As used in 143110
division (F)(2)(c) of this section, "hedging transaction" has 143111
the same meaning as used in section 1221 of the Internal Revenue 143112
Code and also includes transactions accorded hedge accounting 143113
treatment under statement of financial accounting standards 143114
number 133 of the financial accounting standards board. For the 143115
purposes of division (F)(2)(c) of this section, the actual 143116
transfer of title of real or tangible personal property to 143117
another entity is not a hedging transaction. 143118

(d) Proceeds received attributable to the repayment, 143119
maturity, or redemption of the principal of a loan, bond, mutual 143120
fund, certificate of deposit, or marketable instrument; 143121

(e) The principal amount received under a repurchase 143122
agreement or on account of any transaction properly 143123
characterized as a loan to the person; 143124

(f) Contributions received by a trust, plan, or other 143125
arrangement, any of which is described in section 501(a) of the 143126
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 143127
1, Subchapter (D) of the Internal Revenue Code applies; 143128

(g) Compensation, whether current or deferred, and whether 143129
in cash or in kind, received or to be received by an employee, 143130
former employee, or the employee's legal successor for services 143131

rendered to or for an employer, including reimbursements 143132
received by or for an individual for medical or education 143133
expenses, health insurance premiums, or employee expenses, or on 143134
account of a dependent care spending account, legal services 143135
plan, any cafeteria plan described in section 125 of the 143136
Internal Revenue Code, or any similar employee reimbursement; 143137

(h) Proceeds received from the issuance of the taxpayer's 143138
own stock, options, warrants, puts, or calls, or from the sale 143139
of the taxpayer's treasury stock; 143140

(i) Proceeds received on the account of payments from 143141
insurance policies, except those proceeds received for the loss 143142
of business revenue; 143143

(j) Gifts or charitable contributions received; membership 143144
dues received by trade, professional, homeowners', or 143145
condominium associations; payments received for educational 143146
courses, meetings, meals, or similar payments to a trade, 143147
professional, or other similar association; and fundraising 143148
receipts received by any person when any excess receipts are 143149
donated or used exclusively for charitable purposes; 143150

(k) Damages received as the result of litigation in excess 143151
of amounts that, if received without litigation, would be gross 143152
receipts; 143153

(l) Property, money, and other amounts received or 143154
acquired by an agent on behalf of another in excess of the 143155
agent's commission, fee, or other remuneration; 143156

(m) Tax refunds, other tax benefit recoveries, and 143157
reimbursements for the tax imposed under this chapter made by 143158
entities that are part of the same combined taxpayer or 143159
consolidated elected taxpayer group, and reimbursements made by 143160

entities that are not members of a combined taxpayer or 143161
consolidated elected taxpayer group that are required to be made 143162
for economic parity among multiple owners of an entity whose tax 143163
obligation under this chapter is required to be reported and 143164
paid entirely by one owner, pursuant to the requirements of 143165
sections 5751.011 and 5751.012 of the Revised Code; 143166

(n) Pension reversions; 143167

(o) Contributions to capital; 143168

(p) Sales or use taxes collected as a vendor or an out-of- 143169
state seller on behalf of the taxing jurisdiction from a 143170
consumer or other taxes the taxpayer is required by law to 143171
collect directly from a purchaser and remit to a local, state, 143172
or federal tax authority; 143173

(q) In the case of receipts from the sale of cigarettes, 143174
tobacco products, or vapor products by a wholesale dealer, 143175
retail dealer, distributor, manufacturer, vapor distributor, or 143176
seller, all as defined in section 5743.01 of the Revised Code, 143177
an amount equal to the federal and state excise taxes paid by 143178
any person on or for such cigarettes, tobacco products, or vapor 143179
products under subtitle E of the Internal Revenue Code or 143180
Chapter 5743. of the Revised Code; 143181

(r) In the case of receipts from the sale, transfer, 143182
exchange, or other disposition of motor fuel as "motor fuel" is 143183
defined in section 5736.01 of the Revised Code, an amount equal 143184
to the value of the motor fuel, including federal and state 143185
motor fuel excise taxes and receipts from billing or invoicing 143186
the tax imposed under section 5736.02 of the Revised Code to 143187
another person; 143188

(s) In the case of receipts from the sale of beer or 143189

intoxicating liquor, as defined in section 4301.01 of the Revised Code, by a person holding a permit issued under Chapter 4301. or 4303. of the Revised Code, an amount equal to federal and state excise taxes paid by any person on or for such beer or intoxicating liquor under subtitle E of the Internal Revenue Code or Chapter 4301. or 4305. of the Revised Code;

(t) Receipts realized by a new motor vehicle dealer or used motor vehicle dealer, as defined in section 4517.01 of the Revised Code, from the sale or other transfer of a motor vehicle, as defined in that section, to another motor vehicle dealer for the purpose of resale by the transferee motor vehicle dealer, but only if the sale or other transfer was based upon the transferee's need to meet a specific customer's preference for a motor vehicle;

(u) Receipts from a financial institution described in division (E)(3) of this section for services provided to the financial institution in connection with the issuance, processing, servicing, and management of loans or credit accounts, if such financial institution and the recipient of such receipts have at least fifty per cent of their ownership interests owned or controlled, directly or constructively through related interests, by common owners;

(v) Receipts realized from administering anti-neoplastic drugs and other cancer chemotherapy, biologicals, therapeutic agents, and supportive drugs in a physician's office to patients with cancer;

(w) Funds received or used by a mortgage broker that is not a dealer in intangibles, other than fees or other consideration, pursuant to a table-funding mortgage loan or warehouse-lending mortgage loan. Terms used in division (F)(2)

(w) of this section have the same meanings as in section 1322.01 143220
of the Revised Code, except "mortgage broker" means a person 143221
assisting a buyer in obtaining a mortgage loan for a fee or 143222
other consideration paid by the buyer or a lender, or a person 143223
engaged in table-funding or warehouse-lending mortgage loans 143224
that are first lien mortgage loans. 143225

(x) Property, money, and other amounts received by a 143226
professional employer organization, as defined in section 143227
4125.01 of the Revised Code, or an alternate employer 143228
organization, as defined in section 4133.01 of the Revised Code, 143229
from a client employer, as defined in either of those sections 143230
as applicable, in excess of the administrative fee charged by 143231
the professional employer organization or the alternate employer 143232
organization to the client employer; 143233

(y) In the case of amounts retained as commissions by a 143234
permit holder under Chapter 3769. of the Revised Code, an amount 143235
equal to the amounts specified under that chapter that must be 143236
paid to or collected by the tax commissioner as a tax and the 143237
amounts specified under that chapter to be used as purse money; 143238

(z) Qualifying distribution center receipts as determined 143239
under section 5751.40 of the Revised Code; 143240

(aa) Receipts of an employer from payroll deductions 143241
relating to the reimbursement of the employer for advancing 143242
moneys to an unrelated third party on an employee's behalf; 143243

(bb) Cash discounts allowed and taken; 143244

(cc) Returns and allowances; 143245

(dd) Bad debts from receipts on the basis of which the tax 143246
imposed by this chapter was paid in a prior quarterly tax 143247
payment period. For the purpose of this division, "bad debts" 143248

means any debts that have become worthless or uncollectible 143249
between the preceding and current quarterly tax payment periods, 143250
have been uncollected for at least six months, and that may be 143251
claimed as a deduction under section 166 of the Internal Revenue 143252
Code and the regulations adopted under that section, or that 143253
could be claimed as such if the taxpayer kept its accounts on 143254
the accrual basis. "Bad debts" does not include repossessed 143255
property, uncollectible amounts on property that remains in the 143256
possession of the taxpayer until the full purchase price is 143257
paid, or expenses in attempting to collect any account 143258
receivable or for any portion of the debt recovered. 143259

(ee) Any amount realized from the sale of an account 143260
receivable to the extent the receipts from the underlying 143261
transaction giving rise to the account receivable were included 143262
in the gross receipts of the taxpayer; 143263

(ff) Any receipts directly attributed to a transfer 143264
agreement or to the enterprise transferred under that agreement 143265
under section 4313.02 of the Revised Code; 143266

(gg) Qualified uranium receipts as determined under 143267
section 5751.41 of the Revised Code; 143268

(hh) In the case of amounts collected by a licensed casino 143269
operator from casino gaming, amounts in excess of the casino 143270
operator's gross casino revenue. In this division, "casino 143271
operator" and "casino gaming" have the meanings defined in 143272
section 3772.01 of the Revised Code, and "gross casino revenue" 143273
has the meaning defined in section 5753.01 of the Revised Code. 143274

(ii) Receipts realized from the sale of agricultural 143275
commodities by an agricultural commodity handler, both as 143276
defined in section 926.01 of the Revised Code, that is licensed 143277

by the director of agriculture to handle agricultural 143278
commodities in this state; 143279

(jj) Qualifying integrated supply chain receipts as 143280
determined under section 5751.42 of the Revised Code; 143281

(kk) In the case of a railroad company described in 143282
division (D) (9) of section 5727.01 of the Revised Code that 143283
purchases dyed diesel fuel directly from a supplier as defined 143284
by section 5736.01 of the Revised Code, an amount equal to the 143285
product of the number of gallons of dyed diesel fuel purchased 143286
directly from such a supplier multiplied by the average 143287
wholesale price for a gallon of diesel fuel as determined under 143288
section 5736.02 of the Revised Code for the period during which 143289
the fuel was purchased multiplied by a fraction, the numerator 143290
of which equals the rate of tax levied by section 5736.02 of the 143291
Revised Code less the rate of tax computed in section 5751.03 of 143292
the Revised Code, and the denominator of which equals the rate 143293
of tax computed in section 5751.03 of the Revised Code; 143294

(ll) Receipts realized by an out-of-state disaster 143295
business from disaster work conducted in this state during a 143296
disaster response period pursuant to a qualifying solicitation 143297
received by the business. Terms used in division (F) (2) (ll) of 143298
this section have the same meanings as in section 5703.94 of the 143299
Revised Code. 143300

(mm) In the case of receipts from the sale or transfer of 143301
a mortgage-backed security or a mortgage loan by a mortgage 143302
lender holding a valid certificate of registration issued under 143303
Chapter 1322. of the Revised Code or by a person that is a 143304
member of the mortgage lender's consolidated elected taxpayer 143305
group, an amount equal to the principal balance of the mortgage 143306
loan; 143307

(nn) Amounts of excess surplus of the state insurance fund 143308
received by the taxpayer from the Ohio bureau of workers' 143309
compensation pursuant to rules adopted under section 4123.321 of 143310
the Revised Code; 143311

(oo) Except as otherwise provided in division (B) of 143312
section 5751.091 of the Revised Code, receipts of a megaproject 143313
supplier from sales of tangible personal property directly to a 143314
megaproject operator in this state for use at the site of the 143315
megaproject operator's megaproject, provided that the sale 143316
occurs during the period that the megaproject operator has an 143317
agreement with the tax credit authority for the megaproject 143318
under division (D) of section 122.17 of the Revised Code that 143319
remains in effect and has not expired or been terminated, and 143320
provided the megaproject supplier holds a certificate for such 143321
megaproject issued under section 5751.052 of the Revised Code 143322
for the calendar year in which the sales are made and, if the 143323
megaproject supplier meets the requirements described in 143324
division (A)(13)(b) of section 122.17 of the Revised Code, the 143325
megaproject supplier holds a certificate for such megaproject 143326
issued under division (D)(11) of section 122.17 of the Revised 143327
Code on the first day of that calendar year; 143328

(pp) Receipts from the sale of each new piece of capital 143329
equipment that has a cost in excess of one hundred million 143330
dollars and that is used at the site of a megaproject that 143331
satisfies the criteria described in division (A)(11)(a)(ii) of 143332
section 122.17 of the Revised Code, provided that the sale 143333
occurs during the period that a megaproject operator has an 143334
agreement for that megaproject with the tax credit authority 143335
under division (D) of section 122.17 of the Revised Code that 143336
remains in effect and has not expired or been terminated; 143337

(qq) In the case of amounts collected by a sports gaming proprietor from sports gaming, amounts in excess of the proprietor's sports gaming receipts. As used in this division, "sports gaming proprietor" has the same meaning as in section 3775.01 of the Revised Code and "sports gaming receipts" has the same meaning as in section 5753.01 of the Revised Code.

(rr) Amounts received from any federal, state, or local grant, and amounts of indebtedness discharged or forgiven pursuant to federal, state, or local law, for providing or expanding access to broadband service in this state. As used in this division, "broadband service" has the same meaning as in section 188.01 of the Revised Code.

(ss) Receipts provided to a taxpayer to compensate for lost business resulting from the train derailment near the city of East Palestine on February 3, 2023, by any of the following:

(i) A federal, state, or local government agency;

(ii) A railroad company, as that term is defined in section 5727.01 of the Revised Code;

(iii) Any subsidiary, insurer, or agent of a railroad company or any related person.

(tt) An amount equal to the fee imposed by section 3743.22 of the Revised Code billed to the purchaser, collected by the taxpayer, and remitted to the fire marshal during the tax period, provided that the fee is separately stated on the invoice, bill of sale, or similar document given to the purchaser of 1.4G fireworks in this state;

(uu) Any receipts for which the tax imposed by this chapter is prohibited by the constitution or laws of the United States or the constitution of this state;

(vv) Receipts from fees imposed under sections 128.41 and 128.42 of the Revised Code.	143367 143368
(3) In the case of a taxpayer when acting as a real estate broker, "gross receipts" includes only the portion of any fee for the service of a real estate broker, or service of a real estate salesperson associated with that broker, that is retained by the broker and not paid to an associated real estate salesperson or another real estate broker. For the purposes of this division, "real estate broker" and "real estate salesperson" have the same meanings as in section 4735.01 of the Revised Code.	143369 143370 143371 143372 143373 143374 143375 143376 143377
(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall be changed accordingly.	143378 143379 143380 143381 143382 143383 143384
(G) "Taxable gross receipts" means gross receipts situated to this state under section 5751.033 of the Revised Code.	143385 143386
(H) A person has "substantial nexus with this state" if any of the following applies. The person:	143387 143388
(1) Owns or uses a part or all of its capital in this state;	143389 143390
(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;	143391 143392
(3) Has bright-line presence in this state;	143393
(4) Otherwise has nexus with this state to an extent that	143394

the person can be required to remit the tax imposed under this 143395
chapter under the Constitution of the United States. 143396

(I) A person has "bright-line presence" in this state for 143397
a reporting period and for the remaining portion of the calendar 143398
year if any of the following applies. The person: 143399

(1) Has at any time during the calendar year property in 143400
this state with an aggregate value of at least fifty thousand 143401
dollars. For the purpose of division (I) (1) of this section, 143402
owned property is valued at original cost and rented property is 143403
valued at eight times the net annual rental charge. 143404

(2) Has during the calendar year payroll in this state of 143405
at least fifty thousand dollars. Payroll in this state includes 143406
all of the following: 143407

(a) Any amount subject to withholding by the person under 143408
section 5747.06 of the Revised Code; 143409

(b) Any other amount the person pays as compensation to an 143410
individual under the supervision or control of the person for 143411
work done in this state; and 143412

(c) Any amount the person pays for services performed in 143413
this state on its behalf by another. 143414

(3) Has during the calendar year taxable gross receipts of 143415
at least five hundred thousand dollars; 143416

(4) Has at any time during the calendar year within this 143417
state at least twenty-five per cent of the person's total 143418
property, total payroll, or total gross receipts; 143419

(5) Is domiciled in this state as an individual or for 143420
corporate, commercial, or other business purposes. 143421

(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.	143422 143423
(K) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.	143424 143425 143426 143427 143428 143429 143430 143431
(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December.	143432 143433 143434
(M) "Tax period" means the calendar quarter on the basis of which a taxpayer is required to pay the tax imposed under this chapter.	143435 143436 143437
(N) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:	143438 143439 143440
(1) A person receiving a fee to sell financial instruments;	143441 143442
(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;	143443 143444 143445
(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;	143446 143447
(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;	143448 143449

(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code. 143450
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(O) "Received" includes amounts accrued under the accrual method of accounting. 143452
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(P) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group. 143454
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(Q) "Megaproject," "megaproject operator," and "megaproject supplier" have the same meanings as in section 122.17 of the Revised Code. 143461
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(R) "Exclusion amount" means three million dollars beginning in 2024 and six million dollars beginning in 2025. 143464
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Sec. 5751.02. (A) For the purpose of funding the needs of this state and its local governments, there is hereby levied a commercial activity tax on each person with taxable gross receipts for the privilege of doing business in this state. For the purposes of this chapter, "doing business" means engaging in any activity, whether legal or illegal, that is conducted for, or results in, gain, profit, or income, at any time during a calendar year. Persons on which the commercial activity tax is levied include, but are not limited to, persons with substantial nexus with this state. The tax imposed under this section is not a transactional tax and is not subject to Public Law No. 86-272, 73 Stat. 555. The tax imposed under this section is in addition to any other taxes or fees imposed under the Revised Code. The 143466
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tax levied under this section is imposed on the person receiving 143479
the gross receipts and is not a tax imposed directly on a 143480
purchaser. The tax imposed by this section is an annual 143481
privilege tax for the calendar year that contains all tax 143482
periods in the calendar year. A taxpayer is subject to the 143483
annual privilege tax for doing business during any portion of 143484
such calendar year. 143485

(B) The tax imposed by this section is a tax on the 143486
taxpayer and shall not be billed or invoiced to another person. 143487
Even if the tax or any portion thereof is billed or invoiced and 143488
separately stated, such amounts remain part of the price for 143489
purposes of the sales and use taxes levied under Chapters 5739. 143490
and 5741. of the Revised Code. Nothing in division (B) of this 143491
section prohibits: 143492

(1) A person from including in the price charged for a 143493
good or service an amount sufficient to recover the tax imposed 143494
by this section; or 143495

(2) A lessor from including an amount sufficient to 143496
recover the tax imposed by this section in a lease payment 143497
charged, or from including such an amount on a billing or 143498
invoice pursuant to the terms of a written lease agreement 143499
providing for the recovery of the lessor's tax costs. The 143500
recovery of such costs shall be based on an estimate of the 143501
total tax cost of the lessor during the tax period, as the tax 143502
liability of the lessor cannot be calculated until the end of 143503
that period. 143504

(C) (1) The commercial activities tax receipts fund is 143505
hereby created in the state treasury and shall consist of money 143506
arising from the tax imposed under this chapter. Sixty-five one- 143507
hundredths of one per cent of the money credited to that fund 143508

shall be credited to the revenue enhancement fund and shall be 143509
used to defray the costs incurred by the department of taxation 143510
in administering the tax imposed by this chapter and in 143511
implementing tax reform measures. The remainder of the money in 143512
the commercial activities tax receipts fund shall first be 143513
credited to the ~~funds~~ fund described in division (C) (2) of this 143514
section, as provided in that division, and the remainder shall 143515
be credited to the general revenue fund. 143516

(2) Not later than the twentieth day of February, May, 143517
August, and November of each year, the commissioner shall 143518
provide for payment ~~of the following amounts from the commercial~~ 143519
~~activities tax receipts fund:~~ 143520

~~(a) To~~ to the commercial activity tax motor fuel receipts 143521
fund, of an amount that bears the same ratio to the balance in 143522
the commercial activities tax receipts fund that (a) the taxable 143523
gross receipts attributed to motor fuel used for propelling 143524
vehicles on public highways as indicated by returns filed by the 143525
tenth day of that month for a liability that is due and payable 143526
on or after July 1, 2013, for a tax period ending before July 1, 143527
2014, bears to (b) all taxable gross receipts as indicated by 143528
those returns for such liabilities; 143529

~~(b) To the school district tangible property tax~~ 143530
~~replacement fund, which is hereby created in the state treasury~~ 143531
~~for the purpose of making the payments described in section~~ 143532
~~5709.92 of the Revised Code, an amount necessary to make those~~ 143533
~~payments;~~ 143534

~~(c) To the local government tangible property tax~~ 143535
~~replacement fund, which is hereby created in the state treasury~~ 143536
~~for the purpose of making the payments described in section~~ 143537
~~5709.93 of the Revised Code, an amount necessary to make those~~ 143538

~~payments.~~ 143539

~~(D) (1) On or after the first day of June of each year, the director of budget and management may transfer any balance in the school district tangible property tax replacement fund to the general revenue fund.~~ 143540
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~~(2) On or after the first day of June of each year, the director of budget and management may transfer any balance in the local government tangible property tax replacement fund to the general revenue fund.~~ 143544
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143546
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~~(E) (1)~~ (D) (1) There is hereby created in the state treasury the commercial activity tax motor fuel receipts fund. 143548
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(2) On or before the fifteenth day of June of each fiscal year beginning with fiscal year 2015, the director of the Ohio public works commission shall certify to the director of budget and management the amount of debt service paid from the general revenue fund in the current fiscal year on bonds issued to finance or assist in the financing of the cost of local subdivision public infrastructure capital improvement projects, as provided for in Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, that are attributable to costs for construction, reconstruction, maintenance, or repair of public highways and bridges and other statutory highway purposes. That certification shall allocate the total amount of debt service paid from the general revenue fund and attributable to those costs in the current fiscal year according to the applicable section of the Ohio Constitution under which the bonds were originally issued. 143550
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(3) On or before the thirtieth day of June of each fiscal year beginning with fiscal year 2015, the director of budget and 143566
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management shall determine an amount up to but not exceeding the 143568
amount certified under division ~~(E) (2)~~ (D) (2) of this section and 143569
shall reserve that amount from the cash balance in the petroleum 143570
activity tax public highways fund or the commercial activity tax 143571
motor fuel receipts fund for transfer to the general revenue 143572
fund at times and in amounts to be determined by the director. 143573
The director shall transfer the cash balance in the petroleum 143574
activity tax public highways fund or the commercial activity tax 143575
motor fuel receipts fund in excess of the amount so reserved to 143576
the highway operating fund on or before the thirtieth day of 143577
June of the current fiscal year. 143578

Sec. 5751.09. (A) The tax commissioner may make an 143579
assessment, based on any information in the commissioner's 143580
possession, against any person that fails to file a return or 143581
pay any tax as required by this chapter. The commissioner shall 143582
give the person assessed written notice of the assessment as 143583
provided in section 5703.37 of the Revised Code. With the 143584
notice, the commissioner shall provide instructions on the 143585
manner in which to petition for reassessment and request a 143586
hearing with respect to the petition. The commissioner shall 143587
send any assessments against consolidated elected taxpayer and 143588
combined taxpayer groups under section 5751.011 or 5751.012 of 143589
the Revised Code to the taxpayer's reporting person. The 143590
reporting person shall notify all members of the group of the 143591
assessment and all outstanding taxes, interest, and penalties 143592
for which the assessment is issued. 143593

(B) Unless the person assessed, within sixty days after 143594
service of the notice of assessment, files with the tax 143595
commissioner, ~~either personally or by certified mail,~~ a written 143596
petition signed by the person or the person's authorized agent 143597
having knowledge of the facts, the assessment becomes final, and 143598

the amount of the assessment is due and payable from the person 143599
assessed to the treasurer of state. The petition shall indicate 143600
the objections of the person assessed, but additional objections 143601
may be raised in writing if received by the commissioner prior 143602
to the date shown on the final determination. 143603

If a petition for reassessment has been properly filed, 143604
the commissioner shall proceed under section 5703.60 of the 143605
Revised Code. 143606

(C) (1) After an assessment becomes final, if any portion 143607
of the assessment, including accrued interest, remains unpaid, a 143608
certified copy of the tax commissioner's entry making the 143609
assessment final may be filed in the office of the clerk of the 143610
court of common pleas in the county in which the person resides 143611
or has its principal place of business in this state, or in the 143612
office of the clerk of court of common pleas of Franklin county. 143613

(2) Immediately upon the filing of the entry, the clerk 143614
shall enter judgment for the state against the person assessed 143615
in the amount shown on the entry. The judgment may be filed by 143616
the clerk in a loose-leaf book entitled, "special judgments for 143617
the commercial activity tax" and shall have the same effect as 143618
other judgments. Execution shall issue upon the judgment at the 143619
request of the tax commissioner, and all laws applicable to 143620
sales on execution shall apply to sales made under the judgment. 143621

(3) If the assessment is not paid in its entirety within 143622
sixty days after the day the assessment was issued, the portion 143623
of the assessment consisting of tax due shall bear interest at 143624
the rate per annum prescribed by section 5703.47 of the Revised 143625
Code from the day the tax commissioner issues the assessment 143626
until it is paid or until it is certified to the attorney 143627
general for collection under section 131.02 of the Revised Code, 143628

whichever comes first. If the unpaid portion of the assessment 143629
is certified to the attorney general for collection, the entire 143630
unpaid portion of the assessment shall bear interest at the rate 143631
per annum prescribed by section 5703.47 of the Revised Code from 143632
the date of certification until the date it is paid in its 143633
entirety. Interest shall be paid in the same manner as the tax 143634
and may be collected by the issuance of an assessment under this 143635
section. 143636

(D) If the tax commissioner believes that collection of 143637
the tax will be jeopardized unless proceedings to collect or 143638
secure collection of the tax are instituted without delay, the 143639
commissioner may issue a jeopardy assessment against the person 143640
liable for the tax. Immediately upon the issuance of the 143641
jeopardy assessment, the commissioner shall file an entry with 143642
the clerk of the court of common pleas in the manner prescribed 143643
by division (C) of this section. Notice of the jeopardy 143644
assessment shall be served on the person assessed or the 143645
person's authorized agent in the manner provided in section 143646
5703.37 of the Revised Code within five days of the filing of 143647
the entry with the clerk. The total amount assessed is 143648
immediately due and payable, unless the person assessed files a 143649
petition for reassessment in accordance with division (B) of 143650
this section and provides security in a form satisfactory to the 143651
commissioner and in an amount sufficient to satisfy the unpaid 143652
balance of the assessment. Full or partial payment of the 143653
assessment does not prejudice the commissioner's consideration 143654
of the petition for reassessment. 143655

(E) The tax commissioner shall immediately forward to the 143656
treasurer of state all amounts the commissioner receives under 143657
this section, and such amounts shall be considered as revenue 143658
arising from the tax imposed under this chapter. 143659

(F) Except as otherwise provided in this division, no assessment shall be made or issued against a taxpayer for the tax imposed under this chapter more than four years after the due date for the filing of the return for the tax period for which the tax was reported, or more than four years after the return for the tax period was filed, whichever is later. The time limit may be extended if both the taxpayer and the commissioner consent in writing to the extension or enter into an agreement waiving or extending the time limit. Any such extension shall extend the four-year time limit in division (A) of section 5751.08 of the Revised Code for the same period of time. Nothing in this division bars an assessment against a taxpayer that fails to file a return required by this chapter or that files a fraudulent return.

(G) If the tax commissioner possesses information that indicates that the amount of tax a taxpayer is required to pay under this chapter exceeds the amount the taxpayer paid, the tax commissioner may audit a sample of the taxpayer's gross receipts over a representative period of time to ascertain the amount of tax due, and may issue an assessment based on the audit. The tax commissioner shall make a good faith effort to reach agreement with the taxpayer in selecting a representative sample. The tax commissioner may apply a sampling method only if the commissioner has prescribed the method by rule.

(H) If the whereabouts of a person subject to this chapter is not known to the tax commissioner, the commissioner shall follow the procedures under section 5703.37 of the Revised Code.

Sec. 5751.53. (A) As used in this section:

(1) "Net income" and "taxable year" have the same meanings as in section 5733.04 of the Revised Code.

(2) "Franchise tax year" means "tax year" as defined in section 5733.04 of the Revised Code.

(3) "Deductible temporary differences" and "taxable temporary differences" have the same meanings as those terms have for purposes of paragraph 13 of the statement of financial accounting standards, number 109.

(4) "Qualifying taxpayer" means a taxpayer under this chapter that has a qualifying Ohio net operating loss carryforward equal to or greater than the qualifying amount.

(5) "Qualifying Ohio net operating loss carryforward" means an Ohio net operating loss carryforward that the taxpayer could deduct in whole or in part for franchise tax year 2006 under section 5733.04 of the Revised Code but for the application of division (H) of this section. A qualifying Ohio net operating loss carryforward shall not exceed the amount of loss carryforward from franchise tax year 2005 as reported by the taxpayer either on a franchise tax report for franchise tax year 2005 pursuant to section 5733.02 of the Revised Code or on an amended franchise tax report prepared in good faith for such year and filed before July 1, 2006.

(6) "Disallowed Ohio net operating loss carryforward" means the lesser of the amounts described in division (A) (6) (a) or (b) of this section, but the amounts described in divisions (A) (6) (a) and (b) of this section shall each be reduced by the qualifying amount.

(a) The qualifying taxpayer's qualifying Ohio net operating loss carryforward;

(b) The Ohio net operating loss carryforward amount that the qualifying taxpayer used to compute the related deferred tax

asset reflected on its books and records on the last day of its 143719
taxable year ending in 2004, adjusted for return to accrual, but 143720
this amount shall be reduced by the qualifying related valuation 143721
allowance amount. For the purposes of this section, the 143722
"qualifying related valuation allowance amount" is the amount of 143723
Ohio net operating loss reflected in the qualifying taxpayer's 143724
computation of the valuation allowance account, as shown on its 143725
books and records on the last day of its taxable year ending in 143726
2004, with respect to the deferred tax asset relating to its 143727
Ohio net operating loss carryforward amount. 143728

(7) "Other net deferred tax items apportioned to this 143729
state" is the product of (a) the amount of other net deferred 143730
tax items and (b) the fraction described in division (B)(2) of 143731
section 5733.05 for the qualifying taxpayer's franchise tax year 143732
2005. 143733

(8) (a) Subject to divisions (A)(8)(b) to (d) of this 143734
section, the "amount of other net deferred tax items" is the 143735
difference between (i) the qualifying taxpayer's deductible 143736
temporary differences, net of related valuation allowance 143737
amounts, shown on the qualifying taxpayer's books and records on 143738
the last day of its taxable year ending in 2004, and (ii) the 143739
qualifying taxpayer's taxable temporary differences as shown on 143740
those books and records on that date. The amount of other net 143741
deferred tax items may be less than zero. 143742

(b) For the purposes of computing the amount of the 143743
qualifying taxpayer's other net deferred tax items described in 143744
division (A)(8)(a) of this section, any credit carryforward 143745
allowed under Chapter 5733. of the Revised Code shall be 143746
excluded from the amount of deductible temporary differences to 143747
the extent such credit carryforward amount, net of any related 143748

valuation allowance amount, is otherwise included in the 143749
qualifying taxpayer's deductible temporary differences, net of 143750
related valuation allowance amounts, shown on the qualifying 143751
taxpayer's books and records on the last day of the qualifying 143752
taxpayer's taxable year ending in 2004. 143753

(c) No portion of the disallowed Ohio net operating loss 143754
carryforward shall be included in the computation of the amount 143755
of the qualifying taxpayer's other net deferred tax items 143756
described in division (A) (8) (a) of this section. 143757

(d) In no event shall the amount of other net deferred tax 143758
items apportioned to this state exceed twenty-five per cent of 143759
the qualifying Ohio net operating loss carryforward. 143760

(9) "Amortizable amount" means: 143761

(a) If the qualifying taxpayer's other net deferred tax 143762
items apportioned to this state is equal to or greater than 143763
zero, eight per cent of the sum of the qualifying taxpayer's 143764
disallowed Ohio net operating loss carryforward and the 143765
qualifying taxpayer's other net deferred tax items apportioned 143766
to this state; 143767

(b) If the amount of the qualifying taxpayer's other net 143768
deferred tax items apportioned to this state is less than zero 143769
and if the absolute value of the amount of qualifying taxpayer's 143770
other net deferred tax items apportioned to this state is less 143771
than the qualifying taxpayer's disallowed net operating loss, 143772
eight per cent of the difference between the qualifying 143773
taxpayer's disallowed net operating loss carryforward and the 143774
absolute value of the qualifying taxpayer's other net deferred 143775
tax items apportioned to this state; 143776

(c) If the amount of the qualifying taxpayer's other net 143777

deferred tax items apportioned to this state is less than zero 143778
and if the absolute value of the amount of qualifying taxpayer's 143779
other net deferred tax items apportioned to this state is equal 143780
to or greater than the qualifying taxpayer's disallowed net 143781
operating loss, zero. 143782

(10) "Books and records" means the qualifying taxpayer's 143783
books, records, and all other information, all of which the 143784
qualifying taxpayer maintains and uses to prepare and issue its 143785
financial statements in accordance with generally accepted 143786
accounting principles. 143787

(11) (a) Except as modified by division (A) (11) (b) of this 143788
section, "qualifying amount" means fifty million dollars per 143789
person. 143790

(b) If for franchise tax year 2005 the person was a member 143791
of a combined franchise tax report, as provided by section 143792
5733.052 of the Revised Code, the "qualifying amount" is, in the 143793
aggregate, fifty million dollars for all members of that 143794
combined franchise tax report, and for purposes of divisions (A) 143795
(6) (a) and (b) of this section, those members shall allocate to 143796
each member any portion of the fifty million dollar amount. The 143797
total amount allocated to the members who are qualifying 143798
taxpayers shall equal fifty million dollars. 143799

(B) For each calendar period beginning prior to January 1, 143800
2030, there is hereby allowed a nonrefundable tax credit against 143801
the tax levied each year by this chapter on each qualifying 143802
taxpayer, on each consolidated elected taxpayer having one or 143803
more qualifying taxpayers as a member, and on each combined 143804
taxpayer having one or more qualifying taxpayers as a member. 143805
The credit shall be claimed in the order specified in section 143806
5751.98 of the Revised Code and is allowed only to reduce the 143807

first one-half of any tax remaining after allowance of the 143808
credits that precede it in section 5751.98 of the Revised Code. 143809
No credit under division (B) of this section shall be allowed 143810
against the second one-half of such remaining tax. 143811

Except as otherwise limited by divisions (C) and (D) of 143812
this section, the maximum amount of the nonrefundable credit 143813
that may be used against the first one-half of the remaining tax 143814
for each calendar year is as follows: 143815

(1) For calendar year 2010, ten per cent of the 143816
amortizable amount; 143817

(2) For calendar year 2011, twenty per cent of the 143818
amortizable amount, less all amounts previously used; 143819

(3) For calendar year 2012, thirty per cent of the 143820
amortizable amount, less all amounts previously used; 143821

(4) For calendar year 2013, forty per cent of the 143822
amortizable amount, less all amounts previously used; 143823

(5) For calendar year 2014, fifty per cent of the 143824
amortizable amount, less all amounts previously used; 143825

(6) For calendar year 2015, sixty per cent of the 143826
amortizable amount, less all amounts previously used; 143827

(7) For calendar year 2016, seventy per cent of the 143828
amortizable amount, less all amounts previously used; 143829

(8) For calendar year 2017, eighty per cent of the 143830
amortizable amount, less all amounts previously used; 143831

(9) For calendar year 2018, ninety per cent of the 143832
amortizable amount, less all amounts previously used; 143833

(10) For each of calendar years 2019 through 2029, one 143834

hundred per cent of the amortizable amount, less all amounts 143835
used in all previous years. 143836

In no event shall the cumulative credit ~~used for calendar-~~ 143837
~~years 2010 through 2029~~ claimed under this section exceed one 143838
hundred per cent of the amortizable amount. 143839

~~(C) (1) Except as otherwise set forth in division (C) (2) of~~ 143840
~~this section~~ (C) For tax periods beginning January 1, 2030, and 143841
thereafter, a refundable nonrefundable credit is allowed in- 143842
~~calendar year 2030~~ for any portion of the qualifying taxpayer's 143843
amortizable amount that is not used in accordance with division 143844
(B) of this section against the tax levied by this chapter on 143845
all taxpayers. The credit shall be claimed in the order 143846
prescribed in section 5751.98 of the Revised Code and shall not 143847
exceed the tax due after allowance of any other credits that 143848
precede it in that order. The balance of the qualifying 143849
taxpayer's amortizable amount may be carried forward until fully 143850
used, provided that the amount of the credit claimed against the 143851
tax for any tax period shall be deducted from the balance 143852
carried forward to the next period. 143853

~~(2) Division (C) (1) of this section shall not apply and no~~ 143854
~~refundable credit shall be available to any person if during any~~ 143855
~~portion of the calendar year 2030 the person is not subject to~~ 143856
~~the tax imposed by this chapter.~~ 143857

(D) Not later than June 30, 2006, each qualifying 143858
taxpayer, consolidated elected taxpayer, or combined taxpayer 143859
that will claim for any year the credit allowed in divisions (B) 143860
and (C) of this section shall file with the tax commissioner a 143861
report setting forth the amortizable amount available to such 143862
taxpayer and all other related information that the 143863
commissioner, by rule, requires. If the taxpayer does not timely 143864

file the report or fails to provide timely all information 143865
required by this division, the taxpayer is precluded from 143866
claiming any credit amounts described in divisions (B) and (C) 143867
of this section. Unless extended by mutual consent, the tax 143868
commissioner may, until June 30, 2010, audit the accuracy of the 143869
amortizable amount available to each taxpayer that will claim 143870
the credit, and adjust the amortizable amount or, if 143871
appropriate, issue any assessment or final determination, as 143872
applicable, necessary to correct any errors found upon audit. 143873

(E) For the purpose of calculating the amortizable amount, 143874
if the tax commissioner ascertains that any portion of that 143875
amount is the result of a sham transaction as described in 143876
section 5703.56 of the Revised Code, the commissioner shall 143877
reduce the amortizable amount by two times the adjustment. 143878

(F) If one entity transfers all or a portion of its assets 143879
and equity to another entity as part of an entity organization 143880
or reorganization or subsequent entity organization or 143881
reorganization for which no gain or loss is recognized in whole 143882
or in part for federal income tax purposes under the Internal 143883
Revenue Code, the credits allowed by this section shall be 143884
computed in a manner consistent with that used to compute the 143885
portion, if any, of federal net operating losses allowed to the 143886
respective entities under the Internal Revenue Code. The tax 143887
commissioner may prescribe forms or rules for making the 143888
computations required by this division. 143889

(G) (1) Except as provided in division (F) of this section, 143890
no person shall pledge, collateralize, hypothecate, assign, 143891
convey, sell, exchange, or otherwise dispose of any or all tax 143892
credits, or any portion of any or all tax credits allowed under 143893
this section. 143894

(2) No credit allowed under this section is subject to 143895
execution, attachment, lien, levy, or other judicial proceeding. 143896

(H) (1) (a) Except as set forth in division (H) (1) (b) of 143897
this section and notwithstanding division (I) (1) of section 143898
5733.04 of the Revised Code to the contrary, each person timely 143899
and fully complying with the reporting requirements set forth in 143900
division (D) of this section shall not claim, and shall not be 143901
entitled to claim, any deduction or adjustment for any Ohio net 143902
operating loss carried forward to any one or more franchise tax 143903
years after franchise tax year 2005. 143904

(b) Division (H) (1) (a) of this section applies only to the 143905
portion of the Ohio net operating loss represented by the 143906
disallowed Ohio net operating loss carryforward. 143907

(2) Notwithstanding division (I) of section 5733.04 of the 143908
Revised Code to the contrary, with respect to all franchise tax 143909
years after franchise tax year 2005, each person timely and 143910
fully complying with the reporting requirements set forth in 143911
division (D) of this section shall not claim, and shall not be 143912
entitled to claim, any deduction, exclusion, or adjustment with 143913
respect to deductible temporary differences reflected on the 143914
person's books and records on the last day of its taxable year 143915
ending in 2004. 143916

(3) (a) Except as set forth in division (H) (3) (b) of this 143917
section and notwithstanding division (I) of section 5733.04 of 143918
the Revised Code to the contrary, with respect to all franchise 143919
tax years after franchise tax year 2005, each person timely and 143920
fully complying with the reporting requirements set forth in 143921
division (D) of this section shall exclude from Ohio net income 143922
all taxable temporary differences reflected on the person's 143923
books and records on the last day of its taxable year ending in 143924

2004.	143925
(b) In no event shall the exclusion provided by division	143926
(H) (3) (a) of this section for any franchise tax year exceed the	143927
amount of the taxable temporary differences otherwise included	143928
in Ohio net income for that year.	143929
(4) Divisions (H) (2) and (3) of this section shall apply	143930
only to the extent such items were used in the calculations of	143931
the credit provided by this section.	143932
Sec. 5751.98. (A) To provide a uniform procedure for	143933
calculating the amount of tax due under this chapter, a taxpayer	143934
shall claim any credits to which it is entitled in the following	143935
order:	143936
The nonrefundable jobs retention credit under division (B)	143937
of section 5751.50 of the Revised Code;	143938
The nonrefundable credit for qualified research expenses	143939
under division (B) of section 5751.51 of the Revised Code;	143940
The nonrefundable credit for a borrower's qualified	143941
research and development loan payments under division (B) of	143942
section 5751.52 of the Revised Code;	143943
The nonrefundable credit for calendar years 2010 to 2029	143944
for unused net operating losses under division (B) of section	143945
5751.53 of the Revised Code;	143946
The refundable motion picture and Broadway theatrical	143947
production credit under section 5751.54 of the Revised Code;	143948
The refundable credit for film and theater capital	143949
improvement projects under section 5751.55 of the Revised Code;	143950
The refundable jobs creation credit or job retention	143951

credit under division (A) of section 5751.50 of the Revised Code;— 143952
143953

~~The refundable credit for calendar year 2030 for unused net operating losses under division (C) of section 5751.53 of the Revised Code.~~ 143954
143955
143956

(B) For any credit except the refundable credits 143957
enumerated in this section, the amount of the credit for a tax 143958
period shall not exceed the tax due after allowing for any other 143959
credit that precedes it in the order required under this 143960
section. Any excess amount of a particular credit may be carried 143961
forward if authorized under the section creating the credit. 143962

Sec. 5753.031. (A) For the purpose of receiving and 143963
distributing, and accounting for, revenue received from the tax 143964
levied by section 5753.021 of the Revised Code and from fines 143965
imposed under Chapter 3775. of the Revised Code, the following 143966
funds are created in the state treasury: 143967

(1) The sports gaming revenue fund; 143968

(2) The sports gaming tax administration fund, which the 143969
tax commissioner shall use to defray the costs incurred in 143970
administering the tax levied by section 5753.021 of the Revised 143971
Code; 143972

(3) The sports gaming profits education fund, which shall 143973
be used for the support of public and nonpublic education for 143974
students in grades kindergarten through twelve as determined in 143975
appropriations made by the general assembly. 143976

(4) The problem sports gaming fund. 143977

(B) (1) All of the following shall be deposited into the 143978
sports gaming revenue fund: 143979

(a) All money collected from the tax levied under section 5753.021 of the Revised Code;	143980 143981
(b) The remainder of the fees described in division (G) (2) of section 3775.02 of the Revised Code, after the Ohio casino control commission deposits the required amount in the sports gaming profits veterans fund under that division;	143982 143983 143984 143985
(c) Unclaimed winnings collected under division (F) of section 3775.10 of the Revised Code;	143986 143987
(d) Any fines collected under Chapter 3775. of the Revised Code.	143988 143989
(2) All other fees collected under Chapter 3775. of the Revised Code shall be deposited into the casino control commission fund created under section 5753.03 of the Revised Code.	143990 143991 143992 143993
(C) (1) From the sports gaming revenue fund, the director of budget and management shall transfer as needed to the tax refund fund amounts equal to the refunds certified by the tax commissioner under section 5753.06 of the Revised Code and attributable to the tax levied under section 5753.021 of the Revised Code.	143994 143995 143996 143997 143998 143999
(2) Not later than the fifteenth day of each month, the director of budget and management shall transfer from the sports gaming revenue fund to the sports gaming tax administration fund the amount necessary to reimburse the department of taxation's actual expenses incurred in administering the tax levied under section 5753.021 of the Revised Code.	144000 144001 144002 144003 144004 144005
(3) Of the amount in the sports gaming revenue fund remaining after making the transfers required by divisions (C) (1) and (2) of this section, the director of budget and	144006 144007 144008

management shall transfer, on or before the fifteenth day of the 144009
month following the end of each calendar quarter, amounts to 144010
each fund as follows: 144011

(a) Ninety-eight per cent to the sports gaming profits 144012
education fund; 144013

(b) Two per cent to the problem sports gaming fund. 144014

(D) ~~All interest~~ Interest generated by the following funds 144015
created under this section shall be credited back to them: 144016

(1) The sports gaming revenue fund; 144017

(2) The sports gaming tax administration fund; 144018

(3) The problem sports gaming fund. 144019

Sec. 5753.07. (A) (1) The tax commissioner may issue an 144020
assessment, based on any information in the tax commissioner's 144021
possession, against a taxpayer who fails to pay the tax levied 144022
under section 5753.02 or 5753.021 of the Revised Code or to file 144023
a return under section 5753.04 of the Revised Code. The tax 144024
commissioner shall give the taxpayer written notice of the 144025
assessment under section 5703.37 of the Revised Code. With the 144026
notice, the tax commissioner shall include instructions on how 144027
to petition for reassessment and on how to request a hearing 144028
with respect to the petition. 144029

(2) Unless the taxpayer, within sixty days after service 144030
of the notice of assessment, files with the tax commissioner, ~~—~~ 144031
~~either personally or by certified mail,~~ a written petition 144032
signed by the taxpayer, or by the taxpayer's authorized agent 144033
who has knowledge of the facts, the assessment becomes final, 144034
and the amount of the assessment is due and payable from the 144035
taxpayer to the treasurer of state. The petition shall indicate 144036

the taxpayer's objections to the assessment. Additional 144037
objections may be raised in writing if they are received by the 144038
tax commissioner before the date shown on the final 144039
determination. 144040

(3) If a petition for reassessment has been properly 144041
filed, the tax commissioner shall proceed under section 5703.60 144042
of the Revised Code. 144043

(4) After an assessment becomes final, if any portion of 144044
the assessment, including penalties and accrued interest, 144045
remains unpaid, the tax commissioner may file a certified copy 144046
of the entry making the assessment final in the office of the 144047
clerk of the court of common pleas of Franklin county or in the 144048
office of the clerk of the court of common pleas of the county 144049
in which the taxpayer resides, the taxpayer's casino facility or 144050
sports gaming facility is located, or the taxpayer's principal 144051
place of business in this state is located. Immediately upon the 144052
filing of the entry, the clerk shall enter a judgment for the 144053
state against the taxpayer assessed in the amount shown on the 144054
entry. The judgment may be filed by the clerk in a loose-leaf 144055
book entitled, "special judgments for the gross casino revenue 144056
tax and sports gaming receipts tax." The judgment has the same 144057
effect as other judgments. Execution shall issue upon the 144058
judgment at the request of the tax commissioner, and all laws 144059
applicable to sales on execution apply to sales made under the 144060
judgment. 144061

(5) If the assessment is not paid in its entirety within 144062
sixty days after the day the assessment was issued, the portion 144063
of the assessment consisting of tax due shall bear interest at 144064
the rate per annum prescribed by section 5703.47 of the Revised 144065
Code from the day the tax commissioner issued the assessment 144066

until the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax levied under section 5753.02 or 5753.021 of the Revised Code, as applicable, and may be collected by the issuance of an assessment under this section.

(B) If the tax commissioner believes that collection of the tax levied under section 5753.02 or 5753.021 of the Revised Code will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the taxpayer that is liable for the tax. Immediately upon the issuance of a jeopardy assessment, the tax commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (A) (4) of this section, and the clerk shall proceed as directed in that division. Notice of the jeopardy assessment shall be served on the taxpayer or the taxpayer's authorized agent under section 5703.37 of the Revised Code within five days after the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the taxpayer assessed files a petition for reassessment under division (A) (2) of this section and provides security in a form satisfactory to the tax commissioner that is in an amount sufficient to satisfy the unpaid balance of the assessment. If a petition for reassessment has been filed, and if satisfactory security has been provided, the tax commissioner shall proceed

under division (A) (3) of this section. Full or partial payment 144098
of the assessment does not prejudice the tax commissioner's 144099
consideration of the petition for reassessment. 144100

(C) The tax commissioner shall immediately forward to the 144101
treasurer of state all amounts the tax commissioner receives 144102
under this section, and the amounts forwarded shall be treated 144103
as if they were revenue arising from the tax levied under 144104
section 5753.02 or 5753.021 of the Revised Code, as applicable. 144105

(D) Except as otherwise provided in this division, no 144106
assessment shall be issued against a taxpayer for the tax levied 144107
under section 5753.02 or 5753.021 of the Revised Code more than 144108
four years after the due date for filing the return for the tax 144109
period for which the tax was reported, or more than four years 144110
after the return for the tax period was filed, whichever is 144111
later. This division does not bar an assessment against a 144112
taxpayer who fails to file a return as required by section 144113
5753.04 of the Revised Code or who files a fraudulent return, or 144114
when the taxpayer and the tax commissioner waive in writing the 144115
time limitation. 144116

(E) If the tax commissioner possesses information that 144117
indicates that the amount of tax a taxpayer is liable to pay 144118
under section 5753.02 or 5753.021 of the Revised Code exceeds 144119
the amount the taxpayer paid, the tax commissioner may audit a 144120
sample of the taxpayer's gross casino revenue or sports gaming 144121
receipts, as applicable, over a representative period of time to 144122
ascertain the amount of tax due, and may issue an assessment 144123
based on the audit. The tax commissioner shall make a good faith 144124
effort to reach agreement with the taxpayer in selecting a 144125
representative sample. The tax commissioner may apply a sampling 144126
method only if the tax commissioner has prescribed the method by 144127

rule. 144128

(F) If the whereabouts of a taxpayer who is liable for the 144129
tax levied under section 5753.02 or 5753.021 of the Revised Code 144130
are unknown to the tax commissioner, the tax commissioner shall 144131
proceed under section 5703.37 of the Revised Code. 144132

Sec. 5907.11. ~~(A)~~—The superintendent of the Ohio veterans' 144133
homes, with the approval of the director of veterans services, 144134
may establish a local fund for each veterans' home to be used 144135
for the entertainment and welfare of the residents of the home. 144136
Each fund shall be designated as the residents' benefit fund and 144137
shall be operated for the exclusive benefit of the residents of 144138
the associated home. Each fund shall receive all revenue from 144139
the sale of commissary items at the associated home and shall 144140
receive all moneys received as donations by the associated home 144141
from any source. 144142

~~(B) The superintendent, subject to the approval of the 144143
director, shall establish rules for the operation of the 144144
residents' benefit funds. 144145~~

Sec. 5907.17. (A) As used in this section, 144146
~~"physician" "clinician" means an individual authorized under 144147
Chapter 4731. of the Revised Code to practice medicine and 144148
surgery or osteopathic medicine and surgery~~any of the following: 144149

(1) An advanced practice registered nurse, licensed 144150
practical nurse, physician, physician's assistant, or registered 144151
nurse as defined in section 4723.01 of the Revised Code; 144152

(2) An individual registered in the state nurse aide 144153
registry pursuant to section 3721.32 of the Revised Code; 144154

(3) Any Ohio veterans' home employee who is a licensed 144155
medical professional in this state and is not exempt from a 144156

student loan repayment program under a union contract or other 144157
law. 144158

(B) The department of veterans services may establish a 144159
~~physician-clinician~~ recruitment program under which the 144160
department agrees to repay all or part of the principal and 144161
interest of a governmental or other educational loan incurred by 144162
a ~~physician-clinician~~ who agrees to provide services to 144163
institutions under the department's administration. 144164

(C) A ~~physician-clinician~~ is eligible to participate in 144165
the recruitment program if the ~~physician-attended a medical or-~~ 144166
~~osteopathic medical school that was, at the time of attendance,-~~ 144167
~~either located in the United States and accredited by the-~~ 144168
~~liaison committee on medical education or the American-~~ 144169
~~osteopathic association or located outside the United States and~~ 144170
~~acknowledged by the world health organization and verified by a-~~ 144171
~~member state of that organization as operating within that-~~ 144172
~~state's jurisdiction~~ clinician meets all of the following 144173
requirements: 144174

(1) The clinician is licensed in this state by the 144175
appropriate licensing authority and works in that discipline at 144176
an Ohio veterans' home; 144177

(2) The clinician has worked at an Ohio veterans' home for 144178
at least one year; 144179

(3) The clinician has not been subject to formal 144180
discipline while employed by an Ohio veterans' home; 144181

(4) The clinician provides evidence sufficient for the 144182
director of veterans services, or the director's designee, to 144183
determine that the clinician attended a school or medical 144184
program accredited by a national or regional accrediting 144185

organization; 144186

(5) The clinician agrees to the contract terms subject to 144187
division (D) of this section and any rules adopted under 144188
division (E) of this section. 144189

(D) The department and each ~~physician-clinician~~ it 144190
recruits shall enter into a contract that includes all of the 144191
following terms: 144192

(1) The ~~physician-clinician~~ agrees to maintain appropriate 144193
licensure and provide a specified scope of medical or- 144194
~~osteopathic medical health care services~~ for a specified number 144195
of hours per week and for a specified number of years of one or 144196
more years to ~~patients-residents of one or more specified-~~ 144197
~~institutions administered by the department~~ the Ohio veterans' 144198
homes. 144199

(2) The department agrees to repay all or a specified 144200
portion of the principal and interest of a governmental or other 144201
educational loan taken by the ~~physician-clinician~~ for the 144202
following expenses if the ~~physician-clinician~~ meets the service 144203
obligation agreed to and the expenses were incurred while the 144204
~~physician-clinician~~ was enrolled in, for up to a maximum of four 144205
years, a school or medical program accredited by a national or 144206
regional accrediting organization ~~that qualifies the physician to~~ 144207
~~participate in the program:~~ 144208

(a) Tuition; 144209

(b) Other educational expenses for specific purposes, 144210
including fees, books, and laboratory expenses, in amounts 144211
determined to be reasonable in accordance with rules adopted 144212
under division (E) of this section; 144213

(c) Room and board, in an amount determined to be 144214

reasonable in accordance with rules adopted under division (E) 144215
of this section. 144216

(3) The ~~physician-clinician~~ agrees to pay the department a 144217
specified amount, which shall be not less than the amount 144218
already paid by the department pursuant to its agreement, as 144219
damages if the ~~physician-clinician~~ fails to complete the service 144220
obligation agreed to or fails to comply with other specified 144221
terms of the contract. The contract may vary the amount of 144222
damages based on the portion of the ~~physician's-clinician's~~ 144223
service obligation that remains uncompleted as determined by the 144224
department. 144225

(4) Other terms agreed upon by the parties. 144226

(E) The department shall adopt rules under Chapter 119. of 144227
the Revised Code that establish all of the following: 144228

(1) Criteria for designating institutions for which 144229
~~physicians-clinicians~~ will be recruited; 144230

(2) Criteria for selecting ~~physicians-clinicians~~ for 144231
participation in the program; 144232

(3) Criteria for determining the portion of a ~~physician's-~~ 144233
clinician's loan that the department will agree to repay; 144234

(4) Criteria for determining reasonable amounts of the 144235
expenses described in divisions (D) (2) (b) and (c) of this 144236
section; 144237

(5) Procedures for monitoring compliance by ~~physicians-~~ 144238
clinicians with the terms of their contracts; and 144239

(6) Any other criteria or procedures necessary to 144240
implement the program. 144241

(F) The director or the director's designee may allocate 144242
funds among clinicians recruited under the program for any 144243
purpose the director or director's designee considers necessary 144244
to best serve clinician staffing needs, including department 144245
eligibility for benefits from incentive programs from federal or 144246
other entities, in consideration of maximizing the overall 144247
benefit to the Ohio veterans' homes. 144248

Sec. 5923.30. Whenever it is ascertained by the adjutant 144249
general ~~or the auditor of state~~ that any officer of the 144250
organized militia is unable to properly account for the property 144251
or moneys in ~~his~~ the officer's possession ~~he~~, the adjutant 144252
general shall give immediate notice thereof to the attorney 144253
general for action against such officer and ~~his bondsmen~~ the 144254
officer's bonder, and the attorney general shall bring such 144255
action. 144256

Sec. 6101.53. To maintain, operate, and preserve the 144257
reservoirs, ditches, drains, dams, levies, canals, sewers, 144258
pumping stations, treatment and disposal works, or other 144259
properties or improvements acquired or made pursuant to this 144260
chapter, to strengthen, repair, and restore the same, when 144261
needed, and to defray the current expenses of the conservancy 144262
district, the board of directors of the district may, upon the 144263
substantial completion of the improvements and on or before the 144264
thirtieth day of September in each year thereafter, levy an 144265
assessment upon each tract or parcel of land and upon each 144266
public corporation within the district, subject to assessments 144267
under this chapter, to be known as a conservancy maintenance 144268
assessment. No assessment shall be made with respect to works 144269
and improvements acquired or constructed for the purpose of 144270
providing a water supply for domestic, industrial, and public 144271
use within the district, when the water supply can be metered or 144272

measured when furnished to persons or public corporations. If 144273
the district, for the benefit of one or more persons or 144274
political subdivisions, provides a water supply that recharges 144275
underground aquifers and thereby replenishes wells or provides a 144276
source of water for new wells, or increases the natural low flow 144277
of a stream used for water supply, or creates an impoundment, in 144278
such a way that the augmented use of water cannot be metered or 144279
measured for individual or public consumption, the board may 144280
make a maintenance assessment against benefited property and 144281
public corporations in the same manner provided in this section 144282
for maintenance of other properties or improvements. 144283

The maintenance assessment shall be apportioned upon the 144284
basis of the total appraisal of benefits accruing for original 144285
and subsequent construction, shall not exceed one per cent of 144286
the total appraisal of benefits in any one year unless the court 144287
by its order authorizes an assessment of a larger percentage, 144288
~~shall not be less than two dollars,~~ and shall be certified to 144289
the county auditor of each county in which lands of the district 144290
are located in the conservancy assessment record but in a 144291
separate column in like manner and at the same time as the 144292
annual installment of the assessment levied under section 144293
6101.48 of the Revised Code is certified, under the heading 144294
maintenance assessment. The auditor shall certify the same to 144295
the county treasurer of the county at the same time that the 144296
auditor certifies the annual installment of the assessments 144297
levied under that section, and the sum of the levies for any 144298
tract or public corporation may be certified as a single item. 144299
The treasurer shall demand and collect the maintenance 144300
assessment and make return of it, and shall be liable for the 144301
same penalties for failure to do so as are provided for the 144302
annual installment of the assessment levied under section 144303

6101.48 of the Revised Code. 144304

The amount of the maintenance assessment paid by any 144305
parcel of land or public corporation shall not be credited 144306
against the benefits assessed against the parcel of land or 144307
public corporation, but the maintenance assessment shall be in 144308
addition to any assessment that has been or can be levied under 144309
section 6101.48 of the Revised Code. 144310

To maintain, operate, and preserve the works and 144311
improvements of the district acquired or constructed for the 144312
purpose of providing a water supply, to strengthen, repair, and 144313
restore the same, and to defray the current expenses of the 144314
district for this purpose, the board may impose rates for the 144315
sale of water to public corporations and persons within the 144316
district. The rates to be charged for the water shall be fixed 144317
and adjusted by the board at intervals of not less than one 144318
year, so that the income thus produced will be adequate to 144319
provide a maintenance fund for the purpose of water supply. 144320
Contracts for supplying water to public corporations and persons 144321
shall be entered into before the service is rendered by the 144322
district. Contracts shall specify the maximum quantity of water 144323
to be furnished to the public corporation or person, and the 144324
quantity shall be fixed so as equitably to distribute the 144325
supply. Preference shall be given to water supply furnished to 144326
public corporations for domestic and public uses. Bills for 144327
water supplied to public corporations shall be rendered at 144328
regular intervals and shall be payable from the waterworks fund 144329
of the public corporation or, if it is not sufficient, from the 144330
general fund. 144331

For tax years 2020 to 2024, qualifying real property, as 144332
defined in section 727.031 of the Revised Code, is exempt from 144333

special assessments levied under this section, provided no 144334
delinquent special assessments and related interest and 144335
penalties are levied or assessed against any property owned by 144336
the owner and operator of the qualifying real property for that 144337
tax year. 144338

Sec. 6101.54. Whenever the owners or representatives of 144339
twenty-five per cent or more of the acreage or value of the 144340
lands in a conservancy district or the board of directors of a 144341
conservancy district file a petition with the clerk of the court 144342
having jurisdiction in the original case, stating that there has 144343
been a material change in the values of the property in the 144344
district or additional benefits are being derived from the works 144345
and the improvements of the district since the last previous 144346
appraisal of benefits, and praying for a readjustment of the 144347
appraisal of benefits for the purpose of making a more equitable 144348
basis for the levy of the maintenance assessment under section 144349
6101.53 of the Revised Code, the clerk shall give notice of the 144350
filing and of a hearing of the petition by publication. 144351

Upon hearing of the petition, if the court finds there has 144352
been a material change in the values of property in the 144353
district, or that additional benefits are derived from the works 144354
and improvements of the district, or both, since the last 144355
previous appraisal of benefits, the court shall order that there 144356
be a readjustment of the appraisal of benefits for the purpose 144357
of providing a basis upon which to levy the maintenance 144358
assessment of the district. The court then shall direct the 144359
board of appraisers of the conservancy district to make the 144360
readjustment in the manner provided in this chapter, and the 144361
board shall make its report. The same proceedings shall be had 144362
on it, as nearly as may be, as are provided in this chapter for 144363
the appraisal of benefits accruing for original construction. In 144364

making the readjustment of the appraisal of benefits, the 144365
readjusted appraisal shall not be limited to the aggregate 144366
amount of or to the benefits or properties or persons listed in 144367
the original or any previous appraisal of benefits, and, after 144368
the making of the readjustment, the limitation of the annual 144369
maintenance assessment to one per cent of the total appraised 144370
benefits, ~~but not less than two dollars,~~ shall apply to the 144371
amount of the benefits as readjusted. There shall be no 144372
readjustment of benefits more often than once in six years. 144373

Sec. 6101.55. The board of directors of a conservancy 144374
district shall each year after the original assessment has been 144375
levied determine, order, and levy the annual levy, which shall 144376
include all assessments, or installments of assessments, 144377
together with interest, levied under this chapter, which become 144378
due in the ensuing year. The annual levy shall be due and be 144379
collected at the same time that state and county taxes are due 144380
and collected. After bonds have been sold, in the determination 144381
of an annual levy, the rate of interest upon the unpaid 144382
installments of an assessment shall be the rate borne by the 144383
bonds that have been issued and sold pursuant to the assessment. 144384
The annual levy shall be recorded in the conservancy assessment 144385
record, shall be signed and certified by the president of the 144386
board and by the secretary of the conservancy district not later 144387
than the thirtieth day of September each year, and shall 144388
thereafter become a permanent record in the office of the 144389
district. 144390

The certificate of the annual levy shall be substantially 144391
as set forth in section 6101.84 of the Revised Code. Then shall 144392
follow both of the following: 144393

(A) The descriptions of the property opposite the names of 144394

the owners; 144395

(B) The total amount of the annual levy on each piece of 144396
property and on each public corporation for the account of all 144397
funds and the amount of each item making up the total. 144398

The form of the annual levy portion of the conservancy 144399
assessment record as prescribed in this section may be modified 144400
with the approval of the ~~auditor of state~~court. The certificate 144401
of the annual levy and the annual levy portion of the 144402
conservancy assessment record shall be named " Assessment Record 144403
of _____ District, _____ County, Ohio." 144404

One copy of that part of the assessment record affecting 144405
lands and public corporations in any county shall be forwarded 144406
to the county auditor of that county. The auditor of each county 144407
shall set up as a charge upon the county treasurer the total 144408
amount of assessments levied as shown by the assessment record, 144409
and shall certify the record as other tax records to the county 144410
treasurer of the county. The treasurer shall collect the amount 144411
according to law. The assessment record shall be the treasurer's 144412
warrant and authority to demand and receive the assessments due 144413
in the county as found in the record. 144414

In the event of any failure of the board to determine and 144415
order an annual levy for the purpose of paying the interest and 144416
principal of any bonds pursuant to this chapter, the auditor of 144417
the county in which the lands and public corporations subject to 144418
the assessments are situated shall make and complete a levy of 144419
the special assessments necessary for the purpose against the 144420
lands and public corporations in the district, and each piece of 144421
property in that county against which benefits have been 144422
appraised. Any assessment so made and completed by the auditor 144423
shall be made and completed by the auditor in the manner 144424

provided for the making and completion of an assessment by the board, and shall have the same effect as a levy of assessments determined and ordered by the board.

Sec. 6111.01. As used in this chapter:

(A) "Pollution" means the placing of any sewage, sludge, sludge materials, industrial waste, or other wastes in any waters of the state.

(B) "Sewage" means any liquid waste containing sludge, sludge materials, or animal or vegetable matter in suspension or solution, and may include household wastes as commonly discharged from residences and from commercial, institutional, or similar facilities.

(C) "Industrial waste" means any liquid, gaseous, or solid waste substance resulting from any process of industry, manufacture, trade, or business, or from the development, processing, or recovery of any natural resource, together with such sewage as is present.

(D) "Other wastes" means garbage, refuse, decayed wood, sawdust, shavings, bark, and other wood debris, lime, sand, ashes, offal, night soil, oil, tar, coal dust, dredged or fill material, or silt, other substances that are not sewage, sludge, sludge materials, or industrial waste, and any other "pollutants" or "toxic pollutants" as defined in the Federal Water Pollution Control Act that are not sewage, sludge, sludge materials, or industrial waste.

(E) "Sewerage system" means pipelines or conduits, pumping stations, and force mains, and all other constructions, devices, appurtenances, and facilities used for collecting or conducting water-borne sewage, industrial waste, or other wastes to a point

of disposal or treatment, but does not include plumbing 144454
fixtures, building drains and subdrains, building sewers, and 144455
building storm sewers. 144456

(F) "Treatment works" means any plant, disposal field, 144457
lagoon, dam, pumping station, building sewer connected directly 144458
to treatment works, incinerator, or other works used for the 144459
purpose of treating, stabilizing, blending, composting, or 144460
holding sewage, sludge, sludge materials, industrial waste, or 144461
other wastes, except as otherwise defined. 144462

(G) "Disposal system" means a system for disposing of 144463
sewage, sludge, sludge materials, industrial waste, or other 144464
wastes and includes sewerage systems and treatment works. 144465

(H) "Waters of the state" means all streams, lakes, ponds, 144466
marshes, watercourses, waterways, wells, springs, irrigation 144467
systems, drainage systems, and other bodies or accumulations of 144468
water, surface and underground, natural or artificial, 144469
regardless of the depth of the strata in which underground water 144470
is located, that are situated wholly or partly within, or border 144471
upon, this state, or are within its jurisdiction, except those 144472
private waters that do not combine or effect a junction with 144473
natural surface or underground waters. "Waters of the state" 144474
does not include an ephemeral feature for which the United 144475
States army corps of engineers lacks the authority to issue a 144476
permit under 33 U.S.C. 1344. 144477

(I) "Person" means the state, any municipal corporation, 144478
any other political subdivision of the state, any person as 144479
defined in section 1.59 of the Revised Code, any interstate body 144480
created by compact, or the federal government or any department, 144481
agency, or instrumentality thereof. 144482

(J) "Industrial water pollution control facility" means 144483
any disposal system or any treatment works, pretreatment works, 144484
appliance, equipment, machinery, pipeline or conduit, pumping 144485
station, force main, or installation constructed, used, or 144486
placed in operation primarily for the purpose of collecting or 144487
conducting industrial waste to a point of disposal or treatment; 144488
reducing, controlling, or eliminating water pollution caused by 144489
industrial waste; or reducing, controlling, or eliminating the 144490
discharge into a disposal system of industrial waste or what 144491
would be industrial waste if discharged into the waters of the 144492
state. 144493

(K) "Schedule of compliance" means a schedule of remedial 144494
measures including an enforceable sequence of actions or 144495
operations leading to compliance with standards and rules 144496
adopted under sections 6111.041 and 6111.042 of the Revised Code 144497
or compliance with terms and conditions of permits set under 144498
division (J) of section 6111.03 of the Revised Code. 144499

(L) "Federal Water Pollution Control Act" means the 144500
"Federal Water Pollution Control Act Amendments of 1972," 86 144501
Stat. 886, 33 U.S.C.A. 1251, as amended by the "Clean Water Act 144502
of 1977," 91 Stat. 1566, 33 U.S.C.A. 1251, and all other 144503
amendments to that act. 144504

(M) "Historically channelized watercourse" means the 144505
portion of a watercourse on which an improvement, as defined in 144506
divisions (C) (2) to (4) of section 6131.01 of the Revised Code, 144507
was constructed pursuant to Chapter 940., 6131., or 6133. of the 144508
Revised Code or a similar state law that preceded any of those 144509
chapters and authorized such an improvement. 144510

(N) "Sludge" means sewage sludge and a solid, semi-solid, 144511
or liquid residue that is generated from an industrial 144512

wastewater treatment process and that is applied to land for agronomic benefit. "Sludge" does not include ash generated during the firing of sludge in a sludge incinerator, grit and screening generated during preliminary treatment of sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage.

(O) "Sludge materials" means solid, semi-solid, or liquid materials derived from sludge and includes products from a treatment works that result from the treatment, blending, or composting of sludge.

(P) "Storage of sludge" means the placement of sludge on land on which the sludge remains for not longer than two years, but does not include the placement of sludge on land for treatment.

(Q) "Sludge disposal program" means any program used by an entity that begins with the generation of sludge and includes treatment or disposal of the sludge, as "treatment" and "disposal" are defined in division ~~(Y)~~(X) of section 3745.11 of the Revised Code.

(R) "Agronomic benefit" means any process that promotes or enhances plant growth and includes, but is not limited to, a process that increases soil fertility and moisture retention.

(S) "Sludge management" means the use, storage, treatment, or disposal of, and management practices related to, sludge and sludge materials.

(T) "Sludge management permit" means a permit for sludge management that is issued under division (J) of section 6111.03 of the Revised Code.

(U) "Sewage sludge" has the same meaning as in division

~~(Y)~~(X) of section 3745.11 of the Revised Code. 144542

(V) "Ephemeral feature" means surface water flowing or 144543
pooling only in direct response to precipitation, such as rain 144544
or snow. "Ephemeral feature" does not include a wetland, as 144545
defined in section 6111.02 of the Revised Code. 144546

Sec. 6111.04. (A) Both of the following apply except as 144547
otherwise provided in division (A) or (F) of this section: 144548

(1) No person shall cause pollution or place or cause to 144549
be placed any sewage, sludge, sludge materials, industrial 144550
waste, or other wastes in a location where they cause pollution 144551
of any waters of the state. 144552

(2) Such an action prohibited under division (A) (1) of 144553
this section is hereby declared to be a public nuisance. 144554

Divisions (A) (1) and (2) of this section do not apply if 144555
the person causing pollution or placing or causing to be placed 144556
wastes in a location in which they cause pollution of any waters 144557
of the state holds a valid, unexpired permit, or renewal of a 144558
permit, governing the causing or placement as provided in 144559
sections 6111.01 to 6111.08 of the Revised Code or if the 144560
person's application for renewal of such a permit is pending. 144561

(B) If the director of environmental protection 144562
administers a sludge management program pursuant to division (R) 144563
of section 6111.03 of the Revised Code, both of the following 144564
apply except as otherwise provided in division (B) or (F) of 144565
this section: 144566

(1) No person, in the course of sludge management, shall 144567
place on land located in the state or release into the air of 144568
the state any sludge or sludge materials. 144569

(2) An action prohibited under division (B) (1) of this section is hereby declared to be a public nuisance. 144570
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Divisions (B) (1) and (2) of this section do not apply if 144572
the person placing or releasing the sludge or sludge materials 144573
holds a valid, unexpired permit, or renewal of a permit, 144574
governing the placement or release as provided in sections 144575
6111.01 to 6111.08 of the Revised Code or if the person's 144576
application for renewal of such a permit is pending. 144577

(C) No person to whom a permit has been issued shall place 144578
or discharge, or cause to be placed or discharged, in any waters 144579
of the state any sewage, sludge, sludge materials, industrial 144580
waste, or other wastes in excess of the permissive discharges 144581
specified under an existing permit without first receiving a 144582
permit from the director to do so. 144583

(D) No person to whom a sludge management permit has been 144584
issued shall place on the land or release into the air of the 144585
state any sludge or sludge materials in excess of the permissive 144586
amounts specified under the existing sludge management permit 144587
without first receiving a modification of the existing sludge 144588
management permit or a new sludge management permit to do so 144589
from the director. 144590

(E) The director may require the submission of plans, 144591
specifications, and other information that the director 144592
considers relevant in connection with the issuance of permits. 144593

(F) This section does not apply to any of the following: 144594

(1) Waters used in washing sand, gravel, other aggregates, 144595
or mineral products when the washing and the ultimate disposal 144596
of the water used in the washing, including any sewage, 144597
industrial waste, or other wastes contained in the waters, are 144598

entirely confined to the land under the control of the person 144599
engaged in the recovery and processing of the sand, gravel, 144600
other aggregates, or mineral products and do not result in the 144601
pollution of waters of the state; 144602

(2) Water, gas, or other material injected into a well to 144603
facilitate, or that is incidental to, the production of oil, 144604
gas, artificial brine, or water derived in association with oil 144605
or gas production and disposed of in a well, in compliance with 144606
a permit issued under Chapter 1509. of the Revised Code, or 144607
sewage, industrial waste, or other wastes injected into a well 144608
in compliance with an injection well operating permit. Division 144609
(F)(2) of this section does not authorize, without a permit, any 144610
discharge that is prohibited by, or for which a permit is 144611
required by, regulation of the United States environmental 144612
protection agency. 144613

(3) Application of any materials to land for agricultural 144614
purposes or runoff of the materials from that application or 144615
pollution by residual farm products, manure, or soil sediment, 144616
including attached substances, resulting from farming, 144617
silvicultural, or earthmoving activities regulated by Chapter 144618
307. or 939. of the Revised Code. Division (F)(3) of this 144619
section does not authorize, without a permit, any discharge that 144620
is prohibited by, or for which a permit is required by, the 144621
Federal Water Pollution Control Act or regulations adopted under 144622
it. As used in division (F)(3) of this section, "residual farm 144623
products" and "manure" have the same meanings as in section 144624
939.01 of the Revised Code. 144625

(4) The excrement of domestic and farm animals defecated 144626
on land or runoff therefrom into any waters of the state. 144627
Division (F)(4) of this section does not authorize, without a 144628

permit, any discharge that is prohibited by, or for which a 144629
permit is required by, the Federal Water Pollution Control Act 144630
or regulations adopted under it. 144631

(5) On and after the date on which the United States 144632
environmental protection agency approves the NPDES program 144633
submitted by the director of agriculture under section 903.08 of 144634
the Revised Code, any discharge that is within the scope of the 144635
approved NPDES program submitted by the director of agriculture; 144636

(6) The discharge of sewage, industrial waste, or other 144637
wastes into a sewerage system tributary to a treatment works. 144638
Division (F) (6) of this section does not authorize any discharge 144639
into a publicly owned treatment works in violation of a 144640
pretreatment program applicable to the publicly owned treatment 144641
works or any discharge to a privately owned treatment works in 144642
violation of any permit conditions established in accordance 144643
with 40 C.F.R. 122.44(m). 144644

(7) A household sewage treatment system or a small flow 144645
on-site sewage treatment system, as applicable, as defined in 144646
section 3718.01 of the Revised Code that is installed in 144647
compliance with Chapter 3718. of the Revised Code and rules 144648
adopted under it. Division (F) (7) of this section does not 144649
authorize, without a permit, any discharge that is prohibited 144650
by, or for which a permit is required by, regulation of the 144651
United States environmental protection agency. 144652

(8) Exceptional quality sludge generated outside of this 144653
state and contained in bags or other containers not greater than 144654
one hundred pounds in capacity. As used in division (F) (8) of 144655
this section, "exceptional quality sludge" has the same meaning 144656
as in division ~~(Y)~~(X) of section 3745.11 of the Revised Code. 144657

(G) The holder of a permit issued under section 402 (a) of the Federal Water Pollution Control Act need not obtain a permit for a discharge authorized by the permit until its expiration date. Except as otherwise provided in this division, the director of environmental protection shall administer and enforce those permits within this state and may modify their terms and conditions in accordance with division (J) of section 6111.03 of the Revised Code. On and after the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code, the director of agriculture shall administer and enforce those permits within this state that are issued for any discharge that is within the scope of the approved NPDES program submitted by the director of agriculture.

Sec. 6303.01. (A) The education and workforce data insights board is established within the governor's office of workforce transformation to make the state's education and workforce data more useful, applicable, and beneficial to this state's citizens. The board shall oversee the secure linkages of cross-agency data and build system capacity to support research that gives insight to the education and workforce pipeline to students, families, educators, workforce leaders, employers, policymakers, researchers, and other stakeholders. The board shall provide policy leadership on education and workforce data and publicly share tools, dashboards, and research insights while protecting data privacy and system security.

(B) (1) The scope of the board's oversight is limited to education and workforce data that improve understanding of long-term student outcomes and the return on investment for education and workforce initiatives, as determined by the board.

(2) The board may, by majority vote, enter an agreement with agencies to include additional data related to the mission of the board. The board shall endeavor to enhance the work of all agencies that contribute data related to education and workforce. 144688
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(C) Not later than two hundred seventy days after the effective date of this section, the board shall develop a vision, mission, and strategic plan. The board shall review this strategic plan at least once every five years. 144693
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(D) (1) The board shall identify and secure the means to implement its activities and objectives established under section 6303.04 of the Revised Code. The board shall identify the entity or entities to support the board and implement those activities and objectives, which may include state agency staff, universities, or other external entities approved by the board. 144697
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(2) The board may create a single, independent entity to implement its activities and objectives as described under this division. If the board creates an independent entity under this division it shall also do all of the following: 144703
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(a) Identify the entity's roles and responsibilities; 144707

(b) Secure funding and support for the entity; 144708

(c) Appoint and oversee the leader of the entity; 144709

(d) Oversee the operations and regulatory compliance of the entity. 144710
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(E) The board shall adhere to all relevant state and federal privacy and data security laws including the "Family Educational Rights and Privacy Act of 1974," 20 U.S.C. 1232g. 144712
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Sec. 6303.02. (A) The education and workforce data 144715

<u>insights board consists of not more than fifteen members. The</u>	144716
<u>membership includes the following members:</u>	144717
<u>(1) The director of the governor's office of workforce</u>	144718
<u>transformation;</u>	144719
<u>(2) The director of children and youth;</u>	144720
<u>(3) The director of education and workforce;</u>	144721
<u>(4) The chancellor of higher education;</u>	144722
<u>(5) The director of job and family services;</u>	144723
<u>(6) The director of development;</u>	144724
<u>(7) If determined necessary by the governor, the director</u>	144725
<u>of additional state agencies;</u>	144726
<u>(8) A representative of each of the following appointed by</u>	144727
<u>the governor:</u>	144728
<u>(a) The early childhood education system;</u>	144729
<u>(b) The primary and secondary education system;</u>	144730
<u>(c) The higher education system;</u>	144731
<u>(d) The workforce development system;</u>	144732
<u>(e) The business community.</u>	144733
<u>(9) If determined necessary by the governor, any of the</u>	144734
<u>following:</u>	144735
<u>(a) Representatives of other stakeholder groups;</u>	144736
<u>(b) Members of the public that have extensive experience</u>	144737
<u>in at least one of the following areas:</u>	144738
<u>(i) Academic research;</u>	144739

<u>(ii) Data systems and advanced technologies;</u>	144740
<u>(iii) Data ethics;</u>	144741
<u>(iv) Early childhood, primary and secondary, or higher education;</u>	144742 144743
<u>(v) Business, economic development, or workforce development.</u>	144744 144745
<u>(B) Each board member appointed by the governor under division (A) (8) or (9) of this section shall serve a two-year, renewable term.</u>	144746 144747 144748
<u>(C) The director of each state agency who is on the board is expected to attend meetings of the board. When a director is not able to attend a meeting, the director may appoint a temporary designee to serve in the director's place on the board. The temporary designee shall be a senior leader from that director's department who has decision-making authority over the agency's data and policy offices, such as a deputy director or chief of staff.</u>	144749 144750 144751 144752 144753 144754 144755 144756
<u>(D) The representatives appointed under division (A) (8) of this section shall have experience using data to conduct research, implement policy, run programs, or otherwise improve education and workforce outcomes.</u>	144757 144758 144759 144760
<u>(E) The chairperson of the board shall be selected by the members of the board. The chairperson shall serve a two-year, renewable term as chair. The chairperson has the same voting power as any other member of the board, except that, in the event of a tie vote, the chairperson shall determine the resolution of the vote.</u>	144761 144762 144763 144764 144765 144766
<u>(F) The chairperson of the board, in collaboration with</u>	144767

board members and staff, shall manage the board's operations. 144768

Sec. 6303.03. (A) The education and workforce data 144769
insights board shall meet at least quarterly in a public 144770
setting. The board shall publish notice of each meeting's date, 144771
time, and location at least one week in advance. The board shall 144772
post meeting materials and, if possible, recordings to a 144773
dedicated web site for the board following each meeting. The 144774
board shall not publicly review personally identifiable 144775
information during meetings or post personally identifiable 144776
information as part of the meeting materials. 144777

(B) (1) The chairperson of the board may create advisory 144778
committees to research or discuss specialized topics, solicit 144779
stakeholder feedback, complete projects, or generate 144780
recommendations for the full board. 144781

(2) Committee meetings shall be held in the same manner as 144782
meetings under division (A) of this section unless the board 144783
votes to make the meetings private for privacy or security 144784
reasons. 144785

(3) The chairperson of the board may appoint individuals 144786
who are not board members to serve on a committee. Individuals 144787
serving on committees who are not board members may vote during 144788
committee meetings but shall not vote during full board 144789
meetings. 144790

Sec. 6303.04. The education and workforce data insights 144791
board shall work collaboratively to achieve the following 144792
objectives: 144793

(A) Create a research framework that reflects the broad, 144794
cross-agency policy areas that are priorities for policy leaders 144795
and state agencies related to education and workforce. The 144796

research framework shall guide where research is needed and help 144797
prioritize state research and data access requests. The board 144798
shall do all of the following for the research framework: 144799

(1) Ensure that the necessary data connections exist to 144800
implement the research framework; 144801

(2) Discuss the progress implementing the research 144802
framework at each meeting; 144803

(3) Update the framework every two years with stakeholder 144804
input. 144805

(B) Adopt a data access and use policy for cross-agency 144806
data requests that streamlines data access for stakeholders. The 144807
policy shall be guided by and adhere to all relevant state and 144808
federal privacy and data security laws including the "Family 144809
Educational Rights and Privacy Act of 1974," U.S.C. 1232g; 144810

(C) Identify and implement strategies to make data 144811
collection and reporting more efficient for local and regional 144812
education and workforce entities so as to reduce duplication of 144813
efforts; 144814

(D) Take actions to increase the capacity of the state to 144815
securely process cross-agency data access and research requests 144816
with the goal of reducing the time and cost required to fulfill 144817
such requests; 144818

(E) Support critical education and workforce initiatives 144819
adopted by the state that rely on cross-agency data and, when 144820
possible, support local and regional education and workforce 144821
initiatives; 144822

(F) Coordinate the creation of tools, dashboards, reports, 144823
and research that use cross-agency education and workforce data; 144824

(G) Share and promote the tools, dashboards, reports, and research created by the board using cross-agency education and workforce data. Additionally, the board may share and promote similar resources created by other entities, including state agencies, with the permission of the originating entity. 144825
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(H) Discuss and direct the implementation of enhancements to education and workforce data systems, technologies, data security, and privacy. 144830
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Sec. 6303.05. The education and workforce data insights board annually shall submit a report to the governor, speaker of the house of representatives, and the president of the senate that includes all of the following: 144833
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(A) The board's mission, vision, and progress implementing its strategic plan and its plans for the next year; 144837
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(B) The research framework created under section 6303.04 of the Revised Code and progress implementing the framework; 144839
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(C) A digest of the tools, dashboards, reports, and research produced using cross-agency education and workforce data, including how each is benefiting stakeholders; 144841
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(D) Metrics on the access and use of education and workforce data managed by the board, including the number of access requests fulfilled, not fulfilled, reasons the requests were not fulfilled, and average time for access requests to be resolved; 144844
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(E) Any recommendations for improving the governance, administration, or system security of the data systems that support the board's mission and research framework the board chooses to include. 144849
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5747.39, 5747.40, 5747.43, 5747.502, 5747.51, 5747.86, 5747.98, 145051
5748.01, 5748.02, 5748.021, 5748.03, 5748.04, 5748.08, 5748.081, 145052
5748.09, 5749.02, 5749.07, 5751.01, 5751.02, 5751.09, 5751.53, 145053
5751.98, 5753.031, 5753.07, 5907.11, 5907.17, 5923.30, 6101.53, 145054
6101.54, 6101.55, 6111.01, and 6111.04 of the Revised Code are 145055
hereby repealed. 145056

Section 105.01. That sections 9.47, 101.38, 103.053, 145057
103.054, 103.24, 103.72, 103.73, 111.12, 113.06, 117.113, 145058
117.251, 117.441, 117.51, 122.451, 122.55, 122.56, 122.561, 145059
122.57, 122.702, 122.852, 125.181, 125.36, 125.38, 125.43, 145060
125.49, 125.51, 125.56, 125.65, 125.76, 125.95, 128.412, 145061
135.144, 501.03, 904.06, 905.56, 935.25, 956.181, 2919.1910, 145062
3312.02, 3312.03, 3312.04, 3312.05, 3312.06, 3313.905, 3314.50, 145063
3317.0218, 3317.071, 3321.191, 3333.0415, 3333.303, 3333.373, 145064
3333.801, 3379.10, 3513.254, 3513.255, 3513.256, 3513.259, 145065
3517.14, 3517.151, 3517.156, 3517.99, 3517.991, 3701.0212, 145066
3701.051, 3780.18, 3780.19, 3780.22, 3780.23, 4115.31, 4115.32, 145067
4115.33, 4115.34, 4115.35, 4115.36, 4729.551, 4758.18, 4758.241, 145068
4758.50, 4928.57, 4928.581, 4928.582, 4928.583, 5104.08, 145069
5123.352, 5160.23, 5163.05, 5165.261, 5166.45, 5180.23, 5180.24, 145070
5180.34, 5310.05, 5310.06, 5310.07, 5310.08, 5310.09, 5310.10, 145071
5310.11, 5310.12, 5310.13, 5310.14, 5537.24, 5705.195, 5705.196, 145072
5705.197, 5726.59, 5747.67, 5751.55, 5902.06, and 5902.20 of the 145073
Revised Code are hereby repealed. 145074

Section 105.05. That sections 103.60, 107.034, 113.78, 145075

3313.902, 3314.38, 3317.036, 3317.23, 3317.231, 3317.24,
3345.86, 3354.24, 5705.192, 5739.071, and 5747.29 of the Revised
Code are hereby repealed, as of the dates specified below in the
sections prefixed with number 105.

Section 105.10. That section 3354.24 of the Revised Code
is hereby repealed, effective June 30, 2027.

Section 105.20. That section 107.034 of the Revised Code
is hereby repealed, effective July 1, 2026.

Section 105.30. That section 113.78 of the Revised Code is
hereby repealed, effective July 1, 2026.

Section 105.40. That section 103.60 of the Revised Code is
hereby repealed, effective December 31, 2025.

Section 105.50. That section 5739.071 of the Revised Code
is hereby repealed, effective January 1, 2026.

Section 105.60. That section 5747.29 of the Revised Code
is hereby repealed, effective January 1, 2026.

Section 105.70. That section 5705.192 of the Revised Code
is hereby repealed, effective January 1, 2026.

Section 105.80. That sections 3313.902, 3314.38, 3317.036,
3317.23, 3317.231, 3317.24, and 3345.86 are hereby repealed,
effective July 1, 2026.

Section 107.10. That Section 733.61 of H.B. 166 of the
133rd General Assembly (as amended by H.B. 33 of the 135th
General Assembly) be amended to codify it as section 3313.6033
of the Revised Code to read as follows:

Sec. ~~733.61~~ 3313.6033. (A) Notwithstanding section
3319.236 of the Revised Code, ~~for the 2019-2020 school year~~

~~through the 2024-2025 school year only,~~ a school district, 145103
community school established under Chapter 3314. of the Revised 145104
Code, or science, technology, engineering, and mathematics 145105
school established under Chapter 3326. of the Revised Code may 145106
permit an individual who holds a valid educator license in any 145107
of grades kindergarten through twelve to teach a computer 145108
science course if, ~~prior to teaching the course~~in the last five 145109
years, the individual ~~completes~~ has completed a professional 145110
development program approved by the district superintendent or 145111
school principal that provides content knowledge specific to the 145112
course the individual will teach. To continue teaching computer 145113
science under this section, an individual shall complete the 145114
professional development program every five years in accordance 145115
with the educator licensure recertification process. The 145116
superintendent or principal shall approve any professional 145117
development program endorsed by the organization that creates 145118
and administers the national ~~Advanced Placement~~ advanced 145119
placement examinations as appropriate for the course the 145120
individual will teach. 145121

(B) Nothing in this section shall permit an individual 145122
described in division (A) of this section to teach a computer 145123
science course in a school district or school other than the 145124
school district or school that employed the individual at the 145125
time the individual completed the professional development 145126
program required by that division. 145127

(C) ~~Beginning July 1, 2025, a school district or public~~ 145128
~~school shall permit an individual to teach a computer science~~ 145129
~~course only in accordance with section 3319.236 of the Revised~~ 145130
~~Code.~~ 145131

~~(D)~~ Notwithstanding section 3301.012 of the Revised Code, 145132

as used in this section, "computer science course" means any 145133
course that is reported in the education management information 145134
system established under section 3301.0714 of the Revised Code 145135
as a computer science course. 145136

Section 107.11. That existing Section 733.61 of H.B. 166 145137
of the 133rd General Assembly (as amended by H.B. 33 of the 145138
135th General Assembly) is hereby repealed. 145139

Section 125.10. The amendment by this act of section 145140
4785.041 of the Revised Code does not supersede the repeal of 145141
that section on April 3, 2033, as prescribed by Sections 4 and 5 145142
of H.B. 107 of the 134th General Assembly. 145143

Section 125.20. That the versions of sections 117.12 and 145144
117.56 of the Revised Code that are scheduled to take effect 145145
October 1, 2025, are hereby repealed. 145146

Section 125.21. That Section 101.02 of H.B. 54 of the 145147
136th General Assembly be amended to read as follows: 145148

Sec. 101.02. That existing sections 101.27, ~~117.12,~~ 145149
154.01, 306.30, 306.35, 306.43, 717.02, 1548.061, 2935.03, 145150
3503.11, 3704.14, 4501.01, 4503.10, 4503.102, 4503.103, 4503.21, 145151
4505.08, 4506.01, 4506.09, 4506.11, 4507.01, 4507.061, 4507.13, 145152
4507.21, 4507.52, 4508.02, 4511.01, 4511.031, 4511.09, 4511.091, 145153
4511.092, 4511.093, 4511.094, 4511.11, 4511.13, 4511.131, 145154
4511.132, 4511.18, 4511.204, 4511.21, 4511.211, 4511.214, 145155
4511.432, 4511.46, 4511.48, 4511.512, 4511.61, 4511.62, 4511.64, 145156
4511.65, 4511.68, 4511.701, 4511.712, 4511.76, 4513.071, 145157
4513.38, 4513.41, 4517.02, 4517.24, 4519.401, 4955.50, 4955.51, 145158
5501.20, 5501.41, 5501.441, 5512.07, 5513.01, 5515.01, 5515.02, 145159
5515.99, 5517.02, 5517.021, 5521.01, 5525.03, 5525.04, 5525.08, 145160
5525.14, 5525.16, 5537.02, 5571.01, and 5747.502 of the Revised 145161

Code are hereby repealed. 145162

Section 125.22. That existing Section 101.02 of H.B. 54 of 145163
the 136th General Assembly is hereby repealed. 145164

Section 125.23. That Section 820.50 of H.B. 54 of the 145165
136th General Assembly is hereby repealed. 145166

Section 125.24. Sections 125.20 and 125.21 of this act 145167
remove the limitations imposed on the continued existence of 145168
section 117.12 of the Revised Code. 145169

Section 201.10. APPROPRIATIONS 145170

Except as otherwise provided in this act, all 145171
appropriation items in this act are appropriated out of any 145172
moneys in the state treasury to the credit of the designated 145173
fund that are not otherwise appropriated. For all appropriations 145174
made in this act, the amounts in the first column are for fiscal 145175
year 2026 and the amounts in the second column are for fiscal 145176
year 2027. 145177

Section 203.10. 145178
145179

	1	2	3	4	5
A	ACC ACCOUNTANCY BOARD OF OHIO				
B	Dedicated Purpose Fund Group				
C	4J80	889601	CPA Education Assistance	\$260,000	\$275,000
D	4K90	889609	Operating Expenses	\$1,359,075	\$1,400,531
E	Dedicated Purpose Fund Group Total			\$1,619,075	\$1,675,531

F TOTAL ALL BUDGET FUND GROUPS \$1,619,075 \$1,675,531

Section 205.10.

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A ADJ ADJUTANT GENERAL

B General Revenue Fund

C GRF 745401 Ohio Military Reserve \$56,162 \$56,162

D GRF 745404 Air National Guard \$2,406,436 \$2,689,830

E GRF 745407 National Guard Benefits \$174,000 \$174,000

F GRF 745409 Central Administration \$3,585,342 \$3,684,085

G GRF 745499 Army National Guard \$5,402,863 \$6,082,457

H GRF 745503 Ohio Cyber Reserve \$1,151,000 \$1,151,000

I GRF 745504 Ohio Cyber Range \$2,650,000 \$2,650,000

J GRF 745505 State Active Duty \$70,000 \$70,000

K General Revenue Fund Total \$15,495,803 \$16,557,534

L Dedicated Purpose Fund Group

M 5340 745612 Property Operations \$682,195 \$682,292
Management

N 5360 745620 Camp Perry and Buckeye \$1,064,057 \$1,074,431
Inn Operations

O	5370	745604	Ohio National Guard Facilities Maintenance	\$60,131	\$60,131
P	5U80	745613	Community Match Armories	\$349,965	\$349,965
Q	Dedicated Purpose Fund Group Total			\$2,156,348	\$2,166,819
R	Federal Fund Group				
S	3420	745616	Army National Guard Service Agreement	\$24,076,820	\$24,316,615
T	3E80	745628	Air National Guard Operations and Maintenance	\$18,934,892	\$19,380,313
U	3R80	745603	Counter Drug Operations	\$26,606	\$26,606
V	Federal Fund Group Total			\$43,038,318	\$43,723,534
W	TOTAL ALL BUDGET FUND GROUPS			\$60,690,469	\$62,447,887

Section 205.20. NATIONAL GUARD BENEFITS 145182

The foregoing appropriation item 745407, National Guard Benefits, shall be used for purposes of sections 5919.31 and 5919.33 of the Revised Code, and for administrative costs of the associated programs. 145183
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If necessary, in order to pay benefits in a timely manner pursuant to sections 5919.31 and 5919.33 of the Revised Code, the Adjutant General may request that the Director of Budget and Management transfer appropriation from any appropriation item used by the Adjutant General to appropriation item 745407, National Guard Benefits. Such amounts are hereby appropriated. 145187
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The Adjutant General may subsequently seek Controlling Board 145193
approval to restore the appropriation in the appropriation item 145194
from which such a transfer was made. 145195

For active duty members of the Ohio National Guard who 145196
died after October 7, 2001, while performing active duty, the 145197
death benefit, pursuant to section 5919.33 of the Revised Code, 145198
shall be paid to the beneficiary or beneficiaries designated on 145199
the member's Service members' Group Life Insurance Policy. 145200

OHIO CYBER RESERVE 145201

The foregoing appropriation item 745503, Ohio Cyber 145202
Reserve, shall be used for purposes of providing support for the 145203
administration of the Ohio Cyber Reserve, a civilian cyber 145204
reserve force that is part of the Ohio organized militia, 145205
capable of being expanded and trained to educate and protect all 145206
levels of state government, critical infrastructure, and the 145207
citizens of this state from cyber attacks and incidences under 145208
sections 5922.01, 5922.02, and 5922.08 of the Revised Code, as 145209
well as for the purpose of paying expenses related to cyber 145210
state active duty of members of the Ohio Cyber Reserve, in 145211
accordance with a proclamation or order of the Governor. 145212
Expenses include, but are not limited to, the cost of equipment, 145213
supplies, and services, as determined by the Adjutant General. 145214

OHIO CYBER RANGE 145215

The foregoing appropriation item 745504, Ohio Cyber Range, 145216
shall be used by the Adjutant General's Department to establish 145217
and maintain the cyber range for purposes of providing cyber 145218
training and education to K-12 students, higher education 145219
students, members of the Ohio National Guard, federal employees, 145220
and state and local government employees, and provide for 145221

emergency preparedness exercises and trainings. 145222

The Adjutant General's Department, in conjunction and 145223
collaboration with the Department of Administrative Services, 145224
the Department of Public Safety, the Department of Higher 145225
Education, and the Department of Education and Workforce shall 145226
establish and maintain a cyber range. The Adjutant General's 145227
Department may work with federal agencies to assist in 145228
accomplishing this objective. The state agencies identified in 145229
this paragraph may procure any necessary goods and services 145230
including, but not limited to, contracted services, hardware, 145231
networking services, maintenance costs, and the training and 145232
management costs of a cyber range. These state agencies shall 145233
determine the amount of funds each agency will contribute from 145234
available funds and appropriations enacted herein in order to 145235
establish and maintain a cyber range. 145236

STATE ACTIVE DUTY 145237

The foregoing appropriation item 745505, State Active 145238
Duty, shall be used for the purpose of paying expenses related 145239
to state active duty of members of the Ohio organized militia, 145240
not including the civilian cyber security reserve forces, in 145241
accordance with a proclamation or order of the Governor. 145242
Expenses include, but are not limited to, cost of equipment, 145243
supplies, and services, as determined by the Adjutant General. 145244

Section 207.10. 145245

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1 2 3 4 5

A DAS DEPARTMENT OF ADMINISTRATIVE SERVICES

B General Revenue Fund

C	GRF	100413	EDCS Lease Rental Payments	\$9,300,000	\$9,300,000
D	GRF	100414	MARCS Lease Rental Payments	\$6,450,000	\$6,450,000
E	GRF	100415	OAKS Lease Rental Payments	\$2,450,000	\$2,450,000
F	GRF	100416	STARS Lease Rental Payments	\$1,100,000	\$1,100,000
G	GRF	100447	Administrative Buildings Lease Rental Bond Payments	\$45,500,000	\$60,500,000
H	GRF	100456	State IT Services	\$978,412	\$1,512,297
I	GRF	100459	Ohio Business Gateway	\$14,325,421	\$14,368,107
J	GRF	100469	Aronoff Center Building Maintenance	\$222,000	\$222,000
K	GRF	130321	State Agency Support Services	\$28,000,000	\$28,000,000
L			General Revenue Fund Total	\$108,325,833	\$123,902,404
M			Dedicated Purpose Fund Group		
N	4K90	100673	Ohio Professionals Licensing System	\$7,175,727	\$7,439,069
O	5AB1	100674	Next Generation 9-1-1	\$3,500,000	\$0

P	5L70	100610	Professional Development	\$2,013,841	\$2,014,854
Q	5NM0	100663	9-1-1 Program	\$956,663	\$980,078
R	5V60	100619	Employee Educational Development	\$1,234,461	\$1,268,484
S	7093	100675	Next Generation 9-1-1	\$13,469,622	\$14,804,264
T	Dedicated Purpose Fund Group Total			\$28,350,314	\$26,506,749
U	Internal Service Activity Fund Group				
V	1120	100616	DAS Administration	\$14,683,912	\$15,113,177
W	1170	100644	General Services Division - Operating	\$23,091,398	\$22,574,348
X	1220	100637	Fleet Management	\$25,449,633	\$22,866,905
Y	1250	100622	Human Resources Division - Operating	\$26,081,909	\$26,319,177
Z	1250	100657	Benefits Communication	\$620,036	\$628,275
AA	1300	100606	Risk Management Reserve	\$24,015,458	\$24,051,115
AB	1320	100631	DAS Building Management	\$53,101,399	\$54,715,341
AC	1330	100607	IT Services Delivery	\$194,935,390	\$197,374,206
AD	2100	100612	State Printing	\$31,450,162	\$32,512,922
AE	2290	100630	IT Governance	\$40,176,321	\$40,741,507

AF 2290 100640 Consolidated IT Purchases	\$28,265,838	\$28,265,838
AG 4270 100602 Investment Recovery	\$1,835,187	\$1,891,267
AH 4N60 100617 Major IT Purchases	\$3,984,131	\$3,984,131
AI 5C20 100605 MARCS Administration	\$35,336,608	\$35,689,974
AJ 5EB0 100635 OAKS Support Organization	\$101,832,561	\$104,303,226
AK 5EB0 100656 OAKS Updates and Developments	\$11,427,405	\$11,403,567
AL 5KZ0 100659 Building Improvement	\$2,276,705	\$2,777,458
AM 5LJ0 100661 IT Development	\$12,839,922	\$12,839,922
AN 5PC0 100665 Enterprise Applications	\$14,160,852	\$14,244,654
AO 5WU0 100672 Ohio Benefits	\$151,980,462	\$0
AP Internal Service Activity Fund Group Total	\$797,545,289	\$652,297,010
AQ Fiduciary Fund Group		
AR 5UH0 100670 Enterprise Transactions	\$1,590,000	\$1,640,000
AS Fiduciary Fund Group Total	\$1,590,000	\$1,640,000
AT TOTAL ALL BUDGET FUND GROUPS	\$935,811,436	\$804,346,163

Section 207.20. EDCS LEASE RENTAL PAYMENTS 145247

The foregoing appropriation item 100413, EDCS Lease Rental 145248
 Payments, shall be used to make payments during the period from 145249

July 1, 2025, through June 30, 2027, pursuant to leases and 145250
agreements entered into under Chapter 125. of the Revised Code, 145251
as supplemented by Section 701.10 of H.B. 529 of the 132nd 145252
General Assembly, as amended by Section 601.10 of H.B. 166 of 145253
the 133rd General Assembly, and other prior acts of the General 145254
Assembly, with respect to financing the costs associated with 145255
the acquisition, development, implementation, and integration of 145256
the Enterprise Data Center Solutions (EDCS) information 145257
technology initiative. 145258

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL 145259
PAYMENTS 145260

The foregoing appropriation item 100414, MARCS Lease 145261
Rental Payments, shall be used to make payments during the 145262
period from July 1, 2025, through June 30, 2027, pursuant to 145263
leases and agreements entered into under Chapter 125. of the 145264
Revised Code, as supplemented by Section 701.10 of Sub. H.B. 497 145265
of the 130th General Assembly and other prior acts of the 145266
General Assembly, with respect to financing the costs associated 145267
with the acquisition, development, implementation, and 145268
integration of the Multi-Agency Radio Communications System 145269
(MARCS) upgrade. 145270

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS 145271

The foregoing appropriation item 100415, OAKS Lease Rental 145272
Payments, shall be used to make payments during the period from 145273
July 1, 2025, through June 30, 2027, pursuant to leases and 145274
agreements entered into under Chapter 125. of the Revised Code, 145275
as supplemented by Section 701.10 of H.B. 529 of the 132nd 145276
General Assembly and other prior acts of the General Assembly, 145277
with respect to financing the costs associated with the 145278
acquisition, development, implementation, and integration of the 145279

Ohio Administrative Knowledge System (OAKS).	145280
STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL	145281
PAYMENTS	145282
The foregoing appropriation item 100416, STARS Lease	145283
Rental Payments, shall be used to make payments during the	145284
period from July 1, 2025, through June 30, 2027, pursuant to	145285
leases and agreements entered into under Chapter 125. of the	145286
Revised Code, as supplemented by Section 701.30 of H.B. 529 of	145287
the 132nd General Assembly and other prior acts of the General	145288
Assembly, with respect to financing the costs associated with	145289
the acquisition, development, implementation, and integration of	145290
the State Taxation Accounting and Revenue System (STARS).	145291
ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS	145292
The foregoing appropriation item 100447, Administrative	145293
Buildings Lease Rental Bond Payments, shall be used to meet all	145294
payments during the period from July 1, 2025, through June 30,	145295
2027, by the Department of Administrative Services pursuant to	145296
leases and agreements under Chapters 152. and 154. of the	145297
Revised Code. These appropriations are the source of funds	145298
pledged for bond service charges on related obligations issued	145299
under Chapters 152. and 154. of the Revised Code.	145300
DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT	145301
FUND	145302
The foregoing appropriation item 130321, State Agency	145303
Support Services, may be used to provide funding for the cost of	145304
property appraisals or building studies that the Department of	145305
Administrative Services may be required to obtain for property	145306
that is being sold by the state or property under consideration	145307
to be renovated or purchased by the state.	145308

Notwithstanding section 125.28 of the Revised Code, the 145309
foregoing appropriation item 130321, State Agency Support 145310
Services, also may be used to pay the operating expenses of 145311
state facilities maintained by the Department of Administrative 145312
Services that are not billed to building tenants, other costs 145313
associated with the Voinovich Center in Youngstown, Ohio, or 145314
costs of repairing vehicles donated pursuant to section 125.13 145315
of the Revised Code. These expenses may include, but are not 145316
limited to, the costs for vacant space and space undergoing 145317
renovation, and the rent expenses of tenants that are relocated 145318
because of building renovations. These payments may be processed 145319
by the Department of Administrative Services through intrastate 145320
transfer vouchers and placed into the Building Management Fund 145321
(Fund 1320). 145322

At least once per year, the portion of appropriation item 145323
130321, State Agency Support Services, that is not used for the 145324
regular expenses of the appropriation item may be processed by 145325
the Department of Administrative Services through intrastate 145326
transfer voucher and placed in the Building Improvement Fund 145327
(Fund 5KZ0). 145328

Section 207.30. PROFESSIONAL DEVELOPMENT FUND 145329

Of the foregoing appropriation item 100610, Professional 145330
Development, up to \$1,400,000 in each fiscal year shall be used 145331
to make payments from the Professional Development Fund (Fund 145332
5L70) under section 124.182 of the Revised Code. 145333

Of the foregoing appropriation item 100610, Professional 145334
Development, up to \$1,200,000 during the FY 2026-FY 2027 145335
biennium may be used by the Director of Administrative Services 145336
for the creation, staffing, and administration of the Ohio 145337
Digital Academy. The Ohio Digital Academy shall exist to 145338

generate high-tech workforce capacity and serve the state of 145339
Ohio in advanced technology and cybersecurity needs. The goals 145340
of the Ohio Digital Academy shall be to educate, train, and 145341
subsequently employ analysts in completing boot camps, 145342
certifications, or degree programs in cybersecurity, coding, 145343
software engineering, user experience designers, and related 145344
fields. 145345

In consultation with CyberOhio, the Department of 145346
Administrative Services shall have full authority to select 145347
qualified candidates for the Ohio Digital Academy. Candidates 145348
shall be subject to all applicable background checks and if 145349
selected, shall be required to commit to three years of service 145350
with the state of Ohio. Ohio Digital Academy candidates may be 145351
placed in an unclassified, administrative staff position 145352
pursuant to division (A) (30) of section 124.11 of the Revised 145353
Code for which the Director of Administrative Services is hereby 145354
given specific authority to set compensation, or with other 145355
public or private employers identified by the Department with 145356
which a partnership agreement has been established. 145357
Notwithstanding any provision of law to the contrary, the 145358
Department may use the foregoing appropriation to reimburse 145359
selected students' tuition expenses for coursework, 145360
certification achieved, or other necessary expenses, prior to 145361
acceptance in the program, which is directly attributable to the 145362
targeted skills of the program if completed within one year 145363
prior to the effective date of this section. Upon hiring, 145364
candidates shall also be eligible for reimbursement of costs for 145365
continuing education or certification at the discretion of the 145366
Director to support the development of specialized skills in the 145367
areas of information technology and cybersecurity. Each 145368
candidate shall be responsible for any tax implications 145369

associated with the tuition. The Department reserves the right 145370
to recover all or a portion of funds provided to an Ohio Digital 145371
Academy participant who fails to complete the agreed upon three 145372
years of service commitment to the state. 145373

On July 1, 2025, or as soon as possible thereafter, the 145374
Department of Administrative Services may select and enter into 145375
a subgrant agreement with a regionally accredited Ohio 145376
institution of higher education with demonstrated significant 145377
coursework and programming in cybersecurity to serve as a 145378
Digital Analyst Training Academy (D.A.T.A.) Center. The Center 145379
shall be responsible for paying for costs associated with the 145380
work of the Ohio Digital Academy as designated by the Department 145381
of Administrative Services. On behalf of the Center, the 145382
selected institution shall do all the following: 145383

(A) Provide necessary educational coursework or training 145384
for the selected students' successful completion of a 145385
certificate or degree program as prescribed by the Department of 145386
Administrative Services at no cost to the selected students; 145387

(B) Administer weekly professional development programs 145388
for students in an academic setting; 145389

(C) Prepare analysts for summer mandatory recruit training 145390
as prescribed by the Department of Administrative Services; 145391

(D) Coordinate and manage summer scenarios; 145392

(E) Submit a quarterly report to the Department of 145393
Administrative Services that contains detailed information on 145394
the amount of grant funds expended for the aforementioned 145395
purposes; 145396

(F) Submit an annual report to the Department of 145397
Administrative Services of all achievements, including a status 145398

report of all expenditures, number of students enrolled by 145399
program area, number of students graduated or certifications 145400
achieved by program area, program expansion opportunities, and 145401
projected costs to continue operating the Center. 145402

Additional Centers may be added over the biennium subject 145403
to the approval of the Director of Administrative Services. 145404

9-1-1 PROGRAM 145405

The foregoing appropriation item 100663, 9-1-1 Program, 145406
shall be used by the Department of Administrative Services to 145407
pay the administrative and educational costs of the Statewide 145408
Emergency Services Internet Protocol Network program. 145409

EMPLOYEE EDUCATIONAL DEVELOPMENT 145410

The foregoing appropriation item 100619, Employee 145411
Educational Development, shall be used to make payments from the 145412
Employee Educational Development Fund (Fund 5V60) under section 145413
124.86 of the Revised Code. The fund shall be used to pay the 145414
costs of administering educational programs under existing 145415
collective bargaining agreements with District 1199, the Health 145416
Care and Social Service Union, Service Employees International 145417
Union; State Council of Professional Educators; Ohio Education 145418
Association and National Education Association; the Fraternal 145419
Order of Police State of Ohio, Unit 2 Association; and the Ohio 145420
State Troopers Association, Units 1 and 15. 145421

If it is determined by the Director of Budget and 145422
Management that additional amounts are necessary, the amounts 145423
are hereby appropriated. 145424

Section 207.40. GENERAL SERVICE CHARGES 145425

The Department of Administrative Services, with the 145426

approval of the Director of Budget and Management, shall 145427
establish charges for recovering the costs of administering the 145428
programs funded by the General Services Fund (Fund 1170) and the 145429
State Printing Fund (Fund 2100). 145430

COLLECTIVE BARGAINING ARBITRATION EXPENSES 145431

The Department of Administrative Services may seek 145432
reimbursement from state agencies for the actual costs and 145433
expenses the Department incurs in the collective bargaining 145434
arbitration process. The reimbursements shall be processed 145435
through intrastate transfer vouchers and credited to the Human 145436
Resources Services Fund (Fund 1250). 145437

RISK MANAGEMENT RESERVE 145438

The foregoing appropriation item 100606, Risk Management 145439
Reserve, shall be used to make payments from the Risk Management 145440
Reserve Fund (Fund 1300) pursuant to section 9.823 of the 145441
Revised Code. 145442

CONSOLIDATED IT PURCHASES 145443

The foregoing appropriation item 100640, Consolidated IT 145444
Purchases, shall be used by the Department of Administrative 145445
Services acting as the purchasing agent for one or more 145446
government entities under the authority of division (G) of 145447
section 125.18 of the Revised Code to make information 145448
technology purchases at a lower aggregate cost than each 145449
individual government entity could have obtained independently 145450
for that information technology purchase. 145451

INVESTMENT RECOVERY FUND 145452

Notwithstanding division (B) of section 125.14 of the 145453
Revised Code, cash balances in the Investment Recovery Fund 145454

(Fund 4270) may be used to support the operating expenses of the 145455
Federal Surplus Operating Program created in sections 125.84 to 145456
125.90 of the Revised Code. 145457

MAJOR IT PURCHASES CHARGES 145458

Upon the request of the Director of Administrative 145459
Services, the Director of Budget and Management may transfer up 145460
to \$2,000,000 cash in each fiscal year of the amount collected 145461
for statewide indirect costs attributable to debt service paid 145462
for the enterprise data center solutions project from the 145463
General Revenue Fund to the Major Information Technology 145464
Purchases Fund (Fund 4N60). 145465

MARCS ADMINISTRATION 145466

Of the foregoing appropriation item 100605, MARCS 145467
Administration, \$10,500,000 in each fiscal year shall be used to 145468
reduce MARCS subscriber fees paid by villages, municipal 145469
corporations, townships, counties, and regional public safety 145470
and first response agencies. 145471

PROFESSIONS LICENSING SYSTEM 145472

The foregoing appropriation item, 100673, Ohio 145473
Professionals Licensing System, shall be used to purchase the 145474
equipment, products, and services necessary to update and 145475
maintain an automated licensing system for the professional 145476
licensing boards. 145477

The Department of Administrative Services shall establish 145478
charges for recovering the costs of ongoing maintenance of the 145479
system that are not otherwise recovered under section 125.18 of 145480
the Revised Code. The charges shall be proportionate to each 145481
benefiting state agency, board, or commission's use of the 145482
system. For agencies, boards, or commissions whose operations 145483

are not funded by appropriations from the Occupational Licensing and Regulatory Fund (Fund 4K90), the Director of Administrative Services shall certify to the Director of Budget and Management these entities' proportionate charges for use of the state's enterprise electronic licensing system. The Director of Budget and Management shall transfer cash equaling the certified amounts from these entities' respective operating funds into the Occupational Licensing and Regulatory Fund (Fund 4K90).

On July 1, 2025, or as soon as possible thereafter, the State Board of Education shall consult with the Department of Administrative Services on the utilization of the Ohio Professional Licensing System. As part of this consultation, the State Board of Education shall consider opportunities to reduce the number of license and certification types.

Section 207.45. BUILDING IMPROVEMENT FUND

The foregoing appropriation item 100659, Building Improvement, shall be used to make payments from the Building Improvement Fund (Fund 5KZ0) for major maintenance or improvements required in facilities maintained by the Department of Administrative Services. The Department of Administrative Services shall conduct or contract for regular assessments of these buildings and may maintain a cash balance in Fund 5KZ0 equal to the cost of the repairs and improvements that are recommended to occur within the next five years, with the following exception described below.

Upon request of the Director of Administrative Services, the Director of Budget and Management may transfer cash from Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs of operating and maintaining facilities managed by the Department of Administrative Services that are not charged to

tenants during the same fiscal year. 145514

Should the cash balance in Fund 1320 be determined to be 145515
sufficient, the Director of Administrative Services may request 145516
that the Director of Budget and Management transfer cash from 145517
Fund 1320 to Fund 5KZ0 in an amount equal to the initial cash 145518
transfer made under this section. 145519

INFORMATION TECHNOLOGY DEVELOPMENT 145520

The foregoing appropriation item 100661, IT Development, 145521
shall be used by the Department of Administrative Services to 145522
pay the costs of modernizing the state's information technology 145523
management and investment practices away from a limited, agency- 145524
specific focus in favor of a statewide methodology supporting 145525
development of enterprise solutions. This appropriation item may 145526
be used to pay the costs of enterprise information technology 145527
initiatives affecting state agencies or their customers. 145528

Notwithstanding any provision of law to the contrary, the 145529
Department of Administrative Services, with the approval of the 145530
Director of Budget and Management, may charge state agencies an 145531
information technology development assessment based on state 145532
agencies' information technology expenditures or other 145533
methodology and may assess fees or charges to entities that are 145534
not state agencies to offset the cost of specific technology 145535
events or services. The revenue from these assessments, fees, or 145536
charges shall be deposited into the Information Technology 145537
Development Fund (Fund 5LJ0), which is hereby created. 145538

ENTERPRISE APPLICATIONS 145539

The foregoing appropriation item 100665, Enterprise 145540
Applications, shall be used for the operation and management of 145541
information technology applications that support state agencies' 145542

objectives. Charges billed to benefiting agencies shall be 145543
deposited to the credit of the Enterprise Applications Fund 145544
(Fund 5PC0). 145545

Section 207.50. ENTERPRISE IT STRATEGY IMPLEMENTATION 145546

The Director of Administrative Services shall determine 145547
and implement strategies that benefit the enterprise by 145548
improving efficiency, reducing costs, or enhancing capacity of 145549
information technology (IT) services. Such improvements and 145550
efficiencies may result in the consolidation and transfer of 145551
such services. As determined to be necessary for successful 145552
implementation of this section and notwithstanding any provision 145553
of law to the contrary, the Director of Administrative Services 145554
may request the Director of Budget and Management to consolidate 145555
or transfer IT-specific budget authority between agencies or 145556
within an agency as necessary to implement enterprise IT cost 145557
containment strategies and related efficiencies. Once the 145558
Director of Budget and Management is satisfied that the proposed 145559
initiative is cost advantageous to the enterprise, the Director 145560
of Budget and Management may request Controlling Board approval 145561
to transfer appropriations, funds, and cash to implement the 145562
proposed initiative. The establishment of any new fund or 145563
additional appropriation as a result of this section shall also 145564
be subject to Controlling Board approval. 145565

The Director of Budget and Management and the Director of 145566
Administrative Services may transfer any employees, assets, and 145567
liabilities, including, but not limited to, records, contracts, 145568
and agreements in order to facilitate the improvements 145569
determined in accordance with this section. 145570

Section 209.10. 145571

145572

	1	2	3	4	5
A			AGE DEPARTMENT OF AGING		
B			General Revenue Fund		
C	GRF	490321	Operating Expenses	\$1,944,405	\$2,033,308
D	GRF	490410	Long-Term Care Ombudsman	\$3,117,148	\$3,122,195
E	GRF	490411	Senior Community Services	\$11,107,903	\$11,145,146
F	GRF	490414	Alzheimer's and Other Dementia Respite	\$4,300,000	\$4,300,000
G	GRF	490510	Community Projects	\$485,000	\$0
H	GRF	656423	Long-Term Care Budget - State	\$5,222,431	\$5,339,477
I			General Revenue Fund Total	\$26,176,887	\$25,940,126
J			Dedicated Purpose Fund Group		
K	4800	490606	Senior Community Outreach and Education	\$150,000	\$150,000
L	4C40	490609	Regional Long-Term Care Ombudsman Program	\$1,000,000	\$1,000,000
M	5BA0	490620	Long-Term Care Quality Initiatives	\$12,417,919	\$12,417,919
N	5K90	490613	Long-Term Care Consumers Guide	\$1,770,000	\$1,780,000

O	5MT0	490627	Board of Executives of Long-Term Services and Supports	\$850,000	\$875,000
P	5T40	656625	Health Care Grants - State	\$695,940	\$695,939
Q	5W10	490616	Resident Services Coordinator Program	\$262,500	\$262,500
R	Dedicated Purpose Fund Group Total			\$17,146,359	\$17,181,358
S	Federal Fund Group				
T	3220	490618	Federal Aging Grants	\$10,500,000	\$10,500,000
U	3C40	656623	Long-Term Care Budget - Federal	\$7,462,626	\$7,979,625
V	3M40	490612	Federal Independence Services	\$66,495,000	\$69,820,000
W	Federal Fund Group Total			\$84,457,626	\$88,299,625
X	TOTAL ALL BUDGET FUND GROUPS			\$127,780,872	\$131,421,109

Section 209.20. LONG-TERM CARE 145573

Pursuant to an interagency agreement, the Department of 145574
 Medicaid may designate the Department of Aging to perform 145575
 assessments under section 5165.04 of the Revised Code. The 145576
 Department of Aging shall provide long-term care consultations 145577
 under section 173.42 of the Revised Code to assist individuals 145578
 in planning for their long-term health care needs. 145579

The Department of Aging shall administer the Medicaid 145580
waiver-funded PASSPORT Home Care Program, the Assisted Living 145581
Program, and PACE as delegated by the Department of Medicaid in 145582
an interagency agreement. 145583

PERFORMANCE-BASED REIMBURSEMENT 145584

In order to improve health outcomes among populations 145585
served by PASSPORT administrative agencies, the Department of 145586
Aging, through rules adopted in accordance with Chapter 119. of 145587
the Revised Code, may design and utilize a payment method for 145588
PASSPORT administrative agency operations that includes a pay- 145589
for-performance incentive component that is earned by a PASSPORT 145590
administrative agency when defined consumer and policy outcomes 145591
are achieved. Prior to filing with the Joint Committee on Agency 145592
Rule Review, as provided in section 119.03 of the Revised Code, 145593
a proposed rule related to a payment method that includes a pay- 145594
for-performance incentive component, the Department shall submit 145595
a report to the Joint Medicaid Oversight Committee outlining the 145596
payment method. 145597

Section 209.30. MYCARE OHIO 145598

The authority of the Office of the State Long-Term Care 145599
Ombudsman as described in sections 173.14 to 173.28 of the 145600
Revised Code extends to MyCare Ohio during the period of the 145601
federal financial alignment demonstration program. 145602

SENIOR COMMUNITY SERVICES 145603

The foregoing appropriation item 490411, Senior Community 145604
Services, may be used for programs, services, and activities 145605
designated by the Department of Aging, including, but not 145606
limited to, home-delivered meals, congregate dining, 145607
transportation, personal care, respite, adult day services, home 145608

maintenance and chores, minor home modification, case 145609
management, evidence-based disease prevention and health 145610
promotion, and information assistance. Funds may also be used to 145611
provide grants to community organizations to support and expand 145612
older adult programming. Services priority shall be given to 145613
low-income, high-need persons, and/or persons with a cognitive 145614
impairment who are sixty years of age or over. The Department 145615
shall not use any of these funds for administrative expenses. 145616

COMMUNITY PROJECTS 145617

Of the foregoing appropriation item 490510, Community 145618
Projects, \$285,000 in fiscal year 2026 shall be distributed to 145619
Jewish Family Services to support Ohio's Holocaust survivors. 145620

Of the foregoing appropriation item 490510, Community 145621
Projects, \$200,000 in fiscal year 2026 shall be distributed to 145622
the Benjamin Rose Institute on Aging. These funds shall be used 145623
to provide services to disadvantaged seniors that address food 145624
insecurity, mental health, and financial literacy. 145625

BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS 145626

The foregoing appropriation item 490627, Board of 145627
Executives of Long-Term Services and Supports, may be used by 145628
the Board of Executives of Long-Term Services and Supports to 145629
administer and enforce Chapter 4751. of the Revised Code and 145630
rules adopted under it. 145631

Section 211.10. 145632

145633

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B	General Revenue Fund		
C	GRF 700401 Animal Health Programs	\$8,683,000	\$8,893,400
D	GRF 700403 Dairy Division	\$1,569,000	\$1,613,000
E	GRF 700406 Consumer Protection Lab	\$1,880,000	\$1,906,000
F	GRF 700407 Food Safety	\$1,705,000	\$1,752,000
G	GRF 700410 Plant Industry	\$542,000	\$594,000
H	GRF 700412 Weights and Measures	\$825,000	\$849,000
I	GRF 700415 Poultry Inspection	\$1,597,500	\$1,619,500
J	GRF 700418 Livestock Regulation Program	\$1,600,000	\$1,649,000
K	GRF 700424 Livestock Testing and Inspections	\$135,000	\$138,000
L	GRF 700426 Dangerous Animals and Emergency Management	\$708,000	\$716,000
M	GRF 700427 High Volume Breeder Kennel Control	\$1,545,000	\$1,553,000
N	GRF 700428 Soil and Water Division	\$4,179,000	\$4,357,000
O	GRF 700499 Meat Inspection Program - State Share	\$8,080,000	\$8,304,000
P	GRF 700501 County Agricultural Societies	\$630,000	\$630,000

Q	GRF	700509	Soil and Water District Support	\$12,527,000	\$12,533,000
R	GRF	700511	Ride Inspection	\$779,000	\$801,000
S	GRF	700674	Plant Testing	\$247,000	\$218,000
T	General Revenue Fund Total			\$47,231,500	\$48,125,900
U	Dedicated Purpose Fund Group				
V	4900	700651	License Plates - Sustainable Agriculture	\$16,800	\$16,800
W	4940	700612	Agricultural Commodity Marketing Program	\$125,000	\$125,000
X	4960	700626	Ohio Grape Industries	\$1,200,000	\$1,200,000
Y	4970	700627	Grain Warehouse Program	\$500,000	\$500,000
Z	4C90	700605	Commercial Feed and Seed	\$2,273,000	\$2,329,000
AA	4D20	700609	Auction Education	\$53,000	\$54,000
AB	4E40	700606	Utility Radiological Safety	\$136,000	\$142,000
AC	4P70	700610	Food Safety Inspection	\$1,353,000	\$1,396,000
AD	4R00	700636	Ohio Proud Marketing	\$25,000	\$25,000
AE	4R20	700637	Dairy Industry Inspection	\$1,751,000	\$1,787,000
AF	4T60	700611	Poultry and Meat	\$113,500	\$117,000

Inspection				
AG 5780	700620	Ride Inspection	\$1,245,000	\$1,273,000
AH 5B80	700629	Auctioneers	\$230,000	\$236,000
AI 5BV0	700660	Heidelberg Water Quality Lab	\$275,000	\$275,000
AJ 5BV0	700661	Soil and Water Districts	\$10,507,000	\$10,509,000
AK 5FC0	700648	Plant Pest Program	\$1,200,000	\$1,200,000
AL 5H20	700608	Metrology Lab and Scale Certification	\$1,194,000	\$1,240,000
AM 5L80	700604	Livestock Management Program	\$186,800	\$189,800
AN 5MR0	700658	Commercial Dog Breeding	\$450,000	\$465,000
AO 5MS0	700659	Animal and Consumer Protection	\$8,400	\$8,400
AP 5QW0	700653	Watershed Assistance	\$857,000	\$832,000
AQ 5WJ0	700671	Hemp Program	\$367,000	\$375,000
AR 6520	700634	Animal, Consumer, and ATL Labs	\$8,483,900	\$8,328,800
AS 6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$4,533,000	\$4,649,000

AT 6H20 700670 H2Ohio	\$56,100,000	\$56,100,000
AU Dedicated Purpose Fund Group Total	\$93,183,400	\$93,372,800
AV Internal Service Activity Fund Group		
AW 5DA0 700644 Laboratory Administration Support	\$1,300,000	\$1,339,000
AX 5GH0 700655 Administrative Support	\$7,614,000	\$7,990,000
AY Internal Service Activity Fund Group Total	\$8,914,000	\$9,329,000
AZ Capital Projects Fund Group		
BA 7057 700632 Clean Ohio Agricultural Easement Operating	\$512,000	\$515,000
BB Capital Projects Fund Group Total	\$512,000	\$515,000
BC Federal Fund Group		
BD 3260 700618 Meat Inspection Program - Federal Share	\$5,891,000	\$6,133,000
BE 3360 700617 Ohio Farm Loan - Revolving	\$317,000	\$200,000
BF 3820 700601 Federal Cooperative Contracts	\$11,612,000	\$9,669,000
BG 3J40 700607 Federal Administrative Programs	\$2,000,000	\$2,055,000

BH 3R20 700614 Federal Plant Industry	\$6,843,000	\$7,189,000
BI Federal Fund Group Total	\$26,663,000	\$25,246,000
BJ TOTAL ALL BUDGET FUND GROUPS	\$176,503,900	\$176,588,700

Section 211.20. 145634

COUNTY AGRICULTURAL SOCIETIES 145635

Of the foregoing appropriation item 700501, County 145636
Agricultural Societies, up to \$380,000 in each fiscal year shall 145637
be used to reimburse county and independent agricultural 145638
societies for expenses related to Junior Fair activities. 145639

Of the foregoing appropriation item 700501, County 145640
Agricultural Societies, up to \$250,000 in each fiscal year shall 145641
be used to support the Future Farmers of America, urban 145642
agriculture, and agriculture literacy programs around the state. 145643

SUPPORT FOR SOIL AND WATER DISTRICTS 145644

Of the foregoing appropriation item 700509, Soil and Water 145645
District Support, \$4,200,000 in each fiscal year shall be used 145646
to support county soil and water conservation districts in 145647
priority regions as defined by the director of Agriculture, for 145648
staffing costs and to assist in soil testing and nutrient 145649
management plan development, including manure transformation and 145650
manure conversion technologies, enhanced filter strips, water 145651
management, and H2Ohio Program support. 145652

SOIL AND WATER DISTRICTS 145653

In addition to state payments to soil and water 145654
conservation districts authorized by section 940.15 of the 145655
Revised Code, the Department of Agriculture may use 145656

appropriation item 700661, Soil and Water Districts, to pay any 145657
soil and water conservation district an annual amount not to 145658
exceed \$40,000 upon receipt of a request and justification from 145659
the district and approval by the Ohio Soil and Water 145660
Conservation Commission. The county auditor shall credit the 145661
payments to the special fund established under section 940.12 of 145662
the Revised Code for use by the local soil and water 145663
conservation district. The amounts received by each district 145664
shall be expended for the purposes of the district. 145665

H2OHIO FUND 145666

The Department of Agriculture shall establish programs to 145667
assist in reducing total phosphorus, dissolved reactive 145668
phosphorus, sediment, and other nutrients in the Western Lake 145669
Erie Basin and other critical regions in the state as defined by 145670
the Director of Agriculture. 145671

The foregoing appropriation item 700670, H2Ohio, shall be 145672
used to support the programs described above, which may include, 145673
but not be limited to, the following: (1) equipment for 145674
subsurface placement of nutrients into the soil; (2) equipment 145675
for nutrient placement based on geographic information system 145676
data; (3) soil testing; (4) implementation of variable rate 145677
technology; (5) equipment implementing manure transformation and 145678
manure conversion technologies; (6) tributary monitoring; (7) 145679
best management practices recognized to reduce nutrients; (8) a 145680
revolving loan program; and (9) matching funds for the 145681
Conservation Reserve Enhancement Program. 145682

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 145683

The foregoing appropriation item 700632, Clean Ohio 145684
Agricultural Easement Operating, shall be used by the Department 145685

of Agriculture in administering Clean Ohio Agricultural Easement Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 5301.67 to 5301.70 of the Revised Code. 145686
145687
145688

Section 213.10. 145689
145690

	1	2	3	4	5
A	AIR AIR QUALITY DEVELOPMENT AUTHORITY				
B	Dedicated Purpose Fund Group				
C	4Z90	898602	Small Business Ombudsman	\$246,000	\$248,000
D	5700	898601	Operating Expenses	\$3,600,000	\$4,300,000
E	5A00	898603	Small Business Assistance	\$150,000	\$225,000
F	Dedicated Purpose Fund Group Total			\$3,996,000	\$4,773,000
G	TOTAL ALL BUDGET FUND GROUPS			\$3,996,000	\$4,773,000

Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT AUTHORITY TRUST ACCOUNT 145691
145692

Notwithstanding any other provision of law to the contrary, the Air Quality Development Authority may reimburse the Air Quality Development Authority trust account established under section 3706.10 of the Revised Code from all operating funds of the agency for expenses pertaining to the administration and shared costs incurred by the Air Quality Development Authority in the execution of responsibilities as prescribed in Chapter 3706. of the Revised Code. The reimbursement shall occur in accordance with an administrative cost recovery plan approved by the Air Quality Development 145693
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Authority Board. 145703

Section 215.10. 145704

145705

	1	2	3	4	5
A	ARC ARCHITECTS BOARDS				
B	Dedicated Purpose Fund Group				
C	4K90	891609	Operating	\$674,000	\$690,001
D	Dedicated Purpose Fund Group Total			\$674,000	\$690,001
E	TOTAL ALL BUDGET FUND GROUPS			\$674,000	\$690,001

Section 217.10. 145706

145707

	1	2	3	4	5
A	ART OHIO ARTS COUNCIL				
B	General Revenue Fund				
C	GRF	370321	Operating Expenses	\$3,172,595	\$3,243,201
D	GRF	370502	State Program Subsidies	\$23,538,000	\$23,538,000
E	General Revenue Fund Total			\$26,710,595	\$26,781,201
F	Dedicated Purpose Fund Group				
G	4600	370602	Arts Council Program Support	\$345,000	\$345,000
H	4B70	370603	Percent For Art	\$165,000	\$0

Acquisitions

I	Dedicated Purpose Fund Group Total	\$510,000	\$345,000
J	Federal Fund Group		
K	3140 370601 Federal Support	\$1,350,000	\$1,350,000
L	Federal Fund Group Total	\$1,350,000	\$1,350,000
M	TOTAL ALL BUDGET FUND GROUPS	\$28,570,595	\$28,476,201

Section 217.20. FEDERAL SUPPORT 145708

Notwithstanding any provision of law to the contrary, the 145709
foregoing appropriation item 370601, Federal Support, shall be 145710
used by the Ohio Arts Council for subsidies only, and not for 145711
its administrative costs, unless the Council is required to use 145712
a portion of the funds for administrative costs under conditions 145713
of the federal grant. 145714

Section 219.10. 145715

145716

1 2 3 4 5

A ATH ATHLETIC COMMISSION

B	Dedicated Purpose Fund Group		
C	4K90 175609 Operating Expenses	\$367,022	\$371,995
D	Dedicated Purpose Fund Group Total	\$367,022	\$371,995
E	TOTAL ALL BUDGET FUND GROUPS	\$367,022	\$371,995

Section 221.10. 145717

145718

1	2	3	4	5
A		AGO ATTORNEY GENERAL		
B	General Revenue Fund			
C	GRF	055321 Operating Expenses	\$92,785,225	\$92,785,225
D	GRF	055405 Law-Related Education	\$68,000	\$68,000
E	GRF	055406 BCIRS Lease Rental Payments	\$2,450,000	\$2,450,000
F	GRF	055411 County Sheriffs' Pay Supplement	\$1,111,257	\$1,130,685
G	GRF	055415 County Prosecutors' Pay Supplement	\$1,476,937	\$1,502,753
H	GRF	055431 Drug Abuse Response Team Grants	\$0	\$1,500,000
I	GRF	055432 Drug Testing Equipment	\$964,000	\$964,000
J	GRF	055434 Internet Crimes Against Children Task Force	\$500,000	\$500,000
K	GRF	055441 Victims of Crime	\$6,700,000	\$5,700,000
L	GRF	055446 Cyber Crime Division	\$1,000,000	\$1,000,000
M	GRF	055501 Rape Crisis Centers	\$15,300,000	\$15,300,000
N	GRF	055502 School Safety Training	\$10,000,000	\$10,000,000

Grants

O	GRF	055504	Domestic Violence Programs	\$10,000,000	\$10,000,000
P	GRF	055505	Pike County Capital Case	\$600,000	\$0
Q	GRF	055509	Law Enforcement Training	\$30,000,000	\$35,000,000
R	General Revenue Fund Total			\$172,955,419	\$177,900,663
S	Dedicated Purpose Fund Group				
T	1060	055612	Attorney General Operating	\$63,216,225	\$64,034,683
U	4020	055616	Victims of Crime	\$11,500,000	\$12,000,000
V	4170	055621	Domestic Violence Shelter	\$25,000	\$25,000
W	4180	055615	Charitable Foundations	\$11,500,000	\$11,000,000
X	4190	055623	Claims Section	\$77,520,063	\$86,393,854
Y	4190	055668	Collections System Lease Rental Payments	\$4,165,000	\$4,165,000
Z	4200	055603	Attorney General Antitrust	\$1,500,000	\$0
AA	4210	055617	Police Officers' Training Academy Fee	\$3,555,387	\$3,528,018
AB	4L60	055606	DARE Programs	\$2,308,099	\$2,310,841

AC 4Y70 055608	Title Defect Recision	\$1,032,267	\$1,038,534
AD 4Z20 055609	BCI Asset Forfeiture and Cost Reimbursement	\$2,000,000	\$2,000,000
AE 5900 055633	Peace Officer Private Security Training	\$101,306	\$103,330
AF 5A90 055618	Telemarketing Fraud Enforcement	\$10,000	\$10,000
AG 5LR0 055655	Peace Officer Training - Casino	\$7,726,217	\$8,183,287
AH 5TL0 055659	Organized Crime Law Enforcement Trust	\$100,000	\$100,000
AI 5TZ0 055610	Drug Abuse Response Team Grants	\$1,800,000	\$0
AJ 5TZ0 055614	Narcotics Task Forces	\$500,000	\$500,000
AK 5VL0 055435	Stop Bullying License Plate	\$2,500	\$2,500
AL 6310 055637	Consumer Protection Enforcement	\$10,500,000	\$11,000,000
AM 6590 055641	Solid and Hazardous Waste Background Investigations	\$359,895	\$367,319
AN U087 055402	Tobacco Settlement Oversight, Administration, and	\$2,500,000	\$2,500,000

Enforcement

AO Dedicated Purpose Fund Group Total	\$201,921,959	\$209,262,366
AP Internal Service Activity Fund Group		
AQ 1950 055660 Workers' Compensation Section	\$9,570,750	\$9,905,726
AR Internal Service Activity Fund Group Total	\$9,570,750	\$9,905,726
AS Holding Account Fund Group		
AT 5BY1 055674 Charitable Law Distributions	\$750,000	\$750,000
AU R004 055631 General Holding Account	\$1,000,000	\$1,000,000
AV R005 055632 Antitrust Settlements	\$1,000,000	\$1,000,000
AW R018 055630 Consumer Frauds	\$1,000,000	\$1,000,000
AX R042 055601 Organized Crime Commission Distributions	\$750,000	\$750,000
AY R054 055650 Collection Payment Redistribution	\$4,500,000	\$4,500,000
AZ Holding Account Fund Group Total	\$9,000,000	\$9,000,000
BA Federal Fund Group		
BB 3060 055620 Medicaid Fraud Control	\$17,059,070	\$17,887,905

BC 3830 055634 Crime Victims Assistance	\$40,000,000	\$40,000,000
BD 3E50 055638 Attorney General Pass- Through Funds	\$8,020,999	\$8,020,999
BE 3FV0 055656 Crime Victim Compensation	\$7,200,000	\$7,400,000
BF 3R60 055613 Attorney General Federal Funds	\$5,500,000	\$5,500,000
BG Federal Fund Group Total	\$77,780,069	\$78,808,904
BH TOTAL ALL BUDGET FUND GROUPS	\$471,228,197	\$484,877,659

Section 221.20. OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE	145719
	145720
Of the foregoing appropriation item 055321, Operating Expenses, \$650,000 in each fiscal year shall be used for the Ohio Center for the Future of Forensic Science at Bowling Green State University. The purpose of the Center shall be to foster forensic science research techniques (BCI Eminent Scholar) and to create professional training opportunities to students (BCI Scholars) in the forensic science fields.	145721
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DOMESTIC VIOLENCE PROGRAM	145728
Of the foregoing appropriation item 055321, Operating Expenses, \$100,000 in each fiscal year may be used by the Attorney General for the purpose of providing funding to domestic violence programs as defined in section 109.46 of the Revised Code.	145729
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BUREAU OF CRIMINAL INVESTIGATION RECORDS SYSTEM (BCIRS)	145734
LEASE RENTAL PAYMENTS	145735

The foregoing appropriation item 055406, BCIRS Lease Rental Payments, shall be used for payments during the period from July 1, 2025, through June 30, 2027, pursuant to leases and agreements entered into pursuant to Section 701.40 of S.B. 310 of the 131st General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the BCIRS.

COUNTY SHERIFFS' PAY SUPPLEMENT 145744

The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055411, County Sheriffs' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

COUNTY PROSECUTORS' PAY SUPPLEMENT 145756

The foregoing appropriation item 055415, County Prosecutors' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by section 325.111 of the Revised Code.

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055415, County Prosecutors' Pay Supplement. Any

appropriation so transferred shall be used to supplement the 145765
annual compensation of county prosecutors as required by section 145766
325.111 of the Revised Code. 145767

DRUG ABUSE RESPONSE TEAM GRANT PROGRAM 145768

The Attorney General shall maintain the Drug Abuse 145769
Response Team Grant Program for the purpose of replicating or 145770
expanding successful law enforcement programs that address the 145771
opioid epidemic similar to the Drug Abuse Response Team 145772
established by the Lucas County Sheriff's Department, and the 145773
Quick Response Teams established in Colerain Township's 145774
Department of Public Safety in Hamilton County and Summit 145775
County. Any grants awarded by this grant program may include 145776
requirements for private or nonprofit matching support. 145777

The foregoing appropriation items 055431, Drug Abuse 145778
Response Team Grants, and 055610, Drug Abuse Response Team 145779
Grants, shall be used by the Attorney General to fund grants to 145780
law enforcement or other government agencies; the primary 145781
purpose of the grants shall be to replicate or expand successful 145782
law enforcement programs that address the opioid epidemic 145783
similar to the Drug Abuse Response Team established by the Lucas 145784
County Sheriff's Department and the Quick Response Teams 145785
established in Colerain Township's Department of Public Safety 145786
in Hamilton County and Summit County. 145787

Each recipient of a grant under this program shall, within 145788
six months of the end date of the grant, submit a written report 145789
describing the outcomes that resulted from the grant to the 145790
Governor, the President of the Senate, the Speaker of the House 145791
of Representatives, the Minority Leader of the Senate, and the 145792
Minority Leader of the House of Representatives. 145793

DRUG TESTING EQUIPMENT	145794
The foregoing appropriation item 055432, Drug Testing Equipment, shall be used to purchase, operate, and maintain drug testing equipment for the Bureau of Criminal Identification and Investigation.	145795 145796 145797 145798
INTERNET CRIMES AGAINST CHILDREN TASK FORCE	145799
The foregoing appropriation item 055434, Internet Crimes Against Children Task Force, shall be used by the Attorney General in support of the Ohio Internet Crimes Against Children Task Force for the purposes described in section 195.02 of the Revised Code.	145800 145801 145802 145803 145804
VICTIMS OF CRIME	145805
The foregoing appropriation item 055441, Victims of Crime, shall be allocated to the Crime Victim Services Section. Prior to using the funds from this appropriation item, the Attorney General shall, to the extent possible, first use funds related to the federal Victims of Crime Act.	145806 145807 145808 145809 145810
CLEVELAND RAPE CRISIS CENTER	145811
Of the foregoing appropriation item 055501, Rape Crisis Centers, \$300,000 in each fiscal year shall be distributed to the Cleveland Rape Crisis Center to provide services for at-risk youth through the Cleveland Rape Crisis Center Human Trafficking Drop-in Center.	145812 145813 145814 145815 145816
SCHOOL SAFETY TRAINING GRANTS	145817
(A) The foregoing appropriation item 055502, School Safety Training Grants, shall be used by the Attorney General, in consultation with the Director of Education and Workforce and the Director of Behavioral Health, solely to make grants to	145818 145819 145820 145821

public and chartered nonpublic schools, educational service 145822
centers, local law enforcement agencies, and schools operated by 145823
county boards of developmental disabilities administering 145824
special education services programs pursuant to section 5126.05 145825
of the Revised Code for school safety and school climate 145826
programs and training. 145827

(B) The use of the grants includes, but is not limited to, 145828
all of the following: 145829

(1) The support of school resource officer certification 145830
training; 145831

(2) Any type of active shooter and school safety training 145832
or equipment; 145833

(3) All grade level type educational resources; 145834

(4) Training to identify and assist students with mental 145835
health issues; 145836

(5) School supplies or equipment related to school safety 145837
or for implementing the school's safety plan; 145838

(6) Any other training, supplies, services, or equipment 145839
related to school safety. 145840

(C) The schools, educational service centers, and county 145841
boards shall work or contract with the county sheriff's office 145842
or a local police department in whose jurisdiction they are 145843
located to develop the programs and training described in 145844
divisions (B) (1), (2), (3), (5), and (6) of this section. Any 145845
grant awarded directly to a local law enforcement agency, or to 145846
a nonprofit or charitable law enforcement training organization 145847
on the law enforcement agency's behalf, shall not be used to 145848
fund a similar request made by a school located within the 145849

jurisdiction of the local law enforcement agency. 145850

(D) The Attorney General is authorized to make payments 145851
directly to school or law enforcement nonprofit or charitable 145852
training organizations on behalf of any public and chartered 145853
nonpublic schools, educational service centers, local law 145854
enforcement agencies, and schools operated by county boards of 145855
developmental disabilities administering special education 145856
services. 145857

(E) As used in this section, "public school" means any 145858
school operated by a school district board of education, any 145859
community school established under Chapter 3314. of the Revised 145860
Code, and any STEM school established under Chapter 3326. of the 145861
Revised Code. 145862

DOMESTIC VIOLENCE PROGRAMS 145863

The foregoing appropriation item 055504, Domestic Violence 145864
Programs, shall be used by the Attorney General for the purpose 145865
of funding domestic violence programs as defined in section 145866
109.46 of the Revised Code. 145867

FINDING MY CHILDHOOD AGAIN PILOT PROGRAM 145868

Of the foregoing appropriation item 055504, Domestic 145869
Violence Programs, \$300,000 in each fiscal year shall be 145870
distributed to the Battered Women's Shelter of Summit and Medina 145871
counties for expenses related to the creation and implementation 145872
of a pilot program called "Finding my Childhood Again." 145873

BATTERED WOMEN'S SHELTER 145874

Of the foregoing appropriation item 055504, Domestic 145875
Violence Programs, \$50,000 in each fiscal year shall be 145876
distributed to the Battered Women's Shelter of Summit and Medina 145877

counties for the cost of operating the commercial kitchen 145878
located at its Market Street Facility, and \$50,000 in each 145879
fiscal year shall be distributed to the Battered Women's Shelter 145880
of Portage County. 145881

TRANSPORTATION GRANTS 145882

Of the foregoing appropriation item 055504, Domestic 145883
Violence Programs, \$25,000 in fiscal year 2026 shall be provided 145884
as grants to Ohio domestic violence shelters to buy 145885
transportation vouchers, ridesharing credits, or gas cards for 145886
eligible clients. The Attorney General shall adopt any rules 145887
necessary for the administration of the grant program. 145888

PIKE COUNTY CAPITAL CASE 145889

An amount equal to the unexpended, unencumbered balance of 145890
appropriation item 055505, Pike County Capital Case, at the end 145891
of fiscal year 2025 is hereby reappropriated to the same 145892
appropriation item for the same purpose in fiscal year 2026. 145893

An amount equal to the unexpended, unencumbered balance of 145894
appropriation item 055505, Pike County Capital Case, at the end 145895
of fiscal year 2026 is hereby reappropriated to the same 145896
appropriation item for the same purpose in fiscal year 2027. 145897

LAW ENFORCEMENT TRAINING 145898

The foregoing appropriation item 055509, Law Enforcement 145899
Training, shall be used by the Attorney General for state 145900
funding of the training of peace officers and troopers that is 145901
required under section 109.803 of the Revised Code. 145902

Of the foregoing appropriation item 055509, Law 145903
Enforcement Training, the Attorney General may use up to 145904
\$150,000 in each fiscal year for administrative expenses 145905

associated with the program, including curriculum development.	145906
ATTORNEY GENERAL COLLECTIONS SYSTEM LEASE RENTAL PAYMENTS	145907
The foregoing appropriation item 055668, Collections	145908
System Lease Rental Payments, shall be used to make payments	145909
during the period from July 1, 2025, through June 30, 2027,	145910
pursuant to leases and agreements entered into under Section	145911
701.10 of S.B. 310 of the 133rd General Assembly or Section	145912
709.01 of H.B. 687 of the 134th General Assembly, with respect	145913
to financing the costs associated with the acquisition,	145914
development, implementation, and integration of the Attorney	145915
General New Collection System.	145916
NARCOTICS TASK FORCES	145917
The foregoing appropriation item 055614, Narcotics Task	145918
Forces, shall be used to support narcotics task forces funded by	145919
the Attorney General.	145920
WORKERS' COMPENSATION SECTION	145921
The Workers' Compensation Fund (Fund 1950) is entitled to	145922
receive quarterly payments from the Bureau of Workers'	145923
Compensation and the Ohio Industrial Commission to fund legal	145924
services provided to the Bureau of Workers' Compensation and the	145925
Ohio Industrial Commission during the fiscal year.	145926
In addition, the Bureau of Workers' Compensation shall	145927
transfer payments for the support of the Workers' Compensation	145928
Fraud Unit.	145929
All amounts shall be mutually agreed upon by the Attorney	145930
General, the Bureau of Workers' Compensation, and the Ohio	145931
Industrial Commission.	145932
GENERAL HOLDING ACCOUNT	145933

The foregoing appropriation item 055631, General Holding Account, shall be used to distribute moneys under the terms of relevant court orders or other settlements received in a variety of cases involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ANTITRUST SETTLEMENTS 145940

The foregoing appropriation item 055632, Antitrust Settlements, shall be used to distribute moneys under the terms of relevant court orders or other out-of-court settlements in antitrust cases or antitrust matters involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

CHARITABLE SETTLEMENT HOLDING ACCOUNT 145948

The foregoing appropriation item 055674, Charitable Settlement Holding Account, shall be used to distribute money in the Charitable Settlements Holding Account Fund (Fund 5BY1), which is created in the state treasury, under the terms of relevant court orders or other settlements received in the charitable law cases involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

On July 1, 2025, or as soon as possible thereafter, the Attorney General shall certify to the Director of Budget and Management the amount of cash receipts related to settlements received in charitable law cases and credited to the General Holding Account (Fund R004). The Director of Budget and Management shall transfer the amounts certified to the

Charitable Settlements Holding Account Fund (Fund 5BY1).	145963
CONSUMER FRAUDS	145964
The foregoing appropriation item 055630, Consumer Frauds,	145965
shall be used for distribution of moneys from court-ordered	145966
judgments against sellers in actions brought by the Office of	145967
the Attorney General under sections 1334.08 and 4549.48 and	145968
division (B) of section 1345.07 of the Revised Code. These	145969
moneys shall be used to provide restitution to consumers	145970
victimized by the fraud that generated the court-ordered	145971
judgments. If it is determined that additional amounts are	145972
necessary for this purpose, the amounts are hereby appropriated.	145973
ORGANIZED CRIME COMMISSION DISTRIBUTIONS	145974
The foregoing appropriation item 055601, Organized Crime	145975
Commission Distributions, shall be used by the Organized Crime	145976
Investigations Commission, as provided by section 177.011 of the	145977
Revised Code, to reimburse political subdivisions for the	145978
expenses the political subdivisions incur when their law	145979
enforcement officers participate in an organized crime task	145980
force and to support the operations of the retail theft task	145981
force. If it is determined that additional amounts are necessary	145982
for this purpose, the amounts are hereby appropriated.	145983
COLLECTION PAYMENT REDISTRIBUTION	145984
The foregoing appropriation item 055650, Collection	145985
Payment Redistribution, shall be used for the purpose of	145986
allocating the revenue where debtors mistakenly paid the client	145987
agencies instead of the Attorney General's Collections	145988
Enforcement Section. If it is determined that additional amounts	145989
are necessary for this purpose, the amounts are hereby	145990
appropriated.	145991

Section 221.30. On January 15, 2027, or as soon as possible thereafter, the Attorney General shall certify and remit to the Director of Budget and Management the balance of all proceeds received by the state under the settlement agreement in State of Ohio v. McKesson Corp., Case No. CVH20180055 (C.P. Madison Co., settlement agreement of October 7, 2021). Upon certification, the Director of Budget and Management shall remit the amounts certified to the Targeted Addiction Assistance Fund (Fund 5TZ0), created in section 126.67 of the Revised Code.

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Section 223.10.

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A	AUD AUDITOR OF STATE				
B	General Revenue Fund				
C	GRF	070401	Audit Management and Services	\$15,067,887	\$16,035,566
D	GRF	070402	Performance Audits	\$3,505,464	\$3,257,092
E	GRF	070403	Fiscal Distress Technical Assistance	\$650,000	\$650,000
F	GRF	070404	Fraud/Corruption Audits and Investigations	\$4,915,927	\$5,534,546
G	GRF	070412	Local Government Audit Support	\$21,000,000	\$23,250,000
H	General Revenue Fund Total			\$45,139,278	\$48,727,204

I	Dedicated Purpose Fund Group		
J	1090 070601	Public Audit Expense - Intrastate	\$13,737,026 \$13,914,164
K	4220 070602	Public Audit Expense - Local Government	\$33,000,000 \$33,000,000
L	5840 070603	Training Program	\$250,000 \$250,000
M	5JZ0 070606	Auditor's Innovation Fund	\$300,000 \$300,000
N	5VP0 070611	Local Government Audit Support Fund	\$21,000,000 \$23,250,000
O	6750 070605	Uniform Accounting Network	\$7,306,872 \$6,804,086
P	Dedicated Purpose Fund Group Total		\$75,593,898 \$77,518,250
Q	TOTAL ALL BUDGET FUND GROUPS		\$120,733,176 \$126,245,454

Section 223.20. AUDIT MANAGEMENT AND SERVICES 146004

The foregoing appropriation item 070401, Audit Management and Services, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State that are not recovered through charges to local governments and state entities, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines. This appropriation item also shall be used to cover costs of the Local Government Services Section that are not charged to clients.

PERFORMANCE AUDITS 146014

The foregoing appropriation item 070402, Performance Audits, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State related to the provision of performance audits for local governments, school districts, state agencies, and colleges and universities that are not recovered through charges to those entities, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines.

Of the foregoing appropriation item 070402, Performance Audits, up to \$500,000 in fiscal year 2026 shall be used to conduct a performance audit of indigent defense services within Ohio. The performance audit shall review the challenges of the delivery of indigent defense services, including, but not limited to, the costs, accounting, and payment processes of the Office of the Public Defender and at least five counties that represent each of the various indigent defense delivery methods in the state. The audit shall be completed and a report submitted to the President and Minority Leader of the Senate and to the Speaker and Minority Leader of the House of Representatives by January 1, 2027.

FISCAL DISTRESS TECHNICAL ASSISTANCE 146035

The foregoing appropriation item 070403, Fiscal Distress Technical Assistance, shall be used to support costs of the Auditor of State responsibilities under Chapters 118., 3316., and 3345. of the Revised Code to provide services to local governments, schools, or colleges and universities in, or at risk of entering, a state of fiscal caution, watch, or emergency.

LOCAL GOVERNMENT AUDIT SUPPORT 146043

The foregoing appropriation item 070412, Local Government Audit Support, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State that are not recovered through charges to local governments, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines.

LOCAL GOVERNMENT AUDIT SUPPORT FUND

The foregoing appropriation item 070611, Local Government Audit Support Fund, shall be used pursuant to section 117.131 of the Revised Code to offset costs of audits that would otherwise be charged to local public offices in the absence of the fund.

Section 229.10.

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A	OBM OFFICE OF BUDGET AND MANAGEMENT			
B	General Revenue Fund			
C	GRF 042321	Operating Expenses	\$4,400,000	\$4,592,000
D	GRF 042435	Gubernatorial Transition	\$0	\$250,000
E	General Revenue Fund Total		\$4,400,000	\$4,842,000
F	Dedicated Purpose Fund Group			
G	5AT1 042637	Statewide Children's Vision Initiative	\$5,000,000	\$0
H	5AY1 042509	One Time Strategic Community Investments	\$2,000,000	\$0

I	Dedicated Purpose Fund Group Total	\$7,000,000	\$0
J	Internal Service Activity Fund Group		
K	1050 042603 Financial Management	\$27,744,976	\$28,843,309
L	Internal Service Activity Fund Group Total	\$27,744,976	\$28,843,309
M	Fiduciary Fund Group		
N	5EH0 042604 Forgery Recovery	\$30,000	\$30,000
O	Fiduciary Fund Group Total	\$30,000	\$30,000
P	TOTAL ALL BUDGET FUND GROUPS	\$39,174,976	\$33,715,309

Section 229.20. STATEWIDE CHILDREN'S VISION INITIATIVE 146057

The foregoing appropriation item 042637, Statewide 146058
 Children's Vision Initiative, shall be used for the purpose of 146059
 delivering a statewide vision care project and an independent 146060
 evaluator contract. The Director of Budget and Management shall 146061
 consult with the Ohio Optometric Foundation regarding the 146062
 implementation of the vision project and the use of funds before 146063
 distributing funds from appropriation item 042637. 146064

Any unexpended and unencumbered amount of appropriation 146065
 item 042637, Statewide Children's Vision Initiative, remaining 146066
 at the end of fiscal year 2026 is hereby reappropriated in 146067
 fiscal year 2027, to be used for the same purpose. 146068

Section 229.30. ONE TIME STRATEGIC COMMUNITY INVESTMENTS 146069

The foregoing appropriation item 042509, One Time 146070
 Strategic Community Investments, shall be used by the Office of 146071

Budget and Management to provide grants for the projects listed 146072
in this section in the amounts listed. Prior to disbursing a 146073
grant to a recipient, the Office of Budget and Management shall 146074
enter into a grant agreement with the recipient. As part of the 146075
grant agreement, the recipient shall agree to complete a final 146076
report, in a form and manner to be prescribed by the Office of 146077
Budget and Management, detailing how the recipient used the 146078
grant and submit the report to the Office of Budget and 146079
Management. 146080

An amount equal to the unexpended, unencumbered balance of 146081
the foregoing appropriation item 042509, One Time Strategic 146082
Community Investments, at the end of fiscal year 2026 is hereby 146083
reappropriated for the same purpose in fiscal year 2027. 146084
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A	Project	Amount
B	Say Yes Cleveland	\$750,000
C	University Circle	\$250,000
D	Cleveland Neighborhood Progress for the Middle Neighborhood Investment Project	\$500,000
E	Great Lakes Science Center	\$500,000

AUDIT COSTS 146086

All centralized audit costs associated with either Single 146087
Audit Schedules or financial statements prepared in conformance 146088
with generally accepted accounting principles for the state 146089
shall be paid from the foregoing appropriation item 042603, 146090

Financial Management.	146091
Costs associated with the audit of the Auditor of State	146092
shall be paid from the foregoing appropriation item 042321,	146093
Operating Expenses.	146094
SHARED SERVICES CENTER	146095
The foregoing appropriation item 042603, Financial	146096
Management, shall be used by the Director of Budget and	146097
Management to support the Shared Services program pursuant to	146098
division (D) of section 126.21 of the Revised Code.	146099
The Director of Budget and Management shall include the	146100
recovery of costs to operate the Shared Services program in the	146101
accounting and budgeting services payroll rate and through	146102
direct charges using intrastate transfer vouchers billed to	146103
agencies for services rendered using a methodology determined by	146104
the Director of Budget and Management. Such cost recovery	146105
revenues shall be deposited to the credit of the Accounting and	146106
Budgeting Fund (Fund 1050).	146107
INTERNAL AUDIT	146108
The Director of Budget and Management shall include the	146109
recovery of costs to operate the Internal Audit Program pursuant	146110
to section 126.45 of the Revised Code in the accounting and	146111
budgeting services payroll rate using a methodology determined	146112
by the Director of Budget and Management. Such cost recovery	146113
revenues shall be deposited to the credit of Fund 1050.	146114
FORGERY RECOVERY	146115
The foregoing appropriation item 042604, Forgery Recovery,	146116
shall be used to reissue warrants that have been certified as	146117
forgeries by the rightful recipient as determined by the Bureau	146118

of Criminal Identification and Investigation and the Treasurer 146119
of State. Upon receipt of funds to cover the reissuance of the 146120
warrant, the Director of Budget and Management shall reissue a 146121
state warrant of the same amount. Any additional amounts needed 146122
to reissue warrants backed by the receipt of funds are hereby 146123
appropriated. 146124

Section 229.40. MAJOR SPORTS FACILITIES PERFORMANCE GRANTS 146125

On January 1, 2026, or as soon as possible thereafter, of 146126
the unclaimed funds and interest that escheat to the state under 146127
division (I) of section 169.08 of the Revised Code, the Director 146128
of Commerce shall remit \$600,000,000 to the state treasury for 146129
deposit into the Ohio Cultural and Sports Facility Performance 146130
Grant Fund (Fund 5CY1). Notwithstanding section 123.282 or 146131
division (I)(4) of section 169.08 of the Revised Code, the 146132
remaining portion of the unclaimed funds and interest that 146133
escheat to the state on January 1, 2026, shall be deposited into 146134
the Ohio Escheatment Fund, which is hereby created in the state 146135
treasury. After January 1, 2026, unclaimed funds and interest 146136
that escheat to the state shall be deposited into the Ohio 146137
Cultural and Sports Facility Performance Grant Fund (Fund 5CY1) 146138
in accordance with section 123.282 and division (I)(4) of 146139
section 169.08 of the Revised Code. 146140

There is hereby appropriated \$600,000,000 in fiscal year 146141
2026 to appropriation item 042428, Major Sports Facilities 146142
Performance Grants, from revenues received in the Ohio Cultural 146143
and Sports Facility Performance Grant Fund (Fund 5CY1). The 146144
Office of Budget and Management shall use appropriation item 146145
042428, Major Sports Facilities Performance Grants, to support 146146
construction of a transformational major sports facility mixed- 146147
use project pursuant to section 123.281 of the Revised Code that 146148

is associated with a Brook Park economic development project, 146149
except that no performance grants from appropriation item 146150
042428, Major Sports Facilities Performance Grants, shall be 146151
disbursed prior to February 1, 2026. 146152

Given that the Brook Park economic development project, 146153
which is to be located in the territorial boundary of a 146154
transformational major sports facility mixed-use project 146155
district, will be under construction in calendar years 2026, 146156
2027, and 2028, the General Assembly establishes, in accordance 146157
with section 123.28 of the Revised Code, that the base 146158
professional sports franchise state tax revenues will be 146159
realized and offset by the actual revenues generated each of 146160
those years through the continuing economic activity and state 146161
taxes levied and realized under Chapters 5739., 5741., 5747., 146162
and 5751. of the Revised Code at the stadium in Cleveland. As a 146163
result, the simultaneous economic activity and state tax 146164
revenues levied and realized under Chapters 5739., 5741., 5747., 146165
and 5751. of the Revised Code in the district each of those 146166
three years will exceed the base professional sports franchise 146167
state tax revenues. Thus, for that three-year period only, the 146168
General Assembly establishes, in accordance with section 123.28 146169
of the Revised Code, that the incremental major sports facility 146170
mixed-use project district state tax revenues generated during 146171
each of those years equal the state taxes levied and realized 146172
under Chapters 5739., 5741., 5747., and 5751. of the Revised 146173
Code for the construction of, and the purchasing of or leasing 146174
of materials and items used in the construction of, the project. 146175
For calendar year 2029 and beyond, the base professional sports 146176
franchise state tax revenues and the incremental major sports 146177
facility mixed-use project district state tax revenues shall be 146178
determined as provided in section 123.28 of the Revised Code. 146179

Further, nothing in this section modifies, changes, or otherwise 146180
alters the four-year target amounts described under division (H) 146181
(5) (a) of section 123.281 of the Revised Code. 146182

An amount equal to the unexpended, unencumbered balance of 146183
the foregoing appropriation item 042428, Major Sports Facilities 146184
Performance Grants, at the end of fiscal year 2026 is hereby 146185
reappropriated to the same appropriation item in fiscal year 146186
2027. 146187

Section 231.10. 146188
146189

	1	2	3	4	5
A	CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD				
B	General Revenue Fund				
C	GRF	874321	Operating Expenses	\$7,003,530	\$7,212,135
D	GRF	874400	Statehouse Facility Improvements	\$6,000,000	\$0
E	General Revenue Fund Total			\$13,003,530	\$7,212,135
F	Dedicated Purpose Fund Group				
G	2080	874601	Underground Parking Garage Operations	\$4,245,906	\$4,245,906
H	4G50	874603	Capitol Square Education Center and Arts	\$6,000	\$6,000
I	5AN1	874608	Capitol Square Improvements	\$1,927,921	\$0

J	Dedicated Purpose Fund Group Total	\$6,179,827	\$4,251,906
K	Internal Service Activity Fund Group		
L	4S70 874602 Statehouse Gift Shop/Events	\$1,000,000	\$1,000,000
M	Internal Service Activity Fund Group Total	\$1,000,000	\$1,000,000
N	TOTAL ALL BUDGET FUND GROUPS	\$20,183,357	\$12,464,041

Section 231.20. OPERATING EXPENSES 146190

Of the foregoing appropriation item 874321, Operating Expenses, up to \$50,000 in each fiscal year shall be used to display inside the Statehouse borrowed or purchased United States, Ohio, or Ohio military flags that have historical significance to the state of Ohio. 146191
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On July 1, 2025, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 874321, Operating Expenses, at the end of fiscal year 2025 to be reappropriated for fiscal year 2026. The amount certified is hereby reappropriated to the same appropriation item 874321, Operating Expenses, for fiscal year 2026. 146196
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On July 1, 2026, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the 146205
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146207
146208

foregoing appropriation item 874321, Operating Expenses, at the 146209
end of fiscal year 2026 to be reappropriated for fiscal year 146210
2027. The amount certified is hereby reappropriated to the same 146211
appropriation item 874321, Operating Expenses, for fiscal year 146212
2027. 146213

STATEHOUSE FACILITY IMPROVEMENTS 146214

On July 1, 2026, or as soon as possible thereafter, the 146215
Executive Director of the Capitol Square Review and Advisory 146216
Board may certify to the Director of Budget and Management an 146217
amount up to the unexpended, unencumbered balance of the 146218
foregoing appropriation item 874400, Statehouse Facility 146219
Improvements, at the end of fiscal year 2026 to be 146220
reappropriated for fiscal year 2027. The amount certified is 146221
hereby reappropriated to the same appropriation item 874400, 146222
Statehouse Facility Improvements, for fiscal year 2027. 146223

CAPITOL SQUARE IMPROVEMENTS 146224

On July 1, 2025, or as soon as possible thereafter, the 146225
Executive Director of the Capitol Square Review and Advisory 146226
Board may certify to the Director of Budget and Management an 146227
amount up to the unexpended, unencumbered balance of the 146228
foregoing appropriation item 874608, Capitol Square 146229
Improvements, at the end of fiscal year 2025 to be 146230
reappropriated for fiscal year 2026. The amount certified is 146231
hereby appropriated to the same appropriation item 874608, 146232
Capitol Square Improvements, for fiscal year 2026. 146233

On July 1, 2026, or as soon as possible thereafter, the 146234
Executive Director of the Capitol Square Review and Advisory 146235
Board may certify to the Director of Budget and Management an 146236
amount up to the unexpended, unencumbered balance of the 146237

foregoing appropriation item 874608, Capitol Square 146238
Improvements, at the end of fiscal year 2026 to be 146239
reappropriated for fiscal year 2027. The amount certified is 146240
hereby appropriated to the same appropriation item 874608, 146241
Capitol Square Improvements, for fiscal year 2027. 146242

UNDERGROUND PARKING GARAGE FUND 146243

Notwithstanding division (G) of section 105.41 of the 146244
Revised Code and any other provision to the contrary, moneys in 146245
the Underground Parking Garage Fund (Fund 2080) may be used for 146246
personnel and operating costs related to the operations of the 146247
Statehouse and the Statehouse Underground Parking Garage. 146248

HOUSE AND SENATE PARKING REIMBURSEMENT 146249

On July 1 of each fiscal year, or as soon as possible 146250
thereafter, the Director of Budget and Management shall transfer 146251
\$500,000 cash from the General Revenue Fund to the Underground 146252
Parking Garage Fund (Fund 2080). The amounts transferred under 146253
this section shall be used to reimburse the Capitol Square 146254
Review and Advisory Board for legislative parking costs. 146255

UNDERGROUND PARKING GARAGE FUND TRANSFER 146256

On July 1, 2025, or as soon as possible thereafter, the 146257
Director of Budget and Management shall transfer \$1,000,000 cash 146258
from the Underground Parking Garage Fund (Fund 2080) to the 146259
Statehouse Gift Shop/Events Fund (Fund 4S70). The amount 146260
transferred under this section shall be used for personnel and 146261
operating costs related to the operations of the Statehouse Gift 146262
Shop and events. 146263

Section 233.10. 146264

146265

	1	2	3	4	5
A	SCR STATE BOARD OF CAREER COLLEGES AND SCHOOLS				
B	Dedicated Purpose Fund Group				
C	4K90	233601	Operating Expenses	\$581,189	\$593,979
D	Dedicated Purpose Fund Group Total			\$581,189	\$593,979
E	TOTAL ALL BUDGET FUND GROUPS			\$581,189	\$593,979

Section 235.10.

146266
146267

	1	2	3	4	5
A	CAC CASINO CONTROL COMMISSION				
B	Dedicated Purpose Fund Group				
C	5HS0	955321	Operating Expenses	\$17,855,928	\$18,849,195
D	5NU0	955601	Casino Commission Enforcement	\$156,680	\$200,547
E	5YR0	955602	Problem Sports Gaming	\$3,500,000	\$3,500,000
F	Dedicated Purpose Fund Group Total			\$21,512,608	\$22,549,742
G	TOTAL ALL BUDGET FUND GROUPS			\$21,512,608	\$22,549,742

Section 237.10.

146268
146269

	1	2	3	4	5
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A	CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD		
B	Dedicated Purpose Fund Group		
C	4K90 930609 Operating Expenses	\$1,337,144	\$1,487,262
D	5CF1 930600 Peer Support Program	\$292,500	\$30,000
E	Dedicated Purpose Fund Group Total	\$1,629,644	\$1,517,262
F	TOTAL ALL BUDGET FUND GROUPS	\$1,629,644	\$1,517,262

Section 239.10. 146270
146271

1 2 3 4 5

A	CHR STATE CHIROPRACTIC BOARD		
B	Dedicated Purpose Fund Group		
C	4K90 878609 Operating Expenses	\$625,713	\$639,017
D	Dedicated Purpose Fund Group Total	\$625,713	\$639,017
E	TOTAL ALL BUDGET FUND GROUPS	\$625,713	\$639,017

Section 241.10. 146272
146273

1 2 3 4 5

A	CIV OHIO CIVIL RIGHTS COMMISSION		
B	General Revenue Fund		
C	GRF 876321 Operating Expenses	\$7,464,880	\$7,763,235

D	General Revenue Fund Total	\$7,464,880	\$7,763,235
E	Dedicated Purpose Fund Group		
F	2170 876604 Operations Support	\$5,000	\$5,000
G	Dedicated Purpose Fund Group Total	\$5,000	\$5,000
H	Federal Fund Group		
I	3340 876601 Federal Programs	\$3,614,239	\$3,676,006
J	Federal Fund Group Total	\$3,614,239	\$3,676,006
K	TOTAL ALL BUDGET FUND GROUPS	\$11,084,119	\$11,444,241

Section 243.10.

146274

146275

	1	2	3	4	5
A	COM DEPARTMENT OF COMMERCE				
B	Dedicated Purpose Fund Group				
C	4B20	800631	Real Estate Appraisal Recovery	\$35,000	\$35,000
D	4H90	800608	Cemeteries	\$326,349	\$332,990
E	4X20	800619	Financial Institutions	\$2,129,695	\$2,138,176
F	5430	800602	Unclaimed Funds - Operating	\$17,777,906	\$17,249,752
G	5430	800625	Unclaimed Funds - Claims	\$90,000,000	\$90,000,000

H	5440	800612	Banks	\$11,467,455	\$11,775,392
I	5460	800610	Fire Marshal	\$30,366,505	\$31,171,353
J	5460	800639	Fire Department Grants	\$15,515,000	\$7,515,000
K	5480	800611	Real Estate Recovery	\$50,000	\$50,000
L	5490	800614	Real Estate	\$7,808,917	\$8,014,934
M	5500	800617	Securities	\$9,782,453	\$10,204,710
N	5520	800604	Credit Union	\$5,194,284	\$4,831,282
O	5530	800607	Consumer Finance	\$6,440,712	\$7,215,971
P	5560	800615	Industrial Compliance	\$33,508,390	\$33,692,610
Q	5BG1	800659	Fireworks Fee Firefighter Training	\$3,000,000	\$3,000,000
R	5F10	800635	Small Government Fire Departments	\$600,000	\$600,000
S	5FW0	800616	Financial Literacy Education	\$150,000	\$150,000
T	5GK0	800609	Securities Investor Education/Enforcement	\$742,863	\$542,863
U	5HV0	800641	Cigarette Enforcement	\$27,324	\$27,324
V	5LC0	800644	Liquor JobsOhio Extraordinary Allowance	\$200,000	\$200,000

W	5LNO	800645	Liquor Operating Services	\$18,105,130	\$18,371,853
X	5LP0	800646	Liquor Regulatory Operating Expenses	\$17,782,397	\$17,681,629
Y	5SJ0	800648	Volunteer Peace Officers' Dependent Fund	\$50,000	\$50,000
Z	5SY0	800650	Medical Marijuana Control Program	\$16,339,688	\$16,180,201
AA	5VD0	800653	Real Estate Home Inspector Recovery	\$10,000	\$10,000
AB	5X60	800623	Video Service	\$429,981	\$441,076
AC	5XK0	800657	Ohio Investor Recovery	\$2,500,000	\$2,500,000
AD	6530	800629	UST Registration/Permit Fee	\$2,813,369	\$2,824,398
AE	Dedicated Purpose Fund Group Total			\$293,153,418	\$286,806,514
AF	Internal Service Activity Fund Group				
AG	1630	800620	Division of Administration	\$11,532,983	\$11,239,902
AH	1630	800637	Information Technology	\$12,728,427	\$13,134,526
AI	Internal Service Activity Fund Group Total			\$24,261,410	\$24,374,428
AJ	Federal Fund Group				

AK 3480 800622 Underground Storage Tanks	\$779,620	\$779,620
AL 3480 800624 Leaking Underground Storage Tanks	\$1,899,016	\$1,899,016
AM Federal Fund Group Total	\$2,678,636	\$2,678,636
AN TOTAL ALL BUDGET FUND GROUPS	\$320,093,464	\$313,859,578

Section 243.20. UNCLAIMED FUNDS - OPERATING 146276

Of the foregoing appropriation item 800602, Unclaimed
Funds - Operating, \$1,000,000 in each fiscal year shall be used
by the Division of Unclaimed Funds to use technologies,
outreach, advertising, and other direct or indirect methods to
locate and notify owners of unclaimed funds, or persons with an
established right to ownership of unclaimed funds, and assist
them with filing claims to those unclaimed funds.

UNCLAIMED FUNDS PAYMENTS 146284

The foregoing appropriation item 800625, Unclaimed Funds-
Claims, shall be used to pay claims under section 169.08 of the
Revised Code. If it is determined by the Director of Commerce
that additional appropriation amounts are necessary to make such
payments, the Director of Commerce may request that the Director
of Budget and Management approve such increases. Any approved
increases are hereby appropriated.

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 146292

The foregoing appropriation item 800631, Real Estate
Appraisal Recovery, shall be used to pay settlements, judgments,
and court orders under section 4763.16 of the Revised Code. If
it is determined by the Director of Commerce that additional

appropriation amounts are necessary to make such payments, the 146297
Director of Commerce may request that the Director of Budget and 146298
Management approve such increases. Any approved increases are 146299
hereby appropriated. 146300

The foregoing appropriation item 800611, Real Estate 146301
Recovery, shall be used to pay settlements, judgments, and court 146302
orders under section 4735.12 of the Revised Code. If it is 146303
determined by the Director of Commerce that additional 146304
appropriation amounts are necessary to make such payments, the 146305
Director of Commerce may request that the Director of Budget and 146306
Management approve such increases. Any approved increases are 146307
hereby appropriated. 146308

The foregoing appropriation item 800653, Real Estate Home 146309
Inspector Recovery, shall be used to pay settlements, judgments, 146310
and court orders under section 4764.21 of the Revised Code. If 146311
it is determined by the Director of Commerce that additional 146312
appropriation amounts are necessary to make such payments, the 146313
Director of Commerce may request that the Director of Budget and 146314
Management approve such increases. Any approved increases are 146315
hereby appropriated. 146316

FIRE DEPARTMENT GRANTS 146317

(A) The foregoing appropriation item 800639, Fire 146318
Department Grants, shall be used to make annual grants to the 146319
following eligible recipients: volunteer fire departments, fire 146320
departments that serve one or more small municipalities or small 146321
townships, joint fire districts comprised of fire departments 146322
that primarily serve small municipalities or small townships, 146323
local units of government responsible for such fire departments, 146324
and local units of government responsible for the provision of 146325
fire protection services for small municipalities or small 146326

townships. For the purposes of these grants, a private fire 146327
company, as that phrase is defined in section 9.60 of the 146328
Revised Code, that is providing fire protection services under a 146329
contract to a political subdivision of the state, is an 146330
additional eligible recipient for a training grant. 146331

Eligible recipients that consist of small municipalities 146332
or small townships that all intend to contract with the same 146333
fire department or private fire company for fire protection 146334
services may jointly apply and be considered for a grant. If a 146335
joint applicant is awarded a grant, the State Fire Marshal 146336
shall, if feasible, proportionately award the grant and any 146337
equipment purchased with grant funds to each of the joint 146338
applicants based upon each applicant's contribution to and 146339
demonstrated need for fire protection services. For the purpose 146340
of this grant program, an eligible recipient or any firefighting 146341
entity that is contracted to serve an eligible recipient may 146342
only file, be listed as joint applicant, or be designated as a 146343
service provider on one grant application per fiscal year. 146344

If the grant awarded to joint applicants is an equipment 146345
grant and the equipment to be purchased cannot be readily 146346
distributed or possessed by multiple recipients, each of the 146347
joint applicants shall be awarded by the State Fire Marshal an 146348
ownership interest in the equipment so purchased in proportion 146349
to each applicant's contribution to and demonstrated need for 146350
fire protection services. The joint applicants shall then 146351
mutually agree on how the equipment is to be maintained, 146352
operated, stored, or disposed of. If, for any reason, the joint 146353
applicants cannot agree as to how jointly owned equipment is to 146354
be maintained, operated, stored, or disposed of or any of the 146355
joint applicants no longer maintain a contract with the same 146356
fire protection service provider as the other applicants, then 146357

the joint applicants shall, with the assistance of the State Fire Marshal, mutually agree as to how the jointly owned equipment is to be maintained, operated, stored, disposed of, or owned. If the joint applicants cannot agree how the grant equipment is to be maintained, operated, stored, disposed of, or owned, the State Fire Marshal may, in its discretion, require all of the equipment acquired by the joint applicants with grant funds to be returned to the State Fire Marshal. The State Fire Marshal may then award the returned equipment to any eligible recipients. For this paragraph only, an "equipment grant" also includes a MARCS Grant.

(B) Except as otherwise provided in this section, the grants shall be used by recipients to purchase firefighting or rescue equipment or gear or similar items, to provide full or partial reimbursement for the documented costs of firefighter training, or, at the discretion of the State Fire Marshal, to cover fire department costs for providing fire protection services in that grant recipient's jurisdiction.

(1) Of the foregoing appropriation item 800639, Fire Department Grants, up to \$1,300,000 per fiscal year may be used to pay for the State Fire Marshal's costs of providing firefighter I certification classes or other firefighter classes approved by the State Fire Marshal at no cost to selected students attending the Ohio Fire Academy or other class providers approved by the State Fire Marshal. The State Fire Marshal may establish the qualifications and selection processes for students to attend such classes by written policy, and such students shall be considered eligible recipients of fire department grants for the purposes of this portion of the grant program.

(2) Of the foregoing appropriation item 800639, Fire Department Grants, up to \$4,000,000 in each fiscal year may be used for MARCS Grants. MARCS Grants may be used for the payment of user access fees by the eligible recipient to cover costs for accessing MARCS.

For purposes of this section, a MARCS Grant is a grant for systems, equipment, or services that are a part of, integrated into, or otherwise interoperable with the Multi-Agency Radio Communication System (MARCS) operated by the state.

MARCS Grant awards may be up to \$50,000 in each fiscal year per eligible recipient. Each eligible recipient may apply, as a separate entity or as a part of a joint application, for only one MARCS Grant per fiscal year. The State Fire Marshal may give a preference to MARCS Grants that will enhance the overall interoperability and effectiveness of emergency communication networks in the geographic region that includes and that is adjacent to the applicant.

Eligible recipients that are or were awarded fire department grants that are not MARCS Grants may also apply for and receive MARCS Grants in accordance with criteria for the awarding of grant funds established by the State Fire Marshal.

(3) Grant awards for firefighting or rescue equipment or gear or for fire department costs of providing fire protection services shall be up to \$15,000 per fiscal year, or up to \$25,000 per fiscal year if an eligible entity serves a jurisdiction in which the Governor declared a natural disaster during the preceding or current fiscal year in which the grant was awarded. In addition to any grant funds awarded for rescue equipment or gear, or for fire department costs associated with the provision of fire protection services, an eligible entity

may receive a grant for up to \$15,000 per fiscal year for full 146418
or partial reimbursement of the documented costs of firefighter 146419
training. For each fiscal year, the State Fire Marshal shall 146420
determine the total amounts to be allocated for each eligible 146421
purpose. 146422

(4) Of the foregoing appropriation item 800639, Fire 146423
Department Grants, \$8,000,000 in fiscal year 2026 shall be used 146424
to issue grants to small county volunteer fire departments 146425
located within counties having a total population that is 70,000 146426
or lower as of the most recent decennial census. 146427

Small county volunteer fire department grants may be up to 146428
\$50,000per recipient. Grant awards are to be used for 146429
firefighting or rescue equipment or gear, or for fire department 146430
costs associated with the provision of fire protection services. 146431

(C) The grants shall be administered by the State Fire 146432
Marshal in accordance with rules the State Fire Marshal adopts 146433
as part of the state fire code adopted pursuant to section 146434
3737.82 of the Revised Code that are necessary for the 146435
administration and operation of the grant program. The rules may 146436
further define the entities eligible to receive grants and 146437
establish criteria for the awarding and expenditure of grant 146438
funds, including methods the State Fire Marshal may use to 146439
verify the proper use of grant funds or to obtain reimbursement 146440
for or the return of equipment for improperly used grant funds. 146441
To the extent consistent with this section and until the rules 146442
are updated, the existing rules in the state fire code adopted 146443
pursuant to section 3737.82 of the Revised Code for fire 146444
department grants under this section apply to MARCS Grants. Any 146445
amounts in appropriation item 800639, Fire Department Grants, in 146446
excess of the amount allocated for these grants may be used for 146447

the administration of the grant program. 146448

CASH TRANSFER FROM THE OHIO HIGHWAY AND TRANSPORTATION 146449
SAFETY FUND TO THE STATE FIRE MARSHAL FUND 146450

On July 1, 2025 or as soon as possible thereafter, the 146451
Director of Budget and Management shall transfer \$8,000,000 cash 146452
from the Ohio Highway and Transportation Safety Fund (Fund 5XI0) 146453
to the State Fire Marshal Fund (Fund 5460). 146454

Section 243.30. CASH TRANSFERS TO DIVISION OF REAL ESTATE 146455
OPERATING FUND 146456

If the Real Estate Recovery Fund (Fund 5480) cash balance 146457
exceeds \$250,000 during the biennium ending June 30, 2027, the 146458
Director of Budget and Management, upon the written request of 146459
the Director of Commerce, and subject to Controlling Board 146460
approval, may transfer cash from Fund 5480 to the Division of 146461
Real Estate Operating Fund (Fund 5490), such that the amount 146462
available in Fund 5480 is not less than \$250,000. 146463

If the Real Estate Appraiser Recovery Fund (Fund 4B20) 146464
cash balance exceeds \$200,000 during the biennium ending June 146465
30, 2027, the Director of Budget and Management, upon the 146466
written request of the Director of Commerce, and subject to 146467
Controlling Board approval, may transfer cash from Fund 4B20 to 146468
the Division of Real Estate Operating Fund (Fund 5490), such 146469
that the amount available in Fund 4B20 is not less than 146470
\$200,000. 146471

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT 146472
SERVICES REVOLVING LOAN FUND 146473

Upon the written request of the Director of Commerce, the 146474
Director of Budget and Management, subject to Controlling Board 146475
approval, may transfer up to \$600,000 in cash from the State 146476

Fire Marshal Fund (Fund 5460) to the Small Government Fire 146477
Department Services Revolving Loan Fund (Fund 5F10) during the 146478
biennium ending June 30, 2027. 146479

CASH TRANSFERS TO THE OHIO INVESTOR RECOVERY FUND 146480

Upon the written request of the Director of Commerce, the 146481
Director of Budget and Management may transfer up to \$2,500,000 146482
in each fiscal year from the Division of Securities Fund (Fund 146483
5500) to the Ohio Investor Recovery Fund (Fund 5XK0) during the 146484
biennium ending June 30, 2027. The Director of Commerce may 146485
request the transfer of cash in addition to the \$2,500,000, and 146486
the Director of Budget and Management may transfer additional 146487
cash in an amount agreed upon with the Director of Commerce, if 146488
sufficient cash is available in Fund 5500. An amount equal to 146489
the additional cash transferred under this section is hereby 146490
appropriated to appropriation item 800657, Ohio Investor 146491
Recovery. 146492

The foregoing appropriation item 800657, Ohio Investor 146493
Recovery, shall be used by the Department of Commerce pursuant 146494
to section 1707.47 of the Revised Code to provide restitution 146495
assistance to victims who: (1) are identified in a final 146496
administrative order issued by the Division of Securities or a 146497
final court order in a civil or criminal proceeding initiated by 146498
the Division as a purchaser damaged by a sale or contract for 146499
sale made in violation of Chapter 1707. of the Revised Code; and 146500
(2) have not received the full amount of any restitution ordered 146501
in a final order before the application for restitution 146502
assistance is due. 146503

CASH TRANSFERS TO THE OHIO FINANCIAL LITERACY EDUCATION 146504
FUND 146505

Upon the written request of the Director of Commerce, the	146506
Director of Budget and Management, at least once every three	146507
months, may transfer cash equal to five per cent of all charges,	146508
penalties, and forfeitures received into the Consumer Finance	146509
Fund (Fund 5530) to the Financial Literacy Education Fund (Fund	146510
5FW0) created under section 121.085 of the Revised Code.	146511

Section 245.10. 146512
146513

	1	2	3	4	5
A	OCC OFFICE OF CONSUMERS' COUNSEL				
B	Dedicated Purpose Fund Group				
C	5F50	053601	Consumers' Counsel Operating	\$6,720,220	\$6,972,030
D	Dedicated Purpose Fund Group Total			\$6,720,220	\$6,972,030
E	TOTAL ALL BUDGET FUND GROUPS			\$6,720,220	\$6,972,030

Section 247.10. 146514
146515

	1	2	3	4	5
A	CEB CONTROLLING BOARD				
B	Internal Service Activity Fund Group				
C	5KM0	911614	Controlling Board Emergency Purposes/Contingencies	\$10,000,000	\$10,000,000

Section 259.10.

146542

146543

1	2	3	4	5
A		DEV DEPARTMENT OF DEVELOPMENT		
B		General Revenue Fund		
C	GRF 195402	Coal Research and Development Program	\$175,000	\$175,000
D	GRF 195405	Minority Business Development	\$7,500,000	\$8,500,000
E	GRF 195406	Helping Ohioans Stay in Their Homes	\$4,000,000	\$4,000,000
F	GRF 195415	Business Development Services	\$3,864,894	\$3,807,217
G	GRF 195426	Redevelopment Assistance	\$1,125,000	\$1,141,982
H	GRF 195453	Technology Programs and Grants	\$859,360	\$868,648
I	GRF 195454	Small Business and Export Assistance	\$3,537,643	\$3,807,014
J	GRF 195455	Appalachia Assistance	\$10,780,362	\$10,782,630
K	GRF 195497	CDBG Operating Match	\$1,445,867	\$1,473,181
L	GRF 195499	BSD Federal Programs Match	\$13,441,064	\$13,499,251
M	GRF 1954A7	Residential Economic	\$10,000,000	\$15,000,000

			Development District Program		
N	GRF	195503	Local Development Projects	\$85,000	\$0
O	GRF	195537	Ohio-Israel Agricultural Initiative	\$500,000	\$500,000
P	GRF	195553	Industry Sector Partnerships	\$5,000,000	\$5,000,000
Q	GRF	195556	TechCred Program	\$23,205,470	\$24,207,322
R	GRF	195901	Coal Research and Development General Obligation Bond Debt Service	\$4,050,000	\$2,525,000
S	GRF	195905	Third Frontier Research and Development General Obligation Bond Debt Service	\$45,000,000	\$45,000,000
T			General Revenue Fund Total	\$134,569,660	\$140,287,245
U			Dedicated Purpose Fund Group		
V	4500	195624	Minority Business Bonding Program Administration	\$9,875	\$9,875
W	4510	195649	Business Assistance Programs	\$3,000,000	\$3,000,000
X	4F20	195639	State Special Projects	\$500,000	\$500,000

Y	4F20	195655	Workforce Development Programs	\$188,100	\$188,100
Z	4F20	195699	Utility Community Assistance	\$686,947	\$0
AA	4F20	1956B7	One-Time Emergency Projects	\$500,000	\$0
AB	4W10	195646	Minority Business Enterprise Loan	\$2,000,000	\$2,000,000
AC	5AI1	1956G9	Broadband Pole Replacement and Undergrounding Program	\$31,361,299	\$0
AD	5A00	1956H2	Priority Projects	\$6,800,000	\$6,500,000
AE	5AP1	1956H3	Welcome Home Ohio Program	\$45,625,000	\$45,625,000
AF	5CT1	1956B8	Residential Development Revolving Loan Program	\$100,000,000	\$0
AG	5GT0	195550	Broadband Development Grants	\$2,800,000	\$2,800,000
AH	5JR0	195635	Tax Incentives Operating	\$1,200,000	\$1,200,000
AI	5KP0	195645	Historic Rehabilitation Operating	\$1,800,000	\$1,800,000
AJ	5M40	195659	Low Income Energy Assistance (USF)	\$336,627,830	\$176,222,102
AK	5M50	195660	Advanced Energy Loan	\$8,932,168	\$8,940,462

Programs

AL	5MH0	195644	SiteOhio Administration	\$5,000	\$5,000
AM	5MJ0	195683	TourismOhio Administration	\$7,500,000	\$7,500,000
AN	5UL0	195627	Brownfields Revolving Loan Program	\$1,750,000	\$1,750,000
AO	5UY0	195496	Sports Events Grants	\$3,000,000	\$3,000,000
AP	5W60	195691	International Trade Cooperative Projects	\$50,000	\$50,000
AQ	5XH0	195632	Women Owned Business Loans	\$5,000,000	\$5,000,000
AR	5XH0	195694	Micro-Loan	\$2,500,000	\$2,500,000
AS	5XH0	1956I1	Minority Business Development Loan Administration	\$2,000,000	\$2,000,000
AT	5YE0	1956A2	Brownfield Remediation	\$125,000,000	\$125,000,000
AU	5YF0	1956A3	Demolition and Site Revitalization	\$21,500,000	\$21,500,000
AV	6170	195654	Volume Cap Administration	\$40,000	\$40,000
AW	6460	195638	Low- and Moderate-Income Housing Programs	\$64,402,825	\$64,435,386
AX	Dedicated Purpose Fund Group Total			\$774,779,044	\$481,565,925
AY	Internal Service Activity Fund Group				

AZ 1350 195684	Development Operations	\$15,263,246	\$15,609,260
BA 6850 195636	Development Services Reimbursable Expenditures	\$250,000	\$250,000
BB	Internal Service Activity Fund Group Total	\$15,513,246	\$15,859,260
BC	Facilities Establishment Fund Group		
BD 4Z60 195647	Rural Industrial Park Loan	\$5,000,000	\$5,000,000
BE 5S90 195628	Capital Access Loan Program	\$1,000,000	\$1,000,000
BF 7009 195664	Innovation Ohio	\$17,426,036	\$0
BG 7010 195665	Research and Development	\$36,032,990	\$0
BH 7037 195615	Facilities Establishment	\$10,000,000	\$10,000,000
BI	Facilities Establishment Fund Group Total	\$69,459,026	\$16,000,000
BJ	Bond Research and Development Fund Group		
BK 7011 195686	Third Frontier Tax Exempt - Operating	\$1,000,000	\$1,000,000
BL 7011 195687	Third Frontier Research and Development Projects	\$1,000,000	\$1,000,000
BM 7014 195620	Third Frontier Taxable - Operating	\$2,710,000	\$2,710,000

BN 7014 195692	Research and Development Taxable Bond Projects	\$100,000,000	\$20,000,000
BO	Bond Research and Development Fund Group Total	\$104,710,000	\$24,710,000
BP	Federal Fund Group		
BQ 3080 195581	Energy Efficiency Revolving Loan Fund Capitalization Grant	\$2,500,000	\$2,500,000
BR 3080 195602	Appalachian Regional Commission	\$7,500,000	\$7,500,000
BS 3080 195603	Housing Assistance Programs	\$12,571,729	\$12,576,756
BT 3080 195609	Small Business Administration Grants	\$5,550,000	\$5,550,000
BU 3080 195618	Energy Grants	\$11,650,326	\$11,661,160
BV 3080 195670	Home Weatherization Program	\$86,079,636	\$0
BW 3080 195672	Manufacturing Extension Partnership	\$6,600,000	\$6,600,000
BX 3080 195675	Procurement Technical Assistance	\$1,500,000	\$1,500,000
BY 3080 195696	State Trade and Export Promotion	\$500,000	\$500,000

BZ	3350	195610	Energy Programs	\$350,000	\$350,000
CA	3AE0	195643	Workforce Development Initiatives	\$2,000,000	\$2,000,000
CB	3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$2,000,000	\$2,000,000
CC	3IC0	1956D9	Growth Capital Fund	\$3,250,000	\$3,250,000
CD	3IC0	1956E1	Early-Stage Focus Fund	\$1,500,000	\$1,500,000
CE	3IC0	1956E2	Community Development Financial Institution Loan Participation	\$10,000,000	\$10,000,000
CF	3IC0	1956E3	Collateral Enhancement Program	\$6,000,000	\$6,000,000
CG	3IC0	1956H5	State Small Business Credit Initiative Technical Assistance	\$1,500,000	\$1,500,000
CH	3IF0	1956E4	Broadband Equity, Access, and Deployment (BEAD) Program	\$793,000,000	\$0
CI	3IF0	1956E5	Broadband Digital Equity Acts Program	\$23,800,000	\$476,000
CJ	3IM0	195582	Home-Owner Managing Energy Savings Rebate Program	\$15,000,000	\$15,000,000

CK 3IM0 195583	High-Efficiency Electric Home Rebate Program	\$15,000,000	\$15,000,000
CL 3K80 195613	Community Development Block Grant	\$57,500,000	\$57,500,000
CM 3K90 195611	Home Energy Assistance Block Grant	\$180,000,000	\$0
CN 3K90 195614	HEAP Weatherization	\$44,000,000	\$0
CO 3L00 195612	Community Services Block Grant	\$32,000,000	\$0
CP 3V10 195601	HOME Program	\$53,750,000	\$53,750,000
CQ	Federal Fund Group Total	\$1,375,101,691	\$216,713,916
CR	TOTAL ALL BUDGET FUND GROUPS	\$2,474,132,667	\$895,136,346

Section 259.20. COAL RESEARCH AND DEVELOPMENT PROGRAM 146544

The foregoing appropriation item 195402, Coal Research and 146545
Development Program, shall be used for the operating expenses of 146546
the Community Services Division in support of the Ohio Coal 146547
Development Office. 146548

MINORITY BUSINESS DEVELOPMENT 146549

The foregoing appropriation item 195405, Minority Business 146550
Development, shall be used to support the activities of the 146551
Minority Business Development Division, including providing 146552
grants to local nonprofit organizations to support economic 146553
development activities that promote minority business 146554
development, in conjunction with local organizations funded 146555

through appropriation item 195454, Small Business and Export Assistance. 146556
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HELPING OHIOANS STAY IN THEIR HOMES 146558

The foregoing appropriation item 195406, Helping Ohioans Stay in their Homes, shall be granted to People Working Cooperatively for the Safe and Healthy at Home Initiative. 146559
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BUSINESS DEVELOPMENT SERVICES 146562

The foregoing appropriation item 195415, Business Development Services, shall be used for the operating expenses of the Office of Strategic Business Investments and the regional economic development offices. 146563
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Of the foregoing appropriation item 195415, Business Development Services, \$1,550,000 in fiscal year 2026 and \$1,450,000 in fiscal year 2027 shall be allocated to Development Projects, Inc., for economic development programs and the creation of new jobs to leverage and support mission gains at Department of Defense and related facilities in Ohio by working with future base realignment and closure activities and ongoing Department of Defense efficiency and partnership initiatives, assisting efforts to secure Department of Defense support contracts for Ohio companies, assessing and supporting regional job and workforce development needs generated by the Department of Defense and the Ohio aerospace industry, promoting technology transfer to Ohio businesses, and for expanding job training and economic development programs in human performance and cyber security-related initiatives. 146567
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REDEVELOPMENT ASSISTANCE 146582

The foregoing appropriation item 195426, Redevelopment Assistance, shall be used to fund the costs of administering the 146583
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energy, redevelopment, and other revitalization programs that 146585
may be implemented, and may be used to match federal grant 146586
funding. 146587

TECHNOLOGY PROGRAMS AND GRANTS 146588

The foregoing appropriation item 195453, Technology 146589
Programs and Grants, shall be used for operating expenses 146590
incurred in administering the Ohio Third Frontier Programs and 146591
other technology focused programs that may be implemented. 146592

SMALL BUSINESS AND EXPORT ASSISTANCE 146593

The foregoing appropriation item 195454, Small Business 146594
and Export Assistance, may be used to provide a range of 146595
business assistance, including grants to local organizations to 146596
support economic development activities that promote small 146597
business development, entrepreneurship, and exports of Ohio's 146598
goods and services, in conjunction with local organizations 146599
funded through appropriation item 195405, Minority Business 146600
Development. The foregoing appropriation item shall also be used 146601
as matching funds for grants from the United States Small 146602
Business Administration and other federal agencies, pursuant to 146603
Pub. L. No. 96-302 as amended by Pub. L. No. 98-395, and 146604
regulations and policy guidelines for the programs pursuant 146605
thereto. 146606

APPALACHIA ASSISTANCE 146607

The foregoing appropriation item 195455, Appalachia 146608
Assistance, may be used for the administrative costs of planning 146609
and liaison activities for the Governor's Office of Appalachia, 146610
to provide financial assistance to projects in Ohio's 146611
Appalachian counties, to support four local development 146612
districts, and to pay dues for the Appalachian Regional 146613

Commission. These funds may be used to match federal funds from 146614
the Appalachian Regional Commission. Programs funded through the 146615
appropriation item shall be identified and recommended by the 146616
local development districts and approved by the Governor's 146617
Office of Appalachia. The Department of Development shall 146618
conduct compliance and regulatory review of the programs 146619
recommended by the local development districts. Moneys allocated 146620
under the appropriation item may be used to fund projects 146621
including, but not limited to, those designated by the local 146622
development districts as community investment and rapid response 146623
projects. 146624

Of the foregoing appropriation item 195455, Appalachia 146625
Assistance, in each fiscal year, \$210,000 shall be allocated to 146626
the Ohio Valley Regional Development Commission, \$210,000 shall 146627
be allocated to the Ohio Mid-Eastern Government Association, 146628
\$210,000 shall be allocated to the Buckeye Hills Regional 146629
Council, and \$210,000 shall be allocated to the Eastgate 146630
Regional Council of Governments. Local development districts 146631
receiving funding under this section shall use the funds for the 146632
implementation and administration of programs and duties under 146633
section 107.21 of the Revised Code. 146634

Of the foregoing appropriation item 195455, Appalachia 146635
Assistance, in each fiscal year, \$2,750,000 shall be allocated 146636
to the Foundation for Appalachian Ohio. 146637

Of the foregoing appropriation item 195455, Appalachia 146638
Assistance, in each fiscal year, \$850,000 shall be allocated to 146639
Ohio University's Voinovich School of Leadership and Public 146640
Service to work on behalf of the Mayor's Partnership for 146641
Progress. 146642

CDBG OPERATING MATCH 146643

The foregoing appropriation item 195497, CDBG Operating Match, shall be used as matching funds for grants from the United States Department of Housing and Urban Development pursuant to the Housing and Community Development Act of 1974 and regulations and policy guidelines for the programs pursuant thereto.

BSD FEDERAL PROGRAMS MATCH

The foregoing appropriation item 195499, BSD Federal Programs Match, shall be used as matching funds for grants from the U.S. Department of Commerce, National Institute of Standards and Technology Manufacturing Extension Partnership Program and Department of Defense APEX Accelerator Program, and other federal agencies, pursuant to Pub. L. No. 96-302 as amended by Pub. L. No. 98-395, and regulations and policy guidelines for the programs pursuant thereto. The appropriation item shall also be used for operating expenses of the Business Services Division.

LOCAL DEVELOPMENT PROJECTS

Of the foregoing appropriation item 195503, Local Development Projects, \$85,000 in fiscal year 2026 shall be granted to the Stark County Minority Business Association to support the development and operation of the Kirk Schuring Business Development Center and Innovation Hub.

OHIO-ISRAEL AGRICULTURAL INITIATIVE

The foregoing appropriation item 195537, Ohio-Israel Agricultural Initiative, shall be used for the Ohio-Israel Agricultural Initiative. The appropriation shall not be used for travel and entertainment expenses incurred under the initiative.

SECTOR PARTNERSHIP NETWORKS

The foregoing appropriation item 195553, Industry Sector Partnerships, shall be used for the grant program described in section 122.179 of the Revised Code. 146673
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TECHCRED PROGRAM 146676

The foregoing appropriation item 195556, TechCred Program, shall be used for the programs described under sections 122.178 and 122.1710 of the Revised Code. 146677
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RESIDENTIAL ECONOMIC DEVELOPMENT DISTRICT PROGRAM 146680

The foregoing appropriation item 1954A7, Residential Economic Development District Program , shall be used to issue grants to support workforce housing development under section 122.636 of the Revised Code. 146681
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An amount equal to the unexpended, unencumbered balance of appropriation item 1954A7, Residential Economic Development District Program, at the end of fiscal year 2026 is hereby reappropriated to the same appropriation item for the same purpose in fiscal year 2027. 146685
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Section 259.25. COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE 146690
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The foregoing appropriation line item 195901, Coal Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2025, through June 30, 2027, on obligations issued under sections 151.01 and 151.07 of the Revised Code. 146692
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THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE 146698
146699

The foregoing appropriation item 195905, Third Frontier 146700

Research and Development General Obligation Bond Debt Service, 146701
shall be used to pay all debt service and related financing 146702
costs during the period from July 1, 2025, through June 30, 146703
2027, on obligations issued under sections 151.01 and 151.10 of 146704
the Revised Code. 146705

Section 259.30. BUSINESS ASSISTANCE PROGRAMS 146706

The foregoing appropriation item 195649, Business 146707
Assistance Programs, shall be used for administrative expenses 146708
associated with the operation of loan incentives. 146709

STATE SPECIAL PROJECTS 146710

The State Special Projects Fund (Fund 4F20), may be used 146711
for the deposit of private-sector funds from utility companies 146712
and for the deposit of other miscellaneous state funds. State 146713
moneys so deposited may also be used to match federal funding 146714
and to support programs of the Community Service Division and 146715
Business Services Division. 146716

ONE-TIME EMERGENCY PROJECTS 146717

The foregoing appropriation item 1956B7, One-Time 146718
Emergency Projects, shall be granted to Boardman Township to 146719
provide matching funds for the flood mitigation assistance grant 146720
awarded to the township by the Federal Emergency Management 146721
Agency. 146722

CASH TRANSFER FROM THE CONTROLLING BOARD EMERGENCY 146723
PURPOSES/CONTINGENCIES FUND TO THE STATE SPECIAL PROJECTS FUND 146724

On July 1 2025, or as soon as possible thereafter, the 146725
Director of Budget and Management shall transfer up to \$500,000 146726
cash from the Controlling Board Emergency Purposes/Contingencies 146727
Fund (Fund 5KM0) to the State Special Projects Fund (Fund 4F20). 146728

MINORITY BUSINESS ENTERPRISE LOAN	146729
The foregoing appropriation item 195646, Minority Business Enterprise Loan, shall be used for awards under the Minority Business Enterprise Loan Program and to cover operating expenses of the Minority Business Development Division. All repayments from the Minority Development Financing Advisory Board Loan Program shall be deposited in the state treasury to the credit of the Minority Business Enterprise Loan Fund (Fund 4W10).	146730 146731 146732 146733 146734 146735 146736
BROADBAND POLE REPLACEMENT AND UNDERGROUNDING PROGRAM	146737
The foregoing appropriation item 1956G9, Broadband Pole Replacement and Undergrounding Program, shall be used by the Department of Development to support the Broadband Pole Replacement and Undergrounding Program under section 191.27 of the Revised Code.	146738 146739 146740 146741 146742
TRANSFER FROM THE BROADBAND POLE REPLACEMENT FUND TO THE OHIO RESIDENTIAL BROADBAND EXPANSION GRANT PROGRAM FUND	146743 146744
On July 1, 2025, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$3,600,000 cash from the Broadband Pole Replacement and Undergrounding Program Fund (Fund 5AI1) to the Ohio Residential Broadband Expansion Grant Program Fund (Fund 5GT0).	146745 146746 146747 146748 146749
PRIORITY PROJECTS	146750
(A) Of the foregoing appropriation item 1956H2, Priority Projects, \$750,000 in each fiscal year shall be allocated to the Center on Appalachian Innovation at Marietta College.	146751 146752 146753
(B) Of the foregoing appropriation item 1956H2, Priority Projects, \$625,000 in each fiscal year shall be allocated to the Excellence Training Center at Youngstown State University.	146754 146755 146756

(C) Of the foregoing appropriation item 1956H2, Priority Projects, \$500,000 in each fiscal year shall be used to continue support and expansion of the Clark County unmanned and general aviation STEM pilot programs in all Ohio counties.

(D) Of the foregoing appropriation item 1956H2, Priority Projects, \$500,000 in each fiscal year shall be used to support the Ohio Aerospace Institute's Space Grant Consortium.

(E) Of the foregoing appropriation item 1956H2, Priority Projects, \$400,000 in fiscal year 2026 shall be distributed to the Showers Family Foundation to support the high school education of students with multiple disabilities, including Autism and Down Syndrome, provided that a local match in the same amount is provided.

(F) Of the foregoing appropriation item 1956H2, Priority Projects, \$250,000 in each fiscal year shall be used to support the U.S. Route 30 expansion in Carroll, Stark, and Columbiana counties.

(G) Of the foregoing appropriation item 1956H2, Priority Projects, \$350,000 in each fiscal year shall be distributed to the Fairfield County Workforce Center to support pre-apprenticeship program costs, including those for instructors, certification exams, books, software licenses, and tools needed for students.

(H) Of the foregoing appropriation item 1956H2, Priority Projects, \$100,000 in each fiscal year shall be distributed to S.U.C.C.E.S.S. for Autism to expand an interprofessional pilot program for the purpose of training professionals in The S.U.C.C.E.S.S. Approach, a comprehensive neurodevelopmental learning model for all students.

(I) Of the foregoing appropriation item 1956H2, Priority Projects, \$250,000 in fiscal year 2026 shall be granted to the Eastgate Regional Council of Governments to support the study and construction of an oil and natural gas pipeline within Ashtabula, Columbiana, Mahoning, and Trumbull counties.

(J) Of the foregoing appropriation item 1956H2, Priority Projects, \$175,000 in each fiscal year shall be granted to the Buckeye Lake Regional Corporation to support community development.

(K) Of the foregoing appropriation item 1956H2, Priority Projects, \$200,000 in fiscal year 2026 and \$250,000 in fiscal year 2027 shall be distributed to the Mid-East Career and Technology Centers for the purchase of CDL training simulators.

(L) Of the foregoing appropriation item 1956H2, Priority Projects, \$1,250,000 in each fiscal year shall be granted to the Ohio Life Sciences Foundation for workforce development projects.

(M) Of the foregoing appropriation item 1956H2, Priority Projects, \$1,000,000 in fiscal year 2026 and \$1,500,000 in fiscal year 2027 shall be distributed to Southern State Community College for the Ohio Code-Scholar Program under section 3313.905 of the Revised Code, as reenacted by this act.

(N) Of the foregoing appropriation item 1956H2, Priority Projects, up to \$200,000 in fiscal year 2026 shall be used to provide public safety services at the Voices of America Country Music Festival in West Chester Township on the condition that a local match in the same amount is provided.

(O) Of the foregoing appropriation item 1956H2, Priority Projects, \$250,000 in each fiscal year shall be used to support

The Ohio State University East Side Dental Clinic.	146815
WELCOME HOME OHIO PROGRAM	146816
The foregoing appropriation item 1956H3, Welcome Home Ohio	146817
Program, shall be used for grants under the Welcome Home Ohio	146818
Program established in sections 122.631 through 122.633 of the	146819
Revised Code. Of the foregoing appropriation item 1956H3,	146820
Welcome Home Ohio Program, \$22,812,500 in each fiscal year shall	146821
be used to distribute grants to purchase residential property at	146822
foreclosure sales under section 122.631 of the Revised Code. Of	146823
the foregoing appropriation item 1956H3, Welcome Home Ohio	146824
Program, \$22,812,500 in each fiscal year shall be used to	146825
distribute grants to rehabilitate or construct residential	146826
property for income-restricted owners under section 122.632 of	146827
the Revised Code.	146828
On July 1, 2025, or as soon as possible thereafter, the	146829
Director of Budget and Management shall transfer \$50,000,000	146830
cash from the Local Government Tangible Property Tax Replacement	146831
Fund (Fund 7081) to the Welcome Home Ohio Fund (Fund 5AP1).	146832
ADVANCED ENERGY LOAN PROGRAMS	146833
The foregoing appropriation item 195660, Advanced Energy	146834
Loan Programs, shall be used to provide financial assistance to	146835
customers for eligible advanced energy projects for residential,	146836
commercial, and industrial business, local government,	146837
educational institution, nonprofit, and agriculture customers.	146838
The appropriation item may be used to match federal grant	146839
funding and to pay for the program's administrative costs as	146840
provided in sections 4928.61 to 4928.63 of the Revised Code and	146841
rules adopted by the Director of Development.	146842
SPORTS EVENTS GRANTS	146843

The foregoing appropriation item 195496, Sports Events 146844
Grants, shall be used for grants as described in sections 122.12 146845
and 122.121 of the Revised Code. 146846

WOMEN OWNED BUSINESS LOAN 146847

The foregoing appropriation item 195632, Women Owned 146848
Business Loan, shall be used to operate the Women Owned Business 146849
Loan Program. 146850

MINORITY BUSINESS MICRO-LOAN 146851

The foregoing appropriation item 195694, Micro-Loan, shall 146852
be used to operate the Minority Business Micro-Loan Program. 146853

MBD LOAN ADMINISTRATION 146854

The foregoing appropriation item 1956I1, MBD Loan 146855
Administration, shall be used to operate the Women Owned Loan 146856
and Minority Business Micro-Loan Programs. 146857

TRANSFER FROM THE STATE SMALL BUSINESS CREDIT INITIATIVE 146858
FUND TO THE MBD FINANCIAL ASSISTANCE FUND 146859

On July 1, 2025, or as soon as possible thereafter, the 146860
Director of Budget and Management may transfer \$4,000,000 cash 146861
from the State Small Business Credit Initiative Fund (Fund 3FJ0) 146862
to the MBD Financial Assistance Fund (Fund 5XH0). All repayments 146863
of loans issued under Fund 5XH0 shall be credited to the fund. 146864

Upon the completion of the original Collateral Enhancement 146865
Program, the Director of Development shall certify to the 146866
Director of Budget and Management the remaining cash balance in 146867
the State Small Business Credit Initiative Fund (Fund 3FJ0). The 146868
Director of Budget and Management may transfer the certified 146869
amount from Fund 3FJ0 to the MBD Financial Assistance Fund (Fund 146870
5XH0). 146871

ALL OHIO FUTURE FUND	146872
The foregoing appropriation item 195576, All Ohio Future Fund, shall be used for the purposes enumerated in section 126.62 of the Revised Code.	146873 146874 146875
BROWNFIELD REMEDIATION	146876
The foregoing appropriation item 1956A2, Brownfield Remediation, shall be used to award grants under the Brownfield Remediation Program as described in section 122.6511 of the Revised Code. Of the foregoing appropriation item 1956A2, Brownfield Remediation, up to two and one-half percent in each fiscal year may be used to pay the administrative costs of the program.	146877 146878 146879 146880 146881 146882 146883
On July 1, 2025, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$250,000,000 cash from the All Ohio Future Fund (Fund 5XM0) to the Brownfield Remediation Fund (Fund 5YE0).	146884 146885 146886 146887
DEMOLITION AND SITE REVITALIZATION	146888
The appropriation item 1956A3, Demolition and Site Revitalization, shall be used to award grants and to pay associated administrative costs under the Building Demolition and Site Revitalization Program as described in section 122.6512 of the Revised Code.	146889 146890 146891 146892 146893
An amount equal to the unexpended, unencumbered balance of appropriation item 1956A3, Demolition and Site Revitalization, at the end of fiscal year 2026 is hereby reappropriated to the same appropriation item for the same purpose in fiscal year 2027.	146894 146895 146896 146897 146898
On July 1 of each fiscal year, or as soon as possible	146899

thereafter, the Director of Budget and Management shall transfer 146900
\$20,000,000 cash from the Local Government Tangible Property Tax 146901
Replacement Fund (Fund 7081) to the Building Demolition and Site 146902
Revitalization Fund (Fund 5YF0). 146903

VOLUME CAP ADMINISTRATION 146904

The foregoing appropriation item 195654, Volume Cap 146905
Administration, shall be used for expenses related to the 146906
administration of the Volume Cap Program. Revenues received by 146907
the Volume Cap Administration Fund (Fund 6170) shall consist of 146908
application fees, forfeited deposits, and interest earned from 146909
the custodial account held by the Treasurer of State. 146910

RESIDENTIAL DEVELOPMENT REVOLVING LOAN PROGRAM 146911

The foregoing appropriation item 1956B8, Residential 146912
Development Revolving Loan Program, shall be used to award loans 146913
under the Residential Development Loan Program as described in 146914
sections 122.98 and 122.981 of the Revised Code. 146915

The unexpended, unencumbered balance of appropriation item 146916
1956B8, Residential Development Revolving Loan Program, at the 146917
end of fiscal year 2026 is hereby reappropriated to the same 146918
appropriation item for the same purpose in fiscal year 2027. 146919

Section 259.40. DEVELOPMENT OPERATIONS 146920

The Director of Development may assess offices of the 146921
department for the cost of central service operations. An 146922
assessment shall contain the characteristics of administrative 146923
ease and uniform application. A division's payments shall be 146924
credited to the Supportive Services Fund (Fund 1350) using an 146925
intrastate transfer voucher. 146926

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 146927

The foregoing appropriation item 195636, Development Services Reimbursable Expenditures, shall be used for reimbursable costs incurred by the department. Revenues to the General Reimbursement Fund (Fund 6850) shall consist of moneys charged for administrative costs that are not central service costs and repayments of loans, including the interest thereon, made from the Water and Sewer Fund (Fund 4440).

Section 259.50. RURAL INDUSTRIAL PARK LOAN

The foregoing appropriation item 195647, Rural Industrial Park Loan, shall be used to award loans under the Rural Industrial Park Loan Program established in section 122.24 of the Revised Code. Rural Industrial Park Loans awarded under the appropriation item shall not exceed \$4,000,000.

TRANSFER FROM THE RESEARCH AND DEVELOPMENT LOAN FUND TO THE BUSINESS ASSISTANCE FUND

Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer up to \$3,000,000 cash in each fiscal year from the Research and Development Loan Fund (Fund 7010) to the Business Assistance Fund (Fund 4510), subject to Controlling Board approval.

CAPITAL ACCESS LOAN PROGRAM

The foregoing appropriation item 195628, Capital Access Loan Program, shall be used for operating, program, and administrative expenses of the program. Capital Access Loan Program funds shall be used in accordance with section 122.603 of the Revised Code to assist participating financial institutions in making program loans to eligible businesses that face barriers in accessing working capital and obtaining fixed-asset financing.

The Director of Budget and Management may transfer an amount not to exceed \$1,000,000 cash in each fiscal year between the Minority Business Enterprise Loan Fund (Fund 4W10) and the Capital Access Loan Fund (Fund 5S90), subject to Controlling Board approval.

FACILITIES ESTABLISHMENT

The foregoing appropriation item 195615, Facilities Establishment, shall be used for the purposes of the Facilities Establishment Fund (Fund 7037) under Chapter 166. of the Revised Code.

In the biennium ending June 30, 2027, notwithstanding section 127.14 and division (B) of section 131.35 of the Revised Code, the Controlling Board may authorize expenditures, in excess of the amount appropriated, but not to exceed the limitation set in division (E) of section 131.35 of the Revised Code, using the Facilities Establishment Fund (Fund 7037) for purposes consistent with Chapter 166. of the Revised Code. The amounts authorized by the Controlling Board are hereby appropriated.

Section 259.60. THIRD FRONTIER OPERATING COSTS

The foregoing appropriation items 195686, Third Frontier Tax Exempt Operating, and 195620, Third Frontier Taxable - Operating, shall be used for operating expenses incurred in administering projects pursuant to sections 184.10 to 184.20 of the Revised Code. Operating expenses paid from appropriation item 195686 shall be limited to the administration of projects funded from the Third Frontier Research and Development Fund (Fund 7011), and operating expenses paid from appropriation item 195620 shall be limited to the administration of projects funded

from the Third Frontier Research and Development Taxable Bond 146986
Project Fund (Fund 7014). 146987

THIRD FRONTIER RESEARCH AND DEVELOPMENT TAXABLE AND TAX 146988
EXEMPT PROJECTS 146989

The foregoing appropriation items 195687, Third Frontier 146990
Research and Development Projects, and 195692, Research and 146991
Development Taxable Bond Projects, shall be used to fund 146992
selected projects, which may include internship programs. 146993
Eligible costs are those costs of research and development 146994
projects to which the proceeds of Fund 7011 and Fund 7014 are to 146995
be applied. 146996

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 146997

The Director of Budget and Management may approve written 146998
requests from the Director of Development for the transfer of 146999
appropriations between appropriation items 195687, Third 147000
Frontier Research and Development Projects, and 195692, Research 147001
and Development Taxable Bond Projects, based upon awards 147002
recommended by the Third Frontier Commission. 147003

In fiscal year 2026, the Director of Development may 147004
request that the Director of Budget and Management reappropriate 147005
any unexpended, unencumbered balances of the prior fiscal year's 147006
appropriation to the foregoing appropriation items 195687, Third 147007
Frontier Research and Development Projects, and 195692, Research 147008
and Development Taxable Bond Projects, for fiscal year 2026. The 147009
Director of Budget and Management may request additional 147010
information necessary for evaluating these requests, and the 147011
Director of Development shall provide the requested information 147012
to the Director of Budget and Management. Based on the 147013
information provided by the Director of Development, the 147014

Director of Budget and Management shall determine the amounts to 147015
 be reappropriated, and those amounts are hereby reappropriated 147016
 for fiscal year 2026. 147017

Section 259.70. BROADBAND EQUITY, ACCESS, AND DEPLOYMENT 147018
 PROGRAM (BEAD) 147019

The foregoing appropriation item 1956E4, Broadband Equity, 147020
 Access, and Deployment Program (BEAD), shall be used to build 147021
 infrastructure that supports the adoption of high-speed 147022
 internet. 147023

HEAP WEATHERIZATION 147024

Up to twenty-five per cent of the federal funds deposited 147025
 to the credit of the Home Energy Assistance Block Grant Fund 147026
 (Fund 3K90) may be expended from appropriation item 195614, HEAP 147027
 Weatherization, to provide home weatherization services in the 147028
 state as determined by the Director of Development. 147029

Section 261.10. 147030

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	1	2	3	4	5
A	DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES				
B	General Revenue Fund				
C	GRF	320411	Special Olympics	\$250,000	\$250,000
D	GRF	320412	Protective Services	\$3,200,000	\$3,200,000
E	GRF	320415	Developmental Disabilities Facilities Lease Rental Bond	\$27,500,000	\$24,200,000

Payments

F	GRF	322422	Multi System Youth	\$5,000,000	\$5,000,000
G	GRF	322423	Technology First	\$2,700,000	\$2,700,000
H	GRF	322508	Employment First Initiative	\$2,700,000	\$2,700,000
I	GRF	322509	Community Supports and Rental Assistance	\$1,115,000	\$944,000
J	GRF	322510	Best Buddies Ohio	\$100,000	\$100,000
K	GRF	653321	Medicaid Program Support - State	\$8,163,217	\$8,300,000
L	GRF	653407	Medicaid Services	\$1,127,127,000	\$1,140,627,000
M			General Revenue Fund Total	\$1,177,855,217	\$1,188,021,000
N			Dedicated Purpose Fund Group		
O	2210	322620	Supplement Service Trust	\$500,000	\$500,000
P	4890	653632	Developmental Centers Direct Care Services	\$7,000,000	\$7,000,000
Q	5DK0	322629	Capital Replacement Facilities	\$750,000	\$750,000
R	5EV0	653627	Medicaid Program Support	\$2,540,000	\$2,540,000
S	5GE0	320606	Central Office Operating Expenses	\$20,914,384	\$21,180,026

T	5GEO	653606	ICF/IID and Waiver Match	\$60,000,000	\$60,000,000
U	5H00	322619	Medicaid Repayment	\$900,000	\$900,000
V	5S20	653622	Medicaid Administration and Oversight	\$36,000,000	\$36,000,000
W	5Z10	653624	County Board Waiver Match	\$688,000,000	\$752,000,000
X	Dedicated Purpose Fund Group Total			\$816,604,384	\$880,870,026
Y	Internal Service Activity Fund Group				
Z	1520	653609	DC and Residential Facilities Operating Services	\$20,000,000	\$20,000,000
AA	Internal Service Activity Fund Group Total			\$20,000,000	\$20,000,000
AB	Federal Fund Group				
AC	3250	322612	Community Social Service Programs	\$15,075,000	\$15,075,000
AD	3A40	653654	Medicaid Services	\$3,385,530,510	\$3,545,767,920
AE	3A40	653655	Medicaid Support	\$92,000,000	\$97,000,000
AF	3A50	320613	Developmental Disabilities Council	\$3,369,230	\$3,408,234
AG	Federal Fund Group Total			\$3,495,974,740	\$3,661,251,154
AH	TOTAL ALL BUDGET FUND GROUPS			\$5,510,434,341	\$5,750,142,180

Section 261.20. SPECIAL OLYMPICS 147032

The foregoing appropriation item 320411, Special Olympics, 147033
shall be distributed by the Ohio Department of Developmental 147034
Disabilities to the Special Olympics of Ohio in support of the 147035
Ohio Special Olympics Summer Games. 147036

Section 261.30. DEVELOPMENTAL DISABILITIES FACILITIES 147037
LEASE-RENTAL BOND PAYMENTS 147038

The foregoing appropriation item 320415, Developmental 147039
Disabilities Facilities Lease Rental Bond Payments, shall be 147040
used to meet all payments during the period from July 1, 2025, 147041
through June 30, 2027, by the Department of Developmental 147042
Disabilities pursuant to leases and agreements made under 147043
section 154.20 of the Revised Code. These appropriations are the 147044
source of funds pledged for bond service charges on related 147045
obligations issued under Chapter 154. of the Revised Code. 147046

Section 261.40. MULTI-SYSTEM YOUTH 147047

Of the foregoing appropriation item 322422, Multi-System 147048
Youth, a portion may be used to provide a subsidy to eligible 147049
county boards of developmental disabilities for the provision of 147050
respite services and other services and supports for youth with 147051
complex or multi-system needs to enable them to remain in their 147052
homes with their families or in their communities. The Director 147053
of Developmental Disabilities shall establish the total amount 147054
available for the subsidy, a formula for distributing the 147055
subsidy to eligible county boards, and the eligibility 147056
requirements county boards must satisfy to receive the subsidy. 147057

Section 261.50. TECHNOLOGY FIRST 147058

Of the foregoing appropriation item 322423, Technology 147059
First, a portion may be used to increase access and utilization 147060

of innovative technology for people with developmental 147061
disabilities in accordance with the Technology First Policy 147062
established in section 5123.025 of the Revised Code. 147063

Section 261.60. EMPLOYMENT FIRST INITIATIVE 147064

The foregoing appropriation item 322508, Employment First 147065
Initiative, shall be used to increase employment opportunities 147066
for individuals with developmental disabilities through the 147067
Employment First Initiative in accordance with section 5123.022 147068
of the Revised Code. 147069

Of the foregoing appropriation item, 322508, Employment 147070
First Initiative, the Director of Developmental Disabilities 147071
shall transfer, in each fiscal year, to the Opportunities for 147072
Ohioans with Disabilities Agency an amount agreed upon by the 147073
Director of Developmental Disabilities and the Executive 147074
Director of the Opportunities for Ohioans with Disabilities 147075
Agency. The transfer shall be made via an intrastate transfer 147076
voucher. The transferred funds shall be used to support the 147077
Employment First Initiative. The Opportunities for Ohioans with 147078
Disabilities Agency shall use the funds transferred as state 147079
matching funds to obtain available federal grant dollars for 147080
vocational rehabilitation services. Any federal match dollars 147081
received by the Opportunities for Ohioans with Disabilities 147082
Agency shall be used for the initiative. The Director of 147083
Developmental Disabilities and the Executive Director of the 147084
Opportunities for Ohioans with Disabilities Agency shall enter 147085
into an interagency agreement in accordance with section 147086
3304.181 of the Revised Code that will specify the 147087
responsibilities of each agency under the initiative. Under the 147088
interagency agreement, the Opportunities for Ohioans with 147089
Disabilities Agency shall retain responsibility for eligibility 147090

determination, order of selection, plan approval, plan amendment, and release of vendor payments. 147091
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The remainder of appropriation item 322508, Employment First Initiative, shall be used to develop a long-term, sustainable system that places individuals with developmental disabilities in community employment, as defined in section 5123.022 of the Revised Code. 147093
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Section 261.61. ACHIEVEMENT CENTERS FOR CHILDREN 147098

Of the foregoing appropriation item 322509, Community Supports and Rental Assistance, \$190,000 in each fiscal year shall be distributed to the Achievement Centers for Children to provide family support services and respite care for children with disabilities and their families. 147099
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Section 261.62. HUDSON COMMUNITY LIVING 147104

Of the foregoing appropriation item 322509, Community Supports and Rental Assistance, \$225,000 in fiscal year 2026 and \$54,000 in fiscal year 2027 shall be distributed to Hudson Community Living to support maintenance and operations in serving adults with developmental disabilities. 147105
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Section 261.70. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE 147110

The foregoing appropriation item 322509, Community Supports and Rental Assistance, may be used by the Director of Developmental Disabilities to provide funding to county boards of developmental disabilities for rental assistance to individuals with developmental disabilities receiving home and community-based services as defined in section 5123.01 of the Revised Code pursuant to section 5124.60 of the Revised Code or section 5124.69 of the Revised Code and individuals with developmental disabilities who enroll in a Medicaid waiver 147111
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component providing home and community-based services after 147120
receiving preadmission counseling pursuant to section 5124.68 of 147121
the Revised Code. The Director shall establish the methodology 147122
for determining the amount and distribution of such funding. 147123

Section 261.73. BEST BUDDIES OHIO 147124

The foregoing appropriation item 322510, Best Buddies 147125
Ohio, shall be provided to the Best Buddies Ohio program to 147126
support the delivery and expansion of skills-building services 147127
throughout Ohio schools and communities. 147128

Section 261.80. MEDICAID SERVICES 147129

(A) As used in this section: 147130

(1) "Home and community-based services" has the same 147131
meaning as in section 5123.01 of the Revised Code. 147132

(2) "ICF/IID services" has the same meaning as in section 147133
5124.01 of the Revised Code. 147134

(B) Except as provided in section 5123.0416 of the Revised 147135
Code, the purposes for which the foregoing appropriation item 147136
653407, Medicaid Services, shall be used include the following: 147137

(1) Home and community-based services; 147138

(2) ICF/IID services; and 147139

(3) Other programs as identified by the Director of 147140
Developmental Disabilities. 147141

Section 261.90. CENTRAL OFFICE OPERATING EXPENSES 147142

Of the foregoing appropriation item 320606, Central Office 147143
Operating Expenses, \$100,000 in each fiscal year shall be 147144
provided to the Ohio Center for Autism and Low Incidence to 147145
establish a lifespan autism hub to support families and 147146

professionals. 147147

Section 261.100. COUNTY BOARD SHARE OF WAIVER SERVICES 147148

As used in this section, "home and community-based 147149
services" has the same meaning as in section 5123.01 of the 147150
Revised Code. 147151

The Director of Developmental Disabilities shall establish 147152
a methodology to be used in fiscal year 2026 and fiscal year 147153
2027 to estimate the quarterly amount each county board of 147154
developmental disabilities is to pay of the nonfederal share of 147155
home and community-based services that section 5126.0510 of the 147156
Revised Code requires county boards to pay. Each quarter, the 147157
Director shall submit to a county board written notice of the 147158
amount the county board is to pay for that quarter. The notice 147159
shall specify when the payment is due. 147160

Section 261.110. WITHHOLDING OF FUNDS OWED THE DEPARTMENT 147161

If a county board of developmental disabilities does not 147162
fully pay any amount owed to the Department of Developmental 147163
Disabilities by the due date established by the Department, the 147164
Director of Developmental Disabilities may withhold the amount 147165
the county board did not pay from any amounts due to the county 147166
board. The Director may use any appropriation item or fund used 147167
by the Department to transfer cash to any other fund used by the 147168
Department in an amount equal to the amount owed the Department 147169
that the county board did not pay. Transfers under this section 147170
shall be made using an intrastate transfer voucher. 147171

Section 261.120. ODODD INNOVATIVE PILOT PROJECTS 147172

(A) In fiscal year 2026 and fiscal year 2027, the Director 147173
of Developmental Disabilities may authorize the continuation or 147174
implementation of one or more innovative pilot projects that, in 147175

the judgment of the Director, are likely to assist in promoting 147176
the objectives of Chapter 5123. or 5126. of the Revised Code. 147177
Subject to division (B) of this section and notwithstanding any 147178
provision of Chapters 5123. and 5126. of the Revised Code and 147179
any rule adopted under either chapter, a pilot project 147180
authorized by the Director may be continued or implemented in a 147181
manner inconsistent with one or more provisions of either 147182
chapter or one or more rules adopted under either chapter. 147183
Before authorizing a pilot program, the Director shall consult 147184
with entities interested in the issue of developmental 147185
disabilities, including the Ohio Provider Resource Association, 147186
Ohio Association of County Boards of Developmental Disabilities, 147187
Ohio Health Care Association/Ohio Centers for Intellectual 147188
Disabilities, the Values and Faith Alliance, and ARC of Ohio. 147189

(B) The Director may not authorize a pilot project to be 147190
implemented in a manner that would cause the state to be out of 147191
compliance with any requirements for a program funded in whole 147192
or in part with federal funds. 147193

Section 261.130. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 147194
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 147195

(A) As used in this section: 147196

(1) "Converted facility" means an ICF/IID, or former 147197
ICF/IID, that converted some or all of its beds to providing 147198
home and community-based services under the IO Waiver pursuant 147199
to section 5124.60 of the Revised Code. 147200

(2) "Developmental center" and "ICF/IID" have the same 147201
meanings as in section 5124.01 of the Revised Code. 147202

(3) "IO Waiver" means the Medicaid waiver component, as 147203
defined in section 5166.01 of the Revised Code, known as 147204

Individual Options.	147205
(4) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.	147206 147207
(5) "Public hospital" has the same meaning as in section 5122.01 of the Revised Code.	147208 147209
(6) "Qualifying IO enrollee" means an IO Waiver enrollee to whom all of the following apply:	147210 147211
(a) The enrollee resided in a developmental center, converted facility, or public hospital immediately before enrolling in the IO Wavier.	147212 147213 147214
(b) The enrollee did not receive before July 1, 2011, routine homemaker/personal care services from the Medicaid provider that is to be paid the Medicaid rate authorized by this section for providing such services to the enrollee during the period specified in division (C) of this section.	147215 147216 147217 147218 147219
(c) The Director of Developmental Disabilities has determined that the enrollee's special circumstances (including the enrollee's diagnosis, service needs, or length of stay at the developmental center, converted facility, or public hospital) warrants paying the Medicaid rate authorized by this section.	147220 147221 147222 147223 147224 147225
(B) The total Medicaid payment rate for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to a qualifying IO enrollee during the period specified in division (C) of this section shall be fifty-two cents higher than the Medicaid payment rate in effect on the day the services are provided for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to an IO enrollee who is not a qualifying IO	147226 147227 147228 147229 147230 147231 147232 147233

enrollee. 147234

(C) Division (B) of this section applies to the first 147235
 twelve months, consecutive or otherwise, that a Medicaid 147236
 provider, during the period beginning July 1, 2025, and ending 147237
 July 1, 2027, provides routine homemaker/personal care services 147238
 to a qualifying IO enrollee. 147239

(D) Of the foregoing appropriation items 653407, Medicaid 147240
 Services, and 653654, Medicaid Services, portions shall be used 147241
 to pay the Medicaid payment rate determined in accordance with 147242
 this section for routine homemaker/personal care services 147243
 provided to qualifying IO enrollees. 147244

Section 261.140. ICF WORKFORCE DEVELOPMENT PAYMENTS 147245

Of the foregoing appropriation items 653407, Medicaid 147246
 Services, and 653654, Medicaid Services, a portion of each 147247
 appropriation item shall be used in fiscal year 2026 in 147248
 accordance with this section and section 5124.15 of the Revised 147249
 Code. The funds shall be used to maintain rates supporting the 147250
 professional workforce development payment, as provided in 147251
 division (A) (5) (c) of section 5124.15 of the Revised Code. 147252

Section 263.10. 147253

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A SBE STATE BOARD OF EDUCATION

B Dedicated Purpose Fund Group

C	4K90 210602 Operating Expenses	\$15,010,991	\$15,519,872
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D	Dedicated Purpose Fund Group Total	\$15,010,991	\$15,519,872
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E	Federal Fund Group		
F	3ISO 210601 Title II A/Supporting Effective Instruction	\$1,355,000	\$1,355,000
G	Federal Fund Group Total	\$1,355,000	\$1,355,000
H	TOTAL ALL BUDGET FUND GROUPS	\$16,365,991	\$16,874,872

Section 263.20. CASH TRANSFER FROM THE STATE BOARD OF 147255
EDUCATION LICENSURE FUND TO THE OCCUPATIONAL LICENSING AND 147256
REGULATORY FUND 147257

On July 1, 2025, or as soon as possible thereafter, the 147258
Director of Budget and Management shall transfer the cash 147259
balance in the State Board of Education Licensure Fund (Fund 147260
4L20) to the Occupational Licensing and Regulatory Fund (Fund 147261
4K90). Upon completion of the transfer, Fund 4L20 is hereby 147262
abolished. The Director shall cancel any existing encumbrances 147263
against appropriation item 210600, Operating Expenses, and 147264
reestablish them against appropriation item 210602, Operating 147265
Expenses. The reestablished encumbrance amounts are hereby 147266
appropriated. 147267

Section 265.10. 147268
147269

	1	2	3	4	5
A	EDU DEPARTMENT OF EDUCATION AND WORKFORCE				
B	General Revenue Fund				
C	GRF	200321	Operating Expenses	\$14,474,898	\$15,054,312

D	GRF	200416	Career Technical Education	\$2,500,000	\$2,500,000
E	GRF	200420	Information Technology Development and Support	\$4,231,479	\$4,316,527
F	GRF	200422	School Management Assistance	\$2,800,000	\$2,800,000
G	GRF	200424	Policy Analysis	\$500,000	\$516,419
H	GRF	200426	Ohio Educational Computer Network	\$18,994,000	\$18,994,000
I	GRF	200427	Academic Standards	\$5,035,410	\$5,429,033
J	GRF	200437	Student Assessment	\$50,609,125	\$50,882,346
K	GRF	200439	Accountability/Report Cards	\$7,369,440	\$7,437,742
L	GRF	200446	Education Management Information System	\$9,958,226	\$10,325,278
M	GRF	200448	Educator and Principal Preparation	\$2,163,493	\$2,176,754
N	GRF	200455	Community Schools and Choice Programs	\$4,370,165	\$4,446,705
O	GRF	200465	Education Technology Resources	\$2,893,949	\$2,906,346
P	GRF	200478	Industry-Recognized	\$16,000,000	\$16,000,000

			Credentials High School Students		
Q	GRF	200502	Pupil Transportation	\$881,585,414	\$958,729,701
R	GRF	200505	School Meal Programs	\$13,163,000	\$13,163,000
S	GRF	200511	Auxiliary Services	\$170,292,963	\$172,262,613
T	GRF	200532	Nonpublic Administrative Cost Reimbursement	\$76,935,110	\$77,824,960
U	GRF	200540	Special Education Enhancements	\$192,272,426	\$192,272,426
V	GRF	200545	Career-Technical Education Enhancements	\$12,913,000	\$12,913,000
W	GRF	200550	Foundation Funding - All Students	\$8,447,098,772	\$8,704,717,991
X	GRF	200566	Literacy Improvement	\$2,472,674	\$2,500,000
Y	GRF	200572	Adult Education Programs	\$9,348,399	\$15,688,404
Z	GRF	200574	Half-Mill Maintenance Equalization	\$6,420,640	\$6,152,450
AA	GRF	200576	Adaptive Sports Program	\$400,000	\$400,000
AB			General Revenue Fund Total	\$9,954,802,583	\$10,300,410,007
AC			Dedicated Purpose Fund Group		
AD	4520	200638	Charges and	\$1,500,000	\$1,500,000

Reimbursements				
AE 5980	200659	Auxiliary Services Reimbursement	\$650,000	\$650,000
AF 5DA1	2006B1	Education Demonstration Projects	\$15,000,000	\$35,000,000
AG 5H30	200687	School District Solvency Assistance	\$2,000,000	\$2,000,000
AH 5KX0	200691	Ohio School Sponsorship Program	\$1,900,000	\$1,900,000
AI 5MM0	200677	Child Nutrition Refunds	\$550,000	\$550,000
AJ 5U20	200685	National Education Statistics	\$185,000	\$185,000
AK 5VS0	200604	Foundation Funding - All Students	\$600,000,000	\$600,000,000
AL 5Y00	200491	Public and Nonpublic Education Support	\$171,200,000	\$171,200,000
AM 6200	200615	Educational Improvement Grants	\$600,000	\$600,000
AN	Dedicated Purpose Fund Group Total		\$793,585,000	\$813,585,000
AO	Internal Service Activity Fund Group			
AP 1380	200606	Information Technology Development and Support	\$18,394,387	\$18,597,721

AQ 4R70 200695	Indirect Operational Support	\$9,944,311	\$10,166,435
AR 4V70 200633	Interagency Program Support	\$3,000,000	\$3,000,000
AS	Internal Service Activity Fund Group Total	\$31,338,698	\$31,764,156
AT	State Lottery Fund Group		
AU 7017 200612	Foundation Funding - All Students	\$1,427,583,202	\$1,380,174,884
AV 7017 200614	Accelerate Great Schools	\$1,500,000	\$1,500,000
AW 7017 200631	Quality Community and Independent STEM Schools Support	\$115,000,000	\$125,000,000
AX 7017 200684	Community School Facilities	\$99,155,000	\$108,155,000
AY 7017 2006A7	Literacy Coaches	\$12,000,000	\$12,000,000
AZ	State Lottery Fund Group Total	\$1,655,238,202	\$1,626,829,884
BA	Federal Fund Group		
BB 3120 2006A9	Aspire - Federal	\$0	\$18,996,799
BC 3670 200607	School Food Services	\$13,379,350	\$13,379,350
BD 3700 200624	Education of Exceptional Children	\$1,750,000	\$1,750,000

BE	3AF0	657601	Schools Medicaid Administrative Claims	\$150,000	\$150,000
BF	3EH0	200620	Migrant Education	\$1,700,000	\$1,700,000
BG	3EJ0	200622	Homeless Children Education	\$4,823,000	\$5,112,380
BH	3GE0	200674	Summer Food Service Program	\$23,000,000	\$23,000,000
BI	3GG0	200676	Fresh Fruit and Vegetable Program	\$5,500,000	\$6,000,000
BJ	3HF0	200649	Federal Education Grants	\$5,000,000	\$5,000,000
BK	3HI0	200634	Student Support and Academic Enrichment	\$54,131,000	\$50,604,930
BL	3HL0	200678	Comprehensive Literacy State Development Program	\$14,630,000	\$14,630,000
BM	3L60	200617	Federal School Lunch	\$565,999,000	\$595,000,000
BN	3L70	200618	Federal School Breakfast	\$195,000,000	\$205,000,000
BO	3L80	200619	Child/Adult Food Programs	\$116,000,000	\$118,000,000
BP	3L90	200621	Career-Technical Education Basic Grant	\$56,680,000	\$58,947,200
BQ	3M00	200623	ESEA Title 1A	\$677,740,000	\$698,072,200
BR	3M20	200680	Individuals with Disabilities Education	\$530,400,000	\$541,008,000

Act

BS 3Y20	200688	21st Century Community Learning Centers	\$47,940,000	\$48,898,800
BT 3Y60	200635	Improving Teacher Quality	\$77,157,900	\$78,701,058
BU 3Y70	200689	English Language Acquisition	\$13,728,000	\$14,277,120
BV 3Y80	200639	Rural and Low Income Technical Assistance	\$3,300,000	\$3,300,000
BW 3Z20	200690	State Assessments	\$11,500,000	\$11,500,000
BX 3Z30	200645	Consolidated Federal Grant Administration	\$15,000,000	\$15,000,000
BY	Federal Fund Group Total		\$2,434,508,250	\$2,528,027,837
BZ	TOTAL ALL BUDGET FUND GROUPS		\$14,869,472,733	\$15,300,616,884

Section 265.20. CAREER-TECHNICAL EDUCATION 147270

A portion of the foregoing appropriation item 200416, 147271
 Career-Technical Education, shall be used by the Department of 147272
 Education and Workforce to provide matching funds related to 147273
 career-technical education under 20 U.S.C. 2321. 147274

Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND 147275
SUPPORT 147276

The foregoing appropriation item 200420, Information 147277
 Technology Development and Support, shall be used to support the 147278
 development and implementation of information technology 147279

solutions designed to improve the performance and services of 147280
the Department of Education and Workforce. Funds may be used for 147281
personnel, maintenance, and equipment costs related to the 147282
development and implementation of these technical system 147283
projects. Implementation of these systems shall allow the 147284
Department to provide greater levels of assistance to school 147285
districts and to provide more timely information to the public, 147286
including school districts, administrators, and legislators. 147287
Funds may also be used to support data-driven decision-making 147288
and differentiated instruction, as well as to communicate 147289
academic content standards and curriculum models to schools 147290
through web-based applications. 147291

Section 265.40. SCHOOL MANAGEMENT ASSISTANCE 147292

The foregoing appropriation item 200422, School Management 147293
Assistance, shall be used by the Department of Education and 147294
Workforce to provide fiscal technical assistance and inservice 147295
education for school district management personnel and to 147296
administer, monitor, and implement the fiscal caution, fiscal 147297
watch, and fiscal emergency provisions under Chapter 3316. of 147298
the Revised Code. 147299

Section 265.50. POLICY ANALYSIS 147300

The foregoing appropriation item 200424, Policy Analysis, 147301
shall be used by the Department of Education and Workforce to 147302
support a system of administrative and statistical education 147303
information to be used for policy analysis. Staff supported by 147304
this appropriation shall administer the development of reports, 147305
analyses, and briefings regarding current trends in education 147306
practice, efficient and effective use of resources, and 147307
evaluation of programs to improve education results. A portion 147308
of these funds shall be used to maintain a longitudinal database 147309

to support the assessment of the impact of policies and programs 147310
on Ohio's education and workforce development systems. The 147311
research efforts supported by this appropriation item shall be 147312
used to supply information and analysis of data to and in 147313
consultation with the General Assembly and other state 147314
policymakers, including the Office of Budget and Management and 147315
the Legislative Service Commission. 147316

Section 265.60. OHIO EDUCATIONAL COMPUTER NETWORK 147317

The foregoing appropriation item 200426, Ohio Educational 147318
Computer Network, shall be used by the Department of Education 147319
and Workforce to maintain a system of information technology 147320
throughout Ohio and to provide technical assistance for such a 147321
system. 147322

Of the foregoing appropriation item 200426, Ohio 147323
Educational Computer Network, up to \$8,425,500 in each fiscal 147324
year shall be used by the Department to support connection of 147325
all public school buildings and participating chartered 147326
nonpublic schools to the state's education network, to each 147327
other, and to the Internet. In each fiscal year, the Department 147328
shall use these funds to assist information technology centers 147329
or school districts with the operational costs associated with 147330
this connectivity. The Department shall develop a formula and 147331
guidelines for the distribution of these funds to information 147332
technology centers or individual school districts. As used in 147333
this section, "public school building" means a school building 147334
of any city, local, exempted village, or joint vocational school 147335
district, any community school established under Chapter 3314. 147336
of the Revised Code, any college preparatory boarding school 147337
established under Chapter 3328. of the Revised Code, any STEM 147338
school established under Chapter 3326. of the Revised Code, any 147339

educational service center building used for instructional 147340
purposes, the Ohio School for the Deaf and the Ohio State School 147341
for the Blind, high schools chartered by the Ohio Department of 147342
Youth Services, or high schools operated by Ohio Department of 147343
Rehabilitation and Corrections' Ohio Central School System. 147344

Of the foregoing appropriation item 200426, Ohio 147345
Educational Computer Network, up to \$6,305,000 in each fiscal 147346
year shall be used, through a formula and guidelines devised by 147347
the Department, to support the activities of designated 147348
information technology centers, as defined by Department of 147349
Education and Workforce rules, to provide school districts and 147350
chartered nonpublic schools with computer-based student and 147351
teacher instructional and administrative information services, 147352
including approved computerized financial accounting, to ensure 147353
the effective operation of local automated administrative and 147354
instructional systems, and to monitor and support the quality of 147355
data submitted to the Department. 147356

Of the foregoing appropriation item 200426, Ohio 147357
Educational Computer Network, up to \$1,650,000 in each fiscal 147358
year shall be used by the Department to support cybersecurity 147359
initiatives led by the Management Council of the Ohio Computer 147360
Education Network in public and nonpublic schools. Efforts may 147361
include, but shall not be limited to, vulnerability management, 147362
security awareness training, multifactor authentication, and 147363
endpoint detection and response capabilities. In determining the 147364
specific cybersecurity programs and initiatives the foregoing 147365
appropriation item will support, the Department shall consult 147366
with the Governor's Cybersecurity Strategic Advisor. 147367

The remainder of appropriation item 200426, Ohio 147368
Educational Computer Network, shall be used to support the work 147369

of the development, maintenance, and operation of a network of 147370
uniform and compatible computer-based information systems as 147371
well as the teacher student linkage/roster verification process 147372
and systems to support electronic sharing of student records and 147373
transcripts between entities. This technical assistance shall 147374
include, but not be restricted to, development and maintenance 147375
of adequate computer software systems to support network 147376
activities. In order to improve the efficiency of network 147377
activities, the Department and information technology centers 147378
may jointly purchase equipment, materials, and services from 147379
funds provided under this appropriation for use by the network 147380
and, when considered practical by the Department, may utilize 147381
the services of appropriate state purchasing agencies. 147382

Section 265.70. ACADEMIC STANDARDS 147383

The foregoing appropriation item 200427, Academic 147384
Standards, shall be used by the Department of Education and 147385
Workforce to develop and communicate to school districts 147386
academic content standards and curriculum models and to develop 147387
professional development programs and other tools on the new 147388
content standards and model curricula. 147389

Section 265.80. STUDENT ASSESSMENT 147390

Of the foregoing appropriation item 200437, Student 147391
Assessment, up to \$622,713 in each fiscal year shall be used to 147392
reimburse a portion of the costs associated with Advanced 147393
Placement and College-Level Examination Program tests for low- 147394
income students, as determined by the Department. If the funds 147395
provided by the Department through this set-aside and federal 147396
funds are not sufficient to cover the costs of Advanced 147397
Placement, College-Level Examination, and International 147398
Baccalaureate tests for low-income students, school districts 147399

and other public schools shall pay the remainder of the costs 147400
using other funds. 147401

The remainder of appropriation item 200437, Student 147402
Assessment, shall be used to develop, field test, print, 147403
distribute, score, report results, and support other associated 147404
costs for the tests required under sections 3301.0710, 147405
3301.0711, and 3301.0712 of the Revised Code and for similar 147406
purposes as required by section 3301.27 of the Revised Code. The 147407
funds may also be used to update and develop diagnostic 147408
assessments administered under sections 3301.079, 3301.0715, and 147409
3313.608 of the Revised Code and to support readiness 147410
assessments for students in grades three and higher that assist 147411
districts and schools with identifying and benchmarking student 147412
progress. 147413

DEPARTMENT OF EDUCATION AND WORKFORCE APPROPRIATION 147414
TRANSFERS FOR STUDENT ASSESSMENT 147415

In fiscal year 2026 and fiscal year 2027, if the Director 147416
of Education and Workforce determines that additional funds are 147417
needed to fully fund the requirements of sections 3301.0710, 147418
3301.0711, 3301.0712, and 3301.27 of the Revised Code and this 147419
act for assessments of student performance, the Director may 147420
recommend to the Director of Budget and Management the 147421
reallocation of unexpended and unencumbered General Revenue Fund 147422
appropriations within the Department of Education and Workforce 147423
to appropriation item 200437, Student Assessment. If the 147424
Director of Budget and Management determines that such a 147425
reallocation is required, the Director, subject to Controlling 147426
Board approval, may transfer unexpended and unencumbered 147427
appropriations within the Department of Education and Workforce 147428
as necessary to appropriation item 200437, Student Assessment. 147429

Section 265.90. ACCOUNTABILITY/REPORT CARDS 147430

Of the foregoing appropriation item 200439, 147431
Accountability/Report Cards, a portion in each fiscal year shall 147432
be used to train district and regional specialists and district 147433
educators in the use of the value-added progress dimension and 147434
in the use of data as it relates to improving student 147435
achievement. This training may include teacher and administrator 147436
professional development in the use of data to improve 147437
instruction and student learning, and teacher and administrator 147438
training in understanding teacher value-added reports and how 147439
they can be used as a component in measuring teacher and 147440
administrator effectiveness. 147441

The remainder of appropriation item 200439, 147442
Accountability/Report Cards, shall be used by the Department of 147443
Education and Workforce to incorporate a statewide value-added 147444
progress dimension into performance ratings for school districts 147445
and for the development of an accountability system that 147446
includes the preparation and distribution of school report 147447
cards, funding and expenditure accountability reports under 147448
sections 3302.03 and 3302.031 of the Revised Code, the 147449
development and maintenance of teacher value-added reports, the 147450
teacher student linkage/roster verification process, and the 147451
performance management section of the Department's web site 147452
required by section 3302.26 of the Revised Code. 147453

Section 265.100. EDUCATION MANAGEMENT INFORMATION SYSTEM 147454

The foregoing appropriation item 200446, Education 147455
Management Information System, shall be used by the Department 147456
of Education and Workforce to maintain and improve the Education 147457
Management Information System (EMIS). 147458

Of the foregoing appropriation item 200446, Education Management Information System, up to \$405,000 in each fiscal year shall be used to support grants to information technology centers to provide professional development opportunities to district and school personnel related to the EMIS, with a focus placed on data submission and data quality.

Of the foregoing appropriation item 200446, Education Management Information System, up to \$950,000 in each fiscal year shall be distributed to designated information technology centers for costs relating to processing, storing, and transferring data for the effective operation of the EMIS. These costs may include, but are not limited to, personnel, hardware, software development, communications connectivity, professional development, and support services.

The remainder of appropriation item 200446, Education Management Information System, shall be used to develop and support the data definitions and standards outlined in the EMIS guidelines adopted under section 3301.0714 of the Revised Code, to implement recommendations of the EMIS Advisory Council and the Director of Education and Workforce, to enhance data quality assurance practices, and to support responsibilities related to the school report cards prescribed by section 3302.03 of the Revised Code and value-added progress dimension calculations.

Section 265.110. EDUCATOR AND PRINCIPAL PREPARATION

(A) Of the foregoing appropriation item 200448, Educator and Principal Preparation, up to \$1,612,500 in each fiscal year shall be used, in consultation with the Department of Veterans Services, to support the Ohio Military Veteran Educators Program, which may do all of the following:

(1) Administer a grant program for institutions of higher education to provide financial incentives and assistance for eligible military individuals, as defined in section 3319.285 of the Revised Code, to enroll in and complete an educator preparation program approved under section 3333.048 of the Revised Code;

(2) Subsidize the costs for eligible military individuals associated with completing college coursework or professional development in pedagogy for the purpose of obtaining an alternative military educator license pursuant to section 3319.285 of the Revised Code or advancing to the professional license pursuant to section 3319.22 of the Revised Code;

(3) Provide funds to public schools, educational service centers, and county boards of developmental disabilities to support activities to recruit eligible military individuals to work in public schools and support bonuses to public schools that hire eligible military individuals;

(4) Reimburse public schools, educational service centers, and county boards of developmental disabilities that pay financial bonuses to eligible military individuals who complete at least one year of employment with the school;

(5) In consultation with the Department of Veterans Services, establish and support the Governor's Ohio Military Veteran Educators Fellowship Pilot Program to recruit and train eligible military individuals to become licensed to teach in low-performing public schools.

(B) Of the foregoing appropriation item 200448, Educator and Principal Preparation, up to \$350,993 in fiscal year 2026 and up to \$364,254 in fiscal year 2027 may be used by the

Department of Education and Workforce to monitor and support 147517
Ohio's State System of Support, as defined by the Every Student 147518
Succeeds Act. 147519

(C) Of the foregoing appropriation item 200448, Educator 147520
and Principal Preparation, \$200,000 in each fiscal year shall be 147521
used to support selected school staff through the FASTER Saves 147522
Lives Program for the purpose of stopping active shooters and 147523
treating casualties. 147524

(D) Notwithstanding any provision of law to the contrary, 147525
awards under this section may be used by recipients for award- 147526
related expenses incurred for a period not to exceed two years 147527
from the date of the award. 147528

Section 265.120. COMMUNITY SCHOOLS AND CHOICE PROGRAMS 147529

The foregoing appropriation item 200455, Community Schools 147530
and Choice Programs, may be used by the Department of Education 147531
and Workforce for the oversight and support of community schools 147532
established under Chapter 3314. of the Revised Code, community 147533
school sponsors, and nonpublic schools; and the administration 147534
of school choice programs. The funds may be used to support the 147535
sponsor evaluation system in accordance with section 3314.016 of 147536
the Revised Code. 147537

Section 265.130. EDUCATION TECHNOLOGY RESOURCES 147538

Of the foregoing appropriation item 200465, Education 147539
Technology Resources, up to \$2,500,000 in each fiscal year shall 147540
be used for the Union Catalog and InfOhio Network and to support 147541
the provision of electronic resources with priority given to 147542
resources that support the teaching of state academic content 147543
standards in all public schools and resources in support of 147544
Ohio's Plan to Raise Literacy Achievement. The Department of 147545

Education and Workforce shall consider coordinating the 147546
allocation of these moneys with the efforts of Libraries Connect 147547
Ohio, whose members include OhioLINK, the Ohio Public 147548
Information Network, and the State Library of Ohio. 147549

Section 265.140. INDUSTRY-RECOGNIZED CREDENTIALS HIGH 147550
SCHOOL STUDENTS 147551

City, local, and exempted village school districts, 147552
community schools, STEM schools, and joint vocational school 147553
districts shall inform students enrolled in career-technical 147554
education courses that lead to an industry-recognized credential 147555
about the opportunity to earn these credentials. The educating 147556
entity shall pay for the cost of the credential. 147557

The foregoing appropriation item 200478, Industry- 147558
Recognized Credentials High School Students, shall be used by 147559
the Department of Education and Workforce and the Governor's 147560
Office of Workforce Transformation to operate the Innovative 147561
Workforce Incentive Program. The Office of Workforce 147562
Transformation shall maintain a list of credentials that qualify 147563
for the program. The Department of Education and Workforce shall 147564
pay each city, local, and exempted village school district, 147565
community school, STEM school, and joint vocational school 147566
district an amount equal to \$725 for each qualifying credential 147567
a student attending the district or school earned in the school 147568
year preceding the fiscal year in which the funds are 147569
appropriated. If the amount appropriated is not sufficient, the 147570
Department shall prorate the amounts so that the aggregate 147571
amount appropriated is not exceeded. 147572

Section 265.150. PUPIL TRANSPORTATION 147573

Of the foregoing appropriation item 200502, Pupil 147574

Transportation, up to \$1,088,930 in each fiscal year may be used 147575
by the Department of Education and Workforce for training 147576
prospective and experienced school bus drivers in accordance 147577
with training programs prescribed by the Department. A portion 147578
of these funds may also be used to pay for costs associated with 147579
the enrollment of bus drivers in the retained applicant 147580
fingerprint database. 147581

Of the foregoing appropriation item 200502, Pupil 147582
Transportation, up to \$176,897,678 in fiscal year 2026 and up to 147583
\$194,820,866 in fiscal year 2027 may be used by the Department 147584
for special education transportation reimbursements to school 147585
districts, educational service centers, and county boards of 147586
developmental disabilities for transportation operating costs as 147587
provided in divisions (C) and (F) of section 3317.024 of the 147588
Revised Code. 147589

Of the foregoing appropriation item 200502, Pupil 147590
Transportation, up to \$250,000 in fiscal year 2026 shall be used 147591
to support the Montgomery County Pupil Transportation Pilot 147592
Program established in Section 265.550 of H.B. 33 of the 135th 147593
General Assembly, as amended by this act. 147594

The remainder of the foregoing appropriation item 200502, 147595
Pupil Transportation, shall be used to distribute the amounts 147596
calculated for transportation aid under division (A)(2) of 147597
section 3317.019 and divisions (E), (F), (G), (H), and (I) of 147598
section 3317.0212 of the Revised Code. 147599

PAYMENTS IN LIEU OF TRANSPORTATION 147600

For purposes of division (D) of section 3327.02 of the 147601
Revised Code, if a parent, guardian, or other person in charge 147602
of a pupil accepts an offer from a school district of payment in 147603

lieu of providing transportation for the pupil, the school 147604
district shall pay that parent, guardian, or other person an 147605
amount not less than fifty per cent and not more than the amount 147606
determined by the Department under division (C) of section 147607
3317.0212 of the Revised Code for the most recent school year 147608
for which data is available. Payment may be prorated if the time 147609
period involved is only a part of the school year. 147610

Section 265.160. SCHOOL MEAL PROGRAMS 147611

(A) The foregoing appropriation item 200505, School Meal 147612
Programs, shall be used to support the reimbursements required 147613
by section 3301.91 of the Revised Code and provide matching 147614
funds to obtain federal funds for the school lunch program. 147615

(B) Any remaining appropriation after providing matching 147616
funds for the school lunch program may be used to do the 147617
following: 147618

(1) Partially reimburse school buildings within school 147619
districts that are required to have a school breakfast program 147620
under section 3313.813 of the Revised Code, at a rate decided by 147621
the Department; 147622

(2) Support the Summer EBT Program in coordination with 147623
the Department of Job and Family Services. 147624

Section 265.170. AUXILIARY SERVICES 147625

Of the foregoing appropriation item 200511, Auxiliary 147626
Services, up to \$2,600,000 in each fiscal year may be used for 147627
payment of the College Credit Plus Program for nonpublic 147628
secondary school participants. The Department of Education and 147629
Workforce shall distribute these funds according to rule 3333-1- 147630
65.8 of the Administrative Code, adopted by the Department of 147631
Higher Education pursuant to division (A) of section 3365.071 of 147632

the Revised Code. 147633

The remainder of the foregoing appropriation item 200511, 147634
Auxiliary Services, shall be used by the Department to make 147635
payments under division (E) of section 3317.024 of the Revised 147636
Code to implement sections 3317.06 and 3317.062 of the Revised 147637
Code. Notwithstanding any provision of law to the contrary, for 147638
fiscal year 2026, school districts or chartered nonpublic 147639
schools may use the auxiliary services funding provided under 147640
division (E) of section 3317.024 of the Revised Code to provide 147641
diagnostic or therapeutic mental health services to students 147642
enrolled in chartered nonpublic schools at any time during the 147643
fiscal year. 147644

Section 265.180. NONPUBLIC ADMINISTRATIVE COST 147645
REIMBURSEMENT 147646

The foregoing appropriation item 200532, Nonpublic 147647
Administrative Cost Reimbursement, shall be used by the 147648
Department of Education and Workforce for the purpose of 147649
implementing section 3317.063 of the Revised Code. Payments made 147650
by the Department for this purpose shall not exceed four hundred 147651
seventy-five dollars per student for each school year. 147652

Section 265.190. SPECIAL EDUCATION ENHANCEMENTS 147653

Of the foregoing appropriation item 200540, Special 147654
Education Enhancements, up to \$33,945,594 in each fiscal year 147655
shall be used to fund special education and related services at 147656
county boards of developmental disabilities for eligible 147657
students under section 3317.20 of the Revised Code and at 147658
institutions for eligible students under section 3317.201 of the 147659
Revised Code. If necessary, the Department of Education and 147660
Workforce shall proportionately reduce the amount calculated for 147661

each county board of developmental disabilities and institution 147662
so as not to exceed the amount appropriated in each fiscal year. 147663

Of the foregoing appropriation item 200540, Special 147664
Education Enhancements, up to \$1,350,000 in each fiscal year 147665
shall be used for parent mentoring programs. 147666

Of the foregoing appropriation item 200540, Special 147667
Education Enhancements, up to \$3,000,000 in each fiscal year may 147668
be used for school psychology interns. 147669

The remainder of appropriation item 200540, Special 147670
Education Enhancements, shall be distributed by the Department 147671
of Education and Workforce to school districts and institutions, 147672
as defined in section 3323.091 of the Revised Code, for 147673
preschool special education funding under section 3317.0213 of 147674
the Revised Code. 147675

The Department may reimburse school districts and 147676
institutions for services provided by instructional assistants, 147677
related services, as defined in rule 3301-51-11 of the 147678
Administrative Code, physical therapy services provided by a 147679
licensed physical therapist or physical therapist assistant 147680
under the supervision of a licensed physical therapist, as 147681
required under Chapter 4755. of the Revised Code and Chapter 147682
4755-27 of the Administrative Code, and occupational therapy 147683
services provided by a licensed occupational therapist or 147684
occupational therapy assistant under the supervision of a 147685
licensed occupational therapist, as required under Chapter 4755. 147686
of the Revised Code and Chapter 4755-7 of the Administrative 147687
Code. Nothing in this section authorizes occupational therapy 147688
assistants or physical therapist assistants to generate or 147689
manage their own caseloads. 147690

The Department shall require school districts that serve 147691
preschool special education students and either receive funds 147692
under the Early Childhood Education Grant Program established 147693
pursuant to section 5104.53 of the Revised Code or provide 147694
publicly funded child care as defined in section 5104.01 of the 147695
Revised Code, educational service centers, county boards of 147696
developmental disabilities, and institutions serving preschool 147697
children with disabilities to adhere to the Step Up to Quality 147698
Program established pursuant to section 5104.29 of the Revised 147699
Code. 147700

Section 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 147701

Of the foregoing appropriation item 200545, Career- 147702
Technical Education Enhancements, up to \$5,000,000 in each 147703
fiscal year shall be used to pay career awareness and 147704
exploration funds pursuant to division (E) of section 3317.014 147705
of the Revised Code. If the amount appropriated is not 147706
sufficient, the Department of Education and Workforce shall 147707
prorate the amounts so that the aggregate amount appropriated is 147708
not exceeded. 147709

Of the foregoing appropriation item 200545, Career- 147710
Technical Education Enhancements, up to \$2,563,000 in each 147711
fiscal year shall be used to fund secondary career-technical 147712
education at institutions and Ohio Deaf and Blind Education 147713
Services using a grant-based methodology, notwithstanding 147714
section 3317.05 of the Revised Code. 147715

Of the foregoing appropriation item 200545, Career- 147716
Technical Education Enhancements, up to \$4,000,000 in each 147717
fiscal year shall be used by the Department to fund competitive 147718
grants to an entity in each of the JobsOhio regions to expand 147719
the number of students with access to career-technical 147720

education, to support and provide technical assistance to 147721
schools and districts in the provision and expansion of career- 147722
technical education, to provide mentoring and career planning 147723
and advising to students attending public and chartered 147724
nonpublic schools, and to support adults who have a high school 147725
diploma but have never enrolled in post-secondary education. 147726
Notwithstanding any provision of law to the contrary, awards 147727
under this paragraph may be used by recipients for award-related 147728
expenses according to guidelines established by the Department 147729
of Education and Workforce for a period not to exceed two years 147730
from the date of the award. 147731

Of the foregoing appropriation item 200545, Career- 147732
Technical Education Enhancements, up to \$600,000 in each fiscal 147733
year shall be used by the Department to enable students in 147734
agricultural programs to enroll in a fifth quarter of 147735
instruction based on the agricultural education model of 147736
delivering work-based learning through supervised agricultural 147737
experience. The Department shall determine eligibility criteria 147738
and the reporting process for the Agriculture 5th Quarter 147739
Project and shall fund as many programs as possible given the 147740
set-aside. The eligibility criteria developed by the Department 147741
shall allow these funds to support supervised agricultural 147742
experience that occurs anytime outside of the regular school 147743
day. 147744

Of the foregoing appropriation item 200545, Career- 147745
Technical Education Enhancements, up to \$500,000 in each fiscal 147746
year may be used to support career planning and reporting 147747
through the OhioMeansJobs web site. 147748

Of the foregoing appropriation item 200545, Career- 147749
Technical Education Enhancements, \$250,000 in each fiscal year 147750

shall be used to prepare students for careers in culinary arts 147751
and restaurant management under the Ohio ProStart school 147752
restaurant program. 147753

Section 265.210. FOUNDATION FUNDING - ALL STUDENTS 147754

Of the portion of the formula aid distributed to city, 147755
local, and exempted village school districts, joint vocational 147756
school districts, community schools, and STEM schools under this 147757
section, an amount in each fiscal year, as calculated by the 147758
Department of Education and Workforce, shall be used for the 147759
purposes of division (B) of section 3317.0215 of the Revised 147760
Code. 147761

Of the foregoing appropriation item 200550, Foundation 147762
Funding - All Students, up to \$5,733,404 in each fiscal year 147763
shall be used to fund gifted education at educational service 147764
centers. The Department shall distribute the funding through the 147765
unit-based funding methodology in place under division (L) of 147766
section 3317.024, division (E) of section 3317.05, and divisions 147767
(A), (B), and (C) of section 3317.053 of the Revised Code as 147768
they existed prior to fiscal year 2010. 147769

Of the foregoing appropriation item 200550, Foundation 147770
Funding - All Students, up to \$49,152,105 in fiscal year 2026 147771
and up to \$51,023,465 in fiscal year 2027 shall be reserved to 147772
fund the state reimbursement of educational service centers 147773
under section 3317.11 of the Revised Code. 147774

Of the foregoing appropriation item 200550, Foundation 147775
Funding - All Students, up to \$3,500,000 in each fiscal year 147776
shall be distributed to educational service centers for school 147777
improvement initiatives and for the provision of technical 147778
assistance to schools and districts consistent with requirements 147779

of section 3312.01 of the Revised Code. The Department may 147780
distribute these funds through a competitive grant process. 147781

Of the foregoing appropriation item 200550, Foundation 147782
Funding - All Students, up to \$7,000,000 in each fiscal year 147783
shall be reserved for payments under the section of this act 147784
entitled "POWER PLANT VALUATION ADJUSTMENT." If this amount is 147785
not sufficient, the Director of Education and Workforce may 147786
reallocate excess funds for other purposes supported by this 147787
appropriation item in order to fully pay the amounts required by 147788
that section, provided that the aggregate amount appropriated in 147789
appropriation item 200550, Foundation Funding - All Students, is 147790
not exceeded. 147791

Of the foregoing appropriation item 200550, Foundation 147792
Funding - All Students, up to \$10,400,000 in fiscal year 2026 147793
and up to \$10,800,000 in fiscal year 2027 shall be used to 147794
support the administration of state scholarship programs. 147795

Of the foregoing appropriation item 200550, Foundation 147796
Funding - All Students, up to \$1,000,000 in each fiscal year 147797
shall be distributed to the Cleveland Municipal School District 147798
to provide tutorial assistance as provided in division (B) of 147799
section 3313.979 of the Revised Code. The Cleveland Municipal 147800
School District shall report the use of these funds in the 147801
district's three-year continuous improvement plan as described 147802
in section 3302.04 of the Revised Code in a manner approved by 147803
the Department. 147804

Of the foregoing appropriation item 200550, Foundation 147805
Funding - All Students, up to \$3,500,000 in each fiscal year may 147806
be used for payment of the College Credit Plus Program for 147807
students instructed at home pursuant to section 3321.04 of the 147808
Revised Code. 147809

Of the foregoing appropriation item 200550, Foundation 147810
Funding - All Students, an amount shall be available in each 147811
fiscal year to be paid to joint vocational school districts in 147812
accordance with sections 3317.16 and 3317.162 of the Revised 147813
Code and the section of this act entitled "FORMULA TRANSITION 147814
SUPPLEMENT." 147815

Of the foregoing appropriation item 200550, Foundation 147816
Funding - All Students, up to \$700,000 in each fiscal year shall 147817
be used by the Department for a program to pay for educational 147818
services for youth who have been assigned by a juvenile court or 147819
other authorized agency to any of the facilities described in 147820
division (A) of the section of this act entitled "PRIVATE 147821
TREATMENT FACILITY PROJECT." 147822

Of the foregoing appropriation item 200550, Foundation 147823
Funding - All Students, a portion may be used to pay college- 147824
preparatory boarding schools the per pupil boarding amount 147825
pursuant to section 3328.34 of the Revised Code. 147826

Of the foregoing appropriation item 200550, Foundation 147827
Funding - All Students, up to \$1,500,000 in each fiscal year 147828
shall be distributed to the Ohio STEM Learning Network to 147829
support the expansion of free STEM programming aligned to Ohio's 147830
STEM priorities, to create regional STEM supports targeting 147831
underserved student populations, and to support the Ohio STEM 147832
Committee's STEM school designation process. 147833

Of the foregoing appropriation item 200550, Foundation 147834
Funding - All Students, up to \$750,000 in fiscal year 2026 shall 147835
be used to make payments pursuant to the section of this act 147836
entitled "AIM HIGHER PILOT PROGRAM." 147837

The remainder of the foregoing appropriation item 200550, 147838

Foundation Funding - All Students, shall be used to distribute 147839
the amounts calculated for formula aid under division (A) (1) of 147840
section 3317.019 of the Revised Code, sections 3317.022 and 147841
3317.22 of the Revised Code, and the sections of this act 147842
entitled "FORMULA TRANSITION SUPPLEMENT" and "FUNDING 147843
SUPPLEMENTS." 147844

Appropriation items 200502, Pupil Transportation, and 147845
200550, Foundation Funding - All Students, other than specific 147846
set-asides, are collectively used in each fiscal year to pay 147847
state formula aid obligations for school districts, community 147848
schools, STEM schools, college preparatory boarding schools, 147849
joint vocational school districts, and state scholarship 147850
programs under this act. The first priority of these 147851
appropriation items, with the exception of specific set-asides, 147852
is to fund state formula aid obligations. It may be necessary to 147853
reallocate funds among these appropriation items or use excess 147854
funds from other General Revenue Fund appropriation items in the 147855
Department of Education and Workforce's budget, including 147856
appropriation item 200903, Property Tax Reimbursement - 147857
Education, in each fiscal year in order to meet state formula 147858
aid obligations. If it is determined that it is necessary to 147859
transfer funds among these appropriation items or to transfer 147860
funds from other General Revenue Fund appropriations in the 147861
Department's budget to meet state formula aid obligations, the 147862
Director of Education and Workforce shall seek approval from the 147863
Director of Budget and Management to transfer funds as needed. 147864

The Director of Education and Workforce shall make 147865
payments, transfers, and deductions, as authorized by Title 147866
XXXVIII of the Revised Code in amounts substantially equal to 147867
those made in the prior year, or otherwise, at the discretion of 147868
the Director, until at least the effective date of the 147869

amendments and enactments made to Title XXXIII of the Revised 147870
Code by this act. Any funds paid to districts or schools under 147871
this section shall be credited toward the annual funds 147872
calculated for the district or school after the changes made to 147873
Title XXXIII of the Revised Code in this act are effective. Upon 147874
the effective date of changes made to Title XXXIII of the 147875
Revised Code in this act, funds shall be calculated as an annual 147876
amount. 147877

Section 265.215. ECONOMICALLY DISADVANTAGED STUDENT 147878
AVERAGE DAILY MEMBERSHIP 147879

(A) As used in this section: 147880

(1) "Directly certified ADM" means the average daily 147881
membership of students enrolled in a district or school for a 147882
fiscal year who are certified as categorically eligible for free 147883
meals as described in 7 C.F.R. 245.6 or successor regulations, 147884
as determined by the Department of Education and Workforce. 147885

(2) "Qualifying public school" means any of the following: 147886

(a) A city, local, or exempted village school district; 147887

(b) A joint vocational school district; 147888

(c) A community school established under Chapter 3314. of 147889
the Revised Code that is not a newly opened community school; 147890

(d) A STEM school established under Chapter 3326. of the 147891
Revised Code. 147892

(3) "Newly opened community school" means a community 147893
school that opens for the first time in fiscal year 2026 or 147894
2027. 147895

(C) Notwithstanding anything in the Revised Code to the 147896

contrary, for fiscal years 2026 and 2027, the average daily membership of economically disadvantaged students for a qualifying public school is the average daily membership of economically disadvantaged students certified or reported to the Department for fiscal year 2025, as of June 1, 2025, under section 3314.08, 3317.03, or 3326.32 of the Revised Code. The Department shall calculate disadvantaged pupil impact aid for each qualifying public school under section 3317.022, 3317.026, or 3317.16 of the Revised Code for fiscal years 2026 and 2027, as follows:

(The qualifying public school's average daily membership of economically disadvantaged students X 0.75 for fiscal year 2026 or 0.65 for fiscal year 2027) + (The qualifying public school's directly certified ADM for the fiscal year X 0.25 for fiscal year 2026 or 0.35 for fiscal year 2027)

(D) Notwithstanding anything in the Revised Code to the contrary, for fiscal years 2026 and 2027, the Department shall calculate disadvantaged pupil impact aid for each newly opened community school under sections 3317.022 and 3317.026 of the Revised Code using the school's directly certified ADM for the fiscal year.

Section 265.220. PHASE-IN PERCENTAGES

For purposes of division (X) (1) of section 3317.02 of the Revised Code, the General Assembly has determined that the general phase-in percentage for fiscal year 2026 shall be 83.33 per cent and the general phase-in percentage for fiscal year 2027 shall be 100 per cent.

For purposes of division (X) (2) of section 3317.02 of the Revised Code, the General Assembly has determined that the

phase-in percentage for disadvantaged pupil impact aid for 147926
fiscal year 2026 shall be 83.33 per cent and the phase-in 147927
percentage for disadvantaged pupil impact aid for fiscal year 147928
2027 shall be 100 per cent. 147929

Section 265.230. FORMULA TRANSITION SUPPLEMENT 147930

(A) (1) For fiscal years 2026 and 2027, the Department of 147931
Education and Workforce shall pay a formula transition 147932
supplement to each city, local, and exempted village school 147933
district according to the following formula: 147934

(The district's funding base for fiscal year 2021) - (the 147935
district's payments for the fiscal year for which the supplement 147936
is calculated under sections 3317.019, 3317.022, and 3317.0212 147937
of the Revised Code) 147938

If the computation made under division (A) (1) of this 147939
section for a fiscal year results in a negative number, the 147940
district's formula transition supplement for that fiscal year 147941
shall be zero. 147942

(2) For purposes of division (A) (1) of this section, a 147943
city, local, or exempted village school district's "funding base 147944
for fiscal year 2021" means the amount calculated as follows: 147945

(a) Compute the sum of the following: 147946

(i) The amount calculated for the district for fiscal year 147947
2021 under division (A) (1) of Section 265.220 of H.B. 166 of the 147948
133rd General Assembly after any adjustments required under 147949
Section 265.227 of H.B. 166 of the 133rd General Assembly and 147950
before any funding reductions authorized by Executive Order 147951
2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, 147952
issued on January 22, 2021; 147953

(ii) The amount calculated for the district for fiscal year 2021 under division (A) (2) of Section 265.220 of H.B. 166 of the 133rd General Assembly before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021; 147954
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(iii) The amount calculated for the district for fiscal year 2021 under division (B) of Section 265.220 of H.B. 166 of the 133rd General Assembly; 147959
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(iv) The district's payments for fiscal year 2021 under divisions (C) (1), (2), (3), and (4) of section 3313.981 of the Revised Code as those divisions existed for payments for fiscal year 2021; 147962
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147965

(v) The district's payments for fiscal year 2021 under section 3317.0219 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly. 147966
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(b) Subtract from the amount calculated in division (A) (2) (a) of this section the sum of the following: 147970
147971

(i) The payments deducted from the district and paid to a community school established under Chapter 3314. of the Revised Code for fiscal year 2021 under divisions (C) (1) (a), (b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised Code and division (D) of section 3314.091 of the Revised Code, as those divisions existed for deductions and payments for fiscal year 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd General Assembly, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021; 147972
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(ii) The payments deducted from the district and paid to a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code for fiscal year 2021, under divisions (A), (B), (C), (D), (E), (F), and (G) of section 3326.33 of the Revised Code as those divisions existed for deductions and payments for fiscal year 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd General Assembly, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(iii) The payments deducted from the district for fiscal year 2021 under division (C) of section 3310.08 of the Revised Code as that division existed for deductions for fiscal year 2021, division (C)(2) of section 3310.41 of the Revised Code, as that division existed for deductions for fiscal year 2021, and section 3310.55 of the Revised Code as that section existed for deductions for fiscal year 2021 and, in the case of a pilot project school district as defined in section 3313.975 of the Revised Code, the funds deducted from the district for fiscal year 2021 under Section 265.210 of H.B. 166 of the 133rd General Assembly to operate the pilot project scholarship program for fiscal year 2021 under sections 3313.974 to 3313.979 of the Revised Code;

(iv) The payments subtracted from the district for fiscal year 2021 under divisions (B)(1), (2), and (3) of section 3313.981 of the Revised Code, as those divisions existed for subtractions from the district for fiscal year 2021.

(B)(1) For fiscal years 2026 and 2027, the Department of Education and Workforce shall pay a formula transition supplement to each joint vocational school district according to

the following formula: 148013

(The district's funding base for fiscal year 2021) - (the 148014
district's payments for the fiscal year for which the supplement 148015
is calculated under sections 3317.16 and 3317.162 of the Revised 148016
Code) 148017

If the computation made under division (B)(1) of this 148018
section for a fiscal year results in a negative number, the 148019
district's formula transition supplement for that fiscal year 148020
shall be zero. 148021

(2) For purposes of division (B)(1) of this section, a 148022
joint vocational district's "funding base for fiscal year 2021" 148023
means the sum of the following: 148024

(a) The district's payments for fiscal year 2021 under 148025
Section 265.225 of H.B. 166 of the 133rd General Assembly after 148026
any adjustments required under Section 265.227 of H.B. 166 of 148027
the 133rd General Assembly; 148028

(b) The district's payments for fiscal year 2021 under 148029
divisions (D)(1) and (2) of section 3313.981 of the Revised 148030
Code, as those divisions existed for payments for fiscal year 148031
2021; 148032

(c) The district's payments for fiscal year 2021 under 148033
section 3317.163 of the Revised Code as that section existed for 148034
payments for fiscal year 2021 and under Section 20 of S.B. 310 148035
of the 133rd General Assembly. 148036

(C)(1) For fiscal years 2026 and 2027, the Department of 148037
Education and Workforce shall pay a formula transition 148038
supplement to each community school established under Chapter 148039
3314. of the Revised Code according to the following formula: 148040

[(The school's funding base for fiscal year 2021 / the number of students enrolled in the school for fiscal year 2021) - (the sum of the school's payments under sections 3317.022 and 3317.0212 of the Revised Code for the fiscal year for which the supplement is calculated / the number of students enrolled in the school for the fiscal year for which the supplement is calculated)] X the number of students enrolled in the school for the fiscal year for which the supplement is calculated.

If the computation made under division (C)(1) of this section for a fiscal year results in a negative number, the school's formula transition supplement for that fiscal year shall be zero.

(2) For purposes of division (C)(1) of this section, a community school's "funding base for fiscal year 2021" means the sum of the following:

(a) The amount calculated for the school for fiscal year 2021 under division (C)(1) of section 3314.08 of the Revised Code as that section existed for payments for fiscal year 2021, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(b) The amount calculated for the school for fiscal year 2021 under section 3314.085 of the Revised Code as that section existed for payments for fiscal year 2021;

(c) The amount calculated for the school for fiscal year 2021 under division (D)(1) of section 3314.091 of the Revised Code as that division existed for payments for fiscal year 2021;

(d) The amount calculated for the school for fiscal year 2021 under section 3314.088 of the Revised Code as that section

existed for payments for fiscal year 2021 and under Section 20 148070
of S.B. 310 of the 133rd General Assembly. 148071

(D) (1) For fiscal years 2026 and 2027, the Department of 148072
Education and Workforce shall pay a formula transition 148073
supplement to each science, technology, engineering, and 148074
mathematics school established under Chapter 3326. of the 148075
Revised Code according to the following formula: 148076

[(The school's funding base for fiscal year 2021 / the number of 148077
students enrolled in the school for fiscal year 2021) - (the 148078
school's payments for the fiscal year for which the supplement 148079
is calculated under section 3317.022 of the Revised Code / the 148080
number of students enrolled in the school for the fiscal year 148081
for which the supplement is calculated)] X the number of 148082
students enrolled in the school for the fiscal year for which 148083
the supplement is calculated. 148084

If the computation made under division (D) (1) of this 148085
section for a fiscal year results in a negative number, the 148086
school's formula transition supplement for that fiscal year 148087
shall be zero. 148088

(2) For purposes of division (D) (1) of this section, a 148089
science, technology, engineering, and mathematics school's 148090
"funding base for fiscal year 2021" means the sum of the 148091
following: 148092

(a) The amount calculated for the school for fiscal year 148093
2021 under section 3326.33 of the Revised Code as that section 148094
existed for payments for fiscal year 2021, before any funding 148095
reductions authorized by Executive Order 2020-19D, issued on May 148096
7, 2020, and Executive Order 2021-01D, issued on January 22, 148097
2021; 148098

(b) The amount calculated for the school for fiscal year 2021 under section 3326.41 of the Revised Code as that section existed for payments for fiscal year 2021;

(c) The amount calculated for the school for fiscal year 2021 under section 3326.42 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly.

Section 265.237. FUNDING SUPPLEMENTS

(A) As used in this section, "traditional school district" means a city, local, or exempted village school district.

(B) For fiscal years 2026 and 2027, the Department of Education and Workforce shall pay each traditional school district an enrollment growth supplement, as follows:

(1) The Department shall calculate an enrollment change percentage for the district for the fiscal year, as follows:

(a) For fiscal year 2026, the percentage is calculated according to the following formula:

(The district's enrolled ADM for fiscal year 2025 - the district's enrolled ADM for fiscal year 2022) / the district's enrolled ADM for fiscal year 2022 X 100%

(b) For fiscal year 2027, the percentage is calculated according to the following formula:

(The district's enrolled ADM for fiscal year 2026 - the district's enrolled ADM for fiscal year 2023) / the district's enrolled ADM for fiscal year 2023 X 100%

(2) For fiscal year 2026, for a district that has an enrollment change percentage that is five per cent or higher for

the fiscal year, the Department shall pay the district an amount 148126
equal to the product of the district's enrolled ADM for the 148127
fiscal year multiplied by \$225. The Department shall not make a 148128
payment for fiscal year 2026 to a district that has an 148129
enrollment change percentage for the fiscal year that is less 148130
than five per cent. 148131

(3) For fiscal year 2027, for a district that has an 148132
enrollment change percentage that is three per cent or higher 148133
for the fiscal year, the Department shall pay the district an 148134
amount equal to the product of the district's enrolled ADM for 148135
the fiscal year multiplied by \$250. The Department shall not 148136
make a payment for fiscal year 2027 to a district that has an 148137
enrollment change percentage for the fiscal year that is less 148138
than three per cent. 148139

(C) For fiscal years 2026 and 2027, the Department shall 148140
pay each traditional school district a per-pupil performance 148141
supplement, as follows: 148142

(1) The Department shall determine whether a district is 148143
eligible for the supplement based on whether the district 148144
received any of the following on the state report card issued 148145
under section 3302.03 of the Revised Code for the 2023-2024 148146
school year: 148147

(a) An overall performance rating of four or more stars; 148148

(b) A performance rating of three or more stars for the 148149
Progress component; 148150

(c) A higher performance rating on the Progress component 148151
than the district received for that component on the state 148152
report card issued for the 2022-2023 school year. 148153

(2) The Department shall calculate and pay the supplement 148154

to an eligible district for a fiscal year, as follows: 148155

The district's enrolled ADM for the fiscal year X \$26 X the 148156
greater of the number of stars the district received for either 148157
the overall performance rating or the performance rating for the 148158
Progress component on the state report card for the 2023-2024 148159
school year 148160

Section 265.240. POWER PLANT VALUATION ADJUSTMENT 148161

(A) (1) On or before May 15, 2026, the Tax Commissioner 148162
shall determine all of the following for each city, local, 148163
exempted village, and joint vocational school district that has 148164
at least one power plant located within its territory: 148165

(a) Whether the taxable value of all utility tangible 148166
personal property subject to taxation by the district in tax 148167
year 2025 was less than the taxable value of such property 148168
during tax year 2017; 148169

(b) Whether the taxable value of all utility tangible 148170
personal property subject to taxation by the district in tax 148171
year 2025 was less than the taxable value of such property 148172
during tax year 2024. 148173

(2) If the decrease determined under division (A) (1) (a) or 148174
(b) of this section exceeds ten per cent and the overall change 148175
in utility tangible personal property subject to taxation is 148176
negative, the Tax Commissioner shall certify all of the 148177
following to the Department of Education and Workforce and the 148178
Office of Budget and Management: 148179

(a) The district's total taxable value for tax year 2025; 148180

(b) The change in taxes charged and payable on the 148181
district's total taxable value for tax year 2017 and tax year 148182

2025;	148183
(c) The taxable value of the utility tangible personal property decrease, which shall be considered a change in valuation;	148184 148185 148186
(d) The change in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A) (3) of section 3317.021 of the Revised Code.	148187 148188 148189
(3) Upon receipt of a certification under division (A) (2) of this section, the Department of Education and Workforce shall replace the three-year average valuations that were used in computing the district's state education aid for fiscal year 2019 with the taxable value certified under division (A) (2) (a) of this section and shall recompute the district's state education aid for fiscal year 2019 without applying any funding limitations enacted by the General Assembly to the computation. The Department shall pay to the district an amount equal to the greater of the following:	148190 148191 148192 148193 148194 148195 148196 148197 148198 148199
(a) The lesser of the following:	148200
(i) The positive difference between the district's state education aid for fiscal year 2019 prior to the recomputation under division (A) (3) of this section and the district's recomputed state education aid for fiscal year 2019;	148201 148202 148203 148204
(ii) The absolute value of the amount certified under division (A) (2) (b) of this section.	148205 148206
(b) The absolute value of the amount certified under division (A) (2) (b) of this section X 0.50.	148207 148208
(B) (1) On or before May 15, 2027, the Tax Commissioner shall determine for each city, local, exempted village, and	148209 148210

joint vocational school district that has at least one power 148211
plant located within its territory: 148212

(a) Whether the taxable value of all utility tangible 148213
personal property subject to taxation by the district in tax 148214
year 2026 was less than the taxable value of such property 148215
during tax year 2017; 148216

(b) Whether the taxable value of all utility tangible 148217
personal property subject to taxation by the district in tax 148218
year 2026 was less than the taxable value of such property 148219
during tax year 2025. 148220

(2) If the decrease determined under division (B) (1) (a) or 148221
(b) of this section exceeds ten per cent and the overall change 148222
in utility tangible personal property subject to taxation is 148223
negative, the Tax Commissioner shall certify all of the 148224
following to the Department of Education and Workforce and the 148225
Office of Budget and Management: 148226

(a) The district's total taxable value for tax year 2026; 148227

(b) The change in taxes charged and payable on the 148228
district's total taxable value for tax year 2017 and tax year 148229
2026; 148230

(c) The taxable value of the utility tangible personal 148231
property decrease, which shall be considered a change in 148232
valuation; 148233

(d) The change in taxes charged and payable on such change 148234
in taxable value calculated in the same manner as in division 148235
(A) (3) of section 3317.021 of the Revised Code. 148236

(3) Upon receipt of a certification under division (B) (2) 148237
of this section, the Department of Education and Workforce shall 148238

replace the three-year average valuations that were used in 148239
computing the district's state education aid for fiscal year 148240
2019 with the taxable value certified under division (B) (2) (a) 148241
of this section and shall recompute the district's state 148242
education aid for fiscal year 2019 without applying any funding 148243
limitations enacted by the General Assembly to the computation. 148244
The Department shall pay to the district an amount equal to the 148245
greater of the following: 148246

(a) The lesser of the following: 148247

(i) The positive difference between the district's state 148248
education aid for fiscal year 2019 prior to the recomputation 148249
under division (B) (3) of this section and the district's 148250
recomputed state education aid for fiscal year 2019; 148251

(ii) The absolute value of the amount certified under 148252
division (B) (2) (b) of this section. 148253

(b) The absolute value of the amount certified under 148254
division (B) (2) (b) of this section X 0.50. 148255

(C) The Department of Education and Workforce shall make 148256
payments under division (A) (3) of this section between June 1, 148257
2026, and June 30, 2026, and the Department shall make payments 148258
under division (B) (3) of this section between June 1, 2027, and 148259
June 30, 2027. The Department shall not calculate or make 148260
payments under section 3317.028 of the Revised Code for fiscal 148261
years 2026 and 2027. 148262

Section 265.250. LITERACY IMPROVEMENT 148263

The foregoing appropriation item 200566, Literacy 148264
Improvement, shall be used by the Department of Education and 148265
Workforce to support literacy activities to align state, local, 148266
and federal efforts in order to bolster all students' reading 148267

success. Funds may be distributed to educational service centers 148268
to establish and support regional literacy professional 148269
development teams consistent with section 3312.01 of the Revised 148270
Code. A portion of the funds may be used by the Department for 148271
program administration, monitoring, technical assistance, 148272
support, research, and evaluation. 148273

LITERACY COACHES 148274

The foregoing appropriation item 2006A7, Literacy Coaches, 148275
shall be used for coaches to provide literacy supports to school 148276
districts, community schools, and STEM schools with the lowest 148277
rates of proficiency in literacy based on their performance on 148278
the English language arts assessments prescribed under section 148279
3301.0710 of the Revised Code. The coaches shall have training 148280
in the science of reading and evidence-based strategies for 148281
effective literacy instruction and intervention and shall 148282
implement Ohio's Coaching Model, as described in Ohio's Plan to 148283
Raise Literacy Achievement. The coaches shall be under the 148284
direction of the Department but shall not be employed by the 148285
Department. 148286

Section 265.260. ADULT EDUCATION PROGRAMS 148287

A portion of the foregoing appropriation item 200572, 148288
Adult Education Programs, shall be used to make payments in 148289
fiscal year 2027 under sections 3313.902, 3314.38, and 3345.86 148290
of the Revised Code, as reenacted by this act effective July 1, 148291
2026. 148292

Each career-technical planning district shall reimburse 148293
individuals taking a nationally recognized high school 148294
equivalency examination approved by the Department of Education 148295
and Workforce for the first time for application fees, 148296

examination fees, or both, in excess of \$40, up to a maximum 148297
reimbursement per individual of \$80. Each career-technical 148298
planning district shall designate a site or sites where 148299
individuals may register and take an approved examination. For 148300
each individual who registers for an approved examination, the 148301
career-technical planning district shall make available and 148302
offer career counseling services, including information on adult 148303
education programs that are available. A portion of the 148304
foregoing appropriation item 200572, Adult Education Programs, 148305
may be used to reimburse the Department of Youth Services and 148306
the Department of Rehabilitation and Correction for individuals 148307
in these facilities who have taken an approved examination for 148308
the first time. The amounts reimbursed shall not exceed the per- 148309
individual amounts reimbursed to other individuals under this 148310
section for an approved examination. 148311

Of the foregoing appropriation item 200572, Adult 148312
Education Programs, \$6,322,267 shall be used to support the 148313
Aspire program in fiscal year 2027. The supported programs shall 148314
satisfy the state match and maintenance of effort requirements 148315
for the state-administered grant program. The funds may be used 148316
to support students that speak English as their second language. 148317

A portion of the foregoing appropriation item 200572, 148318
Adult Education Programs, may be used for program 148319
administration, technical assistance, support, research, and 148320
evaluation of adult education programs, including high school 148321
equivalency examinations approved by the Department of Education 148322
and Workforce. 148323

Section 265.270. HALF-MILL MAINTENANCE EQUALIZATION 148324

The foregoing appropriation item 200574, Half-Mill 148325
Maintenance Equalization, shall be used to make payments 148326

pursuant to section 3318.18 of the Revised Code. If the amount 148327
appropriated is not sufficient, the Department of Education and 148328
Workforce shall prorate the amounts so that the aggregate amount 148329
appropriated is not exceeded. 148330

ADAPTIVE SPORTS PROGRAM 148331

The foregoing appropriation item 200576, Adaptive Sports 148332
Program, shall be used by the Department of Education and 148333
Workforce, in collaboration with the Adaptive Sports Program of 148334
Ohio, to fund adaptive sports programs in school districts 148335
across the state for students with disabilities. 148336

Section 265.287. EDUCATION DEMONSTRATION PROJECTS 148337

The foregoing appropriation item 2006B1, Education 148338
Demonstration Projects, shall be used to support grants for 148339
primary education-related demonstration projects. The Department 148340
shall develop application procedures and guidelines for awarding 148341
grants under this section and shall advertise for proposals from 148342
organizations that have a demonstrated record of increased 148343
student achievement or improved test results. The Department 148344
shall award the initial round of grants under this section not 148345
later than January 1, 2026. 148346

Section 265.290. SCHOOL DISTRICT SOLVENCY ASSISTANCE 148347

(A) The foregoing appropriation item 200687, School 148348
District Solvency Assistance, shall be allocated to the School 148349
District Shared Resource Account and the Catastrophic 148350
Expenditures Account in amounts determined by the Director of 148351
Education and Workforce. These funds shall be used to provide 148352
assistance and grants to school districts to enable them to 148353
remain solvent under section 3316.20 of the Revised Code. 148354
Assistance and grants shall be subject to approval by the 148355

Controlling Board. Except as provided under division (C) of this 148356
section, any required reimbursements from school districts for 148357
solvency assistance shall be made to the appropriate account in 148358
the School District Solvency Assistance Fund (Fund 5H30). 148359

(B) Notwithstanding any provision of law to the contrary, 148360
upon the request of the Director of Education and Workforce and 148361
the approval of the Controlling Board, the Director of Budget 148362
and Management may make transfers to the School District 148363
Solvency Assistance Fund (Fund 5H30) from any fund used by the 148364
Department of Education and Workforce, the Lottery Profits 148365
Education Reserve Fund (Fund 7018), or the General Revenue Fund 148366
to maintain sufficient cash balances in Fund 5H30 in fiscal 148367
years 2026 and 2027. Any cash transferred is hereby 148368
appropriated. The transferred cash may be used by the Department 148369
to provide assistance and grants to school districts to enable 148370
them to remain solvent and to pay unforeseeable expenses of a 148371
temporary or emergency nature that the school district is unable 148372
to pay from existing resources. 148373

Section 265.300. FOUNDATION FUNDING - ALL STUDENTS 148374

The foregoing appropriation item 200604, Foundation 148375
Funding - All Students, shall be used in conjunction with 148376
appropriation items 200550, Foundation Funding - All Students, 148377
and 200612, Foundation Funding - All Students, to distribute the 148378
amounts calculated for disadvantaged pupil impact aid under 148379
sections 3317.022 and 3317.16 of the Revised Code and the 148380
portions of the state share of the base cost calculated under 148381
those sections that are attributable to the staffing cost for 148382
the student wellness and success component of the base cost, as 148383
determined by the Department of Education and Workforce. 148384

Section 265.310. PUBLIC AND NONPUBLIC EDUCATION SUPPORT 148385

The foregoing appropriation item 200491, Public and Nonpublic Education Support, shall be used in conjunction with appropriation item 200550, Foundation Funding - All Students, to distribute the amounts calculated for formula aid under section 3317.022 of the Revised Code.

Section 265.330. LOTTERY PROFITS EDUCATION FUND 148391

The foregoing appropriation item 200612, Foundation Funding - All Students, shall be used in conjunction with appropriation item 200550, Foundation Funding - All Students, to distribute the amounts calculated for formula aid under section 3317.022 of the Revised Code.

The Department of Education and Workforce, with the approval of the Director of Budget and Management, shall determine the monthly distribution schedules of appropriation item 200550, Foundation Funding - All Students, and appropriation item 200612, Foundation Funding - All Students. If adjustments to the monthly distribution schedule are necessary, the Department shall make such adjustments with the approval of the Director.

Section 265.340. ACCELERATE GREAT SCHOOLS 148405

The foregoing appropriation item 200614, Accelerate Great Schools, shall be used by the Department of Education and Workforce to support the Accelerate Great Schools public-private partnership.

Section 265.350. QUALITY COMMUNITY AND INDEPENDENT STEM SCHOOLS SUPPORT 148410
148411

The foregoing appropriation item 200631, Quality Community and Independent STEM Schools Support, shall be used to distribute the amounts calculated under sections 3317.27 and

3317.29 of the Revised Code for the Quality Community School Support and the Quality Independent STEM School Support programs. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded.

Section 265.360. COMMUNITY SCHOOL FACILITIES 148420

The foregoing appropriation item 200684, Community School Facilities, shall be used to distribute the amounts calculated under section 3317.31 of the Revised Code for assistance with the cost associated with facilities. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded.

Section 265.370. LOTTERY PROFITS EDUCATION RESERVE FUND 148427

(A) There is hereby created the Lottery Profits Education Reserve Fund (Fund 7018) in the State Treasury.

(B) Notwithstanding any other provision of law to the contrary, the Director of Budget and Management may transfer cash from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) in fiscal year 2026 and fiscal year 2027.

(C) On July 15, 2025, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$1,440,000,000 in fiscal year 2025.

(D) On July 15, 2026, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$1,465,138,202 in fiscal year 2026.

(E) Notwithstanding any provision of law to the contrary, 148444
in fiscal year 2026 and fiscal year 2027, the Director of Budget 148445
and Management may transfer cash in excess of the amounts 148446
necessary to support appropriations in Fund 7017 from that fund 148447
to Fund 7018. 148448

Section 265.375. STUDENT SUPPORT AND ACADEMIC ENRICHMENT 148449

The foregoing appropriation item 200634, Student Support 148450
and Academic Enrichment, may be used by school districts, in 148451
accordance with state objectives and applicable federal grant 148452
requirements, to do the following: 148453

(A) Provide a well-rounded education, including emphasis 148454
on numeracy and the science of reading; 148455

(B) Provide a safe and drug-free learning environment and 148456
healthy students through use of the "Success Sequence" as 148457
provided by Ohio Adolescent Health Centers; 148458

(C) Promote the effective use of technology through use of 148459
the "Success Sequence" as provided by Ohio Adolescent Health 148460
Centers. 148461

Section 265.380. Notwithstanding division (C) of Section 148462
265.355 of H.B. 110 of the 134th General Assembly and any other 148463
provision of law to the contrary, the Department of Education 148464
and Workforce shall use the funds authorized under Title II, 148465
Sec. 2001(f)(1) and (4) of the federal "American Rescue Plan Act 148466
of 2021," Pub. L. No. 117-2, as necessary to support the After 148467
school Child Enrichment (ACE) Educational Savings Account 148468
Program pursuant to section 3310.70 of the Revised Code in 148469
fiscal year 2026. Notwithstanding division (C)(1) of section 148470
3310.70 of the Revised Code, the Department may extend the 148471
contract with the vendor administering the program as of the 148472

effective date of this amendment through fiscal year 2026 and 148473
may pay the vendor more than three per cent of the amount 148474
appropriated for the program for fiscal year 2026. 148475

Section 265.390. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 148476
ASSESSMENT OF EDUCATIONAL PROGRESS 148477

The General Assembly intends for the Director of Education 148478
and Workforce to provide for school district participation in 148479
the administration of the National Assessment of Educational 148480
Progress in accordance with section 3301.27 of the Revised Code. 148481
Each school and school district selected for participation by 148482
the Director shall participate. 148483

Section 265.400. EARMARK ACCOUNTABILITY 148484

At the request of the Director of Education and Workforce, 148485
any entity that receives a budget earmark under the Department 148486
of Education and Workforce shall submit annually to the 148487
Department a report that includes a description of the services 148488
supported by the funds, a description of the results achieved by 148489
those services, an analysis of the effectiveness of the program, 148490
and an opinion as to the program's applicability to other school 148491
districts. For an earmarked entity that received state funds 148492
from an earmark in the prior fiscal year, no funds shall be 148493
provided by the Department to an earmarked entity for a fiscal 148494
year until its report for the prior fiscal year has been 148495
submitted. 148496

Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME 148497

A community school established under Chapter 3314. of the 148498
Revised Code that was open for operation as a community school 148499
as of May 1, 2005, may operate from or in any home, as defined 148500
in section 3313.64 of the Revised Code, located in the state, 148501

regardless of when the community school's operations from or in 148502
a particular home began. 148503

Section 265.420. USE OF VOLUNTEERS 148504

The Department of Education and Workforce may utilize the 148505
services of volunteers to accomplish any of the purposes of the 148506
Department. The Director of Education and Workforce shall 148507
approve for what purposes volunteers may be used and for these 148508
purposes may recruit, train, and oversee the services of 148509
volunteers. The Director may reimburse volunteers for necessary 148510
and appropriate expenses in accordance with state guidelines and 148511
may designate volunteers as state employees for the purpose of 148512
motor vehicle accident liability insurance under section 9.83 of 148513
the Revised Code, for immunity under section 9.86 of the Revised 148514
Code, and for indemnification from liability incurred in the 148515
performance of their duties under section 9.87 of the Revised 148516
Code. 148517

Section 265.430. FLEXIBLE FUNDING FOR FAMILIES AND 148518
CHILDREN 148519

In collaboration with the County Family and Children First 148520
Council, a city, local, or exempted village school district, 148521
community school, STEM school, joint vocational school district, 148522
educational service center, or county board of developmental 148523
disabilities that receives allocations from the Department of 148524
Education and Workforce from appropriation item 200550, 148525
Foundation Funding - All Students, or appropriation item 200540, 148526
Special Education Enhancements, may transfer portions of those 148527
allocations to a flexible funding pool authorized by the section 148528
of this act entitled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING 148529
POOL." Allocations used for maintenance of effort or for federal 148530
or state funding matching requirements shall not be transferred 148531

unless the allocation may still be used to meet such 148532
requirements. 148533

Section 265.440. PRIVATE TREATMENT FACILITY PROJECT 148534

(A) As used in this section: 148535

(1) The following are "participating residential treatment 148536
centers": 148537

(a) Private residential treatment facilities that have 148538
entered into a contract with the Department of Youth Services to 148539
provide services to children placed at the facility by the 148540
Department and which, in fiscal year 2026 or fiscal year 2027 or 148541
both, the Department pays through appropriation item 470401, 148542
RECLAIM Ohio; 148543

(b) Abraxas, in Shelby; 148544

(c) Paint Creek, in Bainbridge; 148545

(d) F.I.R.S.T., in Mansfield. 148546

(2) "Education program" means an elementary or secondary 148547
education program or a special education program and related 148548
services. 148549

(3) "Served child" means any child receiving an education 148550
program pursuant to division (B) of this section. 148551

(4) "School district responsible for tuition" means a 148552
city, exempted village, or local school district that, if 148553
tuition payment for a child by a school district is required 148554
under law that existed in fiscal year 1998, is the school 148555
district required to pay that tuition. 148556

(5) "Residential child" means a child who resides in a 148557
participating residential treatment center and who is receiving 148558

an educational program under division (B) of this section. 148559

(B) A youth who is a resident of the state and has been 148560
assigned by a juvenile court or other authorized agency to a 148561
residential treatment facility specified in division (A) of this 148562
section shall be enrolled in an approved educational program 148563
located in or near the facility. Approval of the educational 148564
program shall be contingent upon compliance with the criteria 148565
established for such programs by the Department of Education and 148566
Workforce. The educational program shall be provided by a school 148567
district or educational service center, or by the residential 148568
facility itself. Maximum flexibility shall be given to the 148569
residential treatment facility to determine the provider. In the 148570
event that a voluntary agreement cannot be reached and the 148571
residential facility does not choose to provide the educational 148572
program, the educational service center in the county in which 148573
the facility is located shall provide the educational program at 148574
the treatment center to children under twenty-two years of age 148575
residing in the treatment center. 148576

(C) Any school district responsible for tuition for a 148577
residential child shall, notwithstanding any conflicting 148578
provision of the Revised Code regarding tuition payment, pay 148579
tuition for the child for fiscal year 2026 and fiscal year 2027 148580
to the education program provider and in the amount specified in 148581
this division. If there is no school district responsible for 148582
tuition for a residential child and if the participating 148583
residential treatment center to which the child is assigned is 148584
located in the city, exempted village, or local school district 148585
that, if the child were not a resident of that treatment center, 148586
would be the school district where the child is entitled to 148587
attend school under sections 3313.64 and 3313.65 of the Revised 148588
Code, that school district, notwithstanding any conflicting 148589

provision of the Revised Code, shall pay tuition for the child 148590
for fiscal year 2026 and fiscal year 2027 under this division 148591
unless that school district is providing the educational program 148592
to the child under division (B) of this section. 148593

A tuition payment under this division shall be made to the 148594
school district, educational service center, or residential 148595
treatment facility providing the educational program to the 148596
child. 148597

The amount of tuition paid shall be: 148598

(1) The amount of tuition determined for the district 148599
under division (A) of section 3317.08 of the Revised Code; 148600

(2) In addition, for any student receiving special 148601
education pursuant to an individualized education program as 148602
defined in section 3323.01 of the Revised Code, a payment for 148603
excess costs. This payment shall equal the actual cost to the 148604
school district, educational service center, or residential 148605
treatment facility of providing special education and related 148606
services to the student pursuant to the student's individualized 148607
education program, minus the tuition paid for the child under 148608
division (C) (1) of this section. 148609

A school district paying tuition under this division shall 148610
not include the child for whom tuition is paid in the district's 148611
average daily membership certified under division (A) of section 148612
3317.03 of the Revised Code. 148613

(D) In each of fiscal years 2026 and 2027, the Department 148614
of Education and Workforce shall reimburse, from appropriations 148615
made for the purpose, a school district, educational service 148616
center, or residential treatment facility, whichever is 148617
providing the service, that has demonstrated that it is in 148618

compliance with the funding criteria for each served child for 148619
whom a school district must pay tuition under division (C) of 148620
this section. The amount of the reimbursement shall be the 148621
amount appropriated for this purpose divided by the full-time 148622
equivalent number of children for whom reimbursement is to be 148623
made. 148624

(E) Funds provided to a school district, educational 148625
service center, or residential treatment facility under this 148626
section shall be used to supplement, not supplant, funds from 148627
other public sources for which the school district, service 148628
center, or residential treatment facility is entitled or 148629
eligible. 148630

(F) The Department of Education and Workforce shall track 148631
the utilization of funds provided to school districts, 148632
educational service centers, and residential treatment 148633
facilities under this section and monitor the effect of the 148634
funding on the educational programs they provide in 148635
participating residential treatment facilities. The Department 148636
shall monitor the programs for educational accountability. 148637

Section 265.450. Notwithstanding anything to the contrary 148638
in section 3317.011 of the Revised Code, for fiscal years 2026 148639
and 2027, the Department of Education and Workforce shall do all 148640
of the following: 148641

(A) Calculate a school district's academic co-curricular 148642
activities cost under division (E) (4) of that section using the 148643
sum of the enrolled ADM of every school district that reported 148644
the data specified in division (E) (4) (a) of that section; 148645

(B) Calculate a district's supplies and academic content 148646
cost under division (E) (6) of that section using the sum of the 148647

enrolled ADM of every school district that reported the data 148648
specified in division (E) (6) (a) of that section; 148649

(C) Calculate a district's athletic co-curricular 148650
activities base cost under division (H) of that section using 148651
the sum of the enrolled ADM of every school district that 148652
reported the data specified in division (H) (2) of that section; 148653

(D) Calculate a district's building operations cost under 148654
division (G) (3) of that section using the sum of the enrolled 148655
ADM of every city, local, and exempted village school district 148656
that reported the data specified in divisions (G) (3) (a) (i) and 148657
(ii) of that section. 148658

Section 265.560. AIM HIGHER PILOT PROGRAM 148659

(A) The Department of Education and Workforce shall 148660
establish a pilot program to provide additional funding to each 148661
joint vocational school district that operates a dropout 148662
prevention and recovery program in fiscal year 2026. Such a 148663
district may choose to participate in the program by notifying 148664
the Department of its intent to participate in a form and manner 148665
and by a date determined by the Department. 148666

(B) The Department shall pay a participating district a 148667
sum equal to the following for each student newly enrolled in 148668
the district's dropout prevention and recovery program in fiscal 148669
year 2026 or fiscal year 2027: 148670

(1) \$500 X the number of credits earned by the student in 148671
fiscal year 2026; 148672

(2) \$2,500 if the student obtains an industry-recognized 148673
credential, or group of credentials, approved under section 148674
3313.6113 of the Revised Code in fiscal year 2026 that meet the 148675
criteria established under that section to help the student 148676

qualify for a high school diploma, as determined by the Department. 148677
148678

(C) The Department shall make a one-time grant payment of \$250,000 in fiscal year 2026 to any participating district that has a dropout prevention and recovery program in its first three years of operation and requests a payment under this division. The participating district shall designate \$175,000 of the grant for career-technical education equipment and \$75,000 of the grant for building renovation. 148679
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(D) A participating district shall spend the balance of any payments made under this section prior to July 1, 2027. 148686
148687

(E) The Department shall adopt guidelines and procedures to operate the pilot program." 148688
148689

Section 265.660. For fiscal year 2026, each school district board of education shall make the initial submission of current budget information and three-year projections required under division (A) of section 5705.391 of the Revised Code not later than October 15, 2025. Each board shall submit the required information in accordance with the joint rules of the Department of Education and Workforce and the Auditor of State existing as of the effective date of this section. 148690
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Section 269.10. 148698
148699

	1	2	3	4	5
A	FUN STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS				
B	General Revenue Fund				
C	GRF	881500	Indigent Burial and	\$250,000	\$250,000

	Fund			
J	8110 995671	Parental Leave Benefit	\$18,601,000	\$19,159,030
		Fund		
K	8130 995672	Health Care Spending	\$19,690,922	\$20,694,694
		Account		
L	Fiduciary Fund Group Total		\$2,288,610,951	\$2,389,615,657
M	TOTAL ALL BUDGET FUND GROUPS		\$2,288,610,951	\$2,389,615,657

Section 271.20. PAYROLL DEDUCTION FUND 148702

The foregoing appropriation item 995673, Payroll 148703
Deductions, shall be used to make payments from the Payroll 148704
Deduction Fund (Fund 1240) pursuant to section 125.21 of the 148705
Revised Code. If it is determined by the Director of Budget and 148706
Management that additional amounts are necessary, the amounts 148707
are hereby appropriated. 148708

ACCRUED LEAVE LIABILITY FUND 148709

The foregoing appropriation item 995666, Accrued Leave 148710
Fund, shall be used to make payments from the Accrued Leave 148711
Liability Fund (Fund 8060) pursuant to section 125.211 of the 148712
Revised Code. If it is determined by the Director of Budget and 148713
Management that additional amounts are necessary, the amounts 148714
are hereby appropriated. 148715

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 148716

The foregoing appropriation item 995667, Disability Fund, 148717
shall be used to make payments from the State Employee 148718
Disability Leave Benefit Fund (Fund 8070) pursuant to section 148719

124.83 of the Revised Code. If it is determined by the Director 148720
of Budget and Management that additional amounts are necessary, 148721
the amounts are hereby appropriated. 148722

STATE EMPLOYEE HEALTH BENEFIT FUND 148723

The foregoing appropriation item 995668, State Employee 148724
Health Benefit Fund, shall be used to make payments from the 148725
State Employee Health Benefit Fund (Fund 8080) pursuant to 148726
section 124.87 of the Revised Code. If it is determined by the 148727
Director of Budget and Management that additional amounts are 148728
necessary, the amounts are hereby appropriated. 148729

DEPENDENT CARE SPENDING FUND 148730

The foregoing appropriation item 995669, Dependent Care 148731
Spending Account, shall be used to make payments from the 148732
Dependent Care Spending Fund (Fund 8090) to employees eligible 148733
for dependent care expenses pursuant to section 124.822 of the 148734
Revised Code. If it is determined by the Director of Budget and 148735
Management that additional amounts are necessary, the amounts 148736
are hereby appropriated. 148737

LIFE INSURANCE INVESTMENT FUND 148738

The foregoing appropriation item 995670, Life Insurance 148739
Investment Fund, shall be used to make payments from the Life 148740
Insurance Investment Fund (Fund 8100) for the costs and expenses 148741
of the state's life insurance benefit program pursuant to 148742
section 125.212 of the Revised Code. If it is determined by the 148743
Director of Budget and Management that additional amounts are 148744
necessary, the amounts are hereby appropriated. 148745

PARENTAL LEAVE BENEFIT FUND 148746

The foregoing appropriation item 995671, Parental Leave 148747

Benefit Fund, shall be used to make payments from the Parental 148748
Leave Benefit Fund (Fund 8110) to employees eligible for 148749
parental leave benefits pursuant to sections 124.136 and 124.137 148750
of the Revised Code. If it is determined by the Director of 148751
Budget and Management that additional amounts are necessary, the 148752
amounts are hereby appropriated. 148753

HEALTH CARE SPENDING ACCOUNT FUND 148754

The foregoing appropriation item 995672, Health Care 148755
Spending Account, shall be used to make payments from the Health 148756
Care Spending Account Fund (Fund 8130) for payments pursuant to 148757
state employees' participation in a flexible spending account 148758
for nonreimbursed health care expenses and section 124.821 of 148759
the Revised Code. If it is determined by the Director of Budget 148760
and Management that additional amounts are necessary, the 148761
amounts are hereby appropriated. 148762

COMMUTER BENEFITS 148763

The foregoing appropriation item 995675, Commuter 148764
Benefits, shall be used to make payments from the Commuter 148765
Benefits Fund (Fund 8050) for employees who elect to participate 148766
in the Commuter Benefits Program. If the Director of Budget and 148767
Management determines that additional amounts are necessary, the 148768
amounts are hereby appropriated. 148769

Section 273.10. 148770

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A ERB STATE EMPLOYMENT RELATIONS BOARD

B General Revenue Fund

Program			
D	General Revenue Fund Total	\$13,232,534	\$13,265,775
E	Dedicated Purpose Fund Group		
F	4D50 715618 Recycled State Materials	\$11,500	\$11,500
G	4J00 715638 Underground Injection Control	\$514,242	\$530,276
H	4K20 715648 Clean Air - Non Title V	\$4,516,349	\$4,593,901
I	4K30 715649 Solid Waste	\$14,791,311	\$15,098,763
J	4K40 715650 Surface Water Protection	\$11,864,197	\$12,101,940
K	4K50 715651 Drinking Water Protection	\$8,774,797	\$9,027,993
L	4P50 715654 Cozart Landfill	\$7,500	\$7,500
M	4R50 715656 Scrap Tire Management	\$3,558,044	\$3,581,336
N	4R90 715658 Voluntary Action Program	\$1,188,026	\$1,217,345
O	4T30 715659 Clean Air - Title V Permit Program	\$10,942,818	\$11,148,464
P	5000 715608 Immediate Removal Special Account	\$747,051	\$769,463
Q	5030 715621 Hazardous Waste Facility Management	\$2,788,523	\$2,842,749
R	5050 715623 Hazardous Waste Cleanup	\$9,334,680	\$9,559,074

S	5050	715698	Response and Investigations	\$3,822,060	\$4,211,500
T	5320	715646	Recycling and Litter Control	\$4,888,354	\$5,146,276
U	5410	715670	Site Specific Cleanup	\$17,744,091	\$17,746,631
V	5420	715671	Risk Management Reporting	\$144,047	\$147,307
W	5860	715637	Scrap Tire Market Development	\$1,000,000	\$1,000,000
X	5BC0	715622	Local Air Pollution Control	\$2,100,000	\$2,100,000
Y	5BC0	715624	Surface Water	\$6,936,269	\$6,936,269
Z	5BC0	715672	Air Pollution Control	\$9,354,059	\$9,354,059
AA	5BC0	715673	Drinking and Ground Water	\$4,024,215	\$4,133,956
AB	5BC0	715676	Assistance and Prevention	\$4,204,000	\$4,359,000
AC	5BC0	715677	Laboratory	\$4,235,216	\$4,360,265
AD	5BC0	715678	Corrective Actions	\$1,271,429	\$1,271,429
AE	5BC0	715687	Areawide Planning Agencies	\$450,000	\$450,000
AF	5BC0	715692	Administration	\$19,684,900	\$20,654,900
AG	5BC0	715694	Environmental Resource Coordination	\$814,339	\$832,027

AH 5BT0 715679	C&DD Groundwater Monitoring	\$50,000	\$50,000
AI 5PZ0 715696	Drinking Water Loan Fee	\$4,109,640	\$4,388,600
AJ 5Y30 715685	Surface Water Improvement	\$520,000	\$520,000
AK 5YY0 715405	National Priorities List Remedial Support Fund	\$1,500,000	\$1,000,000
AL 6440 715631	Emergency Response Radiological Safety	\$274,997	\$280,510
AM 6760 715642	Water Pollution Control Loan Administration	\$5,120,000	\$5,282,500
AN 6760 715699	Water Quality Administration	\$5,123,741	\$5,250,489
AO 6790 715636	Emergency Planning	\$2,917,000	\$2,917,000
AP 6960 715643	Air Pollution Control Administration	\$150,000	\$150,000
AQ 6990 715644	Water Pollution Control Administration	\$307,859	\$307,858
AR 6A10 715645	Environmental Education	\$550,316	\$550,427
AS 6H20 715695	H2Ohio	\$7,500,000	\$7,500,000
AT	Dedicated Purpose Fund Group Total	\$177,835,570	\$181,391,307
AU	Internal Service Activity Fund Group		

AV 1990 715602	Laboratory Services	\$500,000	\$500,000
AW 2190 715604	Central Support Indirect	\$10,657,300	\$10,657,300
AX 4A10 715640	Operating Expenses	\$1,092,000	\$1,117,000
AY	Internal Service Activity Fund Group Total	\$12,249,300	\$12,274,300
AZ	Federal Fund Group		
BA 3530 715612	Public Water Supply	\$2,564,882	\$2,626,504
BB 3570 715619	Air Pollution Control - Federal	\$6,806,147	\$6,929,318
BC 3620 715605	Underground Injection Control - Federal	\$165,382	\$169,516
BD 3BU0 715684	Water Quality Protection	\$16,230,503	\$16,230,503
BE 3CS0 715688	Federal NRD Settlements	\$1,500,000	\$1,500,000
BF 3F30 715632	Federally Supported Cleanup and Response	\$13,779,323	\$14,061,350
BG 3HE0 715697	Volkswagen Clean Air Act Settlement	\$6,827,000	\$6,841,000
BH 3T30 715669	Drinking Water State Revolving Fund	\$3,054,165	\$3,145,894
BI 3V70 715606	Agencywide Grants	\$746,900	\$746,900
BJ	Federal Fund Group Total	\$51,674,302	\$52,250,985

BK TOTAL ALL BUDGET FUND GROUPS \$254,991,706 \$259,182,367

Section 277.20. AREAWIDE PLANNING AGENCIES 148776

The Director of Environmental Protection may award grants 148777
from appropriation item 715687, Areawide Planning Agencies, to 148778
areawide planning agencies engaged in areawide water quality 148779
management and planning activities in accordance with Section 148780
208 of the "Federal Clean Water Act," 33 U.S.C. 1288. 148781

AUTOMOBILE EMISSION TESTING PROGRAM 148782

The foregoing appropriation item GRF 715502, Auto 148783
Emissions E-Check Program, shall be used by the Environmental 148784
Protection Agency to support the automobile emission testing 148785
program. On July 1, 2025, or as soon as possible thereafter, the 148786
Director of Environmental Protection may request that the 148787
Director of Administrative Services extend the contract with the 148788
vendor operating in accordance with division (A)(1) of section 148789
3704.14 of the Revised Code for not longer than twelve months. 148790
The Director of Administrative Services may enter into a 148791
contract extension provided that the contract contains the same 148792
terms and no funds are paid for incomplete work, utilizing 148793
appropriation item GRF 715502, Auto Emissions E-Check Program, 148794
in the event that the contractor selected in accordance with 148795
division (A)(2) of section 3704.14 of the Revised Code cannot 148796
complete the required work prior to July 1, 2025. 148797

CASH TRANSFER TO THE AUTO EMISSIONS TEST FUND FROM THE 148798
SCRAP TIRE MANAGEMENT FUND 148799

The Director of Budget and Management, at the request of 148800
the Director of Environmental Protection, and upon approval by 148801
the Controlling Board, may transfer up to \$1,400,000 cash in 148802

each fiscal year from the Scrap Tire Management Fund (Fund 4R50) 148803
to the Auto Emissions Test Fund (Fund 5BY0). 148804

Section 279.10. 148805
148806

	1	2	3	4	5
A	EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION				
B	General Revenue Fund				
C	GRF	172321	Operating Expenses	\$730,000	\$765,000
D	General Revenue Fund Total			\$730,000	\$765,000
E	TOTAL ALL BUDGET FUND GROUPS			\$730,000	\$765,000

Section 281.10. 148807
148808

	1	2	3	4	5
A	ETC BROADCAST EDUCATIONAL MEDIA COMMISSION				
B	General Revenue Fund				
C	GRF	935401	Statehouse News Bureau	\$402,000	\$402,000
D	GRF	935402	Ohio Government Telecommunications Services	\$2,344,400	\$2,344,400
E	GRF	935410	Content Development, Acquisition, and Distribution	\$3,409,000	\$2,909,000

F	GRF	935430 Broadcast Education Operating	\$4,108,706	\$4,008,569
G		General Revenue Fund Total	\$10,264,106	\$9,663,969
H		Dedicated Purpose Fund Group		
I	5FK0	935608 Media Services	\$50,000	\$50,000
J	5VB0	935650 Facility Rental	\$10,000	\$10,000
K		Dedicated Purpose Fund Group Total	\$60,000	\$60,000
L		Internal Service Activity Fund Group		
M	4F30	935603 Affiliate Services	\$4,200	\$4,200
N	4T20	935605 Government Television/ Telecommunications Operating	\$55,459	\$0
O		Internal Service Activity Fund Group Total	\$59,659	\$4,200
P		TOTAL ALL BUDGET FUND GROUPS	\$10,383,765	\$9,728,169

Section 281.20. STATEHOUSE NEWS BUREAU 148809

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 148810
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OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 148813

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the 148814
148815

operations of Ohio Government Telecommunications Services which 148816
include providing multimedia support to the state government and 148817
its affiliated organizations and broadcasting the activities of 148818
the legislative, judicial, and executive branches of state 148819
government, among its other functions. 148820

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 148821

The foregoing appropriation item 935410, Content 148822
Development, Acquisition, and Distribution, shall be used for 148823
the development, acquisition, and distribution of information 148824
resources by public media and radio reading services and for 148825
educational use in the classroom and online. 148826

Of the foregoing appropriation item 935410, Content 148827
Development, Acquisition, and Distribution, up to \$841,567 in 148828
fiscal year 2026 and \$718,134 in fiscal year 2027 shall be 148829
allocated equally among the Ohio educational television 148830
stations. Funds shall be used for the production of interactive 148831
instructional programming series with priority given to 148832
resources aligned with state academic content standards. 148833

Of the foregoing appropriation item 935410, Content 148834
Development, Acquisition, and Distribution, up to \$2,311,039 in 148835
fiscal year 2026 and \$1,972,077 in fiscal year 2027 shall be 148836
distributed by the Broadcast Educational Media Commission to 148837
Ohio's qualified public educational television stations and 148838
educational radio stations to support their operations. The 148839
funds shall be distributed pursuant to an allocation formula 148840
used by the Broadcast Educational Media Commission in 148841
consultation with Ohio's qualified public educational television 148842
stations and educational radio stations. 148843

Of the foregoing appropriation item 935410, Content 148844

Development, Acquisition, and Distribution, up to \$256,394 in 148845
 fiscal year 2026 and \$218,789 in fiscal year 2027 shall be 148846
 distributed by the Broadcast Educational Media Commission to 148847
 Ohio's qualified radio reading services to support their 148848
 operations. The funds shall be distributed pursuant to an 148849
 allocation formula used by the Broadcast Educational Media 148850
 Commission in consultation with Ohio's qualified radio reading 148851
 services. 148852

Section 283.10. 148853
 148854

	1	2	3	4	5
A	ETH OHIO ETHICS COMMISSION				
B	General Revenue Fund				
C	GRF	146321	Operating Expenses	\$2,480,744	\$2,603,142
D	General Revenue Fund Total			\$2,480,744	\$2,603,142
E	Dedicated Purpose Fund Group				
F	4M60	146601	Operating Support	\$649,781	\$670,793
G	Dedicated Purpose Fund Group Total			\$649,781	\$670,793
H	TOTAL ALL BUDGET FUND GROUPS			\$3,130,525	\$3,273,935

Section 285.10. 148855
 148856

	1	2	3	4	5
A	EXP OHIO EXPOSITIONS COMMISSION				

B	General Revenue Fund		
C	GRF 723403 Junior Fair Subsidy	\$380,000	\$380,000
D	General Revenue Fund Total	\$380,000	\$380,000
E	Dedicated Purpose Fund Group		
F	4N20 723602 Ohio State Fair Harness Racing	\$350,000	\$350,000
G	5060 723601 Operating Expenses	\$20,000,000	\$20,000,000
H	5060 723604 Grounds Maintenance and Repairs	\$300,000	\$300,000
I	Dedicated Purpose Fund Group Total	\$20,650,000	\$20,650,000
J	TOTAL ALL BUDGET FUND GROUPS	\$21,030,000	\$21,030,000

Section 285.20. STATE FAIR RESERVE 148857

The General Manager of the Expositions Commission, in 148858
consultation with the Director of Budget and Management, may 148859
submit a request to the Controlling Board to use available 148860
amounts in the State Fair Reserve Fund (Fund 6400) if revenues 148861
from either the 2025 or the 2026 Ohio State Fair are 148862
unexpectedly low. 148863

On July 1 of each fiscal year, or as soon as possible 148864
thereafter, the Director of Budget and Management, in 148865
consultation with the General Manager of the Expositions 148866
Commission, may determine that the Ohio Expositions Fund (Fund 148867
5060) has a cash balance in excess of the anticipated operating 148868
costs of the Exposition Commission in that fiscal year. 148869

Notwithstanding section 991.04 of the Revised Code, the Director of Budget and Management may transfer an amount up to the excess cash from Fund 5060 to Fund 6400 in each fiscal year.

Section 287.10.

	1	2	3	4	5
A	FCC OHIO FACILITIES CONSTRUCTION COMMISSION				
B	General Revenue Fund				
C	GRF	230321	Operating Expenses	\$10,750,000	\$10,750,000
D	GRF	230401	Cultural Facilities Lease Rental Bond Payments	\$37,500,000	\$37,500,000
E	GRF	230908	Common Schools General Obligation Bond Debt Service	\$255,000,000	\$230,000,000
F	General Revenue Fund Total			\$303,250,000	\$278,250,000
G	Internal Service Activity Fund Group				
H	1310	230639	State Construction Management Operations	\$9,590,355	\$10,233,822
I	Internal Service Activity Fund Group Total			\$9,590,355	\$10,233,822
J	TOTAL ALL BUDGET FUND GROUPS			\$312,840,355	\$288,483,822

Section 287.20. CULTURAL FACILITIES LEASE RENTAL BOND PAYMENTS

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The foregoing appropriation item 230401, Cultural Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2025, through June 30, 2027, by the Ohio Facilities Construction Commission pursuant to leases and agreements for cultural and sports facilities made under section 154.23 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 148886

The foregoing appropriation item 230908, Common Schools General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2025, through June 30, 2027, on obligations issued under sections 151.01 and 151.03 of the Revised Code.

Section 287.30. SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 148892
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At the request of the Executive Director of the Ohio Facilities Construction Commission, the Director of Budget and Management may cancel encumbrances for school district projects from a previous biennium if the district has not raised its local share of project costs within sixteen months of receiving Controlling Board approval under section 3318.05 or 3318.41 of the Revised Code. The Executive Director of the Ohio Facilities Construction Commission shall certify the amounts of the canceled encumbrances to the Director of Budget and Management on a quarterly basis. The amounts of the canceled encumbrances are hereby appropriated.

Section 287.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND 148905

APPROPRIATIONS 148906

On July 1, 2025, or as soon as possible thereafter, the 148907
Executive Director of the Ohio Facilities Construction 148908
Commission shall certify to the Director of Budget and 148909
Management the amount of cash receipts and related investment 148910
income, irrevocable letters of credit from a bank, or 148911
certification of the availability of funds that have been 148912
received from a county or a municipal corporation for deposit 148913
into the Capital Donations Fund (Fund 5A10) and that are related 148914
to an anticipated project. These amounts are hereby appropriated 148915
to appropriation item C230E2, Capital Donations. Prior to 148916
certifying these amounts to the Director, the Executive Director 148917
shall make a written agreement with the participating entity on 148918
the necessary cash flows required for the anticipated 148919
construction or equipment acquisition project. 148920

Section 287.50. AMENDMENT TO PROJECT AGREEMENT FOR 148921
MAINTENANCE LEVY 148922

The Ohio Facilities Construction Commission shall amend 148923
the project agreement between the Commission and a school 148924
district that is participating in the Accelerated Urban School 148925
Building Assistance Program as of September 29, 2018, if the 148926
Commission determines that it is necessary to do so in order to 148927
comply with division (B) (3) (c) of section 3318.38 of the Revised 148928
Code. 148929

Section 287.60. Notwithstanding any other provision of law 148930
to the contrary, the Ohio Facilities Construction Commission may 148931
determine the amount of funding available for disbursement in a 148932
given fiscal year for any project approved under sections 148933
3318.01 to 3318.20 of the Revised Code in order to keep 148934
aggregate state capital spending within approved limits and may 148935

take actions including, but not limited to, determining the 148936
schedule for design or bidding of approved projects, to ensure 148937
appropriate and supportable cash flow. 148938

Section 287.70. RETURNED OR RECOVERED FUNDS 148939

Notwithstanding any provision of law to the contrary, any 148940
moneys a school district transfers to the Ohio Facilities 148941
Construction Commission under division (C)(2) or (3) of section 148942
3318.12 of the Revised Code as well as any moneys recovered from 148943
settlements with or judgments against parties relating to their 148944
involvement in a classroom facilities project shall be deposited 148945
into the fund from which the capital appropriation for the 148946
project was made. In any fiscal year in which the Commission has 148947
made a deposit under this section, the Executive Director of the 148948
Ohio Facilities Construction Commission may seek Controlling 148949
Board approval to increase appropriations from those funds and 148950
specified appropriation items in an amount equal to the amount 148951
of the funds deposited under this section. The additional 148952
amounts, if approved, shall be used in accordance with the 148953
purposes of Chapter 3318. of the Revised Code for projects 148954
pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 148955
3318.45 of the Revised Code. Upon approval of the Controlling 148956
Board, the additional amounts are hereby appropriated. 148957

Section 289.10. 148958

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1 2 3 4 5

A GOV OFFICE OF THE GOVERNOR

B General Revenue Fund

C GRF 040321 Operating Expenses \$3,481,221 \$3,580,624

D	General Revenue Fund Total	\$3,481,221	\$3,580,624
E	Internal Service Activity Fund Group		
F	5AK0 040607 Government Relations	\$715,600	\$734,442
G	Internal Service Activity Fund Group Total	\$715,600	\$734,442
H	TOTAL ALL BUDGET FUND GROUPS	\$4,196,821	\$4,315,066

Section 289.20. OPERATING EXPENSES 148960

On July 1, 2025, or as soon as possible thereafter, the 148961
Governor or the Governor's designee may certify to the Director 148962
of Budget and Management an amount up to the unexpended, 148963
unencumbered balance of the foregoing appropriation item 040321, 148964
Operating Expenses, at the end of fiscal year 2025 to be 148965
reappropriated for fiscal year 2026. The amount certified is 148966
hereby reappropriated to the same appropriation item for fiscal 148967
year 2026. 148968

On July 1, 2026, or as soon as possible thereafter, the 148969
Governor or the Governor's designee may certify to the Director 148970
of Budget and Management an amount up to the unexpended, 148971
unencumbered balance of the foregoing appropriation item 040321, 148972
Operating Expenses, at the end of fiscal year 2026 to be 148973
reappropriated for fiscal year 2027. The amount certified is 148974
hereby reappropriated to the same appropriation item for fiscal 148975
year 2027. 148976

GOVERNMENT RELATIONS 148977

The Office of the Governor may issue an intrastate 148978
transfer voucher to charge any state agency of the executive 148979

branch such amounts necessary to represent the interests of Ohio 148980
to federal, state, and local government units and to cover the 148981
costs or membership dues related to Ohio's participation in 148982
national and regional associations. Amounts collected shall be 148983
deposited in the Government Relations Fund (Fund 5AK0). 148984

Section 291.10.

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	1	2	3	4	5
A			DOH DEPARTMENT OF HEALTH		
B			General Revenue Fund		
C	GRF	440413	Local Health Department Support	\$2,379,000	\$2,379,000
D	GRF	440416	Mothers and Children Safety Net Services	\$4,639,763	\$4,690,570
E	GRF	440431	Free Clinic Safety Net Services	\$1,755,837	\$1,758,067
F	GRF	440438	Breast and Cervical Cancer Screening	\$1,190,549	\$1,199,779
G	GRF	440444	AIDS Prevention	\$3,610,779	\$3,623,351
H	GRF	440451	Public Health Laboratory	\$3,893,355	\$3,926,237
I	GRF	440452	Child and Family Health Services Match	\$667,650	\$683,513
J	GRF	440453	Health Care Quality Assurance	\$6,868,538	\$7,023,632

K	GRF	440454	Environmental Health/Radiation Protection	\$5,241,349	\$5,241,615
L	GRF	440465	FQHC Primary Care Workforce Initiative	\$2,695,268	\$2,698,697
M	GRF	440472	Alcohol Testing	\$1,313,349	\$1,338,992
N	GRF	440482	Chronic Disease, Injury Prevention, and Drug Overdose	\$1,968,750	\$2,195,097
O	GRF	440483	Infectious Disease Prevention and Control	\$4,924,753	\$4,988,016
P	GRF	440484	Public Health Technology Innovation	\$909,147	\$929,959
Q	GRF	440485	Health Program Support	\$10,925,000	\$10,625,000
R	GRF	440495	Toxicology Screenings	\$1,000,000	\$1,000,000
S	GRF	440505	Children and Youth with Special Health Care Needs	\$13,115,000	\$12,615,000
T	GRF	440507	Targeted Healthcare Services - Over 21	\$2,000,000	\$2,000,000
U	GRF	440527	Lead Abatement	\$250,000	\$250,000
V	GRF	440672	Youth Homelessness	\$2,504,474	\$2,505,903
W	GRF	654453	Medicaid - State Health	\$4,478,896	\$4,581,836

Program Support

X	General Revenue Fund Total	\$76,331,457	\$76,254,264
Y	Highway Safety Fund Group		
Z	4T40 440603 Child Highway Safety	\$200,000	\$200,000
AA	Highway Safety Fund Group Total	\$200,000	\$200,000
AB	Dedicated Purpose Fund Group		
AC	4700 440605 Emergency Preparation and Response	\$2,500,000	\$2,500,000
AD	4700 440647 Fee Supported Programs	\$32,650,000	\$33,629,000
AE	4710 440619 Certificate of Need	\$408,045	\$408,045
AF	4730 440622 Lab Operating Expenses	\$8,985,000	\$9,254,001
AG	4770 440627 Children and Youth with Special Health Care Needs Audit	\$4,942,318	\$4,973,075
AH	4D60 440608 Genetics Services	\$3,316,583	\$3,416,000
AI	4F90 440610 Sickle Cell Disease Control	\$850,000	\$850,000
AJ	4G00 440636 Heirloom Birth Certificate	\$15,000	\$15,000
AK	4G00 440637 Birth Certificate Surcharge	\$15,000	\$15,000

AL 4L30	440609	HIV Care and Miscellaneous Expenses	\$52,697,000	\$52,697,000
AM 4P40	440628	Ohio Physician Loan Repayment	\$1,000,000	\$1,000,000
AN 4V60	440641	Save Our Sight	\$2,505,000	\$2,580,000
AO 5B50	440616	Quality, Monitoring, and Inspection	\$5,753,000	\$5,925,000
AP 5BX0	440656	Tobacco Use Prevention, Cessation, and Enforcement	\$6,000,000	\$6,000,000
AQ 5D60	440620	Second Chance Trust	\$1,892,541	\$1,892,541
AR 5ED0	440651	Smoke Free Indoor Air	\$280,000	\$280,000
AS 5G40	440639	Adoption Services	\$100,000	\$100,000
AT 5PE0	440659	Breast and Cervical Cancer Services	\$500,000	\$500,000
AU 5QJ0	440662	Dental Hygienist Loan Repayments	\$100,000	\$100,000
AV 5SH0	440520	Children's Wish Grant Program	\$275,000	\$275,000
AW 5YS0	440491	Chiropractic Loan Repayment	\$30,000	\$30,000
AX 5Z70	440624	Ohio Dentist Loan	\$275,000	\$275,000

		Repayment		
AY	6100	440626	Radiation Emergency Response	\$1,551,682 \$1,598,000
AZ	6660	440607	Children and Youth with Special Health Care Needs - County Assessments	\$24,060,000 \$24,060,001
BA	6980	440634	Nurse Aide Training	\$126,600 \$126,600
BB			Dedicated Purpose Fund Group Total	\$150,827,769 \$152,499,263
BC			Internal Service Activity Fund Group	
BD	1420	440646	Agency Health Services	\$11,575,000 \$11,575,000
BE	2110	440613	Central Support Indirect Costs	\$39,575,839 \$40,763,000
BF			Internal Service Activity Fund Group Total	\$51,150,839 \$52,338,000
BG			Holding Account Fund Group	
BH	R014	440631	Vital Statistics	\$155,000 \$155,000
BI	R048	440625	Refunds, Grants Reconciliation, and Audit Settlements	\$20,000 \$20,000
BJ			Holding Account Fund Group Total	\$175,000 \$175,000
BK			Federal Fund Group	

BL 3200	440601	Maternal Child Health Block Grant	\$25,000,000	\$25,750,000
BM 3870	440602	Preventive Health Block Grant	\$11,800,000	\$12,154,000
BN 3890	440604	Women, Infants, and Children	\$250,000,000	\$250,000,001
BO 3910	440606	Medicare Survey and Certification	\$21,800,000	\$22,454,000
BP 3920	440618	Federal Public Health Programs	\$149,503,000	\$153,988,000
BQ 3GD0	654601	Medicaid Program Support	\$41,186,077	\$41,508,003
BR 3GN0	440660	Public Health Emergency Preparedness	\$75,825,000	\$78,099,000
BS 3HP0	440673	Public Health Emergency Response	\$100,500,000	\$100,500,000
BT 3HP0	440686	ELC Strengthening HAI/AR Grant	\$10,000,000	\$10,000,000
BU	Federal Fund Group Total		\$685,614,077	\$694,453,004
BV	TOTAL ALL BUDGET FUND GROUPS		\$964,299,142	\$975,919,531

Section 291.20. MOTHERS AND CHILDREN SAFETY NET SERVICES 148987

Of the foregoing appropriation item 440416, Mothers and	148988
Children Safety Net Services, up to \$200,000 in each fiscal year	148989
may be used to assist families with children who have hearing	148990

loss or hearing disorders under twenty-six years of age in 148991
purchasing hearing aids and hearing assistive technology. The 148992
Director of Health shall adopt rules governing the distribution 148993
of these funds, including rules that do both of the following: 148994
(1) establish eligibility criteria to include families with 148995
incomes at or below four hundred per cent of the federal poverty 148996
guidelines as defined in section 5101.46 of the Revised Code and 148997
(2) develop a sliding scale of disbursements under this section 148998
based on family income. The Director may adopt other rules as 148999
necessary to implement this section. Rules adopted under this 149000
section shall be adopted in accordance with Chapter 119. of the 149001
Revised Code. 149002

FREE CLINIC SAFETY NET SERVICES 149003

The foregoing appropriation item 440431, Free Clinic 149004
Safety Net Services, shall be provided to the Charitable 149005
Healthcare Network. Funds may be used to reimburse free clinics 149006
for health care services provided, as well as for administrative 149007
services, information technology costs, infrastructure repair, 149008
or other clinic necessities. Additionally, the Director of 149009
Health may designate up to five per cent of the appropriation in 149010
each fiscal year to pay the administrative costs the Department 149011
of Health incurs for operating the program. 149012

AIDS PREVENTION 149013

The foregoing appropriation item 440444, AIDS Prevention, 149014
shall be used to administer educational and other prevention 149015
initiatives. 149016

FQHC PRIMARY CARE WORKFORCE INITIATIVE 149017

The foregoing appropriation item 440465, FQHC Primary Care 149018
Workforce Initiative, shall be provided to the Ohio Association 149019

of Community Health Centers to administer the FQHC Primary Care Workforce Initiative. The Initiative shall provide medical, dental, behavioral health, physician assistant, and advanced practice nursing students with clinical rotations through federally qualified health centers. Additionally, the Director of Health may designate up to five per cent of the appropriation in each fiscal year to pay the administrative costs the Department of Health incurs for operating the program.

CHRONIC DISEASE, INJURY PREVENTION, AND DRUG OVERDOSE 149028

Of the foregoing appropriation item 440482, Chronic Disease, Injury Prevention, and Drug Overdose, \$1,200,000 in fiscal year 2026 and \$200,000 in fiscal year 2027 shall be used to administer the Parkinson's disease registry, in accordance with section 3701.25 of the Revised Code, and the stroke registry database, in accordance with section 3727.131 of the Revised Code. The Department of Health shall develop the Parkinson's disease registry utilizing an existing public health population system managed under the Department.

The remainder of appropriation item 440482, Chronic Disease, Injury Prevention, and Drug Overdose, shall be used to support the Department of Health's ongoing health improvement and wellness efforts, health promotion, and related activities.

HEALTH PROGRAM SUPPORT 149042

Of the forgoing appropriation item 440485, Health Program Support, \$7,500,000 in each fiscal year shall be used by the Department of Health, in consultation with the Department of Education and Workforce, to support school-based health centers in high-need counties, as determined by the departments. Prior to establishing a patient-provider relationship with a minor, a

school-based health center shall obtain general consent to treat 149049
the child from the child's parent, legal guardian, grandparent 149050
acting under section 3109.65 of the Revised Code, or other 149051
person authorized under Ohio law to consent to the child's 149052
medical care . This does not apply in emergency situations, 149053
first aid, other unanticipated minor health care services, or 149054
health care services provided pursuant to a student's IEP or a 149055
school district's obligation under section 504 of the 149056
"Rehabilitation Act of 1973," 29 U.S.C. 794. 149057

Of the foregoing appropriation item 440485, Health Program 149058
Support, \$1,000,000 in each fiscal year shall be distributed to 149059
Ohio organizations currently providing all of the following 149060
services: wraparound care, including multidisciplinary clinical 149061
care; local case management services by health care 149062
professionals; durable medical and augmentative communication 149063
devices; state and federal advocacy; and support groups and 149064
patient grants for those diagnosed with amyotrophic lateral 149065
sclerosis (ALS). The distribution of funds shall be based on 149066
each awarded organization's identified Ohio county coverage and 149067
by the prevalence rate of persons living with ALS using the most 149068
recent population estimates available from the United States 149069
Census Bureau. Funds shall be used to support persons living 149070
with ALS, including any of the following: wraparound care, case 149071
management, purchase and distribution of durable medical 149072
equipment and augmentative communication devices, and patient 149073
grants for disease-related expenses. Funding is required to be 149074
designated in service to Ohioans and shall not be used for 149075
persons living outside of the state of Ohio. 149076

Of the foregoing appropriation item 440485, Health Program 149077
Support, \$125,000 in each fiscal year shall be provided to Ohio 149078
Adolescent Health Centers to support sexual risk avoidance 149079

programs in schools. 149080

Of the foregoing appropriation item 440485, Health Program 149081
Support, \$300,000 in fiscal year 2026 shall be distributed to 149082
the Transplant House of Cleveland to support organ transplant 149083
recipients and caregivers. 149084

Of the foregoing appropriation item 440485, Health Program 149085
Support, \$1,000,000 in each fiscal year shall be distributed to 149086
hospitals and used to support graduate medical education 149087
residency slots for residents placed in family medicine or 149088
psychiatry fields. The Department shall establish requirements 149089
regarding the distribution of funds, including the requirement 149090
that funds are used to support residents placed in family 149091
medicine or psychiatry slots. 149092

TOXICOLOGY SCREENINGS 149093

The foregoing appropriation item 440495, Toxicology 149094
Screenings, shall be used to reimburse county coroners in 149095
counties in which the coroner has performed toxicology 149096
screenings on victims of a drug overdose. The Director of Health 149097
shall transfer the funds to the counties in proportion to the 149098
numbers of toxicology screenings performed per county. 149099

TARGETED HEALTH CARE SERVICES-OVER 21 149100

The foregoing appropriation item 440507, Targeted Health 149101
Care Services-Over 21, shall be used to administer the Cystic 149102
Fibrosis Program and to implement the Hemophilia Insurance 149103
Premium Payment Program. The Department of Health shall expend 149104
up to \$100,000 in each fiscal year to implement the Hemophilia 149105
Insurance Premium Payment Program. 149106

The foregoing appropriation item 440507, Targeted Health 149107
Care Services-Over 21, shall also be used to do the following: 149108

cover services provided to adults over the age of twenty-one 149109
with Cystic Fibrosis who are eligible for treatment under the 149110
Cystic Fibrosis Program; provide essential medications; and pay 149111
the copayments for drugs approved by the Department of Health 149112
and covered by Medicare Part D that are dispensed to Program for 149113
Children and Youth with Special Health Care Needs participants 149114
for the Cystic Fibrosis Program. 149115

LEAD ABATEMENT 149116

Of the foregoing appropriation item 440527, Lead 149117
Abatement, \$250,000 in each fiscal year shall be used by the 149118
Department of Health to distribute funds to local governments 149119
for projects that include, but are not limited to, lead hazard 149120
control and housing rehabilitation initiatives that expand the 149121
Department's lead hazard control and prevention efforts. 149122

YOUTH HOMELESSNESS 149123

The foregoing appropriation item 440672, Youth 149124
Homelessness, shall be used to address homelessness in youth and 149125
pregnant women by providing assertive outreach to provide stable 149126
housing, including recovery housing. No funds shall be 149127
distributed to youth shelters that promote or affirm social 149128
gender transition, in which an individual goes from identifying 149129
with and living as a gender that corresponds to the individual's 149130
biological sex to identifying with and living as a gender 149131
different from the individual's biological sex. 149132

EMERGENCY PREPARATION AND RESPONSE 149133

The foregoing appropriation item 440605, Emergency 149134
Preparation and Response, shall be used to support public health 149135
emergency preparedness and response efforts. This appropriation 149136
may also be used to support data infrastructure projects and 149137

other data analysis and analytics work.	149138
CASH TRANSFER FROM THE CONTROLLING BOARD EMERGENCY	149139
PURPOSES/CONTINGENCIES FUND TO THE GENERAL OPERATIONS FUND	149140
On July 1 of each fiscal year, or as soon as possible	149141
thereafter, the Director of Budget and Management shall transfer	149142
up to \$2,500,000 cash from the Controlling Board Emergency	149143
Purposes/Contingencies Fund (Fund 5KM0) to the General	149144
Operations Fund (Fund 4700).	149145
FEE SUPPORTED PROGRAMS	149146
Of the foregoing appropriation item 440647, Fee Supported	149147
Programs, \$2,160,000 in each fiscal year shall be used to	149148
distribute subsidies, on a per capita basis, to local health	149149
departments accredited through the Public Health Accreditation	149150
Board, or local health departments that are in the process of	149151
earning accreditation.	149152
Of the foregoing appropriation item 440647, Fee Supported	149153
Programs, \$1,840,000 in each fiscal year shall be used to	149154
distribute subsidies to local health departments accredited	149155
through the Public Health Accreditation Board on a per capita	149156
basis.	149157
CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS AUDIT	149158
The Children and Youth with Special Health Care Needs	149159
Audit Fund (Fund 4770) shall receive revenue from audits of	149160
hospitals and recoveries from third-party payers. Moneys may be	149161
expended for payment of audit settlements and for costs directly	149162
related to obtaining recoveries from third-party payers and for	149163
encouraging Program for Children and Youth with Special Health	149164
Care Needs recipients to apply for third-party benefits. Moneys	149165
also may be expended for payments for diagnostic and treatment	149166

services on behalf of children and youth with special health 149167
care needs, as defined in division (A) of section 3701.022 of 149168
the Revised Code, and Ohio residents who are twenty-one or more 149169
years of age and who are suffering from cystic fibrosis or 149170
hemophilia. Moneys may also be expended for administrative 149171
expenses incurred in operating the Program for Children and 149172
Youth with Special Health Care Needs. 149173

GENETICS SERVICES 149174

The foregoing appropriation item 440608, Genetics 149175
Services, shall be used by the Department of Health to 149176
administer programs authorized by sections 3701.501 and 3701.502 149177
of the Revised Code. None of these funds shall be used to 149178
counsel or refer for abortion. 149179

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT 149180

Of the foregoing appropriation item 440656, Tobacco Use 149181
Prevention, Cessation, and Enforcement, \$1,000,000 in each 149182
fiscal year shall be used by the Director of Health, in 149183
consultation with the Director of Children and Youth, to award 149184
funds to private, nonprofit, or government entities. The 149185
Directors shall determine how the funds are to be distributed, 149186
but shall prioritize awards to entities that serve women who 149187
reside in communities that have the highest infant mortality 149188
rates in this state, as identified under section 3701.142 of the 149189
Revised Code. Recognizing the significant health risks posed to 149190
women and their children by tobacco use during and after 149191
pregnancy, the Department of Health shall award grants to 149192
private, nonprofit, or government entities that demonstrate the 149193
ability to deliver evidence-based tobacco cessation 149194
interventions to women. 149195

The remainder of appropriation item 440656, Tobacco Use Prevention, Cessation, and Enforcement, shall be used to administer tobacco use prevention and cessation activities and programs, to administer compliance checks, retailer education, and programs related to legal age restrictions, and to enforce the Ohio Smoke-Free Workplace Act.

CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS - COUNTY ASSESSMENTS

The foregoing appropriation item 440607, Children and Youth with Special Health Care Needs - County Assessments, shall be used to make payments under division (E) of section 3701.023 of the Revised Code.

FEDERAL PUBLIC HEALTH PROGRAMS

Of the foregoing appropriation item 440618, Federal Public Health Programs, \$7,800,000 in each fiscal year shall be provided to Ohio Adolescent Health Centers.

Section 293.10.

1	2	3	4	5
A	HEF HIGHER EDUCATIONAL FACILITY COMMISSION			
B	Dedicated Purpose Fund Group			
C	4610	372601	Operating Expenses	\$15,513 \$15,513
D	Dedicated Purpose Fund Group Total			\$15,513 \$15,513
E	TOTAL ALL BUDGET FUND GROUPS			\$15,513 \$15,513

Section 295.10. 149214

149215

	1	2	3	4	5
A	SPA COMMISSION ON HISPANIC/LATINO AFFAIRS				
B	General Revenue Fund				
C	GRF	148321	Operating Expenses	\$466,248	\$483,670
D	General Revenue Fund Total			\$466,248	\$483,670
E	Dedicated Purpose Fund Group				
F	6010	148602	Special Initiatives	\$50,000	\$50,000
G	Dedicated Purpose Fund Group Total			\$50,000	\$50,000
H	TOTAL ALL BUDGET FUND GROUPS			\$516,248	\$533,670

Section 297.10.

149216

149217

	1	2	3	4	5
A	OHS OHIO HISTORY CONNECTION				
B	General Revenue Fund				
C	GRF	360400	Holocaust and Genocide Memorial and Education Commission	\$1,110,000	\$1,110,000
D	GRF	360401	Ohio Commission for the U.S. Semiquincentennial	\$8,750,000	\$2,000,000
E	GRF	360402	UNESCO World Heritage	\$2,000,000	\$2,500,000

			Sites		
F	GRF	360501	Education and Collections	\$6,139,320	\$6,147,040
G	GRF	360502	Site and Museum Operations	\$8,752,200	\$8,752,200
H	GRF	360504	Ohio Preservation Office	\$965,287	\$965,287
I	GRF	360505	National Afro-American Museum	\$811,000	\$811,000
J	GRF	360506	Hayes Presidential Center	\$750,000	\$750,000
K	GRF	360508	State Historical Grants	\$700,000	\$700,000
L	General Revenue Fund Total			\$29,977,807	\$23,735,527
M	Dedicated Purpose Fund Group				
N	5KL0	360602	Ohio History Tax Check- off	\$150,000	\$150,000
O	5PD0	360603	Ohio History License Plate	\$10,000	\$10,000
P	Dedicated Purpose Fund Group Total			\$160,000	\$160,000
Q	TOTAL ALL BUDGET FUND GROUPS			\$30,137,807	\$23,895,527

Section 297.20. SUBSIDY APPROPRIATION 149218

Upon approval by the Director of Budget and Management, 149219
the foregoing appropriation items shall be released to the Ohio 149220
History Connection in quarterly amounts that in total do not 149221

exceed the annual appropriations. The funds and fiscal records 149222
of the Ohio History Connection for fiscal year 2026 and fiscal 149223
year 2027 shall be examined by independent certified public 149224
accountants approved by the Auditor of State, and a copy of the 149225
audited financial statements shall be filed with the Office of 149226
Budget and Management. 149227

The foregoing appropriations shall be considered to be the 149228
contractual consideration provided by the state to support the 149229
state's offer to contract with the Ohio History Connection under 149230
section 149.30 of the Revised Code. 149231

HOLOCAUST AND GENOCIDE MEMORIAL COMMISSION 149232

Of the foregoing appropriation item 360400, Holocaust and 149233
Genocide Memorial and Education Commission, \$125,000 in each 149234
fiscal year shall be used for The Nancy and David Wolf Holocaust 149235
and Humanity Center. 149236

OHIO COMMISSION FOR THE U.S. SEMIQUINCENTENNIAL 149237

The foregoing appropriation item 360401, Ohio Commission 149238
for the U.S. Semiquincentennial, shall be used for grants across 149239
the state in support of the U.S. Semiquincentennial. 149240

UNESCO WORLD HERITAGE SITES 149241

The foregoing appropriation item 360402, UNESCO World 149242
Heritage Sites, shall be used for operating costs for approved 149243
United Nations Educational, Scientific and Cultural Organization 149244
(UNESCO) World Heritage sites in Ohio. 149245

STATE HISTORICAL GRANTS 149246

Of the foregoing appropriation item 360508, State 149247
Historical Grants, \$350,000 in each fiscal year shall be used 149248
for the Western Reserve Historical Society, and \$350,000 in each 149249

fiscal year shall be used for the Cincinnati Museum Center. 149250

Section 299.10. 149251

149252

1 2 3 4 5

A REP OHIO HOUSE OF REPRESENTATIVES

B General Revenue Fund

C GRF 025321 Operating Expenses \$35,100,000 \$36,210,000

D General Revenue Fund Total \$35,100,000 \$36,210,000

E Internal Service Activity Fund Group

F 1030 025601 House of Representatives \$1,433,664 \$1,433,664
Reimbursement

G 4A40 025602 Miscellaneous Sales \$50,000 \$50,000

H Internal Service Activity Fund Group \$1,483,664 \$1,483,664
Total

I TOTAL ALL BUDGET FUND GROUPS \$36,583,664 \$37,693,664

Section 299.20. OPERATING EXPENSES 149253

On July 1, 2025, or as soon as possible thereafter, the 149254
Chief Administrative Officer of the House of Representatives may 149255
certify to the Director of Budget and Management an amount up to 149256
the unexpended, unencumbered balance of the foregoing 149257
appropriation item 025321, Operating Expenses, at the end of 149258
fiscal year 2025 to be reappropriated to fiscal year 2026. The 149259
amount certified is hereby reappropriated to the same 149260

appropriation item for fiscal year 2026. 149261

On July 1, 2026, or as soon as possible thereafter, the 149262
 Chief Administrative Officer of the House of Representatives may 149263
 certify to the Director of Budget and Management an amount up to 149264
 the unexpended, unencumbered balance of the foregoing 149265
 appropriation item 025321, Operating Expenses, at the end of 149266
 fiscal year 2026 to be reappropriated to fiscal year 2027. The 149267
 amount certified is hereby reappropriated to the same 149268
 appropriation item for fiscal year 2027. 149269

HOUSE REIMBURSEMENT 149270

If it is determined by the Chief Administrative Officer of 149271
 the House of Representatives that additional appropriations are 149272
 necessary for the foregoing appropriation item 025601, House of 149273
 Representatives Reimbursement, the amounts are hereby 149274
 appropriated. 149275

Section 301.10. 149276

149277

	1	2	3	4	5
A	HFA OHIO HOUSING FINANCE AGENCY				
B	Dedicated Purpose Fund Group				
C	5AZ0	997601	Housing Finance Agency	\$19,760,000	\$20,485,000
			Personal Services		
D	Dedicated Purpose Fund Group Total			\$19,760,000	\$20,485,000
E	TOTAL ALL BUDGET FUND GROUPS			\$19,760,000	\$20,485,000

Section 303.10. 149278

149279

	1	2	3	4	5
A	IGO OFFICE OF THE INSPECTOR GENERAL				
B	General Revenue Fund				
C	GRF	965321	Operating Expenses	\$2,079,000	\$2,158,000
D	General Revenue Fund Total			\$2,079,000	\$2,158,000
E	Internal Service Activity Fund Group				
F	5FA0	965603	Deputy Inspector General for ODOT	\$400,000	\$400,000
G	5FT0	965604	Deputy Inspector General for BWC/OIC	\$425,000	\$425,000
H	Internal Service Activity Fund Group Total			\$825,000	\$825,000
I	TOTAL ALL BUDGET FUND GROUPS			\$2,904,000	\$2,983,000

Section 305.10.

149280

149281

	1	2	3	4	5
A	INS DEPARTMENT OF INSURANCE				
B	Dedicated Purpose Fund Group				
C	5540	820401	Examination	\$11,242,604	\$11,690,798
D	5540	820601	Operating Expenses -	\$400,670	\$414,002

OSHIIP

E	5540 820606	Operating Expenses	\$36,479,179	\$37,595,513
F		Dedicated Purpose Fund Group Total	\$48,122,453	\$49,700,313
G		Federal Fund Group		
H	3U50 820602	OSHIIP Operating Grant	\$3,050,000	\$3,050,000
I		Federal Fund Group Total	\$3,050,000	\$3,050,000
J		TOTAL ALL BUDGET FUND GROUPS	\$51,172,453	\$52,750,313

Section 305.20. MARKET CONDUCT EXAMINATION 149282

When conducting a market conduct examination of any 149283
insurer doing business in this state, the Superintendent of 149284
Insurance may assess the costs of the examination against the 149285
insurer. The Superintendent may enter into consent agreements to 149286
impose administrative assessments or fines for conduct 149287
discovered that may be violations of statutes or rules 149288
administered by the Superintendent. All costs, assessments, or 149289
fines collected shall be deposited to the credit of the 149290
Department of Insurance Operating Fund (Fund 5540). 149291

Section 307.10. 149292

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1 2 3 4 5

A JFS DEPARTMENT OF JOB AND FAMILY SERVICES

B General Revenue Fund

C	GRF 600410	TANF State Maintenance of	\$147,169,083	\$147,169,083
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Effort

D	GRF	600450	Program Operations	\$155,325,446	\$156,655,581
E	GRF	600502	Child Support - Local	\$26,400,000	\$26,400,000
F	GRF	600521	Family Assistance - Local	\$50,000,000	\$50,000,000
G	GRF	600533	Child, Family, and Community Protection Services	\$13,500,000	\$13,500,000
H	GRF	600534	Adult Protective Services	\$9,720,000	\$9,720,000
I	GRF	655425	Medicaid Program Support	\$15,779,739	\$16,393,535
J	GRF	655522	Medicaid Program Support - Local	\$44,000,000	\$44,000,000
K	GRF	655523	Medicaid Program Support - Local Transportation	\$43,530,000	\$43,530,000
L	General Revenue Fund Total			\$505,424,268	\$507,368,199
M	Dedicated Purpose Fund Group				
N	4A80	600658	Public Assistance Activities	\$21,400,000	\$21,400,000
O	4A90	600607	Unemployment Compensation Administration Fund	\$45,180,000	\$36,670,000
P	5CI1	6006B6	Utility Community Assistance	\$0	\$686,947

Q	5ES0	600630	Food Bank Assistance	\$500,000	\$500,000
R	5RY0	600698	Human Services Project	\$10,000,000	\$10,000,000
S			Dedicated Purpose Fund Group Total	\$77,080,000	\$69,256,947
T			Internal Service Activity Fund Group		
U	5HL0	600602	State and County Shared Services	\$2,000,000	\$2,000,000
V	5WU0	6006C2	Ohio Benefits	\$0	\$169,005,914
W			Internal Service Activity Fund Group Total	\$2,000,000	\$171,005,914
X			Fiduciary Fund Group		
Y	1920	600646	Child Support Intercept- Federal	\$100,000,000	\$100,000,000
Z	5830	600642	Child Support Intercept- State	\$13,000,000	\$13,000,000
AA	5B60	600601	Food Assistance Intercept	\$9,000,000	\$9,000,000
AB			Fiduciary Fund Group Total	\$122,000,000	\$122,000,000
AC			Holding Account Fund Group		
AD	R012	600643	Refunds and Audit Settlements	\$500,000	\$500,000
AE			Holding Account Fund Group Total	\$500,000	\$500,000

AF	Federal Fund Group		
AG	3310 600615 Veterans Programs	\$9,729,693	\$10,046,576
AH	3310 600624 Employment Services	\$33,757,412	\$33,361,820
AI	3310 600686 Workforce Programs	\$3,726,601	\$3,831,863
AJ	3840 600610 Food Assistance Programs	\$353,577,548	\$355,477,007
AK	3850 600614 Refugee Services	\$43,221,914	\$47,817,949
AL	3950 600616 Federal Discretionary Grants	\$4,500,000	\$4,500,000
AM	3960 600620 Social Services Block Grant	\$38,100,747	\$38,339,506
AN	3970 600626 Child Support - Federal	\$206,615,245	\$206,484,306
AO	3F01 655624 Medicaid Program Support - Federal	\$221,532,699	\$222,146,496
AP	3F10 6006B4 Home Weatherization Program	\$0	\$45,000,000
AQ	3K90 6006B3 Home Energy Assistance Block Grant	\$0	\$180,000,000
AR	3K90 6006B7 HEAP Weatherization	\$0	\$44,000,000
AS	3L00 6006B8 Community Services Block Grant	\$0	\$32,000,000
AT	3S50 600622 Child Support Projects	\$539,000	\$539,000

AU 3V00 600688	Workforce Innovation and Opportunity Act Programs	\$165,467,651	\$172,078,185
AV 3V40 600632	Trade Programs	\$3,001,000	\$3,001,000
AW 3V40 600678	Federal Unemployment Programs	\$122,666,388	\$125,686,620
AX 3V40 600679	Unemployment Compensation Review Commission-Federal	\$6,068,609	\$6,249,573
AY 3V60 600689	TANF Block Grant	\$561,481,981	\$561,481,981
AZ	Federal Fund Group Total	\$1,773,986,488	\$2,092,041,882
BA	TOTAL ALL BUDGET FUND GROUPS	\$2,480,990,756	\$2,962,172,942

Section 307.20. COUNTY ADMINISTRATIVE FUNDS 149294

(A) Of the foregoing appropriation item 600521, Family Assistance - Local, up to \$46,000,000 in each fiscal year shall be provided to county departments of job and family services to administer food assistance and disability assistance programs. 149295
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149298

(B) Of the foregoing appropriation item 600521, Family Assistance -Local, an additional \$2,500,000 in each fiscal year shall be provided to assist county departments that submit an approved plan on increasing fraud prevention, early detection of fraud, and investigations on potential fraud that may be occurring in public assistance programs. 149299
149300
149301
149302
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149304

(C) The foregoing appropriation item 655522, Medicaid Program Support - Local, shall be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program. 149305
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149307
149308

(D) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper appropriation item:

(1) Appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local; and

(2) Appropriation item 655523, Medicaid Program Support - Local Transportation, and appropriation item 655522, Medicaid Program Support - Local.

Section 307.30. NAME OF FOOD STAMP PROGRAM

The Director of Job and Family Services is not required to amend rules regarding the Food Stamp Program to change the name of the program to the Supplemental Nutrition Assistance Program. The Director may refer to the program as the Food Stamp Program, the Supplemental Nutrition Assistance Program, or the Food Assistance Program in rules and documents of the Department of Job and Family Services.

Section 307.40. OHIO ASSOCIATION OF FOOD BANKS

Of the foregoing appropriation items 600410, TANF State Maintenance of Effort, 600658, Public Assistance Activities, and 600689, TANF Block Grant, a total of up to \$22,050,000 in each fiscal year shall be used to provide funds to the Ohio Association of Food Banks to purchase and distribute food products, support Innovative Summer Meals programs for children, provide SNAP outreach and free tax filing services, and provide capacity building equipment for food pantries and soup kitchens.

Notwithstanding section 5101.46 of the Revised Code and

any other provision in this act, the Director of Job and Family Services shall provide assistance from eligible funds to the Ohio Association of Food Banks in an amount up to \$24,550,000 in each fiscal year. This amount includes the funds designated to the Ohio Association of Food Banks in the first paragraph of this section.

Eligible nonfederal expenditures made by member food banks of the Association shall be counted by the Department of Job and Family Services toward the TANF maintenance of effort requirements of 42 U.S.C. 609(a) (7). The Director of Job and Family Services shall enter into an agreement with the Ohio Association of Food Banks, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to carry out the requirements under this section.

Section 307.50. OHIO ASSOCIATION OF FOODBANKS SUBGRANT

The Department of Job and Family Services shall enter into a subgrant agreement with the Ohio Association of Foodbanks to enable the Association to provide food distribution to low-income families and individuals via the statewide charitable emergency food provider network and to support transportation of meals for the Governor's Office of Faith-Based and Community Initiatives Innovative Summer Meals programs for children and provide capacity building equipment for food pantries and soup kitchens.

The Ohio Association of Foodbanks shall do all of the following:

(A) Purchase food for the Agriculture Clearance and Ohio Food Programs. Information regarding the food purchase shall be reflected in the plan for statewide distribution of food

products to local food distribution agencies. 149367

(B) Support the Capacity Building Grant program and 149368
purchase equipment for partner agencies that is needed to 149369
increase their capacity to serve more families eligible under 149370
the Temporary Assistance for Needy Families program with 149371
perishable foods, fruits, and vegetables. This equipment 149372
purchase shall include, but is not limited to, shelving, pallet 149373
jacks, commercial refrigerators, and commercial freezers. 149374

(C) Submit a quarterly report to the Department of Job and 149375
Family Services not later than sixty days after the close of the 149376
quarter to which the report pertains. The quarterly report shall 149377
include all of the following: 149378

(1) A summary of the allocation and expenditure of grant 149379
funds; 149380

(2) Product type and pounds distributed by foodbank 149381
service region and county; 149382

(3) The number of households, households with children, a 149383
breakdown of individuals served by age, including those over the 149384
age of sixty, those between the ages of nineteen and fifty-nine, 149385
and those up to the age of eighteen, and the number of meals 149386
served. 149387

(D) Submit an annual report to the Agreement Manager at 149388
the Department of Job and Family Services not later than one 149389
hundred twenty days after the end of the fiscal year. The annual 149390
report shall include the following: 149391

(1) A summary of the allocation and expenditure of grant 149392
funds; 149393

(2) The number of households, households with children, a 149394

breakdown of individuals served by age, including those over the 149395
age of sixty, those between the ages of nineteen and fifty-nine, 149396
and those up to the age of eighteen, and the number of meals 149397
served. 149398

(3) The quantity and type of food distributed and the 149399
total per pound cost of the food purchased; 149400

(4) Information on the cost of storage, transportation, 149401
and processing; 149402

(5) An evaluation of the success in achieving expected 149403
performance outcomes. 149404

Section 307.60. FOOD STAMPS TRANSFER 149405

On July 1, 2025, or as soon as possible thereafter, and 149406
upon request of the Director of Job and Family Services, the 149407
Director of Budget and Management may transfer up to \$1,000,000 149408
cash from the Food Stamp Offset Fund (Fund 5B60), to the Food 149409
Assistance Fund (Fund 5ES0). 149410

Section 307.70. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 149411

The foregoing appropriation item 600658, Public Assistance 149412
Activities, shall be used by the Department of Job and Family 149413
Services to meet the TANF maintenance of effort requirements of 149414
42 U.S.C. 609(a)(7). When the state is assured that it will meet 149415
the maintenance of effort requirement, the Department of Job and 149416
Family Services may use funds from appropriation item 600658, 149417
Public Assistance Activities, to support public assistance 149418
activities. 149419

Section 307.80. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES 149420
FUNDS 149421

(A) Of the foregoing appropriation items 600410, TANF 149422

State Maintenance of Effort, and 600689, TANF Block Grant, up to 149423
\$13,410,000 in each fiscal year shall be used, in accordance 149424
with sections 5101.80 and 5101.801 of the Revised Code, to 149425
provide support to programs or organizations that provide 149426
services that align with the mission and goals of the Governor's 149427
Office of Faith-Based and Community Initiatives, as outlined in 149428
section 107.12 of the Revised Code, and that further at least 149429
one of the four purposes of the TANF program, as specified in 42 149430
U.S.C. 601. 149431

(B) Of the foregoing appropriation items 600410, TANF 149432
State Maintenance of Effort, and 600689, TANF Block Grant, 149433
\$8,500,000 in each fiscal year shall be provided, in accordance 149434
with sections 5101.80 and 5101.801 of the Revised Code, to the 149435
Ohio Alliance of Boys and Girls Clubs to provide after-school 149436
and summer programs that protect at-risk children and enable 149437
youth to become responsible adults. 149438

(C) Of the foregoing appropriation item 600689, TANF Block 149439
Grant, \$2,500,000 in each fiscal year shall be provided, in 149440
accordance with sections 5101.80 and 5101.801 of the Revised 149441
Code, to the Children's Hunger Alliance to assist with meal 149442
sponsorship, early child care programs, child care, 149443
consultations and nutrition education, school district nutrition 149444
programs, after school nutrition programs, and summer nutrition 149445
programs. 149446

(D) Of the foregoing appropriation item 600689, TANF Block 149447
Grant, \$250,000 in each fiscal year shall be provided to the 149448
Toledo Seagate Foodbank, in accordance with sections 5101.80 and 149449
5101.801 of the Revised Code. 149450

(E) Of the foregoing appropriation item 600689, TANF Block 149451
Grant, \$1,500,000 in each fiscal year shall be provided, in 149452

accordance with sections 5101.80 and 5101.801 of the Revised Code, to Open Doors Academy. 149453
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(F) Of the foregoing appropriation item 600689, TANF Block Grant, \$1,000,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to Produce Perks. 149455
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(G) Of the foregoing appropriation item 600689, TANF Block Grant, \$100,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Ohio YMCA to support day camps and before and after school programs to help students remove barriers to their learning. 149459
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(H) Of the foregoing appropriation item 600689, TANF Block Grant, \$100,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Country Neighbor Program. 149465
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(I) Of the foregoing appropriation item 600689, TANF Block Grant, \$400,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Southside Life Station Food Pantry in Toledo. 149469
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(J) Of the foregoing appropriation item 600689, TANF Block Grant, \$400,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Simon Kenton Council for the administration of the ScoutReach program. Funding shall be used for the following: to expand access to scouting in under-resourced communities; to provide financial assistance for participating families; to hire two additional program coordinators, a risk manager, and a social worker; to purchase program supplies; and to provide 149473
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marketing resources to enhance outreach and engagement. Funds 149482
shall be distributed in accordance with guidelines established 149483
for nonprofit educational and youth development programs. The 149484
Simon Kenton Council shall submit an annual report to the 149485
Department of Job and Family Services detailing the program's 149486
expansion, impact, and financial expenditures. 149487

(K) Of the foregoing appropriation item 600689, TANF Block 149488
Grant, \$1,500,000 in each fiscal year shall be provided, in 149489
accordance with sections 5101.80 and 5101.801 of the Revised 149490
Code, to La Soupe to support and expand its core food security 149491
programs across Ohio. 149492

(L) Of the foregoing appropriation item 600689, TANF Block 149493
Grant, \$400,000 in fiscal year 2026 shall be provided, in 149494
accordance with sections 5101.80 and 5101.801 of the Revised 149495
Code, to The Foundry Row, Sail, Dream Program. 149496

(M) Of the foregoing appropriation item 600689, TANF Block 149497
Grant, \$500,000 in each fiscal year shall be distributed, in 149498
accordance with sections 5101.80 and 5101.801 of the Revised 149499
Code, to the African American Male Wellness Agency for the 149500
Uplift Her initiative. 149501

Section 307.90. PROGRAM OPERATIONS 149502

Of the foregoing appropriation item 600450, Program 149503
Operations, \$10,000,000 in each fiscal year shall be allocated 149504
for the GRIT program to be administered by the Department of Job 149505
and Family Services, in coordination with the Governor's Office 149506
of Appalachia and the Department of Development. The program 149507
shall expand the qualified worker pipeline, remove barriers to 149508
fill local and remote jobs, and promote entrepreneurial 149509
endeavors in economically distressed and at-risk areas within 149510

the Appalachian region of Ohio, as defined in section 107.21 of
the Revised Code, and other like counties within the state. The
amount set aside for the GRIT program under this section shall
be used for the following:

(A) To establish, in collaboration with private businesses
and public sector partners, virtual workforce development
centers and supportive resources and to place unemployed and
underemployed youth and adults into jobs;

(B) To support assessment, coaching, wraparound services,
and other career development and training activities for both
high school youth and adults.

The amount set aside for the GRIT program under this
section may be used for operating costs.

Section 307.100. CHILD, FAMILY, AND COMMUNITY PROTECTION
SERVICES

(A) The foregoing appropriation item 600533, Child,
Family, and Community Protection Services, shall be distributed
to county departments of job and family services. County
departments shall use the funds distributed to them under this
section as follows, in accordance with the written plan of
cooperation entered into under section 307.983 of the Revised
Code:

(1) To assist individuals in achieving or maintaining
self-sufficiency, including by reducing or preventing dependency
among individuals with family income not exceeding two hundred
per cent of the federal poverty guidelines;

(2) Subject to division (B) of this section, to respond to
reports of abuse, neglect, or exploitation of children and
adults, including through the differential response approach

program; 149540

(3) To provide outreach and referral services regarding 149541
home and community-based services to individuals at risk of 149542
placement in a group home or institution, regardless of the 149543
individuals' family income and without need for a written 149544
application; 149545

(4) To provide outreach, referral, application assistance, 149546
and other services to assist individuals to receive assistance, 149547
benefits, or services under Medicaid; Title IV-A programs, as 149548
defined in section 5101.80 of the Revised Code; the Supplemental 149549
Nutrition Assistance Program; and other public assistance 149550
programs. 149551

(B) Protective services may be provided to a child or 149552
adult as part of a response, under division (A)(2) of this 149553
section, to a report of abuse, neglect, or exploitation without 149554
regard to a child or adult's family income and without need for 149555
a written application. The protective services may be provided 149556
if the case record documents circumstances of actual or 149557
potential abuse, neglect, or exploitation. 149558

Section 307.110. ADULT PROTECTIVE SERVICES 149559

Of the foregoing appropriation item 600534, Adult 149560
Protective Services, \$7,040,000 in each fiscal year shall be 149561
used to provide an initial allocation of \$80,000 to each county. 149562
The remainder of appropriation item 600534 shall be provided to 149563
counties in accordance with the formula established in section 149564
5101.612 of the Revised Code. 149565

Section 307.117. UNEMPLOYMENT COMPENSATION FUND 149566

A portion of the foregoing appropriation item 600607, 149567
Unemployment Compensation Administration Fund, in each fiscal 149568

year shall be used to make payments pursuant to leases and 149569
agreements entered into under Chapter 125. of the Revised Code, 149570
as supplemented by Section 701.40 of H.B. 529 of the 132nd 149571
General Assembly, with respect to financing the costs associated 149572
with the acquisition, development, implementation, and 149573
integration of the Unemployment Insurance System. 149574

Section 307.119. TEMPORARY TRANSFER TO UNEMPLOYMENT 149575
COMPENSATION SPECIAL ADMINISTRATIVE FUND 149576

On July 1, 2025, or as soon as possible thereafter, the 149577
Director of Budget and Management may transfer up to \$15,000,000 149578
cash from any fund used by the Department of Job and Family 149579
Services, except General Revenue Funds, to the Unemployment 149580
Compensation Special Administrative Fund (Fund 4A90) to pay the 149581
costs of building and developing a new unemployment insurance 149582
information technology system. 149583

Not later than June 30, 2027, the Director of Budget and 149584
Management, upon the request of the Director of Job and Family 149585
Services, shall transfer cash equal to the amount previously 149586
transferred to Fund 4A90 from the fund selected above in fiscal 149587
year 2026, from Fund 4A90 back into the selected fund. 149588

Section 307.120. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 149589

The Fiduciary Fund Group and Holding Account Fund Group 149590
shall be used to hold revenues until the appropriate fund is 149591
determined or until the revenues are directed to the appropriate 149592
governmental agency other than the Department of Job and Family 149593
Services. Any Department of Job and Family Services refunds or 149594
reconciliations received or held by the Department of Medicaid 149595
shall be transferred or credited to the Refunds and Audit 149596
Settlement Fund (Fund R012). If receipts credited to the Support 149597

Intercept - Federal Fund (Fund 1920), the Support Intercept - 149598
State Fund (Fund 5830), the Food Stamp Offset Fund (Fund 5B60), 149599
or the Refunds and Audit Settlements Fund (Fund R012) exceed the 149600
amounts appropriated from the fund, the Director of Job and 149601
Family Services may request the Director of Budget and 149602
Management to authorize expenditures from the fund in excess of 149603
the amounts appropriated. Upon the approval of the Director of 149604
Budget and Management, the additional amounts are hereby 149605
appropriated. 149606

Section 307.130. HEAP WEATHERIZATION 149607

Up to twenty-five per cent of the federal funds deposited 149608
to the credit of the Home Energy Assistance Block Grant (Fund 149609
3K90) may be expended from appropriation item 6006B7, HEAP 149610
Weatherization, to provide home weatherization services in the 149611
state as determined by the Director of Job and Family Services. 149612

Section 307.140. SUMMER ELECTRONIC BENEFITS TRANSFER FOR 149613
CHILDREN FUND 149614

(A) The Summer Electronic Benefits Transfer for Children 149615
Fund is created, which shall be in the custody of the Treasurer 149616
of State but shall not be part of the state treasury. The fund 149617
shall consist of all money awarded by the United States 149618
Department of Agriculture as benefits under 42 U.S.C. 1762. All 149619
money in the fund shall be used by the Director of Job and 149620
Family Services solely for the purpose of paying eligible 149621
charges incurred by children and families eligible for, and 149622
participating in, the Summer Electronic Benefits Transfer for 149623
Children Program. 149624

(B) On or before August 1 of each fiscal year, the 149625
Director shall submit to the Governor, the Director of Budget 149626

and Management, the President of the Senate, the Speaker of the 149627
House of Representatives, the Minority Leader of the Senate, and 149628
the Minority Leader of the House of Representatives information 149629
regarding the Summer Electronic Benefits Transfer for Children 149630
Program created under 42 U.S.C. 1762, including the amount of 149631
federal funding received for the program in the previous fiscal 149632
year. 149633

Section 307.150. WORK REQUIREMENTS 149634

The Director of Job and Family Services may refer Ohio 149635
Works First and Supplemental Nutrition Assistance Program 149636
participants who have indicated that they have a mental or 149637
physical illness or impairment to the agency for vocational 149638
rehabilitation assessment and support services. Such 149639
participants must continue with vocational rehabilitation 149640
services pursuant to this section in order to meet Ohio Works 149641
First and Supplemental Nutrition Assistance Program work 149642
requirements, unless they are determined unable to work by the 149643
Opportunities for Ohioans with Disabilities agency, or otherwise 149644
meet minimum program work requirements. Participants who are not 149645
determined unable to work by the Opportunities for Ohioans with 149646
Disabilities agency and who do not participate with vocational 149647
rehabilitation services pursuant to this section or otherwise 149648
meet minimum program work requirements will have benefits 149649
terminated in accordance with federal regulations. 149650

Section 309.10. 149651
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B	General Revenue Fund		
C	GRF 029321 Operating Expenses	\$570,000	\$570,000
D	General Revenue Fund Total	\$570,000	\$570,000
E	TOTAL ALL BUDGET FUND GROUPS	\$570,000	\$570,000

Section 309.20. OPERATING GUIDANCE 149653

The Legislative Service Commission shall act as fiscal 149654
agent for the Joint Committee on Agency Rule Review. Members of 149655
the Committee shall be paid in accordance with section 101.35 of 149656
the Revised Code. 149657

OPERATING EXPENSES 149658

On July 1, 2025, or as soon as possible thereafter, the 149659
Executive Director of the Joint Committee on Agency Rule Review 149660
may certify to the Director of Budget and Management an amount 149661
up to the unexpended, unencumbered balance of the foregoing 149662
appropriation item 029321, Operating Expenses, at the end of 149663
fiscal year 2025 to be reappropriated to fiscal year 2026. The 149664
amount certified is hereby reappropriated to the same 149665
appropriation item for fiscal year 2026. 149666

On July 1, 2026, or as soon as possible thereafter, the 149667
Executive Director of the Joint Committee on Agency Rule Review 149668
may certify to the Director of Budget and Management an amount 149669
up to the unexpended, unencumbered balance of the foregoing 149670
appropriation item 029321, Operating Expenses, at the end of 149671
fiscal year 2026 to be reappropriated to fiscal year 2027. The 149672
amount certified is hereby reappropriated to the same 149673
appropriation item for fiscal year 2027. 149674

Section 313.10.					149675
					149676
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A	JMO JOINT MEDICAID OVERSIGHT COMMITTEE				
B	General Revenue Fund				
C	GRF	048321	Operating Expenses	\$530,532	\$654,606
D	General Revenue Fund Total			\$530,532	\$654,606
E	TOTAL ALL BUDGET FUND GROUPS			\$530,532	\$654,606

Section 313.20. OPERATING EXPENSES 149677

The foregoing appropriation item 048321, Operating Expenses, shall be used to support expenses related to the Joint Medicaid Oversight Committee created by section 103.41 of the Revised Code. 149678
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On July 1, 2025, or as soon as possible thereafter, the Executive Director of the Joint Medicaid Oversight Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 048321, Operating Expenses, at the end of fiscal year 2025 to be reappropriated to fiscal year 2026. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2026. 149682
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On July 1, 2026, or as soon as possible thereafter, the Executive Director of the Joint Medicaid Oversight Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 048321, Operating Expenses, at the end of 149690
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fiscal year 2026 to be reappropriated to fiscal year 2027. The 149695
amount certified is hereby reappropriated to the same 149696
appropriation item for fiscal year 2027. 149697

Section 315.10. 149698
149699

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A	JCO JUDICIAL CONFERENCE OF OHIO			
B	General Revenue Fund			
C	GRF 018321	Operating Expenses	\$1,398,265	\$1,475,131
D	General Revenue Fund Total		\$1,398,265	\$1,475,131
E	Dedicated Purpose Fund Group			
F	4030 018601	Ohio Jury Instructions	\$746,000	\$814,899
G	Dedicated Purpose Fund Group Total		\$746,000	\$814,899
H	TOTAL ALL BUDGET FUND GROUPS		\$2,144,265	\$2,290,030

Section 315.20. STATE COUNCIL OF UNIFORM STATE LAWS 149700

Notwithstanding section 105.26 of the Revised Code, of the 149701
foregoing appropriation item 018321, Operating Expenses, up to 149702
\$103,315 in fiscal year 2026 and up to \$108,481 in fiscal year 149703
2027 shall be used to pay the expenses of the State Council of 149704
Uniform State Laws, including membership dues to the National 149705
Conference of Commissioners on Uniform State Laws. 149706

OHIO JURY INSTRUCTIONS FUND 149707

The Ohio Jury Instructions Fund (Fund 4030) shall consist 149708

of grants, royalties, dues, conference fees, bequests, devises, 149709
and other gifts received for the purpose of supporting costs 149710
incurred by the Judicial Conference of Ohio in its activities as 149711
a part of the judicial system of the state as determined by the 149712
Judicial Conference Executive Committee. Fund 4030 shall be used 149713
by the Judicial Conference of Ohio to pay expenses incurred in 149714
its activities as a part of the judicial system of the state as 149715
determined by the Judicial Conference Executive Committee. All 149716
moneys accruing to Fund 4030 in excess of the amount 149717
appropriated for the current fiscal year are hereby appropriated 149718
for the purposes authorized. No money in Fund 4030 shall be 149719
transferred to any other fund by the Director of Budget and 149720
Management or the Controlling Board. 149721

Section 317.10.

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A		JSC THE JUDICIARY/SUPREME COURT		
B		General Revenue Fund		
C	GRF 005321	Operating Expenses - Judiciary/Supreme Court	\$218,911,023	\$230,757,735
D	GRF 005401	State Criminal Sentencing Commission	\$1,506,142	\$1,601,731
E	GRF 005406	Law-Related Education	\$250,000	\$250,000
F	GRF 005409	Ohio Courts Technology Initiative	\$1,155,000	\$1,155,000
G		General Revenue Fund Total	\$221,822,165	\$233,764,466

H	Dedicated Purpose Fund Group		
I	4C80 005605 Attorney Services	\$10,718,083	\$10,721,022
J	5HT0 005617 Court Interpreter Certification	\$9,000	\$9,000
K	5SP0 005626 Civil Justice Grant Program	\$425,000	\$425,000
L	5T80 005609 Grants and Awards	\$1,000	\$1,000
M	6720 005601 Continuing Judicial Education	\$37,500	\$37,500
N	Dedicated Purpose Fund Group Total	\$11,190,583	\$11,193,522
O	Fiduciary Fund Group		
P	5JY0 005620 County Law Library Resources Boards	\$313,800	\$318,500
Q	Fiduciary Fund Group Total	\$313,800	\$318,500
R	Federal Fund Group		
S	3J00 005603 Federal Grants	\$1,810,907	\$1,157,600
T	Federal Fund Group Total	\$1,810,907	\$1,157,600
U	TOTAL ALL BUDGET FUND GROUPS	\$235,137,455	\$246,434,088

Section 317.20. STATE CRIMINAL SENTENCING COMMISSION 149724

The foregoing appropriation item 005401, State Criminal 149725
Sentencing Commission, shall be used for the operation of the 149726

State Criminal Sentencing Commission established by section	149727
181.21 of the Revised Code.	149728
LAW-RELATED EDUCATION	149729
Of the foregoing appropriation item 005406, Law-Related	149730
Education, \$250,000 in each fiscal year shall be distributed	149731
directly to the Ohio Center for Law-Related Education for the	149732
purposes of providing continuing citizenship education	149733
activities to primary and secondary students, expanding	149734
delinquency prevention programs, increasing activities for at-	149735
risk youth, and accessing additional public and private money	149736
for new programs.	149737
OHIO COURTS TECHNOLOGY INITIATIVE	149738
The foregoing appropriation item 005409, Ohio Courts	149739
Technology Initiative, shall be used to fund an initiative by	149740
the Supreme Court to facilitate the exchange of information and	149741
warehousing of data by and between Ohio courts and other justice	149742
system partners through the maintenance of an Ohio Courts	149743
Network.	149744
ATTORNEY SERVICES	149745
The Attorney Registration Fund (Fund 4C80) shall consist	149746
of money received by the Supreme Court (The Judiciary) pursuant	149747
to the Rules for the Government of the Bar of Ohio. In addition	149748
to funding other activities considered appropriate by the	149749
Supreme Court, the foregoing appropriation item 005605, Attorney	149750
Services, may be used to compensate employees and to fund	149751
appropriate activities of the following offices established by	149752
the Supreme Court: the Office of Disciplinary Counsel, the Board	149753
of Commissioners on Grievances and Discipline, the Clients'	149754
Security Fund, and the Attorney Services Division which include	149755

the Office of Bar Admissions. If it is determined by the 149756
Administrative Director of the Supreme Court that changes to the 149757
appropriation are necessary, the amounts are hereby 149758
appropriated. 149759

No money in Fund 4C80 shall be transferred to any other 149760
fund by the Director of Budget and Management or the Controlling 149761
Board. Interest earned on money in Fund 4C80 shall be credited 149762
to the fund. 149763

COURT INTERPRETER CERTIFICATION 149764

The Court Interpreter Certification Fund (Fund 5HT0) shall 149765
consist of money received by the Supreme Court (The Judiciary) 149766
pursuant to Rules 80 through 87 of the Rules of Superintendence 149767
for the Courts of Ohio. The foregoing appropriation item 005617, 149768
Court Interpreter Certification, shall be used to provide 149769
training, to provide the written examination, and to pay 149770
language experts to rate, or grade, the oral examinations of 149771
those applying to become certified court interpreters. If it is 149772
determined by the Administrative Director of the Supreme Court 149773
that changes to the appropriation are necessary, the amounts are 149774
hereby appropriated. 149775

No money in Fund 5HT0 shall be transferred to any other 149776
fund by the Director of Budget and Management or the Controlling 149777
Board. Interest earned on money in Fund 5HT0 shall be credited 149778
to the fund. 149779

CIVIL JUSTICE GRANT PROGRAM 149780

The Civil Justice Program Fund (Fund 5SP0) shall consist 149781
of (1) \$50 voluntary donations made as part of the biennium 149782
attorney registration process and (2) \$150 of the pro hac vice 149783
fees for out-of-state attorneys pursuant to Government of the 149784

Bar Rule amendments. The foregoing appropriation item 005626, 149785
Civil Justice Grant Program, shall be used by the Supreme Court 149786
of Ohio for grants to not-for-profit organizations and agencies 149787
dedicated to providing civil legal aid to underserved 149788
populations, to fund innovative programs directed at this 149789
purpose, and to increase access to judicial service to that 149790
population. If it is determined by the Administrative Director 149791
of the Supreme Court that changes to the appropriation are 149792
necessary, the amounts are hereby appropriated. 149793

No money in Fund 5SP0 shall be transferred to any other 149794
fund by the Director of Budget and Management or the Controlling 149795
Board. Interest earned on money in Fund 5SP0 shall be credited 149796
to the fund. 149797

GRANTS AND AWARDS 149798

The Grants and Awards Fund (Fund 5T80) shall consist of 149799
grants and other money awarded to the Supreme Court (The 149800
Judiciary) by the State Justice Institute, the Division of 149801
Criminal Justice Services, or other entities. The foregoing 149802
appropriation item 005609, Grants and Awards, shall be used in a 149803
manner consistent with the purpose of the grant or award. If it 149804
is determined by the Administrative Director of the Supreme 149805
Court that changes to the appropriation are necessary, the 149806
amounts are hereby appropriated. 149807

No money in Fund 5T80 shall be transferred to any other 149808
fund by the Director of Budget and Management or the Controlling 149809
Board. Interest earned on money in Fund 5T80 shall be credited 149810
or transferred to the General Revenue Fund. 149811

JUDICIARY/SUPREME COURT EDUCATION 149812

The Judiciary/Supreme Court Education Fund (Fund 6720) 149813

shall consist of fees paid for attending judicial and public 149814
education on the law, reimbursement of costs for judicial and 149815
public education on the law, and other gifts and grants received 149816
for the purpose of judicial and public education on the law. The 149817
foregoing appropriation item 005601, Continuing Judicial 149818
Education, shall be used to pay expenses for judicial education 149819
courses for judges, court personnel, and those who serve the 149820
courts, and for public education on the law. If it is determined 149821
by the Administrative Director of the Supreme Court that changes 149822
to the appropriation are necessary, the amounts are hereby 149823
appropriated. 149824

No money in Fund 6720 shall be transferred to any other 149825
fund by the Director of Budget and Management or the Controlling 149826
Board. Interest earned on money in Fund 6720 shall be credited 149827
to the fund. 149828

COUNTY LAW LIBRARY RESOURCES BOARDS 149829

The Statewide Consortium of County Law Library Resources 149830
Boards Fund (Fund 5JY0) shall consist of moneys deposited 149831
pursuant to section 307.515 of the Revised Code into a county's 149832
law library resources fund and forwarded by that county's 149833
treasurer for deposit in the state treasury pursuant to division 149834
(E) (1) of section 3375.481 of the Revised Code. The foregoing 149835
appropriation item 005620, County Law Library Resources Boards, 149836
shall be used for the operation of the Statewide Consortium of 149837
County Law Library Resources Boards. If it is determined by the 149838
Administrative Director of the Supreme Court that changes to the 149839
appropriation are necessary, the amounts are hereby 149840
appropriated. 149841

No money in Fund 5JY0 shall be transferred to any other 149842
fund by the Director of Budget and Management or the Controlling 149843

Board. Interest earned on money in Fund 5JY0 shall be credited 149844
to the fund. 149845

FEDERAL GRANTS 149846

The Federal Grants Fund (Fund 3J00) shall consist of 149847
grants and other moneys awarded to the Supreme Court (The 149848
Judiciary) by the United States Government or other entities 149849
that receive the moneys directly from the United States 149850
Government and distribute those moneys to the Supreme Court (The 149851
Judiciary). The foregoing appropriation item 005603, Federal 149852
Grants, shall be used in a manner consistent with the purpose of 149853
the grant or award. If it is determined by the Administrative 149854
Director of the Supreme Court that changes to the appropriation 149855
are necessary, the amounts are hereby appropriated. 149856

No money in Fund 3J00 shall be transferred to any other 149857
fund by the Director of Budget and Management or the Controlling 149858
Board. However, interest earned on money in Fund 3J00 shall be 149859
credited or transferred to the General Revenue Fund. 149860

Section 319.10. 149861
149862

	1	2	3	4	5
A	LEC LAKE ERIE COMMISSION				
B	Dedicated Purpose Fund Group				
C	4C00	780601	Lake Erie Protection	\$900,000	\$940,000
D	6H20	780604	H2Ohio	\$132,000	\$132,000
E	Dedicated Purpose Fund Group Total			\$1,032,000	\$1,072,000

F	Federal Fund Group		
G	3EP0 780603 LEC Federal Grants	\$1,140,000	\$1,140,000
H	Federal Fund Group Total	\$1,140,000	\$1,140,000
I	TOTAL ALL BUDGET FUND GROUPS	\$2,172,000	\$2,212,000

Section 319.20. CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND 149863
FUND 149864

On July 1 of each fiscal year, or as soon as possible 149865
thereafter, the Director of Budget and Management may transfer 149866
cash from the funds specified below, up to the amounts specified 149867
below, to the Lake Erie Protection Fund (Fund 4C00). Fund 4C00 149868
may accept contributions and transfers made to the fund. 149869
149870

	1	2	3	4	5
A	Fund	Fund Name	User	FY 2026	FY 2027
B	5BC0	Environmental Protection	Environmental Protection Agency	\$25,000	\$25,000
C	6690	Pesticide, Fertilizer and Lime	Department of Agriculture	\$25,000	\$25,000
D	4700	General Operations	Department of Health	\$25,000	\$25,000
E	1570	Program Support	Department of Natural Resources	\$25,000	\$25,000
F	1350	Supportive	Department of	\$25,000	\$25,000

Services		Development		
Section 321.10.				149871
				149872
1	2	3	4	5
A	JLE JOINT LEGISLATIVE ETHICS COMMITTEE			
B	General Revenue Fund			
C	GRF 028321	Legislative Ethics Committee	\$713,000	\$713,000
D	General Revenue Fund Total		\$713,000	\$713,000
E	Dedicated Purpose Fund Group			
F	4G70 028601	Joint Legislative Ethics Committee	\$150,000	\$150,000
G	5HN0 028602	Investigations and Financial Disclosure	\$10,000	\$10,000
H	Dedicated Purpose Fund Group Total		\$160,000	\$160,000
I	TOTAL ALL BUDGET FUND GROUPS		\$873,000	\$873,000
Section 321.20. LEGISLATIVE ETHICS COMMITTEE				149873
On July 1, 2025, or as soon as possible thereafter, the				149874
Legislative Inspector General of the Joint Legislative Ethics				149875
Committee may certify to the Director of Budget and Management				149876
an amount up to the unexpended, unencumbered balance of the				149877
foregoing appropriation item 028321, Legislative Ethics				149878
Committee, at the end of fiscal year 2025 to be reappropriated				149879

to fiscal year 2026. The amount certified is hereby 149880
reappropriated to the same appropriation item for fiscal year 149881
2026. 149882

On July 1, 2026, or as soon as possible thereafter, the 149883
Legislative Inspector General of the Joint Legislative Ethics 149884
Committee may certify to the Director of Budget and Management 149885
an amount up to the unexpended, unencumbered balance of the 149886
foregoing appropriation item 028321, Legislative Ethics 149887
Committee, at the end of fiscal year 2026 to be reappropriated 149888
to fiscal year 2027. The amount certified is hereby 149889
reappropriated to the same appropriation item for fiscal year 149890
2027. 149891

Section 323.10. 149892
149893

	1	2	3	4	5
A	LSC LEGISLATIVE SERVICE COMMISSION				
B	General Revenue Fund				
C	GRF	035321	Operating Expenses	\$24,800,000	\$24,800,000
D	GRF	035402	Legislative Fellows	\$1,200,000	\$1,200,000
E	GRF	035405	Correctional Institution Inspection Committee	\$497,000	\$522,000
F	GRF	035407	Legislative Task Force on Redistricting	\$100,000	\$0
G	GRF	035409	National Associations	\$712,000	\$712,000
H	GRF	035410	Legislative Information	\$15,000,000	\$15,000,000

Systems

I	GRF 035501 Litigation	\$1,000,000	\$1,000,000
J	General Revenue Fund Total	\$43,309,000	\$43,234,000
K	TOTAL ALL BUDGET FUND GROUPS	\$43,309,000	\$43,234,000

Section 323.20. OPERATING EXPENSES 149894

On July 1, 2025, or as soon as possible thereafter, the 149895
Director of the Legislative Service Commission may certify to 149896
the Director of Budget and Management an amount up to the 149897
unexpended, unencumbered balance of the foregoing appropriation 149898
item 035321, Operating Expenses, at the end of fiscal year 2025 149899
to be reappropriated to fiscal year 2026. The amount certified 149900
is hereby reappropriated to the same appropriation item for 149901
fiscal year 2026. 149902

On July 1, 2026, or as soon as possible thereafter, the 149903
Director of the Legislative Service Commission may certify to 149904
the Director of Budget and Management an amount up to the 149905
unexpended, unencumbered balance of the foregoing appropriation 149906
item 035321, Operating Expenses, at the end of fiscal year 2026 149907
to be reappropriated to fiscal year 2027. The amount certified 149908
is hereby reappropriated to the same appropriation item for 149909
fiscal year 2027. 149910

CORRECTIONAL INSTITUTION INSPECTION COMMITTEE 149911

On July 1, 2025, or as soon as possible thereafter, the 149912
Director of the Legislative Service Commission may certify to 149913
the Director of Budget and Management an amount up to the 149914
unexpended, unencumbered balance of the foregoing appropriation 149915
item 035405, Correctional Institution Inspection Committee, at 149916

the end of fiscal year 2025 to be reappropriated to fiscal year 149917
2026. The amount certified is hereby reappropriated to the same 149918
appropriation item for fiscal year 2026. 149919

On July 1, 2026, or as soon as possible thereafter, the 149920
Director of the Legislative Service Commission may certify to 149921
the Director of Budget and Management an amount up to the 149922
unexpended, unencumbered balance of the foregoing appropriation 149923
item 035405, Correctional Institution Inspection Committee, at 149924
the end of fiscal year 2026 to be reappropriated to fiscal year 149925
2027. The amount certified is hereby reappropriated to the same 149926
appropriation item for fiscal year 2027. 149927

LEGISLATIVE TASK FORCE ON REDISTRICTING 149928

An amount equal to the unexpended, unencumbered balance of 149929
the foregoing appropriation item 035407, Legislative Task Force 149930
on Redistricting, at the end of fiscal year 2025 is hereby 149931
reappropriated to the Legislative Service Commission for the 149932
same purpose for fiscal year 2026. 149933

An amount equal to the unexpended, unencumbered balance of 149934
the foregoing appropriation item 035407, Legislative Task Force 149935
on Redistricting, at the end of fiscal year 2026 is hereby 149936
reappropriated to the Legislative Service Commission for the 149937
same purpose for fiscal year 2027. 149938

LEGISLATIVE INFORMATION SYSTEMS 149939

On July 1, 2025, or as soon as possible thereafter, the 149940
Director of the Legislative Service Commission may certify to 149941
the Director of Budget and Management an amount up to the 149942
unexpended, unencumbered balance of the foregoing appropriation 149943
item 035410, Legislative Information Systems, at the end of 149944
fiscal year 2025 to be reappropriated to fiscal year 2026. The 149945

amount certified is hereby reappropriated to the same 149946
appropriation item for fiscal year 2026. 149947

On July 1, 2026, or as soon as possible thereafter, the 149948
Director of the Legislative Service Commission may certify to 149949
the Director of Budget and Management an amount up to the 149950
unexpended, unencumbered balance of the foregoing appropriation 149951
item 035410, Legislative Information Systems, at the end of 149952
fiscal year 2026 to be reappropriated to fiscal year 2027. The 149953
amount certified is hereby reappropriated to the same 149954
appropriation item for fiscal year 2027. 149955

LITIGATION 149956

The foregoing appropriation item 035501, Litigation, shall 149957
be used for any lawsuit in which the General Assembly, or either 149958
house of the General Assembly, is made a party. The chairperson 149959
and vice-chairperson of the Legislative Service Commission shall 149960
both approve the use of the appropriated moneys. 149961

An amount equal to the unexpended, unencumbered balance of 149962
the foregoing appropriation item 035501, Litigation, at the end 149963
of fiscal year 2025 is hereby reappropriated to the Legislative 149964
Service Commission for the same purpose for fiscal year 2026. 149965

An amount equal to the unexpended, unencumbered balance of 149966
the foregoing appropriation item 035501, Litigation, at the end 149967
of fiscal year 2026 is hereby reappropriated to the Legislative 149968
Service Commission for the same purpose for fiscal year 2027. 149969

Section 325.10. 149970
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B	Dedicated Purpose Fund Group				
C	4590	350603	Services for Libraries	\$6,748,455	\$6,783,244
D	4S40	350604	Ohio Public Library Information Network	\$5,567,715	\$5,587,432
E	5CW1	350608	Ohioana Library Association	\$310,516	\$310,516
F	5CX1	350609	Regional Library Systems	\$494,000	\$494,000
G	5CZ1	350607	Operating Expenses	\$4,527,036	\$4,527,474
H	5GB0	350605	Library for the Blind	\$1,274,194	\$1,274,194
I	Dedicated Purpose Fund Group Total			\$18,921,916	\$18,976,860
J	Internal Service Activity Fund Group				
K	1390	350602	Services for State Agencies	\$8,000	\$8,000
L	Internal Service Activity Fund Group Total			\$8,000	\$8,000
M	Federal Fund Group				
N	3130	350601	LSTA Federal	\$5,554,767	\$5,609,015
O	Federal Fund Group Total			\$5,554,767	\$5,609,015
P	TOTAL ALL BUDGET FUND GROUPS			\$24,484,683	\$24,593,875

Of the foregoing appropriation item 350608, Ohioana Library Association, \$191,000 in each fiscal year shall be used to support the operating expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code. 149973
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The remainder of the foregoing appropriation item 350608, Ohioana Library Association, shall be used to pay the rental expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code. 149978
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REGIONAL LIBRARY SYSTEMS 149982

The foregoing appropriation item 350609, Regional Library Systems, shall be used to support regional library systems eligible for funding under sections 3375.83 and 3375.90 of the Revised Code. 149983
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OHIO PUBLIC LIBRARY INFORMATION NETWORK 149987

(A) The foregoing appropriation item 350604, Ohio Public Library Information Network, shall be used for an information telecommunications network linking public libraries in the state and such others as may participate in the Ohio Public Library Information Network (OPLIN). 149988
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The Ohio Public Library Information Network Board of Trustees created under section 3375.65 of the Revised Code may make decisions regarding use of the foregoing appropriation item 350604, Ohio Public Library Information Network. 149993
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(B) The OPLIN Board shall research and assist or advise local libraries with regard to emerging technologies and methods that may be effective means to control access to obscene and illegal materials. The OPLIN Director shall provide written reports upon request within ten days to the Governor, the 149997
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Speaker and Minority Leader of the House of Representatives, and 150002
the President and Minority Leader of the Senate on any steps 150003
being taken by OPLIN and public libraries in the state to limit 150004
and control such improper usage as well as information on 150005
technological, legal, and law enforcement trends nationally and 150006
internationally affecting this area of public access and 150007
service. 150008

(C) The Ohio Public Library Information Network, INFOhio, 150009
and OhioLINK shall, to the extent feasible, coordinate and 150010
cooperate in their purchase or other acquisition of the use of 150011
electronic databases for their respective users and shall 150012
contribute funds in an equitable manner to such effort. 150013

LIBRARY FOR THE BLIND 150014

The foregoing appropriation item 350605, Library for the 150015
Blind, shall be used for the statewide Talking Book Program to 150016
assist the blind and disabled. 150017

TRANSFER TO OPLIN TECHNOLOGY FUND 150018

Notwithstanding sections 5747.03 and 5747.47 of the 150019
Revised Code and any other provision of law to the contrary, in 150020
accordance with a schedule established by the Director of Budget 150021
and Management, the Director of Budget and Management shall 150022
transfer \$3,689,788 cash in each fiscal year from the Public 150023
Library Fund (Fund 7065) to the OPLIN Technology Fund (Fund 150024
4S40). 150025

TRANSFER TO LIBRARY FOR THE BLIND FUND 150026

Notwithstanding sections 5747.03 and 5747.47 of the 150027
Revised Code and any other provision of law to the contrary, in 150028
accordance with a schedule established by the Director of Budget 150029
and Management, the Director of Budget and Management shall 150030

transfer \$1,274,194 cash in each fiscal year from the Public Library Fund (Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 150031
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TRANSFER TO STATE LIBRARY OPERATING EXPENSES FUND 150034

Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer \$4,527,036 cash in fiscal year 2026 and \$4,527,474 cash in fiscal year 2027 from the Public Library Fund (Fund 7065) to the State Library Operating Expenses Fund (Fund 5CZ1), which is hereby created in the state treasury. 150035
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TRANSFER TO THE OHIOANA LIBRARY ASSOCIATION FUND 150043

Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer \$310,516 cash in each fiscal year from the Public Library Fund (Fund 7065) to the Ohioana Library Association Fund (Fund 5CW1), which is hereby created in the state treasury. 150044
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TRANSFER TO REGIONAL LIBRARY SYSTEMS FUND 150051

Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer \$494,000 cash in each fiscal year from the Public Library Fund (Fund 7065) to the Regional Library Systems Fund (Fund 5CX1), which is hereby created in the state treasury. 150052
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Section 327.10. 150059

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	1	2	3	4	5
A	LCO LIQUOR CONTROL COMMISSION				
B	Dedicated Purpose Fund Group				
C	5LP0	970601	Commission Operating Expenses	\$1,177,114	\$1,241,735
D	Dedicated Purpose Fund Group Total			\$1,177,114	\$1,241,735
E	TOTAL ALL BUDGET FUND GROUPS			\$1,177,114	\$1,241,735

Section 329.10.

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	1	2	3	4	5
A	LOT STATE LOTTERY COMMISSION				
B	State Lottery Fund Group				
C	7044	950321	Operating Expenses	\$70,000,000	\$71,000,000
D	7044	950402	Advertising Contracts	\$30,811,375	\$30,811,375
E	7044	950403	Gaming Contracts	\$123,355,327	\$128,639,066
F	7044	950601	Direct Prize Payments	\$183,030,000	\$183,282,000
G	7044	950605	Responsible Gambling	\$5,000,000	\$5,000,000
H	8710	950602	Annuity Prizes	\$35,637,000	\$34,737,000
I	State Lottery Fund Group Total			\$447,833,702	\$453,469,441

J TOTAL ALL BUDGET FUND GROUPS \$447,833,702 \$453,469,441

Section 329.20. OPERATING EXPENSES 150063

Notwithstanding sections 127.14 and 131.35 of the Revised 150064
Code, the Controlling Board may, at the request of the State 150065
Lottery Commission, authorize expenditures from the State 150066
Lottery Fund in excess of the amount appropriated in each fiscal 150067
year, up to a maximum of 10 per cent of the amount appropriated 150068
that fiscal year in the foregoing appropriation item 950321, 150069
Operating Expenses. Upon the approval of the Controlling Board, 150070
the additional amounts are hereby appropriated. 150071

DIRECT PRIZE PAYMENTS 150072

Any amounts, in addition to the amounts appropriated in 150073
appropriation item 950601, Direct Prize Payments, that the 150074
Director of the State Lottery Commission determines to be 150075
necessary to fund prizes are hereby appropriated. 150076

ANNUITY PRIZES 150077

Upon request of the State Lottery Commission, the Director 150078
of Budget and Management may transfer cash from the State 150079
Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 150080
8710) in an amount sufficient to fund deferred prizes. The 150081
Treasurer of State, from time to time, shall credit the Deferred 150082
Prizes Trust Fund (Fund 8710) the pro rata share of interest 150083
earned by the Treasurer of State on invested balances. 150084

Any amounts, in addition to the amounts appropriated in 150085
appropriation item 950602, Annuity Prizes, that the Director of 150086
the State Lottery Commission determines to be necessary to fund 150087
deferred prizes and interest are hereby appropriated. 150088

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND	150089
Estimated transfers from the State Lottery Fund (Fund 7044) to the Lottery Profits Education Fund (Fund 7017) are to be \$1,465,138,202 in fiscal year 2026 and \$1,471,729,884 in fiscal year 2027. Transfers by the Director of Budget and Management to the Lottery Profits Education Fund shall be administered as the statutes direct.	150090 150091 150092 150093 150094 150095
Section 333.10.	150096 150097

	1	2	3	4	5
A	MCD DEPARTMENT OF MEDICAID				
B	General Revenue Fund				
C	GRF	651425	Medicaid Program Support - State	\$164,527,244	\$158,222,590
D	GRF	651525	Medicaid Health Care Services - Total	\$19,965,971,019	\$20,803,854,551
E			Medicaid Health Care Services - State	\$5,548,774,202	\$5,727,316,637
F			Medicaid Health Care Services - Federal	\$14,417,196,817	\$15,076,537,914
G	GRF	651526	Medicare Part D	\$745,500,073	\$829,099,684
H	General Revenue Fund Total			\$20,875,998,336	\$21,791,176,825
I	Dedicated Purpose Fund Group				

J	4E30	651605	Resident Protection Fund	\$7,000,000	\$7,000,000
K	5AN0	651686	State Directed Payment Program	\$233,410,621	\$233,212,717
L	5DL0	651639	Medicaid Services - Recoveries	\$938,907,575	\$896,537,969
M	5DL0	651685	Medicaid Recoveries - Program Support	\$89,560,719	\$91,388,371
N	5DL0	651690	Multi-system Youth Custody Relinquishment	\$20,000,000	\$20,000,000
O	5FX0	651638	Medicaid Services - Payment Withholding	\$12,000,000	\$12,000,000
P	5GF0	651656	Medicaid Services - Hospital Franchise Fee	\$2,632,211,017	\$3,030,014,270
Q	5R20	651608	Medicaid Services-Long Term	\$451,000,000	\$451,000,000
R	5TN0	651684	Medicaid Services-HIC Fee	\$879,876,850	\$869,039,656
S	6510	651649	Medicaid Services- Hospital Care Assurance Program	\$320,543,800	\$168,455,600
T	Dedicated Purpose Fund Group Total			\$5,584,510,582	\$5,778,648,583
U	Holding Account Fund Group				
V	R055	651644	Refunds and	\$14,001,665	\$14,001,665

for mental health services that promote or affirm social gender 150108
transition, in which an individual goes from identifying with 150109
and living as a gender that corresponds to the individual's 150110
biological sex to identifying with and living as a gender 150111
different from the individual's biological sex. 150112

Section 333.15. MEDICAID IN SCHOOLS PROGRAM 150113

Of the foregoing appropriation items 651425, Medicaid 150114
Program Support - State, and 651624, Medicaid Program Support - 150115
Federal, \$349,925 in each line item in fiscal year 2026 and 150116
\$358,362 in each line item in fiscal year 2027 shall be used by 150117
the Department of Medicaid to support the Medicaid in Schools 150118
Program. 150119

Section 333.30. LODGING FOR FAMILIES 150120

Of the foregoing appropriation item 651525, Medicaid 150121
Health Care Services, \$2,500,000 in each fiscal year shall be 150122
used by the Medicaid Director to work with the Centers for 150123
Medicare and Medicaid Services to continue lodging as an 150124
administrative service affiliated with Ohio children's hospitals 150125
available for families with children who have special health 150126
care needs. 150127

Section 333.40. PERSONAL NEEDS ALLOWANCE SUPPORT 150128

Upon the request of the Medicaid Director, the Director of 150129
Budget and Management may transfer up to \$2,200,000 150130
appropriation in fiscal year 2026 and \$4,400,000 appropriation 150131
in fiscal year 2027 from appropriation item 651525, Medicaid 150132
Health Care Services, to appropriation items in the Department 150133
of Developmental Disabilities. This funding shall be used to 150134
support an increase in the personal needs allowance for 150135
individuals residing in an intermediate care facility for 150136

individuals with intellectual disabilities. The Medicaid 150137
Director may transfer federal funds as the state's single state 150138
agency for Medicaid reimbursements, as drawn for these 150139
transactions. Any amounts transferred are hereby appropriated. 150140

Section 333.50. MEDICARE PART D 150141

The foregoing appropriation item 651526, Medicare Part D, 150142
may be used by the Department of Medicaid for the implementation 150143
and operation of the Medicare Part D requirements contained in 150144
the "Medicare Prescription Drug, Improvement, and Modernization 150145
Act of 2003," Pub. L. No. 108-173, as amended. Upon the request 150146
of the Medicaid Director, the Director of Budget and Management 150147
may transfer the state share of appropriations between 150148
appropriation item 651525, Medicaid Health Care Services, and 150149
appropriation item 651526, Medicare Part D. If the state share 150150
of appropriation item 651525, Medicaid Health Care Services, is 150151
adjusted, the Director of Budget and Management shall adjust the 150152
federal share accordingly. The Department of Medicaid shall 150153
provide notification to the Controlling Board of any transfers 150154
at the next scheduled Controlling Board meeting. 150155

Section 333.70. WORK COMMUNITY ENGAGEMENT PROGRAM - COUNTY 150156
COSTS 150157

Upon the request of the Medicaid Director, the Director of 150158
Budget and Management may transfer state share appropriations in 150159
each fiscal year between appropriation item 651525, Medicaid 150160
Health Care Services, within the Department of Medicaid, and 150161
655522, Medicaid Program Support - Local, within the Department 150162
of Job and Family Services. If such a transfer occurs, the 150163
Director of Budget and Management shall adjust, using the 150164
federal reimbursement rate, the federal share appropriations of 150165
appropriation item 651525, Medicaid Health Care Services, within 150166

the Department of Medicaid, and appropriation item 655624, 150167
Medicaid Program Support - Federal, within the Department of Job 150168
and Family Services. Any increase in funding shall be provided 150169
to county departments of job and family services and shall only 150170
be used for costs related to processing cases for work 150171
requirements for the expansion eligibility group that are 150172
established under the medicaid waiver component required under 150173
section 5166.37 of the Revised Code, and as prescribed by the 150174
Medicaid Director. These funds shall not be used for existing 150175
and ongoing operating expenses. The Medicaid Director shall 150176
establish criteria for distributing these funds and for county 150177
departments of job and family services to submit allowable 150178
expenses. 150179

Section 333.80. DEPOSITS TO THE HEALTH CARE/MEDICAID 150180
SUPPORT AND RECOVERIES FUND FOR PROGRAM SUPPORT 150181

Of the amount received by the Department of Medicaid 150182
during fiscal year 2026 and fiscal year 2027 from the 150183
intergovernmental transfers paid under any directed payment 150184
program as authorized under 42 CFR 438.6(c), the Medicaid 150185
Director shall deposit a portion of the payments into the state 150186
treasury to the credit of the Health Care/Medicaid Support and 150187
Recoveries Fund (Fund 5DL0). The Director of Budget and 150188
Management may adjust appropriations in line item 651685, 150189
Medicaid Recoveries - Program Support, along with the 150190
corresponding federal share in line item 651624, Medicaid 150191
Program Support - Federal, based on the amount of the deposits 150192
to Fund 5DL0 made under this section. Any adjusted amounts are 150193
hereby appropriated. 150194

Section 333.85. DEPOSITS TO THE STATE DIRECTED PAYMENT 150195
PROGRAM FUND 150196

(A) Transfers made for the Hospital Directed Payment 150197
Program or a state directed payment program authorized by the 150198
Joint Medicaid Oversight Committee under section 5162.25 of the 150199
Revised Code shall be deposited into the State Directed Payment 150200
Program Fund (Fund 5AN0). The state share of the program shall 150201
be derived from deposits attributable to the intergovernmental 150202
transfers received for the Hospital Directed Payment Program, 150203
and the corresponding federal share in appropriation item 150204
651623, Medicaid Services - Federal, shall be used for the 150205
Hospital Directed Payment Program. Except for deposits under 150206
Section 333.80 of this act, the Director of Budget and 150207
Management may transfer any remaining cash in Fund 5DL0 at the 150208
end of the fiscal year 2025 attributable to the Hospital 150209
Directed Payment Program to Fund 5AN0 to the credit of the 150210
Hospital Directed Payment Program. 150211

(B) If the Medicaid Director determines additional amounts 150212
are needed to support any authorized State Directed Payment 150213
Programs, the Director may certify the amount to the Director of 150214
Budget and Management. The Director of Budget and Management 150215
shall increase appropriation item 651686, State Directed Payment 150216
Program, subject to division (C) of this section, as well as 150217
adjusting corresponding federal share in appropriation item 150218
651623, Medicaid Services - Federal. Any adjusted amounts are 150219
hereby appropriated. 150220

(C) During fiscal year 2026, the Director of Budget and 150221
Management shall not increase appropriations in appropriation 150222
item 651686, State Directed Payment Program, beyond 150223
\$300,000,000, unless such increases are approved by the 150224
Controlling Board. 150225

During fiscal year 2027, the Director of Budget and 150226

Management shall not increase appropriations in appropriation 150227
item 651686, State Directed Payment Program, beyond 150228
\$850,000,000, unless such increases are approved by the 150229
Controlling Board. 150230

(D) The Medicaid Director shall terminate the Hospital 150231
Directed Payment Program if funds deposited are insufficient to 150232
operate the program. 150233

Section 333.90. DEPOSITS TO THE HEALTH CARE/MEDICAID 150234
SUPPORT AND RECOVERIES FUND 150235

Of the amount received by the Department of Medicaid 150236
during fiscal year 2026 and fiscal year 2027 from the first 150237
installment of assessments paid under section 5168.06 of the 150238
Revised Code and intergovernmental transfers made under section 150239
5168.07 of the Revised Code, the Medicaid Director shall deposit 150240
\$2,500,000 cash in each fiscal year into the state treasury to 150241
the credit of the Health Care/Medicaid Support and Recoveries 150242
Fund (Fund 5DL0). 150243

Section 333.100. CASH TRANSFERS FROM THE HEALTH 150244
CARE/MEDICAID SUPPORT AND RECOVERIES FUND TO THE BEHAVIORAL 150245
HEALTH CARE FUND 150246

Upon the request of the Medicaid Director, the Director of 150247
Budget and Management may transfer up to \$2,200,000 cash in each 150248
fiscal year from the Health Care/Medicaid Support and Recoveries 150249
Fund (Fund 5DL0) to the Behavioral Health Care Fund (Fund 5AU0), 150250
used by the Department of Behavioral Health. Any transferred 150251
funds shall be used to support Centers of Excellence and related 150252
activities. Any transferred amounts are hereby appropriated. 150253

Section 333.110. HOSPITAL FRANCHISE FEE PROGRAM 150254

The Director of Budget and Management may authorize 150255

additional expenditures from appropriation item 651623, Medicaid 150256
Services - Federal, appropriation item 651525, Medicaid Health 150257
Care Services, and appropriation item 651656, Medicaid Services 150258
- Hospital Franchise Fee, in order to implement the programs 150259
authorized by sections 5168.20 through 5168.28 of the Revised 150260
Code. Any amounts authorized are hereby appropriated. 150261

Section 333.120. HEALTH INSURING CORPORATION CLASS 150262
FRANCHISE FEE 150263

If receipts credited to the Health Insuring Corporation 150264
Class Franchise Fee Fund (Fund 5TN0) exceed the amounts 150265
appropriated from the fund, the Medicaid Director may request 150266
the Director of Budget and Management to authorize expenditures 150267
from the fund in excess of the amounts appropriated. If any 150268
additional amounts are authorized, the Director of Budget and 150269
Management shall adjust, using the federal reimbursement rate, 150270
the federal appropriation item identified by the Medicaid 150271
Director accordingly. Any authorized amounts and any 150272
corresponding federal adjustments are hereby appropriated. 150273

Section 333.130. HOSPITAL CARE ASSURANCE MATCH 150274

If receipts credited to the Health Care Federal Fund (Fund 150275
3F00) exceed the amounts appropriated from the fund for making 150276
the hospital care assurance program distribution, the Medicaid 150277
Director may request the Director of Budget and Management to 150278
authorize expenditures from the fund in excess of the amounts 150279
appropriated. Upon the approval of the Director of Budget and 150280
Management, the additional amounts are hereby appropriated. 150281

The foregoing appropriation item 651649, Medicaid Services 150282
- Health Care Assurance Program, shall be used by the Department 150283
of Medicaid for distributing the state share of all hospital 150284

care assurance program funds to hospitals under section 5168.09 150285
of the Revised Code. If receipts credited to the Hospital Care 150286
Assurance Program Fund (Fund 6510) exceed the amounts 150287
appropriated from the fund for making the hospital care 150288
assurance program distribution, the Medicaid Director may 150289
request the Director of Budget and Management to authorize 150290
expenditures from the fund in excess of the amounts 150291
appropriated. Upon the approval of the Director of Budget and 150292
Management, the additional amounts are hereby appropriated. 150293

Section 333.140. HOSPITAL ADDITIONAL PAYMENTS PROGRAM 150294

The Hospital Additional Payment Program is created. The 150295
program shall be a state directed payment program for inpatient 150296
and outpatient hospital services provided to Medicaid care 150297
management system enrollees receiving care at in-state 150298
hospitals. Participating hospitals or hospital industry 150299
representatives shall work collaboratively with the Department 150300
of Medicaid to establish quality improvement initiatives that 150301
are approved by the Medicaid Director and that align with and 150302
advance the goals of the Department of Medicaid's quality 150303
strategy required under 42. C.F.R. 438.340. Participating 150304
hospitals shall receive payments directly for services provided 150305
under the program. 150306

The non-federal share of services under the program shall 150307
be funded through the hospital franchise fee. Hospital franchise 150308
fees made for this program shall be deposited into the Medicaid 150309
Hospital Fund (Fund 5GF0). The state share of this program shall 150310
be derived from deposits attributable to the incremental 150311
franchise fee for the program, and the corresponding federal 150312
share in appropriation item 651623, Medicaid Services - Federal, 150313
shall be used for the HAP Program. The Medicaid Director shall 150314

seek approval from the Centers for Medicare and Medicaid 150315
Services for the program in accordance with section 5162.07 of 150316
the Revised Code. 150317

Section 333.150. REFUNDS AND RECONCILIATION FUND 150318

If estimated receipts to the Refunds and Reconciliation 150319
Fund (Fund R055) exceed the amounts appropriated from the fund, 150320
the Medicaid Director may request the Director of Budget and 150321
Management to authorize expenditures from the fund in excess of 150322
the amounts appropriated. Upon approval of the Director of 150323
Budget and Management, the additional amounts are hereby 150324
appropriated. 150325

Section 333.160. NON-EMERGENCY MEDICAL TRANSPORTATION 150326

In order to ensure access to a non-emergency medical 150327
transportation brokerage program established pursuant to section 150328
1902(a) (70) of the "Social Security Act," 42 U.S.C. 1396a(a) 150329
(70), upon the request of the Medicaid Director, the Director of 150330
Budget and Management may transfer the state share 150331
appropriations between General Revenue Fund appropriation item 150332
651525, Medicaid Health Care Services, within the Department of 150333
Medicaid and 655523, Medicaid Program Support - Local 150334
Transportation, within the Department of Job and Family 150335
Services. If such a transfer occurs, the Director of Budget and 150336
Management shall adjust, using the federal reimbursement rate, 150337
the federal share appropriations of appropriation item 651525, 150338
Medicaid Health Care Services, within the Department of 150339
Medicaid, and appropriation item 655624, Medicaid Program 150340
Support - Federal, within the Department of Job and Family 150341
Services. The Medicaid Director may transfer federal funds as 150342
the state's single state agency for Medicaid reimbursements, as 150343
drawn for these transactions. Any amounts transferred are hereby 150344

appropriated.	150345
Section 333.200. PUBLIC ASSISTANCE FOR ELIGIBILITY	150346
REDETERMINATIONS	150347
Up to \$5,000,000 in each fiscal year of funds within	150348
appropriation item 655522, Medicaid Program Support - Local, may	150349
be distributed based on performance criteria established by the	150350
Ohio Department of Medicaid. Performance based amounts and	150351
criteria, and criteria for transfer approval may include but are	150352
not limited to timeliness and accuracy of application and	150353
renewal processing.	150354
Section 333.210. CASH TRANSFERS FROM FRANCHISE PERMIT FEE	150355
FUND TO THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF AGING	150356
Upon the request of the Medicaid Director, the Director of	150357
Budget and Management may transfer up to \$5,000,000 cash in each	150358
fiscal year from the Nursing Home Franchise Fee Fund (Fund 5R20)	150359
to the Quality, Monitoring, and Inspection Fund (Fund 5B50) used	150360
by the Department of Health. Also, upon the request of the	150361
Medicaid Director, the Director of Budget and Management may	150362
transfer up to \$9,300,000 cash in each fiscal year from the	150363
Nursing Home Franchise Fee Fund (Fund 5R20) to the Ombudsman	150364
Support Fund (Fund 5BA0), used by the Department of Aging. All	150365
transferred funds shall be utilized in accordance with section	150366
5168.54 of the Revised Code. At the end of each fiscal year, the	150367
Department of Health and the Department of Aging shall report on	150368
spending activities to the Office of Budget and Management.	150369
Section 333.230. MEDICAID INTERAGENCY PASS-THROUGH	150370
The Medicaid Director may request the Director of Budget	150371
and Management to increase appropriation item 651655, Medicaid	150372
Interagency Pass-Through. Upon the approval of the Director of	150373

Budget and Management, the additional amounts are hereby 150374
appropriated. 150375

Section 333.240. MEDICAID SERVICES RECOVERIES 150376

The Medicaid Director may request the Director of Budget 150377
and Management to increase appropriation item 651639, Medicaid 150378
Services Recoveries. Upon the approval of the Director of Budget 150379
and Management, the additional amounts are hereby appropriated. 150380

Section 333.250. MYCARE OHIO EXPANSION 150381

(A) As required by H.B. 33 of the 135th General Assembly, 150382
the Medicaid Director shall continue, during fiscal years 2026 150383
and 2027, to expand the Integrated Care Delivery System, as that 150384
phrase is defined in section 5164.01 of the Revised Code, or if 150385
the Director terminates the Integrated Care Delivery System, the 150386
successor program developed by the Director and approved by the 150387
United States Centers for Medicare and Medicaid Services, to all 150388
counties of this state. 150389

(B) The entities selected for the expanded Integrated Care 150390
Delivery System shall be selected by the Department. 150391

(C) The Department shall establish requirements for care 150392
management and coordination of waiver services in the expanded 150393
Integrated Care Delivery System, subject to all of the 150394
following: 150395

(1) The entities selected pursuant to division (B) of this 150396
section shall employ the applicable area agency on aging to be 150397
coordinators of home and community-based services available 150398
under a Medicaid waiver component available for eligible 150399
individuals over the age of fifty-nine; 150400

(2) The entities may delegate to the applicable area 150401

agency on aging full care coordination function for home and 150402
community-based services and other health care services received 150403
by those eligible individuals; 150404

(3) Individuals enrolled in an entity's plan or plans may 150405
choose the entity or its designee as the care coordinator as an 150406
alternative to the area agency on aging; 150407

(4) The Department may specify an alternative approach to 150408
care management and coordination of waiver services if the 150409
performance of the area agency on aging does not meet the 150410
requirements of the Integrated Care Delivery System or if the 150411
Department determines that the needs of a defined group of 150412
individuals requires an alternative approach. 150413

Section 333.260. INCREASING CHILDREN'S ACCESS TO VISION 150414
AND DENTAL SERVICES 150415

Upon the request of the Medicaid Director, the Director of 150416
Budget and Management may transfer up to \$4,660,000 in 150417
appropriations in fiscal year 2026 and \$4,295,000 in 150418
appropriations in fiscal year 2027 from appropriation item 150419
651525, Medicaid Health Care Services, to appropriation items in 150420
the Department of Health. This funding shall be used to support 150421
public health programs or the provision of certain services, 150422
including preventive care and other interventions, to improve 150423
the health of low-income children. 150424

Of the transferred funds, up to \$2,660,000 in fiscal year 150425
2026 and \$2,295,000 in fiscal year 2027 shall be used to 150426
increase children's access to vision care, and up to \$2,000,000 150427
in each fiscal year shall be used to increase children's access 150428
to dental care. The Director of Medicaid may transfer federal 150429
funds as the state's single state agency for Medicaid 150430

reimbursements, as drawn for these transactions. Any transferred 150431
amounts are hereby appropriated. 150432

Section 333.263. MEDICAID ADD-ON PAYMENT FOR NURSING 150433
FACILITY DIALYSIS SERVICES 150434

For fiscal year 2026 and fiscal year 2027, the Department 150435
of Medicaid shall pay a rate add-on of one hundred ten dollars 150436
per treatment for dialysis services provided in a nursing 150437
facility, as defined in section 5165.01 of the Revised Code, to 150438
a resident enrolled in the Medicaid program. 150439

Section 333.270. HCBS DIRECT CARE WORKER WAGES 150440

The Department of Medicaid, jointly, with the Department 150441
of Aging and the Department of Developmental Disabilities, shall 150442
collect data from providers regarding the wages paid to direct 150443
care workers providing direct care services under the Medicaid 150444
home and community-based waiver components administered by those 150445
agencies. Not later than the last day in December of each fiscal 150446
year of the biennium, the Department of Medicaid shall compile a 150447
report and submit the report to the Governor, the President and 150448
Minority Leader of the Senate, the Speaker and Minority Leader 150449
of the House of Representatives, and the chairperson of the 150450
standing committees handling Medicaid matters in both the House 150451
of Representatives and the Senate. 150452

Section 333.280. GRADUAL IMPLEMENTATION OF PDPM TO 150453
CALCULATE NURSING FACILITY DIRECT CARE RATES 150454

(A) For the period beginning July 1, 2025, and ending 150455
December 31, 2025, the Department of Medicaid shall determine 150456
each nursing facility's per medicaid day payment rate for direct 150457
care costs by multiplying the cost per case-mix unit determined 150458
under division (C) of section 5165.19 of the Revised Code for 150459

the facility's peer group by the following case-mix score: 150460

(1) If the facility's case-mix score during fiscal year 150461
2025 is the case-mix score specified in division (A) (2) (b) of 150462
section 5165.19 of the Revised Code, that case-mix score; 150463

(2) If the facility's case-mix score during fiscal year 150464
2025 is the semiannual case-mix score determined for the 150465
facility under division (A) (1) of section 5165.19 of the Revised 150466
Code, the semiannual case-mix score determined under that 150467
division for the semiannual period beginning July 1, 2025. 150468
Beginning January 1, 2026, the increase or decrease in a nursing 150469
facility's direct care rate shall be one-third of the difference 150470
between the direct care rate on January 1, 2025, and the direct 150471
care rate determined utilizing case mix scores calculated in 150472
accordance with section 5165.192 of the Revised Code. 150473

In fiscal year 2027, the increase or decrease to a nursing 150474
facility's direct care rate shall be two-thirds of the 150475
difference between the direct care rate on January 1, 2025, and 150476
the direct care rate determined utilizing case mix scores 150477
calculated in accordance with section 5165.192 of the Revised 150478
Code. Thereafter, a nursing facility's direct care rate shall be 150479
determined utilizing case mix scores calculated in accordance 150480
with section 5165.192 of the Revised Code. 150481

(B) Beginning October 1, 2025, quarterly during fiscal 150482
year 2026 and fiscal year 2027, the Department of Medicaid shall 150483
report to the General Assembly on the progress of its transition 150484
to using the patient driven patient model to calculate nursing 150485
facility per Medicaid day payment rates. The report shall cover 150486
the progress during the previous quarter. The report shall be 150487
submitted to the chairperson and the ranking member of the 150488
standing committees in both the House of Representatives and in 150489

the Senate overseeing Medicaid matters.	150490
(C) The implementation of this section for nursing facility direct care costs and per Medicaid day payment rates is intended to be budget neutral during fiscal years 2026 and 2027 and to not increase nursing facility payment rates during the fiscal biennium.	150491 150492 150493 150494 150495
Section 333.290. RURAL OHIO HOSPITAL TAX PILOT PROGRAM	150496
(A) As used in this section:	150497
(1) "Critical access hospital" means a hospital located in a county that has a hospital tax assessment and is certified as a critical access hospital by the United States Centers for Medicare and Medicaid Services and designated as a critical access hospital by the department of health pursuant to section 3701.073 of the Revised Code.	150498 150499 150500 150501 150502 150503
(2) "Hospital tax assessment" means an assessment imposed under Section 333.300 of this act to fund the nonfederal share of the Rural Ohio Hospital Tax Pilot Program.	150504 150505 150506
(3) "Preprint" means a form created by the United States Centers for Medicare and Medicaid Services to request approval of a state directed payment program as required under 42 C.F.R. 438.6(c).	150507 150508 150509 150510
(4) "Rural hospital" means a hospital located in a county that has a hospital tax assessment and is not classified into core based statistical areas as designated in the inpatient prospective payment system case-mix and wage index table published by the United States Centers for Medicare and Medicaid Services. "Rural hospital" includes any hospital located in the following counties: Fayette, Greene, Highland, Hocking, Muskingum, Perry, Pike, Ross, Scioto, or Washington.	150511 150512 150513 150514 150515 150516 150517 150518

(B) The Rural Ohio Hospital Tax Pilot Program Fund (Fund 150519
5CM1) is created. Investment earnings of the Rural Ohio Hospital 150520
Tax Pilot Program Fund shall be credited to the fund. 150521

(C) The Medicaid Director may create a Rural Ohio Hospital 150522
Tax Pilot Program for directed payments to rural Ohio hospitals, 150523
and their related health systems, that meet the following 150524
criteria: 150525

(1) The hospital is a rural hospital or a critical access 150526
hospital. 150527

(2) The hospital is enrolled as a provider in the Medicaid 150528
program. 150529

(D) The Rural Ohio Hospital Tax Pilot Program established 150530
pursuant to this section shall comply with the requirements of 150531
42 C.F.R. 438.6(c), including all of the following: 150532

(1) The program shall be approved by the United States 150533
Centers for Medicare and Medicaid Services, and the Medicaid 150534
Director shall seek approval for the program in accordance with 150535
section 5162.07 of the Revised Code. 150536

(2) Directed payments under the program shall not exceed 150537
the average commercial rate under a preprint as approved by the 150538
United States Centers for Medicare and Medicaid Services. 150539

(3) The program shall be subject to an evaluation plan, in 150540
accordance with 42 C.F.R. 438.6(c)(2)(ii)(D). 150541

(E) Hospital providers participating in the Rural Ohio 150542
Hospital Tax Pilot Program shall do all of the following: 150543

(1) Enter into one or more contracts related to the 150544
program as necessary, as determined by the Department of 150545
Medicaid; 150546

(2) Comply with average commercial rate reporting 150547
requirements established by the Department, related to the 150548
requirements set forth in 42 C.F.R. 438.6(c) (2) (iii); 150549

(3) Comply with the Department's quality measure set, 150550
including the metrics and targets set by the Department to 150551
advance the goals and objectives in the Department's quality 150552
strategy, as specified in 42 C.F.R. 438.6(c) (2) (ii) (C) and 42 150553
C.F.R. 438.340; 150554

(4) Cooperate with any evaluation or reporting 150555
requirements established by the Department related to the 150556
requirements set forth in 42 C.F.R. 438.6(c) (2) (ii) (D) and (F). 150557

(F) Any hospital provider contracts required under 150558
division (E) (1) of this section shall be executed not later than 150559
the first day of October preceding the first fiscal year of a 150560
biennium. A contract required under this section may be entered 150561
into in accordance with section 5162.32 of the Revised Code. 150562

(G) All funds supporting the Rural Ohio Tax Pilot Program 150563
shall comply with the requirements specified in 42 C.F.R. Part 150564
433. No hospital provider may participate in the Rural Ohio 150565
Hospital Tax Pilot Program unless sufficient tax funds are 150566
assessed, collected, obligated, and appropriated. 150567

(H) The Director may terminate or decline to establish the 150568
Rural Ohio Hospital Tax Pilot Program if federal or local tax 150569
funding is not available or sufficient to sustain the program. 150570
The Department shall not at any time be required to provide 150571
funding for the Rural Ohio Hospital Tax Pilot Program. The 150572
requirements of this section apply only as long as the United 150573
States Centers for Medicare and Medicaid Services determines 150574
that the assessment imposed under Section 333.300 of this act is 150575

a permissible health care-related tax pursuant to the "Social Security Act," section 1903(w), 42 U.S.C. 1396b(w). If the Department is informed that the assessment is an impermissible health care related tax, the Department shall promptly refund to each hospital the amount of money currently in the Rural Ohio Hospital Tax Pilot Program Fund (Fund 5CM1) that has been paid by the hospital under Section 333.300 of this act, plus any investment earnings on that amount.

(I) The nonfederal share of the directed payments shall be funded exclusively by a hospital tax assessment pursuant to Section 333.300 of this act and must be remitted to the Department through intergovernmental transfer from a county or multi-county funding district, as specified in that section.

(J) Transfers made for the program shall be deposited into the Rural Ohio Hospital Tax Pilot Program Fund (Fund 5CM1). The state share of this program shall be derived from deposits attributable to the intergovernmental transfers received for the Rural Ohio Hospital Tax Pilot Program, and the corresponding federal share in appropriation item 651623, Medicaid Services - Federal, shall be used for the Rural Ohio Hospital Tax Pilot Program.

Section 333.300. RURAL OHIO HOSPITAL PILOT PROGRAM ASSESSMENTS

(A) (1) As used in this section, "county" means a county that contains a rural hospital or critical access hospital as defined in Section 333.290 of this act.

(2) For purposes of this section, one or more contiguous counties may create a multi-county funding district. Only counties with two or fewer rural hospitals may participate in a

multi-county funding district. The boundary of any multi-county 150605
funding district shall be coextensive with the combined 150606
boundaries of the counties contained in the multi-county funding 150607
district. 150608

(B) In establishing a multi-county funding district, all 150609
of the following apply: 150610

(1) A multi-county funding district is a governmental 150611
entity. 150612

(2) The board of county commissioners of each county 150613
within the boundaries of a proposed multi-county funding 150614
district shall pass a resolution or ordinance establishing the 150615
county's participation in the multi-county funding district and 150616
appointing one county commissioner to serve on the district's 150617
governing board. Upon the adoption of a resolution or ordinance 150618
by each board of county commissioners, the multi-county funding 150619
district is created. Following the creation of a multi-county 150620
funding district, each resolution or ordinance required to 150621
establish the district shall be amended before a new county may 150622
join the district. 150623

(3) The governing board of a multi-county funding district 150624
shall be comprised solely of the county commissioners appointed 150625
by each county within the boundaries of the district. A county 150626
may replace its appointment to the governing board by resolution 150627
or ordinance. 150628

(4) The governing board of a multi-county funding district 150629
shall delegate the operational and administrative burdens of the 150630
districts to the counties that comprise the district. Within 150631
sixty days of the establishment of a multi-county funding 150632
district, the governing board shall designate at least one 150633

county to serve as the operational and administrative lead for 150634
the district. The governing board may change this designation at 150635
any time. 150636

(C) A county or multi-county funding district may 150637
establish a local hospital assessment to provide the nonfederal 150638
share for Medicaid payments under division (G) of Section 150639
333.290 of this act. Any local assessment established under this 150640
section shall comply with all of the requirements applicable to 150641
provider assessments, as specified in 42 U.S.C. 1396b(w) and 42 150642
C.F.R. 433.68. 150643

(1) Each county or multi-county funding district shall set 150644
the annual rate of the local hospital assessment. 150645

(2) An assessment established under this section shall 150646
apply uniformly to all non-public hospitals within the 150647
jurisdiction of the county or multi-county funding district. A 150648
county or multi-county funding district may apply the assessment 150649
to public hospitals. 150650

(3) A county or multi-county funding district shall set 150651
the rate of the assessment such that, in the aggregate, the 150652
assessment will generate sufficient revenue to cover both of the 150653
following: 150654

(a) The nonfederal share of Medicaid payments that benefit 150655
hospitals in the county or multi-county funding district; 150656

(b) The administrative expenses of the county or multi- 150657
county funding district in administering the local hospital 150658
assessment, except that administrative expenses shall not exceed 150659
one hundred fifty thousand dollars annually. 150660

(4) Implementation of an assessment established under this 150661
section shall further the state's evolving quality goals, 150662

including improving mental health, substance abuse prevention, 150663
and advancing maternal health. 150664

(5) A county or multi-county funding district may impose 150665
penalties upon a hospital that is subject to an assessment that 150666
fails to pay the assessment in a timely manner. 150667

Section 333.360. GROUP VIII TRANSITION PLAN 150668

As used in this section, "expansion eligibility group" has 150669
the same meaning as in section 5163.01 of the Revised Code. 150670

If, during fiscal year 2026 or fiscal year 2027, the 150671
federal medical assistance percentage for the Medicaid expansion 150672
eligibility group is set below ninety percent, and individuals 150673
enrolled in Medicaid on the basis of being enrolled in the 150674
expansion eligibility group are no longer eligible to be 150675
enrolled in the Medicaid program in accordance with section 150676
5163.04 of the Revised Code, the Department of Medicaid shall 150677
implement a phased transition plan to assist those individuals 150678
by redirecting them to private insurance subsidies or charity 150679
care programs that provide medical assistance. 150680

Section 335.10. 150681

150682

	1	2	3	4	5
A			MED STATE MEDICAL BOARD		
B			Dedicated Purpose Fund Group		
C	5C60	883609	Operating Expenses	\$14,315,005	\$14,891,225
D			Dedicated Purpose Fund Group Total	\$14,315,005	\$14,891,225

E TOTAL ALL BUDGET FUND GROUPS \$14,315,005 \$14,891,225

Section 337.10.

150683

150684

1 2 3 4 5

A MHA DEPARTMENT OF BEHAVIORAL HEALTH

B General Revenue Fund

C GRF 336321 Program Support and Operations \$56,671,000 \$56,671,000

D GRF 336402 Resident Trainees \$380,000 \$380,000

E GRF 336406 Prevention and Wellness \$5,500,000 \$5,500,000

F GRF 336407 Crisis Services and Stablization \$17,000,000 \$22,000,000

G GRF 336412 Hospital Services \$326,500,000 \$335,000,000

H GRF 336415 Mental Health Facilities Lease Rental Bond Payments \$27,500,000 \$24,200,000

I GRF 336421 Continuum of Care Services \$103,830,000 \$103,830,000

J GRF 336422 Criminal Justice Services \$28,500,000 \$28,500,000

K GRF 336425 Specialized Docket Support \$11,282,469 \$11,287,028

L	GRF	336504	Community Innovations	\$8,375,000	\$8,375,000
M	GRF	336510	Residential State Supplement	\$24,000,000	\$24,000,000
N	GRF	336516	Appalachian Children Coalition	\$2,500,000	\$2,500,000
O	GRF	336519	Community Projects	\$3,800,000	\$3,750,000
P	GRF	336522	9-8-8 Suicide Crisis	\$23,000,000	\$20,500,000
Q	GRF	652321	Medicaid Support	\$478,055	\$492,396
R			General Revenue Fund Total	\$639,316,524	\$646,985,424
S			Dedicated Purpose Fund Group		
T	4750	336623	Statewide Treatment and Prevention	\$24,000,000	\$24,000,000
U	4850	336632	Mental Health Operating	\$19,000,000	\$24,200,000
V	5AU0	336615	Behavioral Health Care	\$11,000,000	\$11,000,000
W	5JL0	336629	Problem Gambling and Casino Addiction	\$9,000,000	\$7,750,000
X	5T90	336641	Problem Gambling Services	\$3,200,000	\$3,200,000
Y	5TZ0	336669	State of Ohio Action Resiliency Network	\$7,500,000	\$0
Z	5VV0	336645	Transcranial Magnetic Stimulation Program	\$5,000,000	\$5,000,000

AA 6320 336616	Community Capital Replacement	\$350,000	\$350,000
AB 6890 336640	Education and Conferences	\$200,000	\$200,000
AC	Dedicated Purpose Fund Group Total	\$79,250,000	\$75,700,000
AD	Internal Service Activity Fund Group		
AE 1490 336609	Hospital Operating Expenses	\$16,000,000	\$16,000,000
AF 1490 336610	Operating Expenses	\$7,350,000	\$7,350,000
AG 1510 336601	Ohio Pharmacy Services	\$124,937,150	\$146,503,708
AH 4P90 336604	Community Mental Health Projects	\$250,000	\$250,000
AI	Internal Service Activity Fund Group Total	\$148,537,150	\$170,103,708
AJ	Federal Fund Group		
AK 3240 336605	Medicaid/Medicare	\$18,000,000	\$18,000,000
AL 3A70 336612	Social Services Block Grant	\$8,500,000	\$8,500,000
AM 3A80 336613	Federal Grants	\$8,600,000	\$8,600,000
AN 3A90 336614	Mental Health Block Grant	\$52,000,000	\$46,000,000
AO 3B10 652636	Community Medicaid Legacy Support	\$1,600,000	\$1,600,000

AP 3G40 336618	Substance Abuse Block Grant	\$87,000,000	\$86,000,000
AQ 3H80 336606	Demonstration Grants	\$16,000,000	\$16,000,000
AR 3HB1 336644	State Opioid Response	\$170,000,000	\$170,000,000
AS 3N80 336639	Administrative Reimbursement	\$1,000,000	\$1,000,000
AT	Federal Fund Group Total	\$362,700,000	\$355,700,000
AU	TOTAL ALL BUDGET FUND GROUPS	\$1,229,803,674	\$1,248,489,132

Section 337.20. STATE BLOCK GRANTS 150685

(A) As used in this section: 150686

(1) "Drug used in withdrawal management or detoxification" 150687
means a drug approved by the United States Food and Drug 150688
Administration for use in, or a drug in standard use for, 150689
mitigating alcohol or opioid withdrawal symptoms or assisting 150690
with detoxification. 150691

(2) "Jail" has the same meaning as in section 2929.01 of 150692
the Revised Code. 150693

(3) "Medication-assisted treatment" has the same meaning 150694
as in section 340.01 of the Revised Code. 150695

(4) "Medication-assisted treatment drug court program" 150696
means a session of any of the following that holds initial or 150697
final certification from the Supreme Court of Ohio as a 150698
specialized docket program for drugs and that uses medication- 150699
assisted treatment as part of its specialized docket program: a 150700
common pleas court, municipal court, or county court, or a 150701

division of any of those courts. 150702

(5) "Alcohol and drug addiction services," "mental health 150703
services," "recovery housing residence," and "recovery supports" 150704
have the same meanings as in section 5119.01 of the Revised 150705
Code. 150706

(B) In fiscal years 2026 and 2027, the Department of 150707
Behavioral Health may allocate General Revenue Funds described 150708
in this section, as well as any other General Revenue Funds and 150709
Dedicated Purpose Funds determined by the Department, to boards 150710
of alcohol, drug addiction, and mental health services through 150711
state block grants. These state block grants shall serve to 150712
provide flexibility within established allowable uses for the 150713
boards to disburse funds to behavioral health providers to 150714
provide harm reduction, prevention, substance use disorder 150715
treatment, mental health treatment, recovery supports, and 150716
crisis services in local communities. The Director of Behavioral 150717
Health shall adopt guidelines on the eligible uses of these 150718
block grants. 150719

(C) The Director of Behavioral Health shall create a 150720
uniform reporting structure related to the expenditures, uses, 150721
and outcomes of the state block grants described in this 150722
section, including how expenditures, uses, and outcomes relate 150723
to the community addiction and mental health plans that boards 150724
of alcohol, drug addiction, and mental health services are 150725
required to submit to the Department in accordance with section 150726
340.03 of the Revised Code. The reporting structure shall ensure 150727
that thorough and accurate data is reported with a focus on 150728
transparency, accountability, process improvement, outcomes, and 150729
return on investment. Data points to be collected include, but 150730
are not limited to: 150731

(1) The type of service provided and number of individuals served;	150732 150733
(2) The amount spent for each state block grant broken down by primary, secondary, tertiary, and targeted expenditures;	150734 150735
(3) Data regarding provider determination and monitoring activities;	150736 150737
(4) Key performance indicators and outcomes achieved.	150738
This data shall be made available in accordance with state of Ohio data governance best practices and federal and state security and privacy laws, regulations, and standards.	150739 150740 150741
(D) The Department of Behavioral Health shall disburse the state block grant funds to boards of alcohol, drug addiction, and mental health services in accordance with distribution methodologies determined by the Director of Behavioral Health. In determining the methodologies, the Director shall consider, at a minimum, all of the following factors: population indicators, poverty rates, health workforce shortage statistics, relevant emerging behavioral health trends, and the amounts of fiscal year 2025 awards made to each board of alcohol, drug addiction, and mental health services for related programs that are eligible uses of the state block grant funds.	150742 150743 150744 150745 150746 150747 150748 150749 150750 150751 150752
(E) A portion of the foregoing appropriation item 336406, Prevention and Wellness, shall be used to create a Prevention State Block Grant that boards of alcohol, drug addiction, and mental health services shall use to fund the provision of evidence-based or evidence-informed early intervention, suicide prevention, and other prevention services.	150753 150754 150755 150756 150757 150758
The Director of Behavioral Health shall establish allowable uses for the Prevention State Block Grant that	150759 150760

include, but are not limited to, all of the following:	150761
(1) Prevention across the lifespan;	150762
(2) Suicide prevention across the lifespan;	150763
(3) Early intervention;	150764
(4) Cross-system collaborative effort to address prevention needs in the community.	150765 150766
(F) A portion of the foregoing appropriation item 336407, Crisis Services and Stabilization, shall be used to create a Crisis Services State Block Grant that shall be used by boards of alcohol, drug addiction, and mental health services to fund the provision of crisis services and supports.	150767 150768 150769 150770 150771
The Director of Behavioral Health shall establish allowable uses for the Crisis Services State Block Grant that include, but are not limited to, all of the following:	150772 150773 150774
(1) Substance use and mental health crisis stabilization centers;	150775 150776
(2) Crisis stabilization and crisis prevention services and supports;	150777 150778
(3) Cross-systems collaborative efforts to address crisis services needs in the community.	150779 150780
(G) A portion of the foregoing appropriation item 336421, Continuum of Care Services, shall be used to create a Mental Health State Block Grant that shall be used by boards of alcohol, drug addiction, and mental health services to fund the provision of mental health services and recovery supports.	150781 150782 150783 150784 150785
The Director of Behavioral Health shall establish allowable uses for the Mental Health State Block Grant that	150786 150787

include, but are not limited to, all of the following: 150788

(1) Mental health services, including the treatment of 150789
indigent mentally ill persons subject to court order in 150790
hospitals or inpatient units licensed by the Department of 150791
Behavioral Health under section 5119.33 of the Revised Code; 150792

(2) Cross-system collaborative efforts to serve adults 150793
with serious mental illness who are involved in multiple human 150794
services or criminal justice systems; 150795

(3) Other initiatives designed to address mental health 150796
needs. 150797

(H) A portion of the foregoing appropriation item 336421, 150798
Continuum of Care Services, shall be used to create a Substance 150799
Use Disorder State Block Grant that shall be used by boards of 150800
alcohol, drug addiction, and mental health services to fund the 150801
provision of alcohol and drug addiction services and recovery 150802
supports. 150803

The Director of Behavioral Health shall establish 150804
allowable uses for the Substance Use Disorder State Block Grant 150805
that include, but are not limited to, all of the following: 150806

(1) Initiatives concerning alcohol and drug addiction 150807
services; 150808

(2) Substance use stabilization centers; 150809

(3) Cross-system collaborative efforts to address 150810
substance use disorder needs in the community. 150811

(I) A portion of the foregoing appropriation item 336421, 150812
Continuum of Care Services, shall be used to create a Recovery 150813
Supports State Block Grant that shall be used by boards of 150814
alcohol, drug addiction, and mental health services to fund the 150815

provision of recovery supports. 150816

The Director of Behavioral Health shall establish 150817
allowable uses for the Recovery Supports State Block Grant that 150818
include, but are not limited to, all of the following: 150819

(1) Subsidized support for psychotropic and substance use 150820
disorder treatment medication needs of indigent citizens in the 150821
community to reduce unnecessary hospitalization due to lack of 150822
medication; 150823

(2) Peer support; 150824

(3) Operational expenses and minor facility improvements 150825
to class two and class three residential facilities licensed 150826
under section 5119.34 of the Revised Code and recovery housing 150827
residences; 150828

(4) Community reintegration supports; 150829

(5) Cross-system collaborative efforts to address recovery 150830
support needs in the community. 150831

(J) A portion of the foregoing appropriation item 336422, 150832
Criminal Justice Services, shall be used to create a Criminal 150833
Justice State Block Grant that shall be used by boards of 150834
alcohol, drug addiction, and mental health services to fund the 150835
provision of services and supports to incarcerated individuals 150836
and individuals being discharged from prisons and jails. 150837

The Director of Behavioral Health shall establish 150838
allowable uses for the Criminal Justice State Block Grant that 150839
include, but are not limited to, all of the following: 150840

(1) Medication-assisted treatment and treatment involving 150841
drugs used in withdrawal management or detoxification; 150842

(2) Community reintegration supports;	150843
(3) Substance use disorder treatment and mental health treatment, including the provision of such treatment as an alternative to incarceration, as well as recovery supports;	150844 150845 150846
(4) Forensic monitoring and tracking of individuals on conditional release;	150847 150848
(5) Forensic and crisis response training;	150849
(6) Projects that assist courts and law enforcement in identifying and developing appropriate alternative services to incarceration for nonviolent offenders with mental illness;	150850 150851 150852
(7) The provision of services to incarcerated individuals in jails with a substance use disorder, severe mental illness, or both, including screening and clinically appropriate treatment;	150853 150854 150855 150856
(8) Linkages to, and the provision of, substance use disorder treatment, mental health treatment, recovery supports, and specialized re-entry services for incarcerated individuals leaving prisons and jails;	150857 150858 150859 150860
(9) The support of specialized dockets, including the expansion of existing medication-assisted treatment drug court programs, the creation of new medication-assisted treatment drug court programs, and assistance with the administrative expenses of participating courts, community addiction services providers, and community mental health services providers;	150861 150862 150863 150864 150865 150866
(10) Cross-system collaborative efforts to address the needs of individuals involved in the criminal justice system.	150867 150868
Section 337.30. PREVENTION AND WELLNESS	150869

The foregoing appropriation item 336406, Prevention and Wellness, shall be used as follows: 150870
150871

(A) Up to \$3,000,000 in each fiscal year shall be allocated to boards of alcohol, drug addiction, and mental health services through the Prevention State Block Grant established in division (E) of Section 337.20 of this act. 150872
150873
150874
150875

(B) Up to \$2,500,000 in each fiscal year shall be used to support suicide prevention efforts. 150876
150877

Section 337.50. HOSPITAL SERVICES 150878

The foregoing appropriation item 336412, Hospital Services, may be used for any of the following purposes: 150879
150880

(A) Supporting all operations related to the hospitals established, controlled, or supervised by the Department of Behavioral Health under Chapter 5119. of the Revised Code; 150881
150882
150883

(B) Supporting physical environments that are designed for patients to receive assessment, evaluation, and stabilization interventions within general hospitals; 150884
150885
150886

(C) Providing jails and associated health care providers with access to telehealth consultations with psychiatric specialists, such as psychiatrists and psychiatric nurse practitioners. 150887
150888
150889
150890

Section 337.60. MENTAL HEALTH FACILITIES LEASE RENTAL BOND PAYMENTS 150891
150892

The foregoing appropriation item 336415, Mental Health Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2025, through June 30, 2027, by the Department of Behavioral Health pursuant to leases and agreements made under section 154.20 of the Revised Code. 150893
150894
150895
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150897

These appropriations are the source of funds pledged for bond 150898
service charges on obligations issued pursuant to Chapter 154. 150899
of the Revised Code. 150900

Section 337.70. CONTINUUM OF CARE SERVICES 150901

The foregoing appropriation item 336421, Continuum of Care 150902
Services, shall be used as follows: 150903

(A) Up to \$69,500,000 in each fiscal year shall be 150904
allocated to boards of alcohol, drug addiction, and mental 150905
health services through the Mental Health State Block Grant 150906
established in division (G) of Section 337.20 of this act; 150907

(B) Up to \$9,500,000 in each fiscal year shall be 150908
allocated to boards of alcohol, drug addiction, and mental 150909
health services through the Substance Use Disorder State Block 150910
Grant established in division (H) of Section 337.20 of this act; 150911

(C) Up to \$19,500,000 in each fiscal year shall be 150912
allocated to boards of alcohol, drug addiction, and mental 150913
health services through the Recovery Supports State Block Grant 150914
established in division (I) of Section 337.20 of this act; 150915

(D) Up to \$4,000,000 in each fiscal year shall be used to 150916
expand statewide access to rapid mobile response and 150917
stabilization services provided to youth experiencing an 150918
emotional or behavioral health crisis and their families; 150919

(E) Up to \$455,000 in each fiscal year shall be used to 150920
implement sections 5119.39 to 5119.397 of the Revised Code; 150921

(F) Up to \$400,000 in each fiscal year shall be used to 150922
provide funding for community projects across the state that 150923
focus on support for families, assisting families in avoiding 150924
crisis, and crisis intervention; 150925

(G) \$225,000 in each fiscal year shall be allocated to 150926
LifeTown Columbus to provide additional support for facility 150927
renovations and operations, including professional development, 150928
curriculum development, education materials, equipment, 150929
marketing, and recruitment; and 150930

(H) \$250,000 in each fiscal year shall be allocated to 150931
Flying Horse Farms. 150932

Section 337.80. CRIMINAL JUSTICE SERVICES 150933

(A) Of the foregoing appropriation item 336422, Criminal 150934
Justice Services, up to \$5,115,483 in fiscal year 2026 and 150935
\$5,077,378 in fiscal year 2027 shall be allocated to boards of 150936
alcohol, drug addiction, and mental health services through the 150937
Criminal Justice State Block Grant established in division (J) 150938
of Section 337.20 of this act. 150939

(B) Of the foregoing appropriation item 336422, Criminal 150940
Justice Services, up to \$6,500,000 in each fiscal year shall be 150941
allocated to the Behavioral Health Drug Reimbursement Program 150942
established in section 5119.19 of the Revised Code. 150943

(C) Of the foregoing appropriation item 336422, Criminal 150944
Justice Services, \$1,250,000 in each fiscal year shall be used 150945
to support the Addiction Treatment Program. 150946

(D) The remainder of appropriation item 336422, Criminal 150947
Justice Services, shall be used for all of the following: 150948

(1) The provision of forensic psychiatric evaluations to 150949
courts of common pleas; 150950

(2) The completion of evaluations of patients of forensic 150951
status in facilities operated or designated by the Department of 150952
Behavioral Health prior to each patient's conditional release to 150953

the community;	150954
(3) Workforce, training, and technological initiatives	150955
that support the items specified in divisions (D)(1) and (2) of	150956
this section;	150957
(4) Support therapeutic communities;	150958
(5) Provide forensic and crisis response training;	150959
(6) Establish and administer outpatient and jail-based	150960
competency restoration services;	150961
(7) Establish and administer pre-trial diversion programs;	150962
(8) Support assisted outpatient treatment programs;	150963
(9) Link and provide behavioral health treatment and	150964
recovery supports, including housing assistance, to incarcerated	150965
individuals with a substance use disorder, severe mental	150966
illness, or both, upon their release from jail or prison;	150967
(10) Support jail-based treatment and symptom management;	150968
(11) Support specialized dockets, including the expansion	150969
of existing medication-assisted treatment drug court programs,	150970
the creation of new medication-assisted treatment drug court	150971
programs, and assistance with the administrative expenses of	150972
participating courts and community addiction services providers	150973
and community mental health services providers;	150974
(12) Establish and administer outpatient competency	150975
restoration services. The services shall be provided by forensic	150976
centers described in section 5119.10 of the Revised Code or, to	150977
the extent a forensic center in a community does not provide	150978
outpatient competency restoration services, a psychiatric	150979
program or facility selected by a board of alcohol, drug	150980

addiction, and mental health services to provide such services. 150981

Section 337.90. SPECIALIZED DOCKET SUPPORT 150982

(A) Except as otherwise provided in this section, the 150983
foregoing appropriation item 336425, Specialized Docket Support, 150984
shall be used to defray a portion of the annual payroll costs 150985
associated with the specialized docket of a common pleas court, 150986
municipal court, county court, juvenile court, or family court 150987
that meets all of the eligibility requirements in division (B) 150988
of this section, including a family dependency treatment docket. 150989
The foregoing appropriation item 336425, Specialized Docket 150990
Support, may also be used to defray costs associated with 150991
treatment services and recovery supports for participants. 150992

(B) To be eligible, the specialized docket must have 150993
received Supreme Court of Ohio initial or final certification 150994
and include participants with behavioral health needs in its 150995
target population. 150996

(C) Of the foregoing appropriation item 336425, 150997
Specialized Docket Support, the Department of Behavioral Health 150998
shall use up to one per cent of the funds appropriated in each 150999
fiscal year to pay the cost it incurs in administering the 151000
duties established in this section. 151001

(D) The Department, in consultation with the Supreme Court 151002
of Ohio, may adopt funding distribution methodology, guidelines, 151003
and procedures as necessary to carry out the purposes of this 151004
section. 151005

Section 337.100. COMMUNITY INNOVATIONS 151006

The foregoing appropriation item 336504, Community 151007
Innovations, may be used by the Department of Behavioral Health 151008
to make targeted investments in programs, projects, or systems 151009

operated by or under the authority of other state agencies, 151010
governmental entities, or private not-for-profit agencies that 151011
impact, or are impacted by, the operations and functions of the 151012
Department, with the goal of achieving a net reduction in 151013
expenditure of state general revenue funds and/or improved 151014
outcomes for Ohio citizens without a net increase in state 151015
general revenue fund spending. 151016

The Director shall identify and evaluate programs, 151017
projects, or systems proposed or operated, in whole or in part, 151018
outside of the authority of the Department, where targeted 151019
investment of these funds in the program, project, or system is 151020
expected to decrease demand for the Department or other 151021
resources funded with state general revenue funds, and/or to 151022
measurably improve outcomes for Ohio citizens with mental 151023
illness or with alcohol, drug, or gambling addictions. The 151024
Director shall have discretion to provide funds from this 151025
appropriation item to private not-for-profit entities in 151026
amounts, and subject to conditions, that the Director determines 151027
most likely to achieve state savings and/or improved outcomes. 151028
Distribution of funds from this appropriation item shall not be 151029
subject to sections 9.23 to 9.239 or Chapter 125. of the Revised 151030
Code. 151031

The Department shall enter into an agreement with each 151032
recipient of community innovation funds, identifying the 151033
following: allowable expenditure of the funds; other commitment 151034
of funds or other resources to the program, project, or system; 151035
expected state savings and/or improved outcomes and proposed 151036
mechanisms for measurement of such savings or outcomes; and 151037
required reporting regarding expenditure of funds and savings or 151038
outcomes achieved. 151039

Of the foregoing appropriation item 336504, Community Innovations, up to \$3,000,000 in each fiscal year shall be used to support workforce development initiatives.

Of the foregoing appropriation item 336504, Community Innovations, up to \$1,500,000 in each fiscal year shall be used to provide behavioral health access and opportunities.

Of the foregoing appropriation item 336504, Community Innovations, up to \$3,000,000 in each fiscal year shall be used to support the creation and expansion of programs established by peer-run organizations in this state for the purpose of offering individuals with a mental illness, or a mental illness and co-occurring substance use disorder, opportunities for employment, housing, education, and access to medical and psychiatric services. Programs and facilities shall be operated in accordance with model standards and benchmarks selected by the Department of Behavioral Health.

Section 337.110. RESIDENTIAL STATE SUPPLEMENT

The foregoing appropriation item 336510, Residential State Supplement, may be used by the Department of Behavioral Health to implement and operate the Residential State Supplement (RSS) Program required by section 5119.41 of the Revised Code.

Section 337.115. APPALACHIAN CHILDREN COALITION

The foregoing appropriation item 336516, Appalachian Children Coalition, shall be provided to the Appalachian Children Coalition to address systemic challenges children face in Appalachian Ohio.

Section 337.117. COMMUNITY PROJECTS

Of the foregoing appropriation item 336519, Community

Projects, \$700,000 in each fiscal year shall be allocated to the 151068
Social Advocates for Youth (S.A.Y.) Program at the Bellefaire 151069
Jewish Children's Bureau. These funds shall be used to support 151070
the expansion of school-based prevention and crises intervention 151071
services for youth including community crisis and trauma 151072
services, school-based counselors, behavioral health-trained 151073
teachers and intervention specialists, and a dedicated 151074
researcher to document outcomes. 151075

Of the foregoing appropriation item 336519, Community 151076
Projects, \$300,000 in each fiscal year shall be used in 151077
accordance with the section of this act entitled "HIGH-THC 151078
CANNABIS IMPACT RESEARCH STUDY. 151079

Of the foregoing appropriation item 336519, Community 151080
Projects, \$2,000,000 in each fiscal year shall be distributed to 151081
the Values-In-Action Foundation for the Kindland initiative. 151082

Of the foregoing appropriation item 336519, Community 151083
Projects, \$50,000 in fiscal year 2026 shall be provided to Ohio 151084
Special Initiatives by Brothers and Sisters, or OHIO SIBS, for 151085
sustaining programs and to support those with a sibling with a 151086
developmental disability to empower them to take an active role 151087
in the life of the developmentally disabled sibling. 151088

Of the foregoing appropriation item 336519, Community 151089
Projects, \$750,000 in each fiscal year shall be distributed to 151090
Cornerstone of Hope to launch and expand the Ohio Traumatic Loss 151091
Response Team. 151092

Section 337.120. MEDICAID SUPPORT 151093

The foregoing appropriation item 652321, Medicaid Support, 151094
shall be used to fund specified Medicaid Services as delegated 151095
by the state's single agency responsible for the Medicaid 151096

Program.	151097
Section 337.130. 9-8-8 LIFELINE	151098
(A) As used in this section, "9-8-8 Suicide and Crisis Lifeline" means the 9-8-8 universal telephone number designated for use within the United States under section 251(e) of the "Communications Act of 1934," 47 U.S.C. 251(e), as amended by the "National Suicide Hotline Designation Act of 2020," Pub. L. No. 116-172, for the purpose of the national suicide prevention and mental health crisis hotline system.	151099 151100 151101 151102 151103 151104 151105
(B) The foregoing appropriation item 336522, 9-8-8 Suicide Crisis, shall be used to support statewide operations and related activities of the 9-8-8 Suicide and Crisis Lifeline and mental health treatment and response.	151106 151107 151108 151109
Section 337.145. BEHAVIORAL HEALTH CARE	151110
Of the foregoing appropriation item 336615, Behavioral Health Care, \$750,000 in fiscal year 2026 shall be distributed to Empowering to Elevate Academy and used to enhance security and improve facilities at the former Mohican Young Star Academy in Ashland County.	151111 151112 151113 151114 151115
Section 337.150. PROBLEM GAMBLING AND CASINO ADDICTION	151116
A portion of appropriation item 336629, Problem Gambling and Casino Addiction, shall be allocated to boards of alcohol, drug addiction, and mental health services in accordance with a distribution methodology determined by the Director of Behavioral Health.	151117 151118 151119 151120 151121
Section 337.155. STATE OF OHIO ACTION RESILIENCY NETWORK	151122
The foregoing appropriation item 336669, State of Ohio Action Resiliency Network, shall be used by the Department of	151123 151124

Behavioral Health for the State of Ohio Action for Resiliency 151125
Network and a strategic research agenda and capacity needed to 151126
conduct research, clinical trials, direct care, telehealth, data 151127
collection, and workforce training pertaining to innovative 151128
practices in behavioral prevention, harm reduction, treatment, 151129
and recovery. 151130

Section 337.160. TRANSCRANIAL MAGNETIC STIMULATION PROGRAM 151131

The foregoing appropriation item 336645, Transcranial 151132
Magnetic Stimulation Program, shall be used for the 151133
Electroencephalogram (EEG) Combined Transcranial Magnetic 151134
Stimulation Program as described in section 5119.20 of the 151135
Revised Code. 151136

Section 337.165. STATE OPIOID RESPONSE 151137

Of the foregoing appropriation item 336644, State Opioid 151138
Response, \$1,500,000 in each fiscal year shall be distributed to 151139
Cordata Healthcare Innovations, Inc., for case management 151140
programming, enhanced assessment, and evaluation of Ohio's law 151141
enforcement deflection sites and quick response teams. 151142

Section 337.170. ACCESS SUCCESS II PROGRAM 151143

To the extent cash is available, the Director of Budget 151144
and Management may transfer cash from a fund designated by the 151145
Medicaid Director, to the Sale of Goods and Services Fund (Fund 151146
1490), used by the Department of Behavioral Health. The 151147
transferred cash is hereby appropriated. 151148

The Department of Behavioral Health shall use the 151149
transferred funds to administer the Access Success II Program to 151150
help non-Medicaid patients in any hospital established, 151151
controlled, or supervised by the Department under Chapter 5119. 151152
of the Revised Code to transition from inpatient status to a 151153

community setting. 151154

Section 337.180. CASH TRANSFER FROM THE INDIGENT DRIVERS 151155
ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION 151156
FUND 151157

On a schedule determined by the Director of Budget and 151158
Management, the Director of Behavioral Health shall certify to 151159
the Director of Budget and Management the amount of excess 151160
license reinstatement fees that are available pursuant to 151161
division (F) (2) (c) of section 4511.191 of the Revised Code to be 151162
transferred from the Indigent Drivers Alcohol Treatment Fund 151163
(Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 151164
4750). Upon certification, the Director of Budget and Management 151165
may transfer cash from the Indigent Drivers Alcohol Treatment 151166
Fund to the Statewide Treatment and Prevention Fund. 151167

Section 337.185. CASH TRANSFER FROM THE 9-8-8 SUICIDE AND 151168
CRISIS RESPONSE FUND TO THE GENERAL REVENUE FUND 151169

On July 1, 2025, or as soon as possible thereafter, the 151170
Director of Budget and Management shall transfer the cash 151171
balance in the 9-8-8 Suicide and Crisis Response Fund (Fund 151172
5AA1) to the General Revenue Fund. Upon completion of the 151173
transfer, Fund 5AA1 is hereby abolished. The Director shall 151174
cancel any existing encumbrances against appropriation item 151175
336661, 9-8-8 Suicide and Crisis Response, and reestablish them 151176
against appropriation item 336522, 9-8-8 Suicide Crisis. The 151177
reestablished encumbrance amounts are hereby appropriated. 151178

Section 337.190. STATEWIDE MOBILE CRISIS SYSTEM 151179

(A) The Department of Behavioral Health, in coordination 151180
with local, state, and federal government entities, shall assist 151181
with the development and implementation of a statewide system of 151182

mobile crisis services for adults and children. 151183

(B) The development of a statewide mobile crisis system is 151184
contingent on the availability of state and federal funding. 151185
Should state and federal funding be insufficient for the 151186
development of a full system or limit the extent to which the 151187
system can be developed, the Department shall determine whether 151188
and to what extent pilot projects or other initiatives for the 151189
provision of mobile crisis services could be implemented. 151190

Section 337.200. COMMUNITY BEHAVIORAL HEALTH CLINICS 151191

The ability of the Department of Behavioral Health to 151192
establish a process and standards for the state certification of 151193
certified community behavioral health clinics under section 151194
5119.211 of the Revised Code is contingent on the availability 151195
of state and federal funding. Should state or federal funding be 151196
insufficient for the state certification of certified community 151197
behavioral health clinics, the Department shall determine 151198
whether and to what extent pilot projects or other initiatives 151199
to support an integrated care approach for the provision of 151200
substance use disorder treatment and mental health treatment 151201
could be implemented. 151202

Section 339.10. 151203

151204

	1	2	3	4	5
A	MIH COMMISSION ON MINORITY HEALTH				
B	General Revenue Fund				
C	GRF	149321	Operating Expenses	\$844,088	\$855,455
D	GRF	149501	Demonstration Grants	\$1,352,000	\$1,352,000

E	GRF	149502	Lupus Program	\$118,000	\$118,000
F	GRF	149503	Infant Mortality Health Grants	\$4,970,489	\$4,974,489
G	General Revenue Fund Total			\$7,284,577	\$7,299,944
H	Dedicated Purpose Fund Group				
I	4C20	149601	Minority Health Conference	\$35,000	\$35,000
J	Dedicated Purpose Fund Group Total			\$35,000	\$35,000
K	Federal Fund Group				
L	3J90	149405	Healthier Communities	\$1,000,000	\$1,000,000
M	Federal Fund Group Total			\$1,000,000	\$1,000,000
N	TOTAL ALL BUDGET FUND GROUPS			\$8,319,577	\$8,334,944

Section 341.10.

151205

151206

	1	2	3	4	5
A	CRB MOTOR VEHICLE REPAIR BOARD				
B	Dedicated Purpose Fund Group				
C	4K90	865601	Operating Expenses	\$781,067	\$821,804
D	Dedicated Purpose Fund Group Total			\$781,067	\$821,804
E	TOTAL ALL BUDGET FUND GROUPS			\$781,067	\$821,804

Section 343.10.

151207

151208

1	2	3	4	5
A	DNR DEPARTMENT OF NATURAL RESOURCES			
B	General Revenue Fund			
C	GRF 725401	Division of Wildlife - Operating Subsidy	\$1,700,000	\$1,700,000
D	GRF 725413	Parks and Recreational Facilities Lease Rental Bond Payments	\$57,500,000	\$76,500,000
E	GRF 725456	Canal Lands	\$118,000	\$118,000
F	GRF 725459	Buckeye State Tree Nursery	\$1,134,650	\$1,134,650
G	GRF 725460	LWCF Recreation Lands	\$262,646	\$266,995
H	GRF 725505	Healthy Lake Erie Program	\$450,000	\$0
I	GRF 725507	Coal and Mine Safety Programs	\$3,222,147	\$3,297,340
J	GRF 725903	Natural Resources General Obligation Bond Debt Service	\$14,300,000	\$14,300,000
K	GRF 727321	Division of Forestry	\$10,000,000	\$10,000,000
L	GRF 729321	Office of Information Technology	\$526,055	\$526,337

M	GRF	730321	Parks and Recreation	\$27,500,000	\$47,500,000
N	GRF	736321	Division of Engineering	\$2,431,760	\$2,476,358
O	GRF	737321	Division of Water Resources	\$2,402,230	\$2,403,759
P	GRF	738321	Office of Real Estate and Land Management	\$1,038,539	\$1,060,089
Q	GRF	741321	Division of Natural Areas and Preserves	\$5,104,211	\$5,205,199
R			General Revenue Fund Total	\$127,690,238	\$166,488,727
S			Dedicated Purpose Fund Group		
T	2270	725406	Parks Projects Personnel	\$4,831,529	\$4,976,475
U	4300	725671	Canal Lands	\$479,012	\$479,012
V	4S90	725622	NatureWorks Personnel	\$317,806	\$327,341
W	4U60	725668	Scenic Rivers Protection	\$58,860	\$58,860
X	5090	725602	State Forest	\$10,852,951	\$11,010,594
Y	5110	725646	Ohio Geological Mapping	\$6,123,647	\$6,323,883
Z	5120	725605	State Parks Operations	\$43,122,931	\$43,358,465
AA	5140	725606	Lake Erie Shoreline	\$1,694,771	\$1,732,863
AB	5160	725620	Water Management	\$3,256,522	\$3,562,000

AC 5180	725643	Oil and Gas Regulation and Safety	\$31,230,432	\$31,784,411
AD 5180	725677	Oil and Gas Well Plugging	\$47,734,902	\$48,022,027
AE 5210	725627	Off-Road Vehicle Trails	\$1,781,723	\$286,068
AF 5220	725656	Natural Areas and Preserves	\$585,191	\$600,500
AG 5290	725639	Mining Regulation and Safety	\$4,004,552	\$4,090,096
AH 5310	725648	Reclamation Forfeiture	\$195,573	\$195,579
AI 5BJ1	7256A6	Parks and Recreation	\$27,500,000	\$7,500,000
AJ 5BJ1	7256A7	Wildlife Area Land Royalties	\$3,000,000	\$0
AK 5EL0	725612	Wildlife Law Enforcement	\$11,826	\$11,826
AL 5HK0	725625	Ohio Nature Preserves	\$9,239	\$9,239
AM 5LD0	725458	Oil and Gas Leasing Commission	\$10,000	\$10,000
AN 5P20	725634	Wildlife Boater Angler Administration	\$5,968,330	\$5,968,330
AO 5TD0	725514	Park Maintenance	\$1,540,331	\$1,540,331
AP 6150	725661	Dam Safety	\$5,673,950	\$6,473,950
AQ 6970	725670	Submerged Lands	\$667,210	\$679,080

AR 6H20	725681	H2Ohio	\$21,200,000	\$21,200,000
AS 7015	740401	Division of Wildlife Conservation	\$84,946,128	\$87,919,242
AT 7086	725414	Waterways Improvement	\$5,782,184	\$5,880,807
AU 7086	739401	Watercraft Operations	\$28,432,898	\$28,922,532
AV 8150	725636	Cooperative Management Projects	\$625,271	\$625,271
AW 8160	725649	Wetlands Habitat	\$659,691	\$659,691
AX 8170	725655	Wildlife Conservation Checkoff	\$1,923,060	\$1,923,060
AY 8180	725629	Cooperative Fisheries Research	\$1,500,000	\$1,500,000
AZ 8190	725685	Ohio River Management	\$43,786	\$43,786
BA 81B0	725688	Wildlife Habitats	\$1,359,102	\$1,359,102
BB	Dedicated Purpose Fund Group Total		\$347,123,408	\$329,034,421
BC	Internal Service Activity Fund Group			
BD 1550	725601	Departmental Projects	\$1,566,470	\$1,586,980
BE 1570	725651	Program Support	\$26,713,040	\$27,292,005
BF 5100	725631	Maintenance - State-owned Residences	\$43,713	\$43,713

BG Internal Service Activity Fund Group	\$28,323,223	\$28,922,698
Total		
BH Capital Projects Fund Group		
BI 7061 725405 Clean Ohio Trail	\$267,307	\$273,030
Operating		
BJ Capital Projects Fund Group Total	\$267,307	\$273,030
BK Fiduciary Fund Group		
BL 5ZT0 7256A2 State Park Lodges	\$11,950,641	\$11,950,641
Maintenance and Repair		
BM Fiduciary Fund Group Total	\$11,950,641	\$11,950,641
BN Holding Account Fund Group		
BO R017 725659 Performance Cash Bond	\$450,999	\$450,999
Refunds		
BP R043 725624 Forestry	\$2,104,919	\$2,104,919
BQ Holding Account Fund Group Total	\$2,555,918	\$2,555,918
BR Federal Fund Group		
BS 3320 725669 Federal Mine Safety Grant	\$306,979	\$316,189
BT 3B30 725640 Federal Forest Pass-Thru	\$419,535	\$419,535
BU 3B40 725641 Federal Flood Pass-Thru	\$106,648	\$106,648
BV 3B50 725645 Federal Abandoned Mine	\$69,114,806	\$69,268,735

		Lands		
BW	3B60	725653	Federal Land and Water Conservation Grants	\$10,800,000 \$25,800,000
BX	3B70	725654	Reclamation - Regulatory	\$1,311,309 \$1,340,625
BY	3IR0	7256A5	Long Term Abandoned Mine Land Reclamation	\$100,000 \$100,000
BZ	3P10	725632	Geological Survey - Federal	\$805,102 \$786,700
CA	3P20	725642	Oil and Gas - Federal	\$20,109,957 \$20,115,008
CB	3P20	725698	Oil And Gas - Federal Orphan Well Plug	\$22,363,120 \$22,363,120
CC	3P30	725650	Coastal Management - Federal	\$3,953,487 \$4,013,587
CD	3P40	725660	Federal - Soil and Water Resources	\$416,420 \$422,292
CE	3R50	725673	Acid Mine Drainage Abatement/Treatment	\$860,489 \$860,489
CF	3Z50	725657	Federal Recreation and Trails	\$1,122,594 \$1,127,603
CG	Federal Fund Group Total			\$131,790,446 \$147,040,531
CH	TOTAL ALL BUDGET FUND GROUPS			\$649,701,181 \$686,265,966

The foregoing appropriation item 725401, Division of Wildlife-Operating Subsidy, shall be used to pay the direct and indirect costs of the Division of Wildlife.

PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 725413, Parks and Recreational Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2025, through June 30, 2027, by the Department of Natural Resources pursuant to leases and agreements made under section 154.22 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.

HEALTHY LAKE ERIE PROGRAM

The foregoing appropriation item 725505, Healthy Lake Erie Program, shall be used by the Director of Natural Resources, in support of the following: (1) conservation measures in the Western Lake Erie Basin as determined by the Director; (2) funding assistance for soil testing, winter cover crops, edge of field testing, tributary monitoring, and animal waste abatement; and (3) any additional efforts to reduce nutrient runoff as the Director may decide. The Director shall give priority to recommendations that encourage farmers to adopt agricultural production guidelines commonly known as 4R nutrient stewardship practices.

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 725903, Natural Resources General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July

1, 2025, through June 30, 2027, on obligations issued under 151239
sections 151.01 and 151.05 of the Revised Code. 151240

PARKS AND RECREATION 151241

The Director of Natural Resources shall consult with the 151242
Loramie Watershed Association to identify portions of Lake 151243
Loramie that are negatively affected by hard pan sediment and 151244
hard clay debris. Of the foregoing appropriation item 730321, 151245
Parks and Recreation, \$250,000 in each fiscal year shall be used 151246
to contract with a third-party vendor for channel excavation and 151247
the removal of hard pan sediment and hard clay debris at Lake 151248
Loramie. 151249

Of the foregoing appropriation item 730321, Parks and 151250
Recreation, \$172,000 in fiscal year 2026 shall be used for 151251
channel excavation and removal of sediment at Grand Lake St. 151252
Marys. 151253

Of the foregoing appropriation item 730321, Parks and 151254
Recreation, \$250,000 in fiscal year 2026 shall be used to 151255
support the Indian Lake Watershed Project. 151256

Section 343.30. WELL LOG FILING FEES 151257

The Chief of the Division of Water Resources shall deposit 151258
fees forwarded to the Division pursuant to section 1521.05 of 151259
the Revised Code into the Water Management Fund (Fund 5160) for 151260
the purposes described in that section. 151261

PARKS CAPITAL EXPENSES FUND 151262

The Director of Natural Resources shall submit to the 151263
Director of Budget and Management the estimated design, 151264
engineering, and planning costs of capital-related work to be 151265
done by Department of Natural Resources staff for parks projects 151266

within the Ohio Parks and Recreation Improvement Fund (Fund 151267
7035). If the Director of Budget and Management approves the 151268
estimated costs, the Director may release appropriations from 151269
Fund 7035 appropriation item C725E6, Project Planning, for those 151270
purposes. Upon release of the appropriations, the Department of 151271
Natural Resources shall pay for these expenses from the Parks 151272
Capital Expenses Fund (Fund 2270). Expenses paid from Fund 2270 151273
shall be reimbursed by Fund 7035 using an intrastate transfer 151274
voucher. 151275

NATUREWORKS CAPITAL EXPENSES FUND 151276

The Department of Natural Resources shall submit to the 151277
Director of Budget and Management the estimated design, 151278
planning, and engineering costs of capital-related work to be 151279
done by Department of Natural Resources staff for each capital 151280
improvement project within the Ohio Parks and Natural Resources 151281
Fund (Fund 7031). If the Director of Budget and Management 151282
approves the estimated costs, the Director may release 151283
appropriations from Fund 7031 appropriation item C725E5, Project 151284
Planning, for those purposes. Upon release of the 151285
appropriations, the Department of Natural Resources shall pay 151286
for these expenses from the Capital Expenses Fund (Fund 4S90). 151287
Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031 151288
using an intrastate transfer voucher. 151289

PARKS AND RECREATION 151290

The foregoing appropriation item 7256A6, Parks and 151291
Recreation, shall be used in conjunction with appropriation item 151292
730321, Parks and Recreation, to support the Division of Parks 151293
and Watercraft. 151294

PARK MAINTENANCE 151295

The foregoing appropriation item 725514, Park Maintenance, 151296
shall be used by the Department of Natural Resources to pay the 151297
costs of projects supported by the State Park Maintenance Fund 151298
(Fund 5TD0) under section 1501.08 of the Revised Code. 151299

On July 1 of each fiscal year or as soon as possible 151300
thereafter, the Director of Natural Resources shall certify the 151301
amount of five percent of the average of the previous five years 151302
of deposits in the State Park Fund (Fund 5120) to the Director 151303
of Budget and Management. The Director of Budget and Management 151304
may transfer up to \$2,200,000 from Fund 5120 to the State Park 151305
Maintenance Fund (Fund 5TD0). 151306

Section 343.50. CLEAN OHIO TRAIL OPERATING EXPENSES 151307

The foregoing appropriation item 725405, Clean Ohio Trail 151308
Operating, shall be used by the Department of Natural Resources 151309
in administering Clean Ohio Trail Fund (Fund 7061) projects 151310
pursuant to section 1519.05 of the Revised Code. 151311

Section 343.60. (A) As used in this section: 151312

(1) "Locally administer" means to supervise the design and 151313
construction of, and make contracts for the construction, 151314
reconstruction, improvement, enlargement, alteration, repair, or 151315
decoration of a capital facility project without the assistance 151316
of the Ohio Facilities Construction Commission. 151317

(2) "Capital facility project" means any activities, 151318
projects, or improvements described in division (B) (1) of 151319
section 1501.011 of the Revised Code. "Capital facility project" 151320
does not include the construction of a new facility, structure, 151321
or lodge. 151322

(B) Notwithstanding section 123.21 of the Revised Code or 151323
any other provision of law to the contrary, for fiscal years 151324

2026 and 2027, the Department of Natural Resources may locally 151325
administer any capital facility project commenced within those 151326
fiscal years, regardless of estimated cost. 151327

(C) The Department shall do both of the following 151328
regarding a capital facility project that is locally 151329
administered: 151330

(1) Comply with the applicable procedures and guidelines 151331
established in Chapter 153. of the Revised Code; 151332

(2) Track all project information in the Ohio 151333
Administrative Knowledge System capital improvements application 151334
pursuant to Ohio Facilities Construction Commission guidelines 151335
as though the Department is administering the project pursuant 151336
to section 123.211 of the Revised Code and all generally 151337
applicable laws. 151338

(D) Nothing in this section interferes with the powers of 151339
the Department of Natural Resources authorized in Chapter 1501. 151340
of the Revised Code. 151341

Section 345.10. 151342
151343

	1	2	3	4	5
A	NUR STATE BOARD OF NURSING				
B	Dedicated Purpose Fund Group				
C	4K90	884609	Operating Expenses	\$13,033,034	\$13,491,425
D	5AC0	884602	Nurse Education Grant Program	\$1,350,000	\$1,350,000

		with Disabilities		
G	GRF	415508 Services for the Deaf	\$527,000	\$527,000
H	GRF	415511 Centers for Independent Living	\$1,500,000	\$1,500,000
I	GRF	415512 Visually Impaired Reading Services	\$50,000	\$50,000
J	GRF	415513 Accessible Ohio	\$1,000,000	\$1,000,000
K	GRF	415515 DeafBlind Fund	\$200,000	\$200,000
L		General Revenue Fund Total	\$44,370,000	\$44,370,000
M		Dedicated Purpose Fund Group		
N	4670	415609 Business Enterprise Operating Expenses	\$913,127	\$918,806
O	4680	415618 Third Party Services Funding	\$3,725,233	\$3,725,233
P	4L10	415619 Services for Rehabilitation	\$2,000,000	\$2,000,000
Q		Dedicated Purpose Fund Group Total	\$6,638,360	\$6,644,039
R		Internal Service Activity Fund Group		
S	4W50	415606 Program Management	\$17,083,462	\$17,539,339
T		Internal Service Activity Fund Group Total	\$17,083,462	\$17,539,339

U	Federal Fund Group		
V	3170 415620 Disability Determination	\$88,981,907	\$90,733,204
W	3790 415616 Federal-Vocational Rehabilitation	\$170,000,000	\$175,100,000
X	3GH0 415602 Personal Care Assistance	\$3,995,399	\$4,017,337
Y	3GH0 415604 Community Centers for the Deaf	\$772,420	\$772,420
Z	3GH0 415613 Independent Living	\$2,737,411	\$2,737,411
AA	3GH0 415627 Independent Living Projects	\$100,000	\$100,000
AB	3ILO 415629 Works4Me Disability Innovation Fund Grant	\$2,300,000	\$2,300,000
AC	3L40 415615 Federal-Supported Employment	\$1,200,000	\$1,200,000
AD	3L40 415617 Independent Living Older Blind	\$2,567,746	\$2,908,622
AE	Federal Fund Group Total	\$272,654,883	\$279,868,994
AF	TOTAL ALL BUDGET FUND GROUPS	\$340,746,705	\$348,422,372

Section 353.20. INDEPENDENT LIVING 151348

The foregoing appropriation item 415402, Independent 151349
Living Council, shall be provided to the Ohio Statewide 151350
Independent Living Council to support its operations under the 151351

State Plan for Independent Living. 151352

Of the foregoing appropriation item 415511, Centers for 151353
Independent Living, the amount needed in each fiscal year for 151354
state matching funds for the Federal Independent Living Grant 151355
shall be provided to support the state independent living 151356
programs and centers under Title VII of the federal 151357
"Rehabilitation Act of 1973," 29 U.S.C. 701, et seq., as amended 151358
by the Rehabilitation Act Amendments of 1992 and known as the 151359
federal Independent Living Services and Centers for Independent 151360
Living. 151361

Of the foregoing appropriation item 415511, Centers for 151362
Independent Living, up to \$1,355,608 in each fiscal year may be 151363
used as state matching funds to provide vocational 151364
rehabilitation services to Ohioans with disabilities. 151365

Of the foregoing appropriation item 415511, Centers for 151366
Independent Living, \$74,124 in each fiscal year shall be used as 151367
state matching funds for vocational rehabilitation innovation 151368
and expansion activities. 151369

The foregoing appropriation item 415613, Independent 151370
Living, shall be used to support the operations of the Centers 151371
for Independent Living in accordance with the State Plan for 151372
Independent Living. 151373

ASSISTIVE TECHNOLOGY 151374

The foregoing appropriation item 415406, Assistive 151375
Technology, shall be provided to Assistive Technology of Ohio to 151376
provide grants and assistive technology services for people with 151377
disabilities in the state of Ohio. 151378

BRAIN INJURY 151379

Of the foregoing appropriation item 415431, Brain Injury, 151380
\$450,000 in each fiscal year shall be provided to The Ohio State 151381
University College of Medicine to support the Brain Injury 151382
Program established under section 3335.60 of the Revised Code. 151383

The remainder of appropriation item 415431, Brain Injury, 151384
shall be provided to the Brain Injury Association of Ohio for 151385
direct services and supports for brain injury survivors and 151386
caregivers. 151387

SERVICES FOR INDIVIDUALS WITH DISABILITIES 151388

Of the foregoing appropriation item 415506, Services for 151389
Individuals with Disabilities, up to \$1,000,000 in each fiscal 151390
year shall be used by the Opportunities for Ohioans with 151391
Disabilities Agency, in collaboration with the Department of 151392
Education and Workforce, to build capacity to deliver a regional 151393
system of training, support, coordination, and direct service 151394
for secondary transition services for students with disabilities 151395
beginning at fourteen years of age. These special education 151396
enhancements shall support all students with disabilities, 151397
regardless of partner agency eligibility requirements, to 151398
provide stand-alone direct secondary transition services by 151399
school districts. Secondary transition services shall include, 151400
but not be limited to, job exploration counseling, work-based 151401
learning experiences, counseling on opportunities for enrollment 151402
in comprehensive transition or post-secondary educational 151403
programs at institutions of higher education, workplace 151404
readiness training to develop occupational skills, social skills 151405
and independent living skills, and instruction in self-advocacy. 151406
Regional training shall support the expansion of transition to 151407
work endorsement opportunities for middle school and secondary 151408
level special education intervention specialists in order to 151409

develop the necessary skills and competencies to meet the 151410
secondary transition needs of students with disabilities 151411
beginning at fourteen years of age. 151412

SERVICES FOR THE DEAF 151413

The foregoing appropriation item 415508, Services for the 151414
Deaf, shall be used to support community centers for the deaf. 151415

VISUALLY IMPAIRED READING SERVICES 151416

The foregoing appropriation item 415512, Visually Impaired 151417
Reading Services, shall be used to support VOICEcorps Reading 151418
Services to provide reading services for blind individuals. 151419

DEAFBLIND FUND 151420

The foregoing appropriation item 415515, DeafBlind Fund, 151421
shall be distributed to the Columbus Speech and Hearing Center 151422
for the recruitment and training of support service providers 151423
and to connect support service providers with DeafBlind 151424
individuals. 151425

SIGHT CENTERS 151426

Of the foregoing appropriation item 415617, Independent 151427
Living Older Blind, \$30,000 in each fiscal year shall be used to 151428
contract in equal amounts with the Cleveland Sight Center, the 151429
Cincinnati Association for the Blind and Visually Impaired, and 151430
the Sight Center of Northwest Ohio to provide outreach to the 151431
community of individuals with blindness or low vision. 151432

Section 361.10. 151433

151434

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B	General Revenue Fund		
C	GRF 090524 Police and Fire	\$300	\$300
	Disability Pension Fund		
D	GRF 090534 Police and Fire Ad Hoc	\$14,000	\$14,000
	Cost of Living		
E	GRF 090554 Police and Fire Survivor	\$138,000	\$138,000
	Benefits		
F	GRF 090575 Police and Fire Death	\$40,000,000	\$40,000,000
	Benefits		
G	General Revenue Fund Total	\$40,152,300	\$40,152,300
H	TOTAL ALL BUDGET FUND GROUPS	\$40,152,300	\$40,152,300

Section 361.20. POLICE AND FIRE DEATH BENEFIT FUND 151435

The foregoing appropriation item 090575, Police and Fire 151436
 Death Benefits, shall be disbursed quarterly by the Treasurer of 151437
 State at the beginning of each quarter of each fiscal year to 151438
 the Board of Trustees of the Ohio Police and Fire Pension Fund, 151439
 which serves as trustees of the Ohio Public Safety Officers 151440
 Death Benefit Fund pursuant to section 742.62 of the Revised 151441
 Code. The Treasurer of State shall certify such amounts 151442
 quarterly to the Director of Budget and Management. By the 151443
 twentieth day of June of each fiscal year, the Board of Trustees 151444
 shall certify to the Treasurer of State the amount disbursed in 151445
 the current fiscal year to make the payments required by 151446
 sections 124.824 and 742.63 of the Revised Code and shall return 151447
 to the Treasurer of State moneys received from this 151448
 appropriation item but not disbursed. 151449

Notwithstanding any provision of section 124.824 of the Revised Code to the contrary, for each death benefit fund recipient who participates in health, medical, hospital, dental, surgical, or vision benefits under section 124.824 of the Revised Code, the Board of Trustees of the Ohio Police and Fire Pension Fund shall forward as a pass-through from the revenue received from the foregoing appropriation item 090575, Police and Fire Death Benefits, the percentage of the cost for the applicable benefits that would be paid by a state employer for a state employee who elects that coverage and any applicable administrative costs, which shall not exceed two per cent of the total cost of the benefits. The Board of Trustees shall also withhold from the benefits paid to a death benefit fund recipient under section 742.63 of the Revised Code the percentage of the cost for such benefits that would be paid by a state employee, and forward the withheld amounts to the Department of Administrative Services from the revenue received from the foregoing appropriation item 090575, Police and Fire Death Benefits.

In fiscal year 2026 or 2027, if it is determined by the Director of Administrative Services, in consultation with the Chairperson of the Board of Trustees of the Ohio Police and Fire Pension Fund, or designee, that additional amounts are necessary to pay the cost of providing benefits under section 124.824 or 742.63 of the Revised Code, the Director of Administrative Services may certify the additional amount necessary to the Director of Budget and Management. The amount certified is hereby appropriated.

Section 363.10.

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A	UST PETROLEUM UNDERGROUND STORAGE TANK RELEASE COMPENSATION BOARD				
B	Dedicated Purpose Fund Group				
C	6910	810632	Petroleum Underground Storage Tank Release Compensation Board - Operating	\$1,778,594	\$1,910,092
D	Dedicated Purpose Fund Group Total			\$1,778,594	\$1,910,092
E	TOTAL ALL BUDGET FUND GROUPS			\$1,778,594	\$1,910,092

Section 367.10.

151480
151481

	1	2	3	4	5
A	PRX STATE BOARD OF PHARMACY				
B	Dedicated Purpose Fund Group				
C	4A50	887605	Drug Law Enforcement	\$50,000	\$50,000
D	4K90	658605	OARRS Integration - State	\$207,657	\$208,860
E	4K90	887609	Operating Expenses	\$13,773,784	\$14,491,459
F	5SG0	887612	Drug Database	\$2,826,000	\$2,865,000
G	Dedicated Purpose Fund Group Total			\$16,857,441	\$17,615,319
H	Federal Fund Group				

I	3HD0 887614 Pharmacy Federal Grants	\$2,094,643	\$2,111,622
J	3HH0 658601 OARRS Integration - Federal	\$642,117	\$645,729
K	Federal Fund Group Total	\$2,736,760	\$2,757,351
L	TOTAL ALL BUDGET FUND GROUPS	\$19,594,201	\$20,372,670

Section 367.20. CASH TRANSFER FROM THE MEDICAL MARIJUANA CONTROL PROGRAM FUND TO THE DRUG DATABASE FUND

Upon the request of the Executive Director of the State Board of Pharmacy, the Director of Budget and Management may transfer up to \$2,745,500 in cash in each fiscal year from the Medical Marijuana Control Program Fund (Fund 5SY0), used by the Department of Commerce, to the Drug Database Fund (Fund 5SG0), used by the State Board of Pharmacy.

Section 369.10.

	1	2	3	4	5
A			PSY STATE BOARD OF PSYCHOLOGY		
B			Dedicated Purpose Fund Group		
C	4K90	882609	Operating Expenses	\$975,010	\$1,011,722
D			Dedicated Purpose Fund Group Total	\$975,010	\$1,011,722
E			TOTAL ALL BUDGET FUND GROUPS	\$975,010	\$1,011,722

Section 371.10.

	1	2	3	4	5
A			PUB OHIO PUBLIC DEFENDER COMMISSION		
B			General Revenue Fund		
C	GRF	019401	State Legal Defense Services	\$13,227,100	\$13,467,000
D	GRF	019406	Northwest Regional Hub Support	\$3,350,000	\$3,350,000
E	GRF	019501	County Reimbursement	\$173,719,360	\$178,930,940
F			General Revenue Fund Total	\$190,296,460	\$195,747,940
G			Dedicated Purpose Fund Group		
H	1010	019607	Juvenile Legal Assistance	\$217,456	\$223,980
I	4060	019603	Training and Publications	\$75,000	\$75,000
J	4070	019604	County Representation	\$375,000	\$375,000
K	4080	019605	Client Payments	\$800,000	\$800,000
L	4C70	019601	Multi-County: County Share	\$594,900	\$624,300
M	4N90	019613	Gifts and Grants	\$13,400	\$13,400
N	5740	019606	Civil Legal Aid	\$37,000,000	\$33,000,000
O	5CX0	019617	Civil Case Filing Fee	\$620,000	\$620,000
P	5DY0	019618	Indigent Defense Support	\$22,908,000	\$22,908,000

	- County Share		
Q	5DY0 019619 Indigent Defense Support	\$4,692,000	\$4,692,000
	- State Office		
R	Dedicated Purpose Fund Group Total	\$67,295,756	\$63,331,680
S	Federal Fund Group		
T	3IQ0 019626 Reforming Reentry Program	\$350,000	\$85,321
U	3S80 019608 Federal Representation	\$38,300	\$38,300
V	Federal Fund Group Total	\$388,300	\$123,621
W	TOTAL ALL BUDGET FUND GROUPS	\$257,980,516	\$259,203,241

Section 371.20. STATE LEGAL DEFENSE SERVICES 151494

Of the foregoing appropriation item 019401, State Legal 151495
 Defense Services, up to \$50,000 in each fiscal year shall be 151496
 used by the Ohio Public Defender to provide legal training 151497
 programs at no cost for private appointed counsel who represent 151498
 at least one indigent defendant at no cost and for state and 151499
 county public defenders and attorneys who contract with the Ohio 151500
 Public Defender to provide indigent defense services. 151501

INDIGENT DEFENSE SUPPORT 151502

The foregoing appropriation item 019501, County 151503
 Reimbursement, shall be used to reimburse counties for the costs 151504
 of operating county public defender offices, joint county public 151505
 defender offices and county appointed counsel systems, the 151506
 counties' costs and expenses of conducting the defense in 151507
 capital cases, the counties' costs and expenses of appointed 151508

counsel covered by section 2941.51 of the Revised Code, and the 151509
costs and expenses of contracting with the state public defender 151510
or with any nonprofit organization to provide legal 151511
representation to indigent persons. 151512

FEDERAL REPRESENTATION 151513

The foregoing appropriation item 019608, Federal 151514
Representation, shall be used to support representation provided 151515
by the Ohio Public Defender in federal court cases. 151516

COUNTY INDIGENT DEFENSE BUDGETS 151517

Not later than July 31, 2026, each county through its 151518
county commission shall submit a biannual indigent defense cost 151519
projection report to the Ohio Public Defender. The report shall 151520
contain data on the most current projected costs of the indigent 151521
defense services in the county for the next two upcoming state 151522
fiscal years at the time of submission. 151523

Section 371.30. NORTHWEST REGIONAL HUB 151524

(A) In fiscal year 2026 and fiscal year 2027, the Ohio 151525
Public Defender shall create the Northwest Regional Hub pilot 151526
program to provide indigent defense services in the counties 151527
that elect to join, in lieu of managing those services directly 151528
and applying for reimbursement. 151529

(B) The following counties may elect to participate in the 151530
Northwest Regional Hub, and no other counties are permitted to 151531
participate: 151532

(1) Allen County; 151533

(2) Hardin County; 151534

(3) Putnam County. 151535

(C) On or after the effective date of this section, any county listed in division (B) of this section may elect, by resolution, to become part of the Northwest Regional Hub and thereby transfer administration of the county's indigent defense system to the Ohio Public Defender for the period of the pilot program.

(D) If a county elects to become part of the Northwest Regional Hub and transfer indigent defense services to the Ohio Public Defender pursuant to this section, the Ohio Public Defender shall assume responsibility for representation of indigent persons in the proceedings set forth in division (A) of section 120.16 of the Revised Code, to the extent that representation is not provided by outside counsel in accordance with section 120.33 of the Revised Code.

(E) (1) The Ohio Public Defender shall consult with the county commissioners, judiciary, and local attorneys in counties that have opted to participate in the Northwest Regional Hub to determine the number of indigent defense cases the public defender will handle directly.

(2) Except as provided in division (E) (4) of this section, in a county that elects to participate in the Northwest Regional Hub, the Ohio Public Defender shall provide direct representation to indigent defendants in not more than eighty per cent of indigent defense cases.

(3) In cases where the Ohio Public Defender does not provide direct representation, the court shall appoint counsel in accordance with section 120.33 of the Revised Code.

(4) If the Ohio Public Defender, in consultation with the county commissioners, judiciary, and local attorneys, determines

that there is insufficient local counsel available to fill an 151565
appointment under division (E) (3) of this section, the Ohio 151566
Public Defender shall provide direct representation in the case. 151567

(F) A county that wishes to withdraw from the Northwest 151568
Regional Hub and resume responsibility for the delivery of 151569
indigent defense services shall do all of the following: 151570

(1) Hold a public meeting regarding the withdrawal and 151571
provide notice to all of the following, seven or more days 151572
before the meeting: 151573

(a) The local bar association; 151574

(b) Every judge serving in the county; 151575

(c) The county prosecutor; 151576

(d) The county public defender; 151577

(e) Every attorney who is on the court's roster for 151578
appointment to provide indigent defense in accordance with 151579
section 120.33 of the Revised Code. 151580

(2) Provide the Ohio Public Defender with a copy of the 151581
resolution electing to withdraw. 151582

(G) When a county transfers indigent defense services to 151583
the Ohio Public Defender pursuant to this section, and the 151584
transferring county operates a county public defender office at 151585
the time of the transfer, the employees of the transferring 151586
county public defender may be appointed as employees of the Ohio 151587
Public Defender as the Ohio Public Defender determines to be 151588
necessary for successful implementation of this section. 151589

(H) Notwithstanding any provision of law to the contrary, 151590
the Ohio Public Defender may, in consultation with the Director 151591

of Administrative Services, do either of the following: 151592

(1) Assign any employee of the transferring county to a 151593
classification that is not subject to Chapter 4117. of the 151594
Revised Code and do both of the following for such an employee: 151595

(a) Assign the employee to the appropriate compensation, 151596
classification, step placement, and step advancement; 151597

(b) Determine appropriate service credit for purposes of 151598
vacation and longevity. 151599

(2) Assign any employee of the transferring county to a 151600
bargaining unit classification that is subject to Chapter 4117. 151601
of the Revised Code if the Ohio Public Defender and the 151602
Department of Administrative Services determine that the 151603
bargaining unit classification is the proper classification for 151604
that employee. 151605

(I) Notwithstanding any provision of law to the contrary, 151606
employees of a transferring county may be eligible for any state 151607
benefit plan administered by the Department of Administrative 151608
Services with coverage commencing as determined by the Director 151609
of Administrative Services. 151610

(J) Actions taken by the Ohio Public Defender and the 151611
Director of Administrative Services pursuant to this section are 151612
not subject to appeal to the State Personnel Board of Review. 151613

NORTHWEST REGIONAL HUB SUPPORT 151614

The foregoing appropriation item 019406, Northwest 151615
Regional Hub Support, shall be used by the Ohio Public Defender 151616
to pay for all the costs of providing indigent defense services 151617
in counties that have transferred administration of those 151618
services pursuant to this section. Expenses may include the cost 151619

of operating public defender offices, reimbursement of expenses 151620
of court appointed counsel, and other associated costs of 151621
providing legal representation to indigent persons as covered by 151622
section 120.04 of the Revised Code. 151623

Section 373.10. 151624
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	1	2	3	4	5
A			DPS DEPARTMENT OF PUBLIC SAFETY		
B			General Revenue Fund		
C	GRF	761403	Recovery Ohio Law Enforcement	\$0	\$3,250,000
D	GRF	761411	Ohio Narcotics Intelligence Center	\$0	\$7,050,000
E	GRF	763403	EMA Operating	\$8,931,000	\$9,102,000
F	GRF	763513	Security Grants	\$8,500,000	\$8,500,000
G	GRF	765401	Emergency Medical Services Operating	\$5,497,851	\$5,768,030
H	GRF	767420	Investigative Unit Operating	\$12,554,073	\$10,718,860
I	GRF	768425	Justice Program Services	\$17,995,430	\$18,175,918
J	GRF	768435	Community Police Relations	\$2,445,800	\$2,607,939
K	GRF	769406	Homeland Security -	\$4,946,000	\$5,046,000

Operating					
L	GRF	769407	Driver Safety	\$6,425,545	\$6,458,591
M	GRF	769412	Ohio School Safety Center	\$8,963,284	\$9,367,524
N	General Revenue Fund Total			\$76,258,983	\$86,044,862
O	Highway Safety Fund Group				
P	5TM0	762321	Operating Expense - BMV	\$128,500,000	\$129,645,783
Q	5TM0	762637	Local Immobilization Reimbursement	\$87,000	\$90,000
R	5TM0	764321	Operating Expense - Highway Patrol	\$404,019,560	\$416,140,146
S	5TM0	764605	Motor Carrier Enforcement Expenses	\$709,000	\$730,000
T	5TM0	769636	Administrative Expenses - Highway Purposes	\$56,062,283	\$58,959,468
U	8370	764602	Turnpike Policing	\$13,652,000	\$14,117,000
V	83C0	764630	Contraband, Forfeiture, and Other	\$500,000	\$500,000
W	83F0	764657	Law Enforcement Automated Data System	\$6,216,213	\$6,380,428
X	83G0	764633	OMVI Enforcement/Education	\$156,727	\$157,703

Y	83M0	765640	EMS Grants	\$2,900,000	\$2,900,000
Z	8400	764607	State Fair Security	\$1,788,386	\$1,842,038
AA	8400	764617	Security and Investigations	\$14,376,926	\$14,808,233
AB	8400	764626	State Fairgrounds Police Force	\$1,031,556	\$1,062,502
AC	8460	761625	Motorcycle Safety Education	\$4,215,000	\$4,220,000
AD	8490	762627	Automated Title Processing Board	\$11,000,000	\$10,950,000
AE	8490	762630	Electronic Liens and Titles	\$2,008,000	\$2,008,000
AF	Highway Safety Fund Group Total			\$647,222,651	\$664,511,301
AG	Dedicated Purpose Fund Group				
AH	4P60	768601	Justice Program Services	\$95,000	\$100,000
AI	4V30	763662	EMA Service and Reimbursements	\$559,000	\$562,000
AJ	5330	763601	State Disaster Relief	\$1,000,000	\$1,000,000
AK	5390	762614	Motor Vehicle Dealers Board	\$140,000	\$140,000
AL	5AZ1	761680	eWarrant Local Integration	\$1,390,000	\$1,405,000

AM 5B90	766632	Private Investigator and Security Guard Provider	\$2,134,000	\$2,203,000
AN 5BC1	769638	Ohio School Safety and Security Center Training Fees	\$100,000	\$100,000
AO 5BK0	768687	Criminal Justice Services - Operating	\$770,000	\$795,000
AP 5BK0	768689	Family Violence Shelter Programs	\$1,550,000	\$1,550,000
AQ 5ET0	768625	Drug Law Enforcement	\$3,750,000	\$3,750,000
AR 5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$1,400,000	\$1,400,000
AS 5LM0	768698	Criminal Justice Services Law Enforcement Support	\$850,000	\$850,000
AT 5ML0	769635	Infrastructure Protection	\$89,000	\$91,000
AU 5RH0	767697	OIU Special Projects	\$750,000	\$750,000
AV 5TZ0	761682	Recovery Ohio Law Enforcement	\$6,500,000	\$3,250,000
AW 5TZ0	761683	Ohio Narcotics Intelligence Center	\$13,200,000	\$6,750,000
AX 5Y10	764695	State Highway Patrol Continuing Professional Training	\$148,000	\$148,000

AY 5Y10 767696	Ohio Investigative Unit Continuing Professional Training	\$10,000	\$10,000
AZ 6220 767615	Investigative, Contraband, and Forfeiture	\$61,000	\$61,000
BA 6570 763652	Utility Radiological Safety	\$1,420,000	\$1,467,000
BB 6810 763653	SARA Title III Hazmat Planning	\$400,000	\$331,000
BC	Dedicated Purpose Fund Group Total	\$36,316,000	\$26,713,000
BD	Fiduciary Fund Group		
BE 5J90 761678	Federal Salvage/GSA	\$600,000	\$600,000
BF 5V10 762682	License Plate Contributions	\$2,900,000	\$3,000,000
BG	Fiduciary Fund Group Total	\$3,500,000	\$3,600,000
BH	Holding Account Fund Group		
BI R024 762619	Unidentified Motor Vehicle Receipts	\$1,641,000	\$1,641,000
BJ R052 762623	Security Deposits	\$50,000	\$50,000
BK	Holding Account Fund Group Total	\$1,691,000	\$1,691,000
BL	Federal Fund Group		

BM 3370	763515	COVID Relief - Federal	\$150,000,000	\$150,000,000
BN 3370	763609	Federal Disaster Relief	\$73,500,000	\$73,500,000
BO 3FP0	767620	Ohio Investigative Unit Justice Contraband	\$10,000	\$10,000
BP 3GL0	768619	Justice Assistance Grants	\$10,000,000	\$10,000,000
BQ 3GR0	764693	Highway Patrol Justice Contraband	\$227,000	\$227,000
BR 3GS0	764694	Highway Patrol Treasury Contraband	\$80,000	\$80,000
BS 3GT0	767691	Investigative Unit Federal Equity Share	\$100,000	\$100,000
BT 3GU0	761610	Information and Education Grant	\$435,000	\$435,000
BU 3GU0	764608	Fatality Analysis Report System Grant	\$175,000	\$175,000
BV 3GU0	764610	Highway Safety Programs Grant	\$5,226,000	\$5,333,000
BW 3GU0	764659	Motor Carrier Safety Assistance Program Grant	\$11,242,000	\$11,582,000
BX 3GU0	769610	Investigations Grants - Food Stamps, Liquor, and Tobacco Laws	\$1,000,000	\$1,000,000

BY 3GU0 769631	Homeland Security Disaster Grants	\$1,500,000	\$1,500,000
BZ 3GV0 761612	Traffic Safety Action Plan Grant	\$31,625,000	\$31,685,000
CA 3L50 768604	Justice Program	\$25,000,000	\$25,000,000
CB	Federal Fund Group Total	\$310,120,000	\$310,627,000
CC	TOTAL ALL BUDGET FUND GROUPS	\$1,075,108,634	\$1,093,187,163

Section 373.20. RECOVERY OHIO LAW ENFORCEMENT 151626

The foregoing appropriation item 761682, Recovery Ohio Law Enforcement, shall be used in conjunction with appropriation item 761403, Recovery Ohio Law Enforcement, to support the RecoveryOhio Initiative. 151627
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Of the foregoing appropriation items 761682, Recovery Ohio Law Enforcement, and 761403, Recovery Ohio Law Enforcement, a total of up to \$3,400,000 in each fiscal year may be used by the Office of Criminal Justice Services to support local law enforcement narcotics task forces that focus on cartel trafficking interdiction. The interdiction task forces shall be designated Ohio Organized Crime Commission task forces subject to approval and supervision of the Commission. This earmarked amount may also be used to provide funding to local law enforcement agencies, the Commission for task force-related equipment purchases, and for operating expenses of the Office of Criminal Justice Services related to the narcotics interdiction task force program. 151631
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Of the foregoing appropriation items 761682, Recovery Ohio 151644

Law Enforcement, and 761403, Recovery Ohio Law Enforcement, a 151645
total of up to \$2,500,000 in each fiscal year may be used by the 151646
Office of Criminal Justice Services for Ohio's narcotics task 151647
forces in order to build new and strengthen existing 151648
partnerships with local law enforcement. This earmarked amount 151649
may also be used to provide funding to local law enforcement 151650
agencies and for operating expenses of the Office of Criminal 151651
Justice Services related to the Ohio narcotics task force 151652
program. 151653

Of the foregoing appropriation items 761682, Recovery Ohio 151654
Law Enforcement, and 761403, Recovery Ohio Law Enforcement, a 151655
total of up to \$600,000 in each fiscal year may be used to 151656
partner with the Office of Information Technology in the 151657
Department of Administrative Services to enhance and maintain a 151658
uniform records management and data intelligence system, and 151659
provide case management, collaboration, data sharing, and data 151660
analytics tools for Ohio narcotics task forces and law 151661
enforcement agencies. 151662

OHIO NARCOTICS INTELLIGENCE CENTER 151663

The foregoing appropriation item 761683, Ohio Narcotics 151664
Intelligence Center, shall be used in conjunction with 151665
appropriation item 761411, Ohio Narcotics Intelligence Center, 151666
to support the Ohio Narcotics Intelligence Center. 151667

Section 373.30. SECURITY GRANTS 151668

(A) The foregoing appropriation item 763513, Security 151669
Grants, shall be used to make competitive grants to be used over 151670
a two-year period of up to \$125,000 to nonprofit organizations, 151671
houses of worship, chartered nonpublic schools, and licensed 151672
preschools for all of the following purposes: 151673

- (1) Eligible security improvements that assist the organization in preventing, preparing for, or responding to acts of terrorism, including services performed by the Ohio Department of Transportation related to line of sight security needs; 151674
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- (2) Acquiring or retaining the services of a resource officer, special duty police officer, or licensed armed security guards, including the training, licensing, or certification of resource officers, and training or recommissioning of retired officers and military service members who are transitioning to a civilian career; 151679
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- (3) The lease or purchase of qualified equipment, including equipment for emergency and crisis communication, crisis management, or trauma and crisis response to assist in preventing, preparing for, or responding to acts of terrorism; 151685
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- (4) Placing the qualified equipment at alternative locations that are off the premises belonging to the grantee, provided that the grantee receives prior permission from any appropriate county, municipal corporation, local law enforcement agency, local emergency management agency, or local transportation agency, as applicable; 151689
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- (5) Funding coordinated training between law enforcement, counterterrorism agencies, and emergency responders on either the premises of a nonprofit corporation or through community-wide training efforts; 151695
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- (6) Continuing coverage of costs that were authorized and paid for by a grant issued previously to the grantee in accordance with this section in previous bienniums under the program. 151699
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(B) (1) In addition to the purposes listed in division (A) 151703
of this section, a nonprofit organization that serves a broad 151704
community or geographic area may apply for and receive grants to 151705
provide antiterrorism related services for its serviced 151706
community or area, including providing armed security personnel. 151707
Prior to receiving a grant under division (B) of this section, 151708
the nonprofit organization shall provide the Emergency 151709
Management Agency with any appropriate compliance documentation. 151710
The Agency shall establish what compliance documentation is 151711
required prior to issuing grants under this division. 151712

(2) If more than one nonprofit organization is located at 151713
the same address listed on the application, each nonprofit 151714
organization may apply for the full amount of a grant issued 151715
under this section. Each nonprofit organization shall explain in 151716
its application how it will use the grant money to address a 151717
different vulnerability than the other applicant nonprofit 151718
organizations that are located at the same address. 151719

(C) The Emergency Management Agency shall administer and 151720
award the grants described in division (B) of this section. The 151721
Agency shall establish procedures and forms by which applicants 151722
may apply for a grant, a competitive process for ranking 151723
applicants and awarding the grants, and procedures for 151724
distributing grants to recipients. The procedures shall require 151725
each applicant to do all of the following: 151726

(1) Identify and substantiate prior threats or attacks by 151727
a terrorist organization, network, or cell against the nonprofit 151728
organization, house of worship, chartered nonpublic school, or 151729
licensed preschool; 151730

(2) Indicate the symbolic or strategic value of one or 151731
more sites that renders the site a possible target of terrorism; 151732

(3) Discuss potential consequences to the organization if the site is damaged, destroyed, or disrupted by a terrorist; 151733
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(4) Describe how the grant will be used to integrate organizational preparedness with broader state and local preparedness efforts; 151735
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(5) Submit either a vulnerability assessment conducted by experienced security, law enforcement, or military personnel, or a credible intelligence and threat analysis from one or more qualified homeland security, counterintelligence, or anti-terrorism experts, and a description of how the grant will be used to address the vulnerabilities identified in the assessment. 151738
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The Agency shall consider all of the above factors in evaluating grant applications. The grantee shall have twenty-four months from the date of the first disbursement to meet program requirements. The Agency shall include information about the grants and the application process on its web site. 151745
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(D) The Emergency Management Agency may prioritize a portion of funding, but not more than \$1,000,000 in each fiscal year, for innovative community-public safety partnerships addressing counterterrorism prevention, provided the grantee is eligible to receive the grant as a nonprofit organization that is at risk of terror attack. The Emergency Management Agency may use up to \$1,000,000 in each fiscal year for community police partnerships that focus on collaboration, increased efficiencies, or otherwise assisting both a nonprofit organization and one or more law enforcement, emergency management, or homeland security agencies to serve and protect at-risk nonprofit organizations. 151750
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(E) Any grant submission described in division (I) of 151762
section 3313.536 of the Revised Code or section 149.433 of the 151763
Revised Code is not a public record under section 149.43 of the 151764
Revised Code and is not subject to mandatory release or 151765
disclosure under that section. 151766

(F) The Emergency Management Agency may use up to two and 151767
one-half per cent of the total amount appropriated to administer 151768
the program, a portion of which may be used to pay costs 151769
incurred by the Department of Public Safety to provide security- 151770
related or specialized assistance in reviewing vulnerability 151771
assessments and prioritizing grant applications. 151772

(G) As used in this section: 151773

(1) "Eligible security improvements" means any of the 151774
following: 151775

(a) Physical security enhancement equipment or inspection 151776
and screening equipment included on the Authorized Equipment 151777
List published by the United States Department of Homeland 151778
Security; 151779

(b) Attendance fees and associated materials, supplies, 151780
and equipment costs for security-related training courses and 151781
programs regarding the protection of critical infrastructure and 151782
key resources, physical and cyber security, target hardening, or 151783
terrorism awareness or preparedness. Personnel and travel costs 151784
associated with training shall not be considered an eligible 151785
expense of the grant; 151786

(c) The purchase, upgrade, or maintenance of high-speed 151787
internet for those utilizing it for security purposes. 151788

(2) "Nonprofit organization" means a corporation, 151789
association, group, institution, society, or other organization 151790

that is exempt from federal income taxation under section 501(c) 151791
(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 501(c)(3), 151792
as amended. 151793

(3) "Resource officer" means any law enforcement officer 151794
of an accredited local law enforcement agency providing special 151795
duty services in a school setting to create or maintain a safe, 151796
secure, and orderly environment. A resource officer may include 151797
a special duty police officer, off-duty police officer, deputy 151798
sheriff, or other peace officer of the applicable local law 151799
enforcement agency in which the chartered nonpublic school or 151800
licensed preschool is located or qualifying personnel of an 151801
accredited local law enforcement agency for any jurisdiction in 151802
this state. 151803

(4) "Terrorism" means any act taken by a group or 151804
individual used to intimidate or coerce a nonprofit 151805
organization, house of worship, chartered nonpublic school, or 151806
licensed preschool, its employees, and anyone who is or in the 151807
future may be associated with it, as well as their families; to 151808
influence the policy of the nonprofit organization, house of 151809
worship, chartered nonpublic school, or licensed preschool; and 151810
to affect the conduct of the nonprofit organization, house of 151811
worship, chartered nonpublic school, or licensed preschool. 151812

(H) Notwithstanding division (A) of this section, of the 151813
foregoing appropriation item 763513, Security Grants, \$300,000 151814
in fiscal year 2026 shall be used to award competitive grants to 151815
chartered nonpublic schools for school resource officer or 151816
special duty officer programs. The grant period shall last for 151817
two years and preference shall be given to those institutions 151818
that can show a high risk of terror attack. 151819

JUSTICE PROGRAM SERVICES 151820

Of the foregoing appropriation item 768425, Justice 151821
Program Services, up to \$5,000,000 in each fiscal year shall be 151822
used by the Office of Criminal Justice Services to administer 151823
and distribute grants to state and local law enforcement 151824
agencies to implement or enhance body-worn camera programs. 151825

Of the foregoing appropriation item 768425, Justice 151826
Program Services, up to \$4,531,000 in each fiscal year shall be 151827
used by the Office of Criminal Justice Services to support anti- 151828
human trafficking efforts in the areas of prosecution, victim 151829
services to specifically include assistance for child victims, 151830
and prevention and policy to implement the priorities of the 151831
Governor's Ohio Human Trafficking Task Force. 151832

Of the foregoing appropriation item 768425, Justice 151833
Program Services, up to \$4,000,000 in each fiscal year shall be 151834
used by the Office of Criminal Justice Services to administer 151835
and distribute grants to state and local law enforcement 151836
agencies to assist local communities in reducing and preventing 151837
crime through the use of promising or proven crime reduction 151838
strategies. The use of the grants includes, but is not limited 151839
to, overtime, equipment, technical assistance, and analytical 151840
support to implement crime reduction strategies. 151841

Of the foregoing appropriation item 768425, Justice 151842
Program Services, up to \$1,500,000 in each fiscal year shall be 151843
used to support state and local law enforcement agencies in the 151844
recruitment, hiring, and training of qualified individuals to 151845
serve as peace officers; to support state and local first 151846
responder agencies in mental, physical, and emotional wellness; 151847
and to administer and distribute grants to state and local first 151848
responder agencies to assist in recruitment, retention, and 151849
wellness of their workforce. Of these funds, \$500,000 in each 151850

fiscal year shall be distributed as follows: 151851

(A) \$150,000 in each fiscal year to First Responders' 151852
Bridge to pay for their programs supporting first responders 151853
suffering from Post Traumatic Stress Disorder, depression, 151854
anxiety, and other mental health conditions; 151855

(B) \$150,000 in each fiscal year to Save A Warrior 151856
Foundation to pay for their programs supporting first responders 151857
suffering from Post Traumatic Stress Disorder, depression, 151858
anxiety, and other mental health conditions; and 151859

(C) \$200,000 in each fiscal year to Tri-State Peer Support 151860
Team to pay the administrative costs of providing peer support 151861
and mental health services for first responders and related 151862
program development. 151863

Of the foregoing appropriation item 768425, Justice 151864
Program Services, up to \$1,000,000 in each fiscal year shall be 151865
used by the Office of Criminal Justice Services to distribute 151866
grants to state and/or local law enforcement to conduct 151867
investigations on sexual assault kit testing results and related 151868
expenses. 151869

Of the foregoing appropriation item 768425, Justice 151870
Program Services, up to \$200,000 in each fiscal year shall be 151871
used by the Office of Criminal Justice Services to implement 151872
recommendations of the Governor's Warrant Task Force. 151873

Section 373.40. MOTOR VEHICLE REGISTRATION 151874

The Director of Public Safety may deposit revenues to meet 151875
the cash needs of the Public Safety - Highway Purposes Fund 151876
(Fund 5TM0) established in section 4501.06 of the Revised Code, 151877
obtained under section 4503.02 of the Revised Code, less all 151878
other available cash. Revenue deposited pursuant to this 151879

paragraph shall support in part appropriations for the 151880
administration and enforcement of laws relative to the operation 151881
and registration of motor vehicles, for payment of highway 151882
obligations and other statutory highway purposes. 151883
Notwithstanding section 4501.03 of the Revised Code, the 151884
revenues shall be paid into Fund 5TM0 before any revenues 151885
obtained pursuant to section 4503.02 of the Revised Code are 151886
paid into any other fund. The deposit of revenues to meet the 151887
aforementioned cash needs shall be in approximately equal 151888
amounts on a monthly basis or as otherwise approved by the 151889
Director of Budget and Management. Prior to July 1 of each 151890
fiscal year, the Director of Public Safety shall submit a plan 151891
to the Director of Budget and Management requesting approval of 151892
the anticipated revenue amounts to be deposited into Fund 5TM0 151893
pursuant to this paragraph. If during the fiscal year changes to 151894
the plan as approved by the Director of Budget and Management 151895
are necessary, the Director of Public Safety shall submit a 151896
revised plan to the Director of Budget and Management for 151897
approval prior to any change in the deposit of revenues. 151898

VALIDATION STICKER REQUIREMENTS 151899

Validation stickers are required for the annual 151900
registration of passenger, commercial, motorcycle, and other 151901
vehicles and are produced in accordance with section 4503.191 of 151902
the Revised Code. Notwithstanding section 4503.191 of the 151903
Revised Code, the Registrar of Motor Vehicles may adopt rules 151904
authorizing validation stickers to be produced at any location. 151905

OPERATING EXPENSE - HIGHWAY PATROL 151906

Any new revenue derived from an increase of the Highway 151907
Safety fee as prescribed in section 4503.10 of the Revised Code 151908
that becomes effective with any application for registration or 151909

registration renewal received on or after January 1, 2026, shall 151910
be used exclusively for the State Highway Patrol. 151911

Section 373.50. CASH BALANCE FUND REVIEW 151912

The Director of Public Safety shall review the cash 151913
balances for each fund in the State Highway Safety Fund Group, 151914
and may submit a request in writing to the Director of Budget 151915
and Management to transfer amounts from any fund in the State 151916
Highway Safety Fund Group to the credit of the Public Safety - 151917
Highway Purposes Fund (Fund 5TM0), as appropriate. Upon receipt 151918
of such a request, and subject to the approval of the 151919
Controlling Board, the Director of Budget and Management may 151920
make appropriate transfers as requested by the Director of 151921
Public Safety or as otherwise determined by the Director of 151922
Budget and Management. 151923

**CASH TRANSFERS TO THE SECURITY, INVESTIGATIONS, AND 151924
POLICING FUND** 151925

Notwithstanding any other provision of law to the 151926
contrary, the Director of Budget and Management, upon written 151927
request of the Director of Public Safety and approval of the 151928
Controlling Board, may approve the transfer of cash from the 151929
State Highway Patrol Contraband, Forfeiture, and Other Fund 151930
(Fund 83C0) to the Security, Investigations and Policing Fund 151931
(Fund 8400). 151932

**TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY 151933
MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND** 151934

On July 1 of each fiscal year, or as soon as possible 151935
thereafter, the Director of Budget and Management shall transfer 151936
\$450,000 cash from the State Fire Marshal Fund (Fund 5460) to 151937
the Emergency Management Agency Service and Reimbursement Fund 151938

(Fund 4V30). 151939

Of the foregoing appropriation item 763662, EMA Service 151940
and Reimbursements, \$250,000 in each fiscal year shall be 151941
distributed to the Ohio Task Force One - Urban Search and Rescue 151942
Unit to pay for its operating expenses and developing new 151943
programs. 151944

Of the foregoing appropriation item 763662, EMA Service 151945
and Reimbursements, \$200,000 in each fiscal year shall be 151946
distributed to the Ohio Task Force One - Urban Search and Rescue 151947
Unit, other similar urban search and rescue units around the 151948
state, and for maintenance of the statewide fire emergency 151949
response plan by an entity recognized by the Ohio Emergency 151950
Management Agency. 151951

TRANSFER FROM CONTROLLING BOARD EMERGENCY 151952
PURPOSES/CONTINGENCIES FUND TO STATE DISASTER RELIEF FUND 151953

On July 1 of each fiscal year, or as soon as possible 151954
thereafter, the Director of Budget and Management shall transfer 151955
\$1,000,000 cash from the Controlling Board Emergency 151956
Purposes/Contingencies Fund (Fund 5KM0) to the State Disaster 151957
Relief Fund (Fund 5330). 151958

STATE DISASTER RELIEF 151959

The State Disaster Relief Fund (Fund 5330) may accept 151960
transfers of cash or appropriations from Controlling Board 151961
appropriation items for the Ohio Emergency Management Agency 151962
disaster response costs and disaster program management costs, 151963
and may also be used for the following purposes: 151964

(A) To accept transfers of cash or appropriations from 151965
Controlling Board appropriation items for Ohio Emergency 151966
Management Agency recovery and mitigation program match costs to 151967

reimburse eligible local governments and private nonprofit organizations for costs related to disasters;	151968 151969
(B) To accept transfers of cash or appropriations from Controlling Board appropriation items to cover costs incurred and to reimburse government entities for Emergency Management Assistance Compact (EMAC) missions;	151970 151971 151972 151973
(C) To accept disaster related reimbursement from federal, state, and local governments. The Director of Budget and Management may transfer cash from reimbursements received by this fund to other funds of the state from which transfers were originally approved by the Controlling Board.	151974 151975 151976 151977 151978
(D) To accept transfers of cash or appropriations from Controlling Board appropriation items to fund the State Disaster Relief Program, for disasters that qualify for the program by written authorization of the Governor, and the State Individual Assistance Program for disasters that have been declared by the federal Small Business Administration and that qualify for the program by written authorization from the Governor.	151979 151980 151981 151982 151983 151984 151985
(E) The State Disaster Relief Fund (Fund 5330) may accept, hold, administer, and expend any cash received from a gift, donation, bequest, devise, or contribution.	151986 151987 151988
DRUG LAW ENFORCEMENT FUND	151989
Notwithstanding division (D) of section 5502.68 of the Revised Code, in each of fiscal years 2026 and 2027, the cumulative amount of funding provided to any single drug task force out of the Drug Law Enforcement Fund (Fund 5ET0) may not exceed \$500,000 in any calendar year.	151990 151991 151992 151993 151994
SARA TITLE III HAZMAT PLANNING	151995

The SARA Title III Hazmat Planning Fund (Fund 6810) is 151996
entitled to receive grant funds from the Emergency Response 151997
Commission to implement the Emergency Management Agency's 151998
responsibilities under Chapter 3750. of the Revised Code. 151999

Section 373.60. COLLECTIVE BARGAINING INCREASES 152000

Notwithstanding division (D) of section 127.14 and 152001
division (B) of section 131.35 of the Revised Code, except for 152002
the General Revenue Fund, the Controlling Board may, upon the 152003
request of either the Director of Budget and Management, or the 152004
Department of Public Safety with the approval of the Director of 152005
Budget and Management, authorize expenditures in excess of 152006
appropriations and transfer appropriations, as necessary, for 152007
any fund used by the Department of Public Safety, to assist in 152008
paying the costs of increases in employee compensation that have 152009
occurred pursuant to collective bargaining agreements under 152010
Chapter 4117. of the Revised Code and, for exempt employees, 152011
under section 124.152 of the Revised Code. Any money approved 152012
for expenditure under this paragraph is hereby appropriated. 152013

Section 375.10. 152014

152015

	1	2	3	4	5
A	PUC PUBLIC UTILITIES COMMISSION OF OHIO				
B	Dedicated Purpose Fund Group				
C	4A30	870614	Grade Crossing Protection Devices - State	\$1,200,000	\$1,200,000
D	4L80	870617	Pipeline Safety - State	\$350,000	\$360,000

E	5610	870606	Power Siting Board	\$1,100,000	\$1,100,000
F	5F60	870622	Utility and Railroad Regulation	\$45,851,137	\$47,757,281
G	5F60	870624	NARUC/NRRI Subsidy	\$45,340	\$45,340
H	5LT0	870640	Intrastate Registration	\$230,298	\$237,207
I	5LT0	870641	Unified Carrier Registration	\$451,794	\$465,348
J	5LT0	870643	Non-Hazardous Materials Civil Forfeiture	\$278,202	\$286,548
K	5LT0	870644	Hazardous Materials Civil Forfeiture	\$1,167,567	\$1,178,594
L	5LT0	870645	Motor Carrier Enforcement	\$5,680,962	\$5,786,733
M	5Q50	870626	Telecommunications Relay Service	\$1,020,000	\$1,020,000
N	5QR0	870646	Underground Facilities Protection	\$20,000	\$20,000
O	5QS0	870647	Underground Facilities Administration	\$239,729	\$246,776
P	Dedicated Purpose Fund Group Total			\$57,635,029	\$59,703,827
Q	Federal Fund Group				
R	3330	870601	Gas Pipeline Safety	\$1,683,226	\$1,733,723

Service

E	General Revenue Fund Total	\$271,500,000	\$279,000,000
F	Capital Projects Fund Group		
G	7038 150321 State Capital Improvements Program - Operating Expenses	\$974,304	\$991,125
H	7056 150403 Clean Ohio Conservation Operating	\$324,768	\$330,375
I	Capital Projects Fund Group Total	\$1,299,072	\$1,321,500
J	TOTAL ALL BUDGET FUND GROUPS	\$272,799,072	\$280,321,500

Section 377.20. CONSERVATION GENERAL OBLIGATION BOND DEBT 152018
SERVICE 152019

The foregoing appropriation item 150904, Conservation 152020
General Obligation Bond Debt Service, shall be used to pay all 152021
debt service and related financing costs during the period from 152022
July 1, 2025, through June 30, 2027, on obligations issued under 152023
sections 151.01 and 151.09 of the Revised Code. 152024

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 152025
SERVICE 152026

The foregoing appropriation item 150907, Infrastructure 152027
Improvement General Obligation Bond Debt Service, shall be used 152028
to pay all debt service and related financing costs during the 152029
period from July 1, 2025, through June 30, 2027, on obligations 152030
issued under sections 151.01 and 151.08 of the Revised Code. 152031

CLEAN OHIO CONSERVATION OPERATING	152032
The foregoing appropriation item 150403, Clean Ohio	152033
Conservation Operating, shall be used by the Ohio Public Works	152034
Commission in administering Clean Ohio Conservation Fund (Fund	152035
7056) projects pursuant to sections 164.20 to 164.27 of the	152036
Revised Code.	152037
STATE CAPITAL IMPROVEMENT PROGRAM - OPERATING EXPENSES	152038
The foregoing appropriation item 150321, State Capital	152039
Improvements Program - Operating Expenses, shall be used by the	152040
Ohio Public Works Commission to administer the State Capital	152041
Improvement Program under sections 164.01 to 164.16 of the	152042
Revised Code.	152043
DISTRICT ADMINISTRATION COSTS	152044
The Director of the Public Works Commission is authorized	152045
to create a District Administration Costs Program from proceeds	152046
of the Capital Improvements Fund and Local Transportation	152047
Improvement Program Fund. The program shall be used to provide	152048
for the direct costs of district administration of the nineteen	152049
public works districts. Districts choosing to participate in the	152050
program shall only expend State Capital Improvements Fund moneys	152051
for State Capital Improvements Fund costs and Local	152052
Transportation Improvement Program Fund moneys for Local	152053
Transportation Improvement Program Fund costs. The District	152054
Administration Costs Program account shall not exceed \$1,235,000	152055
per fiscal year. Each public works district may be eligible for	152056
up to \$65,000 per fiscal year from its district allocation as	152057
provided in sections 164.08 and 164.14 of the Revised Code.	152058
The Director, by rule, shall define allowable and non-	152059
allowable costs for the purpose of the District Administration	152060

Costs Program. Non-allowable costs include indirect costs, 152061
elected official salaries and benefits, and project-specific 152062
costs. No district public works committee may participate in the 152063
District Administration Costs Program without the approval of 152064
those costs by the district public works committee under section 152065
164.04 of the Revised Code. 152066

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 152067

The Director of the Public Works Commission is authorized 152068
to create a District Administration Costs Program for districts 152069
represented by natural resource assistance councils. The program 152070
shall be funded from proceeds of the Clean Ohio Conservation 152071
Fund. The program shall be used by natural resource assistance 152072
councils to provide for administration costs of the nineteen 152073
natural resource assistance councils for the direct costs of 152074
council administration. Councils choosing to participate in this 152075
program may be eligible for up to \$15,000 per fiscal year from 152076
their district allocation as provided in section 164.27 of the 152077
Revised Code. 152078

The Director, by rule, shall define allowable and non- 152079
allowable costs for the purpose of the District Administration 152080
Costs Program. Non-allowable costs include indirect costs, 152081
elected official salaries and benefits, and project specific 152082
costs. 152083

Section 379.10. 152084

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A RAC STATE RACING COMMISSION

B Dedicated Purpose Fund Group

B	General Revenue Fund		
C	GRF 235321 Operating Expenses	\$8,750,000	\$9,250,000
D	GRF 235402 Sea Grants	\$308,000	\$308,000
E	GRF 235406 Articulation and Transfer	\$2,269,500	\$2,314,890
F	GRF 235408 Midwest Higher Education Compact	\$115,000	\$115,000
G	GRF 235413 Computer Science	\$4,004,863	\$4,006,508
H	GRF 235414 Grants and Scholarship Administration	\$922,538	\$985,378
I	GRF 235417 Technology Maintenance and Operations	\$4,520,396	\$4,528,397
J	GRF 235425 Ohio Work Ready Grant	\$10,000,000	\$10,000,000
K	GRF 235428 Appalachian New Economy Workforce Partnership	\$3,955,000	\$3,955,000
L	GRF 235438 Choose Ohio First Scholarship	\$32,000,000	\$32,000,000
M	GRF 235443 Aspire - State	\$6,322,267	\$0
N	GRF 235444 Ohio Technical Centers	\$22,138,000	\$22,138,000
O	GRF 235474 Area Health Education Centers Program Support	\$899,000	\$899,000
P	GRF 235475 Campus Security Support	\$4,000,000	\$0

		Program			
Q	GRF	235476	Campus Student Safety Grant Program	\$1,000,000	\$1,000,000
R	GRF	235501	State Share of Instruction	\$2,156,383,406	\$2,177,772,240
S	GRF	235504	War Orphans and Severely Disabled Veterans' Children Scholarships	\$25,000,000	\$30,000,000
T	GRF	235507	OhioLINK	\$6,447,000	\$6,447,000
U	GRF	235508	Air Force Institute of Technology	\$2,000,000	\$2,000,000
V	GRF	235510	Ohio Supercomputer Center	\$5,086,000	\$5,086,000
W	GRF	235511	The Ohio State University Extension Service	\$25,504,000	\$25,504,000
X	GRF	235514	Central State Supplement	\$12,768,910	\$13,151,977
Y	GRF	235515	Case Western Reserve University School of Medicine	\$2,100,000	\$2,100,000
Z	GRF	235519	Family Practice	\$3,098,000	\$3,098,000
AA	GRF	235520	Shawnee State Supplement	\$12,000,000	\$12,000,000
AB	GRF	235525	Geriatric Medicine	\$511,000	\$511,000
AC	GRF	235526	Primary Care Residencies	\$1,468,000	\$1,468,000

AD	GRF	235530	Governor's Merit Scholarship	\$47,000,000	\$56,410,000
AE	GRF	235535	Ohio State Agricultural Research	\$37,169,000	\$37,169,000
AF	GRF	235536	The Ohio State University Clinical Teaching	\$9,461,000	\$9,461,000
AG	GRF	235537	University of Cincinnati Clinical Teaching	\$8,085,000	\$8,085,000
AH	GRF	235538	University of Toledo Clinical Teaching	\$6,065,000	\$6,065,000
AI	GRF	235539	Wright State University Clinical Teaching	\$4,447,000	\$4,447,000
AJ	GRF	235540	Ohio University Clinical Teaching	\$2,849,000	\$2,849,000
AK	GRF	235541	Northeast Ohio Medical University Clinical Teaching	\$2,930,000	\$2,930,000
AL	GRF	235543	Kent State University College of Podiatric Medicine Clinic Subsidy	\$500,000	\$500,000
AM	GRF	235546	Central State Agricultural Research and Development	\$5,828,000	\$5,828,000
AN	GRF	235548	Central State Cooperative	\$5,168,000	\$5,168,000

Extension Services

AO	GRF	235552	Capital Component	\$1,236,561	\$1,236,561
AP	GRF	235555	Library Depositories	\$700,000	\$500,000
AQ	GRF	235556	Ohio Academic Resources Network	\$3,568,000	\$3,568,000
AR	GRF	235558	Long-term Care Research	\$318,000	\$318,000
AS	GRF	235563	Ohio College Opportunity Grant	\$220,600,000	\$207,400,000
AT	GRF	235569	The Ohio State University College of Veterinary Medicine Supplement	\$15,000,000	\$15,000,000
AU	GRF	235572	The Ohio State University Clinic Support	\$750,000	\$750,000
AV	GRF	235578	Federal Research Network	\$5,099,000	\$5,099,000
AW	GRF	235585	Educator Preparation Programs	\$600,000	\$600,000
AX	GRF	235595	Commercial Truck Driver Student Aid Program	\$3,000,000	\$3,000,000
AY	GRF	235599	National Guard Scholarship Program	\$18,399,750	\$18,399,750
AZ	GRF	235909	Higher Education General Obligation Bond Debt	\$250,000,000	\$210,000,000

Service

BA	General Revenue Fund Total	\$3,002,344,191	\$2,975,421,701
BB	Dedicated Purpose Fund Group		
BC	2200 235614 Program Approval and Reauthorization	\$769,126	\$789,679
BD	4560 235603 Sales and Services	\$129,725	\$133,017
BE	4E80 235602 Higher Educational Facility Commission Administration	\$69,839	\$73,807
BF	5AH1 235688 Super RAPIDS	\$10,000,000	\$0
BG	5CJ1 2356A2 Strategic Square Footage Reduction	\$82,650,000	\$0
BH	5D40 235675 Conference/Special Purposes	\$125,000	\$125,000
BI	5FR0 235650 State and Non-Federal Grants and Awards	\$1,405,944	\$1,412,670
BJ	5P30 235663 Variable Savings Plan	\$8,522,034	\$8,522,034
BK	5YD0 235494 Second Chance Grant Program	\$2,000,000	\$2,000,000
BL	5ZD0 235426 Rural Practice Incentive Program	\$1,500,000	\$1,500,000
BM	5ZY0 235592 Grow Your Own Teacher	\$2,500,000	\$2,500,000

Program				
BN 6450	235664	Guaranteed Savings Plan	\$1,110,131	\$1,110,132
BO 6820	235606	Nursing Loan Program	\$1,203,730	\$1,210,344
BP	Dedicated Purpose Fund Group Total		\$111,985,529	\$19,376,683
BQ	Bond Research and Development Fund Group			
BR 7014	235639	Research Incentive Third Frontier - Tax	\$8,000,000	\$8,000,000
BS	Bond Research and Development Fund Group Total		\$8,000,000	\$8,000,000
BT	Federal Fund Group			
BU 3120	235611	Gear-up Grant	\$2,956,000	\$2,956,000
BV 3120	235612	Carl D. Perkins Grant/Plan Administration	\$1,371,939	\$1,388,525
BW 3120	235641	Aspire - Federal	\$18,996,799	\$0
BX 3120	235669	Industry Credential Transfer Assurance Guides Initiative	\$300,000	\$300,000
BY 3BG0	235651	Gear Up Grant Scholarships	\$3,100,000	\$3,100,000
BZ 3N60	235658	John R. Justice Student Loan Repayment Program	\$128,000	\$128,000

CA Federal Fund Group Total	\$26,852,738	\$7,872,525
CB TOTAL ALL BUDGET FUND GROUPS	\$3,149,182,458	\$3,010,670,909

Section 381.20. OPERATING EXPENSES 152088

(A) Of the foregoing appropriation item 235321, Operating Expenses, up to \$1,200,000 in each fiscal year shall be used by the Chancellor of Higher Education, in consultation with OH-TECH, to enhance security operations and services. 152089
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(B) Enhanced security operations and services shall benefit all members of OH-TECH and may include, but shall not be limited to: 152093
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(1) Establishing an enterprise security operations center; 152096

(2) Configuration management in the area of data loss prevention; 152097
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(3) Endpoint patch and compliance; 152099

(4) Log aggregation; 152100

(5) Web application firewall; 152101

(6) Vulnerability management across the consortium; 152102

(7) Other critical security enhancement services as determined appropriate by the Chancellor. 152103
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(C) The Ohio Academic Resource Network (OARnet) and the Ohio Supercomputer Center may use a portion of these funds to enhance their respective network security operations to better serve clients who store sensitive data that is subject to the highest data privacy standards imposed by federal regulations and national research organizations, including, but not limited 152105
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to, the National Institutes of Health, the National Science 152111
Foundation, and the Department of Defense. 152112

SEA GRANTS 152113

The foregoing appropriation item 235402, Sea Grants, shall 152114
be used to match federal dollars and leverage additional support 152115
by The Ohio State University's Sea Grant program, including 152116
Stone Laboratory, for research, education, and outreach to 152117
enhance the economic value, public utilization, and responsible 152118
management of Lake Erie and Ohio's coastal resources. 152119

Section 381.30. ARTICULATION AND TRANSFER 152120

The foregoing appropriation item 235406, Articulation and 152121
Transfer, shall be used by the Chancellor of Higher Education to 152122
maintain and expand the work of the Articulation and Transfer 152123
Network Advisory Council to develop a system of transfer 152124
policies to ensure that students at state institutions of higher 152125
education can transfer and have coursework apply to their majors 152126
and degrees at any other state institution of higher education 152127
without unnecessary duplication or institutional barriers under 152128
sections 3333.16, 3333.161, 3333.162, and 3333.164 of the 152129
Revised Code. 152130

Section 381.40. MIDWEST HIGHER EDUCATION AND WORKFORCE 152131
COMPACT 152132

The foregoing appropriation item 235408, Midwest Higher 152133
Education Compact, shall be distributed by the Chancellor of 152134
Higher Education under section 3333.40 of the Revised Code. 152135

Section 381.80. COMPUTER SCIENCE 152136

The foregoing appropriation item 235413, Computer Science, 152137
shall be used to administer and award grants under the Teach CS 152138

Grant Program established in section 3333.129 of the Revised Code. 152139
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Section 381.90. GRANTS AND SCHOLARSHIP ADMINISTRATION 152141

The foregoing appropriation item 235414, Grants and Scholarship Administration, shall be used by the Chancellor of Higher Education to manage and administer student financial aid programs created by the General Assembly and grants for which the Department of Higher Education is responsible. The appropriation item also shall be used to support all state financial aid audits and student financial aid programs created by Congress, and to provide fiscal and administrative services for the Ohio National Guard Scholarship Program. 152142
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Section 381.110. TECHNOLOGY MAINTENANCE AND OPERATIONS 152151

The foregoing appropriation item 235417, Technology Maintenance and Operations, shall be used by the Chancellor of Higher Education to support the development and implementation of information technology solutions designed to improve the performance and capacity of the Department of Higher Education. The information technology solutions may be provided by the Ohio Technology Consortium (OH-TECH). 152152
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Of the foregoing appropriation item 235417, Technology Maintenance and Operations, a portion in each fiscal year may be used by the Chancellor to support the continued implementation of eStudent Services, a consortium organized under division (T) of section 3333.04 of the Revised Code to expand access to dual enrollment opportunities for high school students, continue the support of the statewide eTutoring program, and for any other strategic priorities of the Chancellor. 152159
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Of the foregoing appropriation item 235417, Technology 152167

Maintenance and Operations, a portion in each fiscal year shall 152168
be used by the Chancellor to implement a high priority data 152169
warehouse, advanced analytics, and visualization integration 152170
services associated with the Higher Education Information (HEI) 152171
system. The services may be facilitated by OH-TECH. 152172

Of the foregoing appropriation item 235417, Technology 152173
Maintenance and Operations, \$150,000 in each fiscal year shall 152174
be used to support Ohio Reach to provide mentoring and support 152175
services to former foster youth attending college. 152176

Section 381.160. OHIO WORK READY GRANT 152177

The foregoing appropriation item 235425, Ohio Work Ready 152178
Grant, shall be used by the Chancellor of Higher Education to 152179
establish and operate the Ohio Work Ready Grant Program pursuant 152180
to section 3333.24 of the Revised Code. 152181

Section 381.180. APPALACHIAN NEW ECONOMY WORKFORCE 152182
PARTNERSHIP 152183

The foregoing appropriation item 235428, Appalachian New 152184
Economy Workforce Partnership, shall be distributed to Ohio 152185
University's Voinovich School to continue a multi-campus and 152186
multi-agency coordinated effort to link Appalachia to the new 152187
economy. Ohio University shall use these funds to provide 152188
leadership in the development and implementation of initiatives 152189
in the areas of entrepreneurship, management, education, and 152190
technology. 152191

Section 381.190. CHOOSE OHIO FIRST SCHOLARSHIP 152192

The foregoing appropriation item 235438, Choose Ohio First 152193
Scholarship, shall be used to operate the program prescribed in 152194
sections 3333.60 to 3333.69 of the Revised Code. 152195

Section 381.200. ASPIRE 152196

The foregoing appropriation item 235443, Aspire - State, 152197
shall be used to support the Aspire program. The supported 152198
programs shall satisfy the state match and maintenance of effort 152199
requirements for the state-administered grant program in fiscal 152200
year 2026. The funds may be used to support students that speak 152201
English as their second language. 152202

Section 381.210. OHIO TECHNICAL CENTERS FUNDING 152203

The foregoing appropriation item 235444, Ohio Technical 152204
Centers, shall be used by the Chancellor of Higher Education to 152205
support post-secondary adult career-technical education and 152206
secondary students enrolling in Ohio Technical Center programs 152207
pursuant to section 3313.901 of the Revised Code. The Chancellor 152208
shall provide coordination for Ohio Technical Centers through 152209
program approval processes, data collection of program and 152210
student outcomes, and subsidy disbursements from the foregoing 152211
appropriation item 235444, Ohio Technical Centers. 152212

(A) (1) As soon as possible in each fiscal year, in 152213
accordance with instructions of the Chancellor, each Ohio 152214
Technical Center shall report its actual data, consistent with 152215
the definitions in the Higher Education Information (HEI) 152216
system's files, to the Chancellor. 152217

(a) In defining the number of full-time equivalent 152218
students for state subsidy purposes, the Chancellor shall 152219
exclude all students who are not residents of Ohio. 152220

(b) A full-time equivalent student shall be defined as a 152221
student who completes 450 hours. Those students that complete 152222
some portion of 450 hours shall be counted as a partial full- 152223
time equivalent for funding purposes, while students that 152224

complete more than 450 hours shall be counted as proportionally 152225
greater than one full-time equivalent. 152226

(c) In calculating each Ohio Technical Center's full-time 152227
equivalent students, the Chancellor shall use a three-year 152228
average. 152229

(d) Ohio Technical Centers shall operate with, or be an 152230
active candidate for, accreditation by an accreditor authorized 152231
by the United States Department of Education to be eligible to 152232
receive subsidies from the foregoing appropriation item 235444, 152233
Ohio Technical Centers. 152234

(2) In each fiscal year, 25 per cent of the allocation for 152235
Ohio Technical Centers shall be distributed based on the 152236
proportion of each Center's full-time equivalent students to the 152237
total full-time equivalent students who complete a post- 152238
secondary technical workforce training program approved by the 152239
Chancellor with a grade of C or better or a grade of pass if the 152240
program is evaluated on a pass/fail basis. 152241

(3) In each fiscal year, 20 per cent of the allocation for 152242
Ohio Technical Centers shall be distributed based on the 152243
proportion of each Center's full-time equivalent students to the 152244
total full-time equivalent students who complete 50 per cent of 152245
a program of study as a measure of student retention. 152246

(4) In each fiscal year, 50 per cent of the allocation for 152247
Ohio Technical Centers shall be distributed based on the 152248
proportion of each Center's full-time equivalent students to the 152249
total full-time equivalent students who have found employment, 152250
entered military service, or enrolled in additional post- 152251
secondary education and training in accordance with the 152252
placement definitions of the Strengthening Career and Technical 152253

Education for the 21st Century Act, 20 U.S.C. 2323 (Perkins). 152254
The calculation for eligible full-time equivalent students shall 152255
be based on the per cent of Perkins placements for students who 152256
have completed at least 50 per cent of a program of study. 152257

(5) In each fiscal year, five per cent of the allocation 152258
for Ohio Technical Centers shall be distributed based on the 152259
proportion of each Center's full-time equivalent students to the 152260
total full-time equivalent students who have earned a credential 152261
from an industry-recognized third party. 152262

(B) Of the foregoing appropriation item 235444, Ohio 152263
Technical Centers, up to 2.38 per cent in each fiscal year may 152264
be distributed by the Chancellor to the Ohio Central School 152265
System, up to \$48,000 in each fiscal year may be utilized for 152266
assistance for Ohio Technical Centers, and up to \$2,000,000 in 152267
each fiscal year may be distributed by the Chancellor to Ohio 152268
Technical Centers that provide customized training and business 152269
consultation services with matching local dollars, with 152270
preference to industries on the in-demand jobs list created 152271
under section 6301.11 of the Revised Code, industries in 152272
regionally emerging fields, or local businesses and industries. 152273
Each center meeting this requirement shall receive at least 152274
\$25,000 but not more than a maximum amount determined by the 152275
Chancellor. 152276

(C) The remainder of the foregoing appropriation item 152277
235444, Ohio Technical Centers, in each fiscal year shall be 152278
distributed in accordance with division (A) of this section. 152279

Section 381.220. AREA HEALTH EDUCATION CENTERS PROGRAM 152280
SUPPORT 152281

The foregoing appropriation item 235474, Area Health 152282

Education Centers Program Support, shall be used by the 152283
Chancellor of Higher Education to support the medical school 152284
regional area health education centers' educational programs for 152285
the continued support of medical and other health professions 152286
education and for support of the Area Health Education Center 152287
Program. 152288

CAMPUS SECURITY SUPPORT PROGRAM 152289

The foregoing appropriation item 235475, Campus Security 152290
Support Program, shall be distributed by the Chancellor of 152291
Higher Education to institutionally sanctioned student 152292
organizations, located on or off campus, affiliated with 152293
communities that are at risk for increased threats of violent 152294
crime, terror attacks, hate crimes, or harassment to enhance 152295
security measures and increase student safety at institutions of 152296
higher education throughout the state. A portion of the 152297
foregoing appropriation item 235475, Campus Security Support 152298
Program, may be used by the Chancellor to administer the 152299
program. 152300

CAMPUS STUDENT SAFETY GRANT PROGRAM 152301

The foregoing appropriation item 235476, Campus Student 152302
Safety Grant Program, shall be used by the Chancellor of Higher 152303
Education to support the Campus Student Safety Grant Program 152304
pursuant to section 3333.80 of the Revised Code. 152305

CAMPUS SECURITY SUPPORT AND STUDENT SAFETY GRANT REPORTS 152306

Not later than July 1, 2026, the Chancellor of Higher 152307
Education shall submit reports regarding the programs funded 152308
under the foregoing appropriation items 235475, Campus Security 152309
Support Program, and 235476, Campus Student Safety Grant 152310
Program, to the chairpersons of the committees of each house 152311

that considers higher education legislation. Each report shall 152312
include, but not be limited to, information about the number of 152313
award recipients and how the funds have been spent under each 152314
program. 152315

Section 381.240. STATE SHARE OF INSTRUCTION FORMULAS 152316

The Chancellor of Higher Education shall establish 152317
procedures to allocate the foregoing appropriation item 235501, 152318
State Share of Instruction, based on the formulas detailed in 152319
this section that utilize the enrollment, course completion, 152320
degree attainment, and student achievement factors reported 152321
annually by each state institution of higher education 152322
participating in the Higher Education Information (HEI) system. 152323
A state institution that does not report data for a full 152324
academic year for any of the years included in the three-year 152325
reporting period for a fiscal year's state share of instruction 152326
allocations shall not receive an allocation for that fiscal year 152327
unless the Chancellor determines that exceptional circumstances 152328
warrant the institution receiving a full or partial allocation. 152329

**(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 152330
COMPLETIONS** 152331

(1) As soon as possible during each fiscal year of the 152332
biennium ending June 30, 2027, in accordance with instructions 152333
of the Department of Higher Education, each state institution of 152334
higher education shall report its actual data, consistent with 152335
the definitions in the Higher Education Information (HEI) 152336
system's enrollment files, to the Chancellor. 152337

(2) In defining the number of full-time equivalent 152338
students for state subsidy instructional cost purposes, the 152339
Chancellor shall exclude all undergraduate students who are not 152340

residents of Ohio or who do not meet the definition of residency 152341
for state subsidy and tuition surcharge purposes, except those 152342
charged in-state fees in accordance with reciprocity agreements 152343
made under section 3333.17 of the Revised Code or employer 152344
contracts entered into under section 3333.32 of the Revised 152345
Code. 152346

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 152347

For purposes of calculating state share of instruction 152348
allocations, the total instructional costs per full-time 152349
equivalent student shall be: 152350

	1	2	3
A	Model	Fiscal Year 2026	Fiscal Year 2027
B	ARTS AND HUMANITIES 1	\$12,218	\$12,710
C	ARTS AND HUMANITIES 2	\$16,282	\$16,938
D	ARTS AND HUMANITIES 3	\$20,250	\$21,066
E	ARTS AND HUMANITIES 4	\$28,250	\$29,388
F	ARTS AND HUMANITIES 5	\$45,031	\$46,846
G	ARTS AND HUMANITIES 6	\$41,346	\$43,013
H	BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$12,297	\$12,793
I	BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$12,723	\$13,235

J	BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$15,491	\$16,116
K	BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$16,941	\$17,623
L	BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$23,293	\$24,232
M	BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$28,346	\$29,488
N	BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$34,425	\$35,812
O	DOCTORAL 1	\$52,586	\$54,705
P	DOCTORAL 2	\$57,637	\$59,960
Q	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$12,059	\$12,545
R	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$15,367	\$15,986
S	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	\$17,403	\$18,105
T	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	\$19,364	\$20,144

U	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	\$24,715	\$25,711
V	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	\$21,736	\$22,612
W	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	\$28,839	\$30,001
X	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	\$42,767	\$44,491
Y	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	\$60,542	\$62,982

Doctoral I and Doctoral II models shall be allocated in 152352
accordance with division (D)(2) of this section. 152353

Medical I and Medical II models shall be allocated in 152354
accordance with divisions (D)(3) and (D)(4) of this section. 152355

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, 152356
MEDICAL, AND GRADUATE WEIGHTS 152357

For the purpose of implementing the recommendations of the 152358
2006 State Share of Instruction Consultation and the Higher 152359
Education Funding Study Council that priority be given to 152360
maintaining state support for science, technology, engineering, 152361
mathematics, medicine, and graduate programs, the costs in 152362

division (B) of this section shall be weighted by the amounts 152363
 provided below: 152364
 152365

	1	2	3
A	Model	Fiscal Year 2026	Fiscal Year 2027
B	ARTS AND HUMANITIES 1	1.0000	1.0000
C	ARTS AND HUMANITIES 2	1.0000	1.0000
D	ARTS AND HUMANITIES 3	1.0000	1.0000
E	ARTS AND HUMANITIES 4	1.0000	1.0000
F	ARTS AND HUMANITIES 5	1.0425	1.0425
G	ARTS AND HUMANITIES 6	1.0425	1.0425
H	BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000
I	BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000
J	BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000
K	BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000
L	BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425
M	BUSINESS, EDUCATION &	1.0425	1.0425

	SOCIAL SCIENCES 6		
N	BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425
O	DOCTORAL 1	1.0000	1.0000
P	DOCTORAL 2	1.0000	1.0000
Q	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000
R	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017
S	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150
T	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920
U	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222
V	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798
W	SCIENCE, TECHNOLOGY,	1.4380	1.4380

	ENGINEERING, MATHEMATICS, MEDICINE 7			
X	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	1.5675	1.5675	
Y	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	1.1361	1.1361	
	(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES			152366 152367
	(1) Of the foregoing appropriation item 235501, State Share of Instruction, 50 per cent of the appropriation for universities, as established in division (B) (1) (b) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2026 AND 2027," in each fiscal year shall be reserved for support of associate, baccalaureate, master's, and professional level degree attainment.			152368 152369 152370 152371 152372 152373 152374
	The degree attainment funding shall be allocated to universities in proportion to each campus's share of the total statewide degrees granted, weighted by the cost of the degree programs. The degree cost calculations shall include the model cost weights for the science, technology, engineering, mathematics, and medicine models as established in division (C) of this section.			152375 152376 152377 152378 152379 152380 152381
	For degrees including credits earned at multiple institutions, degree attainment funding shall be allocated to universities in proportion to each campus's share of the student-specific cost of earned credits for the degree. Each			152382 152383 152384 152385

institution shall receive its prorated share of degree funding 152386
for credits earned at that institution. Cost of credits not 152387
earned at a university main or regional campus shall be credited 152388
to the degree-granting institution for the first degree earned 152389
by a student at each degree level. The cost credited to the 152390
degree-granting institution shall not be eligible for at-risk 152391
weights and shall be limited to 12.5 per cent of the student- 152392
specific degree costs. However, the 12.5 per cent limitation 152393
shall not apply if the student transferred 12 or fewer credits 152394
into the degree granting institution. 152395

In calculating the subsidy entitlements for degree 152396
attainment for universities, the Chancellor shall use the 152397
following count of degrees and degree costs: 152398

(a) The subsidy eligible undergraduate degrees shall be 152399
defined as follows: 152400

(i) The subsidy eligible degrees conferred to students 152401
identified as residents of the state of Ohio in any term of 152402
their studies, as reported through the Higher Education 152403
Information (HEI) system student enrollment file, shall be 152404
weighted by a factor of 1. 152405

(ii) The subsidy eligible degrees conferred to students 152406
identified as out-of-state residents during all terms of their 152407
studies, as reported through the Higher Education Information 152408
(HEI) system student enrollment file, who remain in the state of 152409
Ohio at least one year after graduation, as calculated based on 152410
the three-year average in-state residency rate using the 152411
Unemployment Wage data for out-of-state graduates at each 152412
institution, shall be weighted by a factor of 50 per cent. 152413

(iii) Subsidy eligible associate degrees are defined as 152414

those earned by students attending any state-supported 152415
university main or regional campus. 152416

(b) In calculating each campus's count of degrees, the 152417
Chancellor shall use the three-year average associate, 152418
baccalaureate, master's, and professional degrees awarded for 152419
the most recent completed three-year period that is practicable 152420
as agreed to by the Inter-University Council and the Chancellor. 152421

(i) If a student is awarded an associate degree and, 152422
subsequently, is awarded a baccalaureate degree, the amount 152423
funded for the baccalaureate degree shall be limited to either 152424
the difference in cost between the cost of the baccalaureate 152425
degree and the cost of the associate degree paid previously, or 152426
if the associate degree has a higher cost than the baccalaureate 152427
degree, the cost of the credits earned by the student after the 152428
associate degree was awarded. 152429

(ii) If a student earns an associate degree then, 152430
subsequently, earns a baccalaureate degree, the associate degree 152431
granting institution shall only receive the prorated share of 152432
the baccalaureate degree funding for the credits earned at that 152433
institution after the associate degree is awarded. 152434

(iii) If a student earns more than one degree at the same 152435
institution at the same degree level in the same fiscal year, 152436
the funding for the highest cost degree shall be prorated among 152437
institutions based on where the credits were earned and 152438
additional degrees shall be funded at 25 per cent of the cost of 152439
the degrees. 152440

(c) Associate degrees and baccalaureate degrees earned by 152441
a student defined as at-risk based on academic under- 152442
preparation, age, minority status, financial status, or first 152443

generation post-secondary status based on neither parent 152444
completing any education beyond high school, shall be defined as 152445
degrees earned by an at-risk student and shall be weighted by 152446
the following: 152447

A student-specific degree completion weight, where the 152448
weight is calculated based on the at-risk factors of the 152449
individual student, determined by calculating the difference 152450
between the percentage of students with each risk factor who 152451
earned a degree and the percentage of non-at-risk students who 152452
earned a degree. 152453

(2) Of the foregoing appropriation item 235501, State 152454
Share of Instruction, up to 11.78 per cent of the appropriation 152455
for universities, as established in division (B) (1) (b) of the 152456
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 152457
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 152458
reserved for support of doctoral programs to implement the 152459
funding recommendations made by representatives of the 152460
universities. The amount so reserved shall be referred to as the 152461
doctoral set-aside. 152462

In each fiscal year, the doctoral set-aside funding 152463
allocation shall be allocated to universities as follows: 152464

(a) 25 per cent of the doctoral set-aside shall be 152465
allocated to universities in proportion to their share of the 152466
statewide total earnings of each state institution's three-year 152467
average course completions. The subsidy eligible enrollments by 152468
model shall equal only those FTE students who successfully 152469
complete the course as defined and reported through the Higher 152470
Education Information (HEI) system course enrollment file. 152471
Course completion earnings shall be determined by multiplying 152472
the amounts listed above in divisions (B) and (C) of this 152473

section by the subsidy-eligible FTEs for the most recent 152474
completed three-year period that is practicable as agreed to by 152475
the Inter-University Council and the Chancellor for all doctoral 152476
enrollments in graduate-level models. 152477

(b) 50 per cent of the doctoral set-aside shall be 152478
allocated to universities in proportion to each campus's share 152479
of the total statewide doctoral degrees, weighted by the cost of 152480
the doctoral discipline. In calculating each campus's doctoral 152481
degrees the Chancellor shall use the three-year average doctoral 152482
degrees awarded for the most recent completed three-year period 152483
that is practicable as agreed to by the Inter-University Council 152484
and the Chancellor. 152485

(c) 25 per cent of the doctoral set-aside shall be 152486
allocated to universities in proportion to their share of 152487
research grant activity. Funding for this component shall be 152488
allocated to eligible universities in proportion to their share 152489
of research grant activity published by the National Science 152490
Foundation. Grant awards from the Department of Health and Human 152491
Services shall be weighted at 50 per cent. 152492

(3) Of the foregoing appropriation item 235501, State 152493
Share of Instruction, 6.41 per cent of the appropriation for 152494
universities, as established in division (B)(1)(b) of the 152495
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 152496
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 152497
reserved for support of Medical II FTEs. The amount so reserved 152498
shall be referred to as the medical II set-aside. 152499

The medical II set-aside shall be allocated to 152500
universities in proportion to their share of the statewide total 152501
of each state institution's three-year average Medical II FTEs 152502
as calculated in division (A) of this section. 152503

In calculating the core subsidy entitlements for Medical II models only, students repeating terms may be no more than five per cent of current year enrollment. 152504
152505
152506

(4) Of the foregoing appropriation item 235501, State Share of Instruction, 1.69 per cent of the appropriation for universities, as established in division (B) (1) (b) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2026 AND 2027," in each fiscal year shall be reserved for support of Medical I FTEs. The amount so reserved shall be referred to as the medical I set-aside. 152507
152508
152509
152510
152511
152512
152513

In each fiscal year, the medical I set-aside shall be allocated to universities as follows: 152514
152515

(a) 12.34 per cent of the medical I set-aside shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Medical I FTEs, as calculated in division (A) of this section, enrolled in public colleges of podiatric medicine. 152516
152517
152518
152519
152520

(b) 87.66 per cent of the medical I set-aside shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Medical I FTEs, as calculated in division (A) of this section, enrolled in public colleges of dentistry and veterinary medicine. 152521
152522
152523
152524
152525
152526

(5) In calculating the course completion funding for universities, the Chancellor shall use the following count of FTE students: 152527
152528
152529

(a) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information 152530
152531
152532
152533

(HEI) system course enrollment file; 152533

(b) Those undergraduate FTE students with successful 152534
course completions, identified in division (D)(5)(a) of this 152535
section, that are defined as at-risk based on academic under- 152536
preparation or financial status shall have their eligible 152537
completions weighted by the following: 152538

(i) Institution-specific course completion indexes, where 152539
the indexes are calculated based upon the number of at-risk 152540
students enrolled during the prior three calendar years; and 152541

(ii) A statewide average at-risk course completion weight 152542
determined for each subsidy model. The statewide average at-risk 152543
course completion weight shall be determined by calculating the 152544
difference between the percentage of traditional students who 152545
complete a course and the percentage of at-risk students who 152546
complete the same course. 152547

(c) The course completion earnings shall be determined by 152548
multiplying the amounts listed above in divisions (B) and (C) of 152549
this section by the subsidy-eligible FTEs for the most recent 152550
completed three-year period that is practicable as agreed to by 152551
the Inter-University Council and the Chancellor for all models 152552
except Medical I and Medical II. 152553

(d) For universities, the Chancellor shall compute the 152554
course completion earnings by dividing the appropriation for 152555
universities, established in division (B)(1)(b) of the section 152556
of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL 152557
YEARS 2026 AND 2027," less the degree attainment funding as 152558
calculated in division (D)(1) of this section, less the doctoral 152559
set-aside, less the medical I set-aside, and less the medical II 152560
set-aside, by the sum of all campuses' instructional costs as 152561

calculated in division (D)(5) of this section. 152562

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 152563
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 152564

(1) Of the foregoing appropriation item 235501, State 152565
Share of Instruction, 50 per cent of the appropriation for 152566
state-supported community colleges, state community colleges, 152567
and technical colleges as established in division (B)(1)(a) of 152568
the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 152569
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 152570
reserved for course completion FTEs as aggregated by the subsidy 152571
models defined in division (B) of this section. 152572

The course completion funding shall be allocated to 152573
campuses in proportion to each campus's share of the total 152574
sector's course completions, weighted by the instructional cost 152575
of the subsidy models. 152576

To calculate the subsidy entitlements for course 152577
completions at community colleges, state community colleges, and 152578
technical colleges, the Chancellor shall use the following 152579
calculations: 152580

(a) In calculating each campus's count of FTE course 152581
completions, the Chancellor shall use a three-year average for 152582
course completions for the three-year period ending in the prior 152583
year for students identified as residents of the state of Ohio 152584
in any term of their studies, as reported through the Higher 152585
Education Information (HEI) system student enrollment file. 152586

(b) The subsidy eligible enrollments by model shall equal 152587
only those FTE students who successfully complete the course as 152588
defined and reported through the Higher Education Information 152589
(HEI) system course enrollment file. 152590

(c) Those students with successful course completions, 152591
that are defined as access students based on financial status, 152592
minority status, age, or academic under-preparation shall have 152593
their eligible course completions weighted by a statewide access 152594
weight. The weight given to any student that meets any access 152595
factor shall be 15 per cent for all course completions. 152596

(d) The model costs as used in the calculation shall be 152597
augmented by the model weights for science, technology, 152598
engineering, mathematics, and medicine models as established in 152599
division (C) of this section. 152600

(2) Of the foregoing appropriation item 235501, State 152601
Share of Instruction, 25 per cent of the appropriation for 152602
state-supported community colleges, state community colleges, 152603
and technical colleges as established in division (B) (1) (a) of 152604
the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 152605
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 152606
reserved for colleges in proportion to their share of college 152607
student success factors. 152608

Student success factors shall be awarded at the 152609
institutional level for each subsidy-eligible student that 152610
successfully: 152611

(a) Completes a college-level math course within the first 152612
30 hours of completed coursework. 152613

(b) Completes a college-level English course within the 152614
first 30 hours of completed coursework. 152615

(c) Completes 12 semester credit hours of college-level 152616
coursework. 152617

(d) Completes 24 semester credit hours of college-level 152618
coursework. 152619

(e) Completes 36 semester credit hours of college-level coursework. 152620
152621

(3) Of the foregoing appropriation item 235501, State 152622
Share of Instruction, 25 per cent of the appropriation for 152623
state-supported community colleges, state community colleges, 152624
and technical colleges as established in division (B) (1) (a) of 152625
the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 152626
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 152627
reserved for completion milestones. 152628

Completion milestones shall include baccalaureate degrees, 152629
associate degrees, technical certificates over 30 credit hours 152630
as designated by the Department of Higher Education, and 152631
students transferring to any four-year institution with at least 152632
12 credit hours of college-level coursework earned at that 152633
community college, state community college, or technical 152634
college. 152635

The completion milestone funding shall be allocated to 152636
colleges in proportion to each institution's share of the 152637
sector's total completion milestones, weighted by the 152638
instructional cost of the degree, certificate, or transfer 152639
models. Costs for technical certificates over 30 hours shall be 152640
weighted at one-half of the associate degree model costs and 152641
transfers with at least 12 credit hours of college-level 152642
coursework shall be weighted at one-fourth of the average cost 152643
for all associate degree model costs. 152644

(4) To calculate the subsidy entitlements for completions 152645
at community colleges, state community colleges, and technical 152646
colleges, the Chancellor shall use the following calculations: 152647

(a) In calculating each campus's count of completions, the 152648

Chancellor shall use a three-year average for completion 152649
milestones awarded to students identified as subsidy eligible in 152650
any term of their studies, as reported through the Higher 152651
Education Information (HEI) system student enrollment file. 152652

(b) The subsidy eligible completion milestones by model 152653
shall equal only those students who successfully complete a 152654
baccalaureate or an associate degree, or technical certificate 152655
over 30 credit hours, or transfer to any four-year institution 152656
with at least 12 credit hours of college-level coursework as 152657
defined and reported in the Higher Education Information (HEI) 152658
system. Student completions reported in HEI shall have an 152659
accompanying course enrollment record in order to be subsidy 152660
eligible. 152661

(c) Those students with successful completions for 152662
baccalaureate or associate degrees, technical certificates over 152663
30 credit hours, or transfer to any four-year institution with 152664
at least 12 credit hours of college-level coursework, identified 152665
in division (E) (3) of this section, that are defined as access 152666
students based on financial status, minority status, age, or 152667
academic under-preparation shall have their eligible completions 152668
weighted by a statewide access weight. The weight shall be 25 152669
per cent for students with one access factor, 66 per cent for 152670
students with two access factors, 150 per cent for students with 152671
three access factors, and 200 per cent for students with four 152672
access factors. 152673

(d) For those students who complete more than one 152674
completion milestone, funding for each additional degree or 152675
technical certificate over 30 credit hours designated as such by 152676
the Department of Higher Education shall be funded at 50 per 152677
cent of the model costs as defined in division (E) (3) of this 152678

section. 152679

(5) For purposes of the calculations made in division (E) 152680
of this section, the Chancellor shall only include subsidy- 152681
eligible students identified as residents of the state of Ohio 152682
in any term of their studies, as reported through the Higher 152683
Education Information (HEI) system student enrollment file. The 152684
Chancellor shall be prohibited from including nonresident 152685
students as subsidy-eligible except for those students otherwise 152686
identified as subsidy-eligible in division (A) (2) of this 152687
section. 152688

(F) CAPITAL COMPONENT DEDUCTION 152689

After all other adjustments have been made, state share of 152690
instruction earnings shall be reduced for each campus by the 152691
amount, if any, by which debt service charged in H.B. 16 of the 152692
126th General Assembly, H.B. 699 of the 126th General Assembly, 152693
H.B. 496 of the 127th General Assembly, and H.B. 562 of the 152694
127th General Assembly for that campus exceeds that campus's 152695
capital component earnings. The sum of the amounts deducted 152696
shall be transferred to appropriation item 235552, Capital 152697
Component, in each fiscal year. 152698

(G) EXCEPTIONAL CIRCUMSTANCES 152699

Adjustments may be made to the state share of instruction 152700
payments and other subsidies distributed by the Chancellor to 152701
state colleges and universities for exceptional circumstances. 152702
No adjustments for exceptional circumstances may be made without 152703
the recommendation of the Chancellor and the approval of the 152704
Controlling Board. 152705

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 152706
INSTRUCTION 152707

The standard provisions of the state share of instruction calculation as described in the preceding sections of temporary law shall apply to any reductions made to appropriation item 235501, State Share of Instruction, before the Chancellor has formally approved the final allocation of the state share of instruction funds for any fiscal year.

Any reductions made to appropriation item 235501, State Share of Instruction, after the Chancellor has formally approved the final allocation of the state share of instruction funds for any fiscal year, shall be uniformly applied to each campus in proportion to its share of the final allocation.

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION

The state share of instruction payments to the institutions shall be in substantially equal monthly amounts during the fiscal year, unless otherwise determined by the Director of Budget and Management pursuant to section 126.09 of the Revised Code. Payments during the first six months of the fiscal year may be based upon the state share of instruction appropriation estimates made for the various institutions of higher education, and payments during the last six months of the fiscal year may be based on the final data from the Chancellor. If agreed to by the Chancellor and the Inter-University Council, payments to universities in each month of a fiscal year shall be based on final data in the higher education information system for the selected three-year period that is acceptable to both parties.

Section 381.250. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2026 AND 2027

(A) (1) Of the foregoing appropriation item 235501, State

Share of Instruction, up to \$100,000,000 in each fiscal year 152737
shall be distributed according to a formula devised by the 152738
Chancellor of Higher Education based on the following order of 152739
priority, using data from the United States Census Post- 152740
Secondary Employment Outcomes project: 152741

(a) Retention-rate outcomes based on factors, including, 152742
but not limited to, the number of graduates employed by an Ohio- 152743
based employer and employment outcomes of the graduates of each 152744
college and university. In counting students under division (A) 152745
(1) (a) of this section, graduates who are residents of this 152746
state under rules adopted under section 3333.31 of the Revised 152747
Code and are employed by an Ohio-based employer shall be 152748
weighted the highest, followed by graduates who are employed by 152749
an Ohio-based employer but are not residents of this state; 152750

(b) Employment outcomes of the graduates of each college 152751
and university. In counting students under division (A) (1) (b) of 152752
this section, the Chancellor shall use as a factor employment by 152753
the graduates of each institution, measured at the 2-digit level 152754
of the Classification of Instructional Programs codes published 152755
by the National Center for Education Statistics. 152756

(2) Of the foregoing appropriation item 235501, State 152757
Share of Instruction, up to \$10,000,000 in each fiscal year 152758
shall be distributed according to a formula devised by the 152759
Chancellor that provides funding bonuses of \$10,000 per graduate 152760
for technician-aligned associate degrees, as determined by the 152761
Governor's Office of Workforce Transformation, that are produced 152762
above a historical baseline of institutional production, as 152763
calculated by the Chancellor. In developing a formula under 152764
division (A) (2) of this section, the Chancellor shall give 152765
priority to retention-based outcomes, as specified in division 152766

(A) (1) (a) of this section, and count only graduates that are	152767
employed by an Ohio-based employer.	152768
(3) Of the amount set aside in division (A) (1) of this	152769
section for each fiscal year, 76.8 per cent shall be distributed	152770
to state-supported university main and regional campuses and	152771
23.2 per cent shall be distributed to state-supported community	152772
colleges, state community colleges, and technical colleges.	152773
(4) Of the foregoing appropriation item 235501, State	152774
Share of Instruction, \$8,500,000 in each fiscal year shall be	152775
distributed to The Ohio State University to support the Salmon	152776
P. Chase Center for Civics, Culture, and Society established	152777
under section 3335.39 of the Revised Code.	152778
(5) Of the foregoing appropriation item 235501, State	152779
Share of Instruction, \$3,000,000 in each fiscal year shall be	152780
distributed to the University of Toledo to support the Institute	152781
of American Constitutional Thought and Leadership established	152782
under section 3364.07 of the Revised Code.	152783
(6) Of the foregoing appropriation item 235501, State	152784
Share of Instruction, \$2,000,000 in each fiscal year shall be	152785
distributed to Miami University to support the center for	152786
civics, culture, and society established under section 3339.06	152787
of the Revised Code.	152788
(7) Of the foregoing appropriation item 235501, State	152789
Share of Instruction, \$2,000,000 in each fiscal year shall be	152790
distributed to Cleveland State University to support the center	152791
for civics, culture, and society established under section	152792
3344.07 of the Revised Code.	152793
(8) Of the foregoing appropriation item 235501, State	152794
Share of Instruction, \$2,000,000 in each fiscal year shall be	152795

distributed to Wright State University to support the center for 152796
civics, culture, and workforce development established under 152797
section 3352.16 of the Revised Code. 152798

(B) (1) The remainder of the foregoing appropriation item 152799
235501, State Share of Instruction, shall be distributed 152800
according to the section of this act entitled "STATE SHARE OF 152801
INSTRUCTION FORMULAS." Of these funds: 152802

(a) 23.2 per cent in each fiscal year shall be distributed 152803
to state-supported community colleges, state community colleges, 152804
and technical colleges, except that the amount calculated for 152805
Eastern Gateway Community College shall be distributed as 152806
follows: 152807

(i) Up to \$2,900,000 in fiscal year 2026 for final close 152808
out costs of the college; 152809

(ii) Up to \$2,500,000 in fiscal year 2026 to reimburse the 152810
Controlling Board Emergency Purposes/Contingencies Fund (Fund 152811
5KM0); 152812

(iii) The remainder in each fiscal year shall remain in 152813
the General Revenue Fund; 152814

(b) 76.8 per cent in each fiscal year shall be distributed 152815
to state-supported university main and regional campuses; 152816

(c) Of the amounts distributed under division (B) (1) (b) of 152817
this section, \$100,000,000 in fiscal year 2027 shall be 152818
distributed according to a formula devised by the Chancellor 152819
based on the per cent share of funds calculated in division (B) 152820
(1) (b) of this section. No state university shall receive funds 152821
from the amount set aside in division (B) (1) (c) of this section 152822
for fiscal year 2027 unless the standing committees of the House 152823
of Representatives and the Senate that consider higher education 152824

legislation determine that the state university has fully 152825
complied with sections 3333.045, 3345.029, 3345.0216, 3345.0217, 152826
3345.382, 3345.451, 3345.453, and 3345.591 of the Revised Code 152827
for the previous fiscal year. To make this determination, each 152828
state university shall, not later than March 1, 2026, submit a 152829
report to the committee chairs, in a form and manner determined 152830
by the committees, that demonstrates the state university's 152831
compliance with those sections. Not later than March 31, 2026, 152832
each committee shall determine whether each state university has 152833
fully complied with those sections for the previous fiscal year 152834
and report that determination to the Office of Budget and 152835
Management. The Controlling Board shall consider the release of 152836
funds from the amount set aside in division (B)(1)(c) of this 152837
section for fiscal year 2027 only for compliant universities. 152838
The release of funds shall be subject to Controlling Board 152839
approval. Payments for fiscal year 2027 shall be issued to 152840
compliant universities in monthly payments in the manner 152841
provided in division (I) of the section of this act entitled 152842
"STATE SHARE OF INSTRUCTION FORMULAS." For any university 152843
determined noncompliant, the Chancellor shall reduce payments 152844
for that university by an amount equal to that university's per 152845
cent share of the total funds calculated pursuant to division 152846
(B)(1)(b) of this section. 152847

(2) Any increases in the amount distributed to an 152848
institution from the funds set aside in division (B) of this 152849
section that are above the prior year may be used by the 152850
institution to provide need-based aid and to provide counseling, 152851
support services, and workforce preparation services to 152852
students. 152853

Section 381.260. RESTRICTION ON FEE INCREASES 152854

(A) In fiscal years 2026 and 2027, the boards of trustees of state institutions of higher education shall restrain increases in in-state undergraduate instructional and general fees.

(1) For the 2025-2026 and 2026-2027 academic years, each community college established under Chapter 3354., state community college established under Chapter 3358., or technical college established under Chapter 3357. of the Revised Code may increase its in-state undergraduate instructional and general fees by not more than ten dollars per credit hour over what the institution charged for the previous academic year.

(2) The limitations under division (A) (1) of this section do not apply to student health insurance, fees for auxiliary goods or services provided to students at the cost incurred to the institution, fees assessed to students as a pass-through for licensure and certification examinations, fees in elective courses associated with travel experiences, elective service charges, fines, and voluntary sales transactions.

(B) The limitations under this section shall not apply to increases required to comply with institutional covenants related to their obligations or to meet unfunded legal mandates or legally binding obligations incurred or commitments made prior to the effective date of this section with respect to which the institution had identified such fee increases as the source of funds. Any increase required by such covenants and any such mandates, obligations, or commitments shall be reported by the Chancellor of Higher Education to the Controlling Board. These limitations may also be modified by the Chancellor, with the approval of the Controlling Board, to respond to exceptional circumstances as identified by the Chancellor.

(C) Institutions offering an undergraduate tuition 152885
guarantee pursuant to section 3345.48 of the Revised Code may 152886
increase instructional and general fees pursuant to that 152887
section. 152888

Section 381.270. HIGHER EDUCATION - BOARD OF TRUSTEES 152889

(A) Funds appropriated for instructional subsidies at 152890
colleges and universities may be used to provide such branch or 152891
other off-campus undergraduate courses of study and such 152892
master's degree courses of study as may be approved by the 152893
Chancellor of Higher Education. 152894

(B) In providing instructional and other services to 152895
students, boards of trustees of state institutions of higher 152896
education shall supplement state subsidies with income from 152897
charges to students. Except as otherwise provided in this act, 152898
each board shall establish the fees to be charged to all 152899
students, including an instructional fee for educational and 152900
associated operational support of the institution and a general 152901
fee for noninstructional services, including locally financed 152902
student services facilities used for the benefit of enrolled 152903
students. The instructional fee and the general fee shall 152904
encompass all charges for services assessed uniformly to all 152905
enrolled students. Each board may also establish special purpose 152906
fees, service charges, and fines as required; such special 152907
purpose fees and service charges shall be for services or 152908
benefits furnished individual students or specific categories of 152909
students and shall not be applied uniformly to all enrolled 152910
students. A tuition surcharge shall be paid by all students who 152911
are not residents of Ohio. 152912

The board of trustees of a state institution of higher 152913
education shall not authorize a waiver or nonpayment of 152914

instructional fees or general fees for any particular student or 152915
any class of students other than waivers specifically authorized 152916
by law or approved by the Chancellor. This prohibition is not 152917
intended to limit the authority of boards of trustees to provide 152918
for payments to students for services rendered the institution, 152919
nor to prohibit the budgeting of income for staff benefits or 152920
for student assistance in the form of payment of such 152921
instructional and general fees. 152922

Each board may authorize a lower differential tuition rate 152923
of instructional or general fees equal to the default rate 152924
options provided under the College Credit Plus Program pursuant 152925
to Chapter 3365. of the Revised Code or equal to rates 152926
established pursuant to an agreement for an alternative payment 152927
structure pursuant to section 3365.07 of the Revised Code for 152928
nonpublic and home schooled students participating in that 152929
program that are not publicly funded. Each board may establish a 152930
lower differential tuition rate for in-state undergraduate 152931
instructional fees or general fees for students enrolled 152932
exclusively in online courses, as well as a lower differential 152933
tuition rate for the surcharge for nonresidents enrolled 152934
exclusively in online courses, provided a surcharge is still 152935
assessed. 152936

Each board may authorize a lower tuition rate for courses 152937
taken by high school students that do not qualify for funding 152938
under the College Credit Plus program under section 3365.07 of 152939
the Revised Code. These tuition rates must align with the 152940
institution's tuition rates charged for courses eligible for 152941
funding under the College Credit Plus Program. 152942

Each state institution of higher education in its 152943
statement of charges to students shall separately identify the 152944

instructional fee, the general fee, the tuition charge, and the 152945
tuition surcharge. Fee charges to students for instruction shall 152946
not be considered to be a price of service but shall be 152947
considered to be an integral part of the state government 152948
financing program in support of higher educational opportunity 152949
for students. 152950

(C) The boards of trustees of state institutions of higher 152951
education shall ensure that faculty members devote a proper and 152952
judicious part of their work week to the actual instruction of 152953
students. Total class credit hours of production per academic 152954
term per full-time faculty member is expected to meet the 152955
standards set forth in the budget data submitted by the 152956
Chancellor. 152957

(D) The authority of government vested by law in the 152958
boards of trustees of state institutions of higher education 152959
shall in fact be exercised by those boards. Boards of trustees 152960
may consult extensively with appropriate student and faculty 152961
groups. Administrative decisions about the utilization of 152962
available resources, about organizational structure, about 152963
disciplinary procedure, about the operation and staffing of all 152964
auxiliary facilities, and about administrative personnel shall 152965
be the exclusive prerogative of boards of trustees. Any 152966
delegation of authority by a board of trustees in other areas of 152967
responsibility shall be accompanied by appropriate standards of 152968
guidance concerning expected objectives in the exercise of such 152969
delegated authority and shall be accompanied by periodic review 152970
of the exercise of this delegated authority to the end that the 152971
public interest, in contrast to any institutional or special 152972
interest, shall be served. 152973

Section 381.280. WAR ORPHANS AND SEVERELY DISABLED 152974

VETERANS' CHILDREN SCHOLARSHIPS 152975

The foregoing appropriation item 235504, War Orphans and 152976
Severely Disabled Veterans' Children Scholarships, shall be used 152977
to reimburse state institutions of higher education for waivers 152978
of instructional fees and general fees provided by them, to 152979
provide grants to institutions that have received a certificate 152980
of authorization from the Chancellor of Higher Education under 152981
Chapter 1713. of the Revised Code, in accordance with the 152982
provisions of section 5910.04 of the Revised Code, and to fund 152983
additional scholarship benefits provided by section 5910.032 of 152984
the Revised Code. 152985

During each fiscal year, the Chancellor, as soon as 152986
possible after cancellation, may certify to the Director of 152987
Budget and Management the amount of canceled prior-year 152988
encumbrances in appropriation item 235504, War Orphans and 152989
Severely Disabled Veterans' Children Scholarships. Upon receipt 152990
of the certification, the Director of Budget and Management may 152991
transfer cash, up to the certified amount, from the General 152992
Revenue Fund to the War Orphans and Severely Disabled Veterans' 152993
Children Scholarship Reserve Fund (Fund 5PW0). 152994

Section 381.290. STATE SHARE OF INSTRUCTION RECONCILIATION 152995

By the first day of September in each fiscal year, or as 152996
soon as possible thereafter, the Chancellor of Higher Education 152997
shall certify to the Director of Budget and Management the 152998
amount necessary to pay any outstanding prior-year obligations 152999
to higher education institutions under the State Share of 153000
Instruction formulas, as determined by the Chancellor. 153001
Notwithstanding any provisions of law to the contrary, the 153002
Director of Budget and Management, upon the request of the 153003
Chancellor, may transfer cash in an amount up to the amounts 153004

certified for State Share of Instruction reconciliation from the 153005
State Financial Aid Reconciliation Fund (Fund 5Y50) to the 153006
General Revenue Fund. The amounts certified for State Share of 153007
Instruction reconciliation are hereby appropriated to 153008
appropriation item 235505, State Share of Instruction 153009
Reconciliation. 153010

Section 381.300. OHIOLINK 153011

The foregoing appropriation item 235507, OhioLINK, shall 153012
be used by the Chancellor of Higher Education to support 153013
OhioLINK, a consortium organized under division (T) of section 153014
3333.04 of the Revised Code to serve as the state's electronic 153015
library information and retrieval system, which provides access 153016
statewide to an extensive set of electronic databases and 153017
resources, the library holdings of Ohio's public and 153018
participating private nonprofit colleges and universities, and 153019
the State Library of Ohio. 153020

Section 381.310. AIR FORCE INSTITUTE OF TECHNOLOGY 153021

(A) Of the foregoing appropriation item 235508, Air Force 153022
Institute of Technology, \$75,000 in each fiscal year shall be 153023
allocated to the Aerospace Professional Development Center in 153024
Dayton for statewide workforce development services in the 153025
aerospace industry. 153026

(B) The remainder of the foregoing appropriation item 153027
235508, Air Force Institute of Technology, shall be used to do 153028
both of the following: 153029

(1) Strengthen the research and educational linkages 153030
between the Wright Patterson Air Force Base and institutions of 153031
higher education in Ohio; and 153032

(2) Support the Defense Associated Graduate Student 153033

Innovators, an engineering graduate consortium of Wright State University, the University of Dayton, and the Air Force Institute of Technology, with the participation of the University of Cincinnati and The Ohio State University.

Section 381.320. OHIO SUPERCOMPUTER CENTER 153038

The foregoing appropriation item 235510, Ohio Supercomputer Center, shall be used by the Chancellor of Higher Education to support the operation of the Ohio Supercomputer Center, a consortium organized under division (T) of section 3333.04 of the Revised Code, located at The Ohio State University. The Ohio Supercomputer Center is a statewide resource available to Ohio research universities both public and private. It is also intended that the center be made accessible to private industry as appropriate.

The Ohio Supercomputer Center's services shall support Ohio's colleges, universities, and businesses to make Ohio a leader in using computational science, modeling, and simulation to promote higher education, research, and economic competitiveness.

Section 381.330. THE OHIO STATE UNIVERSITY EXTENSION SERVICE 153053

The foregoing appropriation item 235511, The Ohio State University Extension Service, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

Section 381.340. CENTRAL STATE SUPPLEMENT 153060

The foregoing appropriation item 235514, Central State Supplement, shall be disbursed by the Chancellor of Higher

Education to Central State University. Funds shall be used in a 153063
manner consistent with the goals of increasing enrollment, 153064
improving course completion, and increasing the number of 153065
degrees conferred. 153066

Section 381.350. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 153067
MEDICINE 153068

The foregoing appropriation item 235515, Case Western 153069
Reserve University School of Medicine, shall be disbursed to 153070
Case Western Reserve University through the Chancellor of Higher 153071
Education in accordance with agreements entered into under 153072
section 3333.10 of the Revised Code, provided that the state 153073
support per full-time medical student shall not exceed that 153074
provided to full-time medical students at state universities. 153075

Section 381.360. FAMILY PRACTICE 153076

The foregoing appropriation item 235519, Family Practice, 153077
shall be distributed in each fiscal year, based on each medical 153078
school's share of residents placed in a family practice and 153079
graduates practicing in a family practice. 153080

Section 381.370. SHAWNEE STATE SUPPLEMENT 153081

The foregoing appropriation item 235520, Shawnee State 153082
Supplement, shall be disbursed by the Chancellor of Higher 153083
Education to Shawnee State University. Funds shall be used in a 153084
manner consistent with the goals of improving course completion, 153085
increasing the number of degrees conferred, and furthering the 153086
university's mission of service to the Appalachian region. 153087

Section 381.380. GERIATRIC MEDICINE 153088

The Chancellor of Higher Education shall distribute 153089
appropriation item 235525, Geriatric Medicine, consistent with 153090

existing criteria and guidelines. 153091

Section 381.390. PRIMARY CARE RESIDENCIES 153092

The foregoing appropriation item 235526, Primary Care 153093
Residencies, shall be distributed in each fiscal year, based on 153094
each medical school's share of residents placed in a primary 153095
care field and graduates practicing in a primary care field. 153096

Section 381.400. GOVERNOR'S MERIT SCHOLARSHIP 153097

(A) The foregoing appropriation item 235530, Governor's 153098
Merit Scholarship, shall be used by the Chancellor of Higher 153099
Education to administer the Governor's Merit Scholarship Program 153100
and to award merit-based aid to qualifying institutions on 153101
behalf of eligible students. Funds awarded under this section 153102
shall be used in a manner consistent with the goal of allowing 153103
high-achieving high school graduates to remain in Ohio to pursue 153104
their post-secondary studies and contribute to Ohio's expanding 153105
economic opportunities. 153106

(B) In awarding funds under this section, and to the 153107
extent that funds are sufficient to do so, the Chancellor shall 153108
provide per-student awards as follows: 153109

(1) \$5,000 per academic year to eligible students who 153110
first received a scholarship for the 2024-2025 academic year; 153111

(2) \$5,000 per academic year to eligible students who 153112
first receive a scholarship for the 2025-2026 academic year and 153113
who are determined to be in the top five per cent of their 153114
public or nonpublic high school graduating class at the end of 153115
their junior year, as determined by their public or nonpublic 153116
high school using criteria established by the Chancellor in 153117
consultation with the Director of Education and Workforce; and 153118

(3) \$5,000 per academic year to eligible students who 153119
first receive a scholarship for the 2026-2027 academic year and 153120
who are determined to be in the top two per cent of their public 153121
or nonpublic high school graduating class at the end of their 153122
junior year, as determined by their public or nonpublic high 153123
school using criteria established by the Chancellor in 153124
consultation with the Director of Education and Workforce. The 153125
Chancellor shall award a scholarship under this division to at 153126
least one eligible student per high school. 153127

School districts and nonpublic high schools shall provide 153128
the information as requested by the Chancellor to determine 153129
scholarship eligibility. Eligible students shall receive an 153130
award for up to the equivalent of four academic years of 153131
instruction at a qualifying institution, contingent on 153132
satisfactory academic progress. 153133

(C) The Chancellor, in consultation with the Director, 153134
shall determine eligibility for graduating high school students 153135
who were home schooled to provide a level of access to the 153136
program described in this section that is reasonably 153137
commensurate with the merit-based criteria used to determine 153138
eligibility for students graduating from a public or nonpublic 153139
high school. 153140

(D) The Governor's Merit Scholarship shall be used to pay 153141
eligible expenses, as determined by the Chancellor, included 153142
within the published cost of attendance at a qualifying 153143
institution. 153144

(E) A qualifying institution shall not make changes to 153145
scholarship or financial aid programs offered by that 153146
institution that have the goal or net effect of shifting the 153147
cost burden of those programs to the program described in this 153148

section. Institutions of higher education that enroll students 153149
receiving merit-based financial aid grants under this section 153150
shall maintain the same level of merit-based financial aid the 153151
institution provided in the most recent academic year in the 153152
aggregate to all students or on a per-student basis. 153153

(F) Notwithstanding any provision of law to the contrary, 153154
the Chancellor may establish guidelines for the purpose of 153155
implementing this section, except that the Chancellor shall not 153156
place limits on the number of students receiving an award under 153157
this section that enroll at a qualifying institution. 153158

(G) As used in this section, "qualifying institution" 153159
means any of the following: 153160

(1) A state institution of higher education, as defined in 153161
section 3345.011 of the Revised Code; 153162

(2) A private nonprofit institution of higher education 153163
holding a certificate of authorization under Chapter 1713. of 153164
the Revised Code. 153165

Section 381.420. OHIO STATE AGRICULTURAL RESEARCH 153166

The foregoing appropriation item 235535, Ohio State 153167
Agricultural Research, shall be disbursed through the Chancellor 153168
of Higher Education to The Ohio State University in monthly 153169
payments, unless otherwise determined by the Director of Budget 153170
and Management under section 126.09 of the Revised Code. 153171

The Ohio Agricultural Research and Development Center, an 153172
entity of the College of Food, Agricultural, and Environmental 153173
Sciences of The Ohio State University, shall further its mission 153174
of enhancing Ohio's economic development and job creation by 153175
continuing to internally allocate on a competitive basis 153176
appropriated funding of programs based on demonstrated 153177

performance. Academic units, faculty, and faculty-driven 153178
programs shall be evaluated and rewarded consistent with agreed- 153179
upon performance expectations as called for in the College's 153180
Expectations and Criteria for Performance Assessment. 153181

Section 381.430. STATE UNIVERSITY CLINICAL TEACHING 153182

The foregoing appropriation items 235536, The Ohio State 153183
University Clinical Teaching; 235537, University of Cincinnati 153184
Clinical Teaching; 235538, University of Toledo Clinical 153185
Teaching; 235539, Wright State University Clinical Teaching; 153186
235540, Ohio University Clinical Teaching; and 235541, Northeast 153187
Ohio Medical University Clinical Teaching, shall be distributed 153188
through the Chancellor of Higher Education. 153189

Of the foregoing appropriation item 235539, Wright State 153190
University Clinical Teaching, \$1,500,000 in each fiscal year 153191
shall be used to support the Aerospace Medicine and Human 153192
Performance Center at Wright State University. 153193

**Section 381.440. CENTRAL STATE AGRICULTURAL RESEARCH AND 153194
DEVELOPMENT** 153195

The foregoing appropriation item 235546, Central State 153196
Agricultural Research and Development, shall be used in 153197
conjunction with appropriation item 235548, Central State 153198
Cooperative Extension Services, by Central State University for 153199
its state match requirement as an 1890 land grant university. 153200

Section 381.450. CAPITAL COMPONENT 153201

The foregoing appropriation item 235552, Capital 153202
Component, shall be used by the Chancellor of Higher Education 153203
to provide funding for prior commitments made pursuant to the 153204
state's former capital funding policy for state colleges and 153205
universities that was originally established in H.B. 748 of the 153206

121st General Assembly.	153207
Appropriations from this item shall be distributed to all	153208
campuses for which the estimated campus debt service	153209
attributable to qualifying capital projects was less than the	153210
campus's formula-determined capital component allocation. Campus	153211
allocations shall be determined by subtracting the estimated	153212
campus debt service attributable to qualifying capital projects	153213
from the campus's formula-determined capital component	153214
allocation. Moneys distributed from this appropriation item	153215
shall be restricted to capital-related purposes.	153216
Any campus for which the estimated campus debt service	153217
attributable to qualifying capital projects is greater than the	153218
campus's formula-determined capital component allocation shall	153219
have the difference subtracted from its State Share of	153220
Instruction allocation in each fiscal year. Appropriation equal	153221
to the sum of all such amounts shall be transferred from	153222
appropriation item 235501, State Share of Instruction, to	153223
appropriation item 235552, Capital Component.	153224
Section 381.460. LIBRARY DEPOSITORIES	153225
The foregoing appropriation item 235555, Library	153226
Depositories, shall be distributed to the state's five regional	153227
depository libraries for the cost-effective storage of and	153228
access to lesser-used materials in university library	153229
collections. The depositories shall be administrated by the	153230
Chancellor of Higher Education, or by OhioLINK at the discretion	153231
of the Chancellor.	153232
Section 381.470. OHIO ACADEMIC RESOURCES NETWORK (OARNET)	153233
The foregoing appropriation item 235556, Ohio Academic	153234
Resources Network, shall be used by the Chancellor of Higher	153235

Education to support the operations of the Ohio Academic 153236
Resources Network, a consortium organized under division (T) of 153237
section 3333.04 of the Revised Code, which shall include support 153238
for Ohio's colleges and universities in maintaining and 153239
enhancing network connections, using new network technologies to 153240
improve research, education, and economic development programs, 153241
and sharing information technology services. To the extent 153242
network capacity is available, OARnet shall support allocating 153243
bandwidth to eligible programs directly supporting Ohio's 153244
economic development. 153245

Section 381.480. LONG-TERM CARE RESEARCH 153246

The foregoing appropriation item 235558, Long-term Care 153247
Research, shall be disbursed to Miami University for long-term 153248
care research. 153249

Section 381.490. OHIO COLLEGE OPPORTUNITY GRANT 153250

(A) (1) As used in this section: 153251

(a) "Eligible institution" means any institution described 153252
in divisions(B) (2) (a) to (c) of section 3333.122 of the Revised 153253
Code. 153254

(b) The three "sectors" of institutions of higher 153255
education consist of the following: 153256

(i) State colleges and universities, community colleges, 153257
state community colleges, university branches, and technical 153258
colleges; 153259

(ii) Eligible private nonprofit institutions of higher 153260
education; 153261

(iii) Eligible private for-profit career colleges and 153262
schools. 153263

(2) (a) Awards under section 3333.122 of the Revised Code shall be as follows for fiscal year 2026 and fiscal year 2027:

(i) \$4,000 per student at a state institution of higher education;

(ii) \$5,000 per student at an eligible nonprofit institution of higher education;

(iii) \$2,000 per student at a private for-profit career college or school.

(b) For students attending an eligible institution year-round, awards may be distributed on an annual basis, once Pell grants have been exhausted.

(3) Notwithstanding anything to the contrary in section 3333.122 of the Revised Code, the Chancellor of Higher Education shall make awards under that section in fiscal year 2026 and fiscal year 2027 to students with a student aid index, or any federal successor, of three thousand seven hundred fifty or less.

(4) If the Chancellor determines that the amounts appropriated for support of the Ohio College Opportunity Grant program are inadequate to provide grants to all eligible students as specified under division (D) of section 3333.122 of the Revised Code, the Chancellor may follow methods established in division (C) (1) (a) or (b) of section 3333.122 of the Revised Code. If the Chancellor determines that reductions in award amounts are necessary, the Chancellor shall reduce the award amounts proportionally among the sectors of institutions specified in division (A) (1) of this section in a manner determined by the Chancellor. The Chancellor shall notify the Controlling Board of the distribution method. Any formula

calculated under this division shall be complete and established 153293
to coincide with the start of each academic year. 153294

(B) Prior to determining the amount of funds available to 153295
award under this section and section 3333.122 of the Revised 153296
Code, the Chancellor shall use the foregoing appropriation item 153297
235563, Ohio College Opportunity Grant, to pay for waivers of 153298
tuition and student fees for eligible students under the Ohio 153299
Safety Officer's College Memorial Fund Program under section 153300
3333.26 of the Revised Code and for grants to qualifying 153301
institutions on behalf of eligible students under the adoption 153302
grant program established under section 3333.128 of the Revised 153303
Code. 153304

In each fiscal year, with the exception of sections 153305
3333.121 and 3333.124 of the Revised Code and the section of 153306
this act entitled "STATE FINANCIAL AID RECONCILIATION," the 153307
Chancellor shall not distribute or obligate or commit to be 153308
distributed an amount greater than what is appropriated under 153309
the foregoing appropriation item 235563, Ohio College 153310
Opportunity Grant. 153311

(C) The Chancellor shall establish, and post on the 153312
Department of Higher Education's web site, award tables based on 153313
the amounts specified under division (A) of this section. The 153314
Chancellor shall notify students and institutions of any 153315
reductions in awards. 153316

(D) Notwithstanding section 3333.122 of the Revised Code, 153317
no student shall be eligible to receive an Ohio College 153318
Opportunity Grant for more than ten semesters, fifteen quarters, 153319
or the equivalent of five academic years, less the number of 153320
semesters or quarters in which the student received an Ohio 153321
Instructional Grant. 153322

(E) During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235563, Ohio College Opportunity Grant. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the Ohio College Opportunity Grant Program Reserve Fund (Fund 5PU0).

(F) No eligible institution that enrolls Ohio College Opportunity Grant recipients shall make any change to its scholarship or financial aid programs with the goal or net effect of shifting the cost burden of those programs to the Ohio College Opportunity Grant program.

Each eligible institution that enrolls Ohio College Opportunity Grant recipients shall provide at least the same level of needs-based financial aid to its students as it provided in the immediately prior academic year in terms of either the aggregate aid to all students or on a per student basis. The Chancellor may grant an eligible institution a temporary waiver from that requirement if the Chancellor determines exceptional circumstances make it necessary. The Chancellor shall determine the terms of the waiver.

Section 381.500. THE OHIO STATE UNIVERSITY COLLEGE OF VETERINARY MEDICINE SUPPLEMENT

The foregoing appropriation item 235569, The Ohio State University College of Veterinary Medicine Supplement, shall be distributed through the Chancellor of Higher Education to The Ohio State University College of Veterinary Medicine in order to increase enrollment of Ohio students, with the goal that seventy per cent of the students entering the college in the 2026-2027

academic year be Ohio students. 153353

Section 381.510. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 153354

The foregoing appropriation item 235572, The Ohio State 153355
University Clinic Support, shall be distributed through the 153356
Chancellor of Higher Education to The Ohio State University for 153357
support of dental and veterinary medicine clinics. 153358

Section 381.520. FEDERAL RESEARCH NETWORK 153359

The foregoing appropriation item 235578, Federal Research 153360
Network, shall be allocated to The Ohio State University to 153361
collaborate with federal installations in Ohio, state 153362
institutions of higher education as defined in section 3345.011 153363
of the Revised Code, private nonprofit institutions of higher 153364
education holding certificates of authorization under Chapter 153365
1713. of the Revised Code, and the private sector to align the 153366
state's research assets with emerging missions and job growth 153367
opportunities emanating from federal installations, strengthen 153368
related workforce development and technology commercialization 153369
programs, and better position the state's university system to 153370
directly impact new job creation in Ohio. A portion of the 153371
foregoing appropriation item 235578, Federal Research Network, 153372
shall be used to support the growth of small business federal 153373
contractors in the state and to expand the participation of Ohio 153374
businesses in the federal Small Business Innovation Research 153375
Program and related federal programs. 153376

Section 381.525. EDUCATOR PREPARATION PROGRAMS 153377

The foregoing appropriation item 235585, Educator 153378
Preparation Programs, shall be used by the Chancellor of Higher 153379
Education to implement and administer sections 3333.048, 153380
3333.049, 3333.0411, and 3333.0419 of the Revised Code or other 153381

educator preparation programs, such as the Ohio Teacher 153382
Apprenticeship Program, as determined by the Chancellor. 153383

Notwithstanding any provision of law to the contrary, 153384
beginning with the first full academic year following the 153385
adoption of new standards, each educator preparation program at 153386
an institution of higher education shall include in its 153387
curriculum standards for social studies that align with the 153388
standards adopted by the Department of Education and Workforce 153389
to ensure that educators and other school personnel are 153390
adequately prepared and trained in social studies. 153391

Within six months of the beginning of the first full 153392
academic year in which the new standards are used, the 153393
Chancellor shall complete a review and evaluation process to 153394
assess the degree to which every educator preparation program at 153395
an institution of higher education is teaching social studies in 153396
alignment with the standards. 153397

Section 381.540. COMMERCIAL TRUCK DRIVER STUDENT AID 153398
PROGRAM 153399

The foregoing appropriation item 235595, Commercial Truck 153400
Driver Student Aid Program, shall be used by the Chancellor of 153401
Higher Education to administer and provide grants and loans 153402
under the Commercial Truck Driver Student Aid Program 153403
established in section 3333.125 of the Revised Code. 153404

Section 381.560. NATIONAL GUARD SCHOLARSHIP PROGRAM 153405

The Chancellor of Higher Education shall disburse funds 153406
from appropriation item 235599, National Guard Scholarship 153407
Program. During each fiscal year, the Chancellor, as soon as 153408
possible after cancellation, may certify to the Director of 153409
Budget and Management the amount of canceled prior-year 153410

encumbrances in appropriation item 235599, National Guard 153411
Scholarship Program. Upon receipt of the certification, the 153412
Director of Budget and Management may transfer cash, up to the 153413
certified amount, from the General Revenue Fund to the National 153414
Guard Scholarship Reserve Fund (Fund 5BM0). A portion of the 153415
foregoing appropriation item 235599, National Guard Scholarship 153416
Program, may be used to administer the program with the 153417
concurrence of the Adjutant General. 153418

Section 381.570. PLEDGE OF FEES 153419

Any new pledge of fees, or new agreement for adjustment of 153420
fees, made in the biennium ending June 30, 2027, to secure bonds 153421
or notes of a state institution of higher education for a 153422
project for which bonds or notes were not outstanding on the 153423
effective date of this section, to secure a refund of prior debt 153424
that is anticipated to increase the total cost of retiring the 153425
original debt, or to extend the period in which that full debt 153426
is retired shall be effective only after approval by the 153427
Chancellor of Higher Education, unless approved in a previous 153428
biennium. 153429

Section 381.580. HIGHER EDUCATION GENERAL OBLIGATION BOND 153430
DEBT SERVICE 153431

The foregoing appropriation item 235909, Higher Education 153432
General Obligation Bond Debt Service, shall be used to pay all 153433
debt service and related financing costs during the period from 153434
July 1, 2025, through June 30, 2027, for obligations issued 153435
under sections 151.01 and 151.04 of the Revised Code. 153436

Section 381.590. SALES AND SERVICES 153437

The Chancellor of Higher Education is authorized to charge 153438
and accept payment for the provision of goods and services. Such 153439

charges shall be reasonably related to the cost of producing the 153440
goods and services. Except as otherwise provided by law, no 153441
charges may be levied for goods or services that are produced as 153442
part of the routine responsibilities or duties of the 153443
Chancellor. All revenues received by the Chancellor shall be 153444
deposited into Fund 4560 and may be used by the Chancellor to 153445
pay for the costs of producing the goods and services. 153446

Section 381.600. HIGHER EDUCATIONAL FACILITY COMMISSION 153447
ADMINISTRATION 153448

The foregoing appropriation item 235602, Higher 153449
Educational Facility Commission Administration, shall be used by 153450
the Chancellor of Higher Education for operating expenses 153451
related to the Chancellor's support of the activities of the 153452
Ohio Higher Educational Facility Commission. Upon the request of 153453
the Chancellor, the Director of Budget and Management may 153454
transfer cash in an amount up to the amount appropriated from 153455
the foregoing appropriation item 235602, Higher Educational 153456
Facility Commission Administration, in each fiscal year from the 153457
HEFC Operating Expenses Fund (Fund 4610) to the HEFC 153458
Administration Fund (Fund 4E80). 153459

Section 381.635. SUPER RAPIDS 153460

(A) (1) The foregoing appropriation item 235688, Super 153461
RAPIDS, shall be used by the Governor's Office of Workforce 153462
Transformation and the Chancellor of Higher Education to support 153463
collaborative projects among qualifying institutions to 153464
strengthen education and training opportunities that maximize 153465
workforce development efforts in defined areas of the state. 153466
These funds shall be used to support efforts that build 153467
capacity, remove employment and training barriers for 153468
prospective and unemployed workers, develop and strengthen 153469

business-led strategies in the impacted industries, and provide 153470
local guided solutions to employment for communities in economic 153471
transition. Under the program, the Chancellor shall distribute 153472
funds to Ohio regions or subsets of regions, as defined by the 153473
Governor's Office of Workforce Transformation. 153474

(2) Of the foregoing appropriation item 235688, Super 153475
RAPIDS, a portion in each fiscal year may be used by the 153476
Governor's Office of Workforce Transformation to meet urgent 153477
workforce development and job creation needs throughout the 153478
state. 153479

(B) The Governor's Office of Workforce Transformation 153480
shall consult with the Department of Development, the 153481
Chancellor, and other stakeholders as determined to be 153482
appropriate, when defining regions and awarding funds under this 153483
section. 153484

(C) The Chancellor and the Governor's Office of Workforce 153485
Transformation shall develop and use a proposal and review 153486
process to award funds under the program. In reviewing proposals 153487
and making awards, priority shall be given to proposals that 153488
demonstrate all of the following: 153489

(1) Clear compliance with all applicable state and federal 153490
rules and regulations; 153491

(2) Collaboration between and among state institutions of 153492
higher education, as defined in section 3345.011 of the Revised 153493
Code, Ohio Technical Centers, and other education and workforce- 153494
related entities as determined to be appropriate by the 153495
Governor's Office of Workforce Transformation and the Department 153496
of Higher Education; 153497

(3) Evidence of meaningful business support and 153498

engagement;	153499
(4) Identification of targeted occupations and industries supported by data, which sources shall include the Governor's Office of Workforce Transformation, OhioMeansJobs, labor market information from the Department of Job and Family Services, and lists of in-demand occupations;	153500 153501 153502 153503 153504
(5) Sustainability beyond the grant period with the opportunity to provide continued value and impact to the region;	153505 153506
(6) Evidence of a strong commitment to invest in one or more of the following areas:	153507 153508
(a) Broadband/5G;	153509
(b) Cybersecurity;	153510
(c) Healthcare;	153511
(d) Transportation;	153512
(e) Advanced manufacturing;	153513
(f) Trades.	153514
(D) As used in this section:	153515
"Qualifying institution" means any of the following:	153516
(1) A state institution of higher education, as defined in section 3345.011 of the Revised Code;	153517 153518
(2) An Ohio Technical Center, as defined in section 3333.94 of the Revised Code;	153519 153520
(3) Other secondary and postsecondary education and workforce-related entities, as determined by the Chancellor.	153521 153522
Section 381.640. STATE FINANCIAL AID RECONCILIATION	153523

By the first day of September in each fiscal year, or as soon as possible thereafter, the Chancellor of Higher Education shall certify to the Director of Budget and Management the amount necessary to pay any outstanding prior year obligations to higher education institutions for the state's financial aid programs. The amounts certified are hereby appropriated to appropriation item 235618, State Financial Aid Reconciliation, from revenues received in the State Financial Aid Reconciliation Fund (Fund 5Y50).

Section 381.650. SECOND CHANCE GRANT PROGRAM 153533

The foregoing appropriation item 235494, Second Chance Grant Program, shall be distributed by the Chancellor of Higher Education to qualifying institutions of higher education and Ohio Technical Centers to provide grants to eligible students under the Second Chance Grant Program established in section 3333.127 of the Revised Code.

RURAL PRACTICE INCENTIVE PROGRAM 153540

The foregoing appropriation item 235426, Rural Practice Incentive Program, shall be used to provide loan repayments on behalf of certain attorneys as described in section 3333.131 of the Revised Code.

Section 381.655. GROW YOUR OWN TEACHER PROGRAM 153545

The foregoing appropriation item 235592, Grow Your Own Teacher Program, shall be used by the Chancellor of Higher Education to implement and administer the Grow Your Own Teacher Program pursuant to sections 3333.393 and 3333.394 of the Revised Code and the Ohio Teacher Apprenticeship Program.

Section 381.660. NURSING LOAN PROGRAM 153551

The foregoing appropriation item 235606, Nursing Loan Program, shall be used to administer the nurse education assistance program.

Section 381.670. RESEARCH INCENTIVE THIRD FRONTIER - TAX

(A) The foregoing appropriation item 235639, Research Incentive Third Frontier - Tax, shall be used by the Chancellor of Higher Education to advance collaborative research at institutions of higher education. Of the foregoing appropriation item 235639, Research Incentive Third Frontier - Tax, a portion in each fiscal year shall be used by the Chancellor to support and promote research that is intended to be commercialized. Research funded under division (A) of this section shall include a condition that the discoveries, inventions, or patents developed therein be retained by the researcher, unless all or a portion of the interests therein are specifically granted to the state college or university at which the researcher is employed. In reviewing proposals and making awards under division (A) of this section, the Chancellor may enlist the assistance of the Ohio Technology Transfer Officer's Council.

(B) Of the foregoing appropriation item 235639, Research Incentive Third Frontier - Tax, up to \$2,000,000 in each fiscal year may be allocated toward research regarding the improvement of water quality, up to \$750,000 in each fiscal year may be allocated for spinal cord research, up to \$750,000 in each fiscal year may be allocated toward research regarding cyber security initiatives, up to \$300,000 in each fiscal year may be allocated toward the I-Corps@Ohio program, and up to \$200,000 in each fiscal year may be allocated toward the Ohio Innovation Exchange program.

Section 381.680. VETERANS PREFERENCES

The Chancellor of Higher Education shall work with the Department of Veterans Services to develop specific veterans preference guidelines for higher education institutions. These guidelines shall ensure that the institutions' hiring practices are in accordance with the intent of Ohio's veterans' preference laws.

Section 381.690. (A) As used in this section:

(1) "Board of trustees" includes the managing authority of a university branch district.

(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) The board of trustees of any state institution of higher education, notwithstanding any rule of the institution to the contrary, may adopt a policy providing for mandatory furloughs of employees, including faculty, to achieve spending reductions necessitated by institutional budget deficits.

Section 381.700. EFFICIENCY REPORTS

In each fiscal year, the board of trustees of each public institution of higher education shall approve the institution's efficiency report submitted to the Chancellor of Higher Education under section 3333.95 of the Revised Code.

MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS

For each fiscal year, each institution of higher education that receives funds from the foregoing appropriation items 235515, Case Western Reserve University School of Medicine, 235519, Family Practice, 235525, Geriatric Medicine, 235526, Primary Care Residencies, 235536, The Ohio State University Clinical Teaching, 235537, University of Cincinnati Clinical

Teaching, 235538, University of Toledo Clinical Teaching, 153610
235539, Wright State University Clinical Teaching, 235540, Ohio 153611
University Clinical Teaching, 235541, Northeast Ohio Medical 153612
University Clinical Teaching, 235543, Kent State University 153613
College of Podiatric Medicine Clinic Subsidy, 235558, Long-term 153614
Care Research, and 235572, The Ohio State University Clinic 153615
Support, shall report to the Chancellor of Higher Education the 153616
residency status of graduates from the respective programs 153617
receiving support from those appropriation items one year and 153618
five years after graduating. 153619

Section 381.710. The Chancellor of Higher Education shall 153620
support the continued development of the Ohio Innovation 153621
Exchange for the purpose of showcasing the research expertise of 153622
Ohio's university and college faculty in a variety of fields, 153623
including, but not limited to, engineering, biomedicine, and 153624
information technology, and to identify institutional research 153625
equipment available in the state. 153626

Section 381.730. EASTERN GATEWAY COMMUNITY COLLEGE 153627

The Chancellor of Higher Education, in consultation with 153628
postsecondary educational institutions and other stakeholders as 153629
determined to be appropriate, shall monitor and evaluate the 153630
ongoing availability of postsecondary educational offerings 153631
within the four-county service district formerly served by 153632
Eastern Gateway Community College. To the extent practicable, 153633
the Chancellor shall seek to ensure a strong continuity of 153634
postsecondary educational access to residents of the region, 153635
with a particular focus on access to programs aligned with 153636
regional workforce priorities. If determined to be necessary, 153637
the Chancellor may seek to achieve favorable outcomes by 153638
engaging with other postsecondary educational institutions to 153639

encourage uninterrupted access to educational opportunities. 153640
This may include, but not be limited to, outcomes associated 153641
with academic program offerings, program-related equipment, or 153642
physical facilities. 153643

Section 381.740. CREDENTIAL AND WORK EXPERIENCE 153644
CONSIDERATION 153645

Prior to admitting any students applying for enrollment 153646
after July 1, 2025, each state institution of higher education, 153647
as defined in section 3345.011 of the Revised Code, shall 153648
consider an applicant's work experience and credentials earned 153649
as part of the admissions process. An applicant's work 153650
experience or credential does not need to align to the program 153651
or discipline the applicant is seeking to pursue to be 153652
considered by the state institution as a positive reason to 153653
accept the applicant as a student at the institution. 153654

At the time of the student's acceptance, an institution 153655
shall either grant credit for prior learning or experience or 153656
detail the potential opportunities and required documentation 153657
needed to grant such credit based on the review of the student's 153658
specific information provided in the application. 153659

Section 381.750. GENERAL EDUCATION REQUIREMENTS 153660

(A) Not later than December 31, 2026, the board of 153661
trustees of each state institution of higher education, as 153662
defined in section 3345.011 of the Revised Code, shall formally 153663
review and evaluate the components of the state institution's 153664
general education curriculum and adopt a resolution 153665
acknowledging the board's completion of that review. Each board 153666
shall submit a copy of its resolution to the Chancellor of 153667
Higher Education. 153668

(B) Not later than March 31, 2027, the board of trustees 153669
of each state institution of higher education shall formally 153670
evaluate the state institution's general education curriculum to 153671
enhance content that furthers the state's post-secondary 153672
education attainment and workforce goals. In conducting the 153673
evaluation, the board shall consider adjusting the general 153674
education curriculum in the following areas: 153675

(1) Civics, culture, and society, including United States 153676
and Ohio history, the foundations of American representative 153677
government, how to disagree in a civil manner, and the 153678
principles of civil discourse; 153679

(2) Artificial intelligence, STEM, and computational 153680
thinking; 153681

(3) Entrepreneurship and the principles of innovation; 153682

(4) Workforce readiness, including fundamental skills 153683
necessary for Ohio's graduates to gain employment in in-demand 153684
occupations. 153685

(C) Not later than June 30, 2027, the board of trustees of 153686
each state institution of higher education shall adopt a 153687
resolution summarizing changes to the state institution's 153688
general education curriculum resulting from the evaluation 153689
process and submit a copy of the resolution to the Chancellor. 153690

(D) The Chancellor shall provide a copy of each resolution 153691
submitted under this section to the Governor, the President of 153692
the Senate, and the Speaker of the House of Representatives. 153693

(E) Adjustments made to a state institution of higher 153694
education's general education curriculum pursuant to this 153695
section are not exempt from the requirements of the Chancellor's 153696
program approval process. 153697

Section 381.770. DIRECT ADMISSIONS	153698
(A) As used in this section:	153699
(1) "Academic record" includes grade point average, high school and college transcript information, standardized assessment scores, scores on the end-of-course examinations prescribed under section 3301.0712 of the Revised Code, and any other measure of postsecondary readiness determined appropriate by the Chancellor of Higher Education.	153700 153701 153702 153703 153704 153705
(2) "Postsecondary institution" means any of the following:	153706 153707
(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code;	153708 153709
(b) A private nonprofit institution of higher education that holds a certificate of authorization under Chapter 1713. of the Revised Code;	153710 153711 153712
(c) An Ohio technical center, as defined in section 3333.94 of the Revised Code.	153713 153714
(3) "School governing body" means the board of education of a city, local, exempted village, or joint vocational school district, the governing authority of a chartered nonpublic school, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the governing body of a STEM school established under Chapter 3326. of the Revised Code.	153715 153716 153717 153718 153719 153720 153721
(B) The Chancellor of Higher Education, in consultation with the Director of Education and Workforce, shall establish a direct admissions pilot program to notify students enrolled at participating high schools about whether they meet the	153722 153723 153724 153725

admissions criteria for participating postsecondary 153726
institutions. 153727

Under the pilot program, the Chancellor shall establish a 153728
process that uses a student's academic record to determine 153729
whether the student meets the admissions requirements. To the 153730
extent practicable, and in accordance with applicable law, the 153731
Chancellor shall use existing primary, secondary, and higher 153732
education student information systems to automate the process 153733
and use information held by a participating student's high 153734
school to minimize the need for the student to provide any 153735
additional information. 153736

The Chancellor shall endeavor to implement the pilot 153737
program so that students graduating in the 2026-2027 school year 153738
may participate in the program. 153739

(C) The Chancellor may do any of the following: 153740

(1) Establish eligibility requirements for students, 153741
school governing bodies, and postsecondary institutions who 153742
elect to participate in the pilot program; 153743

(2) Consult with stakeholders and form advisory councils 153744
as necessary to design and operate the pilot program; 153745

(3) Terminate the pilot program if the Chancellor 153746
determines its operation is impracticable. 153747

(D) A school governing body or postsecondary institution 153748
shall apply to participate in the pilot program in a form and 153749
manner prescribed by the Chancellor. 153750

A participating school governing body may adopt a written 153751
policy authorizing any high school it operates to participate in 153752
the pilot program. Not later than ninety days after the adoption 153753

of the policy, the school governing body shall transmit an 153754
electronic copy of the policy to the Chancellor and the Director 153755
of Education and Workforce. 153756

A participating school governing body shall develop a 153757
procedure to determine whether a student who wants to 153758
participate in the pilot program meets any eligibility 153759
requirements established under division (C) of this section. 153760

(E) At least once each school year, the Chancellor, in 153761
consultation with the Director of Education and Workforce, shall 153762
issue a report on the pilot program. The Chancellor shall set a 153763
deadline for the report's issuance. The report shall include 153764
information about the number of students who participate in the 153765
program. The report also shall evaluate, to the extent 153766
practicable, the impact of the program on postsecondary outcomes 153767
for students from populations traditionally underserved in 153768
higher education. 153769

The Chancellor shall submit the report to the Governor, 153770
the President of the Senate, the Speaker of the House of 153771
Representatives, the Director of Education and Workforce, the 153772
Director of Budget and Management, and the Governor's Office of 153773
Workforce Transformation. 153774

(F) No student, school governing body, or postsecondary 153775
institution shall be required to participate in the pilot 153776
program. 153777

Section 383.10. 153778
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1 2 3 4 5

B	General Revenue Fund				
C	GRF	501321	Institutional Operations	\$1,476,713,893	\$1,554,983,411
D	GRF	501405	Reentry, Housing, and Support Services	\$87,700,200	\$90,558,100
E	GRF	501406	Adult Correctional Facilities Lease Rental Bond Payments	\$42,000,000	\$60,000,000
F	GRF	501407	Community Nonresidential Programs	\$71,472,947	\$74,153,531
G	GRF	501408	Community Misdemeanor Programs	\$10,101,000	\$10,555,545
H	GRF	501411	Probation Improvement and Incentive Grants	\$5,512,500	\$5,760,562
I	GRF	501501	Community Residential Programs - Community Based Correctional Facilities	\$99,715,600	\$100,161,800
J	GRF	503321	Parole and Community Operations	\$135,000,000	\$135,000,000
K	GRF	504321	Administrative Operations	\$29,927,970	\$31,394,440
L	GRF	505321	Institution Medical Services	\$374,507,269	\$397,184,187
M	GRF	506321	Institution Education	\$51,146,437	\$55,515,093

Services

N	General Revenue Fund Total	\$2,383,797,816	\$2,515,266,669
O	Dedicated Purpose Fund Group		
P	4B00 501601 Sewer Treatment Services	\$600,000	\$600,000
Q	4D40 501603 Prisoner Programs	\$400,000	\$400,000
R	4L40 501604 Transitional Control	\$2,450,000	\$2,450,000
S	4S50 501608 Education Services	\$4,660,000	\$4,660,000
T	5AF0 501609 State and Non-Federal Awards	\$1,300,000	\$1,300,000
U	5H80 501617 Offender Financial Responsibility	\$1,860,000	\$1,860,000
V	5ZQ0 501505 Local Jail Grants	\$75,000,000	\$0
W	Dedicated Purpose Fund Group Total	\$86,270,000	\$11,270,000
X	Internal Service Activity Fund Group		
Y	1480 501602 Institutional Services	\$3,500,000	\$3,500,000
Z	2000 501607 Ohio Penal Industries	\$46,515,000	\$46,515,000
AA	4830 501605 Leased Property Maintenance and Operating	\$7,500,000	\$7,500,000
AB	5710 501606 Corrections Training Maintenance and Operating	\$940,000	\$940,000

to exceed the authorized reimbursement rate for the same service 153796
established by the Department of Medicaid under the Medicaid 153797
Program. 153798

TRANSITIONAL HOUSING FUNDING 153799

Of the foregoing appropriation item 501405, Reentry, 153800
Housing, and Support Services, priority shall be given to 153801
residential providers that accept and place individuals released 153802
from institutions operated by the Department of Rehabilitation 153803
and Correction to the supervision of the Adult Parole Authority 153804
who were previously rejected by all other residential providers. 153805

ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 153806

The foregoing appropriation item 501406, Adult 153807
Correctional Facilities Lease Rental Bond Payments, shall be 153808
used to meet all payments during the period from July 1, 2025, 153809
through June 30, 2027, by the Department of Rehabilitation and 153810
Correction pursuant to leases and agreements for facilities made 153811
under Chapters 152. and 154. of the Revised Code. These 153812
appropriations are the source of funds pledged for bond service 153813
charges on related obligations issued under Chapters 152. and 153814
154. of the Revised Code. 153815

PROBATION IMPROVEMENT AND INCENTIVE GRANTS 153816

The foregoing appropriation item 501411, Probation 153817
Improvement and Incentive Grants, shall be allocated by the 153818
Department of Rehabilitation and Correction to municipalities as 153819
Probation Improvement and Incentive Grants with an emphasis on: 153820
(1) providing services to those addicted to opiates and other 153821
illegal substances, and (2) supplementing the programs and 153822
services funded by grants distributed from the foregoing 153823
appropriation item 501407, Community Nonresidential Programs. 153824

Section 383.30. LOCAL JAIL GRANTS 153825

The foregoing appropriation item 501505, Local Jail Grants, shall be used for the construction and renovation of county jails. The Department of Rehabilitation and Correction shall designate the projects involving the construction and renovation of county jails. 153826
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The Department of Rehabilitation and Correction may review and approve the renovation and construction of projects for which funds are provided. The proceeds of any obligations authorized under this section shall not be applied to any such facilities that are not designated and approved by the Department of Rehabilitation and Correction. 153831
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The Department of Rehabilitation and Correction shall adopt guidelines to accept and review applications and designate projects. The guidelines shall require the county or counties to justify the need for the project and to comply with timelines for the submission of documentation pertaining to the project and project location. 153837
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In reviewing applications and designating projects, the Department of Rehabilitation and Correction shall prioritize applications and projects that do all of the following: 153843
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(1) Target county jails that the Department of Rehabilitation and Correction determines to have the greatest need for construction or renovation work; 153846
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153848

(2) Improve substantially the condition, safety, and operational ability of the jail; 153849
153850

(3) Benefit jails that are, or will be, used by multiple counties. 153851
153852

The Department of Rehabilitation and Correction shall 153853
award the funds to selected counties not later than July 1, 153854
2027. 153855

Section 387.10. 153856
153857

	1	2	3	4	5
A			RDF STATE REVENUE DISTRIBUTIONS		
B			General Revenue Fund		
C	GRF	110403	Personal Property Tax	\$3,770,000	\$3,170,000
			Replacement Phase Out -		
			Local Government		
D	GRF	110908	Property Tax	\$694,064,172	\$709,416,877
			Reimbursement - Local		
			Government		
E	GRF	200417	Personal Property Tax	\$46,478,241	\$42,618,185
			Replacement Phase Out -		
			School District		
F	GRF	200903	Property Tax	\$1,303,717,108	\$1,332,278,846
			Reimbursement - Education		
G			General Revenue Fund Total	\$2,048,029,521	\$2,087,483,908
H			Revenue Distribution Fund Group		
I	5JG0	110633	Gross Casino Revenue	\$168,320,000	\$166,460,000
			Payments - County		
J	5JH0	110634	Gross Casino Revenue	\$112,210,000	\$110,970,000

		Payments - School Districts		
K	5JJ0 110636	Gross Casino Revenue - Host City	\$16,530,000	\$16,400,000
L	7049 336900	Indigent Drivers Alcohol Treatment	\$1,800,000	\$1,800,000
M	7050 762900	International Registration Plan Distribution	\$26,000,000	\$26,000,000
N	7051 762901	Auto Registration Distribution	\$379,000,000	\$391,000,000
O	7065 110965	Public Library Fund	\$490,000,000	\$500,000,000
P	7066 800966	Undivided Liquor Permits	\$14,600,000	\$14,600,000
Q	7069 110969	Local Government Fund	\$530,900,000	\$541,200,000
R	7082 110982	Horse Racing Tax	\$31,200	\$31,200
S	7083 700900	Ohio Fairs Fund	\$471,000	\$471,000
T	7106 110659	Host Community Cannabis Payments	\$20,000,000	\$0
U		Revenue Distribution Fund Group Total	\$1,759,862,200	\$1,768,932,200
V		Fiduciary Fund Group		
W	4P80 001698	Cash Management Improvement Fund	\$1,000,000	\$1,000,000

X	5VR0	110902	Municipal Net Profit Tax	\$241,330,000	\$253,400,000
Y	6080	001699	Investment Earnings	\$1,050,000,000	\$975,000,000
Z	7001	110996	Horse Racing Tax Local Government Payments	\$120,000	\$120,000
AA	7062	110962	Resort Area Excise Tax Distribution	\$2,540,000	\$2,650,000
AB	7063	110963	Permissive Sales Tax Distribution	\$3,706,800,000	\$3,788,700,000
AC	7067	110967	School District Income Tax Distribution	\$748,610,000	\$778,170,000
AD	7085	800985	Volunteer Firemen's Dependents Fund	\$300,000	\$300,000
AE	7094	110641	Wireless 9-1-1 Government Assistance	\$35,500,000	\$31,300,000
AF	7095	110995	Municipal Income Tax	\$8,100,000	\$8,100,000
AG	7099	762902	Permissive Tax Distribution - Auto Registration	\$262,000,000	\$270,000,000
AH			Fiduciary Fund Group Total	\$6,056,300,000	\$6,108,740,000
AI			Holding Account Fund Group		
AJ	R045	110617	International Fuel Tax Distribution	\$101,700,000	\$108,200,000

AK Holding Account Fund Group Total	\$101,700,000	\$108,200,000
AL TOTAL ALL BUDGET FUND GROUPS	\$9,965,891,721	\$10,073,356,108

Section 387.20. ADDITIONAL APPROPRIATIONS 153858

Appropriation items in Section 387.10 of this act shall be 153859
used for the purpose of administering and distributing the 153860
designated revenue distribution funds according to the Revised 153861
Code. If it is determined that additional appropriations are 153862
necessary for this purpose in any appropriation items in Section 153863
387.10 of this act, such amounts are hereby appropriated. 153864

TANGIBLE PROPERTY TAX REPLACEMENT PAYMENTS 153865

The foregoing appropriation items 200417, Personal 153866
Property Tax Replacement Phase Out-School District, and 110403, 153867
Personal Property Tax Replacement Phase Out - Local Government, 153868
shall be used to make reimbursement payments to school districts 153869
and other local taxing units under sections 5709.92 and 5709.93 153870
of the Revised Code. If it is determined that additional 153871
appropriations are needed to make those reimbursement payments 153872
in full, such amounts are hereby appropriated. 153873

Notwithstanding division (I) of section 5709.92 of the 153874
Revised Code, any school district that has a nuclear power plant 153875
located within its territory shall receive no less under this 153876
section in fiscal year 2027 than paid in fiscal year 2026. 153877

PROPERTY TAX REIMBURSEMENT - EDUCATION 153878

The foregoing appropriation item 200903, Property Tax 153879
Reimbursement - Education, is appropriated to pay for the 153880
state's costs incurred because of the homestead exemption, the 153881
property tax rollback, and payments required under division (C) 153882

of section 5705.2110 of the Revised Code. In cooperation with 153883
the Department of Taxation, the Department of Education and 153884
Workforce shall distribute these funds directly to the 153885
appropriate school districts of the state, notwithstanding 153886
sections 321.24 and 323.156 of the Revised Code, which provide 153887
for payment of the homestead exemption and property tax rollback 153888
by the Tax Commissioner to the appropriate county treasurer and 153889
the subsequent redistribution of these funds to the appropriate 153890
local taxing districts by the county auditor. 153891

Upon receipt of these amounts, each school district shall 153892
distribute the amount among the proper funds as if it had been 153893
paid as real or tangible personal property taxes. Payments for 153894
the costs of administration shall continue to be paid to the 153895
county treasurer and county auditor as provided for in sections 153896
319.54, 321.26, and 323.156 of the Revised Code. 153897

Any sums, in addition to the amount specifically 153898
appropriated in appropriation item 200903, Property Tax 153899
Reimbursement - Education, for the homestead exemption and the 153900
property tax rollback payments, and payments required under 153901
division (C) of section 5705.2110 of the Revised Code, which are 153902
determined to be necessary for these purposes, are hereby 153903
appropriated. 153904

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 153905

The foregoing appropriation item 110908, Property Tax 153906
Reimbursement-Local Government, is hereby appropriated to pay 153907
for the state's costs incurred due to the Homestead Exemption, 153908
the Manufactured Home Property Tax Rollback, and the Property 153909
Tax Rollback. The Tax Commissioner shall distribute these funds 153910
directly to the appropriate local taxing districts, except for 153911
school districts, notwithstanding the provisions in sections 153912

321.24 and 323.156 of the Revised Code, which provide for 153913
payment of the Homestead Exemption, the Manufactured Home 153914
Property Tax Rollback, and Property Tax Rollback by the Tax 153915
Commissioner to the appropriate county treasurer and the 153916
subsequent redistribution of these funds to the appropriate 153917
local taxing districts by the county auditor. 153918

Upon receipt of these amounts, each local taxing district 153919
shall distribute the amount among the proper funds as if it had 153920
been paid as real property taxes. Payments for the costs of 153921
administration shall continue to be paid to the county treasurer 153922
and county auditor as provided for in sections 319.54, 321.26, 153923
and 323.156 of the Revised Code. 153924

Any sums, in addition to the amounts specifically 153925
appropriated in appropriation item 110908, Property Tax 153926
Allocation - Local Government, for the Homestead Exemption, the 153927
Manufactured Home Property Tax Rollback, and the Property Tax 153928
Rollback payments, which are determined to be necessary for 153929
these purposes, are hereby appropriated. 153930

MUNICIPAL INCOME TAX 153931

The foregoing appropriation item 110995, Municipal Income 153932
Tax, shall be used to make payments to municipal corporations 153933
under section 5745.05 of the Revised Code. If it is determined 153934
that additional appropriations are necessary to make such 153935
payments, such amounts are hereby appropriated. 153936

MUNICIPAL NET PROFIT TAX 153937

The foregoing appropriation item 110902, Municipal Net 153938
Profit Tax, shall be used to make payments to municipal 153939
corporations under section 718.83 of the Revised Code. If it is 153940
determined that additional amounts are necessary to make such 153941

payments, such amounts are hereby appropriated. 153942

During fiscal year 2026 and fiscal year 2027, if the Tax 153943
Commissioner determines that there is insufficient cash in the 153944
Municipal Net Profit Tax Fund (Fund 5VR0) to meet monthly 153945
distribution obligations under section 718.83 of the Revised 153946
Code, the Tax Commissioner shall certify to the Director of 153947
Budget and Management the amount of additional cash necessary to 153948
satisfy those obligations. In addition, the Commissioner shall 153949
submit a plan to the Director requesting the necessary cash be 153950
transferred from one or a combination of the following funds: 153951
the Municipal Income Tax Administrative Fund, the Local Sales 153952
Tax Administrative Fund, the General School District Income Tax 153953
Administrative Fund, the Motor Fuel Tax Administrative Fund, the 153954
Property Tax Administrative Fund, or the General Revenue Fund. 153955
This plan shall include a proposed repayment schedule to 153956
reimburse those funds for any cash transferred in accordance 153957
with this section. After receiving the certification and funding 153958
plan from the Tax Commissioner and if the Director determines 153959
that sufficient cash is available, the Director may transfer the 153960
cash to the Municipal Net Profit Tax Fund in accordance with the 153961
plan submitted by the Tax Commissioner or as otherwise 153962
determined by the Director of Budget and Management. The 153963
Director of Budget and Management may transfer cash from the 153964
Municipal Net Profit Tax Fund to reimburse the funds from which 153965
cash was transferred for the purpose outlined in this section. 153966

LOCAL GOVERNMENT FUND 153967

Notwithstanding the requirement in division (A) of section 153968
131.51 of the Revised Code that the Director of Budget and 153969
Management credit to the Local Government Fund one and seven- 153970
tenths per cent of the total tax revenue credited to the General 153971

Revenue Fund during the preceding month, the Director shall 153972
 instead calculate these amounts during fiscal year 2026 and 153973
 fiscal year 2027 using one and seventy-five one-hundredths as 153974
 the percentage. 153975

HOST COMMUNITY CANNABIS PAYMENTS 153976

The foregoing appropriation item 110659, Host Community 153977
 Cannabis Payments, shall be used to make payments to municipal 153978
 corporations and townships under division (E) (1) of section 153979
 3780.22 of the Revised Code. 153980

On July 1, 2025, or as soon as possible thereafter, the 153981
 Director of Budget and Management shall transfer \$20,000,000 153982
 cash from the Adult Use Tax Fund (Fund QG18) to the Host 153983
 Community Cannabis Fund (Fund 7106). 153984

Section 391.10. 153985
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1	2	3	4	5
A		OSB DEAF AND BLIND EDUCATION SERVICES		
B	General Revenue Fund			
C	GRF 226321 Operations		\$32,700,258	\$33,454,668
D	General Revenue Fund Total		\$32,700,258	\$33,454,668
E	Dedicated Purpose Fund Group			
F	4H80 226602 Blind School State Grants		\$350,000	\$350,000
G	4M00 226400 Deaf School Educational Program Expenses		\$250,000	\$250,000

H	4M10	226401	Deaf School State Grants	\$25,000	\$25,000
I	4M50	226601	Blind School Educational Program Expenses	\$330,000	\$340,000
J	5H60	226402	Early Childhood Education	\$65,000	\$65,000
K	5NJ0	226622	Employee Food Service Charges	\$22,467	\$23,141
L	Dedicated Purpose Fund Group Total			\$1,042,467	\$1,053,141
M	Federal Fund Group				
N	3100	226626	Blind School Federal Grants	\$1,099,000	\$1,099,000
O	3110	226403	Deaf School Federal Grants	\$574,000	\$574,000
P	3DT0	226621	Ohio Transition Collaborative	\$230,000	\$230,000
Q	3P50	226643	Medicaid Professional Services Reimbursement	\$459,500	\$459,500
R	Federal Fund Group Total			\$2,362,500	\$2,362,500
S	TOTAL ALL BUDGET FUND GROUPS			\$36,105,225	\$36,870,309

Section 395.10.

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A	SOS SECRETARY OF STATE		
B	General Revenue Fund		
C	GRF 050321 Operating Expenses	\$3,505,147	\$3,510,274
D	GRF 050407 Poll Workers Training	\$0	\$500,000
E	GRF 050509 County Voting Systems Lease Rental Payments	\$12,200,000	\$12,200,000
F	General Revenue Fund Total	\$15,705,147	\$16,210,274
G	Dedicated Purpose Fund Group		
H	4120 050609 Notary Commission	\$541,455	\$555,487
I	4S80 050610 Board of Voting Machine Examiners	\$14,400	\$14,400
J	5990 050603 Business Services Operating Expenses	\$28,586,668	\$29,181,310
K	5990 050629 Statewide Voter Registration Database	\$705,000	\$730,000
L	5990 050630 Elections Support Supplement	\$4,458,687	\$4,545,000
M	5990 050631 Precinct Election Officials Training	\$0	\$500,000
N	5990 050636 County Election Officials Training	\$240,000	\$240,000

O	5CS1 050604 Ohio Election Integrity Commission	\$250,000	\$0
P	5SN0 050626 Address Confidentiality	\$375,000	\$400,000
Q	Dedicated Purpose Fund Group Total	\$35,171,210	\$36,166,197
R	Holding Account Fund Group		
S	R002 050606 Corporate/Business Filing Refunds	\$85,000	\$85,000
T	Holding Account Fund Group Total	\$85,000	\$85,000
U	Federal Fund Group		
V	3AS0 050616 Help America Vote Act (HAVA)	\$100,000	\$100,000
W	Federal Fund Group Total	\$100,000	\$100,000
X	TOTAL ALL BUDGET FUND GROUPS	\$51,061,357	\$52,561,471

Section 395.20. POLL WORKERS TRAINING 153989

The foregoing appropriation item 050407, Poll Workers Training, shall be used to provide funding to county boards of elections for precinct election official (PEO) training pursuant to section 3501.27 of the Revised Code. 153990
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COUNTY VOTING SYSTEMS LEASE RENTAL PAYMENTS 153994

The foregoing appropriation item 050509, County Voting Systems Lease Rental Payments, shall be used to make payments during the period from July 1, 2025, through June 30, 2027, pursuant to leases and agreements entered into under Section 4 153995
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of S.B. 135 of the 132nd General Assembly with respect to 153999
financing the costs associated with the acquisition, 154000
development, installation, and implementation of county voting 154001
systems. 154002

BOARD OF VOTING SYSTEMS EXAMINERS 154003

The foregoing appropriation item 050610, Board of Voting 154004
Systems Examiners, shall be used to pay for the services and 154005
expenses of the members of the Board of Voting Systems 154006
Examiners, and for other expenses that are authorized to be paid 154007
from the Board of Voting Systems Examiners Fund (Fund 4S80) 154008
created in section 3506.05 of the Revised Code. Moneys not used 154009
shall be returned to the person or entity submitting equipment 154010
for examination. If it is determined by the Secretary of State 154011
that additional appropriation amounts are necessary, the 154012
Secretary of State may request that the Director of Budget and 154013
Management approve such amounts. Upon approval of the Director 154014
of Budget and Management, such amounts are hereby appropriated. 154015

BALLOT ADVERTISING COSTS 154016

Notwithstanding division (G) of section 3501.17 of the 154017
Revised Code, upon requests submitted by the Secretary of State, 154018
the Controlling Board may approve cash and appropriation 154019
transfers from the Controlling Board Emergency 154020
Purposes/Contingencies Fund (Fund 5KM0) to the Statewide Ballot 154021
Advertising Fund (Fund 5FH0) in order to pay for the cost of 154022
public notices associated with statewide ballot initiatives. 154023

ABSENT VOTER'S BALLOT APPLICATION MAILING 154024

Notwithstanding division (B) of section 111.31 of the 154025
Revised Code, upon the request of the Secretary of State, the 154026
Controlling Board may approve cash and appropriation transfers 154027

from the Controlling Board Emergency Purposes/Contingencies Fund 154028
(Fund 5KM0) to the Absent Voter's Ballot Application Mailing 154029
Fund (Fund 5RG0) to be used by the Secretary of State to pay the 154030
costs of printing and mailing unsolicited applications for 154031
absent voters' ballots for the general election to be held in 154032
November 2026. 154033

ADDRESS CONFIDENTIALITY PROGRAM 154034

Upon the request of the Secretary of State, the Director 154035
of Budget and Management may transfer up to \$400,000 per fiscal 154036
year in cash from the Business Services Operating Expenses Fund 154037
(Fund 5990) to the Address Confidentiality Program Fund (Fund 154038
5SN0). 154039

CORPORATE/BUSINESS FILING REFUNDS 154040

The foregoing appropriation item 050606, 154041
Corporate/Business Filing Refunds, shall be used to hold 154042
revenues until they are directed to the appropriate accounts or 154043
until they are refunded. If it is determined by the Secretary of 154044
State that additional appropriation amounts are necessary, the 154045
Secretary of State may request that the Director of Budget and 154046
Management approve such amounts. Upon approval of the Director 154047
of Budget and Management, such amounts are hereby appropriated. 154048

HAVA FUNDS 154049

An amount equal to the unexpended, unencumbered portion of 154050
appropriation item 050616, Help America Vote Act (HAVA), at the 154051
end of fiscal year 2025 is hereby reappropriated for the same 154052
purpose in fiscal year 2026. 154053

An amount equal to the unexpended, unencumbered portion of 154054
appropriation item 050616, Help America Vote Act (HAVA), at the 154055
end of fiscal year 2026 is hereby reappropriated for the same 154056

purpose in fiscal year 2027. 154057

Section 395.30. ELECTRONIC POLLBOOKS 154058

The appropriation item 050638, Electronic Pollbooks, shall 154059
be used by the Secretary of State to pay eighty-five per cent of 154060
the calculated allocation cost of acquiring electronic 154061
pollbooks, as defined in section 3506.05 of the Revised Code, 154062
and ancillary equipment, for county boards of elections in 154063
accordance with this section. 154064

An amount equal to the unexpended, unencumbered portion of 154065
the appropriation item 050638, Electronic Pollbooks, at the end 154066
of fiscal year 2025 is hereby reappropriated to the Secretary of 154067
State for the same purpose in fiscal year 2026. 154068

When required, pursuant to state purchasing requirements 154069
and at the request of the Secretary of State, the Office of 154070
Procurement Services within the Department of Administrative 154071
Services shall initiate a competitive solicitation for the 154072
purpose of identifying and securing contracts with qualified 154073
vendors that can provide electronic pollbooks, as defined in 154074
section 3506.05 of the Revised Code, and ancillary equipment. 154075
The Department shall maintain such contracts for use by county 154076
boards of elections in accordance with this section. 154077

The Secretary of State shall calculate the portion of 154078
appropriation item 050638, Electronic Pollbooks, to be allocated 154079
to each county board of elections in proportion to the number of 154080
registered voters in each county as recorded in the statewide 154081
voter registration database as of July 1, 2022. The Secretary of 154082
State, in conjunction with the Office of Procurement Services 154083
within the Department of Administrative Services, shall use the 154084
funding allocated to each county board of elections to reimburse 154085

them for the cost of acquiring electronic pollbooks and 154086
ancillary equipment as follows: 154087

(A) For electronic pollbooks and ancillary equipment to be 154088
acquired from vendors identified through competitive 154089
solicitation by the Office of Procurement Services within the 154090
Department of Administrative Services after the effective date 154091
of this section, upon request by a county board of elections, 154092
the Secretary of State shall provide a list of the vendors and 154093
electronic pollbooks certified in accordance with section 154094
3506.05 of the Revised Code. The board of elections shall select 154095
electronic pollbooks from this list, notify the Secretary of 154096
State of its selection, and shall acquire the selected 154097
electronic pollbooks and any other necessary equipment. The 154098
board of elections shall enter into a memorandum of 154099
understanding with the applicable board of county commissioners 154100
and the Secretary of State concerning those acquisitions. The 154101
Secretary of State shall reimburse the board of elections for 154102
the lesser amount of either eighty-five per cent of the cost of 154103
those acquisitions, or the amount of the allocation as 154104
determined by the Secretary of State under this section. 154105

(B) If, between December 31, 2019 and July 1, 2023, a 154106
board of elections acquired electronic pollbooks or ancillary 154107
equipment and is otherwise in compliance with all applicable 154108
directives and statutes, the Secretary of State shall reimburse 154109
the board of elections for the lesser amount of either eighty- 154110
five per cent of the cost of that acquisition, or the amount of 154111
the allocation as determined by the Secretary of State under 154112
this section. Reimbursement shall be paid to the county board of 154113
elections. 154114

Section 397.10. 154115

154116

1	2	3	4	5
A		SEN THE OHIO SENATE		
B	General Revenue Fund			
C	GRF 020321	Operating Expenses	\$23,000,000	\$23,000,000
D	General Revenue Fund Total		\$23,000,000	\$23,000,000
E	Internal Service Activity Fund Group			
F	1020 020602	Senate Reimbursement	\$425,800	\$425,800
G	4090 020601	Miscellaneous Sales	\$34,497	\$34,497
H	Internal Service Activity Fund Group		\$460,297	\$460,297
	Total			
I	TOTAL ALL BUDGET FUND GROUPS		\$23,460,297	\$23,460,297

Section 397.20. OPERATING EXPENSES 154117

On July 1, 2025, or as soon as possible thereafter, the 154118
 Clerk of the Senate may certify to the Director of Budget and 154119
 Management an amount up to the unexpended, unencumbered balance 154120
 of the foregoing appropriation item 020321, Operating Expenses, 154121
 at the end of fiscal year 2025 to be reappropriated to fiscal 154122
 year 2026. The amount certified is hereby reappropriated to the 154123
 same appropriation item for fiscal year 2026. 154124

On July 1, 2026, or as soon as possible thereafter, the 154125
 Clerk of the Senate may certify to the Director of Budget and 154126
 Management an amount up to the unexpended, unencumbered balance 154127

of the foregoing appropriation item 020321, Operating Expenses,	154128
at the end of fiscal year 2026 to be reappropriated to fiscal	154129
year 2027. The amount certified is hereby reappropriated to the	154130
same appropriation item for fiscal year 2027.	154131

Section 399.10.	154132
	154133

	1	2	3	4	5
A	CSV COMMISSION ON SERVICE AND VOLUNTEERISM				
B	General Revenue Fund				
C	GRF	866321	CSV Operations	\$694,000	\$694,000
D	General Revenue Fund Total			\$694,000	\$694,000
E	Dedicated Purpose Fund Group				
F	5GN0	866605	Serve Ohio Support	\$10,000	\$2,103
G	Dedicated Purpose Fund Group Total			\$10,000	\$2,103
H	Federal Fund Group				
I	3R70	866617	AmeriCorps Programs	\$13,923,794	\$13,956,503
J	Federal Fund Group Total			\$13,923,794	\$13,956,503
K	TOTAL ALL BUDGET FUND GROUPS			\$14,627,794	\$14,652,606

Section 401.10.	154134
	154135

1	2	3	4	5
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A	CSF COMMISSIONERS OF THE SINKING FUND			
B	Debt Service Fund Group			
C	7070 155905	Third Frontier Research and Development Bond Retirement Fund	\$45,000,000	\$45,000,000
D	7072 155902	Highway Capital Improvement Bond Retirement Fund	\$118,500,000	\$131,500,000
E	7073 155903	Natural Resources Bond Retirement Fund	\$14,300,000	\$14,300,000
F	7074 155904	Conservation Projects Bond Retirement Fund	\$46,500,000	\$39,000,000
G	7076 155906	Coal Research and Development Bond Retirement Fund	\$4,050,000	\$2,525,000
H	7077 155907	State Capital Improvement Bond Retirement Fund	\$225,000,000	\$240,000,000
I	7078 155908	Common Schools Bond Retirement Fund	\$255,000,000	\$230,000,000
J	7079 155909	Higher Education Bond Retirement Fund	\$250,000,000	\$210,000,000
K	7080 155901	Persian Gulf, Afghanistan, and Iraq Conflict Bond Retirement	\$975,000	\$0

Fund

L	Debt Service Fund Group Total	\$959,325,000	\$912,325,000
M	TOTAL ALL BUDGET FUND GROUPS	\$959,325,000	\$912,325,000

Section 401.20. ADDITIONAL APPROPRIATIONS 154136

Appropriation items in this section are for the purpose of 154137
 paying debt service and financing costs during the period from 154138
 July 1, 2025, through June 30, 2027, on bonds or notes of the 154139
 state issued under the Ohio Constitution, Revised Code, and acts 154140
 of the General Assembly. If it is determined that additional 154141
 amounts are necessary for this purpose, such amounts are hereby 154142
 appropriated. 154143

Section 404.10. 154144

154145

1 2 3 4 5

A SHP STATE SPEECH AND HEARING PROFESSIONALS BOARD

B Dedicated Purpose Fund Group

C 4K90 123609 Operating Expenses \$649,200 \$665,400

D Dedicated Purpose Fund Group Total \$649,200 \$665,400

E TOTAL ALL BUDGET FUND GROUPS \$649,200 \$665,400

Section 407.10. 154146

154147

1 2 3 4 5

A BTA BOARD OF TAX APPEALS

B	General Revenue Fund		
C	GRF 116321 Operating Expenses	\$2,110,000	\$2,160,000
D	General Revenue Fund Total	\$2,110,000	\$2,160,000
E	TOTAL ALL BUDGET FUND GROUPS	\$2,110,000	\$2,160,000

Section 409.10.

154148

154149

	1	2	3	4	5
A	TAX DEPARTMENT OF TAXATION				
B	General Revenue Fund				
C	GRF	110321	Operating Expenses	\$63,000,000	\$67,000,000
D	GRF	110404	Tobacco Settlement Enforcement	\$163,000	\$166,271
E	General Revenue Fund Total			\$63,163,000	\$67,166,271
F	Dedicated Purpose Fund Group				
G	2280	110628	CAT Administration	\$13,368,132	\$13,072,718
H	4350	110607	Local Tax Administration	\$38,632,001	\$39,008,489
I	4360	110608	Motor Vehicle Audit Administration	\$1,282,300	\$1,282,300
J	4380	110609	School District Income Tax Administration	\$9,651,710	\$9,732,886

K	4C60	110616	International Registration Plan Administration	\$697,635	\$706,187
L	4R60	110610	Tire Tax Administration	\$138,123	\$138,123
M	5BP0	110639	Wireless 9-1-1 Administration	\$251,418	\$251,418
N	5JM0	110637	Casino Tax Administration	\$101,000	\$101,000
O	5N50	110605	Municipal Income Tax Administration	\$115,848	\$115,848
P	5N60	110618	Kilowatt Hour Tax Administration	\$63,415	\$63,415
Q	5NY0	110643	Petroleum Activity Tax Administration	\$1,114,260	\$1,114,260
R	5V70	110622	Motor Fuel Tax Administration	\$6,713,625	\$6,871,008
S	5V80	110623	Property Tax Administration	\$5,477,332	\$5,509,569
T	5YQ0	110651	Sports Gaming Tax Administration Operating Expenses	\$5,000	\$5,000
U	5ZA0	110650	Ohio Tax System Operating Expenses	\$7,000,000	\$8,000,000
V	6390	110614	Cigarette Tax Enforcement	\$1,087,029	\$1,114,117

W	6880	110615	Local Excise Tax Administration	\$391,778	\$392,536
X	Dedicated Purpose Fund Group Total			\$86,090,606	\$87,478,874
Y	Fiduciary Fund Group				
Z	4250	110635	Tax Refunds	\$3,082,044,000	\$3,082,044,000
AA	5CZ0	110631	Vendor's License Application	\$575,000	\$575,000
AB	Fiduciary Fund Group Total			\$3,082,619,000	\$3,082,619,000
AC	Holding Account Fund Group				
AD	R010	110611	Tax Distributions	\$25,000	\$25,000
AE	R011	110612	Miscellaneous Tax Receipts	\$500	\$500
AF	Holding Account Fund Group Total			\$25,500	\$25,500
AG	TOTAL ALL BUDGET FUND GROUPS			\$3,231,898,106	\$3,237,289,645

Section 409.20. TAX REFUNDS 154150

The foregoing appropriation item 110635, Tax Refunds, 154151
shall be used to pay refunds under section 5703.052 of the 154152
Revised Code. If it is determined that additional appropriations 154153
are necessary for this purpose, such amounts are hereby 154154
appropriated. 154155

VENDOR'S LICENSE PAYMENTS 154156

The foregoing appropriation item 110631, Vendor's License 154157

Application, shall be used to make payments to county auditors 154158
under section 5739.17 of the Revised Code. If it is determined 154159
that additional appropriations are necessary to make such 154160
payments, such amounts are hereby appropriated. 154161

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION 154162

The foregoing appropriation item 110616, International 154163
Registration Plan Administration, shall be used under section 154164
5703.12 of the Revised Code for audits of persons with vehicles 154165
registered under the International Registration Plan. 154166

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 154167

Of the foregoing appropriation item 110607, Local Tax 154168
Administration, the Tax Commissioner may disburse funds, if 154169
available, for the purposes of paying travel expenses incurred 154170
by members of Ohio's delegation to the Streamlined Sales Tax 154171
Project, as appointed under section 5740.02 of the Revised Code. 154172
Any travel expense reimbursement paid for by the Department of 154173
Taxation shall be done in accordance with applicable state laws 154174
and guidelines. 154175

TOBACCO SETTLEMENT ENFORCEMENT 154176

The foregoing appropriation item 110404, Tobacco 154177
Settlement Enforcement, shall be used by the Tax Commissioner to 154178
pay costs incurred in the enforcement of divisions (F) and (G) 154179
of section 5743.03 of the Revised Code. 154180

OHIO TAX SYSTEM SUPPORT FUND 154181

The foregoing appropriation item 110650, Ohio Tax System 154182
Operating Expenses, shall be used to pay costs incurred in the 154183
maintenance and support of the department's Ohio Tax System. The 154184
Tax Commissioner shall submit a plan to the Director of Budget 154185

and Management requesting the necessary cash be transferred to 154186
the Ohio Tax System Support Fund (Fund 5ZA0) which is hereby 154187
created in the state treasury. Cash shall be transferred from 154188
any fund used by the Department of Taxation that is otherwise 154189
allowable under state or federal law, except the General Revenue 154190
Fund. This plan shall include a schedule of cash transfers. 154191
After receiving the funding plan from the Tax Commissioner and 154192
if the Director determines that sufficient cash is available, 154193
the Director may transfer the cash to the Ohio Tax System 154194
Support Fund with the plan submitted by the Tax Commissioner or 154195
as otherwise determined by the Director of Budget and 154196
Management. The transfers of cash to the Ohio Tax System Support 154197
Fund shall not exceed \$15,000,000 in the fiscal year 2026-2027 154198
biennium. 154199

MISCELLANEOUS TAX RECEIPTS 154200

The foregoing appropriation item 110612, Miscellaneous Tax 154201
Receipts, shall be used to hold miscellaneous tax payments 154202
received by the Tax Commissioner until the appropriate account 154203
or fund is identified and the money can be transferred for the 154204
identified purpose. If the Director of Budget and Management 154205
determines that additional amounts are necessary for this 154206
purpose, such amounts are hereby appropriated. 154207

Section 411.10. 154208

1	2	3	4	5
A	DOT DEPARTMENT OF TRANSPORTATION			
B	General Revenue Fund			
C	GRF	772456 Unmanned Aerial Systems	\$500,000	\$500,000

		Center		
D	GRF	775470	Public Transportation - State	\$37,014,636 \$37,014,636
E	GRF	776400	Rail Development One-Time Grants	\$750,000 \$0
F	GRF	776465	Rail Development	\$3,000,000 \$3,000,000
G	GRF	777471	Airport Improvements - State	\$10,000,000 \$10,000,000
H			General Revenue Fund Total	\$51,264,636 \$50,514,636
I			Dedicated Purpose Fund Group	
J	5QT0	776670	Ohio Maritime Assistance Program	\$5,000,000 \$5,000,000
K	5XI0	772504	Ohio Highway Transportation Safety	\$6,000,000 \$0
L			Dedicated Purpose Fund Group Total	\$11,000,000 \$5,000,000
M			TOTAL ALL BUDGET FUND GROUPS	\$62,264,636 \$55,514,636

Section 411.15. RAIL DEVELOPMENT ONE-TIME GRANTS 154210

The foregoing appropriation item 776400, Rail Development 154211
One-Time Grants, shall be distributed to the lead Ohio 154212
partnering agency preparing the Step 2-Service Development Plan 154213
supporting Ohio's portion of the Midwest Connect rail line for 154214
the completion of that plan and associated activities. 154215

C	GRF	090321	Operating Expenses	\$5,432,000	\$5,432,000
D			General Revenue Fund Total	\$5,432,000	\$5,432,000
E			Dedicated Purpose Fund Group		
F	4E90	090603	Securities Lending Income	\$12,972,444	\$13,408,214
G	4E90	090639	STABLE Maintenance Fee Subsidy	\$900,000	\$900,000
H	4X90	090614	Political Subdivision Obligation	\$38,332	\$39,460
I	5770	090605	Investment Pool Reimbursement	\$1,838,291	\$1,885,100
J	5BD1	090576	County Recorder Electronic Record Supplement	\$1,750,000	\$0
K	5BE1	090638	Ohio Treasurer of State Information Technology Reserve	\$1,459,000	\$1,459,000
L	5C50	090602	County Treasurer Education	\$250,000	\$250,000
M	6050	090609	Treasurer of State Administrative Fund	\$1,820,361	\$1,827,252
N			Dedicated Purpose Fund Group Total	\$21,028,428	\$19,769,026
O			Fiduciary Fund Group		

P	4250 090635 Tax Refunds	\$12,000,000	\$12,000,000
Q	Fiduciary Fund Group Total	\$12,000,000	\$12,000,000
R	TOTAL ALL BUDGET FUND GROUPS	\$38,460,428	\$37,201,026

Section 413.20. COUNTY RECORDER ELECTRONIC RECORD 154240
MODERNIZATION PROGRAM 154241

An amount equal to the unexpended, unencumbered balance of 154242
appropriation item 090409, County Recorder Electronic 154243
Modernization Program, at the end of fiscal year 2025 is hereby 154244
reappropriated to the same appropriation item for the same 154245
purpose in fiscal year 2026. 154246

TAX REFUNDS 154247

The foregoing appropriation item 090635, Tax Refunds, 154248
shall be used to pay refunds under section 5703.052 of the 154249
Revised Code. If the Director of Budget and Management 154250
determines that additional amounts are necessary for this 154251
purpose, such amounts are hereby appropriated. 154252

Section 413.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL 154253
PAYMENTS 154254

The foregoing appropriation item 090406, Treasury 154255
Management System Lease Rental Payments, shall be used to make 154256
payments during the period from July 1, 2025, through June 30, 154257
2027, pursuant to leases and agreements entered into under 154258
Section 701.20 of H.B. 497 of the 130th General Assembly and 154259
other prior acts of the General Assembly with respect to 154260
financing the costs associated with the acquisition, 154261
development, implementation, and integration of the Treasury 154262
Management System. 154263

Section 413.40. STABLE MAINTENANCE FEE SUBSIDY	154264
The foregoing appropriation item 090639, STABLE	154265
Maintenance Fee Subsidy, shall be used to subsidize costs of	154266
monthly fees incurred by STABLE account holders for eligible	154267
individuals with disabilities.	154268
Section 413.50. COUNTY RECORDER ELECTRONIC RECORD	154269
MODERNIZATION FUND	154270
The County Recorder Electronic Modernization Fund (Fund	154271
5BD1) is created in the state treasury. Money in the fund shall	154272
be used to distribute funds to reimburse counties under the	154273
County Recorder Electronic Record Modernization Program, for use	154274
by county recorder's offices to implement the requirements set	154275
forth in divisions (E) and (F) of section 317.13 of the Revised	154276
Code. The Treasurer of State shall reimburse counties on a	154277
rolling basis until the appropriation is expended. Counties that	154278
met the requirements set forth in divisions (E) and (F) of	154279
section 317.13 of the Revised Code on October 24, 2024, are	154280
ineligible for funds under the Program. To be eligible for	154281
reimbursement under the Program, an expense must be incurred on	154282
or after October 24, 2024; expenses incurred before that date	154283
are not eligible for reimbursement. A county that receives funds	154284
under the Program shall credit those funds to the Recorder's	154285
Technology Fund at least to the extent necessary to reimburse	154286
the fund for money the county recorder spent to implement the	154287
requirements set forth in divisions (E) and (F) of section	154288
317.13 of the Revised Code.	154289
On July 1, 2025, or as soon as possible thereafter, the	154290
Treasurer of State shall transfer the cash balance including	154291
accrued interest and investment earnings from the Torrens Law	154292
Assurance Fund in the custody of the Treasurer of State, to the	154293

County Recorder Electronic Modernization Fund (Fund 5BD1). Upon	154294
completion of the transfer and on the effective date of its	154295
repeal by this act, the Torrens Law Assurance Fund is hereby	154296
abolished.	154297

Section 414.10.	154298
	154299

1	2	3	4	5
A		VTO VETERANS' ORGANIZATIONS		
B	General Revenue Fund			
C	GRF 743501	American Ex-Prisoners of War	\$45,000	\$45,000
D	GRF 746501	Army and Navy Union, USA, Inc.	\$85,000	\$85,000
E	GRF 747501	Korean War Veterans	\$85,000	\$85,000
F	GRF 748501	Jewish War Veterans	\$62,000	\$62,000
G	GRF 749501	Catholic War Veterans	\$85,000	\$85,000
H	GRF 750501	Military Order of the Purple Heart	\$85,000	\$85,000
I	GRF 751501	Vietnam Veterans of America	\$310,000	\$310,000
J	GRF 752501	American Legion of Ohio	\$450,000	\$450,000
K	GRF 753501	AMVETS	\$450,000	\$450,000

L	GRF	754501	Disabled American Veterans	\$450,000	\$450,000
M	GRF	756501	Marine Corps League	\$214,000	\$214,000
N	GRF	757501	37th Division Veterans' Association	\$17,000	\$17,000
O	GRF	758501	Veterans of Foreign Wars	\$450,000	\$450,000
P	General Revenue Fund Total			\$2,788,000	\$2,788,000
Q	TOTAL ALL BUDGET FUND GROUPS			\$2,788,000	\$2,788,000

Section 415.10.

154300

154301

	1	2	3	4	5
A	DVS DEPARTMENT OF VETERANS SERVICES				
B	General Revenue Fund				
C	GRF	900321	Veterans' Homes	\$51,956,758	\$52,999,692
D	GRF	900402	Hall of Fame	\$74,317	\$75,966
E	GRF	900408	Department of Veterans Services	\$5,077,924	\$5,178,649
F	GRF	900645	Veterans Long Term Healthcare Needs and Support (VET)	\$1,559,990	\$1,559,990
G	GRF	900901	Veterans Compensation	\$975,000	\$0

General Obligation Bond
 Debt Service

H	General Revenue Fund Total	\$59,643,989	\$59,814,297
I	Dedicated Purpose Fund Group		
J	4840 900603 Veterans' Homes Services	\$680,004	\$700,000
K	4E20 900602 Veterans' Homes Operating	\$14,000,000	\$14,000,000
L	5DB0 900643 Military Injury Relief Program	\$97,000	\$97,000
M	5YP0 900650 Sports Gaming - Veterans	\$75,000	\$75,000
N	Dedicated Purpose Fund Group Total	\$14,852,004	\$14,872,000
O	Federal Fund Group		
P	3680 900614 Veterans Training	\$980,404	\$1,021,705
Q	3BX0 900609 Medicare Services	\$1,000,000	\$2,059,273
R	3L20 900601 Veterans' Homes Operations - Federal	\$31,500,000	\$31,500,000
S	Federal Fund Group Total	\$33,480,404	\$34,580,978
T	TOTAL ALL BUDGET FUND GROUPS	\$107,976,397	\$109,267,275

Section 415.20. VETERANS ORGANIZATIONS' RENT 154302

The foregoing appropriation item 900408, Department of 154303
 Veterans Services, shall be used to pay veterans organizations' 154304
 rent in buildings managed by the Department of Administrative 154305

Services.					154306
VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE					154307
The foregoing appropriation item 900901, Veterans Compensation General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2025, through June 30, 2027, on obligations issued under Section 2r of Article VIII, Ohio Constitution.					154308 154309 154310 154311 154312
VETERANS HOME MODERNIZATION					154313
An amount equal to the unexpended and unencumbered portions of appropriation item 900411, Veterans Homes Modernization, under the Veterans Homes Modernization Fund (Fund 5Z00) plus an amount equal to cash previously expended but returned to the fund at the end of fiscal year 2025 are hereby reappropriated for the same purpose in fiscal year 2026.					154314 154315 154316 154317 154318 154319
An amount equal to the unexpended and unencumbered portions of appropriation item 900411, Veterans Homes Modernization, under the Veterans Homes Modernization Fund (Fund 5Z00) plus an amount equal to cash previously expended but returned to the fund at the end of fiscal year 2026 are hereby reappropriated for the same purpose in fiscal year 2027.					154320 154321 154322 154323 154324 154325
Section 417.10.					154326 154327
	1	2	3	4	5
A					DVM STATE VETERINARY MEDICAL LICENSING BOARD
B					Dedicated Purpose Fund Group
C	4K90	888609	Operating Expenses	\$532,551	\$554,811

B	General Revenue Fund				
C	GRF	470401	RECLAIM Ohio	\$207,000,000	\$218,000,000
D	GRF	470412	Juvenile Correctional Facilities Lease Rental Bond Payments	\$17,500,000	\$17,500,000
E	GRF	470510	Youth Services	\$16,702,000	\$16,702,000
F	GRF	472321	Parole Operations	\$11,547,202	\$11,926,365
G	GRF	477321	Administrative Operations	\$17,177,391	\$18,017,753
H	General Revenue Fund Total			\$269,926,593	\$282,146,118
I	Dedicated Purpose Fund Group				
J	1470	470612	Vocational Education	\$1,436,125	\$1,494,968
K	1750	470613	Education Services	\$4,140,884	\$4,317,416
L	4790	470609	Employee Food Service	\$30,300	\$30,300
M	4A20	470602	Child Support	\$95,000	\$95,000
N	4G60	470605	Juvenile Special Revenue - Non-Federal	\$115,000	\$115,000
O	5BN0	470629	E-Rate Program	\$71,000	\$71,000
P	Dedicated Purpose Fund Group Total			\$5,888,309	\$6,123,684
Q	Federal Fund Group				

R	3210	470601	Education	\$1,899,343	\$1,956,154
S	3210	470603	Juvenile Justice Prevention	\$2,473,806	\$2,481,942
T	3210	470606	Nutrition	\$1,551,000	\$1,551,000
U	3210	470614	Title IV-E Reimbursements	\$1,521,776	\$1,529,243
V	3V50	470604	Juvenile Justice/Delinquency Prevention	\$1,657,737	\$1,731,824
W	Federal Fund Group Total			\$9,103,662	\$9,250,163
X	TOTAL ALL BUDGET FUND GROUPS			\$284,918,564	\$297,519,965

Section 421.20. COMMUNITY PROGRAMS 154332

For purposes of implementing juvenile sentencing reforms, 154333
and notwithstanding any provision of law to the contrary, the 154334
Department of Youth Services may use up to \$1,375,000 of the 154335
unexpended, unencumbered balance of the portion of appropriation 154336
item 470401, RECLAIM Ohio, that is allocated to juvenile 154337
correctional facilities in each fiscal year to expand Targeted 154338
RECLAIM, the Behavioral Health Juvenile Justice Initiative, and 154339
other evidence-based community programs. 154340

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND 154341
PAYMENTS 154342

The foregoing appropriation item 470412, Juvenile 154343
Correctional Facilities Lease Rental Bond Payments, shall be 154344
used to meet all payments during the period from July 1, 2025, 154345
through June 30, 2027, by the Department of Youth Services under 154346

the leases and agreements for facilities made under Chapters 154347
152. and 154. of the Revised Code. These appropriations are the 154348
source of funds pledged for bond service charges on related 154349
obligations issued under Chapters 152. and 154. of the Revised 154350
Code. 154351

EDUCATION SERVICES 154352

The foregoing appropriation item 470613, Education 154353
Services, shall be used to fund the operating expenses of 154354
providing educational services to youth supervised by the 154355
Department of Youth Services. Operating expenses include, but 154356
are not limited to, teachers' salaries, maintenance costs, and 154357
educational equipment. 154358

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 154359

In collaboration with the county family and children first 154360
council, the juvenile court of that county that receives 154361
allocations from one or both of the foregoing appropriation 154362
items 470401, RECLAIM Ohio, and 470510, Youth Services, may 154363
transfer portions of those allocations to a flexible funding 154364
pool as authorized by the section of this act titled "FAMILY AND 154365
CHILDREN FIRST FLEXIBLE FUNDING POOL." 154366

Section 423.10. 154367

1 2 3 4 5

A KID DEPARTMENT OF CHILDREN AND YOUTH

B General Revenue Fund

C GRF 650400 Medicaid Program Support \$1,393,000 \$1,393,000
- State

D	GRF	830321	Children and Youth Program Management	\$55,000,000	\$55,500,000
E	GRF	830400	Child Care State/Maintenance of Effort	\$93,636,000	\$93,636,000
F	GRF	830402	Maternal and Infant Housing Assistance	\$500,000	\$500,000
G	GRF	830403	Help Me Grow	\$60,000,000	\$63,000,000
H	GRF	830404	Infant Vitality	\$18,000,000	\$18,000,000
I	GRF	830405	Part C Early Intervention	\$30,000,000	\$32,000,000
J	GRF	830406	Strong Families Strong Communities	\$2,500,000	\$2,500,000
K	GRF	830407	Early Childhood Education	\$130,319,450	\$130,320,617
L	GRF	830409	Early Care and Education Learning Standards	\$6,052,091	\$6,150,959
M	GRF	830410	Family and Children First	\$2,706,000	\$2,706,000
N	GRF	830411	Imagination Library	\$8,250,000	\$8,250,000
O	GRF	830415	Parenting and Pregnancy Program	\$10,000,000	\$10,000,000
P	GRF	830416	Adoption Grant Program	\$34,000,000	\$34,000,000
Q	GRF	830418	Child Care Provider Recruitment	\$1,750,000	\$1,000,000

R	GRF	830419	Children's Crisis Care	\$1,350,000	\$1,350,000
S	GRF	830420	Community Projects and Assistance	\$2,500,000	\$2,500,000
T	GRF	830421	Responsible Fatherhood Initiative Grant Program	\$5,000,000	\$15,000,000
U	GRF	830500	Early Care and Education	\$141,285,000	\$141,285,000
V	GRF	830501	Kinship Permanency Incentive Program	\$1,000,000	\$1,000,000
W	GRF	830502	Court Appointed Special Advocates	\$1,000,000	\$1,000,000
X	GRF	830503	Adoption Services	\$23,992,000	\$23,992,000
Y	GRF	830505	Infant and Early Childhood Mental Health (ECMH)	\$4,000,000	\$4,000,000
Z	GRF	830506	Family and Children Services	\$264,059,990	\$272,197,490
AA	General Revenue Fund Total			\$898,293,531	\$921,281,066
AB	Dedicated Purpose Fund Group				
AC	1980	830600	Children's Trust Fund	\$5,770,407	\$5,800,246
AD	2320	830613	Family and Children First	\$2,485,214	\$2,514,051
AE	4E70	830615	Family and Children Services Collections	\$650,000	\$650,000

AF 4F10 830607	Family and Children Activities	\$655,000	\$655,000
AG 5BN1 830618	Child Welfare Training Support	\$7,387,465	\$7,387,465
AH 5B01 830620	Children and Youth Community Initiatives	\$20,000,000	\$10,000,000
AI 5BP1 830621	Agency Oversight and Support	\$9,000,000	\$9,000,000
AJ 5CN0 830617	Choose Life	\$80,000	\$80,000
AK 5U60 830619	Family and Children Support	\$400,000	\$400,000
AL	Dedicated Purpose Fund Group Total	\$46,428,086	\$36,486,762
AM	Federal Fund Group		
AN 3201 830608	Maternal and Child Health Block Grant	\$5,000,000	\$5,000,000
AO 3270 830601	Child Welfare	\$31,024,665	\$31,147,396
AP 3980 830612	Adoption Program	\$215,000,000	\$215,000,000
AQ 3A91 830622	Mental Health Block Grant	\$1,698,892	\$1,698,892
AR 3C50 830610	Preschool Special Education	\$16,026,864	\$16,026,864
AS 3D30 830602	Children's Trust Fund	\$7,030,643	\$7,048,243

AT 3F02 650600 Medicaid Program Support	\$1,393,000	\$1,393,000
- Federal		
AU 3H70 830604 Child Care	\$646,049,427	\$591,221,224
AV 3IT0 830609 Community Social Service Programs	\$22,803,908	\$22,803,908
AW 3IU0 830623 Federal Children and Youth Grants	\$52,000,000	\$52,000,000
AX 3N00 830603 Foster Care Program	\$337,778,385	\$338,091,973
AY 3V62 830605 TANF Block Grant	\$327,850,000	\$327,850,000
AZ Federal Fund Group Total	\$1,663,655,784	\$1,609,281,500
BA TOTAL ALL BUDGET FUND GROUPS	\$2,608,377,401	\$2,567,049,328

Section 423.20. MATERNAL AND INFANT HOUSING ASSISTANCE 154369

Of the foregoing appropriation item 830402, Maternal and 154370
 Infant Housing Assistance, up to \$500,000 in each fiscal year 154371
 shall be used to support stable housing initiatives for pregnant 154372
 mothers and their families to improve maternal and infant health 154373
 outcomes. 154374

Section 423.30. INFANT VITALITY GRANTS AND PROGRAMS 154375

Of the foregoing appropriation item, 830404, Infant 154376
 Vitality, up to \$5,000,000 in each fiscal year shall be used to 154377
 support programming by community and local faith-based service 154378
 providers that invests in maternal health programs, provides 154379
 services and support to pregnant mothers, and improves both 154380
 maternal and infant health outcomes. 154381

The remainder of appropriation item 830404, Infant Vitality, shall be used to fund a multi-pronged population health approach to address infant mortality. This approach may include the following: increasing awareness; supporting data collection; analysis and interpretation to inform decision-making and ensure accountability; targeting resources where the need is greatest; and implementing quality improvement science and programming that is evidence-based or based on emerging practices. Measurable interventions may include activities related to safe sleep, community engagement, group prenatal care, preconception education, continuous support for women during pregnancy and childbirth, patient navigators, community health workers, early childhood home visiting, safe birth spacing, gestational diabetes, smoking cessation tailored for pregnant women, breastfeeding, care coordination, and progesterone.

Section 423.40. PART C EARLY INTERVENTION

Of the foregoing appropriation item 830405, Part C Early Intervention, up to \$7,000,000 in fiscal year 2026 and up to \$9,000,000 in fiscal year 2027 may be used by the Department of Children and Youth to subgrant or contract with county boards of developmental disabilities for the provision of early intervention evaluations, assessments, and service coordination. County boards of developmental disabilities that accept these funds shall maintain the level of local funding for early intervention at the same funding level as the prior fiscal year.

Of the foregoing appropriation item 830405, Part C Early Intervention, \$1,000,000 in total in each fiscal year shall be used to contract with the Cleveland Sight Center, the Cincinnati Association for the Blind and Visually Impaired, and the Sight

Center of Northwest Ohio to provide early intervention special 154412
instruction services and family support to children under the 154413
age of three with blindness or low vision. 154414

Section 423.50. CHILDREN'S MENTAL HEALTH 154415

Of the foregoing appropriation item 830406, Strong 154416
Families Strong Communities, up to \$2,000,000 in each fiscal 154417
year shall be used to provide funding for community projects 154418
across the state that focus on support for families, assisting 154419
families in avoiding crisis, and crisis intervention. 154420

Of the foregoing appropriation item 830406, Strong 154421
Families Strong Communities, \$500,000 in each fiscal year shall 154422
be provided to Riveon Mental Health and Recovery to support 154423
primary care integration. 154424

The foregoing appropriation item 830505, Infant and Early 154425
Childhood Mental Health, shall be used to promote identification 154426
and intervention for early childhood mental health and to 154427
enhance healthy social emotional development in order to reduce 154428
preschool expulsions and promote kindergarten readiness. Funds 154429
shall be used by the Department of Children and Youth, in 154430
coordination with Department of Behavioral Health, to support 154431
infant and early childhood mental health credentialed 154432
professionals and consultation services, as well as 154433
administration, workforce development for the program, and 154434
program evaluation. 154435

Section 423.70. EARLY CHILDHOOD EDUCATION 154436

The foregoing appropriation item 830407, Early Childhood 154437
Education, shall be used to pay the costs of the Early Childhood 154438
Education Grant Program to provide quality preschool instruction 154439
to improve kindergarten readiness. The Department shall 154440

distribute such funds directly to qualifying providers as 154441
specified in section 5104.53 of the Revised Code. 154442

Section 423.80. EARLY CARE AND EDUCATION LEARNING 154443
STANDARDS 154444

The foregoing appropriation item 830409, Early Care and 154445
Education Learning Standards, shall be used to support the 154446
state's early learning assessment work, the assessments required 154447
under section 3301.0715 of the Revised Code, and the 154448
implementation of curricula, assessments, and learning 154449
activities that are aligned with the science of reading and the 154450
early learning and development standards. 154451

Section 423.90. PARENTING AND PREGNANCY PROGRAM 154452

The foregoing appropriation item 830415, Parenting and 154453
Pregnancy Program, shall be used, in accordance with section 154454
5180.71 of the Revised Code, to support the Ohio Parenting and 154455
Pregnancy Program. 154456

An amount equal to the unexpended, unencumbered balance of 154457
appropriation item 830415, Parenting and Pregnancy Program, at 154458
the end of fiscal year 2026 is hereby reappropriated to the same 154459
appropriation item for the same purpose in fiscal year 2027. 154460

Section 423.100. ADOPTION GRANT PROGRAM 154461

The foregoing appropriation item 830416, Adoption Grant 154462
Program, shall be used to administer grants to adoptive parents 154463
through the Adoption Grant Program, in accordance with sections 154464
5180.451 and 5180.452 of the Revised Code. 154465

Section 423.103. CHILD CARE PROVIDER RECRUITMENT 154466

The foregoing appropriation item 830418, Child Care 154467
Provider Recruitment, shall be used for the Child Care Provider 154468

Recruitment and Mentorship Grant Program established in Section 154469
751.30 of this act. 154470

Section 423.106. DIAGNOSTIC ULTRASOUND MACHINE PROGRAM 154471

The Director of Children and Youth shall create a grant 154472
program through which entities may apply to receive diagnostic 154473
ultrasound machines purchased in accordance with this section. 154474
The Director shall establish the grant application and 154475
administration process. To be eligible to receive a diagnostic 154476
ultrasound machine through the grant program, all of the 154477
following must apply to an entity: 154478

(A) The entity must meet all conditions set forth in 154479
division (B) of section 5180.71 of the Revised Code, including 154480
that the entity does not charge a fee for diagnostic ultrasound 154481
services provided to pregnant women and women who suspect they 154482
may be pregnant and does not promote abortion, perform abortion- 154483
related medical procedures, or make referrals for abortions. 154484

(B) The entity is physically located in Ohio. 154485

(C) The entity is not a hospital, federally qualified 154486
health center, or ambulatory surgical facility. 154487

The foregoing appropriation item 830420, Community 154488
Projects and Assistance, shall be used by the Director of 154489
Children and Youth to competitively bid for the purchase of new 154490
three-dimensional diagnostic ultrasound machines. 154491

Section 423.108. RESPONSIBLE FATHERHOOD INITIATIVE GRANTS 154492

The foregoing appropriation item 830421, Responsible 154493
Fatherhood Initiative Grants, shall be used to award grants 154494
under the Responsible Fatherhood Initiative Grant Program, in 154495
accordance with section 5180.706 of the Revised Code. Of this 154496

amount, not more than two per cent in each fiscal year shall be 154497
used for administrative purposes. 154498

On June 30 of each fiscal year, the Department of Children 154499
and Youth shall encumber an amount equal to any unexpended funds 154500
in appropriation item 830421, Responsible Fatherhood Initiative 154501
Grants. Funds encumbered shall be used for the same purposes in 154502
the following fiscal year. 154503

Section 423.110. COURT APPOINTED SPECIAL ADVOCATES 154504

Of the foregoing appropriation item 830502, Court 154505
Appointed Special Advocates, up to \$333,333 in each fiscal year 154506
shall be used to support administrative costs associated with 154507
existing court-appointed special advocate programs. 154508

Of the foregoing appropriation item 830502, Court 154509
Appointed Special Advocates, up to \$666,667 in each fiscal year 154510
shall be used to establish court-appointed special advocate 154511
programs in areas of the state that are not served by an 154512
existing program and to support existing programs. 154513

Section 423.120. FAMILY AND CHILDREN SERVICES AND 154514
ACTIVITIES 154515

Of the foregoing appropriation item 830506, Family and 154516
Children Services, up to \$25,000,000 in each fiscal year shall 154517
be provided to assist with the expense of providing services to 154518
youth requiring support from multiple systems. These funds may 154519
be used for youth currently in the custody of a public children 154520
services agency or to prevent children from entering into the 154521
custody of a public children services agency by custody 154522
relinquishment or another mechanism. The Director of Children 154523
and Youth shall adopt rules in accordance with section 111.15 of 154524
the Revised Code to administer the funding. 154525

Of the foregoing appropriation item 830506, Family and Children Services, up to \$7,500,000 in each fiscal year may be used to incentivize best practices. The Director of Children and Youth shall adopt rules in accordance with section 111.15 of the Revised Code to administer the funding.

Of the foregoing appropriation item, 830506, Family and Children Services, up to \$162,750,000 in fiscal year 2026 and up to \$170,887,500 in fiscal year 2027 shall be provided by the Department of Children and Youth, in coordination with the Department of Job and Family Services, to public children services agencies. Of that amount, \$17,600,000 in each fiscal year shall be used to provide an initial allocation of \$200,000 to each county and the remainder shall be provided using the formula in section 5180.41 of the Revised Code.

If the funds available for distribution under section 5180.41 of the Revised Code in fiscal year 2026 and fiscal year 2027 exceed the amount appropriated in fiscal year 2019, each county contributing local funds in county fiscal year 2019 to the county children services fund shall contribute moneys to the children services fund described in section 5180.411 of the Revised Code.

The Director of Children and Youth, in consultation and coordination with the Director of Job and Family Services shall adopt rules, in accordance with section 111.15 of the Revised Code, to determine the amount of local funds each county must contribute to the children services fund based on past contributions. Rules must include a hardship provision identifying circumstances in which the county contribution may be waived or reduced.

Of the foregoing appropriation item 830506, Family and

Children Services, up to \$35,309,990 in each fiscal year shall 154556
be used to support activities associated with the delivery of 154557
children services activities, including recruiting and retaining 154558
foster parents, identifying and supporting kinship providers, 154559
family preservation, prevention, direct services, and best 154560
practices. 154561

Of the foregoing appropriation item 830506, Family and 154562
Children Services, up to \$17,000,000 in each fiscal year shall 154563
be used for federal match requirements for Title IV-B and Title 154564
IV-E of the "Social Security Act," 42 U.S.C. 601-687 funding. 154565

Of the foregoing appropriation item 830506, Family and 154566
Children Services, up to \$3,000,000 in each fiscal year shall be 154567
provided to the Ohio Network of Children's Advocacy Centers to 154568
administer and distribute grants to Child Advocacy Centers to 154569
coordinate statewide access to investigation, prosecution, and 154570
treatment of child sexual abuse, while helping children heal. 154571

The foregoing appropriation item 830607, Family and 154572
Children Activities, shall be used to expend miscellaneous 154573
foundation funds and grants to support family and children 154574
services activities. 154575

Section 423.130. KINSHIP CARE NAVIGATOR PROGRAM 154576

Of the foregoing appropriation item 830506, Family and 154577
Children Services, up to \$8,500,000 in each fiscal year shall be 154578
used to support the Kinship Care Navigator Program, and may be 154579
used to match eligible federal Title IV-E of the "Social 154580
Security Act," 42 U.S.C. 601-687 funds. 154581

Section 423.140. WENDY'S WONDERFUL KIDS 154582

Of the foregoing appropriation items 830506, Family and 154583
Children Services, 830601, Child Welfare, and 830612, Adoption 154584

Program, a total of up to \$10,000,000 in each fiscal year may be used to provide funds to the Dave Thomas Foundation for Adoption to implement statewide the Wendy's Wonderful Kids program of professional recruiters who use a child-focused model to find permanent homes for children in Ohio foster care.

Section 423.150. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL

A county family and children first council may establish and operate a flexible funding pool in order to assure access to needed services by families, children, and older adults in need of protective services. The operation of the flexible funding pools is subject to the following restrictions:

(A) The county council shall establish and operate the flexible funding pool in accordance with formal guidance issued by the Family and Children First Cabinet Council;

(B) The county council shall produce an annual report on its use of the pooled funds. The annual report shall conform to a format prescribed in the formal guidance issued by the Family and Children First Cabinet Council;

(C) Unless otherwise restricted, funds transferred to the flexible funding pool may include state general revenues allocated to local entities to support the provision of services to families and children;

(D) The amounts transferred to the flexible funding pool shall be limited to amounts that can be redirected without impairing the achievement of the objectives for which the initial allocation is designated; and

(E) Each amount transferred to the flexible funding pool from a specific allocation shall be approved for transfer by the

director of the local agency that was the original recipient of 154614
the allocation. 154615

In collaboration with the county family and children first 154616
council, a county department of job and family services or 154617
public children services agency that receives an allocation from 154618
the Department of Children and Youth, in consultation and 154619
coordination with the Department of Job and Family Services, 154620
from the foregoing appropriation item 830506, Family and 154621
Children Services, or 830502, Court Appointed Special Advocates, 154622
may transfer a portion of either or both allocations to a 154623
flexible funding pool as authorized by this section. 154624

Section 423.160. CHILDRENS CRISIS CARE 154625

The foregoing appropriation item 830419, Childrens Crisis 154626
Care, shall be allocated by the Department of Children and Youth 154627
in each fiscal year to children's crisis care facilities as 154628
defined in section 5103.13 of the Revised Code. The Director of 154629
Children and Youth shall calculate funds semi-annually and 154630
allocate funds quarterly based on the total number of days of 154631
care for each child residing in the facility, which is 154632
determined by calculating the total days each child resides at 154633
the crisis care facility, including the date of admission, but 154634
not the day of discharge. A children's crisis care facility may 154635
decline to receive funds provided under this section. A 154636
children's crisis care facility that accepts funds provided 154637
under this section shall use the funds in accordance with 154638
section 5103.13 of the Revised Code and any rules adopted under 154639
that section. 154640

Section 423.170. MATERNAL AND CHILD HEALTH BLOCK GRANT 154641

Of the foregoing appropriation item 830608, Maternal and 154642

Child Health Block Grant, up to \$5,000,000 in each fiscal year 154643
shall be used to implement Title V Maternal and Child Health 154644
Services Block Grant activities in the prenatal, maternal, 154645
perinatal, and infant domains. 154646

Section 423.180. MENTAL HEALTH BLOCK GRANT 154647

The foregoing appropriation item 830622, Mental Health 154648
Block Grant, shall be used for infant and early childhood mental 154649
health activities. 154650

Section 423.190. CHILD CARE CHOICE VOUCHER PROGRAM 154651

(A) Of the foregoing appropriation item, 830604, Child 154652
Care, a portion in each fiscal year, along with \$50,000,000 in 154653
each fiscal year in appropriation item 830605, TANF Block Grant, 154654
shall be used by the Department of Children and Youth to 154655
establish and administer the Child Care Choice Voucher Program. 154656
Subject to available funds, the program shall provide support, 154657
in the form of vouchers, to families to assist them with child 154658
care costs. To be eligible to participate in the program, a 154659
family must meet all of the following conditions: 154660

(1) The caretaker parent is employed or participating in a 154661
program of education or training for an amount of time 154662
reasonably related to the time that the parent's children are 154663
receiving child care. 154664

(2) The family does not meet the income conditions for 154665
initial eligibility under the Publicly Funded Child Care Program 154666
administered by the Department as described in section 5104.30 154667
of the Revised Code, but the maximum amount of the family's 154668
income does not exceed two hundred percent of the federal 154669
poverty line. 154670

(3) The family meets any other condition established by 154671

the Department. 154672

(B) In providing vouchers under this section, both of the 154673
following apply: 154674

(1) The program shall utilize, not later than November 1, 154675
2026, the publicly funded child care payment rates established 154676
in section 5104.30 of the Revised Code, except that such payment 154677
rates shall not be enhanced payment rates as described in 154678
division (E) (2) (c) of that section. 154679

(2) If a participating family uses its voucher at a type A 154680
family child care home or licensed type B family child care 154681
home, the program shall not require the family child care home 154682
to be rated through the Step Up to Quality Program administered 154683
by the Department as described in section 5104.29 of the Revised 154684
Code. 154685

Section 423.200. COMMUNITY SOCIAL SERVICE PROGRAMS 154686

A portion of the foregoing appropriation item 830609, 154687
Community Social Service Programs, may be used by the Early 154688
Intervention Services Advisory Council for the following 154689
purposes: 154690

(A) In addition to other necessary and allowed uses of 154691
funds and in accordance with 20 U.S.C. 1441(d), the Early 154692
Intervention Services Advisory Council established pursuant to 154693
section 5123.0422 of the Revised Code, may, in its discretion, 154694
use budgeted funds to do all of the following: 154695

(1) Conduct forums and hearings; 154696

(2) Reimburse council members for reasonable and necessary 154697
expenses, including child care expenses for parent 154698
representatives, for attending council meetings and performing 154699

council duties;	154700
(3) Pay compensation to a council member if the member is not employed or must forfeit wages from other employment when performing official council business;	154701 154702 154703
(4) Hire staff;	154704
(5) Obtain the services of professional, technical, and clerical personnel as necessary to carry out the performance of its lawful functions.	154705 154706 154707
(B) Except as provided in division (A) of this section, council members shall serve without compensation or reimbursement.	154708 154709 154710
Section 423.210. FEDERAL CHILDREN AND YOUTH GRANTS	154711
Of the foregoing appropriation item 830623, Federal Children and Youth Grants, up to \$195,000 in each fiscal year shall be used for the training of guardians ad litem and court-appointed special advocates as well as to conduct a study to demonstrate the impact of court-appointed special advocate volunteers on outcomes for children who are in child welfare custody as a result of abuse, neglect, or dependency.	154712 154713 154714 154715 154716 154717 154718
Section 423.220. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT	154719 154720
Of the foregoing appropriation item 830605, TANF Block Grant, up to \$5,000,000 in each fiscal year shall be used for the Kinship Permanency Incentive Program established under section 5180.52 of the Revised Code to promote a permanent commitment by kinship caregivers through becoming guardians and custodians over minor children who would otherwise be unsafe or at risk of harm if they remained in their own homes.	154721 154722 154723 154724 154725 154726 154727

Of the foregoing appropriation item 830605, TANF Block 154728
Grant, up to \$2,500,000 in each fiscal year shall be provided, 154729
in accordance with sections 5101.80 and 5101.801 of the Revised 154730
Code, to the Ohio Commission on Fatherhood. 154731

Of the foregoing appropriation item 830605, TANF Block 154732
Grant, up to \$1,000,000 in each fiscal year shall be provided, 154733
in accordance with sections 5101.80 and 5101.801 of the Revised 154734
Code, to the Ohio Children's Trust Fund. 154735

Section 423.230. PUBLICLY FUNDED CHILD CARE ELIGIBILITY 154736

Beginning on the effective date of this section and 154737
through June 30, 2027, all of the following apply to a family's 154738
eligibility for publicly funded child care as described in 154739
division (A) of section 5104.38 of the Revised Code: 154740

(A) Except as provided in division (B) of this section, 154741
the maximum amount of income that a family may have for initial 154742
eligibility shall not exceed one hundred forty-five per cent of 154743
the federal poverty line; 154744

(B) For special needs child care, as defined in section 154745
5104.01 of the Revised Code, the maximum amount of income that 154746
the family may have for initial eligibility shall not exceed one 154747
hundred fifty per cent of the federal poverty line; 154748

(C) The maximum amount of income that a family may have 154749
for continued eligibility shall not exceed three hundred per 154750
cent of the federal poverty line. 154751

Section 425.10. 154752

154753

A	NAI NEW AFRICAN IMMIGRANTS COMMISSION		
B	General Revenue Fund		
C	GRF 061501 Operating Expenses	\$250,000	\$250,000
D	General Revenue Fund Total	\$250,000	\$250,000
E	TOTAL ALL BUDGET FUND GROUPS	\$250,000	\$250,000

Section 503.10. PERSONAL SERVICE EXPENSES 154754

Unless otherwise prohibited by law, any appropriation from 154755
 which personal service expenses are paid shall bear the 154756
 employer's share of public employees' retirement, workers' 154757
 compensation, disabled workers' relief, and insurance programs; 154758
 the costs of centralized financial services, centralized payroll 154759
 processing, and related reports and services; centralized human 154760
 resources services, including affirmative action and equal 154761
 employment opportunity programs; the Office of Collective 154762
 Bargaining; centralized information technology management 154763
 services; administering the enterprise resource planning system; 154764
 and administering the state employee merit system as required by 154765
 section 124.07 of the Revised Code. These costs shall be 154766
 determined in conformity with the appropriate sections of law 154767
 and paid in accordance with procedures specified by the Office 154768
 of Budget and Management. Expenditures from appropriation item 154769
 070601, Public Audit Expense - Intra-State, may be exempted from 154770
 the requirements of this section. 154771

Section 503.15. APPROPRIATIONS FOR EMPLOYEE COMPENSATION 154772
 CHANGES 154773

Notwithstanding any provision of law to the contrary, 154774

beginning with the pay period that includes July 1, 2025, each 154775
state appointing authority is authorized to make expenditures 154776
from current state operating appropriations contained in this 154777
act or any other act necessary to provide for the changes to 154778
compensation provisions pursuant to approved collective 154779
bargaining agreements between employee organizations and State 154780
of Ohio public employers and pursuant to provisions of law, as 154781
amended by this act, for employees exempt from collective 154782
bargaining to allow parity for those employees. 154783

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 154784
AGAINST THE STATE 154785

Except as otherwise provided in this section, an 154786
appropriation in this act may be used for the purpose of 154787
satisfying judgments, settlements, or administrative awards 154788
ordered or approved by the Court of Claims or by any other court 154789
of competent jurisdiction in connection with civil actions 154790
against the state. This authorization does not apply to 154791
appropriations to be applied to or used for payment of 154792
guarantees by or on behalf of the state, or for payments under 154793
lease agreements relating to, or debt service on, bonds, notes, 154794
or other obligations of the state. Notwithstanding any other 154795
statute to the contrary, this authorization includes 154796
appropriations from funds into which proceeds of direct 154797
obligations of the state are deposited only to the extent that 154798
the judgment, settlement, or administrative award is for, or 154799
represents, capital costs for which the appropriation may 154800
otherwise be used and is consistent with the purpose for which 154801
any related obligations were issued or entered into. Nothing 154802
contained in this section is intended to subject the state to 154803
suit in any forum in which it is not otherwise subject to suit, 154804
and is not intended to waive or compromise any defense or right 154805

available to the state in any suit against it. 154806

Section 503.30. CAPITAL PROJECT SETTLEMENTS 154807

This section specifies an additional and supplemental 154808
procedure to provide for payments of judgments and settlements 154809
if the Director of Budget and Management determines, pursuant to 154810
division (C) (4) of section 2743.19 of the Revised Code, that 154811
sufficient unencumbered moneys do not exist in the fund to 154812
support a particular appropriation to pay the amount of a final 154813
judgment rendered against the state or a state agency, including 154814
the settlement of a claim approved by a court, in an action upon 154815
and arising out of a contractual obligation for the construction 154816
or improvement of a capital facility if the costs under the 154817
contract were payable in whole or in part from a state capital 154818
projects appropriation. In such a case, the Director may either 154819
proceed pursuant to division (C) (4) of section 2743.19 of the 154820
Revised Code or apply to the Controlling Board to increase an 154821
appropriation or create an appropriation out of any unencumbered 154822
moneys in the state treasury to the credit of the capital 154823
projects fund from which the initial state appropriation was 154824
made. The amount of an increase in appropriation or new 154825
appropriation approved by the Controlling Board is hereby 154826
appropriated from the applicable capital projects fund and made 154827
available for the payment of the judgment or settlement. 154828

If the Director does not make the application authorized 154829
by this section or the Controlling Board disapproves the 154830
application, and the Director does not make application under 154831
division (C) (4) of section 2743.19 of the Revised Code, the 154832
Director shall for the purpose of making that payment make a 154833
request to the General Assembly as provided for in division (C) 154834
(5) of that section. 154835

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 154836

In order to provide funds for the reissuance of voided 154837
warrants under section 126.37 of the Revised Code, there is 154838
hereby appropriated, out of moneys in the state treasury from 154839
the fund credited as provided in section 126.37 of the Revised 154840
Code, that amount sufficient to pay such warrants when approved 154841
by the Office of Budget and Management. 154842

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 154843
BALANCES OF OPERATING APPROPRIATIONS 154844

(A) Notwithstanding the original year of appropriation or 154845
encumbrance, the unexpended balance of an operating 154846
appropriation or reappropriation that a state agency lawfully 154847
encumbered prior to the close of fiscal year 2025 or fiscal year 154848
2026 is hereby reappropriated on the first day of July of the 154849
following fiscal year from the fund from which it was originally 154850
appropriated or reappropriated for the period of time listed in 154851
this section and shall remain available only for the purpose of 154852
discharging the encumbrance: 154853

(1) For an encumbrance for personal services, maintenance, 154854
equipment, or items for resale not otherwise identified in this 154855
section, for a period of not more than five months from the end 154856
of the fiscal year; 154857

(2) For an encumbrance for an item of special order 154858
manufacture not available on state contract or an item not 154859
available in the open market, for a period of not more than five 154860
months from the end of the fiscal year or, with the written 154861
approval of the Director of Budget and Management, for a period 154862
of not more than twelve months from the end of the fiscal year; 154863

(3) For an encumbrance for reclamation of land or oil and 154864

gas wells, for a period ending when the encumbered appropriation 154865
is expended; 154866

(4) For an encumbrance for any other type of expense not 154867
otherwise identified in division (A)(1), (2), or (3) of this 154868
section, for such period as the Director approves, provided such 154869
period does not extend beyond the FY 2026 - FY 2027 biennium. 154870

(B) Any operating appropriations for which unexpended 154871
balances are reappropriated in fiscal year 2026 or fiscal year 154872
2027 pursuant to division (A)(2) of this section shall be 154873
reported to the Controlling Board by the Director of Budget and 154874
Management by the thirty-first day of December of each year. The 154875
report shall include the item, the cost of the item, and the 154876
name of the vendor. The report shall be updated on a quarterly 154877
basis for encumbrances remaining open. 154878

(C) Upon the expiration of the reappropriation period set 154879
out in division (A) of this section, a reappropriation made by 154880
this section lapses and the Director of Budget and Management 154881
shall cancel the encumbrance of the unexpended reappropriation 154882
not later than the end of the weekend following the expiration 154883
of the reappropriation period. 154884

(D) If the Controlling Board approved a purchase, that 154885
approval remains in effect so long as the appropriation used to 154886
make that purchase remains encumbered. 154887

Section 503.60. CORRECTION OF ACCOUNTING ERRORS 154888

(A) The Director of Budget and Management may correct 154889
accounting errors committed by the staff of the Office of Budget 154890
and Management, such as reestablishing encumbrances or 154891
appropriations canceled in error, during the cancellation of 154892
operating encumbrances in November and of non-operating 154893

encumbrances in December. 154894

(B) The Director of Budget and Management may at any time 154895
correct accounting errors committed by staff or a state agency 154896
or state institution of higher education, as defined in section 154897
3345.011 of the Revised Code, such as reestablishing prior year 154898
non-operating encumbrances canceled or modified in error. The 154899
reestablished encumbrance amounts are hereby appropriated. 154900

Section 503.70. TEMPORARY REVENUE HOLDING 154901

The Director of Budget and Management may create funds in 154902
the state treasury solely for the purpose of temporarily holding 154903
revenue required to be credited to a fund in the state treasury, 154904
whose disposition is not immediately known at the time of 154905
receipt. Once identified, the Director shall credit the revenue 154906
to the appropriate fund in the state treasury. 154907

Notwithstanding section 153.63 of the Revised Code or any 154908
other provision of law to the contrary, upon certification by a 154909
director or head of a state agency, in lieu of banks, buildings 154910
and loan associations, or other institutions, the Director of 154911
Budget and Management may create funds in the state treasury on 154912
behalf of an agency when the agency is required by law to detain 154913
funds in escrow. All investment earnings of the fund shall be 154914
credited to the fund while the detained amounts remain in 154915
escrow. The Director of Budget and Management may transfer cash 154916
between funds within the state treasury to satisfy escrow 154917
requirements. 154918

Section 503.80. APPROPRIATIONS RELATED TO CASH TRANSFERS 154919
AND RE-ESTABLISHMENT OF ENCUMBRANCES 154920

Any cash transferred by the Director of Budget and 154921
Management under section 126.15 of the Revised Code is hereby 154922

appropriated. Any amounts necessary to re-establish 154923
appropriations or encumbrances under section 126.15 of the 154924
Revised Code are hereby appropriated. 154925

Section 503.90. TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 154926

The Director of Budget and Management may transfer 154927
appropriations between the Third Frontier Research and 154928
Development Fund (Fund 7011) and the Third Frontier Research and 154929
Development Taxable Bond Fund (Fund 7014) as necessary to 154930
maintain the exclusion from the calculation of gross income for 154931
federal income taxation purposes under the Internal Revenue Code 154932
with respect to obligations issued to fund projects appropriated 154933
from the Third Frontier Research and Development Fund (Fund 154934
7011). 154935

The Director may also create new appropriation items 154936
within the Third Frontier Research and Development Taxable Bond 154937
Fund (Fund 7014) and make transfers of appropriations to them 154938
for projects originally funded from appropriations made from the 154939
Third Frontier Research and Development Fund (Fund 7011). 154940

Section 503.100. INCOME TAX DISTRIBUTION TO COUNTIES 154941

There are hereby appropriated out of any moneys in the 154942
state treasury to the credit of the General Revenue Fund, which 154943
are not otherwise appropriated, funds sufficient to make any 154944
payment required by division (B) (2) of section 5747.03 of the 154945
Revised Code. 154946

Section 503.110. EXPENDITURES AND APPROPRIATION INCREASES 154947
APPROVED BY THE CONTROLLING BOARD 154948

Any money that the Controlling Board approves for 154949
expenditure or any increase in appropriation that the 154950
Controlling Board approves under sections 127.14, 131.35, and 154951

131.39 of the Revised Code or any other provision of law is 154952
hereby appropriated for the period ending June 30, 2027. 154953

Section 503.120. FUNDS RECEIVED FOR USE OF GOVERNOR'S 154954
RESIDENCE 154955

If the Governor's Residence Fund (Fund 4H20) receives 154956
payment for use of the residence pursuant to section 107.40 of 154957
the Revised Code, the amounts so received are hereby 154958
appropriated to appropriation item 100604, Governor's Residence 154959
Gift. 154960

Section 503.140. FUND INVESTMENT EARNINGS 154961

Not later than July 15, 2025, the Office of Budget and 154962
Management shall redirect the investment earnings of the 154963
following funds to the General Revenue Fund from that date 154964
forward: 154965

(A) The Capitol Square Improvement Fund (Fund 5AN1); 154966

(B) The Health Care/Medicaid Support and Recoveries Fund 154967
(Fund 5DL0); 154968

(C) The Ohio Workforce Incumbent Job Training Fund (Fund 154969
5NH0). 154970

Section 504.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 154971

Certain appropriations are in this act for the purpose of 154972
paying debt service and financing costs on general obligation 154973
bonds or notes of the state issued pursuant to the Ohio 154974
Constitution, Revised Code, and acts of the General Assembly. If 154975
it is determined that additional appropriations are necessary 154976
for this purpose, such amounts are hereby appropriated. 154977

Section 504.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE 154978

Certain appropriations are in this act for the purpose of 154979
making lease rental payments pursuant to leases and agreements 154980
relating to bonds, notes, or other obligations issued by or on 154981
behalf of the state pursuant to the Ohio Constitution, Revised 154982
Code, and acts of the General Assembly. If it is determined that 154983
additional appropriations are necessary for this purpose, such 154984
amounts are hereby appropriated. 154985

Section 504.30. AUTHORIZATION FOR TREASURER OF STATE AND 154986
OBM TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 154987

The Office of Budget and Management shall process payments 154988
from general obligation and lease rental payment appropriation 154989
items during the period from July 1, 2025, through June 30, 154990
2027, relating to bonds, notes, or other obligations issued by 154991
or on behalf of the state pursuant to the Ohio Constitution, 154992
Revised Code, and acts of the General Assembly. Payments shall 154993
be made upon certification by the Treasurer of State of the 154994
dates and the amounts due on those dates. 154995

Section 505.10. ARBITRAGE REBATE AUTHORIZATION 154996

If it is determined that a payment is necessary in the 154997
amount computed at the time to represent the portion of 154998
investment income to be rebated or amounts in lieu of or in 154999
addition to any rebate amount to be paid to the federal 155000
government in order to maintain the exclusion from gross income 155001
for federal income tax purposes of interest on those state 155002
obligations under section 148(f) of the Internal Revenue Code, 155003
such an amount is hereby appropriated from those funds 155004
designated by or pursuant to the applicable proceedings 155005
authorizing the issuance of state obligations. 155006

Payments for this purpose shall be approved and vouchered 155007

by the Office of Budget and Management. 155008

Section 505.20. STATEWIDE INDIRECT COST RECOVERY 155009

Whenever the Director of Budget and Management determines 155010
that an appropriation made to a state agency from a fund of the 155011
state is insufficient to provide for the recovery of statewide 155012
indirect costs under section 126.12 of the Revised Code, the 155013
amount required for such purpose is hereby appropriated from the 155014
available receipts of such fund. 155015

Section 505.30. TRANSFERS ON BEHALF OF THE STATEWIDE 155016
INDIRECT COST ALLOCATION PLAN 155017

The total transfers made from the General Revenue Fund by 155018
the Director of Budget and Management under this section shall 155019
not exceed the amounts transferred into the General Revenue Fund 155020
under section 126.12 of the Revised Code. 155021

The director of an agency may certify to the Director of 155022
Budget and Management the amount of expenses not allowed to be 155023
included in the Statewide Indirect Cost Allocation Plan under 155024
federal regulations, from any fund included in the Statewide 155025
Indirect Cost Allocation Plan, prepared as required by section 155026
126.12 of the Revised Code. 155027

Upon determining that no alternative source of funding is 155028
available to pay for such expenses, the Director of Budget and 155029
Management may transfer cash from the General Revenue Fund into 155030
the fund for which the certification is made, up to the amount 155031
of the certification. The director of the agency receiving such 155032
funds shall include, as part of the next budget submission 155033
prepared under section 126.02 of the Revised Code, a request for 155034
funding for such activities from an alternative source such that 155035
further federal disallowances would not be required. 155036

The director of an agency may certify to the Director of Budget and Management the amount of expenses paid in error from a fund included in the Statewide Indirect Cost Allocation Plan. The Director of Budget and Management may transfer cash from the fund from which the expenditure should have been made into the fund from which the expenses were erroneously paid, up to the amount of the certification.

The director of an agency may certify to the Director of Budget and Management the amount of expenses or revenues not allowed to be included in the Statewide Indirect Cost Allocation Plan under federal regulations, for any fund included in the Statewide Indirect Cost Allocation Plan, for which the federal government requires payment. If the Director of Budget and Management determines that an appropriation made to a state agency from a fund of the state is insufficient to pay the amount required by the federal government, the amount required for such purpose is hereby appropriated from the available receipts of such fund, up to the amount of the certification.

Section 505.35. TRANSFERS TO OAKS SUPPORT ORGANIZATION FUND

Transfers from the General Revenue Fund to the OAKS Support Organization Fund (Fund 5EB0) under division (A) (2) (b) of section 126.12 of the Revised Code shall not exceed \$1,250,000 cash in each fiscal year of the biennium ending June 30, 2027.

Section 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS

Notwithstanding any provision of law to the contrary, on or before the first day of September of each fiscal year, the Director of Budget and Management, in order to reduce the

payment of adjustments to the federal government, as determined 155066
by the plan prepared under division (A) of section 126.12 of the 155067
Revised Code, may designate such funds as the Director considers 155068
necessary to retain their own interest earnings. 155069

Section 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 155070

Pursuant to the plan for compliance with the Federal Cash 155071
Management Improvement Act required by section 131.36 of the 155072
Revised Code, the Director of Budget and Management may cancel 155073
and re-establish all or part of encumbrances in like amounts 155074
within the funds identified by the plan. The amounts necessary 155075
to re-establish all or part of encumbrances are hereby 155076
appropriated. 155077

Section 505.60. INTEREST EARNINGS FOR FEDERAL FUNDS 155078

Notwithstanding section 113.09 of the Revised Code, the 155079
Director of Budget and Management may designate any fund within 155080
the state treasury that receives federal revenue to be credited 155081
with investment earnings to comply with federal law. 155082

Section 505.70. REPAYMENT OF FEDERAL FUNDS 155083

Any unexpended federal revenue received into the state 155084
treasury remaining at the end of its applicable period for 155085
expenditure which must be returned in compliance with federal 155086
law, is hereby appropriated to the fund in which it was 155087
received, for that purpose. 155088

Section 505.75. STATE FISCAL RECOVERY FUND 155089

An amount equal to the unexpended and unencumbered 155090
portions of appropriation items under the State Fiscal Recovery 155091
Fund (Fund 5CV3) plus an amount equal to cash previously 155092
expended but returned to the fund at the end of fiscal year 2025 155093

are hereby reappropriated for the same purpose in fiscal year 155094
2026. An amount equal to the unexpended and unencumbered 155095
portions of appropriation items under Fund 5CV3 plus an amount 155096
equal to cash previously expended but returned to the fund at 155097
the end of fiscal year 2026 are hereby reappropriated for the 155098
same purpose in fiscal year 2027. 155099

The Director of Budget and Management may create new 155100
appropriation items under Fund 5CV3. In each fiscal year, the 155101
Director may transfer appropriation among newly created or 155102
existing appropriation items under Fund 5CV3. The Director shall 155103
report appropriation transfers made under this section to the 155104
Controlling Board no later than January 30, 2027. 155105

Section 505.80. REAPPROPRIATION OF RECOVERY AND RELIEF 155106
FUNDS 155107

Amounts equal to the unexpended portions of appropriation 155108
items under the following recovery and relief funds, at the end 155109
of fiscal year 2025 are hereby reappropriated to the same 155110
appropriation items and shall be used for the same purposes in 155111
fiscal year 2026: CARES Act School Relief Fund (Fund 3HS0), 155112
Governor's Emergency Education Relief Fund (Fund 3HQ0), 155113
Emergency Rental Assistance Fund (5CV2), ARPA Capital Projects 155114
Fund (5CV5), ARPA Home and Community Based Services - Federal 155115
Fund (Fund 3HC8), and ARPA Home and Community Based Services 155116
Fund (Fund 5HC8). 155117

Amounts equal to the unexpended portions of appropriation 155118
items under the following recovery and relief funds, at the end 155119
of fiscal year 2026, are hereby reappropriated to the same 155120
appropriation items and shall be used for the same purposes in 155121
fiscal year 2027: ARPA Home and Community Based Services - 155122
Federal Fund (Fund 3HC8), Governor's Emergency Education Relief 155123

Fund (Fund 3HQ0), CARES Act School Relief Fund (Fund 3HS0), 155124
Emergency Rental Assistance Fund (Fund 5CV2), ARPA Capital 155125
Projects Fund (Fund 5CV5), and ARPA Home and Community Based 155126
Services Fund (Fund 5HC8). 155127

Section 506.10. ONE TIME STRATEGIC COMMUNITY INVESTMENTS 155128

Notwithstanding Section 200.30 of H.B. 2 of the 135th 155129
General Assembly, the Office of Budget and Management shall not 155130
provide a grant from appropriation item 042509, One Time 155131
Strategic Community Investments, to the Chardon High School 155132
Athletic Boosters for the Chardon Memorial Stadium Restroom and 155133
Concession Project. If any amount has been released prior to the 155134
effective date of this section, Chardon High School Athletic 155135
Boosters shall promptly return the unexpended portion of that 155136
amount, as of the effective date of this section, to the state 155137
treasury to the credit of the One Time Strategic Community 155138
Investments Fund (Fund 5AY1). The Office of Budget and 155139
Management shall distribute the amount returned by Chardon High 155140
School Athletic Boosters, if any, as follows: forty per cent to 155141
South Ridge Christian Academy for school building and roof 155142
renovations and sixty per cent to Agricultural Career Education 155143
Academy for DOPR career-technical program and infrastructure 155144
projects. This amount is hereby appropriated. 155145

Section 509.10. TRANSFERS INTO GENERAL REVENUE FUND 155146

INTEREST EARNED 155147

Notwithstanding any provision of law to the contrary, the 155148
Director of Budget and Management, through June 30, 2027, may 155149
transfer interest earned by any state fund to the General 155150
Revenue Fund. This section does not apply to funds whose source 155151
of revenue is restricted or protected by the Ohio Constitution, 155152

federal tax law, or the "Cash Management Improvement Act of 155153
1990," 104 Stat. 1058 (1990), 31 U.S.C. 6501 et seq., as 155154
amended. 155155

NON-GRF FUNDS 155156

Notwithstanding any provision of law to the contrary, the 155157
Director of Budget and Management may transfer up to 155158
\$200,000,000 cash during the biennium ending June 30, 2027, from 155159
non-General Revenue Funds that are not constitutionally 155160
restricted to the General Revenue Fund. The Director shall 155161
report any such transfers to the Controlling Board within thirty 155162
days of making the transfer. 155163

TANGIBLE PROPERTY TAX REPLACEMENT FUNDS 155164

During the biennium ending June 30, 2027, the Director of 155165
Budget and Management may transfer cash as necessary from the 155166
School District Tangible Property Tax Replacement Fund (Fund 155167
7047) and the Local Government Tangible Property Tax Replacement 155168
Fund (Fund 7081) to the General Revenue Fund. 155169

ALL OHIO FUTURE FUND 155170

On July 1, 2025, or as soon as possible thereafter, the 155171
Director of Budget and Management shall transfer \$250,000,000 155172
cash from the All Ohio Future Fund (Fund 5XM0) to the General 155173
Revenue Fund. 155174

SUPER RAPIDS FUND 155175

On July 1, 2025, or as soon as possible thereafter, the 155176
Director of Budget and Management shall transfer up to 155177
\$10,000,000 cash from the Super RAPIDS Fund (Fund 5AH1) to the 155178
General Revenue Fund. 155179

ADULT USE TAX FUND 155180

On July 1, 2025, or as soon as possible thereafter, the 155181
Director of Budget and Management shall transfer the remaining 155182
cash balance of the Adult Use Tax Fund (Fund QG18) at the end of 155183
fiscal year 2025 after transferring cash to the Host Community 155184
Cannabis Fund (Fund 7106) under section 387.20 of this act, from 155185
Fund QG18 to the General Revenue Fund. 155186

GROW YOUR OWN TEACHER PROGRAM FUND 155187

On July 1, 2025, or as soon as possible thereafter, the 155188
Director of Budget and Management shall transfer up to 155189
\$9,000,000 cash from the Grow Your Own Teacher Program Fund 155190
(Fund 5ZY0) to the General Revenue Fund. 155191

AUDIT SETTLEMENTS AND CONTINGENCY FUND 155192

On July 1, 2025, or as soon as possible thereafter, the 155193
Director of Budget and Management shall transfer \$4,000,000 cash 155194
from the Audit Settlements and Contingency Fund (Fund 5BP1) to 155195
the General Revenue Fund. 155196

PRE-SECURITIZATION TOBACCO PAYMENTS FUND 155197

On July 1, 2025, or as soon as possible thereafter, the 155198
Director of Budget and Management shall transfer \$20,000,000 155199
cash from the Pre-Securitization Tobacco Payments Fund (Fund 155200
5LS0) to the General Revenue Fund. 155201

LITERACY IMPROVEMENT FUND 155202

On July 1, 2025, or as soon as possible thereafter, the 155203
Director of Budget and Management shall transfer up to 155204
\$10,000,000 cash from the Literacy Improvement Fund (Fund 5AQ1) 155205
to the General Revenue Fund. 155206

INFORMATION TECHNOLOGY DEVELOPMENT FUND 155207

On July 1 of each fiscal year, or as soon as possible 155208
thereafter, the Director of Budget and Management shall transfer 155209
\$2,500,000 cash from the Information Technology Development Fund 155210
(Fund 5LJ0) to the General Revenue Fund. 155211

HUMAN SERVICES PROJECT FUND 155212

On July 1 of each fiscal year, or as soon as possible 155213
thereafter, the Director of Budget and Management shall transfer 155214
\$5,000,000 cash from the Human Services Projects Fund (Fund 155215
5RY0) to the General Revenue Fund. 155216

BROADBAND POLE REPLACEMENT FUND 155217

On July 1, 2025, or as soon as possible thereafter, the 155218
Director of Budget and Management shall transfer \$15,000,000 155219
cash from the Broadband Pole Replacement Fund (Fund 5AI1) to the 155220
General Revenue Fund. 155221

WORKFORCE DEVELOPMENT PROJECTS FUND 155222

Notwithstanding section 6301.19 of the Revised Code, on 155223
July 1, 2025, or as soon as possible thereafter, the Director of 155224
Budget and Management shall transfer \$1,000,000 cash from the 155225
Workforce Development Projects Fund (Fund 5RX0) to the General 155226
Revenue Fund. 155227

RAIL SAFETY CROSSING FUND 155228

On July 1, 2025, or as soon as possible thereafter, the 155229
Director of Budget and Management shall transfer \$15,000,000 155230
cash from the Rail Safety Crossing Fund (Fund 5ZP0) to the 155231
General Revenue Fund. 155232

ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND 155233

Notwithstanding section 5101.073 of the Revised Code, on 155234

July 1 of each fiscal year, or as soon as possible thereafter, 155235
the Director of Budget and Management shall transfer \$4,000,000 155236
cash from the ODJFS Audit Settlements and Contingency Fund (Fund 155237
5DM0) to the General Revenue Fund. 155238

Section 512.10. TRANSFERS OUT OF GENERAL REVENUE FUND 155239

STATE MARKETING OFFICE FUND 155240

On July 1, 2025, or as soon as possible thereafter, the 155241
Director of Budget and Management shall transfer up to 155242
\$15,000,000 cash from the General Revenue Fund to the State 155243
Marketing Office Fund (Fund 5MJ0). 155244

FOUNDATION FUNDING - ALL STUDENTS FUND 155245

Notwithstanding any provision of law to the contrary, the 155246
Director of Budget and Management may transfer up to 155247
\$600,000,000 cash, in each fiscal year, from the General Revenue 155248
Fund to the Foundation Funding - All Students Fund (Fund 5VS0). 155249

SECOND CHANCE GRANT PROGRAM FUND 155250

On July 1, 2025, or as soon as possible thereafter, the 155251
Director of Budget and Management shall transfer up to 155252
\$4,000,000 cash from the General Revenue Fund to the Second 155253
Chance Grant Program Fund (Fund 5YD0). 155254

MARCS ADMINISTRATION FUND 155255

On July 1 of each fiscal year, or as soon as possible 155256
thereafter, the Director of Budget and Management may transfer 155257
up to \$10,500,000 cash from the General Revenue Fund to the 155258
MARCS Administration Fund (Fund 5C20). 155259

WILDLIFE FUND 155260

On July 1 of each fiscal year, or as soon as possible 155261

thereafter, the Director of Budget and Management may transfer 155262
\$500,000 cash from the General Revenue Fund to the Wildlife Fund 155263
(Fund 7015). 155264

TRANSCRANIAL MAGNETIC STIMULATION FUND 155265

On July 1 of each fiscal year, or as soon as possible 155266
thereafter, the Director of Budget and Management may transfer 155267
\$5,000,000 cash from the General Revenue Fund to the 155268
Transcranial Magnetic Stimulation Fund (Fund 5VV0). 155269

H2OHIO FUND 155270

On July 1, 2025, or as soon as possible thereafter, the 155271
Director of Budget and Management may transfer \$170,000,000 from 155272
the General Revenue Fund to the H2Ohio Fund (Fund 6H20). 155273

OHIO MARITIME ASSISTANCE PROGRAM 155274

On July 1, 2025, or as soon as possible thereafter, the 155275
Director of Budget and Management shall transfer \$10,000,000 155276
cash from the General Revenue Fund to the Ohio Maritime 155277
Assistance Fund (Fund 5QT0). 155278

RESIDENTIAL DEVELOPMENT REVOLVING LOAN 155279

On July 1, 2025, or as soon as possible thereafter, the 155280
Director of Budget and Management shall transfer \$100,000,000 155281
cash from the General Revenue Fund to the Residential 155282
Development Revolving Loan Fund (Fund 5CT1). 155283

STATEWIDE CHILDREN'S VISION INITIATIVE 155284

On July 1, 2025, or as soon as possible thereafter, the 155285
Director of Budget and Management shall transfer \$5,000,000 cash 155286
from the General Revenue Fund to the Statewide Children's Vision 155287
Initiative Fund (Fund 5AT1). 155288

EDUCATION DEMONSTRATION PROJECTS FUND	155289
On July 1, 2025, or as soon as possible thereafter, the	155290
Director of Budget and Management shall transfer \$50,000,000	155291
cash from the General Revenue Fund to the Education	155292
Demonstration Projects Fund (Fund 5DA1), which is hereby created	155293
in the state treasury.	155294
RURAL PRACTICE INCENTIVE FUND	155295
On July 1, 2025, or as soon as possible thereafter, the	155296
Director of Budget and Management shall transfer \$3,000,000 cash	155297
from the General Revenue Fund to the Rural Practice Incentive	155298
Fund (Fund 5ZD0).	155299
Section 513.10. FISCAL YEARS 2025 AND 2026 GENERAL REVENUE	155300
FUND ENDING BALANCE	155301
Notwithstanding section 131.44 of the Revised Code and	155302
except as provided in section 5163.04 of the Revised Code, the	155303
cash balance of the General Revenue Fund on June 30, 2025, and	155304
on June 30, 2026, shall remain in the General Revenue Fund.	155305
Section 514.10. UTILITY RADIOLOGICAL SAFETY BOARD	155306
ASSESSMENTS	155307
Unless the agency and nuclear electric utility mutually	155308
agree to a higher amount by contract, the maximum amounts that	155309
may be assessed against nuclear electric utilities under	155310
division (B) (2) of section 4937.05 of the Revised Code and	155311
deposited into the specified funds are as follows:	155312
	155313

	1	2	3	4
A	Fund	User	FY 2026	FY 2027

B	Utility Radiological Safety Fund (Fund 4E40)	Department of Agriculture	\$136,000	\$142,000
C	Radiation Emergency Response Fund (Fund 6100)	Department of Health	\$1,551,682	\$1,598,000
D	ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$274,997	\$280,510
E	Emergency Response Plan Fund (Fund 6570)	Department of Public Safety	\$1,420,000	\$1,467,000

Section 515.40. EMPLOYEE BENEFITS FUNDS CASH TRANSFERS 155314

Notwithstanding any provision of law to the contrary, upon 155315
request of the Director of Administrative Services, the Director 155316
of Budget and Management may make temporary cash transfers 155317
between the Accrued Leave Liability Fund (Fund 8060), the State 155318
Employee Health Benefit Fund (Fund 8080), the Dependent Care 155319
Spending Fund (Fund 8090), the Life Insurance Investment Fund 155320
(Fund 8100), the Parental Leave Benefit Fund (Fund 8110), and 155321
the Health Care Spending Account Fund (Fund 8130) to ensure 155322
appropriate and supportable cash flow. 155323

Section 516.10. CASH TRANSFERS AND ABOLISHMENT OF FUNDS 155324

(A) On July 1, 2025, or as soon as possible thereafter, 155325
the Director of Budget and Management may transfer the cash 155326
balance from each of the funds as indicated in the table below 155327
to the fund also indicated in the table below. Upon completion 155328
of each transfer and on the effective date of its repeal by this 155329
act, where applicable, the fund from which the cash balance was 155330

transferred is hereby abolished.

155331

155332

	1	2	3	4	5
A		Transfer from:		Transfer to:	
B	User Agency	Fund	Fund Name	Fund	Fund Name
C	AGO	5MP0	Peace Officer Training Commission Fund	5LR0	Ohio Law Enforcement Training Fund
D	AGR	5MA0	Dangerous and Restricted Animal Fund	5MS0	Animal and Consumer Protection Fund
E	AGR	5PL0	Pet Store License Fund	5MR0	Commercial Dog Breeding Fund
F	DAS	5MV0	Theatre Equipment Maintenance Fund	GRF	General Revenue Fund
G	DAS	1280	Collective Bargaining Fund	1250	Human Resources Services Fund
H	MHA	3A60	Federal- Miscellaneous Fund	5AU0	Behavioral Health Care Fund
I	DPS	3HT0	Justice Emergency Supplemental Funding Fund	GRF	General Revenue Fund
J	DPS	5RS0	Community Police	5AZ1	eWarrant Local

			Relations Fund		Integration Fund
K	MCD	5XY0	Hospital Directed Payment Fund	5AN0	State Directed Payments Fund
L	OOD	3L10	Social Security Reimbursement Fund	3790	Consolidated Federal Fund
M	TOS	7090	Job Ready Site Development Bond Retirement Fund	GRF	General Revenue Fund
N	LSC	4100	Sale of Publications Fund	GRF	General Revenue Fund
O	LSC	4F60	Legislative Budget Services Fund	GRF	General Revenue Fund
P	LSC	5EF0	Legislative Agency Telephone Usage Fund	GRF	General Revenue Fund
Q	BOR	5RA0	Workforce and Higher Education Programs Fund	GRF	General Revenue Fund
R	DOH	5UA0	Emergency Preparation and Response Fund	GRF	General Revenue Fund
S	EDU	5VU0	School Bus Purchase Fund	GRF	General Revenue Fund

(B) The following funds are hereby abolished on the
effective date of their repeal by this act:

155333
155334

A	Transfer from:			Transfer to:	
B	User	Fund	Fund Name	Fund	Fund Name
	Agency				
C	DEV	5KN0	Local Government Innovation Fund	GRF	General Revenue Fund

Section 516.30. CASH TRANSFERS TO PRIORITY PROJECTS FUND 155344

On July 1 of each fiscal year, or as soon as possible 155345
thereafter, the Director of Budget and Management shall transfer 155346
cash as indicated in the table below from each of the funds also 155347
as indicated in the table below to the Priority Projects Fund 155348
(Fund 5A00). 155349
155350

	1	2	3
A	<u>Fund</u>	<u>FY 2026</u>	<u>FY 2027</u>
B	State Small Business Credit Initiative Fund (Fund 3FJ0)	\$600,000	\$600,000
C	Business Assistance Fund (Fund 4510)	\$750,000	\$750,000
D	Roadwork Development Fund (Fund 4W00)	\$2,500,000	\$2,500,000
E	Minority Business Enterprise Loan Fund (Fund 4W10)	\$1,000,000	\$1,000,000
F	Rural Industrial Park Loan Fund (Fund 4Z60)	\$5,000,000	\$5,000,000

G	State Fire Marshal Fund (Fund 5460)	\$3,000,000	\$3,000,000
H	Industrial Compliance Operating Fund (Fund 5560)	\$1,500,000	\$1,500,000
I	Securities Investor Education/Enforcement Fund(Fund 5GK0)	\$500,000	\$500,000
J	Capital Access Loan Fund (Fund 5S90)	\$1,000,000	\$1,000,000
K	Innovation Ohio Loan Fund (Fund 7009)	\$3,000,000	\$3,000,000
L	Research and Development Loan Fund (Fund 7010)	\$4,000,000	\$4,000,000
M	Facilities Establishment Fund (Fund 7037)	\$5,000,000	\$5,000,000

Section 518.10. OHIO STATE SMALL BUSINESS CREDIT 155351
INITIATIVE VENTURE CAPITAL PROGRAM FUND 155352

The Ohio State Small Business Credit Initiative Venture 155353
Capital Program Fund (Fund 3IC0) is hereby created in the state 155354
treasury. Money in the fund shall be used to pay the expenses of 155355
the Ohio Department of Development for the Ohio Growth Capital, 155356
Ohio Early-Stage Focus, Certified Development Financial 155357
Institution Loan, and Collateral Enhancement programs, including 155358
administrative expenses. All federal funds received from the 155359
State Small Business Credit Initiative of the United States 155360
Department of the Treasury shall be credited to the fund. All 155361
investment earnings of the fund shall be credited to the fund. 155362

Section 525.10. (A) As used in this section, "Ohio Benefits Program" means the integrated enterprise solution administered by the Department of Administrative Services that assists individuals in verifying eligibility for, and applying for, benefits offered through various programs administered by the Department of Job and Family Services and the Department of Medicaid, including the Medicaid program, Supplemental Nutrition Assistance Program, and Temporary Assistance for Needy Families.

(B) Not later than July 1, 2026, the Director of Administrative Services and the Director of Job and Family Services shall develop a detailed organizational plan and enter into a memorandum of understanding to transfer administration of the Ohio Benefits Program from the Department of Administrative Services to the Department of Job and Family Services.

(C) Not later than July 1, 2027, the Director of Administrative Services may transfer the Director's responsibility for administering the Ohio Benefits Program to the Director of Job and Family Services. If the Director of Administrative Services transfers the program, all of the following apply:

(1) All contracts, records, documents, files, equipment, assets, materials, and staff resources that relate to the Ohio Benefits Program shall be transferred to the Director of Job and Family Services.

(2) Any business commenced, but not completed, by July 1, 2027, by the Director of Administrative Services with respect to the Ohio Benefits Program shall be completed by the Director of Job and Family Services in the same manner, and with the same effect, as if completed by the Director of Administrative Services.

(3) No validation, cure, right, privilege, remedy, 155393
obligation, or liability is lost or impaired by reason of the 155394
transfer of the Ohio Benefits Program. 155395

(D) If the Director of Administrative Services transfers 155396
the program, no action or proceeding pending on the date of the 155397
transfer is affected by the transfer, and any such action or 155398
proceeding shall be prosecuted or defended in the name of the 155399
Director of Job and Family Services or Department of Job and 155400
Family Services. In all such actions or proceedings, the 155401
Director or Department, on application to the court, shall be 155402
substituted as a party. 155403

(E) If the Director of Administrative Services transfers 155404
the program, all rules, orders, and determinations issued with 155405
respect to the Ohio Benefits Program continue in effect as if 155406
issued by the Director of Job and Family Services until modified 155407
or rescinded by the Director. Pursuant to section 103.05 of the 155408
Revised Code and at the request of the Director of Job and 155409
Family Services, the Director of the Legislative Service 155410
Commission may renumber any rules related to the Ohio Benefits 155411
Program to reflect its transfer. 155412

(F) If the Director of Administrative Services transfers 155413
the program, the Director of Administrative Services and the 155414
Director of Job and Family Services, jointly or separately, may 155415
enter into a contract with a public or private entity for staff 155416
training and development to facilitate the transfer of the Ohio 155417
Benefits Program. Division (B) of section 127.16 of the Revised 155418
Code does not apply to a contract entered into under this 155419
division. 155420

(G) Subject to the layoff provisions of sections 124.321 155421
to 124.328 of the Revised Code, if the Director of 155422

Administrative Services transfers the program, all of the 155423
Director of Administrative Service's employees, as identified by 155424
the Director, whose primary responsibilities include 155425
administering the Ohio Benefits Program are transferred to the 155426
Department of Job and Family Services. Except as provided in 155427
division (H) of this section, employees transferred under this 155428
division retain their positions and all of the benefits accruing 155429
thereto. Any changes to an employee's position or benefits that 155430
occur after the employee is transferred to the Department under 155431
this division are subject to Chapter 124. of the Revised Code. 155432
Any actions taken under this division are not appealable to the 155433
State Personnel Board of Review. 155434

(H) If the Director of Administrative Services transfers 155435
the program, the Director of Job and Family Services may do all 155436
of the following: 155437

(1) Establish, change, or abolish positions within the 155438
Department of Job and Family Services; 155439

(2) Assign, reassign, classify, reclassify, transfer, 155440
reduce, promote, or demote employees of the Department who are 155441
not subject to Chapter 4117. of the Revised Code; 155442

(3) Assign or reassign an exempt employee, as defined in 155443
section 124.152 of the Revised Code, to a bargaining unit for 155444
purposes of Chapter 4117. of the Revised Code if the Director 155445
determines the bargaining unit is the appropriate bargaining 155446
unit with respect to that exempt employee. 155447

(I) If, in accordance with division (H) of this section, 155448
the Director of Job and Family Services assigns, reassigns, 155449
classifies, reclassifies, transfers, reduces, or demotes an 155450
employee paid in accordance with schedule E-1 of section 124.152 155451

of the Revised Code to a position in a lower classification, 155452
both of the following apply: 155453

(1) The Director of Job and Family Services, or if the 155454
employee is transferred outside of the Department of Job and 155455
Family Services, the Director of Administrative Services, shall 155456
assign the employee to the appropriate classification and place 155457
the employee in pay step X. 155458

(2) The employee shall not receive an increase in 155459
compensation until the maximum rate of pay for that 155460
classification exceeds the employee's compensation. 155461

(J) If the Director of Administrative Services transfers 155462
the program, the Director of Job and Family Services, with the 155463
approval of the Director of Budget and Management, may establish 155464
a retirement incentive plan for employees transferred to the 155465
Department of Job and Family Services under division (G) of this 155466
section. Notwithstanding any provision to the contrary in 155467
section 145.297 of the Revised Code, if the Director establishes 155468
such a plan under this division, it shall remain in effect until 155469
December 31, 2027. 155470

(K) Notwithstanding any provision to the contrary in 155471
sections 4117.08 and 4117.10 of the Revised Code, the transfer 155472
of the Ohio Benefits Program and the transfer of employees 155473
described under division (J) of this section, and the 155474
reassignment of administering the Ohio Benefits Program, are not 155475
appropriate subjects for collective bargaining under Chapter 155476
4117. of the Revised Code. 155477

(L) Notwithstanding any provision of law to the contrary, 155478
if the Director of Administrative Services transfers the 155479
program, the Director of Budget and Management shall make budget 155480

and accounting changes to implement the transfer. The Director 155481
may rename funds, create new funds, transfer funds, consolidate 155482
funds, or make other administrative changes. If necessary, the 155483
Director may cancel or establish encumbrances or parts of 155484
encumbrances in the appropriate funds and appropriation items 155485
for the same purposes and for payments to the same vendor. Such 155486
encumbrances are hereby appropriated. If necessary for the 155487
continued efficient administration of the Ohio Benefits Program, 155488
the Director may transfer appropriations between the Department 155489
of Job and Family Services and the Department of Administrative 155490
Services to continue levels of program services and efficiently 155491
deliver funding to the program as appropriated under this 155492
division. Such changes are hereby appropriated. 155493

Section 525.20. PROGRAM TRANSFERS 155494

(A) Notwithstanding any provision of law to the contrary, 155495
before July 1, 2027, the Department of Development shall 155496
transfer the entirety of its responsibility of managing the 155497
following programs to the Ohio Department of Job and Family 155498
Services: 155499

(1) Energy Efficiency and Weatherization Program; 155500

(2) Consumer Education Program; 155501

(3) Community Services Block Grant. 155502

(B) Any business commenced but not completed by July 1, 155503
2027, within the Department of Development that is planned to be 155504
transferred pursuant to this section shall be completed by the 155505
Department of Job and Family Services in the same manner and 155506
with the same effect as if completed by the Department of 155507
Development. 155508

(C) By July 1, 2026, the Director of Job and Family 155509

Services and the Director of Development, or their designees, 155510
shall develop a detailed organizational plan to implement the 155511
transfer of duties and functions of the programs listed in this 155512
section from the Department of Development to the Department of 155513
Job and Family Services. Pursuant to this plan, the directors of 155514
the respective departments shall enter into a memorandum of 155515
understanding to implement the transfer of duties and functions 155516
of the programs listed in this section from the Department of 155517
Development to the Department of Job and Family Services. 155518

(D) The Director of Job and Family Services and the 155519
Director of Development may jointly or separately enter into one 155520
or more contracts with public or private entities for staff 155521
training and development to facilitate the transfer of duties 155522
and functions of the programs listed in this section from the 155523
Department of Development to the Department of Job and Family 155524
Services. Division (B) of section 127.16 of the Revised Code 155525
does not apply to contracts entered into under this section. 155526

(E) All Department of Development employees and resources 155527
identified by the Director of Development to be associated with 155528
the work of the programs listed in this section are transferred 155529
to the Department of Job and Family Services on July 1, 2027, or 155530
an earlier date identified by the respective directors. Subject 155531
to the layoff provisions of sections 124.321 to 124.381 of the 155532
Revised Code, employees who are transferred retain their same 155533
positions and all benefits accruing thereto. Once transferred to 155534
the Department of Job and Family Services, changes to positions 155535
or benefits for employees shall be controlled by Chapter 124. of 155536
the Revised Code, or other applicable Revised Code or 155537
Administrative Code sections. Actions taken under this section 155538
are not subject to appeal to the State Personnel Board of 155539
Review. 155540

(1) Notwithstanding division (E) of this section, the Director of Job and Family Services has the authority to establish, change, and abolish positions for the Department of Job and Family Services, and to assign, reassign, classify, reclassify, transfer, reduce, promote, or demote all employees of the Department of Job and Family Services who are not subject to Chapter 4117. of the Revised Code.

(2) The authority granted under division (E)(1) of this section includes assigning or reassigning an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification if the Director of Job and Family Services determines that the bargaining unit classification is the proper classification for that employee. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification, the Director of Job and Family Services, or in the case of a position transferred outside of the Department, the Director of Development, shall assign the employee to the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(3) Notwithstanding any provision to the contrary in sections 4117.08 and 4117.10 of the Revised Code, the transfer of programs and employees under this section, and the reassignment of certain functions and duties, are not appropriate subjects for collective bargaining under Chapter 4117. of the Revised Code.

(4) The Director of Job and Family Services may, with the approval of the Office of Budget and Management, establish a

retirement incentive plan for eligible employees of those 155571
agencies who are members of the Public Employee Retirement 155572
System whose job duties will be transferred to the Department of 155573
Job and Family Services. Notwithstanding any provision of 155574
section 145.297 of the Revised Code to the contrary, a 155575
retirement incentive plan established pursuant to this section 155576
shall remain in effect until December 31, 2027. 155577

(F) No validation, cure, right, privilege, remedy, 155578
obligation, or liability is lost or impaired by reason of the 155579
transfer required by this section but shall be administered by 155580
the Department of Job and Family Services. No action or 155581
proceeding pending on the effective date of the transfer of 155582
duties, functions, and programs to the Department of Job and 155583
Family Services is affected by the transfer and shall be 155584
prosecuted or defended in the name of the Department or 155585
Director, as appropriate. In all such actions for those 155586
transferred duties, functions, and programs, the Department or 155587
Director shall be substituted as a party. 155588

(G) Effective July 1, 2027, or on an earlier date 155589
determined by the directors identified in this division, all 155590
contracts, records, documents, files, equipment, assets, and 155591
other materials of the programs and staff resources transferred 155592
under this section are to be transferred to the Department of 155593
Job and Family Services. 155594

(H) All rules, orders, and determinations made or 155595
undertaken related to programs listed in this section shall 155596
continue in effect as rules, orders, and determinations of the 155597
Department of Job and Family Services until modified or 155598
rescinded by the Department of Job and Family Services. If 155599
necessary to ensure the integrity of the numbering of the 155600

Administrative Code and at the request of the Director of Job and Family Services, the Director of the Legislative Service Commission may renumber the rules related to the programs listed in this section to reflect this transfer.

(I) Notwithstanding any provision of law to the contrary, the Director of Budget and Management shall make budget and accounting changes to implement the transfer of duties, functions, and program of the programs listed in this section to the Department of Job and Family Services as described in this section, including administrative organization, renaming of funds, creation of new funds, transfer of state funds, and consolidation of funds. The Director of Budget and Management may, if necessary, cancel or establish encumbrances or parts of encumbrances in the appropriate funds and appropriation items for the same purposes and for payment to the same vendor. Such encumbrances are hereby appropriated. If necessary for the continued efficient administration of programs listed in this section, the Director of Budget and Management may transfer appropriations between the Department of Job and Family Services and the Department of Development to continue levels of program services and efficiently deliver state funding to those programs as appropriated herein. Such changes are hereby appropriated.

Section 525.40. On the effective date of this section, the Ohio Public Employees Deferred Compensation Board is abolished. All records, assets, and liabilities of the Ohio Public Employees Deferred Compensation Board shall be transferred to the Public Employees Retirement Board. The Public Employees Retirement Board is successor to, and assumes the obligations of, the Ohio Public Employees Deferred Compensation Board.

Any business commenced, but not completed by, the Ohio

Public Employees Deferred Compensation Board or the Executive 155631
Director of that Board on the effective date of this section 155632
shall be completed by the Public Employees Retirement Board or 155633
the Executive Director of the Public Employees Retirement System 155634
in the same manner, and with the same effect, as if completed by 155635
the Ohio Public Employees Deferred Compensation Board or the 155636
Executive Director of that Board. No validation, cure, right, 155637
privilege, remedy, obligation, or liability is lost or impaired 155638
by reason of the transfer required by this section. 155639

All employees of the Ohio Public Employees Deferred 155640
Compensation Board are transferred to the Public Employees 155641
Retirement System and retain their positions and all of the 155642
benefits accruing thereto. 155643

No action or proceeding pending on the effective date of 155644
this section is affected by the transfer, and any such action or 155645
proceeding shall be prosecuted or defended in the name of the 155646
Public Employees Retirement Board or the Executive Director of 155647
the Public Employees Retirement System. In all such actions and 155648
proceedings, the Public Employees Retirement Board or the 155649
Executive Director of the Public Employees Retirement System, on 155650
application to the court, shall be substituted as a party. 155651

Section 525.50. (A) Notwithstanding any contrary provision 155652
of sections 109.02, 145.054, 145.055, 145.99, 742.043, 742.044, 155653
742.99, 3307.073, 3307.074, 3307.99, 3309.073, 3309.074, 155654
3309.99, 3501.05, 3513.10, 3517.01, 3517.08, 3517.081, 3517.10, 155655
3517.102, 3517.105, 3517.106, 3517.107, 3517.109, 3517.1011, 155656
3517.1012, 3517.11, 3517.121, 3517.13, 3517.152, 3517.153, 155657
3517.154, 3517.155, 3517.157, 3517.20, 3517.21, 3517.22, 155658
3517.23, 3517.992, 3517.993, 3599.03, 3921.22, 4123.442, 155659
4503.03, 5505.045, 5505.046, and 5505.99 of the Revised Code as 155660

amended by this act, sections 3517.152 (3517.14), 3517.153 155661
(3517.15), 3517.154 (3517.16), 3517.155 (3517.17), 3517.157 155662
(3517.18), 3517.992 (3517.99), and 3517.993 (3517.171) of the 155663
Revised Code as renumbered by this act, or new section 3517.991 155664
and section 111.29 of the Revised Code as enacted by this act, 155665
and notwithstanding the repeal of sections 3517.14, 3517.151, 155666
3517.156, 3517.99, and 3517.991 of the Revised Code by this act, 155667
the provisions of those sections that were in effect immediately 155668
before the effective date of this section continue to apply to 155669
the Ohio Elections Commission until the Commission is abolished 155670
on January 1, 2026. The Commission shall continue to hear and 155671
issue decisions concerning complaints filed with the Commission 155672
before January 1, 2026, in accordance with those provisions. 155673

(B) (1) The Ohio Elections Commission is abolished on 155674
January 1, 2026. 155675

(2) On January 1, 2026, any complaint pending before the 155676
Ohio Elections Commission, is transferred to the secretary of 155677
state for disposition in accordance with sections 155678
3517.154(3517.16), 3517.155(3517.17), 3517.157(3517.18), and 155679
3517.993(3517.171) of the Revised Code, as amended and 155680
renumbered by this act. The Commission shall provide all records 155681
regarding the complaint to the secretary of state. 155682

(3) All other records of the Ohio Elections Commission and 155683
all of its other assets and liabilities shall be transferred to 155684
the Ohio Election Integrity Commission. The Ohio Election 155685
Integrity Commission is successor to, and assumes the 155686
obligations of, the Ohio Elections Commission. 155687

(C) Except for the disposition of a complaint pending 155688
before the Ohio Elections Commission, any business commenced but 155689
not completed by the Ohio Elections Commission or its Executive 155690

Director on January 1, 2026, shall be completed by the Ohio 155691
Election Integrity Commission in the same manner, and with the 155692
same effect, as if completed by the Ohio Elections Commission or 155693
by its Executive Director. No validation, cure, right, 155694
privilege, remedy, obligation, or liability is lost or impaired 155695
by reason of the transfer required by this section. 155696

(D) Subject to the lay-off provisions of sections 124.321 155697
to 124.328 of the Revised Code, all of the Ohio Elections 155698
Commission's employees are transferred to the Secretary of State 155699
and retain their positions and all of the benefits accruing 155700
thereto. 155701

(E) On January 1, 2026, or as soon as possible thereafter, 155702
the Director of Budget and Management shall transfer the cash 155703
balance of the Ohio Elections Commission Fund (Fund 4P20) to the 155704
Ohio Election Integrity Commission Fund (Fund 5CS1). Upon 155705
completion of the transfer, Fund 4P20 is abolished. The Director 155706
shall cancel any existing encumbrances against appropriation 155707
item 051601, Operating Support, and reestablish them against 155708
appropriation item 050604, Ohio Election Integrity Commission. 155709
The reestablished encumbrance amounts are hereby appropriated. 155710

(F) Whenever the Ohio Elections Commission or its 155711
Executive Director is referred to in any law, contract, or other 155712
document, the reference shall be deemed to refer to the Ohio 155713
Election Integrity Commission. 155714

(G) Except for the disposition of a complaint pending 155715
before the Ohio Elections Commission, no action or proceeding 155716
pending on January 1, 2026, is affected by the transfer, and any 155717
such action or proceeding shall be prosecuted or defended in the 155718
name of the Ohio Election Integrity Commission. In all such 155719
actions and proceedings, the Ohio Election Integrity Commission, 155720

on application to the court, shall be substituted as a party. 155721

Section 525.60. (A) Not later than July 1, 2026, the 155722
administration of the Aspire Program shall transfer from the 155723
Department of Higher Education to the Department of Education 155724
and Workforce. Not later than July 1, 2026, the Director of 155725
Education and Workforce and the Chancellor of Higher Education 155726
shall identify the duties, functions, and staff resources within 155727
the Department of Higher Education that pertain to the Aspire 155728
Program. The Director and Chancellor may enter into a memorandum 155729
of understanding to implement the transfer of those duties, 155730
functions, and staff resources and the transfer of any 155731
responsibilities required to obtain federal grant funds to 155732
support the Aspire Program. Whenever the Chancellor of Higher 155733
Education or the Department of Higher Education is referred to 155734
in any law, contract, or other document pertaining to the Aspire 155735
Program, including contracts sourced by the Director of 155736
Administrative Services or the Department of Administrative 155737
Services, the reference shall be deemed to refer to the Director 155738
of Education and Workforce or the Department of Education and 155739
Workforce, whichever is appropriate. 155740

(B) (1) All employees whose primary responsibilities 155741
include administering the Aspire Program and staff resources 155742
used to administer the program shall be transferred to the 155743
Department of Education and Workforce, as determined by the 155744
Director of Education and Workforce. Subject to the lay-off 155745
provisions of sections 124.321 to 124.328 of the Revised Code, 155746
employees who are transferred shall be assigned job 155747
classifications in accordance with division (B) (2) or (3) of 155748
this section. Once transferred to the Department of Education 155749
and Workforce, changes to positions or benefits for employees 155750
not subject to Chapter 4117. of the Revised Code are subject to 155751

Chapter 124. of the Revised Code. Employees transferred under 155752
this division retain all of their accrued benefits. 155753

(2) Notwithstanding division (B)(1) of this section, the 155754
Director of Education and Workforce may establish, change, and 155755
abolish positions whose primary responsibilities include 155756
administering the Aspire Program and may assign, reassign, 155757
classify, reclassify, transfer, reduce, promote, or demote all 155758
such employees of the Department of Education and Workforce who 155759
are not subject to Chapter 4117. of the Revised Code. 155760

(3) The Director of Education and Workforce may assign or 155761
reassign an exempt employee, as defined in section 124.152 of 155762
the Revised Code, to a bargaining unit for purposes of Chapter 155763
4117. of the Revised Code if the Director determines the 155764
bargaining unit is the appropriate bargaining unit for that 155765
employee. If an employee in the E-1 pay range is assigned, 155766
reassigned, classified, reclassified, transferred, reduced, or 155767
demoted to a position in a lower classification, the Director of 155768
Education and Workforce, or if the employee is transferred 155769
outside of the Department of Education and Workforce, the 155770
Director of Administrative Services, shall assign the employee 155771
to the appropriate classification and place the employee in pay 155772
step X. The employee shall not receive any increase in 155773
compensation until the maximum rate of pay for that 155774
classification exceeds the employee's compensation. 155775

(4) Actions taken under divisions (B)(1) to (3) of this 155776
section are not subject to appeal to the State Personnel Board 155777
of Review. 155778

(C) No validation, cure, right, privilege, remedy, 155779
obligation, or liability is lost or impaired by reason of the 155780
transfer under this section, but instead shall be administered 155781

by the Department of Education and Workforce. No action or 155782
proceeding pending on the effective date of the transfer is 155783
affected by the transfer, and any such action or proceeding 155784
shall be prosecuted or defended in the name of the Department of 155785
Education and Workforce or the Director of Education and 155786
Workforce. In all such actions and proceedings, the Department 155787
or Director, on application to the court, shall be substituted 155788
as a party. 155789

(D) Not later than July 1, 2026, all records, data, 155790
documents, files, materials, and staff resources pertaining to 155791
the Aspire Program are transferred to the Department of 155792
Education and Workforce. 155793

(E) All rules, orders, and determinations issued with 155794
respect to the Aspire Program continue in effect as if issued by 155795
the Director of Education and Workforce until modified or 155796
rescinded by the Director. 155797

(F) Pursuant to section 126.15 of the Revised Code, the 155798
Director of Budget and Management shall make budget and 155799
accounting changes to implement the transfer. The Director may 155800
rename funds, create new funds, transfer funds, consolidate 155801
funds, or make other administrative changes. The Director may, 155802
if necessary, cancel or establish encumbrances or parts of 155803
encumbrances in fiscal year 2027 in the appropriate funds and 155804
appropriation items for the same purposes and for payment to the 155805
same vendors. Such encumbrances are hereby appropriated. If 155806
necessary for the continued efficient administration of the 155807
Aspire Program, the Director may transfer appropriations between 155808
the Department of Higher Education and the Department of 155809
Education and Workforce to continue levels of program services 155810
and efficiently deliver funding to the program as appropriated 155811

under this division. 155812

Section 610.10. That Sections 125.10 (as amended by H.B. 155813
33 of the 135th General Assembly) and 125.11 (as amended by H.B. 155814
33 of the 135th General Assembly) of H.B. 59 of the 130th 155815
General Assembly are hereby repealed. 155816

Section 610.20. That Section 755.60 of H.B. 54 of the 155817
136th General Assembly be amended to read as follows: 155818

Sec. 755.60. (A) The Department of Transportation and the 155819
Ohio Turnpike and Infrastructure Commission shall work together 155820
to create a joint plan regarding the feasibility of connecting 155821
U.S. Route 23 to Interstate Route 71 ~~by doing through~~ one of the 155822
following options: 155823

(1) Expanding State Route 229 in northern Delaware County; 155824

(2) Expanding another similar state route or other highway 155825
in northern Delaware County; 155826

(3) Creating a new freeway between U.S. Route 23 and 155827
Interstate Route 71 in northern Delaware County; 155828

(4) Creating a toll road between U.S. Route 23 and 155829
Interstate Route 71 in northern Delaware County; 155830

(5) Creating a new freeway, which may be a toll road, in 155831
the region between State Route 529 and Waldo, Ohio heading 155832
eastward toward Interstate Route 71 north of Marengo, Ohio in 155833
Marion County and Morrow County; 155834

(6) Any other alignment considered appropriate by the 155835
Department and the Commission. 155836

(B) ~~As part of the plan, related to the options specified~~ 155837
~~in divisions (A) (3) and (4) of this section, the~~ Not later than 155838

~~October 1, 2025, the Department and Commission shall prepare a preliminary engineering submit an interim report that determines the most feasible routes for the new freeway or toll road. As part of the report, the Department and Commission shall determine five potential alignments for the freeway or toll road and specify which alignment is the preferred route includes both of the following:~~ 155839
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(1) An identification and evaluation of conceptual corridor alternatives related to the options and alignments specified in division (A) of this section; 155846
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(2) A preliminary assessment of the toll feasibility, including whether the Commission's statutory authority is sufficient to make the project a turnpike project. 155849
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~~(C) The plan shall be completed not later than three months after the effective date of this section.~~ 155852
155853

~~(D) As part of the plan, the Department and the Commission shall determine whether construction~~ Not later than October 1, 2026, the Department and Commission shall submit a final joint plan that includes all of the following: 155854
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(1) Identification of a preferred route connecting U.S. Route 23 to Interstate Route 71; 155858
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(2) Completion of preliminary engineering assessments, including the preliminary design of the preferred route specified in division (C) (1) of this section, the cost estimates of construction, and the right-of-way and environmental impacts; 155860
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(3) A recommendation regarding whether implementation would be best conducted by the Department or the Commission. If ~~construction~~ implementation is best conducted by the Commission, the plan also shall include an evaluation of whether the 155864
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Commission's statutory authority is sufficient to make the 155868
project a turnpike project. 155869

~~(E)~~(D) The Department and Commission shall submit ~~their~~ 155870
both the interim report and the final joint plan specified under 155871
divisions (B) and (C) of this section to the President of the 155872
Senate, the Speaker of the House of Representatives, the 155873
Minority Leaders of both the Senate and the House of 155874
Representatives, and the chairpersons of the respective 155875
committees of the House of Representatives and Senate 155876
responsible for transportation related matters. 155877

Section 610.21. That existing Section 755.60 of H.B. 54 of 155878
the 136th General Assembly is hereby repealed. 155879

Section 620.10. That Section 265.550 of H.B. 33 of the 155880
135th General Assembly (as amended by H.B. 250 of the 135th 155881
General Assembly) be amended to read as follows: 155882

Sec. 265.550. PUPIL TRANSPORTATION PILOT ~~PROGRAM~~PROGRAMS 155883

(A) The Department of Education and Workforce shall 155884
establish two pilot programs under which two educational service 155885
centers shall provide transportation to students in lieu of the 155886
students receiving transportation from their resident school 155887
district. Not later than October 15, 2023, the Department shall 155888
select both of the following to participate in a pilot program 155889
under this section: 155890

(1) One service center that is in a county located in 155891
central Ohio with a population of 1,323,807, according to the 155892
2020 United States census; 155893

(2) One service center that is in a county located in 155894
southwest Ohio with a population of 537,309, according to the 155895
2020 United States census. 155896

(B) (1) The service center selected under division (A) (1) 155897
of this section shall identify students who are struggling with 155898
transportation issues, as determined by their resident school 155899
district, and are served by the service center, community 155900
schools, or chartered nonpublic schools that enroll students 155901
from the district or districts for whom the service center will 155902
provide transportation during the 2024-2025 school year. 155903

(2) The service center selected under division (A) (2) of 155904
this section shall provide transportation during the 2024-2025_ 155905
and 2025-2026-school-year-years to any student whom the district 155906
and the educational service center determine is struggling with 155907
transportation issues that meets either of the following 155908
criteria: 155909

(a) The student attends a school different from the one to 155910
which the student would be assigned in the student's resident 155911
school district. 155912

(b) The student is a child with a disability for whom the 155913
student's resident school district is required to provide 155914
transportation as a related service. 155915

(3) In addition to providing transportation to and from a 155916
student's place of residence, the service center selected under 155917
division (A) (2) of this section also may provide transportation 155918
to and from a student's place of employment. 155919

(4) Both service centers shall report to the Department, 155920
in the manner prescribed by the Department, students who are 155921
transported by the service center. 155922

(C) No community school or chartered nonpublic school 155923
shall be required to participate in either pilot program. 155924

~~(D) Each~~ (D) Each participating educational service center 155925

shall do all of the following for ~~the 2024-2025~~ each applicable school year: 155926
155927

(1) Arrange for the use of a sufficient number of school buses or other approved vehicles designed to transport not more than nine passengers, not including the driver, and bus drivers or other individuals authorized to transport students in other approved vehicles, to transport students from participating schools who qualify for transportation under section 3327.01 of the Revised Code and the school district's transportation policy. However, nothing shall preclude the service center from providing transportation to other students enrolled in the schools. 155928
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(2) Collaborate with participating schools to designate daily start and end times for ~~the 2024-2025~~ each applicable school year that will enable timely and efficient transportation of the schools' students; 155938
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(3) On behalf of participating schools, notify the school district ~~that these~~ of the students that they will not require transportation for the ~~2024-2025~~ applicable school year. 155942
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(E)(1) Except as described in division (E)(2) of this section, the Department shall deduct from the school district's transportation payment under section 3317.0212 of the Revised Code and pay to the educational service center the statewide average cost per student for the qualifying ridership, under section 3317.0212 of the Revised Code, for each student transported by the service center in compliance with this section. 155945
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(2) In the case of a student described in division (C)(1) of section 3317.024 of the Revised Code, the service center 155953
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shall not receive a payment under division (E) (1) of this 155955
section. Instead, the department shall make a payment to the 155956
service center for such student in the manner prescribed under 155957
division (C) of section 3317.024 of the Revised Code. 155958

(F) The educational service centers and the school 155959
districts shall not be subject to section 3327.021 of the 155960
Revised Code during ~~the 2024-2025~~ each school year in which the 155961
pilot program they participate in operates with regard to 155962
students enrolled in participating schools. Notwithstanding 155963
section 3314.46 of the Revised Code, the service centers may 155964
provide transportation to any participating community school 155965
they sponsor. 155966

(G) The educational service centers shall comply with all 155967
transportation requirements for students with disabilities as 155968
specified in the individualized education programs developed for 155969
the students pursuant to Chapter 3323. of the Revised Code 155970

(H) The Department shall evaluate ~~each~~ the pilot program 155971
in which the service center selected under division (A) (1) of 155972
this section participates and issue a report of its findings not 155973
later than September 15, 2025. The Department shall evaluate the 155974
pilot program in which the service center selected under 155975
division (A) (2) of this section participates and issue a report 155976
of its findings not later than September 15, 2026. The 155977
educational service centers and participating schools shall 155978
submit data and other information to the Department, in a manner 155979
determined by the Department, for the purpose of conducting the 155980
evaluation. 155981

Section 620.11. That existing Section 265.550 of H.B. 33 155982
of the 135th General Assembly (as amended by H.B. 250 of the 155983
135th General Assembly) is hereby repealed. 155984

Section 620.20. That Sections 200.30 (as amended by H.B. 155985
54 of the 136th General Assembly), 207.37, 221.15 (as amended by 155986
S.B. 54 of the 135th General Assembly), 243.10 (as amended by 155987
H.B. 54 of the 136th General Assembly), 363.10, 371.20 (as 155988
amended by S.B. 54 of the 135th General Assembly), and 373.15 155989
(as amended by S.B. 54 of the 135th General Assembly) of H.B. 2 155990
of the 135th General Assembly be amended to read as follows: 155991

Sec. 200.30. ONE TIME STRATEGIC COMMUNITY INVESTMENTS 155992

On June 28, 2024, or as soon as possible thereafter, the 155993
Director of Budget and Management shall transfer \$17,800,000 155994
cash from the General Revenue Fund to the One Time Strategic 155995
Community Investments Fund (Fund 5AY1). 155996

The foregoing appropriation item 042509, One Time 155997
Strategic Community Investments, shall be used by the Office of 155998
Budget and Management to provide grants for the projects listed 155999
in this section in the amounts listed. Prior to disbursing a 156000
grant to a recipient, the Office of Budget and Management shall 156001
enter into a grant agreement with the recipient. As part of the 156002
grant agreement, the recipient shall agree to complete a final 156003
report, in a form and manner to be prescribed by the Office of 156004
Budget and Management, detailing how the recipient used the 156005
grant and submit the report to the Office of Budget and 156006
Management. 156007

An amount equal to the unexpended, unencumbered balance of 156008
the foregoing appropriation item 042509, One Time Strategic 156009
Community Investments, at the end of fiscal year 2025 is hereby 156010
reappropriated for the same purpose in fiscal year 2026. 156011
156012

A	Project	Amount
B	Adams County Fairgrounds Improvements	\$400,000
C	Adams County Welcome Center	\$350,000
D	Adams County Community Foundation	\$200,000
E	West Union Wastewater Plant Improvements	\$200,000
F	Lima Veterans Memorial Hall Improvements	\$10,000,000
G	Allen County Airport Fuel Farm	\$1,000,000
H	Rhodes State Advanced Manufacturing Equipment and Lab	\$440,000
I	Allen County Child Support Enforcement Agency Facility	\$375,000
J	Heir Force Community School Land Acquisition	\$250,000
K	Temple Christian School Building Expansion	\$250,000
L	Boys and Girls Club of Lima	\$100,000
M	Ashland County Fair	\$1,100,000
N	Cinnamon Lake Sewer District Lift Station	\$1,000,000
O	Charles Mill Marina Houseboat and Path Renovation	\$910,000
P	Hugo Young Theatre	\$248,554

Q	Davy McClure Outdoor Education Shelter	\$200,000
R	Ashland County Fire Training Facility	\$200,000
S	Hickory Street Sanitary Sewer Lift Station	\$76,000
T	Rowsburg Community Center	\$30,000
U	Hayesville Pedestrian Walkway	\$25,000
V	SPIRE Institute	\$1,000,000
W	Ashtabula Juvenile Court Improvements	\$800,000
X	Boys and Girls Club of Ashtabula	\$132,274
Y	Country Neighbor Program	\$101,600
Z	VFW Roof Repairs Geneva Post 6846	\$99,037
AA	Ashtabula Arts Center Restroom Project	\$45,000
AB	Athens Regional Training Center	\$2,500,000
AC	The Appalachian Center for Economic Networks Food Sector Accelerator Project	\$700,000
AD	Nelsonville-York Elementary School (NYES) Playground Renovation	\$250,000
AE	York Township VFD Project	\$250,000
AF	City of Nelsonville Dog Park	\$139,731
AG	Boys and Girls Club of Athens	\$100,000

AH	Buchtel Village Park Project	\$100,000
AI	Edna Brooks Domestic Violence Shelter	\$36,800
AJ	Village of Waynesfield Veteran's Park Enhancement	\$352,950
AK	Saint Mary's Reservoir Mill	\$250,000
AL	New Bremen Public Library Renovation	\$200,000
AM	YMCA Auglaize-Mercer Recreation Complex	\$200,000
AN	Barton VFD Station	\$1,000,000
AO	Belmont Volunteer Fire Department New Station	\$1,000,000
AP	The Sargus Center Revitalization and Sustainability Initiative	\$500,000
AQ	Mead Township Hall and Garage Project	\$300,000
AR	VFW Roof Repairs Powhatan Point Post 5565	\$24,900
AS	Future Plans Sanctuary	\$3,000,000
AT	Brown County Junior Fair Covered Horse Arena	\$400,000
AU	Water Infrastructure Bramel Mobile Home Park	\$400,000
AV	Millikin Interchange Improvements	\$8,500,000
AW	Madison Township Firehouse Improvements	\$1,750,000
AX	BCRTA Outdoor Workforce Training	\$1,000,000

AY	Riversedge Amphitheater Expansion	\$1,000,000
AZ	Shuler Benninghofen Mixed-Use Project	\$1,000,000
BA	VOA MetroPark Museum Grand Entrance	\$1,000,000
BB	Oxford Student Safety Project	\$800,000
BC	Liberty Playground Replacement Project	\$500,000
BD	Madison Township Park Revitalization	\$500,000
BE	Welding Lab Program Expansion in Fairfield Township	\$450,000
BF	Monroe Plaza South Project	\$400,000
BG	Hamilton YWCA Domestic Violence Project	\$400,000
BH	World Class Clubs: Repairing Community Gymnasium	\$225,000
BI	Boys and Girls Club of West Chester/Liberty	\$218,796
BJ	VFW Roof Repairs West Chester Post 7696	\$15,560
BK	Carroll County Annex Building Rehab	\$500,000
BL	Seven Ranges Scout Reservation Facility Upgrades	\$500,000
BM	Dellroy Village Storm Drain and Street Repair	\$250,000
BN	Carroll County Agricultural Service Center	\$200,000

BO	Minerva Downtown Revitalization Project	\$200,000
BP	Dellroy Village Offices/Garage Renovations	\$195,250
BQ	Champaign Aviation Museum Improvements	\$20,000
BR	Champion City Sports and Wellness Center	\$4,000,000
BS	A.B. Graham Memorial	\$750,000
BT	Champion Center Arena Improvements	\$250,000
BU	Goshen Fire Department Station 18 Rebuild	\$2,500,000
BV	Felicity Veterans Village Housing Project	\$1,000,000
BW	Milford Five Points Landing	\$400,000
BX	Union Township Community Splash Pad	\$268,125
BY	Nisbet Park Amphitheater	\$250,000
BZ	Moscow Ohio River Stabilization, Phase III	\$240,000
CA	Williamsburg Township Emergency Services Upgrades	\$150,000
CB	Owensville Historical Society Museum	\$132,000
CC	Williamsburg Community Park Trail Extension	\$86,770
CD	VFW Roof Repairs Loveland Post 5354	\$28,505
CE	VFW Roof Repairs New Richmond Post 6770	\$20,894
CF	Boys and Girls Club of Clermont	\$18,921

CG	Wilmington Runway Reopening and Improvements	\$3,500,000
CH	Doan-Walnut-Short Street Water Main	\$500,000
CI	Columbiana County Annex/Drug Task Force Building	\$2,900,000
CJ	Utica Shale Academy Improvements	\$2,500,000
CK	East Palestine Village Safety Complex	\$1,000,000
CL	Hanover Township Fire and Emergency Medical Services Expansion Initiative	\$250,000
CM	Lepper Restoration Project	\$175,000
CN	City of Coshocton Fire Training Tower	\$1,000,000
CO	Coshocton Skip's Landing and Downtown Revitalization	\$750,000
CP	City of Coshocton Roscoe Cemetery Improvements	\$460,000
CQ	City of Coshocton Pickleball Court Upgrades	\$300,000
CR	City of Coshocton Water Plant Electrical Upgrades	\$300,000
CS	City of Coshocton Town Hall Roof Project	\$240,000
CT	City of Coshocton Emergency Generator Project	\$200,000
CU	Coshocton County Library Masonry Project	\$48,000

CV	Maplecrest Community Center	\$500,000
CW	The Galion Depot Canopy Restoration Project	\$200,000
CX	The New Washington Veteran's Memorial Park Project	\$34,460
CY	Cuyahoga County Northcoast Connector	\$20,000,000
CZ	Bedrock Riverfront Development	\$8,000,000
DA	Rock and Roll Hall of Fame Museum Expansion and Renovation Project	\$7,000,000
DB	Cleveland Port Bulk Terminal Modernization	\$5,000,000
DC	West Side Market in Cleveland	\$2,400,000
DD	Cahoon Park	\$2,000,000
DE	Cleveland Zoo Primate Forest	\$2,000,000
DF	Irishtown Bend Park	\$2,000,000
DG	Valor Acres Brecksville Veterans Affairs Hospital Site Redevelopment	\$2,000,000
DH	Blue Abyss	\$1,800,000
DI	Two Foundation Building Purchase and Renovation	\$1,625,000
DJ	Park Synagogue	\$1,500,000
DK	The Music Settlement - Gries House	\$1,500,000

Redevelopment		
DL	Brook Park Community Center Restoration	\$1,000,000
DM	Cleveland Women's Soccer Stadium	\$1,000,000
DN	Electric Building Renovation	\$1,000,000
DO	Independence Selig Drive Emergency Access	\$1,000,000
DP	Shaker Heights Doan Brook Park	\$1,000,000
DQ	YMCA of Greater Cleveland - New Facility Construction	\$1,000,000
DR	Argonaut Project - Advancing Aviation and Maritime Pipeline	\$800,000
DS	Birthing Beautiful Communities Birth Center	\$800,000
DT	Connecting the Circle	\$800,000
DU	Glenville YMCA	\$800,000
DV	Saint Edwards High School Sustainable Urban Agriculture	\$800,000
DW	Cleveland Public Square Improvements	\$750,000
DX	University Heights Municipal Sewer Project	\$700,000
DY	University Hospitals Breast Center - Parma	\$700,000
DZ	Cleveland Habitat Building Project	\$507,500

EA	Cleveland Airport NEOFIX	\$500,000
EB	Euclid Public Library Green Branch Improvements	\$500,000
EC	Hospice of the Western Reserve Center for Community Engagement and Hospice Care	\$500,000
ED	JumpStart Northern Ohio Operations	\$500,000
EE	Ohio Aerospace Institute Sensitive Information Research Facility	\$500,000
EF	Rocky River Fire Station Improvements	\$500,000
EG	Saint Casimir Parish Improvements	\$500,000
EH	Seven Hills Fire Department	\$500,000
EI	Vocational Guidance Services Renovation Cleveland Facility	\$500,000
EJ	YWCA of Greater Cleveland	\$500,000
EK	Boys and Girls Club of Broadway in Cuyahoga County	\$485,005
EL	Maltz Museum of Jewish Heritage	\$480,000
EM	Richmond Heights Salt Bin	\$450,000
EN	Magnolia Clubhouse	\$400,000
EO	Middleburg Heights Central Park Phase 1	\$400,000

EP	Cleveland Institute of Art - Interactive Media Lab	\$365,000
EQ	Greenstone Lifeline Connection Improvements	\$327,867
ER	Chagrin Valley Volunteer Fire Station	\$300,000
ES	Berea City Hall and Police Station Upgrades	\$250,000
ET	Jenning's Center for Older Adults	\$250,000
EU	Journey Center for Safety and Healing/Domestic Violence Shelter	\$200,000
EV	Lyndhurst Community Center Audio Visual Project	\$200,000
EW	MetroHealth Emergency Department Refresh	\$200,000
EX	Northeast Ohio Music Arts Development Hub	\$200,000
EY	Olmsted Falls Visibility Project	\$200,000
EZ	Camp Cheerful Reimagined	\$175,000
FA	VFW Roof Repairs Solon Post 1863	\$88,787
FB	VFW Roof Repairs Parma Post 1974	\$28,633
FC	VFW Roof Repairs Cleveland Post 2533	\$17,208
FD	Western Ohio Regional Fire Training Facility	\$750,000
FE	Eldora Speedway Public Safety Upgrades	\$400,000

FF	Historic Bear's Mill Infrastructure Restoration	\$275,000
FG	The Darke County Fish and Game Association	\$120,000
FH	Ney/Washington Township Fire Department Building	\$300,000
FI	Veterans Memorial Park at Latty's Grove Rehabilitation Project	\$200,000
FJ	Little Brown Jug Grandstand Renovation	\$2,500,000
FK	Sunbury Ohio-to-Erie Trail Expansion	\$1,250,000
FL	Boardman Arts Park Improvements Whimsy Venue	\$1,000,000
FM	Stockhands Horses for Healing, Capital Improvement Project	\$908,000
FN	Dempsey Wildlife and Education Renovation	\$600,000
FO	Delaware County Bicentennial Barn Renovation	\$500,000
FP	Powell Adventure Park Expansion	\$480,000
FQ	"Smuirfield" Golf Project	\$225,000
FR	Ohio Fallen Heroes Memorial	\$70,000
FS	VFW Roof Repairs Sunbury Post 8736	\$58,440
FT	Worenstaff Memorial Public Library Renovation	\$34,000
FU	The Landing in Erie County	\$3,000,000

FV	Battery Park Coastal Improvements	\$1,000,000
FW	NW Ohio Water Quality Improvements/Cold Creek Foundation	\$800,000
FX	Camp Timberlane Infrastructure Improvements	\$600,000
FY	Kelley's Island East Lakeshore Shoreline Protection	\$400,000
FZ	Erie County Fairgrounds Infrastructure Improvements	\$250,000
GA	Erie County Jail Surveillance Upgrades	\$200,000
GB	Huron Boat Basin and Amphitheater Capital Improvement Project	\$200,000
GC	Sawmill Creek Wastewater Treatment Plant Expansion	\$200,000
GD	Violet Township Event Center	\$2,100,000
GE	Gateway Mixed Use District	\$2,000,000
GF	Government Services Building Acquisition and Renovation	\$2,000,000
GG	Wendel Pool Dehumidification System Replacement	\$550,000
GH	Walnut Township Flood Mitigation	\$500,000
GI	Pickerington Covered Bridge Rehabilitation	\$350,000

GJ	Pickerington Connects	\$234,410
GK	Elmwood Playground	\$225,000
GL	Expanding Horizons - Meals on Wheels Senior Services Center	\$200,000
GM	Historic Lancaster Bell and Clock Tower	\$150,000
GN	Sycamore Creek Park Pond Restoration	\$125,000
GO	Wagnalls Memorial Window Project	\$50,000
GP	American Legion Post 283 Improvements	\$20,000
GQ	Rushville Union Lions Club Accessible Parking	\$5,500
GR	Jeffersonville Rattlesnake Water System Improvements	\$1,000,000
GS	Wayne Township Firehouse Community Shelter	\$175,000
GT	The Ohio Center for Advanced Technologies	\$20,000,000
GU	Columbus Symphony Orchestra - Music for All	\$18,500,000
GV	Downtown Columbus Capital Line	\$10,000,000
GW	Heritage Trail Expansion	\$8,000,000
GX	John Glenn International Airport Improvements	\$7,500,000
GY	OP Chaney Grain Elevator Restoration	\$2,800,000
GZ	Downtown Security Command Center	\$1,500,000

HA	Unverferth House Revitalization and Expansion Campaign	\$1,500,000
HB	Historic Dublin Riverfront Revitalization	\$1,230,000
HC	Heartland Music Incubator	\$1,000,000
HD	Norwich Township Fire Department Station 84	\$1,000,000
HE	Westland Mall Renovations	\$1,000,000
HF	Hilliard First Responders Park	\$800,500
HG	Green Lawn Cemetery Chapel	\$750,000
HH	Heinzerling Facility Improvements	\$750,000
HI	Whitehall Police Department Emergency Facility	\$605,220
HJ	Knoll View Place	\$600,000
HK	Tolles Cybersecurity Lab Renovation	\$600,000
HL	Edison Welding Institute Renovations	\$500,000
HM	Elevate Northland	\$500,000
HN	LifeTown Kindness Center	\$500,000
HO	National Center for Urban Solutions Facility	\$500,000
HP	Scioto Rise Place	\$500,000
HQ	Dublin Brand Road Pedestrian Tunnel Flood	\$468,000

Mitigation		
HR	OZEM Gardner House Rehabilitation	\$375,000
HS	Somali Community Link Center	\$350,000
HT	The Refuge	\$250,000
HU	Grandview Heights Fire EMS Police Facility	\$200,000
HV	Grandview Heights McKinley Field Park	\$200,000
HW	Tawnya Salyer Memorial Statue	\$200,000
HX	Columbus Urban League Career Connect Hub	\$150,000
HY	Boys and Girls Club of J. Ashburn	\$138,585
HZ	VFW Roof Repairs Reynoldsburg Post 9473	\$32,695
IA	Building the Future of 4-H Camp Palmer	\$1,825,000
IB	Community Event and Recreational Facility Renovation in Wauseon	\$500,000
IC	Fulton County Fairgrounds Arts and Craft Building	\$80,000
ID	Gallia County Council on Aging New Facility	\$2,500,000
IE	Reservoir Enhancement Project	\$2,250,000
IF	Gallia County Sheriff Office Renovation	\$225,000
IG	Hambden Fire Station Project	\$2,000,000

IH	Montville Fire Station Construction	\$1,250,000
II	Chardon Fire Department Equipment Project	\$1,000,000
IJ	Burton Berkshire Local Schools Career Pathways Program	\$915,037
IK	Geauga County Fair	\$500,000
IL	Russell Township Community Building	\$370,905
IM	Chester Township Police Department Building Renovation	\$348,875
IN	Chardon Memorial Stadium Restroom and Concession Project	\$250,000
IO	Geauga County Safety Center Parking Lot	\$250,000
IP	Salt Dome Structural Repairs	\$155,000
IQ	St. Mary School Playground Enhancements	\$4,000
IR	Cedarville Opera House	\$12,000,000
IS	Clifton Union School Improvements	\$3,900,000
IT	Future Development of Wright-Patterson	\$3,500,000
IU	Clifton Opera House	\$1,900,000
IV	Skyway SCIF Center	\$1,000,000
IW	Spring House Park: Phase One	\$1,000,000

IX	WSU: Archive Facility Upgrades	\$500,000
IY	OhioMeansJobs Greene County Improving Accessibility Project	\$175,000
IZ	Ohio Veterans' Children's Home Expansion and Upgrade, Phase 1	\$150,000
JA	Cambridge YMCA	\$3,000,000
JB	Route 40 East Sewer Extension	\$1,000,000
JC	Cambridge Fire Department Renovations	\$560,000
JD	Old Washington Community VFD Station	\$250,000
JE	Hamilton County Convention Center District Development	\$46,000,000
JF	University of Cincinnati Health	\$16,750,000
JG	Xavier University College of Osteopathic Medicine	\$9,750,000
JH	Riverbend 2.0	\$8,000,000
JI	Blue Line Foundation HQ and Regional Training Center	\$1,000,000
JJ	605 Plum Convention Center Garage Renovation	\$945,771
JK	Boys and Girls Club of Taft	\$300,978
JL	Boys and Girls Club of East Hamilton	\$194,722

JM	Boys and Girls Club of Sheakley	\$58,529
JN	Findlay YMCA	\$1,250,000
JO	Hancock County Fair	\$500,000
JP	Hancock County Park District	\$250,000
JQ	Owens State Community College CDL Facilities	\$250,000
JR	Ada War Memorial Park	\$500,000
JS	Hardin County Fair	\$500,000
JT	Kenton Fire Department	\$500,000
JU	Ohio Northern University HealthWise Mobile Health Clinic	\$500,000
JV	Pump House Funding - Rodney Hensel	\$200,000
JW	Hardin County Veterans Memorial Park District	\$50,000
JX	Alger Baseball Field	\$40,000
JY	Harrison County Fairground Replacement and Enhancement	\$720,000
JZ	Regional Safety Center at Tappan Lake	\$650,000
KA	Jewett Fire and Emergency Equipment Storage Building	\$325,000
KB	Village of Bowerston VFD	\$205,000

KC	Village of Bowerston Maintenance Building	\$100,000
KD	Napoleon Public Library Improvements	\$1,000,000
KE	The Henry County Community Event Center Office Addition	\$1,000,000
KF	Corn City Regional Fire District New Fire Station	\$500,000
KG	Napoleon Water Tower Upgrades	\$135,000
KH	Core Networking Equipment at The Center for Child and Family Advocacy (CCFA) in Henry County	\$72,000
KI	Malinta Community Historical Society Site Project	\$45,000
KJ	Highland County Engineer Truck Barn	\$1,000,000
KK	Camp Wyandot Historic Camper Cabin Project	\$50,000
KL	Union Furnace / Starr Township Improvements	\$35,000
KM	Agricultural Society Millersburg Expo	\$750,000
KN	Safe Harbor Ohio	\$500,000
KO	Winesburg Park Improvements	\$250,000
KP	West Holmes Local Schools Robotics Program	\$22,000
KQ	Norwalk Theater Restoration	\$2,000,000

KR	Norwalk Public Library Rehab	\$400,000
KS	Feichtner Memorial Building Improvements	\$250,000
KT	Huron County Transfer Station Scale Replacement	\$202,000
KU	Jackson County Memorial Building Renovation	\$2,500,000
KV	City of Jackson Park and Trail Revitalization	\$1,000,000
KW	Jackson County Courthouse Building and Grounds Renovation	\$600,000
KX	Blamer Park Renovation	\$392,038
KY	Wellston Food Pantry Turn-Key Renovation	\$200,000
KZ	Wellston Fire Department Training Academy	\$175,000
LA	Jefferson County Agricultural Society Small Animal Barn	\$35,000
LB	Mount Vernon Police Station	\$2,000,000
LC	Fredericktown Water Infrastructure Improvements	\$750,000
LD	Family Fun Grounds in Knox County	\$125,000
LE	Willoughby Osborne Park Shoreline Protection	\$2,000,000
LF	Uptown Mentor Revitalization	\$1,500,000
LG	ISTEM Painesville Township Haden Facility and	\$1,000,000

Crowns Project		
LH	Mentor Fire Station	\$1,000,000
LI	University Hospitals TriPoint Breast Center - Painesville	\$938,750
LJ	Concord Township Waterline Extension Project	\$500,000
LK	Lake Erie College Center for Health Sciences	\$500,000
LL	Lake Metro Parks Lakefront Trail	\$500,000
LM	Kirtland Public Library Roof Project	\$340,625
LN	Mentor on the Lake - Lake Overlook	\$300,000
LO	Rabbit Run Theater Improvements	\$100,000
LP	VFW Roof Repairs Mentor Post 9295	\$35,478
LQ	Resources for Restoring Lives and Providing Safety and Security	\$15,328
LR	Wayne National Forest Welcome Center	\$5,000,000
LS	Coal Grove Village Riverfront Park	\$1,250,000
LT	Lawrence County School Communications	\$750,000
LU	Necco Center Improvements	\$375,000
LV	Boys and Girls Club of Portsmouth	\$100,000
LW	Buckeye Lake North Shore Park and Pier	\$8,500,000

LX	Memorial Health Systems Education and Event Center	\$3,000,000
LY	Johnstown - Mink Street Water Infrastructure	\$500,000
LZ	Newark Towne Center Project	\$1,854,000
MA	Buckeye Valley Family YMCA Pataskala Childcare Center	\$200,000
MB	Mary Ann Township Fire Department	\$66,000
MC	Hanover Hains Hill Drive Drainage Improvements	\$52,000
MD	Junior Achievement - Regional Satellite Learning Center	\$50,000
ME	Boys and Girls Club of Newark	\$46,195
MF	Indian Lake Advocacy Group	\$5,000,000
MG	Logan County Sewer District Flat Branch Upgrades	\$1,500,000
MH	Bellefontaine Calvary Christian School	\$250,000
MI	Indian Lake Pickleball	\$150,000
MJ	Lorain County Community College Desich Entrepreneurship Center 3rd Floor Microelectronics Training Hub	\$2,500,000
MK	Lorain County Fairs	\$2,500,000

ML	Boys and Girls Club of Elyria South	\$1,000,000
MM	Lorain County PACE Site Modifications	\$1,000,000
MN	The Nord Center Capital Improvement Project	\$1,000,000
MO	French Creek Sports Complex	\$925,000
MP	Lorain County Administrative Building <u>Justice Center</u>	\$750,000
MQ	North Ridgeville Cypress Avenue Project	\$700,000
MR	Sheffield Lake Field House Rec Complex	\$600,000
MS	Black River Landing Amphitheater	\$500,000
MT	Haven Center Emergency Shelter / Neighborhood Alliance	\$500,000
MU	Vocational Guidance Services (VGS) Project - Lorain	\$500,000
MV	Lorain County Health and Dental Facility	\$375,000
MW	Elyria Public Library West River Branch	\$300,000
MX	Lorain Hispanic Veterans Memorial	\$300,000
MY	Lorain County Kennel Project	\$250,000
MZ	El Centro Facility Improvements	\$200,000
NA	Good Knights Bed Building Center	\$150,000

NB	Sheffield Village Colorado Avenue Side Path	\$150,000
NC	Carlisle Township Hall Project	\$100,000
ND	VFW Roof Repairs Wellington Post 6941	\$12,276
NE	Lucas County Seawall and River Edge Reconstruction Project	\$3,000,000
NF	Toledo Innovation Center	\$3,000,000
NG	Inclusive Multigenerational Community and Recreation Center (IMCRC)	\$2,900,000
NH	Virginia Stranahan Trail and Senior Affordable Housing/Senior Center Development	\$2,700,000
NI	Eugene F. Kranz Toledo Express Airport Terminal Renovation Project	\$2,000,000
NJ	Toledo YWCA Domestic Shelter Project	\$2,000,000
NK	Toledo Zoo Reptile House	\$1,740,000
NL	Toledo Fire and Rescue Department Facility Repairs	\$1,600,000
NM	Ottawa Park Revitalization Phase 1	\$950,000
NN	Imagination Station; Toledo Science Center World of Discovery Exhibit	\$750,000
NO	Homer Hanham Boys and Girls Club Renovation	\$650,000
NP	Toledo Seagate Food Bank	\$650,000

NQ	Pre-Medical and Health Science Academy at Mercy College	\$500,000
NR	Toledo School for the Performing Arts Replacement Windows	\$500,000
NS	Sylvania Township Safety Training and Grounds Improvement	\$485,000
NT	Toledo Safe Haven Ronald McDonald Facility	\$300,000
NU	Whitney Manor	\$300,000
NV	Toledo Hensville Entertainment District	\$250,000
NW	Ottawa Hills Walk Path Project	\$175,000
NX	Glass City Mural Wall Lighting (Toledo)	\$100,000
NY	Lucas County Sheriff Substation Renovation	\$100,000
NZ	Toledo Broadway Commercial Redevelopment Project	\$100,000
OA	Madison County Airport Improvements	\$35,938
OB	Animal Charity of Ohio Infrastructure Expansion	\$1,500,000
OC	Community Learning Center	\$1,000,000
OD	West Branch Regional Community Education and Wellness Training Center in Mahoning County	\$875,000
OE	Mahoning Valley Historical Society Expansion	\$750,000

	and Improvement	
OF	Campbell Access and Safety Project	\$660,000
OG	Mahoning County Veterans Center	\$650,000
OH	Salem Airpark Improvements	\$600,000
OI	Youngstown Area Jewish Federation Building Expansion	\$501,389
OJ	Mahoning Valley Regional Multi-Jurisdictional Infrastructure Initiative	\$450,000
OK	Boys and Girls Club of Youngstown	\$300,000
OL	Youngstown Playhouse Roof	\$238,000
OM	Sheridan Road Multi-Use Trail <u>Village of Poland</u>	\$185,000
ON	Boys and Girls Club of Oak Hill	\$159,131
OO	City of Struthers Mauthe Park Splash Pad	\$103,150
OP	Rich Center for Autism Building for Tomorrow Phase 2	\$100,000
OQ	OCCHA Renovado Capital Campaign	\$93,500
OR	Canfield Police Department Drone Program	\$60,000
OS	War Vet Museum Facility and Program Improvement Project	\$60,000

OT	Austintown 9-11 Memorial Park	\$50,000
OU	VFW Roof Repairs Ellsworth Post 9571	\$14,480
OV	Marion Harding Performing Arts Center	\$500,000
OW	Marion Soldiers and Sailors Memorial Chapel	\$450,000
OX	George W. King Mansion - Etowah	\$300,000
OY	Boys and Girls Club of Oak Street	\$277,170
OZ	Terradise Nature Center Interpretive Center	\$200,000
PA	Women's History Resource Center Phase II	\$185,000
PB	City of Wadsworth Brickyard Athletic Complex and Fixler Reservation	\$2,500,000
PC	Lake Medina	\$1,500,000
PD	Akron Childrens Medina Health Center	\$1,400,000
PE	Medina County Career Center Modular Fire Training Tower	\$1,000,000
PF	Oenslager Nature Center	\$500,000
PG	City of Medina Multi-Use Uptown Loop Phase 1	\$396,000
PH	Medina County Radio System - Seville Tower	\$450,000
PI	Medina County Sheriff Office Jail Safety Enhancement	\$200,000

PJ	Equine Assisted Mental Health Community Campus	\$200,000
PK	Majestic Equine Connections	\$200,000
PL	Main Street Medina Facade Improvement	\$150,000
PM	Medina County Achievement Center Renovation and Innovative Vocational Training Building	\$100,000
PN	Serenite Restaurant and Culinary Institute Roof/Gutter Repair	\$65,000
PO	Main Street Medina South Town Gateway	\$62,000
PP	VFW Roof Repairs Medina Post 5137	\$60,898
PQ	Homer Township Tornado Siren Project	\$36,834
PR	Chippewa Lake Area Emergency Siren	\$35,000
PS	Ohio University Airport Improvements	\$2,500,000
PT	Meigs County Transportation Hub	\$1,500,000
PU	Racine Entertainment District	\$1,500,000
PV	1872 Hall Complex	\$250,000
PW	Meigs County Fair	\$250,000
PX	Fort Recovery Water Tower	\$600,000
PY	Troy Great Miami River Recreation Connectivity Project	\$2,000,000

PZ	Troy-Miami County Public Library Improvements	\$500,000
QA	Bethel Township VFD Improvements	\$400,000
QB	Graysville and Community VFD Improvements	\$250,000
QC	Bethel Community Center Improvements	\$183,000
QD	Woodsfield Government and Community Center	\$100,000
QE	Midway Community and Senior Citizens	\$70,000
QF	Laings Community Center	\$23,000
QG	VFW Roof Repairs Sardis Post 9930	\$19,836
QH	Miami Chapel Inspire Zone Youth Workforce Development Center - Boys & Girls Club	\$3,000,000
QI	Dayton Aviation Heritage Site (Wright Factory)	\$2,000,000
QJ	Dayton International Airport Concourse B	\$2,000,000
QK	Future Development of Wright-Patterson	\$1,500,000
QL	Healthy Family Market / Dayton Children's Pediatric Center	\$1,500,000
QM	Tri-Cities North Regional Wastewater Authority	\$1,500,000
QN	Kettering Business Park	\$1,250,000
QO	West Carrollton River District and Whitewater	\$500,000

Park		
QP	Countryside Park Revitalization	\$1,000,000
QQ	Ronald McDonald House of Dayton	\$1,000,000
QR	Schuster Center	\$1,000,000
QS	Union Ring Road Completion Project - Phase II	\$1,000,000
QT	Uptown Centerville Connectivity and Development Improvements	\$1,000,000
QU	Harrison Township Police Headquarters Renovation	\$950,000
QV	Saint Vincent de Paul Community Donation Intake Facility	\$800,000
QW	Saint Vincent de Paul Social Services Emergency Shelter for Men	\$500,000
QX	Homefull Housing, Food and Jobs Center	\$750,000
QY	Jefferson Township Community Improvements	\$600,000
QZ	BOLT Innovation Center	\$500,000
RA	Centerville Schools Safety Access	\$500,000
RB	Dayton Dream Center Transitional Housing	\$500,000
RC	East End Whole Family Services Hub Facility Expansion and Renovation in Dayton	\$500,000

RD	Union Ring Road Completion Project - Phase III	\$500,000
RE	Robinette Park	\$400,000
RF	Homefull's Healthy Start Child Care & Early Learning Center West Dayton	\$350,000
RG	Dayton Airshow	\$300,000
RH	Germantown Covered Bridge	\$275,000
RI	Dayton Clothes that Work! Facility Improvements	\$250,000
RJ	Flyghtwood Sports Life and Leadership Campus	\$250,000
RK	Grant Park Accessibility Improvements	\$250,000
RL	K-12 Gallery and TEJAS Acquisition Project	\$250,000
RM	Miami Township Public Works	\$250,000
RN	Old North Dayton Park Expansion Project	\$250,000
RO	Catholic Social Services Supervised Visitation Center	\$200,000
RP	Dayton Alvis, Inc.	\$195,149
RQ	Boys and Girls Club of Dayton	\$154,851
RR	Preservation of Dayton Woman's Club Historic Mansion	\$100,000

RS	West Memory Gardens Flood Mitigation Project	\$75,000
RT	German Township Channel Maintenance	\$60,000
RU	Miamisburg Historical Society Improvements	\$40,000
RV	Pennsville Volunteer Fire Department - New Building Construction	\$1,500,000
RW	Historic Preservation, Job Creation, and Healthcare Expansion at the Stanbery Building (McConnelssville)	\$500,000
RX	Malta/McConnelssville Equipment Project	\$325,000
RY	Chesterhill VFD Station	\$250,000
RZ	Morgan County Emergency Communications Center	\$250,000
SA	Morgan County Fair	\$250,000
SB	Reinersville Volunteer Fire Department	\$50,000
SC	Flying Horse Farms Renovation and Updates to Facilities	\$350,000
SD	Morrow County Engineers Facility	\$250,000
SE	Morrow County Health Department Renovations	\$250,000
SF	Water Filter Installation for Legacy Phosphorus Fields	\$500,000
SG	The Wilds Giraffe Barn and Innovative Guest Lodging	\$2,500,000

SH	Avondale Youth Center HVAC Upgrade	\$450,000
SI	The Tribe Athletic Complex Track	\$1,000,000
SJ	Ottawa County Workforce Hub and Center for Career Advancement	\$1,250,000
SK	Skills Academy in Ottawa County	\$250,000
SL	Ottawa County Fairgrounds Upgrades	\$200,000
SM	Put-In-Bay Downtown Promenade Renovation	\$200,000
SN	Genoa Civic Theatre Improvements	\$100,000
SO	Paulding County Agricultural Society Racetrack Lighting Improvement	\$41,000
SP	Antwerp Rotary Basketball Court	\$40,000
SQ	Perry County Community Access and Workforce Training	\$500,000
SR	Reading Township Volunteer Fire Department	\$1,250,000
SS	Thornville AMVETS 51	\$80,000
ST	South Bloomfield Corridor Improvements	\$1,500,000
SU	Ohio Christian University for Science	\$500,000
SV	Pickaway County Library	\$250,000
SW	Memorial Hall Window Replacement Project	\$200,000

SX	Pike Emergency Operations Backup Power Project	\$750,000
SY	Ravenna Health Center	\$1,500,000
SZ	Serenity House Residential Facility	\$700,000
TA	Happy Trails Farm Animal Sanctuary Welcome Center	\$500,000
TB	Kent Safety Town	\$250,000
TC	Shalersville Park	\$225,000
TD	Freedom Township Historical Society Historical Museum	\$105,000
TE	Buchert Park Improvements	\$51,000
TF	Portage County Children's Advantage HVAC	\$40,000
TG	Windham Historical Society	\$27,950
TH	Preble County Fairgrounds Stall Barns	\$700,000
TI	Preble Gratis Well Reconstruction	\$50,000
TJ	Fort Jennings Park Pedestrian Bridge and Park Improvements	\$350,000
TK	The Ottoville Park Community Wellness and Recreation Enhancement Project	\$213,000
TL	Womens Policy and Resource Center	\$100,000

TM	Buckeye Park Improvements	\$40,000
TN	Mansfield Christian School Improvements	\$1,500,000
TO	Avita Comprehensive Cancer Center	\$1,150,000
TP	Plymouth Fire Department Building Replacement	\$600,000
TQ	Mansfield Theater "Road to 100" Renovation	\$500,000
TR	YMCA-North Central Ohio Sports Complex	\$500,000
TS	Main Street Plaza Improvement Project	\$250,000
TT	Richland County Agricultural Society	\$100,000
TU	VFW Roof Repairs Mansfield Post 3494	\$27,964
TV	Ohio Genealogical Society Archives Security	\$10,000
TW	Hopewell Regional Visitor Center	\$5,000,000
TX	Union Township Fire Department Project	\$175,000
TY	Fremont Downtown Revitalization	\$1,350,000
TZ	Hayes Presidential Library Improvements	\$300,000
UA	Fremont Water Access Emergency Response	\$150,000
UB	Shawnee State University College of Health and Human Services	\$5,000,000
UC	Appalachian Youth Behavioral Health Services Expansion	\$2,000,000

UD	Scioto County Safety Operations Center	\$696,000
UE	Scioto County Fairgrounds	\$600,000
UF	Green Township Garage	\$500,000
UG	Installer Technician Registered Apprenticeship in Scioto County	\$323,150
UH	Portsmouth Courtroom Renovations	\$240,000
UI	Bloom-Vernon Local Schools Lighting	\$51,600
UJ	Seneca County Agricultural Center	\$370,000
UK	Fostoria Learning Center Security	\$352,000
UL	Seneca County Museum Interior Revitalization	\$190,000
UM	Bettsville Emergency Medical Services Renovation	\$150,000
UN	Attica-Venice Township Joint Cemetery Mausoleum	\$93,742
UO	Court Street Streetscape Project	\$50,000
UP	Ritz Theatre Marquee Renovation	\$30,000
UQ	Fort Loramie Industrial Park	\$724,000
UR	Midwest Regional ESC Resilient Heights Improvements	\$600,000
US	Shelby County Community Workforce Training	\$500,000

	Center	
UT	Boys and Girls Club of Massillon	\$193,904
UU	VFW Roof Repairs Louisville Post 7490	\$42,970
UV	Hall of Fame Village	\$9,763,126
UW	Pro Football Hall of Fame Modernization	\$7,000,000
UX	Stark County Juvenile Detention System Demolition	\$64,200
UY	Cascade Plaza	\$5,000,000
UZ	New Franklin Sewer Project	\$3,800,000
VA	Akron-Canton Airport West Side Development for Aeronautic Activity	\$3,200,000
VB	Cuyahoga Falls Regional Fire Training Complex	\$3,000,000
VC	Akron Art Museum - Center for Digital Discovery	\$2,000,000
VD	Akron Zoo Veterinary Hospital	\$1,750,000
VE	Akron Community Health Center Addiction One Campus Expansion	\$1,250,000
VF	Barberton City Hall and Justice Center	\$1,000,000
VG	Summit County Mobile Medical Project	\$1,000,000
VH	Boston Heights Safety Center	\$986,831

VI	Middle School Trades Education Center in Summit County	\$750,000
VJ	Hudson Inclusive Playground	\$680,000
VK	Summit County Fairgrounds New Agriculture Center	\$600,000
VL	Macedonia Service Center	\$500,000
VM	Child Guidance and Family Solutions - Multi-Campus	\$450,000
VN	Boys and Girls Club - Steve Wise	\$440,913
VO	Akron Urban League Building Improvements	\$400,000
VP	Legacy Building Project Improvements	\$400,000
VQ	Bath North Fork Preserve Improvements	\$170,000
VR	Copley Road Trail East	\$150,000
VS	G.A.R. Hall Rehabilitation	\$150,000
VT	Stark State Oil and Natural Gas Job Training Equipment	\$100,000
VU	Stow First Responders Memorial	\$95,863
VV	Special Education Cornerstone Community School	\$76,393
VW	Boston Township Hall ADA Upgrades	\$50,000

VX	Cortland Safety Service Complex / Training Facility	\$2,150,000
VY	West Warren Industrial Park Traffic and Fire Suppression Improvements	\$1,500,000
VZ	Holy Trinity Orthodox Christian Academy and Preschool	\$1,000,000
WA	Eastwood Field Renovations	\$500,000
WB	Trumbull County Fairgrounds Grandstand Renovation	\$500,000
WC	Cortland's Outdoor Education & Event Space	\$350,000
WD	Bloomfield Regional Emergency Medical Services Renovation Project	\$345,000
WE	Mosquito Lake State Park Water Improvements	\$330,350
WF	Camp Sugarbush Infrastructure Improvements	\$300,000
WG	John F. Kennedy Renovation Project	\$300,000
WH	Hubbard Outpost Sanitary Sewer Project	\$175,000
WI	Liberty Township Fencing Project	\$100,000
WJ	Victory Christian School Renovation	\$100,000
WK	Tuscarawas County Facilities Investments in Health, Safety, and Election Security	\$2,500,000
WL	Tuscarawas County Engineer Building	\$1,350,000

WM	Cleveland Clinic Union Hospital Cancer Center	\$1,000,000
WN	Fire, EMT, Law Enforcement Burn Building	\$500,000
WO	Norma Johnson Center Improvements (Red Barn and Brandywine)	\$250,000
WP	Dover Public Library Roof Replacement Project	\$85,731
WQ	Transportation Research Center, Inc. Impact Lab Upgrades	\$24,000,000
WR	Richwood Pickleball	\$218,000
WS	Leesburg Township Walking Trail and Playground Project	\$162,545
WT	The Village of Richwood Fairgrounds	\$49,849
WU	Northwest State Community College Van Wert Campus Renovation	\$1,000,000
WV	Van Wert Regional Airport Runway Project	\$600,000
WW	VFW Roof Repairs Van Wert Post 5803	\$41,754
WX	Middle Point Memorial Park	\$25,000
WY	Moser Park Concession Stand Replacement	\$19,860
WZ	Wilkesville Township Outdoor Warning Siren	\$35,000
XA	Cincinnati Open Tennis Tournament	\$27,500,000
XB	Warren County Ion Exchange Project	\$200,000

XC	Waynesville and Maineville Girl Scout Camp Improvements	\$200,000
XD	VFW Roof Repairs Mason Post 9622	\$9,969
XE	Mid Ohio Valley Aquatic Center	\$750,000
XF	Decatur Township Building Construction	\$350,000
XG	Boys and Girls Club of Marietta	\$213,909
XH	Marietta Saint Mary of the Assumption Roof Project	\$150,000
XI	Betsy Mills Drainage Project	\$79,000
XJ	Marietta College Womens Softball Complex	\$50,000
XK	VFW Roof Repairs New Matamoras Post 6387	\$13,740
XL	Shreve Wastewater Treatment Plant System Improvements	\$1,750,000
XM	Wooster Community Hospital Improvements	\$1,000,000
XN	Wayne County Agricultural Society, Inc.	\$415,000
XO	Wayne County Airport Hangar Construction Project	\$350,000
XP	Wayne County Emergency Vehicle Drivers Training Course	\$300,000
XQ	Boys and Girls Club of Orrville	\$280,318

XR	Boys and Girls Club of Edgewood	\$186,771
XS	Foodsphere Commercial Kitchen/Food Marketplace	\$100,000
XT	Edgerton Community Center	\$425,000
XU	Installation of Elevator to North Annex Building in Williams County	\$187,076
XV	Wabash Cannonball Trail: Design Engineering	\$153,500
XW	Wood County Engineer Garage and Maintenance Facility (Bowling Green)	\$1,000,000
XX	Wood County Educational Service Center	\$750,000
XY	Positive Community Connections Center Project (Bowling Green)	\$600,000
XZ	Wood County Committee on Aging	\$500,000
YA	City of Perrysburg	\$200,000
YB	North Baltimore Public Library Emergency Repairs	\$100,000
YC	Wood County Public Library Heating Project	\$100,000
YD	Upper Sandusky Midway Industrial Park	\$400,000
YE	VFW Roof Repairs Carey Post 3759	\$20,712

Sec. 207.37.

156013

156014

1	2	3
A	YSU YOUNGSTOWN STATE UNIVERSITY	
B	Higher Education Improvement Fund (Fund 7034)	
C	<u>C34500 Basic Renovations</u>	<u>\$700,000</u>
D	C34565 IT Infrastructure Upgrades	\$952,498
E	C34586 Kilcawley Center Renovations	\$9,753,000
F	C34591 Penguin City Brewing Company Upgrade Project	\$700,000
G	C34592 Rich Center for Autism Building for Tomorrow	\$450,000
H	C34593 YNG Aviation Education Center	\$350,000
I	C34594 Regional Workforce Training and Community Wellness Center	\$250,000
J	C34595 Eastern Ohio Biztown Financial Literacy & Entrepreneurship Center	\$250,000
K	Higher Education Improvement Fund (Fund 7034) Total	\$12,705,498
L	TOTAL ALL FUNDS	\$12,705,498

Sec. 221.15. COMMUNITY SUPPORT 156015

The foregoing appropriation item C58050, Community 156016
 Support, shall be used to support the projects listed in this 156017
 section. 156018
156019

A	Cleveland Christian Home - Child Wellness Campus	\$1,500,000
B	Boys & Girls Club of Greater Cincinnati	\$1,400,000
C	Lindner Center	\$1,000,000
D	The Buckeye Ranch	\$1,000,000
E	Bellefaire Child and Youth Services Center	\$750,000
F	LADD Forever Home	\$720,000
G	Best Point West Cincinnati Early Childhood and Mental Health Center Construction	\$650,000
H	St. Vincent de Paul Child and Family Advocacy Center	\$600,000
I	Clark County Family Justice Center	\$500,000
J	Horses on the Hill	\$500,000
K	Netcare Facility Improvements	\$500,000
L	New Main Office for Community Counseling Center of Ashtabula County	\$500,000
M	Ravenwood Health Renovation	\$500,000
N	Toledo YWCA Domestic Shelter Project	\$500,000
O	Tri-County Response Center Project	\$500,000
P	Vista Village	\$500,000
Q	The Crossroads Center New Recovery Treatment Center	\$430,000

R	Applewood Centers Inc.	\$425,000
S	Harcum House	\$400,000
T	Maryhaven Residential Treatment Facility Improvements	\$400,000
U	May Dugan Center Renovation	\$400,000
V	YWCA of Greater Cincinnati Domestic Violence Shelter	\$400,000
W	Integrated Community Solutions Community Center	\$350,000
X	Shelby Health & Wellness Renovation Project	\$350,000
Y	Journey Center for Safety and Healing	\$300,000
Z	Alliance Area Domestic Violence Shelter	\$250,000
AA	Alliance YWCA Headquarters Improvements	\$250,000
AB	Ashtabula County Transitional Housing for Homeless Youth	\$250,000
AC	CommQuest Reception Project	\$250,000
AD	Lower Lights Christian Health Center	\$250,000
AE	Paint Creek Youth Center - Multipurpose Community Building	\$250,000
AF	St. Vincent Behavioral Health Project	\$250,000
AG	The Refuge - New Building	\$250,000
AH	Tobacco Treatment Center of Ohio	\$250,000

AI	Wayfinders Ohio Emergency Homeless Shelter	\$250,000
AJ	Addiction Services Council Facility Expansion	\$230,000
AK	Richland County Shelter Renovation Project	\$217,235
AL	Cincinnati Children's Hospital Youth Mental Health Facility	\$210,000
AM	Child Guidance & Family Solutions (CGFS) - Akron Project	\$200,000
AN	Child Guidance & Family Solutions (CGFS) - Stow Buildout	\$200,000
AO	Hancock County ADAMH Board	\$200,000
AP	Sanctuary Night - Expanding to Meet the Need	\$200,000
AQ	Canton Domestic Violence Shelter	\$175,000
AR	OhioGuidestone Youth and Family Resiliency Center	\$150,000
AS	Lorain County Safe Harbor	\$115,000
AT	Foundations Community Childcare, Inc. (FCC)	\$101,129
AU	Shelby Mercy Mission House Renovations	\$101,000
AV	Beyond the Walls	\$100,000
AW	Blue Line Foundation HQ & Regional Training Center	\$100,000
AX	Haven Home Renovations	\$100,000

AY	Livingston Avenue Community New Direction Project	\$100,000
AZ	Mansfield Domestic Violence Shelter Child Advocacy Center Renovation	\$100,000
BA	The Cocoon Project for Survivors of Domestic and Sexual Violence	\$100,000
BB	Toledo Lutheran Social Services Expansion Project	\$100,000
BC	Muskingum Behavioral Health Improvements	\$57,000
BD	Veterans Resource Center Project	\$50,000

The Department of Behavioral Health shall distribute the 156020
foregoing earmark to Vista Village notwithstanding sections 156021
153.06 and 153.07 of the Revised Code. 156022

Sec. 243.10. 156023
156024

1 2 3

A	PWC PUBLIC WORKS COMMISSION	
B	State Capital Improvements Fund (Fund 7038)	
C	C15000 Local Public Infrastructure	\$415,000,000
D	State Capital Improvements Fund (Fund 7038) Total	\$415,000,000
E	State Capital Improvements Revolving Loan Fund (Fund 7040)	
F	C15030 Revolving Loan	\$100,000,000
G	State Capital Improvements Revolving Loan Fund (Fund	\$100,000,000

7040) Total	
H Clean Ohio Conservation Fund (Fund 7056)	
I C15060 Clean Ohio Conservation	\$75,300,000
J Clean Ohio Conservation Fund (Fund 7056) Total	\$75,300,000
K TOTAL ALL FUNDS	\$590,300,000

LOCAL PUBLIC INFRASTRUCTURE 156025

Capital appropriations in H.B. 2 of the 135th General 156026
Assembly made from the State Capital Improvements Fund (Fund 156027
7038) shall be used in accordance with sections 164.01 to 164.12 156028
of the Revised Code. The Director of the Public Works Commission 156029
may certify to the Director of Budget and Management that a need 156030
exists to appropriate investment earnings to be used in 156031
accordance with sections 164.01 to 164.12 of the Revised Code. 156032
If the Director of Budget and Management determines pursuant to 156033
division (D) of section 164.08 and section 164.12 of the Revised 156034
Code that investment earnings are available to support 156035
additional appropriations, such amounts are hereby appropriated. 156036

If the Public Works Commission receives refunds due to 156037
project overpayments that are discovered during a post-project 156038
audit, the Director of the Public Works Commission may certify 156039
to the Director of Budget and Management that refunds have been 156040
received. In certifying the refunds, the Director of the Public 156041
Works Commission shall provide the Director of Budget and 156042
Management information on the project refunds. The certification 156043
shall detail by project the source and amount of project 156044
overpayments received and include any supporting documentation 156045
required or requested by the Director of Budget and Management. 156046

Upon receipt of the certification, the Director of Budget and Management shall determine if the project refunds are necessary to support existing appropriations. If the project refunds are available to support additional appropriations, these amounts are hereby appropriated to appropriation item C15000, Local Public Infrastructure/State CIP.

Of the foregoing appropriation item C15000, Local Public Infrastructure, \$15,000,000 under the Emergency Program shall be used to provide grants to communities to assist with road-slip emergency projects on nonstate roads or locally maintained routes and portions of interstates.

STATE CAPITAL IMPROVEMENT PROGRAM - SMALL GOVERNMENTS

Up to \$10,000,000 in fiscal year 2026 shall be used for State Capital Improvement Program (SCIP) projects, in accordance with section 164.08(B)(1) of the Revised Code, in townships with populations of less than five thousand persons within their unincorporated areas.

REVOLVING LOAN

Capital appropriations in H.B. 2 of the 135th General Assembly made from the State Capital Improvements Revolving Loan Fund (Fund 7040) shall be used in accordance with sections 164.01 to 164.12 of the Revised Code.

If the Public Works Commission receives refunds due to project overpayments that are discovered during a post-project audit, the Director of the Public Works Commission may certify to the Director of Budget and Management that refunds have been received. In certifying the refunds, the Director of the Public Works Commission shall provide the Director of Budget and Management information on the project refunds. The certification

shall detail by project the source and amount of project 156076
overpayments received and include any supporting documentation 156077
required or requested by the Director of Budget and Management. 156078
Upon receipt of the certification, the Director of Budget and 156079
Management shall determine if the project refunds are necessary 156080
to support existing appropriations. If the project refunds are 156081
available to support additional appropriations, these amounts 156082
are hereby appropriated to appropriation item C15030, Revolving 156083
Loan. 156084

CLEAN OHIO CONSERVATION GRANT REPAYMENTS 156085

Capital appropriations in H.B. 2 of the 135th General 156086
Assembly made from the Clean Ohio Conservation Fund (Fund 7056) 156087
shall be used in accordance with sections 164.20 to 164.27 of 156088
the Revised Code. 156089

Any amount in grant repayments received by the Public 156090
Works Commission and deposited into the Clean Ohio Conservation 156091
Fund pursuant to section 164.261 of the Revised Code is hereby 156092
appropriated through the foregoing appropriation item C15060, 156093
Clean Ohio Conservation. 156094

Sec. 363.10. 156095
156096

1 2 3

A	DAS DEPARTMENT OF ADMINISTRATIVE SERVICES		
B			Reappropriations
C	Building Improvement Fund (Fund 5KZ0)		
D	C10035	Building Improvement	\$210,942

E	TOTAL Building Improvement Fund	\$210,942
F	Administrative Building Taxable Bond Fund (Fund 7016)	
G	C10041 MARCS - Taxable	\$5,045,730
H	C10044 Lorain County MARCS Tower/Sheffield Lake	\$250,000
I	C10052 Symmes Valley Tower Project in Lawrence County	\$1,000
J	C10055 Highland County MARCS Tower	\$1,000
K	TOTAL Administrative Building Taxable Bond Fund	\$5,297,730
L	Administrative Building Fund (Fund 7026)	
M	C10000 Governor's Residence	\$2,536,996
N	C10010 Office Services Building Renovations	\$64,539
O	C10015 SOCC Renovations	\$622,172
P	C10019 25 S. Front Street Renovations	\$11,801
Q	C10020 North High Building Complex Renovations	\$400,000
R	C10021 Office Space Planning	\$5,000,000
S	C10034 Aronoff Center Systems Replacements and Upgrades	\$1,150,000
T	C10038 Riffe Renovations	\$710,702

U	C10042	IT Projects	\$4,000,000
V	C10051	Fleet Sustainability	\$250,000
W	TOTAL Administrative Building Fund		\$14,746,210
X	Capital IT Projects Fund (Fund 7091)		
Y	C10054	Statewide IT Projects	\$10,000,000
Z	TOTAL Capital IT Projects Fund		\$10,000,000
AA	TOTAL ALL FUNDS		\$30,254,882

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS	156097
SYSTEM	156098
(A) There is hereby continued a Multi-Agency Radio	156099
Communications System (MARCS) Steering Committee consisting of	156100
the following members:	156101
(1) The directors, or designees thereof, of Administrative	156102
Services, Public Safety, Natural Resources, Transportation,	156103
Rehabilitation and Correction, and Budget and Management, and	156104
the State Fire Marshal or the State Fire Marshal's designee,	156105
(2) The following members appointed by the Governor:	156106
(a) One representative of the Ohio Chapter of the	156107
Association of Public Safety Communications Officials or its	156108
successor organization;	156109
(b) One representative of the Buckeye State Sheriff's	156110
Association or its successor organization;	156111
(c) One representative of the Ohio Association of Chiefs	156112
of Police or its successor organization;	156113

~~(d) One representative of the Ohio Fire Chiefs' Association or its successor organization.~~ 156114
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~~(3) Two members of the House of Representatives appointed by the Speaker of the House of Representatives, one from the majority party and one from the minority party;~~ 156116
156117
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~~(4) Two members of the Senate appointed by the President of the Senate, one from the majority party and one from the minority party.~~ 156119
156120
156121

~~(B) The Director of Administrative Services or the Director's designee shall chair the Committee.~~ 156122
156123

~~(C) The Committee shall provide assistance to the Director of Administrative Services for effective and efficient implementation of MARCS as well as develop policies for the ongoing management of the system. Upon dates prescribed by the Directors of Administrative Services and Budget and Management, the MARCS Steering Committee shall report to the Directors on the progress of MARCS implementation and the development of policies related to the system.~~ 156124
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~~(D) The Committee shall establish a subcommittee to represent MARCS users on the local government level. The chairperson of the subcommittee shall serve as a member of the MARCS Steering Committee.~~ 156132
156133
156134
156135

~~(E) The foregoing appropriation item C10041, MARCS - Taxable, shall be used to purchase or construct the components of MARCS that are not specific to any one agency. The equipment may include, but is not limited to, computer and telecommunications equipment used for the functioning and integration of the system, communications towers, tower sites, tower equipment, and linkages among towers. The Director of~~ 156136
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156141
156142

Administrative Services shall, ~~with the concurrence of the MARCS Steering Committee,~~ determine the specific use of funds. 156143
156144
Expenditures from this appropriation shall not be subject to 156145
Chapters 123. and 153. of the Revised Code. 156146

MEDINA COUNTY RADIO SYSTEM-SEVILLE TOWER 156147

The amount reappropriated for the foregoing appropriation 156148
item C10057, Medina County Radio System-Seville Tower, is the 156149
unencumbered balance as of June 30, 2024, in appropriation items 156150
C230FM, Cultural and Sports Facilities Projects, earmarked for 156151
Westfield Center Community Center ADA Improvement Project and 156152
the Medina County and Brunswick Historical Societies 156153
Project/Wadsworth Historical Society, and C58001, Community 156154
Assistance Projects, earmarked for Westfield Center 156155
Improvements. 156156

BUILDING IMPROVEMENT 156157

The amount reappropriated for the foregoing appropriation 156158
item C10035, Building Improvement, is the unencumbered balance 156159
as of June 30, 2024, in appropriation item C10035, Building 156160
Improvement, plus up to \$293,343. Prior to the expenditure of 156161
this additional appropriation, the Department of Administrative 156162
Services shall certify to the Director of Budget and Management 156163
canceled encumbrances up to \$293,343 from appropriation item 156164
C10035, Building Improvement. 156165

MARCS - TAXABLE 156166

The amount reappropriated for the foregoing appropriation 156167
item C10041, MARCS - Taxable, is the unencumbered balance as of 156168
June 30, 2024, in appropriation item C10041, MARCS - Taxable, 156169
plus up to \$45,731. Prior to the expenditure of this additional 156170
appropriation, the Department of Administrative Services shall 156171

certify to the Director of Budget and Management canceled 156172
encumbrances up to \$45,731 from appropriation item C10041, MARCS 156173
- Taxable. 156174

LORAIN COUNTY MARCS TOWER/SHEFFIELD LAKE 156175

The amount reappropriated for the foregoing appropriation 156176
item C10044, Lorain County MARCS Tower/Sheffield Lake, is the 156177
unencumbered balance as of June 30, 2024, in appropriation item 156178
C10044, Lorain County MARCS Tower/Sheffield Lake, plus the 156179
unencumbered balance as of June 30, 2024, in appropriation item 156180
C10048, Williams County MARCS Tower. 156181

OFFICE SERVICES BUILDING RENOVATIONS 156182

The amount reappropriated for the foregoing appropriation 156183
item C10010, Office Services Building Renovations, is the 156184
unencumbered balance as of June 30, 2024, in appropriation item 156185
C10010, Office Services Building Renovations, plus up to 156186
\$64,539. Prior to the expenditure of this additional 156187
appropriation, the Department of Administrative Services shall 156188
certify to the Director of Budget and Management canceled 156189
encumbrances up to \$64,539 from appropriation item C10010, 156190
Office Services Building Renovations. 156191

SOCC RENOVATIONS 156192

The amount reappropriated for the foregoing appropriation 156193
item C10015, SOCC Renovations, is the unencumbered balance as of 156194
June 30, 2024, in appropriation item C10015, SOCC Renovations, 156195
plus up to \$873,760. Prior to the expenditure of this additional 156196
appropriation, the Department of Administrative Services shall 156197
certify to the Director of Budget and Management canceled 156198
encumbrances up to \$873,760 from appropriation item C10015, SOCC 156199
Renovations. 156200

25 S. FRONT STREET RENOVATIONS 156201

The amount reappropriated for the foregoing appropriation 156202
item C10019, 25 S. Front Street Renovations, is the unencumbered 156203
balance as of June 30, 2024, in appropriation item C10019, 25 S. 156204
Front Street Renovations, plus up to \$28,717. Prior to the 156205
expenditure of this additional appropriation, the Department of 156206
Administrative Services shall certify to the Director of Budget 156207
and Management canceled encumbrances up to \$28,717 from 156208
appropriation item C10019, 25 S. Front Street Renovations. 156209

ARONOFF CENTER SYSTEMS REPLACEMENTS AND UPGRADES 156210

The amount reappropriated for the foregoing appropriation 156211
item C10034, Aronoff Center Systems Replacements and Upgrades, 156212
is the unencumbered balance as of June 30, 2024, in 156213
appropriation item C10034, Aronoff Center Systems Replacements 156214
and Upgrades, plus up to \$385,580. Prior to the expenditure of 156215
this additional appropriation, the Department of Administrative 156216
Services shall certify to the Director of Budget and Management 156217
canceled encumbrances up to \$385,580 from appropriation item 156218
C10034, Aronoff Center Systems Replacements and Upgrades. 156219

RIFFE RENOVATIONS 156220

The amount reappropriated for the foregoing appropriation 156221
item C10038, Riffe Renovations, is the unencumbered balance as 156222
of June 30, 2024, in appropriation item C10038, Riffe 156223
Renovations, plus up to \$11,514. Prior to the expenditure of 156224
this additional appropriation, the Department of Administrative 156225
Services shall certify to the Director of Budget and Management 156226
canceled encumbrances up to \$11,514 from appropriation item 156227
C10038, Riffe Renovations. 156228

Sec. 371.20. COMMUNITY SUPPORT 156229

The foregoing appropriation item C58050, Community Support, shall be equal to the amount of all projects specified in this section, unless the amounts are released prior to June 30, 2024, plus any unexpended amounts in appropriation item C58001, Community Assistance Projects, for projects that are not specified in this section, if the Director of Budget and Management determines that such amounts are needed to complete the projects for which they were appropriated.

The amount reappropriated for the foregoing appropriation item C58050, Community Support, is the unencumbered balance as of June 30, 2024, in appropriation item C58050, Community Support, plus the unencumbered balance as of June 30, 2024, in appropriation items C25537, YMCA Dayton - Huber Heights Campus, minus \$250,000, C58033, Transforming Vital Services, C58044, Women Community Reentry Project, and C58046, Seek Inc., plus a portion of the unencumbered balance as of June 30, 2024, in appropriation item C58001, Community Assistance Projects, needed to complete the projects specified in this section.

The amount reappropriated for the foregoing appropriation item C58050, Community Support, earmarked for Dayton Boys and Girls Club (Miami Chapel Inspire Zone), is the unencumbered balance as of June 30, 2024, in appropriation item C37755, Comprehensive Outpatient Program Expansion (COPE).

The amount reappropriated for the foregoing appropriation item C58050, Community Support, earmarked for Faith Mission Life Safety and Critical Improvements, is the unencumbered balance as of June 30, 2024, in appropriation items C315HS, Charitable Pharmacy and Market, C315IT, Culture Markets, C315JC, Negev Foundation - Smart Water Stations, C58001, Community Assistance Projects, earmarked for Save a Warrior Project and YWCA Family

Center - Columbus, and C725E2, Local Parks, Recreation, and	156260
Conservation Projects, earmarked for Harrisburg Baseball	156261
Complex.	156262
	156263

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A	Project List	
B	Gracehaven-Multipurpose Building	\$2,500,000
C	Dayton Boys and Girls Club (Miami Chapel Inspire Zone)	\$1,000,000
D	Cuyahoga County Mental Health Diversion Center	\$1,700,000
E	Bellefaire Jewish Children's Bureau Child and Youth Service Center	\$1,000,000
F	Greater Dayton Regional Hospital Association	\$800,000
G	Cleveland Clinic Akron General	\$700,000
H	Cleveland Christian Home	\$700,000
I	Providence House East Side Campus Community Hub	\$700,000
J	Faith Mission Life Safety and Critical Improvements	\$560,000
K	Neighborhood Alliance YMCA Renovation	\$500,000
L	Unison Health Poe Road Crisis Residential	\$500,000

	<u>Center</u> <u>Whitney Manor</u>	
M	Lorain County Health and Dentistry	\$500,000
N	Tri-County Board of Recovery and Mental Health Services	\$450,000
O	Medina County Emergency Housing Shelter	\$450,000
P	Providence House	\$400,000
Q	Ashtabula City - Samaritan House	\$400,000
R	May Dugan Building Renovation and Expansion	\$350,000
S	Western Reserve Area on Aging	\$300,000
T	Alvis House	\$300,000
U	Tiffin Community Kitchen	\$300,000
V	House of Hope-Friends of the Homeless	\$300,000
W	Saint Vincent de Paul Social Services Emergency Shelter for Men	\$250,000
X	Adams County	\$250,000
Y	Cedar Hills Transformation Camp	\$250,000
Z	YWCA Greater Cincinnati Domestic Violence Shelter East	\$250,000
AA	Sisters of Charity Health System and	\$250,000

	Sisters of Charity Foundation of Cleveland	
AB	Center for Addiction Treatment Recovery House	\$250,000
AC	TCH Outpatient Community Behavioral Health (Best Point) Building	\$250,000
AD	Toledo YWCA Domestic Violence Shelter	\$250,000
AE	CHC Addiction Services	\$250,000
AF	West Dayton Community Services Center (Easter Seals Miami Valley)	\$200,000
AG	CommQuest Recovery Campus Improvements	\$200,000
AH	Star House	\$200,000
AI	Union Miles Development Corp (Walt Collins Veterans Housing Facility)	\$200,000
AJ	Washington County Boys and Girls Club	\$175,000
AK	City of Franklin	\$150,000
AL	Y-Haven YMCA of Greater Cleveland	\$150,000
AM	Pathways for Women	\$150,000
AN	Square One Meigs	\$150,000
AO	Maryhaven	\$125,000
AP	Uptown Smiles Clinical Renovations	\$125,000

AQ	Forbes House Domestic Violence Project	\$120,000
AR	Henry County	\$110,000
AS	Seven Hills Trauma Recovery Center	\$105,000
AT	CommQuest	\$100,000
AU	Comprehensive Health Care at the Centers, Gordon Square	\$100,000
AV	Y-Haven YWCA of Greater Cleveland	\$100,000
AW	Women's Resource Center of Hancock County	\$100,000
AX	YMCA Competitive Sports Training Facility	\$75,000
AY	Grace House Akron, Inc.	\$50,000
AZ	Cadence Care Network Family and Community Resource Center	\$50,000
BA	Cornerstone of Hope	\$50,000
BB	Harbor Crisis Stabilization Unit	\$50,000
BC	Homesafe - Ashtabula	\$40,000
BD	The Commons at Springfield	\$25,000
BE	Women's Recovery Center	\$13,000

Sec. 373.15. The foregoing appropriation item C725E2, 156264
Local Parks, Recreation, and Conservation Projects, shall be 156265
equal to the amount of all unreleased local parks projects and 156266

allowable administrative costs specified in this section, unless 156267
amounts are released prior to June 30, 2024. 156268

Of the foregoing appropriation item C725E2, Local Parks, 156269
Recreation, and Conservation Projects, an amount equal to two 156270
per cent of the projects listed may be used by the Department of 156271
Natural Resources for the administration of local projects. 156272

The amount reappropriated for the foregoing appropriation 156273
item C725E2, Local Parks, Recreation, and Conservation Projects, 156274
earmarked for Mandel Jewish Community Center Preston's H.O.P.E. 156275
Playground, is the unencumbered balance as of June 30, 2024, in 156276
appropriation item C26086, Mandel Jewish Community Center. 156277

The amount reappropriated for the foregoing appropriation 156278
item C725E2, Local Parks, Recreation, and Conservation Projects, 156279
earmarked for Geller Park Pickleball Court Complex, is the 156280
unencumbered balance as of June 30, 2024, in appropriation item 156281
C315GR, Heath Port Authority Primary Standards Lab, minus 156282
\$41,000. 156283

The amount reappropriated for the foregoing appropriation 156284
item C725E2, Local Parks, Recreation, and Conservation Projects, 156285
earmarked for Lake Erie Council - Boys Scouts of America 156286
Beaumont Scout Camp, is the unencumbered balance as of June 30, 156287
2024, in appropriation item C38335, Lake Erie Council - Boys 156288
Scouts of America Beaumont Scout Camp. 156289

The amount reappropriated for the foregoing appropriation 156290
item C725E2, Local Parks, Recreation, and Conservation Projects, 156291
earmarked for Lima Simmons Field Sports Complex, is the 156292
unencumbered balance as of June 30, 2024, in appropriation item 156293
C38124, Allen County Airport Communications. 156294

The amount reappropriated for the foregoing appropriation 156295

item C725E2, Local Parks, Recreation, and Conservation Projects, 156296
earmarked for Beverly Island Park Bridge and Mid-Ohio Aquatic 156297
Center, is the unencumbered balance as of June 30, 2024, in 156298
appropriation item C230FM, Cultural and Sports Facilities 156299
Projects, earmarked for the Carnes Center. 156300

The amount reappropriated for the foregoing appropriation 156301
item C725E2, Local Parks, Recreation, and Conservation Projects, 156302
earmarked for Rootstown TWP Community Park Improvements Project, 156303
is the unencumbered balance as of June 30, 2024, in 156304
appropriation item C23062, Village of Edinburg Veterans 156305
Memorial. 156306

The amount reappropriated for the foregoing appropriation 156307
item C725E2, Local Parks, Recreation, and Conservation Projects, 156308
earmarked for Lagore Memorial Dog Park at Caesar Creek, is the 156309
unencumbered balance as of June 30, 2024, in appropriation item 156310
C230FM, Cultural and Sports Facilities Projects, earmarked for 156311
Warren County Community Services. 156312

The amount reappropriated for the foregoing appropriation 156313
item C725E2, Local Parks, Recreation, and Conservation Projects, 156314
earmarked for Versailles Heritage Park, is the unencumbered 156315
balance as of June 30, 2024, in appropriation item C230J7, 156316
Cardinal Center. 156317

The amount reappropriated for the foregoing appropriation 156318
item C725E2, Local Parks, Recreation, and Conservation Projects, 156319
earmarked for GRIT Chesapeake Community Center, is the 156320
unencumbered balance as of June 30, 2024, in appropriation item 156321
C32231, GRIT Chesapeake Community Center. 156322

The amount reappropriated for the foregoing appropriation 156323
item C725E2, Local Parks, Recreation, and Conservation Projects, 156324

earmarked for Vienna Air Heritage Park, is the unencumbered 156325
balance as of June 30, 2024, in appropriation item C34567, 156326
Western Reserve Port Authority. 156327
156328

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A	Project List	
B	Downtown Cleveland Lakefront Access Project	\$5,000,000
C	Mentor Erosion Mitigation	\$3,000,000
D	Heritage Trail Extension	\$2,500,000
E	Cleveland Tower City and Bedrock Development Activities	\$2,000,000
F	Smale Riverfront Park	\$1,700,000
G	Cincinnati Findlay Community and Recreation Center	\$1,200,000
H	Gateway to Freedom Park	\$1,200,000
I	Akron Area YMCA Camp Y-Noah Capital Improvement	\$1,000,000
J	South Point Community Pool	\$1,000,000
K	Cincinnati Zoo and Botanical Garden Pedestrian Bridge	\$900,000
L	The Wilds RV Park and Campground	\$900,000
M	Conneaut Marina Improvement	\$850,000

N	Irishtown Bend and Canal Basin Park	\$850,000
O	Auglaize Mercer Recreational Complex	\$750,000
P	Copley Ridgewood Trail	\$750,000
Q	Delhi Towne Square	\$750,000
R	Environmental Education Pavilion at Forest Lawn Stormwater Park	\$750,000
S	Glen Helen Nature Preserve Accessibility Improvements	\$750,000
T	Sandusky Bay Pathway/Landing Park	\$750,000
U	Seranton Trail Project <u>Detroit Shoreway Project</u>	\$750,000
V	GRIT Chesapeake Community Center	\$750,000
W	Dublin Bridge Park and Greenways Project	\$650,000
X	Kurt Tunnell Memorial Trail	\$500,000
Y	Massillon Park Splash Pad	\$500,000
Z	North Ridgeville Mills Creek	\$500,000
AA	Oak Harbor Waterfront	\$500,000
AB	Sidney Feeder Canal Bike Trail	\$500,000
AC	The Foundry	\$500,000
AD	Geneva Township Park - Old Lake Road Shoreline	\$450,000

Restoration		
AE	Hamilton-Clover Groff Trail Project	\$450,000
AF	McCord Park Renovations	\$450,000
AG	Mentor Marsh Observation Tower	\$450,000
AH	Wadsworth Memorial Park Improvements	\$420,000
AI	Mosquito Creek Lake Park Improvements	\$404,000
AJ	Buckeye Lake Feeder Channel Restoration	\$400,000
AK	Chagrin Meadows Preserve	\$400,000
AL	Kelleys Island East Lakeshore Shoreline Protection	\$400,000
AM	Lake Metroparks Lake Erie Shoreline Trail and Revetment Wall	\$400,000
AN	McDonald Commons Renovation and Construction	\$400,000
AO	Solon to Chagrin Falls Multi- Purpose Trail	\$400,000
AP	Lake Erie Council - Boys Scouts of America Beaumont Scout Camp	\$350,000
AQ	Dover Riverfront Trail Connector <u>Park Improvements</u>	\$350,000
AR	Alum Creek Pedestrian/Bike Bridge - Bexley	\$350,000
AS	Boeckling Building Pier	\$350,000

AT	Elyria Intergenerational Community Center	\$350,000
AU	Fairport Harbor Marina Boat Launch	\$350,000
AV	Gateway Regional Sports Complex	\$350,000
AW	Wauseon Community Social and Recreational Center	\$350,000
AX	Sheffield Village French Creek Project	\$325,000
AY	Lima Simmons Field Sports Complex	\$300,000
AZ	Camp Joy	\$300,000
BA	Canal Fulton Community Park	\$300,000
BB	Chagrin River Trail	\$300,000
BC	Creston Community Park Renovations	\$300,000
BD	Glenford Earthworks Phase III	\$300,000
BE	Kalida St. Michael Holy Name Ballpark	\$300,000
BF	Magic Mile Trail	\$300,000
BG	Massillon Park Splash Pad	\$300,000
BH	Mayerson JCC Expansion	\$300,000
BI	Niles Bike Path Bridge Improvements	\$300,000
BJ	North Canton Price Park Recreation and Accessibility Improvements	\$300,000
BK	Plain Township Diamond Park Historic Barn	\$300,000

BL	Portage Lakes Drive Community Park	\$300,000
BM	Reservoir Connector Trail Phase 2	\$300,000
BN	Solon-Chagrin Falls Multi-purpose Trail	\$300,000
BO	Wadsworth City Park	\$300,000
BP	Grailville Park Improvements	\$260,000
BQ	Cave Lake Center for Community Leadership	\$250,000
BR	Coke Oven Community Civic Center Park	\$250,000
BS	Rotary Lodge at River Cliff Park Renovation	\$250,000
BT	Covington - Schoolhouse Park	\$250,000
BU	Heights to Hudson Trail	\$250,000
BV	J. Babe Stern Ball Field	\$250,000
BW	Johnstown Splash Pad	\$250,000
BX	Lockington Trail Bridge	\$250,000
BY	SPIRE Institute and Academy	\$250,000
BZ	Timken Gatehouse Renovation	\$250,000
CA	West Carrollton Whitewater Park	\$250,000
CB	Wooster Barnes Preserve	\$250,000
CC	Beverly Island Park Bridge	\$250,000

CD	Mid-Ohio Aquatic Center	\$250,000
CE	Vienna Air Heritage Park	\$250,000
CF	Valleyview Park	\$240,000
CG	Cave Lake Dam	\$225,000
CH	Dan Beard Scout Camp Flooding and Erosion Mitigation	\$223,000
CI	Chillicothe Paint Creek Recreational Trail	\$215,000
CJ	Lawrence County Union Rome Trails and Walkways	\$214,000
CK	Mandel Jewish Community Center Preston's H.O.P.E Playground	\$210,000
CL	Geller Park Pickleball Court Complex	\$210,000
CM	Bradstreet's Landing Pier, Lakefront Access and Resiliency Improvements	\$200,000
CN	Camp Oty'Okwa Capital Improvements	\$200,000
CO	Center Gateway Improvement Project - Rocky River	\$200,000
CP	Centerville Benham's Grove	\$200,000
CQ	City of Monroe Lookout Point	\$200,000
CR	Franklin Furnace Park	\$200,000
CS	Great Miami River Trail - Middletown to Monroe Segment Construction Project	\$200,000

CT	Home Road Trail Extension	\$200,000
CU	Lorain County Metro Park Connector	\$200,000
CV	Mayerson JCC Improvements	\$200,000
CW	Mount Aloysius Community Recreational Center	\$200,000
CX	Munson Springs Nature Preserve and Historical Site	\$200,000
CY	Portage Bike and Hike Trail - Mill Race Segment	\$200,000
CZ	Shared Use Path Connector (Goosepond Road-Licking Health Department)	\$200,000
DA	Sheffield Village Trails	\$200,000
DB	Union and Rome Township Trails Project	\$200,000
DC	Shawnee West Buckeye Trail	\$195,000
DD	Jim Terrell Park Canoe/Kayak Launch	\$190,000
DE	Darke County Art Trail	\$180,000
DF	Bryn Du Barn	\$175,000
DG	Norton Bicentennial Park	\$175,000
DH	Antrim Community Center	\$150,000
DI	Brown County Board of Developmental Disabilities Resource and Community Center	\$150,000

DJ	Buckeye Lake Boat Ramps and Pier Enabling Project	\$150,000
DK	Findlay Playground/Grant Park/Over-the-Rhine Recreation Center	\$150,000
DL	Forest Park Central Park Improvements	\$150,000
DM	Lancaster All Accessible Sports Complex and Park	\$150,000
DN	Mansfield B&O Trail Connector	\$150,000
DO	Mansfield Central Park	\$150,000
DP	Medina County Rocky River Trail West Branch	\$150,000
DQ	Mill Creek Valley Conservancy District Corridor Revitalization	\$150,000
DR	Mount Gilead Park Site Preparations	\$150,000
DS	North Kingsville Village - Community Park	\$150,000
DT	North Olmsted Community Park Improvements	\$150,000
DU	Pickerington Soccer Association Facility Improvements	\$150,000
DV	Restore Rockefeller	\$150,000
DW	Rio Grande Reservoir and Park Improvements	\$150,000
DX	Swanton Railroad Park	\$150,000
DY	Wellsville Marina Dredging	\$150,000

DZ	West Union SR 41 Shared Use Path Phase II	\$140,000
EA	Bellefontaine Blue Jacket Park	\$135,000
EB	Wadsworth Durling Park Improvements	\$135,000
EC	Carey Splash Pad	\$125,000
ED	Fairlawn Gully Water Quality Basins	\$125,000
EE	Flight Line: East Dayton Rails-to-Trails	\$125,000
EF	Friedt Park	\$125,000
EG	Old Murray City School Building Demolition	\$125,000
EH	Willard Park Improvements	\$110,000
EI	Lodi's Richman Field Splash Pad	\$105,000
EJ	Avon Lake Weiss Field Park Pavilion Replacement Project	\$100,000
EK	Brunswick Hills Township Park	\$100,000
EL	Sylvania Plummer Pool	\$100,000
EM	Cobblestone Park - Medina	\$100,000
EN	Columbia Township Wooster Pike Bike Trail	\$100,000
EO	Fairfax Ziegler Park Improvements	\$100,000
EP	Holden Arboretum All-Season Trails	\$100,000
EQ	Mansfield Sterkel Park	\$100,000

ER	Mecca Township Recreation Center	\$100,000
ES	Miracle Field Complex	\$100,000
ET	Mitchell Park Trail Connector	\$100,000
EU	Ottawa Memorial Pool Splash Pad	\$100,000
EV	Outdoor Theater and Performing Arts Community Park - Hillsboro	\$100,000
EW	Pickleball Courts at Patricia Allyn Park	\$100,000
EX	Plain City Heritage Trail	\$100,000
EY	The Pony Wagon Trail	\$100,000
EZ	The Wilds Shade and Shelter Improvements	\$100,000
FA	Veterans Memorial at Rose Run Park	\$100,000
FB	Village of Bellville Historic Bandstand Renovations	\$100,000
FC	Weatherstone Park - Wadsworth	\$100,000
FD	Whitehall Community Park Revitalization	\$100,000
FE	Acres of Adventure Learning Center	\$90,000
FF	Byesville Patriot Park	\$90,000
FG	Lagore Memorial Dog Park at Caesar Creek	\$75,000
FH	4-H Camp Piedmont Upgrades	\$75,000

FI	Brook Park Central Park	\$75,000
FJ	Buckeye Lake Crystal Lagoon	\$75,000
FK	Fairborn Memorial Park	\$75,000
FL	Geneva-on-the-Lake Shoreline Protection Project	\$75,000
FM	Independence Pool Facility Improvements	\$75,000
FN	Leipsic Buckeye Park	\$75,000
FO	Little Miami River Access and Park Development	\$75,000
FP	McConnelsville Community Recreational Building	\$75,000
FQ	Middleport-Pomeroy Walking Path Project Phase IV	\$75,000
FR	Mt. Sterling Mason Park	\$75,000
FS	New Concord Swimming Pool	\$75,000
FT	Outdoor Sports Court Revitalization - Springdale	\$75,000
FU	Sharon Nature Preserve Trails Phase I	\$75,000
FV	Summit Lake Vision Plan	\$75,000
FW	Hiestand Woods Park and Preserve	\$75,000
FX	Versailles Heritage Park	\$75,000
FY	Wadsworth Safety Town Park	\$75,000
FZ	Western Reserve Greenway Bike Trail	\$75,000

GA	Voice of America MetroPark Tylersville Road Entrance	\$70,000
GB	Ellsworth Hills Learning Lab	\$65,000
GC	Buckeye Trail East Fork Wildlife Area	\$57,000
GD	Avon Lake Veterans Park Gazebo	\$50,000
GE	Bellaire Walking Trail	\$50,000
GF	Big Walnut Trail Extension and Park	\$50,000
GG	Big Walnut Trail SE Columbus - Eastland Area	\$50,000
GH	Brunswick Lake ADA Canoe/Kayak Launch	\$50,000
GI	Buckeye Lake Crystal Lagoon and Public Park	\$50,000
GJ	Caldwell Race Track Upgrades	\$50,000
GK	Camp Sherman Park	\$50,000
GL	Center Ice Foundation	\$50,000
GM	Cleveland Botanical Garden Public Accessible Garden Path	\$50,000
GN	Drews Trak Memorial Pump Track Expansion	\$50,000
GO	Greenwich Reservoir Park	\$50,000
GP	Harmar Pedestrian Bridge Restoration Projects	\$50,000
GQ	Jeromesville Square Park	\$50,000

GR	Keener Park Renovations/Pickleball Courts	\$50,000
GS	Kelley Nature Preserve Boat Ramp	\$50,000
GT	Levitt Pavilion Dayton	\$50,000
GU	Madison Village Dana's Park	\$50,000
GV	Madison Village Wetland Trail	\$50,000
GW	Milford Center Rail Depot	\$50,000
GX	Millersport Lions Park	\$50,000
GY	P&G MLB Cincinnati Reds Youth Academy	\$50,000
GZ	Pomeroy Multimodal Path	\$50,000
HA	Prairie Trail/Stitt Park Improvements	\$50,000
HB	Richmond Heights Community Park Gazebo	\$50,000
HC	Salt Fork State Park	\$50,000
HD	Shade Community Center Upgrades	\$50,000
HE	Village of Bloomdale Reservoir Project	\$50,000
HF	West Union Pedestrian Bike Path	\$50,000
HG	Bruce L. Chapin Bridge- Northcoast Inland Trail	\$45,000
HH	Selby Building Revitalization	\$45,000
HI	Village of Dunkirk Splash Pad and Storage Building	\$45,000

HJ	Burr Oak State Park	\$44,000
HK	Chippewa Falls Rail Trail Parking Lot	\$40,000
HL	Chippewa Park Shelter House	\$40,000
HM	Monroe Community Park Activity Center	\$40,000
HN	Nimisila Park Excavating	\$40,000
HO	Rittman Splash Pad	\$40,000
HP	Waverly Canal Park	\$40,000
HQ	Rootstown TWP Community Park Improvements	\$35,000
HR	Jeromesville Community Garden	\$35,000
HS	Village of Highland Hills Gazebo	\$35,000
HT	Monroeville Clark Park - North Coast Inland Trail Connection	\$33,000
HU	Camp McKinley Improvements	\$30,000
HV	Keener Park Sledding Hill	\$30,000
HW	Perry Township Community Recreation Center	\$30,000
HX	Village of Weston Community Splash Pad	\$30,000
HY	Aurora Kayak Launch Platform	\$26,000
HZ	Blue Heron Park Trail Phase II	\$25,000
IA	Charlement Reservation Stable	\$25,000

IB	East Liverpool Park Improvements	\$25,000
IC	Gloria Glens Southwest Park Grading	\$25,000
ID	YMCA Auglaize-Mercer Recreation Complex	\$25,000
IE	Rayland Friendship Park Restroom Project	\$25,000
IF	Willshire Ballpark Enhancements	\$25,000
IG	Oakwood Community Park	\$22,610
IH	Blue Heron Park Flood Mitigation	\$20,000
II	Clifton to Yellow Springs Bike Trail	\$20,000
IJ	Hardin County Veterans Memorial Park	\$20,000
IK	Moser Park Concession Stand Replacement	\$20,000
IL	Zuck Riparian Preserve Trail	\$18,000
IM	Wakeman Trail Connector	\$17,000
IN	Sardinia Veteran's Community Park Revitalization	\$15,000
IO	Seville Memorial Park Public Restroom Facilities	\$15,000
IP	Kokosing Gap Trail	\$14,000
IQ	Village of Albany Bike Paths	\$10,000
IR	Paulding County Trails Project	\$7,500
IS	Buckeye Trail Boesel Easement Bridge	\$2,800

Section 620.21. That existing Sections 200.30 (as amended 156329
by H.B. 54 of the 136th General Assembly), 207.37, 221.15 (as 156330
amended by S.B. 54 of the 135th General Assembly), 243.10 (as 156331
amended by H.B. 54 of the 136th General Assembly), 363.10, 156332
371.20 (as amended by S.B. 54 of the 135th General Assembly), 156333
and 373.15 (as amended by S.B. 54 of the 135th General Assembly) 156334
of H.B. 2 of the 135th General Assembly are hereby repealed. 156335

Section 620.30. That Sections 335.20 and 757.60 of H.B. 33 156336
of the 135th General Assembly are hereby repealed. 156337

Section 620.40. That Section 14 of H.B. 238 of the 135th 156338
General Assembly be amended to read as follows: 156339

Sec. 14. ~~(A)~~ (A) (1) The Ohio Medical Quality Foundation, 156340
described in section 3701.89 of the Revised Code, is retained 156341
under division (E) of section 101.83 of the Revised Code and 156342
expires as a statutory entity at the end of December 31, 2025. 156343

~~(B)~~ (2) It is the intent of the General Assembly, through 156344
the repeal by ~~this act~~ H.B. 238 of the 135th General Assembly of 156345
section 3701.89 of the Revised Code, to abolish the Ohio Medical 156346
Quality Foundation as a statutory entity on January 1, 2026. 156347

~~(C)~~ (3) As soon as practicable ~~after the effective date of~~ 156348
~~this section but not later than April 1, 2025,~~ the Foundation, 156349
through its corporate trustee, shall transfer all of its 156350
remaining unencumbered funds, to the extent possible under law 156351
and contract, to the Medical Quality Assurance Fund established 156352
under section 113.78 of the Revised Code. 156353

~~(D)~~ (4) As soon as practicable after the transfer described 156354
in division ~~(C)~~ (A) (3) of this section, the trustees of the 156355
Foundation shall prepare a written report identifying the 156356
following: 156357

~~(1)~~(a) Any encumbered funds unable to be transferred to 156358
the Medical Quality Assurance Fund, including the amounts still 156359
to be distributed pursuant to contracts in effect at the time of 156360
the report's preparation; 156361

~~(2)~~(b) The duration of any contracts in effect at the time 156362
of the report's preparation; 156363

~~(3)~~(c) The dates on which any remaining funds will be 156364
considered unencumbered. 156365

The trustees shall submit the report to the Treasurer of 156366
State, Governor, Senate President, and Speaker of the House of 156367
Representatives. 156368

~~(E) Following the repeal of section 3701.89 of the Revised 156369
Code on January 1, 2026, the Treasurer of State shall assume the 156370
contractual duties of the Foundation, its trustees, and its 156371
corporate trustee, as identified under any contracts in effect 156372
on that date. If any payments owed by the Foundation remain in 156373
arrears on or after January 1, 2026, the Treasurer of State may 156374
make the payments on behalf of the Foundation. 156375~~

(5) For the purposes specified in this division divisions 156376
(A) (1) to (4) of this section and any others that the Treasurer 156377
of State considers necessary in winding down the affairs of the 156378
Foundation, the Treasurer of State shall be given access to the 156379
Foundation's records. 156380

(B) (1) Not later than thirty days after the Treasurer of 156381
State receives notice under section 4731.226 of the Revised Code 156382
that the foundation described in that section has been created, 156383
the Treasurer of State shall transfer all unencumbered money 156384
remaining in the Medical Quality Assurance Fund to the 156385
monitoring organization under contract with the State Medical 156386

Board pursuant to section 4731.25 of the Revised Code. 156387

(2) Not later than thirty days after the monitoring 156388
organization receives the money transferred under division (B) 156389
(1) of this section, the monitoring organization shall submit 156390
the money to the foundation's governing board described in 156391
section 4731.226 of the Revised Code. 156392

(3) On January 1, 2026, or the thirtieth day after the 156393
foundation's governing board receives the money submitted 156394
division (B) (2) of this section, whichever is later, the 156395
governing board shall complete its initial disbursement of funds 156396
in accordance with section 4731.226 of the Revised Code. 156397

Section 620.41. That existing Section 14 of H.B. 238 of 156398
the 135th General Assembly is hereby repealed. 156399

Section 630.10. That Section 6 of H.B. 150 of the 134th 156400
General Assembly is hereby repealed. 156401

Section 630.20. That Section 5 of S.B. 202 of the 134th 156402
General Assembly is hereby repealed. 156403

Section 630.30. That Section 5 of H.B. 554 of the 134th 156404
General Assembly (as amended by H.B. 101 of the 135th General 156405
Assembly) be amended to read as follows: 156406

Sec. 5. (A) This section applies to a community school 156407
described in Section 16 of H.B. 583 of the 134th General 156408
Assembly and to any other community school that is operated by a 156409
management company that operates a community school subject to 156410
that section. 156411

(B) Notwithstanding division (H) of section 3314.08 of the 156412
Revised Code, a community school established under Chapter 3314. 156413
of the Revised Code and to which this section applies may report 156414

to the Department of Education and Workforce the number of 156415
students enrolled in the community school on a full-time 156416
equivalent basis for the 2022-2023, 2023-2024, ~~and~~ 2024-2025, 156417
and 2025-2026 school years using the lesser of the following: 156418

(1) The maximum full-time equivalency for the portion of 156419
the school year for which the student is enrolled in the school; 156420

(2) The sum of one-sixth of the full-time equivalency 156421
based on attendance for the portion of the school year for which 156422
the student is enrolled in the school and one-sixth the full- 156423
time equivalency based on each credit of instruction earned 156424
during the enrollment period, not to exceed five credits. 156425

(C) (1) The Department of Education and Workforce shall 156426
complete a review of each community school that reports the 156427
full-time equivalency of students under division (B) of this 156428
section in accordance with division (K) of section 3314.08 of 156429
the Revised Code. 156430

(2) If the Department determines a school has been 156431
overpaid based on a review completed under division (C) (1) of 156432
this section, it shall require a repayment of the overpaid funds 156433
and may require the school to establish a plan to improve the 156434
reporting of enrollment. 156435

(D) Notwithstanding any provision to the contrary in the 156436
Revised Code or the Administrative Code, for purposes of 156437
reporting attendance and meeting minimum school year 156438
requirements under sections 3313.48 and 3314.03 of the Revised 156439
Code, a community school to which this section applies may 156440
report attendance to the Department of Education and Workforce 156441
consistent with the attendance policy approved by the governing 156442
authority of the school. 156443

Section 630.31. That existing Section 5 of H.B. 554 of the 156444
134th General Assembly (as amended by H.B. 101 of the 135th 156445
General Assembly) is hereby repealed. 156446

Section 701.30. (A) As used in this section, "exempt 156447
employee" has the same meaning as in section 124.152 of the 156448
Revised Code, as amended by this act. 156449

(B) Effective July 1, 2025, any exempt employee paid in 156450
accordance with section 124.152 of the Revised Code who is being 156451
paid a salary or wage at step 6 of pay range 17 of the version 156452
of pay schedule E-1 that was in effect before the effective date 156453
of this section is eligible to move to step 7 of pay range 17 in 156454
the pay schedule, provided the exempt employee did not advance a 156455
step within the twelve-month period immediately preceding the 156456
date on which the pay schedule takes effect. A step increase 156457
pursuant to this division applies to the first day of the pay 156458
period immediately following the pay period that includes July 156459
1, 2025. 156460

(C) An exempt employee paid in accordance with section 156461
124.152 of the Revised Code who is being paid a salary or wage 156462
at step 6 of pay range 17 of the version of pay schedule E-1 156463
that was in effect before the effective date of this section who 156464
is ineligible under division (B) of this section to move up to 156465
step 7 of pay range 17 in the pay schedule is eligible for 156466
advancement in accordance with division (G) of section 124.15 of 156467
the Revised Code. 156468

Section 701.60. When calculating the state appropriation 156469
limitation for fiscal year 2028, the Governor shall determine 156470
the limitation taking into account the amendments to or 156471
enactments of sections 107.032 to 107.034 of the Revised Code 156472
contained in Section 101.01 of this act. 156473

Section 701.70. All public officers whose compensation 156474
cannot be changed during the officer's term under Ohio 156475
Constitution, Article II, Section 20, shall continue receiving 156476
for the remainder of the officer's term the amount the official 156477
is entitled to under section 325.18, 505.24, or 507.09 of the 156478
Revised Code before the effective date of the amendments to 156479
those sections made by this act until the officer begins a new 156480
term and may constitutionally receive the changed compensation 156481
amount. 156482

Section 701.90. The Auditor of State shall conduct a 156483
performance audit of the Public Utilities Commission of Ohio, 156484
which shall include a review of the Ohio Power Siting Board, in 156485
accordance with sections 117.46 to 117.463 of the Revised Code. 156486
The Auditor of State shall release the audit not later than May 156487
1, 2027. 156488

Section 701.100. The Rare Disease Advisory Council shall 156489
prepare and submit a final report to the General Assembly, in 156490
accordance with division (B) of section 101.68 of the Revised 156491
Code, not later than December 31, 2025. 156492

Section 701.110. (A) Each agency to which section 121.93 156493
of the Revised Code applies shall review its operations to 156494
identify principles of law or policy that have not been stated 156495
in a rule and that the agency is relying upon in conducting 156496
adjudications or other determinations of rights and liabilities 156497
or in issuing writings and other materials, such as 156498
instructions, directives, policy statements, guidelines, 156499
handbooks, manuals, advisories, notices, circulars, 156500
advertisements, forms, letters, and opinions. An agency is not 156501
required to identify principles of law or policy relied upon in 156502
issuing internal management rules as defined in section 111.15 156503

of the Revised Code. 156504

Not later than November 30, 2025, each agency to which 156505
section 121.93 of the Revised Code applies shall electronically 156506
transmit a report to the Joint Committee on Agency Rule Review 156507
containing all of the following: 156508

(1) A statement that the agency has completed the review 156509
required by this section; 156510

(2) The principles of law or policies identified under 156511
this division; 156512

(3) The agency's considerations regarding the identified 156513
principles of law or policies under division (B) of this 156514
section; 156515

(4) Any principles of law or policies for which the agency 156516
determines rulemaking is indicated or for which the agency has 156517
commenced the rule-making process under division (B) of this 156518
section. 156519

(B) The Joint Committee on Agency Rule Review shall make 156520
the reports available on its web site. 156521

(C) Each agency to which section 121.93 of the Revised 156522
Code applies shall determine whether a principle of law or 156523
policy identified in a review required under this section has a 156524
general and uniform operation and establishes a legal regulation 156525
or standard that would not exist in its absence. If the 156526
principle of law or policy has these characteristics, the agency 156527
shall evaluate the principle or policy using the standards in 156528
division (B) of section 121.93 of the Revised Code, as amended 156529
by this act, to determine whether the principle of law or policy 156530
should be supplanted by its restatement in a rule. If the agency 156531
determines, in light of the standards, that rulemaking is 156532

indicated, the agency shall commence the rule-making process in 156533
accordance with divisions (C) and (D) of section 121.93 of the 156534
Revised Code, as amended by this act. 156535

Section 701.120. (A) As used in this section, "state 156536
agency" and "regulatory restriction" have the same meaning as in 156537
section 121.95 of the Revised Code, as amended by this act. 156538

(B) Not later than November 30, 2025, a state agency shall 156539
prepare a report reviewing every rule the agency has amended or 156540
rescinded for the purpose of eliminating or reducing regulatory 156541
restrictions in accordance with sections 121.95, 121.951, 156542
121.952, and 121.953 of the Revised Code. In the report, the 156543
state agency shall identify both of the following: 156544

(1) The number of regulatory restrictions the agency 156545
actually eliminated or reduced; 156546

(2) The number of times the agency did both of the 156547
following: 156548

(a) Removed or replaced "shall," "must," "require," "shall 156549
not," "may not," "prohibit," or similar words in a portion of a 156550
rule without eliminating or reducing regulatory restrictions; 156551

(b) Reported a removal or replacement described in 156552
division (B) (2) (a) of this section as eliminating or reducing a 156553
regulatory restriction in an historical report and revised 156554
inventory required under section 121.951 of the Revised Code. 156555

(C) A state agency shall transmit the report required 156556
under division (B) of this section electronically to the joint 156557
committee on agency rule review. The joint committee shall 156558
review the report and shall transmit it electronically to the 156559
Speaker of the House of Representatives and the President of the 156560
Senate. 156561

Section 709.10. Of the two additional members appointed to 156562
the Ohio Grape Industries Committee under section 924.51 of the 156563
Revised Code as amended by this act, the initial term of office 156564
of one member shall be for a term of one year and the initial 156565
term of office of one member shall be for a term of two years. 156566
Thereafter, terms of those members shall be for three years as 156567
provided in that section. 156568

Section 719.10. A clerk of a municipal court whose 156569
compensation will change under the amendments to section 1901.31 156570
of the Revised Code made by this act shall continue, until the 156571
clerk begins a new term on or after the effective date of those 156572
amendments, receiving the compensation the clerk is receiving 156573
before the effective date of those amendments. 156574

Section 731.10. A county prevention specialist who is 156575
serving an existing term on a child abuse and child neglect 156576
regional prevention council in accordance with section 3109.172 156577
of the Revised Code as of the effective date of this section may 156578
complete the council member's term of office. 156579

Section 733.20. (A) Notwithstanding the repeal and 156580
reenactment by this act of sections 3313.902, 3314.38, and 156581
3345.86 of the Revised Code and the repeal by this act of 156582
sections 3317.23, 3317.231, and 3317.24 of the Revised Code 156583
effective July 1, 2026, any individual enrolled in a program 156584
established under one of those sections may do either of the 156585
following: 156586

(1) Complete the program in accordance with the applicable 156587
section, as it existed prior to the section's repeal or repeal 156588
and reenactment by this act, provided the individual completes 156589
the program not later than June 30, 2027; 156590

(2) Complete a program described in section 3313.902, 156591
3314.38, or 3345.86 of the Revised Code in accordance with the 156592
applicable section, as enacted by this act. 156593

(B) The Department of Education and Workforce shall pay an 156594
eligible institution or eligible provider as required by the 156595
section under which the individual completes the program. 156596

Section 733.30. Notwithstanding anything to the contrary 156597
in division (D) of section 3301.079 and section 3301.0715 of the 156598
Revised Code, as amended by this act, for the 2025-2026 school 156599
year, school districts, community schools established under 156600
Chapter 3314., and STEM schools established under Chapter 3326. 156601
of the Revised Code shall administer each diagnostic assessment 156602
in accordance with those sections as they existed prior to the 156603
effective date of their amendment by this act. 156604

Section 733.40. Notwithstanding anything to the contrary 156605
in Revised Code, nothing prohibits any other community college, 156606
as defined in section 3333.168 of the Revised Code, from serving 156607
the counties previously served by Eastern Gateway Community 156608
College under section 3354.24 of the Revised Code. 156609

Nothing in this section exempts a community college from 156610
academic program approval by the Chancellor of Higher Education 156611
under section 3333.04 of the Revised Code or from seeking 156612
approval under rules adopted by the Chancellor. 156613

Section 733.60. The Department of Education and Workforce 156614
shall establish and administer a community school transportation 156615
pilot program for the 2025-2026 and 2026-2027 school years. 156616
Under the pilot program, the Department shall assist community 156617
schools established under Chapter 3314. of the Revised Code in 156618
providing transportation services to their students in those 156619

school years. 156620

Section 733.70. (A) The Department of Education and 156621
Workforce shall evaluate each sponsor of a community school 156622
pursuant to section 3314.016 of the Revised Code for the 2025- 156623
2026 school year. Each sponsor's rating for that school year 156624
shall determine the sponsor's evaluation cycle under division 156625
(B) (6) (b) of that section. 156626

(B) As the Office of Ohio School Sponsorship established 156627
under section 3314.029 of the Revised Code assumes sponsorship 156628
of Alternative Education Academy, also known as OHDELA, pursuant 156629
to a settlement agreement with the community school effective 156630
July 1, 2025, the Department shall not include the school when 156631
calculating the academic component of the Office's sponsor 156632
evaluation for the 2025-2026 and 2026-2027 school years. If the 156633
Office continues to sponsor the school after the 2026-2027 156634
school year, the Department shall include the school when 156635
calculating the academic component of the Office's evaluation. 156636

Section 733.80. (A) The Director of Education and 156637
Workforce shall establish a workgroup on student transportation. 156638
The workgroup shall consist of members selected by the Director 156639
and shall include representatives from each of the following: 156640

(1) The chairpersons of the standing committees of the 156641
House of Representatives and the Senate that consider primary 156642
and secondary education legislation; 156643

(2) The ranking members of the standing committees of the 156644
House of Representatives and the Senate that consider primary 156645
and secondary education legislation; 156646

(3) School districts, including districts from rural, 156647
small town, suburban, and urban typologies; 156648

(4) Career-technical education centers;	156649
(5) Educational service centers;	156650
(6) Community schools established under Chapter 3314. of the Revised Code;	156651 156652
(7) Chartered nonpublic schools;	156653
(8) The Ohio Association for Pupil Transportation.	156654
(B) The workgroup shall do both of the following:	156655
(1) Monitor and review the student transportation system during the 2025-2026 school year and develop recommendations for changes to better meet the transportation needs of Ohio students;	156656 156657 156658 156659
(2) Conduct a study of and develop recommendations regarding the feasibility of each school district board of education providing transportation to students enrolled in a community school or nonpublic school on days that the community school or nonpublic school is open for operation with students in attendance but the school district is not open for operation with students in attendance on that day.	156660 156661 156662 156663 156664 156665 156666
(C) Not later than June 30, 2026, the workgroup shall submit to the Governor and the General Assembly, in accordance with section 101.68 of the Revised Code, a report on its findings and recommendations. Upon submission of the report, the workgroup shall cease to exist.	156667 156668 156669 156670 156671
Section 735.10. This act first applies to the nomination of candidates for the office of member of the State Board of Education and the office of member of a board of education, and the election of those nominees at the following general election, beginning with the next primary election held in an	156672 156673 156674 156675 156676

even-numbered year that is held at least one hundred twenty days 156677
after the effective date of this section. 156678

Section 737.10. (A) The Director of Environmental 156679
Protection shall conduct a review to assess the motor vehicle 156680
inspection and maintenance program that is implemented in 156681
accordance with section 3704.14 of the Revised Code. The 156682
Director shall include all of the following in the review: 156683

(1) A determination of the necessity of the program; 156684

(2) An evaluation of whether each county that is subject 156685
to the program during the prior calendar year has achieved, and 156686
has the ability to maintain, compliance with federal ozone 156687
standards without implementation of the program in that county. 156688
The evaluation shall include the most recent air quality 156689
monitoring data and predictive modeling of future compliance. 156690

(3) An analysis of whether a revision to Ohio's state 156691
implementation plan could be submitted to the United States 156692
Environmental Protection Agency to discontinue the program while 156693
maintaining compliance with national ambient air quality 156694
standards. If the Director's analysis finds that compliance may 156695
be achieved without participation in the program, the Director 156696
shall formally submit a request to the United States 156697
Environmental Protection Agency for reconsideration of the 156698
program's implementation in affected regions. 156699

(4) After proper monitoring, an analysis of weather 156700
patterns over northeast Ohio and the entire great lakes region 156701
with respect to how those patterns impact ozone levels, air 156702
circulation, and overall emissions. The analysis shall include a 156703
review of temperature inversions, seasonal variations, and other 156704
meteorological factors that could contribute to emissions 156705

buildup or dispersion. The analysis also shall evaluate current 156706
ozone levels and how such weather patterns affect compliance 156707
status with the national ambient air quality standards. 156708

(5) Any potential alternative measures for maintaining air 156709
quality if the program is altered or discontinued. 156710

(B) Not later than eighteen months after the effective 156711
date of this section, the Director shall compile the findings of 156712
the review into a report. The Director shall submit the report 156713
to the General Assembly and make the report available to the 156714
public on the Environmental Protection Agency's web site. 156715

Section 737.30. Not later than ninety days after the 156716
effective date of this section, the Director of Health shall 156717
adopt rules in accordance with Chapter 119. of the Revised Code 156718
to implement division (A) (22) of section 3718.02 of the Revised 156719
Code. 156720

Section 739.10. AMBULANCE REIMBURSEMENT UNDER HEALTH 156721
BENEFIT PLANS 156722

The amendment by this act of section 3902.51 of the 156723
Revised Code applies to health benefit plans that are issued, 156724
renewed, or modified in this state on or after the effective 156725
date of this section. 156726

Section 741.10. (A) As used in this section, 156727
"contributions," "contributory employer," "payments in lieu of 156728
contributions," and "wages" have the same meanings as in section 156729
4141.01 of the Revised Code. 156730

(B) Except as provided in division (E) of this section, 156731
the Director of Job and Family Services shall, in accordance 156732
with division (C) of this section, collect a technology and 156733
customer service fee from all contributory employers and all 156734

nonprofit organizations, or groups of such organizations, that 156735
elect to become liable for payments in lieu of contributions 156736
under section 4141.241 of the Revised Code. 156737

(C) (1) The Director shall collect a technology and 156738
customer service fee of not more than fifteen-hundredths of one 156739
per cent of wages per employee subject to this chapter from each 156740
contributory employer. The Director shall collect any fee due 156741
under this section from a contributory employer at the same time 156742
and in the same manner as contributions due under section 156743
4141.25 of the Revised Code. 156744

(2) At the time a nonprofit organization, or group of such 156745
organizations, that elects to become liable for payments in lieu 156746
of contributions files or renews a surety bond with the Director 156747
in accordance with division (C) of section 4141.241 of the 156748
Revised Code, the Director shall collect a technology and 156749
customer service fee of not more than thirteen dollars and fifty 156750
cents from the organization or group of organizations. 156751

(D) Technology and customer service fees collected under 156752
this section shall be paid into the Unemployment Compensation 156753
Special Administrative Fund established in section 4141.11 of 156754
the Revised Code. 156755

(E) The technology and customer service fee required under 156756
this section applies only to the period beginning December 31, 156757
2025, and ending December 31, 2027. 156758

Section 745.10. (A) As used in this section: 156759

(1) "Classic motor vehicle" has the same meaning as in 156760
section 4517.021 of the Revised Code. 156761

(2) "Auctioned at no reserve" means an auction format in 156762
which the seller or an agent of the seller does not reserve the 156763

right to any of the following: 156764

(a) Establishing a stated minimum bid; 156765

(b) Rejecting or accepting any or all bids; 156766

(c) Withdrawing the vehicle at any time prior to the 156767
completion of the auction by the auctioneer. 156768

(3) "Auction firm" and "auction services" have the same 156769
meanings as in section 4707.01 of the Revised Code. 156770

(B) Beginning on the effective date of this section 156771
through August 1, 2026, a person auctioning classic motor 156772
vehicles is exempt from the vehicle auction-related requirements 156773
and prohibitions of Chapter 4517. of the Revised Code, provided 156774
all of the following apply: 156775

(1) All of the vehicles that will be auctioned are classic 156776
motor vehicles; 156777

(2) One or more of the vehicles will be auctioned on 156778
behalf of a nonprofit organization that is exempt from federal 156779
income taxation under section 501(c)(3) of the Internal Revenue 156780
Code and that is located in Ohio; 156781

(3) Not less than three-fourths of the vehicles will be 156782
auctioned at no reserve; 156783

(4) The auction will last not more than three days; 156784

(5) The auction will be held at an exposition center in 156785
the largest city by population in Ohio, according to the most 156786
recent federal decennial census; 156787

(6) The person requests and receives permission for the 156788
auction from the Registrar of Motor Vehicles in accordance with 156789
division (C) of this section. 156790

(C) (1) Not less than thirty days prior to the proposed date of the auction, the person intending to host an auction in accordance with division (B) of this section shall file an application requesting approval for the auction with the Registrar that contains all of the following:

- (a) The person's name and business address;
- (b) The location of the auction;
- (c) Evidence, sufficient to satisfy the Registrar, that the person does not exclusively sell motor vehicles;
- (d) Any necessary, reasonable, and relevant information that the Registrar may require to verify compliance with this section.

(2) The application shall be signed and sworn to by the applicant.

(D) The person hosting an auction in accordance with division (B) of this section shall do all of the following:

- (1) Auction any classic motor vehicle to the general public for the legal owner of the vehicle, of which ownership must be evidenced at the time of the auction by a valid certificate of title issued pursuant to Chapter 4505. of the Revised Code;
- (2) Keep a record of the following information for each classic motor vehicle offered for sale at the auction, in a manner prescribed by the Registrar:
 - (a) The certificate of title number, county, and state of registration;
 - (b) The year, make, model, and vehicle identification

number; 156818

(c) The name and address of the person offering the vehicle for sale; 156819
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(d) The name and address of any vehicle purchaser; 156821

(e) The date the vehicle is offered for sale; 156822

(f) Any purchase price; 156823

(g) The odometer reading at the time of the auction and an odometer statement from the person offering the vehicle for sale at auction that complies with 49 U.S.C. 32705. 156824
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(3) Allow reasonable inspection by the Registrar of the person's records relating to each classic motor vehicle auctioned. 156827
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(E) Any person who auctions classic motor vehicles under this section shall use the auction services of an auction firm to conduct the auction. 156830
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(F) The Registrar may refuse permission to hold an auction if the Registrar finds that the parameters of the auction do not comply with division (B) of this section or that the applicant made a false statement of a material fact in the application filed under division (C) of this section. 156833
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(G) The Registrar shall not authorize a person licensed under section 4707.072 of the Revised Code to offer auction services or act as an auctioneer in regard to an auction of classic motor vehicles pursuant to this section. 156838
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Section 751.30. (A) (1) The Child Care Provider Recruitment and Mentorship Grant Program is created in the Department of Children and Youth. Under the program, the Department shall 156842
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award grants to eligible organizations for the following 156845
purposes: 156846

(a) To increase, through recruitment efforts, Ohio's 156847
supply of licensed child care providers, including at least one 156848
hundred twenty new family child care homes, especially in areas 156849
or communities of the state most in need of such care; 156850

(b) To assist entities and individuals recruited under the 156851
program in establishing and operating child care businesses and 156852
adopting business practices to best serve the needs of Ohio's 156853
families. 156854

(2) The Department shall operate the program described in 156855
division (A) (1) of this section until July 1, 2027. 156856

(3) Each grant recipient shall do all of the following 156857
over the course of the recipient's grant period: 156858

(a) With the assistance of the Department and relevant 156859
stakeholders, identify and recruit entities and individuals 156860
interested in operating family child care homes, in particular, 156861
in areas and communities with limited access to such homes; 156862

(b) Partner with prospective child care providers to 156863
assist them in developing and implementing child care business 156864
models; 156865

(c) Assist prospective child care providers in obtaining 156866
licensure under Chapter 5104. of the Revised Code; 156867

(d) Mentor licensed child care providers in such topics as 156868
operating, maintaining, and expanding child care businesses. 156869

(B) An organization seeking a program grant shall apply to 156870
the Department in the manner prescribed by the Department. To be 156871
eligible for a program grant, an applicant shall demonstrate 156872

that it is able to do all of the following: 156873

(1) In collaboration with the Department and relevant stakeholders, plan, staff, and hold events, either in-person or virtually, to identify and recruit prospective child care providers; 156874
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(2) Develop informational materials to assist licensed child care providers with marketing, advertising, and outreach; 156878
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(3) Establish a software platform, with a customizable dashboard, that may be accessed by licensed child care providers to assist them with tasks such as marketing their businesses, enrolling children, communicating with families, billing for services, and reporting expenses; 156880
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(4) Offer and provide coaching and training to child care staff employed by licensed child care providers, which may include in-person, group training sessions, on-site coaching visits, community forums, and other events; 156885
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(5) Perform any other activity the Department considers relevant. 156889
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The Department shall review each application it receives under this section. After receiving an application it considers complete, the Department shall determine whether the applicant meets the eligibility conditions described in this division. If the eligibility conditions are met, and subject to available funds, the Department shall award a grant to the recipient. Each grant shall expire at the close of fiscal year 2027. 156891
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(C) The Department shall require each grant recipient, as a condition of continued funding, to submit to the Department on a periodic basis reports describing the recipient's progress in partnering with, assisting, and mentoring prospective and 156898
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licensed child care providers, in particular the number and 156902
content of trainings offered by the recipient, the types of 156903
software or web site platforms the recipient makes available to 156904
child care providers, and any other information the Department 156905
considers necessary. The reports shall be completed and 156906
submitted in the manner and at the intervals prescribed by the 156907
Department. 156908

Section 751.70. Not later than December 31, 2027, the 156909
Auditor of State shall conduct a performance and fiscal audit of 156910
the Department of Medicaid's next generation system. The Auditor 156911
of State shall submit a copy of the audit report to the 156912
Executive Director of the Joint Medicaid Oversight Committee. 156913

In conducting the audit under this section, the Auditor of 156914
State may examine any of the following components of the system: 156915

- (A) The Provider Network Management; 156916
- (B) The Ohio Medicaid Enterprise System; 156917
- (C) The Ohio Resilience Through Integrated Systems and 156918
Excellence (OhioRISE) Program; 156919
- (D) The Electronic Data Interchange; 156920
- (E) The Medicaid state pharmacy benefit manager that was 156921
selected in accordance with section 5167.24 of the Revised Code; 156922
- (F) Centralized Provider Credentialing; 156923
- (G) Prior authorization requirements; 156924
- (H) Issues with late payments to Medicaid providers; 156925
- (I) Any other aspects of the system that the Auditor of 156926
State considers relevant. 156927

Section 751.80. PRIVATE INSURANCE OUTREACH PROGRAM 156928

During Fiscal Year 2027, the Department of Medicaid shall 156929
create and administer an outreach program to provide 156930
information, awareness, and assistance to Medicaid recipients to 156931
help them transition from Medicaid to private insurance. 156932

Section 751.90. HIGH-THC CANNABIS IMPACT RESEARCH STUDY 156933

(A) As used in this section, "cannabis" and "THC" have the 156934
same meanings as in section 3780.01 of the Revised Code. 156935

(B) The Department of Behavioral Health, in collaboration 156936
with the Department of Commerce, shall conduct a study in 156937
partnership with a qualified Ohio public university, public 156938
safety agency, or research consortium selected by the Department 156939
of Behavioral Health to assess the potential health risks and 156940
benefits of cannabis and hemp-derived product use and to review 156941
state-level program evaluations from other states and peer- 156942
reviewed research regarding the following: 156943

(1) Physical, behavioral, cognitive, and 156944
neurodevelopmental effects of chronic or early use of high- 156945
potency THC cannabis products, particularly among individuals 156946
under the age of twenty-five; 156947

(2) Cannabis-induced psychosis and schizophrenia; 156948

(3) Cannabis hyperemesis syndrome; 156949

(4) The relationship between cannabis use and depression, 156950
anxiety, suicidal ideation, completed suicides, and cannabis use 156951
disorder; 156952

(5) The relationship between cannabis use and cognitive 156953
and neurodevelopmental impairments such as decline in memory and 156954
executive functioning; 156955

(6) Disproportionate impacts of cannabis use on vulnerable 156956

populations, including youth, pregnant women, unborn children,
and individuals with a history of trauma or mental illness; 156957
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(7) The relationship between cannabis use and IQ loss; 156959

(8) Recommended guidelines for potency and usage. 156960

(C) The Department of Behavioral Health shall submit two 156961
reports to the Governor and the General Assembly in accordance 156962
with section 101.68 of the Revised Code and shall publish a copy 156963
of each report on the Department's web site. The initial report 156964
shall be submitted by June 30, 2026, and the final report shall 156965
be submitted by June 30, 2027. Each report shall include the 156966
following: 156967

(1) A comparative analysis of THC regulations, potency 156968
limits, and health outcomes from other states' cannabis 156969
programs; 156970

(2) A synthesis of peer-reviewed research and reputable 156971
state program data; 156972

(3) Recommendations for cannabis regulation, prevention 156973
education, public education campaigns, and outreach efforts for 156974
stakeholders such as the General Assembly, state agencies, 156975
employers, educators, and the general public. 156976

(D) The Department of Behavioral Health shall seek the 156977
input of the following as necessary to complete the report 156978
required by division (C) of this section: 156979

(1) The Department of Health; 156980

(2) RecoveryOhio; 156981

(3) The Bureau of Workers' Compensation; 156982

(4) The Department of Public Safety; 156983

(5) The Attorney General;	156984
(6) The State Medical Board;	156985
(7) The Ohio High Intensity Drug Trafficking Area;	156986
(8) Prevention consultants certified by the Chemical Dependency Professionals Board;	156987 156988
(9) Children's hospitals.	156989
Section 751.100. PLACEMENT OF CHILDREN IN GROUP HOMES	156990
(A) As used in this section, "group home" has the same meaning as "group home for children" in section 5103.05 of the Revised Code.	156991 156992 156993
(B) The operator of a group home shall not displace a child who is placed in the group home as of the effective date of this section in order to comply with the ratio requirements established in rules adopted under division (B) (3) of section 5103.0520 of the Revised Code. The operator shall not accept the placement of additional children until the group home has complied with the ratio requirements.	156994 156995 156996 156997 156998 156999 157000
Section 751.111. MONITORING OF FEDERAL MEDICAID CHANGES	157001
(A) The Department of Medicaid shall monitor and track legislative enactments from the 119th Congress, including any federal policy changes related to the Medicaid program. As part of this monitoring and tracking, the Department shall identify state flexibilities, authorities, and requirements relating to program integrity, eligibility, accountability, and efficiency in the Medicaid program, including all of the following:	157002 157003 157004 157005 157006 157007 157008
(1) Changes related to presumptive eligibility determinations made by hospitals;	157009 157010

(2) The establishment of work requirements as a condition 157011
of continued participation in the Medicaid program; 157012

(3) The establishment of new responsibilities on Medicaid 157013
enrollees as a condition of continued participation in the 157014
Medicaid program, such as cost sharing requirements or program 157015
premiums. 157016

(B) If the Department identifies federal legislative or 157017
policy changes, the Department shall conduct a feasibility study 157018
regarding implementation of those changes. The study shall 157019
evaluate the administrative costs related to implementing 157020
changes, the level of effort and staffing resources needed to 157021
implement and operate the changes, the necessary timeframe for 157022
implementing the changes, and the estimated savings and costs 157023
for implementing the changes. 157024

(C) The Department shall prepare and submit a report to 157025
the Joint Medicaid Oversight Committee related to its findings 157026
and recommendations that result from any feasibility study 157027
conducted under this section. 157028

Section 751.120. The Department of Medicaid shall conduct 157029
a request for information to study the feasibility of requiring 157030
Medicaid managed care organizations to conduct internal data 157031
cross checks. 157032

Section 751.130. (A) It is the intent of this state and 157033
the General Assembly to create a sustainable developmental 157034
disabilities service system grounded in quality, efficiency, and 157035
accountability that ensures access to high-quality supports for 157036
individuals with developmental disabilities now and in the 157037
future. 157038

(B) The General Assembly shall establish a Legislative 157039

Committee on the Sustainability of the Developmental 157040
Disabilities Service System, comprised of legislators and 157041
supported by state agencies, individuals with developmental 157042
disabilities, families of individuals with developmental 157043
disabilities, service providers, and other stakeholders. The 157044
committee shall develop a System Efficiency and Sustainability 157045
Plan to guide the modernization and long-term viability of 157046
Ohio's developmental disability service system. The plan shall 157047
do the following: 157048

(1) Evaluate the current system structure, financing 157049
mechanisms, and service delivery models to identify reforms that 157050
improve efficiency, equity, and alignment with statewide goals; 157051

(2) Assess the adequacy, composition, and distribution of 157052
the provider network, including analysis of provider capacity, 157053
provider type, service deserts, and unmet needs across 157054
populations and regions; 157055

(3) Examine the continuum of care to determine whether the 157056
current system supports the full range of needs, including 157057
access to specialized services and supports for individuals with 157058
complex medical, behavioral, or forensic profiles; 157059

(4) Review case management and coordination practices and 157060
explore the feasibility of alternative payment structures, such 157061
as per member per month or value based, that reward quality, 157062
outcomes, and system stewardship; 157063

(5) Identify and recommend strategies to reduce 157064
fragmentation and streamline funding, with the goal of improving 157065
coordination and reducing administrative burden; 157066

(6) Analyze the impact of unfunded mandates, compliance 157067
costs, and regulatory complexity on providers and the 157068

sustainability of service delivery;	157069
(7) Develop a rate methodology that reflects the actual costs of service provision, including costs associated with compliance, training, quality expectations, and the unique needs of specific populations;	157070 157071 157072 157073
(8) Promote innovation and cost-effective practices, including the use of technology such as telehealth, remote supports, and electronic health records, to enhance outcomes and reduce reliance on high-cost services;	157074 157075 157076 157077
(9) Develop statewide quality and system performance measures that promote person-centered outcomes, accountability, and continuous improvement.	157078 157079 157080
(C) The Committee shall be composed of the following four members, appointed as follows:	157081 157082
(a) One member of the House of Representatives appointed by the Speaker of the House of Representatives;	157083 157084
(b) One member of the House of Representatives appointed by the Minority Leader of the House of Representatives;	157085 157086
(c) One member of the Senate appointed by the President of the Senate;	157087 157088
(d) One member of the Senate appointed by the Minority Leader of the Senate.	157089 157090
(D) The Committee shall collaborate with the following stakeholders to create the System Efficiency and Sustainability Plan:	157091 157092 157093
(1) The Department of Medicaid;	157094
(2) The Department of Youth Services;	157095

(3) The Department of Health;	157096
(4) County boards of developmental disabilities;	157097
(5) The Ohio Provider Resource Association;	157098
(6) The Ohio Health Care Association;	157099
(7) The Ohio Association of County Boards of Developmental Disabilities;	157100 157101
(8) Individuals with developmental disabilities;	157102
(9) Family members of individuals with developmental disabilities;	157103 157104
(10) Independent providers of services to individuals with developmental disabilities;	157105 157106
(11) Agency providers of services to individuals with developmental disabilities;	157107 157108
(12) Advocacy and self-advocacy organizations;	157109
(13) Any other stakeholders identified by the Department of Developmental Disabilities.	157110 157111
(E) By June 30, 2026, the Committee shall submit the final System Efficiency and Sustainability Plan to the Joint Medicaid Oversight Committee and the General Assembly in accordance with section 101.68 of the Revised Code.	157112 157113 157114 157115
(F) The Committee ceases to exist on the submission of the report described in division (B) of this section.	157116 157117
Section 751.140. (A) (1) The Department of Job and Family Services shall conduct an analysis of the public assistance programs it administers, including the funding for those programs, to identify opportunities to do all of the following:	157118 157119 157120 157121

(a) Prioritize employment as the primary way to satisfy 157122
work requirements in public assistance programs and make 157123
training and education opportunities secondary objectives; 157124

(b) Help public assistance recipients obtain meaningful 157125
employment; 157126

(c) Meet local workforce needs. 157127

(2) As part of its analysis, the Department may consider 157128
state and federal regulations that conflict with the 157129
Department's ability to successfully fulfill the requirements of 157130
this section. 157131

(B) After conducting the analysis described in division 157132
(A) of this section, the Department shall develop a strategic 157133
plan to increase the number of individuals receiving public 157134
assistance benefits that are employed. The plan may include 157135
funding recommendations, including the reallocation of resources 157136
related to work supports, work stabilization services, and 157137
infrastructure for individualized case management in all 157138
counties. 157139

(C) Not later than July 1, 2026, the Department shall 157140
prepare and submit a report to the General Assembly in 157141
accordance with section 101.68 of the Revised Code regarding the 157142
analysis conducted and strategic plan established under this 157143
section. 157144

Section 757.10. The amendment by this act of section 157145
5747.05 of the Revised Code is intended to clarify the meaning 157146
of that section as it existed before the effective date of this 157147
section and is not intended to change the meaning in any way. 157148

Section 757.20. The amendment by this act of section 157149
5747.40 of the Revised Code is intended to clarify the meaning 157150

of that section as it existed prior to the effective date of 157151
this section. It is not intended to change the meaning of 157152
section 5747.40 of the Revised Code in any way. 157153

Section 757.40. BUSINESS INCENTIVE TAX CREDITS 157154

In order to facilitate an understanding of business 157155
incentive tax credits, as defined in section 107.036 of the 157156
Revised Code, the following table provides an estimate of the 157157
amount of credits that may be authorized in each fiscal year of 157158
the 2026-2027 biennium, an estimate of the credits expected to 157159
be claimed in each fiscal year of that biennium, and an estimate 157160
of the amount of credits authorized that will remain outstanding 157161
at the end of that biennium. In totality, this table provides an 157162
estimate of the state revenue forgone due to business incentive 157163
tax credits in the 2026-2027 biennium and future bienniums. 157164
157165

	1	2	3	4	5	6
A	Biennial Business Incentive Tax Credit Estimates					
	(All Figures in Thousands of Dollars)					
B		Estimate of total value of tax credits authorized	Estimate of tax credits issued/claimed	Expected Out- standing Credits		
C	Tax Credit	FY 2026	FY 2027	FY 2026	FY 2027	End of Biennium
D	Job Creation	\$170,000	\$175,000	\$139,200	\$145,000	\$705,000
E	Job Retention	\$0	\$0	\$15,300	\$10,710	\$23,000

F	Historic Preservation	\$60,000	\$60,000	\$122,300	\$86,100	\$372,000
G	Film	\$50,000	\$50,000	\$40,000	\$35,000	\$100,000
H	Film and Theatre	\$25,000	\$25,000	\$15,000	\$25,000	\$70,000
I	New Markets	\$10,000	\$10,000	\$7,500	\$7,500	\$46,000
J	R&D Loan	\$0	\$0	\$0	\$0	\$5,000
K	InvestOhio Program	\$5,000	\$5,000	\$3,750	\$3,750	\$7,500
L	Ohio Rural Business Growth	\$0	\$0	\$18,750	\$18,750	\$7,500
M	Ohio Opportunity Zone	\$25,000	\$25,000	\$25,000	\$25,000	\$0
N	Transformational Mixed-Use Development	\$0	\$0	\$136,200	\$110,600	\$237,500

Section 757.60. The amendment by this act of division (I) 157166
of section 5747.08 of the Revised Code and section 5747.39 of 157167
the Revised Code is intended to clarify the meaning of those 157168
sections as they existed before the effective date of this 157169
section and is not intended to change their meaning in any way. 157170

Section 757.90. (A) (1) The amendment by this act of 157171
division (A) of section 5715.19 of the Revised Code is intended 157172
to be a remedial measure and applies to original complaints 157173
filed on or after the effective date of this section. 157174

(2) The amendment by this act of division (B) of section 157175

5715.19 of the Revised Code is intended to be a remedial measure 157176
and applies to tax year 2022 and after. 157177

(3) The amendment or enactment by this act of division (I) 157178
of section 5715.19 of the Revised Code applies to agreements 157179
entered into on or after the effective date of this section. 157180

(4) The enactment by this act of division (K) of section 157181
5715.19 of the Revised Code applies to original complaints filed 157182
on or after the effective date of this section. 157183

(B) The amendment by this act of section 5717.01 of the 157184
Revised Code is intended to be a remedial measure and applies to 157185
any appeal taken from a decision of a board of revision rendered 157186
on or after July 21, 2022, except that the amendment of that 157187
section prohibiting an appeal by a third party complainant, as 157188
defined in section 5715.19 of the Revised Code, applies to any 157189
appeal taken from a board of revision decision rendered on or 157190
after the effective date of this section. 157191

Section 757.110. Notwithstanding section 5705.316 of the 157192
Revised Code, each county budget commission or, if applicable, 157193
joint budget commission, shall convene not later than October 157194
31, 2025, to proceed as described in that section. At that 157195
meeting, the commission shall review the certification required 157196
for fiscal year 2025 under section 5705.36 of the Revised Code 157197
for each city, local, or exempted village school district in the 157198
county. If the carry-over balance in a district's general 157199
operating budget exceeds fifty per cent of the district's 157200
general fund expenditures made in that fiscal year, the 157201
commission shall reduce the rate of, or the annual amount of 157202
money to be raised by, any or all of the current expense taxes 157203
levied by the district for tax year 2025 to the extent described 157204
in section 5705.316 of the Revised Code. A board may, by 157205

resolution certified to the commission on or before October 1, 157206
2025, designate an amount of the district's carry-over balance 157207
as reserved for current or future permanent improvements 157208
expenditures, and the commission shall not consider the 157209
designated amount as described in that section. If such funds 157210
are not expended as designated within those three years, the 157211
commission shall consider them as a part of the carry-over 157212
balance in all subsequent years. 157213

This section does not apply to an island school district 157214
or a joint state school district. 157215

Section 757.120. (A) The Tax Commissioner shall not make 157216
adjustments in 2025 or 2026 to the income amounts in divisions 157217
(A) (2) and (3) of section 5747.02 of the Revised Code, as 157218
otherwise required by division (A) (5) of that section, or make 157219
adjustments in 2025 or 2026 to the personal exemption amounts 157220
prescribed in division (A) of section 5747.025 of the Revised 157221
Code, as otherwise required by divisions (B) and (C) of that 157222
section. 157223

(B) Notwithstanding any rule adopted pursuant to section 157224
5747.06 of the Revised Code, the Tax Commissioner shall adjust 157225
the income tax withholding rate tables published pursuant to 157226
those rules to reflect all amendments to the income tax rates 157227
prescribed in section 5747.02 of the Revised Code, as amended by 157228
this act, such that not more than one hundred million dollars in 157229
General Revenue Fund revenue is forgone in fiscal year 2026 and 157230
not more than two hundred fifteen million dollars in General 157231
Revenue Fund revenue is forgone in fiscal year 2027 as the 157232
result of such adjustments. 157233

Section 757.130. The amendment by this act of sections 157234
323.152 and 4503.065 of the Revised Code applies, in the case of 157235

property on the real property tax list, to tax year 2025 and, in 157236
the case of property on the manufactured home tax list, to tax 157237
year 2026. 157238

The Tax Commissioner shall not make adjustments for tax 157239
year 2025 or 2026 to the income threshold and reduction amounts 157240
described in divisions (A) (1) (b) (iii), (A) (1) (c) (i), (A) (2), and 157241
(A) (3) of section 323.152 of the Revised Code, as otherwise 157242
required by division (A) (1) (d) of that section, or make 157243
adjustments for tax year 2026 or 2027 to the income threshold 157244
and reduction amounts described in divisions (A) (2) (a) (iii), (A) 157245
(2) (c) (iii), (A) (2) (b) (i), (A) (2) (d) (i), (B) (1), (B) (2), (C) (1), 157246
and (C) (2) of section 4503.065 of the Revised Code, as otherwise 157247
required by division (A) (2) (e) of that section. 157248

Section 757.140. The owner of a tax credit certificate 157249
issued under section 122.852 of the Revised Code, as it existed 157250
prior to that section's repeal by this act, may claim the credit 157251
in the manner prescribed in that section and sections 5726.59, 157252
5747.67, and 5751.55 of the Revised Code, as those sections 157253
existed prior to their repeal by this act. 157254

Section 757.150. (A) For the first year in which the 157255
property tax relief screening system established under section 157256
5703.83 of the Revised Code is operational, notwithstanding 157257
division (C) (3) of section 323.153 or division (B) (2) of section 157258
4503.066 of the Revised Code, no charges, penalties, or interest 157259
shall be imposed against a parcel of real property or a 157260
manufactured or mobile home based on a determination under the 157261
property tax relief screening system that the parcel or home 157262
received one or more reductions for which the parcel or home was 157263
not eligible, except if the county auditor determines that the 157264
parcel or home's reduction was procured through fraud, a false 157265

statement, or a knowing omission as described in divisions (D), 157266
(E), or (F) of section 323.153 or divisions (C), (D), or (E) of 157267
section 4503.066 of the Revised Code. The county auditor and 157268
county treasurer shall disqualify such ineligible parcels and 157269
homes from receiving the reduction or reductions beginning with 157270
the tax year in which the county auditor makes a final 157271
determination that the parcel or home is not eligible for such 157272
reduction or reductions. 157273

(B) A county treasurer shall ensure that any tax bill 157274
issued under section 323.13 or 4503.06 of the Revised Code in 157275
that year for a parcel receiving the reduction in taxes 157276
authorized under division (A) or (B) of section 323.152 or 157277
section 4503.065 of the Revised Code, as applicable to the 157278
parcel, clearly informs the owner of the eligibility 157279
requirements for that applicable reduction and notifies the 157280
owner of the one-year amnesty for self-reporting improper 157281
receipt of the reduction provided under division (A) of this 157282
section. 157283

Section 759.10. The Director of Veterans Services shall 157284
investigate potential sites for the construction of a state 157285
veterans home in or near the Columbus metropolitan area and 157286
issue a report on the Director's findings to the General 157287
Assembly in accordance with section 101.68 of the Revised Code 157288
and to the Governor no later than September 30, 2026. 157289

The report shall include an evaluation of all relevant 157290
grant approval criteria for priority-one grant funding under the 157291
State Veterans Home Construction Grant Program operated by the 157292
United States Department of Veterans Affairs and authorized 157293
under 38 U.S.C. 8131 to 8137 and regulated under 38 C.F.R. part 157294
59. The report also shall include an estimate of the state's 157295

share of facility construction and land acquisition costs under	157296
the grant program for each site.	157297
Section 801.10. Section 4141.29 of the Revised Code, as	157298
amended by this act, applies to valid applications for	157299
determination of benefit rights filed on or after the effective	157300
date of this section.	157301
Section 801.20. (A) The amendment by this act of division	157302
(A) (18) of section 5747.01 of the Revised Code is intended to	157303
clarify the meaning of that division as it existed before the	157304
effective date of this section and is not intended to change its	157305
meaning in any way.	157306
(B) The amendment by this act of division (S) (14) of	157307
section 5747.01 of the Revised Code applies to taxable years	157308
beginning on and after January 1, 2025.	157309
(C) The amendment by this act of divisions (A) (21) and	157310
(31) of section 5747.01 of the Revised Code applies to taxable	157311
years ending on or after the effective date of this section.	157312
Section 801.40. The amendment by this act of section	157313
5747.09 and division (C) of section 5747.43 of the Revised Code	157314
applies to taxable years beginning on or after January 1, 2025.	157315
Section 801.60. The repeal and reenactment by this act of	157316
section 3780.22 of the Revised Code applies on and after July 1,	157317
2025.	157318
Section 801.70. The amendment by this act of sections	157319
5748.02, 5748.021, 5748.04, 5748.08, and 5748.09 of the Revised	157320
Code involving notice to the tax commissioner applies to	157321
resolutions adopted under sections 5748.02, 5748.021, 5748.08,	157322
and 5748.09 and petitions filed under section 5748.04 of the	157323
Revised Code on or after the effective date of those amendments.	157324

Section 801.90. The amendment by this act of division (B) 157325
of section 5747.43 of the Revised Code applies to taxable years 157326
beginning on or after January 1, 2026. 157327

Section 801.100. The amendment by this act of sections 157328
5747.021, 5748.01, 5748.02, 5748.021, 5748.03, 5748.04, 5748.08, 157329
5748.081, and 5748.09 of the Revised Code involving eliminating 157330
school district income taxes on estates applies to any school 157331
district income tax, as defined in section 5748.01 of the 157332
Revised Code, in effect, levied, or renewed on or after January 157333
1, 2026. The amendments do not invalidate or modify any portions 157334
of a properly enacted tax in effect on that date, other than 157335
those applicable to estates. For any school district income tax 157336
in effect on that date, the school district is not required to 157337
adopt a new resolution or obtain voter approval for the tax in 157338
order to effectuate those amendments. 157339

Section 801.120. The amendment by this act of every 157340
portion except the changes to the withholding rate under 157341
sections 5747.062, 5747.063, and 5747.064 and sections 718.031, 157342
3123.89, 3123.90, 3770.071, 3770.072, 3770.073, 3770.10, 157343
3770.25, and 3775.16 of the Revised Code and the enactment by 157344
this act of sections 3770.074 and 3770.075 of the Revised Code 157345
apply to amounts deducted and withheld on or after January 1, 157346
2026. 157347

Section 801.130. The amendment by this act of section 157348
5747.071 of the Revised Code applies to withholding requests 157349
made under that section on or after January 1, 2027. 157350

Section 801.150. The enactment by this act of section 157351
5747.073 of the Revised Code applies to income tax withholding 157352
returns, reports, or payments filed or remitted on or after 157353
January 1, 2026. 157354

Section 801.160. The amendment by this act of section 157355
5739.07 of the Revised Code applies to refunds made pursuant to 157356
applications that are filed on or after the effective date of 157357
this section. 157358

Section 801.170. The amendment by this act of section 157359
5739.132 of the Revised Code applies to refunds allowed on and 157360
after the effective date of that amendment. 157361

Section 801.180. The amendment by this act of section 157362
5747.38 of the Revised Code applies to taxable years ending on 157363
or after January 1, 2025. 157364

Section 801.190. The amendment by this act of section 157365
718.01 of the Revised Code applies to taxable years ending on or 157366
after the effective date of this section. 157367

Section 801.210. The amendment by this act of division (A) 157368
(1) of section 5749.02 of the Revised Code applies to calendar 157369
quarters ending on or after the effective date of this section. 157370

Section 801.220. The amendment by this act of section 157371
3735.67 of the Revised Code applies to all agreements entered 157372
into under section 3735.671 of the Revised Code on or after 157373
January 1, 2025. The amendment by this act of section 3735.671 157374
of the Revised Code applies to agreements entered into under 157375
that section before, on, or after the effective date of this 157376
section. 157377

Section 801.240. The amendment by this act of division (B) 157378
(1) of section 5739.12 of the Revised Code applies to returns 157379
required to be filed on and after January 1, 2026. 157380

Section 801.250. (A) The amendment by this act of division 157381
(EE) of section 5747.01 of the Revised Code applies to taxable 157382
years beginning on and after January 1, 2026. 157383

(B) The amendment by this act of division (E) (7) of 157384
section 5751.01 of the Revised Code applies to tax periods 157385
beginning on and after January 1, 2026. 157386

Section 801.260. The amendment by this act of section 157387
5739.02 of the Revised Code, except division (B) (13) of that 157388
section, applies on and after January 1, 2026. 157389

Section 801.270. The amendment by this act of division (B) 157390
(8) of section 5739.01 of the Revised Code applies on and after 157391
January 1, 2026. 157392

Section 801.280. The amendment by this act of division (E) 157393
(1) of section 319.301 of the Revised Code applies to tax years 157394
beginning on or after the effective date of this section. 157395

Section 801.290. The amendment by this act of section 157396
5713.34 of the Revised Code applies to the conversion of land 157397
devoted exclusively to agricultural use, as defined in section 157398
5713.30 of the Revised Code, occurring on or after the effective 157399
date of this section. 157400

Section 801.300. The amendment by this act of sections 157401
133.18, 3318.06, 3318.061, 3318.062, 3318.063, 3318.36, 3318.45, 157402
5705.194, 5705.21, 5705.215, 5705.2111, and 5705.2113 of the 157403
Revised Code requiring two-thirds of a school board or other 157404
governing body to approve the submission of a tax levy to voters 157405
applies to elections held on or after the one hundredth day 157406
after the effective date of this section. 157407

Section 801.310. (A) Except as otherwise provided in 157408
Sections 801.70, 801.100, and 801.300 of this act, the amendment 157409
by this act of sections 133.18, 306.32, 306.322, 345.01, 345.03, 157410
345.04, 505.37, 505.48, 505.481, 511.28, 511.34, 513.18, 157411
755.181, 1545.041, 1545.21, 1711.30, 3311.50, 3318.01, 3318.06, 157412

3318.061, 3318.062, 3318.063, 3318.361, 3318.45, 3381.03, 157413
4582.024, 4582.26, 5705.01, 5705.03, 5705.17, 5705.21, 5705.212, 157414
5705.213, 5705.215, 5705.217, 5705.218, 5705.219, 5705.2111, 157415
5705.2114, 5705.233, 5705.25, 5705.251, 5705.261, 5705.55, 157416
5748.01, 5748.02, 5748.03, 5748.08, and 5748.09 of the Revised 157417
Code applies to elections held on or after January 1, 2026, 157418
except as otherwise provided in those amendments. 157419

(B) As used in this division, "former section 5705.192 of 157420
the Revised Code" means section 5705.192 of the Revised Code as 157421
it existed before the effective date of its repeal by this act. 157422

If a taxing authority, as defined in former section 157423
5705.192 of the Revised Code, acts under that section prior to 157424
its repeal by this act to replace an existing levy and submit 157425
the question to electors at an election held before January 1, 157426
2026, then a board of elections shall proceed to submit that 157427
question in accordance with that former section, notwithstanding 157428
the effective date of its repeal by this act. No replacement of 157429
a tax proposed under former section 5705.192 of the Revised Code 157430
shall be submitted to electors at an election held on or after 157431
January 1, 2026. 157432

Section 801.320. The amendment or enactment by this act of 157433
sections 307.696, 307.697, 4301.421, 5743.024, 5743.323, 157434
5743.511, 5743.621, and 5743.631 of the Revised Code applies to 157435
any proceedings commenced after the effective date of this 157436
section, and, so far as their provisions support the actions 157437
taken, also apply to proceedings that on that effective date are 157438
pending, in progress, or completed, notwithstanding the 157439
applicable law previously in effect or any provision to the 157440
contrary in a prior resolution, ordinance, order, advertisement, 157441
notice, or other proceeding. Any proceedings pending or in 157442

progress on that effective date of that amendment or enactment 157443
shall be deemed to have been taken in conformity with the 157444
amendment or enactment. 157445

Section 801.330. The amendment by this act of division (A) 157446
(43) of section 5747.01 of the Revised Code is remedial in 157447
nature and applies to taxable years beginning on or after 157448
January 1, 2024, including any petition for reassessment or 157449
appeal thereof pending on or after the effective date of this 157450
section. A taxpayer who previously added amounts under division 157451
(A) (43) of section 5747.01 of the Revised Code, as that division 157452
existed before the effective date of this section, may file an 157453
amended return to revise the addition consistent with the 157454
amendment by this act. Such amended returns must be filed within 157455
one year after the effective date of this section. 157456

Section 801.340. The amendment by this act of sections 157457
718.05 and 718.85 of the Revised Code applies to returns 157458
required to be filed on or after January 1, 2026. 157459

Section 801.350. The amendment by this act of division (L) 157460
of section 5739.01 of the Revised Code applies beginning the 157461
first day of the first month after the effective date of this 157462
section. 157463

Section 805.10. SEVERABILITY 157464

The items of law contained in this act, and their 157465
applications, are severable. If any item of law contained in 157466
this act, or if any application of any item of law contained in 157467
this act, is held invalid, the invalidity does not affect other 157468
items of law contained in this act and their applications that 157469
can be given effect without the invalid item of law or 157470
application. 157471

Section 810.10. NO EFFECT AFTER END OF BIENNIUM	157472
An item of law, other than an amending, enacting, or	157473
repealing clause, that composes the whole or part of an	157474
uncodified section contained in this act has no effect after	157475
June 30, 2027, unless its context clearly indicates otherwise.	157476
Section 820.10. Sections of this act prefixed with numbers	157477
in the 200s, 300s, 400s, and 500s of this act are exempt from	157478
the referendum under Ohio Constitution, Article II, Section 1d,	157479
and therefore take immediate effect when this act becomes law.	157480
Section 820.20. The amendment, enactment, or repeal by	157481
this act of the sections listed below is exempt from the	157482
referendum under Ohio Constitution, Article II, section 1d and	157483
section 1.471 of the Revised Code and therefore takes effect	157484
immediately when this act becomes law or, if a later effective	157485
date is specified below, on that date.	157486
Sections 131.51, 3302.03, 3310.41, 3319.51, 3780.02,	157487
3780.03, 3780.10, 3780.18, 3780.19, 3780.22, 3780.23, 3780.26,	157488
3780.30, 4743.05, 4927.01, 4927.22, 5119.211, 5124.15, 5709.93,	157489
and 5751.02 of the Revised Code.	157490
Section 820.30. SUBJECT TO REFERENDUM	157491
Except as otherwise provided in this act, the amendment,	157492
enactment, or repeal by this act of a section is subject to the	157493
referendum under Ohio Constitution, Article II, section 1c and	157494
therefore takes effect on the ninety-first day after this act is	157495
filed with the Secretary of State or, if a later effective date	157496
is specified below, on that date.	157497
Section 820.60. Sections 3312.01, 3312.02, 3312.03,	157498
3312.04, 3312.05, 3312.06, 3312.07, 3312.08, 3312.09, 3312.10,	157499
and 3312.13 of the Revised Code as amended, enacted, reenacted,	157500

and repealed by this act take effect on July 1, 2026. 157501

Section 820.70. Section 1547.54 of the Revised Code, as 157502
amended by this act, takes effect January 1, 2027. 157503

Section 820.80. Section 127.13 of the Revised Code as 157504
amended by this act take effect on January 1, 2026. 157505

Section 820.90. Section 2303.201 of the Revised Code as 157506
amended by this act takes effect six months after the effective 157507
date of this section. 157508

Section 820.100. Sections 3305.05 and 3305.053 of the 157509
Revised Code, as amended by this act, take effect one year after 157510
the effective date of this section. 157511

Section 820.110. Sections 107.032 to 107.034 of the 157512
Revised Code, as amended or enacted by Section 101.01 of this 157513
act, take effect July 1, 2026. 157514

Section 820.120. The enactment by this act of sections 157515
3313.902, 3314.38, and 3345.86 of the Revised Code takes effect 157516
July 1, 2026. 157517

Section 830.10. The General Assembly, applying the 157518
principle stated in division (B) of section 1.52 of the Revised 157519
Code that amendments are to be harmonized if reasonably capable 157520
of simultaneous operation, finds that the following sections, 157521
presented in this act as composites of the sections as amended 157522
by the acts indicated, are the resulting versions of the 157523
sections in effect prior to the effective date of the sections 157524
as presented in this act: 157525

Section 123.28 of the Revised Code as amended by both H.B. 157526
64 and H.B. 141 of the 131st General Assembly. 157527

Section 149.43 of the Revised Code as amended by H.B. 265, 157528

H.B. 315, S.B. 29, and S.B. 109, all of the 135th General Assembly.	157529 157530
Section 173.38 of the Revised Code as amended by both H.B. 110 and S.B. 217 of the 134th General Assembly.	157531 157532
Section 173.381 of the Revised Code as amended by both H.B. 110 and S.B. 217 of the 134th General Assembly.	157533 157534
Section 323.152 of the Revised Code as amended by both H.B. 33 and S.B. 43 of the 135th General Assembly.	157535 157536
Section 505.37 of the Revised Code as amended by both H.B. 315 and H.B. 496 of the 135th General Assembly.	157537 157538
Section 1901.31 of the Revised Code as amended by both H.B. 33 and S.B. 21 of the 135th General Assembly.	157539 157540
Section 2925.14 of the Revised Code as amended by both H.B. 29 and S.B. 95 of the 135th General Assembly.	157541 157542
Section 2929.12 of the Revised Code as amended by both H.B. 234 and H.B. 531 of the 135th General Assembly.	157543 157544
Section 2929.15 of the Revised Code as amended by H.B. 110, H.B. 281, and S.B. 288, all of the 134th General Assembly.	157545 157546
Section 3302.03 of the Revised Code as amended by both S.B. 104 and S.B. 168 of the 135th General Assembly.	157547 157548
Section 3314.03 of the Revised Code as amended by H.B. 8, H.B. 214, H.B. 250, S.B. 104, S.B. 168, S.B. 208, and S.B. 234, all of the 135th General Assembly.	157549 157550 157551
Section 3326.11 of the Revised Code as amended by H.B. 8, H.B. 47, H.B. 214, S.B. 104, S.B. 168, S.B. 208, and S.B. 234, all of the 135th General Assembly.	157552 157553 157554
Section 3328.24 of the Revised Code as amended by both	157555

S.B. 208 and S.B. 234 of the 135th General Assembly.	157556
Section 3517.11 of the Revised Code as amended by both H.B. 166 and S.B. 107 of the 133rd General Assembly.	157557 157558
Section 3701.79 of the Revised Code as amended by both H.B. 281 and S.B. 157 of the 134th General Assembly.	157559 157560
Section 4141.29 of the Revised Code as amended by both H.B. 49 and H.B. 158 of the 132nd General Assembly.	157561 157562
Section 4501.21 of the Revised Code as amended by both H.B. 315 and S.B. 163 of the 135th General Assembly.	157563 157564
Section 4503.065 of the Revised Code as amended by both H.B. 33 and S.B. 43 of the 135th General Assembly.	157565 157566
Section 4511.213 of the Revised Code as amended by both H.B. 95 and S.B. 127 of the 132nd General Assembly.	157567 157568
Section 4517.01 of the Revised Code as amended by both H.B. 33 and H.B. 195 of the 135th General Assembly.	157569 157570
Section 4725.48 of the Revised Code as amended by both H.B. 509 and S.B. 131 of the 134th General Assembly.	157571 157572
Section 4731.22 of the Revised Code as amended by both S.B. 95 and S.B. 109 of the 135th General Assembly.	157573 157574
Section 4751.20 of the Revised Code as amended by both H.B. 509 and S.B. 131 of the 134th General Assembly.	157575 157576
Section 4758.46 of the Revised Code as amended by both H.B. 113 and H.B. 230 of the 131st General Assembly.	157577 157578
Section 5101.35 of the Revised Code as amended by both H.B. 33 and S.B. 21 of the 135th General Assembly.	157579 157580
Section 5117.07 of the Revised Code as amended by both	157581

H.B. 283 and S.B. 3 of the 123rd General Assembly.	157582
Section 5122.03 of the Revised Code as amended by both H.B. 281 and S.B. 2 of the 134th General Assembly.	157583 157584
Section 5122.15 of the Revised Code as amended by both H.B. 7 and H.B. 281 of the 134th General Assembly.	157585 157586
Section 5123.169 of the Revised Code as amended by H.B. 263 of the 133rd General Assembly and S.B. 3 of the 134th General Assembly.	157587 157588 157589
Section 5123.41 of the Revised Code as amended by both H.B. 158 and H.B. 483 of the 131st General Assembly.	157590 157591
Section 5123.42 of the Revised Code as amended by both H.B. 158 and H.B. 483 of the 131st General Assembly.	157592 157593
Section 5739.01 of the Revised Code as amended by both H.B. 315 and S.B. 196 of the 135th General Assembly.	157594 157595
Section 5739.31 of the Revised Code as amended by both S.B. 143 and S.B. 200 of the 124th General Assembly.	157596 157597
Section 5747.01 of the Revised Code as amended by both H.B. 101 and S.B. 154 of the 135th General Assembly.	157598 157599
Section 6111.04 of the Revised Code as amended by both H.B. 49 and S.B. 2 of the 132nd General Assembly.	157600 157601